As we approach the halfway mark in the bar year, I wanted to highlight just a few of the great accomplishments of the JD and its Conferences over the past few months and to give credit to the organizers of these programs and events.

The Appellate Judges Conference held their annual Appellate Judges Education Institute Seminar in November in Washington, DC. The programming was terrific, as were the events during the Summit, which included afternoon tea at the British Embassy with Lord Justice Ernest Ryder, Senior President of Tribunals for England and Wales. Congratulations to the AJC and especially to Justice Bob Edmunds who chaired the AJEI Education Committee, which was charged with planning the Summit.

The Federal Trial Judges Conference have been working on a resolution on the importance of racial, ethnic, sexual orientation and gender diversity in the selection process for Article I and Article III judges and to ensure diversity among merit selection panels as well. The Resolution will be brought before the ABA House of Delegates at the Annual Meeting in San Francisco. Thanks to Judge Frank Bailey, who has been leading this charge, first with a program on the issue of diversity of the federal bench at the Annual Meeting in Chicago and then with the Resolution.

The Lawyers Conference held its second annual Supreme Court Swearing-In Ceremony in Washington in October. In addition to being sworn in, attendees had the opportunity to hear oral arguments on two cases that were before the Court that day. It was my pleasure to move the admission of this year’s admittees. This year’s organizer was Elizabeth Hall and she did a terrific job planning and coordinating a very special day for the lawyers and judges who were sworn in.

The National Conference of Administrative Law Judges had two showcase programs at the 2015 ABA Annual Meeting and they were also selected to do another showcase program at the 2016 ABA Annual Meeting. The working title for that program is “Beyond Alabama’s Voter Identification Laws and DMV Closures: Assessing and Remediying the Disparate Impact of Voter Eligibility Laws on Access to Voting.” Thanks to Judge Mary E. Kelly and Judge Judy Boggs for all their efforts in developing the showcase worthy programs.

The National Conference of State Trial Judges held the inaugural National Judicial Institute and Conclave in October in Chicago. The theme of the Conclave was “Emerging Issues, Innovative Responses” and the informative and
exceptional programming offered flowed from that theme. The Conclave was a collaborative effort with the National Judicial College, and it is anticipated that the Conclave will be offered every other year. My thanks to Judge Annette Scieszinski and Judge Andre Davis for their leadership in organizing the Conclave.

The National Conference of Specialized Court Judges, in partnership with the National Highway Traffic Safety Administration, develops three free webinars each year on drug and traffic courts. They also do a stand alone Traffic Court Seminar each year, which generates significant non-dues revenue for their Conference. This year’s Seminar will be in New Orleans from March 16 – 18, 2016. A special thanks to Judge Earl Penrod for wearing many hats and organizing all the NCSCJ webinars along with the Traffic Court Seminar.

As you can see, it has been a busy few months and we have a lot of great things to come over the course of the rest of the bar year. Each of these undertakings fit squarely within this year’s theme for the Judicial Division – Building Confidence in the Justice System. As I explained in my previous article, that theme is bolstered by four pillars of focus, which are: diversity of the bench and bar; educating the public about the justice system; obtaining and retaining a talented judiciary; and ensuring high quality in the justice system.

I hope you are taking advantage of the great value in your JD membership, and I hope you will help spread the word to your colleagues about these benefits and encourage them to join. I also hope you will either continue your involvement in the work of the JD and its Conferences and if you are not involved, you will join us in our efforts in the coming month. Please do not hesitate to contact me at mbergmann@pili.org if I can be of any assistance.
Appointment of Counsel in High-Stakes Civil Matters

Some of the hottest stories recently in the news (increase of “debtor’s prisons,” jailing of truant children, and crisis of unaccompanied minors in immigration proceedings) have touched on the fact that litigants in these situations are often forced to represent themselves. All of this media attention has increased awareness of the growing “justice gap” in the United States. Because of existing wealth disparities, this gap affects communities of color disproportionately. The justice gap issue is not helped if judges are not able to appoint a lawyer due to a “lack of authority.” However there are many types of cases where state law in fact says they can or must do so. To help with this, the ABA has created the Directory of Law Governing Appointment of Counsel in State Civil Proceedings. This new resource (available at www.ambar.org/civilrighttocounsel) has an entry for each state explaining which types of civil cases (such as child welfare, termination of parental rights, civil commitment, paternity, housing discrimination, and so on) either require, permit, or do not permit appointment of counsel in that state, and the legal authority (statute, court decision, court rule) behind it. This resource may be used to help identify where judges have a right to appoint in one state but not in another. If your state’s courts have never addressed the right to counsel for a certain type of case, you may examine what sister states have done on the subject. Also it may be used to instruct the state legislature in order to get additional funding and authority for the right to appoint counsel.

The new Directory of Law continues the ABA’s commitment to pursue recognition of a right to counsel in high-stakes civil matters. Back in 2006, the ABA House of Delegates approved Resolution 112A, which “urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined by each jurisdiction.” This resolution was co-sponsored or later supported by nineteen state and local bar associations as well as five state access to justice commissions, and has led to the formation of civil right to counsel study groups all over the country. But the ABA was not content to rest on this aspirational resolution alone: in 2010, the ABA developed and adopted the Model Access Act and the Basic Principles of a Right to Counsel in Civil Legal Proceedings. These documents provide guidance to the states on how they can best implement newly announced or recognized rights to counsel in civil cases, including how to avoid some of the problems that have plagued the implementation of the right to counsel in criminal matters articulated in Gideon v. Wainwright. To promote these policies, the ABA has sponsored a number of workshops and educational events, and has filed amicus briefs in several cases raising civil right to counsel claims in the states’ highest courts.

I want to commend the ABA Division for Legal Services, which received invaluable assistance from the National Coalition for a Civil Right to Counsel, for their tireless work in this area and for creating this resource for the judiciary. I strongly recommend it to you.
On October 14-16, 2016 in Chicago, IL, the Judicial Division and NJC hosted the first National Judicial Institute and Conclave: Emerging Issues, Innovative Responses with nationally renowned speakers, emerging research, and practical skills-building exercises.

NCSCJ AWARDS
CALL FOR NOMINATIONS

The National Conference of Specialized Court Judges is currently accepting nominations for the Franklin N. Flaschner, William R. McMahon, and Judicial Education Awards. Nominate someone extraordinary by March 25, 2016

Learn more at www.ambar.org/jdncscj.
2016 John Marshall Award
Call for Nominations

The Judicial Division is accepting nominations for the prestigious John Marshall Award to be presented in August, 2016 in conjunction with the ABA Annual Meeting in San Francisco, CA.

The John Marshall Award was established to recognize those dedicated to the improvement of the administration of justice. The Award is presented annually to an individual–lawyer or non-lawyer – who has been responsible for extraordinary improvement in the administration of justice in such areas as judicial independence, justice system reform, and public awareness about the justice system.

Previous recipients of the John Marshall Award have included a U.S. Supreme Court Justice, a former U.S. Senator, and other governmental, educational, and administrative leaders who have made noteworthy positive changes in their respective spheres of the justice system.

Learn more at www.americanbar.org/jd.

Nominations must be received by April 15, 2016.

Seeking Volunteers
Outreach at Midyear

Join the Judicial Division Standing Committee on Diversity in the Judiciary on Wednesday, February 3, 2016, for an outreach program with a local high school. To volunteer or learn more about this event contact Amanda Banninga at amanda.banninga@americanbar.org.
Judicial Division Calendar Call

The 2015 Amendments to the FRCP, Part II: Rule 26, Proportionality, Judicial Intervention, and Mastering the Discovery Juggernaut
January 21, 2016
CLE Webinar

ABA 2016 Midyear Meeting
February 3 – 9, 2016
San Diego, CA
ambar.org/jdmidyear

Traffic Court Seminar
March 16 – 18, 2016
New Orleans, LA
ambar.org/2016trafficseminar

ABA Day
April 19 – 21, 2016
Washington, DC

ABA Annual Meeting
August 4 – 7, 2016
San Francisco, CA

For more details on these and other events, please visit ambar.org/jdevents.

Join the Judicial Division in San Diego for the 2016 ABA Midyear Meeting

Join the Judicial Division at the ABA Midyear Meeting in San Diego, CA on February 3 – 7, 2016. The Division’s meetings and events will take place at the Manchester Grand Hyatt Hotel.

The meeting kicks off on February 3 with a youth outreach volunteer opportunity, the Pathway to the Bench program, a reception, and a business meeting all hosted by the Standing Committee on Diversity in the Judiciary. JD members are invited to RSVP by January 21 to the complimentary Welcome Reception on February 4th and Welcome Breakfast/Town Hall on February 5th.

JD members are encouraged and welcome to attend the free Division sponsored CLE programs.

- The Indian Child Welfare Act: ‘Baby Veronica’ and the Supreme Court: Has the Dust Settled?
- “Left Brain/Write Brain” How to Write Effectively for (Baby Boomer) Judges and (Millennial) Law Clerks
- New and Improved: Judicial Administration Issues in the Millennial Age

The Judicial Division, in partnership with the Council for Racial and Ethnic Diversity in the Education Pipeline, will host the 16th Annual Judicial Clerkship Program. With generous support from LexisNexis, the program brings minority law students together with judges to learn about the importance of clerkships. To make this event a success, the Division needs the support of many judge volunteers.

To learn more about the programs, event tickets, and volunteer opportunities, visit www.ambar.org/jdmidyear. There is no registration fee for the Midyear Meeting.
Pull vs. Push–Electronic Judicial Workspace

By Jim Pauli, Silver Spring, MD

Push-Pull. These are words that are extremely context dependent. We associate push-pull with children playing. On the Internet, we are inundated with organizations trying to push content and pop-up ads at us. When it comes to developing court systems, solutions can be pushed to judges, or judges can pull a solution that meets their needs. This is the story of a pull solution critical for judges – an Electronic Judicial Workspace.

For several years, for most case types, the Utah Courts have been paperless eCourts. The Utah Court System includes trial and juvenile court as well as appellate court case management systems, document management systems, eFiling, eWarrants, video arraignments and hearings from jails and prisons, digital audio recordings in the courtroom, and judicial electronic workspace.

Paperless courts require judges and clerks to think and work differently. Judges require new tools to manage their cases and workload. The Utah Courts found that the development of the Electronic Judicial Workspace was critical to ensure judicial acceptance of a paperless court. The information technology department partnered with the judges to develop the workspace. The IT department did not push solutions, the judges pulled solutions that met their requirements.

The Electronic Judicial Workspace is an area in which judges and staff work that is not part of the court record or case management system. It is organized by hearing and provides the judges with the ability to look at case history, summary information, and financial information. It allows the judges to access all filed documents. Judges can attach notes to cases, hearings, or documents that are saved in the judges’ worksheet. Judges can make notes, such as what they told the attorneys at a prior hearing, including such things as the trial date was firm and the court would not allow any more postponements or extensions.

The new paperless approach was coupled with a new organizational structure. The courts are now organized in teams, typically four judicial assistants supporting two judges. All team members are cross-trained. The Judicial workspace is very flexible and highly configurable, so that in preparation for hearings and trials, team members can pre-load workspace with information they know the judge will want to access for that case at that hearing.

Utah’s pull approach has been highly effective. One strong indicator of its success is that Utah Judges continue to ask for new features. Judges are driving the capabilities and functions of their workspace.

The author thanks Ron Bowmaster for his assistance with this article. For questions about the Utah Courts’ electronic judicial workspace, contact Ron Bowmaster, Utah Courts, Chief Information Technology Officer, at ronb@email.utcourts.gov.
Pathway to the Bench

The Standing Committee on Diversity in the Judiciary and California Western School of Law present Pathway to the Bench. Join us for an inspiring discussion with several prestigious judges, talking about their experiences and legal and judicial careers. A reception will immediately follow.

Wednesday, February 3, 2016 | 5:30 pm – 6:30 pm
California Western School of Law
350 Cedar Street, San Diego, CA  92101

To RSVP, contact Amanda Banninga at amanda.banninga@americanbar.org.

The Indian Child Welfare Act: “Baby Veronica” and the Supreme Court; Has the Dust Settled?

Friday, February 5, 2016 | 1:00 pm – 2:30 pm
Manchester Grand Hyatt
Seaport Tower, 2nd Level, Seaport Ballroom H

Join the Tribal Courts Council for their program, The Indian Child Welfare Act: “Baby Veronica” and the Supreme Court; Has the Dust Settled? This program will educate and inform attendees on the jurisdictional issues and minimum standards set forth in the Indian Child Welfare Act (ICWA). Dispelling the myth that ICWA is inapplicable to proceedings in the state courts, this group will discuss the tragedies of misapplication and non-application of the Act, including the wholesale loss of Native American children being raised in the absence of their tribal cultures. Judges and practitioners alike will leave this program with new knowledge of and strategies for addressing the component of Federal Indian Law they are most likely to encounter in the ordinary course of their business.
They said it was impossible; it couldn’t be done; there was no way; you just couldn’t top the 2014 Summit in Dallas, but... Justice Bob Edmunds and his team hit it out of the park. The 2015 Appellate Judges Education Institution (AJEI) Summit in Washington, D.C. was a slam dunk. It seems every year the chorus is that the “next year” just can’t keep raising the bar. But with all the planning and Justice Edmunds’ leadership, the success was a fait accompli. Talk about using every cliché in the book! But you have to when you think about what Team Edmunds was able to accomplish—the “how to/nuts and bolts” sessions, the thought-provoking discussions, movies and ethics, and up-to-date law primers. Then there were the social activities—a reception at the Supreme Court; a visit to the British Embassy; tours to various D.C. locations; wonderful food; and opportunities to network, see old friends and make new ones. We certainly packed a lot into a few days. I thank my lucky stars that Michael Bergmann arranged a tour of the British Embassy. And I know we all give a loud shout-out to the Southern Methodist University Law School and its team, who once again did a remarkable job. Finally, we owe a huge thanks to Thomson Reuters, the Council of Appellate Lawyers, and all of our law firm sponsors, who made so much of this possible.

We had a special guest in D.C. who invited us to Philadelphia next year. Rocky made a special trip on Sunday to let us know the city was rolling out the red carpet for us. Justice Steve David and his team are already planning 2016 Summit in Philadelphia, which is set for November 10-13. Bring your running shoes because you will need them—there will be much to see and do. So make sure you mark your calendar as it promises to be fabulous. A little tease: if you haven’t been to the Constitutional Center, you are in for a treat.

AJC Executive Committee

The AJC Board welcomed three new members: Justice Eva Guzman of the Supreme Court of Texas, Justice Michel Cherry of the Supreme Court of Nevada, and Justice Brian Hoffstadt of the California Court of Appeals. We look forward to their participation and getting to know them better. We are sad to say that Judge Scott Stucky has been term limited after this year, but it is not good-bye. There is a lot

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for him to do and no one gets away from us that easily. He has already received a new assignment as liaison to the JD which is developing a program on “Steps to Becoming a Judge.” And speaking of other changes, we welcome Christina Smith as the new CASA chair and hope to continue to work with CASA past chair Dalila Patton. We also welcome the new CAL chair, Leane Capps, and know that we will not let CAL past chair Brad Pauley say good-bye. We have all been hard at work—updating our strategic plan; discovering ways to increase our social-media contacts; and broadening our outreach to lawyers, professors, court judicial assistants and law students, to inform them that they can become members and that there are a multitude of reasons to join AJC. So, if you’re bored and looking for something to do, shoot me an email. I can assure you we have jobs, tasks, and activities just waiting.

Finally, the Midyear is soon upon us. Don’t forget to sign up to participate in the Judicial Clerkship Program. It’s a wonderful opportunity to meet the future of the legal profession and give advice. It is a win-win no matter how you look at it. AJC has been a leader and participant since the program was established. Contact the law schools with which you have an affiliation or who’s Deans you know and encourage them to send people to the program. The AJC Exec Committee will meet Sunday morning but any AJC member is welcome to meet the Exec Committee and see what we do.

Please send your cards and letters to me with any thoughts, ideas or questions you might have. I look forward to sharing our ideas and getting new ones. And remember, there is a lot to do, so let me know your availability.
I just returned from the Appellate Judges Education Institute (AJEI) Summit in Washington, D.C. The Summit, as in years past, was an incredible and a huge success. The Summit began with “A Conversation with Justice Bryer” and ended with an entertaining and thought provoking presentation “Reel Appeal: Legal Ethics in the Movies.” The attendees also heard from the Honorable Henry E. Frye, the retired Chief Justice of the Supreme Court of North Carolina, who provided his own personal perspective of the Voting Rights Act of 1965. We enjoyed a variety of networking opportunities between the bench and bar, including a cocktail reception at the United States Supreme Court. The Council of Appellate Lawyers also hosted a “Meet and Greet” for all attendees of the Summit.

As always, the Summit expressed its appreciation for this year’s sponsors: West, a Thomson Reuters Business; Barnes & Thornburg LLP; DLA Piper; Greenberg Traurig; Horvitz & Levy LLP; Jenner & Block LLP; Locke Lord LLP; Robins Kaplan LLP; Alexander Du-bose Jefferson & Townsend LLP; Bingham Greene- baum Doll LLP; Bradley Arant Boult Cummings LLP; Faegre Baker Daniels LLP; Foster Smith Collins & Smith, PC; Haynes & Boone LLP; Miller, Canfield, Pad- dock & Stone; Morgan, Lewis & Bockius LLP; Paul Hastings LLP; Polsinelli, PC; Schnader Harrison Segal & Lewis LLP; Taft Stettinius & Hollister LLP; Tonkon Torp LLP; Vinson & Elkins LLP; and Warner Norcross & Judd LLP.

At the Summit, the Council of Appellate Lawyers held their annual business meeting where we turn over Council leadership. Bradley S. Pauley completed his term as Chair with the appreciation and thanks of the Council. I assumed the position of Chair and Bradley will now serve as the Chair of the Long Range Planning Committee for the Council. Kate Galston was elected the Council’s Chair-Elect and Mike Scodro was elected Secretary. David Tennant will serve as the Council’s 2016 Summit Chair, to be held in Philadelphia.

The Council has many plans for the coming 2015-2016 year. We are still working on the update to the "Appellate Practice Compendium" and the important E-brief project. The Council is also working on its first book collaboration with the DRI “Two Heads Are Better Than One,” which advocates the benefits of trial lawyers and appellate lawyers working together.

One of the focuses for the coming year will be to increase membership in the Council. We hope to significantly expand our membership through one-on-one outreaches to appellate lawyers to the increased use of social media. The Council is the only national bench-bar organization that brings appellate judges and lawyers together to enhance the quality and integrity of the appellate process and we hope to expand all the experiences and opportunities that the Council provides to its members to more appellate practitioners across the nation.

If you have any questions about the Council, its programs, would like to join the Council or become more involved, please feel free to contact me at lcapps@polsinelli.com.
Greetings from Atlanta’s new chair the Council of Appellate Staff Attorneys (CASA). CASA operates within the Appellate Judges Conference, along with the Council of Appellate Lawyers (CAL), but we hold our annual elections during the appellate law summit in November instead of during the ABA Annual Meeting in August, so we are a little out of sync. On the other hand, we get to work with twice as many JD, AJC, and CAL chairs and chairs-elect.

CASA focuses much of its attention on the AJEI Summit and contributed significantly to the 2015 Summit programming. CASA has a long connection with Dean Erwin Chemerinsky, University of California, and Irvine School of Law, who reprised his annual review of civil and criminal opinions from the United States Supreme Court. CASA members presented “Controlled Chaos: Managing Pro Se Appeals,” developed “The Only Constant is Change: New Frontiers in Marriage and Family Law,” obtained speaker Ross Guberman for the plenary session “Secrets of Great Appellate Writing,” and contributed to “Making Your Appellate Motions Count,” “Weeding Out the Highs and Lows of Legalized Marijuana: a Joint Discussion,” and “Guns and Gavels: A Second Amendment Update.”

I am pleased and grateful that our 2015 Education Committee co-chairs, Taye Sanford and Richard Schickele, have volunteered to serve again as co-chairs of CASA’s 2016 AJEI Education Committee. The co-chairs and other committee members have been gathering ideas to take to the first meeting of the AJEI planning committee in Dallas in January, and I’m sure they will greatly contribute to the programming in Philadelphia.

In previous years, CASA members have held panel discussions at law schools about permanent staff attorney or clerkship positions at appellate courts, and we plan to do so again in Philadelphia before the 2016 Summit. Students are often unaware that jobs like ours exist, so we talk to them about what we do and answer questions about our work and where to look for similar jobs.

CASA members have also participated alongside the judges in the Judicial Clerkship Program during the ABA Midyear Meeting. The judges can tell the students what it’s like to have a clerk work for them and how to get hired. We can tell them what it’s like from the other side of the judge’s desk. CASA members also give feedback about the research assignments and review the students’ resumes.

The students I’ve met at the program have been extraordinarily talented, with multi-faceted backgrounds and experiences. One young man was having a hard time summarizing a year of his prior experience on his resume, but it was important to him that he acknowledge what he had accomplished (besides the fact that omitting it would leave an unexplained time gap). He had described the work as “Teacher and Counter-Revolutionary Support Staff: Worked with counter-revolutionaries to combat government oppression of religious liberty. Taught job skills and leadership development at an underground vocational school.” Using the concepts and language of the civil rights movement, he and I found ways to describe his experience without making him sound as if he had been fomenting insurrection or seeking to overthrow a foreign government. We ended up with “Teacher and Support Staff: Worked with civil rights organizers to expand religious liberty. Taught job skills and leadership development at a non-governmental vocational school.” He was pleased to be able to acknowledge the work he had done, and I was less worried about a multi-national corporation tossing his resume without a second glance.

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I have been a lawyer now for more than 33 years and a staff attorney for almost 17. Staff attorneys and law clerks occupy a unique place in the legal profession. We are not litigators or (obviously) judges and the receptions we get from other lawyers vary widely, from those who assume I am a glorified secretary, to those who assume I am the power behind the throne. (I am neither.) I explain to non-lawyers that my job is a combination of ghostwriting and counseling. The ghostwriting part is obvious. As to the counseling part, I see myself as the judge’s lawyer: I give her my very best professional opinion and advice, and then implement the course of action she decides to take, much as a lawyer does for a client.

CASA is one of the few places—the only place, really—where I have met my fellow appellate staff attorneys and clerks from other courts. While our membership has held steady, we continue to reach out, starting with AJEI participants who have identified themselves as clerks but are not yet CASA members. Membership on CASA’s executive board has opened up an entire world of new connections for me with members of the Judicial Division and ABA staff. I look forward to this years’ service as chair.
As we enter the holiday season, it is an opportunity for many to reflect and give thanks for the family, friends, neighbors and communities who bring such meaning to our lives. It also is an opportunity to reflect on what being part of the ABA Judicial Division Lawyers Conference can mean for its members and those who are touched by our efforts.

Participating in the LC allows members to positively impact and help aid the improvement of the administration of justice through engaging our communities in becoming involved with our outreach programs such as Teaching the Constitution. Teaching the Constitution is a program that enables judges and lawyers to conduct a five-hour course about the U.S. Constitution for school kids of various ages. It is a great opportunity for LC members and others to help improve civic education and interact with local communities.

The LC also has opportunities for members to interact with one another and gain knowledge about judicial administration issues through attending or participating in the programming that we sponsor or cosponsor at ABA meetings. We’ve been part of programming that has looked at how lawyers engage with federal trial judges (in an interactive panel session) and the latest impact of technology with the judiciary. We invite and welcome our members and those interested in judicial administration issues to participate in our programming and attend our sessions at ABA meetings.

Lastly, we also recognize the hard work that judges, lawyers and organizations alike have done in the pursuit of the administration of justice. Each year, the LC recognizes such efforts through presenting its Burnham “Hod” Greeley and Robert B. Yegge awards. The Burnham “Hod” Greeley award is given to persons or organizations that have made a significant positive impact on public understanding of the role of the judiciary in a democratic society and its importance to the rule of law. And, the Robert B. Yegge award is presented to a current or former ABA member who has made an outstanding contribution to judicial administration. We encourage our members and the legal community to provide nominations for these important awards.

The LC has much to offer members and our surrounding legal communities as we pursue the improvement of the administration of justice. We appreciate all the work our members do in advancing this goal and invite those interested to join us through JD and LC membership.
2016 Burnham “Hod” Greeley Award Presentation

The 2016 Burnham “Hod” Greeley Award will be presented at the Judicial Division breakfast on Friday, February 5th from 7:30 am – 9:45 am at the Manchester Grand Hyatt in San Diego, CA. JD Members receive a complimentary ticket to the breakfast by completing the ticket form at www.ambar.org/jdmidyear.

2016 Yegge Award Call for Nominations

The Lawyers Conference is now accepting nominations for the 2016 Robert B. Yegge Award, which is presented annually to a current or former member of the American Bar Association who has made an outstanding contribution to the field of judicial administration.

Visit www.ambar.org/jdlic for rules and the application form. All submissions must be made by Monday, May 9, 2016 to amanda.banninga@americanbar.org or mailed to Attn: Amanda Banninga
321 N. Clark, 19th Floor
Chicago, IL 60654

Nominations must be received by May 9, 2016.
Midyear Meeting Dinner

Lawyers Conference members are invited to attend a joint dinner with NCALJ and the Section of State and Local Government Law on Friday, February 5, in San Diego, CA. Judy Martinez, Chair of the ABA Futures Commission, and Chief Justice Mark Martin, former Judicial Division Chair, will speak about the ABA Futures Commission, its efforts, issues in the future delivery of legal services, and how states are confronting these issues. Seating is limited, and tickets must be purchased in advance.

TICKETS are available on the Midyear Meeting Registration site www.ambar.org/midyear

Contact Amanda Banninga at amanda.banninga@americanbar.org for more information.

New and Improved: Judicial Administration Issues in the Millennial Age

Saturday, February 6, 2016 | 3:15 pm – 4:30 pm
Manchester Grand Hyatt
Harbor Tower, 2nd Level, Harbor Ballroom I

The Lawyers Conference is proud to announce the upcoming 8th edition of the “Improvement of the Administration of Justice,” a handbook for practitioners on understanding the fundamentals of judicial administration which will be available in spring 2016. Join the LC at Midyear as the publication authors discuss educational, practical, and keen insights into current judicial administration issues, and how to overcome them, as well as tips on best practices.
I have been most impressed with the degree of collaboration that goes on throughout the ABA entities and also within the Judicial Division. It is through these relationships with other groups and experts that NCALJ can excel in program policy development.

I have experienced firsthand what collaboration within the ABA looks like. For example, the Commission on Law and Aging Section incorporates a wide range of groups interested in creating better uniform laws and investigating creative ways to benefit and protect our aging population from unscrupulous practices. Another instance, the Administrative Law and Regulatory Practice Section consistently calls upon outside experts to present and advise the section officers and council on complex issues pending before Congress. The latest issue deals with a proposed ABA resolution on rule making, an issue of keen interest for the Administrative Law Judiciary in the application of rules in contested cases. These collaborations improve ABA policy, and it seems the more sections utilize the expertise found in other sections, the better the policy evolves.

The ABA seems to recognize the importance of collaboration and emphasizes it at the annual Section Officers Conference (SOC) meeting. At the SOC meeting in October, Jeff Rosen, as Chair, accepted on behalf of the Administrative Law and Regulatory Practice Section the 2015 Outstanding Collaboration Award for his section’s collaborative work on the ABA Super Conference on Environmental Law with the Section of Environment, Energy and Resources, the Business Law Section, and the Section of Litigation.

All these examples are merely illustrative of what I believe is going on throughout the entire ABA. It serves as a good model for all of us but more specifically for NCALJ. Our past NCALJ officers have consistently been interested in collaboration and have achieved meaningful relationships in the advancements of administrative law mostly through incorporating experts into the continuing education programs. This can be seen at NCALJ’s showcase programs at last year’s Annual Meeting. This year Judge Alex Manuel is leading the charge for collaboration in creating a video depicting the plight of unaccompanied minors caught up in the immigration tribunals of our country and creating a program of diverse experts to bring meaningful discussion and debate to a much misunderstood national issue. It will surely lead us to formulate a more reasonable approach to policy as we are informed by a panel who may have divergent perspectives but who also will bring meaningful dialogue to this issue.
This past October, as in previous years, NCALJ representatives were invited and participated in a national CLE collaboration with Ad Law in Washington, D.C. This Section has invited the administrative law judiciary to their table for what we can contribute with our sister organization and to gain a better perspective on issues outside of litigation that constantly confront Ad Law and NCALJ.

At our Midyear Meeting in San Diego, NCALJ will be joining with the Lawyers Conference for a joint dinner on Friday, February 5th. It’s been in the planning for almost a year. The normal developing of friendships and networks will as always be there, but this year Judy Martinez, the Chair of the ABA Futures Commission, will speak to us about the far ranging issues confronting this Commission and the entanglements confronting the future delivery of legal services. She will report on how a wide range of diverse experts are reaching fundamental agreement on how to meet the challenges facing the legal profession in this century. Judy Martinez will be joined by past JD past chair Chief Justice Mark Martin, who will demonstrate how North Carolinians are confronting these same issues and how collaboration with the Futures Commission has provided the model for discussion for not just North Carolina but for many other states. And just recently NCALJ has learned that the Public and Government Lawyers Section will join us and broaden the collaboration. (Seating is limited so be sure you get your tickets early as soon as they are offered.)

The great thing about the ABA and the JD is that we have a membership brimming over with specialized expertise. If these experts are called upon to collaborate, we are in a much better position to be informed and to make informed ABA policy.

So why not, let’s collaborate!

Congressman Luis V. Gutiérrez and JD Vice-Chair Judge Ann Breen Greco in Chicago on December 4, 2015 at a meeting to discuss the Judiciary Committee’s work including women’s right issues.

**Midyear Meeting Joint Dinner**

NCALJ members are invited to attend a joint dinner with the Lawyers Conference and the Section of State and Local Government Law on Friday, February 5, in San Diego, CA. Judy Martinez, Chair of the ABA Futures Commission, and Chief Justice Mark Martin, former Judicial Division Chair, will speak about the ABA Futures Commission, its efforts, issues in the future delivery of legal services, and how states are confronting these issues. Seating is limited, and tickets must be purchased in advance.

TICKETS are available on the Midyear Meeting Registration site www.ambar.org/midyear

Contact Amanda Banninga at amanda.banninga@americanbar.org for more information.
The Midyear Meeting is just around the corner, and I’m happy to report that the National Conference of Federal Trial Judges Conference has been busy. As I conveyed in the last issue of the JD Record, the primary focus for the 2015-2016 year is the Article I Diversity Initiative. The first goal of the Diversity Committee was to determine whether there is a problem with diversity in the judiciary. In the last issue, I shared the statistics showing that people of color and women are underrepresented at all levels of the federal judiciary, especially among the Magistrate and Bankruptcy judges. The next goal is to encourage the ABA to implement a policy recognizing the importance of diversity in the judiciary and to encourage the appointment of diverse candidates. To that end, the NCFTJ has drafted a resolution which will go before the ABA House of Delegates at the Annual Meeting. The resolution is co-sponsored by all of the conferences in the Judicial Division. The NCFTJ is grateful for the support of our fellow JD conferences. The resolution is set forth below:

RESOLUTION

RESOLVED, That the American Bar Association urges the President of the United States and United States Senators to recognize the importance of racial, ethnic, sexual orientation and gender diversity in the selection process for United States Circuit Judges and United States District Judges and to use appropriate tools and techniques to expand the diversity of the pool of qualified applicants, nominees and appointees to the U.S. District Court and U.S. Circuit Court of Appeals benches, including without limitation and where appropriate the use of Merit Selection Panels that are themselves diverse.

FURTHER RESOLVED, That the American Bar Association urges the U.S. Circuit Court of Appeals Judges and the Circuit Judicial Councils to recognize the importance of racial, ethnic, sexual orientation and gender diversity in the selection process for United States Bankruptcy Judges and to use appropriate tools and techniques to expand the diversity of the pool of qualified applicants, nominees and appointees to the Bankruptcy Court bench, including without limitation and where appropriate the use of Merit Selection Panels that are themselves diverse.

FURTHER RESOLVED, That the American Bar Association urges the U.S. District Court Judges to recognize the importance of racial, ethnic, sexual orientation and gender diversity in the selection process for United States District Court Judges.
Magistrate Judges and to use appropriate tools and techniques to expand the diversity of the pool of qualified applicants, nominees and appointees to the U.S. Magistrate judge positions, including the use of Merit Selection Panels that are themselves diverse.

FURTHER RESOLVED, That the American Bar Association urges the Judicial Conference of the United States, federal courts, defender organizations, and the court support agencies to recognize the importance of racial, ethnic, sexual orientation and gender diversity in the development of hiring goals and in the hiring process and to use appropriate tools and techniques to expand the diversity of the pool of qualified employees in the Judicial Branch of the United States.

FURTHER RESOLVED, That the Judicial Division of the American Bar Association shall report back to the House of Delegates, through the appropriate committee, the diversity of the appointments to these benches every five years after the approval of this resolution.

The report accompanying the resolution also acknowledges the need to encourage qualified diverse attorneys to seek appointment to the federal courts. The next phase of our diversity initiative will focus on developing this pipeline of diverse candidates. In addition to the diversity initiative, the NCFTJ is working diligently on educational programming. In October we presented a webinar regarding the new federal discovery rules, titled The 2015 Amendments to the Federal Rules of Civil Procedure, Part 1: The Impact of Amended Rule 37(e) on E-Discovery. Part 2, scheduled for January 21, will focus on rule 26, proportionality, judicial intervention, and mastering the discovery juggernaut. Program Chair, Judge Frank Bailey deserves much credit for spearheading these efforts.

Another goal of the conference is to increase collaboration with other ABA entities. Judge Michelle Childs was instrumental in forming a partnership between the NCFTJ and the Law Student Division to put on a Webinar titled, “Demystifying the Federal Clerkship Process” in November. More than 600 people registered for the program, which will also be available online for those who were not able to attend. Future programs are planned, including a focus on clerkships with the specialized federal courts.

What’s next? The Midyear Meeting will take place February 3-9 in San Diego, CA. On February 4, the NCFTJ will be recognizing two outstanding judges, Chief Judge Barry Moskowitz of the Southern District of California and Bankruptcy Judge Louise Adler. We hope to see you in San Diego!
The 2015 Amendments to the Federal Rules of Civil Procedure, Part II: Rule 26, Proportionality, Judicial Intervention, and Mastering the Discovery Juggernaut

CLE Webinar | January 21, 2016 | 1:00 – 2:30 pm ET

Panelists: Charles R. Bennett, Jr., Hon. John G. Koeltl, Martha Mazzone and Carmen G. McLean

Moderator: Kenneth R. Berman

This webinar will explore the recent amendments to the Federal Rules of Civil Procedure (FRCP), concentrating on Rule 26 and its focus on proportionality in discovery and early judicial intervention to control the duration and expense of federal court litigation.

The recently amended FRCP have dramatically changed the scope of discovery and the way it will now be conducted. It is vital that anyone who seeks to litigate in federal court or apply these new rules understands the differences between the old and new discovery rules and how litigators can use the new rules to their best advantage. The panel will explore the twin messages of the revised Rule 26: proportionality and early judicial intervention.

In this webinar, a federal district judge who served on the Advisory Committee for the new rules, and two private practitioners will share their experiences with Rule 26 discovery issues, and offer their insights and advice on best practices to adopt, old practices to abandon, and the most effective new ways of getting needed evidence under the new regime.

Visit www.ambar.org/jdevents to register today!
Greetings friends and colleagues,

The Section Officers Conference (SOC) Meeting was held in Chicago. Our esteemed members Judge Mary Celeste and Judge Richard Nunez attended as our representatives and reported that SOC was stimulating and enlightening. The SOC helped broaden their understanding of the Judicial Division and the Conferences roles in the greater ABA.

One of the major topics of discussion for our members included updating and streamlining the publication process within the ABA. These changes will help ensure sustainability for the organization and provide valuable tools and resources for its members.

Another topic included the organization’s ongoing efforts to ensure sustainable levels of membership and upgrading and improving our communications with members, electronically and in written form. Clearly, the ABA is seeking to constantly improve its products and services so that membership can in turn provide quality services to their clients.

On that same note, our Conference is trying to be responsive to our members. At our most recent conference call we discussed at length that our meetings conflict with other meetings that occur for our members, as well as difficulty in breaking away from our “day jobs.” After our discussion it was resolved that it would benefit the majority of members to move our regularly scheduled meetings from Tuesday to Wednesday. We will continue to monitor if this will be a sustainable day to hold our meetings or if we need to revisit the issue again in the future.

We are busy preparing for the Midyear Meeting in San Diego. We discussed plans for the Conference dinner. We are looking at a couple different venues, including a possible dinner cruise. The Conference will make a final decision on our next conference call. As always, we enjoy great venues for our dinners, as well as an evening of friendship and fun. Our choice for this Midyear will undoubtedly keep pace with those expectations.

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Our Conference is looking forward to holding its next Traffic Court Conference in New Orleans. The conference will be held at the Hotel Monteleone, in the French Quarter, March 16-18, 2016. Faculty is being confirmed and looks to be an outstanding program on national traffic court issues. If you would like to attend, please visit www.ambar.org/2016TrafficSeminar for more information. Without a doubt the speakers and the venue will deliver a very satisfying educational opportunity to those interested.

Finally, I want to wish everyone the warmest and most heartfelt holiday wishes. May you find yourselves with beloved family members, cherished old friends and delightful new acquaintances during this season. Please take time to enjoy those special people in our lives that we sometimes find ourselves taking for granted during the rush of our regular lives. I hope that you all discover the New Year be bountiful and successful to each of you and your loved ones.

2016 Traffic Court Seminar

By Hon. Earl Penrod, Princeton, IN

The National Conference of Specialized Court Judges is pleased to be presenting the 2016 National Traffic Court Seminar on March 16 – 18, 2016 in New Orleans, LA. Designed by judges who are nationally recognized traffic court experts, the program is structured for judges, magistrates, prosecutors, defense attorneys and other professionals handling traffic matters, regardless of jurisdiction. The twofold goal of the program is to provide participants an opportunity to learn about current trends and cutting edge topics in traffic cases and to network and discuss traffic safety issues with judges and other stakeholders serving in our nation’s traffic courts.

The program will provide an in-depth exploration of the various facets of impaired driving but considerable attention also will be given to other issues and topics in the traffic court arena. In designing the program, care was given to insure a broad based agenda with a diverse faculty from across the country including judges, lawyers, scientists and other traffic safety professionals who are not only subject matter experts but also outstanding teachers and presenters.

In addition to sessions addressing the present state of the law and reviewing the most recent legal decisions in traffic matters, there will be sessions on technology, scientific evidence, ethics, commercial motor vehicles, self-represented litigants and problem solving courts. The course is designed to appeal to participants with varying degrees of experience and knowledge regarding the various topics and not only will there be a formal 60-minute presentation on each topic, additional opportunities for interaction and discussion will be available throughout the program.

Further information regarding the program may be obtained from Cheronne M. Mayes at cheronne.mayes@americanbar.org or at the website at www.ambar.org/2016TrafficSeminar.
CALL FOR NOMINATIONS

National Conference of Specialized Court Judges
Executive Committee

Chair-Elect (1 year term expiring 2017)
Vice-Chair (1 year term expiring 2017)
Representative for District 2 (CT, DE, MD, NJ, PA, OH)
Representative for District 9 (AK, ID, MT, NE, OR, WA, WY)
Member at Large (3 year term expiring 2019)

Nominating Committee Chair: Hon. Col. Rodger A. Drew, Hurlburt Field, FL

Please fax your resume and a cover letter to 312.988.6716, mail it to ABA Judicial Division, 321 N. Clark Street, Chicago, IL 60654 or email it to cheronne.mayes@americanbar.org. All submissions must be received by January 22, 2016.

Registration is Now Open for the 2016 Traffic Court Seminar!

March 16-18, 2016
Hotel Monteleona, 214 Royal Street, New Orleans, LA

Reduced registration if you register by January 22, 2016.

The complete agenda and all registration information can be found at www.ambar.org/2016TrafficSeminar.

There are a limited number of scholarships available.

Connect to the NCSCJ
The excitement for the Midyear Meeting of the NCSTJ begins building at registration, which I accomplished this week. The highlight for me, for years, has been the mentoring experiences with the ABA Judicial Clerkship Program—an innovative workshop where volunteer judges (many of whom are members of the NCSTJ) interact with diverse law students. The mentors learn as much as the mentees, as those relationships normally play out. The program stands to aid our country’s talent pool of law clerks, well-rounded attorneys, and possibly future judges in immense ways.

For a trial judge, the opportunity affords precious time to reflect on the purpose of judging, the process of it, the collaborative effort it involves, and the importance of shepherding ever fresh talent into the mix. In taking the time to think through the steps that often proceed at break-neck speed, trial judges come to appreciate the intangible, interpersonal contributions law clerks make to quality adjudication. We cannot help but acknowledge, too, the enrichment that diverse personalities and backgrounds bring to judicial perspective and quality of work. And, helping the law students appreciate the role of the law clerk in the judiciary is just a lot of fun.

Law students who participate bring diversity beyond checked boxes on an application form. They have accomplished amazing things in their lives, and have aspirations that inspire the mentors. The students’ stories about their experiences and their cultural bearings are beyond compare. At the end of the three-day exercise, it is difficult to imagine how a quality American judiciary will be able to perform at peak levels, without this rich body of talent.

The exercise also illustrates the profound diversity of the bench. As judges candidly communicate with the captive audience of future lawyers, it is remarkable to witness the priorities, the process, and the personalization that judges bring to the bench. All of it exemplifies the integrity, impartiality, and independence which are hallmarks of ethical judicial work. Sometimes you figuratively want to pinch yourself, to see if this extraordinary experience is real. You can only imagine how defining a moment it is for the participating law students who soak in the insight, the professional passion, and the adjudicative rigor represented in the room. How cool is this, to be mentored by a team of judges—Federal and State, unique as America can produce, and all at one time?

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The most surprising aspect of the Judicial Clerkship Program is how much it teaches the judges! As I listen to others explain their priorities in selecting law clerks, and the functions they take on, I re-evaluate my own practices, standards, and the roles assigned to staff. Often I envision improvements, and commit myself to implementing those on Monday. The wisdom shared by colleagues, certainly benefits the assembly of colleagues. It is energizing, fuels hope for the future, promotes pride in our profession, and reinforces the merit of serving the people well. The Judicial Clerkship Program is like a spa for the judicial soul… and I can’t help but think that a strengthened judicial system is the priceless return.

The investment this takes is one of time, sincerity of purpose, and discipline. The role of a mentor judge presents an aggressive schedule at the Midyear Meeting, but it is doable and oh-so rewarding. For members of the NCSTJ, participation in the Judicial Clerkship Program is by volunteer sign-up. While many judges who are involved in the leadership of the NCSTJ participate regularly, anyone who is a conference member may volunteer. It requires you to engage in a new experience outside your comfort zone, but will deliver a surprising professional equipoise of purpose and performance. This is something you need to encounter, and it is your involvement with the NCSTJ that can make it happen this year.

To register for the Midyear Meeting, visit www.ambar.org/jdmidyear. For more information on the Judicial Clerkship program or to register visit www.ambar.org/jdjcp.

I look forward to seeing you in San Diego, where I hope you’ll also sit in on our NCSTJ leadership meetings, as well.

ABA Board of Governors:
Three Judges from NCSTJ’s Serving
By Hon. William C. Carpenter, Wilmington, DE

November 11, 2015 was a historical day for the Judicial Division and in particular the National Conference of State Trial Judges. Never before in the history of the ABA has there been three members of the Division serving on the ABA Board of Governors (BOG) at the same time, but at the Board’s fall meeting in Baltimore, that all changed.

Judge Ramona See of California and Judge William Carpenter of Delaware were elected to the Board this past year, and they join Retired Judge Herbert Dixon of Washington, D.C. as members of BOG. The 40 member Board of Governors generally oversees the operation of the ABA and has the authority to act and speak on its behalf. The Judicial Division has traditionally been provided a seat on the Board which is presently being held by Judge See. The Board also consists of 18 members who represent various State districts with Judge Dixon serving as a representative of District 4 which includes Virginia and the District of Columbia and Judge Carpenter representing District 16 which includes Delaware, South Carolina, Mississippi and West Virginia.

The work of the BOG is also primarily divided into three committees, Operations and Communications Committee, Program Evaluation and Planning Committee and the Finance Committee. Judge See is serving on the Operations Committee and Judge Dixon and Judge Carpenter are serving on the Program and Planning Committee. Each Board member serves a three year term which means our Division will be well represented on the Board of Governors for years to come.
Judicial Outreach: Why You Should Participate
By Hon. Michael Shubatt, Dubuque, IA

As I age, I try to limit the amount of times in a given year that I have to ask “what have I gotten myself into?” Yet, that was the exact question I put to myself when I coached my first middle school mock trial practice a few years ago. I was certain that at this level, mock trial would be nothing more than a glorified school play. I was wrong.

Children as young as twelve can be taught the basics such as nature of the case, burden of proof, principles of direct and cross examination and rules of evidence (yes, even hearsay.) Mock trial is not only instructive in this way, but empowering in that it allows students to think on their feet as they apply what they have learned in front of a live audience. This ability to perform in front of a judge and room full of people builds confidence and self-esteem in ways few other activities can.

I am long past the point of being impressed or surprised at the questions students ask when we discuss the relevance of a piece of testimony or why it may or may not fit within an exception to the hearsay rule. The questions themselves tell me that the students’ knowledge of the law has surpassed that of most lay adults, and, sadly, that of a few attorneys.

Because of this educational component, mock trial (at any level) is one of the best outreach opportunities we have as judges. This is particularly true in a time when Civics is a rare course offering and society’s understanding of the role of courts and judges seem to diminish year by year.

The educational benefit is not limited to mock trial participants. Every year I am approached by many parents who say “I didn’t know that about court cases.” For many, it is the first time they have talked to a judge in an informal setting, and an opportunity to see that a judge is (gasp) a human being not so different from them. This type of personal interaction and identification is invaluable.

Coaching middle schoolers was not my first experience with mock trial. Although I was never a participant, I have volunteered to judge high school and college tournaments. Perhaps the most rewarding experience I have had, however, has been with middle schoolers, who never cease to amaze me with their thirst for knowledge and drive to excel.

Many of you are no strangers to mock trial, having given of your time when asked to judge a round or two at a local tournament. We’re all busy, however, and if you’re like I once was, you might be tempted to say no if asked to work with younger children. Say yes instead – take the opportunity to work with children regardless of their age, whether it be judging, coaching or just speaking to a team on objections or courtroom procedure. The student will learn what you have to teach, and they will impress you.
The National Judicial College (NJC) paid tribute to Judge Sophia Hall for her lifelong commitment to the advancement of justice at the National Judicial Institute and Conclave in Chicago on October 15, 2015.

The Advancement of Justice Award is presented by The National Judicial College to those who have demonstrated dedication to improving skills of the judiciary in advancing justice. The award was given during a reception at the National Judicial Institute and Conclave, a two-day gathering at the ABA headquarters in which more than 100 judges discussed emerging issues in the judiciary.

The Honorable Sophia H. Hall was celebrated along with Michael A. Pope, Esq. for their professional and philanthropic dedication to the advancement of justice. Cook County Circuit Chief Judge Timothy C. Evans and President-Elect of the ABA Linda Klein, assisted NJC President Chad Schmucker with presenting the awards.

Several NCSTJ members, as well as close personal and family friends were present to help celebrate Judge Hall’s Award.

“The National Judicial College is pleased to honor such outstanding pillars of the legal community who have dedicated their careers to this noble pursuit,” NJC President Chad Schmucker said. “We are thankful for their service and contributions to the NJC and their passion to improving the judiciary.”

Judge Hall is the Presiding Judge of the Resource Section Juvenile Justice and Child Protection Department for the Circuit Court of Cook County, Illinois. She is being honored for her many years of service on the Circuit Court during which time she also chaired the Board of Trustees of the NJC, served on the State Justice Institute and on the boards of the National Center for State Courts, Chair of the National Conference of State Trial Judges and as President of the National Association of Women Judges. Additionally, she is a past President of the Illinois Judges Association.

“My experiences at The National Judicial College, as a student and a member of the Board, have improved my skills as a judge and on the bench, and provided ideas to improve the administration of justice,” Hall said. “As our society evolves, so do the challenges facing the judiciary. The NJC provides inquiring spaces for judges to explore ways to meet those challenges.”

The National Conference of State Trial Judges Congratulates Judge Hall on this prestigious award.
Five years ago, Bay County Circuit Court Judge William J. Caprathe left the bench because of mandatory judicial age limits.

But that’s not to say he left law, too.

If anything, Caprathe simply decided to use his experience in the judicial system to better serve other areas of the law, and stay active in law-related organizations.

As examples, he’s entering the State Bar Criminal Law Section’s 2015-16 year as its chair-elect. He has just finished a term on the Alternative Dispute Resolution Section’s council, but is more than willing to serve again. He’s on the Michigan Appellate Defender Commission.

And he is president of the Michigan Retired Judges Association, where, in his capacity, he has advocated for the Michigan Legislature to raise the age limit of 70 for judges, if not doing away with the age limit completely.

Like many retired judges, Caprathe has entered the alternative dispute resolution field, but he also is called upon as an assigned visiting judge for the trial courts.

It’s in those courts that Caprathe has had a significant impact on the jury process: in the last third of his 30-year career on the Bay County bench, Caprathe became one of the nation’s strongest proponents of jury reform.

As part of the ABA’s American Jury Project, he was one of the developers of the “2005 Principles for Juries and Jury Trials,” and chaired the jury management committee of the ABA’s National Conference of State Trial Judges.

Originally done through a Michigan Supreme Court pilot program, the reform process allowed for jurors to ask questions of witnesses directly and receive preliminary instructions in writing, in addition to attorneys being allowed to provide jurors with a reference document to use during a trial.

“It’s made the experience of serving as a jury member more effective,” Caprathe said. “It’s something that had to take place.”

Caprathe’s participation in the project led to his sharing the 2012 G. Thomas Munsterman Award for Jury Innovation. The award, conferred by the National Center for State Courts, is given annually to recognize significant improvements or innovations for juries.

Besides jury reform, Caprathe said he considers his commitment to fairness in the court to be his strongest achievement.

He explained that from the moment he took the bench, he installed a sign on it that read, “Empathy.” Underneath it, the sentence, “What is the other person’s point of view?”

Caprathe said his being a State Bar member for five full decades doesn’t seem like a long time at all.

“It goes by so fast when you’re enjoying it and doing what you really like to do.”

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And, Something Fun and Unusual . . .
From the 2015 Fall Planning Meeting of the National Conference of State Trial Judges

At the 2015 Fall Planning Meeting of the National Conference of State Trial Judges in Des Moines, IA, judges participating in that leadership summit were invited to engage in a team-building exercise that landed them in a group-painting exercise. They were tasked with painting an iconic Iowa image: a cow. It was interesting to see the individuals’ artistic interpretation of the task, and what use of color! At the conclusion, the artists named their cows, coming up with some clever and catchy monikers. Can you guess which cow was painted by which judge?

The person who matches the most, correctly, wins a copy of the next edition of *The Improvement of the Administration of Justice* scheduled to be released and on sale Spring 2016. To enter, please send your email response to Denise Jimenez at denise.jimenez@americanbar.org by February 26, 2016. Results will be announced in the next edition of *The JD Record*!

*Contest Rules are subject to approval by the ABA’s General Counsel and may be amended.*