



NATIONAL FOUNDATION
FOR JUDICIAL EXCELLENCE

Annual Report

2010

OUR MISSION

To address important legal policy issues affecting the law and civil justice system by providing meaningful support and education to the judiciary, by publishing scholarly works and by engaging in other efforts to continually enhance and ensure judicial excellence and fairness for all engaged in the judicial process.



MESSAGE FROM THE PRESIDENT

Christopher W. Tompkins

Dear Friends,

On behalf of the Board of Directors of the National Foundation for Judicial Excellence (“NFJE”), I am pleased to report the results of another excellent year.

We once again delivered on our mission of providing outstanding judicial education. Our premise is that the entire legal system benefits from judicial education because a judge who is acquainted with an issue prior to facing it on the docket will render a more informed, better decision. In the last six years, we have presented symposia to more than 400 judges. We owe special thanks to Mike Weston and his planning committee for the 7th Annual Judicial Seminar – *Applied Science and the Law: 21st Century Technology in the Courts*, which will cover impacts of social media on the legal system, data breaches and privacy issues, and tort law implications of bio-monitoring.

This year’s Symposium was oversubscribed by more than 25% one week after the opening of registration! What better evidence could there be of the significance of our work?

Highlights from 2010, in addition to our Annual Symposium, include:

- The adoption of stated duties for board members, including additional fundraising responsibilities.
- Development of a two year strategic fundraising plan.
- Our second regional reception in Raleigh, North Carolina with 57 attorneys from more than 23 law firms and corporations attending.
- A tremendously successful silent auction and raffle at the DRI Annual Meeting, which raised more than \$44,000;
- The Ohio Association of Civil Trial Attorneys’ second annual golf outing in support of NFJE, raising more than \$11,000 over those two years.
- Introduction of our NFJE Legacy Society, which will enable our friends to support NFJE with a planned legacy gift.

2011 brings us renewed spirit and energy. We are the only defense oriented organization providing judicial education. We are grateful for your continued support, which enabled us to raise more than \$300,000 to fund our programs in 2010. We ask for, and need, your ongoing support so that we may continue to conduct our programs into the future.

Best regards,

Christopher W. Tompkins

HISTORY OF THE ORGANIZATION

Established in 2004, the NFJE is a 501(c)(3) charitable organization based in Chicago, dedicated to supporting an independent, well-informed judiciary in order to preserve excellence and fairness in the civil justice system. Since 2005, the NFJE has produced a first-rate annual symposium attracting 10% of state appellate judges. The symposia have featured an array of nationally distinguished legal experts and scholars discussing contemporary and complex legal issues relevant today in courtrooms across the country. The end result is a top-quality, tuition-free series of educational programs provided by the NFJE, which assist our nation's appellate judges to perform at their highest levels.

- NFJE provides tuition-free judicial education programs.
- NFJE focuses specifically on education for the state appellate judiciary.
- NFJE is a recognized leader in the legal and judicial communities as a reliable source for providing balanced information in its programs.

NFJE is the only organization of its kind led by the Defense Bar.



YOU BUILD A LEVEL PLAYING FIELD ON TRUST

William R. Sampson, Past President

We have done this for a while, now. As I write this, registration for the upcoming Symposium, our seventh, was again filled within moments of its being announced. Grateful to our judicial colleagues, who give us their presence and their time, we wanted to reflect upon the work we have done so far and why we believe the NFJE has been successful. We attribute that success to care, candor, commitment, and confidence.

WE HAVE BEEN CAREFUL

From our very first Symposium, which explored the relationship between justice and science, to our most recent, which examined the law of nuisance, we have asked careful scholars, practitioners, and judges to think about their topics, do thorough research, and make accessible presentations. We are blessed with an appreciative audience; but we know it to be thoughtful, and even skeptical, as well. Nationally known teachers such as Arthur Miller and Bryan Garner, nationally recognized practitioners such as “Chip” Robertson and Christy Jones, and nationally admired jurists such as Alexander Sanders and Alan Page, have set a fine, high standard for excellence in our presentations.

WE HAVE BEEN CANDID

We have been direct with our audience, our supporters, and the public. We have promised timely topics and have presented them. We have promised informed, entertaining speakers and have delivered them. Critically important, we have said our programs would be balanced, and they have been. The NJFE Symposium is no home for shills and carnival barkers. We present serious scholarship, and we present it from both sides of the courtroom.

WE HAVE BEEN COMMITTED

We have not hesitated to make commitments. We committed to presenting our Symposium in a first-class facility in a first-class city. We committed to early, effective communication. We committed to paying attention, especially to the comments and suggestions of the jurists who make up our audience, and to adapting to those suggestions. We committed to discussing topics not only relevant but timely, and we have repeatedly seen our nation’s courts addressing those very topics in the wake of our programs.

WE HAVE BEEN CONFIDENT

Especially now, in our seventh year, we believe the jurists who come to Chicago can count on us: for an event that welcomes them and their families and guests, for a program that challenges them, for the opportunity to renew relationships with colleagues from around the country, and for a weekend that in every way will be “worth it.”

Those who support the NFJE can count on us, as well. We have built what we believe is a model program of judicial education: welcoming, cutting-edge, delivered from a defense as well as a plaintiff’s perspective, highly informative, and looked forward to by the nation’s judiciary.

In July of 2011, the NFJE will again welcome those judges to its Seventh Annual Judicial Symposium. We are proud of what we have built in Chicago. We will be glad to see them!

PROGRAM OVERVIEW: SYMPOSIUM

6th Annual Judicial Symposium July 16-17, 2010 Swissôtel, Chicago

The Law of Nuisance: Bother, Bore, or Basis for Broad Causes of Action

The common law of public nuisance is increasingly used in an effort to obtain recovery for mass torts. This raises numerous issues of judicial theory, *parens patriae*, ethics and practicality. The 2010 symposium explored the reach and limits of the law of public nuisance and examined the constitutional and ethical aspects of mass tort litigation.

Number of judges in attendance: 100

Number of states represented: 31

Keynote Speaker: Bryan A. Garner, *LawProse, Inc.*

Program Highlights

- *Principles Based Reengineering of Court Services* presented by Robert N. Baldwin, National Center for State Courts
- *Public Nuisance: An Overview of the Use of an 800-Year-Old Doctrine to Support Mass Liability and Parens Patriae* presented by Professor Donald G. Gifford, University of Maryland School of Law
- *Justiciability and Standing: Constitutional Defenses or Obstructions to Public Policy?* presented by Professor Thomas W. Merrill, Columbia Law School
- *Ethical Dilemmas in Mass Tort Litigation: What is the Appellate Court's Role?* presented by Professor Burnele Venable Powell, University of South Carolina School of Law
- *"If you would not be forgotten...either write things worth reading, or do things worth writing."* – *Poor Richard's Almanac: Opinion Writing for Judges* presented by Keynote Speaker: Bryan A. Garner, LawProse Inc.
- *Litigation Lessons: Instructive Cases in the Real World of Mass Tort* an interactive discussion moderated by Daniel F. Polsenberg, Lewis and Roca LLP. Speakers James P. Dorr, Wildman, Harrold, Allen & Dixon LLP; Laura Ellsworth, Jones Day; Phillip L. Harris, Jenner & Block LLP; Tracie J. Renfroe, King & Spalding LLP



Bryan A. Garner

"Garner was outstanding. He is the best presenter on legal writing I have seen in 14 years."

"My first NFJE program – Outstanding!"



"I thought it was a thought-provoking program."



"An excellent seminar! Great topics, panelists and venue! Keep up the good work."



"Outstanding faculty, interesting topic and faculty was very knowledgeable about subject matter."

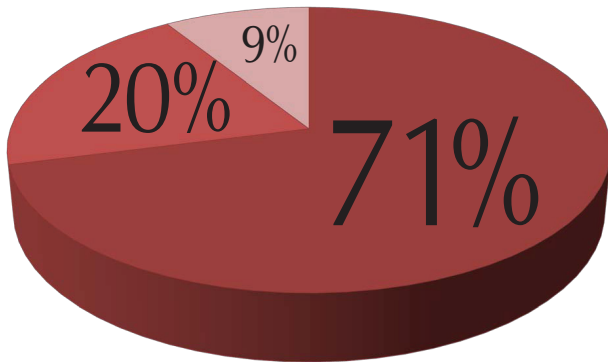


FINANCIAL OVERVIEW

In 2010, the NFJE raised over \$319,000 with the generous support of individual attorneys, law firms, corporations, State and Local Defense Organizations, professional organizations, DRI dues renewal check off and foundations. The John R. Kouris Endowment Fund was created in the spring of 2008. This fund directly supports keynote speaker honorarium for each annual symposium.

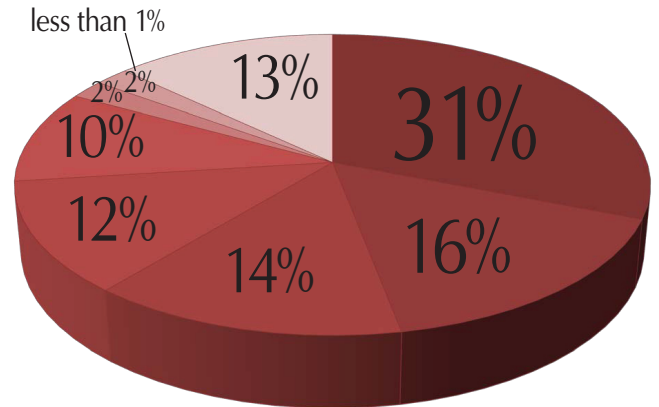
Expenses for 2010 accurately reflect the NFJE mission – education of the judiciary. The annual symposium remains the largest expense for the NFJE at seventy-one (71%) percent. Management and General Expenses reflect the operating costs. Fundraising expenses reflect the printing of materials, professional fees and travel costs related to fundraising.

2010 Expenses



Program Services: 71%
 Management & General: 20%
 Fundraising: 9%

2010 Revenue



DRI Dues Renewal Checkoff: 31%
 Individuals: 16%
 Corporations: 14%
 Auction and Raffle: 13%
 Law Firms: 12%
 State and Local Defense Organizations: 10%
 Professional Organizations: 2%
 Annual Judicial Symposium Hotel Commission: 2%
 John R. Kouris Endowment Fund: less than 1%

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The NFJE would also like to thank the 3,821 individuals who contributed \$25 through the DRI Dues Renewal Checkoff; as well as the 20 individuals who donated less than \$100 through private donations.



National Foundation for Judicial Excellence

55 West Monroe Street, Suite 2000

Chicago, Illinois 60603

Phone: 312.698.6280

Fax: 312.795.0748

Email: nfje@nfje.net

Website: www.nfje.net