

NFJE's 12th Annual Judicial Symposium

When State Courts Disagree



A record 174 state appellate judges gathered at the Chicago Loews Hotel on July 15–16, 2016, for the 12th annual judicial symposium sponsored by the National Foundation for Judicial Excellence. The symposium was titled “When State Courts Disagree.”

DRI established the National Foundation for Judicial Excellence (NFJE) in 2004 for the purpose of providing *free* continuing education to judges at the state appellate level to preserve fairness and maintain a highly skilled bench in the civil justice system. While NFJE is now an independent foundation, DRI continues to provide staff support. The centerpiece of the NFJE is an annual symposium, on a different legal topic each year, held in July in Chicago. A few examples of past seminar themes:

- Applied Science and the Law: Twenty-first Century Technology in the Courts;
- Class Actions and Aggregate Litigation;
- Judicial Analysis of Unclear, Incomplete, or Obsolete Statutes.

The symposium began on Friday, July 15, with well-received keynote speaker Ross Guberman, author of *Point Taken: How to Write Like the World's Best Judges*. That work explores the components of effective judicial prose by examining real-world examples from 34 esteemed judges, from Learned Hand to Antonin Scalia. Mr. Guberman is a Professorial Lecturer in Law at the George Washington University Law School, where he teaches a seminar on drafting and writing.

The second day began with a formal welcome by Peter J. Hersha, NFJE President, and Mary Massaron, former DRI Presi-

dent and 2016 Symposium Program Chair. They were followed by a day-long series of panels addressing topics at the forefront of the state appellate process, including the following:

- The effect of social media and the internet on judicial decision making and the role of publicly available information in resolving appeals even when that information might not be in the record;
- The methodologies for interpreting state constitutions and the processes by which state constitutional law develops;
- The importance of insurance in the modern litigation system and the various, interlocking ways in which insurance disputes may be resolved;
- Divining those circumstances when it is appropriate for appellate courts to peel



back the veil of a jury verdict and review the outcome of a jury trial for possible misconduct by jurors or attorneys; and

- The role of public policy in developing state common law and in construing statutes.

Additionally, attendees enjoyed renewing old acquaintances and making new ones at the opening night reception and the Saturday luncheon.

With the complexity of the law ever-increasing and legal questions in the face of rapidly changing technology becoming more and more daunting, it is in the interests of defense lawyers to have a fully informed and skilled bench. The fact that the NFJE pays all expenses of the attending judges is particularly critical in this prolonged era of tight judicial budgets. **FD**

