



NATIONAL FOUNDATION
FOR JUDICIAL EXCELLENCE

Annual Report

2017



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

Robert W. Shively

On behalf of the Board of Directors, it is my pleasure to report on another successful year for the National Foundation for Judicial Excellence. Now in its 14th year, NFJE continued to deliver on its mission of providing outstanding education to state court appellate judges.

Under the leadership of Program Chair Steve Puiszis, we conducted another successful Annual Judicial Symposium in July, 2017 in Chicago: *“Judging Emerging Issues in the Twenty-First Century.”* Over 125 judges from 31 states attended the symposium. Feedback from the attendees was extremely positive, as reflected by the following examples:

“I was extremely impressed with the quality of the faculty members and their discussion of the issues in a way useful to state appellate judges.”

“Another good job of recruiting faculty and maintaining balance on the panels.”

“Tremendous faculty; outstanding in their own right, but when combined, their synergy creates a wealth of insight that is not only informative but thought provoking.”

The 2018 symposium will be held July 20-21 in Chicago. Program Chair Scott Smith and his committee have put together an outstanding program entitled, *“Judicial Excellence in the 21st Century.”* The program will begin with a keynote address by renowned constitutional law scholar and author Randy Barnett of the Georgetown University Law Center, and will follow with presentations and panel discussions on cutting edge issues, judicial process and administration.

A new NFJE initiative this year was the establishment of a Judicial Advisory Committee composed of appellate judges who provide direct input to the Program Committee with regard to desired programming.

Under the direction of Publications Chair Tom Ganucheau, NFJE continues to publish an electronic newsletter for state court appellate judges, which contains scholarly articles on emerging issues in appellate litigation.

NFJE has maintained its strong financial position. However, raising sufficient funds to enable NFJE to accomplish its mission remains an ongoing challenge. We ask for your continued support of NFJE, so that we may continue our judicial educational programs well into the future.

It has been my honor and privilege to serve as President of NFJE this past year, and I extend my thanks to the judges who attend our symposiums, the Program Committee and faculty, our officers and board members, staff, and many financial contributors to this very worthy cause.

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. For each of the past thirteen years, the NFJE has successfully produced a first-rate annual symposium attracting hundreds of state appellate judges. The symposia have featured an array of nationally distinguished legal experts and scholars discussing the contemporary and complex legal issues relevant today in courtrooms across the country. The end result is the 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.





LEGAL EDUCATION—EXAMINING THE RELEVANCE OF THE TRADITIONAL APPROACH

Dan D. Kohane

Historically, law schools have used the case method to teach law and this remains the preferred pedagogical approach. This method requires students to learn broad doctrinal concepts by analyzing appellate cases and applying them to hypotheticals. This approach is geared towards training law students to become the next appellate lawyer or judge. Few students go on to do meaningful appellate work; the vast majority will enter private practice, government, or industry. Changes in both clients' and employers' needs and expectations have resulted in many students leaving law school without the necessary skills to actually *practice* law.

Simply knowing the law is no longer sufficient for newly minted associates to enter the legal profession and embark on successful careers. The ABA has taken some affirmative steps to fill this void by requiring experiential learning credits, allowing students to collaborate with faculty and practicing attorneys on real client matters, through the use of law clinics and field placements and develop useful and necessary skills.

Several ideas on how to fix this deficiency in the legal education system have been proposed, such as changing law school to two years of in-classroom study and one year of apprenticeship work. A New York Times editorial (11/25/11) outlines a proposal to allow students to spend significant time in their desired field learning from practicing attorneys, and could fill the void of practical skills that new associates often lack. Furthermore, law schools could integrate courses rather than teaching subjects as separate and distinct areas of law.

For instance, courses such as torts and insurance could be combined to allow students to see a more practical and broader scope of the law. Civil procedure courses can require students to draft complaints and motions, two of the most basic tasks of a litigator's day-to-day profession.

Collaboration should be considered in law schools. Most attorneys rarely (if ever) work completely alone. Being able to work as a cog in a larger machine is necessary in our profession. Law schools encourage solo writing and as a result, many students—outside of activities like moot court—rarely have the experience of working together on an assignment such as jointly writing a brief.

Education advocates, including the judiciary, should assess the needs of legal employers, courts and clients, and determine how we can tailor the law school curriculum to prepare new associates for a successful beginning to their careers.

PROGRAM OVERVIEW: SYMPOSIUM

Thirteenth Annual Judicial Symposium

July 14-15, 2017

Loews Chicago Hotel, Chicago

Judging Emerging Issues in the Twenty-First Century

Technology is changing how we live, work and communicate with one another. Drones, 3D printing, autonomous vehicles, robotics, the Internet of Things, and artificial intelligence are disrupting traditional ways of doing business in virtually all walks of life. The 2017 Symposium aimed to help jurists address the challenges raised by technology. Panels blending the views of judges, academics, and lawyers alike, delved into technology's impact on the development of the law, including the future of privacy and free speech and evolving notions of personal jurisdiction. There was also a lively debate on judicial ethics and social media.

Number of judges in attendance: 128

Number of states represented: 31

Program Highlights

- **Technology's Impact on the Development of the Law** presented by Professor Mark A. Lemley, *Stanford Law School*, Professor William D. Henderson, *Indiana University Maurer School of Law* and Professor Gary E. Marchant, *Sandra Day O'Connor College of Law, Arizona State University*
- **Personal Jurisdiction in the Twenty-First Century** presented by Professor Lea Brilmayer, *Yale Law School*, The Honorable Natalie E. Hudson, *Minnesota Supreme Court* and Brittany M. Schultz, *Ford Motor Company*
- **Restatement of the Law, or Advocacy for Change?** presented by Professor John C.P. Goldberg, *Harvard Law School*
- **Issues with the Extraterritorial Application of State Consumer Protection Statutes** presented by Linda T. Coberly, *Winston & Strawn LLP*, Shannon Smith, *Washington State Office of the Attorney General* and Professor Anthony J. Colangelo, *Southern Methodist University Dedman School of Law*
- **Blogging and the Bench: The Ethics of Social Media Use by Judges and Judicial Employees** presented by Professor James J. Alfini, *Dean Emeritus South Texas College of Law* and The Honorable Stephen Louis A. Dillard, *Georgia Court of Appeals*
- **Land Use Issues in the Twenty-First Century** presented by Mary Massaron, *Plunkett Cooney PC*, Dwight H. Merriam, *Robinson & Cole LLP* and Dana Berliner, *Institute for Justice*





- *“Excellent speakers—all very knowledgeable”*
- *“The Technology panel was especially noteworthy”*
- *“Faculty were informative and challenging”*

■ *“Impressive”*



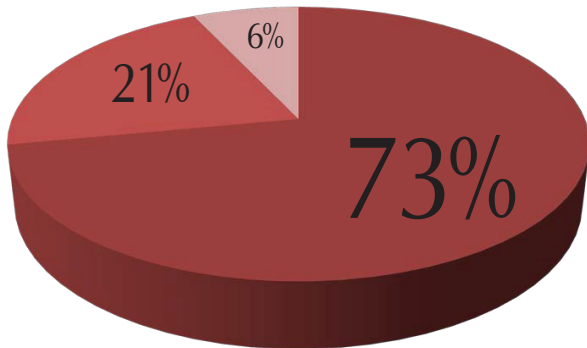
- *“This was a well-planned and well-presented symposium”*

FINANCIAL OVERVIEW

In 2017, the NFJE raised almost \$354,000 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.

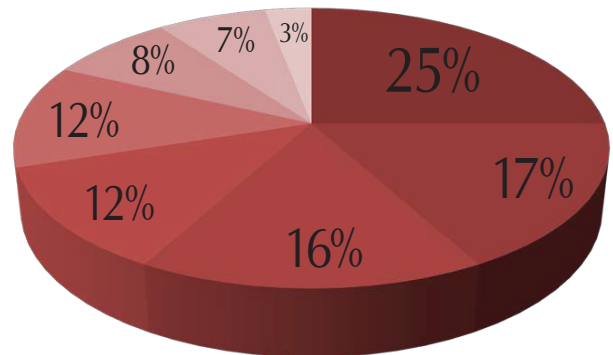
Expenses for 2017 accurately reflect the NFJE mission—education of the judiciary. The annual symposium remains the largest expense for the NFJE at seventy-two (72%) percent. Management and General Expenses reflect the operating costs. Fundraising expenses reflect the printing of materials, professional fees and travel costs related to fundraising.

2017 Expenses



Program Services: 73%
Management & General: 21%
Fundraising: 6%

2017 Revenue



DRI Dues Renewal Checkoff: 25%
Individuals: 17%
Auction and Raffle: 16%
Affiliate Services: 12%
State and Local Defense Organizations: 12%
Corporations: 8%
Law Firms: 7%
Professional Organizations: 3%



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**Denotes donors making donations 5 or more years.*

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Phone: 312.698.6224

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Email: nfje@nfje.net

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