



NATIONAL FOUNDATION
FOR JUDICIAL EXCELLENCE

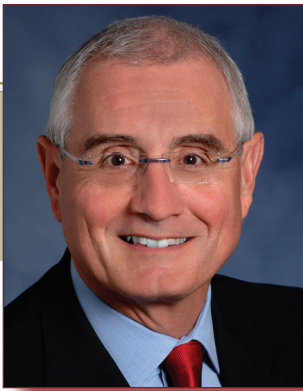
Annual Report

2018



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

L. Gino Marchetti, Jr.

Under the leadership of the 2018 Symposium Program Chair, Scott Burnett Smith, our program “Judicial Excellence in the 21st Century” received stellar reviews and comments from over 128 attending Appellate Judges from 30 states. The program included a broad range of speakers including a popular podcast on the U.S. Supreme Court with a review and preview of High Court precedent in the new fast-paced format discussions on innovations in judicial administration in American Appellate Courts, ways to improve oral argument and how internet resources intersect with judicial ethics and decision making.

The 2019 Symposium to be held July 19th and 20th in Chicago and chaired by William Ray promises to fulfill the NFJE’s commitment to excellence in maintaining an independent and informed appellate judiciary. This year’s program entitled “The Science of Deciding: You Need Nobel Prize-Winning Science to Understand, Evaluate and Improve Decisions of Appellate Courts,” features the keynote address by Jeffrey Rachlinski of the Cornell Law School. Professor Rachlinski is the undisputed thought leader in studying the social science of decision making by judges. The NFJE is also very fortunate to have Decision Quest’s commitment to perform real-time polling of the audience and analysis of results in a unique way. Tom Ganuchau, our Chair of the Development Committee, has exceeded expectations. In order to fund the NFJE Symposium, approximately \$400,000 is needed annually. In a sense, we are a victim of our success since the more judges who attend, a priority of the NFJE, the more expense is incurred. With the help of Vice President, Dan Kohane, and under the leadership of Tom Segalla, we have a new Insurance Initiative Committee which is committed to secure additional funding so that the NFJE can continue its record of excellence in presenting these symposiums.

Finally, I have had the privilege of serving as President in this, the 15th year of the NFJE. While my name may appear at the top of the letterhead listing, it would not be there without the support and very capable efforts of many, including an outstanding Board of Directors with its excellent committees, faculty as well as the support of many attorneys, judges, foundations and organizations throughout the United States.

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 fourteen 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.





THE PURPOSE (AND BEAUTY) OF THE NATIONAL FOUNDATION FOR JUDICIAL EXCELLENCE

Dan D. Kohane

The National Foundation for Judicial Excellence was created with one goal in mind—to support a strong, independent, responsive judiciary by providing officers of the court with educational programs and other tools to enable members to perform at their highest level.

Each year, the NFJE plans and organizes a symposium, designed from suggestions received from attendees at the previous year's programs. Our first symposium was held in 2005 and focused on *Justice and Science*, and in the years following, we have offered programming on *Judicial Independence*, the *Convergence of Law and Technology*, *The Uncertain Boundary between Federal and State Law*, *Class Actions*, *Public Nuisance*, and so much more.

We have learned that our audience craves intellectual and academic stimulation, so we search the country for the best and the brightest from academia and from private and public practice. Funded entirely by charitable contributions, we provide tuition-free education, concentrating on modern and complex questions that face an overburdened state judiciary.

In the past, we restricted the number of judges who could attend, but the hue and cry by those who had not registered in time to meet the deadlines led to change our approach to admission. If you are a state appellate judge or justice, we have a seat for you at the table, and we hope and trust that you will join your colleagues on July 19-20 at the Loews Chicago Hotel. Last year 128 judges from 38 states attended, and the opportunity to share and network in this interactive program will be, we hope, the beginning of your long relationship with the NFJE.

The NFJE was a creation of the civil defense bar and is the only organization providing this kind of educational programming by the civil defense bar. But balance and fairness are our watchwords, and our speakers, many of whom have vast and varied appellate and academic experience, focus on the highest levels of judicial education. We know we have been successful and the reviews underscore that year after year.

As mentioned, our funding comes from attorneys, foundations, corporations, state and local defense organizations and other individuals and companies who believe that we should all strive to litigate on a level playing field. We ask those who have not found a way to support the NFJE to do so, with a tax deductible contribution. You will find a list of donors elsewhere in this report. We would hope you would join in supporting this noble educational cause.

PROGRAM OVERVIEW: SYMPOSIUM

Fourteenth Annual Judicial Symposium July 20-21, 2018 Loews Chicago Hotel, Chicago

Judicial Excellence in the 21st Century

The quest for excellence lasts a lifetime. Self-improvement is central to our better natures, personally and professionally. The theme of the 2018 Symposium was judicial excellence. The 21st century has introduced a number of exciting changes to the judicial process and administration. Public interest in judicial opinions is at an all-time high through blogs, Twitter feeds and podcasts. This year's symposium featured an outstanding faculty, including the hosts of *First Mondays*, the most popular podcast on the U.S. Supreme Court, which reviewed and previewed high-court precedent in a new, fast-paced format.

Number of judges in attendance: 128

Number of states represented: 38

Program Highlights

- *Using Technology to Improve Case Presentation* presented by Kenneth Russo, *U.S. Court of Appeals for the Fifth Circuit*
- *Best Practices for Judicial Administration, or What Is the Best New Idea that Your Court Has Adopted in the Last Five Years?* presented by The Honorable Jerome B. Abrams, *Dakota County District Court, First District*, and Professor Linda Sandstrom Simard, *Suffolk University Law School*
- *How to Improve Oral Argument* presented by David C. Frederick, *Kellogg Hansen Todd Figel & Frederick PLLC*, and Professor Tonja Jacobi, *Northwestern University Pritzker School of Law*
- *U.S. Supreme Court Update by the First Mondays Podcast* presented by Professor Daniel Epps, *Washington University School of Law* and Professor Ian Samuel, *Harvard Law School*
- *Writing Opinions with an Eye to the Public and the Press* presented by The Honorable Carlton W. Reeves, *U.S. District Court for the Southern District of Mississippi* and Zoe Tillman, *BuzzFeed News*
- *How to Select Better Cases for the Discretionary Docket* presented by John P. Elwood, *Vinson & Elkins LLP*
- *Whose Case Is It Anyway: Can Judges Conduct Independent Research to Resolve a Pending Controversy?* presented by The Honorable Raymond J. McKoski, *John Marshall Law School*





■ *“Excellent presentations! Most beneficial.”*



- *“Strong speakers who were well-chosen. Loved the speakers regarding oral argument.”*
- *“Very pleased with the quality of the faculty and materials.”*



■ *“Another impressive array of experts.”*



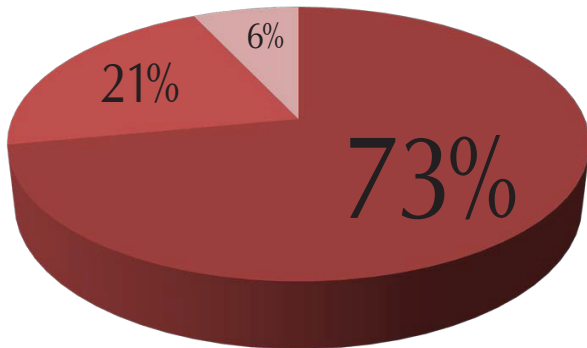
■ *“This was the best presentation I have ever attended.”*

FINANCIAL OVERVIEW

In 2018, the NFJE raised almost \$390,000 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 2018 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.

2018 Expenses

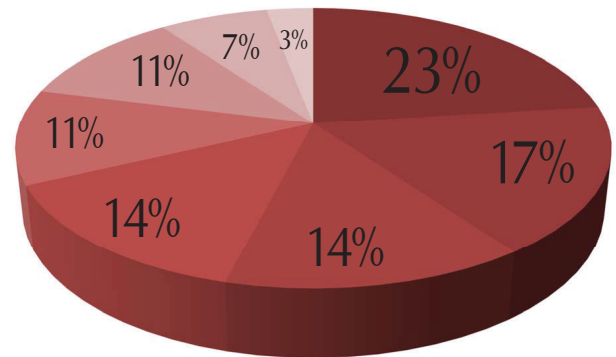


Program Services: 73%

Management & General: 21%

Fundraising: 6%

2018 Revenue



DRI Dues Renewal Checkoff: 23%

Individuals: 17%

Auction and Raffle: 14%

State and Local Defense Organizations: 14%

Affiliate Services: 11%

Corporations: 11%

Law Firms: 7%

Professional Organizations: 3%



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