

National Foundation for Judicial Excellence

The Science of Deciding



By Tim Kolly

A strong, independent, responsive judiciary adhering to the rule of law is one of the hallmarks of a democratic society. With this in mind, DRI created the National Foundation for Judicial Excellence (NFJE) in 2004. NFJE is an independent, 501(c)(3) charitable foundation that provides judges with objective educational programs and other tools to enhance the rule of law and administration of justice. For fifteen years, the NFJE has successfully

produced a first-rate symposium, hosting over 1,800 appellate court judges from over forty states. The symposium's success continued in 2019 as 128 judges, seventeen of whom were chief justices, attended from thirty-three states.

The title of this year's symposium was "The Science of Deciding: Using Nobel Prize-Winning Social Science to Understand, Evaluate, and Improve Decisions of Appellate Courts." Human beings are, at least sometimes, far less rational than they seem. This year's NFJE symposium provided fascinating insights into the human

mind's decision-making processes and abilities—and the subconscious shortcuts that drive decisions. Attending appellate judges were invited to participate in real-time tests and demonstrations of "the science of deciding."


This year's program included a joint session with the DRI Appellate Advocacy Seminar in a panel presentation titled "Judicial Ethics: Disqualification and Recusal."

The keynote address was delivered by Professor Jeffrey J. Rachlinski from Cornell Law School. He spoke of how modern social science and behavioral economic



studies have changed our understanding of logic, reasoning, and human decision making, including our understanding of judicial decisions.

It was followed by attendee work sessions and panels on “Emotion, Angry Judges, and ‘Dispassionate’ Decision-Making”; and “Does Interaction and Collaboration Improve—or Damage—Decision-Making?”

As always, judges had plenty of time to socialize and confer with their colleagues through receptions, breakfasts, lunches, and dine-around dinners. 

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Sails Are Hoisted: We Need Your Wind!

By Tom Segalla

In a prior article of *For The Defense* (February 2018), I indicated that my professional sails had been adjusted and set in the right direction to make a change and a difference. Following that commitment to engage in activities to better the legal profession and not myself individually, recently I was honored to be appointed to the Board of Directors of the National Foundation for Judicial Excellence (NFJE). A review of the NFJE’s website (<http://www.nfje.net>) will enlighten you to the reason why I chose to be involved, and it will provide you with an historical perspective of the foundation and its recognized mission:

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.


Founded in 2004 as a 501(c)(3) charity, the NFJE relies upon financial contributions by various individual members of the legal profession, as well as corporations that are dedicated to “Promoting Excellence/Affirming Justice.” These contributions help support the NFJE’s Annual Judicial Symposium, its scholarly work, and activities that enhance judicial excellence. The 2019 Annual Judicial Symposium was recently conducted and attended by 128 judges from across the country. One only has to review the 2019 program topics to develop a clear understanding of how the NFJE has and can continue to affect the legal profession and strengthen our civil justice systems.

As part of my personal commitment to the NFJE and to continue to make a change and a difference, I have agreed to spearhead a committee to raise funds from individual and corporate entities, including the insurance industry. The following quotation is important to our fundraising endeavors:

**“... we feel strongly that to really do something well,
you have to get a lot of people involved.”**

Linus Torvalds

Please be included and get involved!

This is where we need “Your Wind” to help fill our sails and set and continue our course for success. Personally, and on behalf of the NFJE, I would appreciate your reviewing the NFJE’s website and consider making a financial contribution. Donations will have a direct impact on the NFJE’s continued efforts to support a strong and independent judiciary that is responsive to the needs of the legal profession, individual litigants, and corporate America. If you have any questions, please reach out to me at tsegalla@goldbergsegalla.com or contact Nancy Parz at nparz@nfje.net. 



■ Thomas F. Segalla is a founding member of Goldberg Segalla LLP in Buffalo, New York. He is a nationally recognized authority on bad faith, reinsurance and insurance, and an ARIAS-U.S. certified arbitrator and mediator. In addition to his service the NFJE Board of Directors, Mr. Segalla is a former DRI national director and a past chair of the DRI Insurance Law Committee. He was the 2017 recipient of the DRI Louis B. Potter Lifetime Professional Service Award.