

17th Annual Judicial Symposium

Lessons Learned, Challenges Ahead:

Emphasizing the Importance of the Judiciary in the New Normal

July 9–10, 2021

**Join us in-person at the
Loews Chicago Hotel
Chicago, Illinois**

Presented by



**NATIONAL FOUNDATION
FOR JUDICIAL EXCELLENCE**

PROMOTING EXCELLENCE AFFIRMING JUSTICE

A strong, independent, responsive judiciary adhering to the rule of law is one of the hallmarks of a democratic society. Although every citizen has an interest in the maintenance of an effective judicial system, lawyers (as officers of the court) have an even keener interest in this.

It was with this in mind that DRI created the National Foundation for Judicial Excellence (NFJE) in 2004. NFJE is an independent, 501(c)(3) charitable foundation that provides judges with educational programs and other tools to enhance the rule of law and administration of justice.

For 17 years, NFJE has successfully produced a first-rate symposium, hosting more than 1,500 appellate court judges from more than 40 states.

Judges' responses to the programs have been overwhelmingly enthusiastic:

- *“This is one of the best-organized and [most] informative seminars that I have ever attended. Keep up the good work.”*
- *“Bravo! Keep up the good tradition for which you have laid a sound foundation.”*
- *“Thank you for providing us with an opportunity to get together and compare notes with judges from other states.”*
- *“This was the best presentation I have ever attended.”*
- *“It was perfect.”*
- *“Best program I have ever attended.”*
- *“I don’t like to say that ‘everything’ was great — but everything was great.”*
- *“It’s already the best judicial CLE.”*



This Year's Symposium

Lessons Learned, Challenges Ahead: *Emphasizing the Importance of the Judiciary in the New Normal*

“There is hardly a political question in the United States which does not sooner or later turn into a judicial one.”
- Alexis de Tocqueville

Amongst the current divide in thought, most would agree that the events of the past year or so have been extraordinarily trying on our world, our nation and our judicial system. This is not the first time our judicial system has been confronted with exceptional challenges. The judiciary has been tested before and will be again in the future. This year's symposium reflects upon lessons learned from past challenges and examines what is likely to come in the future so we are better prepared for the challenges ahead.

The symposium begins on Friday, July 9, with a keynote address by the Honorable Richard Gergel, author of “Unexampled Courage: The Blinding of Sgt. Isaac Woodard and the Awakening of President Harry S. Truman and Judge J. Waties Waring,” which was the subject of a recent episode of “American Experience” on PBS. Judge Gergel will discuss the primary subjects of his book — Sgt. Isaac Woodard, President Harry S. Truman and Judge J. Waties Waring — and how a horrific racial incident forever intertwined these three men to change the course of America's civil rights history.

The symposium continues on Saturday, July 10, with presentations about what we have learned during the recent era and how we can use these lessons to increase access to justice, address racial inequality, strengthen data security and better prepare for the challenges that lie ahead.

Please join us in person with your peers throughout the nation at the 2021 NFJE Symposium.



Lessons Learned, Challenges Ahead: *Emphasizing the Importance of the Judiciary in the New Normal*

Schedule of Events

Friday, July 9, 2021

- 4:00–5:00 p.m. **Registration**
-
- 5:00–6:00 p.m. **Keynote: “Unexampled Courage”**
Judge Gergel shares the story of the blinding of Isaac Woodard, a battlefield-decorated African American sergeant who was beaten and blinded by a police officer in a small South Carolina town on the day of his discharge from the Army in February 1946 while still in his dress uniform. This tragic incident inspired President Truman to direct the criminal prosecution of the officer and to order the desegregation of the armed forces of the United States and motivated U.S. District Judge Waties Waring, the presiding judge at the ill-fated criminal prosecution of the officer in South Carolina, to become the first of the courageous Southern civil rights judges. Judge Waring made the now legendary 1951 dissent in the first of the major school desegregation cases, *Briggs v. Elliott*, which became the model for the Supreme Court’s decision in *Brown v. Board of Education* three years later.
The Honorable Richard Mark Gergel, U.S. District Court for the District of South Carolina, Charleston, SC
-
- 6:00–7:15 p.m. **Welcome Reception**

Saturday, July 10, 2021

- 7:30–8:15 a.m. **Continental Breakfast**
-
- 8:15–8:30 a.m. **Welcome and Introductions**
Laura E. Proctor, NFJE President
Amy L. Miletich, 2021 Symposium Chair
-
- 8:30–9:30 a.m. **Ensuring Racial Equality and Justice for All in State Courts**
In the wake of a national reckoning to address systemic racism and discrimination after the tragic deaths of George Floyd and others in 2020, many state courts — like other public and private institutions — committed to intensifying efforts to combat bias and racism to promote justice and equality for all. This session explores specific actions and policies taken by state courts in support of addressing racial prejudice in justice systems.
Moderator | Bryan Browning, Lenovo, Chicago, IL
The Honorable Tanya M. Bransford, Hennepin County District Court, Minneapolis, MN
The Honorable Susan F. Maven, New Jersey Superior Court, Atlantic City, NJ
The Honorable Veronica Galván, Chief Judge, Maleng Regional Justice Center, Kent, WA
-
- 9:30–10:00 a.m. **Break**
-
- 10:00–11:45 a.m. **Virtual Jury Trials in the COVID-19 Era**
Not only can witnesses testify electronically from a remote location in some jurisdictions, but completely virtual jury trials have begun to be held in response to the pandemic of this past year. Appellate courts will soon face the task of determining how to review trials conducted remotely in whole or in part. This panel, with participation from both the plaintiffs’ and defense bars, will set out the facts about how

remote jury trials have actually been held and will discuss some of the issues presented by these trials.

Moderator | Michael B. King, Carney Badley Spellman PS, Seattle, WA

Lisa P. Oberg, Husch Blackwell LLP, Oakland, CA

Mark Scheer, Scheer.Law PLLC, Seattle, WA

Michael B. Wallace, Wise Carter Child & Caraway PA, Jackson, MS

Michael S. Wampold, PWRFL, Seattle, WA

11:45 a.m.–1:00 p.m. **Lunch**

1:00–2:45 p.m. **Unringing the Cybersecurity Bell: The Court’s Role in Mitigating Cybersecurity Risks Invited during the Discovery Process**

Attorneys assume ethical duties to maintain the confidentiality of their own clients’ communication and information. Protective orders governing the handling of trade secrets and other sensitive information can also have a binding impact on the parties and their law firms’ handling of confidential information. But what responsibility, legal or ethical, do attorneys have to assure that *their own* law firm’s network security system is adequate to protect the opposing party’s highly sensitive information from disclosure in the event of a cyber intrusion? And what role should the attorneys whose clients’ information is at risk of disclosure play in assuring the *opposing* law firm’s network security system is so adequate? Where do the trial courts fit in resolving these questions? And what if they get it wrong? This panel will explore the recent and growing cybercrime events against law firms, what impact this has on the disclosure of sensitive information in discovery in the cybersecurity and data breach age, and what role the parties and the courts have in maintaining the confidentiality and security of information exchanged in discovery while balancing the truth-finding objectives of discovery itself.

Moderator | Imoh Akpan, Goldberg Segalla LLP, Baltimore, MD

Eric Cole, Secure Anchor Consulting, Ashburn, VA

The Honorable Joseph C. Iannazzone, Senior Judge, State Court of Gwinnett County, Grayson, GA

Edward S. Sledge IV, Bradley Arant Boult Cummings LLP, Birmingham, AL

2:45–4:00 p.m. **Hopeful Signs from a Hard Year**

By any measure, the last year has been an extraordinarily difficult one. Yet it also has demonstrated the judiciary’s potential for innovation, greater social awareness and principled decision-making. This session will explore how our recent experience can point the way to increasing access to justice, recognizing and beginning to mitigate the effects of structural inequality, and strengthening judicial independence.

The Honorable Jeremy Fogel (retired), Executive Director, Berkeley Judicial Institute, Berkeley, CA

4:00–4:45 p.m. **All-Speaker Panel**

Our speakers and audience participants will engage in a lively discussion of topics generated from the symposium sessions, addressing the competing approaches to state law.

Moderator | Sara Kobak, Schwabe Williamson & Wyatt PC, Portland, OR

Speakers



Imoh E. Akpan is a partner at Goldberg Segalla LLP. He is an accomplished litigator with nearly 15 years of experience representing corporations and insurers in a variety of matters involving catastrophic injury, wrongful death, general negligence, negligent security, civil rights and other types of claims. Imoh is a member of the Federation of Defense and Corporate Counsel and DRI's Diversity Committee. A trusted counselor to his longtime clients, he has particularly deep experience in the trucking and transportation, retail and hospitality, and construction industries in the state and federal courts in Maryland and Washington, D.C. Imoh clerked for the Honorable Althea M. Handy of the Baltimore City Circuit Court and the Honorable Inez S. Reid of the District of Columbia Court of Appeals.



The Honorable Tanya M. Bransford has served as a district court judge in Hennepin County District Court since 1994 and has presided over cases in the areas of criminal, civil, juvenile, traffic and family law. Judge Bransford currently manages a block of child protection and juvenile delinquency cases and renders decisions on cases including issues such as certification to adult court and termination of parental rights. She served as the presiding juvenile court judge from 2006 to 2008. As the presiding juvenile court judge, she led the Juvenile Detention Alternatives Initiative, which dramatically reduced the number of young people in detention. Prior to her appointment, she was the first Black woman to serve as a district court referee in Hennepin County and the first Black woman workers' compensation judge with the Office of Administrative Hearings.



Bryan Browning is senior legal counsel at Lenovo, a Fortune Global 500 company, where he manages complex commercial, products, antitrust, class-action, privacy, consumer and employment litigation globally for the company and provides risk mitigation and business consultation services. Prior to joining Lenovo, Browning was a shareholder at Bassford Remele PA in Minneapolis.



Dr. Eric Cole is the founder of Secure Anchor Consulting, a leading provider of cybersecurity solutions and services. In addition to his consulting work at Secure Anchor, he is an experienced expert witness. He works on a wide range of cases, including but not limited to intellectual property litigation, trade secret matters and cybersecurity breaches. He is a former adjunct professor at Georgetown University and New York Institute of Technology and a guest lecturer at Purdue University; Massachusetts Institute of Technology; Harvard University; and UC Berkeley. He served as a member of the Presidential Commission on Cybersecurity and is a member of several advisory boards.



The Honorable Jeremy Fogel (retired) is the executive director of the Berkeley Judicial Institute, a center at UC Berkeley School of Law with a mission to build bridges between judges and academics and to promote an ethical, resilient and independent judiciary. Prior to his appointment at UC Berkeley, he served as director of the Federal Judicial Center in Washington, D.C., from 2011 to 2018; as a U.S. district judge for the Northern District of California from 1998 to 2011; and as a judge of the Santa Clara County Superior and Municipal Courts from 1986 to 1998 and from 1981 to 1986, respectively. He was the founding directing attorney of the Mental Health Advocacy Project from 1978 to 1981.



The Honorable Veronica Galván is the chief judge of the Maleng Regional Justice Center. She is a 1994 University of Washington School of Law graduate. She has served as an assistant city attorney for the City of Seattle and also served the City of Federal Way in this same capacity. Judge Galván took the bench in 2001 as a judge pro tempore and was appointed to a full-time judicial position as an administrative law judge in 2002. In 2007, Judge Galván was appointed to the Des Moines Municipal Court, where she served with distinction, earning the Juez Excepcional award from the Latina/o Bar Association of Washington. Governor Jay Inslee appointed Judge Galván to the King County Superior Court in December of 2014.



The Honorable Richard Mark Gergel is a U.S. district judge for the District of South Carolina and presides in the same courthouse where Judge Waties Waring once served. Judge Gergel was nominated by President Barack Obama and was confirmed by unanimous consent of the U.S. Senate in August 2010. He is a graduate of Duke University and the Duke University School of Law. He is the author of numerous books and articles about legal and civil rights history, including “Unexampled Courage: The Blinding of Sgt. Isaac Woodard and the Awakening of President Harry Truman and Judge Waties Waring.” A recently nationally broadcast documentary film by PBS, “The Blinding of Isaac Woodard,” was based on Judge Gergel’s book.



The Honorable Joseph C. Iannazzone currently serves as a senior judge of the State Court of Georgia, after 30 years on the trial bench in Gwinnett County, Ga. He also is active as a mediator and arbitrator. During his time on the bench, he developed an affinity for complex litigation, and he currently serves as the Gwinnett County judge for the Metro Atlanta Business Case Division. In addition to local judicial organizations, he is active in and has chaired several subcommittees of the American Bar Association’s Business Law Section. He is a former past president of the American College of Business Court Judges. He has lectured and written about various topics, including e-discovery and data security. He was a member of “The Sedona Conference Commentary on a Reasonable Security Test.”



Michael B. King is a principal of Carney Badley Spellman in Seattle, where his practice focuses on appellate litigation. King has argued more than 170 cases to full merits panels and has represented clients before state and federal appellate courts across the United States. He is a Fellow of the American Academy of Appellate Lawyers and a past chair of DRI’s Appellate Advocacy Committee. He has spoken about appellate practice issues at conferences around the country.



Sara Kobak is an attorney in Portland, Ore., with Schwabe, Williamson & Wyatt, PC. She focuses her practice on appellate litigation in diverse subject areas, including commercial disputes, insurance issues, tort claims, administrative appeals and constitutional law issues. In addition to her appellate practice, Kobak helps to develop legal arguments and strategy in state and federal trial and administrative proceedings. She maintains an active pro bono practice, including most recently assisting with the briefs in a death penalty post-conviction proceeding.



The Honorable Susan F. Maven was sworn in as a New Jersey Superior Court judge on December 18, 2001. She is the first and only African American woman to be appointed to the Superior Court in Atlantic and Cape May Counties. She has been assigned to the Family Division in Atlantic County and the Criminal Division in Atlantic and Cape May Counties. Judge Maven served in the Appellate Division from 2012 to 2016. In 2016, she returned to the Family Division, where she presides over the juvenile delinquency docket and other family court cases.



Amy L. Miletich is a founding member of the Denver-based firm Miletich PC. Her practice is focused on employment law matters, civil litigation and insurance law. Miletich has extensive experience with employment law matters and has represented domestic and international private employers and public employers in the defense of claims alleging violations of federal and state employment laws. She serves on the boards of directors of NFJE and the Federation of Defense and Corporate Counsel. She is a former national director of DRI and a former chair of DRI's Employment and Labor Law Committee. Miletich's work has led to several honors, including being listed in "The Best Lawyers in America" and being named one of the Top 50 Women Colorado Super Lawyers.



Lisa L. Oberg, for more than 25 years, has managed complex tort trial teams and provided advice to clients about national and local strategies in the defense of product liability, premises liability and mass tort claims. As national coordinating counsel, she oversees thousands of cases nationwide for multiple clients and monitors general trends in complex tort litigation. Oberg is on several committees providing direct input from counsel's perspective to the courts about the management of asbestos litigation.



Laura E. Proctor serves as associate general counsel, litigation and employment, for Numotion in Nashville, where she has responsibility for managing all aspects of the company's litigation and advising on employment and human resources matters. Prior to working with Numotion, Proctor served as deputy general counsel for Louisiana Pacific Corp. in Nashville. She currently serves as president of NFJE and has been a member of its executive committee since 2017. She is an active member of DRI, the largest organization of civil defense lawyers, where she served as its president in 2015-2016. Proctor was the organization's first corporate counsel president and its third female president. She also served on DRI's Executive Committee from 2010 to 2017 and on its board of directors as a national director from 2007 to 2010. She is active in several DRI committees including DRI's Corporate Counsel Committee, of which she is a founding member. In addition to her involvement with DRI, Proctor also is a member of International Association of Defense Counsel, where she served on the Corporate Counsel College Advisory Board and the Tennessee Defense Lawyers Association. She also serves on the President's Cabinet for the University of Alabama. Proctor is a graduate of the University of Alabama and earned her J.D. at the University of Alabama School of Law.



Mark Scheer has an active trial practice focusing on complex litigation. He is routinely retained as lead trial or monitoring counsel on a wide variety of high-exposure cases. Scheer is a member of the International Association of Defense Counsel; Themis Advocates Group; and the Washington Defense Trial Lawyers, where he served four years on the board of directors. He is admitted to practice in Washington, Oregon, Idaho and Alaska and serves as national counsel for a corporation for which he monitors and is involved in cases throughout the United States. Mark speaks regularly at national and international conferences.



Ed Sledge is a partner at Bradley LLP, where his national practice focuses on complex business and commercial litigation in courts across the country. He also routinely represents businesses in bet-the-company litigation including high-exposure personal injury and wrongful death matters. Sledge has tried cases in multiple state and federal courts and in arbitration and is a frequent lecturer and author about civil litigation and trial issues. He is a Fellow of the American Bar Foundation and has been listed among “The Best Lawyers in America,” Mid-South Super Lawyers and the top 50 Alabama Super Lawyers, among other honors.



Michael B. Wallace of Jackson, Miss., handles complex civil litigation with an emphasis on appellate practice. After graduating from the University of Virginia Law School, he clerked for Justice William Rehnquist. He is a former chair of DRI’s Appellate Advocacy Committee.



Michael S. Wampold attended Yale University and the University of Washington School of Law. He has won numerous multimillion-dollar verdicts and received many accolades for his trial work, including being named the Washington State Association for Justice Trial Lawyer of the Year and being invited to join the American College of Trial Lawyers and the American Board of Trial Advocates, where he served as president of the Washington chapter.

Loews Chicago: It’s Happening in Chicago

Chicago is spectacular in the summer. The weather is ideal; the city’s beautiful lakefront is a flurry of activity; and there is an abundance of cultural, sporting, entertainment and dining offerings.

The Loews Chicago is close to many Chicago attractions, including Navy Pier, Millennium Park and the Magnificent Mile. Other nearby attractions include the John Hancock Building; the Museum of Contemporary Art Chicago; the Art Institute of Chicago; the Chicago Theatre District; and the Museum Campus, which features the Field Museum, Shedd Aquarium and the Adler Planetarium.



Registration

To register:

Phone: 312.698.6202

Email: tparks@nfje.net

Hotel and Travel Arrangements

This program has limited capacity. Registration is on a first-come, first-served basis. Once NFJE receives your completed registration form, you will be sent an e-mail confirmation with instructions about making your hotel and travel reservations. Please note: If you do not receive an email confirmation within 48 hours, please contact NFJE directly. Please be advised you will need to secure your hotel reservations on or before July 9, 2021.

NFJE will pay for the cost of a classic room for the nights of Friday, July 9, and Saturday, July 10, as well as transportation costs (air, rail and ground) up to \$500. When making your travel arrangements, please plan to arrive by 3:00 p.m. on Friday, July 9. If you would like to extend your stay at the hotel, you are welcome to do so at your own expense.

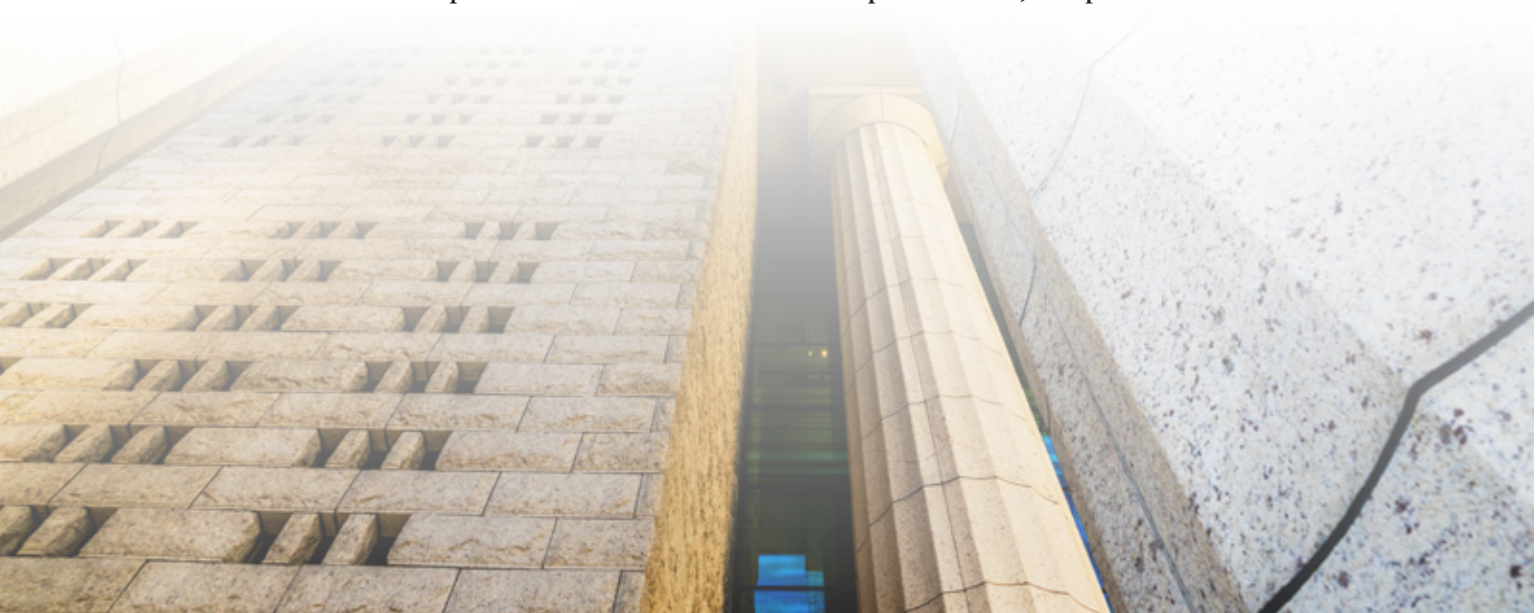
Loews Chicago Hotel
455 N. Park Drive
Chicago, IL 60611
312.840.6600
www.loewshotels.com/chicago-downtown

Cancellations

If you must cancel your attendance, please do so at least three weeks prior to the event so a judge on the waiting list may attend. All cancellations must be received in writing via email to tparks@nfje.net.

The Annual Judicial Symposium is a tuition-free program for state appellate court judges.

Transportation and hotel accommodations are provided at NFJE's expense.



2021 NFJE Board of Directors

Chair of the Board

Dan D. Kohane
Hurwitz & Fine

President

Laura E. Proctor
Numotion

Vice President

Thomas E. Ganucheau
Beck Redden

Secretary-Treasurer

Dean Martinez
NFJE

Directors

Michael F. Aylward
Morrison Mahoney LLP

Tillman J. Breckenridge
Breckenridge PLLC

Douglas K. Burrell
Drew Eckl & Farnham

John E. Cuttino
Gallivan, White & Boyd

Bryan C. Garcia
Garcia Law Group LLC

Kathleen M. Guilfoyle
Campbell Conroy and O'Neil

Mary Massaron
Plunkett Cooney

Amy L. Miletich
Miletich PC

Richard R. Roberts
FedEx

Brittany M. Schultz
Ford Motor Company

Thomas R. Schultz
Schultz & Pogue

Thomas F. Segalla
Goldberg Segalla LLP

Edward S. Sledge IV
Bradley Arant Boulton Cummings

Scott Burnett Smith
Bradley Arant Boulton Cummings

John Parker Sweeney
Bradley Arant Boulton Cummings

Richard D. Tucker
Tucker Law Group

Philip L. Willman
Brown & James

Meghan H. Yanacek
Hall Booth Smith PC

Emeritus

Richard T. Boyette
Cranfill Sumner LLP

Henry Mills Gallivan
Gallivan, White & Boyd

Peter J. Hersha

John H. Martin
Thompson & Knight

Lloyd H. Milliken Jr.

William R. Sampson
Shook, Hardy & Bacon

Robert E. Scott Jr.
Wilson Elser Moskowitz

Robert W. Shively
Shively Law Group

J. Michael Weston
Lederer Weston Craig PLC

Sheryl J. Willert
Williams Kastner

Special Advisor

John R. Kouris
Special Advisor to the NFJE
Executive Committee

2021 NFJE Program Committee

2021 Symposium Chair

Amy L. Miletich
Miletich PC
Denver, CO

Program Vice Chair

Sara Kobak
Schwabe Williamson
& Wyatt PC
Portland, OR

Committee Members

Imoh Emmanuel Akpan
Goldberg Segalla LLP
Baltimore, MD

Bryan R. Browning
Lenovo
Chicago, IL

Mark A. Fahleson
Rembolt Ludtke LLP
Lincoln, NE

Michael B. King
Carney Badley Spellman PS
Seattle, WA

Amy Mass
The Hanover Insurance Group
Howell, MI

E. Todd Presnell
Bradley Arant Boulton Cummings LLP
Nashville, TN

Jane Regan
Ford Motor Company
Dearborn, MI

Edward S. Sledge IV
Bradley Arant Boulton Cummings LLP
Birmingham, AL

Michael B. Wallace
Wise Carter Child
Jackson, MS

Laura E. Proctor
Numotion
Nashville, TN

Thomas Ganucheau
Beck Redden LLP
Houston, TX

Rebecca S. Hansen
Von Briesen & Roper
Milwaukee, WI

Dean Martinez
DRI
Chicago, IL



National Foundation for Judicial Excellence

222 S. Riverside Plaza, Suite 1870

Chicago, IL 60606

Phone: 312.698.6202

Email: nfje@nfje.net

Website: www.nfje.net