

INSTITUTE of JUDICIAL  
ADMINISTRATION

# IJA Report

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Support IJA!

## Chief Judge Janet DiFiore, New York Court of Appeals, Delivers IJA's 24th Annual Brennan Lecture on State Courts and Social Justice on "The Excellence Initiative and the Rule of Law"

The chief judge of New York State's highest court, the New York Court of Appeals, delivered the 2018 Annual William J. Brennan Lecture on State

Courts and Social Justice to an audience of judges, prosecutors, students, faculty, and lawyers. Chief Judge Janet DiFiore discussed her *Excellence Initiative*, a system-wide campaign to promote efficient, accessible, high-quality justice that produces fair, effective, and lasting outcomes for all litigants.

"We find ourselves living in a historical moment—a moment when the rule of law is threatened on many fronts..." said Chief Judge DiFiore, who noted that when courts are efficient and accessible, they then operate from a position of strength in defending our society against those who attack our courts and judicial independence.

DiFiore announced the *Excellence Initiative* shortly after she took office in 2016. The initial

program focus was on court congestion and delays making litigation time-consuming and unaffordable for low-income, working families and small businesses. Other changes include (1)

establishing the nation's first opioid intervention court linking high-risk opioid-users to intensive treatment within 24 hours of arrest; and (2) harnessing technology in New York City Family Court to protect victims of domestic violence, including instituting a remote order of protection program where initial ex parte hearings may be conducted via videoconference

from safe havens. In the area of criminal justice, recommendations for reform include expansion of the state's DNA databank and improvement of the identification procedures used by police and prosecutors. In November 2017, the administrative board of the courts adopted a rule requiring judges presiding over criminal trials

*Continued on page 2.*



## IJA in 2019!

Check our website  
for updates: [www.law.nyu.edu/centers/judicial](http://www.law.nyu.edu/centers/judicial)

### March 6 (Wednesday)

IJA's 25th Annual Brennan Lecture on State Courts and Social Justice, featuring Chief Justice Nathan L. Hecht, Texas Supreme Court. To register: <http://bit.ly/IJA2019BrennanLectureHecht>

### July 14–19 (Sunday–Friday)

IJA's 60th Annual New Appellate Judges Seminar. For information and registration: [www.law.nyu.edu/centers/judicial/appellatejudgesseminar](http://www.law.nyu.edu/centers/judicial/appellatejudgesseminar)

Continued from cover.

to issue standing orders advising prosecutors and defense counsel of their professional obligations and responsibilities.

IJA's annual lecture series celebrating state courts is named in honor of Justice William Brennan, who served five years on the New Jersey Supreme Court before his appointment to the US Supreme Court. DiFiore commended the IJA lecture noting, "It is indeed in the state courts that the average American interacts with the justice system." ◊



Chief Judge DiFiore with IJA Faculty Directors: Professors Samuel Estreicher, Troy McKenzie and Oscar Chase.



A standing ovation for Chief Judge DiFiore's address.



Chief Judge DiFiore listens to audience members.

## IJA Goes To Washington, DC

IJA assembled five veteran appellate judges and four appellate advocates for an interactive discussion in DC entitled *Effective Appellate Advocacy: Views from the Bench and the Bar*, at the E. Barrett Prettyman Courthouse, US Court of Appeals for the DC Circuit. The event was co-sponsored by the Edward Coke Appellate Inn of Court and attended in an overflowing room by around 100 people.

Judicial panelists were Patricia Millett and Sri Srinivasan (US Court of Appeals for the DC Circuit), Thomas Ambro (US Court of Appeals for the Third Circuit), Pamela Harris (US Court of Appeals for the Fourth Circuit), and Roy McLeese III '85 (DC Court of Appeals). The judges candidly shared their views on written and oral appellate advocacy, including tips for what advocates can do to help the bench with a difficult statute, views on amici briefs and footnotes, and disclosing certain "pet peeves."

The bar was represented by IJA Advisory Board members: former US Solicitor General Paul D. Clement (Kirkland & Ellis), Jonathan Hacker (O'Melveny & Myers),

Robert Long (Covington & Burling), and Deanne Maynard (Morrison & Foerster). The veteran advocates shared their views and experience on a range of issues, such as selecting issues for appeal, structuring of the brief, preparing for oral argument, and how to handle "bad" facts. ◊



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# Rain or Shine: IJA Co-Hosts the 21st Annual Employment Law Workshop For Federal Judges

IJA hosted its 21st Annual Employment Law Workshop for Federal Judges in cooperation with the Federal Judicial Center (FJC) and the NYU Center for Labor and Employment Law on March 21–23, 2018. Despite a major snowstorm that shut down much of the city and all of New York University, the program faculty and NYU staff (from hospitality, security, and audio visual) braved the elements or lodged in dorms overnight to ensure IJA could host around 35 federal judges already in town for this annual workshop.

The workshop provides the opportunity for federal judges from around the country to learn about updates and elements of labor and employment cases, as well as to gain practical insight for managing them. Each panel is comprised of a federal judge, an experienced employee-side attorney, and an experienced management-side attorney. Subjects ranged from staples such as “Implicit Bias” featuring the Honorable Lorna G. Schofield ’81 of

the US District Court for the Southern District of New York (SDNY), and “Retaliation and Whistleblowers” featuring the Honorable Carl E. Stewart of the US Court of Appeals for the Fifth Circuit, to evolving issues of transgender rights, medical issues and disability in the workplace, evolving workplace technology, the use of data analytics in management decisions, and electronic discovery. Other faculty judges included: Patty Shwartz (US Court of Appeals for the Third Circuit), Catherine Blake (US District Court for the District of Maryland), Lee Rosenthal (US District Court for the Southern District of Texas), and Helen Adams (US District Court of the Southern District of Iowa), as well as New York Southern District judges, Kevin Castel, John Koeltl, and Laura Taylor Swain, and, finally, Kiyo Matsumoto of the Eastern District, who trudged precariously through the snow in a foot cast to keep her speaking engagement. ○

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## IJA Hosts the Federal Judicial Center’s Mid-Career Seminar for Federal Bankruptcy Judges *November 14–16*

IJA hosted around 35 federal judges for the Federal Judicial Center’s (FJC) Mid-Career Seminar for US Bankruptcy Judges on November 14–16, 2018, at NYU Law. Coordinated by IJA Faculty Director Troy McKenzie ’00, who is a member of the FJC Bankruptcy Education Committee, the program also featured NYU Law Professor Barry Adler, as well as NYU Law Senior Fellow Arthur J. Gonzalez (Retired Chief Judge, Bankruptcy SDNY). In addition, the program was led by a faculty of distinguished judges, such as bankruptcy judges Chief Judge Mildred Cabán ’86 (Bankruptcy DPR) and James L. Garrity Jr. (Bankruptcy SDNY).

The workshop addressed issues common to all judges as applied in a bankruptcy setting, such as the ways in which scientific, technical, economic, and social complexity challenges judges’ ability to make informed and thoughtful decisions, for instance, as applied to a bankruptcy court’s valuation of assets. Chief Judge Robert Katzmann of the Second Circuit joined a panel exploring how judges appropriately can act as change agents in their courtrooms, their courts, within the legal community and in society generally. ○



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# The United States Court of Appeals for the Armed Forces: An Article I Court In An Article III World

by Judge Andrew S. Effron

*This article provides a brief introduction to the US Court of Appeals for the Armed Forces (USCAAF)—“an independent tribunal established under Article I of the Constitution.”<sup>1</sup> The Court is composed of five civilian judges, appointed by the President for 15-year terms, subject to Senate confirmation.<sup>2</sup> Congress established the Court in the aftermath of World War II to provide civilian judicial review of courts-martial.<sup>3</sup>*

## Overview

A court-martial is a trial forum established under the constitutional authority of Congress “To make Rules for the Government and Regulation of the land and naval Forces.”<sup>4</sup> The modern court-martial, which is governed by the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial (MCM), primarily involves the exercise of jurisdiction over members of the armed forces.<sup>5</sup> A court-martial employs many of the criminal law practices familiar to civilian practitioners, such as notice of charges, proof beyond a reasonable doubt, and rules of evidence and procedure based in large part upon the federal rules applicable in civilian courts. In some respects, military justice procedures are viewed as more protective of the accused than civilian procedures, such as the rules governing self-incrimination warnings, while in other respects military justice procedures are viewed as less protective, such as the rules governing search and seizure.<sup>6</sup>

Five differences are particularly noteworthy in the context of issues that frequently arise in appellate review: (1) The military commander plays an important role

exercising discretion as to whether a case should be referred to a court-martial, selecting the military personnel who will function as jurors on a court-martial panel, and taking post-trial clemency action; (2) the members of the military judiciary at the trial level and at the Courts of Criminal Appeals (the intermediate appellate courts) do not have fixed statutory terms of office; (3) courts-martial consider charges that include both traditional criminal law offenses, such as murder, rape, and robbery, as well as unique military offenses, such as unauthorized absence, disobedience of orders, and dereliction in the performance of duties; (4) courts-martial may impose both traditional criminal penalties (such as confinement, fines, capital punishment) and unique military penalties (such as punitive discharges, forfeiture of pay, and reduction in rank); and (5) a deferential standard of review applies when assessing the application of constitutional guarantees in the military justice system.<sup>7</sup>

## The evolution of the Article I—Article III relationship in military justice cases

The historical development of the military justice system frequently plays an important role in judicial review of court-martial cases, particularly with respect to constitutional issues involving differences between



<sup>1</sup> S. Rep. No. 101-81 at 171 (1989).

<sup>2</sup> See David A. Schlueter, *Military Criminal Justice: Practice and Procedure* (2018), § 18-5(A).

<sup>3</sup> See Jonathan Lurie, *Military Justice in America: The U.S. Court of Appeals for the Armed Forces, 1775-1980* (2001), chs. 9-10.

<sup>4</sup> Art. I, §8, cl. 13.

<sup>5</sup> See Schlueter, *supra* note 2, § 1-7 (overview of the present system). The UCMJ is codified at 10 U.S.C. §§ 801-946a; the Joint Service Committee on Military Justice maintains links to the MCM and related documents at: <https://jsc.defense.gov/>

<sup>6</sup> See generally Report of the Military Justice Review Group, Part I: Legislative Proposals (Dec. 22, 2015), § B (providing a detailed description of the differences between military and civilian criminal law practices), available at: <http://ogc.osd.mil/mjrg.html>

<sup>7</sup> See, e.g., *Parker v. Levy*, 417 U.S. 733 (1974).



military and civilian practices. The current appellate structure evolved over four different periods.<sup>8</sup>

#### **1. 1775–1920—The Historical Foundation.**

From the Revolutionary War through World War I, the military justice system operated without a requirement for legally qualified judges or counsel at trial and on appeal. A commander referred cases for trial, appointed the court-martial panel, conducted post-trial review, and could return acquittals to the panel for reconsideration. Some cases were submitted to higher authorities for review, but none of the post-trial proceedings involved direct appellate review by judicial authorities. Article III courts considered collateral challenges to courts-martial, focusing narrowly on matters of jurisdiction over the person, the offense, and the sentence.

#### **2. 1920–1948—The Initial Reforms.**

During World War I, which involved many civilians conscripted into military service, highly publicized controversies about the fairness of military justice practices led to internal reforms in the Army, followed by congressional amendments to the Army's Articles of War in 1920 that provided for a "law officer" to participate as a member of the panel in general courts-martial (but not as the presiding officer), a prohibition on reconsideration of acquittals, and post-trial consideration by Boards of Review in cases involving higher levels of punishment. The opinions of the Board of Review were advisory in nature and could be rejected by senior officials.

#### **3. 1948–1982—Judicial Review at the Trial and Appellate Levels.**

In World War II over 16 million Americans served in uniform. The services conducted 1.7 million courts-martial, with over 100 executions, and with more than 45,000 American service members remaining in confinement at the end of the war. During and after the war, veterans' groups, bar associations, and others expressed dissatisfaction with a system with trials conducted without a legally trained presiding officer; with trial and review procedures that did not require the participation of legally qualified counsel; with the interjection of command views of the merits of a case during the court-martial process; and with no direct judicial review. Congress addressed these concerns through two post-war enactments—amendments to the Army's Articles of War in 1948 and a comprehensive revision in 1950 applicable

to all the armed forces—the UCMJ—which was further refined in 1968 during the Vietnam War to enhance the responsibilities of the military judiciary.

Although commanders retained important powers under the UCMJ (including the authority to refer cases to trial, select panel members, and provide post-trial clemency in certain cases), the actions of commanders were now subject to judicial review at the trial and appellate level, and were further constrained by a new prohibition against unlawful command influence. A legally qualified officer (designated as the military judge in 1968) presided at trial, with the power to issue definitive judicial rulings and instructions. The Boards of Review (currently designated as the Courts of Criminal Appeals) conducted intermediate appellate review, with the judicial power to issue binding legal decisions, including decisions addressing the legality of pretrial and post-trial actions by military commanders. Congress established an independent civilian court, the Court of Military Appeals (currently the USCAAF) to review decisions from the intermediate courts, with the power to issue binding rulings on issues of law. In 1968, Congress expressly addressed the status of the Court, providing in statute that the Court was established under Article I of the Constitution, and that it was located "for administrative purposes only" in the Department of Defense.<sup>9</sup>

During the initial period of direct judicial review by the Court of Military Appeals, the Supreme Court expanded collateral review beyond jurisdictional issues to include consideration of whether the courts in the military justice system had undertaken full and fair consideration of constitutional claims.<sup>10</sup> In a case addressing the relationship between direct and collateral review, the Supreme Court approved the exercise of judicial powers by the Court of Military Appeals, concluding that the Court of Military Appeals drew its powers not only from the UCMJ, but also from the All Writs Act, 28 U.S.C. 1651(a), a statute authorizing issuance of writs in specified circumstances by "all courts established by Act of Congress."<sup>11</sup>

#### **4. 1983 to the present—direct appellate review in the Supreme Court.**

Under the UCMJ as originally enacted in 1950, direct judicial review ended with the Court of Military Appeals. In 1983, at the request of the Department of Defense, Congress established jurisdiction in the Supreme Court

<sup>8</sup> See generally Lurie, *supra* note 3; Schlueter, *supra* note 2, § 1-6; Military Justice Review Group, *supra* note 5, § A, pt. 1; Richard D. Rosen, Civilian Courts and the Military Justice System: Collateral Review of Courts-Martial, 108 Mil. L. Rev. 5 (1985). The Library of Congress maintains a website containing legislative and regulatory source materials on military justice: [https://www.loc.gov/rr/frd/Military\\_Law/military-legal-resources-home.html](https://www.loc.gov/rr/frd/Military_Law/military-legal-resources-home.html)

<sup>9</sup> Public Law, 90-340, 82 Stat. 178 (currently codified at 10 U.S.C. § 941 (art. 141)).

<sup>10</sup> *Burns v. Wilson*, 346 U.S. 137 (1953).

<sup>11</sup> *Noyd v. Bond*, 395 U.S. 683 (1969).

to review cases from the Court of Military Appeals (except for decisions denying discretionary review).<sup>12</sup> As noted in a 1983 congressional report accompanying the legislation:

[T]here is no present authority for either party to seek direct Supreme Court review of decisions by the Court of Military Appeals. The accused may attempt to mount a collateral attack at his own expense, a difficult and costly endeavor, but the government has absolutely no judicial recourse from adverse decisions. ...

The Court of Military Appeals is an independent judicial tribunal. It has demonstrated a willingness to strike down provisions of the Manual for Courts-Martial and departmental regulations, and to interpret provisions of the UCMJ to require procedural requirements or to impose limitations. Such a development is a natural outgrowth of the creation of a civilian tribunal. When the Court overturns a rule or interprets a statute on non-constitutional grounds, the President can amend the rule or seek an amendment of the statute. However, the absence of Supreme Court review means that the government cannot obtain judicial review of a decision by the Court of Military Appeals. This means that the Court of Military Appeals can render a decision as a matter of constitutional law interpreting a rule or statute in a manner that the President, on an issue vital to military discipline, might consider inconsistent with the intent of Congress or the views of the Supreme Court, but he could not obtain Supreme Court review. There is no other agency of government whose regulations can be ruled to be unconstitutional by a judicial body that is not subject to review by the Supreme Court.<sup>13</sup>

In the same legislation, Congress underscored the judicial powers of the appellate courts in the military justice system by including a provision that separated the judicial power to issue final rulings on the legality of the proceedings from the executive power to take actions in the nature of clemency.<sup>14</sup>

The Supreme Court has exercised its appellate jurisdiction over the USCAAF sparingly but to great effect. On direct review the Supreme Court has issued important decisions addressing self-incrimination,<sup>15</sup>

jurisdiction of courts-martial,<sup>16</sup> capital litigation,<sup>17</sup> the scope of authority under the All Writs Act,<sup>18</sup> due process,<sup>19</sup> and the appointments clause.<sup>20</sup>

In its most recent term, the Supreme Court examined the Article I–Article III relationship in the course of considering whether direct appeals from the USCAAF could be reviewed by the Supreme Court under the appellate jurisdiction clause in Article III of the Constitution. After reviewing the historical background and the precedents involving Article I courts, the Supreme Court concluded that “the judicial character and constitutional pedigree of the court-martial system enable this Court, in exercising appellate jurisdiction, to review the decisions of the court sitting at its apex.”<sup>21</sup> The decision reflects the evolution of court-martial review from a command activity to a judicial process in which civilian appellate review is accomplished by an Article I court, the USCAAF, subject to final review by an Article III court, the Supreme Court of the United States.

*\*The author, Judge Andrew Effron, has served in a variety of judicial, legislative, and executive positions, including service as the chief judge of the United States Court of Appeals for the Armed Forces; general counsel and minority counsel of the Senate Armed Services Committee; director of the Department of Defense Military Justice Review Group; attorney-advisor in the Department of Defense Office of General Counsel; judge advocate in the Army; and legislative aide in the House of Representatives. He is a graduate of Harvard College, Harvard Law School, and the Judge Advocate General's School, US Army. As an adjunct professor, he has taught courses in military law at the Georgetown University Law Center and appellate practice at the George Washington University Law School. He attended the NYU-IJA New Appellate Judges Seminar in 1997, and recently participated at NYU in a panel discussion of the Article I–Article III relationship with Professors Richard Epstein and Troy McKenzie '00. ◊*

12 10 U.S.C. § 867a(a) (art. 67(a)); 28 U.S.C. § 1259.

13 S. Rep. No. 98-53, at 8-9 (1983).

14 See *id.* at 24-25.

15 *United States v. Davis*, 512 U.S. 452 (1994) (considering whether the accused invoked the right to counsel during interrogation).

16 *Solorio v. United States*, 483 U.S. 435 (1987) (overruling *O'Callahan v. Parker*, 399 U.S. 258 (1969), a collateral review case that had that greatly restricted court-martial jurisdiction over servicemembers).

17 *Loving v. United States*, 517 U.S. 748 (1996) (sustaining presidential prescription of aggravating factors in military capital cases under congressionally delegated authority).

18 *Clinton v. Goldsmith*, 520 U.S. 529 (1999) (precluding the issuance of a writ in an administrative action not regulated under the UCMJ) and *United States v. Denedo*, 556 U.S. 904 (2009) (approving the issuance of a writ concerning a court-martial case).

19 *Weiss v. United States*, 510 U.S. 163 (1994) (rejecting a due process challenge regarding the independence of the military judiciary, relying in part on the role of the “Court of Military Appeals, which is composed entirely of civilian judges who serve for fixed terms of 15 years. That Court has demonstrated its vigilance in checking any attempts to exert improper influence over military judges.”).

20 *Ryder v. United States*, 515 U.S. 717 (1995), *Edmond v. United States*, 520 U.S. 651 (1997), and *Ortiz v. United States*, 138 S.Ct. 2165 (2018).

21 *Ortiz*, supra note 20, at 2173. Justice Thomas, who joined the seven-judge majority, expressed additional views, *id.* 2184-89. Justice Alito, joined by Justice Gorsuch, dissented. *Id.* at 2189-2206.

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# Stephen Shapiro Remembered

*IJA was shocked and saddened to learn of the loss of our good friend and former board member, Stephen M. Shapiro. Steve was a consummate appellate attorney, a former deputy solicitor general and founder of the Supreme Court and appellate practice groups at Mayer Brown. For many years, Steve was a valued adviser to IJA and dedicated supporter of IJA's mission of promoting access to justice, stepping down only when a back injury prevented him from traveling to New York for IJA events. Below is a tribute to Stephen Shapiro written by Paul Theiss, the chairman of Mayer Brown, and reprinted with permission of that law firm.*

Dear Colleagues,

As we work to come to grips with the shocking loss of our partner and friend, Steve Shapiro, earlier this week, I'd like to pass along some reflections on Steve's singular legacy in our profession and at Mayer Brown.

I will get to Steve's professional accomplishments in a moment. More significant, in my view, was Steve's unflinching courtesy and kindness to everyone he met. He was a titan in his field, but without exception, he treated everyone with respect and kindness. In the past two days so many people, inside and outside Mayer Brown, have shared stories of how Steve touched them with little acts and gestures borne of his goodwill and concern for others. He truly embodied our core commitment to collegiality. Turning to Steve's career: Upon graduation from Yale Law School in 1971, Steve served as a clerk in the Ninth Circuit. He then joined Mayer, Brown & Platt, where he was one of just three appellate lawyers. That number might seem small, but it was quite sizeable at the time—most firms that handled appeals had just a single lawyer devoted to the work, because trial litigators customarily handled their own appeals.

In 1978, Steve left Mayer Brown to join the federal Solicitor General's office in Washington DC. At that time, the SG's office was structured with a solicitor general and four deputy solicitors general, managing the work of about 20 lawyers. When the lawyers were ready for a career change, there were comparatively few opportunities in private practice to continue their appellate advocacy. But Steve was about to change all that.

After rejoining Mayer Brown in 1982, Steve approached the Firm's leadership and proposed that the Firm build an appellate practice modeled after the SG's office, with lawyers who would develop various substantive specialties. Steve soon began recruiting current and former



heavyweights from the SG's office, as well as law professors and Supreme Court clerks.

Within only a few short years of leaving the SG's office, Steve helped to attract to Mayer Brown three other former deputy solicitors general: Paul Bator, Andy Frey and Ken Geller. He also helped recruit at least eight former assistants to the solicitor general, including Mark Levy, Kathryn Oberly, Andy Pincus, Charles Rothfeld, Michael Kellogg, Cliff Sloan, Larry Robbins and Roy Englert. A cadre of talented former US Supreme Court and appeals court clerks also joined the Firm, including current partners Evan Tager, Tim Bishop and Don Falk. Steve continued to take the lead in building the practice, helping to add Philip Lacovara, Arthur Miller, Michael McConnell, Eugene Volokh and Dan Himmelfarb, among others, together with numerous former US Supreme Court and appeals court clerks. As of today, Mayer Brown's all-star team of appellate attorneys boasts five alumni of the SG's office – more than any other firm, to our knowledge.

Meanwhile, along with Robert Stern and Ken Geller, Steve began to bolster Mayer Brown's reputation as a leader in appellate advocacy by authoring the "bible" of Supreme Court practice. Known simply as *Supreme Court Practice*, this treatise, which soon will be published in its 11th edition and is co-edited by Tim Bishop and Dan Himmelfarb, is routinely cited by the Supreme Court itself and is a resource for even our most experienced competitors.

Dubbed by the legal media as the "shadow Solicitor General's office," Mayer Brown soon became a powerhouse of appellate litigation. As a result of our multi-talented team approach—which was unique among appellate practices for a quarter century—the Firm established an enviable track record in the Supreme Court. From October 1986 on, lawyers from the Firm have



argued at least one case in the Supreme Court in every term. With the SG model applied to private practice by Steve, Mayer Brown has also succeeded in transforming the law in such critical areas as punitive damages, arbitration, preemption, class actions, securities and antitrust.

Steve himself was indefatigable. In total, he briefed more than 200 cases and argued more than 30 before the Supreme Court, and countless more appeals around the country. He argued his last appeal, before the Sixth Circuit, on August 2. He was held in such high regard that when the entire investment banking industry was sued for securities and antitrust violations over IPOs issued during the dot-com bubble—with virtually every major law firm participating—Steve was selected to present the industry’s argument in the US Supreme Court. He won, naturally.

We all knew Steve was a giant in his field. However, the astonishing outpouring of sympathy and support from the Supreme Court and appellate bar in the past two days—including many lawyers from other firms—confirms that his legacy was hardly limited to Mayer Brown. Former Acting Solicitor General Neal Katyal, now a partner at Hogan Lovells, said, “The entire Supreme Court bar is heart-stricken.” Carter Phillips, the former chairman of Sidley Austin who served with Steve in the SG’s office, cited Steve’s central role in establishing the Supreme Court bar. Ian Heath Gershengorn, the chair of

Jenner & Block’s Supreme Court practice, described Steve as a “giant in the field.” Judges, clients and co-counsel have observed that Steve was not only a towering intellect, with tremendous creativity and unbounded energy, but they have also described him as kind, humble, and “as good a person as he was a lawyer.” I certainly couldn’t have said it better myself.

Everyone who knew Steve has his or her own personal recollections of him. For my part, I will miss conversations with Steve about issues of the day and about Mayer Brown, where each time I felt appreciative that the proverbial “smartest person in the room” never acted like it; Steve’s partnerly passion for everything that is great about Mayer Brown; and perhaps most of all, seeing him in the gym on the 2nd floor of our office building in Chicago, riding his stationary bike while reading a recent court opinion or draft court filing. This dedication to fitness, by the way, went all the way back to his days as a student. Steve was a three-time national age group swimming champion in his youth and, while an undergraduate at Yale, won a bronze medal in the national AAU men’s swimming championship before securing a spot on the US team competing in the Maccabean Games in Tel Aviv, Israel. He was truly a remarkable man.

Steve has left a wonderful legacy here at Mayer Brown and in the broader community. We will miss him.

With best regards, Paul ◉



INSTITUTE of JUDICIAL  
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IJA’S 25TH ANNUAL BRENNAN LECTURE ON

# State Courts and Social Justice

An Independent Judiciary:  
What It Means, and How We Keep It



**Hon. Nathan L. Hecht**

Chief Justice, Texas Supreme Court

**Introduction by Hon. Thomas R. Phillips**

Baker Botts LLP

Retired Chief Justice, Texas Supreme Court

**Wednesday, March 6 | 6:15–7:30 p.m.**

**Greenberg Lounge** Registration required: [ija.admin@nyu.edu](mailto:ija.admin@nyu.edu)

**Presented by the Institute of Judicial Administration**

IJA Faculty Directors: Oscar Chase, Samuel Estreicher, and Troy McKenzie

# News from Board, Faculty, and Friends of IJA



President of the IJA Advisory Board, **Evan Chesler '75**, was awarded the prestigious New York Law Journal (NYLJ) Lifetime Achievement Award recognizing a professional with outstanding achievements year in and year out and who makes an impact on the legal community and the practice of law over an entire career.



IJA Advisory Board member, **Scott H. Christensen '97**, has joined the Federal Deposit Insurance Corporation (FDIC) as assistant general counsel. One of the features of his new role is helping to administer the federal inter-agency Office of Financial Institution Adjudication ("OFIA"), and its two administrative law judges. OFIA hears matters referred by the FDIC, the Federal Reserve, the Office of the Comptroller of the Currency, and the National Credit Union Administration.



IJA Faculty Director, **Oscar Chase's** article "Consent to Judicial Jurisdiction: The Foundation of "Registration" Statutes" was published in the *NYU Annual Survey of American Law*, Vol 73 2018 Issue 2.

Longtime AJS faculty member, **Judge Martha Craig Daughtrey** of the US Court of Appeals for the Sixth Circuit, was interviewed as a "Legend in the Law" by AJS alumna **Judith McConnell** (California Court of Appeal, Fourth Appellate District) at the National Association of Women Judges' annual conference.



IJA Faculty Director, **Samuel Estreicher's** recent publications include: "Issue Preclusion in Employment Arbitration after *Epic Systems v. Lewis*," 4 *Journal of Law & Public Affairs* (forthcoming, 2018), co-authored with Lukasz Swidorski. "Evaluating Employment Arbitration: A Call for Better Empirical Research," co-authored with Michael Heise and David Sherwyn, published in *Rutgers University Law Review*, Vol. 7, Winter 2018, Issue 2. Column "SCOTUS to Decide If Exemption for Transportation Workers Extends to Independent Truckers" appeared in the *New York Law*

*Journal*, March 19, 2018, p. 3 (with co-author Holly H. Weiss of Schulte, Roth & Zabel). "Birthright Citizenship for Children of Unlawful U.S. Immigrants Remains an Open Question," co-authored with David Moosmann ('19), was published by Just Security online: <https://www.justsecurity.org/61550/birthright-citizenship-children-unlawful-u-s-immigrants-remains-open-question/>.



IJA Faculty Director, **Troy McKenzie '00**, was the recipient of the 2018 Law Alumni of Color Association (LACA) Faculty Award.



Longtime AJS faculty member **Judge Gary Katzmnn's** decision on the US Court of International Trade to block imports on fish and fish products from Mexican commercial fisheries that use gillnets within the area of the highly endangered vaquitas, the world's smallest porpoises, was reported by the *New York Times* and other major news outlets.



NYU Law's *Annual Survey of American Law* dedicated their 2018 Volume in honor of AJS Faculty member **Chief Judge Robert Katzmnn** (US Court of Appeals for the Second Circuit) for his dedication to education, legal scholarship, and immigrants' rights. At the March 6 dedication held at NYU Law, tributes to the chief judge were given by legal scholars, immigration rights advocates, and judicial colleagues, including US Supreme Court **Justices Ruth Bader Ginsburg** (via pre-recorded video) and **Sonia Sotomayor**.

The Learning Center component of the civic education initiative of the Federal Courts of the Second Circuit, "Justice for All: Courts and the Community," held its opening ceremony on December 10, 2018. Justice for All is an initiative of **Chief Judge Robert Katzmnn**. IJA Executive Director **Torrey Whitman** sits on the center's advisory committee.

IJA Board Members **Meir Feder** (Jones Day) and **Lauren Goldman '97** (Mayer Brown) were recognized as New York Metro 2018 *Super Lawyers*.



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# IJA's 60th Annual Appellate Judges Seminar

*IJA hosted its largest-ever New Appellate Judges Seminar (AJS) for federal, state, and military appellate judges. Offered in cooperation with the Federal Judicial Center's orientation program for new appellate judges, AJS combines practical training on collegiality, ethics, and opinion writing, with substantive legal discussions on topics such as statutory interpretation and criminal law. A moot oral argument of a pending US Supreme Court case is used as an exercise in the process of decision-making. Taught by a distinguished faculty of judges and academics, the seminar affords an informal and interactive training program where attendees gain not just from the experienced faculty but also from sustained interaction with their judicial peers. For information or to register for the next New Appellate Judges Seminar, July 14–19, 2019, please visit [www.law.nyu.edu/centers/judicial](http://www.law.nyu.edu/centers/judicial).*

From July 15 to 20, 2018, seven Article III and Article I, 13 state supreme, 25 state intermediary, and six military appellate judges from across the country attended IJA's 60th annual seminar.

US Solicitor General Noel Francisco gave the opening address, describing some of the Department of Justice's work since he assumed the role, including on immigration and the Trump administration travel ban.

The weeklong judicial faculty consisted of Judge Gary Katzmman of the US Court of International Trade (formerly of the Massachusetts Appeals Court), Judge Patricia A. Millett of the US Court of Appeals for the DC Circuit, Judge Diarmuid O'Scannlain of the US Court of Appeals for the Ninth Circuit, Justice Cleo E. Powell of the Virginia Supreme Court, Judge Jeffrey Sutton of the US Court of Appeals for the Sixth Circuit, and Judge Sue Walker of the Texas Second Court of Appeals. Other judicial faculty included Judge Martha Craig Daughtrey of the US Court of Appeals for the Sixth Circuit, Judge Paulette V. Burton of the US Army Court of Criminal Appeals, Judge Anne Lazarus of the Pennsylvania Superior

Court, Judge Jeffrey A. Meyer of the US District Court for the District of Connecticut, Judge Rosalyn Richter of the New York Supreme Court, Appellate Division, First Department, and retired Justice Chase Rogers, formerly of the Connecticut Supreme Court.

The seminar was hosted and supervised by IJA Faculty Directors Oscar Chase, Samuel Estreicher, and Troy McKenzie '00.

Additional faculty members included other area judges and academics experienced in areas ranging from psychology and judicial ethics to legal opinion writing, including NYU Law alumna Terry Maroney '98 of Vanderbilt Law School.

At the Thursday evening dinner, IJA honored Judge Daughtrey and Dr. Isaiah Zimmerman, who were retiring from the AJS faculty after their many years of outstanding contribution to the seminar.

Two associates from the law firm Jones Day, James Gross and James Ligtenberg, argued the moot court appeal under the supervision of partner and IJA Advisory Board Member Meir Feder.





Here is what some attending judges had to say about the seminar:

*"It was an outstanding seminar with great content and faculty. Your hospitality was amazing. I will recommend the seminar highly to all new appellate judges."*

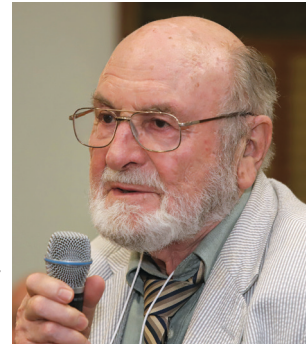
*"Just a note to express my thanks for such a well-run seminar. The presenters were excellent, the materials helpful, the dialogue stimulating, and the food delicious. Well done."*

*"...the IJA Seminar was enjoyable and educational. Everything about it was first class, and your management of everything was excellent."*

*"I did enjoy the week-long course very much, the interaction with my fellow judges, and the materials. Thank you very much for offering this unique course."*



Noel Francisco



Dr. Isaiah Zimmerman,  
Washington School of  
Psychiatry and retiring long  
time AJS faculty member



The collegial judges of the New Jersey Superior Court, Appellate Division, discuss the Moot Court issues.



Judges Julie Huygen and Naomi Dennis (US Air Force Court of Criminal Appeals) and Judge Garrison Hill (South Carolina Court of Appeals)



Moot Court bench panelists: Judges Sue Walker (Texas Court of Appeals for the Second District), Jeffery Sutton (US Court of Appeals for the Sixth Circuit) and Patrica A. Millett (US Court of Appeals for the DC Circuit) hear oral argument.



Moot Court bench panelists Judge Gary Katzmman (US Court of International Trade) and Justice Cleo Powell (Virginia Supreme Court)

# New Appellate Judges Seminar

*July 15–20, 2018 Attendees*



## **Regina Bartholomew-Woods**

*Louisiana Court of Appeals for the Fourth Circuit*

The Honorable Regina Bartholomew-Woods, a native of New Orleans,

obtained her BA in English, with a minor in political science from Southern University at New Orleans in 1994. Judge Bartholomew-Woods earned her JD from Loyola University College of Law in 1999, where she ranked in the top 20% of her graduating class. She was admitted to the Louisiana State Bar in 1999.

She formerly served as a civil judge for Division B of the Civil District Court for the Parish of Orleans. Prior to her judgeship, she served as of counsel with the law firm of Boykin, Ehret & Utley. Her prior employment was as general counsel for Charlotte-Mecklenburg Schools in Charlotte, North Carolina; staff attorney with McGlinchey Stafford, PLLC; service as general counsel for the Orleans Parish School Board; and an attorney in private practice with several law firms, and at the US Department of Labor, Office of the Solicitor in Dallas.

In addition to serving the public as a judge, she devotes her life to various civic and bar association activities. Specifically, Judge Bartholomew-Woods is a member of the American, National, and New Orleans Bar Associations. In addition, she is a member of the National Association of Women Judges, the Louisiana Judicial Council, and the A.P. Tureaud Chapter of the American Inns of Court, the Association of Women Attorneys, and the Louis A. Martinet Legal Society. She is also a member of the New Orleans Alumnae Chapter of Delta Sigma Theta Sorority, Inc., the New Orleans Chapter of Jack and Jill of America, the League of Women Voters of New Orleans, the Greater New Orleans Coalition of 100 Black Women, the Pontchartrain Chapter of The Links, Inc., and the Keller Group Neighborhood Foundation; and a lifetime member of the S.U.N.O. Alumni Association and a founding member of the Mystic Krewe of Femme Fatale. She is also an Advisory Board member of The Beautiful Foundation, Inc. and the Southwest Black Law Students' Association.

Judge Bartholomew-Woods is married to Jimmie Woods Sr., and is the mother of three sons, David, IV, Reginald, and Jimmie Jr.



## **G. Richard Bevan**

*Idaho Supreme Court*

Justice G. Richard Bevan was born and raised in Twin Falls, Idaho. He received his undergraduate and law degrees from BYU, graduating in 1987

from BYU's J. Reuben Clark Law School. He was admitted to the Idaho State Bar that same year.

Justice Bevan was a practicing attorney in Twin Falls for over 16 years before his appointment to the bench by Governor Dirk Kempthorne in November 2003. He also served as Twin Falls county prosecutor from 1993 to 1997. He was certified as a family and civil mediator in 1999, successfully mediating over 200 cases before becoming a judge.

While a practicing attorney, Justice Bevan served as president of the Fifth District Bar Association, and he has served on statewide law-related committees. He has been the presiding judge of both the Fifth Judicial District Mental Health Court and the Veteran's Treatment Court. Justice Bevan also served for nearly eight years as the administrative district judge for Idaho's Fifth Judicial District. He serves as the chair of the Idaho Supreme Court's Drug and Mental Health Court Coordinating Committee and the Security Committee. Justice Bevan is a 2014 graduate of the National Center for State Courts Toll Fellowship Program.

Justice Bevan has been married to his wife, Pam, for 37 years. They are the parents of five children engaged in various stages of adult life and the proud grandparents of eight.



## **Stephanos Bibas**

*US Court of Appeals for the Third Circuit*

Stephanos Bibas is a judge on the US Court of Appeals for the Third Circuit. Judge Bibas was previously

a professor of law and criminology at the University of Pennsylvania Law School. As director of the Penn Law Supreme Court Clinic, he argued six cases before the Supreme Court of the United States and filed briefs in dozens of others. He graduated summa cum laude and Phi Beta Kappa from Columbia University in 1989 with a BA in political theory and from Oxford University in 1991 with a BA in jurisprudence. He then earned his JD from Yale Law School in 1994.

After graduating from Yale Law, Judge Bibas clerked for Judge Patrick Higginbotham of the US Court of Appeals for the Fifth Circuit and Justice Anthony Kennedy on the Supreme Court and was a litigation associate at Covington & Burling in Washington, DC. Thereafter, Judge Bibas served as an assistant US attorney in the Southern District of New York, where he successfully prosecuted the world's leading expert in Tiffany stained glass for hiring a grave robber to steal priceless Tiffany windows from cemeteries. Before his tenure at Penn Law, Judge Bibas taught at the University of Chicago Law School and the University of Iowa College of Law and was a research fellow at Yale Law School. He has published two books and more than 60 scholarly articles.



### **Michael B. Brennan**

*US Court of Appeals for the Seventh Circuit*

Michael B. Brennan was confirmed and sworn in as a circuit judge for the US Court of Appeals for the Seventh

Circuit in May 2014. He previously worked as a partner in the Milwaukee law firm of Gass Weber Mullins, where he tried cases and handled appeals in federal and state courts, and as a judge on the Milwaukee County Circuit from 2000 to 2008, where he presided over a variety of criminal and civil calendars.

Judge Brennan obtained his undergraduate degree from the University of Notre Dame, and law degree from Northwestern University School of Law. He has served as a law clerk on the US District Court for the Eastern District of Wisconsin and the US Court of Appeals for the Seventh Circuit.

Judge Brennan has also served as an assistant district attorney in the Milwaukee County District Attorney's Office and as chairman of the Wisconsin Governor's Judicial Selection Advisory Committee.



### **Robyn Brody**

*Idaho Supreme Court*

Justice Robyn Brody practiced law for nearly 20 years in the Magic Valley until her election to the Idaho Supreme Court in November of 2016.

She graduated from the University of Denver, earning a law degree and a master's degree in international business. Justice Brody moved to Twin Falls with her husband after law school and joined the law firm of Hepworth, Lezamiz & Hohnhorst, where she practiced for 13 years. Justice Brody and her family moved to Rupert in 2010, where she started her own law firm.

Justice Brody was named as Mountain States Super Lawyer and Rising Star; was recipient of the Idaho State Bar's Professionalism Award 2014; received the highest ranking from peers for understanding the law and commitment to the rule of law in a survey conducted by the Idaho State Bar; served as the president of the Fifth District Bar Association, the Theron W. Ward American Inn of Court, and the Idaho Trial Lawyers Association; and spent time volunteering to strengthen Idaho's legal community. She served as a mentor and presenter at the Idaho Trial Skills Academy, a new-lawyer training program.

Justice Brody and her husband have been married for 21 years, and the couple have two boys, ages 10 and 12. She enjoys spending time with her boys in numerous sports and activities, including football, Taekwondo, and piano. She is an active member of the Catholic Church and is a past president of the School Board of St. Nicholas Catholic School.



### **John K. Bush**

*US Court of Appeals for the Sixth Circuit*

John K. Bush is a circuit judge on the US Court of Appeals for the Sixth Circuit. His chambers are in Louisville.

Prior to joining the court, Judge Bush was a partner in the Louisville office of Bingham Greenebaum Doll, where he also was co-chair of the firm's litigation department. He began his legal practice in the Washington, DC, office of Gibson, Dunn and Crutcher.

Judge Bush served as a law clerk for Judge J. Smith Henley of the United States Court of Appeals for the Eighth Circuit. He graduated summa cum laude from Vanderbilt University in 1986 and cum laude from Harvard Law School in 1989.



### **Jennifer B. Campbell**

*Arizona Court of Appeals, Division One*

The Honorable Jennifer B. Campbell was appointed to the Arizona Court of Appeals, Division One, on April 27, 2017, by Governor Douglas Ducey.

Judge Campbell graduated magna cum laude from Colorado State University in 1998 with a bachelor's degree in political science. She received her law degree from the University of Texas School of Law in 2002. Upon moving to Arizona, she practiced civil real estate litigation with the law firm, of Vakula & Kottke in Prescott. Always wanting to explore the practice of criminal law, she worked for the Yavapai County Attorney's Office and eventually started



her own firm, The Campbell Law Firm.

In 2011, she was appointed by Governor Jan Brewer to serve as a judge on the Yavapai County Superior Court, Division Two. While on the bench, she was assigned one of the most diverse calendars in the superior court. She was given the responsibility of conducting all criminal initial appearances, all mental health cases, and a portion of the cases filed in the Verde Valley in the area of civil, domestic, criminal, and probate law. She was also tasked with presiding over the weekly Verde Valley Early Disposition Court and both juvenile and adult drug D.U.I. courts. While on the bench, Judge Campbell—in partnership with the Adult Probation department Department—created a new, more responsive probation program called Project S.A.F.E. in an effort to hold individuals more accountable. In 2013, she was rotated to a felony case load and presided over many jury trials and the Early Disposition Court. Judge Campbell is the president of the Arizona Judges Association and sits on various other statewide committees.



### **Karen R. Carroll**

*Vermont Supreme Court*

Justice Karen Carroll, of Vernon, Vermont, was born in Newport, Vermont, on February 7, 1963. She graduated from Proctor High School

in 1981 and from Salve Regina College, cum laude, in 1985 with a bachelor of arts and sciences degree in criminal justice, and English and French literature. She earned her JD, cum laude, from Vermont Law School in 1988. She was a deputy state's attorney in Windham County from September 1988 to June 1994, prosecuting serious felony cases and assigned as chief deputy state's attorney for most of that time.

In 1994, she began work with the Vermont Attorney General's Office, as the prosecutor for the Southern Vermont Drug Task Force.

During this time, she was also cross-designated as a special assistant United States attorney for the District of Vermont and prosecuted serious drug cases in the US District Court. In December 2000, she was appointed a Superior Court judge by Governor Howard Dean and has presided in the Family, Criminal, and Civil Divisions of the Superior Courts in Windham, Windsor, and Bennington counties. Justice Carroll is a member of the American Law Institute and is former chair of the state Board of Continuing Legal Education and Vermont Judiciary Criminal Division Oversight Committee. She is married to Richard C. Carroll, a partner in the law firm of Phillips Dunn Shriver & Carroll in Brattleboro. They have three children.



### **Maria Elena Cruz**

*Arizona Court of Appeals,  
Division One*

Judge Maria Elena Cruz obtained a JD from the University of Arizona, James E. Rogers College of Law and has a BA in psychology from the University of Arizona. She began her practice of law as a prosecutor in Arizona at the Yuma County Attorney's Office, prosecuting felony offenders. Later, she practiced in criminal defense, eventually venturing into solo practice.

As a solo practitioner, Judge Cruz primarily undertook representation in criminal and family law matters and served as judge pro tem for the Cocopah Indian Tribe. In 2008, Judge Cruz was elected Superior Court judge in Yuma County, Arizona, and at the time of her appointment to the Court of Appeals, was the presiding judge in Yuma County.

In addition to her judicial responsibilities, Judge Cruz serves on the Arizona Supreme Court's Commission on Access to Justice, as well as the Arizona Supreme Court's Task Force on Justice for All and the Commission on Victims in the Court.

Judge Cruz contributes to the development of the law internationally by serving as a professor of law teaching trial advocacy in various regions within the Republic of Mexico, including Mexico City, Tijuana, Mexicali, La Paz, and Guanajuato.



### **William S. Dato**

*California Court of Appeal for the  
Fourth District*

Justice William S. Dato was appointed to the California Court of Appeal effective February 2017. Previously,

he was a judge of the San Diego Superior Court for 13 years, serving as supervising judge of the North County branch, presiding judge of the court's appellate division, and in a variety of substantive assignments, including civil, criminal, family law, and both adult and juvenile drug court.

Before his appointment to the bench, Justice Dato was a certified appellate law specialist in private practice and worked as an appellate court staff attorney with Justice Howard B. Wiener of the California Court of Appeal, Justice Mathew O. Tobriner of the California Supreme Court, and Chief Justice Rose E. Bird of the California Supreme Court. He has also been an adjunct professor at both the University of San Diego School of Law and California Western School of Law, teaching appellate practice and products liability.



### **Patrick DeAlmeida**

*New Jersey Superior Court,  
Appellate Division*

The Honorable Patrick DeAlmeida was appointed to the Tax Court of New Jersey by Governor Jon Corzine, taking the oath of office on January 14, 2008. Chief Justice Stuart Rabner appointed Judge DeAlmeida as presiding judge of the court effective October 1, 2009. He served in that position until his temporary assignment to the Superior Court, Appellate Division, on January 16, 2018.

Judge DeAlmeida graduated cum laude from New York University in 1986 with a degree in journalism and received his JD, cum laude, from Fordham University School of Law in 1989. Following graduation from law school, Judge DeAlmeida clerked for New Jersey Supreme Court Justice Marie L. Garibaldi. He joined the New Jersey Division of Law in 1993, where he served until his appointment to the bench as deputy attorney general, chief of the Treasury Section, DAG in charge of Appeals, and, ultimately, assistant attorney general for appeals.

During his tenure at the Division of Law, Judge DeAlmeida argued 14 cases before the New Jersey Supreme Court, including *Lewis v. Harris*, the challenge to the New Jersey's prohibition on same-sex marriage that resulted in the enactment of the New Jersey Civil Union Act. Judge DeAlmeida has been a volunteer emergency medical technician with the Princeton First Aid & Rescue Squad since 2004 and served as president of the squad during 2007.



### **Roger J. DeHoog**

*Oregon Court of Appeals*

Roger DeHoog is a judge on the Oregon Court of Appeals. He is a graduate of Dartmouth College and the University of Oregon School of Law. Judge DeHoog began his legal career at the public defender's office in Bend, Oregon, followed by lengthy stints in general private practice and with the Oregon Department of Justice, where he was a member of the department's Special Litigation Unit. Judge DeHoog was appointed to the trial court bench in 2012 and to his current position in early 2016. In addition to his judicial duties, Judge DeHoog is active with bar-related committee work and CLEs, and also serves on the Board of Directors for NeighborImpact, a community action agency serving the needs of Central Oregonians. Judge DeHoog is married to Elicia Putnam.



### **Naomi Dennis**

*US Air Force Court of  
Criminal Appeals*

Lieutenant Colonel Naomi Porterfield Dennis is an appellate military judge on the Air Force Court of Criminal Appeals, Joint Base Andrews, Maryland.

Lieutenant Colonel Dennis received her commission through the ROTC program at Howard University, where she was named Distinguished Graduate of her field training class. Lieutenant Colonel Dennis then attended the University of Texas School of Law through the educational delay program. After graduating in May 2003, she was appointed to The National Order of Barristers and practiced in the area of medical malpractice litigation. She has spent her military career serving as a prosecutor, area, circuit, and senior defense counsel; appellate government counsel; deputy staff judge advocate; and air staff counsel. Lieutenant Colonel Dennis received her appointment to the United States Air Force Judge Advocate General's Corps in December 2003 and was the recipient of the 2004-B JASOC American Trial Lawyers Association Trial Advocacy award. In 2015, she was competitively selected to serve as a White House Fellow.

Lieutenant Colonel Dennis' awards include three Meritorious Service Medals, two Air Force Commendation Medals, the Joint Service Achievement Medal, and the 2009-2010 American Bar Association's Outstanding Young Military Service Lawyer of the Year Award.

Lieutenant Colonel Dennis and her husband Thomas have five children, Tiffany, Malcolm, Jayla, Thomas, and Miles.



### **Deidra J. Fleming**

*US Army Court of Criminal Appeals*

Lieutenant Colonel Deidra J. Fleming assumed duties as an associate judge, US Army Court of Criminal Appeals in July 2017. Prior to her current position, Lieutenant Colonel Fleming served as a circuit judge, 2nd Trial Judiciary Circuit, Fort Bragg, North Carolina, 2013-2017; chief, Defense Counsel Assistance Program, Fort Belvoir, Virginia, 2012-2013; regional defense counsel, Fort Belvoir, Virginia, 2010-2012; deputy staff judge advocate, US Army Recruiting Command, Fort Knox, Kentucky, 2008-2010; Command and General Staff College, Fort Leavenworth, Kansas, 2007-2008; professor, Criminal Law Department, The Judge Advocate General's Legal Center & School, Charlottesville, Virginia, 2004-2007; senior trial counsel, 7th Infantry Division, Fort

Carson, Colorado, 2002–2003; deputy staff judge advocate, 7th Infantry Division Enhanced Separate Brigades & Administrative Law Attorney, Fort Carson, Colorado, 2000–2002; chief, Legal Assistance, XVIII Airborne Corps & Fort Bragg, North Carolina, 1999–2000.

Lieutenant Colonel Fleming received her undergraduate degree in 1992 from the University of Vermont and her JD from Drake University Law School in 1996. She also has an LLM from The Judge Advocate General's Legal Center & School in 2004. She is a member of the Bars of the Supreme Court of Arizona, the Supreme Court of Iowa, the US Army Court of Criminal Appeals, and the US Supreme Court. Her publications include "Annual Review of Developments in Instructions"; "The Year in Voir Dire and Challenges, and Pleas and Pretrial Agreements"; "Another Broken Record-The Year in Court-Martial Personnel, Voir Dire and Challenges, and Pleas and Pretrial Agreements"; "Out, Damned Error Out I, Say! The Year in Court-Martial Personnel, Voir Dire and Challenges, and Pleas and Pretrial Agreements."

Lieutenant Colonel Fleming is married to Colonel John Jurden, a fellow JAG Corps' officer, and they have one daughter, Evelyn.



### **James Florey**

*Minnesota Court of Appeals*

Judge James Florey was a district court judge in the Sixth Judicial District, serving from January 1999 until June 13, 2017. He served as chief judge from 2006 to 2012 and assistant chief judge from 2004 to 2006.

Prior to his appointment, he was an assistant St. Louis County attorney for 15 years and a staff attorney at Legal Aid Service of Northeastern Minnesota. Judge Florey earned his BA from the University of Minnesota-Duluth and his JD from Mitchell Hamline School of Law.

Judge Florey is the previous vice-chair and current member of the Minnesota Judicial Council, a member of the State E-Court Steering Committee, and a former member of the Special Redistricting Panel.



### **Richard J. Geiger**

*New Jersey Superior Court,  
Appellate Division*

Judge Richard Geiger served as a Superior Court judge in the Cumberland/Gloucester/Salem Vicinage's civil, criminal, and family divisions from July 2002 to April 2016. He also served in the probate part and as the Vicinage's designated complex business litigation judge. He has served on temporary assignment to the Appellate Division since April 2016. Prior to joining the Cumberland/Gloucester/Salem Vicinage, Judge Geiger was an associate and then partner at Davidow, Sherman, Eddowes & Geiger in Bridgeton, New Jersey, from 1979 to 2002. He also served as Cumberland County counsel from 1994 to 2002 and was a Chapter 7 bankruptcy trustee.

Judge Geiger graduated magna cum laude from Case Western Reserve University in 1975, and from Rutgers School of Law-Camden in 1978. He then served a judicial clerkship in Cumberland County with Judges Edward S. Miller, Steven Z. Kleiner, Paul R. Porreca, and Frank J. Testa.



### **Christopher Goff**

*Indiana Supreme Court*

Christopher M. Goff was appointed to the Indiana Supreme Court by Governor Eric Holcomb in June 2017. He took the oath of office as Indiana's 110th justice on July 24, 2017. Justice Goff was born in Wabash, Indiana, in 1972. He attended Ball State University, graduating summa cum laude in 1994, and then earned his law degree at the Indiana University Maurer School of Law in 1996.

After law school, Justice Goff worked in private practice, being named partner at a Huntington law firm after just 18 months working on criminal defense, domestic relations, personal injury, small business cases, and more. He served as Huntington County Public Defender for two years. His work led to the establishment of the Huntington County Court Appointed Special Advocate (CASA) program. Justice Goff was named Huntington County Pro Bono Attorney of the Year in 2001 and 2002. He also served as president of the Huntington County Police Merit Board and vice president of the Huntington County Bar Association. Before joining the Indiana Supreme Court, Justice Goff served as Wabash County Superior Court judge for 12 years. During his service on the trial bench, he established the Wabash County Drug Court and the Wabash County Family Drug Treatment Court. Justice Goff



served on the Board of Directors of the Indiana Judicial Conference, representing Wabash, Huntington, Wells and Adams counties. He also served as chair of the Protection Order Committee of the Indiana Judicial Conference.



### **L. Steven Grasz**

*US Court of Appeals for the Eighth Circuit*

Judge Steven Grasz grew up on a family farm and ranch near Chappell in the Lodgepole Valley of Western Nebraska. He graduated with honors from the University of Nebraska-Lincoln, where he developed his ongoing love of Husker basketball and football. Judge Grasz and his wife, Verlyne, have four children.

After serving as legislative assistant to Congresswoman Virginia Smith in Washington, DC, Steve Judge Grasz received his JD degree from the Nebraska College of Law. He was inducted into the Order of the Coif and served as executive editor of the *Nebraska Law Review*. He earned numerous moot court awards, including best brief and the Roscoe Pound Award for oral advocacy. Judge Grasz served as Nebraska's chief deputy attorney general for nearly 12 years. In this capacity, he developed a passion for constitutional law, drafting scores of Attorney General's Opinions, as well as numerous appellate briefs in the Nebraska Supreme Court and United States Supreme Court. For over 15 years, Judge Grasz practiced law at Husch Blackwell in the areas of civil and appellate litigation, administrative law, and government relations. He litigated numerous reported decisions in state and federal courts. He is a Nebraska Bar Foundation Fellow and a member of the NSBA Appellate Practice Executive Committee.

Judge Grasz was nominated as a circuit judge by President Trump on August 3, 2017. He was confirmed by the United States Senate on December 12, 2017, and sworn into office on January 4, 2018. He is the 7th Nebraskan in history to serve on the Eighth Circuit Court of Appeals.



### **Mary J. Greenwood**

*California Court of Appeal for the Sixth District*

Justice Mary J. Greenwood was appointed as associate justice of the Sixth District Court of Appeal of California by Governor Edmund G. Brown Jr. and confirmed by the Commission on Judicial Appointments on January 25, 2018. She is a graduate of Grinnell College (BA 1978) and the University of California Hastings College of the Law (JD 1981). Prior to her confirmation, she served on the Superior Court as a trial court judge from 2012 to 2018, where she presided in the Family Division over various matters including cases involving the application of the Hague Convention governing unlawful abduction of children over international borders.

Justice Greenwood spent the majority of her legal career, from 1982 to 2005, as a deputy public defender and then executive manager at the Santa Clara County Public Defender Office. She tried over 50 cases to jury verdict, representing clients in capital murder, felony, misdemeanor, juvenile delinquency, juvenile dependency, and mental health matters. In 2001, she became of counsel at Coblenz Patch Duffy & Bass representing corporate clients. In 2002, she returned to the Public Defender Office and led the Alternate Defender Office. She was appointed as the Santa Clara County public defender in 2005, overseeing more than 100 attorneys who provided criminal defense services to indigent clients in approximately 35,000 cases annually. As public defender, she participated in collaborative criminal justice policy reform. She served on the Gang Prevention Taskforce created by the mayor of San Jose to prevent and abate gang violence, and the Juvenile Justice Systems Collaborative, a county government council focused on preventing youth from entering the juvenile justice system and on reducing youth incarceration.

Justice Greenwood has received numerous awards for her efforts to improve the practice of law and the court system. In 2014, she was awarded the Trailblazer Award by the Vietnamese American Bar Association of Northern California. In 2011, she received the Law Foundation of Silicon Valley's Equal Justice Award for Advocacy for her successful efforts to obtain funding to staff prosecutors and public defenders in misdemeanor courts. She was also recognized with the Unsung Hero Award by the Santa Clara County Bar Association in 2011 for her efforts to promote diversity in the legal profession. She is a member of the American Leadership Forum Silicon Valley Class XX. She teaches judicial ethics through the Judicial Council's Center for Judicial Education and Research.



### Patricia Guerrero

*California Court of Appeal for the Fourth District*

Justice Patricia Guerrero, of San Diego, was appointed associate justice, Division One of the Fourth

District Court of Appeal, by Governor Brown on November 2, 2017. Justice Guerrero has served as supervising judge for the Family Law Division at the San Diego County Superior Court since 2017, where she has served as a judge since 2013. She was a partner at Latham & Watkins from 2007 to 2013, where she was an associate from 2003 to 2006 and from 1997 to 2002. Justice Guerrero served as an assistant US attorney at the US Attorney's Office, Southern District of California, from 2002 to 2003. She earned a JD degree from Stanford Law School and a BA degree from the University of California, Berkeley.



### Diana Hagen

*Utah Court of Appeals*

Judge Diana Hagen was appointed to the Utah Court of Appeals in June 2017 by Governor Gary R. Herbert.

Prior to her appointment, Judge

Hagen was the first assistant United States attorney for the District of Utah. In 1998, she received her law degree, Order of the Coif, from the University of Utah S.J. Quinney College of Law, where she was a member of the National Moot Court Team and the *Utah Law Review* editorial board. Following law school, she served as a law clerk for United States District Court Judge Tena Campbell and then began her practice at the law firm now known as Parr, Brown, Gee & Loveless. In 2001, she joined the appellate section of the United States Attorney's Office and later became the appellate chief, a position she held for nearly 10 years.

Judge Hagen has served as president of Women Lawyers of Utah, the David K. Watkiss-Sutherland II Inn of Court, the Salt Lake County Bar Association, and the Utah Chapter of the Federal Bar Association. She also spent many years as an adjunct professor at the University of Utah S.J. Quinney College of Law, where she taught appellate practice and coached intercollegiate moot court teams. She has been recognized with a Utah Philanthropy Day Heart & Hands Award for her volunteer work with Girls Scouts of Utah, was named the S.J. Quinney College of Law's 2015 Alumna of the Year, and received the FBA Utah Chapter's Distinguished Service Award in 2017. Judge Hagen serves as chair of the Judicial Branch Education Committee and as an ex officio member of the Utah Bar Commission representing Women Lawyers of Utah.



### Jeffrey C. Hagler

*US Army Court of Criminal Appeals*

Colonel Jeff Hagler is a native of Xenia, Ohio. After graduating from West Point in 1990, he was commissioned in the US Army. He

served five years on active duty as an infantry officer before entering the Judge Advocacy General's Corps via the Army's Funded Legal Education Program.

Prior to his assignment to the US Army Court of Criminal Appeals, Colonel Hagler was the staff judge advocate, XVIII Airborne Corps at Fort Bragg, North Carolina. Last fall, he returned from deployment as the staff judge advocate, Combined Joint Task Force-Operation Inherent Resolve, the headquarters for Counter-ISIS operations in Iraq and Syria. His previous assignments include deputy chief of Personnel, Plans and Training for the Army JAG Corps; legislative counsel, Army Office of the Chief, Legislative Liaison; staff judge advocate, 82nd Airborne Division and Combined Joint Task Force-82 in Afghanistan; deputy staff judge advocate, 1st Infantry Division in Germany; criminal law professor, Army JAG School; and a variety of judge advocate positions in the 82nd Airborne Division and infantry positions in the 1st Battalion, 27th Infantry Regiment, 25th Infantry Division.

Colonel Hagler is a member of the State Bar of Texas. His education included a BS from the US Military Academy, a JD from the University of Texas, an LLM from The Judge Advocate General's School, and an MS from the Eisenhower School of National Security and Resource Strategy. His awards and decorations include the Legion of Merit, Bronze Star (for service), Expert Infantryman Badge, Master Parachutist, and Ranger Tab. Colonel Hagler is married to the former Tami Swinehart, also of Xenia. They have four children: Grant, Lee, West, and Marnie.



### Anna B. Hantz Marconi

*New Hampshire Supreme Court*

Anna Barbara "Bobbie" Hantz Marconi is the 108th associate justice on the New Hampshire Supreme Court. She was sworn in by Governor Christo-

pher Sununu on August 8, 2017. Justice Hantz Marconi is only the third woman to sit on the state's highest court. She joins the court from private practice as a shareholder with the Manchester law firm of Sheehan, Phinney, Bass & Green. There, her concentration included appellate litigation, business litigation, land use, mediation, probate, and family law. At Sheehan Phinney, she gained the reputation as a problem solver. Her work on key cases set new

legal standards for zoning appeals and established privacy standards for internet information.

Justice Hantz Marconi graduated with honors from the University of New Hampshire with a BA in political science and received her JD from The Chicago Kent College of Law, where she was a member of the Order of the Coif. Following law school, she clerked for the Maine Supreme Judicial Court. Justice Hantz Marconi has been honored as one of the “Best Lawyers in America” for Family Law, was nominated for the Nashua YWCA’s Distinguished Women Leader Award, received the Special Recognition Award from the NH Trial Lawyers, and has been recognized as the Women’s Business Boston Reader’s Choice “Top Ten Lawyers.”

Her volunteer work and civic involvement include the NH Bar Pro Bono Referral Program, the Domestic Violence Emergency (DOVE) Program, the NH Board of Bar Examiners, the NH Women’s Bar Association’s Marilla Ricker Awards Committee, the Manchester Community Music School, the Nashua Children’s Home, and the Josiah Bartlett Center, where she served as vice-chair. Justice Hantz Marconi is also a past board member with NH Legal Assistance and the Governor’s Judicial Selection Commission. She lives in Stratham with her husband, Geno Marconi.



### **Ryan M. Harris**

*Utah Court of Appeals*

Judge Ryan M. Harris was appointed to the Utah Court of Appeals in June 2017 by Governor Gary R. Herbert.

Prior to his appointment, Judge Harris served as a trial judge in the Third District Court for nearly six years, where he served as the associate presiding judge. While a trial judge, he also served on various committees, including the Advisory Committee on Model Civil Jury Instructions and the Small Claims Jury Committee. He also twice received the Judicial Excellence Award from the Litigation Section of the Utah State Bar.

Judge Harris graduated magna cum laude and with university honors from Brigham Young University in 1995 and graduated with distinction from Stanford Law School in 1998. Upon graduating from law school, Judge Harris served as a judicial clerk to the Honorable Stephen H. Anderson of the United States Court of Appeals for the Tenth Circuit.

Following his clerkship, Judge Harris practiced law in Salt Lake City at the firm of Jones, Waldo, Holbrook & McDonough, where he also served on the firm’s board of directors and executive committee. He also worked as an

adjunct professor of law at the University of Utah’s S.J. Quinney College of Law. Prior to his appointment to the Third District Court, he served as a small claims judge for eight years. Judge Harris is a past chairperson of the Litigation Section of the Utah State Bar.



### **Melissa Hart**

*Colorado Supreme Court*

Justice Melissa Hart was appointed by Governor John Hickenlooper to serve on the Colorado Supreme Court on December 14, 2017. Prior to joining

the court, Justice Hart was a professor at the University of Colorado Law School, where she directed the Byron R. White Center for the Study of American Constitutional Law. Throughout her years as a professor, Justice Hart maintained an active pro bono practice.

Justice Hart earned her bachelor’s degree from Harvard-Radcliffe College and then spent a year teaching at a high school in Athens, Greece. She returned to study at Harvard Law School, where she was the articles editor for the *Harvard Law Review* and book review editor on the *Harvard Women’s Law Journal*. After graduating from law school in 1995, she clerked for Judge Guido Calabresi of the Second Circuit Court of Appeals and for Justice John Paul Stevens on the United States Supreme Court. She practiced law for several years in Washington, DC, including as a trial attorney at the US Department of Justice.

Justice Hart is a member of the Colorado and Denver Bar Associations, the Colorado Women’s Bar Association, the Colorado Hispanic Bar Association, the Asian Pacific American Bar Association, the Sam Cary Bar Association, and the Colorado LGBT Bar Association. She is a founding member of the Sonia Sotomayor Inn of Court, a 2017 graduate of the Denver Metro Chamber Leadership Foundation’s Leadership Denver program, a 2016 graduate of the Colorado Bar Association Leadership Training (COBALT) program, and a commissioner on the Colorado Access to Justice Commission. Justice Hart has been recognized with the 2016 Women Who Light the Community Award from the Boulder Chamber of Commerce, the 2014 Raising the Bar Award from the Colorado Women’s Bar Association, the 2012 Chase Faculty Community Service Award from the University of Colorado, the 2011 Clifford Calhoun Public Service Award from the University of Colorado Law School, the 2009 Serving Communities Award from the CU-Boulder Institute for Ethical and Civil Engagement, and the 2008 Outstanding Community Service Award from the Colorado Hispanic Bar Association.





## Garrison Hill

### *South Carolina Court of Appeals*

Judge D. Garrison “Gary” Hill was born in Greenville, South Carolina, in 1964. His late father, Leo H. Hill, was former president of the South Carolina Bar; his mother, Dr. Grace L. Hill, was a retired educator and school psychologist.

Judge Hill received a BA degree magna cum laude from Wofford College in 1986, and his JD from USC Law School in 1989, where he was a member of the *South Carolina Law Review*.

After graduation from law school, he served as law clerk to Judge Billy Wilkins of the US Court of Appeals for the Fourth Circuit. From 1990 to 2000, he was a member of Hill, Wyatt & Bannister, a general civil and criminal practice law firm in Greenville. In 2000, he and his father started Hill & Hill, LLC, which was listed in the Martindale-Hubbell Bar Register of Pre-Eminent Lawyers. The firm primarily handled business litigation, government law, and public utility law, including the representation of numerous special purpose districts throughout the state. From 2004 to 2017, Judge Hill served as a resident circuit judge for the Thirteenth Circuit. On February 1, 2017, he was elected to the Court of Appeals.

Judge Hill served in the House of Delegates of the South Carolina Bar and as president of the Government Law Section. He is also the former editor-in-chief of the *South Carolina Lawyer* and the author of several legal articles. He and his father published *Doing the Public’s Business*, a legal guide designed to assist lay members who serve on the boards of public bodies.



## Julie Huygen

### *US Air Force Court of Criminal Appeals*

Lieutenant Colonel Julie J.R. Huygen is an appellate military judge, United States Air Force Court of Criminal

Appeals, as of August 31, 2017. She is an active-duty judge advocate who has served in the United States Air Force for over 19 years. She has been assigned to units in the District of Columbia, Colorado, Louisiana, United Kingdom, Republic of Korea, and Washington. Lieutenant Colonel Huygen is a graduate of Harvard University and the University of Maryland School of Law. She is admitted to practice in the State of Maryland.

As a member of the Crimson Key Society, Lieutenant Colonel Huygen gave campus tours and assisted with Freshman Week for the incoming class. A week after

graduation, she started working for USA Hockey and the men’s ice hockey team that competed at the 1992 Olympic Games. She went on to jobs with a minor league baseball team, a major league baseball team, and a National Basketball Association player. While working in baseball, she started the evening program at the University of Maryland School of Law. She lived in the DC area while finishing law school, during which time she interned at the Department of Justice and the National Security Council and clerked at the National Geospatial Intelligence Agency.



## Steven Jensen

### *South Dakota Supreme Court*

Justice Steven Jensen was appointed to the Supreme Court by Governor Dennis Daugaard. He was sworn in on November 3, 2017. He represents

the Fourth Supreme Court District consisting of Union, Clay, Yankton, Hutchinson, Hanson, Davison, Bon Homme, Douglas, Aurora, Charles Mix, Gregory, McCook, Turner and Lincoln counties.

Justice Jensen grew up on a farm near Wakonda, South Dakota. He received his undergraduate degree from Bethel University in St. Paul, Minnesota, in 1985 and his JD from the University of South Dakota School of Law in 1988. He clerked for Justice Richard W. Sabers on the South Dakota Supreme Court before entering private practice in 1989 with the Crary Huff law firm in Sioux City, Iowa, and Dakota Dunes, South Dakota. In 2003, Justice Jensen was appointed as a First Judicial Circuit judge by former Governor Mike Rounds. He became the presiding judge of the First Judicial Circuit in 2011. Justice Jensen served as chair of the Unified Judicial System’s Presiding Judges Council and president of the SD Judges Association and has served on other boards and commissions. In 2009, Justice Jensen was appointed as a Judicial Fellow to the Advanced Science and Technology Adjudication Resource Center in Washington, DC.



## Luis A. Lavin

### *California Court of Appeal for the Second District*

Justice Luis A. Lavin was appointed to the California Court of Appeal, Second Appellate District, in July 2015 by Governor Edmund G. Brown Jr. He serves as an associate justice in Division Three.

Before his elevation to the Court of Appeal, Justice Lavin served for more than 13 years as a judge on the Los Angeles Superior Court. As a trial judge, he presided over

civil, criminal, and family law cases. During his last three years on the Superior Court, Justice Lavin was assigned to a writs and receivers department and presided over traditional and administrative mandamus proceedings, including cases brought under the California Environmental Quality Act. From October 2014 through February 2015, he also served as a justice pro tem on the Court of Appeal.

Prior to his appointment to the Superior Court in 2001, Justice Lavin was director of Enforcement and general counsel for the Los Angeles City Ethics Commission. Before that, he served as a senior trial attorney with the United States Department of Justice, Civil Rights Division. He also served as in-house counsel for a labor union and handled commercial litigation at law firms based in California and Massachusetts.

Justice Lavin has taught law school classes at USC Gould School of Law and Southwestern Law School. He also has served as an instructor of judicial education for the California Center for Judicial Education and Research and the Los Angeles Superior Court. Justice Lavin has taught judicial education courses on ethics and fairness, provisional remedies, case management, challenges to the pleadings, summary judgment motions, fiduciary duties, jury instructions, verdicts, post-trial motions, and bankruptcy.

Justice Lavin received his bachelor's degree from Cornell University and his law degree from Harvard Law School, where he served as an editor of the *Harvard Women's Law Journal*. He is fluent in Spanish.



### **Jessica M. Lorello**

*Idaho Court of Appeals*

Judge Jessica M. Lorello is an Idaho native who graduated from Boise High School in 1989. She received a master's degree in Health Care Administration and her JD from the University of North Carolina at Chapel Hill.

After law school, she worked in private practice at Givens Pursley until 2004, when she joined the Criminal Law Division of the Idaho Attorney General's Office, where she worked in the Appellate Unit and the Capital Litigation Unit. Governor C.L. "Butch" Otter appointed Judge Lorello to the Idaho Court of Appeals in 2017.



### **Hany A. Mawla**

*New Jersey Superior Court,  
Appellate Division*

Hany A. Mawla is a judge of the Superior Court of New Jersey assigned to the Appellate Division. He was formerly the presiding judge of the Family Division for Vicinage XIII Somerset, Hunterdon, and Warren counties. Before this assignment, he was the supervising judge for the Special Civil Part for Somerset, Hunterdon, and Warren counties and was chair of the Committee of Special Civil Part Supervising Judges.

He is also a member of the New Jersey Supreme Court Family Practice Committee and was a member of the New Jersey Children in Court Improvement Committee. Prior to joining the bench, Judge Mawla was a partner in the litigation department of the law firm of Greenbaum, Rowe, Smith & Davis. He is the chair of the New Jersey Supreme Court Committee on Minority Concerns and a vice-chair of the Supreme Court Advisory Committee on Access and Fairness.

He has lectured on family law matters on behalf of the New Jersey Institute for Continuing Legal Education, the New Jersey Association for Justice, and the New Jersey Judicial College. Judge Mawla also was a member of the editorial board of the *New Jersey Family Lawyer*, the New Jersey State Bar Association family law publication. As an adjunct faculty member at Raritan Valley Community College, Judge Mawla taught various litigation courses in the paralegal studies degree program. He also was an adjunct professor at Rutgers University in the Department of Political Science and the Center for Middle East Studies and is currently a visiting faculty member there.

Judge Mawla received his undergraduate degree from Rutgers University, graduating with collegiate honors and high honors in political science. He received his law degree from Seton Hall University School of Law. He is the 2011 recipient of the Law School's Distinguished Alumni Award and currently serves as an emeritus member of the Law School's Diversity Committee. In 2014, he received the New Jersey State Bar Association's Diverse Judges' Award (Justice Thurgood Marshall Award), and the Association's Distinguished Service Award in 2015. In 2017, Judge Mawla was inducted as a Fellow of the American Bar Foundation.



### **Jessica R. Mayer**

*New Jersey Superior Court,  
Appellate Division*

Judge Jessica R. Mayer was appointed to the Superior Court of New Jersey in 2002, and she served

in the Family Part from 2003 to 2006 and in the Civil Division from 2006 to 2009. From 2009 to 2017, Judge Mayer was designated to handle mass tort matters including: AlloDerm, Fosamax, Levaquin, Propecia, Reglan, and Risperdal/Seroquel/Zyprexa. She was assigned to the Appellate Division in 2017.



### **Paul J. McMurdie**

*Arizona Court of Appeals,  
Division One*

Judge Paul J. McMurdie was appointed to the Arizona Court of Appeals, Division One, by Governor

Doug Ducey in 2016. Previously, Judge McMurdie spent 11 years on the Maricopa County Superior Court, having been appointed to the superior court bench by Governor Janet Napolitano in 2005. While serving as a superior court judge, Judge McMurdie presided over civil, criminal, and family cases. Prior to being appointed to the Court of Appeals, he was the presiding Family Court judge.

Judge McMurdie graduated with a BA degree in political science from Utah State University in 1982. He received his JD from Arizona State University in 1985. While in law school, he was selected for the Truman Young Fellowship as the outstanding criminal law student.

After graduating from ASU, Judge McMurdie worked for the Arizona Attorney General's Office in the Criminal Appeals Section. In 1991, he was appointed as the section chief for Criminal Appeals. In 2001, he began working for the Maricopa Attorney's Office as the division chief for Appeals and Research. As a lawyer for the Arizona Attorney General's Office and the Maricopa County Attorney's Office, Judge McMurdie received the following awards: Arizona Prosecuting Attorney's Advisory Council's Lifetime Achievement Award (2004); Maricopa County Attorney's Office Division Attorney of the Year Award (2005 and 2003); Arizona Attorney Generals' Criminal Division Attorney of the Year Award (1991); Arizona Prosecuting Attorneys' Advisory Council Prosecutor of the Year Award (1990), ); Association of Government Attorneys in Capital Litigation Board of Director's Award (2005); and United States Department of Labor Special Recognition Award (1990).



### **Amanda Meredith**

*US Court of Appeals for  
Veterans Claims*

Judge Amanda L. Meredith was nominated by the President of the United States in June 2017. She subsequently

was confirmed by the United States Senate and appointed a judge of the United States Court of Appeals for Veterans Claims in August 2017.

For more than 12 years prior to her appointment, Judge Meredith worked for the Republican staff of the United States Senate Committee on Veterans Affairs. Most recently, she served from 2015 to 2017 as the deputy staff director and general counsel for Chairman Johnny Isakson. She served as general counsel from 2008 to 2015 and as Benefits counsel from 2005 to 2008 under Ranking Member Richard Burr and Chairman/Ranking Member Larry Craig. During this time, she was responsible for legislative and oversight activities regarding a wide range of veterans' issues and assisted members of Congress in enacting numerous laws to help improve the benefits and services for our nation's veterans.

Prior to joining the staff of the Committee on Veterans Affairs, Judge Meredith worked for the United States Court of Appeals for Veterans Claims for more than seven years. While at the court, she served from 2004 to 2005 as the director of the court's Task Force for Backlog Reduction, a team of experienced attorneys dedicated to reducing the inventory of pending appeals. From 2000 to 2004, she was the executive attorney to Chief Judge Kenneth Kramer, serving as the principal legal advisor to the chief judge regarding all judicial functions; supervising the chambers' law clerks; and managing the chambers' caseload. She served from 1997 to 2000 as a judicial law clerk to Judge Kramer.

Judge Meredith graduated summa cum laude from the University at Buffalo with a BS and graduated magna cum laude from the University at Buffalo Law School, where she was a member of the Buffalo Law Review.



### **Scott J. Moynihan**

*New Jersey Superior Court,  
Appellate Division*

Judge Scott Moynihan is assigned to the Superior Court of New Jersey, Appellate Division. He was nominated

to the Superior Court by Governor Christine Todd Whitman in 1997 and was reappointed by Governor James E. McGreevey in 2004. He was first assigned to the Family Division and also sat in the Civil and Criminal Divisions, twice serving as presiding Criminal Division judge.



Prior to becoming a judge, Judge Moynihan worked as a law clerk and associate at the law firm of Rinaldo and Rinaldo from October 1981 to June 1984 and was an associate and partner at the law firm of Palmisano & Goodman from June 1984 until his appointment to the bench.

Judge Moynihan earned a BA degree in English from Rutgers University in 1979 and a law degree from Seton Hall University School of Law in 1983.



### **Michael L. Murphy**

*Arkansas Court of Appeals*

Judge Michael Murphy serves on the Arkansas Court of Appeals, having been elected to his first term in 2016.

Prior to that, Judge Murphy was a circuit judge for the 20th Judicial District in Arkansas.

Before taking the bench, Judge Murphy opened a private law practice in his hometown of Conway, Arkansas, in 1988 and worked as a deputy prosecutor. Elected as Conway's city attorney in 1990, he served for over 22 years before being elected circuit judge in 2014. Judge Murphy graduated from the University of Arkansas and received his law degree in 1986. He also served as law clerk for the United States Magistrate judge in Springfield, Missouri.

Judge Murphy is a past member of the Arkansas Bar Association House of Delegates, a past-president of the Arkansas City Attorneys Association, and a former member of the Little Rock Air Force Base Community Council. He is a member of the Arkansas Judicial Council and the Arkansas, Faulkner County, and American Bar Associations and serves on the board of the Conway Public Schools Foundation. He has three children.



### **Adrienne Nelson**

*Oregon Supreme Court*

Justice Adrienne Nelson was appointed to the Oregon Supreme Court on January 2, 2018, making her the first African American to

sit on the state's highest court and any appellate state court. In 2006, she was appointed as a trial judge on the Multnomah County Circuit Court in Portland, making her the second African American female judge in the state of Oregon. Prior to her judicial appointments, she worked as a public defender with Multnomah Defenders, Inc., then as an associate with Bennett, Hartman, Morris & Kaplan and as the senior attorney/coordinator of the Portland State University Student Legal and Mediation Services. Judge Nelson earned her JD degree from the University of Texas at Austin and her BA summa cum laude from the University of Arkansas.

Judge Nelson is a frequent speaker on a number of topics, including diversity, inclusion, equity, leadership, and professional development. She sits on the American Bar Association Standing Committee on Public Education, is the Oregon delegate to the ABA House of Delegates, chairs the Lewis and Clark Law School Judge Roosevelt Robinson Scholarship Committee, and is vice-president of the Owen M. Panner American Inn of Court.

In the community, Justice Nelson sits on the Reed College Board of Trustees, chairs the Self-Enhancement, Inc. Board of Directors, is on the Oregon Community Foundation Metropolitan Portland Leadership Council, and sits on the Girl Scouts Beyond Bars Advisory Board.



### **Paige Petersen**

*Utah Supreme Court*

Judge Paige Petersen was appointed to the Utah Supreme Court in December 2017 by Governor Gary Herbert.

Before joining the Supreme Court, she was a district court judge in the Third Judicial District, which serves Salt Lake, Summit, and Tooele counties.

Judge Petersen graduated summa cum laude from the University of Utah in 1995, after first obtaining an associate's degree from the College of Eastern Utah in Price. She received her law degree from Yale Law School in 1999. After graduation, she clerked for two years in the US District Court for the Southern District of Ohio. After her clerkship, she joined the law firm of Simpson Thacher & Bartlett in New York City, practicing civil litigation. She then transitioned to criminal law, serving as an assistant US attorney in the Eastern District of New York in Brooklyn. There, she handled cases involving organized crime and international narcotics trafficking. Judge Petersen then prosecuted war crimes at the International Criminal Tribunal for the Former Yugoslavia in The Hague, Netherlands, where she was a member of the trial team responsible for successfully prosecuting the former Serbian chief of police for ethnic cleansing and mass murder in Kosovo. She then returned to Utah and joined the US Attorney's Office in Salt Lake City, where she prosecuted violent crimes for three years before taking the bench.



## Lisa Rose

*New Jersey Superior Court,  
Appellate Division*

Judge Lisa Rose is an Appellate Division judge in New Jersey. She was appointed to the bench in 2011 and was first assigned to the Criminal Division in the Hudson Vicinage. She was then assigned to the Civil Division until she was elevated to the Appellate Division in early 2018. In addition to her role on the bench, Judge Rose serves on the New Jersey Supreme Court Committee on the Rules of Evidence.

Prior to taking the bench, Judge Rose was an assistant US attorney in the District of New Jersey for nine years. Prior to that, Judge Rose was in private practice, served as a deputy attorney general in the New Jersey Office of the Attorney General, and was an assistant prosecutor in the Essex County Prosecutor's Office.

Judge Rose received her JD from Seton Hall University School of Law in 1987 and her BA from Rutgers University in 1984. She is admitted to the New Jersey and New York State Bars, and she is a member of the New Jersey State Bar Association, the Hudson County Bar Association, and the New Jersey Women Lawyers Association.



## Paul T. Salussolia

*US Army Court of Criminal Appeals*  
Colonel Paul T. Salussolia, US Army, Judge Advocate General's Corps, assumed duties as associate judge, US Army Court of Criminal Appeals,

in July 2017. Colonel Salussolia was born in Oradell, New Jersey. In 1987, he received a BA in criminology from the University of South Florida. He received his JD in 1990 from Stetson College of Law. He joined the Judge Advocate General's Corps with a direct commission in 1990. He received his MS in national security strategy from the National War College in 2015. He is a member of the State Bar of Florida. He is admitted to practice before the US Court of Appeals for the Federal Circuit, the US Court of Appeals for the District of Columbia, and the US Court of Federal Claims.

Colonel Salussolia's assignments include: chief, US Army Litigation Division, Fort Belvoir 2015–2017; staff judge advocate, 8th Theater Sustainment Command, Fort Shafter, Hawaii, 2012–2014; staff judge advocate, Intelligence and Security Command, Fort Belvoir, Virginia, 2010–2012; deputy legal advisor, International Security Assistance Force, Afghanistan, 2009–2010; staff judge advocate, United States Army Criminal Investigation

Command, Fort Belvoir, Virginia, 2007–2009; operational law planner, US Northern Command, Patrick AFB, Colorado, 2005–2007; deputy staff judge advocate, Southern European Task Force, Camp Ederle, Italy, 2004–2005; US Army Litigation Division, 2000–2003; chief of Military Justice/chief of Administrative Law, US Army South, Fort Clayton, Panama, 1997–1999; Contract Litigation attorney, Aviation Troop Command, St. Louis, Missouri, 1994–1997; chief of Civil Law, 21 TAACOM, Stuttgart, Germany, 1993–1994; and Trial Defense counsel, Stuttgart Germany 1991–1993. Colonel Salussolia also served as an enlisted MP with the 615th MP Company, Federal Republic of Germany, 1981–1983.

Colonel Salussolia is married to the former Donna Schermaul of Saint Petersburg, Florida, and has two grown sons.



## David R. Stras

*US Court of Appeals for the  
Eighth Circuit*

David Stras became a judge on the United States Court of Appeals for the Eighth Circuit on January 31,

2018. Before serving on the Eighth Circuit, Judge Stras was an associate justice of the Minnesota Supreme Court, a position he occupied from July 1, 2010, until his recent appointment to the Eighth Circuit.

Prior to becoming a judge, he was a member of the faculty of the University of Minnesota Law School from 2004 to 2010. He taught and wrote in the areas of federal courts and jurisdiction, constitutional law, criminal law, and law and politics. In addition, Judge Stras was co-director of the Institute for Law and Politics at the University of Minnesota.

Judge Stras received his BA with highest distinction in 1995 and his MBA in 1999 from the University of Kansas. He received his JD from University of Kansas School of Law in 1999, where he served as editor-in-chief of the Criminal Procedure Edition of the *Kansas Law Review*.

Following law school, he clerked for the Honorable Melvin Brunetti of the United States Court of Appeals for the Ninth Circuit and then for the Honorable J. Michael Luttig of the United States Court of Appeals for the Fourth Circuit.

From 2001 to 2002, Judge Stras practiced white collar criminal and appellate litigation with the Washington, DC, office of Sidley Austin Brown & Wood. Following his year in practice, he clerked for the Honorable Clarence Thomas of the Supreme Court of the United States.



### Sean J. Tindell

#### *Mississippi Court of Appeals*

Judge Sean J. Tindell of Gulfport was appointed to the Mississippi Court of Appeals on October 17, 2017. Governor Phil Bryant appointed him to the vacancy created by Judge David Ishee's appointment to the Supreme Court.

Judge Tindell served in the Mississippi Senate, representing District 49, from 2012 until his appointment to the bench. He was chairman of the Senate Judiciary Committee and vice chairman of the Senate Tourism Committee. He was an assistant district attorney for the Second Circuit District of Harrison, Hancock, and Stone counties from 2002 to 2007. He entered private practice in 2007, also serving as a prosecutor for the City of Biloxi and as city attorney for the City of Diamondhead.

Judge Tindell earned his bachelor's and master's degrees in business administration from the University of Southern Mississippi. He participated in a study abroad program with an emphasis in finance at the London School of Economics. He earned a JD in 2001 from Mississippi College School of Law, where he served as student body president and earned honors of American jurisprudence in counseling and negotiations and domestic relations.

Judge Tindell grew up on the Mississippi Gulf Coast. He is the son of Tom and Dora Harvey of Biloxi, and the late Sidney Tindell of Biloxi. He and his wife Claire live in Gulfport with their four children, Sam, John Thomas, Meredith, and Henry.



### Joseph L. Toth

#### *US Court of Appeals for Veterans Claims*

Judge Joseph L. Toth was appointed a judge of the United States Court of Appeals for Veterans Claims

in August 2017.

Judge Toth is a veteran of the Judge Advocate General (JAG) Corps of the United States Navy, where he served as senior defense counsel in Pearl Harbor, Hawaii, and provided legal assistance to veterans, service members, and their families. In 2011, Judge Toth was deployed to the Zhari district of Afghanistan, where he served as a field officer for the Rule of Law Field Force Afghanistan (ROLFF-A) and was stationed with the Army's 10th Mountain Division. He received the Joint Service Commendation Medal for his service in Afghanistan. After leaving active duty, Judge Toth served as associate federal defender in Milwaukee, with a focus on appellate litigation and motions

practice. Judge Toth has served on or appeared before several federal and military courts, including the United States Court of Appeals for the Seventh Circuit and the United States Court of Appeals for the Fourth Circuit.

Judge Toth clerked for Judge Daniel A. Manion of the United States Court of Appeals for the Seventh Circuit and Judge Robert J. Conrad of the United States District Court for the Western District of North Carolina. Additionally, he worked as an associate counsel at Drinker Biddle & Reath in the commercial litigation group.

Judge Toth received his BA degree from the University of Chicago and his JD from the Ave Maria School of Law, where he was the managing editor of the *Ave Maria Law Review*.



### Ted Tow

#### *Colorado Court of Appeals*

Before joining the Colorado Court of Appeals, Judge Ted Tow served on the trial bench for seven years as a district judge in the 17th Judicial District (Adams County). Prior to his judicial service, he served as the executive director of the Colorado District Attorneys' Council, following several years as a deputy district attorney. He began his legal career in private practice, working as an associate primarily in labor and employment for three different law firms, including Dickinson, Wright, Moon, Van Dusen & Freeman (Chicago); Matkov, Salzman, Madoff & Gunn (Chicago); and Sherman & Howard (Denver).

Off the bench, Judge Tow enjoys teaching, and is a graduate and frequent faculty member of the Colorado Institute for Faculty Excellence in Judicial Education. He also is active in leadership roles in the State Bar Association and previously served as the chair of the Colorado Judicial Discipline Commission. In his spare time, Judge Tow enjoys attending the theater, sports, playing games and cards, skiing, and hiking. He also enjoys performing and has in recent years done so with the Colorado Symphony Chorus in *Too Hot to Handel*; in local community theater productions, including *Catch Me If You Can* (Roger Strong) and *Next to Normal* (Dr. Fine/Dr. Madden); and in numerous Ethics Revues put on by the Law Club of Denver.





### **Gary F. Traynor**

*Delaware Supreme Court*

Justice Gary Traynor was sworn in for his first term as justice of the Supreme Court of Delaware on July 5, 2017. Prior to his appointment, Justice Traynor was a practicing Delaware lawyer for 35 years. A member of the Delaware Bar since 1982, Justice Traynor began his legal career with a small firm in Dover handling a diverse range of litigation matters. In 1990, he joined the firm of Prickett, Jones & Elliott, where he served as the firm's managing director from 2005 to 2007. For his first 10 years with the Prickett firm, Justice Traynor continued to focus on general litigation matters, including criminal defense, personal injury litigation, and domestic relations disputes. In 1999, he transitioned to the firm's corporate and commercial litigation practice, where he remained until leaving the firm in 2014 to join the State of Delaware Office of Defense Services, serving as an assistant public defender defending major felony cases until his appointment in 2017.

Justice Traynor received his undergraduate degree from Dartmouth College and earned his law degree from Delaware Law School of Widener University. Before joining the state's highest court, he served on the Delaware Supreme Court's Board on Professional Responsibility from 2011 to 2017 and was an appointed member of the US Third Circuit Court of Appeals' Task Force on Management of Death Penalty Litigation from 1998 to 2001.

In addition to his legal work, Justice Traynor was a commissioner on the Delaware River and Bay Authority from 2009 to 2014. He also served as an officer in the Delaware Army National Guard from 1990 to 1991. He and his wife, Kathleen Andrus, reside in Rehoboth Beach, Delaware, with their beloved Bichon Frise, Dewey.



### **Scott Walker**

*Texas Court of Criminal Appeals*

Judge Scott Walker was elected to the court in 2016. He graduated from Dallas Baptist University and received his JD from Baylor School of Law. He is a member of the State Bar of Texas and the Texas Bar College.

He is a former member of the Texas Criminal Defense Lawyers Association and the Tarrant County Criminal Defense Lawyers Association. Judge Walker has been married to his high school sweetheart since 1974, and they have one son, one daughter, and two grandchildren.



### **Tracey Wollenberg**

*Alaska Court of Appeals*

Judge Tracey Wollenberg was born and raised in the New York metropolitan area. She received an AB degree from Harvard University. Following college, Judge Wollenberg worked as a financial analyst for Morgan Stanley, first in New York and then in Sydney, Australia.

After receiving her law degree from Columbia Law School in 2005, Judge Wollenberg moved to Alaska to clerk for Judge David Mannheimer on the Alaska Court of Appeals. In 2006, she joined the Alaska Public Defender Agency, and in 2011, she was appointed deputy public defender for the Appellate Division, supervising statewide criminal and civil appeals for the agency. In February 2017, Alaska Governor Bill Walker appointed Judge Wollenberg to the Alaska Court of Appeals.

Judge Wollenberg lives in Anchorage with her partner, James Christer, and their dog, Daisy Mae.



### **K. Scott Woodard**

*US Navy-Marine Corps Court of Criminal Appeals*

Colonel Scott Woodard is a native of Minden, Louisiana. He is a graduate of Louisiana Tech University and received his JD from the University of Arkansas, Fayetteville, School of Law. He has been a member of the Arkansas Bar since 1995. Colonel Woodard's military career began when he enlisted in the US Marine Corps (Reserve) as an infantryman in 1991. He quickly transitioned to the active duty commissioned officer ranks in 1992 as a student judge advocate. After being designated as a judge advocate in 1996, Colonel Woodard served in numerous trial and supervisory litigation positions as both a prosecutor and defense counsel. He has also served as a command legal advisor at the installation, major subordinate command, major command, and force command levels. He has twice deployed in support of Operation Enduring Freedom and Operation Iraqi Freedom (2003 and 2009).

His command time includes two state-side tours as the officer-in-charge of law centers and one tour as the executive officer for a forward deployed Combat Logistics Regiment. In the academic arena, Colonel Woodard has served as an Evidence, Procedure, and Trial Advocacy instructor at the Naval Justice School, Newport, Rhode Island. He was also an adjunct professor for Military Justice Studies at the Naval War College and the Defense Institute of International Legal Studies. He also served as

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a Commandant of the Marine Corps Fellow to the Department of Justice, National Security Division, Counter-Terrorism Section (2013–2014).

Colonel Woodard assumed the duties of chief judge of the Navy-Marine Corps Court of Criminal Appeals in July 2018.



### **Kevin Patrick Yeary**

*Texas Court of Criminal Appeals*

Judge Kevin Patrick Yeary is a native Texan. He was born in Cotulla and raised in Laredo. He and his wife, Suzie, have four daughters, and they currently live in Wimberley. Judge Yeary was elected to the Texas Court of Criminal Appeals in 2014. From 1991 to 1992, he served as a law clerk/briefing attorney at

the Texas Court of Criminal Appeals to the late Honorable Judge Bill M. White. He is the only currently serving judge on the court to have also worked for the court as an attorney.

After working at the court, Judge Yeary practiced for three years in a private firm, addressing civil litigation and criminal defense. Immediately prior to his election, he was employed for 19 years as an appellate lawyer in large district attorneys' offices across Texas. He has worked for the district attorneys' offices in Dallas, Houston, and San Antonio. He has appeared as counsel and argued before both the Texas Court of Criminal Appeals and the Texas Supreme Court, and he has prepared and filed briefs in cases before the United States Supreme Court as well. He received both his undergraduate and law degrees from St. Mary's University.

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## **Spotlight on 2018 IJA Summer Fellows**

Each year, IJA selects three to four outstanding first-year NYU Law students to serve as IJA Summer Fellows. Selected students have the opportunity to work under the direct supervision of IJA faculty directors to prepare for AJS. Such work includes, among other matters, researching of legal developments in state constitutional and US Supreme Court criminal law, preparing a bench memorandum for the AJS moot court, and researching an ethics summary in response to questions posed in advance by attending judges. IJA Fellows attend the weeklong AJS Seminar. Prior IJA Fellows have gone on to clerk in federal and state courts, as well as the US Supreme Court. The Summer Fellowship is a proud tradition of IJA in which Martin Lipton LLB '55, chair emeritus of NYU's Board of Trustees, participated as an early IJA research assistant (precursor to the Summer Fellow program).



### **Lauren Bobersky**

I graduated from Boston College in 2013 with a dual-degree in applied psychology/human development and communications. I enthusiastically applied to be an IJA Fellow this summer because of my fascination with judicial decision-making as well as the rare opportunity to meet honorable judges and justices from around the country. As an IJA fellow, I wrote the bench memo for the moot

court portion of the conference. I was truly fascinated by the chosen case, *Guido vs. Mount Lemmon Fire District*. The case was one of statutory interpretation, a topic that I loved learning about as a 1L at NYU. Both Professor Estreicher and Professor McKenzie provided guidance during my authorship of the memo, and it was a surreal experience that the seminar attendees used my writing as they decided their opinion for the moot case. I am extremely grateful that I was able to participate in this program, and I would highly recommend it to any rising 2L at NYU Law.



### **Christopher Roland '20, Jeff Tonge '20, Vivian Prieto '20**

NYU Law students interested in serving as an IJA Summer Fellow should check Symplicity in February 2019 when Faculty RA positions are posted, or contact [ija.admin@nyu.edu](mailto:ija.admin@nyu.edu) to be put on a list for notification when openings may be published. ○

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