



## From the Executive Co-Directors

We welcome you to the second issue of our Newsletter. IJA is a community of leading judges, practitioners, and academics engaged in maintaining and enhancing our system of justice. We hope in this and coming issues to keep you informed of the activities of the Institute and urge you to alert us to developments in your professional lives. Please be sure to see our calendar on the last page of this newsletter for program highlights scheduled for 2005 and 2006.

**Professors Oscar G. Chase and Samuel Estreicher**

# Chief Justice Ronald George Urges Stronger Institutional Independence and Identity

It's not every day that you hear a state supreme court justice compared to soul legend James Brown. But it happened at the Justice William J. Brennan Jr. Lecture on State Courts and Social Justice at the NYU School of Law. The Honorable Judith S. Kaye, Chief Judge of the State of New York, introduced California's Chief Justice, The Honorable Ronald M. George, by drawing a parallel between the singer, once described as a "continuous whirl of motion," and George, who she said is the "hardest working man in the court business."

The 11th Annual Brennan Lecture, co-sponsored by IJA and the Brennan Center for Justice on January 26, 2005, capped off the four-day meeting of the Conference of Chief Justices in New York. In his talk, "Challenges Facing an Independent Judiciary," Chief Justice George argued that "by creating a stronger judicial identity, state courts can better maintain their independence in judicial decision-making." The audience included more than 20 judges from state courts of last resort.



Since 1972, California's courts have been the largest court system in the western world, surpassing in size even the federal court system. In 1996, George became Chief Justice of the state, and within two years, he had visited every one of its trial and

appellate courts. Finding that access to and quality of justice varied vastly, he identified three priorities for the judicial branch: shifting court funding from the local to the state level; consolidating the dual-level trial courts; and improving court facilities.

## In This Issue

Judge Daughtrey Speaks on Clerking	<b>3</b>
Workshop on Employment Law for Federal Judges	<b>4</b>
New Board Nominees	<b>6</b>
Summer Fellow Update	<b>7</b>
IJA Community News	<b>8</b>
Board of Directors	<b>9</b>
IJA Members	<b>9</b>
How to Contact IJA	<b>10</b>



## The 2006 Brennan Lecture

The Brennan Lectures are published by the *New York University Law Review*. The Twelfth Annual Brennan Lecture will be delivered by The Honorable Randall T. Shepard, Chief Justice of the Supreme Court of Indiana, on February 28, 2006. All IJA members and alumni are invited to attend.

### Previous Brennan Lecturers

- 1995 Hon. Judith S. Kaye**, Chief Judge, Court of Appeals of the State of New York
- 1996 Hon. Stewart G. Pollock**, Associate Justice, Supreme Court of New Jersey
- 1997 Hon. Stanley Mosk**, Associate Justice, Supreme Court of California
- 1998 Hon. Ellen Ash Peters**, Chief Justice, Supreme Court of Connecticut
- 1999 Hon. George Bundy Smith**, Associate Judge, Court of Appeals of the State of New York
- 2000 Hon. Shirley S. Abrahamson**, Chief Justice, Supreme Court of Wisconsin
- 2001 Hon. Christine M. Durham**, Associate Justice, Supreme Court of Utah
- 2002 Hon. Thomas R. Phillips**, Chief Justice, Supreme Court of Texas
- 2003 Hon. Jeffrey L. Amestoy**, Chief Justice, Supreme Court of Vermont
- 2004 Hon. Margaret H. Marshall**, Chief Justice, Supreme Judicial Court of Massachusetts
- 2005 Hon. Ronald M. George**, Chief Justice, Supreme Court of California

First, George determined that better coordination among the courts and between the courts and state agencies was essential in order to provide the public with better services, such as additional interpreters to handle the more than 100 languages spoken in California courts. In 1997, the judicial branch convinced the state legislature to shift the responsibility of funding state courts from the counties to the state. A mechanism was now in place to ensure continuity and equal access to the courts statewide so that the state Judicial Council can assess the needs of local courts and distribute money accordingly.

Then, in 1998, the legislature passed a constitutional amendment to unify the municipal and superior courts to create a more effective system. By 2001, the number of trial courts in California fell from 220 to 58. This change allowed for a more efficient use of resources and increased adaptability on the trial court level to the changing needs of the state.

Finally, in 2002, the ownership of court facilities was transferred from the counties to the state government, with the management overseen by the judicial

branch. Many counties, faced with difficulties in funding schools and other social services, had made the maintenance of court facilities a low priority. As a result, according to George, "Our temples of justice include many buildings that would be unable to withstand even a moderate earthquake. Courtrooms located in trailers, and structures with toxic mold, falling asbestos tiles, and peeling lead paint make the courthouse a dangerous place to work or to litigate one's case." With the 2002 legislation, these facilities are no longer a burden on the counties, but have become a state-wide responsibility.

According to George, these changes, as well as regular meetings with the legislative and judicial branch and a yearly state of the judiciary address to the other two branches of government, will help the judiciary take its place as a co-equal branch of government. With this, the California judiciary will achieve a stronger institutional identity and independence. While these initiatives have not always been greeted with enthusiasm by every judge, the outcome has been increased access to the courts, improved services, and overall better administration of justice. "We work with words and persuasion, not with the power to appropriate or legislate," George concluded. "We shall be measured in the end by how well we perform our constitutional function of providing fair



Judge Robert S. Smith (IJA Alum, New York Court of Appeals) and Professor Oscar G. Chase (IJA Executive Co-Director) at the 2005 Brennan Lecture.





Standing: Chief Judge Judith S. Kaye (New York Court of Appeals, IJA Board Nominee), Chief Justice Ronald M. George (California Supreme Court), Alison Kinney (IJA Program Coordinator), Professor Oscar G. Chase (IJA Executive Co-Director). Seated: Chief Justice Shirley S. Abrahamson (Wisconsin Supreme Court), Professor Samuel Estreicher (IJA Executive Co-Director).

and accessible justice and preserving the rule of law.”

Chief Justice George has been Chief Justice of California since 1996. Prior to

this appointment, he served as a judge in municipal court, the Los Angeles County Superior Court, and the Court of Appeal. He also served as Deputy Attorney General

for the California Department of Justice from 1965–72. At the California Department of Justice, he argued six cases before the United States Supreme Court. ■

## Judge Daughtrey Discusses Clerking in the State and Federal Courts

The Honorable Martha Craig Daughtrey gave a spirited talk on clerking, followed by a question and answer session, for NYU School of Law students on April 4. Judge Daughtrey, a judge of the U.S. Court of Appeals for the Sixth Circuit, first attended IJA’s Appellate Judges Seminar in 1976 and is the most veteran member of IJA’s judicial teaching faculty. ■



Judge Daughtrey answering questions from NYU School of Law students.



# Scheindlin Delivers Talk for Workshop on Employment Law for Federal Judges

According to the *New York Times*, The Honorable Shira Scheindlin of the U.S. District Court for the Southern District of New York “has been called witty, sarcastic, nonsense, eminently fair, eminently unfair, brilliant and antigovernment.” She has decided high-profile cases involving National Football League draft rules and a magazine ad about former New York Mayor Rudolph Giuliani. Her recent work on behalf of the federal rule-making process, addressing electronic discovery resulting from newer technologies like email and databases, brought Scheindlin to the two-day Workshop on Employment Law for Federal Judges.

The annual workshop, co-sponsored by IJA, the Federal Judicial Center, and the Law School’s Center for Labor and Employment Law, welcomed 50 federal trial and appellate judges from around the country to discuss such topics as case management, wage/hour litigation, evidence and experts, mediation, sex and age discrimination, and jury instructions.

As the luncheon speaker and part of a panel on electronic discovery, Scheindlin discussed her opinions in *Zubulake v. UBS Warburg* and several proposed rule changes intended to deal better with electronic information. In *Zubulake*, Scheindlin explored on how courts should handle the accessibility of different data, which party in a lawsuit should pay for retrieving “inaccessible” data, what to do when data is destroyed, and when to apply sanctions. “What are [employers] required to preserve?” asked Scheindlin. “What is the scope?” These questions will ultimately be determined by case law, but she cautioned judges not to issue overly broad preservation orders.

Professor Samuel Estreicher, Executive Co-Director of IJA and Director of the Labor Center, said, “We have to be careful of the cost of discovery requests driving the litigation.”



Top: (left to right) Hon. Rosemary Barkett (U.S. Court of Appeals, Cir. 11), Professor Samuel Estreicher (IJA Executive Co-Director), Hon. Shira A. Scheindlin (U.S. District Court, SDNY); Bottom: Panel on Evidence Issues/Use of Experts, (left to right) Robert B. Fitzpatrick (Robert B. Fitzpatrick, PLLC), Hon. Denny Chin (U.S. District Court, SDNY), and Robert S. Whitman (Orrick, Herrington & Sutcliffe)

In her address, Scheindlin said the proposed changes to the Federal Rules of Civil Procedure, which will become effective in December 2006 if no substantial modifications are made, are needed because electronically stored information has generated unique problems. Its volume, the dynamic nature in which it

is automatically created and deleted, its difficulty to delete, and the importance of the software used to view it are some of the distinct dilemmas that courts need to address, Scheindlin observed.

The Wage-Hour Litigation panel also focused on a novel development in employment law: collective actions. Unlike



class action suits, where eligible plaintiffs are included unless they opt out, individuals in a collective action must opt-in to participate in the litigation. In employment law, such cases typically involve unpaid overtime under the Fair Labor Standards Act, said Adam Klein, an Outten & Golden partner. Pat Rodenhause, a regional attorney with the U.S. Department of Labor, said that while collective actions are known to practitioners, judges tend to be unfamiliar with the actions because 80 to 90 percent of the cases are settled privately.

In a dialogue on evidence and experts, The Honorable Denny Chin of the U.S. District Court for the Southern District of New York summarized two key U.S. Supreme Court decisions: *McDonnell Douglas Corp. v. Green* (1973) and *Desert Palace, Inc. v. Costa* (2003). In mixed-motive discrimination cases, where some of an employers' actions may be legal and others illegal, the three-pronged McDonnell Douglas test, which Chin said really has eight steps, is "too cumbersome." In *Desert Palace*, the Supreme Court held that direct evidence is not needed to uphold mixed-motive claims. Robert Fitzpatrick, who represents primarily plaintiffs, went further: "I think the Court is trying to say we need to put the pedal to the floor to end discrimination in this country."

Panelists encouraged the judges in the audience to give their rulings in several hypothetical employment law scenarios, including a woman alleging sexual harassment claims that she has suffered weight loss, hair loss, and sleepless nights. "Should the judge allow a court-ordered mental exam?" asked Fitzpatrick. Most judges agreed they would not, particularly given the difficulty of proving sleeplessness or connecting hair and weight loss to the harassment. They also debated whether they would alter their decisions if an expert was going to testify that the woman was experiencing post-traumatic stress disorder.

Moving from how to rule to how to resolve, the workshop's first day concluded with a panel on mediation, "A technique that you all need to learn to master as a way of clearing your dockets and serv-

ing justice," Estreicher said. Employment law cases seem particularly conducive to mediation conducted by judges. For one, these cases often drag on for years and are hard to win, said Daniel Kaiser, a partner with Kaiser Saurborn & Mair who represents plaintiffs. "Mediation is an effective tool to mediate that disproportion between cost and benefit," he said. Because these cases are so emotional for plaintiffs, Kaiser said, lawyers want their clients to hear what the law is and what is realistically possible for damages, so that they have a clear picture from the court about what happens in typical discrimination cases.

The Honorable Loretta Preska of the U.S. District Court for the Southern District of New York presented a step-by-step sequence for her mediations, from talking about the facts to discussing resolutions and monetary awards. "If one party says no [to a proposed settlement], then I tell them to go back to the barricades, and I don't disclose their answer," she added.

When defense lawyer Zachary Fasman, partner with Paul Hastings Janofsky & Walker, has clients who are resisting a good settlement, he would tell them to remember that decision two years later when he would be prepping them for trial. ■



**Top: (left to right) Hon. Victoria A. Roberts (U.S. District Court, EDMI) and Hon. Vanzetta P. McPherson (U.S. District Court, MDAL); Bottom: (left to right) Hon. Lurana S. Snow and Hon. John J. O'Sullivan (both U.S. District Court, SDFL).**

# Kaye and Olson Nominated to IJA Board of Directors

IJA is pleased to announce two new nominees to the IJA Board of Directors, to be voted upon at the Annual Meeting of the Members. The Meeting, in conjunction with the Annual Appellate Judges Seminar Alumni Reunion, will take place at 8:00 a.m. on Monday, August 8, 2005 in Chicago at the ABA Annual Meeting.

## The Honorable Judith S. Kaye

The Honorable Judith S. Kaye was sworn in as Chief Judge of the State of New York on March 23, 1993, becoming the first woman to occupy the top judicial office of New York State. She became the first woman to serve on New York State's high court when Governor Mario M. Cuomo appointed her Associate Judge of the Court of Appeals in September 1983.



Chief Judge Kaye is Co-Chair of the Commission on the American Jury of the American Bar Association, a member of the Board of Directors of the

National Center for State Courts, a member of the Conference of Chief Justices, Chair of the Permanent Judicial Commission on Justice for Children, a member of the Board of Editors of the *New York State Bar Journal*, Founding Member and Honorary Chair of Judges and Lawyers Breast Cancer Alert (JALBCA), and serves as Trustee of the William Nelson Cromwell Foundation. She is also a member of the American College of Trial Lawyers, the American Law Institute, the American Academy of Arts and Sciences, the Women's Bar Association of the State of New York, the Association of Women Judges (New York and national) and the American Philosophical Society.

Judge Kaye is the author of numerous publications, particularly articles dealing with legal process, state constitutional law, women in law, professional ethics and problem-solving courts. She is the recipient of various awards, including the American Bar Association Commission on Women in the Profession's Margaret Brent Women Lawyers of Achievement Award, the National Center for State Courts' William H. Rehnquist Award for Judicial Excellence, the New

York County Lawyers Association's William Nelson Cromwell Award, New York University Law School's Vanderbilt Medal, the Barnard College President's Medal, the Gold Medal of the New York State Bar Association, and the Fordham-Stein Prize. She has also received numerous honorary degrees.

Chief Judge Kaye is a 1958 graduate of Barnard College and received her LL.B. cum laude from New York University School of Law in 1962. She engaged in private practice in New York City until her appointment to the Court of Appeals.

She and her husband, Stephen Rackow Kaye, a practicing lawyer, are the proud parents of Luisa, Jonathan and Gordon, and proud grandparents of Sonja, Andrea, Ben and Shirin.

## Theodore B. Olson, Esq.

Theodore B. Olson is a partner in Gibson, Dunn & Crutcher's Washington, D.C. office. He is a member of the firm's Executive Committee, serves as Co-Chair of the Appellate and Constitutional Law Practice Group, and heads the firm's Crisis Management Team.

Mr. Olson was Solicitor General of the United States from 2001-04. From 1981-84 he was Assistant U.S. Attorney General for the Office of Legal Counsel. Except for those two intervals, he has been a lawyer with Gibson, Dunn & Crutcher in Los Angeles and Washington, D.C. since 1965.

Mr. Olson is one of the nation's premier appellate and U.S. Supreme Court advocates. He has argued 41 cases in the Supreme Court, including *Bush v. Palm Beach County Canvassing Board* and *Bush v. Gore*, stemming from the 2000 presidential election. Mr. Olson's Supreme Court arguments







## IJA Summer Fellow Update

Every year since 1996, IJA has selected four top-notch first-year students for its Summer Fellows program. The fellowship, a full-time summer commitment, integrates an intensive note-writing experience with research responsibilities for IJA's New Appellate Judges Seminar. Recent IJA Summer Fellows have obtained clerkships with judges on the United States Supreme Court, various U.S. Courts of Appeals, State Supreme Courts, and U.S. District Courts. We are proud to report on the latest news from our previous Fellows:

**Kristina Daugirdas** begins her clerkship with Judge Stephen Williams of the U.S. Court of Appeals for the District of Columbia Circuit.

**Yohance C. Edwards** is employed by Munger, Tolles & Olson LLP in San Francisco with Brian Hochleutner.

**Elliot Greenfield** will begin working as an associate at Debevoise & Plimpton in September.

**Jeffrey M. Hirsch** has joined the University of Tennessee Law faculty, after working for four years in the Appellate Court Branch of the National Labor Relations Board in Washington, D.C. Following graduation from the NYU School of Law, he was a judicial clerk for Judge Haldane R. Mayer on the U.S. Court of Appeals for the Federal Circuit and Judge Robert R. Beezer on the U.S. Court of Appeals for the Ninth Circuit.

**Bill McGeeveran** was recently named to a fellowship at the Berkman Center for Internet and Society at Harvard Law School. His research there will include a study of how new information technology affects the interaction of copyright law and scholarly research. Starting in fall 2006, Bill will be a professor at the University of Minnesota Law School.

**Kimberly C. Jones Spiering** is clerking for Chief Justice Mary Mullarkey of the Supreme Court of Colorado.

**Lindsay (Traylor) Braunig** begins her clerkship with Judge Stephen Wilson of the U.S. District Court for the Central District of California.

## IJA Summer Fellows 1996–2005

**1996** Sarah R. Cebik; Jeffrey M. Hirsch; Daniel J. Krause; Daniel H. R. Laguardia

**1997** Melanie Hochberg Giger; Benet J. O'Reilly; Anjli Garg Pero; Kieran P. Ringgenberg; Douglas T. Tsoi

**1998** Christopher J. Garofalo; Lauryn Powers Gouldin; Ilizabeth Gonchar Hempstead; Derek Ludwin

**1999** Abigail Phillips Caplovitz; Margaret Hayes Lemos; Joel Lance Thollander; David Albert Yocis

**2000** Brian Hochleutner; William McGeeveran; Parvin D. Moyne; Shirley S. Park

**2001** Yohance C. Edwards; Jessica Kayle Fried; Jennifer G. Presto; Robert Alexander Schwartz

**2002** Matthew B. Larsen; Ajay Salhotra; Kimberly C. Spiering; James A. Worth

**2003** Kristina Daugirdas; Elliot Greenfield; Jonathan K. Regenstein; Lindsay (Traylor) Braunig

**2004** Jason W.H. Burge; Ari D. MacKinnon; Lee M. Pollack; Teddy Rave

**2005** Kara J. Ervin; David A. Herman; Joshua M. Kaplan; Kimberly Steefel

have included cases involving separation of powers, federalism, voting rights, the First Amendment, the Equal Protection and Due Process Clauses, civil rights, sentencing, jury trial rights under the Seventh Amendment, the constitutionality of independent regulatory agencies, punitive damages, takings of property and just compensation under the Fifth Amendment, the Commerce Clause, immigration, criminal law, copyright, antitrust, securities, telecommunications, the internet, and other federal constitutional and statutory questions.

Mr. Olson has served as private counsel to two Presidents, Ronald Reagan and George W. Bush, as well as service to those two Presidents in high-level positions in the Department

of Justice. He has twice received the U.S. Department of Justice's Edward J. Randolph Award, its highest award for public service and leadership. He has also been awarded the Department of Defense's highest civilian award for his advocacy in the U.S. courts, including the Supreme Court, on behalf of that Department.

Mr. Olson is a Fellow of both the American College of Trial Lawyers and the American Academy of Appellate Lawyers. He received his law degree in 1965 from the University of California at Berkeley (Boalt Hall) where he was a member of the *California Law Review* and Order of the Coif. He received his bachelor's degree from the University of the Pacific. ■



## IJA Community News

We welcome news updates from our Board, Members, Fellows, and Appellate Judges Seminar Alumni. If you would like to submit an item for the next issue of our newsletter, please email Alison. Kinney@nyu.edu or fax (212) 995-4036.

In recent appearances before the United States Supreme Court, two IJA Board members, **Donald B. Ayer** of Jones Day, and **Carter G. Phillips** of Sidley, Austin Brown & Wood LLP, argued, respectively, *Exxon Mobil Corp. v. Allapattah Services Inc.*, No. 04-70, and *Ortega v. Star-Kist Foods*, No. 04-70, to determine whether supplemental jurisdiction could be exercised over related claims if they do not meet the minimum amount-in-controversy requirement for federal diversity jurisdiction.

This summer, NYU Press will publish *Law, Culture and Ritual: Disputing Systems in Cultural Context* by **Oscar G. Chase**, Russell D. Niles Professor of Law at the NYU School of Law and Executive Co-Director of IJA.

**Hon. Billie Colombaro** (IJA Alum '93, '02), formerly of the Court of Appeal of Louisiana for the Third Circuit, held the position of IJA Judicial Visiting Fellow for Spring 2005.

We congratulate **Hon. Andrew S. Effron** (Member, IJA Alum '97), judge on the U.S. Court of Appeals for the Armed Forces, on the 2004 graduation of his daughter Robin J. Effron from the NYU School of Law.

**Samuel Estreicher**, IJA Executive Co-Director and Director of NYU's Center for Labor and Employment Law, was honored with the Dwight D. Opperman Professorship of Law, named for IJA Board Member **Dwight D. Opperman**, former Chairman and CEO of West Publishing. On April 4 Estreicher delivered the inaugural Opperman Lecture, *Beyond Cadillacs vs. Rickshaws: Towards a Culture of Citizen Service*, preceded by remarks from **Hon. Anthony M. Kennedy** (IJA

Seminar Faculty), Associate Justice of the Supreme Court of the United States.

**Gregory J. Hobbs** (Member, IJA Alum '00), justice of the Supreme Court of Colorado, published *In Praise of Fair Colorado: the Practice of Poetry, History, and Judging* (Bradford Publishing), a collection of Hobbs' essays, speeches, poems, and law review articles concerning our civic duties to the environment and community.

IJA Board member **Martin Lipton** of Wachtell, Lipton, Rosen & Katz received the Law School's Judge Edward Weinfeld Award, which recognizes the professional distinction and commitment to the NYU School of Law of a graduate of 50 years ago or more.

**Hon. Richard M. Markus** (IJA Alum '83), former Chief Judge of the Ohio Court of Appeals for the Eighth District, expanded his lectures from the 1984-86 IJA Appellate Judges Seminars, on which he served as a faculty member, into an article, "A Better Standard for Reviewing Discretion," *Utah Law Review* 4 (2004).

**Hon. Pauline Newman** (IJA Alum '93, '03), judge of the U.S. Court of Appeals for the Federal Circuit, and chair of the NYU School of Law's Engelberg Center on Innovation Law and Policy's Advisory Council, gave a talk on the future of the Internet and intellectual property at the Law School this spring.

**Hon. Randall T. Shepard** (Member, IJA Alum '86), Chief Justice of the Supreme Court of Indiana, published "On Licensing Lawyers: Why Uniformity is Good and Nationalization is Bad" in the *NYU Annual Survey of American Law* 60.3, Judges' Forum No. 4. See page 2 for information on Shepard's Brennan Lecture, scheduled for February 28, 2006.

IJA Board Member **Linda J. Silberman**, Martin Lipton Professor of Law, published, with Professor Marcel Kahan, "The Proper Role for Collateral Attack in Class Actions: a Reply to Allen, Miller, and Morrison," *NYU Law Review* 73.4.

**Hon. Frank J. Williams** (IJA Alum '03), Chief Justice of the Supreme Court of Rhode Island, published "Abraham Lincoln and Civil Liberties: Then & Now—The Southern Rebellion and September 11" in the *NYU Annual Survey of American Law* 60.3, Judges' Forum No. 4.

**Hon. Diane P. Wood** (Member, IJA Seminar Faculty) of the U.S. Court of Appeals for the Seventh Circuit, delivered the October 18, 2004 James Madison Lecture, "Our 18th Century Constitution in the 21st Century World." The Law School established the Lecture series in 1959 to enhance the appreciation of civil liberty and strengthen the sense of national purpose.

### In Memoriam

We regret the passing of the following honored friends of the Institute:

**Hon. Richard S. Arnold** of the U.S. Court of Appeals for the Eighth Circuit, passed away on September 23, 2004. He first attended the IJA Senior Appellate Judges Seminar in 1981, and was a regular, spirited presence on the faculty of the IJA Appellate Judges Seminars.

**Hon. Milton Pollack** of the U.S. District Court of the Southern District Court of New York passed away on August 13, 2004. Judge Pollack was an IJA Life Member.

**Hon. Robert K. Puglia**, former Presiding Justice of the Court of Appeal of California for the Third Appellate District, passed away on March 11, 2005. Justice Puglia attended the 1984 New Appellate Judges Seminar and returned as a member of the Seminar Faculty in 1985 and 1988.



## IJA Board of Directors



### President

**Evan R. Chesler Esq.**  
Cravath, Swaine & Moore, LLP



### Vice President and Executive Co-Director

**Samuel Estreicher**  
Dwight D. Opperman  
Professor of Law,  
NYU School of Law



### Secretary and Executive Co-Director

**Oscar G. Chase**  
Russell D. Niles Professor  
of Law, NYU School of Law

**Hon. Shirley S. Abrahamson**  
Chief Justice, Supreme Court  
of Wisconsin

**Donald B. Ayer Esq.**  
Jones Day

**Sheila L. Birnbaum Esq.**  
Skadden, Arps, Slate,  
Meagher & Flom

**Peter Buscemi Esq.**  
Morgan Lewis & Bockius LLP

**Paul T. Cappuccio Esq.**  
Executive Vice President  
and General Counsel,  
Time Warner Inc.

**Michael V. Ciresi Esq.**  
Chair, Robins, Kaplan, Miller  
& Ciresi, LLP

**Florence A. Davis Esq.**  
President, The Starr  
Foundation

**Professor Walter E.  
Dellinger III**  
Duke University School  
of Law and O'Melveny  
& Myers, LLP

**Hon. Harry T. Edwards**  
U.S. Court of Appeals for the  
District of Columbia Circuit

**Hon. Robert A. Katzmann**  
U.S. Court of Appeals  
for the Second Circuit

**Thomas C. Leighton Esq.**  
Vice President of Government  
Relations and Contracts,  
West Group

**Martin Lipton Esq.**  
Wachtell, Lipton, Rosen & Katz

**Dwight D. Opperman Esq.**  
Chair, Key Investment, Inc.

**Carter G. Phillips Esq.**  
Sidley, Austin, Brown  
& Wood, LLP

**Hon. Stewart G. Pollock**  
Riker Danzig Scherer Hyland  
& Perretti, LLP

**Richard L. Revesz**  
Dean and Lawrence  
King Professor of Law,  
NYU School of Law

**Hon. Barbara J. Rothstein  
(ex officio)**  
Director, Federal Judicial Center

**Stephen M. Shapiro Esq.**  
Mayer Brown Rowe  
& Maw, LLP

**Linda J. Silberman**  
Martin Lipton Professor of  
Law, NYU School of Law

**Hon. Kenneth W. Starr**  
*President Emeritus*  
Dean, Pepperdine University  
School of Law

**Hon. John M. Walker Jr.**  
Chief Judge, U.S. Court  
of Appeals for the  
Second Circuit

**Kelly R. Welsh Esq.**  
*President Emeritus*  
Executive Vice President  
and General Counsel,  
The Northern Trust Company

**Hon. Kimba M. Wood**  
U.S. District Court for the  
Southern District of New York

**Diane L. Zimmerman**  
Samuel Tilden Professor  
of Law, NYU School of Law

**Hon. Rya W. Zobel**  
U.S. District Court for the  
District of Massachusetts

## IJA Members

(as of June 21, 2005)

### Life Members

**Hon. Marc T. Amy**  
Court of Appeal of Louisiana  
for the Third Circuit

**Hon. Maurice A. Hartnett III**  
Supreme Court of Delaware

**Hon. Thomas Homer**  
Appellate Court of Illinois  
for the Third District

**Hon. Abraham D. Sofaer**  
The Hoover Institution

**Hon. Herman J. Weber Jr.**  
U.S. District Court for the  
Southern District of Ohio

**Hon. William H. Webster**  
*President Emeritus*  
Millbank, Tweed, Hadley  
& McCloy

**Arthur T. Vanderbilt**  
**Sponsoring Member**  
**E. Nobles Lowe Esq.**  
Former General Counsel  
and Vice President,  
Westvaco Corporation

**John J. Parker**  
**Contributing Members**  
**Kenneth R. Feinberg Esq.**  
Feinberg Group, LLP

**Michael J. Moroney Esq.**  
Honorary Consul General,  
Consulate of the Republic  
of Palau, Honolulu, HI

**Regular Membership**  
**Hon. Carol Bagley Amon**  
U.S. District Court for the  
Eastern District of New York

**Hon. E. Reilly Anderson**  
Supreme Court of Tennessee

**Hon. Nancy Friedman Atlas**  
U.S. District Court for the  
Southern District of Texas

**Hon. Daniel A. Barker**  
Court of Appeals of Arizona,  
Division One

**Hon. Rosemary Barkett**  
U.S. Court of Appeals  
for the Eleventh Circuit

**Hon. Anne Elizabeth Barnes**  
Court of Appeals of Georgia

**Hon. William G. Bassler**  
U.S. District Court for the  
District of New Jersey

**Hon. Carol A. Beier**  
Supreme Court of Kansas

**Hon. Rebecca W. Berch**

Court of Appeals of Arizona,  
Division One

**Hon. Robert I. Berdon**

Superior Court of Connecticut

**Hon. Charles Bleil**

U.S. District Court for the  
Northern District of Texas

**Hon. Frederic Block**

U.S. District Court for the  
Eastern District of New York

**Hon. Theodore R. Boehm**

Supreme Court of Indiana

**Hon. Paul Boland**

Court of Appeal of California  
for the Second District

**Hon. Charles L. Briant**

U.S. District Court for the  
Southern District of New York

**Hon. James L. Cannella**

Court of Appeal of Louisiana  
for the Fifth Circuit

**Charles Carpenter Esq.**

American Academy of  
Appellate Lawyers

**Hon. James H. Carter**

Supreme Court of Iowa

**Hon. Eric L. Clay**

U.S. Court of Appeals  
for the Sixth Circuit

**Hon. Frank G. Clement Jr.**

Court of Appeals of  
Tennessee for the  
Middle Grand Division

**Hon. Richard R. Clifton**

U.S. Court of Appeals  
for the Ninth Circuit

**Hon. Mary Catherine Cuff**

Superior Court of New Jersey,  
Appellate Division

**Hon. Howard H. Dana Jr.**

Supreme Judicial Court  
of Maine

**Hon. Robert T. Dawson**

U.S. District Court for the  
Western District of Arkansas

**Hon. Brent E. Dickson**

Supreme Court of Indiana

**Hon. Alexandra D.**

**DiPentima**  
Appellate Court of  
Connecticut

**Hon. James K. Donovan**

Appellate Court of Illinois  
for the Fifth Judicial District

**Ms. Sue K. Dosal**

Minnesota State Court  
Administrator's Office

**Hon. Antoinette L. Dupont**

Appellate Court of  
Connecticut

**Hon. Andrew S. Effron**

U.S. Court of Appeals  
for the Armed Forces

**Hon. Craig Enoch**

Winstead, Sechrest and Minick

**Hon. Mike Fain**

Court of Appeals of Ohio  
for the Second District

**Hon. Chief Justice**

**Lance G. Finch**  
Court of Appeals  
of British Columbia

**Hon. Ezra H. Friedlander**

Court of Appeals of Indiana  
for the Second District

**Barry H. Garfinkel Esq.**

Skadden, Arps, Slate,  
Meagher & Flom LLP

**Hon. Leonard I. Garth**

U.S. Court of Appeals  
for the Third Circuit

**Gibson Gayle Jr. Esq.**

Fulbright & Jaworski L.L.P.

**Hon. James G. Glazebrook**

U.S. Magistrate Judge for the  
Middle District of Florida

**Hon. Thomas J. Grady**

Court of Appeals of Ohio  
for the Second District

**Hon. John M. Greaney**

Supreme Judicial Court  
of Massachusetts

**Hon. John Michael Guidry**

Court of Appeal of Louisiana  
for the First Circuit

**Hon. George C. Hanks Jr.**

Court of Appeals of Texas  
for the First District

**Andrew D. Hendry Esq.**

Colgate-Palmolive Company

**Hon. Andrew J. Higgins**

Inglish & Monaco, P.C.

**Hon. Gregory J. Hobbs Jr.**

Supreme Court of Colorado

**Hon. Janice M. Holder**

Supreme Court of Tennessee

**Hon. Annabelle**

**Clinton Imber**  
Supreme Court of Arkansas

**Hon. Roderick Ireland**

Supreme Judicial Court  
of Massachusetts

**Hon. Renée Cohn Jubelirer**

Commonwealth Court  
of Pennsylvania



## Contact IJA

Visit our Web site at [www.law.nyu.edu/institutes/judicial](http://www.law.nyu.edu/institutes/judicial)

### The Institute of Judicial Administration

New York University School of Law  
40 Washington Square South, Room 314  
New York, NY 10012

**Professor Oscar G. Chase****Executive Co-Director**

(212) 998-6217  
Oscar.Chase@nyu.edu

**Professor Samuel Estreicher****Executive Co-Director**

(212) 998-6226  
Samuel.Estreicher@nyu.edu

*For information about our upcoming programs,  
membership, and the newsletter, please contact:*

**Alison Kinney****Program Coordinator**

The Institute of Judicial Administration  
New York University School of Law  
110 West Third Street, Second Floor  
New York, NY 10012  
Phone: (212) 998-6149  
Fax: (212) 995-4036  
Alison.Kinney@nyu.edu



**Hon. Joette Katz**

Supreme Court of  
Connecticut

**Hon. Gary Katzmann**

Court of Appeals of  
Massachusetts

**Hon. Howard H. Kestin**

Superior Court of New Jersey,  
Appellate Division

**Hon. Douglas S. Lang**

Court of Appeals of Texas  
for the Fifth District

**Hon. Steven H. Levinson**

Supreme Court of Hawaii

**W. H. Levit Jr. Esq.**

Godfrey & Kahn, S.C.

**Hon. Jon D. Levy**

Supreme Judicial Court  
of Maine

**Hon. Allen M. Linden**

Federal Court of Appeal  
of Canada

**Hon. Carlos F. Lucero**

U.S. Court of Appeals  
for the Tenth Circuit

**Hon. Harry C. Martin**

Supreme Court for the  
Eastern Band of  
Cherokee Indians

**Hon. A. William Maupin**

Supreme Court of Nevada

**Hon. Vincent L. McKusick**

Pierce Atwood  
(Former Chief Justice,  
Supreme Court of Maine)

**Hon. Bernard S. Meyer**

Meyer, Suozzi, English  
& Klein, P.C.

**Hon. M. Blane Michael**

U.S. Court of Appeals  
for the Fourth Circuit

**Hon. Ronald T. Y. Moon**

Supreme Court of Hawaii

**Hon. Richard M. Mosk**

Court of Appeal of California  
for the Second District

**Eugene J. Murret**

Supreme Court of the  
Republic of Palau

**Hon. Dorothy W. Nelson**

U.S. Court of Appeals  
for the Ninth Circuit

**Hon. Arthur Ngiraklsong**

Supreme Court of the  
Republic of Palau

**Hon. James L. Oakes**

U.S. Court of Appeals  
for the Second Circuit

**Hon. Darleen Ortega**

Court of Appeals of Oregon

**Hon. Diarmuid F.  
O'Scannlain**

U.S. Court of Appeals  
for the Ninth Circuit

**Hon. Thomas R. Phillips**

South Texas College of Law  
(Former Chief Justice,  
Supreme Court of Texas)

**Hon. Marsha M. Piccone**

Court of Appeals of Colorado

**John H. Pickering Esq.**

Wilmer, Cutler & Pickering

**Hon. Jaime Pieras Jr.**

U.S. District Court for the  
District of Puerto Rico

**Hon. Donald C. Pogue**

U.S. Court of  
International Trade

**Hon. Loretta A. Preska**

U.S. District Court for the  
Southern District of New York

**Hon. Edward D. Re**

U.S. Court of International  
Trade (emeritus)

**Norman Redlich Esq.**

Wachtell, Lipton, Rosen & Katz

**Richard H. Reimer Esq.**

American Society of  
Composers, Authors,  
and Publishers

**Professor Judith Resnik**

Yale Law School

**Hon. Ariel A. Rodriguez**

Superior Court of New Jersey,  
Appellate Division

**Hon. Leonard B. Sand**

U.S. District Court for the  
Southern District of New York

**Hon. Shira Ann Scheindlin**

U.S. District Court for the  
Southern District of New York

**Hon. Randall T. Shepard**

Supreme Court of Indiana

**Hon. Bea Ann Smith**

Court of Appeals of Texas  
for the Third District

**Hon. Larry G. Smith**

Court of Appeal of Florida  
for the First District

**Hon. Roscoe B.**

**Stephenson Jr.**  
Supreme Court of Virginia

**Hon. H. Samuel Stilwell**

Court of Appeals of  
South Carolina

**Hon. Frank E. Sullivan Jr.**

Supreme Court of Indiana

**Hon. John W. Sweeny Jr.**

Supreme Court of New York  
State, Appellate Division

**Hon. Richard B. Teitelman**

Supreme Court of Missouri

**Hon. John A. Terry**

District of Columbia  
Court of Appeals

**Hon. Ulysses G. Thibodeaux**

Court of Appeal of Louisiana  
for the Third Circuit

**Hon. David G. Trager**

U.S. District Court for the  
Eastern District of New York

**Hon. E. Norman Veasey**

Weil, Gotshal & Manges

**Hon. William L. Waller Jr.**

Supreme Court of Mississippi

**Hon. Peter D. Webster**

Court of Appeal of Florida  
for the First District

**Hon. Barbara Byrd Wecker**

Superior Court of New Jersey,  
Appellate Division

**Hon. Jack B. Weinstein**

U.S. District Court for the  
Eastern District of New York

**Hon. Joseph F. Weis Jr.**

U.S. Court of Appeals  
for the Third Circuit

**Hon. Harvey Weissbard**

Superior Court of New Jersey,  
Appellate Division

**Hon. Lawrence F. Winthrop**

Court of Appeals  
of Arizona

**Hon. Roger L. Wollman**

U.S. Court of Appeals  
for the Eighth Circuit

**Catherine O'Hagan  
Wolfe Esq.**

Clerk of the Court, Supreme  
Court of New York, Appellate  
Division, First Department

**Hon. Diane P. Wood**

U.S. Court of Appeals  
for the Seventh Circuit

**Hon. Jim T. Worthen**

Court of Appeals of Texas  
for the Twelfth District



## IJA Calendar of Events

**July 5–22, 2005**

**Training Program for Judges from the People's Republic of China**

**July 10–15, 2005**

**Appellate Judges Seminar—New Judges Series**  
Co-sponsored by the Federal Judicial Center

**August 8, 2005**

**"A Review of the Supreme Court's Term"**  
Appellate Judges Seminars Alumni Reunion and IJA Membership Meeting at the ABA Annual Meeting in Chicago, IL

**November 3–4, 2005**

**Twenty First Century Conference on Appellate Justice**  
By invitation only, Washington, D.C.

**November 10–11, 2005**

**State Employment Law**

**November 11, 2005**

**Meeting of the IJA Board of Directors**

**February 28, 2006**

**Twelfth Annual Justice William J. Brennan Jr. Lecture on State Courts and Social Justice**

The Honorable Randall T. Shepard, Chief Justice of the Supreme Court of Indiana

**March 16–17, 2006**

**Workshop on Employment Law for Federal Judges**

Co-sponsored by the Federal Judicial Center and the NYU School of Law Center for Labor and Employment Law

## IJA Report

**The Institute of Judicial Administration**

New York University School of Law  
40 Washington Square South, Room 314  
New York, NY 10012