



Chief Justice Shepard Lectures on State Supreme Courts as Engines of Court Reform

What is the role of appellate courts in the United States? These courts hear cases, write opinions, shape laws and develop doctrine. “For state intermediate and federal circuit courts, this is a pretty respectable job description,” remarked The Honorable Randall T. Shepard, Chief Justice of the Supreme Court of Indiana. “In the recent past, how-

ever, state supreme courts have undertaken not only important legislative duties, but have brought about significant procedural and jurisprudential changes along the way.”

Chief Justice Shepard delivered the Twelfth Annual Justice William J. Brennan Jr. Lecture on State Courts and Social Justice, “The New Role of State Supreme Courts as Engines of Court Reform” on February 28, 2006. The Dwight D. Opperman Institute of Judicial Administration, the Brennan Center for Justice, and New York University School of Law proudly host the Brennan Lecture series, which provokes reflection upon and celebration of the state judiciary—the bedrock of justice under law in the United States. Richard Revesz, Dean of NYU School of Law, welcomed the guests, introducing Chief Judge Judith S. Kaye of the New York Court of Appeals, the inaugural Brennan Lecturer, who in turn introduced Chief Justice Shepard.

Chief Justice Shepard noted that state supreme courts’ decisions and reforms have not only affected the judiciary and the law, but increasingly influence scholarship and academics, and have changed the way generations



Chief Justice Randall T. Shepard

of students learn about the law. “State courts are common fodder for training first year students to think like lawyers,” he said. Landmark decisions on civil unions and gay marriage have come from the supreme courts of Vermont and Massachusetts respectively, while changes concerning medical malprac-

tice and criminal law have been affected by state rulings. “Opinions continue to play a leading role in the writing and reading that occurs in the nation’s law schools.”

With the greater importance of the state supreme courts come more expansive functions and, naturally, an increase in administrative

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The 2007 Brennan Lecture

The Thirteenth Annual Brennan Lecture will be delivered by The Honorable Leah Ward Sears, Chief Justice of the Supreme Court of Georgia, on February 22, 2007. 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
- 2006 Hon. Randall T. Shepard**
Chief Justice, Supreme Court of Indiana

responsibilities. Chief Justice Shepard noted a trend in the state judicial systems of California, Iowa, Kentucky and Minnesota toward “unification,” wherein the entire state’s court system, from top to bottom, is funded by the state. Previously, local trial courts were funded by county governments, while the appellate courts were the financial responsibility of the state government. Jury selection and management has also been reformed by initiatives undertaken by state supreme courts. “Two state high courts (Arizona and New York) led the way out of the comfort zone of

jury reform during the 1990s,” he said. These efforts have changed summoning processes, allowed juror interaction and have made juries appropriately representative in regard to race and ethnicity. On an administrative front, Chief Justice Shepard’s own Indiana state court system completed the Herculean task of compiling an unduplicated register of names and addresses of over four million people eligible for jury duty, thus streamlining the summoning process in unprecedented ways.

States have been at the forefront of equalizing access to legal services for

the poor. Since the 1980s, legal aid to the indigent has weakened due to federal budget cuts. States, however, have picked up the slack with programs such as IOLTA (Interest on Lawyers Trust Accounts), “pro se” legal services kiosks and state sponsored pro bono services in order to ensure the lesser heard voices in society are not silenced.

Fair treatment of minorities is another issue being comprehensively addressed by state supreme courts. The federal government has its eye on cutting the budgets of the Council on Legal Education (CLEO) and the Thurgood Marshall Program—both of which increase the possibilities for low-income minorities to attend law school. The Georgia, Kentucky and Indiana state supreme courts have started their own CLEO systems by creating clerkships for minorities, something that he says, “adds not only valuable experience, but valuable cachet to a legal career.”

The vast changes induced by state supreme courts don’t simply affect those who choose to enter the American legal system. Alaska has pioneered “therapeutic courts” for those afflicted with drug addiction or mental illness. Florida has designated a public information executive to deal with laypeople such as teachers and journalists in an effort to disseminate more accurate legal information to the public. In Connecticut, through the Open World Program, judges from Russia have come to learn the rule of law in an attempt to export similar state procedures in foreign trial courts.

“There is a valuable lesson embedded in this assessment of the new work undertaken by these institutions that used to be solely appellate bodies,” Chief Justice Shepard said, looking toward the future of the state supreme courts’ role in American legal society. He also seized the opportunity to return to the past, and distilled the attitude of Justice Brennan by noting that it has always been the judiciary’s core responsibility “to help our fellow citizens in fostering a decent, safe and prosperous society by building a system of justice that befits a great nation.” ■

IJA Co-Hosts 2005 National Conference on Appellate Justice

Thanks to hard work by IJA and three other major organizations, the 2005 National Conference on Appellate Justice, held in Washington, D.C. on November 4–6 was a huge success. IJA was pleased to have served as a co-organizer and sponsor of the Conference with the National Center for State Courts, the Federal Judicial Center, and the American Academy of Appellate Lawyers. The purpose of the Conference was to provide an occasion for the analysis of the state of appellate justice thirty years after the now-legendary National Conference of 1970. The program was the product of close to two years in planning by a Steering Committee of which Professor Oscar G. Chase, Executive Co-Director of IJA was a Co-Chair. In addition to providing “sweat equity” IJA made a seed money donation early in the process. Financial support was also provided by several law firms, by LexisNexis and by Thomson West.

Members of the IJA Board were prominent in providing intellectual heft to the discussion. Chief Justice Shirley

S. Abrahamson delivered the Keynote Address, Judge Robert A. Katzmann of the Second Circuit and Thomas R. Phillips, until recently Chief Justice of the Supreme Court of Texas, were presenters on a plenary panel called “No Court is An Island.” Professor Chase was the introducer of Associate Justice Stephen Breyer, who presented a Saturday breakfast lecture on the current role of the Supreme Court. Other IJA Board members enriched the conference discussions as participants: Donald B. Ayer from Jones Day, Thomas C. Leighton from Thomson West, Carter G. Phillips from Sidley Austin Brown & Wood, Dean Kenneth W. Starr of Pepperdine School of Law, and Judge Rya Zobel of the U.S. District Court for the District of Massachusetts.

The Conference began on Friday evening November 4 with an opening reception attended by the roughly two-hundred conferees and by newly-confirmed Chief Justice John G. Roberts, Jr., who offered good wishes for success. The reception was formally opened by Professor Daniel J. Meador, one of several attendees who had also been at the 1970 Conference. Professor Meador introduced Chief Justice Abrahamson’s Keynote, which enumerated some of the problems facing the appellate justice system and reminded the gathering of the importance of keeping the focus on the “consumers” of justice.

The Conference program was divided into three general segments: Session One, “The Position of the Appellate Courts Today,” began with a panel called “Overview: ‘Demand’ and ‘Supply.’” Judge Richard A. Posner spoke on the reasons that the appellate caseload crisis that had been predicted in 1970 failed to develop. The second panel explored the relationship between the courts and other units of government. Titled “No Court is an Island,” it featured

Judge Katzmann, Chief Justice Phillips, and Elliot Scherker. Kathleen McCree Lewis moderated. A breakout session for all participants followed. Session Two, “The Challenge of Volume and the Promise of Technology,” consisted of a panel discussion with panelists Circuit Judge Susan Graber of the Ninth Circuit, Joseph W. Hatchett, formerly Chief Judge of the Eleventh Circuit, and Judith McConnell, Presiding Justice of the California Court of Appeal. Arthur England, formerly Chief Justice of the Supreme Court of Florida, moderated and a second breakout session followed. On Sunday morning the conference turned to “Optimizing the Law-Declaring Function.” Professor Paul Carrington moderated a panel discussion among Professor Arthur Hellman, Alan Morrison, Senior Lecturer at Stanford Law School, and Professor John B. Oakley. (Associate Justice Samuel Alito had been scheduled to participate as well but as he had by then been nominated but not confirmed to the Supreme Court, he understandably withdrew with regrets.) After a final breakout session, the conference closed with a speech by Randall T. Shepard, Chief Justice of the Supreme Court of Indiana (and our Brennan Lecturer in February 2006) who summarized the main points of the discussions and offered some thoughts on “where we go from here.”

Said Professor Chase, “I am delighted and proud that IJA was one of the engines behind this remarkable gathering. The attendees were enthusiastic, knowledgeable, and determined to improve our system. I learned much from the speakers and at the breakout sessions. I am also pleased to note that the substance of the Conference will be reported in a forthcoming edition of the *Journal of Appellate Practice and Process.*” ■



Save the Date!

August 4, 2006—Honolulu, HI Annual IJA Alumni Reunion and Meeting of the Members

This event is sponsored by the Supreme Court of Hawaii and IJA, in conjunction with the ABA Annual Meeting. We will feature a panel discussion, “A Review of the U.S. Supreme Court’s Term,” followed by a reception. The event takes place in the Supreme Court of Hawaii’s courtroom. Invitations were mailed to all alumni and members of IJA in early summer; we welcome additional members of the judicial community to join us.

State Judges Convene to Discuss Employment Law



Keynote speaker Professor Lance Liebman.

Years ago, labor law professors wanted to expand their course content beyond unions to encompass new fields like individual employee rights and unemployment issues—what are now known as employment law. For the past ten years the Institute has held an extremely successful series of workshops on employment law for federal appellate, trial, and magistrate judges, co-hosted by the Federal Judicial Center. On November 10–11, 2005 IJA held a program on “State Employment Law” for state appellate

judges, co-sponsored by NYU Law’s Center for Labor and Employment Law.

Thanks to a grant from The Starr Foundation, IJA was able to invite and provide travel and lodging stipends for twenty-seven appellate judges from Alabama, the District of Columbia, Hawaii, Iowa, Indiana, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, North Carolina, New Mexico, Ohio, Oklahoma, Oregon, Texas, Utah, Virginia, and West Virginia, as well as hosting two judges from the Court of Appeal

for Ontario and the Federal Court of Appeal of Canada.

The two-day program delved into timely topics that the state judges encounter: workplace privacy, whistleblowers, independent contractors, torts, state class action and arbitration law, contracts, and no-compete and trade secret law. Panels were comprised of academics, plaintiff lawyers, and defense lawyers.

Professor Lance Liebman of Columbia University School of Law, the Director of the American Law Institute, was the keynote speaker. He stressed the state judiciary’s key role in the field. “Employment law is an area, quite interestingly, left to state common law,” Liebman said, dependent on judges in the states to move the law forward.

Professor Liebman spoke following lunch, standing casually in the middle of the banquet room, ignoring the podium, and peppering his presentation with anecdotes about an inaugural assassination of a Kentucky governor and his four-year-old granddaughter’s first email. Along with a short history of employment law’s evolution, he also described current activities at the American Law Institute, the private law reform organization that he directs. ALI initiates projects, called “restatements,” to clarify or recommend changes in the law. ALI is coordinating restatements, which can take up to ten years to complete, in family, state sentencing, non-profit, and software licensing law, he said.

As employment law expanded, Professor Samuel Estreicher, Executive Co-Director of IJA and Executive Director of the Center for Labor and Employment Law, approached Professor Liebman about the need for an ALI project, the first of its kind, in the area.

“Our goal,” said Professor Estreicher, named one of four lead drafters on the undertaking, “is to identify and harmonize the rules that judges should be guided by in dealing with the range of issues involving employment that is not governed by statutes.”

Professor Estreicher presented a draft on employment contracts to the distin-

guished crowd, welcoming their opinions. He examined at-will employment, bilateral agreements, unilateral employer statements, termination for “cause,” and duties of good faith and fair dealing.

Professor Liebman, who like Estreicher teaches employment law, commented that the judiciary’s decisions in these cases are instrumental

in his classes. In fact, that morning, Professor Liebman said that he had discussed with his students a Ninth Circuit decision involving a Reno casino that fired a 20-year employee who refused to abide by a new “image transformation” program requiring women to wear makeup. “We love it when you write teachable cases,” he said. ■



Mary McQueen, President of the NCSC, and Chief Judge Kaye.

Chief Judge Judith S. Kaye inducted into the Warren E. Burger Society

On February 28, 2006, the National Center for State Courts honored New York State Chief Judge Judith S. Kaye with an induction into the prestigious Warren E. Burger Society. The ceremony was hosted by the Dwight D. Opperman Institute of Judicial Administration. Chief Judge Kaye has long been a friend of the Institute, a member of the IJA Board of Directors, and the inaugural Brennan Lecturer.

Chief Justice Randall T. Shepard, chair of the Board of the National

Center for State Courts, welcomed the guests and gave the introductory remarks. The National Center for State Courts is a non-profit court reform organization established in 1971 by Chief Justice Warren E. Burger and the nation’s chief justices to improve justice in America’s state courts. The Warren E. Burger Society was formed upon the celebration of the 25th Anniversary of the National Center for State Courts to honor individuals who have volunteered their time, talent, and support to the National Center in an exceptional

manner. This year marks the tenth anniversary of the award.

The President of the National Center for State Courts, Mary Campbell McQueen, joined Chief Justice Shepard to introduce the newest member of the Warren E. Burger Society. They presented Chief Judge Kaye with a limited edition print of the final portrait of the late Chief Justice.

Ms. McQueen remarked that it was “a special moment for the National Center for State Courts to be able to honor someone who has dedicated so much time and expertise to advance the work we do to improve justice in the state courts. Chief Judge Kaye has made a significant difference in courts in New York and around the country through her leadership and her innovative, problem-solving approach to justice. It is fair to describe Judith’s approach as less legalistic and more people-oriented, and as a result, the outcomes are more successful, helping to improve the public’s trust and confidence in the courts. Building public trust and confidence in the court system by improving court performance and the courts’ outreach to the public is a core mission of the National Center for State Courts.

“Chief Judge Kaye’s willingness to rethink traditional roles of courts and lawyers has led to the creation of courts with different structures and processes tailored for today’s complex social issues and business environment: drug treatment courts and community courts are two significant examples, New York’s Commercial Division is another. Her knowledge, leadership, and experience in all of these areas have been invaluable to us.” ■

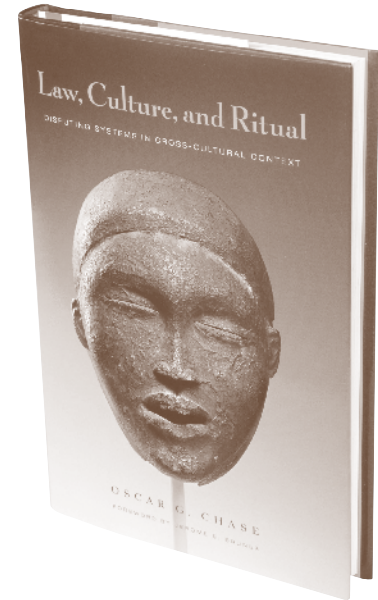
Professor Oscar Chase's *Law, Culture and Ritual*

JA was proud to host a reception to celebrate the publication of Oscar G. Chase's *Law, Culture and Ritual: Disputing in Cross-Cultural Context*. Professor Chase, Executive Co-Director of IJA and Russell D. Niles Professor of Law at NYU School of Law, is a leading authority on New York civil practice, having written two books on that subject, *Civil Litigation in New York*, a casebook that is widely used in the field (now in its fourth edition), and the *New York Civil Practice Law and Rules Manual*, a two volume treatise. In 1990, he became associate dean of the J.D. division and, from 1994–99, served as the vice dean of the Law School. He is a member of the Presidium of the International Association of Procedural Law, the only American to hold that position.

In *Law, Culture and Ritual*, Professor Chase uses interdisciplinary scholarship to examine the cultural con-

texts of legal institutions. He presents several case studies to demonstrate that the processes used for resolving disputes have a cultural origin and impact. As he has written, "Disputing systems are products of the societies in which they operate—they originate and mutate in response to disputes that are particular to specific social, cultural, and political contexts. Disputing procedures, therefore, are an important medium through which fundamental beliefs, values, and symbols of culture are communicated, preserved, and sometimes altered." In his book, Professor Chase describes dispute resolution practices ranging from those of the Azande, a technologically simple, small-scale African society, to the rise of discretionary authority in civil litigation in America.

At the December 1 reception to celebrate the book's publication, Professor Chase read a portion from the opening



chapter of his book to the large audience of friends, family, and members of the NYU Law and IJA communities. Professor David Garland, who teaches both in the School of Law and the Faculty of Arts and Science, praised the book and offered a spirited analysis and critique. ■

Law, Culture and Ritual was published by the New York University Press.

Evan Chesler Elected Presiding Partner at Cravath, Swaine & Moore



Evan R. Chesler, who has served as the President of IJA since August 2002, has been elected the next Presiding Partner of Cravath, Swaine & Moore LLP. Mr. Chesler, who currently heads the Firm's 157-lawyer Litigation Department, has begun serving as Deputy Presiding Partner and will officially assume the responsibilities of Presiding Partner on January 1, 2007. Mr. Chesler will be the Firm's tenth Presiding Partner. Mr. Chesler joined Cravath in 1976 and became a Partner in 1982. He was named Head of the Litigation Department in 1996.

Mr. Chesler received a A.B. degree with highest honors in History from

New York University in 1970, after which he earned an M.A. in Russian Area Studies at Hunter College in 1973 and a J.D. *cum laude* from New York University School of Law in 1975, where he was Topics Editor of the *Law Review* and elected to the Order of the Coif. He also served a clerkship with the Hon. Inzer B. Wyatt (U.S. District Court for the Southern District of New York).

Mr. Chesler is a fellow in the American College of Trial Lawyers, a fellow in the American Bar Foundation, a member of the Executive Committee of the International Institute for Conflict Prevention and Resolution, and a board member of the New



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.

Sheila Birnbaum, an IJA Board Member and partner of Skadden Arps Slate Meagher & Flom, was the honorary inductee into the NYU School of Law chapter of the Order of the Coif on April 26, 2006. She was honored for her outstanding achievements in the legal profession and service to the rule of law. Ms. Birnbaum also delivered the New York City Bar Association's 2006 Annual Benjamin N. Cardozo Lecture, "Punitive Damages & Due Process: How Much Is Too Much?" The Lecture was established in 1941 in remembrance of Justice Cardozo's "love for the law, passion for justice, and sympathy for humanity."

We regret to report the passing of **Hon. Winslow Christian**, formerly of the Court of Appeals of California. Justice Christian's long career included service as a deputy state attorney general in 1951 and 1952 and as district attorney of Sierra County for 1955 to 1958. He was elected as a Sierra County Superior Court judge in 1958, served as state health and welfare secretary under Gov. Pat Brown in 1963 and 1964, and was appointed by Brown to the Court of Appeal in San Francisco in 1966. In 1971 he took leave from the bench to become the first executive director of the National

Center for State Courts. Justice Christian was an attendee of IJA's 1964 and 1968 Appellate Judges Seminars and served on the faculty in 1972 and from 1975 to 1984.

IJA Program Coordinator **Alison Kinney**, a novelist in her spare time, has recently published stories in *Blue Mesa Review* and the *Robert Olen Butler Prize Anthology*, for which she was a prize finalist, and has won *The Literary Review's* Charles Angoff Award for the best contribution to the magazine in 2005.

Hon. Rebecca Love Kourlis, a 1999 Advanced Judges Seminar alum and former Justice of the Supreme Court of Colorado, is current Director of the Institute for the Advancement of the American Legal System at the University of Denver, whose mission is to improve the legal system by embracing a non-partisan, non-ideological, objective, innovative and effective approach to reform.

Eugene J. Murret, an IJA Member and former Administrative Director of the Supreme Court of Palau, is now working for the Justice Sector Development Project (JSDP) in Sarajevo, a five-year USAID initiative being implemented by East-West Management Institute (EWMI). The JSDP is committed to enhancing the capacity of the justice system to maintain and strengthen the rule of law.

Hon. Marsha M. Piccone, an IJA Member and 2005 New Judges Seminar alum, has left the Colorado Court of Appeals to join Snell & Wilmer LLP with a practice concentrated in complex litigation, litigation management, and appellate work involving business and commercial litigation, products liability, general tort, toxic tort, and insurance law.

Chief Justice Emeritus of the U.S. Court of International Trade and Distinguished Professor of Law (retired) at St. John's University, **Hon. Edward D. Re**, an IJA member, has published with Joseph R. Re the Ninth Edition of *Brief Writing & Oral Argument*, of which Justice Warren E. Burger said, "If lawyers understood and complied with the lessons contained in this valuable manual, they would undoubtedly contribute to the more effective functioning of our judicial process." *Brief Writing & Oral Argument* is published by Oceana Publications, Inc.

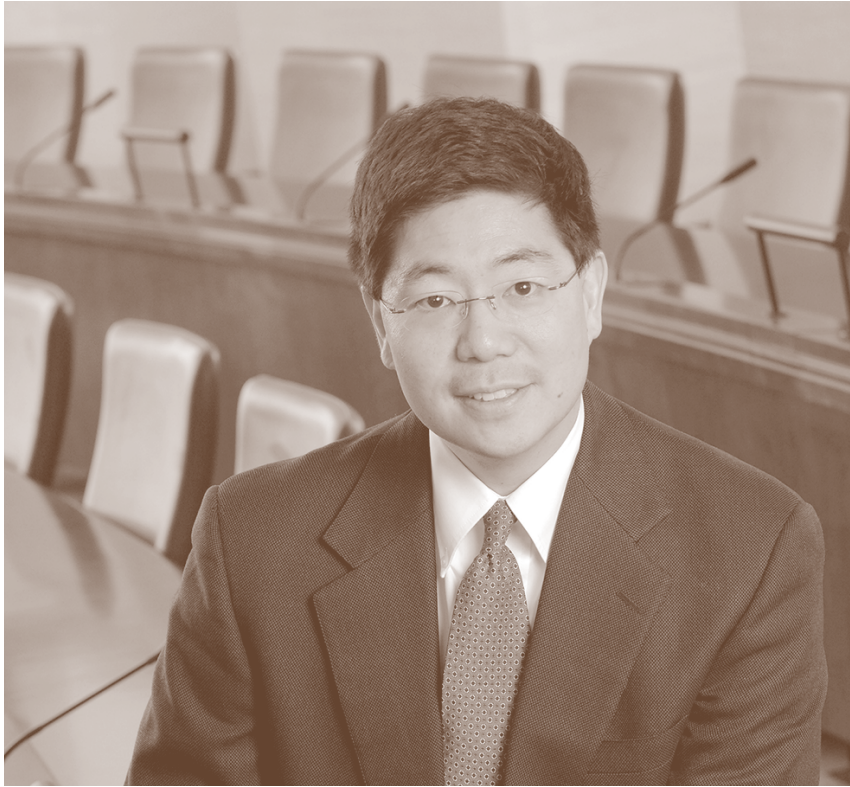
IJA Board Members **Carter G. Phillips** (Partner, Sidley Austin LLP) and **Theodore Olson** (Gibson, Dunn & Crutcher LLP) were mentioned in an *ABA Journal* article as "high court rock stars" for their impressive numbers of appearances before the Supreme Court of the United States: 51 for Phillips and 43 for Olson.

York State League of Women Voters Education Foundation. He is the author of numerous articles on legal topics as well as a chapter in the popular book, *Inside the Minds of Leading Litigators* (Aspatore Books, 2002).

At New York University School of Law Mr. Chesler has served as a guest lecturer and has been an adjunct

faculty member at NYU's College of Arts and Science, where he has taught an honors seminar entitled, "Constitutional Rights in Times of National Crisis." Mr. Chesler is a member of NYU's Board of Overseers of the Faculty of Arts and Science, a member of the University's Council on the Future of Arts and Science, and

founder and Chairman of LAMP (the Lawyer Alumni Mentoring Program), which provides mentoring and curriculum enrichment programs to pre-law students. In 2001, Mr. Chesler received the College's Alumni Distinguished Service Award. In 2004, he received the University's Alumni Meritorious Service Award. ■



Professor Stephen Choi Helps Lead IJA Summer Fellows

BY JOSH KAPLAN
2005 IJA Summer Fellow

Almost immediately after he arrived in New York, Stephen Choi, the William T. Comfort, III Professor of Law at NYU Law, began to put his talents as a scholar and teacher to use for the IJA. In 2005 he served as an advisor to the IJA Summer Fellows (see page 9). He drew upon his experience as a scholar and as faculty advisor to the *U.C. Berkeley Law Review* to offer guidance on how to find note topics, conduct research, and structure legal academic writing. In 2006 Professor Choi has returned as Co-Director of the IJA Summer Fellows Program.

Not many law school classes feature a charity auction during the first lecture. But Professor Choi's Survey of Securities Regulation is not your typi-

cal law school class. Spring 2006 was only his second semester teaching at NYU Law, and his reputation as an outstanding instructor already has been firmly established. Despite the fact that the course featured a weekly lecture at 9 AM on Fridays, there was barely an empty seat in the room. The first few minutes of class seemed like any other lecture: a brief introduction, an outline of the course, some administrative details. But that's where the similarities ended. Within five minutes, he had jumped into his first power point presentation on the rationale behind securities regulation. Forty-five minutes later, he auctioned off a sealed envelope (whose contents were known only to five students) to illustrate how information asymmetry in the securities market functions. The students were doing more than paying attention; they were bidding against each other for an

undisclosed prize, wondering how high the price would go.

Professor Choi unabashedly admits that he wasn't always a star professor. He's now able to smile as he recounts his first difficult years of teaching at the University of Chicago. "In the beginning, I consistently got low scores on my student evaluations. There were no materials on how to teach securities regulation, so I just marched the class through the rules and regulations one by one. I realized that some students may not find the materials all that compelling taught this way, and I needed to try something else." He set out to change how the subject was taught. Since then, he has written his own textbook, developed a comprehensive guide to teaching securities law (including Power Point slides and in-class exercises), and crafted a unique teaching style that has earned him top ratings from students. His presentation is clear and organized, and he's constantly experimenting with new techniques to make his classes more interesting and engaging. As he says, "Trying something new and having it work well is the most satisfying part of teaching."

Steve Choi's success is no surprise given his extraordinary credentials. After finishing first in his class at Harvard Law in 1994, he spent two years working for McKinsey & Co. In 1995, he began his academic career as a Visiting Assistant Professor of Law at the University of Chicago Law School. During his time in Chicago, he also completed his Ph.D in economics. In 1998, he moved to the U.C. Berkeley Law School where he was the Roger J. Traynor Professor of Law. Six years later, he joined the faculty of NYU Law and the IJA.

Professor Choi's scholarship is every bit as unique as his teaching, spanning over 30 publications. The vast majority of his research involves corporate and securities law. His work consists of both theoretical and empirical studies of the regulation of capital markets. He constantly questions the assumptions behind the securities regulation regime and has devoted much time to



IJA Summer Fellows

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 announce the 2006 Summer Fellows:

Tracy Jade Chin attended the Gallatin School at New York University, where she designed a program of study focusing on the representation of race in the media and Asian Pacific American studies. Before coming to NYU Law, Tracy worked as press secretary for a city council campaign in Queens and as a property and casualty underwriter for a large insurance company, before transitioning to the publicity department of a publishing house. At NYU Law, she is an instructor with the Prisoner Rights and Education Program, and is also involved with the Coalition for Legal Recruiting, the Intellectual Property, Entertainment, and Sports Law Society, and the Asian Pacific American Law Students Association.

Allegra Glashauser grew up in Highland Park, New Jersey. She attended the University of Michigan, where she majored in history and French, and minored in Russian studies. Her junior year she studied

abroad in Paris and St. Petersburg. After graduation, she taught English to high school students in a suburb of Paris. Currently at NYU, she volunteers for the Unemployment Action Center, where she represents individuals who have been denied unemployment insurance.

A native of Dallas, **Brian Johnston** received his undergraduate degree in electrical engineering from Rice University in 2005. In addition to his engineering coursework, Brian began working on an independent research project under a professor in the department. The project was a great success, culminating in invitations to speak at conferences in Houston, Dallas, and Germany, and the publication of the resulting paper by a well-known national conference. In his spare time, Brian sings with the law school's a cappella group and serves as pianist and music director for Law Revue, NYU's annual student-produced musical.

Michael Petrocelli is a native of Mill Valley, California and a graduate of the University of California at Berkeley, where he studied history. Prior to entering law school, he earned a master's degree in journalism from Columbia University and worked as a reporter for daily newspapers in North Carolina and Virginia. His research interests center on legal issues related to the press, including reporter shield laws, "sunshine" laws, and libel litigation.

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, Ilizabeh 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

ascertaining the impact of SEC reforms on securities litigation. He is currently researching the effects of the Private Securities Litigation Reform Act on securities class action settlements.

In addition to his work in corporate law, he has collaborated with Professor Mitu Gulati of Duke Law School on developing empirical models to mea-

sure judicial performance. His research ranks judges according to productivity, opinion quality and judicial independence. A related study examines whether judges' choices of out-of-circuit opinions for citation fall along party lines. Judicial neutrality and competence are hotly debated subjects, and Professor Choi's work with Gulati

is an attempt to find concrete answers to serious questions about how well our judicial system functions.

Professor Choi looks forward to taking a more active role in working with the IJA membership and sharing his insights on how to effectively improve the judicial system. ■

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The third in a series of programs for judges from the People's Republic of China.

July 9–14, 2006

New Appellate Judges Seminar

Co-sponsored by the Federal Judicial Center, West Group, and Cravath, Swaine, & Moore.

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"A Review of the U.S. Supreme Court's Term"

A Panel Discussion and reception at the IJA Alumni Reunion and Meeting of the Members. Sponsored by The Supreme Court of Hawaii and IJA, in conjunction with the ABA Annual Meeting.

November 3, 2006

Meeting of the IJA Board of Directors

February 22, 2007

Thirteenth Annual Justice William J. Brennan, Jr. Lecture on State Courts and Social Justice

Hon. Leah Ward Sears, Chief Justice of the Supreme Court of Georgia

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March 12–13, 2007

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*For information about our upcoming programs,
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Professor Oscar Chase, IJA Executive Co-Director, reading from his book at the celebration of the publication of *Law, Culture and Ritual*.

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*Some of the articles in this issue
also appear, in modified form,
in The Law School magazine.
Contributing writers: Kathy
Maloney, Graham Reed, and
Joshua Kaplan.*



Chief Justice Randall T. Shepard's amazing performance of *Ya Got Trouble* at the 2006 Brennan Lecture.

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The Dwight D. Opperman Institute of Judicial Administration (IJA) thanks its members for their contributions, which help us to advance the quality of justice in our legal system. Because of IJA members' support, IJA has offered an unrivaled opportunity for ongoing dialogue between the federal and state judiciary, policy makers, practitioners, academics, and students.

IJA is a non-partisan, non-profit organization founded in 1952 at NYU School of Law by Chief Justice Arthur Vanderbilt, who outlined the following goals:

- To promote coherence and predictability in the law and its administration
- To develop high-quality continuing education programs for state and federal judges
- To engage in sustained dialogue among the various sectors of the legal profession
- To foster research on important public policy issues affecting the administration of justice

The work of the Institute has become ever more critical with the proliferation of federal and state laws, the increasing tendency to resort to the courts to resolve wide-ranging private disputes and social problems, and the concomitant growth in the number of lawyers, courts, and adjudicative bureaucracies.

In 2005, the Institute was renamed the Dwight D. Opperman Institute of Judicial Administration in recognition of Mr. Opperman, a long-time member of the Board of Directors. Mr. Opperman's outstanding generosity and support have secured the Institute's future as one of the nation's leading nonpartisan institutions for the education of the judiciary.

IJA relies on the energy and assistance of its friends to maintain its high standards of service and outreach. A large part of our resources is devoted to subsidizing the involvement of judges whose court budgets can no longer allow participation in continuing education programs. In order to meet the needs of our constituencies, we seek your interest, your involvement, and your support.

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