

7-15-09

**Friday, July 31**

**Courts and the Media in the 21<sup>st</sup> Century: Twitterers, Bloggers, the New Media, the Old Media, and What's a Judge to Do?**

10:00 am – 12:00 pm

Drake Hotel, Parkside Room, Mezzanine Level

Primary Sponsor: Judicial Division

*The number of newspapers, newspaper readers, and traditional-media journalists is declining; bloggers, twitterers, citizen journalists, and news as entertainment are on the rise. Who is the media? How should courts relate to the media? What rules should apply to reporting pre-trial, at trial, after the trial? What about criticism of judges by the media – can and should judges respond (and if so how)? This program is a dialogue among members of the press and court communities to develop better understanding of the changes which are occurring in coverage of the courts, foster better relationships between courts and the media, and develop better communication regarding the role of the courts, specific court proceedings, and the actions of jurists.*

Panelists include the federal district the federal judge who has extensive experience in high profile cases and is the author of a crime novel; the former tv political reporter who has taken the helm of the Better Government Association; the Kansas multi-media journalist whose twitters and blogs from and about the courts have themselves been the subject of national news; the former Indianapolis Star reporter who moved over to the court side to become the dean of court public information officers; and a state trial court judge who has presided over controversial criminal and civil cases and has her own blog. Our moderator chairs Mississippi's Courts and the Media Committee, teaches at the Reynolds National Center for Courts and the Media, and has been in the vanguard in bringing new technology to the courtroom.

**Moderator:**

Honorable James Graves, Jackson, Mississippi

**Panelists:**

Honorable Susan Criss, Galveston, Texas

Honorable James Zagel, Chicago, IL

David J. Remondini, Esq. Indianapolis, Indiana

Andy Shaw, Chicago, IL

Ron Sylvester, Wichita, Kansas

**Chair:** Honorable Judith Boggs, Washington, D.C.

**Friday, July 31**

**Judging Aging**

10:00 am – 11:30 am

Drake Hotel, Astor, Mezzanine Level

Primary Sponsor: Standing Committee on Federal Judicial Improvements and Judicial Division / National Conference of Federal Trial Judges

How do *age* and the process of *aging* affect the process of *judging*? Historically, the glare of the media spotlight has focused primarily on octogenarian members of the Supreme Court. But age has its advantages: President Ronald Reagan famously quipped that he would not exploit the “youth and inexperience” of his opponent. To what extent do the positive effects associated with aging and the passage of time – such as varied life experiences, maturity, a comprehensive command of the law, an appreciation of the role of a judge, and basic “wisdom” and judgment – counterbalance age-related changes in cognitive function? What “coping strategies” can judges use to minimize any potential negative effects of aging? Featuring a nationally-renowned neuropsychologist and other distinguished experts, this engaging and highly-interactive session will explore the specific cognitive functions involved in the task of judging, as well as the effects of both “normal” and “abnormal” age-related changes, drawing on research on lawyers and judges, as well as other professions. Relevant legal and policy issues also will be addressed. The good news: What matters is not how old you *are*, or how old you *feel* – it’s how old you *think*!

**Moderator:**

Hon. Delissa Ridgway, New York, NY

**Speakers:**

Hon. Marvin Aspen, Chicago, IL

Cynthia Gray, Esq., Chicago, IL

Susan C. Reigler, Chicago, IL

Wilfred G. Van Gorp, Ph.D., ABPP, Professor of Clinical Psychology and Director, Neuropsychology; Columbia University College of Physicians and Surgeons, Department of Psychiatry; New York, NY

**Friday, July 31**

**The Cutting Edge of Federal-State Preemption: The Advocates' Strategy and the Supreme Court's Decisions in the 2008 Term**

2:00 pm – 3:30 pm

Hyatt Regency Hotel, Ballroom D, Gold Coast Level, West Tower

Primary Sponsor: Judicial Division / Appellate Judges Conference / Council of Appellate Lawyers

The Council of Appellate Lawyers, and its parent group the Appellate Judges Conference, present this program on federal preemption of state law. Preemption is increasingly a hot topic for lawyers, judges, and legal academics. Indeed, during the last Term, the United States Supreme Court issued path marking preemption decisions. Those decisions – as well as the change of presidential administrations – may well signal a shift in the balance of regulatory power between the federal government and the States. The panel – which includes two prominent Supreme Court practitioners, a respected judge, and a leading preemption scholar – will discuss the evolution of preemption doctrine in the federal and state courts and how recent shifts may affect future litigation.

**Moderators:**

Kevin C. Newsom, Partner, Bradley Arant Boult Cummings LLP, Birmingham, AL  
A. Vincent Buzard, Member, Harris Beach PLLC, Pittsford, NY

**Speakers:**

Paul D. Clement, Partner, King & Spalding, Washington, DC  
David C. Frederick, Partner, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, Washington, DC  
Catherine M. Sharkey, Professor of Law, New York University School of Law, New York, NY  
The Hon. Frank Sullivan, Jr., Associate Justice, Indiana Supreme Court, Indianapolis, IN

**Cosponsors:**

Appellate Practice Committee of the Litigation Section  
Appellate Subcommittee of the Business Law Section  
Young Lawyers Division

**The American Bar Association Judicial Division  
National Conference of State Trial Judges**

**Presents**

***Clarence Darrow's Judicial Perspective***

**Date**

Friday, July 31, 2009

**Time**

2:00 pm – 5:00 pm

**Location**

2009 ABA Annual Meeting  
Drake Hotel, Parkside Room, Mezzanine Level  
Chicago, IL



**Description**

Nationally lauded and renowned Gary Anderson will portray Clarence Darrow in four of his most famous cases with a unique emphasis on the interaction with the judges. This fair and balanced presentation captures the tout atmosphere of the adversarial process, including court dynamics, points of law, prosecution and defense strategies, and judicial trial management efforts. ABA Judicial Division judges: James E. Lockemy, AJC; Stephanie Domitrovich, NCSTJ; Calvin L. Scott, NCSTJ; and William J. Caprathe, NCSTJ will characterize the judges, in these historical cases, who contributed to the iconic and controversial Darrow becoming immortal. A special guest appearance will be by Darrow's great granddaughter, Judith Besser, who will share private family letters from Clarence Darrow that no biographer has ever seen or published. Join us for this truly inspirational program. This is a complimentary CLE program.

**Speakers**

Gary Anderson, Redding, CA  
Judith Besser, Chicago, IL  
Judge William J. Caprathe, Bay City, MI  
Judge Stephanie Domitrovich, Erie, PA  
Judge James E. Lockemy, Dillon, SC  
Judge Calvin L. Scott, Wilmington, DE

**Outside Co-Sponsors:**

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Commission on the American Jury Project  
Section of Law Practice Management  
Tort Trial and Insurance Practice Section

**Saturday, August 1**

**When the People Decide: The Ethics of Judicial Elections**

1:00 pm – 3:00 pm

Drake Hotel, Georgian Room, Mezzanine Level

Primary Sponsor: Judicial Division

Unlike the members of the legislative and executive branches of government, judges who run for election/re-election are subject not only to their state's election laws but also to an ethical code governing their conduct that strictly regulates what they can and cannot do in making their case to the citizenry. In some instances, this runs contrary to the way elections are run and won.

In most states, most judicial candidates cannot accept the endorsement or financial contributions of a political party. They may not attend events sponsored by a political party or another candidate for political office. But if a political party acts without the permission of the judge in this regard, must the judge publicly reject the endorsement and/or return the contribution even if such endorsement/contribution is made purportedly in the party member's individual capacity?

While the Supreme Court of the United States ruled in 2000 that judicial candidates cannot be prevented by judicial disciplinary boards from publicly "announcing" their positions to voters on matters of public policy, doesn't the Court's attempt to distinguish between a judicial candidate's "announcing" a position and "pledging" to render a decision in a case consistent with that position run the risk of confusing some voters and misleading others?

And what about campaign financing? Doesn't accepting money from lawyers give rise to an appearance of impropriety when the judge who accepted the contribution is later asked to adjudicate a case in which that attorney appears for a party?

Are false but also misleading or incomplete charges against a judicial opponent, common in recent election campaigns, not only dishonest but also violations of the Judicial Canons of Ethics? And what about election ads like those that promise "criminals" "get jail" or where the judicial candidate promises to follow the law enforcement mantra of "three strikes and you're out"?

**Moderators:**

Hon. Robert Pirraglia, Rhode Island District Court (ret.), Providence, RI

Hon. Karl B. Grube, Florida Circuit Court (ret.), St. Petersburg, FL

**Speakers:**

Cynthia Gray, Executive Dir., Office of Judicial Ethics, AJS, Des Moines, IA

Hon. Ernestine Gray, Orleans Parish (LA) Juvenile Court, New Orleans, LA

Marla Greenstein, Esq. Executive Dir., Office of Disciplinary Counsel, Anchorage, AK

Hon. Randy Holland, Delaware Supreme Court, Dover, DE

Hon. Annette Scieszinski, Albia, IA

Hon. Bob Sharkey, Office of Administrative Hearings, Washington, DC

Hon. David Waxse, U.S. District Court, Kansas City, KS

**The American Bar Association Judicial Division  
National Conference of State Trial Judges**

**Presents**

**The Trials of Darryl Hunt -**

The Man Who Was Freed after 20 Years in Jail as a Result of DNA

**Date**

Saturday August 1, 2009

**Time**

2:00 pm – 5:00 pm

**Location**

ABA 2009 Annual Meeting  
Hyatt Regency Chicago, Grand Ballroom F, Gold Level, East Tower  
Chicago, IL

**Description**

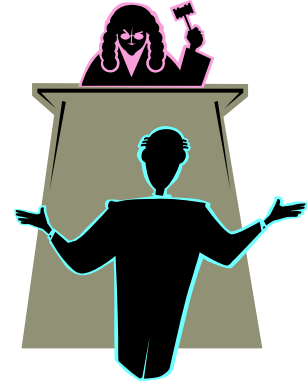
This National Conference of State Trial Judges program presents an up close portrait of the *Trials of Darryl Hunt*, a harrowing wrongful conviction of a young man who spent almost twenty years for a crime he did not commit. It offers a provocative and haunting examination of a community - and a criminal justice system - subject to racial bias and tainted by fear. An award winning documentary of the famous case will be shown followed by a panel discussion with Darryl Hunt and Mark Rabil as they share their personal perspective on the case's impact on the legal system and their lives. Our goal is to explore how we can minimize and/or avoid such travesties in the future and in their lives. This is a complimentary CLE program.

**Speakers**

Darryl Hunt. Winston Salem, NC  
Mark Rabil, Attorney. Winston Salem, NC  
Victoria S. Cashman, Middletown, OH  
Judge J. Dave DeRamus, Winston Salem, NC  
Celeste Stack-Stewart, Chicago, IL

**Co-Sponsors:**

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Section of Law Practice Management  
Tort Trial and Insurance Practice Section



**Saturday, August 1**

**Judicial Security: Keeping You and Your Family Safe**

3:00 pm – 5:30 pm

The Drake Hotel, Parkside Room, Mezzanine Level

Primary Sponsor: Judicial Division / National Conference of the Administrative Judiciary

The Courtroom Security Program will showcase presentations by the United States Marshals Service, the Federal Protective Service, the National Center for State Courts and the National Association of Mental Illness. These presentations will focus upon multifaceted issues which Judges should know about security and safety concerns on and off the bench. Additionally, Judges will learn about practical techniques on how to be safe, including de-escalation techniques. A panel of judicial experts will lead discussions after each presentation.

**Speakers**

Suzanne M. Andriukaitis, Executive Director, National Association of Mental Illness

Judge Cheryl D. Cesario, Circuit Court for Cook County

Col. Rodger Drew, United States Air Force

Tim Fautsko, National Center for State Courts

Judge Tela Gatewood, Social Security Administration Office of Hearings and Appeals

Judge Joan H. Lefkow, U.S. District Court, Northern District of Illinois

Mike Prout, Assistant Director for Judicial Security, United States Marshalls Service

Gary Schenkel, Director, Federal Protective Service

Justice Henry duPont Ridgely, Supreme Court of Delaware

**Co-Sponsors**

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