



The Rule of Law and Safeguarding
the Role of the Courts

**2017 CCJSCA
ANNUAL MEETING
OCTOBER 17-21, 2017**

**HYATT REGENCY HOTEL
LEXINGTON, KENTUCKY**

Topic Area: Administration
Program Title: “ <i>New Chief Judges of the States Courts of Appeal Orientation</i> ”
Day/Date/Time: Tuesday, October 17, 2017 at 2:30 to 4:30 p.m.
Committee Liaison: Susan Peikes Gantman and Margret G. Robb
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Communicate with other new chiefs and commence integration with CCJSCA. 2. Understand the complex issues facing the new chief and a framework in which to address issues. 3. Participate in and maximize learning at the Conference. 4. Understand the Committee structure and how to use the CCJSCA website. 5. Learn the function of the National Center for State Courts.
Faculty: William Murphy, Morris Silberman, Melanie May, Vance Raye, and John Meeks. Additional participants: Gary Lynch, John C. Martin, William Palmer
Delivery Methods/Learning Activities: Brief lectures, PowerPoint analysis, roundtable discussions.
Program Description: The leadership of the CCJSCA will discuss key issues to familiarize the new chiefs with general questions about the multitude of skills and tasks of their new position and teach methods to encourage communication and collegiality with the other judges on the court. The staff of the National Center for State Courts will discuss the mission to improve the administration of justice through leadership and service to state courts and courts around the world.



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Topic Area: Constitutional Issues
Program Title: <i>“The Making of the Constitution”</i>
Day/Date/Time: Wednesday, October 18, 2017 at 9:00 to 10:15 a.m.
Committee Liaison: Melanie May
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Describe the history surrounding the making of the U.S. Constitution. 2. Explain why the friction between the three branches of government still exists.
Faculty: <ul style="list-style-type: none"> – Michael J. Klarman, Kirkland & Ellis Professor of Law, Harvard Law School
Delivery Methods/Learning Activities: Lecture with visual aids and Q & A
Program Description: Today, Chief Judges must be prepared to work not only within our branch, but with the executive and legislative branches of government. In today’s era of populist politics, Professor Klarman’s discussion of the Framers’ aversion to populism and their efforts to impede it through the Constitution is particularly timely. Professor Klarman will discuss the drafting and ratification of the U.S. Constitution. He will consider how and why the Framers in the Philadelphia convention wrote a constitution that was far more nationalizing and democracy-constraining than most Americans anticipated or desired. He will also discuss how they managed to convince the country, through a reasonably democratic process, to ratify a constitution that went far toward constraining popular influence on the national government.



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Topic Area: Constitutional Issues
Program Title: <i>“The Latest and Greatest on the United States Supreme Court”</i>
Day/Date/Time: Wednesday, October 18, 2017 from 10:30 a.m. to Noon
Committee Liaison: Melanie May
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Identify recent U.S. Supreme Court decisions of the U.S. Constitution. 2. Explain how those decisions may impact cases pending in the intermediate courts of appeal.
Faculty: <ul style="list-style-type: none"> – Neil Siegel, David W. Ichel Professor of Law and Co-Director of the Program in Public Law, Duke University School of Law
Delivery Methods/Learning Activities: <p>Lecture, Q & A</p>
Program Description: <p>Professor Neil Siegel will provide us with an update on the latest U.S. Supreme Court decisions, bringing his unique perspective to the decisions themselves, what they mean, and how they will affect our daily work. He will also provide us with firsthand insight on the most recent appointment to the Court, Justice Neil M. Gorsuch.</p>



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Topic Area: Personal and Professional Development
Program Title: <i>“The Joys and Frustrations of Intermediate Court Judging: A Conversation with Judge Martha Craig Daughtrey”</i>
Day/Date/Time: Wednesday, October 18, 2017 from 1:45 to 3:00 p.m.
Committee Liaison: Judy McConnell
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Recognize how different judicial perspectives are acquired and cultivated because of appointments to higher state and federal courts. 2. Describe methods for maintaining judicial independence when situated in a political environment. 3. Identify and employ effective approaches to collegiality despite disagreements.
Faculty: <ul style="list-style-type: none"> – Hon. Martha Craig Daughtrey, Senior Judge, United States Court of Appeals for the Sixth Circuit
Delivery Methods/Learning Activities: <p>Fireside chat</p>
Program Description: <p>As a 42-year judicial veteran with the Tennessee Court of Criminal Appeals, the Tennessee Supreme Court, and the United States Court of Appeals for the Sixth Circuit, Kentucky native Martha Craig Daughtrey will share insights gained from her experience as an appellate court judge. Views will include the difference in judicial perspectives looking from the middle up and from the top down, maintaining judicial independence particularly in a hyper-charged political climate, and maintaining collegiality even in the face of disagreements.</p>



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Topic Area: Roundtable Discussion – Nuts and Bolts
Program Title: “Strategies to Protect and Defend an Impartial Judiciary – How to Educate the Public We Serve”
Day/Date/Time: Wednesday, October 18, 2017 at 3:15 to 4:45 p.m.
Committee Liaisons: Alan Loeb and Judith McConnell
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Develop and implement strategies and approaches to educate the other branches of government, the bar, and the public about the importance of an impartial judiciary. 2. Communicate more effectively with the executive and legislative branches to help defend against attacks against the judiciary. 3. Discuss and share different strategies with our fellow chief judges around the country.
Co-Moderators: Alan Loeb and Judy McConnell
Table Facilitators: <p>– TBD</p>
Delivery Methods/Learning Activities: <p>Table discussions and networking</p>
Program Description: <p>It is no secret that the judiciary is under attack throughout the country. This roundtable discussion will provide an opportunity to learn from our fellow chief judges, as we share different strategies and approaches the states and chief judges have taken to protect and defend the judiciary against these seemingly constant attacks. Table facilitators will lead the discussions, and members will be asked to come to the conference with one idea or approach that has been successful for them in educating the other branches of government, the bar, and the public at large about the importance of an impartial judiciary and the role the courts play in our system of government. Table discussions will be followed by a report-out period and then a moderated open discussion of the topic by the group at large.</p>



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Topic Area: Science and Technology
Program Title: “Disruptive Technologies and the Challenges of Being a Judge in a Rapidly Changing World”
Day/Date/Time: Thursday, October 19, 2017 at 9:10 to 10:40 a.m.
Committee Liaison: Gary Lynch
<p>Learning Objectives: <i>As a result of this course, participants should be better able to:</i></p> <ol style="list-style-type: none"> 1. Describe the current and near future trajectories and applications of disruptive new emerging technologies. 2. Identify current and impending substantive and procedural legal issues for courts created by these emerging technologies. 3. Analyze the implications of rapidly emerging technologies for how judges and courts should prepare for and handle the increased role of scientific and technological information in litigation.
<p>Faculty:</p> <ul style="list-style-type: none"> – Gary E. Marchant, J.D., Ph.D., Regents’ Professor and Lincoln Professor of Emerging Technologies, Law and Ethics, Sandra Day O’Connor College of Law, Arizona State University
<p>Delivery Methods/Learning Activities:</p> <p>Lecture with PowerPoint presentation.</p>
<p>Program Description:</p> <p>Emerging technologies are rapidly developing and converging to change our society, lives and the law at a faster rate and in a more fundamental way than has ever been experienced before. These technologies—genetics, nanotechnology, neuroscience, information/surveillance, robotics and autonomous systems, digital currencies and blockchains, and virtual worlds and virtual reality—have quickly moved from science fiction to real companies, real products, and real lawsuits. Courts are the front line for resolving the disputes and controversies these technologies create. This presentation will provide a general introduction to these technological revolutions, explain how they will affect society and the law, describe some fascinating initial court cases, and address the procedural and substantive challenges judges face in confronting these revolutionary technological changes.</p>



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Topic Area: Leadership

Program Title: “Artist of Compromise: Henry Clay and 19th Century Dispute Resolution”

Day/Date/Time: Thursday, October 19, 2017 at 10:55 a.m. to Noon

Committee Liaison: Glenn Acree

Learning Objectives: *As a result of this course, participants should be better able to:*

1. Recognize qualities of non-partisan statesmanship.
2. Identify timeless strategies of compromise applicable now and in the future.
3. Find alternative means of setting disputes short of bloodshed (figuratively speaking).

Faculty:

- George McGee, Professor of Theatre and Film, Georgetown College

Delivery Methods/Learning Activities:

Performance, audience Q & A

Program Description:

Kentucky is home to countless men and women who shaped the course of the Commonwealth and the nation. Among the most prominent is Henry Clay. While never achieving his goal of the Presidency, he spent near half a century serving the country as a Representative, Senator, and Secretary of State. His ability to negotiate, compromise, and defuse crisis situations helped prevent civil war three times and earned him a nickname – “the Great Compromiser.” He could also be adept at a now-outmoded kind of alternative dispute resolution – the duel. Join Henry Clay reenactor George McGee as he brings Kentucky’s great statesman to life.



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Topic Area: Issues Specific to Appellate Courts/Science and Technology

Program Title: *“The Chamber of the Future: Collegiality, Communication and Globalization in the Age of Innovative Technology”*

Day/Date/Time: Friday, October 20, 2017 at 8:30 to 9:45 a.m.

Committee Liaison: Margret G. Robb

Learning Objectives: *As a result of this course, participants should be better able to:*

1. Summarize how rapid changes and advances in technology will impact the operation of and interaction between judicial chambers and the potential effect this may have on the decision-making process and the public’s view regarding timeliness, performance and satisfaction.
2. Describe how advances in technology have positively and negatively impacted collegiality and communications with other Judges, their staffs, and the legal community.
3. Discuss the impact technology plays on how Judges and their staff conduct legal research, review the record on appeal, and engage in the decision-making process.
4. Identify attributes of technology that favorably and/or negatively impact the traditional views and roles of Judges and whether altered approaches may be needed to bridge the past with the future.

Faculty:

- Hon. Rick T. Haselton, Chief Judge (Ret.), Oregon Court of Appeals
- Hon. Joy Kramer, Chief Judge, Kentucky Court of Appeals
- J.B. Lind, Partner, Vorys, Sater, Seymour and Pease LLP, Cincinnati, Ohio
- Gerry McCartney, Vice President for Information Technology and System Chief Information Officer, Purdue University

Delivery Methods/Learning Activities:

Lecture, panel discussion, Q&A with audience.

Program Description:

What will our Courts look like in 10-20-40 years? Technology and all its changes and machinations are here to stay and coming faster every day. They can be our friend or foe. The panel will explore the internal and external dynamics brought about by this revolution and discuss what we need to do to keep pace during this transformation race.



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HYATT REGENCY HOTEL LEXINGTON, KENTUCKY

Topic Area: Security Issues/CyberSecurity
Program Title: "Keeping the Lead in CyberSecurity"
Day/Date/Time: Friday, October 20, 2017 at 10:00 to 11:00 a.m.
Committee Liaison: Gary Lynch and Susan Gantman
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Describe and identify the current CyberSecurity landscape. 2. Give examples of recent information security breaches and lessons learned. 3. Point out specific action steps that, if implemented, will enhance a court's information security preparedness. 4. Determine what steps the participant should take to lead his or her court in addressing the court's CyberSecurity needs.
Faculty: <p>– Bryant Baehr, Chief Information Officer, Oregon Judicial Department</p>
Delivery Methods/Learning Activities: <p>Lecture assisted by PowerPoint with question and answer session.</p>
Program Description: <p>This presentation will provide information on the current CyberSecurity landscape, recent developments, and action steps a court leader can take to enhance a courts CyberSecurity posture - I thought about using "pasture" for the Lexington theme. Real-life information security breaches and lessons learned will be discussed. In addition, specific steps will be identified, if enacted, that will enhance your courts information security preparedness.</p>



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Topic Area: Judicial Ethics and Professionalism
Program Title: <i>“Ethics 4 U: How to Avoid Common Pitfalls & Rise to the Occasion”</i>
Day/Date/Time: Friday, October 20, 2017 at 11:05 a.m. to 12:20 p.m.
Committee Liaison: Melanie May
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Identify ethical issues facing intermediate appellate court judges. 2. Provide solutions to common ethical problems facing intermediate appellate court judges.
Faculty: <ul style="list-style-type: none"> – Hon. Daniel Crothers, Justice, Supreme Court of North Dakota
Delivery Methods/Learning Activities: Lecture with visual aids and Q & A
Program Description: Justice Crothers will identify common ethical issues facing judges, and in particular appellate judges, today. He will provide suggestions on how to handle those issues and advice on how to avoid them. He will challenge you to prepare to address those issues as a Chief Judge when your colleagues may be confronted by them.



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Topic Area: Security Issues/COOP Planning
Program Title: “911: Are You Ready”
Day/Date/Time: Friday, October 20, 2017 at 2:45 to 3:30 p.m.
Committee Liaison: Cory Ciklin
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Identify sources for training to handle disasters. 2. Prepare a court protocol for unexpected or expected disasters. 3. Create a list of local and state contacts to help in disaster planning.
Faculty: – TBD
Delivery Methods/Learning Activities: Lecture, Questions and Answers
Program Description: Florida Fourth District Court of Appeal chief judge Cory J. Ciklin will lead a discussion and – through video training vignettes— present speakers who bring a wealth of knowledge on how to prepare and respond to a variety of natural and man-made disasters. As the persons ultimately responsible for this type of preparation, we will be provided with information related to a host of valuable resources and vitally important training options that can be used by your court and its personnel. The point and purpose of this most timely presentation will be to challenge us, as the court leaders, to become fully prepared to respond to the unexpected, to coordinate with local and state government officials, and insure the safety of our court, its facility, its personnel and the visiting public.



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Topic Area: Historical
Program Title: <i>“From Prohibition to the Bourbon Trail”</i>
Day/Date/Time: Friday, October 21, 2017 at 3:35 to 4:30 p.m.
Committee Liaison: Joy Kramer
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Understand Kentucky’s role in the rise of the temperance movement and passage of the 18th Amendment. 2. Describe why prohibition was introduced, its effects, and the unintended consequences on the law and courts. 3. Identify factors that led to the failure of prohibition and subsequent repeal of the 18th Amendment.
Faculty: – Penelope J. Peavler, President and CEO, The Frazier History Museum
Delivery Methods/Learning Activities: Performance, lecture and Q&A
Program Description: This two-part program will explore how millions of otherwise law-abiding Americans chose to violate the national alcohol ban to quench the country’s thirst for illegal booze and the subsequent rise of the temperance movement, organized crime, and the repeal of the 18th Amendment in 1933. Included is a dramatic presentation of “The Bootleg King” which chronicles the rise and fall of George Remus - optometrist, lawyer, pharmacist, entrepreneur and “King of the Bootleggers” - and his multi-million dollar bootlegging and speakeasy operation during the early years of Prohibition. There can be no doubt that Kentucky, with its bourbon legacy, is the perfect setting for this topic.