

**COUNCIL OF CHIEF JUDGES OF THE
STATE COURTS OF APPEAL**

ANNUAL CONFERENCE

October 23-27, 2011

Miami, Florida

EDUCATION PROGRAM

Theme: "Charting a Course for the CHIEF Navigator"

SUNDAY, OCTOBER 23, 2011

Noon to 8:00PM

Registration

Association Services Office

Neptune, Third Level, Loews Hotel

6:30PM to 8:00PM

Welcome Reception

Americana Lawn, Loews Hotel

Participants, spouses and guests

MONDAY, OCTOBER 24, 2011

7:30AM to 9:30AM

Breakfast

Poinciana 1&2, Second Level, Loews Hotel

Participants, spouses and guests

7:30AM to 8:30AM

Administration of Justice Committee Meeting

Triton, Second Level, Loews Hotel

AOJ Members

7:30AM to 5:00PM

Registration (continued)

Association Services Office

Neptune, Third Level, Loews Hotel

8:30AM to 9:30AM

Opening Ceremonies

Poinciana 3&4, Second Level, Loews Hotel

Participants, spouses and guests

Posting of the Colors by the Miami Beach Color Guard

National Anthem Performed by Elisabeth "Babe" Root, Florida International University

Presiding and Welcoming Remarks

Hon. Kate Ford Elliott, President Judge Emeritus, Superior Court of Pennsylvania
President, Council of Chief Judges of the State Courts of Appeal

Welcome and Introduction of Guest Speaker

Hon. Juan Ramirez, Jr. Judge
Third District Court of Appeal, Florida

Guest Speaker

Hon. Matti Herrera Bower, Mayor of Miami Beach, Florida

9:30AM to 9:45AM

Break

9:45AM to 11:00AM

Education Session: "Scholarly Scrutiny: A Dueling Dissection of the Supreme Court's Term"

Poinciana 3&4, Second Level, Loews Hotel

Participants and guests

Introduction

Hon. Carolyn Wright, Chief Justice
Fifth District Court of Appeals, Texas

Panelists

Dr. John C. Eastman, Henry Salvatori Professor of Law and Community Service and
former Dean, Chapman University School of Law
Ken Gormley, Dean and Professor of Law, Duquesne University School of Law

Description: Renowned Deans Eastman and Gormley will exchange insights on the
2010-2011 United States Supreme Court term, emphasizing decisions that pertain to
state courts.

11:00AM to 11:15 AM

Break

11:15AM to 12:15 PM

Education Session: "Comparing Federal and State Courts of Appeal"

Poinciana 3&4, Second Level, Loews Hotel

Participants and guests

Introduction and Moderator

Hon. William D. Palmer, Judge
Fifth District Court of Appeal, Florida

Panelists

Hon. Rosemary Barkett, Judge, United States Court of Appeals, Eleventh Circuit,
former Chief Justice of the Florida Supreme Court, former Judge of
Florida's Fourth District Court of Appeal

Hon. Consuelo Callahan, Judge, United States Court of Appeals for the Ninth Circuit,
former Judge of California's Third District Court of Appeal

Hon. Janice Rogers Brown, Judge, United States Court of Appeals for the District of
Columbia, former Associate Justice of the California Supreme Court, former Judge of
California's Third District Court of Appeal

Description: In this session, Judges Barkett, Callahan and Rogers Brown will compare their experiences with federal and state courts of appeal, including a look at contrasting procedural practices and perceived differences arising from presidential appointment, senate confirmation and lifetime appointment vs. election or merit selection and retentions, and contrasts in operating from multiple locations vs. single courthouses.

12:15PM to 1:30PM

Luncheon

Poinciana 1&2, Second Level, Loews Hotel

Participants, spouses and guests

Introduction

Hon. William D. Palmer, Judge
Fifth District Court of Appeal, Florida

Speaker

Talbot "Sandy" D'Alemberte, Past President, American Bar Association

1:30PM to 1:45PM

Break

1:45PM to 3:15PM

Education Session: "Ethical Issues for Appellate Judges and Their Families"

Poinciana 3&4, Second Level, Loews Hotel

Participants, spouses and guests

Introduction and Moderator

Hon. William D. Palmer, Judge
Fifth District Court of Appeal, Florida

Speakers

James J. Alfini, Dean Emeritus and Professor of Law, South Texas College of Law
Hon. M. Margaret McKeown, Judge, United States Court of Appeals, Ninth
Circuit

Description: Through this interactive session, Dean Jim Alfini and Judge Margaret McKeown will engage members in a discussion of topical ethical issues facing appellate judges and their families.

3:15PM to 3:30PM

Break

3:30PM to 5:15PM

Education Session: *"Picking Cotton: Eyewitness Identification and Innocence Issues"*

Poinciana 3&4, Second Level, Loews Hotel

Participants, spouses and guests

Introduction and Moderator

Hon. Ulysses Gene Thibodeaux, Chief Judge
Third Circuit Court of Appeal, Louisiana

Speakers

Jules Epstein, Associate Professor of Law, Widener University School of Law
Jennifer Thompson, Co-author, "Picking Cotton: Our Memoir of Justice and
Redemption"

Description: Though many variables contribute to mistaken identification, mistakes occur with some frequency especially where a person tries to identify someone from a race different than their own. This session will provide an analysis of problems inherent in eyewitness identifications and their prominent role in exoneration cases. Author Jennifer Thompson will challenge us to improve our justice system as she candidly recounts the tragic day that subsequently led to a wrongful conviction, redemption and eventually forgiveness. Professor Jules Epstein will summarize some of the science behind eyewitness error and link that science to current issues in the law - the role of experts, jury instructions, and issues in suppression law.

6:30PM to 10:00PM

Reception

Participants, spouses and guests

TUESDAY, OCTOBER 25, 2011

7:30AM to 9:00AM

Breakfast

Poinciana 1&2, Second Level, Loews Hotel

Participants, spouses and guests

7:30AM to 8:30AM

New Members Breakfast

Venus, Third Level, Loews Hotel

New Members, Executive Committee Members, Membership Committee Members and "Buddies"

7:30AM to 8:30AM

Long Range Planning Committee Meeting

Triton, Second Level, Loews Hotel

LRPC Members

8:30AM to 8:35AM

Report of the State Justice Institute

Poinciana 3&4, Second Level, Loews Hotel

Participants and guests

Speaker

Jonathan D. Mattiello, Executive Director, State Justice Institute

Description: Jonathan Mattiello will discuss the work of the State Justice Institute and its relationship with the Council of Chief Judges.

8:35AM to 12:00 Noon

Education Session: "Law, Justice, and the Holocaust: How the Courts Failed Germany"

Poinciana 3&4, Second Level, Loews Hotel

Participants, spouses and guests

Introduction

Hon. Kate Ford Elliott, President Judge Emeritus, Superior Court of Pennsylvania
President, Council of Chief Judges of the State Courts of Appeal

Speaker

Dr. William F. Meinecke, Jr., Education Historian, United States Holocaust Memorial Museum

Description: Through interactive discussion, this program will delve into how the political system in Nazi Germany co-opted the legal structure which, in turn, guided the courts to reinterpret the law. A lesson for our times.

10:00AM to 10:15AM

Break

1:30PM to 3:30PM

Tour of the Miami Holocaust Memorial and Bass Museum

Participants, spouses and guests

-OR-

Free afternoon for participants, spouses and guests

Dinner on your own

WEDNESDAY, OCTOBER 26, 2011

7:30AM to 9:00AM

Breakfast

Poinciana 1&2, Second Level, Loews Hotel

Participants, spouses and guests

7:30AM to 8:30AM

Finance Committee Meeting

Triton, Second Level, Loews Hotel

Finance Committee Members

8:30AM to 10:00AM

Education Session: "Neuroscience and Psychology of Appellate Decision-Making and Appellate Leadership"

Poinciana 3&4, Second Level, Loews Hotel

Participants and guests

Introduction

Hon. Ulysses Gene Thibodeaux, Chief Judge

Third Circuit Court of Appeal, Louisiana

Speaker

Kimberly Papillon, Attorney and Senior Education Specialist, California Judicial Council's Administrative Office of the Courts, Education Division

Description: In this program, Court of Appeal Chief Judges will be presented with emerging research regarding how neurophysiological events and unconscious associations affect judicial decision-making. The course will explore how intellectual processes can be altered by these events and associations that are culturally bound. The course will also examine both systemic solutions that can be implemented by court leaders and solutions that can be initiated by individual judges. The course will explain

how functional magnetic resonance imaging (fMRI) of the brain reveals the instantaneous assessments and incremental analyses that are part of the appellate review process.

10:00AM to 10:15AM

Break

10:15AM to 11:30AM

Education Session: "The Impact of Technology on Judges"

Poinciana 3&4, Second Level, Loews Hotel

Participants and guests

Introduction

Hon. William B. Murphy, Chief Judge
Court of Appeals, Michigan

Speaker

Fredric I. Lederer, Chancellor Professor of Law and Director, Center for Legal and Court Technology, William & Mary School of Law

Description: Modern technology increasingly affects today's judges. This program will address the impact of social media on judges and trials; the use, advantages, and concerns inherent in courtroom technology use in both trial and appeal, including court record; and some thoughts about how technology may change cultural perceptions of procedural fairness.

11:30AM to 1:30PM

Luncheon and Business Meeting

Poinciana 1&2, Second Level, Loews Hotel

Participants and guests

1:45PM to 2:00 PM

Group Photograph

Americana Lawn Staircase, Loews Hotel

Council Members

2:00PM to 3:45PM

Education Session: "House Cleaning and Other Toils of the Court As An Employer"

Poinciana 3&4, Second Level, Loews Hotel

Participants and guests

Introduction and Moderator

Hon. Vance W. Raye, Administrative Presiding Justice
Court of Appeal, Third Appellate District, California

Speaker

Nancy Abell, Esq., Global Chair, Paul, Hastings, Janofsky & Walker LLP, Los Angeles, California

Description: To follow up on issues introduced at last year's conference, Nancy Abell will return to provide an update on employment law statutes and regulations most prevalent from the court's perspective.

6:30PM to 9:30PM

Reception and Dinner

Participants, spouses and guests

THURSDAY, OCTOBER 27, 2011

7:30AM to 9:00AM

Breakfast

Poinciana 1&2, Second Level, Loews Hotel

Participants, spouses and guests

7:30AM to 9:00AM

Newsletter Committee Meeting

Sundial, Second Level, Loews Hotel

Newsletter Committee Members

9:00AM to 11:30AM

Education Session: "Solve My Problem: Identifying and Discussing Administrative Concerns Facing Chief Judges"

Poinciana 3&4, Second Level, Loews Hotel

Participants and guests

Introduction and Moderators

Hon. Bonnie Brigance Leadbetter, President Judge
Commonwealth Court of Pennsylvania

Hon. Edwin H. Stern, Presiding Judge for Administration (Retired)
New Jersey Superior Court, Appellate Division

Panelists

Hon. David V. Brewer, Chief Judge
Oregon Court of Appeals

Deborah O. Day, Licensed Psychologist and Mental Health Counselor,
Psychological Affiliates, Winter Park, Florida

Description: Members will engage in a moderated discussion regarding practical problems and issues encountered by judges of state courts of appeal.

11:30AM

Prize Drawing

Noon to 1:30PM

Executive Committee Meeting

Poinciana Salon 1, Second Level, Loews Hotel

Executive Committee Members

Adjournment