



The 33rd Annual Conference

CCJSCA 
TEXAS 2012

Houston, Texas • November 13-17, 2012



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





PRESIDENT'S MESSAGE

SHERRY RADACK



Sherry Radack
President, Council of
Chief Judges

Dear Friends and Colleagues,

On behalf of the Council of Chief Judges of the State Courts of Appeal Executive Committee, I extend to you a warm and hearty invitation to join us for our 33rd annual conference being held in Houston, Texas, November 13-17, 2012. As President of the Council of Chief Judges and host of this year's annual conference, I am especially pleased to welcome you to our friendly city. The site of the conference is the Westin Oaks Hotel, connected to The Galleria Shopping Center, one of Houston's major attractions.

The theme of this year's conference, "*Houston Do We Have a Problem? Appellate Courts and the Future,*" will address issues uniquely important to us as Chief

Judges of our nation's intermediate appellate courts. Our hardworking Education Committee, under the able leadership of Administrative Presiding Justice Vance Raye of California, has designed an education program that is thought-provoking and relevant to our daily work. And of course, the many attractions of Houston, including a special tour of NASA's Johnson Space Center, will delight you and your family.

I look forward to seeing you in November!

COUNCIL OF CHIEF JUDGES OF THE STATE COURTS OF APPEAL

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*Texas Court of Appeals,
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Chief Justice
*Texas Court of Appeals,
Twelfth District*

William B. Murphy
Chief Judge
*Michigan Court of
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EDUCATION COMMITTEE • 2011-2012

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James T. Worthen
Chief Justice
*Texas Court of Appeals,
Twelfth District*



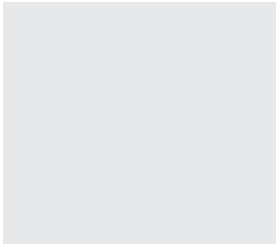
IN THEIR WORDS

“As a new chief judge in 2010, I found the conferences in Napa and then Miami Beach both enjoyable and informative in large part because meeting with other chief judges of intermediate appellate courts to discuss common problems is a rare and valuable experience. For both conferences, the excellent programs on substantive law were thought-provoking and informative. The programs designed to address the practical problems chief judges face in managing their courts were very helpful. I encourage my fellow chief judges to attend the Houston conference.”



Chief Judge Randy DiPentima

Connecticut Court of Appeals



Presiding Judge Carmen Messano

New Jersey Superior Court, Appellate Division

“As a first time attendee, being in the company of the CCJSCA’s diverse membership and taking part in the exceptional education programs offered proved to be a truly rewarding experience.”

“Nothing has proven more valuable for my first two years as Chief in Kansas than the educational programs and the informal discussions among fellow Chiefs that occur at the CCJSCA’s Annual Conference. Last year’s programs in Miami were not only of true value and direct application, they served to inspire me to understand the importance of our work to the larger goal of delivering justice in all we do.”



Chief Judge Richard Greene

Kansas Court of Appeals



Chief Judge Joe

Mississippi Court of Appeals

“Although I was a member of the court for twelve years prior to being appointed Chief, it was a new and different experience.

Unless you have been Chief, it is somewhat difficult to understand. We call it being a leader among equals. So you can imagine how wonderful it was for me to attend my first CCJSCA Conference in Miami and to be in the presence of other Chiefs with whom I could readily identify and share common experiences. CCJSCA is that safe harbor for Chiefs during stormy periods. It is like being among family. I can hardly wait until Houston.”





PROGRAM AGENDA

TUESDAY, NOVEMBER 13

Noon to 8:00PM

Registration

Association Services Office
Oak Room, 3rd Level

6:30PM to 8:00PM

Welcome Reception

The Roof, 21st Level
Participants, spouses and guests

WEDNESDAY, NOVEMBER 14

7:30AM to 9:30AM

Breakfast Buffet

Consort I, 3rd Level
Participants, spouses and guests

7:30AM to 8:30AM

Administration of Justice Committee Meeting

Continental Room, 3rd Level
AOJ Members

7:30AM to 5:00PM

Registration (continued)

Association Services Office
Oak Room, 3rd Level

8:30AM to 9:00AM

Opening Ceremonies

Consort II, 3rd Level
Participants, spouses and guests

Posting of the Colors by the Harris County Constable, Precinct Five Honor Guard

National Anthem Performed by Marcus DeLoach

Presiding, Welcoming Remarks and Introduction of Guest Speakers

Hon. Sherry Radack, Chief Justice, First Court of Appeals, Houston, Texas; Host and President, Council of Chief Judges of the State Courts of Appeal

Introduction of Guest Speakers

Hon. Sherry Radack, Chief Justice, First Court of Appeals, Houston, Texas

President, Council of Chief Judges of the State Courts of Appeal

Guest Speakers

Hon. Greg Abbott, Attorney General of Texas (invited)

Hon. Wallace B. Jefferson, Chief Justice of Texas (invited)

9:00AM to 9:15AM

Break

9:15AM to 10:15AM

Education Session: The Uncommon Leader

Consort II, 3rd Level
Participants and guests

Introduction

Hon. Sherry Radack, Chief Justice, First Court of Appeals, Texas

Speaker

Lewis R. Timberlake, President, Timberlake & Associates, Austin, Texas

Description: This seminar is especially designed for those people and organizations who realize “there is no such thing as a born leader...that managers “do things right” but leaders “do the right thing!” The Uncommon Leader knows we can’t control the wind, but we can adjust our sails. This seminar covers four characteristics of uncommon leaders (Attitudes, Abilities, Attributes, Assets).

10:15AM to 10:30AM

Break

10:30AM to 12:00Noon

Education Session: He Speaks, She Speaks: How Gender Can Affect the Role of Chief Judge

Consort II, 3rd Level
Participants and guests

Introduction

Hon. Melanie G. May, Chief Judge Fourth District Court of Appeal, Florida

Speaker

Audrey Nelson, Ph.D., Nelson Communication, Boulder, Colorado

Description: The program will identify differences in how men and women communicate in general, and more specifically in the role of Chief

Judge. Learn how to more effectively communicate with your colleagues in small decision-making groups and in your role as Chief. Understand how the way we communicate may predict our success or failure.

12:00Noon to 1:30PM

Luncheon

Consort I, 3rd Level
Participants and guests

Topic: Court Record Preservation: Lessons Learned from the Texas Supreme Court Historical Court Records Task Force

Introduction

Hon. James T. Worthen, Chief Justice Twelfth Court of Appeals, Texas

Speaker

William K. Kroger, Partner, Baker Botts L.L.P., Houston, Texas

Description: The Texas Supreme Court Historical Court Records Task Force has been working to help preserve historical Texas state court records for the past several years. The work of the Task Force has stimulated work throughout Texas on preservation projects in district and county courts. Bill Kroger, the Chair of the Task Force, will discuss the project, the accomplishments, and the lessons learned, all with a view towards educating other state court systems on the importance of planning and coordinating historical records preservation. Mr. Kroger will include a brief discussion on some of the interesting historical discoveries made during this project.

1:30PM to 1:45PM

Break

1:45PM to 2:45PM

Education Session: Communication with the Rewired Brain: Legal Reading and Writing in the Paperless Chambers

Consort II, 3rd Level
Participants and guests

Introduction

Hon. James T. Worthen, Chief Justice Twelfth Court of Appeals, Texas

7:30AM to 8:30AM

Long Range Planning Committee Meeting

Consulate Room, 3rd Level
LRPC Membera

8:30AM to 8:35AM

Report of the State Justice Institute

Consort II, 3rd Level
Participants and guests

Speaker

Jonathan Mattiello, Executive Director, State Justice Institute

8:35AM to 10:00AM

Education Session: TBD

Consort II, 3rd Level
Participants and guests

Introduction

Hon. Sherry Radack, Chief Justice, First Court of Appeals, Huston, Texas

Speaker

The Honorable Clarence Thomas, Associate Justice, Supreme Court of the United States

Description: TBD

10:00AM to 10:15AM

Break

10:15AM to Noon

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

Consort II, 3rd Level
Participants and guests

Introduction

Hon. James T. Worthen, Chief Justice Twelfth Court of Appeals, Texas

Speakers

Theodore B. Olson, Partner, Gibson, Dunn & Crutcher LLP, California

Description: TBD

12:00 Noon to 4:00PM

Trip to NASA's Johnson Space Center
Participants, spouses and guests
Dinner on your own

FRIDAY, NOVEMBER 16

7:30AM to 9:00AM

Breakfast Buffet

Consort I, 3rd Level

Participants, spouses and guests

7:30AM to 8:30AM

Finance Committee Meeting

Consulate Room, 3rd Level
Finance Committee Members

7:30AM to 8:30AM

Newsletter Committee Meeting

Embassy Room, 3rd Level
Newsletter Committee Members

8:30AM to 9:30AM

Education Session: Reasonable Expectations for the Death of Privacy

Consort II, 3rd Level
Participants and guests

Introduction

Hon. Lisa White Hardwick, Chief Judge, Court of Appeals, Western District, Missouri

Speaker

Ronald S. Sullivan, Edward R. Johnson Lecturer on Law and Director of Criminal Justice Institute, Harvard University

Description: Public expectations of privacy have been eroded by the ubiquitous nature of surveillance cameras, GPS technology, and routine travel searches. As expectations fall, courts are more likely to lower the threshold for warrantless searches and the fortress of constitutional protections. Professor Ron Sullivan, of Harvard Law School, will explore the sociological and legal trends that may eventually lead us to mourn the demise of privacy.

9:30AM to 9:45AM

Break

9:45AM to 11:00AM

Education Session: Employment Law Strategies and Solutions

Consort II, 3rd Level
Participants and guests

Introduction

Hon. Lisa White Hardwick, Chief Judge, Court of Appeals, Western District, Missouri

Speaker

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

Description: This session will feature an employment law update and practical tips on managing hot topics,

such as the use of social media in the workplace. Nancy Abell, Chairman of the Employment Law Department of Paul, Hastings, Janofsky & Walker, will return by popular demand to guide us through an interactive discussion of the thorny issues courts face as employers.

11:00AM to 11:15AM

Break

11:15AM to 12:15PM

Education Session: Headlines or Lifelines? Best Practices in Court Administration: Protecting the Public

While Addressing the Problem of Judges in Distress

Consort II, 3rd Level

Participants and guests

Introduction

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

Speakers:

Hon. Sarah L. Krauss, Chair CoLAP Judicial Assistance Initiative (JAI), Brooklyn, New York

Hon. John Rowley, Chair, CoLAP JAI/Judicial Administration Working Group, Ithica, New York

Description: Most judges are at a loss as to how to effectively deal with a judge who demonstrates signs of substance abuse, depression or possibly distress in some area that is not readily identifiable. This presentation will suggest methods and procedures to effectively bring help to the affected judge in a safe, humane and confidential manner before that distress or impairment affects the work of the court or negatively impacts the public.

12:15PM to 1:45 PM

Luncheon and Business Meeting

Consort I, 3rd Level

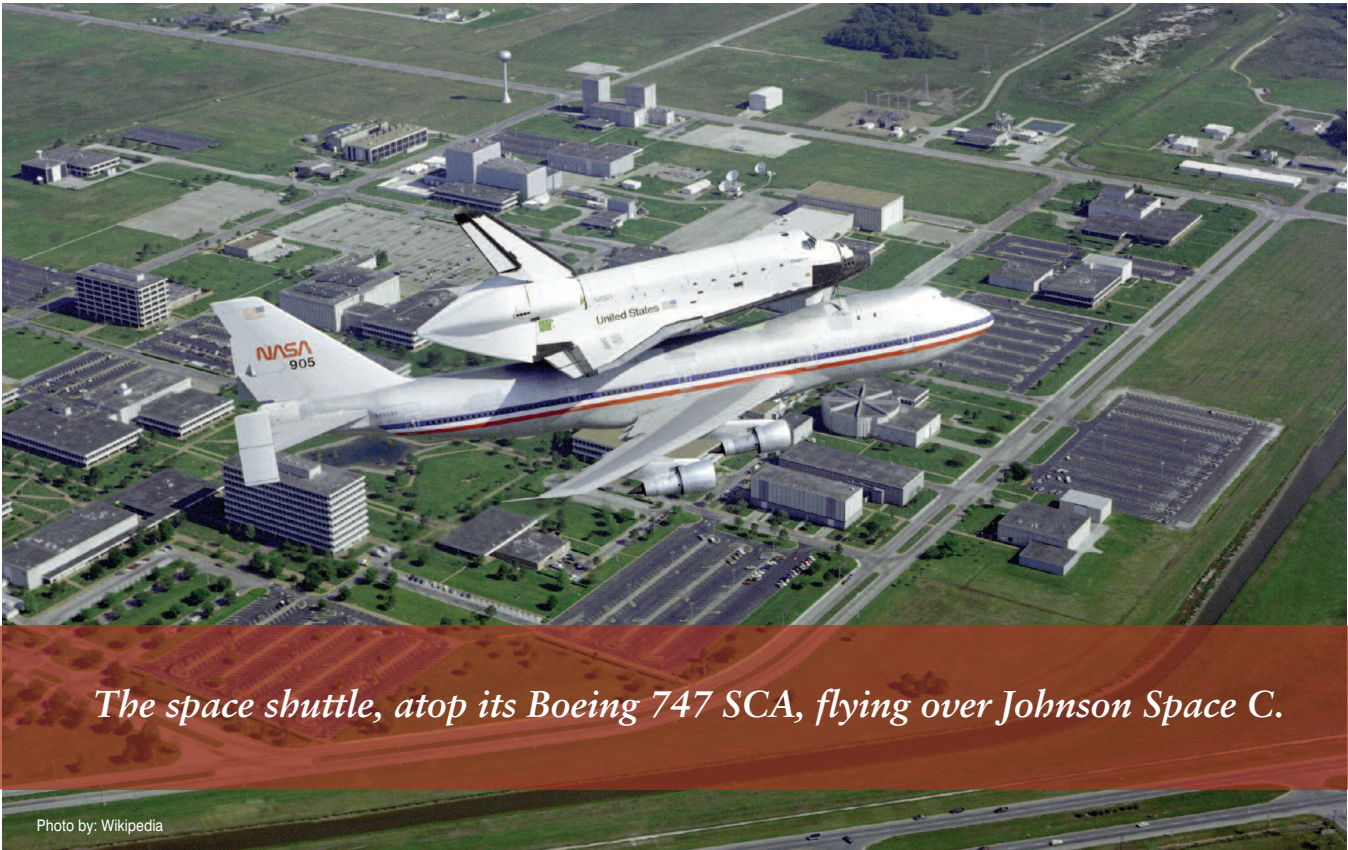
Participants and guests

2:00PM to 2:15PM

Group Photograph

Room TBD, The Westin Oaks Houston at the Galleria

Council Members



The space shuttle, atop its Boeing 747 SCA, flying over Johnson Space C.

Photo by: Wikipedia

Speaker

Robert Dubose, Partner, Alexander, Dubose & Townsend, Houston, Texas

Description: In a time when more judges and court staff are reading on screens, research is beginning to suggest that screen reading changes the way readers process information. How might these changes affect courts? What writing tools aid communication in a paperless environment?

2:45PM to 3:00PM

Break

3:00PM to 4:00PM

Education Session: Alone Together: Why We Expect More from Technology and Less from Each Other
Consort II, 3rd Level
Participants and guests

Introduction

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

Speaker

Sherry Turkle, Abby Rockefeller Mauzé Professor of the Social Studies of Science and Technology, Massachusetts Institute of Technology

Description: In this session Dr. Turkle will explore the “subjective side” of people’s relationships with technology, especially computers, and focus essentially on two themes: (a) the current shift from conversation to connection and how it impacts public discourse and the law; and (b) what is democracy and intimacy without privacy?

4:00PM to 4:15PM

Break

4:15PM to 5:15PM

Education Session: Technology Roundtable

Consort II, 3rd Level
Participants and guests

Introduction

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

Panelists

David V. Brewer, Judge, Oregon Court of Appeals
Philip G. Espinosa, Judge, Arizona Court of Appeals, Division 2 (*invited*)
Gary W. Lynch, Judge, Missouri Court of Appeals, Southern District

Sherry Turkle, Abby Rockefeller Mauzé Professor of the Social Studies of Science and Technology, Massachusetts Institute of Technology

Description: TBD

Topics:

Use of the tablet computer (all models, not just the iPad)
How technology has affected judicial collegiality

6:00PM to 8:00PM

Reception at the Renovated 1910 Harris County Civil Courthouse
Participants, spouses and guests

THURSDAY, NOVEMBER 15

7:30AM to 9:00AM

Breakfast Buffet

Consort I, 3rd Level
Participants, spouses and guests

7:30AM to 8:30AM

New Members Breakfast

Continental Room, 3rd Level
New Members, Executive Committee Members, Membership Committee Members and “Buddies”

2:30PM to 4:00PM

Education Session: Solve My Problem

Consort I, 3rd Level

Participants and guests

Introduction and Moderator

Hon. Kate Ford Elliott, President
Judge Emeritus, Superior Court of
Pennsylvania

Panelists

Hon. Philip G. Espinosa, Judge, Ari-
zona Court of Appeals, Division two

Hon. Gary W. Lynch, Judge, Court of
Appeals, Southern District Missouri

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

Christie S. Cameron Roeder, Clerk of
the North Carolina Supreme Court

Other Council Members – TBD

Description: Two major topics are
scheduled for this program. First will
be a moderated segment dealing with
issues of Appellate Mediation specifi-
cally the various models utilized in
different courts of appeal, procedures
and evaluation criteria. The second
segment will address e-filing issues
in various courts, including startup
problems and success stories. Our
program will end with a brief demon-
stration of the new, revamped and
refurbished website for CCJSCA.

6:00PM to 9:30PM

Reception and Dinner

Participants, spouses and guests

Adjournment



Photos by: Wikipedia



SATURDAY, NOVEMBER 17

8:30AM to 10:00AM

Executive Committee Meeting

Consulate Room, 3rd Level

Executive Committee Members

TRAVEL INFORMATION

CONFERENCE HOTEL AND ACCOMMODATIONS

The 2012 annual conference will be held at the Westin Oaks Hotel in Houston, Texas. The Hotel is located in the Westin Oaks Tower at 5011 Westheimer Road, Houston, Texas, 77056 and is connected to the Galleria Shopping Center, the fourth largest shopping center in North America. The telephone number at the Westin Oaks is 713-960-8100. The fax number is 713-960-6554.

For reservations dial (877) 563-9762 and mention the Council of Chief

Judges or you can make your reservation online at <https://www.starwoodmeeting.com/Book/cck02> or <https://www.starwoodmeeting.com/StarGroupsWeb/res?id=1010208225&key=3C1BD>.

Rooms have been reserved for conference participants at a rate of \$118 single or double plus 17% tax. This rate is good November 12-17, 2012, subject to availability. The cut-off date for making reservations is October 15, 2012. Reser-

vations will continue to be accepted after the cut-off date at the conference rate on a space available basis. Reservations may be cancelled up to 24 hours prior to arrival without penalty. Check-in time is 3:00PM; Check-out time is 12:00 Noon. Wireless Internet access is available for \$9.95 per day. Visit the Westin Oaks website at: <http://www.starwoodhotels.com/westin/property/overview/index.html?propertyID=1054>

TUITION/REGISTRATION FEES

The conference tuition and registration fee is \$395 per participant. The spouse/guest fee is \$200. Please complete and return the enclosed registration forms to Brenda Williams at the National Center for State Courts no later than September 15, 2012. Your adherence to this schedule will greatly assist the host state in planning for your participation. The applicable Federal Taxpayer ID Number is 26-0143427.

CCJSCA REFUND/CANCELLATION POLICY

All fees will be refunded less a \$50 processing fee to those whose written request is received by the National Center for State Courts before October 20, 2012.

TRAVEL

The Houston area is serviced by the

George Bush Intercontinental Airport (IAH), approximate travel time to the Westin Oaks Hotel is about 40 minutes (25.0 miles) and the approximate travel time from the William P. Hobby Airport (HOU) is about 30 minutes (20 miles).

The best way to get to and from the airport is via taxi, or shuttle service through Super Shuttle. Taxis can be hailed through the Ground Transportation employees outside each terminal for a flat zone rate of \$52 each way from George Bush Intercontinental Airport and for \$47 each way from William P. Hobby Airport. The cost for the shuttle service is \$25 (Bush), \$24 (Hobby) each way. For reservations please dial 713.523.8888 or visit www.supershuttle.com. For those who would like to rent a car, George Bush Intercontinental Airport has a consolidated rental car facility with nine different national

rental companies. Passengers only need to look for one common shuttle bus to the nearby facility --- the white and maroon buses marked "Rental Car Shuttle." The William P. Hobby Airport is serviced by all major rental car companies as well. Booths are located in the baggage claim area in the lower level. Buses and shuttle vans operate between the terminal and the car company sites. Hertz Car rental has a location at the Westin Oaks Hotel. The Westin Oaks Hotel offers complimentary, covered self-parking (in the mall parking), as well as valet parking for an additional charge. Currently, the rates for valet parking are \$14.00 inclusive for short term (five hours or less) or \$29.22 inclusive for overnight. Please note the rates are subject to change.

DIRECTIONS

From George Bush Intercontinental Airport to the Westin Oaks Hotel: Take Interstate 45 South to Loop 610 West. Loop 610 West becomes Loop 610 South. Exit right at Westheimer, proceed one block, and turn left onto South Post Oak. Parking is available in the underground garage.

From William P. Hobby Airport to the Westin Oaks Hotel: Take I-45 North to Loop 610 West. Exit at Westheimer and turn left. Proceed one block and turn left onto Post Oak Boulevard. The hotel is on the right.

CLIMATE

Houston in November is typically warm, with temperatures averaging in the upper 60s to lower 80s °F (20-28 °C) during the day and in the 50s to lower 60s °F (10-17 °C) at night. Cool fronts that move through the region during the fall can bring rain.

TIME ZONE

Houston is in the Central Time Zone. Day Light Saving Time ends Sunday, November 4 at 2:00 AM.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Brenda A. Williams

National Center for State Courts

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