



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Personal and Professional Development
Program Title: <i>“The Millennial Generation: A Field Guide, Emphasizing the Law”</i>
Day/Date/Time: Sunday, November 13, 2016 from 9:00 to 10:15 AM
Committee Liaisons: Susan Peikes Gantman and Linda McGee
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none">1. Recognize the millennials’ distinctive features.2. Appreciate the manner in which millennials are reshaping the workplace.3. Learn the effects of technological change on communication practices.
Faculty: <ul style="list-style-type: none">– Hon. Susan Peikes Gantman, President Judge, Superior Court of Pennsylvania– Ellen M. Gregg, Esq., Partner, Womble Carlyle Sandridge & Rice LLP, North Carolina– Rogan Kersh, Provost, Wake Forest University
Delivery Methods/Learning Activities: Lecture, Q&A
Program Description: Generations matter to Americans. (The Greatest Generation, Baby Boomers, Generation X, Millennials.) This presentation will introduce millennials' distinctive features, compared to recent generations: their strengths and (poignant) limitations; ways they are reshaping legal and other workplaces; the effects of technological change, including on communication practices; and much more. What is this remarkable generation's likely impact on our legal system, from hiring (including law clerks) and workplace styles to their propensity for criminal behavior?



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Issues Specific to Appellate Courts

Program Title: *“The Scales of Justice: Balancing the Need for Speedy Dispositions with the Need to Satisfy the Perception and Reality of Thorough Review”*

Day/Date/Time: Sunday, November 13, 2016 at 10:30 AM to Noon

Committee Liaison: Edwin H. Stern

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

1. Achieve an understanding of the need to both expeditiously decide cases and thoroughly review the record and briefs.
2. Identify the source of delay through an inspection of key appellate milestones and factors that cause justified and unjustified calendar backlogs, postponements and time from filing of appeal to decision.
3. Describe practices and procedures that state appellate courts have implemented to better balance the need for speedy disposition with thoughtful and thorough review.
4. Understand the varying appellate court structures across the nation as it relates to outcomes (timeliness, resolution, reversal rates) and explain how the different frameworks impact timely dispositions.

Faculty:

- Hon. Roger W. Boren, Administrative Presiding Justice, California Court of Appeal, Second Appellate District
- Martin H. Brinkley, Dean, UNC-Chapel Hill School of Law
- Hon. Erika L. Hadlock, Chief Judge, Oregon Court of Appeals
- Hon. Carmen Messano, Presiding Judge for Administration, New Jersey Superior Court, Appellate District
- Hon. Edwin H. Stern, Presiding Judge for Administration (ret.), New Jersey Superior Court, Appellate District
- Nicole Waters, Principal Court Research Consultant, National Center for State Courts

Delivery Methods/Learning Activities:

Lecture, Short Panel Presentations, Q & A

Program Description: Some complain that it takes too long to decide appeals, while others complain that shorter or summary opinions do not show that full attention has been given to the matter. How do courts handle the need to decide cases expeditiously to bring closure while simultaneously showing to the parties, their counsel, and the public that the judges have carefully studied the record and given the matter thoughtful consideration? The panel will address how courts do and should perform this balance and whether there are ways for courts to satisfy the need for speed as well as address the perception and hopefully the reality of thorough review and consideration.



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Nuts and Bolts
Program Title: "Roundtable Discussions"
Day/Date/Time: Sunday, November 13, 2016 at 1:15 to 2:45 PM
Committee Liaisons: John Meeks and William Murphy
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none">1. Discuss strategies chief judges can use to improve case management.2. Discuss common challenges to effectively administering an appellate court and possible solutions.
Table Facilitators: – TBD
Sub-Topics: <ul style="list-style-type: none">– Appellate Case Management– Personnel Issues– Use of Technology in Courts– Promoting a Collegial Bench– Use of Appellate Settlement Conferences/Mediation– Use of Oral Arguments and the Criteria for Deciding Whether to Grant Oral Arguments– Use of Full Opinions Versus No Opinions
Delivery Methods/Learning Activities: Table networking
Program Description: <p>This roundtable session provides an opportunity to learn from fellow chief judges. A table moderator will first lead a discussion about appellate case management as a follow-up to the morning program; thereafter, each table will choose a second topic for discussion. Suggested secondary topics are: personnel issues, use of technology in courts, promoting a collegial bench, use of appellate settlement conferences/mediation, use of oral arguments and the criteria for deciding whether to grant oral arguments, and use of full opinions versus no opinions.</p>



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Constitutional Issues
Program Title: <i>“The Supreme Court of the United States – Looking Forward”</i>
Day/Date/Time: Sunday, November 13, 2016 at 3:00 to 4:30 PM
Committee Liaisons: Judith McConnell, Linda McGee, 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. Recognize the tensions that the U.S. Supreme Court will face in dealing with current issues that may arise during the Fall term.2. Discuss the influence that a new justice will have on the U.S. Supreme Court environment.
Faculty: <ul style="list-style-type: none">– Dahlia Lithwick, Senior Editor, Slate Magazine– William P. Marshall, William Rand Kenan, Jr. Distinguished Professor of Law, University of North Carolina School of Law– Neil S. Siegel, Co-Director of the Program in Public Law, and Director of the DC Summer Institute on Law and Policy, Duke University School of Law– E. Gregory Wallace, Associate Professor of Law, Norman Adrian Wiggins School of Law, Campbell University
Delivery Methods/Learning Activities: <p>Moderated discussion, audience Q & A</p>
Program Description: <p>This session will provide a fast-paced point/counterpoint discussion including “conservative-liberal” outlooks of constitutional law scholars and a nationally-recognized journalist who covers the US Supreme Court. The focus will be on freedom of speech, stop and frisk, cases the Court might consider during its fall term, and forecasting Court change under the new presidential administration.</p>



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Ethics and Professionalism
Program Title: <i>“The Ethical Limitations and Implications of Independent Research by Appellate Judges”</i>
Day/Date/Time: Monday, November 14, 2016 at 9:00 to 10:15 AM
Committee Liaison: 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. Explore the ethical limits on a judge’s internet research in relation to pending and impending cases.2. Identify new ethical dilemmas created by internet research.3. Explain what, particularly in this age of electronic research availability, defines independent research.4. Discuss traditional limits on ex parte communications and independent investigations of underlying facts.5. Summarize questions chief judges can and should ask themselves before undertaking anything "outside the record.”
Faculty: <ul style="list-style-type: none">– Charles G. Geyh, John F. Kimberling Professor of Law, Maurer School of Law, Indiana University Bloomington
Delivery Methods/Learning Activities: <p>Lecture; Q and A with audience.</p>
Program Description: This session will explore the ethical limits on a judge’s internet research in relation to pending and impending cases. It will review traditional limits on ex parte communications and independent investigations of underlying facts. It will then explore new ethical dilemmas created by internet research, such as: Where does proper legal research end and improper factual investigation begin? To what extent is information obtained on line subject to judicial notice? Can notice to the parties and an opportunity to be heard cure ill-advised or unintended internet searches?



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Historical
Program Title: “ <i>Watergate: A Historical Perspective and Lessons Learned</i> ”
Day/Date/Time: Monday, November 14, 2016 at 10:30 AM to Noon
Committee Liaison: Linda McGee
<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. Develop insight into national constitutional crisis from speakers close to the historical events. 2. Recognize need for reasonable controls on power of leaders, and identify ways to provide leadership based on service and vision 3. Recall and discuss lessons learned from the misuse of power.
<p>Faculty:</p> <ul style="list-style-type: none"> – Karl E. Campbell, Ph.D., Associate Professor of History, Appalachian State University – Honorable Sam J. Ervin IV, Associate Justice, Supreme Court of North Carolina – Rufus L. Edmisten, former North Carolina Attorney General and Secretary of State
<p>Delivery Methods/Learning Activities:</p> <p>Moderated panel discussion, video/slide presentation, audience Q&A</p>
<p>Program Description:</p> <p>The author of <i>Senator Sam Ervin, Last of the Founding Fathers</i> will moderate a discussion of the Watergate Hearings and surrounding events with Senator Ervin’s grandson, Justice Sam J. Ervin IV of the North Carolina Supreme Court, and Rufus L. Edmisten, Deputy Chief Counsel for the Senate Watergate Committee, who served the subpoena on President Richard Nixon’s White House for the Watergate tapes.</p>



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Science and Technology

Program Title: *“Digital Reading and Writing: The Sun Sets on the Paper Trail”*

Day/Date/Time: Tuesday, November 15, 2016 at 8:30 to 9:45 AM

Committee Liaison: Margret G. Robb

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

1. List the ways in which e-reading differs from paper reading.
2. Define the reasons why we process the written word differently on screens than paper.
3. Distinguish the ways in which the written materials can be drafted to address some of the challenges of e-reading and, conversely, discuss changes in the way we e-read to address other aspects.
4. Summarize what can be done to meet the challenges of e-reading and e-writing to help effectuate the changing landscape.

Faculty:

- Hon. Cory J. Ciklin, Chief Judge, Florida Fourth District Court of Appeal
- Brad Mehlenbacher, Ph.D., Associate Professor of Distance Learning, North Carolina State University
- Jason P. Steed, Associate, Bell Nunnally, Dallas Texas

Delivery Methods/Learning Activities:

Two short summaries, Q & A between the panel, and Q & A with the audience.

Program Description:

The future is here. The paper trail is gone. E-filing; e-reading; e-writing; e-gads!!!! Digital reading presents a multitude of problems: comprehension, retention understanding, analyzing, and evaluating. We will explore the reasons for this and suggestions for compensating. Digital writing, likewise, has a multitude of issues not present when prepared for paper readers. Suggestions on how to write for this new age reader will be discussed taking into consideration the new challenges this medium presents.



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Issues Specific to Appellate Courts
Program Title: <i>“Competing Universes Collide: Arbitration vs. The Courts”</i>
Day/Date/Time: Tuesday, November 15, 2016 at 10:00 to 11:00 AM
Committee Liaison: Glenn Acree
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none">1. Identify points of conflict between arbitration and adjudication.2. Analyze your court’s role in resolving those conflicts.3. Anticipate future steps the judiciary could take to prevent any unnecessary loss of opportunities to develop the law generally, and the law of arbitration in particular.
Faculty: <ul style="list-style-type: none">– Catharine Biggs Arrowood, Partner, Parker Poe Adams & Bernstein LLP– Hon. Mary C. Noble, Deputy Chief Justice, Supreme Court of Kentucky, 5th District
Delivery Methods/Learning Activities: <p>Lecture with questions and answers to follow.</p>
Program Description: <p>More frequently than ever, disputes are being resolved by arbitration and not litigation and appeal. How is this affecting the judiciary and jurisprudence? This presentation will cover the policy and trends (past and future) of arbitration and its relation to our courts, including the increasing use of arbitration in consumer and employment disputes and even online arbitration. The panel, representing views of advocate, arbitrator, and jurist, provides perspective on the due process issues of arbitration, the competing values of expediency and precedent, and the continued dependence on courts for enforcement. We will cover the recent flurry of SCOTUS decisions favoring arbitration, concluding with a discussion of the impact these developments are having on the jurisprudence of state courts and predictions about where arbitration law might take us.</p>



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Administration and Personal and Professional Development
Program Title: <i>“Attracting, Developing and Retaining Millennials in the Age of One and Done”</i>
Day/Date/Time: Wednesday, November 15, 2016 at 11:05 AM to 12:20 PM
Committee Liaison: Susan Peikes Gantman
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none"> 1. Be proactive by anticipating potential personnel issues in the context of the ever-changing employment law landscape. 2. Build on the knowledge learned from Provost Rogan Kersh and Ellen Gregg’s discussion titled “The Millennial Generation: A Field Guide, Emphasizing the Law.” 3. Understand the limitations on employer exploration of social media in the hiring process.
Faculty: <ul style="list-style-type: none"> – Nancy Abell, Partner, Paul Hastings LLP – Hon. Susan Peikes Gantman, President Judge, Superior Court of Pennsylvania
Delivery Methods/Learning Activities: <p>Lecture, Questions and Answers</p>
Program Description: <p>Is it true that new entrants to the professional work force apply for jobs on their phones; text, tweet and/or snap more than 100 times a day; expect constant feedback and increasing responsibility; are not destined to last two years in a job; and believe that life comes before work? This session will guide us through lawful screening of Millennial candidates to maximize the court’s investment; limitations on employer exploration of social media in the hiring process; restrictions on criminal screening by “Ban the Box” legislation; effective means of orienting, working with and coaching Millennials; permissible restrictions on use of mobile devices and social media to protect security; and family-friendly policies. Ms. Abell will also provide a brief employment law update on new transgender regulations; required 2016 postings; pregnancy, disability and religious accommodation enhancements; and other significant developments.</p>



CCJSCA
NORTH CAROLINA 2016

Nothing could be finer than to be in Carolina

NOVEMBER 12-16, 2016

**THE UMSTEAD HOTEL AND SPA
CARY, NORTH CAROLINA**

Topic Area: Judicial Independence and Constitutional Issues
Program Title: <i>“Winds of Change Buffeting the Judiciary or Just a Lot of Hot Air: A Discussion with Supreme Court Advocate Kannon Shanmugam”</i>
Day/Date/Time: Wednesday, November 15, 2016 at 3:00 to 4:30 PM
Committee Liaison: Morris Silberman
Learning Objectives: <i>As a result of this course, participants should be better able to:</i> <ol style="list-style-type: none">1. Analyze the future direction of the appellate courts, the impact of alternative dispute mechanisms, and other challenges that may be encountered.2. Identify the tensions that exist between the judicial branch and other branches of government and promote practices that could be implemented to improve relations.3. Discuss the impact that Justice Scalia has had on the nation’s courts and its laws.
Faculty: <ul style="list-style-type: none">– Kannon K. Shanmugam, Partner, Williams & Connolly LLP
Delivery Methods/Learning Activities: <p>Lecture, Fireside Chat and Q & A</p>
Program Description: <p>Kannon Shanmugam is a highly regarded Supreme Court advocate to whom many labels can be affixed, including summa and magna cum laude graduate; Marshall Scholar; former law clerk to Justice Scalia; law partner; and legal scholar. In this session he will discuss his views as to what the future holds for the courts, the tensions between the judicial branch and other branches of government, and the legacy of Justice Scalia.</p>