

COURTLY CURRENTS



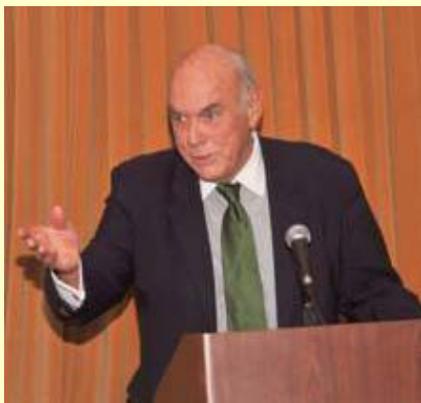
Standing Committee on Federal Judicial Improvements

Standing Committee on Judicial Independence

Fall 2009 - Volume 2

The 2009 John Marshall Award

At the ABA Annual Meeting in Chicago on Friday, July 31st, the ABA Justice Center presented the 2009 John Marshall Award to the dedicated and very deserving Edward W. Madeira, Jr. Mr. Madeira serves as senior counsel and chair emeritus at Pepper Hamilton LLP in Philadelphia. He is special advisor to the Standing Committee on Judicial Independence ("SCJI") and co-chair of ABA past President Tommy Wells' Commission on Fair and Impartial State Courts.



In a letter of support for Madeira's nomination for the award, Chief Justice Ralph J. Cappy of the Supreme Court of Pennsylvania wrote, "To all projects he brings with him decades of knowledge regarding the practice of law, the operation of the court system, the ethical components of both, and combines this knowledge and experience with unmatched zeal and enthusiasm. I simply cannot put into writing the valuable resource that Ed Madeira has become to our Commonwealth." Read more about Mr. Madeira's contributions to judicial independence [here](#).

The [John Marshall Award](#) is named in honor of the fourth Chief Justice of the United States, who is credited with establishing the independence of the judiciary and enhancing its moral authority. The John Marshall Award is presented to individuals responsible for extraordinary improvement to the administration of justice in the categories of: Judicial Independence, Justice System Reform, and/or Public Awareness about the Justice System.



Justice is the Business of Government

2009 ABA Annual Meeting Program

On Saturday, August 1st at the 2009 ABA Annual Meeting in Chicago, the Presidential Commission on Fair and Impartial State Courts hosted *Justice is the Business of Government: The Summit and Beyond*.

This program presented highlights of the ABA's Summit on the Critical Role of Fair and Impartial Courts. The panel included David Adkins of the Council of State Governments, Donald Murray of the National Association of Counties, David Parkhurst of the National

Media Alerts on Federal Courts of Appeals

In the coming months, the Standing Committee on Federal Judicial Improvements ("SCFJI") will be unveiling the Media Alerts on Federal Courts of Appeals Web site. SCFJI is creating this Web site which aims to provide reporters, lawyers, and the public with quick and ready access to noteworthy cases in the federal circuit courts. Although it will be available to the public, the Web site is being created to assist the media in providing timely reporting about federal cases. Accurate and representative coverage of the courts is a service to the public and underscores the importance of the judiciary as a separate, independent branch of government. SCFJI will initially launch the Web site with three pilot circuits: the 3rd, 5th, and 9th, although they plan to expand coverage to include all of the circuits. In the Third Circuit SCFJI is working with Temple University Beasley School of Law, in the Fifth Circuit SCFJI is working with the University of Texas School of Law, and in the Ninth Circuit SCFJI is working with both the University of San Diego School of Law and the University of Arizona James E. Rogers College of Law. With the help of these academic editors, the site will issue short summaries of key circuit opinions on an ongoing basis, as well as alerts on interesting and significant cases set for argument. The ABA extends its deepest gratitude to these institutions for their participation in this inaugural endeavor.

Caperton v. Massey

The Standing Committee on Judicial Independence ("SCJI") held a Presidential Showcase program, *Justice for Sale? Contributions to Judicial Elections in the Wake of the Supreme Court's Decision in Caperton v. Massey*, on May 30th at the 2009 ABA Annual Meeting in Chicago. SCJI was



selected from among 10 other entries to host this "late-breaking and compelling" Presidential Showcase program. ABA past President Tommy Wells made opening remarks at the widely-attended and high profile program. Mr. Wells stated that many people say the Supreme Court would not have taken the case but for the ABA *amicus curiae* brief, which was spearheaded by SCJI under the leadership of Chair Doreen D. Dodson (2005-2008). The panelists included ABA past President Dennis W. Archer, Meryl Chertoff of the Sandra Day O'Connor Project on the State of the Judiciary, the Honorable William A. Maupin, Professor Keith Fisher (principal drafter of the two ABA *amicus* briefs in the case), and SCJI Chair William Weisenberg who moderated the program. To view the program,

Governors Association, James Carney of the Iowa State Bar Association, the Honorable Eve Stratton of the Ohio Supreme Court, and Kay Farley of the National Center for State Courts. The program was moderated by ABA past President Dennis Archer, along with Mr. Edward W. Madeira and the Honorable Mark Martin, co-chairs of the Presidential Commission on Fair and Impartial State Courts. Opening remarks were made by the Honorable Barbara Lynn, immediate past chair of the ABA Judicial Division, and the Honorable Judith Kaye of New York.

Panelists discussed the funding of the justice system to insure adequate resources for the judicial branch, the impact of improved interbranch relations on the justice and judicial systems, the changing role of the state courts, and the institutional legitimacy of the state courts.

Justice is the Business of Government Initiative

The Standing Committee on Judicial Independence ("SCJI") is working to implement and effectuate the recommendations that evolved from the May 7-9, 2009 Summit on the Critical Role of Fair and Impartial Courts. Through the vision, foresight, and leadership of immediate past ABA president Tommy Wells, the ABA Presidential Commission on Fair and Impartial State Courts in collaboration with the National Center for State Courts ("NCSC"), conducted the successful "Justice is the Business of Government – the Critical Role of Fair and Impartial State Courts" Summit. The four areas of emphasis addressed by Summit participants are: (1) Development of Cooperative Interbranch Relations; (2) State Court Funding; (3) Maintaining the Institutional Integrity and Legitimacy of the Courts; and (4) Enhancing Public Confidence in State Courts through Education. Each of these important subjects are directed at a common goal: the preservation of a fair, impartial and independent judiciary under the rule of law. Now more than ever, in these economically challenging times, our courts desperately need our assistance. With resources depleting daily, courts are struggling to perform their constitutional function and provide services responsive to the reasonable expectations and needs of the citizenry. The Justice is the Business of Government Task Force, an outgrowth of the Commission on Fair and Impartial State Courts, aims to address these problems with a practical approach to the "business" of our courts. The Task Force, which will consist of representatives from various ABA entities, will be guided in its work by the four areas of emphasis addressed at the Summit, and ad hoc groups will be formed to address each respective area. Learn more about *Justice is the Business of Government* on the [SCJI Web site](#).

[click here](#). To read more about the program, [click here](#). The DVD and corresponding written materials for this program are now available for purchase on the SCJI Web site. To access the order form, [click here](#).

Judicial Disqualification Project

At the 2009 ABA Annual Meeting in Chicago, the Standing Committee on Judicial Independence ("SCJI") agreed on revisions to their draft Judicial Disqualification Project Resolution and Report. Due in large part to *Caperton v. Massey*, in which the ABA at the request of SCJI filed *amicus curiae* briefs, SCJI decided to redraft its original Resolution and Report and plans to submit them to the House of Delegates for consideration at the 2010 ABA Annual Meeting in San Francisco, California. The draft Resolution and Report addresses one of the most significant issues impacting the public's trust and confidence in a fair, impartial and independent judiciary – the disqualification of a judge when the "impartiality of the judge might reasonably be questioned" either through specific conduct or the appearance of impropriety.

In late August, SCJI circulated the proposed draft Judicial Disqualification Project Resolution and Report for commentary both inside and outside of the ABA. Learn more about the Judicial Disqualification Project on the [SCJI Web site](#).

Aging in the Judiciary Project

The Standing Committee on Federal Judicial Improvements ("SCFJI") sponsored an informational CLE program, *Judging Aging*, at the 2009 ABA Annual Meeting in Chicago on Friday, July 31st. The program was moderated by SCFJI member, Judge Delissa A. Ridgway. The diverse panel included neuropsychologist and SCFJI consultant Dr. Wilfred van Gorp, the Honorable D. Brock Hornby, Cynthia Gray of the American Judicature Society and Susan Riegler of the Illinois Lawyers' Assistance Program. The program opened with a Fox news report titled [Aging Justice](#). Program attendants were challenged with a memory game which induced laughter amongst audience members. To read more about this interactive standing-room only program, [click here](#). Due to the program's popularity and high demand, SCFJI is planning to host a similar program in the future.

Courtly Currents is a publication for members and collaborators of the Standing Committee on Federal Judicial Improvements and the Standing Committee on Judicial Independence. Opinions expressed herein are not to be deemed to represent the ABA unless and until adopted by the ABA.

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