Judicial Decision Making and Contemporaneous Research: 
Ethics or Access?

The program will be an app-based interactive panel of experts and audience discussing the range of the ethical and legal responsibilities of judges/juries in conducting independent Internet educational research on subjects contained in pending cases, by examining the ethical constraints placed on judges under the ABA Judicial Model Code of Judicial Conduct Sec. 2.9(C) and relevant state and federal ethics provisions. The use of Internet research by judges and citizens has been normalized within our culture and is routinely used to gain knowledge. Although highly trained in the law, judges may lack education on topics they preside over. We will explore the disclosure of Internet research by judges and juries for incorporation into the litigation process, along with alternatives, best practices and lessons learned. Finally, we will examine the need to balance existing caselaw and codes of professional conduct with the current reality of the modern digital access to information.

Moderator:

Hon. Colleen O’Toole, (Ret.) Ohio Eleventh District Court of Appeals 
Eastlake, OH

Panelists:

Hon. Stephanie Domitrovich, Sixth Judicial District of Pennsylvania 
Erie, PA

Marla Greenstein, Alaska Commission on Judicial Conduct 
Anchorage, AK

Chad Burton, CuroLegal 
Beavercreek, OH

Hon. Eric J. Magnuson, Robins Kaplan LLP 
Minneapolis, MN

Jin-Ho King, Esq., Milligan Rona Duran & King LLC 
Boston, MA

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 1.5 CLE credit hours (1.5 ethics credit) in 60-minute states, and 1.8 credit hours (1.8 ethic credit) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.americanbar.org/events-cle/mcle/ or contact Kris.berliant@americanbar.org or 312.988.5700.