

CASA Quarterly
Spring 2010

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CASA QUARTERLY
Spring 2010
Articles

Notes from the Editor

by Susan Dautel
New York State Court of Appeals
Albany, New York

In this issue, we have information on new ways to communicate and become acquainted, a preview of the next annual conference, a look at a fellowship opportunity enjoyed by a former staff attorney, and insights into how we do our work and where in the world we roam (everywhere!) in our free time. Thank you to the authors who have taken the time to share a bit of themselves with us. Given the eclectic nature of these offerings, we know YOU can find something interesting to submit for the next issue! Please consider this a personal invitation to get your writing juices flowing and submit an article about something that interests you personally or professionally--by job description, CASA members are excellent writers, so please exercise and share your skill. We continue to seek information about processes that are unique to your court or that have helped to overcome a particular challenge in your court. But we also enjoy learning about the wide-ranging talents and travels of our fellow members. Proposed articles may be submitted to me at sdautel@courts.state.ny.us . For those of you who like to work to deadline, please put August 6, 2010 on your calendar for the due date.

Over the last few years, CASA has managed to fuel a particular interest of mine: Frank Lloyd Wright. Although I'd long known his name as a famous architect, I got fascinated by his "larger than life" persona and quite scandalous life choices (for the early 1900's) a few years back while reading "Loving Frank" by Nancy Horan. For those who don't know about the scandal, a quick thumbnail is that Wright, who was married with six children, fell in love with Mamah Cheney, married with two children, while he was building one of his "prairie houses" for Mamah and her husband in the Oak Park suburb of Chicago (a couple of streets over from Wright's house and studio). In 1909 the two lovers left spouses and children behind and fled to Europe, to public outrage that threatened the young architect's career. The story of their intriguing relationship ends in the shocking murder of Mamah at the Wisconsin refuge (named "Taliesin") Wright built for them. Since reading the book, I also became fascinated by Wright's architectural genius, and travel for CASA meetings and conferences has allowed me to see many of the still-existing buildings he designed. A 2009 executive committee meeting in Los Angeles led to a group outing of CASA officers to see Hollyhock House, a house designed by Wright for an oil heiress--perched on a hill with views of the Hollywood sign, the ocean and all of downtown LA (www.hollyhockhouse.net). The 2008 Summit in Phoenix was not complete without a tour of Taliesin West, Wright's famous winter home and school in the Arizona desert (www.franklloydwright.org). A non-CASA trip to Pittsburgh led to an amazing exploration of Fallingwater, probably Wright's most famous residential design (www.fallingwater.org), and a visit to my

daughter in Chicago had to include tours of the Wright home/studio and the famous Robie House. I am looking forward to another CASA/Wright exploration in November in Dallas: the Kalita Humphreys Theater, the only theater he designed in the U.S. If you want to join me in that outing, let me know!

Message from the Chair--Facebook and Me: Let's Chat

by Naomi Godfrey

US Court of Appeals for the 11th Circuit

Atlanta, Georgia

CASA is getting a Facebook presence, and we'd love to have you join us!

Thus far, I have created a personal page, where you can see pictures of me and my daughter, Khala. Feel free to send me a message or post a note on my wall, and as my familiarity with the site grows, I hope to expand my number of "friends" exponentially. Here, we can all get involved in lively discussions about what the staff attorneys of America are doing, both at work and after work. We can use the page as a place to circulate announcements, discuss life after staff attorneydom (a new word!), and post pictures of staff attorneys at work and at play. Right now, I am filling the page with pictures of our members engaging in various aspects of their personal and professional lives. Please send me your photos so I can add more! With your help, we can use our Facebook page to highlight the diverse, exciting, and energetic people that make up CASA.

What shall we discuss on our page? Everything. We are limited only by that which may run afoul of the Federal Judicial Code of Ethics, state judicial ethical codes, or the Local Rules of your court. Naturally, we will avoid discussing anything that may be offensive to our judges or to the public we serve.

I hope to use our space as a forum for nationwide discussions covering various professional topics, including:

- How many attorneys are there in your office?
- How is your office structured?
- Are your new hires experienced, or do they come fresh from law school?
- Do your staff attorneys serve for a term, or are they permanent?
- Do you present cases to your judges orally or in writing?
- Does your office work on a specific area of law? If so, what?
- How has the focus and mission of your office changed over time?
- What events or activities would you like to see at this year's November conference?

By having a centralized place to collaborate and share ideas, we can make each of our offices better, for staff attorneys and judges alike.

Of course, I also hope to discuss who we are beyond our profession:

- What do you do in your spare time?
- To what exciting places have you traveled lately?
- What interesting books are you reading?
- If you could go anywhere in the world and meet anyone throughout history, where would you go and who would you like to meet?

By getting to know one another, we can make membership in CASA a better, richer, more valuable experience for all of us. Get ready to join me. I will be contacting each of you soon.

Meanwhile, please plan to take advantage of the American Bar Association's new group rates. In some cases, entire courts are joining the ABA, the Judicial Division, the Appellate Judge's Conference for as little as \$100 a year. We've included a copy of the ABA Group Program Enrollment Form along with some FAQs at the end of this newsletter. These items may also be found at http://www.abanet.org/jd/pdf/Group_Program_FAQ.pdf.

To Whet Your CLE Appetite--A Preview of the 2010 AJEI Summit in Dallas, Texas 11/18-21

A preliminary listing of speakers and topics for the 2010 Summit in Dallas was forwarded by our Education Committee chair, Rachel Ekery of the Texas Supreme Court. Here are the bare bullet points for your perusal:

- **Keynote Speaker:** Laurence Tribe, Senior Counselor for Access to Justice, U.S. Justice Department

Other Exciting Scheduled Speakers:

- Dean John Attanasio, Dean Erwin Chemerinsky, Dean Larry Kramer, Former U.S. Solicitor Generals Greg Garre and Kenneth Starr
- Federal Judges: Consuelo Callahan, Jennifer Elrod, Catharina Haynes, Margaret McKeown, N. Randy Smith and Jeffrey Sutton
- State Judges: Chief Justice Rebecca Berch and Justice Joan Irion
- Professors: Floyd Abrams, Chad Baruch, Jeff Bellin, Robert Chesney, Geoffrey Corn, Linda Eads, Linda Elrod, Bryan Garner, Charlie Geyh, Pam Karlan, Joseph Kobyłka, Suzette Malveaux, Bruce Peabody, Richard Rosen, David Schlueter, Kathleen Sullivan, John Yoo
- Journalists: Adam Liptak and Joan Biskupic
- Attorneys: Mark Curriden, Walter Dellinger, Julia Blackwell Gelinias, Carter Phillips, Trevor Potter, Peter Rusthoven, Tom Sadaka and Seana Willing

Some of the Topics to be Presented:

- Executive Power: Does the President Have to Obey the Law?
- Search and Seizure, Cybercrimes: E-Discovery
- Why Bad Things Happen to Good Judges--A Discussion on ways ethical judges find themselves in difficult situations and how to avoid this from happening to you
- The Press and the First Amendment
- Choreography of Courts and Legislature
- Supreme Court Review and Preview
- Privacy in the Age of Technology
- Future of Courts: 20 Years Plus
- International Globalization
- Campaign Finance
- Contempt of Court
- National Security
- Civil Issues Percolating in Courts of Appeal
- Discretionary Appellate Issues, i.e. ... Certiorari, En Banc, Interlocutory
- Hot Topics in Family Law
- Amicus Briefing
- Difficult Oral Argument Vignettes

Entertainment: Texas Bar and Grill Singers

Venue: the Adolphus Hotel (www.hoteladolphus.com), a beautiful downtown Dallas hotel, just minutes away from the new cultural offerings of the Arts District

Scholarships: Will be available--look for further information about this in coming CASA Quarterly issues.

Put the dates on your calendar: November 18-21, 2010. Hope to see you in Dallas!

U.S. Supreme Court Fellowship

by Irina Axelrod-Angres

Supreme Court Fellow assigned to the Federal Judicial Center
Washington, D.C.

Greetings from the Supreme Court Fellows Program. CQ Editor Susan Dautel asked me to acquaint you with the Supreme Court Fellows Program and provide some helpful career development information. As some of you might know, the Supreme Court Fellows program was founded by Chief Justice Warren Burger in 1973. The

program has provided a wonderful opportunity for attorneys and other professionals to study firsthand the administration of the Federal Judiciary and the dynamics of interbranch relations.

As stated in the program's mission, "every year the Supreme Court Fellows Program solicits applications from potential candidates from diverse professions and academic backgrounds, including law, the social and behavioral sciences, public and business administration, systems research and analysis, communications, and the humanities. The program accepts a maximum of four Fellows per year and the selected candidates are detailed to four different agencies: United States Supreme Court, Administrative Offices of the United States Courts, Federal Judicial Center, and the Sentencing Commission." Further, "work assignments and projects assigned to the Fellows reflect the needs of the judiciary and the interests and capabilities of the Fellows. During their one year assignment Fellows gain insight into the contemporary policy issues facing the judiciary, as well as an appreciation of the nature of judicial administration." For more information please visit <http://www.fellows.supremecourtus.gov/index.php>

The fellowship year traditionally begins in September and each fellowship is different depending on the needs of the office to which the Fellow is assigned. During the past eight months of my fellowship at the Federal Judicial Center I have been very fortunate to work on a variety of interesting projects, ranging from participating in a newly designated study of the Federal re-entry courts program to conducting briefings for international judicial delegations at the Supreme Court, the Federal Judicial Center, and the Department of State. As a Fellow I have had a unique opportunity to observe the biannual Judicial Conference last September, as well as participate in other conferences and workshops for the Federal Judiciary conducted by the FJC. Working and living in Washington DC during my fellowship has been providing me with many ongoing opportunities to learn from my colleagues, co-fellows, and international visitors. I look forward to the remainder of my fellowship and I hope that this brief review may be of some assistance to my colleagues looking for new, interesting steps in their career development. I will gladly answer any questions you may have about the program if you write to me at iaxelrod-angres@fjc.gov.

[Note from the Editor: Before applying to the Fellows Program, Irina served as a staff attorney in the Civil Division, Nevada Supreme Court.]

Managing Term Staff Attorneys: Taking the Positive Approach

by Paul McGrath

New York State Court of Appeals

Albany, New York

One of the neat aspects of belonging to CASA is the chance to see how different

appellate courts handle the constant need to manage cases and analyze legal issues. The tribunal that I have been honored to serve for the last 25 years, the New York Court of Appeals, uses both career staff attorneys and two-year term staff attorneys (or staff law clerks)(all of which are distinguished from the elbow clerks hired by each of our seven Judges). The career positions are found mainly in the Clerk's Office. These attorneys interact with the lawyers and the pro se litigants, and deal with a myriad of case management decisions, like how to track an appeal and how to prepare the final entry and order.

Two other career positions are found outside the strict confines of the Clerk's office. In the position of Chief Court Attorney, I, along with my capable Deputy Chief Court Attorney, are responsible for the success of the Court's Central Legal Research Staff. Apart from the two supervisors, our Central Staff consists of 13 other staff attorneys or staff law clerks (six first year clerks, six second year clerks and one more permanent clerk). This article addresses information pertinent to the Central Staff attorneys, as opposed to the elbow clerks working for each of our seven Judges.

In our Court, the Central Staff performs four main tasks. First and foremost, our staff attorneys prepare written reports on civil motions for leave to appeal or, to use Supreme Court of the United States terminology, petitions for writs of certiorari. These reports, which are written under the supervision of one reporting Judge, vary in length from 2 pages to 20 pages. Staff attorneys analyze the merits of the case and conclude with a recommendation as to whether the Court should (1) dismiss leave (for lack of subject matter jurisdiction), (2) deny leave (because the case was decided by the court below in accordance with settled law or presents no issue of statewide importance) or (3) grant leave (to resolve conflicts in the intermediate appellate courts or to entertain leaveworthy issues of statewide importance). Second, our staff attorneys prepare reports on civil appeals taken as of right to help the Judges determine whether the Court has subject matter jurisdiction to decide the appeal. For example, in New York, an appeal lies as of right to our highest Court if a substantial constitutional question is directly involved in the intermediate appellate court order being reviewed. Our staff reports help the Judges decide whether a constitutional question is directly involved and substantial, two terms of art that have received a good deal of judicial interpretation but are in constant need of close case-by-case application. Third, our staff attorneys prepare reports and draft decisions on civil and criminal appeals selected under the Court's rules for expedited resolution without oral argument or full briefing. In this respect the staff attorney does the exact same type of work that an elbow clerk does with the exception that the staff attorney's initial editor is a staff attorney supervisor rather than a Judge of the Court. The reviewing Judge gets involved only after the staff writer and his or her editor refines the initial legal analysis and polishes the report and proposed draft writing. Once the Judge does get involved, further editing and refinements are done between Judge and staff attorney without the supervisor's involvement. Finally, our staff attorneys prepare more generalized research projects from time to time as required by the Judges of the Court.

Because we are dealing with term staff attorneys whose salaries are set by a

collective bargaining agreement, salary increases or rapid promotions are not methods we can use to motivate these attorneys. Over the years, I have developed some strategies to help staff attorneys reach their maximum potential while at the same time provide the Judges with the most informative reports to enable them to make the best possible decisions. Here are several of these strategies.

1. Hire not just smart people but the right people. At one of the most prestigious state appellate courts in the nation, the Court's Central Staff is blessed each year with receiving a number of great applications from law students and recent law graduates across the state and even across the nation. The applications we receive are invariably submitted by students who were at or near the top of their law school classes. However, not all smart people make the best law clerks or staff attorneys. In our interviews we are honest and clear about what the job is -- and what the job is not -- so law clerks know what to expect before they take the position. For example, we emphasize the day-to-day rigors of the writing process, but we also stress the life-long benefits of learning how to refine the legal analysis in an efficient manner. We do not oversell the amount of day-to-day judicial contact. We emphasize that most staff attorneys come to the Court as good writers and leave the Court as truly excellent writers because they are writing and getting feedback every single day. If we have done our interviewing right -- and our track record is quite good -- we can tell just from an afternoon of interviewing with four different Court personnel which applicants will treasure the honor of working for the Court and which will see it as just another job. We want to hire those who see this job as a chance of a lifetime, an opportunity to seize and develop the clerkship to its maximum potential. These are the people that will be easy to manage and will be great team players. These are the people we hire.

2. Keep an open door policy and encourage questions. As editors and supervisors, my deputy and I try to make sure we keep our door open for questions that the staff attorneys may have about the court's tricky jurisdictional rules or about the merits or certiorari analysis specific to any given case. We set a tone that no question is a dumb question, and that no staff attorney is on his or her own when starting a new job. We try to let our enthusiasm for the law and the Court spill over so that it is easy to see. If staff attorneys feel welcome in the supervisor's office, it is more likely that they will stop in and ask a question, saving them hours of spinning around doing what might be unnecessary or unproductive legal research.

3. Keep the editing reasonable and positive. Each attorney develops at a different rate in his or her ability to perform the job of writing concise and precise case reports in an efficient manner. Thus, as staff supervisors, we must not be too quick to criticize or judge. We are careful not to edit just for the sake of saying something in a different way, and we edit only to make a report tighter or more informative. We try to work with the staff attorney's approach to the case, trying to be supportive of that person's legal analysis and recommendation if that approach is "in the ballpark." After all, the staff supervisor's name is not going on the report, and it is not the staff supervisor's job to impose his or her own views of the close cases on the staff attorney. Disagreeing with the report writer on close cases is strictly the right of the Judge. Staff

attorneys really appreciate the difference between an editor that second guesses and an editor that is supportive in helping the attorney reach a level of clarity that perhaps he or she cannot quite achieve so early in the clerkship process.

In my view, the best editing emphasizes a staff attorney's positive sections and sentences as much as pointing out grammatically incorrect or stylistically awkward passages. Edits are never made via red pen, but in nonthreatening pencil. After all, even editors sometimes change their own opinions as they read and reread a report.

4. Take some cases for your own writing and give your first draft to a term law clerk for the initial edit. As the staff supervisor, my main job is to assign the work to the various staff attorneys, monitor their progress, edit their drafts and insure consistency in approach and format, so I do not have time to complete a full load of motion and other report assignments from start to finish. However, during each three to four-week work cycle, I always manage to prepare three or more of my own reports. Not only does this report writing keep me tuned into the rigors of the writing process and make me keenly aware of the difference between writing and editing, but it sets the example for the staff attorneys. The term clerks realize from the outset that their supervisor isn't asking them to do anything that he is not prepared to do himself. In addition, the staff attorneys really appreciate the opportunity to do a little editing and coaching on their own. This little strategy builds teamwork and trust. When attorneys feel like a valuable player on the team, they will be willing to go "extra innings" to achieve the desired result: getting the best possible reports to the Judges in a timely fashion.

5. Assign each first year court attorney a second year mentor. As noted, the Court hires most of its term staff attorneys right out of law school. Frequently then, the new law graduates come to the Court with myriads of little questions with which they do not necessarily want to trouble their supervisors. They have simple inquiries, like dealing with computer issues or finding a certain office in the building. One approach that has proven successful for us is to pair up each first year court attorney with a second year court attorney. It is not hard for the second year attorneys to empathize with the first years' struggles. They are happy to import the little bits of knowledge that enabled them to succeed in the job.

6. Prepare and implement a good orientation where resources are explained and expectations are clearly articulated. If your court is anything like our Court, summer is the only real down time in the court year. This is the time of the year where the permanent and term staff attorneys alike take needed vacations to recharge their batteries. With increasing frequency, it is also a time where the six departing clerks leave their clerkships early to accept jobs in very tight public and private sector job markets. The combination of vacation and early clerk departures often leaves the Central Staff with a slight backload of reports that need to be written come mid-August when our six new clerks start their jobs. There is an invariable urge to just give the new people their first assignments right away and let them get started. We try to resist this urge in favor of a one and a half day orientation process. We use this orientation as a

way to expose the attorneys to the work that they will be doing. We introduce them to computerized databases that will help them do their job. We expose them to certain books and treatises that they will consult on a frequent basis. We emphasize the importance of deadlines, remind them that not every staff attorney is going to work at the same pace and alert them that extra hours are expected if necessary to meet work deadlines. We try to explore a little of the Court's rich history, and we introduce them to just enough of the Court's appealability and reviewability rules that they will be able to ask good questions if they think they spot a jurisdictional problem in one of their assignments. We also take a bit of time for the staff attorneys to get to know each other so that they build a cohesive team that is essential to long-term success. The court year is not a sprint; it is a marathon. We value the slow steady progress that is best achieved by good preparation.

7. Perform Performance Reviews and Exit Interviews. Because my deputy and I manage a relatively small staff, we have day-to-day contact with the staff attorneys and are constantly giving attorneys feedback about their legal writing and analysis. Nevertheless, slightly more formal performance evaluations are still useful to give the attorneys a sense of where they stand, not vis-a-vis others in their class, but measured against an objective work standard. We do these performance evaluations twice during the clerkship. The first evaluation takes place in mid-November after the staff attorneys have been on the job for a full three months. By this time, the staff attorneys who have joined the Court immediately out of law school have received the results of the Bar Examination and have settled into a work routine. These evaluations take about 45 minutes each and are invariably the source of breakthroughs and insights by both supervisor and the new attorneys. We complete a second evaluation following the end of the clerks' first year of work. A positive report is necessary for the attorneys to be eligible for a one step raise, but we look at the evaluation as far more than an prerequisite to get a promotion. We hopefully get the attorneys to set their own goals for the year, realizing that they have only one more year to develop their skills and refine their talents before entering private practice or public sector law work outside a courthouse. Near the end of the two year clerkship, we do very informal exit interviews with our staff attorneys and have them anonymously fill out a Departing Staff Attorney Questionnaire that we use to improve the overall clerkship experience for future clerks.

What I Did on Summer (Okay, Fall...) Vacation

by Lee Ramsey

Tennessee Supreme Court

Nashville, Tennessee

CQ Editor Susan Dautel asked me to write an article about life outside work. So, here's what I did on summer (okay, fall...okay, spring...it's complicated) vacation:

All work and no play makes Lee a dull boy. Thus, the *need* for vacation. To shed the accumulating dullness from last year, I took off in mid-October for New

Zealand and Australia. My first stop was Southern California—Laguna Beach—where I spent one night with a sister and brother-in-law. The next day, we made the short drive to UC-Irvine for a brief visit with Dean Erwin Chemerinsky, who graciously showed us around “his” new law school. (By the way, the first thing Erwin did as we walked into his office was to point out, hanging on his wall, the Chemerinsky-as-Cubs-shortstop illustration that CASA presented to him at the 2008 AJEI Summit. He likes it very much!) Not long after my visit with Erwin, I headed to LAX for a late-night departure for New Zealand.

Yes, it is a very long airplane ride to New Zealand (and even longer flying home from Australia). My flight left LAX late on a Monday night, and I arrived in Christchurch on Wednesday afternoon (after losing a day crossing the international dateline and then changing planes in Auckland). Of course, their seasons “down under” are the reverse of ours in the U.S., so it was spring during my visit (hence, the “it’s complicated” above). Switching from autumn to spring in a matter of days was a treat!

On my first stop in NZ, I spent two nights in Christchurch. The afternoon I arrived, I explored the city center and then walked around the Botanic Gardens, enjoying the sunshine and the spring flowers. The next day, the weather turned gray and rainy, so I spent the day museum hopping, visiting the International Antarctic Centre, the Air Force Museum and the Canterbury Museum. On day three, I was up early to take an all-day bus tour from Christchurch to Queenstown. The weather that day was glorious, and the highpoint of the tour was a two-hour lunch break at Mt. Cook National Park. The mountain scenery at Mt. Cook NP is stunning. After several other stops along the way, the bus arrived in Queenstown in the early evening.

Queenstown sits on the shore of Lake Wakatipu, the largest lake in NZ, and is surrounded by mountains. Without a doubt, Queenstown was my favorite stop on the trip. Laid-back and friendly people, stellar scenery, good food, and a small-town feel—quite a place. While staying in Queenstown, I took a day-trip to Doubtful Sound via bus, boat, another bus, and another boat, and then back again. The weather that day was the worst weather of my trip—cold, with dark clouds and rain for most of the day—but Doubtful Sound is beautiful, no matter the weather. After four nights in Queenstown, I flew to Auckland to catch an early morning flight to Australia. (Since I stayed at a hotel near the airport, which is outside the city, I didn’t actually visit Auckland.)

My first stop in Australia was Brisbane, where I visited a young friend from Nashville who was there for a semester at the University of Queensland. The first afternoon, my friend showed me around the UQ campus, and then we took a CityCat (a boat—think city bus on the river) to the city center, where we walked through the old Queen Street Mall and then had dinner. The next day we walked several miles along the “RiverWalk” and grilled kangaroo steaks for lunch in a riverside park. (Mmm...kangaroo is tasty!) After those two days in Brisbane, I flew on to Sydney, for the longest stop on my trip.

The Sydney Opera House is *the* iconic image of Sydney, and having now seen it

in person I understand why—it truly is a wondrous piece of architecture, both inside and out. I stayed in the beach town of Manly, which is a ferry ride across the harbor from downtown Sydney. The ferry terminal is adjacent to the Opera House, so twice a day I rode past the Opera House on the water, going to and from Sydney, and I marveled at it on every trip. Highlights of my stay in Sydney, other than the Opera House, were visiting “The Rocks” (an old part of the city), spending an unseasonably hot afternoon on Bondi Beach, and taking a day trip to the Blue Mountains. After five nights in Sydney, it was on to Melbourne for my last stop.

Although I spent two nights in Melbourne, I only had a day for sightseeing. In addition to exploring the quaint alley-way shops in the city, I visited the Shrine of Remembrance, a poignant war memorial. Then I spent a sunny afternoon in the Royal Botanic Gardens, a nice relaxing way to end my visit “down under.” The next morning, I was headed home, flying from Melbourne to Los Angeles and then from LA to Nashville. I arrived home a little weary, but as they say in both New Zealand and Australia, “no worries.”

As some of my CASA friends already know, I enjoy taking pictures on my occasional travels. If you’d like to take a virtual mini-vacation to New Zealand and Australia, here is a link to photos from my trip: http://www.pbase.com/leeramsey/nz_a .

Visiting Cambodia - Sublime Beauty Mixed with Sadness

by Gail Feingold Giesen

Connecticut Supreme Court and Court of Appeals
Hartford, Connecticut

I am fortunate to have a place to go when I need to get away. I can escape to Southeast Asia, which I do every couple of years because I have a brother who lives in Malaysia. This year, on January 20, 2010, my husband and I met my brother in Bangkok, and we all boarded a flight for Cambodia.

To back up a little, this trip took some significant planning. The three of us decided that we would go somewhere where none of us had ever been before. It didn’t take long for us to choose Angkor Wat in Cambodia, as our initial destination. As soon as we made that decision, I realized that I know next to nothing about Cambodia and that I had to take a quick cram course of my own design. I started by re-watching *The Killing Fields*, which is a movie made in 1985 about the fall of Phnom Penh and an enduring friendship between a New York Times reporter and his Cambodian interpreter, Dith Pran. Then, before we embarked on our long trip to Bangkok (air time: 2 hours from Hartford to Chicago, 13” hours from Chicago to Tokyo, and 7 hours 20 minutes from Tokyo to Bangkok), I began to read. I started with *Survival in the Killing Fields*, the biography of Haing Ngor, the Cambodian physician who played the part of Dith Pran in *The Killing Fields*. This was a first-hand account of an ordinary person forced by the

Khmer Rouge to leave Phnom Penh “for three days” to avoid being bombed by the United States. In fact, in 1975, the Khmer Rouge marched almost the whole population of the capital into the country, murdered those who were associated with the ousted political party of Lon Nol (this included those who were educated and even those who wore glasses) and forced those who were not immediately killed to become slave laborers. Over the course of our trip, I read one book after another, culminating in Jon Swain's ode to Indochina, *River of Time*. While Swain's book was the most poetic, two books written by Loung Ung were the most moving. Ung describes her family's suffering at the hands of the Khmer Rouge in *First They Killed My Father* and her own experience as a refugee in Vermont in *Lucky Girl*.

Against this sad backdrop of modern history, we landed in the charming little city of Siem Reap, on the outskirts of which the Angkor complex is located. We stayed at a small French hotel that was decorated in a combination of European sophistication and Asian minimalism. From there, we explored the temples of Angkor, which are evidence of a culture that flourished between the 9th and 15th centuries. Angkor Thom was, for me, the most stunning part of the complex. It contains an area known as Bayon, which consists of 54 really big towers on which are carved the coldly smiling face of a Hindu deity. The deity's features, it is said, mirror those of the Cambodian king who built the temple. Some ego!

Back in Siem Reap, the backpacker/tourist scene is interesting. Although the city has been “discovered,” it is still remote enough to attract an adventurous sort of traveler. Perhaps this is because Cambodia, having suffered so badly, is still a very poor country. Medical care is basic, and if a serious health crisis should arise, it's best to head for Bangkok. It is a country where travel insurance, with medical evacuation coverage, is a really good idea. One morning, I decided to take a class in Cambodian cooking. It was offered by Le Tigre de Papier, which supports a restaurant and hotel training school for Cambodians. The class started with a walk through a local market, after which we donned our aprons and got to work chopping and pounding under our teacher's watchful eye. Each of us was allowed to choose a salad and a hot dish to prepare. I chose a green mango salad and a fish “amok” curry. While I can't say that I'll ever be able to recreate these dishes at home in Connecticut (although one day, I'm going to try), with professional guidance, I think I did a pretty good job. The best part of the class was when all the students sat down to enjoy the fruits of our labor. We were a diverse group – a lady from Holland, a young man from Ireland, a young woman from Australia, a couple from California and a staff attorney from West Hartford!

Our next stop was Cambodia's capital, Phnom Penh. I initially found the city overwhelming. It was not only noisier and dustier than Siem Reap, but Cambodia's poverty was more apparent here. We tried to spend our tourist dollars at restaurants and establishments run by NGOs. A gem of a restaurant was a little place called Friends, which, like Le Tigre de Papier, trains young people in the hospitality business. We also dined at the Foreign Correspondents' Club and drank iced tea looking out over the Tonle Sap River. There are indeed beautiful sights to see in Phnom Penh. We

visited the stunning National Museum, the Royal Palace and the Silver Pagoda. But then there was the other stuff – the horrific Tuol Sleng Museum (aka S-21), where Pol Pot detained and tortured more than 17,000 people. And we took a tuk-tuk (a motorbike with a carriage attached) to the outskirts of Phnom Penh to visit the Killing Fields of Choeung Ek, which was where the unfortunate souls who passed through S-21 were exterminated.

As I absorbed this horror, my thoughts kept returning to an article that I had read about a University of Connecticut Law School student who had gone to Cambodia to work in Phnom Penh and witness the Khmer Rouge war tribunal. As a lawyer, I yearned to have some contact -- even minor contact -- with this historic undertaking.

After several days in Phnom Penh, our itinerary took us into the countryside. In a small van, we drove on dusty, narrow and, often, unpaved roads, to Kep, a small town on the Gulf of Thailand. In the early 1900's, Kep was a retreat for the French elite. In the middle of the century, it became a favorite destination for wealthy Cambodians who built modern villas on the coast. During the four-year nightmare of Khmer Rouge rule, they were targeted for annihilation and their luxurious villas are now blackened shells.

In Kep, we stayed at a small resort, where we dined outside under large umbrellas by a pool. The day that we arrived, as I sat under an umbrella sipping a cold drink, I noticed a group of young women at the next table. They spoke English and seemed so convivial that I couldn't resist asking what had brought them to this remote place. Imagine my surprise when I learned that they were young lawyers and law students who were serving as interns in the United Nations-sponsored court that is holding war crimes trials in Cambodia. They were from France, India and Austria and were on a weekend holiday from Phnom Penh. As they described what they did, their energy and optimism was infectious -- it gave me hope for Cambodia and made me feel proud to be a member of the same profession as these young women. Meeting with them was a real highlight of my trip.

Visiting Cambodia, a country of sublime beauty (Angkor Wat) and sadness (S-21), was a transformative experience for me. I recommend that anyone who visits Southeast Asia take the time to explore Cambodia.

New Dues Rates for Government Lawyers

by ABA Membership Staff

The American Bar Association understands the unique challenges that many lawyers are facing. We want to be sure that every attorney has access to the tools, resources and benefits they need to succeed.

New special dues rates have been established for:

- government Attorneys
- Judges
- Legal aid attorneys
- Solo practitioners in private practice

Under these special rates, a lawyer admitted to the bar from one to four years will pay \$100, from four to six years \$125, from six to ten years \$145, and over ten years \$225.

The ABA is also introducing new flexible payment options including installment billing, and is developing new tools and resources to help lawyers in their day-to-day practice.

Contact the Service Center at 800.285.2221 if you have any questions.



Judicial Division Group Program FAQ

1. What is the ABA Group Program?
2. What are the advantages of group membership?
3. What are the requirements for group membership?
4. How are groups defined?
5. What are the responsibilities of the group administrator?
6. I have a group of interested colleagues, how do we sign-up?
7. Can I make updates to my group online?
8. Some of our group members want to pay using credit cards? Is this possible?
9. Who can I contact if I have questions about group membership?
10. What if a member drops out of my group? How does this affect everyone?
11. How do our dues rates change?
12. I've already paid my dues for this year? Can I get a refund or a credit?
13. How does this program affect senior judges receiving reduced ABA dues?

1. What is the ABA Group Membership Program?

The ABA Group Membership Program is a special membership pilot created to offer courthouses reduced membership fees in exchange for consolidating membership registration and billing.

The Group Membership Program isn't available to everyone. Groups must meet certain criteria. Only a select number of groups will be able to participate in this pilot program.

2. What are the advantages of the Group Membership Program?

- Group members receive a significant discount on ABA dues by joining the Group Membership Program.
- A group administrator serves as a single point of contact for a court or office regarding all membership items. Renewing membership is simple and consolidated.
- Group Program membership can be managed online. If a judge or staff attorney wants to add or drop their membership, the group administrator can make updates online.
- A consolidated invoice for the group makes it easy to pay and track changes to your group.
- Two dedicated Group Program specialists offer specialized customer service for any questions you may have.

3. What are the requirements for group membership?

- All members must join or renew membership as ABA and Judicial Division members.
- 50% of each group must be comprised of new ABA and Judicial Division members.
- Groups must contain a minimum of five people. For example, a court with six current ABA members who are interested in creating a group would need to find six new judges for a group total of 12.
- Additionally, one individual must be designated as the Group Administrator for the group, responsible for collecting and transmitting all dues payments and making membership updates.

4. How are groups defined?

Group Definitions by Conference:

Appellate Judges Conference – Appellate judges at the same level within a state or federal government who report to the same Chief Judge or Justice. If the Court sits in districts or divisions with a designated Chief or Presiding Judge or Justice, each district or division will comprise the group.

National Conference of State Trial Judges and the National Conference of Specialized Court Judges – The group of judges that are administratively managed by the same Chief or Presiding Judge. If the Court sits in districts, counties or division with a designated Chief or Presiding Judge, each district, county or division will comprise the group. Exceptions may be made on a case by case basis for very large courts, such as Cook County, where organization may be by facility or by a designated number of judges.

National Conference of Federal Trial Judges – Judges who are in the same judicial district and report to the same Chief Judge.

National Conference of the Administrative Law Judiciary – Federal agencies, including Social Security Administration, Office of Medicare Hearings and Appeals, HHS and the Department of Labor are designated for the pilot program. State agencies include the District of Columbia Office of Administrative Hearings, the North Carolina Central Panel and the California Office of Administrative Hearings.

Please note that staff attorneys are welcome to join any group **and** the benefits of membership remain the same. Attorneys will count towards the group size.

5. What are the responsibilities of the group administrator?

One individual will be designated as the group administrator. The group administrator serves as a single point of contact for the group, and is solely responsible for collecting and transmitting all dues and making any updates to the account. Please note that the Group Program and Judicial Division staff will not be responsible for any of these duties.

6. I have a group of interested colleagues, how do we sign-up?

To obtain a copy of the enrollment form, please e-mail, Sarah Bollinger, Manager of Group Program Sales, at bollings@staff.abanet.org.

Please complete the enrollment form, scan and e-mail, or fax to Sarah Bollinger, Manager of Group Program Sales, at bollings@staff.abanet.org or 312.988.5531.

The Group Administrator will receive a group invoice at the next scheduled bill date. Please do not send payment in advance of the Group invoice. In addition, please wait to communicate the per member amount to your colleagues until the group size has been finalized, as the amount each member will owe will be different if additional members are added to the group.

7. Can I make updates to my group online?

Yes. The Online Group Membership website allows the Group Administrator to make membership updates. You need a Login ID and password to view the actual site.

The website cannot be used to join the program. Once a new group has been enrolled in the program and a Login ID has been created and sent to the Group Administrator they can use the site to make membership updates.

8. Some of our group members want to pay using credit cards? Is this possible?

Dues may be paid using credit cards; however, there is no form. Please send the credit card number and expiration date of the card when mailing in the payment.

Individual checks may also be sent for payment. Please ensure that all forms of payment are sent in one mailing after your group receives its bill for the year.

9. Who can I contact if I have questions about group membership?

Meghan Lazier

Publishing, Technology & Membership
Specialist, Judicial Division
American Bar Association
321 N. Clark
Chicago, IL 60654

T: 312.988.5124

F: 312.988.5709

lazierm@staff.abanet.org

www.abanet.org

Sarah Bollinger

Manager, Group Program Sales
American Bar Association
321 N. Clark St.
Chicago, IL 60654

T: 312.988.5538

F: 312.988.5531

bollings@staff.abanet.org

www.abanet.org

10. What if a member drops out of my group? How does this affect the group?

As long as your group is able to maintain five members, you are still eligible for the group discount. Your flat membership dues rate for the group will remain the same as long as your group maintains the same size. New members are always welcome to a group. Keep in mind adding new members will affect the group size and therefore may change the flat rate for the group. It is the responsibility of the Group Administrator to document this information and distribute any individual refunds.

11. How do our dues rates change?

Depending on the size of your group, membership rates may fall between \$90-135. Both judges and lawyers pay the same rate.

ABA Membership dues and Judicial Division dues are included in the Group Membership Program fee. Additional Sections will be billed at the regular price and will be invoiced and paid separately from the group program.

Please confirm the membership rate prior to submitting payment. New groups should wait to receive their group invoice prior to paying in order to eliminate any discrepancies.

12. I've already paid my dues for this year? Can I get a refund or a credit?

Previous dues payments will be transferred to the newly formed group account. The group administrator will be responsible for documenting this information and distributing any individual refunds.

13. How does this program affect senior judges receiving reduced ABA dues?

Senior judges can take advantage of reduced ABA dues—eligibility is not based on age, but instead practice setting for that particular position (i.e. Gov't- an employee of a governmental unit, Judiciary- judge, Military- military lawyer, etc.). For a judge that was admitted to the bar 10+ years ago, the cost is \$299.25 (a savings of 25%).

Unfortunately, if the dues rate did happen to be \$100 for senior judges, they still would not be permitted under the program to pay the lower amount if their Group was taking advantage of a flat rate.

American Bar Association Group Program

- Institutional Program Enrollment Form -

Thank you for your interest in the ABA Group Program. The Group Program provides an easy and efficient way for your office to manage individual ABA memberships through one centralized point. This group membership offers a single consolidated invoice and two dedicated Group Program Specialists to assist you.

Creating Your ABA Group Program Membership... in 4 Easy Steps

Step One:

Complete the first two sections of the Group Program enrollment form, including Group Organization and Group Administrator Information. The role of the administrator is to make individual membership updates and to facilitate payment of the consolidated invoice.

Step Two:

Fill out the Member/Associate Information section by gathering pertinent information from current ABA Lawyer/Judge and Associate members at your office as well as from individuals who would like to join the ABA. If possible, please provide the ABA ID# for all current members. For any new members, original bar admission date and state is required to complete their enrollment in the ABA, and each should fill out a separate ABA enrollment form. Associate membership is available to non-U.S. lawyers or anyone not admitted to the bar in the U.S. with an interest in the law.

Step Three:

Indicate any ABA Section, Division, and Forum enrollments for each member. These specialty groups are customized to each area of practice and career stage. Members enjoy networking opportunities with others in their practice area, across the nation, and get the latest and most in-depth information from the leading experts. The ABA strongly encourages members to sign up for at least one Section to take full advantage of their membership. Please indicate whether your office covers the cost of ABA Sections, Divisions, and Forums in the Group Organization Information section.

Step Four:

Send the completed form by mail, fax, or e-mail to the following:

American Bar Association
Group Program
321 N Clark St.
Chicago, IL 60654
Fax: 312-988-5850
E-mail: abagroup@staff.abanet.org

Questions?

Please call our Group Program Specialists at **1.800.285.2221, ext. 5503**

Each year, you will receive your organization's Group Roster with the names, ABA ID #'s, and Section enrollments for all ABA members and associates included in your Group account, as well as a Profile for each individual ABA member. You may update your Roster by logging onto our Online Group Management (OGM) webpage. A customer ID and password will be communicated shortly after your enrollment is complete. You'll then receive a consolidated invoice reflecting your membership updates. Roster updates can be made any time throughout the membership year, and subsequent invoices will be mailed, tracking these changes and other activity.

Thank You for Participating in the ABA Group Program

ABA Membership Dues Schedule - Institutional



The ABA dues rate under the Institutional Program is based on your office size (by number of lawyers/judges). Institutional offices pay the dues for *all* lawyers/judges at a set price for the entire office regardless of dues class.

Code	Section, Division, Forum	Dues
AL	Administrative Law and Regulatory Practice	\$60.00
AH	Affordable Housing and Community Development Law Forum*	\$50.00
AS	Air and Space Law Forum*	\$40.00
AT	Antitrust Law	\$50.00
CL	Business Law	\$55.00
CO	Communications Law Forum*	\$45.00
CI	Construction Industry Forum*	\$50.00
CR	Criminal Justice	\$45.00
DR	Dispute Resolution	\$45.00
ES	Entertainment and Sports Industries Forum*	\$50.00
NR	Environment, Energy, and Resources	\$75.00
FL	Family Law	\$50.00
FR	Franchising Forum*	\$50.00
GP	General Practice, Solo, and Small Firm Division	\$45.00
GD	Government and Public Sector Lawyers Division	\$40.00
HL	Health Law	\$50.00
IR	Individual Rights and Responsibilities	\$45.00
PT	Intellectual Property Law	\$75.00
IC	International Law	\$55.00
JD	Judicial Division	\$35.00
	<i>Membership requires enrollment, at no extra cost, in one of six conferences:</i>	
	Appellate Judges Conference	Nat'l Conference of Specialized Court Judges
	Nat'l Conference of Administrative Law Judges	Nat'l Conference of State Trial Judges
	Nat'l Conference of Federal Trial Judges	Lawyers Conference
LL	Labor and Employment Law	\$45.00
EP	Law Practice Management	\$50.00
LE	Legal Education and Admission to the Bar	\$40.00
LT	Litigation	\$55.00
PC	Public Contract Law	\$45.00
PL	Public Utility, Communications and Transportation Law	\$60.00
RP	Real Property, Trust, and Estate Law	\$55.00
ST	Science and Technology Law	\$50.00
SL	Senior Lawyers Division	\$50.00
LG	State and Local Government Law	\$45.00
TX	Taxation	\$60.00
IL	Tort, Trial, and Insurance Practice	\$50.00
YL	Young Lawyers Division – <i>Members under 36 years old or admitted to practice for five years or less</i>	FREE
CP	Center for Professional Responsibility	\$100.00

***You must belong to at least one Section or Division in order to join a Forum; the Young Lawyers Division qualifies.**

Special Joint Offer

A single fee covers rates for Government and Public Sector Lawyers Division and any one of the following:

GD/AL	Administrative Law and Regulatory Practice	\$59.00	GD/HL	Health Law	\$55.00
GD/AT	Antitrust Law	\$60.00	GD/IC	International Law	\$80.00
GD/CR	Criminal Justice	\$60.00	GD/PC	Public Contract Law	\$65.00
GD/DR	Dispute Resolution	\$69.00	GD/LG	State and Local Government Law	\$68.00
GD/NR	Environment, Energy, and Resources	\$85.00	GD/IL	Tort, Trial, and Insurance Practice	\$70.00
GD/GP	General Practice, Solo, and Small Firm	\$68.00	GD/PL	Public Utility	\$60.00

American Bar Association Group Program - Institutional Program Enrollment Form -



Group Organization Information:

Organization Name	Executive Director
Mailing Address	City, State, Zip
Phone Number	Fax Number
Practice Setting	# of Lawyers/Judges in your Organization
Areas of Specialty	Does your office pay for ABA Section memberships? If so, how many? (e.g., all, some)
How did you hear about the Group Program?	

Group Administrator Information:

Name	Title, Department
Phone Number	Fax Number
E-mail Address	

ABA Member / Associate Information:

Name	Current ABA Member <input type="checkbox"/>	Current Associate Member <input type="checkbox"/>
Address	New ABA Member <input type="checkbox"/>	New Associate Member <input type="checkbox"/>
Phone # and E-mail		
ABA ID# (if current Member)	Original Bar Admission Date	Bar State

Sections, Divisions, and Forums (for your convenience, you may use the codes from page 2)

Name	Current ABA Member <input type="checkbox"/>	Current Associate Member <input type="checkbox"/>
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CASA QUARTERLY **Fall 2010**

Notes from the Editor

by Susan Dautel
New York State Court of Appeals
Albany, NY

Of course, the main feature of this issue of CASA Quarterly is the upcoming Summit from November 18-21 in Dallas, Texas. We are all excited about this annual opportunity to renew friendships, make new acquaintances, fill our minds with new ideas and information, and benefit from the experience and collegiality of our counterparts from all over the nation. If CASA is the "bar association" for appellate court attorneys, the Summit is our association's premier professional and social event--we hope you can make it this year!

Inside this issue of CQ: in her Message from the Chair, Naomi Godfrey gives you all the details for Summit registration, hotel reservation, scholarship application, ABA and CASA membership (for member discount on Summit tuition), and conference event listings. Special past and present looks at the Adolphus Hotel, the Summit venue, are provided in articles by Coleen Blair and Naomi Godfrey. And I've given you a few "big" ideas for your leisure time in Dallas. In a glance away from the Summit, a former colleague of mine, Marge McCoy, offers a view of retirement--one perk of public service that can open new vistas and new definitions of the word "service". Finally, another colleague of mine, Stuart Cohen, discusses a special clerk's office phenomenon: the late filing. (If you think this CQ issue has too much information from Atlanta and New York, you are most sincerely invited to contribute an article from your part of the nation!)

Finally, extended to you is the attached invitation to [CASA's Annual Dinner and T-Shirt Exchange](#)--a special night in Dallas. If you haven't been to a CASA T-Shirt Exchange, you are due to discover the fun and frivolity of this ice-breaking event. Just bring an interesting or quirky t-shirt show-casing your part of the country (size L) and have fun chatting with people all looking to acquire the "best shirt of the night".

Message from the Chair--On to the Summit!

by Naomi Godfrey
US Court of Appeals, 11th Circuit
Atlanta, GA

It's hard to believe that November and the Summit are fast approaching. As you know, CASA's mission is devoted to the professional development of appellate court attorneys through continuing education seminars and the exchange of ideas and information among state and federal appellate court attorneys. The annual Summit is the pinnacle

of this endeavor. The Summit is the culmination of hard work by members of the Appellate Judges' Conference (AJC), the Council of Appellate Lawyers (CAL), and us (CASA). Since their inception, these Summits have proven to be an invaluable opportunity for judges, appellate lawyers, and appellate court attorneys to learn from outstanding speakers and each other.



So, it's time. If you are not a member of CASA, it's time to join. The ABA has reduced fees for individuals to join the AJC and CASA, and has even further reduced fees for groups of five or more. You may access information about these opportunities at <http://www.abanet.org/join/>. It's also time to renew your membership if you are already a member--you will be pleased to see the reduced fees recently introduced by the ABA.

It's also time to register for the Summit. You may access all Summit information and register at <http://www.law.smu.edu/smulawdms/ajei/registration/register>.

And, of course, it's time to make hotel reservations at the fabulous Adolphus Hotel for only \$115 per night. For online reservations, go to www.hoteladolphus.com (select "Reservations", populate "Arrival/Departure Dates" with the conference dates, select the number of rooms and occupants, click on the "Select Accounts" icon, select "Company", enter Account Code WWGRP003, enter Promotional Code G03\$, select "Continue" to place your reservation, and you are done!).

You should also apply for one of the scholarships to be awarded by the AJC for attendance at the Summit this year. You may do so by requesting an application from Rebecca Greenan at Southern Methodist University at rgreenan@smu.edu. Scholarship applicants also should contact Rebecca Greenan about the process for registering for the Summit as the online registration process may not accommodate all of the information needed.

Now it's time to take a look at the outstanding list of presentations and social events offered at this year's Summit: <http://www.law.smu.edu/AJEI/Program-Agenda>. Once you have done all of these things, you can rest assured that you are in for the best professional experience of your life. The Texas judges, appellate lawyers, and appellate court attorneys have worked tirelessly to make it happen. See you there.

Memories of the Adolphus

by Coleen Blair

US Court of Appeals, 11th Circuit

Atlanta, GA

Nearly 100 years ago, on October 5, 1912, the Adolphus Hotel in Dallas, Texas opened its doors, and this November the attendees to the CASA Conference will walk through those same doors. It's my honor to be asked to write about my experiences at the Adolphus Hotel. Many years before I decided to attend law school, I lived in Dallas, following my husband after he graduated from Yale University School of Architecture and started working for an architecture firm. For a short while, not knowing exactly how my life would turn out, I worked at the Adolphus. More about that later.

The story of the Adolphus is connected to the spirit of American competition. At the turn of the last century, Fort Worth was the better-known city. As Dallas was striving to become a financial capital, several businessmen in 1910 approached Adolphus Busch, the founder of the Anheuser-Busch brewery in St. Louis, Missouri, and asked him to build a world-class hotel. An interesting bit of trivia is that the turret on the roof is said to be modeled after a Busch beer stein. When the Adolphus was completed, it was the tallest building in Texas. Throughout history, a variety of famous people have stayed as guests, for example: Queen Elizabeth II and Prince Philip, President Warren G. Harding, President George H. W. Bush, Amelia Earhart, James Earl Jones, Michael Caine, Grace Slick, Gene Autry, B.B. King, Yul Brynner, and Donald Trump.

I have fun memories of my time at the Adolphus. I worked at the Palm Bar Restaurant, which was open for lunch only. If customers entered from the corner entrance on the street, they walked through a revolving door made of mahogany wood, and then into an elegant but comfortable space outfitted with brass railings, small white floor tiles, and velvet curtains on the windows. The customers would include ladies from other states who had traveled to Dallas to shop at Neiman-Marcus and businessmen who made deals over martini lunches. On one of those visits from the fashionable ladies who came for lunch, I had a devil-of-a-time figuring out that the woman who was ordering a beverage wanted a "Tab" rather than a "Tie-up" as my Nebraskan ears had heard it. Another memorable occasion was when two couples were just seated at their table and, while the husband of one of the couples momentarily left, his wife furtively placed in my hand the additional money that would make up for the small tip that she apparently knew her husband left for all waitresses. She was truly his better half. On another occasion, I had the chance to work a large party, in which drinks were served at a cash bar. Little by little, we started hearing rumors that several ladies had secretly brought in liquor and had converted the ladies' lounge off the banquet room into a bar. I and another worker were sent in to investigate. We discovered that the ladies had a huge stash of everything needed to make mixed drinks! Very colorful and innovative characters.

I hope that you enjoy Dallas and the Adolphus. I was excited to work at such a beautiful hotel and am excited to be returning as a guest. The Palm Bar is no longer there, but I understand that other great restaurants are within the hotel. For art lovers, the Trammel and Margaret Crow Asian Art Museum, in the nearby downtown Arts District, is excellent [Editor's Note: exhibitions on view in November are "Tibet: The Land Closest to the Sky, Photography by Marc Riboud" and "Black Current: Mexican Responses to Japanese Art, 17th-19th Centuries"]. Also, although I've never been there, the National Cowgirl Museum in Fort Worth sounds interesting, especially since Justice Sandra Day O'Connor, who was raised on a ranch in Arizona, is included in the Hall of Fame. See you at the conference!

The Crown Jewel of Dallas

by Naomi Godfrey

US Court of Appeals, 11th Circuit

Atlanta, GA

This past June, I attended the wedding of my cousin in Dallas. Imagine my surprise when I discovered, moments after arriving at the headquarters hotel for the wedding, that **The Adolphus**, the site of the 2010 Summit was right next door. What a splendid surprise, I thought. In addition to visiting the Dallas Cowboy's Stadium and Southern Methodist University, I got to hop in and out of both **The Adolphus** and the flagship Neiman Marcus Department Store whenever I wished. When I exited my hotel and turned right, I was only one block from **The Adolphus**, and when I exited to the left, one block away was Neiman Marcus. There was really no need to go anywhere else, but since I was there for a wedding, I took time out from my dalliances to attend the wedding which was held in a beautiful chapel at Southern Methodist. And, since I had my husband and brother in tow, I allowed myself to be taken on a tour of the Dallas Cowboys' football stadium. Admittedly, I enjoyed everything: Southern Methodist, the Dallas Cowboys' wonder of the world, and, of course, Neiman Marcus. But, I was just as impressed, if not more, with **The Adolphus** hotel.

I was impressed from the moment I walked in the door. The lobby is the most fabulous I've ever seen. It is filled with beautiful but comfortable furniture, antiques, paintings, and other decorative art objects. The paintings reminded me of those I saw at the Uffizi Gallery in Florence, Italy. The decor was like stepping back in time; the old world European style was not what I expected in contemporary downtown Dallas. In the midst of all this beauty is the French Room, a five-diamond restaurant voted #1 in America, and next to that, a cozy little bar that's perfect for a relaxing respite. The merchandise in the gift shop was as beautiful as it was unique. And, if hanging around the hotel is not enough, there are many restaurants and attractions within a few block radius of **The**

Adolphus. In addition to Neiman Marcus and SMU, there is the John F. Kennedy Memorial Plaza, the Dallas Public Library, Dealey Plaza & The Sixth Floor Museum, the Dallas Museum of Art, The Dallas Zoo, and many restaurants and night spots. So, together with the most extraordinary educational program ever, this year's Summit in Dallas will be one to remember and to emulate for years to come.

Dallas Here We Come!--Places to Play and Ponder

By Susan Dautel

New York State Court of Appeals

Albany, NY

A city website for Dallas invites us to "**Live Large, Think Big!**" In that light, I offer the following ideas for varied and unusual places to visit when not attending Summit events:

See Large Pieces of Art: at the Nasher Sculpture Center in the Central Business District, an outdoor "roof-less" museum. In addition to the many large outdoor permanent pieces by world-renowned artists, the exhibit "Revelation: The Art of James Magee" will be featured through November 28. This is the first major museum exhibition of the artist's work in 18 years, featuring 10-15 medium to large scale relief sculptures.

Think as Big as Don Quixote: Playing at the Garland Civic Theater will be the musical "Man of La Mancha". You know the story of the aging Cervantes playing out the larger-than-life delusions of the hero of his novel Don Quixote, and you will delight in the big sound of songs like "The Impossible Dream".

Visit the Largest Domed Stadium in the World:

Yes, it's the Cowboys Stadium, seating 80,000 people and featuring the world's largest high-definition video screen suspended above and stretching from the 20-yard line to the opposite 20-yard line. The stadium has a retractable roof and the world's largest column-free interior. You can take a VIP or self-guided tour of the stadium, including the field, the team entryways, the locker rooms of the football players and the cheerleaders, and the post-game interview room. **And, on Sunday, November 21 at 1:00 p.m., you can be one of the 80,000 people watching the Dallas Cowboys play the Detroit Lions.**





Re-Visit a Big Moment in History: The Summit ends the day before a dark anniversary in American history: the November 22, 1963 assassination of President John F. Kennedy. You can honor the occasion by visiting the Sixth Floor Museum at Dealey Plaza, located on the sixth and seventh floors of the warehouse known in 1963 as the Texas School Book Depository. There you can ponder the famous Abraham Zapruder film, conspiracy theories, and the nearby "grassy knoll". On November 19, the museum will present "The Parkland Experience", an exhibit of artifacts from Parkland Memorial Hospital, where President Kennedy and Governor Connally were rushed after the shooting, and where, 48 hours later, accused assassin Lee Harvey Oswald died after being gunned down in police headquarters.



Think Very Tall Men: If you are a basketball fan, you might want to catch the Dallas Mavericks playing the Chicago Bulls on November 19 (after the CASA dinner and T-Shirt Exchange, of course).

Think Big Thrills and Chills: To banish all feelings of nerdiness, try Zero Gravity Thrill Park. There you will find such things as classic bungee jumping from a 7-story tower, or the Skycoaster (3 people soar through the air at 60 miles per hour to a height of 110 feet, and pull their own ripcord to coast to the ground), or "Nothin' but Net" (you are dropped from a 16-story tower for a 130-foot drop, without bungee or parachute, and just free-fall to a net below).

Think "Urban Cowboy" and Visit a Big Country Music Bar: At Gilley's Dallas, there are free dance lessons Saturdays from 6-8:00 p.m. How can you miss this iconic watering-hole?

See the Biggest Animals on Screen, on Power and on Land: The Museum of Nature & Science will be featuring "Dinosaurs Unearthed" including 10 life-size animatronic dinosaurs, as well as the immense-screen IMAX film by National Geographic "Sea Monsters: A Prehistoric Adventure". And, of course, you can see animals large and small at the Dallas Zoo, the largest zoo in Texas.

There you have just a few "big" things to think about. With a bit of internet exploration, I'm sure you'll readily find all the fine dining, great shopping, varied museums and gems of the downtown arts district that Dallas has to offer--to your own taste. Have fun looking and living large in Dallas!

Greetings from the Land of Retirement

by Marjorie McCoy

(formerly) New York State Court of Appeals

Albany, NY

Hello to all my old CASA friends!! Too much time has passed since we last saw each other, but Paul McGrath and Susan Dautel have kept me posted on individual and group milestones, achievements and gossip. Susan asked me to write a piece for the Quarterly on my experience of retirement, and I am happy to do so.

You may know that I retired from the New York Court of Appeals in January 2009, after

eighteen months of working half-time. Our Court was prescient in allowing a long transition for Richard Reed, my replacement as Deputy Clerk, who started a month before I moved to half-time status, for which I am forever grateful.

My retirement life has unfolded in a way I could neither have predicted nor imagined. Within a week of my last day at the Court, family and friends' illnesses and vicissitudes abounded. I spent the majority of 2009 caregiving – but how wonderful that, for the first time in my working life, I was not conflicted by work and personal responsibilities! In the course of the year, I also developed some medical issues of my own, all now happily resolved.

The caregiving experience helped me refine how I wanted to spend my post-Court years, namely through hospice service. I had originally planned to volunteer for our local Legal Aid Society, but that did not pan out for a variety of reasons. In the meantime, I had taken hospice volunteer training and began to work with our small community hospice program in Catskill, New York. I have been blessed to work with extraordinary people – staff, patients and families. I am currently serving a patient living alone who is determined to stay out of the nursing home and hospice residence, and two families through the death of their husbands/fathers and the aftermath. I participate in the quarterly remembrance services for those who have died while on hospice program, and am the Thursday “drug runner” delivering medicine and medical supplies to patients and families who cannot get to the hospice pharmacy. Drug-running allows me to travel weekly through the mountains, back roads and river valley of this most glorious of Mid-Hudson counties (Greene County, the land of Rip Van Winkle).

Best of all, in September I went back to school! I was accepted at the New York Zen Center for Compassionate Caregiving - a groundbreaking program given at the Village Zendo in Greenwich Village. I'll be in class one weekend a month for ten months. The program includes lectures, reading assignments, mentoring, commitments to meditation and to volunteer. If you are interested in learning more, go to www.zencare.org.

Another dramatic change in my life is the almost complete absence of legal thoughts of any kind! Through my new associations with our local food pantry and our tiny quirky farmers' market, I am meeting a wide range of people in my community whom I never had a chance to know while I was working long hours in Albany. I agreed to serve as trustee of a local sustainable agriculture trust, but immediately and forcefully declined two requests to run for local public office. A city-born person who has never had a garden of any kind, I now spend my time with folks in blue jeans rather than suits, and I love it!

I have learned that life after appellate court practice evolves, and offers unexpected opportunities (and difficulties). I would be delighted to talk with anyone thinking about retirement. In fact, I'd be delighted to talk with any of you anytime. My email address is

marjorieearlton@aol.com. Peace and blessings to all!

What Happens After "The Last Minute"?

by Stuart Cohen, Clerk

New York State Court of Appeals

Albany, New York

The filing deadline...the potential cause of drama and headache for the appellate practitioner. What happens in your court when the due date for a filing passes and no papers arrive?

Not too long ago, a law firm in the Albany area finished up a brief intended for the State's highest court, the Court of Appeals, on the afternoon it was due. The firm dispatched its messenger to file the papers with the Court. For reasons unknown, the messenger delivered the documents to the courthouse of the Appellate Division, Third Department, the intermediate appellate court also located in Albany. The papers arrived there shortly before 5:00 p.m. A member of the Appellate Division's clerk's staff stamped them in and put them on a shelf to be processed the following day.

The next day, appellant's counsel, having been notified by the Appellate Division of the misfiling, called my office and was told that an order dismissing the appeal was being prepared. Section 500.16(a) of our Court's Rules of Practice requires me to enter an order dismissing the appeal "if appellant has not filed and served the papers required...within the time set by the clerk's office...." There is no discretion on our part to accept a late filing.

To further complicate matters, this was a criminal appeal and the appellant was out on bail. The dismissal of the appeal would expose appellant to the risk of incarceration. The only advice we could give the attorney was to prepare an order to show cause asking the Court to vacate the dismissal order and to ask the prosecutor to allow the appellant to remain at liberty until the matter could be resolved.

As it turned out, the Court granted the motion to vacate the dismissal, although it didn't have to. The People graciously had agreed not to scoop up the appellant in the interim. Aside from possibly losing some sleep, counsel and appellant suffered no dire consequences.

Similar situations have arisen when the appellant's brief was delivered timely by counsel to an overnight courier but got lost or misdirected in the courier's distribution hub or fell

victim to a snowstorm-related transportation failure all over the east coast, and arrived at the Court after the due date. These are all understandable reasons for a filing to arrive late, and may be considered by the Court when deciding the motion to vacate a dismissal of the appeal, but all will result in the initial nondiscretionary dismissal of the appeal by the Clerk once the due date passes.

Of course, we appreciate early filings that avoid the dismissal drama, and when possible, we try to get the word out to litigants about the less painful (for them!) procedure of calling the clerk's office preemptively for an extension of time when there is any inkling on their part that a deadline will be a problem. Our Court's rules permit the Clerk to grant a filing extension before the due date, and our clerk's office staff are cooperative in giving whatever additional time is possible within the confines created once the appeal is calendared for argument. When the extension request is on consent of opposing parties (and we encourage that civility and cooperation among counsel), we can arrange the extension by phone, with a follow-up written confirmation by counsel copied to all parties. When opposing parties do not consent to an extension, a written request to the Clerk copied to all parties is required, and the issue is handled promptly. All of the extension request scenarios are less anxiety-producing for appellate counsel than the need to make a motion to vacate an appeal dismissal--a bit of last minute drama that everyone would prefer to avoid.

(Editor's Note: we'd be interested in learning about how your court handles "the last minute" drama. If you have anecdotes or information to share, please forward it to sdautel@courts.state.ny.us and we will provide an update in a future issue of CASA Quarterly.)