

CASA QUARTERLY

SUMMER 2011

A CASA OFFICIAL PUBLICATION

MESSAGE FROM THE CHAIR

By Gail Giesen, CASA Chair
Connecticut Supreme Court and
Court of Appeals

The Summit is beckoning! The Appellate Judges Conference, the Council of Appellate Lawyers and CASA have been working for months with the good people from SMU Dedman School of Law to put on a better-than-ever 2011 Appellate Judges Education Institute (AJEI) Summit. While all of the Summits have broad “appeal” (sorry!) they are carefully organized to meet the needs of all three constituencies; staff attorneys, judges and prac-

tioners, all whom have many common interests. For example, we all want to stay current on changes in the law that will affect our work, whether that work is writing opinions or briefs. Opportunities to catch up on the latest developments in the law will abound at the 2011 Summit. In addition, we attend to broaden our legal horizons by being exposed to areas of the law that fall outside of our usual sphere of work. This year, one of the offerings in this category that I'm looking forward to, is the panel discussion on the role that

lawyers and judges can play in international humanitarian activities. To help us improve our courts' processes, the Summit will offer a session on mediating and settling appeals, which will examine the procedures employed by several courts, both federal and state. Finally, ethical issues can arise at any time for any of us. At the Summit, ethical issues applicable to both judges and staff attorneys will be addressed by a distinguished panel in one interactive session.

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REPORT FROM THE JUDICIAL DIVISION SPRING PLANNING MEETING

By Susan Dautel, CASA Chair-Elect
New York State Court of Appeals

As CASA Chair-Elect, I was invited to attend the Judicial Division Planning Meeting which took place in Santa Fe, New Mexico, from May 12-14, 2011. There were about 25 attendees, composed of the incoming officers of the various Judicial Division (JD) Conferences. One such Conference is the Appellate Judges Conference (AJC), of which CASA is a part (together with the Council of Appellate Lawyers). The other JD Conferences include: Administrative Law Judiciary, Federal Trial Judges, Specialized Court Judges,

State Trial Judges and Lawyers Conference. Yes, the relationships of the various ABA Divisions, Conferences and Councils, and their acronyms, do get confusing, and I think one goal of the Spring Planning Meeting is to help all the future group leaders decipher the hierarchy and put faces to the various entities. Also attending the meeting were ABA staff members (Peter Koelling, Kris Berliant, Jo Ann Saringer and Christie Hahn, the latter being the new CASA liaison), who form the backbone of the Judicial Division through their planning, budgeting, programming and publications

functions. The meeting was headed by Judge Richard Goodwin, JD Chair-Elect. The AJC Chair-Elect, Justice Mark Martin, was not able to attend in person, but the AJC Vice Chair, Judge Elizabeth Lang-Miers and I had a productive meeting with Justice Martin by conference call.

The meeting involved general sessions with an introduction of the Judicial Division, as well as the Division's 2011-2012 initiatives. We broke into some brainstorming sessions to consider budget, policy and programming priorities, and ways to...

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Aside from all the substantive reasons for attending this year's Summit, I'd like to emphasize the obvious; Washington, D.C. is special! This year's planners have incorporated in the program the legal, historical and cultural richness of the city by providing time for optional off-site tours to the U.S. Capitol, National Archives, and National Portrait Gallery. And most fabulously, the Summit will open with a "conversation" with U.S. Supreme Court Justice Sonia Sotomayer and include an evening reception at our highest court. In addition, all staff

attorneys are invited to attend CASA's Annual Dinner and T-Shirt Exchange, which will be held at a French restaurant within walking distance of the seminar venue, and the AJEI Annual Dinner, which will include entertainment by *The Capitol Steps*, a musical satire group that has been featured many times on public television.

For all the above reasons, I encourage you to attend. But there is also another important reason—to get to know your fellow staff attorneys from around the country. As those of us who have attended many CASA seminars know, we draw untold

benefits from getting to know one another, both professionally and personally (think of Kembra Smith and Bill Lowe, who met through CASA and are now married!). Finally, during the Summit, CASA holds its Annual Meeting where new officers are elected and volunteers are sought for our committees. If you are inclined to get involved in CASA, attend the Summit and step forward. Get involved - it's your organization!

Save the Date

**Appellate Judges Education Institute
2011 Summit Washington, DC
November 10-13, 2011**

<http://www.law.smu.edu/AJEI/Home>

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Judge Richard Goodwin, JD Chair-Elect and Susan Dautel, CASA Chair-Elect at the 2011 Judicial Division Spring Planning Meeting in Santa Fe, NM



George Rivera, Governor of Pueblo of Pojoaque in northern New Mexico addresses Spring Planning Meeting attendees on Tribal Court process

strengthen and increase membership. Some of the ideas, particularly those regarding better communication with members, were pertinent to CASA, and I shared our recent successes of an active hospitality suite at our annual Appellate Judges Education Institute (AJEI) Summit, and increased communication with our members to invite participation in specific Summit events and to thank attendees after the event. One interesting problem with communications in the JD was revealed, which may also be pertinent to CASA: since the *Judicial Division Record* has gone to digital format only, records show that only about 200 people have opened the email attachment by which it is sent (to several thousand members). Since our *CASA Quarterly* is also now sent by email only, do we also have a

problem with actual readership by our members? If you are reading this article, and want to send me an email as a test, please do at: sdautel@courts.state.ny.us.

The Spring Planning Meeting session of most relevance to CASA was the conference call with Justice Martin, Judge Lang-Miers, and myself. Justice Martin discussed his priorities for the AJC 2011-12 year. First on his list is planning a celebration of the 50th anniversary of the AJC (celebrations to start at the ABA 2013 Annual Meeting and end at the ABA 2014 Annual Meeting). CASA will appoint a liaison to the 50th Anniversary subcommittee which will plan events to commemorate the founding of the AJC. Justice Martin's second priority is to continue and improve AJC participation in the very successful

Judicial Clerkship Program (JCP) which the JD has sponsored for several years. He hopes to make monies available for CASA members to assist with the JCP students. The JCP takes place during the ABA Midyear Meeting in February, which CASA officers attend for their Executive Committee meeting. Scholarship monies would enable interested CASA officers to extend their days of attendance at Midyear to participate in JCP activities. Also among the priority items are the AJEI Summits, including the 2011 Summit in Washington, D.C., the 2012 AJEI Summit in New Orleans, LA, and the promotion of ABA Group memberships for court personnel.

The overall meeting gave an interesting introduction to the people who will be leading our conference (the AJC),

and the larger Judicial Division in upcoming association year. It also gave insight on the governance involved within the greater ABA structure. It was particularly nice to have an opportunity to get acquainted with the ABA

staff that helps CASA in so many ways. Of course, the desert highland of Santa Fe was beautiful to see and explore, and a real treat was an informal presentation given by a local tribal chief about operation of the tribal

court on his reservation. All in all, it was a productive and enjoyable experience which I'd be happy to discuss in more detail with anyone who is interested.

GOVERNMENT BUDGETS GOT YOU DOWN AS A PUBLIC EMPLOYEE?

By Helen Williams
California Court of Appeal, Sixth District

There is a pernicious and foreboding sense of doom and anxiety that I often find creeping into my otherwise enjoyable and satisfying work life these days. It comes from being a public employee in these recessionary times and being subject to the political and fiscal realities such times impose. I find myself engaging in regular dialogue in my head, one side giving voice to the forces of doom and the other remembering that I still have a job, and a very fulfilling one.

Let's start with the fact that I love what I actually do day to day. I'm a chambers staff attorney for a justice at the California Court of Appeal, an intermediate level appellate court. Our state appellate courts generally employ career staff attorneys, not externs or clerks just out of law school, to assist the justices with the production of the court's opinions. While what staff attorneys do in California varies by court (there are six appellate districts in the state), and even by chambers, for the most part, experienced research attorneys in our state's appellate courts are effectively drafting court opinions; a core function. This makes us a very fundamental cog in our state's justice wheel. The sheer volume of cases is such that no appellate justice could do all the drafting of his or her authored opinions, particularly with our state constitutional requirement of a complete written opinion "with rea-

sons stated" in every case. (Cal. Const. art. 6, § 14; *People v. Garcia* (2002) 97 Cal.App.4th 847 [opinions should include "substantiation of the material facts cited by the parties and confirmation of the controlling law, whether or not cited by the parties, and a thorough analysis of the arguments of the parties based upon the material facts and the applicable law"].) In other words, in most California appellate cases, a skeletal memorandum opinion will not suffice, and a seasoned staff attorney has made a significant contribution to the end product; a comprehensive written opinion.

That's one reason I find my job so satisfying; I am privileged to contribute, in a substantial way, to the resolution of individual appellate cases and, when a case is published as precedent, to the development of California law in general. I suspect most other CASA members share this source of job satisfaction, whether working in other state or in federal appellate courts.

On the other side, these days—and every day it seems—I, as a public employee, am besieged and beleaguered in big and small ways. It comes from an angry public setting its sights, rightly or wrongly, on rank-and-file government employees or from government-budget realities that threaten both my current and future economic status. In the last few years, California appellate court employees have lived with furloughs, court closures, and salary freezes, all of which directly hit the pocketbook. Now, with our state's worst-ever structural

deficit, we are looking as I write at possible increased furloughs and even salary reductions in the upcoming fiscal year, both of which will drop my annual income further against both (much) higher paid, privately employed appellate lawyers and other publicly paid attorneys (who are apparently better than court attorneys at organizing and collective bargaining) whose work I regularly review in the course of my own. And in a new and troubling trend ostensibly driven by budgetary concerns, career research attorneys working in chambers (as opposed to central staff) have recently been laid off at our court in the wake of a judicial retirement instead of, as in the past, being retained by the court through the point of a judicial appointment to fill the vacancy, which enabled them to apply to work in the new justice's chambers and to contribute to the work of the court as a whole in the interim. This is particularly troubling because it is a loss not just to the affected attorneys, but to the court as an institution that benefits from experienced staff—the proverbial brain trust. I say this as I contemplate my own judge's likely retirement later this year and the impact that may have on me and my future as a research attorney at the court.

Beyond the immediate fiscal year and the pain it might bring, there is also the regular drumbeat heard on talk radio and sounding in newspaper editorials to reduce the pension and retirement benefits of even current California state employees. This, notwithstanding our reliance on employment terms and

benefits upon our acceptance of a public service job—which terms typically included a lower wage than comparable private sector work—followed by our dutiful, longstanding performance, and coupled with our vested rights that accrued somewhere along the way. And for a 50-year old person such as myself, whether a public employee or not, there is also the potential palpable effect on my economic future of the current rallying cry on the federal level to “change Medicare as we know it” and to reduce Social Security benefits in as yet unspecified ways. And there is little or nothing I can do to alter how these forces will ultimately come to directly impact me (I realize it’s a question of how, not if). As with job satisfaction, I suspect most other CASA members, whether employed at state or federal appellate courts, share my current experience of feeling both economically threatened by some or all of these forces, yet powerless to ward them off.

In such a climate, it becomes necessary, at least for me and for the sake of my sanity, to quiet the negative and distracting cacophony of economic doom and threats to pay and vested rights. Instead, I try to remain positively focused on the satisfying aspects of my work and dedicated to the merits of each case, something I feel I owe to my judge, to the parties, and to the larger justice system. This weighty obligation is one of the reasons compensation—by that I mean combined pay, benefits, and pension—for appellate court research attorneys should remain somewhat in parity with at least other government-paid attorneys and arguably those in the private sector, even in lean budget times. Does society really want less experienced or less capable people doing my job? But I digress.

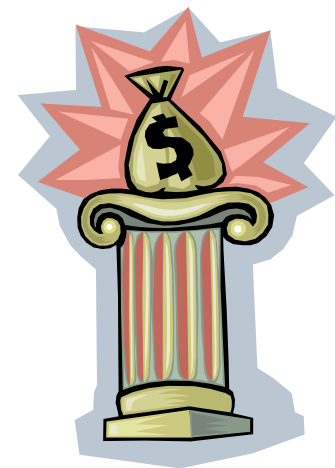
Here’s the thing, I came to my current position at the court of appeal from private practice nearly seven years ago, at age 44, taking a pay cut to do

so. I was already a seasoned lawyer, having practiced law for 18 years and having become certified by the State Bar of California as an appellate specialist. I know what it is to have and bill clients, to wait or fight for payment, to compete for sometimes sparse appellate business, and to advocate—by necessity—for less than stellar legal positions. I didn’t pursue or take my court job for the pay, the benefits, or the pension, which will never be fat, even under current formulas, considering my pay, age when vesting, and expected working life. I took this job to increase my work satisfaction, which has happened in spades. And this is something that is worth more to me than any negative economic factor now impacting my job or work, or any that currently threaten to do so.

So what makes my work as an appellate court staff attorney so satisfying? It’s not a hard question for me to answer. There is first and foremost that previously-mentioned substantial contribution to the resolution of cases and to the development of the law. And having sometimes, while in private practice, been on the receiving end of an appellate opinion that failed to sufficiently address the facts or legal issues in a case or that contained only superficial legal analysis supporting the result, there is some measure of personal satisfaction in knowing that in cases assigned to me by my judge for drafting, counsel and the parties will not have reason to experience this kind of takeaway, no matter the particular result in the case. There is also the relief I regularly experience in writing about what the law actually provides and compels in a given case, instead of being duty-bound to advocate how it should be interpreted or applied to benefit my particular client’s position. I do miss winning cases, but now when the California Supreme Court denies

review in a case I have worked on, it is still sweet. And the pay I receive for my work, whatever the amount, will not be the product of tedious billing in six-minute increments of time—a practice that degrades and insults intellectual creativity and professional efficiency. I probably work as much and as hard as I did in private practice, but because of these things, the content and quality of my workday is generally much more enjoyable.

Thus, when feeling overwhelmed or besieged by the current government fiscal climate and threats to my economic well-being, I try to remember these positive factors that have so improved the quality of my daily professional life. And it’s not cold comfort either, at least not until the negative impacts get more extreme and concrete or I am actually laid off (later this year when my judge likely retires?). And when I need help calling up these factors, I can always start by using *Shepard’s* to confirm by the number of positive citations that my good work on published cases has indeed contributed to the development of the law in California, and sometimes beyond, however anonymously and discretely. That usually does the trick, at least for now.



THE GRAVITATIONAL PULL OF GUIDELINE SENTENCING

by Joseph C. Merling, Past CASA Chair
U.S. Court of Appeals, Sixth Circuit

The Cincinnati branch of the Federalist Society recently presented, in conjunction with the Cincinnati Bar Association, an excellent seminar on "Federal Sentencing Issues." Courtney Langenes, the president of the Federalist Society's Cincinnati branch, introduced a distinguished panel of speakers. Professor Douglas Berman of the Ohio State University Moritz College of Law was the moderator, and the members of his panel were: Judge Jeffrey Sutton, U.S. Sixth Circuit Court of Appeals; Judge Amul R. Thapar, U.S. District Court for the Eastern District of Kentucky; David Hale, U.S. District Attorney for the Western District of Kentucky; and Jennifer Niles Coffin, Staff Attorney for the National Sentencing Resource Counsel for the Federal Public and Community Defenders. (Note how I proudly capitalized "Staff Attorney.")

Professor Berman asked each panel member to comment on the best and worst features of the federal sentencing system currently in place after Booker. Professor Berman called on Ms. Coffin, sitting at the other end of the podium, to go first. She joked that she had chosen that spot on the theory that she could go last. But she immediately launched into her response, saying that the first best factor is the requirement that the district court judge consider all the relevant factors listed in 18 U.S.C. § 3553. Next is the parsimony provision, requiring a sentence sufficient but not greater than necessary to satisfy those requirements. Third was the requirement that the judge give reasons in response to objections by the parties. Fourth was the availability of appellate review of sentences. Fifth was that Booker now

allows judges much greater leeway to sentence below the Guideline Range. Finally, when a party objects that a policy of the Sentencing Commission is wrong, the district court is obligated to consider that argument.

Ms. Coffin then said that the worst things about current federal sentencing are the proliferation of mandatory minimum sentences, Congressional micromanagement of the Commission, and the fact that requiring district court judges to start with the computed Sentencing Guideline range results in a strong gravitational pull to higher sentences for many defendants.

Judge Thapar was the next to respond to the professor's question. He indicated that 70% of the defendants that he sentences are convicted of drug crimes. Under the current system, some people get sentences that are too long, and some people get sentences that are too short. He believes that mandatory minimum sentences for recidivists are good, but mandatory minimums for first-time offenders are bad. He would like to have the power to impose a deferred sentence, where he could give a defendant, say, a 36 month sentence but defer it as long as the defendant followed all of the probation officer's instructions and stayed out of trouble.

U.S. District Attorney Hale first joked that he was the only person on the panel who could get fired for saying the wrong thing. Therefore, he wasn't going to try to speak for the Attorney General. But he thought that the worst aspect of the sentencing system was back when the Guidelines were mandatory. Then the Assistant U.S. District Attorneys (AUSAs) took sentencing for granted. Now it is a complicated matter, and they are constantly training on sentencing issues. He thought the best aspect of the system is how it strives for consistency when

sentencing similar defendants charged with similar crimes.

Judge Sutton began by saying that the abuse of discretion standard of review that appellate courts use means that such courts have less involvement in sentencing. He noted that appellate review of sentences after Booker is very process-oriented. He doesn't like to go to substantive review because he is not the judge there looking the defendant in the eye. Therefore, he doesn't like to second-guess district court judges. He noted that in the U.S. Supreme Court's Pepper decision Justice Breyer is showing some nervousness about the increasing disparity in sentences after Booker. Judge Sutton also said that he thinks Congress nationalizes too many crimes. Congress should leave more matters to the states so that they can deal with local conditions.

Professor Berman said that from his point of view sentencing is really, really hard and it should be really hard. Under the current post-Booker system, there is nothing rote about sentencing anymore, and that is how it should be. The professor agreed with Judge Sutton that Congress nationalizes too many crimes and should avoid that inside-the-beltway mentality and instead let local officials address local problems. Professor Berman said another bad feature of the system is that a defendant can be sentenced based on acquitted conduct. To the average citizen on the street, it would be amazing to learn that a jury could find you not guilty on a charge and you could be sentenced based on that conduct anyway.

Berman then asked Mr. Hale to give a short description of the sentencing operations in his office. Hale said that based on Attorney General Holder's memorandum of May 2010, sentencing must involve an individual assessment of each defendant. Also, every sentence

must involve supervisory approval at all levels of the process. In his office, there are 25 criminal AUSAs divided in three groups based on particular types of crimes. They have group peer review of any indictment. They conduct supervisory review of every plea agreement and of every position at sentencing.

Ms. Coffin said that in the Middle District of Tennessee where she works on cases their AUSAs make reasonable sentencing decisions. But in her work on the Sentencing Resource Counsel she has seen districts where defense counsel must raise every right and raise it properly to avoid mandatory minimum sentences. She says that their office has ramped up the look at sentencing process. She has statistics to back up the value of this emphasis: the majority of sentences are changed in a way favorable to the defendant on remand to the district court.

Judge Thapar said that the AUSAs and the Federal Public Defenders in his district get along and are reasonable. The judge actually goes to a border state and hears cases there one week per year. This experience has taught him that district courts should make more use of Rule 11(c)(1)(C), where the parties agree to a sentence ahead of time. The judge's philosophy is that if the parties agree on a sentence, judges should follow the agreement.

Judge Sutton commented that post-Booker appellate courts have been developing a federal common law of sentencing. He sees substantive review as a smoothing out process. He asked all the panelists to comment on whether it would be good idea for the Sixth Circuit to engage more actively in substantive review.

Ms. Coffin said yes. Specifically, she

wants to get rid of the presumption of correctness for within Guidelines sentence and go to the substance of sentence concerning the Commission's reasons for its decisions. She noted that the recent Pepper decision said that a reason given by the Commission was unconvincing. Those reasons inform substance.

Judge Thapar said no. He praised Judge Sutton's decision to take up his (Judge Thapar's) offer and come down to the district court and sentence some offenders. But Judge Thapar pointed out that most appellate court judges have never sentenced someone. They have never looked a repeat offender in the eye as they consider what sentence is correct.

Mr. Hale also said no. Judge Sutton asked about the appropriateness of a substantive challenge to a one-day sentence. Hale said that such a sentence would be unlikely in his district. But he agreed that substantive review would be appropriate in such a case.

Professor Berman commented that the problem with the government appealing a one-day sentence is that the case will go back to the same judge who will then give a 1 year sentence instead of the 10 year Guidelines sentence. Currently sending the case back to the same judge is the default, and he believes it shouldn't be the default. Ms. Coffin commented that all of the remands in the Pepper case would have been unnecessary if the Commission hadn't forbidden consideration of post-conviction rehabilitation.

Ms. Coffin went on to comment that what the Commission does with Congress's 18 to 1 amendment to the crack cocaine ratio will be very important. The Commission should fix the Guidelines and make the ratio

retroactive. If it does so, the government will save an estimated one billion dollars in prison costs.

An audience member asked a question about presentence reports. Professor Berman said it was a great question because it was a hidden element in the sentencing process. Formerly the reports became gospel. Judge Thapar said the reports are a necessity to get all those details about the defendant's life that you need to sentence someone. The judge will meet with the probation officer and ask detailed questions. At sentencing, he will also pepper both prosecutor and defense counsel with questions about the details contained in the report. (Yes, I see the pun on the name of the recent Supreme Court case.)

Ms. Coffin said that defense counsel is allowed to see the presentence report in her district, and that should be the policy everywhere. Mr. Hale commented that in his district a supervisor reviews the work of the line probation officer and frequently the supervisor makes changes that are not favorable to the government's position.

There was one more question from the audience, but I admit that I don't remember what it was. I was busy filling out my evaluation form for the presentation and giving every panel member a 4 out of 4 rating for their excellent presentations. I was inspired to see members at all different levels of the system dedicated to making federal sentencing work properly for society and the defendant.



THE LAST 35 OR SO YEARS...

By Kembra Smith, Past CASA Chair
U.S. Court of Appeals, Eleventh Circuit

CASA (the “Council of Appellate Staff Attorneys”) was founded in 1976 by the American Bar Association (ABA) Judicial Division Appellate Judges Conference (AJC), about the same time as staff attorney offices were being created in the federal and state courts. The original founders, therefore, included judges and staff attorneys from the courts who first originated the offices in the federal courts of appeal, including the military, and in the states of Arizona, Michigan, and Washington. It was created to provide professional development for appellate court attorneys and to foster the exchange of information about federal and state appellate courts and procedures. The first few seminars were held in conjunction with the AJC’s spring meetings, and CASA would hold its business meeting and its members attended sessions hosted by the AJC.

CASA members were under the umbrella of the ABA Judicial Division Appellate Judges Conference. The ABA provided funding to the AJC from dues and general revenues; the AJC then allocated a portion of that funding to CASA for “governance” and education. The governance money was used for meetings for CASA’s general membership and its Executive Board, while the education money was used for CASA’s educational sessions.

Beginning in the early 1980s, CASA held separate summer seminars. The speakers at these seminars, and the locations of the seminars, were legend! Long-time speakers have included Erwin Chemerinsky, Susan Hermann, Ira Robbins, and Linda Elrod. The CASA seminars were held in, among other places, Aspen and Breckenridge, Colorado; Blaine, Washington; Boston, Massachusetts; Burlington, Vermont;

Charleston, South Carolina; Flagstaff, Arizona; Key West, Florida; Lake Geneva, Wisconsin; New Orleans, Louisiana; Park City, Utah; Redondo Beach and San Diego, California! [Because of our affiliation with the AJC, the seminar locations were selected to provide the ABA staff with an opportunity to preview a site before it was used for seminars for the judges.] The CASA Executive Committee was involved in the site-selection, and attempted to rotate the seminar from east to west, and north to south, to provide all members with easy access to a location. Similarly, the Executive Board met in exotic locales! During the 1980s and 1990s, the AJC and CASA received grants from the State Justice Institute (SJI) and other entities for education. Once those monies stopped, the budgets became much leaner, and the AJC and CASA began looking at alternative organizational considerations.

During the summer seminars, and as a result of the age of the founding staff attorneys, social activities for the attorneys and their families became integral. CASA members’ children attended seminar-hosted camps while their parents attended seminars. There were numerous social activities for the attendees of the seminars: receptions, member-only cruises, and an annual dinner, including costumed dinners.

Since its inception, CASA has always had two primary leaders: its Council Chair, and its Education Committee Chair. The Council Chair, who is elected by the general membership, presides at all meetings and over its Executive Board; in addition to appointing chairs for all of the CASA committees, including the Education Committee. A review of the roster of past CASA Chairs (affectionately named “High Chairs” following their

service) and Education Committee Chairs clearly shows the interaction, as most of the CASA Chairs served as Education Chairs a few years before their service as CASA Chairs. The CASA Executive Committee consists of the Chair, Chair-elect, Secretary, the immediate past-chair, and five members-at-large. The members-at-large serve as liaisons to, or chairs of CASA’s various committees: education, long-range planning, membership, nominations and publications. Consistent with the state and federal focus of the organization, the Chair position rotates between the state and federal courts, with, generally, two to three state court staff attorneys serving in one of the positions in between a federal court staff attorney. Likewise, the members-at-large are nominated with an aim toward maintaining diversity and balance in the representation of its members from intermediate state courts, state courts of last resort and federal appellate courts.

CASA’s Chair term of office varies from that of the AJC and CASA’s sister Council, the Council of Appellate Lawyers (CAL). Because of the importance of CASA’s educational seminar to its membership, the CASA Chair serves from the adjournment of its annual meeting and seminar until the adjournment of the following annual meeting and seminar. The AJC and CAL Chair term begins at ABA Annual Meeting and ends at the following Annual Meeting.

CASA has sponsored a number of projects over the past 35 years, including, of course, *CASA Quarterly*; an email list; a directory of all state and federal courts, with contact information for all CASA members, including the identification of those members with more than three years experience; a salary survey of all state and federal staff



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2011 ABA Annual Meeting

August 4 - 7, 2011

Toronto, Canada

Visit the ABA Judicial Division Annual Meeting page for schedules, programs, events, agenda and much more!

<http://www.americanbar.org/groups/judicial/pages/Annual.html>

Limited Tickets are currently available for:

Judicial Division Welcome Reception

Ticketed \$25 (code JD02)

Thursday, August 4, 2011, 6:00 pm - 7:30 pm

Hilton Toronto

ABA Annual Dinner in Honor of the Judiciary and Presentation of the John Marshall Award

Ticketed: \$125 (code JD01)

Friday, August 5, 2011, 7:00 pm - 10:00 pm

Fairmont Royal York

This years recipient will be **Justice Sandra Day O'Connor** and **William H. Neukom**.

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attorneys; and a history of the organization.

When it became clear that SJI funding would no longer be forthcoming the AJC and CASA began exploring other possibilities. In 2004, as a result of funding concerns, the AJC transferred its (and CASA's) educational functions to a non-profit organization, the Appellate Judges Education Institute (AJEI). The AJEI is incorporated in Texas, and is associated with Dedman School of Law at Southern Methodist University in Dallas, Texas (SMU). The AJEI receives funding from the AJC from general fund monies set aside for education and from a fund held by the ABA for educational funding for the judges. It also receives funding from grants, donations from law firms and other organizations, and from seminar registrations. The AJEI Board consists of a Chair who is the immediate Past-AJC Chair, the AJEI President, representa-

tives from the ABA and SMU, the AJC Executive Board, and representatives from CASA and CAL. SMU provides staff assistance for the AJEI and for the seminars sponsored by AJEI.

As a result of the creation of the AJEI, the AJC and CAL held their first educational summits in Dallas and San Francisco, California, while CASA held separate seminars. Beginning in 2006, CASA returned to its roots, joining the AJC and CAL at a joint seminar in Dallas, Texas.

Since that time, CASA has continued its participation with the AJC and CAL summit, in Dallas, Texas; Phoenix, Arizona; and Washington, DC. The CASA Chair is an active participant on the AJC Executive Board and the AJEI Board, and the Education Committee Chair serves on the AJEI Education Committee. As a result of the merger of the seminars, CASA has increased its role within the AJC and during the ABA Annual and Midyear

meetings. Through its long-time relationship with presenters and diverse idea contributions, CASA has maximized seminar topics for the joint seminar and programs held at the ABA Annual and Midyear Meeting, to provide opportunities to the members.

Finally, I would be remiss in not acknowledging CASA's role in my history. In January 2010, I married long-time CASA member, Bill Lowe. Bill began attending CASA seminars in the early 1980s, served as the email list manager for over ten years, and presided as CASA Chair in 2008-09. Bill and I met through CASA, while living over 600 miles apart, and working in different court systems: he for a Louisiana intermediate court, and me for a federal appellate court. Our relationship began as professional colleagues, and developed while working for our professional organization, CASA. It's a proud history for all of us.