



Standing Committee on Federal Judicial Improvements

Standing Committee on Judicial Independence

Spring 2010 - Volume IV

2010 ABA Midyear Meeting

Following their successful business planning meetings, the Standing Committee on Judicial Independence ("SCJI") and the Standing Committee on Federal Judicial Improvements ("SCFJI") hosted a joint dinner at Todd English's bluezoo restaurant at the Walt Disney World Dolphin Resort on February 6. Among those in attendance and pictured here were ABA President Carolyn Lamm, incoming ABA President Steve Zack, SCJI Chair William Weisenberg, and SCFJI Chair Judge Nancy F. Atlas. Dinner attendants discussed a range of exciting topics related to the work of the Standing Committees.



Among those in attendance and pictured here were ABA President Carolyn Lamm, incoming ABA President Steve Zack, SCJI Chair William Weisenberg, and SCFJI Chair Judge Nancy F. Atlas. Dinner attendants discussed a range of exciting topics related to the work of the Standing Committees.

HOD Highlights

COLA Increase for Federal Judges and Immigration Adjudication Reform

With the support of SCFJI and SCJI as co-sponsors, the ABA House of Delegates ("HOD") approved ABA Section of Litigation ("SOL") [Resolution 300](#), encouraging cost of living ("COLA") increases for the federal judiciary.

SCFJI additionally co-sponsored ABA Commission on Immigration [Resolutions 114A-E](#), recommending various reform measures for improvement of the immigration adjudication system for non-citizen removal. Subsequently, 114E was withdrawn, while the HOD approved the remaining resolutions. Resolution 114B was approved as revised.

Chief Justice Durham Addresses the HOD

Chief Justice and President of the Conference of Chief Justices ("CCJ") Christine M. Durham spoke before the HOD on February 8. In her speech, Chief Justice Durham highlighted the Justice is the Business of Government Task Force while addressing the impact of the economic crisis on the state court system, stating, "the Judicial Division of the ABA, together with your Standing Committee on Judicial Independence and the National Center for State Courts, the support organization of CCJ and COSCA, are working to develop a set of principles for funding of the justice system."

Chief Justice Durham also specifically referred to the SCJI Judicial Disqualification Project ("JDP"), noting that the CCJ is in the process of working with SCJI on JDP. She concluded her speech by thanking the Association for its support, and expressed her desire for "a future of productive efforts to maintain and improve the backbone of our justice system – the state courts."

2010 ABA Midyear Meeting Program: Court Funding and Access to Justice

The National Conference of Bar Presidents ("NCBP") sponsored a program on February 5 of the 2010 ABA Midyear Meeting titled "Court Funding and Access to Justice: Sobering Facts and Tentative Solutions." Standing Committee on Judicial Independence ("SCJI") Chair William Weisenberg moderated the



Pictured (L-R): Robert Baldwin, Executive Vice President of the NCSC and SCJI Chair William Weisenberg at the "Court Funding and Access to Justice: Sobering Facts and Tentative Solutions" program

program, which addressed the dramatic impact of the economic downturn on state court funding, resulting in what the *New York Times* has called "a tangible narrowing of access to justice." A panel of national experts and state and local bar leaders discussed the impact of the crisis and shared measures being taken to affirmatively address problems. Panelists included Leo I. Brisbois, President of the Minnesota State Bar Association; Jesse H. Diner, President of the Florida Bar; John J. Regan, President of the Boston Bar Association; and Robert Baldwin, Executive Vice President and General Counsel, National Center for State Courts ("NCSC"). A subsequent workshop session featured additional approaches to address the economic downturn by other bar associations.

Judge M. Margaret McKeown to Receive 20th Annual Margaret Brent Award

The Standing Committee on Federal Judicial Improvements ("SCFJI") is thrilled to announce that immediate past Chair and special advisor Judge M. Margaret McKeown will receive the [20th Annual Margaret Brent Women Lawyers of Achievement Award](#). Judge McKeown has shown longtime support for women and women lawyers, as evidenced throughout her career as a lawyer and judge, and ABA leader.

The award, presented by the ABA Commission on Women in the Profession, was established in



1991 to recognize and celebrate the accomplishments of women lawyers. Each year, the award honors five outstanding women lawyers who have achieved professional excellence within their area of specialty and have actively paved the way to success for other women lawyers. These women demonstrate excellence in a variety of professional settings and personify excellence on either the national, regional, or local level. The Commission will present the 2010 award at the ABA Annual Meeting in San Francisco, California on Sunday, August 8.

Conference of Chief Justices Midyear Meeting

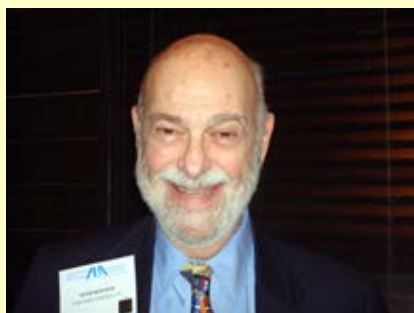
Standing Committee on Judicial Independence ("SCJI") Chair William Weisenberg and Judge Gary B. Randall of the ABA Judicial Division attended the Conference of Chief Justices ("CCJ") Midyear Meeting in the last days of January. ABA President Carolyn Lamm continued the tradition of speaking at the CCJ Midyear Meeting. This tradition began last year with immediate past ABA President Tommy Wells. In her speech to the CCJ, Ms. Lamm referred to the productive and timely work of SCJI to improve the perception of the courts and to assist the courts in various ways. Mr. Weisenberg presented on the SCJI Judicial Disqualification Project ("JDP") to the CCJ Professionalism and Competence of the Bar Committee. CCJ Committee members expressed their willingness to continue working with SCJI on the JDP and conveyed gratitude for the openness and inclusiveness of SCJI on this project.

SCFJI Tackles *Iqbal/Twombly* Issue with Section of Litigation

The Standing Committee on Federal Judicial Improvements ("SCFJI") will co-sponsor a program at the [2010 ABA Section of Litigation Annual Conference](#) in New York City on Thursday, April 22 at 2:30 PM. The program, titled "*Iqbal/Twombly* Fallout: Are General Federal Rules Passé?," will consider the effect of the recent U.S. Supreme Court decisions in *Ashcroft v. Iqbal* and *Bell Atlantic Corp. v. Twombly* on federal pleading standards and Federal Rule of Civil Procedure Rule 12(b)(6). Panelists will further examine whether these Supreme Court cases make substantive law imposing significant barriers to access, if it is time for new rules in certain or all cases, and whether Congress should respond. Renowned Professor Arthur R. Miller, leading scholar in the field of American civil procedure, will moderate the program.

Rosner & Rosner Young Lawyers Professionalism Award

Standing Committee on Judicial Independence ("SCJI") member, Seth Rosner, has recently introduced the [Rosner & Rosner Young Lawyers Professionalism Award](#). The award, supported by the Rosner & Rosner Justice Fund and administered by the ABA Center for Professional Responsibility ("CPR"), recognizes and encourages young lawyers dedicated to lawyer professionalism. Mr. Rosner created this award in honor and in memory of his partners, Oscar S.



Rosner, his father, and Jonathan L. Rosner, his brother. The award honors young lawyer commitment to legal and judicial ethics, lawyer professionalism, client protection and professional regulation. Recipients will receive a lifetime membership to CPR, registration for the Center's National Professional Responsibility Conference, and a one-year subscription to the web-based version of the ABA/BNA Lawyers' Manual on Professional Conduct.

Representatives of CPR and the ABA Young Lawyers Division serve on the selection committee. The 2010 Recipient will be announced in June, and the award presentation will take place at the 2010 ABA Annual Meeting.

Aspen Institute Asks: How Will *Caperton* and *Citizens United* Transform the Way States Select Judges?

The Aspen Institute's Justice and Society program held a daylong symposium featuring Justice Sandra Day O'Connor on January 26 at the [Georgetown University Law Center](#) in Washington, D.C. The conference focused on last year's decision in *Caperton v. A.T. Massey Coal Co.* and the recent decision in *Citizens United v. Federal Election Commission*. On



Pictured: (L-R) Jan Baran, immediate past ABA President Tommy Wells, Karl Sandstrom, and Meryl Chertoff

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

Honorable Nancy F. Atlas, Chair
Standing Committee on Federal Judicial Improvements

William K. Weisenberg, Chair
Standing Committee on Judicial Independence

Konstantina Vagenas
Chief Counsel and Manager of Judicial Independence Initiatives



January 21, the U.S.

Supreme Court overturned corporate spending bans, yet ruled that disclosure requirements for corporate election spending is constitutional. In Justice O'Connor's keynote remarks, she stated that "these two cases should be a warning to states that still choose judges by popular elections.... The time is now for opponents of merit selection to do a little soul-searching."

Immediate past ABA President and Standing Committee on Judicial Independence liaison Tommy Wells took part in a conference panel that discussed *Citizens United* and the election of state court judges. Mr. Wells was joined on the panel by moderator Tony Mauro, Supreme Court Contributor to *The National Law Journal*; Jan Baran, Partner, Wiley & Rein, LLP; Karl Sandstrom, of Counsel, Perkins Coie; Bradley A. Smith, Josiah H. Blackmore II/Shirley M. Nault Designed Professor of law, Capital University Law School; and Fred Wertheimer, President, Democracy 21.

Your e-mail address will only be used within the ABA and its entities. We do not sell or rent e-mail addresses to anyone outside the ABA.

[Update your profile](#) | [Unsubscribe](#) | [Privacy Policy](#)

American Bar Association | 321 N Clark | Chicago, IL 60654
1-800-285-2221