Kourlis stepping down from Colo. high court

Colorado Supreme Court Justice Rebecca Kourlis, lauded by the legal community for a decade of work that helped revamp the state's judicial system, is resigning, effective Jan. 10.

Denver lawyer John Moye, a former president of the Colorado Bar Association, said he and Kourlis plan to found a judicial institute that will work with the best legal minds in the nation to help solve problems affecting the U.S. legal system.

"We'd ask them to meet with us and share their research and share their solutions, and then we would vet them and then publish some solutions and try to implement them," Moye said.

DU establishes national law institute

The University of Denver Institute for the Advancement of the American Legal System will be headed by former Colorado Supreme Court Justice Rebecca Love Kourlis.

"Too many Americans, across all social and economic groups, have lost confidence in the system that was organized to carry out the constitutional promise 'with liberty and justice for all,'" Kourlis said in a statement. "There is a real and pressing need to improve the American legal system and to restore public confidence."
State high court judge, lawyer plan institute

Kourlis looks to 'retool' legal system

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IAALS is ten!

From a card table to a seat at the table; from a name that no one could remember to one of weight and import; and from great ideas to practical solutions. We are proud of our past and very hopeful about our future.

Let us begin with a look back. Included with this report is our timeline—a tour de force that showcases our exhaustive work and the impacts made. Aesop warned about the flea on the chariot axle who noted, “my, what a dust I raise,” and we are cautious about the claims we make. To achieve all we have is remarkable, yet we are humbled by the task at hand and work before us.

What we do know is that there is a movement afoot to reshape the American justice system, from law schools to courts, and we are deeply involved in it.

This report is also a look forward—the beginning of the next ten years of IAALS. Our horizon is bright, as is the future of civil justice in America. We have much in store for the coming year—and the decade to come—and some ideas on where the journey may lead us.

Through it all, our efforts have been and will continue to be rooted in the core belief that a trusted and trustworthy legal system is essential to a healthy democracy, to a functioning economy, and to our freedom. We believe that the legal system must be just, impartial, and responsive—designed to serve.

In these current times, some may see our mission as quixotic. However, armed with a decade of momentum and proven successes, we march forward undeterred. Our work has only just begun.

Please join us!
In honor of our 10th Anniversary, IAALS launched the **Rebuilding Justice Fund**, which is dedicated to providing the support necessary to continue our important work.

Together, we have made a difference.
Together, we are rebuilding justice.

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Together, we have made a difference.
Together, we are rebuilding justice.

IAALS is now poised to take reform to the next level, and gifts to the Fund directly impact the next ten years of work.

The Rebuilding Justice Fund provides two kinds of support:

- Venture capital necessary to remain nimble and responsive as important projects arise.
- Underwriting for the annual operations of IAALS and our thorough process of research, collaboration, and innovation.

To pledge your support for the Rebuilding Justice Fund and invest in the next decade of IAALS’ work, please visit [http://iaals.du.edu/donate](http://iaals.du.edu/donate).
Published *Selection & Retention of State Judges: Methods from Across the Country*. This unique resource shines a light on each state and its specific methods for selecting and retaining judges. Easy-to-read charts break down how judges reach the bench, and how they stay there, across all three court levels.

- Held “Convening on the Future of Retention Elections.” Working with Justice at Stake, we convened individuals from around the country to consider recommendations to address the increased politicization of judicial retention elections.
- Compiled a toolkit for U.S. senators who use screening commissions to identify potential federal judge nominees to recommend to the White House.
- Worked with a task force of judges and current and former members of judicial nominating commissions to develop a model code of conduct for nominating commission members across the country.

**Quality Judges Initiative**

Our work is grounded in an effort to increase transparency and public awareness of judicial selection and evaluation methods used around the country. As we gear up for an election year, we aim to help states provide voters with the information they need about our country’s judges.

*Malia Reddick*
Manager, Quality Judges Initiative
How does someone become a judge in the United States? The answer varies from state to state and sometimes court to court. And, some methods for selecting state court judges are more effective than others in choosing judges who are qualified and impartial, and who inspire public trust in our courts. The Quality Judges Initiative is dedicated to promoting models for choosing, evaluating, and retaining judges that preserve these qualities, ensure public accountability, and keep politics from undermining the critical role of our judiciary.
Finalized work with the American College of Trial Lawyers Task Force and published *Reforming Our Civil Justice System: A Report on Progress and Promise*. The report proposes 24 Principles focused on improving the discovery process and case management.

Continued participation with and support of the Conference of Chief Justices Civil Justice Improvements Committee, with final recommendations forthcoming from the committee in 2016.

Cohosted webcast on “E-Discovery Sanctions & Spoliation: What a Judge Needs to Know” in collaboration with the National Judicial College.

Published *Rule Reform, Case Management, and Culture Change: Making the Case for Real and Lasting Reform* in the *Kansas Journal of Law and Public Policy*.

Held “A Plaintiffs Forum: The Present and Future Impact of Civil Justice Reform” to discuss the challenges and concerns regarding implementation and needed culture changes.

Undertook the research for and published *Change the Culture, Change the System: Top 10 Cultural Shifts Needed to Create the Courts of Tomorrow*.

Planned and launched our Fourth Civil Justice Reform Summit, to be held in February 2016.

Continued monitoring pilot project and rules reform jurisdictions around the country, as well as national committees. Information on these efforts is shared through our online map tool, Action on the Ground.

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**We have seen great strides to improve our civil justice system over the last year, aimed at making the process just, speedy, and inexpensive for all. The stage is set for important culture changes and we must capitalize on this momentum—because success is within reach.**

**Brittany K.T. Kauffman**

Director, *Rule One Initiative*
In many jurisdictions around the country today, the civil justice system takes too long and costs too much. Many deserving cases are not filed while others settle due to the expense of litigation.

The Rule One Initiative is dedicated to promoting models that ensure access to justice, an efficient court process where the time and money expended are proportionate to the case at hand, and an accountable system that is fair and reasoned.
Published *Unbundling Legal Services: Options for Clients, Courts & Counsel* in partnership with the Association of Family and Conciliation Courts.

Cosponsored “Client-Centric Legal Services: Getting from Here to There” with the American Bar Association.

Hosted the “Family Bar Summit: Shaping the System for the Families We Serve,” an effort to engage the family law bar in facilitating change in the system for resolving family conflict and parenting disputes.

Completed our evaluation of outcomes from the Resource Center for Separating and Divorcing Families.

Launched the Center for Out-of-Court Divorce in Denver as the next phase of our out-of-court model. Founded a nonprofit organization to oversee replication nationwide.

Received the 2015 John W. Cooley Lawyer as Problem Solver Award from the ABA Section of Dispute Resolution for work on the Resource Center for Separating and Divorcing Families.

Launched the Cases Without Counsel project to better understand the experiences of self-represented litigants in our family courts.

Assisted and monitored progress of several state domestic relations projects, including:

- Oregon Informal Domestic Relations Trial
- Wyoming Expedited Marriage Dissolution Cases
- Alaska Informed Trials in Domestic Relations Cases and Early Resolution Pilot Program
- Idaho Informal Custody Trial and Rules of Family Law Procedure

**We recognize that family court processes must adapt to changing realities, like increasing self-represented litigants—and have dedicated the last year to ensuring that courts and the practicing bar are equipped to make needed changes to better serve families.**

*Natalie Anne Knowlton*
Director, Honoring Families Initiative
Divorce, separation, and custody cases are the way in which the vast majority of Americans will be involved with our courts, in one way or another, over the course of their lives. The Honoring Families Initiative is dedicated to promoting new ways to handle these issues that ensure better outcomes for children, less-adversarial approaches for spouses/parents, and greater accessibility, efficiency, and fairness for everyone involved in the family court process, including those who navigate the system without a lawyer.
Distributed a survey to more than 700,000 lawyers in 37 states as part of our Foundations for Practice project. The responses from nearly 25,000 lawyers across the country are giving law schools, legal employers, courts, and the legal profession a concrete understanding of the foundations new lawyers need to be successful in their careers and a starting point to develop an improved system of legal education.

Held roundtables with lawyers and legal employers to share Foundations for Practice survey results and to facilitate conversations about what legal employers are looking for in new graduates—and how they can hire candidates who meet their needs.

Held the 4th Annual Educating Tomorrow’s Lawyers Conference and presented preliminary results of the Foundations for Practice survey to 100 attendees representing 30 law schools across the country. Participants identified ways to use Foundations for Practice in learning outcomes, program development, and collaboration with their legal communities.

Published Ahead of the Curve: Turning Law Students into Lawyers. The report evaluates the Daniel Webster Scholar Honors Program at the University of New Hampshire, which has found success through experiential education, formative assessment, and deep collaborative relationships with the courts and practicing bar in New Hampshire.

Continued to develop and foster collaboration in our national Consortium of innovative and influential law schools.

Monitored, informed, and influenced proposals for change in legal education from the academy, bar associations, state bars, the courts, and other stakeholders.

To define the foundations law graduates need, we spent the last year talking to bar leaders, courts, clients, and legal employers. Two things were clear: the profession is poised for change, and law schools that embrace it will emerge on top.

Alli Gerkman
Director, Educating Tomorrow’s Lawyers®
The legal market is changing, and legal employers are increasingly calling on law schools to change the way they educate lawyers. Meanwhile, more information, data, and resources are being developed to help law schools and legal educators improve their programs and demonstrate greater value to students and the profession. *Educating Tomorrow’s Lawyers* is at that intersection, bringing the legal employers and law schools together to solve the challenges before us.
As we look ahead to IAALS’ next 10 years, we will remain on the cusp of innovation and problem solving in the legal system.

In a time of polarity, we will seek and find consensus. In a maze of difficult problems, we will develop practical solutions.

IAALS will continue taking a hard look at what is working in our legal system and what is not. We will collaborate with diverse experts and stakeholders. We will convene, we will research, and we will evaluate. And IAALS will provide concrete recommendations designed to solve real-world problems.

The core of our work aims to be part of broad culture change—whether among employers and the academics who prepare law students for practice or among judges and the lawyers who appear before them.

We know that the world is increasingly reliant on technology and that our courts must catch up. Many of IAALS’ future recommendations will involve this component, and IAALS intends to build out its own technological expertise and capacity. Our goal is to be at the center of conversations regarding how to integrate technology into the court system in a way that better serves the public.

IAALS is also keeping close watch on broader issues in the legal system, such as arbitration and administrative processes, as potential focus areas for our work—grounded in our basic premise that the system should serve the ideals of our democracy and the people of our country.

In ten years, IAALS has come a long way. We have been integral to many reform efforts taking hold across the nation—from how we select our judges to how we train the next generation of lawyers. We have made inroads with our efforts to reshape the divorce process and increase access to justice. Our work is valued, and IAALS’ visibility will continue to grow.

There is much work yet to do, and our mission remains steadfast. For the year ahead, our focus is clear.

When nearly 25,000 lawyers from across the country weigh in on the foundations that new lawyers need when they graduate from law school, the next step is clear: make it happen. Turning the Educating Tomorrow’s Lawyers survey results into on-the-ground results will be a massive future endeavor.

We will succeed by working with law schools to turn the foundations into measurable learning outcomes that will help educators create programs that serve those outcomes. IAALS will also work with legal employers to empower them to make hiring decisions that are informed by the foundations they have identified as important.

Perhaps most importantly, IAALS will facilitate productive collaborations among legal educators, lawyers, legal employers, and other leaders across the country to ensure that all stakeholders bring their expertise and experience to the challenge of educating tomorrow’s lawyers.
IAALS’ flagship Center for Out-of-Court Divorce will complete its first full year of operation in 2016, and it is already fulfilling a critical role for families in the Denver community. **Honoring Families** will monitor it closely to ensure the Center’s performance and promise live up to expectations. As more and more families benefit from the wrap-around, comprehensive approach the Center provides, word is spreading and a nationwide network is emerging. In the future, IAALS is well positioned to lead the effort that expands the model to new locations.

Invaluable research and recommendations are on the way from our study on self-representation. The work will inform key action items to help courts, bar associations, and other stakeholders best serve all family court litigants.

The family law bar remains an important voice in the conversation around change in this realm. In the future, our work with them will focus on suggestions for reshaping how we think about the process of divorce and separation, and empowering the bar to build momentum and spark change all around the country.

A new area is on the horizon for **Quality Judges** that is crucial to preserving a judiciary of the highest quality and integrity: the processes for judicial recusal. Going forward, IAALS will bring together balanced, expert, and respected judges, attorneys, scholars, and citizens from around the country to identify best practices and make recommendations for recusal processes that are fair, transparent, and timely.

Even as we branch into this area, IAALS’ work in judicial selection and performance evaluation will remain paramount, with our eyes closely trained on developments nationwide.

Looking ahead, IAALS will capitalize on opportunities to measure the impact of our recommendations in recent years, including structuring and operating judicial nominating commissions and communicating JPE results to voters for retention elections. And, we will continue our work to improve, and expand the use of, the key components of the O’Connor Judicial Selection Plan.

Over the last ten years, IAALS has cultivated significant momentum for civil justice reform at both the state and federal levels. The next phase is critical: implementation on a national scale to ensure lasting impact.

In 2016, we will undertake this challenge, informed by robust conversation and collaboration between diverse stakeholders. Together with national and international judges, attorneys, court administrators, and other legal experts, IAALS will promote the best ways to implement rule and process changes and the importance of culture change in achieving impact.

Change the culture, change the system. This tenet will guide much of our work into the future—in **Rule One** and across all the work we do. As the Conference of Chief Justices refines and finalizes state-level recommendations, IAALS will be there to help build consensus and guide implementation. As the Civil Rules Advisory Committee considers new pilot projects to test additional innovations, IAALS will monitor their progress and help set the stage for success. Change is not easy, especially the systemic change we seek. Yet we are seeing it happen—and we are dedicated to ensuring that progress continues.
At our 8th Annual Rebuilding Justice Award Dinner, we honored the American College of Trial Lawyers Task Force on Discovery and Civil Justice—our partners in launching a nationwide discussion about the state of the civil justice system and proposing changes to make it more accessible, affordable, efficient, and just.

- Paul C. Saunders (Chair)
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- Chief Justice John T. Broderick, Jr. (Ret.)
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- William N. Withrow
- W. Foster Wollen
- Judge Jack Zouhary
IAALS’ Rebuilding Justice Award recognizes individuals who exemplify the spirit of innovation and leadership that we champion as we work toward building a legal system that is fair, accessible, reliable, efficient, and accountable.

Congratulations and thank you for your unwavering support of our mission to facilitate continuous improvement and advance excellence in the American legal system.
IAALS depends on a variety of partners to positively impact the American legal system. Entirely supported by gifts and grants, we are indebted to our donors who generously provide their financial commitment for both our unrestricted operating budget and for project-specific grants.

We also depend on our membership groups—law firms, corporations, and law schools—that not only provide financial support but also engage with us intellectually and in practice.

And, we depend on each of you, the individuals who seek positive change within the legal system and trust IAALS to achieve it. We count on you to be part of our process and progress to make it happen in jurisdictions across the country.

The Gates Frontiers Fund, IAALS’ most generous donor, provides essential grant funding for annual support and for new projects not anticipated in our budget. There are also project-specific grants that enable us to pursue specific research critical to the improvement of the system. Both the Bohemian Foundation and the State Justice Institute supported the Honoring Families Initiative’s Cases Without Counsel project. And Educating Tomorrow’s Lawyers’ Foundations for Practice project received support from both the William and Flora Hewlett Foundation and Access Group.

And finally, we receive sponsorships for events such as the American College of Trial Lawyers Foundation’s support of the Fourth Civil Justice Reform Summit and the Sturm Family Foundation’s support of the Rebuilding Justice Award Dinner.

While restricted support enables us to tackle empirical research and convene stakeholders, it is the myriad unrestricted gifts that come from individuals that provide the remaining support necessary for IAALS to carry on. Thank you to everyone who supports us and our mission.

We are grateful to all donors, members, and sponsors for their support—at every level—and we know that we could not continue without each and every gift.

If you would like more information about giving opportunities, sponsorships, or memberships, please contact Barbara Blackwell, Senior Director of Strategic Partnerships:
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IAALS has three different membership groups. Each provides a unique and necessary perspective for our work.

The Business Leadership Network (BLN) has existed since 2011. Comprised of corporate counsel from a diverse group of industries nationwide, BLN provides both intellectual and financial support for IAALS. Sam Walker, Global Chief People and Legal Officer for Molson Coors, is Chairman of this group and a member of the IAALS Board of Advisors. In the last year, BLN was made up of the following corporations:

• Bechtel National, Inc.
• Caterpillar, Inc.
• DISH
• ExxonMobil
• Ford Motor Company
• GlaxoSmithKlein
• Molson Coors Brewing Company
• U.S. Chamber of Commerce Institute for Legal Reform
• Ford Motor Company
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The Law Firm Council (LFC) was formed in 2013 and is comprised of both plaintiff and defense firms. It meets twice a year with a number of other activities and opportunities in the interim. They are our “boots on the ground” and provide us with rich insight into what is working and what is not working within the system. Greg Kerwin, Partner at Gibson Dunn, is the group’s Chairman and a member of the IAALS Board of Advisors. In the last year, the following firms were members of LFC:

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• Gibson, Dunn & Crutcher, LLP
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• Lewis Roca Rothgerber Christie LLP
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The Educating Tomorrow’s Lawyers Consortium is a group of law schools committed to innovative and effective legal education that meets the needs of an evolving profession. Member schools join the Consortium to support the collective work of Educating Tomorrow’s Lawyers and to collaborate with schools, educators, lawyers, employers, and others who are making a difference in the way we educate tomorrow’s lawyers. In the last year, the Consortium was comprised of the following schools:

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• Boston College Law School
• Cornell University Law School
• University of California, Hastings College of the Law
• University of California, Irvine School of Law
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- Ahead of the Curve: Turning Law Students into Lawyers
- The 2011 Educating Tomorrow’s Lawyers Survey: Compiled Analyses
- Unbundling Legal Services: Options for Clients, Courts & Counsel
- The Modern Family Court Judge: Knowledge, Qualities & Skills for Success
- Courts and Communities Helping Families in Transition Arising from Separation or Divorce
- Selection & Retention of State Judges: Methods from Across the Country
- Choosing Judges: Judicial Nominating Commissions and the Selection of Supreme Court Justices
- The O’Connor Judicial Selection Plan
- Recommended Tools for Evaluating Appellate Judges
- An Uncommon Dialogue: What Do We Want in Our Judges & How Do We Get There?
- A Credit to the Courts: The Selection, Appointment, and Reappointment Process for Bankruptcy Judges
- IAALS Appellate Judicial Performance Evaluation Focus Group Report
- Leveling the Playing Field: Gender, Ethnicity, and Judicial Performance Evaluation
- Cornerstones of State Judicial Selection: Laying the Foundation for Quality Court Systems and Judges
- Change the Culture, Change the System: Top 10 Cultural Shifts Needed to Create the Courts of Tomorrow
- Reforming Our Civil Justice System: A Report on Progress and Promise
- Momentum for Change: The Impact of the Colorado Civil Access Pilot Project
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- A Summary of the Short, Summary, and Expedited Civil Action Programs Around the Country
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- A Return to Trials: Implementing Effective Short, Summary, and Expedited Civil Action Programs
- Another Voice: Financial Experts on Reducing Client Costs in Civil Litigation
- Navigating the Hazards of E-Discovery: A Manual for Judges in State Courts Across the Nation
- Rebuilding Justice: Civil Courts in Jeopardy and Why You Should Care
- Report on the 2012 Conference and Introduction to the 2013 Conference
- Comment to the ABA Task Force on the Future of Legal Education
- Family Law in Focus: A Retrospective Study of Colorado’s Early Experiments with Proactive Case Processing
- It Is Just Good Business: The Case for Supporting Reform in Divorce Court
- An Opinion on Opinions: Report of the IAALS Task Force on State Appellate Court Opinion Review
- National Conference on Evaluating Appellate Judges: Preserving Integrity, Maintaining Accountability
- Options for Federal Judicial Screening Committees, Second Edition: Where They Are in Place, How They Operate, and What to Consider in Establishing and Managing Them
- Options for Federal Judicial Screening Committees
- Survey: Colorado Voter Opinions on the Judiciary
- The Bench Speaks on Judicial Performance Evaluation: A Survey of Colorado Judges
- Transparent Courthouse: A Blueprint for Judicial Performance Evaluation
- Shared Expectations: Judicial Accountability in Context
- Excess and Access: Consensus on the American Civil Justice Landscape
- Trial Bench Views: Findings from a National Survey on Civil Procedure
- Surveys of the Oregon Bench & Bar on the Oregon Rules of Civil Procedure
- Survey of the Arizona Bench & Bar on the Arizona Rules of Civil Procedure
- Civil Case Processing in Oregon Courts: An Analysis of Multnomah County
- A Roadmap for Reform: Civil Caseflow Management Guidelines
- A Roadmap for Reform: Pilot Project Rules
- America’s Ailing Civil Justice System: The Diagnosis and Treatment of the Federal Rules of Civil Procedure
- Final Report on the Joint Project of the ACTL Task Force on Discovery and IAALS
- Civil Case Processing in the Federal District Courts: A 21st Century Analysis
- Interim Report on the Joint Project of the ACTL Task Force on Discovery and IAALS
- The Emerging Challenge of Electronic Discovery: Strategies for American Businesses
- Electronic Discovery: A View from the Front Lines
WHO WE ARE

IAALS, the Institute for the Advancement of the American Legal System, is a national, independent research center at the University of Denver dedicated to facilitating continuous improvement and advancing excellence in the American legal system. We are a “think tank” that goes one step further—we are practical and solution oriented. Our mission is to forge innovative and practical solutions to problems in our system in collaboration with the best minds in the country.

By leveraging a unique blend of empirical and legal research, innovative solutions, broad-based collaboration, communications, and ongoing measurement in strategically selected, high-impact areas, IAALS is empowering others with the knowledge, models, and will to advance a more accessible, efficient, and accountable American legal system.

HISTORY

Located on the campus of the University of Denver, IAALS opened its doors on January 17, 2006. Founded by the University’s Chancellor Emeritus Daniel Ritchie, Denver attorney and bar leader John Moye, business leader and philanthropist Charles C. Gates, and IAALS Executive Director Rebecca Love Kourlis, IAALS had a clear vision: a fair, accessible, reliable, efficient, and accountable legal system that inspires trust.

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Our ability to advance the American legal system—to make progress through our process—is dependent upon your support. Together, we can make an impact.

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