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We have chosen a whimsical theme for this year’s Annual Report, with echoes of superheroes and extraordinary feats. In our world, those superheroes are you, our partners. We recognize that our superpower here at IAALS is the ability to bring together the right people to solve problems—people with different perspectives, backgrounds, and jobs who all share the common objective of improving the American legal system for the benefit of its users. When we have those superheroes at our side, extraordinary feats are indeed possible. Your input, partnership, and support are at the core of our success. All of you who work with us, support our work, and who are reading this report are our “league of justice”.

With your help, in 2017, IAALS honed in on how we can advance the redesign of the delivery of justice and the delivery of legal services in a user-centric way. We hosted a national conference on unbundled legal service delivery; we published recommendations about judicial recusal procedures; we initiated a project on summary judgment motions which will result in recommended ways of making dispositive motions practice more efficient and cost-effective; we began translating our Foundations for Practice findings into learning outcomes so law schools can make use of them and employers can hire to them. We also developed protocols for initial discovery exchanges in Fair Labor Standards Act cases in federal courts and we worked closely with the National Center for State Courts (NCSC) to implement the Conference of Chief Justices’ call to action for civil justice reform. And, we are working with the NCSC on family justice system reform, assuring that self-represented litigants’ voices are heard in that conversation as we develop ways to streamline and simplify the court process.

We have added three new staff members who help us do our work, and we have also redoubled our strategic development efforts to provide streams of funding that will allow IAALS to continue to be independent and sustainable.

In short, it has been a POW BANG BOOM year for us. And, in fact, we owe it all to you. Thank you.

Rebecca Hale Koutris
EDUCATING TOMORROW’S LAWYERS®

The legal market is changing, and legal employers and members of the profession 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 profession and law schools together to solve the challenges before us.

Alli Gerkman
Director, Educating Tomorrow’s Lawyers
ACTION SNAPSHOTS

RELEASED **HIRING THE WHOLE LAWYER: EXPERIENCE MATTERS**, A REPORT OF OUR FOUNDATIONS FOR PRACTICE PROJECT THAT FOUND LEGAL EXPERIENCE IS CRITICAL FOR NEW LAWYER SUCCESS.

HOSTED THE **6TH ANNUAL EDUCATING TOMORROW’S LAWYERS CONFERENCE**, WHICH PLACED CLIENTS FRONT AND CENTER IN LEGAL EDUCATION AND EXPLORED IMPROVED DELIVERY OF LEGAL SERVICES.

LAUNCHED OUR **THINK LIKE A CLIENT** PROJECT, WHICH IS TAPPING INTO A LARGE, NATIONAL DATASET OF ONLINE CLIENT REVIEWS TO IDENTIFY WHAT CLIENTS VALUE IN THEIR LAWYERS AND LEGAL SERVICES.

OPERATIONALIZED THE **FOUNDATIONS FOR PRACTICE** SURVEY RESULTS BY DEVELOPING LEARNING OUTCOMES AND HIRING TOOLS TO SUPPORT THE EDUCATION AND DEVELOPMENT OF “WHOLE LAWYERS.”

REPRESENTED IAALS AT HIGH-VISIBILITY NATIONAL GATHERINGS FOCUSED ON LEGAL EDUCATION AND THE LEGAL PROFESSION.
There is a gap between what the legal profession and employers say they need in new lawyers and what they believe new lawyers have when they graduate from law school. In one 2015 survey, only 23% of practitioners believed that new lawyers had sufficient skills to practice. But if we want to address this gap, we need to know exactly what the profession believes new lawyers need. IAALS launched Foundations for Practice to find out.

In Phase One, we identified the foundations that entry-level lawyers need to launch successful careers in the legal profession. Our survey received over 24,000 valid responses from lawyers across the country; their responses underscored the value of characteristics, like conscientiousness, diligence, and common sense, alongside professional competencies and legal skills in new lawyers.

Now in Phase Two, we are putting the survey results to work by developing the tools needed to support measurable models of legal education and an employment market that values the “whole lawyer.”

Working with a learning outcomes expert and with law schools and employers, IAALS is organizing the 77 foundations identified as necessary immediately out of law school into a set of learning outcomes and establishing hiring tools to help identify job candidates who possess the desired characteristics, competencies, and skills.

We are moving from what the profession expects into how to get there, and hope that the beneficiaries will be law schools, students, employers, and legal consumers.
In Foundations for Practice, we asked lawyers across the country: what do lawyers need to be successful? This is a start toward improving the quality and diversity of legal services, but if we want the complete picture, we also need to understand: what skills and qualities do clients value in their lawyers? In IAALS’ Think Like a Client project, we aim to answer that important question by putting clients in the spotlight and giving voice to the needs and desires of legal consumers.

Thanks to a robust dataset cultivated by Avvo, an online legal services marketplace that connects people with lawyers and collects information consumers need to make informed decisions about legal services, we have access to a dataset of more than 800,000 client reviews of lawyers across the country and in a broad range of practice areas.

Tapping into the rich, narrative comments provided by clients about experiences with their lawyers, we are conducting a qualitative analysis of client reviews to fill the gap in our collective knowledge about what clients value in their lawyers. We will report these findings in 2018 and pursue recommendations to advance the quality of legal services and create opportunities for lawyers, other legal service providers, and, most importantly, legal consumers.
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 IAALS 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.

DONA PLAYTON
Director, Honoring Families Initiative

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Clerk of Court, Denver Juvenile Court
ACTION SNAPSHOTs

Engaged legal system stakeholders to develop strategic plans to broadly implement unbundled legal services by hosting a joint conference with the ABA Standing Committee on the Delivery of Legal Services.

Co-launched the Family Justice Initiative, a multi-year collaborative project to expand the work of the Conference of Chief Justices’ Civil Justice Improvements Committee to domestic relations cases.

Advanced the dynamic Court Compass project, which envisions user-friendly, streamlined, and accessible solutions that help people with divorce and separation issues through the court process.

Hosted a national group of family justice experts and sparked a robust dialogue and idea exchange on IAALS’ Out-of-Court Divorce Model and similar emerging efforts.

Showcased IAALS’ work at high-visibility family law gatherings across the country and internationally.
BETTER ACCESS THROUGH UNBUNDLING

A substantial number of litigants go through the court process without legal representation, but we know from our own research and others’ that these self-represented litigants have an overwhelming desire for legal advice and counsel. Matching litigants with the affordable legal help they need requires, in part, a new approach to how attorneys and other providers deliver legal services to litigants.

Limited scope representation—also referred to as unbundled legal services—holds promise as a way for legal practitioners to expand their service capacity while increasing access to justice for the many who badly need legal help. This model, however, has yet to gain traction in many states, and IAALS is on the forefront of driving the national conversation around how unbundling might be implemented more broadly.

In that effort, IAALS joined with the American Bar Association Standing Committee on the Delivery of Legal Services to co-host a two-day conference in October 2017. Better Access Through Unbundling: From Ideation to Implementation brought together more than 100 attorneys, legal services providers, legal educators, regulators, legal startups, and court representatives. These national authorities in law practice and legal innovation made actionable progress towards advancing the unbundling model and shared best practices, emerging solutions, and areas for collaboration across key stakeholders. Attendees participated in interactive working group sessions with those from like jurisdictions and returned to their home states with strategic plans to implement unbundled legal services.

The ABA Standing Committee is extending the conference’s impact through a dedicated website that will house the materials, presentations, and participants’ strategic plans.
Our 2016 Cases Without Counsel study of self-represented litigants yielded a number of powerful insights, foremost among them: most study participants could not afford an attorney, causing many to struggle as they navigated the court process. In consideration of these findings and other well-established data on self-representation, IAALS launched the Court Compass project to more deeply explore user-friendly, streamlined, and accessible solutions that help people through the court process even when they cannot afford or do not choose to hire a lawyer.

First, we held a 2016 convening on technology-enabled tools for litigants and released a comprehensive inventory and analysis of technology offerings designed to help self-represented litigants in courts around the country. Maturity models accompanied this compendium to guide and facilitate integrated court solutions. This research helped identify both existing court resources and existing opportunities for innovative system solutions.

As a next step to directly incorporate court users in the process of designing family justice system solutions, IAALS is partnering with Lois Lupica, Professor at the University of Maine School of Law, as well as with the country’s two most experienced legal design lab leaders: Margaret Hagan, Director of Stanford Law School’s Legal Design Lab, and Dan Jackson, Director of Northeastern School of Law’s NuLawLab. Through in-person design sprints that will launch in 2018, the Court Compass team will craft and test new processes and solutions in real time, and refine them based on user feedback. Court Compass is incorporating the perspectives of all court users: represented and unrepresented parties, attorneys, judicial officers, court personnel, and many others.

Informed by a solid understanding of court users’ needs, the project will develop solutions to redesign and simplify the divorce process, making full use of the existing technological landscape and emerging tools and technologies.
QUALITY JUDGES INITIATIVE

The Quality Judges Initiative at IAALS is the legacy project of United States Supreme Court Justice Sandra Day O’Connor (Ret.) and is dedicated to promoting models for choosing, evaluating, and retaining judges who are qualified and impartial, and who inspire public trust in our courts. In these political times, it is even more important for IAALS to propose ways for the judiciary to improve, support, and defend the judiciary as a whole, and keep politics from undermining the judiciary’s critical role.

O’CONNOR ADVISORY COMMITTEE

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Past President, American Bar Association
Partner and Founding Member, Maynard, Cooper and Gale, PC

**GOVERNOR CHRISTINE TODD WHITMAN**
New Jersey, 1994–2001

Malia Reddick
Manager, Quality Judges Initiative
PUBLISHED **TRANSPARENT COURTHOUSE REVISITED: AN UPDATED BLUEPRINT FOR JUDICIAL PERFORMANCE EVALUATION.**

DEFENDED THE RULE OF LAW BY CALLING OUT THE INCREASE OF ATTACKS ON AMERICA’S COURTS AND JUDGES.

ELEVATED THE CONVERSATION SURROUNDING THE U.S. SUPREME COURT VACANCY BY DISCUSSING THAT A JUSTICE SHOULD BE JUDGED ON HIS OR HER INTEGRITY, INTELLIGENCE, AND IMPARTIALITY.

PARTICIPATED IN A NEW COLORADO SUPREME COURT TRAINING VIDEO FOR JUDICIAL NOMINATING COMMISSIONERS.

PUBLISHED **JUDICIAL RECUSAL PROCEDURES: A REPORT ON THE IAALS CONVENING,** WHICH TWO STATES EMBRACED AND IMPLEMENTED IN PART.
In 2017, the Quality Judges Initiative published two influential reports. Transparent Courthouse Revisited: An Updated Blueprint for Judicial Performance Evaluation responds to the need for having an objective and nonpartisan way to evaluate judges’ performance. The report updates IAALS’ earlier work and identifies best practices and tools for designing and implementing judicial performance evaluation (JPE) programs that foster legitimacy in the eyes of the public and judges. The report puts forward a framework for states to craft their own programs within the context of different legal cultures and practices. Transparent Courthouse Revisited was shared with Colorado legislators who passed a bill reauthorizing the state’s JPE program and restructuring it in accordance with many of the report recommendations.

IAALS also released Judicial Recusal Procedures: A Report on the IAALS Convening. Questions about when judges should recuse themselves from hearing cases—usually because a party is doubtful of their ability to be impartial—have drawn renewed attention due to high-profile cases and closely divided U.S. Supreme Court decisions. As rules governing judicial campaign speech are relaxed, there is heightened need for states to embrace rigorous recusal procedures that deal with issues like conflict-of-interest concerns so that rulings are not clouded by any real or perceived perception of bias. This report offers recommendations to guide the judicial recusal process and thereby improve the public’s trust in judges and their rulings. The report does not address grounds for recusal, but rather focuses on the procedures by which recusal issues are raised and decided. Those procedures vary greatly in their scope, transparency, and requirements from one state to the next. IAALS’ recommendations seek to encourage a more transparent, fair, and timely recusal process and give states some examples to consider.
Courts often make decisions that are politically unpopular. But in our constitutional democracy there are legitimate and illegitimate, appropriate and inappropriate, productive and unproductive ways to respond to such decisions. Boxing the courts out of their constitutional decision-making role, or tying the hands of judges, is not the right response. That is why IAALS joined others in sounding the alarm about a growing and troubling pattern: partisan attacks on our courts are threatening the independence and perceived legitimacy of our judiciary and judges.

IAALS countered these attacks in defense of the rule of law and democracy itself. This year, at least 41 bills were introduced in 15 states that all but declared war on our courts by attempting to control the ways by which judges reach the bench, keep their positions, as well as by generally restricting courts’ jurisdiction and power. IAALS is dedicated to America’s system of checks and balances, and spoke out in the print and televised media. IAALS’ O’Connor Advisory Committee members also banded together on an Arizona Republic opinion editorial that criticized these trends.

IAALS is clear in its intent to protect the ability of all judges to make fair and final rulings. Heeding that message means that those of us who believe in democracy and the role of the courts must remain vigilant and outspoken, or we will continue to see an erosion of public trust and confidence in the courts.
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 at IAALS 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.

BRITTANY K.T. KAUFFMAN
Director, Rule One Initiative
ACTION SNAPSHOTS

CONTINUED THE THREE-YEAR CIVIL JUSTICE INITIATIVE IMPLEMENTATION PLAN IN COLLABORATION WITH THE NATIONAL CENTER FOR STATE COURTS.

DEVELOPED A SET OF FAIR LABOR STANDARDS ACT INITIAL DISCOVERY PROTOCOLS TO BE IMPLEMENTED BY INDIVIDUAL FEDERAL JUDGES.

KICKED OFF AN EMPIRICAL STUDY OF 10 DIVERSE U.S. DISTRICT COURTS FOCUSED ON SUMMARY JUDGMENT PRACTICE IN FEDERAL COURT.

HOSTED A CONVENING OF STAKEHOLDERS ON DISPOSITIVE MOTIONS, FOCUSED ON MOTION PRACTICE CHALLENGES AS WELL AS POSSIBLE SOLUTIONS.

WORKED WITH STATE AND NATIONAL COMMITTEES TO PROVIDE EXPERT ASSISTANCE AND INFORM CIVIL JUSTICE REFORM EFFORTS.
To address the current costs, delays, and complexity in our state courts, the Conference of Chief Justices (CCJ) unanimously adopted a series of recommendations in 2016 designed to secure the promise of justice for all. IAALS and the National Center for State Courts staffed and facilitated the CCJ Civil Justice Improvements Committee and are now hard at work helping states implement this “Call to Action.”

Now, under a $1M State Justice Institute grant, IAALS and NCSC are developing tools, providing education and technical assistance, evaluating demonstration projects, and hosting regional summits for state action teams. To kick off this effort, we jointly published Transforming Our Civil Justice System for the 21st Century: A Roadmap for Implementation, which guides states as they move from initial assessment to on-the-ground change. Following the Roadmap, we published a number of additional tools to assist states through this process.

States around the country are answering the call to reform. We are working with a select group of “roadmap states”—Idaho, Maine, Missouri, and Texas—to provide technical assistance and learn from their experiences as they embrace reform, ultimately publishing a set of case studies highlighting successes and lessons learned. At the Western Region Summit in May 2017, we worked with 15 states to craft specific plans for implementing the recommendations in their courts. IAALS and NCSC will host additional summits for the remaining four regions in 2018, along with providing individual technical assistance to support civil justice reform on the ground.

Judge Jennifer Bailey of the Circuit Civil Division in Miami said: “This is about leadership, which requires picking up the Conference of Chief Justice’s recommendations and putting them into action…. IAALS and NCSC are empowering the courts with the tools and support needed to facilitate a more responsive, effective, and affordable system of justice.”
With the goal of replicating the successes of our Initial Discovery Protocols for Employment Cases Alleging Adverse Action, IAALS facilitated the development of a new set of discovery protocols for Fair Labor Standards Act (FLSA) cases. Because of the nature of these cases and their prevalence in federal district courts, they lend themselves to pattern discovery and widespread impact.

The intent is to “encourage the parties and their counsel to exchange information and documents early in the case, help frame the issues to be resolved, and plan for more efficient and targeted discovery.” This pattern discovery has the potential to reduce costly law and motion practice and to effectively narrow disputed issues, as has been shown in the evaluation of the Employment Protocols by the Federal Judicial Center.

To develop these new protocols, with the support of a grant from the American College of Trial Lawyers, IAALS established a balanced committee comprised of highly experienced attorneys who regularly represent plaintiffs or defendants in FLSA matters. The committee worked diligently in 2017 to produce a set of pattern discovery requests for FLSA cases not pleaded as collective actions, along with a corresponding Model Standing Order and Interim Protective Order. The protocols were presented to the Civil Rules Advisory Committee at its November 2017 meeting. With the Rules Committee and Federal Judicial Center’s support, the protocols are being implemented by individual judges in courts around the country.
STRATEGIC PARTNERSHIPS & DEVELOPMENT

Philanthropic partners and donors ensure our mission advances every day. To all those who share our vision of a legal system that serves all people by being fair, reliable, efficient, and accountable, thank you for your commitment and investment.

PARTNERSHIP

[pahrt-ner-ship]  
noun

The start or condition of being partner; participation; association; joint interest.

• The relation subsisting between partners.
• The contract creating this relation.
• An association of persons joined as partners in business.

Carol J. Miller  
Director of Strategic Partnerships
$100 can provide materials for a Court Administrator participating in an IAALS event to return home armed with an implementation plan.

$1,000 covers travel expenses so that a judge may attend an IAALS convening, raise their voice, and directly impact our work.

$10,000 sponsors a DIALOGUES convening of experts on matters of national import.

$100,000 provides funding to address high-priority system-wide challenges, diagnostic research, and initial project planning.

$1,000,000 is a transformative philanthropic investment that instills vision and provides the research, planning, and execution to effect change in the delivery of justice and the delivery of legal services.
At our 10th Annual Rebuilding Justice Award Dinner, IAALS celebrated and honored El Pomar Foundation, William J. Hybl, and Kyle H. Hybl for their generous support of our DIAALOGUES series of convenings.

These groundbreaking gatherings have helped expand the impact of IAALS’ work on a national scale. DIAALOGUES are a hallmark of our process and bring together key stakeholders to forge practical solutions to the most pressing challenges in today’s legal system.

The night drew a record number of attendees and featured an engaging and inspiring keynote from Richard N. Baer, Chief Legal Officer of Liberty Media Corporation and a former member of the IAALS Board of Advisors. His remarks centered on forging consensus and dialogue in a world filled with contrasting opinions, and how IAALS expertly bridges this gap and therefore speaks with a credible, confident voice.
Our member organizations are essential partners at IAALS. The Business Leadership Network and Law Firm Council provide critical support—intellectually and financially. They help us identify emerging issues and provide thought leadership on our work as it evolves.

**BUSINESS LEADERSHIP NETWORK**

“The November 2017 IAALS convening on Summary Judgment offered a judgment-free, idea-sharing atmosphere where judges, practitioners, corporate in-house lawyers, and academics representing disparate viewpoints came together to brainstorm and develop practical yet innovative ideas to improve our civil justice system. IAALS regularly provides Ford Motor Company with opportunities to share its perspective and actively engage in the betterment of the bar/bench.”

BRITTANY SCHULTZ
In House Counsel, Ford Motor Company

**LAW FIRM COUNCIL**

“The exposure practicing lawyers get to the deep thought that goes into IAALS’ work is beneficial to them and it is beneficial to IAALS to hear their opinions. Through Law Firm Council, lawyers have a platform to express their thoughts on an issue that they may not otherwise be able to weigh in on and that freedom may be a function of IAALS being nonpartisan and non-ideological.”

JOHN MOYE
Founding Partner, Moye|White LLP
“The Rule of Law and the law itself is not perfect, but IAALS is here to make it better. Under its current leadership and staff, IAALS’ commitment to the United States Constitution and to upholding the Rule of Law is a beacon of hope for our nation.”

B. LaRae Orullian
Retired Chair of Blue Cross/Blue Shield, Frontier Airlines, Women’s Bank; Former National President, Girl Scouts of the USA
GIFTS $1,000 TO $9,999
ARAG Legal Insurance
Avvo, Inc.
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Molson Coors Brewing Company
Shell Oil Company
State Justice Institute
The Sturm Family Foundation
U.S. Chamber Institute for Legal Reform
Diane and Marshall Wallach
The William and Flora Hewlett Foundation

EVERY GIFT MATTERS.
EVERY GIFT COUNTS.
EVERY GIFT FURThERS THE PURSUIt OF EXCELLENCE IN THE LEGAL SYSTEM.

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MARCUS W. REINKENSMEYER  
Director of Court Services, Administrative Office of the Courts, Arizona Supreme Court
IAALS benefits tremendously from the wisdom, experience, and counsel of nationally recognized experts from the legal, academic, and business professions who comprise our Board of Advisors. Our Board provides insight and recommendations for IAALS as a whole, as well as for initiatives and projects. We thank them for their dedication and for helping us achieve our mission.

Daniel L. Ritchie
Chancellor Emeritus, University of Denver

Judge Lee H. Rosenthal
United States District Court for the Southern District of Texas, Houston Division

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Managing Partner, Cody Resources Management LLC

Russell Wheeler
President, Governance Institute Visiting Fellow, The Brookings Institution

Francis M. Wikstrom
Shareholder, Parsons Behle & Latimer

Judge Jack Zouhary
United States District Court for the Northern District of Ohio, Western Division

Board of Advisors
Now that you’ve seen all that we’ve accomplished together in 2017, we want to entice you with visions of what we will be doing in 2018.

- We will continue our work in civil justice reform and family justice reform, and will hopefully be part of more and more momentum in the courts toward solutions that meet litigants’ needs.

- We will continue working with law schools and employers to bridge the gap between what employers need and what law students are learning.

- We will begin exploring issues around the reregulation of the legal profession: is the Bar Exam doing its job in identifying lawyers who are ready to serve clients? Are the regulatory constraints that the profession has imposed on itself working to the benefit of the public—and if not, how should they change?

And, watch for us to delve into a new public trust and confidence project, because we are worried. We are worried that the legal system is losing ground in the minds and hearts of Americans, and that cannot be allowed to happen. Our work concentrates on how the courts can do a better job, how judges can be more excellent, and how legal services can be delivered in ways that better meet the needs of the public. At the same time, we stand strong in defending the independence and importance of the courts. In these political times, we must both work to improve and simultaneously support and defend our legal system. Borrowing from a true superhero, Patrick Henry, and amending his words a bit: we may disapprove of a court ruling, but we must defend to the death the right of the courts to make those rulings and to have a society that abides by them.

We at IAALS are armed and ready to jump into action wherever the American legal system is at risk. We will sound the call, and you—the superheroes from around the country—will heed that call and join us in finding solutions.

Onward!
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.

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: an accessible, fair, reliable, efficient, and accountable legal system that inspires trust.