

IMPACT THROUGH PARTNERSHIP



2007 ANNUAL REPORT



Institute for the Advancement of the American Legal System

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Executive Vice President, American Judicature Society
- Dennis E. Jontz**
Partner, Lewis and Roca LLP



Welcome and thank you for your interest in learning about our journey as we round the corner on our second year. It is difficult for me to believe that another year has come and gone so quickly. So much has happened since I last spoke to you from the pages of our first Annual Report that the task of describing the intervening months has felt somewhat daunting. And so, I decided to ask for help.

It occurred to me that the people we have worked with in 2007 might bring a special insight to this retrospective, because each views the civil justice reform universe through his or her own unique prism. We asked an array of judges, lawyers, litigants, peer organizations and media to share their thoughts about the issues IAALS has focused on. You will hear some of their voices in the pages that follow. What didn't occur to us was that the process of gathering their input would somehow change us.

We have always appreciated the importance of partnership in our endeavors as a young organization, but in reviewing the words of the 20 individuals featured in this publication that appreciation has deepened. While we are proud of our work of the past year, we truly understand that any success we claim comes as a result of connection and collaboration with those who walk this path with us.

But the road ahead is far from straight and sure. As the 21st century continues to unfold, it is disturbing that the concept of a transparent, fair and cost-effective civil justice system is unfathomable to many Americans. Public cynicism toward our judiciary is on the rise and ballot initiatives that seek to tap that vein of discontent are surfacing with increasing regularity.

I believe that we are at a turning point in our history, a critical juncture that could bring a steeper slide into public disillusionment or a season of renewed commitment to constructive reform. The challenges ahead are formidable, but so is the dedication and talent of those who choose to work for change on a daily basis. Now, join me in meeting some of those dedicated individuals and learn more about our work along the way.

Sincerely,

Rebecca Love Kourlis
 Executive Director

As our inaugural year of 2006 drew to a close, we received gratifying, widespread recognition for our very first publications—companion reports on the state of judicial performance evaluation in the United States—entitled, *Shared Expectations: Judicial Accountability in Context* and *Transparent Courthouse™: A Blueprint for Judicial Performance Evaluation*. We also assumed a national leadership role on the issue of increasing attacks on the judiciary by successfully urging media to report on the spate of ballot amendments that would have term-limited, recalled and even jailed judges. And we began to speak to audiences of judges, lawyers, litigants and business people about our mounting concern that escalating cost and delay in the legal system was eroding trust and confidence in our courts.

Transitioning into 2007, IAALS would deepen its commitment to the issue of judicial performance evaluation (JPE) by working closely with decision makers in various states, who sought to reform their process. Our public education efforts—through speeches and presentations—on this issue and on the subject of judicial independence also accelerated in 2007. In the area of civil justice reform, we began to investigate the impact of electronic discovery on an already burdened legal system. And, we would also expand our portfolio of core issues to include judicial selection.

The following report provides an overview of our work in these four core issue areas. We are also very pleased to include invaluable input from many of our colleagues who have enriched our efforts by sharing their insights and expertise with us.

CIVIL JUSTICE REFORM

2007 CIVIL JUSTICE REFORM SUMMIT



From left to right, Summit participants are Daniel Ritchie, Lord Woolf, E. Osborne Ayscue, Jr., and Judge Deanell Reece Tacha.

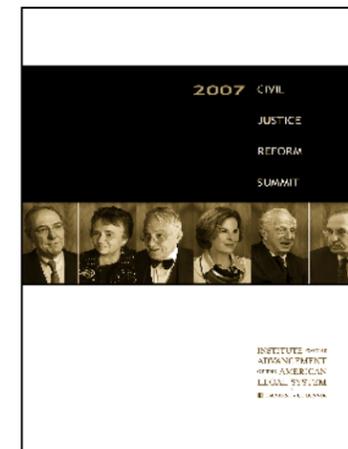
2007 Civil Justice Reform Summit Participants

- Wisconsin Supreme Court Chief Justice *Shirley S. Abrahamson*
 - Helms, Mulliss & Wicker Of Counsel *E. Osborne Ayscue, Jr.**
 - Colorado Supreme Court Justice *Michael L. Bender**
 - Anschutz Company Executive Vice President and General Counsel *Bruce F. Black*
 - Colorado Chief Judge *Janice Davidson*
 - Tenth Circuit Court of Appeals Judge *Neil M. Gorsuch*
 - National Center for State Courts Vice President *Daniel J. Hall*
 - University of Denver Sturm College of Law Professor *Sheila Hyatt*
 - University of Denver Sturm College of Law Dean *Jose Roberto Juarez, Jr.**
 - Oregon Circuit Court Judge *Henry Kantor*
 - Attorney and Chair of Federal Rules of Civil Procedure, American College of Trial Lawyers *Chris Kitchel*
 - Rothgerber, Johnson & Lyons LLP Senior Partner *James M. Lyons**
 - Senior District Judge *Richard P. Matsch* U.S.D.C. District of Colorado*
 - Moyer White LLP Founding Partner *John E. Moyer**
 - Colorado Supreme Court Chief Justice *Mary Mullarkey*
 - Snell & Wilmer Attorney *Neil Peck*
 - University of Denver Chancellor Emeritus *Daniel L. Ritchie**
 - University of Denver Sturm College of Law Professor *Joyce Sterling*
 - Tenth Circuit Court of Appeals Judge *Deanell Reece Tacha*
 - Cody Resources LLP Executive Vice President, Treasurer and Director *Diane Gates Wallach**
 - Missouri Supreme Court Justice *Michael A. Wolff*
 - The Right Honourable *Lord Woolf of Barnes*
- *IAALS board member

In April, IAALS hosted a high-profile gathering of respected justices, judges, lawyers, business leaders and academics at the inaugural *2007 Civil Justice Reform Summit*. The Right Honourable Lord Woolf of Barnes—architect of civil justice reforms in England and Wales—provided an overview of his successful reform efforts of the late 1990s. Dan Hall of the National Center for State Courts presented civil justice reforms in Singapore, Judge Henry Kantor described unique approaches to civil procedure in the Oregon system and Colorado Justice Michael Bender showcased that state's simplified civil procedure process.

The goal of the Summit was to identify many of the most serious problems plaguing the U.S. civil justice system and to provide a unique forum in which to brainstorm possible solutions.

In the aftermath of the event, IAALS published a well-received *2007 Civil Justice Reform Summit* report and event video.



To download a PDF copy of the "2007 Civil Justice Reform Summit" report or to view the event video, please visit the IAALS Web site: www.du.edu/legalinstitute.



The Right Honourable Lord Woolf of Barnes Former Lord Chief Justice of England and Wales

The system has been growing for a long period of time and nobody has said, "is it fit for the 21st century?" sufficiently loudly.

Some of the things I was promoting when I was doing my reforms in the beginning were really thought to be an anathema. But once they had experience of it, once they realized it would happen and they adjusted to it happening, they became very comfortable with it. And they would not think of going back now.



Justice Michael A. Wolff Supreme Court of Missouri

I think the public understands us better when we're very honest about acknowledging our problems. And I'm quite optimistic. I think that we have the capacity—the human capacity, the intellectual capacity to meet these problems—both with the legal profession and with the judiciary. We have to work together on these things.



Chief Justice Shirley S. Abrahamson Wisconsin Supreme Court

We're working hard everywhere to improve the system. That doesn't mean it's going to be improved overnight, but I think the Chief Justices and the judges around the country are trying very hard.

Whether it's more timely settlement of disputes, or it's costly settlement of disputes—we're looking at all of these things—and should. And even as we improve we'll have to continue to improve.

CIVIL LITIGATION REFORM PROJECT

The decision to launch this project came as a direct outgrowth of the substantive discussions and collaborative spirit that permeated proceedings during our *Civil Justice Reform Summit*. In the fall of 2007, IAALS agreed to collaborate with the American College of Trial Lawyers Task Force on Discovery to undertake a research project to identify and quantify the problems associated with delay and disproportionate cost in the U.S. civil justice system.

The project, which will begin in 2008, will examine the interrelationship between the Federal Rules of Civil Procedure and burgeoning cost and delay in the system. The ultimate goal of this initiative is to contribute to a transformative process that will ultimately lead to a civil justice system that is more widely perceived as affordable, transparent, consistent and predicated on a search for the truth rather than on leveraging settlement or time to disposition.



Paul C. Saunders
Partner, Cravath, Swaine & Moore LLP, Chairman of ACTL Task Force on Discovery

In 2007, the American College of Trial Lawyers, (ACTL) an organization of leading trial lawyers in the United States and Canada, created a Task Force on Discovery to examine whether discovery in civil litigation was becoming so costly and burdensome that it was contributing to the excessive costs and delays in civil litigation generally. In fulfilling its mandate, the College's Task Force is working in close collaboration with IAALS, which is studying costs and delays in civil litigation generally. The Task Force and IAALS are attempting to obtain quantitative data relating to the efficiency of the civil justice system that will help identify elements that lead to excessive cost, delay and dissatisfaction.

Results of those data collection efforts will inform the work of the College's Task Force.

LEGAL REFORM ORGANIZATION OF THE YEAR



Lisa Rickard (left) and Rebecca Love Kourlis (right) at award ceremony.

In the fall of 2007, Executive Director Rebecca Love Kourlis was pleased to accept the U.S. Chamber of Commerce award for *Legal Reform Organization of the Year* during a ceremony in Washington D.C. The award was presented by U.S. Chamber Institute for Legal Reform President Lisa Rickard in recognition of our work to improve America's legal system.



The award ceremony was the lead story in *Transparent Courthouse™ Quarterly*, the IAALS e-newsletter launched in 2007.

NEW MEXICO CIVIL JUSTICE REFORM

IAALS leadership worked with the civil justice reform community in New Mexico throughout the year to provide it with research and policy recommendations as it began the process of evaluating innovative civil justice reforms.



Dennis E. Jontz
Partner, Lewis and Roca LLP
Immediate Past President,
State Bar of New Mexico

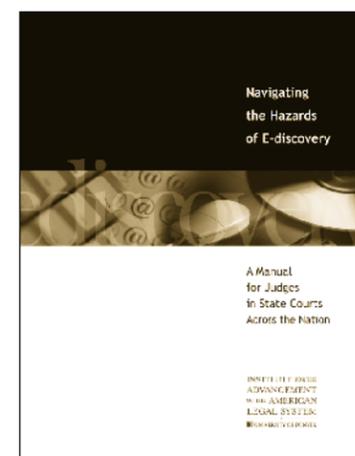
Judicial independence can sound academic and illusive during a practicing lawyer's busy day. However, many lawyers do appreciate the importance of it and want to promote it. IAALS provides a superb resource for lawyers around the country volunteering their time to promote judicial independence and judicial advancement in general.

In New Mexico, the Judicial Advancement Committee is specifically working on a Civil Rules of Procedure recommendation to help the courts become more efficient and accessible. We are looking at dramatic and meaningful changes that may necessarily generate controversy. We believe that efficiency will increase court credibility and create a better atmosphere to propose other meaningful improvements.

Whenever we have a question about how to draft something or need issue research, the Institute is always in a position to say, "We have already done that and will provide it to you immediately." If we had to do all of the research and preparation on our own without the assistance of the Institute, not only would we not make progress, but our volunteers might be less motivated to continue this important work.

E-DISCOVERY

IAALS initially decided to investigate the impact of electronically stored information—or ESI—on our courts, lawyers and litigants because of the increasingly loud buzz that was filtering in from our network of colleagues around the country. As our research progressed, we formed a virtual advisory group of lawyers, clients, judges and technologists to aid us in comprehending the depth and breadth of this highly complex issue. In spring 2007, we released *Navigating the Hazards of E-discovery: A Manual for Judges in State Courts Across the Nation*. The release of the report was showcased in a story in *The Economist* magazine, which ultimately resulted in requests for the report from more than 170 major corporations, law firms and other businesses in the U.S. and abroad.



To download a PDF copy of this report or to read "The Economist" story, please visit the IAALS Web site: www.du.edu/legalinstitute.



Rich Baer Executive Vice President & General Counsel, Qwest

There is no question that e-discovery has emerged as an issue of utmost importance to U.S. businesses because of its complexity and the potential for legal risk and cost. It also seems clear that the potential for cost and delay attributable to e-discovery has caused tremendous anxiety in the marketplace. The Institute's report is a terrific distillation of a very complex subject that has helped to bring clarity to an issue that is evolving at a very rapid pace. IAALS is developing impressive expertise in this area and its future contribution to this dialogue will undoubtedly be significant.



John P. Frantz Vice President & Associate General Counsel, Verizon Communications

The report on electronic discovery prepared by IAALS for state court judges is one of the best documents I have read in the crowded field of electronic discovery literature. It describes the problems and issues in this complex area with accuracy and clarity and is written in a way that makes technical concepts accessible to readers without a technical background. Electronic discovery is a critical issue for the judicial system, because rising electronic discovery costs risk making many types of disputes unsuitable for resolution through the courts. The Institute's efforts to assist the judiciary in understanding this critical area are a vital public service.



Magistrate Judge James K. Bredar U.S. District Court for the District of Maryland

Discovery costs in this electronic age can be staggering, and those charged with keeping the litigation process fair and accessible are at a crossroads. The scale of a case should determine the scale of permitted discovery. The expense of discovery has become a barrier limiting access to the courts. This is a threat to the rule of law. We now must bite the bullet and impose reasonable limitations on electronic discovery in smaller cases, accepting that by doing so we are, in the odd case, foregoing the opportunity to find needles in haystacks that may be dispositive. If we must choose between "access to the process" and "a perfect process," I choose access.

IAALS is asking the right questions, the hard questions. They are pushing the legal profession (and its clients) to confront the truly difficult questions raised by technological advancement and the growing volume of electronically stored information. I support the Institute's effort to investigate these issues and to help us make the right compromises.



Malcolm E. Wheeler Partner, Wheeler Trigg Kennedy LLP

Before the advent of e-discovery within the last few years, the cost of "ordinary" discovery had become so great that Rule 26 of the Federal Rules of Civil Procedure was amended no fewer than three times—in 1983, 1993, and 2000—in attempts to induce federal judges to limit discovery in a variety of ways. The advent of e-discovery has magnified the problem by orders of magnitude. The manual prepared by IAALS entitled "Navigating the Hazards of E-discovery" provides to judges, practicing lawyers and litigants a superb, concise description of some of the most pressing problems created by e-discovery, a summary of the primary ways in which courts have grappled with those problems and helpful suggestions for making further progress. It is a must-read tool for anyone having to cope with e-discovery problems or anyone interested in trying to help the judicial system address the problems in an effective, balanced way.

2007 TRANSPARENT COURTHOUSE™ AWARD

In fall 2007, IAALS held its first annual Transparent Courthouse™ Award dinner and ceremony in honor of United States Supreme Court Justice Sandra Day O'Connor (retired). The award is given to an individual, organization or court that is working to improve the United States legal system. IAALS Executive Director Rebecca Love Kourlis introduced Justice O'Connor during a dinner attended by Colorado Governor Bill Ritter, American Bar Association President-Elect, Tommy Wells, and leaders from the judicial, legal and academic community in Colorado and throughout the nation.

Justice O'Connor—who addressed the guests—concluded her remarks with a personal plea: "I hope you will help in the efforts to preserve the intent of the framers of our Constitution to protect judicial independence and to educate every generation of students about why we need it and what our courts do."

There was extensive coverage of the event and Justice O'Connor's visit to the campus of the University of Denver. To view full news coverage please visit our Web site at www.du.edu/legalinstitute.



Justice O'Connor (left) receives the Transparent Courthouse™ award from IAALS Executive Director Rebecca Love Kourlis (right).

AP Associated Press
O'CONNOR STRESSES IMPORTANCE OF INDEPENDENT JUDICIARY

DENVERPOST
A LESSON IN JUSTICE

Rocky Mountain News
JUDGES, COURTS UNDER FIRE, O'CONNOR SAYS

DENVERPOST
O'CONNOR A BENCHMARK FOR HUMANITY



Justice Sandra Day O'Connor (ret.) U.S. Supreme Court

It is an honor to be the first recipient of the Institute's Transparent Courthouse™ Award. I am pleased that the Institute has joined me and so many others in the important work of educating all Americans about the role and relevance of a strong judiciary in all of our lives.

SPEECHES: TAKING CENTER STAGE TO EDUCATE THE PUBLIC

Our Executive Director Rebecca Love Kourlis made 21 speeches throughout the United States on a variety of topics, but woven through nearly all of her presentations was the common thread of concern that Americans were becoming increasingly disenchanted with their courts and the people who serve them. And this public dissatisfaction was manifesting in support for punitive ballot initiatives that sought to punish judges.



IAALS Executive Director Rebecca Love Kourlis delivers a speech to the American College of Trial Lawyers entitled, "America's Courts Under Siege."

In remarks at the American College of Trial Lawyers Annual Meeting, she asserted, "The public support for extreme 'fixes' to the system represents the voice of people who are very dissatisfied with the courts. My observation is that their dissatisfaction does not stem from a concern that the courts are 'activist' but quite simply from a concern that the courts do not serve them."

IAALS has assumed a national leadership role to educate the media and the public about the true role and relevance of the courts in our lives.



Bill Mears Senior Producer, CNN

Helping our viewers understand

and appreciate the importance of our judiciary can present challenges, especially for a medium like television that reports on often camera-shy courts. CNN has worked hard to shine light on the legal system, not only on what judges say in the courtroom, but also what many say on the campaign trail. Justice Kourlis and the Institute have been an invaluable resource to me, offering expertise and clarity over a range of issues aimed at fostering public confidence in our courts.

JUDICIAL PERFORMANCE EVALUATION



The response to our first two publications on the subject of judicial performance evaluation (JPE) has been widespread and sustained. Since their release, jurisdictions from nearly every state have contacted us to obtain copies of these reports. And nearly 350 copies have been downloaded from our Web site. We have been gratified by the appreciation of our work, as expressed by states that have specifically cited our reports as an important source of information. Officials in Florida, Massachusetts, Minnesota, New Hampshire, New Mexico and North Carolina have all commented—verbally or in writing—about the value of our expertise in this arena.

Additionally, a number of states have contacted IAALS staff to request specific input about establishing or improving the judicial performance evaluation process in

their area. In response to this feedback, IAALS established a JPE working group in August 2007, to provide an on-going forum for the many jurisdictions seeking information and guidance. And IAALS has continued to secure editorial interest in this issue with stories in respected publications including the *The National Law Journal* and *Judicature*.

IAALS has also provided public policy recommendations in its work with decision makers in Colorado and Utah. In both states, IAALS leadership has offered testimony before legislators, who have incorporated their views into proposed statutes.*

**In March 2008, Utah governor John Huntsman signed a new JPE statute into law. As of this annual report publication date of April 2008, Colorado legislators were finalizing an improved JPE statute.*



Senator Greg Bell Utah State Senate

Utah has had a judicial retention election system since the mid-1980s. Our Judicial Council evaluated judges standing for retention. Some questioned whether "judges should be judging judges". But we didn't know how to improve our system. Fortunately, we heard of the Institute's work and its leadership helped us enormously in developing our final recommendations. The legislature ultimately passed a bill to create a permanent Judicial Retention Evaluation Commission, with members appointed by the Governor, the Senate President, Speaker of the House and the Supreme Court. The bill outlined the general criteria the Commission should apply in evaluating judges and specified the format for presentation to the public.*

The independence of the Commission and improved public information about judicial evaluations insure retention elections that will aid in improving public confidence in the judiciary. We have the Institute to thank for its balanced and thoughtful input.

**The Utah bill passed on March 17, 2008.*



Chief Justice John T. Broderick, Jr. New Hampshire Supreme Court

I believe in the value of individual judicial performance evaluations and in the need for such evaluations across the court system. They increase public confidence and improve judicial performance. I intend to propose to my colleagues on the New Hampshire Supreme Court that we consider individual performance evaluations by the bar and the public for each of us.

In a time of growing public cynicism, we need to be as transparent as possible, consistent with our responsibilities. I believe individual judicial evaluations would enhance public confidence in our accountability and assist judges to improve performance.

They call us judges, but we are really public servants. Our best ally is public trust and confidence. Without it, we will lose support. To the extent we build the walls higher and the moats wider, the more cynical the public will become. Sunlight and openness purify.

The work done by the Institute for the Advancement of the American Legal System has been of value to our court and, in my judgment, is of the highest quality.



L. Neal Ellis, Jr. Partner, Hunton & Williams LLP

The North Carolina Bar Association started studying JPE about three years ago. The Committee, which I chair, prepared a report and recommendations which the NCBA Board of Governors then approved. We started to implement a pilot program that includes a statewide survey by all North Carolina attorneys of our superior court and district court judges. It also includes a test of comprehensive JPE procedures in two of our judicial districts. Eventually we expect the evaluation process to extend to our appellate bench. We have also selected a JPE committee made up of eminent retired judges (including two former Supreme Court justices), lawyers and lay people, which will prepare evaluation summaries and ratings for our judges.

IAALS reports on judicial performance evaluation played a major role in the NCBA's decision to move forward with a JPE program.



Gale T. Miller Partner, Davis Graham & Stubbs LLP, Chair, Colorado Judicial Institute (CJI) Board

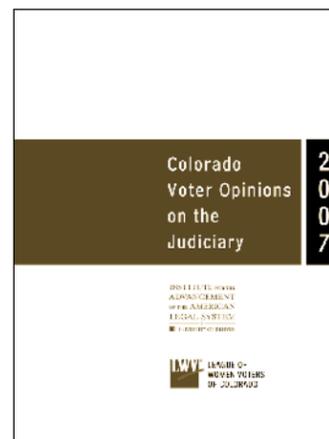
CJI has worked for well over a year with IAALS in the effort to renew and improve the state's judicial performance evaluation ("JPE") legislation. IAALS consistently provided insightful and innovative concepts and also drafted detailed statutory criteria and other language that will result in a substantially enhanced Colorado JPE statute.

JUDICIAL SELECTION

IAALS has continued to speak out against the trend in sky-rocketing judicial campaign contributions and sensational advertising that has become the hallmark of too many judicial elections in the U.S. Our executive director has made this issue the centerpiece of many national speeches, and IAALS will continue to dedicate staff resources to educating the public about this important issue. With this in mind, we have proactively reached out to major media outlets to solicit stories and have received substantive coverage.

Our education initiatives in this area have also involved collaboration with a number of highly respected organizations. We were pleased to partner with The League of Women Voters of Colorado Education Fund on the 2007 *Colorado Voter Opinions on the Judiciary* project.

The survey key findings—which were covered in the news and opinion pages of the Denver Post—indicated that voting blind in judicial retention elections in Colorado is commonplace and that proponents of punitive ballot initiatives—like term-limits—are significantly more likely to say they don't understand how our courts work. And Denver Post editors have agreed to work with IAALS to develop further coverage, as a public service to voters in the run-up to the general election in 2008.



To download a PDF copy of this report, visit the IAALS Web site: www.du.edu/legalinstitute.



Mary G. Wilson President, League of Women Voters of the United States

The League is proud to have co-sponsored this important initiative that highlights the great need, in Colorado and around the country, for public education about the crucial role the judicial branch of government plays in our democracy. In this important election year, we look forward to promoting public awareness about the importance of the judiciary and to ensuring that all voters have information they need to make informed choices about judicial candidates.



Flodie Anderson Former President, Colorado League of Women Voters

The key findings of the "Colorado Voter Opinions on the Judiciary" survey forcibly demonstrated that voters are woefully uninformed about the workings of the judiciary and that much more must be done to educate them about the process. IAALS brought tremendous credibility and stature to this project, and we look forward to partnering with them in the near future on other significant initiatives.



From left to right, Texas Representative Myra Crownover, New York State Senator John DeFrancisco and IAALS Executive Director Rebecca Love Kourlis

We also appreciated the opportunity to co-host a panel, with the American Judicature Society, on the topic of judicial selection entitled, *The Politics of Choosing Judges* at the National Conference of State Legislatures Legislative Summit. We assembled a stellar group of participants, including Texas Representative Myra Crownover, Alabama Supreme Court Justice Harold See, New York State Senator John DeFrancisco and Dr. Rachel Paine Caufield, Research Fellow to the American Judicature Society Hunter Center for Judicial Selection. The panel—chosen as a "top ten" forum out of more than 200 policy sessions—was attended by an engaged audience of legislators from around the U.S. IAALS also produced a video of the event. To view the event video please visit the IAALS Web site: www.du.edu/legalinstitute.



Record Campaign Spending in Pennsylvania High Court Race



The U.S. Supreme Court is Examining How Judges are Elected



JUDGING POLITICS: Experts Say that Expensive Elections are Reason for Americans' Skepticism about Courts



Representative Myra Crownover Texas House of Representatives

I was pleased to accept Justice Kourlis' invitation to participate in the "Politics of Choosing Judges" panel because the debate over how we choose judges in America has become so important. Our discussion underscored major differences of opinion among the panelists but we all agreed on one thing—that we must all do our part to educate the public about what's at stake. Our citizens have become increasingly cynical toward the judiciary and the emergence of multi-million dollar judicial campaigns and misleading advertising will surely do little to assuage those concerns. It also seems inevitable that the rhetoric fueling the headlines on this subject will become even more heated as we approach the 2008 elections. It was a pleasure to participate in a forum that featured thoughtful and balanced discussion of this very complex issue. I applaud the Institute for making this topic a priority and for providing a platform for its serious discussion.



William T. Pound Executive Director, National Conference of State Legislatures

NCSL has worked with IAALS to provide state legislators information about alternatives in judicial selection and assist their work on this important question which frequently faces legislatures. A panel on judicial selection was held at the 2007 Legislative Summit.

Judicial selection has become a front-burner issue in states across the nation and so the timing of our collaboration was critical. And these educational outreach efforts will no doubt prove invaluable to legislators and their constituents as Americans look ahead to the general election in 2008.



Seth S. Anderson Executive Vice President, American Judicature Society

As more states experience highly polarized and expensive judicial campaigns, we are seeing a resurgence of interest in commission-based appointive systems and other improvements to existing methods of selecting judges. The American Judicature Society is pleased to partner with IAALS to educate state policymakers about trends in judicial selection and research-based reform options.

As this publication went to press, an ambitious schedule of continuing and new projects was already well underway. The following overview provides a brief summary of those plans and references two new core issue areas: civil case management and domestic relations.



CIVIL JUSTICE REFORM

Based on the response to our initial work on e-discovery, it is evident that demand for more information on this issue is growing. Interest in this topic also provides a natural springboard into investigation of the overall costs of litigation. Our future plans include:

- two new e-discovery publications;
- IAALS Civil Litigation Reform Project in collaboration with the ACTL Task Force on Discovery;
- on-going collaboration with decision makers in New Mexico to support their civil justice reform process;
- proactive solicitation of media coverage, speeches and presentations.

JUDICIAL INDEPENDENCE

Because it is expected that punitive ballot initiatives aimed at our nation's judges will resurface during the 2008 general election, IAALS is committed to supporting thoughtful and substantive discussion of this critical issue. Our future plans include:

- proactive solicitation of media coverage, speeches and presentations;
- 2008 Transparent Courthouse™ Award Dinner to be held in October 2008.

JUDICIAL PERFORMANCE EVALUATION

Our commitment to strengthening America's judiciary through recommendations to enhance accountability and transparency will continue unabated in 2008. Our future plans include:

- collaboration with states seeking JPE program development support;
- development of policy recommendations for states that are considering reform of their process;
- proactive solicitation of media coverage, IAALS-authored articles, speeches and presentations;
- signature IAALS-sponsored conference;*
- research on the effectiveness of state JPE programs.

*Conference is scheduled for August 2008.

CIVIL CASE MANAGEMENT

We believe that identifying the factors that produce the most timely determination and disposition of civil actions in the federal system is an important piece of the bigger civil justice reform puzzle. Our future plans include:

- analysis of docket data from nearly 8,000 civil cases from eight federal district courts;
- publication of key findings;
- proactive solicitation of media coverage, speeches and presentations.

JUDICIAL SELECTION

In 2008, 21 states will hold contested Supreme Court elections; hence, interest in this issue by the media and public will be especially high. We intend to leverage that interest to educate the public. Our future plans include:

- release of an educational publication—in partnership with the American Judicature Society—to explain the different selection methods and provide the context for reform efforts;*
- proactive solicitation of media coverage, speeches and presentations;
- development of policy recommendations for states that are considering reform of their process.

**Judicial Selection in the States: How it Works, Why it Matters* was published in February, 2008.

DOMESTIC RELATIONS

Because domestic relations cases represent a significant portion of the work of our courts, we have decided to investigate the sources of delay and cost in this arena. Our future plans include:

- gathering existing and new empirical and anecdotal data that identifies the sources of cost and delay in the handling of domestic relations disputes;
- development of a best practices model for the processing of divorce cases.

STAFF

Over the past year, IAALS has experienced a healthy growth spurt in its staff and board member ranks. During our first year of operation, we were fortunate to attract highly experienced senior professionals from the legal, judicial and journalism fields. But as we entered our second year, it became clear that in order to support our growing agenda, we needed to establish some important new positions. We added two research positions, one operations position and one marketing & communications position to our organization.*

**two research analyst positions were added—one in March 2007 and one in January 2008; one project manager position was added in January 2008; one manager of marketing & communications position was added in February 2008.*

Leadership



Rebecca Love Kourlis
Executive Director



Pamela A. Gagel
Assistant Director

Research



Jordan M. Singer
Director of Research



Michael Buchanan
Research Analyst



Jason Prussman
Research Analyst

Marketing & Communications



Dallas Jamison
Director of Marketing & Communications



Erin Harvey
Manager of Marketing & Communications

Operations



Patricia Daly
Project Manager



Hilary Watt
Office & Development Manager

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We are very pleased that Frank Broccolina, the State Court Administrator of Maryland, Dr. Walter Sutton, Associate General Counsel of Wal-Mart Stores Inc., William Norwood of Pope, McGlamry, Kilpatrick, Morrison & Norwood LLP, and Daniel Girard of Girard Gibbs LLP have agreed to join the IAALS board.* Their credentials further enhance the impressive depth of expertise and commitment represented by this dedicated group of individuals.

**Frank Broccolina joined the board in 2007; Dr. Walter Sutton joined the board in February of 2008; William Norwood and Daniel Girard joined the board in April of 2008.*

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President, Governance Institute and Visiting Fellow, the Brookings Institution and former deputy director, Federal Judicial Center

In addition, Senior District Judge **Richard P. Matsch** of the U.S. District Court for Colorado serves as a consultant.



The Institute for the Advancement of the American Legal System (IAALS) is a national, non-partisan organization, dedicated to improving the process and culture of the civil justice system in the United States. We provide principled leadership, conduct comprehensive and objective research and develop innovative and practical solutions—all focused on serving the individuals and organizations who rely on the system to clarify rights and resolve disputes.

Located on the campus of the University of Denver, IAALS opened its doors on January 17, 2006, as the brainchild of the University's Chancellor Emeritus Daniel Ritchie, Denver attorney and Bar leader John Moye and United States District Court Judge Richard Matsch. IAALS Executive Director Rebecca Love Kourlis is also a founding member and previously served for almost twenty years as a Colorado Supreme Court Justice and trial court judge.

IAALS is very proud to be a part of the University of Denver. We have the benefit of an impressive network of staff, faculty and students. All staff work for the University. The Executive Director is employed by the Board of Trustees of the University and is overseen by an Executive Committee consisting of Chancellor Robert Coombe, the Chancellor Emeritus Daniel Ritchie and John Moye. For purposes of daily operations, the Executive Director is governed by University policy and reports to the Provost.

We benefit from gifts donated to the University for the use of IAALS. None of those gifts have conditions or requirements, other

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Our vision for America's legal system is an ambitious one. We are working hard to achieve a transparent, fair, and cost-effective civil justice system that is accountable to and trusted by those it serves. It is our hope that this Annual Report has offered some evidence that together, we can accomplish so much. We would be honored if you would consider joining us on this journey by supporting our mission and work. Donations from individuals, foundations and businesses are essential to ensure that we maintain the highest standards of excellence in our staff and programs. For more information about how to contribute to IAALS, please visit our Web Site at: www.du.edu/legalinstitute [howyoucanhelp.html](http://www.du.edu/legalinstitute/howyoucanhelp.html). Thank you for your interest.

To learn more about IAALS, please contact us at:

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