

2012

ANNUAL REPORT

STRENGTH IN NUMBERS



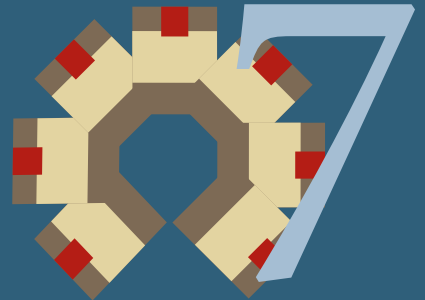
STRENGTH IN NUMBERS





415

STAFF MEMBERS



INITIATIVES

NEW PUBLICATIONS



4

CONFERENCES

50+



46

PARTNER ORGANIZATIONS



20

ADVISORY BOARD MEMBERS



1

MISSION

ADVISORY COMMITTEE MEMBERS



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FROM THE EXECUTIVE DIRECTOR

When we opened our doors in 2006, we knew we wanted to advance a more accessible, efficient, and accountable civil justice system. We also knew we could not do it alone. Since then, we have dedicated ourselves to building partnerships with people and organizations that share our commitment to continuous improvement of the civil justice system.

In 2012, we built more partnerships than ever before. As you read through our work in each Initiative, you will find that the diversity of our partners and stakeholders is matched only by the diversity of the end users of the civil justice system.

From our Roundtable on Judicial Selection to our Third Civil Justice Reform Summit, and from our first conference on the Development of Professional Identity in Legal Education to our steering committee for a first-of-its-kind Resource Center for Separating and Divorcing Families, we have included ever more people in the conversation—with the goal of building better solutions.

So we find strength in numbers. But it does not end there. Our model for continuous improvement of the civil justice system requires that we identify the problems and assess their impact, and that the solutions—or recommended models—be implemented, and the results and data generated from those models be rigorously monitored, analyzed, and measured. This is what we do.

In 2012, we found our issues at the center of many conversations of interest, including those about judicial elections, cost-prohibitive litigation, adversarial divorce proceedings, and legal education reform.

In 2013, we're building on this strong foundation to identify new—and sometimes unlikely—partners. In *Quality Judges*, we will hold “Uncommon Dialogues” with some of the greatest minds from all sides of the judicial selection conversation. In *Rule One*, we are mapping out a state-by-state strategy to provide state judges with the tools they need to handle e-discovery in their courtrooms. In *Honoring Families*, we are providing the model for a first-of-its-kind multidisciplinary on-campus center for separating and divorcing families. And in *Educating Tomorrow's Lawyers*, we are building a bridge between practitioners and academics.

Thanks to the experience of our staff and consultants, our partners, our commitment to measurement, and all of you who champion and support these worthwhile undertakings, we are playing an important role in these conversations—and we are moving the civil justice system ahead—because of our strength in numbers.



Rebecca Hale Kowalski

19 STATES

(PLUS THE VIRGIN ISLANDS)
REPRESENTED AT THE
NATIONAL GOVERNORS
ASSOCIATION MANAGEMENT
SEMINAR FOR GOVERNORS'
LEGAL COUNSELS

11 STATES

WITH OFFICIAL JPE PROGRAMS
PARTICIPATE IN OUR JPE
WORKING GROUP

106 BAR ASSOCIATION COMMITTEES

(STATE AND LOCAL)
RESPONSIBLE FOR
JUDICIAL SELECTION AND
EVALUATION RECEIVED
COPIES OF *LEVELING THE
PLAYING FIELD*

8 STATES

CONSIDERING CREATING
OR STRENGTHENING
A COMMISSION-BASED
GUBERNATORIAL
APPOINTMENT PROCESS
RECEIVED *GOALS
AND PRINCIPLES FOR
JUDICIAL NOMINATING
COMMISSIONS*

QUALITY JUDGES INITIATIVE



The Quality Judges Initiative serves to advance empirically informed models for choosing, evaluating, and retaining judges that preserve impartiality and accountability in the civil justice system.

The issues we address in the *Quality Judges Initiative* were on display during the 2012 election year. Six supreme court justices were challenged in retention elections around the country and all retained their seats in sometimes costly elections. Voters in four states rejected ballot measures that would have politicized their courts and their processes for selecting judges. Campaign oversight committees were active in at least three states.

Early in 2012, the *Quality Judges Initiative* convened a Roundtable on Judicial Selection with a diverse group of stakeholders, including representatives of the plaintiff and defense bars, citizens involved in judicial nominating and evaluating processes, representatives from the legislative, executive, and judicial branches, members of the business community, and non-profit leaders, to try to reach consensus about the desired attributes for court systems and individual judges.

The result was *Cornerstones of State Judicial Selection: Laying the Foundation for Quality Court Systems and Judges*, which combines the desired attributes for court systems and individual judges with principles for judicial selection processes that are most likely to produce court systems and judges with these attributes.

A subcommittee of the O'Connor Judicial Selection Advisory Committee developed a set of *Goals and Principles for Judicial Nominating Commissions* regarding the selection, composition, and operation of such commissions. Rather than constituting a "one size fits all" prescription, these goals and principles offer a framework within which to establish a commission-based gubernatorial appointment process that may be tailored to individual states.

In August, the *Quality Judges Initiative* presented a Special Symposium as part of the 2012 National Governors Association's Management Seminar for Governors' Legal Counsels. For the Symposium, we assembled a panel of experts to discuss the importance of judicial appointments to a governor's legacy and the value of using a nominating commission to fulfill this responsibility.

NATIONAL GOVERNORS ASSOCIATION PANEL ON JUDICIAL APPOINTMENTS

As an outgrowth of our National Conference on Evaluating Appellate Judges in 2011, *Quality Judges* released *An Opinion on Opinions: Report of the IAALS Task Force on State Appellate Court Opinion Review* in 2012, which identified guidelines and recommendations for developing or improving an opinion review process as part of a broader Judicial Performance Evaluation (JPE) program for appellate judges.

Leveling the Playing Field: Gender, Ethnicity, and Judicial Performance Evaluation took a closer look at whether implicit biases are a factor in evaluating judicial performance and made recommendations for limiting bias in the evaluation process.

Through our JPE Working Group, we continue to provide an opportunity, through facilitated bi-monthly calls and an email list-serv, for state JPE program coordinators and JPE scholars to share new developments and discuss common issues and concerns.

Rebecca Love Kourlis
Moderator
Former Colorado Supreme Court
Justice and Executive Director
of IAALS

The Honorable
Christine Todd Whitman
Governor of New Jersey
(1994-2001)

The Honorable Bill Ritter
Governor of Colorado
(2007-2011)

Joe Kanefield
Former Legal Counsel to
Arizona Governor Jan Brewer

Jack Finlaw
Legal Counsel to Colorado
Governor John Hickenlooper

Malia Reddick
Director, *Quality Judges
Initiative*, IAALS



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Advisory Committee

Chief Justice Ruth V. McGregor

Chair, O'Connor
Advisory Committee

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Director, Justice & Society
Program, The Aspen Institute

Senator Bob Graham

United States Senate, 1987 - 2005

Chief Justice Wallace Jefferson

Supreme Court of Texas

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Executive Director, IAALS

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Partner and Founding Member,
Maynard, Cooper & Gale, PC

Governor Christine Todd Whitman

New Jersey, 1994 - 2001

Mary G. Wilson

Past President, League of Women
Voters of the United States



RULE ONE INITIATIVE



The Rule One Initiative serves to advance empirically informed models for court processes and procedures that provide greater accessibility, efficiency, and accountability in the civil justice system.

5 STATES

HAVE IMPLEMENTED RULES
CHANGES IN THE LAST FIVE YEARS
TO ACHIEVE PROPORTIONALITY
IN DISCOVERY

2 FEDERAL JURISDICTIONS

HAVE IMPLEMENTED PILOT
PROJECTS IN THE LAST
FIVE YEARS, MADE TO
ACHIEVE PROPORTIONALITY
IN DISCOVERY

27 FEDERAL JUDGES

ARE CURRENTLY USING THE
EMPLOYMENT PROTOCOLS
DEVELOPED BY IAALS

It has been less than four years since IAALS and the American College of Trial Lawyers released the *Final Report on the Joint Project of the American College of Trial Lawyers Task Force on Discovery and the Institute for the Advancement of the American Legal System*, a report that included 29 proposed principles in four core areas: pleadings, discovery, experts, and judicial management.

Today, numerous pilot projects are in various stages of consideration and implementation around the country. Some jurisdictions have formed task forces and offered recommendations, as in Minnesota and Iowa. In a few states, such as New Hampshire and Massachusetts, the pilot projects have run their course and evaluation is underway. Additional pilot projects and rule changes have been implemented in Colorado and Utah, and in federal courts in the Southern District of New York and the Seventh Circuit.



While there are common themes among the pilot projects, including achieving proportionality in the civil justice process, the projects are unique in their proposed solutions and design. In some jurisdictions, the pilot projects focus on the most complex cases and worst offenders when it comes to the issues of cost and delay.

On the other end of the spectrum, innovative projects have sprung up around the country dealing with the simplest of cases. These programs offer a short,

5 INTENSIVE EVALUATIONS

OF IMPLEMENTED STATE
RULE CHANGES ARE
CURRENTLY UNDERWAY

2 INTENSIVE EVALUATIONS

OF IMPLEMENTED FEDERAL
PILOT PROJECTS ARE
CURRENTLY UNDERWAY

15 TRIAL PROGRAMS

SHORT, SUMMARY, AND
EXPEDITED CIVIL TRIAL
PROGRAMS ARE IN PLACE
AROUND THE COUNTRY

summary, and expedited process for simple cases so that parties can gain access to the process, including a jury or bench trial, and do so for a price that is proportional to the amount in controversy. In *A Return to Trials: Implementing Effective Short, Summary, and Expedited Civil Action Programs*, a collaboration with the National Center for State Courts and the American Board of Trial Advocates, we identify best practices for designing, implementing, conducting, and measuring effective programs.

We are studying the Civil Access Pilot Project in Colorado at the request of the Colorado Supreme Court. In 2012, we concluded a study of Colorado's Rule 16.1, a voluntary pretrial process for smaller dollar-volume civil cases, and published our findings in *Measuring Rule 16.1: Colorado's Simplified Procedure Experiment*. In that study, we found that the success of an optional procedure depends upon the investment of the bench and bar in the process.

We also began broadening our group of partners. We conducted a study with the American Institute of Certified Public Accountants that resulted in recommendations for ways to minimize cost and delays of litigation from a new perspective: that of financial expert witnesses. And, we hosted a two-part conference on e-discovery for practitioners and state court judges, which also highlighted



the Second Edition of *Navigating the Hazards of E-Discovery: A Manual for Judges in State Courts Across the Nation*.

Approximately 80 influential rules reformers, federal and state judges, representatives of the National Center for State Courts, representatives of the Federal Judicial Center, and attorneys from around the country attended our Third Civil Justice Reform Summit. Stanford



WE CAME EXCITED,
WE LEFT EXHILARATED.
WE CAN DO THIS.

—Colorado Court of Appeals Chief Judge Janice Davidson

University School of Engineering Professor Robert Sutton addressed the group in a keynote focused on “scaling excellence.” The event provided opportunities for panelists and attendees to discuss the status of state and federal pilot projects, the rise of expedited trial programs, innovative case management strategies, challenges in measuring change, and the transition from recommendations to reform. As Colorado Court of Appeals Chief Judge Janice Davidson commented, “We all were there with the same objective: to achieve increased access, trust, and confidence in the courts through significant reduction in costs and delay in civil cases. . . . We came excited, we left exhilarated. We can do this.”



1000
GIGABYTES

DATA OWNED BY THE
AVERAGE USER

563
TERABYTES

DATA STORED BY TYPICAL
SMALL AND MID-SIZE
BUSINESSES

100000
TERABYTES

DATA STORED BY
LARGER ENTERPRISES

\$18000
US DOLLARS

AVERAGE COST PER
GIGABYTE FOR DOCUMENT
REVIEW IN DISCOVERY (NOT
INCLUDING PROCESSING
AND COLLECTION)

\$100000
US DOLLARS

AMOUNT IN CONTROVERSY
COMMONLY CITED BY
ATTORNEYS AS THRESHOLD
FOR TURNING AWAY CASES
BECAUSE IT IS NOT COST-
EFFECTIVE TO LITIGATE THEM

40-50 PERCENT

OF FIRST-TIME MARRIAGES
END IN DIVORCE

53 PERCENT

OF CHILDREN ARE BORN
OUTSIDE OF MARRIAGE

\$112 BILLION US DOLLARS

ESTIMATED COSTS TO
TAXPAYERS EACH YEAR FROM
FAMILY FRAGMENTATION

35 PERCENT

CHILDREN CURRENTLY LIVING IN
HOUSEHOLDS WITH ONLY ONE
PARENT (INCLUDING PARENTS
WHO NEVER MARRIED)

1 IN 4

CHILDREN LIVE IN A
DIVORCED HOUSEHOLD

4 TIMES

THE INCREASED LIKELIHOOD THAT
CHILDREN IN FATHER-ABSENT
HOMES ARE TO BE POOR

HONORING FAMILIES INITIATIVE



The Honoring Families Initiative serves to advance empirically informed models for dignified and fair processes for the resolution of divorce and child custody cases in a manner that is more accessible and more responsive to children, parents, and families.

Divorce and resolution of child custody issues take a toll. They take a toll on families, they take a toll on the courts, and they take a toll on a variety of other impacted communities—even employers. Today, we are seeing more complicated family situations, more complex subject-matter law, greater reliance on the courts as “emergency rooms” for every issue, an influx of self-represented litigants, more never-married parents, and more extended-family stakeholders. This is all happening when courts themselves are stressed with decreasing funding and increasing demands.



This is why we officially launched *Honoring Families* in 2012 to facilitate an informed national dialogue on how courts and communities can better meet the needs of parents and children that arise from the transitions of separation or divorce.

We have set an aggressive roadmap to meet this goal, including two parallel tracks that identify solutions for in-court processes and out-of-court alternatives.

PRINCIPLES FOR IN-COURT DISSOLUTION AND CUSTODY CASES

We are working with consultants and experts from around the country to identify Principles that would undergird in-court dissolution or child custody cases. The Principles will be informed by research and will reflect stakeholder input. They will address the priorities of the divorce and custody court in an era of limited resources and make recommendations as to how courts can manage their dockets to meet the critical needs of reorganizing families. More immediately, we are working with the state of Oregon to assist in designing a stream-lined model for a responsive and cost-effective divorce and custody court.

THE RESOURCE CENTER FOR SEPARATING AND DIVORCING FAMILIES



In 2012, we worked with a Steering Committee to develop a model multidisciplinary out-of-court Center. In 2013, that model will launch as a first-of-its-kind Resource Center for Separating and Divorcing Families at the University of Denver. The Center, which will provide legal, financial, and counseling services to qualifying families, will serve the Denver-metro community and provide a wealth of measurable data for the *Honoring Families Initiative* to analyze and use to inform improvements to the model, such that the model can ultimately be available in other locations around the country.



RESOURCE CENTER STEERING COMMITTEE MEMBERS

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of Denver Sturm College of Law

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Colorado Seventeenth
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Graduate School of Professional
Psychology, University of Denver

Hon. Robert Hyatt
Chief Judge, Colorado Second
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Graduate School of Social Work,
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Julia McGahey
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Associate Director of Field
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Stahly LLC.

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College for Financial Planning

Sue Waters
Licensed Professional Counselor
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Judge, Colorado Seventeenth
Judicial District

James Herbert Williams
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Work, University of Denver

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Children and the Courts at the
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Vice Dean, William Mitchell College

EDUCATING TOMORROW'S LAWYERS®



The Educating Tomorrow's Lawyers Initiative serves to advance innovation in legal education in order to train new lawyers to the highest standards of competence and professionalism.

Employment rates. Salaries. Student loan debt. Law schools are facing difficult numbers everywhere they turn. Many are looking for sustainable solutions. Some are implementing significant changes. Twenty-five are part of the *Educating Tomorrow's Lawyers* Consortium of law schools, committed to increasing the value of legal education and collaborating with other schools to deliver the best legal education possible to tomorrow's lawyers.

In less than two years since its launch, the Consortium has grown from 15 to 25 schools. Sixteen professors from 13 different schools have submitted course portfolios of experiential classes that can be modeled by other professors around the country. Nearly 100 lawyers, judges, and educators, including representatives from 21 Consortium schools, attended ETL's first conference in September 2012: "The Development of Professional Identity in Legal Education: Rethinking Learning and Assessment." The conference identified best practices for forming professional identity, provided the opportunity for collaboration among forward-minded schools, and fostered new ideas and approaches that representatives could take back to their schools.



In 2013, *Educating Tomorrow's Lawyers* will expand its work to bridge the academy and the profession as it hosts its second conference, "Connecting the Academy and the Profession," to identify new opportunities for learning, assessment, and outcomes by enhancing the dialogue among those who teach and those who practice and hire.

Academics, educators, practitioners, judges, and clients: we are building coalitions with a diverse group of stakeholders to facilitate, evaluate, and promote law teaching methods designed to produce graduates who are employable and practice-ready; able to meet the needs of their employers, their clients, and society; and prepared to lead and respond to changes in the legal profession throughout their careers.

CONSORTIUM SCHOOLS

Albany Law School
Albany, New York

American University
Washington College of Law
Washington, DC

The City University of New York
CUNY School of Law
New York, New York

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University of Dayton
School of Law
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Sturm College of Law
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David Trickett
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Educating Tomorrow's Lawyers

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IAALS
Executive Director

Martin Katz
Dean and Professor
University of Denver
Sturm College of Law

Karen Mathis
IAALS
Associate Executive Director

The Fellows of *Educating Tomorrow's Lawyers* are individuals who have distinguished themselves as leaders in legal education; who have incorporated the Carnegie apprenticeships into their own teaching and are committed to producing more practice-ready and professional graduates; and who demonstrate a willingness to share their expertise and experiences with others. ETL honors the Fellows for their achievements.

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Seattle, Washington

University of Southern
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Los Angeles, California

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Los Angeles, California

Stanford Law School
Stanford, California

Suffolk University Law School
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Washington and Lee University
School of Law
Lexington, Virginia

“IF YOU
REALLY
WANT TO
REBUILD
JUSTICE,
YOU NEED
TO START
IN THE LAW
SCHOOLS.”

REBUILDING JUSTICE AWARD AND DINNER

IAALS' Rebuilding Justice Award honors individuals who exemplify the spirit of innovation that we champion across all of our work. The first recipient of the award was United States Supreme Court Justice Sandra Day O'Connor (Ret.) in 2007.



We honored Professor James Moliterno with the 2012 Rebuilding Justice Award during the *Educating Tomorrow's Lawyers* conference on the Development of Professional Identity in Legal Education in September 2012. Moliterno, the Vincent Bradford Professor of Law at Washington and Lee University School of Law, was selected for his leadership in incorporating the Carnegie Model into his own teaching and in sharing his expertise across the academy. Accepting the award, Moliterno said, “If you really want to rebuild justice, you need to start in the law schools.”

Members of the IAALS Board of Advisors, IAALS staff, lawyers, judges, friends, and supporters gathered in Denver in October 2012 for our annual dinner. The evening included a keynote presentation by Jordan Furlong, renowned lawyer, speaker, and consultant, on the future of the legal profession.

We also celebrated the contributions made by board members Justice Patricio Serna and Sue Dosal, who stepped down from the board in 2012 after years of service.



STAFF

IAALS benefits from an experienced and dedicated group of professionals from the field who have achieved recognition in their former roles as judges, lawyers, bar leaders, court administrators, and academics. As a part of a major research university, we hold our work up to the highest academic and professional standards.



Rebecca Love Kourlis
Executive Director;
former Colorado Supreme
Court Justice



Karen Mathis
Associate Executive
Director; Past President of
the American Bar Association



Alli Gerkman
Director of Communications



Zach Willis
Communications Manager



Corina Gerety
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Logan Cornett
Social Science
Research Assistant



Malia Reddick
Quality Judges Initiative,
Director



Natalie Knowlton
Quality Judges Initiative,
Manager

2STAFF

MEMBERS IN 2006

15STAFF

MEMBERS IN 2012

8LAWYERS



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Rule One Initiative, Manager



Melinda Taylor
Honoring Families Initiative, Director



Jeffrey Polatis
Honoring Families Initiative, Staff Assistant; Database Manager



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Educating Tomorrow's Lawyers, Director



Marnee Baker
Educating Tomorrow's Lawyers, Manager



Theresa Gomez
Budget and Office Manager



Rosemary Motisi
Executive Assistant to Rebecca Love Kourlis

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1 FORMER STATE SUPREME COURT JUSTICE

1 PAST PRESIDENT OF THE ABA

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LAWYERS

2 JUDGES

2 LAW SCHOOL
DEANS

3 BUSINESS
LEADERS

3 GENERAL
COUNSEL

1 NEWS
JOURNALIST

3 ACADEMICS

1 FORMER
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SUPREME COURT JUSTICE

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Of Counsel, Kirkland & Ellis

Diane Gates Wallach
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Cody Resources LP

Martin Katz
Dean and Professor, University of
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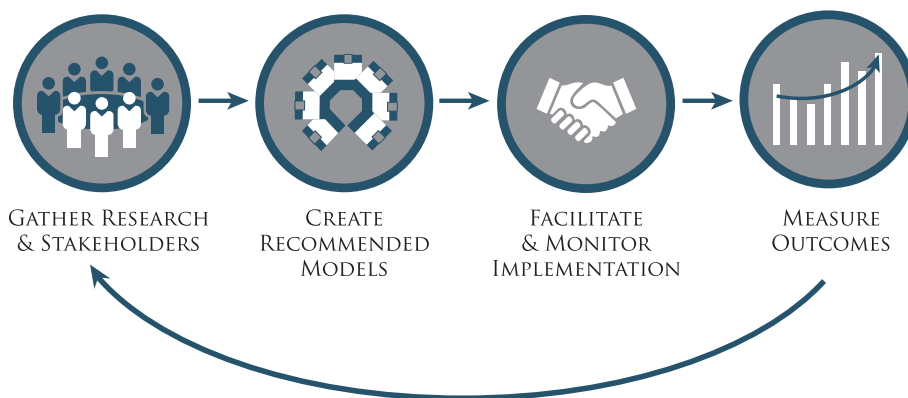
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President, The Governance Institute;
Visiting Fellow, The Brookings
Institution; former Deputy Director,
Federal Judicial Center

James M. Lyons
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Foreman, P.C.

STRUCTURE

IAALS, the Institute for the Advancement of the American Legal System, is a national, independent research center at the University of Denver dedicated to continuous improvement of the process and culture of the civil justice system. 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 civil justice 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 sense of mission: a more accessible, efficient, and accountable civil justice system.

Today, 15 staff members work with nearly 70 advisors and countless others to honor that mission every day.

We receive invaluable support from the University of Denver, the Gates Frontiers Fund, and many other foundations, grants, and individuals who believe—just like you—that our justice system is fundamental to a thriving democracy.

7 YEARS
4 FOUNDERS
1 MISSION
1 CONTINUOUS IMPROVEMENT MODEL

3 WAYS
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TO ADVANCE
THE CIVIL JUSTICE
SYSTEM

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