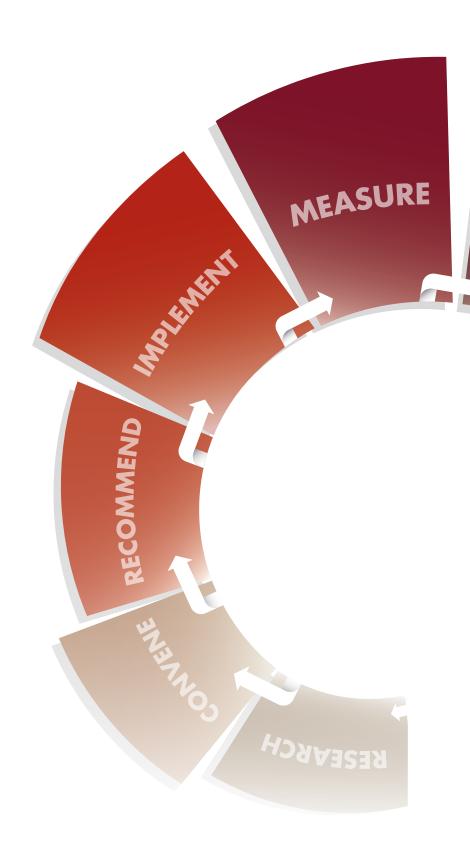




11 2014 ANNUAL | PROCESS & PROGRESS

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## FROM THE EXECUTIVE DIRECTOR

Over the last eight years, IAALS has grown in ways I never could have imagined. Our impacts are felt across the entire nation and we've charted a course to build upon and continue that success in the coming years.

A critical component to that success lies in our process. It is our foundation. It has guided our work from the beginning and distinguishes IAALS as unique in the field of legal reform. It informs every issue we tackle, every project we undertake, every recommendation we make.

This six-step process, the IAALS Process, will also guide you through this report. The continuous improvement cycle is an upward spiral of research, collaboration, innovation, and action. Our projects are at different stages of this cycle, but all are moving toward an ultimate goal, aligned with our overall mission: advancing excellence in the American legal system.

REFINE



Every year is busy for IAALS, and 2014 was no different. Together with U.S. Supreme Court Justice Sandra Day O'Connor (Ret.), *Quality Judges* publicly launched the O'Connor Judicial Selection Plan, which lays out best practices for states on how to select, evaluate, and retain judges. *Rule One* shared superior caseflow management strategies for judges and released its final evaluation of the Colorado Civil Access Pilot Project. In *Honoring Families*, early evaluation results told us that the Resource Center for Separating and Divorcing Families is successfully helping families, and we kicked off a national research study of self-represented litigants in family court, with the hope of helping courts better serve those who don't have lawyers. Finally, *Educating Tomorrow's Lawyers* launched the multi-year Foundations for Practice project, which will identify the foundations that entry-level lawyers need to launch successful careers in the legal profession and how legal education can help get them there.

Coming up in 2015, the IAALS Process will be hard at work. *Quality Judges* is convening supreme court justices, fair courts advocates, political strategists, and scholars to work toward easing the increased politicization of judicial retention elections. *Rule One* will conclude its work with the ACTL Task Force on Discovery and Civil Justice with a follow-up to our 29 proposed Principles for civil justice reform. *Honoring Families* will host a convening of Family Bar leaders that looks to the future of the practice area. And, *Educating Tomorrow's Lawyers* will unveil the results of the Foundations for Practice national survey at its fourth annual conference.

Process is important. Progress is more important. We could never have come this far without the people who support our work through their generosity, expertise, and passion. Thank you for helping IAALS succeed in identifying issues, developing solutions, and leading positive and lasting change on a national scale.

Tabacca hove Koulis



# QUALITY JUDGES INITIATIVE

## MISSION

The Quality Judges Initiative is dedicated to advancing empirically informed models for choosing, evaluating, and retaining judges that preserve impartiality and accountability. Through comprehensive analysis of existing practices and the collaborative development of recommended models, the Quality Judges Initiative empowers, encourages, and enables continuous improvement in processes for choosing, evaluating, and retaining judges.



THE O'CONNOR JUDICIAL SELECTION PLAN,
DEVELOPED WITH JUSTICE O'CONNOR HERE
AT IAALS, IS A TRIED AND TRUE METHOD OF
SELECTING JUDGES THAT BOTH PRESERVES
IMPARTIALITY AND PROVIDES A MEASURE OF
ACCOUNTABILITY. WHILE NO METHOD IS PERFECT,
IT IS FAR BETTER THAN CONTESTED, PARTISAN
ELECTIONS THAT DEMEAN THE JUDICIARY AND
THE COURTS THEY SERVE.

REBECCA LOVE KOURLIS, IAALS Executive Director

## O'CONNOR ADVISORY COMMITTEE

JUSTICE SANDRA DAY O'CONNOR (RET.)

Supreme Court of the United States, Honorary Chair

CHIEF JUSTICE RUTH V. MCGREGOR (RET.)

Arizona Supreme Court, Chair

MERYL CHERTOFF

Director, Justice and Society Program, The Aspen Institute

Professor Talbot "Sandy" D'Alemberte

President Emeritus and Professor of Law, Florida State University

SENATOR BOB GRAHAM

United States Senate, 1987-2005

CHIEF JUSTICE WALLACE B. JEFFERSON (RET.)

Partner, Alexander Dubose Jefferson & Townsend LLP

REBECCA LOVE KOURLIS

Executive Director, IAALS

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President, Schafer Company, LLC

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Associate Dean of Scholarship and Associate Professor of Law, Arizona Summit Law School

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Executive Vice President – Government Affairs, General Counsel, and Corporate Secretary, PepsiCo, Inc.

H. THOMAS WELLS, JR.

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

# 2014 WORK & PLANS

# 2014

## **DELIVERABLES**

- Published *The O'Connor Judicial Selection Plan*—a four-part plan for selecting, evaluating, and retaining judges, with recommendations for structuring each part.
- Released a comprehensive set of FAQs on state and federal courts and their judges.
- Published *Choosing Judges: Judicial Nominating Commissions and the Selection of Supreme Court Justices*—a research report on the commissions used to select supreme court justices around the country.
- Participated in the National Association of Women Judges' "Informed Voters. Fair Judges." project for the 2014 elections.
- Authored chapter on judicial performance evaluation for the 8th edition of the American Bar Association's *Improving the Administration of Justice*.
- Led and supported our national JPE Working Group.
- Presented a training program for members of Missouri's judicial nominating commissions.
- Provided resources and testimony for the New Jersey State Bar Association's Task Force on Judicial Independence.

# 2015

## **PROJECTS UNDERWAY**

- Convening supreme court justices, fair courts advocates, political strategists, and scholars to consider solutions to the increasing politicization of judicial retention elections. Producing a report on the outcomes and solutions.
- Developing and pilot testing a certification program for judicial aspirants.
- Maintaining our JPE Working Group. In consultation with working group members, beginning to develop training materials for judicial performance evaluation commission members, with a particular focus on reviewing written opinions of appellate judges.

IS HELPFUL IN THAT IT
KEEPS ME ABREAST OF
WHAT ELSE IS GOING
ON IN THE COUNTRY
RELATIVE TO JPE. IT ALSO
GIVES ME CONTACT
WITH OTHERS WHO
ARE INVESTED IN
THIS WORK. ??

CHOOSING

O'Connor

JOANNE SLOTNIK
Executive Director, Utah Judicial
Performance Evaluation Commission



# PROJECT IN FOCUS

# JUDICIAL PERFORMANCE EVALUATION (JPE) WORKING GROUP

## DEFINING THE ISSUES

When it opened its doors in 2006, IAALS was the only national organization to prioritize the improvement and expansion of programs for evaluating the performance of state and federal judges. IAALS' first two publications—Shared Expectations: Accountability in Context and Transparent Courthouse: A Blueprint for Judicial Performance Evaluation—provided essential research and resources in this under-explored area, and they are still two of our most requested reports.

## CONVENING THE EXPERTS, SHARING RECOMMENDATIONS

IAALS remains the primary organization that is currently working in the field of judicial performance evaluation (JPE), and we have earned a reputation as the "go to" group for research, recommendations, and practical assistance. We have accomplished this by serving, in a number of contexts, as a convener of JPE program administrators, judges, lawmakers, scholars, and fair courts advocates who are committed to promoting and ensuring effective judicial performance evaluation in states around the country.

We have convened two national conferences on the topic of judicial performance evaluation. Attended by attorneys, scholars, judges, and JPE program coordinators from 17 states, our first conference in 2008 focused on the development, structure, and improvement of JPE programs across the nation. In 2011, our second national conference focused on performance evaluation for appellate judges, in response to the heightened profile of appellate judicial retention elections and the need for more tailored means of evaluating appellate judges and justices. Eighteen states were represented.

Our JPE Working Group provides an ongoing and essential forum for this type of convening. Founded in 2007 with JPE program administrators and scholars from seven states, the group now benefits from the participation of representatives from 15 states. The Working Group facilitates the sharing of ideas and information, as well as the identification of problem areas and potential solutions.

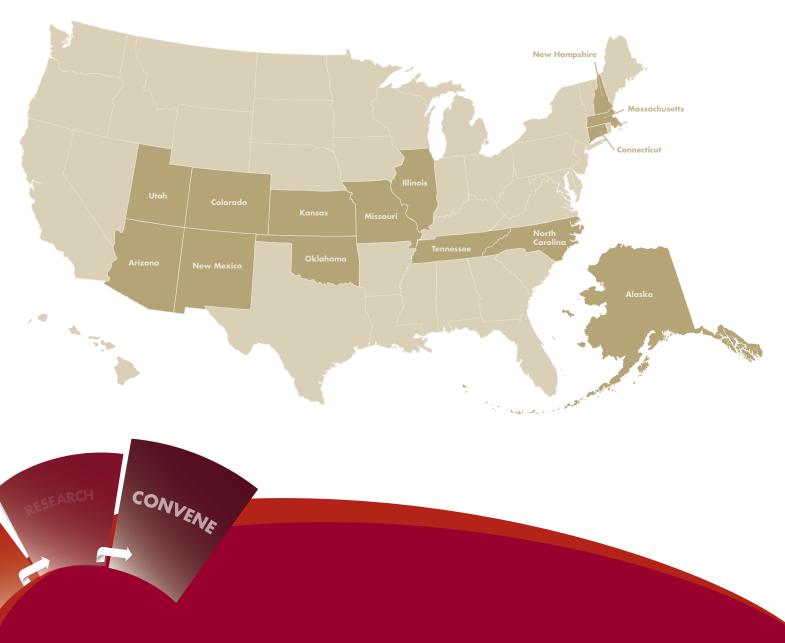
DESIGN A JPE PROGRAM FOR MASSACHUSETTS IN 2000, IT WAS A GREAT DEAL OF LEGWORK TO DISCOVER WHICH STATES HAD PROGRAMS AND WHO I SHOULD CALL FOR INFORMATION. ANY STATE NOW STARTING A PROGRAM WILL HAVE IT SO MUCH EASIER THANKS TO IAALS AND THE WORKING GROUP — A ONE STOP SERVICE FOR NATION-WIDE INFORMATION.

MONA HOCHBERG Judicial Performance Evaluation Coordinator, Massachusetts IAALS' JPE Working Group provides the following tools to its participants:

- Listserv: Our listserv allows sharing of information and resources among Working Group participants.
- Expert assistance: We have periodically identified consultants to assist Working Group members in areas that require special expertise. For example, in advance of the 2014 judicial retention elections, we provided a webinar on using social media and other inexpensive tools to share JPE results.
- Online repository of JPE resources: We offer Working Group participants access to an online trove of JPE resources, including questionnaires, rules of procedure, and relevant research.
- → *Quarterly calls*: We convene quarterly calls of Working Group participants to discuss recent developments in the states, share new research, and address questions and concerns.



## NATIONWIDE REACH OF THE JPE WORKING GROUP



Our JPE Working Group and our national JPE conferences, in addition to our ongoing research and information gathering in this area, position us well to serve as an advisor to states like Minnesota, Oklahoma, and Oregon that are considering the adoption of robust JPE programs.

We will continue in our role as a convener, providing the research and resources that JPE programs need to address new issues that arise, introducing and sharing innovations in JPE, and facilitating large- and small-scale conversations about how best to use JPE to improve individual performance, inform those who reselect judges, and promote public trust and confidence in our courts.



# RULE ONE INITIATIVE

## MISSION

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. Through comprehensive analysis of existing practices and the collaborative development of recommended models, the Rule One Initiative empowers, encourages, and enables continuous improvement in the civil justice process.





**66** WE HAVE SEEN EXPERIMENTATION COME FULL CIRCLE IN 2014, WITH LESSONS LEARNED FROM REFORM EFFORTS AROUND THE COUNTRY AND THE BEGINNINGS OF CHANGE ON A MUCH BROADER SCALE—AT THE FEDERAL AND STATE LEVELS. THE RULE ONE INITIATIVE HAS PLAYED A KEY ROLE. AND WILL CONTINUE TO BE AN IMPORTANT VOICE IN THE YEARS TO COME. ??

BRITTANY K.T. KAUFFMAN Director, Rule One

## AMERICAN COLLEGE OF TRIAL LAWYERS TASK FORCE ON DISCOVERY AND CIVIL JUSTICE

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New York, New York - Chair

JUDGE ANN B. FRICK

Denver, Colorado - Vice-Chair

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Atlanta, Georgia

W. FOSTER WOLLEN

San Francisco, California

**JUDGE JACK ZOUHARY** 

Toledo, Óhio

# 2014 WORK & PLANS

# 2014

## **DELIVERABLES**

## PROJECTS:

- Continued work with the ACTL Task Force, including reevaluation of the Proposed Principles and a joint IAALS/ACTL Task Force comment on the proposed federal rule amendments.
- Participated in and provided staffing in support of the Conference of Chief Justices Civil Justice Improvements Committee.
- Continued monitoring and sharing information regarding pilot projects and rule reform jurisdictions, as well as national committees.

## PUBLICATIONS:

- Report on "A Forum for Understanding and Comment on the Proposed Federal Rules Amendments"—submitted in the form of a comment on the proposed federal rule amendments.
- Working Smarter, Not Harder: How Excellent Judges Manage Cases—a study in collaboration with the American College of Trial Lawyers.
- Summary of Empirical Research on the Civil Justice Process: 2008-2013—a summary of empirical research on the civil justice system over the last five years.
- Allocating the Costs of Discovery: Lessons Learned at Home and Abroad—a report on cost allocation in discovery.
- Momentum for Change: The Impact of the Colorado Civil Access Pilot Project—an evaluation of the Colorado Civil Access Pilot Project.
- Short, Summary, and Expedited Civil Action Programs Around the Country—an updated chart summarizing programs in state and federal courts to supplement our work on A Return to Trials: Implementing Effective Short, Summary, and Expedited Civil Action Programs.

## **EVENTS:**

- Cohosted "Fundamentals of E-Discovery for State Court Judges: A Webcast" in collaboration with the National Judicial College.
- Held "Preservation in Practice: A Corporate Convening on Rule 37(e) and Beyond."

## 2015

## PROJECTS UNDERWAY

- Continuing work with the ACTL Task Force and finalizing *Reforming Our Civil Justice System: A Report on Progress and Promise*, to be published in 2015.
- Continuing participation with and support of the Conference of Chief Justices Civil Justice Improvements Committee.
- Ongoing monitoring of and information sharing regarding pilot project and rules reform jurisdictions, as well as national committees.
- Continuing collaboration with the National Judicial College in the area of education for state court judges on electronic discovery, including cohosting a webcast for state court judges.
- Hosting a Plaintiff's Forum in Summer 2015.
- Researching and drafting of an article on implementing change and achieving impact based on research and discussions with diverse focus groups and individuals on how best to implement the new rules/recommendations.
- Preparing for IAALS' Fourth Civil Justice Reform Summit, to be held in February 2016.
- Collaborating with Professor Scott Moss on jury and social media empirical research.





# PROJECT IN FOCUS

## THE COLORADO CIVIL ACCESS PILOT PROJECT

## **DEFINING THE ISSUES**

In 2007, IAALS and the American College of Trial Lawyers (ACTL) Task Force on Discovery and Civil Justice partnered to look into the heart of the issues plaguing our legal system.

That joint effort began with a survey of the Fellows of the ACTL, which made clear that there are serious issues with the civil justice process in the United States. The survey confirmed that major changes were necessary to ensure that our system meets its promise of providing a "just, speedy, and inexpensive determination" to everyone who comes to our courts for resolution of their disputes.

From there, and after a great deal of additional research, discussion, and deliberation, we jointly published a *Final Report*, which included broad recommendations, in the form of 29 proposed Principles, for improvement of the civil justice system. This was followed by a model set of *Pilot Project Rules* that could be implemented and evaluated in pilot projects around the country.

The *Final Report* and model *Pilot Project Rules* were inspiring, and pilot projects and rule reforms have been implemented nationwide. Several of those projects have now come full circle, in states like New Hampshire, Utah, and Colorado.

# CONVENING THE EXPERTS, MAKING RECOMMENDATIONS

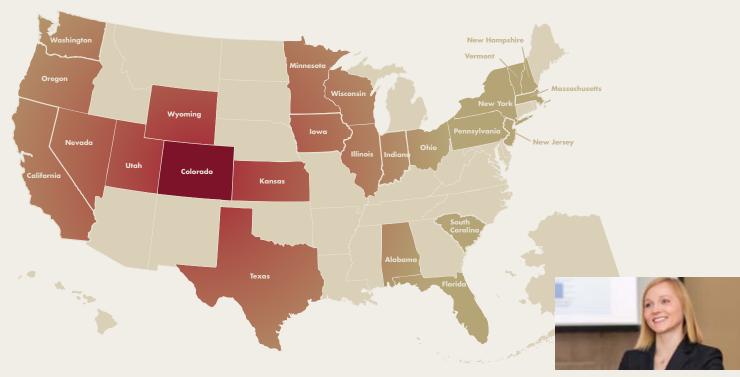
IAALS played a critical role in the inception, execution, and completion of the Colorado Civil Access Pilot Project (CAPP). The Colorado members of the ACTL Task Force and IAALS convened a diverse committee that developed a proposed set of pilot project rules. The state supreme court authorized the pilot project for business cases in five Denver-area courts and designated IAALS to study its effects. IAALS also played an instrumental role in implementing the project and educating the bench and bar.

IAALS' research team undertook a robust study of CAPP, combining quantitative and qualitative research to measure the project's impact. In 2014, IAALS published its final evaluation of the project, Momentum for Change: The Impact of the Colorado Civil Access Pilot Project. On the whole, CAPP succeeded in achieving many of its intended effects, including a reduced time to disposition, early and appropriate case management, proportional discovery and costs, and a lower level of motions practice.



THE EDGES OF THE CURRENT SYSTEM, CAPP PRESENTS A DIFFERENT WAY TO LITIGATE—BY GETTING THE JUDGE AND THE PARTIES FOCUSED ON THE CORE ISSUES AT AN EARLY POINT. UNDER CAPP, THE PROCESS IS TAILORED PROPORTIONATELY TO THE SPECIFIC DISPUTE, CHANGING THE DISCOVERY DEFAULT FROM 'ALL YOU CAN EAT' TO 'YOU GET WHAT YOU NEED.'

GORDON "SKIP" W. NETZORG Sherman & Howard, Denver, Colorado



(IN CONDUCTING A ROBUST EVALUATION OF CAPP, OUR GOAL WAS TO CAPTURE RELIABLE INFORMATION ON HOW THESE IDEAS WORK IN PRACTICE—INFORMATION THAT CAN HELP GUIDE DECISION-MAKERS AROUND THE COUNTRY IN MOVING TOWARD PERMANENT IMPROVEMENTS. ? ?

CORINA D. GERETY IAALS Research Director

The CAPP rules implement many of IAALS and the Task Force's proposed Principles. They were designed to bring the disputed issues to light at the earliest possible point, tailor the process proportionally to the needs of the case, provide early and ongoing case management by a single judge, and move the case quickly toward trial or other appropriate resolution.

**MEASURE** 

REFINE

IAALS' evaluation revealed that CAPP cases resolved sooner, one of the main goals of the project, and the time to resolution is considered proportionate and sufficient. All else being equal, applying the CAPP rules increased the probability of an earlier resolution by 69% over Colorado's standard procedure.



We also found that CAPP cases saw a judge earlier and more often. CAPP's focus on early, active, and ongoing judicial management of cases received more positive feedback than any other aspect of the project, with many calling to make it a permanent feature of the rules.

A subcommittee of the Colorado Civil Rules Committee has reviewed the results of this evaluation and has submitted proposed statewide rule changes to the Colorado Supreme Court that would incorporate several aspects of the project into Colorado's rules for all civil cases. Thus, Colorado represents one jurisdiction where changes have been implemented, and where the focus has moved from measurement to refinement in order to achieve even greater impact.



# HONORING FAMILIES INITIATIVE

## **MISSION**

The Honoring Families Initiative is dedicated to developing and promulgating evidence-informed processes and options for families involved in divorce, separation, or parental responsibility cases that promote better outcomes for children and that provide greater accessibility, efficiency, and fairness for all parties, including those without counsel.



THE CONVERSATION ON BETTER WAYS TO SERVE FAMILIES GOING THROUGH SEPARATION AND DIVORCE. BY LISTENING TO THE EXPERIENCES AND PERSPECTIVES OF ALL THOSE INVOLVED IN THE FAMILY JUSTICE SYSTEM AND COLLABORATING WITH THE BEST MINDS IN THE COUNTRY, WE ARE FORGING NEW, INNOVATIVE SOLUTIONS TO BENEFIT OUR NATION'S FAMILIES.

NATALIE KNOWLTON Director, *Honoring Families* 

## ADVISORY COMMITTEE

## CHIEF JUSTICE PAUL DE MUNIZ (RET.)

Distinguished Jurist in Residence, Willamette University College of Law, Chair

## BARBARA BABB

Director, Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law

#### **ROBERTA S. BATLEY**

Shareholder, Little, Gilman-Tepper & Batley, P.A.

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Legal & Policy Advisor, Battered Women's Justice Project

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Senior Partner, Goldschmidt & Genovese, LLP

#### **JOHN GREACEN**

Principal, Greacen Associates, LLC

## WILLIAM J. HOWE, III

Shareholder, Gevurtz, Menashe, Larson & Howe, P.C.

#### **HOWARD MARKMAN**

Co-Director, Center for Marital and Family Studies, University of Denver

#### STACEY PLATT

Professor, ChildLaw Clinic, Loyola University Chicago School of Law

## MARSHA KLINE PRUETT

Maconda Brown O'Connor Professor, Smith College School for Social Work

## JUSTICE JANICE M. ROSA (RET.)

Former Supervising Judge of Family Courts, Buffalo and Western New York

#### **EMILY RUBEN**

Attorney-in-Charge, Brooklyn Neighborhood Office of the Legal Aid Society

#### PETER SALEM

Executive Director, Association of Family and Conciliation Courts

#### ANDREW SCHEPARD

Director, Center for Children, Families and the Law, Hofstra University School of Law

## ARNIE SHIENVOLD

Founding Partner, Riegler, Shienvold and Associates

#### **MELINDA TAYLOR**

Executive Director, Resource Center for Separating and Divorcing Families at the University of Denver

## NANCY VER STEEGH

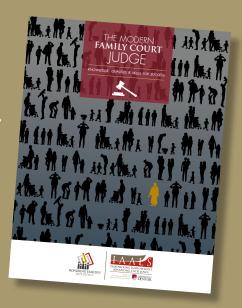
Vice Dean, William Mitchell College of Law

# 2014 WORK & PLANS

# 2014

## **DELIVERABLES**

- Received numerous responses from stakeholders regarding the HFI white paper, which were published in the October 2014 Family Court Review. The HFI white paper describes the rationale for the initiative's mission and sets forth a set of principles that frame an action plan.
- Published *The Modern Family Court Judge: Knowledge, Qualities & Skills for Success*—a position paper detailing the necessities for an effective family court judge, based on feedback from a diverse working group. The Association of Family and Conciliation Courts (AFCC) formally endorsed the publication and the National Council of Juvenile and Family Court Judges is considering endorsement. The paper will be republished in the April 2015 edition of the *Family Court Review*.



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## 2015

# Projects Underway

- Serving as a resource to and monitoring state domestic relations projects, including the Oregon Informal Domestic Relations Trial, Wyoming Expedited Marriage Dissolution Case Pilot Project, Alaska Informal Trials program and Early Resolution Project, and others around the country.
- Pursuing a joint project with AFCC on unbundled legal services consisting of four components: 1) a consumer-oriented toolkit; 2) a compilation of existing resources on unbundling for attorneys; 3) a toolkit for the courts; and 4) a package for other professionals, such as mediators and custody evaluators. Select components will be completed in Summer 2015.
- Planning a November 2015 summit of the family bar. The summit will leverage the perspectives of diverse family lawyers toward a common goal: identifying improvements to the system that would allow family practitioners to serve clients in a timely, efficient, and affordable manner, and facilitate a process that enables better outcomes for children.
- Moving forward on replication of our out-of-court model for separation and divorce, developing business plans for both a university and a community model, as well as a strategic plan for the replication process.
- Undertaking a qualitative empirical research study of self-represented litigants in family court. *Cases Without Counsel: Experiences of Self-Representation in U.S. Family Court* is exploring the issue of self-representation from the litigants' perspective, through detailed one-on-one interviews with individuals who have represented themselves in family court. HFI will convene stakeholders in August 2015 for purposes of developing recommendations from the study findings.





# PROJECT IN FOCUS

# RESOURCE CENTER FOR SEPARATING AND DIVORCING FAMILIES



MEDIATION ASPECT, THE MEDIATION ASPECT, THE CHILD AND COUNSELING CARE AND MENTAL HEALTH ASPECTS ARE ALL INTEGRATED. . . . I THINK THAT IS THE GENIUS OF THE PROGRAM. ??

PARENT & CLIENT RCSDF

RESOURCE CENTER FOR SEPARATING AND DIVORCING FAMILIES



## **DEFINING THE ISSUES**

Since launching in 2012, the *Honoring Families Initiative* has been dedicated to exploring innovative, less adversarial ways to help divorcing and separating families. Programs in Australia and Canada that operate outside the courts served as a foundation for HFI's research into similar programs that create a more family- and child-responsive environment during these difficult times.

## CONVENING THE EXPERTS, RECOMMENDING A MODEL

In partnership with the diverse, interdisciplinary group of national consultants and experts that serves as its Advisory Committee, HFI developed a first-of-its-kind, out-of-court model for divorcing and separating families in the United States.

At the core of the HFI model is a dedication to positive outcomes for children, who can experience long-lasting, detrimental effects from parental conflict. The model brings together all of the services and professionals that families need—therapeutic, legal education, dispute resolution, financial planning—and guides them through the process in a holistic manner. While the HFI model envisions a cooperative environment in which families can work together to resolve disputed issues without having to go to court, it also advocates for maintaining a collaborative relationship with the formal justice system. Furthermore, the model is versatile, with the potential to thrive in both community and university settings—the latter offering the added benefit of providing budding practitioners with real-world, experiential education.

## **IMPLEMENTING A PILOT PROGRAM**

In 2013, IAALS established a pilot site for the model, to test and collect data on its processes and impacts. Support from the University of Denver community facilitated implementation on the DU campus, as a partnership among IAALS and the graduate schools of law, social work, and psychology. Together, the project Steering Committee, HFI Advisory Committee, and IAALS laid the foundation necessary to launch the Resource Center for Separating and Divorcing Families (RCSDF).

IAALS is undertaking a comprehensive evaluation, designed to collect data on the model's processes and outcomes for families and children. While the IAALS evaluation is underway, anecdotal evidence from families suggests this out-of-court process is helping them put their children first during their divorce or separation. Informed by the evaluation results and lessons learned from the RCSDF demonstration project, HFI has plans to refine and replicate the model at universities and in communities around the country.

THAT WE WOULD
HAVE COME TO AN
AGREEMENT WE WERE
BOTH COMFORTABLE
WITH WITHOUT THE
SERVICES WE RECEIVED
IN A WAY THAT WAS
AFFORDABLE TO US. 22

PARENT & CLIENT RCSDF





The Resource Center served 45 families with children during its first year in operation, with an additional 100 families seeking services to date. Most families complete services in fewer than 120 days, after which they can participate in a final orders hearing held on-site with Denver Judge Robert Hyatt (Ret.). Preliminary data on the impact of the model show initial successes.

- Parents who completed the program reported that the out-of-court process protected their rights as well as their children's interests. Most families achieved agreement on all issues, and all parents expressed a strong sense that the agreements reached will hold until, and if, they decide to change them.
- Participating parents showed gains in the following areas: better collaborative communication skills with
  the other parent, lower levels of acrimony with the other parent, lower levels of parental distress, lower
  levels of parent-child dysfunctional interactions, an increase in appropriate emotional expectations for
  their children, and more positive parenting behaviors and attitudes.
- Reports of child behaviors by parents showed lower levels of aggression and anxiety/depression than
  were present prior to the family's participation in the program. More than four out of five participating
  parents indicated a positive effect on their children and the family as a whole (and no parent reported
  a negative effect).



# EDUCATING TOMORROW'S LAWYERS®

## MISSION

Educating Tomorrow's Lawyers is dedicated to aligning legal education with the needs of an evolving profession. Working with a Consortium of law schools and a network of leaders from both law schools and the legal profession, Educating Tomorrow's Lawyers develops solutions to support effective models of legal education.



COULD BE. 29

ALLI GERKMAN
Director, Educating Tomorrow's Lawyers®

## 2014 CONSORTIUM SCHOOLS

Educating Tomorrow's Lawyers partners with a consortium of law schools committed to innovation. Each member of the Consortium makes an annual contribution to the initiative, to support the mission and goals of Educating Tomorrow's Lawyers.

Albany Law School

American University Washington College of Law

Benjamin N. Cardozo School of Law

Cornell University Law School

University of Denver Sturm College of Law

Georgetown University Law Center

Georgia State University College of Law

Golden Gate University School of Law

Hamline University School of Law

Hofstra University Maurice A. Deane School of Law

Indiana University Maurer School of Law

Loyola University Chicago School of Law

Loyola University New Orleans College of Law

Mercer University Walter F. George School of Law

University of Miami School of Law

University of New Hampshire School of Law

University of New Mexico School of Law

New York University School of Law

Northeastern University School of Law

University of Oklahoma College of Law

University of the Pacific McGeorge School of Law

Pepperdine University School of Law

University of Pittsburgh School of Law

Regent University School of Law

Seattle University School of Law

University of Southern California Gould School of Law

Southwestern Law School

University of St. Thomas School of Law

Stanford Law School

Suffolk University Law School

Thurgood Marshall School of Law

Touro College Jacob D. Fuchsberg Law Center

Washington and Lee University School of Law

# 2014 WORK & PLANS

# 2014

## **DELIVERABLES**

- Hosted the 3rd Annual Educating Tomorrow's Lawyers Conference, with a focus on assessment in legal education. More than 75 legal educators convened in Denver, sharing innovative ideas and techniques from around the country—and the world.
- Launched a new, national project, Foundations for Practice, to identify the foundations entry-level lawyers need for practice.
- Built an improved user interface for Law Jobs: By the Numbers<sup>™</sup>, an interactive online tool that gives prospective law students the most transparent and complete law school employment rate information available.



# 2015

# PROJECTS UNDERWAY

- Continuing the first phase of the Foundations for Practice project, which includes a national survey of lawyers followed by a series of stakeholder roundtables to discuss survey results.
- Holding the 4th Annual Educating Tomorrow's Lawyers Conference, where we will unveil and explore the results of the Foundations for Practice study with our law school Consortium.
- Publishing *Ahead of the Curve: Turning Law Students into Lawyers*, a report evaluating the University of New Hampshire's Daniel Webster Scholar Honors Program. The program, a collaborative effort with the New
- Hampshire bench and bar, places students in experience-based learning environments and provides substantial opportunities for formative and reflective assessment.
- Building on the success of Law Jobs: By the Numbers™, we are developing the plan for a new data-fueled tool that will give prospective students access to meaningful, individualized information about the law school options available to them.
- Monitoring, informing, and influencing proposals for change in legal education from the academy, bar associations, state bars, the courts, and other stakeholders.
- Serving as a resource for legal educators, administrators, bar leaders, and others seeking information and research related to legal education.
- Monitoring existing law school experimentation and building our Consortium and network of ETL Fellows to include key schools and educators that are leading the nation in their approach to legal education.

WORK WE ARE DOING AT GEORGIA
STATE UNIVERSITY COLLEGE OF
LAW TO DEVELOP CUTTING EDGE
EXPERIENTIAL LEARNING PROGRAMS
THAT INTEGRATE OUR STUDENTS
INTO THE LEGAL COMMUNITY.
ETL'S WORK TO BRING TOGETHER
LAWYERS, JUDGES, AND LEGAL
EDUCATORS SERVES AS A RESOURCE
AND PROVIDES A WAY TO SHOWCASE
OUR FACULTY'S NUMEROUS
PEDAGOGICAL INNOVATIONS. ??

STEVEN KAMINSHINE Dean, Georgia State University College of Law



## DEFINING THE ISSUES

Lawyers, judges, and clients have been consistent in their call for new lawyers who can hit the ground running. Call it what you like—practice-ready, client-ready, or just plain ready—the charge is clear. But what are the competencies, skills, characteristics, and qualities that new lawyers need to be ready? Launched by *Educating Tomorrow's Lawyers* in 2014, Foundations for Practice is a first-of-its-kind effort to answer that question, and achieve the following objectives:

- 1. Identify the foundations entry-level lawyers need to succeed in the practice of law
- 2. Develop measurable models of legal education that support those foundations
- 3. Align market needs with hiring practices to incentivize positive improvements

## **CONVENING THE EXPERTS**

Foundations for Practice began with a meeting of our Project Advisory Group—leaders in the legal profession, diverse in geography, practice, and perspective. Incorporating insight and expertise collected from that group, we crystallized project objectives and finalized our approach.

Using existing research, knowledge, and feedback from many stakeholder groups, we crafted a survey for national distribution.

AFFECTING THE LEGAL PROFESSION TODAY, AND EFFORTS SUCH AS FOUNDATIONS FOR PRACTICE OFFER THE OPPORTUNITY TO GRAPPLE WITH THE ISSUES IN A CONSTRUCTIVE MANNER.

ERICA MOESER

President, National Conference of Bar Examiners

THROUGH FOUNDATIONS FOR PRACTICE WHAT CURRICULAR EMPHASIS IN LAW SCHOOL WILL BE NEEDED TO TRAIN OUR FUTURE LAWYERS TO TAKE THEIR ISSUE-SPOTTING SKILLS AND BECOME ADEPT PROBLEM SOLVERS FOR THEIR CLIENTS.

PAULA LITTLEWOOD

Executive Director, Washington State Bar Association



**66** I AM EXCITED TO BE PART OF [FOUNDATIONS FOR PRACTICE | BECAUSE IT HAS BROUGHT TOGETHER A DIVERSE AND DISTINGUISHED SET OF LEGAL **ADVISORS WHO ARE** PASSIONATE ABOUT IMPROVING THE PREPAREDNESS OF YOUNG LAWYERS FOR THIS NOBLE AND EVOLVING PROFESSION. ??

> ALON ROTEM General Counsel, Rocket Lawyer

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Former Colorado Attorney General



In late 2014, we began distributing the survey through state bars nationwide. Survey distribution will continue through the first quarter of 2015.

Once the results are in, we will follow up with a series of roundtables with stakeholder groups nationwide to gain even richer insight into the survey results.

Later this year, at the 4th Annual Educating Tomorrow's Lawyers Conference, we will host numerous law schools and members of the legal profession to present our findings and to map a new way forward. The conference will be designed to engage the groups in defining recommendations for new models of legal education that will ensure new lawyers have the foundations identified by the study. We will publish study results and recommendations in a report in 2016, with continued work to make the recommendations a reality in law schools nationwide.

# 2014 REBUILDING JUSTICE AWARD



AT OUR 7TH ANNUAL
REBUILDING JUSTICE
AWARD DINNER,
WE HONORED TWO
CHAMPIONS OF IAALS.



## CHANCELLOR ROBERT D. COOMBE

Chancellor Coombe, the 17th Chancellor of the University of Denver, was a pillar of leadership for IAALS from the very beginning.

As a member of the Executive Committee, Chancellor Coombe helped to forge the initial vision for IAALS. He integrated IAALS into the richness of the University community, and also supported our national outreach.



## CHIEF JUSTICE MICHAEL L. BENDER (RET.)

Chief Justice Bender served on the Colorado Supreme Court for 17 years and was the Chief Justice from 2010 until January 2014.

He was on IAALS' Board of Advisors during our first four years. We learned from him as we shaped our approach and our mission, and were then able in turn to provide materials and ideas for some of his many successful initiatives as Chief Justice.



IAALS' Rebuilding Justice Award recognizes individuals who exemplify the spirit of innovation and leadership that we champion as we work toward building a legal system that is fair, accessible, reliable, efficient, and accountable.

Congratulations and thank you for your unwavering support of IAALS and our mission to facilitate continuous improvement and advance excellence in the American legal system.





# SUPPORT & PARTNERSHIPS

A critical component of the IAALS Process is the support—financial and intellectual—that allows us to flourish. IAALS has an annual budget of roughly \$2.5 million. This supports our staff of 18, our original research, our multiple convenings and meetings throughout the year, as well as our robust list of open-source print and online publications. We simply could not do what we do at the level of professionalism, expertise, and care that is necessary, without significant support.

The Gates Frontiers Fund is our most generous donor. Continuing the legacy of Charlie Gates, one of IAALS' original four founders, the Gates Frontiers Fund understands our mission, endorses our practical, results-oriented approach, supports our desire and need to be ideologically neutral, and provides generous unrestricted support.

Likewise, we continue to be indebted to the University of Denver for their support of infrastructure. From our beautiful building to back-office support, DU is front and center in our ability to function efficiently.

It is with profound gratitude that we recognize and thank these two unique and powerful supporters.

## WITHOUT THE PEOPLE, THERE WOULD BE NO PROCESS

In 2014, IAALS strengthened its partnerships throughout the broader legal community. Broad-based support and engagement provides IAALS with diverse perspectives and relevant insight into the issues facing today's legal system. These are essential to the quality and impact of our work.

We acknowledge our many partners and thank them for their generosity of time, talent, and treasure. Support for IAALS generally comes in three different ways:

## 1) MEMBERSHIPS

We have three formal membership programs:

Our Law School Consortium provides an opportunity for law schools that are leaders in innovation to support IAALS' work in improving legal education. The Consortium members gather annually to exchange ideas and learn more about legal education reform efforts around the country. (See more on page 16)

Our **Business Leadership Network** is a group of Corporate Counsel who gather semi-annually and who help us to identify the relevant issues of the day, stay informed about developments outside the courts, and develop practical and creative solutions.

Finally, in 2014 we formed our **Law Firm Council**. Through this group, law firms that see the importance of IAALS' work are able not only to support the work financially, but also to participate in the reform efforts underway. Determined to have a voice in the changes facing the legal profession, these firms are leaders with us in developing thoughtful responses to the many challenges facing the legal system today.

## 2) INDIVIDUAL GIFTS

A wide variety of individuals support our work both financially and intellectually. We have a Board of Advisors, several initiative-specific advisory groups, as well as donors who understand the impact of our work and want to ensure that it continues.

Outright gifts, as well as estate plans, bequests, and gifts-in-kind, are all central to IAALS' success. While the University of Denver provides essential infrastructure to us, our operating budget is entirely supported by gifts and grants. Every gift to IAALS—whether \$100 or \$100,000—is needed as we work together to achieve lasting, positive change within the American legal system.

## 3) PROJECT-SPECIFIC GRANTS

Lastly, a significant portion of our operating budget comes from grants restricted to specific projects underway at IAALS in any given year. These grants come primarily from foundations, but also from individuals who underwrite activity in one initiative area. We welcome this type of support and can work with individual donors—whether foundation boards or individual family members—to create an opportunity that meets the needs of IAALS and fulfills the philanthropic mission and goals of the donor.

In sum, we thank all of our donors for believing in us, and we invite you to become part of our IAALS family. If you are interested in learning more about any of these opportunities to partner with or support IAALS, please contact:

#### BARBARA BLACKWELL

Senior Director of Strategic Partnerships Barbara.Blackwell@du.edu | 303-871-6613

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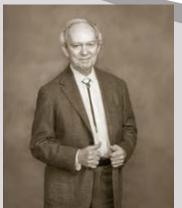
# WHO WE ARE

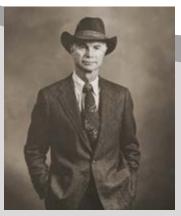
IAALS, the Institute for the Advancement of the American Legal System, is a national, independent research center at the University of Denver dedicated to facilitating continuous improvement and advancing excellence in the American legal system. We are a "think tank" that goes one step further—we are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

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

# **HISTORY**









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

# **IMPACT**

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

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