

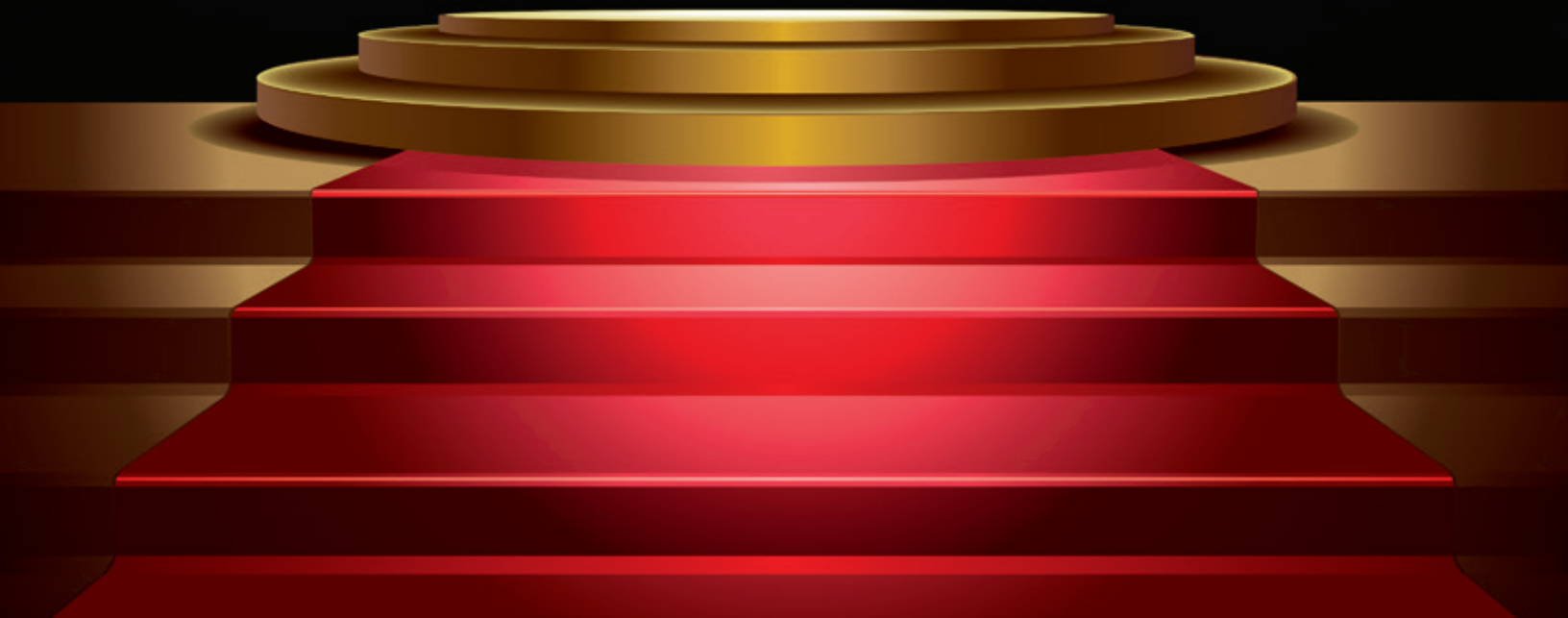
THE STAGE IS SET

LIGHTS · CAMERA · INNOVATION



ANNUAL REPORT

2016



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2016

FROM THE EXECUTIVE DIRECTOR



The core values of any society are reflected in its legal system. Our system must demonstrate, daily, the values of accessibility, fairness, ethics, transparency, and effectiveness. IAALS should be a conduit for ideas and action that make that a reality.

2016 was our milestone year: ten years of work behind us—lessons learned, successes, failures, and a growing complement of wonderful partners, friends, and allies across the country who share our vision of a country in which legal systems serve the people and serve justice. We are now deeply immersed in a new decade of our evolving story. We have grown into a robust and vital entity, with a clear mission and high ideals. Ultimately, all of our work is about the people of this country and about improving the ways in which they interact with America's legal system.

The themes resonating through our work in 2016 were:

- It is not enough to make a recommendation—the proof is in the follow through, the implementation, and the assessment;
- Character and ethics are central to our legal system—in all of the actors; and
- Ultimately, it is about the users of the system, the clients, the litigants.

In our rapidly evolving world, we all expect immediacy, control, information, and value. When we apply those expectations to the legal system, we must add in an expectation of fairness and principle as well. We at IAALS intend to continue developing solutions that strive to meet all of those expectations. For example, we are working on online tools for self-represented litigants that allow them to navigate the court system, particularly in the family law context, more smoothly. Ideas in action—helping people.

The stage has been set by all the work we have done to date, but we view it as only the first act. Much more to come. You will see in this Annual Report evidence of that momentum. Welcome to our unfolding story.

Rebecca Hale Kowlis

"In order to succeed, we must first believe that we can."

—Nikos Kazantzakis

2016

YEAR IN REVIEW



In 2016, *Educating Tomorrow's Lawyers* (ETL) marked its fifth anniversary, which gave us an opportunity to reflect on ETL—how it started, how far it's come, and how far our work will go. Over the years, ETL has evolved and expanded, working with a diverse network of law schools, legal educators, lawyers, judges, and clients to share innovation, develop improved education models, and champion successful outcomes.

Our robust network of partners gathered again this year at our 5th Annual Educating Tomorrow's Lawyers Conference: Learning Outcomes for Hire. More than 100 legal educators from schools across the country and world convened in Denver to focus on creating meaningful learning outcomes, measuring whether those outcomes are being met, and turning those outcomes into tangible hiring criteria for legal employers. During the Conference, we honored Martin "Marty" J. Katz, former Dean of the University of Denver Sturm College of Law, with the 2016 Educating Tomorrow's Lawyers Award, which recognizes individuals and organizations that have made significant contributions to innovation in legal education.



In 2016, we continued to support that network, while also expanding our influence. In July, we released the first report from our Foundations for Practice study: *The Whole Lawyer and the Character Quotient*. We asked more than 24,000 lawyers across the country what foundations new lawyers need to succeed, and the response was clear: first, they need character. When we talk about what makes people—not just lawyers—successful, we have come to accept that they require some threshold intelligence quotient (IQ) and, in more recent years, that they also require a favorable emotional intelligence (EQ). Our findings suggest that lawyers also require some level of character quotient (CQ). Second, new lawyers need some legal skills and require intelligence, but they are successful when they come to the job with a much broader blend of legal skills, professional competencies, and characteristics that comprise the "whole lawyer."



About *Educating Tomorrow's Lawyers*

The legal market is changing, and legal employers and members of the profession are increasingly calling on law schools to change the way they educate lawyers. Meanwhile, more information, data, and resources are being developed to help law schools and legal educators improve their programs and demonstrate greater value to students and the profession. *Educating Tomorrow's Lawyers* is at that intersection, bringing the profession and law schools together to solve the challenges before us.

"The plan is to fan this spark into a flame."

—Lin-Manuel Miranda, *Hamilton*

ALLI GERKMAN
Director, *Educating Tomorrow's Lawyers*



Thanks to Foundations for Practice, we now know the foundations of success for new lawyers. As schools charged with educating professionals, law schools must find ways to ensure their graduates have those foundations. Legal employers also play an important role and must commit to hire new lawyers based on the foundations they have identified as necessary. Finally, the profession as a whole should consider whether the way we admit lawyers to the profession ensures that we are admitting new lawyers who demonstrate they have the foundations necessary for practice.



We see the spark in legal educators and members of the profession when we carry the message of the “whole lawyer” to groups across the country. As we turn our focus to the future, we see collaboration and creativity colliding as the profession and law schools begin to have the conversations necessary to ensure that new lawyers have the foundations they need to enter the profession and serve their clients. And we see that spark turning into a flame.



2016

YEAR IN REVIEW



The *Honoring Families Initiative* (HFI) generated substantial momentum in family justice reform in 2016, setting the stage for innovation within family courts, among members of the family law bar, and throughout communities more broadly. With each of these stakeholder groups, HFI is driving, facilitating, and empowering change.

Family courts are on the frontlines of divorce and separation, and these courts are increasingly assisting users who are without legal representation. To help courts respond to this development and related challenges, our *Cases Without Counsel: Experiences of Self-Representation in U.S. Family Court* study approached the issue of self-representation from the litigant's perspective. The study leveraged first-hand litigant experiences, involving court users in important discussions on how the system can be more responsive to their needs. The findings and accompanying recommendations positioned HFI and our partners with actionable, client-centric solutions for all family court litigants.



The family law bar is another key stakeholder group in family justice system reform. In 2016, HFI released a report capturing the innovative dialogue that occurred during our Family Bar Summit the previous fall. This two-day discussion among diverse members of family law professional organizations yielded a comprehensive set of recommendations for family justice system stakeholders and emphasized the bar's ongoing responsibility to foster continuous system improvement. The report, *Stewards of the System, Leaders of Change*, challenged family law attorneys to pursue meaningful change in their jurisdictions, and an accompanying toolkit equipped stakeholders with the tools necessary to replicate the Summit conversation on a local level.

About the *Honoring Families Initiative*

Divorce, separation, and custody cases are the way in which the vast majority of Americans will be involved with our courts, in one way or another, over the course of their lives. The IAALS *Honoring Families Initiative* is dedicated to promoting new ways to handle these issues that ensure better outcomes for children, less-adversarial approaches for spouses/parents, and greater accessibility, efficiency, and fairness for everyone involved in the family court process, including those who navigate the system without a lawyer.

"There is nothing so stable as change." —Bob Dylan

NATALIE ANNE KNOWLTON
Director, *Honoring Families Initiative*



Since its launch, HFI has acknowledged the need for less-adversarial ways for families in transition. The IAALS out-of-court, interdisciplinary model recognizes that some divorcing and separating families are best suited to reorganization outside of the traditional courtroom structure. The current iteration of the model is in full swing at the Center for Out-of-Court Divorce in Denver, and our rigorous evaluation of the model has demonstrated positive outcomes for participating families. A detailed report, *Out of Court and In Collaboration*, sets the stage for both continued evaluation of the Center and expansion of the model nationwide.

On each of these fronts, our work this year laid the foundation for innovative projects to come, moving us closer to a system that better serves everyone who needs access to justice. With partners in the family courts, family law profession, and broader communities, we are now poised with the knowledge and partners necessary to bring about real change for divorcing and separating families and their children.

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2016

YEAR IN REVIEW



In 2016, the *Quality Judges Initiative* (QJI) continued promoting models and best practices for how we select and evaluate judges who sit on our nation's courts. In a politically contentious year, our focus on qualifications and impartiality, as well as transparency and public accountability, were hallmarks of our messaging—because our courts, as the third branch of government, must necessarily rise above the partisan fray. A critical aspect of that effort was strengthening key components of the O'Connor Judicial Selection Plan.

Recognizing the need for benchmarks of successful programs, we worked to identify and clarify the ethical obligations of judicial nominating commission members. That effort resulted in a *Model Code of Conduct for Judicial Nominating Commissioners*, developed in consultation with state court judges, former and current attorney and non-attorney members of judicial nominating commissions, and court employees who administer and assist such commissions.

In conjunction with the release of the *Model Code*, we formed a Judicial Nominating Commission (JNC) Network. Now, JNC members and staff can connect with their counterparts in other states to share information, resources, and ideas for making commission-based appointment processes as effective as possible. Through this network, we put our *Model Code* in the hands of those who are well-positioned to utilize it.



As part of our election-year efforts, we also focused on ways in which states can help voters get readily understandable information about how judges are doing their jobs. Our downloadable toolkit, *Judges Aren't Sexy: Engaging and Educating Voters in a Crowded World*, gives states with judicial performance evaluation (JPE) programs effective ways to



About the *Quality Judges Initiative*

How does someone become a judge in the United States? The answer varies from state to state and sometimes court to court. And, some methods for selecting state court judges are more effective than others in choosing judges who are qualified and impartial, and who inspire public trust in our courts. The *Quality Judges Initiative* at IAALS is dedicated to promoting models for choosing, evaluating, and retaining judges that preserve these qualities, ensure public accountability, and keep politics from undermining the critical role of our judiciary.

"Human justice is imperfect, but it's the only justice we have."

—P.D. James, *Death of an Expert Witness*

MALIA REDDICK
Manager, *Quality Judges Initiative*

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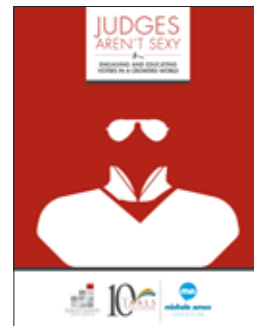
New Jersey, 1994–2001

MARY G. WILSON

Past President, League of Women Voters of the United States



communicate with voters—which members of our JPE Working Group welcomed and readily implemented. For her efforts to preserve judicial accountability and impartiality, QJI presented Joanne C. Slotnik, Former Executive Director of the Utah Judicial Performance Evaluation Commission, with our inaugural Quality Judges Award.



2016 marked the beginning of a new chapter of work for *Quality Judges*—judicial recusal. With a working group of judges, attorneys, and scholars from around the country, we considered best practices and reached consensus on several proposals for reforming recusal procedures. Our final report will come out in Spring 2017, and we will work with partner organizations like the American Bar Association, the Conference of Chief Justices, and the Brennan Center for Justice to encourage adoption and implementation of the proposals.



We see the coming year as primed for the same partisan attacks on our courts that threaten the independence and perceived legitimacy of our judiciary. Our work will remain steadfast in its nonpartisan, research-based approach, and our recommendations will reflect broad consensus among diverse stakeholders. While we recognize that human justice is imperfect, we are committed to ensuring that quality judges preside over our nation's courts.

2016

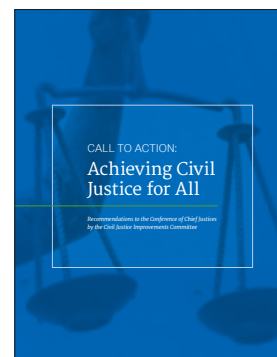
YEAR IN REVIEW



Over the past year, we saw the culmination of ten years of our work within the *Rule One Initiative* (ROI), including significant recommendations and reform at the state and federal levels. We played a key role in bringing the December 2015 federal rule amendments to fruition and served as a neutral convener in their years-long development process. Since their passage, it is clear that the amendments have made a significant mark on the system, with developing case law, a focus on judicial case management, and increased conversation on a national scale.

In parallel reform efforts at the state level, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) adopted the report and recommendations of its Civil Justice Improvements Committee in 2016, *Call to Action: Achieving Civil Justice for All*. The report is the result of more than two years of research and discussion by a blue-ribbon committee, in collaboration with IAALS and the National Center for State Courts (NCSC). The recommendations are a call to action for state court leaders across the country to transform our state civil justice system.

Recognizing that these recommendations alone will not result in change, we partnered again with NCSC, with support from the State Justice Institute, on a three-year follow-up Implementation Plan to provide support and guidance to our courts. Together, we will work with states to operationalize the recommendations through a roadmap for court implementation, CCJ/COSCA regional workshops, technical assistance, and demonstration projects.



About the *Rule One Initiative*

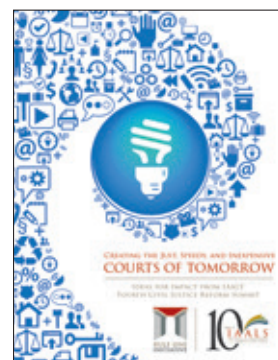
In many jurisdictions around the country today, the civil justice system takes too long and costs too much. Many deserving cases are not filed, while others settle due to the expense of litigation. The *Rule One Initiative* at IAALS is dedicated to promoting models that ensure access to justice, an efficient court process where the time and money expended are proportionate to the case at hand, and an accountable system that is fair and reasoned.

*“People are capable, at any time in their lives, of doing what they dream of.” —Paulo Coelho, *The Alchemist**

BRITTANY K.T. KAUFFMAN
Director, *Rule One Initiative*



All these efforts were highlighted at our Fourth Civil Justice Reform Summit, where we also recognized that much work remains to ensure the end result is a more fair, efficient, and accessible system for everyone involved. We called on state and federal court leaders to share their innovative ideas, and published a follow-up report, *Creating the Just, Speedy, and Inexpensive Courts of Tomorrow: Ideas for Impact*, that showcased the landscape of reform efforts in practice and on the horizon.



For us then, too, our work continues. We monitor and contribute to efforts at the federal level, including soon-to-be rolled out federal pilot projects focused on mandatory initial disclosures and expedited case management practices. We are facilitating the development of Fair Labor Standards Act Initial Discovery Protocols by a balanced committee of experts, and conducting a summary judgment docket study that will culminate in a Fall 2017 convening. IAALS continues to serve as the only organization that crosses both federal and state civil justice reform activity, and as such, we are uniquely situated at the center of this process—a driving force in what happens next. While our dreams may be grand, we know they are possible.



2016

REBUILDING
JUSTICE
AWARD DINNER

AWARD DINNER

In April, IAALS held our annual Rebuilding Justice Award Dinner in celebration of our 10th Anniversary and the remarkable progress we've made as a national force for legal reform. More than one hundred thirty people from all over the country joined us in Denver to mark this historic milestone—and celebrate a legacy of positive impacts made possible by the individuals, groups, and stakeholders who helped lay the groundwork for success. Our work is not accomplished alone, which is why we honored both past awardees and current partners for their dedication and their innovation.

The highlight of the evening came with the Proclamation from Colorado Governor John Hickenlooper that April 21, 2016, will forever after be known as Institute for the Advancement of the American Legal System Day.





2016

INVEST IN IAALS

In 2016, we launched the **Rebuilding Justice Fund**—designed to provide the venture capital needed to remain nimble and responsive to emerging and unforeseen opportunities. Gifts from individuals form the core of this fund and we are delighted to announce that IAALS increased its donor base by nearly 50% with its launch. **Thank you to all of you who contributed.** We hope you will see the value in continuing to invest in our work on an annual basis. These unrestricted gifts provide IAALS the ultimate flexibility to pursue the most timely and relevant projects.

IAALS simply would not be what it is without our partners. They are an essential part of the “special sauce” that make IAALS **unique in the world of reform.** We work hard to balance our work and to include stakeholders from all points around an issue. Ultimately, our objective is to create solutions that are fair, practical, and relevant. **Please consider making a tax-exempt gift to IAALS today.**

UNIVERSITY of
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of the AMERICAN LEGAL SYSTEM



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2016



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- Texas Southern University Thurgood Marshall School of Law
- Touro College Jacob D. Fuchsberg Law Center
- Washington and Lee University School of Law

2016



SUPPORT & PARTNERSHIPS

IAALS is indebted to all of our partners and donors who are such an essential part of our story. Every day we engage with innovative, creative, and brilliant minds around the country. The borders of our tent expand each year as we connect around new projects, emerging trends, and the legal system's most critical needs.

This year, for example, we estimate that nearly 232 individuals gave of their time, intellect, and financial resources to support our work. Task force participants, convening attendees, expert panelists, advisors, and donors join in our work, and without all of you, we simply would not have the impact that we do. **Thank you.**

In 2016, we celebrated our 10th Anniversary in style. From a special anniversary logo and brand, to a gala Rebuilding Justice Award Dinner—a special gift from **The Sturm Family Foundation** allowed us to do both with polish and panache!

The **The Foundation of the American College of Trial Lawyers** supported two projects—the Fourth Civil Justice Reform Summit and a Task Force on recommendations for initial disclosures in cases involving the Fair Labor Standards Act.

El Pomar Foundation continued their support of DIAALOGUES—high-level convenings at the Penrose House—with this year's exploration of best practices for judicial recusal.

The Bohemian Foundation supported our early work in exploring the promise of technology in allowing litigants greater access to our legal system. And **The Lynde and Harry Bradley Foundation** continued its support of our Center for Out-of-Court Divorce as it grew into its off-campus location and ramped up its marketing efforts.

The William and Flora Hewlett Foundation provided support for *Educating Tomorrow's Lawyers* with a grant that will underwrite Phase II of the Foundations for Practice project.

In addition to this project-specific support, the **Gates Frontiers Fund** continues to provide significant unrestricted support to IAALS annually. We are so grateful for their generous investment, which keeps our work forward-looking, grounded, neutral, and unbiased.

Partnerships, too, are poised for the next chapter of growth at IAALS. Join us!

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

If you would like more information about giving opportunities, sponsorships, or memberships, please contact
Marie Jackson, Administrative Assistant for Strategic Partnerships:
Marie.Jackson@du.edu | 303-871-6603

Our member organizations are essential partners to us. The Business Leadership Network and Law Firm Council provide critical support—intellectually and financially—and function as our “boots on the ground,” helping us identify emerging issues and providing feedback on our work as it develops.



2016

MEMBERSHIPS

BUSINESS LEADERSHIP NETWORK

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



LAW FIRM COUNCIL

The **Law Firm Council** (LFC) was formed in 2013 and is comprised of both plaintiff and defense firms. It meets twice a year with a number of other activities and opportunities in the interim. They provide us with rich insight into what is working and what is not working within the system. Greg Kerwin, Litigation Partner at Gibson Dunn, is the group’s chairman and a member of the IAALS Board of Advisors. In the last year, the following law firms were members of LFC:



2016



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2015-2016 DONORS

The following have supported IAALS from July 1, 2015, through June 30, 2016:

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THE STAGE IS SET

One of the inherent problems with Annual Reports is that they are backward-facing. We tell you everything that happened in the year just past.

And yet, at IAALS, our focus is always on what is yet to come. So, I am going to take this opportunity before you turn the last page on the report to tell you a little bit about 2017—what we are doing and where we are pointed. After all, the theme of this report is “The Stage is Set.” Set for what?

First of all, we are reorganizing ourselves a bit. We are loosening up the “Initiative” lines and boxes and instead identifying the program areas in which we work. We will be forming project teams that allow us to integrate areas of expertise, rather than silo them. Each member of our leadership group will still have particular areas of focus, but all of them will work more closely with one another.

Second, we are recommitting ourselves to a process that *always* involves reaching out to the end user to get input before we start crafting recommendations. We have learned that judges and lawyers do not always have the same view of a problem and its solutions as do the litigants; similarly, the profession, academics, and law students are not always on the same page.

Perhaps **most importantly**, we are part of a national “aha moment” acknowledging that “access to justice” is not a question of trying to find one lawyer (for fee or pro bono) for every case. That is not going to happen, as evidenced by the growing number of self-represented litigants in courts today. What must happen, therefore, is that the courts become fully navigable by people without lawyers—in person and online—and we have to devise new ways of connecting people with legal assistance that meets their needs. That is a tall order.

But, for courts and the legal system more broadly to remain central to our way of life and our democracy, they must stand tall—they must be transparent, fair, and trustworthy. They must serve. So, more and more of our work centers around how to develop tools and build coalitions that will allow that connection between the user and the legal system to thrive.

Watch for us to be involved in enhancing self-represented litigant tools and in developing systems that pair people with the legal services they need—including non-adversarial divorce and separation models. Watch for us to be on the ramparts defending the courts—but at the same time recommending better ways of choosing and evaluating judges, better ways of administering the cases, and better ways of providing services to anyone who walks through the front door (virtual or otherwise) of the courthouses across the nation.

In short, **watch for us to be “on stage”** any place we think we can bring IAALS’ unique blend of collaboration and innovation to the fore: **watch for us to be forging new IAALS to Justice!**

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.

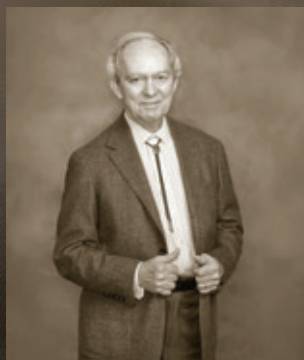


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By leveraging a unique blend of empirical and legal research, innovative solutions, broad-based collaboration, communications, and ongoing measurement in strategically selected, high-impact areas, IAALS is empowering others with the knowledge, models,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

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

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