

September 20, 2012



1:30-2:00 p.m. **Registration**

2:00-2:15 p.m. **Welcome and Opening Remarks**

2:15-3:30 p.m. **State Projects Update**

Driven largely by concerns of increased costs and delay, and the associated decreased access to the courts, state jurisdictions across the nation have implemented pilot projects, rules amendments and case management efforts designed to address these problems. This panel will explore a number of these state projects: the Business Litigation Session (BLS) Pilot Project in Boston, Massachusetts; the Civil Access Pilot Project (CAPP) in Colorado; comprehensive, statewide rules amendments in Utah; and civil justice reform recommendations in Minnesota and Iowa. Presentations will include available data from the various projects, in addition to anecdotal reports from panelists on the progress of the efforts to date.

Hon. Louise Dovre Bjorkman, (Minn. Ct. App.), *Chair, Minnesota Supreme Court Civil Justice Reform Task Force*

Hon. Daryl Hecht, (Iowa S. Ct.), *Chair, Iowa Supreme Court Task Force for Civil Justice Reform*

Hon. Margaret Hinkle (Ret.), *JAMS, former Administrative Justice, Massachusetts Superior Court's Business Litigation Session*

Skip Netzorg, Esq., *Sherman & Howard; Co-Chair, Colorado Civil Access Pilot Project Committee; Member, American College of Trial Lawyers Task Force on Discovery and Civil Justice*

Francis Wikstrom, Esq., *Parsons Behl & Latimer; Chair, Utah Supreme Court Advisory Committee on Rules of Civil Procedure*

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3:30-4:45 p.m. Federal Projects Update

Costs, delay and access are also concerns at the federal level, and federal courts and circuits have responded in kind. This panel will explore pilot projects, rules changes and case management efforts in the Seventh Circuit and Southern District of New York, as well as nationwide efforts such as the Initial Discovery Protocols for Employment Cases Alleging Adverse Action. Presentations will include anecdotal reports and any available data from the various projects.

Thomas Allman, *University of Cincinnati College of Law*

Hon. James Holderman, (N.D. Ill.), *Seventh Circuit Electronic Discovery Pilot Program*

Hon. John Koeltl, (S.D.N.Y.), *Member, Advisory Committee on Civil Rules*

Hon. Shira Scheindlin, (S.D.N.Y.), *Chair, Judicial Improvements Committee of the Southern District of New York*

4:45-5:00 p.m. Break

5:00-5:45 p.m. Keynote Speaker: Robert Sutton

Championing change in a complex organization—like our courts—is no small task. There are many stakeholders who bring divergent perspectives to the table. It's challenging enough to develop an agreeable solution that serves the justice system in a particular location or case—but the next step is to scale the solution so it can be widely implemented. That's a daunting endeavor. Robert Sutton, the keynote of this year's Summit, would call it "scaling excellence," which is the topic of his next book. Sutton is currently studying how behavior spreads within and across organizations and networks in numerous industries. He will speak about identifying the factors that make behaviors scalable and how that concept relates to the court system.

6:15-7:00 p.m. Cocktail Reception

7:00-8:30 p.m. Dinner

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8:00-9:00 a.m. **A Return to Trials: The Rise of Expedited Trial Programs in State and Federal Courts**

In the last few years, a number of expedited trial programs have been established in state and federal court—in some states by the judiciary, in others by the legislature. These programs shorten the time from filing to trial and provide for an expedited and shortened trial. A few of these programs also limit pretrial processes between filing and trial. This panel will examine these programs and discuss successes and failures to date.

Martha Dickie, Esq., *Almanza, Blackburn & Dickie; Member, Texas Supreme Court Task Force for Rules in Expedited Actions*

Paula Hannaford-Agor, Esq., *Director of the Center for Jury Studies, National Center for State Courts*

Michael Maguire, Esq., *American Board of Trial Advocates*

Stephen Susman, Esq., *Susman Godfrey*

9:00-10:00 a.m. **The Role of Judges: Caseflow Management in Civil Justice Reform**

Case management is an integral component of civil process and procedure reform. Changes to the rules of civil procedure, on their own, cannot fully succeed without the effective management of cases by judicial officers. Also, much can be done by judges, even without rule changes. This panel will explore the role of judges and case management in efforts to reduce costs and delay in the civil pretrial process and increase access to the courts.

Hon. David Campbell, (D. Ariz.), *Chair, Advisory Committee on Civil Rules*

Hon. Robert McGahey Jr., (Colo. 2nd Jud. D. Ct.)

Hon. Lee Rosenthal, (S.D. TX), *former Chair, Standing Committee on Rules of Practice and Procedure; former Chair, Advisory Committee on Civil Rules*

Hon. Amy St. Eve, (N.D. Ill.), *Judicial Conference Committee on Court Administration and Case Management*

10:00-10:15 a.m. **Break**

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10:15-11:15 a.m. **Data Collection and Measuring Change: Scope, Methodology and Administrative Challenges**

As experimentation and rules reform at the state and federal level has increased in the last few years, national organizations like IAALS, the Federal Judicial Center, the National Center for State Courts, and others have committed to collecting data and measuring the effects of these various changes. This panel will focus on this process, as panelists compare their respective data collection efforts, considering scope, methodology and challenges encountered. Panelists will also consider what measures have been most telling in terms of analyzing success/failure and which measures have proven to yield little useful information.

Corina Gerety, Esq. *Research Manager, IAALS*

Paula Hannaford-Agor, Esq., *Director of the Center for Jury Studies, National Center for State Courts*

Emery Lee, Esq., *Senior Research Associate, Federal Judicial Center*

Prof. Jordan Singer, *Assistant Professor of Law, New England Law | Boston*

11:15-12:30 p.m. **From Recommendations to Reform: Summary of Themes and Next Steps**

Building on the two-day conference, this discussion will center on the themes from the prior panels and will focus on practical and positive solutions that emerge from these themes and the data presented. Who can do what? How? What have we learned from each other, and where do we go next?

Hon. Janice Davidson, (Colo. Ct. App.), *Member, Colorado Supreme Court Civil Rules Committee*

Hon. Jeremy Fogel, *Director, Federal Judicial Center*

Hon. Nathan Hecht, (Tex. S. Ct.), *Supreme Court Liaison, Texas Task Force for Rules in Expedited Actions*

Rebecca Love Kourlis, *Executive Director, IAALS*

Mary McQueen, Esq., *President, National Center for State Courts*

12:30-1:30 p.m.

Lunch and Wrap-Up

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