

Agenda

- 8:15 a.m. Opening Remarks, Stephen Breyer, Associate Justice, Supreme Court of the United States
- 8:45 a.m. How Things Have Changed, Gene Policinski, Vice President and Executive Director, The First Amendment Center
- Symposium Moderator, RonNell Andersen Jones, Associate Professor of Law, J. Reuben Clark Law School, Brigham Young University
- 9:15 a.m. Segment I, Activities and Impact of the New Media
Moderator: Aaron Streett, Baker Botts, LLP
- 10:45 a.m. Break
- 11:00 a.m. Segment II, Public Education and Persuasion
Moderator: Mary McQueen, President, National Center for State Courts
- 12:30 p.m. Lunch – Speaker: Joan Biskupic, Supreme Court Correspondent, *USA Today*
- 1:45 p.m. Segment III: Constraints and Opportunities for Courts
Moderator: Brian Morris, Associate Justice, Supreme Court of Montana
- 3:15 p.m. Break
- 3:30 p.m. Wrap-Up –
D. Brock Hornby, Judge, United States District Court for the District of Maine
Russell Wheeler, President of the Governance Institute, Visiting Fellow, The Brookings Institution
- 4:00 p.m. Adjourn

THE “NEW MEDIA” AND THE COURTS BACKGROUND NOTES—QUESTIONS FOR CONSIDERATION

This symposium is about how elements of the “new media”—mainly websites and blogs—are changing reporting about and communicating by the courts. How do members of the traditional press, bloggers, lawyers, professors, judges, and interest groups use—and misuse—new means of communication to try to educate the public and influence public attitudes about courts? What policies—explicit and implicit—guide their use? Some of the matters for discussion are specific to the new media. Others are of long standing but affected by it.

Observations offered at the symposium will be suggestive, not definitive, but they can highlight what more needs to be learned about these developments. What knowledge can most help those in the court-communications nexus to navigate this new and changing environment?

The symposium consists of three 90-minute segments, plus some introductory analyses, a luncheon commentary, and a short wrap-up session. Each segment has a moderator and “principal discussants” to whom the moderator will turn first, then open the forum to the entire table.

The three segments’ boundaries are not precise, but generally:

- Segment one, “Activities and Impact of the New Media,” deals principally with how reporting and commenting on courts has changed because of daily newspapers’, weekly journals’, and radio/television news outlets’ plummeting readership and resources, and the Internet’s overflow of information and commentary about courts.
- Segment two, “Public Education and Persuasion,” deals with how courts and various types of interest groups use the new media to educate segments of the general public about courts, and to try to persuade people to their views.
- Segment three, “Constraints and Opportunities for Courts in the New Environment,” deals more specifically with the costs and benefits to courts of using newer technologies to make available information about what they do.

Two themes pervading all three segments are, first, possible changes over time in underlying cultural patterns of information seeking and dissemination, and, second, communication technologies on the horizon that may affect the courts and the press in ways hard for many people today to envision.

Segment One: Activities and Impact of the New Media

Moderator—Aaron Streett, Baker, Botts

Principal Discussants

Douglas A. Berman, William B. Saxbe Designated Professor, Moritz College of Law, The Ohio State University

Laurie L. Levenson, Professor of Law, William M. Rains Fellow and Director of the Center for Ethical Advocacy, Loyola Law School of Los Angeles

Tony Mauro, Supreme Court Correspondent, *The Legal Times*

Ruth McGregor, Chief Justice, Supreme Court of Arizona

Norma Mendoza-Denton, Associate Professor of Anthropology, University of Arizona

Laurie Roberts, Columnist, *Arizona Republic*

Benjamin Wittes, Fellow and Research Director in Public Law, The Brookings Institution

Changes in the Traditional Press

No one needs reminding that an ocean of online information and opinion has challenged, if not washed aside, traditional newspaper and TV/radio forums.¹ The Associated Press recently commissioned an anthropological study of news consumption behavior, realizing that:

Younger consumers, ages 18-34, have adopted ways of getting their news that are much different from those of past generations. Younger consumers are not only less reliant on the newspaper to get their news; they also consume news across a multitude of platforms and sources, all day, constantly. . . . This shift is triggering adjustments, even revolutions, at media companies in every part of the world.²

“[A] newspaper on the street,” *New York Times* media reporter David Carr recently observed, is probably evolving into “a kind of brochure of a rich online product.”³

Twenty years ago, most people with passing interest in courts followed them in newspapers and TV/radio while lawyers, judges, and academics read opinions and professional journals. Today a cacophony of outlets, on a minute-by-minute basis, transmits information and misinformation; judicial opinions and related documents; commentary and vituperation about judges, lawyers, litigants and what they do. Overlapping segments of the public can get—and talk back to—a mix of academic,

¹ Eric Alterman, “Out of Print: The Death and Life of the American Newspaper,” *The New Yorker*, March 31, 2008.

² Associated Press and Context-Based Research Group, *A New Model for News, Studying the Deep Structure of Young-Adult News Consumption* 5 (June 2008).

³ “All of Us, The Arbiters of News,” *New York Times*, August 11, 2008, sec. C.

popular, technical, and sometimes daffy, analyses of courts in the traditional press and their online versions, as well as online journals and blogs.

Television news has moved from the few national networks and their local affiliates to hundreds of cable channels, including several that deal heavily or exclusively with legal matters. Court TV reportedly broadcast 900 trials during its existence.⁴ Cable TV's attention to courts has created a small industry of moderators and commentators to explain, analyze, critique, predict, and sometimes rant about judges and lawyers in high visibility cases.

Court Websites

Most appellate courts and general jurisdiction trial courts maintain websites, as do some limited jurisdiction courts. All but two state judiciaries also have system-wide websites (e.g., *Alabama Judicial System online*—best accessed through the National Center for State Courts website⁵). Information in this document is based in part on a mid-July one-person, one-day semiformal canvas of those system-wide sites, and those of the 13 federal courts of appeals. The information is suggestive, not dispositive.

Court websites contain a lot of information of interest to journalists and others that was previously accessible only in hard-copy in law offices, law libraries, and courts themselves.



⁴ Postman, "A Debate about Cameras in the Courtrooms," *Seattle Times*, Sept. 5, 2007.

⁵ At http://www.ncsconline.org/D_KIS/info_court_web_sites.html



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Today is Friday, July 25, 2008 [Chief Justice Randall T. Shepard Welcomes You](#)

Press Release

Court Record Manager Retires
Indiana Supreme Court Hosts Reception for John Newman. Public Access Was Newman's Priority.
 July 22, 2008

The Indiana Supreme Court is saying good-bye to the longtime Director of Information Management. John Newman is retiring July 25th, after 22 years with the Indiana Supreme Court, Chief Justice Randall T. Shepard announced today.



Photo of John Newman

Newman began his career in state government in 1970, taking oral history interviews for the Indiana State Library. Within months, he was named Indiana State Archivist. He remained in that position until 1986. During his years as State Archivist, Newman dedicated his time to making state records easily accessible. Guided by the fundamental belief that citizens have the right to know and inspect what government is doing, he served as a watchdog for the public. Newman explained, "It is the duty of the government to keep good records. Information needs to be maintained in order to provide accountability on how taxpayer's money is being spent."

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Popular PUBLICATIONS

[Guide to Appellate Procedure](#)

At least twenty one of the state sites have a specific page or tab devoted to the media, few as elaborate as Connecticut's.

**State of Connecticut
Judicial Branch**

Online Media Resource Center
The purpose of this resource center is to assist journalists covering the courts by providing news, background materials and helpful links about the Judicial Branch.

[Fast Facts about the Judicial Branch](#)
[Frequently Asked Media Questions](#)
[Protocol for Broadcasting, Televising, Recording or Photographing Supreme Court Oral Arguments](#)
[Supreme, Appellate Courts approve new Camera Rules](#)

Court Decisions

- [Advance Release Opinions](#)
- [Memorandum Decisions Archive](#)
- [Motions to Seal or Close](#)
- [Opinions - Appellate Court Archive](#)
- [Opinions - Supreme Court Archive](#)

General Court Information

- [Appellate Court Sessions](#)
- [Committees and Commissions](#)
- [Connecticut Practice Book](#)
- [Holidays and Court Closings](#)
- [Publications](#)
- [Supreme Court Sessions](#)

Judges

- [Biographies of Supreme Court Justices](#)
- [Biographies of Appellate Court Judges](#)
- [Directory of Judges](#)
- [Speeches by Connecticut Judges](#)

MEDIA ADVISORIES
[Next meeting of the Judicial-Media Committee will be July 14, 2008](#)

Press Releases

- [Press Releases](#)
- [Press Release Archive](#)

Other Links

- [Biennial Report, 2004-2008 - PDF](#)
- [Code of Judicial Conduct - PDF](#)
- [Code of Probate Judicial Conduct - PDF](#)
- [Connecticut General Statutes](#)
- [Glossary](#)
- [Inclement Weather Policy - PDF](#)
- [Judicial Ethics Policies](#)
- [Law Libraries NewsLog](#)
- [National Center for State Courts](#)
- [Public Access Task Force](#)

The federal courts homepage includes publications and caseload statistics. A “Newsroom” has updates on such topics as judicial vacancies and nominations. The Federal Judicial Center’s Federal Judicial History site has judicial biographies, legislative and institutional histories, and an interactive feature to answer user-constructed queries about such things as demographic variations in presidents’ judicial appointments.



Blogs

If figures offered at a recent social media conference are in the ballpark, about 25% of journalists read five or more blogs to stay up with their subject areas and about 70% follow one blog regularly.⁶ In February 2008, the number of legal (not just court-related) blogs on the *American Bar Association Journal's* Blawg Directory exceeded 1,000.⁷ Howard Bashman's *How Appealing* blog (which, despite its moniker, posts about much more than appellate litigation) lists 37 "Especially Appealing Blogs" as well as 13 "Other Links" and over 280 "Even More Blogs" with at least occasional judicial content.⁸ And this is obviously a partial list.

Some blogs provide a continual flow of resources about courts, including excerpts from and links to news articles, judicial opinions, video and audio clips, and other items. Some blogs are subject-specific—e.g., tax law or redistricting litigation. Others are more general. Some include little commentary by the blogs' authors. Others consist mainly of commentary. Several law school conferences have asked whether blogs might be displacing traditional law reviews as the primary source of serious analysis of the work of courts and judges.⁹ Other blogs push a particular policy or ideological line, sometimes bordering on the rant.

⁶ Figures cited in a PowerPoint presentation by Don Burke of the Central Intelligence Agency in a course on "Social Media for Government" presented July 14-17 by the Advanced Learning Institute (www.aliconferences.com).

⁷ As counted and reported by Ian Best at http://3lepiphany.typepad.com/3lepiphany/list_of_legal_blogs/index.html

⁸ As viewed in late July 2008.

⁹ Volume 84 (2006) of the *Washington University Law Review* has the papers of a conference there on "Bloggership: How Blogs are Transforming Legal Scholarship." In September 2007, the Association of American Law Schools and the National Law Journal sponsored a conference on "Blogging, Scholarship, and the Bench and Bar" at Santa Clara University, summarized in Jessie Seyfer, "Will Blogs Supplant

SENTENCING LAW AND POLICY
A Member of the Law Professor Blogs Network

July 24, 2008

Blog feedback & suggestions

2005 Best Blog by a Law Professor Blog Review

BLOG OWNER

Douglas A. Berman
William B. Saxbe
Designated Professor of Law
Moritz College of Law at the Ohio State University
mail Me
Web Profile & Disclosure
Recent Scholarship
CV
SSRN Author's Page

MoritzLaw
MORITZ COLLEGE OF LAW • THE OHIO STATE UNIVERSITY

July 24, 2008
Around the blogosphere

Sentencing fans will find a lot worth reading in all the new stuff recently posted at:

- [Capital Defense Weekly](#)
- [Crime and Consequences](#)
- [Grits for Breakfast](#)
- [Parole Power](#)
- [Simple Justice](#)

July 24, 2008 at 11:52 AM | [Permalink](#) | [Comments \(0\)](#) | [TrackBack \(0\)](#)

Major California report urges doing away with juve prisons

The Little Hoover Commission recently released a major report with recommendations for improving juvenile justice in California. The report, titled "Juvenile Justice Reform: Realigning Responsibilities," can be [accessed here](#). This official press release, which provides an effective summary of the report, begins this way:

The Little Hoover Commission on Monday

The **BLT**: The Blog of Legal Times
LAW AND LOBBYING IN THE NATION'S CAPITAL

JULY 24, 2008

FROM LEGAL TIMES

PTO Warns About Outsourcing Patent Work Overseas

The U.S. Patent and Trademark Office warned yesterday against the unauthorized outsourcing of preparatory work on U.S. patent applications to foreign countries.

Outsourcing patent application preparations has grown in recent years as some applicants have pushed the limits of PTO foreign filing licenses to cut costs, says Paul Rivard, a D.C. partner in Banner & Witcoff's intellectual property practice. Such foreign filing licenses allow applicants to file for patents overseas, but they do not authorize exporting subject matter abroad to prepare patent applications for filing in the United States. "Patent preparation is becoming very competitive, and some folks have tried to take advantage of the system to save money where they can," he notes.

Rivard says the notice emphasizes the PTO's distaste for outsourcing patent prep work. "A lot of people, including people

The Mortgage Meltdown: Fannie, Freddie Looked Inward for Help

Chief Judge Candidates Hit the Trail

Courtside: Article Challenges Tale About Race, Blackmun

Madigan Jumps from Akin to Orrick

Remes Resigns From Covington & Burling

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Thursday, July 24, 2008

[David Bernstein, July 24, 2008 at 1:56pm] [Trackbacks](#)

EXCELLENT ARTICLE ON HOFSTADER'S SOCIAL DARWINISM IN AMERICAN THOUGHT: Tim Leonard of Princeton has posted a [very interesting and important paper](#) on Hofstadter's influential book, and what he calls the 'myth of Social Darwinism'. Leonard points out, among other things, that the association of Herbert Spencer and William Graham Sumner with 'Social Darwinism' is almost entirely a product of Hofstadter's work, and that Hofstadter merely used 'Social Darwinism' as an epithet to discredit (libertarian) views he opposed. More generally, Hofstadter's book "gave impetus to the novel association of Social Darwinism not only with laissez-faire," but with racism and imperialism. "Never mind that the set of Gilded Age and Progressive Era writers who endorsed laissez-faire, racism, imperialism and eugenics is essentially empty... [Sumner, in fact, was a leading opponent of the Spanish-American War] 'social Darwinism' functions as a synecdoche for all that an early 1940s New Deal liberal (and many since) would regard as retrograde and reactionary."

[3 Comments](#)

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Posted at 9:10pm on Jul. 19, 2008

Reid on Confirming Judicial Nominees: "It's Not a Big Issue"

By Andrew Hyman

The cover story in the most recent issue of the Journal of the American Bar Association features the lack of judges on the U.S. Fourth Circuit Court of Appeals (see image at right). Judicial nominees wait for years, while their home-state Senators beg for hearings, but Senate Majority Leader Harry Reid says "it's not a big issue." Nominees and their families are now waiting much longer than ever before for the simple courtesy of a hearing. Overworked judges, and litigants who seek justice, think it's a big issue too. Senator Leahy might think about spending less time rehearsing for **Hollywood movie roles** and more time evaluating nominees.

Ilya Shapiro [comments](#) about the effect of Leahy's and Reid's obstruction vis a vis the recent **Al-Marri decision** in the Fourth Circuit:

"Regardless of the merits of this case — with dueling 5-4 votes on the two main issues it's obviously a close (and unprecedented) call — this case highlights yet again the disastrous consequences of our broken judicial

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Legal Journals?," *The Recorder* (Cal.), Oct. 3, 2007. See also Terry Carter, "Revising Law Review: Journals Struggle for Relevancy in a Field Redefined by the Internet," 92 *ABA Journal* 20 (July, 2006)

Questions for discussion may include:

As traditional media (including their online versions) shrink in resources, are they giving courts even less attention than they once did? As to persons who no longer read newspapers and who are not sufficiently interested in courts to seek out news about them, what if anything are they learning about courts from the media they do use—from the Daily Show to YouTube?

What traditional techniques for reporting on courts are being replaced, and at what cost?

What have been the effects—on courts, on various segments of the public—of the proliferation of online commentary about the courts?

Blog commentators on judicial decisions often offer their analyses within minutes or hours of a judicial decision's release. How, if at all, does this rapid turnaround affect the quality of the analysis?

How much do journalists and others use the information provided by court websites? Do these websites make it easier to cover the courts? How so? How could they be improved?

As with the proliferation of written commentary, what effect is the legal system's greater video presence having on that system, on judges, and various other groups?

Some law professor bloggers say that maintaining their blogs benefits their scholarship by exposing their ideas to scrutiny beyond the law schools, including by journalists. How valuable are law professor blogs to journalists? Are they more valuable to journalists than to law professors?

Do journalists have the same obligation to credit blogs as sources for information as they do to identify, for example, information provided in an interview with a source (who does not request anonymity)?

To what degree, if at all, has the greater availability of primary sources provided by court websites—e.g., judicial opinions—increased general public familiarity with what courts do?

Do judges perceive greater readership of their opinions by segments of the public, including journalists and interest groups, because of easy web access to those opinions? How accurate are any such perceptions, and have judges changed how they write opinions because of those perceptions? How, if at all, are judges incorporating alternative information sources into their research and citations? Should they?

How, if at all, is online reporting about courts changing the debate about how courts should be covered? For example, most judges take umbrage when news reports about a judicial decision identify the president(s) or governor(s) who appointed the judge(s). But online reports that identify the judges often use a hyperlink to their biographies, giving the reader ready access to the appointer. Will those opposed to naming a judge's appointer oppose the use of biographical hyperlinks?

Serious legal and judicial commentary was once confined mainly to the law reviews. The Internet has allowed a massive increase of verbiage about courts. Are the relatively few

things worth reading getting buried in reams of electronic text with which no one can keep up?

By most accounts, the Internet has democratized coverage of the courts—factual and analytic assertions get challenged pretty much as soon as they're posted. How, if at all, has this development affected coverage of courts and how courts function?

Government agencies debate whether they should give press credentials to bloggers. Does that question have any special implications in respect to courts?

Segment Two: Public Education and Persuasion

Moderator: Mary McQueen, President, National Center for State Courts

Principal Discussants

Zaida Arguedas, Deputy Executive Director and Senior Director of Global Democracy Programs, League of Women Voters

Bert Brandenburg, Executive Director, Justice at Stake

Marilyn Huff, United States District Court for the Southern District of California

Gary Katzmann, Associate Justice, Massachusetts Appeals Court

Rebecca Kourlis, Executive Director, Institute for the Advancement of the American Legal System, University of Denver

Leslie Miller, Judge, Pima County Superior Court

The same communication media that have changed covering courts have affected how courts and interest groups try to educate the public, especially young people, about courts, and, more generally try to influence public policy and public attitudes about courts. It is difficult to sort groups neatly into those that mainly pursue educational goals on the one hand and policy advocacy groups on the other. It is also difficult to sort them by those concerned principally with courts versus those concerned with the legal system more broadly, or with civic education in general (with some emphasis on discouraging delinquency),¹⁰ or with providing practical legal education to laypersons. Suffice it to say that education outreach about courts is but a small part of the large universe of civic education organizations, including such umbrella groups as the Center for Information and Research on Civic Learning and Engagement.¹¹

Educational Outreach

Twenty years ago, judicial “outreach” consisted largely of school children’s visits to courtrooms and judges’ and lawyers’ visits to classrooms. Courts now use their websites to expand those efforts.

Thirty state court websites have pages or tabs about civic education and education for primary and secondary school students and teachers. Content ranges from basic historical documents, to lesson plans, hypothetical cases, speakers’ bureaus, and even coloring books and other features under such tabs as “Kids’ stuff.”

¹⁰ Youth for Justice consortium at www.youthforjustice.org

¹¹ <http://www.civicyouth.org/>



National federal judiciary websites have educational resources—numerous offerings on the “Educational Outreach” page maintained by the Administrative Office of the U.S. Courts,¹² and lesson plans and original documents about historic (non-Supreme Court) federal cases on that of the Federal Judicial Center¹³—as do those of federal courts around the country. The U.S. Ninth Circuit has a 13 member Public Information and Community Outreach Committee (PICO) to “facilitate better relations between the courts and the news media, and to promote existing community outreach programs, which help educate the public about the work of the courts.”¹⁴ Some state and federal courts participate in joint programs, such as Massachusetts’ “Discovering Justice.”

Educational outreach, moreover, can take various forms. Several state courts, for example, have responded to the demand for transparency as to court operations by posting performance measures.

¹² www.uscourts.gov/outreach/index.html

¹³ Teaching Judicial History: Federal Trials and Great Debates in United States History, at <http://www.fjc.gov/history/home.nsf>

¹⁴ Mission statement from PICO website, <http://207.41.19.15/pico/pico530.nsf/mission?OpenForm>, viewed July 14, 2008.

Clerk of Superior Court - Court Administration - Juvenile Court-Adult Probation - Fees - Performance Measures
 Superior Court #1 #2 #3 #4 #5 #6 - Superior Court Commissioner #1 #2 #3

Superior Court of Arizona in Yuma County Performance Measures

Updated March 28, 2008

Court User Satisfaction (Measure 1)
 Court users' satisfaction with Court services and programs.

Previous	Current
[83%]	[83%]

[Detail] [Definitions] [?]

Timeliness and Efficiency of Case Processing

On-Time Case Processing (Measure 3)
 Percent of cases resolved in a timely manner, i.e., within established timeframes.

Clearance Rates (Measure 2)
 Outgoing cases as a percentage of incoming cases.

Case Type	Jan. '08	Feb. '08	Jan. '08	Feb. '08
All	[83%]	[79%]	[103%]	[108%]
Criminal	[82%]	[70%]	[120%]	[129%]
Civil	[86%]	[89%]	[75%]	[71%]
Domestic Relations	[59%]	[58%]	[100%]	[81%]
Juvenile	[98%]	[94%]	[123%]	[150%]
Other	[50%]	[67%]	[21%]	[28%]

[Detail] [Definitions] [?] [Detail] [Definitions] [?]

Employee Engagement (Measure 9)
 Percent of employees prepared, engaged, and motivated to do the work of the Court, including employees from [Adult Probation], [Clerk of the Court], [Juvenile Justice Center], and the [Superior Court].

Previous	Current
[75%]	[77%]

[Detail] [Definitions] [?]

Effective Use of Jurors (Measure 8)
 Percent of summoned jurors available to serve and percent actually used.

Measure	Jan. '08	Feb. '08
[Yield]	60%	62%
[Use]	73%	34%

[Detail] [Definitions] [?]

Cost Per Case (Measure 10)


FY 04/05	FY 05/06
N/A	\$3,635

[Detail] [Definitions] [?]

Trial Date Certainty (Measure 5)
 Percent of Trials held within two settings.

Measure	Jan. '08	Feb. '08
Criminal Non-Jury	[-]	[-]
Criminal Jury	[33%]	[100%]
Civil Non-Jury	[-]	[-]
Civil Jury	[100%]	[-]
Domestic Non-Jury	[100%]	[100%]

[Detail] [Definitions] [?]



State Justice Institute

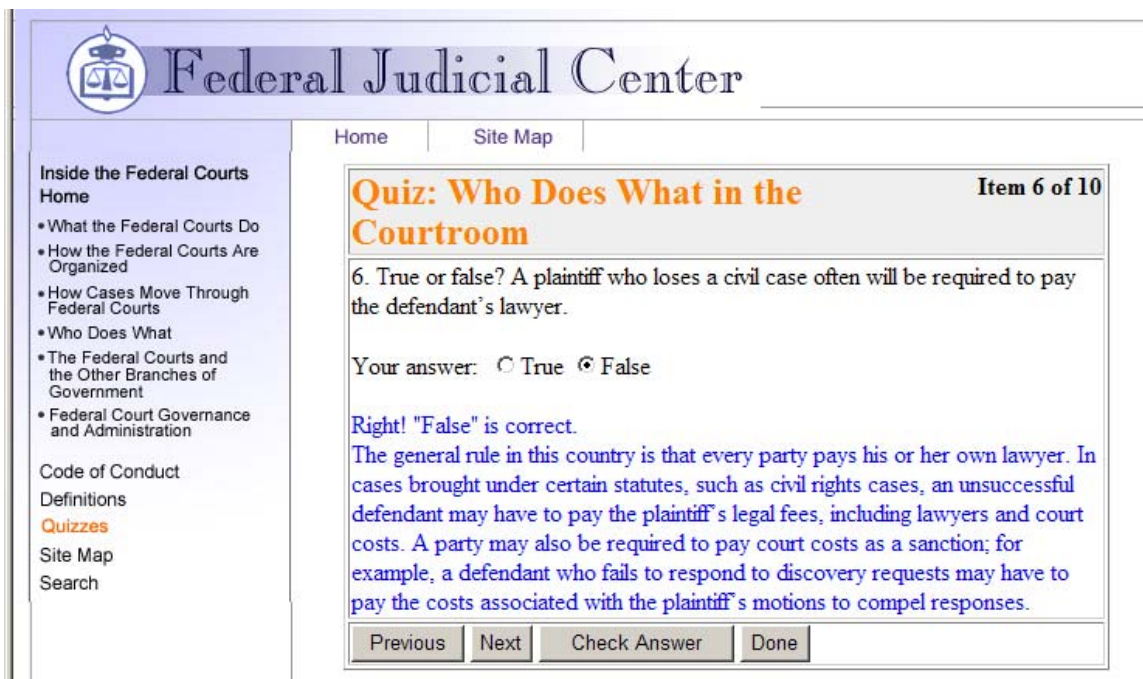
Civic Education and the New Media

One might expect courts and non-government groups to use Internet-enabled interactivity to engage students in learning about courts. That is the vision of the “Our Courts” project (www.ourcourts.org), spearheaded by Retired Justice Sandra Day O’Connor. Its website says “Our Courts” “will be a free, interactive, web-based program and eventually a virtual 3D world designed to teach and engage middle-school students in civics. Through the lens of the judiciary, Our Courts will allow students to participate in realistic simulations of government [and] investigate and argue actual cases and controversies using real law”

If so, it will stand apart from the great majority of sites now available. Content on the 30 state court websites with some sort of educational outreach page includes court-developed material as well as website links to national groups and state entities such as bar associations or civic groups. Twenty-two court websites have documents about the courts—online texts or pdf documents; 18 have information on visiting courthouses or having judges or lawyers speak to classrooms; and 14 have suggested curricula for classroom lessons (which often are interactive, emphasizing discussion and using features such as mock trials).

The websites of 18 state court systems, and five U.S. courts of appeals stream or otherwise provide live or recorded audio or video access to in-court proceedings, and five federal trial courts are engaged in a pilot project to allow users to download audio files from PACER, the federal courts' system of public electronic access to court records.¹⁵ One reason often offered for such availability is to educate the public about what goes on the courtroom.

Only three state court websites, however, put educational video programs online for viewing or downloading (e.g., two short programs for schoolchildren describing the Missouri courts¹⁶), as opposed to telling users how to rent or purchase a DVD or videotape. Interactive features—e.g., online quizzes or games—appear principally on the nine sites that have “Kids’ pages” aimed at elementary students, although the Federal Judicial Center’s *Inside the Federal Courts*, directed in part at high school students, includes quizzes for each of its sections.



A 1998 American Bar Association survey of state law-related education programs (still posted on the ABA website)¹⁷ found that the most popular programs were teacher institutes, mock trial competitions, lending libraries, and lawyers-in-the-classroom

¹⁵ “Pilot Project Update: Digital Audio Recordings Online,” *The Third Branch* June 2008 at 7, available at <http://www.uscourts.gov/ttb/2008-06/article06.cfm>

¹⁶ <http://www.courts.mo.gov/page.asp?id=253>. The Rhode Island site has a video about *Brown v. Board of Education* <http://www.courts.state.ri.us/outreach/videos.htm> and the Washington state site has a link to a Washington State Public Affairs Network , video about an important state case in the 1990s <http://www.tvw.org/media/mediaplayer.cfm?evid=1998120085&TYPE=V&CFID=4491576&CFTOKEN=29d99805a73d7bef-5D1D1E3A-3048-349E-4E29ABD0EFDB3968&bhcp=1>.

¹⁷ www.abanet.org/public/lre/summary.html, viewed July 28, 2008

activities. A semi-structured review of more recent programs highlighted by the ABA, the National Center for State Courts,¹⁸ and the American Judicature Society¹⁹ suggests that court and classroom visits, and curricular material, remain the dominant forms of non-government education programs about courts.

The AJS's new *Public Education Portal*²⁰ features what it calls "exemplary educational materials on the judicial branch and innovative models for presenting these materials." Each of five "innovative models for offering public education programs to students and adults" are programs for teaching about courts in class rooms or other assemblies, and the 13 "exemplary educational materials" are curricular materials for classroom instruction developed by the ABA or various state groups, often in cooperation with the state judicial branch. The National Center and AJS have also developed programs themselves. AJS's two-part "High School Curriculum on the Judiciary"²¹ is a frequently linked-to site. The National Center is producing a series of "graphic novels" to illustrate, along with accompanying lesson plans, how courts work. The first effort depicts a homeowner's involvement in an eminent domain proceeding and her granddaughter's criminal prosecution for illegally downloading music from the Internet.

JUSTICE CASE FILES

Justice Case Files is a series of illustrated novels created by the National Center for State Courts to educate the public about how our courts work, how judges make decisions, and how courts are accountable to the law.

The first of this series, *The Case of Internet Piracy* tells the story of Megan, a college freshman charged with theft for downloading music, and her grandmother, Ellen, who has received notice that the city plans to take her house through eminent domain.

Justice Case Files is now available for order. The cover of the 24-page book can be customized with your court or state seal. There is a minimum order of 5,000 copies for the customization.

5,000 copies	\$ 6,435	= \$1.29/copy
10,000 copies	\$ 8,778	= \$0.88/copy
15,000 copies	\$11,208	= \$0.75/copy
20,000 copies	\$13,544	= \$0.67/copy
50,000 copies	\$27,204	= \$0.54/copy

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NCSC
National Center for State Courts

¹⁸ "Law-Related Education Resource Guide,"

www.ncsconline.org/WC/CourTopics/ResourceGuide.asp?topic=LawEdu#1483

¹⁹ "Judicial Education and Outreach Programs," www.ajs.org/pe/pe_education-oriented.asp
<http://www.ajs.org/pe/index.asp>

²¹ www.ajs.org/hsc

Conflicting Objectives in Educational Outreach?

Organizations that develop civic education programs have two objectives—inculcating respect for institutions and describing government accurately. Those two goals are not always compatible. Take, for example, judicial selection. The judicial branch site in a state with a recent history of costly judicial elections offers visitors to its “Student Learning Center” a link to “How to Become a Judge,” which, when opened, reveals the relevant provisions of the state constitution and no mention of the controversy in that state over the role of money in judicial election campaigns. To the degree court and non-governmental websites analyze judicial selection, they appear decidedly pro-commission system. One state website proclaims on its homepage “Celebrating 41 years of fair and impartial courts through merit selection.” Few sites encountered in the admittedly superficial review that underlies these materials presented (as did an ABA lesson plan and Wisconsin judiciary materials) both the pros and cons of commission and election methods.

Policy Advocacy

Non-government groups also use new media as part of their efforts to provide education and promote particular policies about the courts and legal matters more generally. Groups with a particular interest in promoting or discouraging policies by or about the judicial system include long-established organizations such as the American Bar Association, the American Judicature Society, and League of Women Voters, and newer entities, ranging broadly across various spectra—for example, the University of Denver’s Institute for the Advancement of the American Legal System, the Federalist Society, and the Justice at Stake Campaign.

Justice at Stake
c a m p a i g n

Eyes on Justice
The Justice at Stake Campaign Newsletter

Working to Keep Courts Fair and Impartial

About Justice at Stake July 31, 2008

in this issue. . .

Wisconsin Record Broken;
Secret Spending Dominates

Guantanamo Debates Heat Up

Michigan: Reform Controversy

Alabama: Valuing Justice

Tribune Cites JAS, Brennan

**WISCONSIN RECORD BROKEN;
SECRET SPENDING DOMINATES**

The Milwaukee Journal Sentinel reported in a **July 22 article** that last April’s Supreme Court race in Wisconsin set a record for campaign costs, with a total of nearly \$6 million spent.

Even more troubling is the percentage spent by third-party groups, which are not required to disclose their funding sources. According to the article, \$4.8 million was spent by special interest groups like “**Wisconsin Manufacturers & Commerce**,” the “**Greater Wisconsin Committee**,” the “**Coalition for America’s Families**” and “**Club for Growth Wisconsin**.”

a blog about impartiality.

Other organizations invite website users to help rate judges or otherwise describe the players in the courts arena. (Credit to William Raftery of the National Center for State Courts for calling attention to the two websites below and others in a June 2008 presentation at Justice at Stake's 8th Annual Summer Workshop. See, for additional examples, <http://ratethecourts.com>, <http://robeprobe.com>, Ten Federal Judges Who Must Be Impeached for Abuse of Power, <http://home.earthlink.net/~dlaw70/top10.htm>, <http://therobingroom.com>.)

The range of information and advocacy is striking. The two sites below, which criticize courts and judges in ways that may discomfort some, seem well within the boundaries of acceptable public advocacy.

COURTHOUSE FORUM™
YOU BE THE JUDGE™

Home Directories Rankings Journals Forums Resources Maps About Us Login Register

Find Judge or Nominee Find

The Nation's Repository of Courthouse Information

Federal court rules part of Florida Pledge of Allegiance law ... - JURIST

Search Find

Censor Level: LOW

Welcome Guest

Federal Courts

- United States Supreme Court
- First Circuit Courts
- Second Circuit Courts
- Third Circuit Courts
- Fourth Circuit Courts
- Fifth Circuit Courts
- Sixth Circuit Courts
- Seventh Circuit Courts
- Eighth Circuit Courts
- Ninth Circuit Courts
- Tenth Circuit Courts
- Eleventh Circuit Courts
- D.C. Circuit Courts
- Federal Circuit Courts
- Other Federal Courts

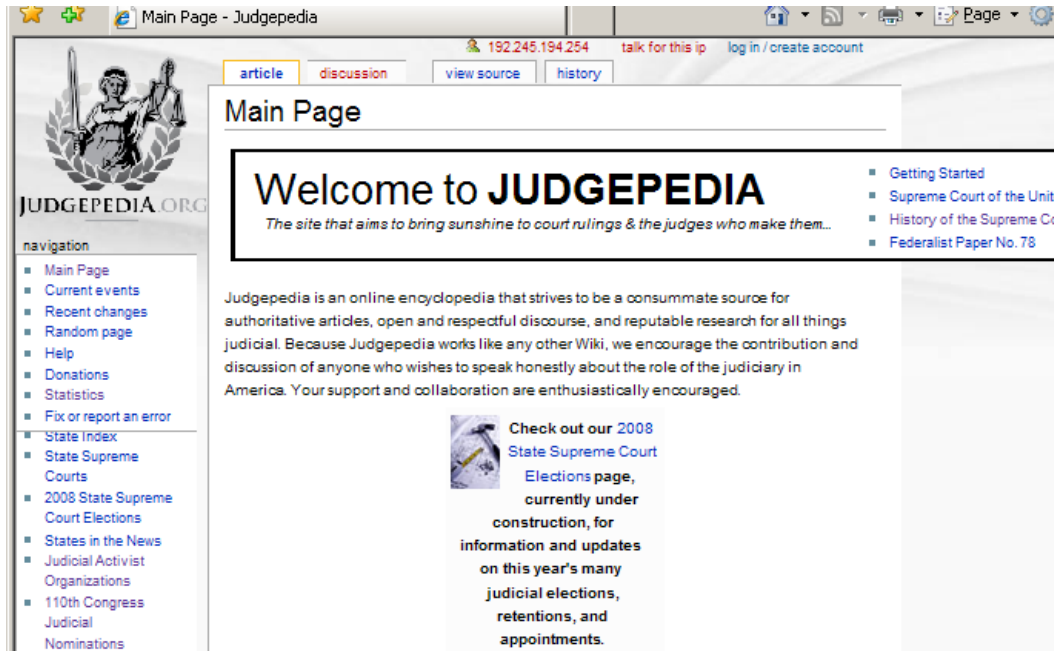
Rate judges and rate courts at Courthouse Forum. Courthouse Forum has a judge directory and court directory for each state and federal judiciary, discussion forums for courts and judges, judicial performance evaluation surveys to rate judges, worst judge voting, forums for legal questions, law and legal resources, legal news, judicial misconduct and judicial complaint information, court maps, and more.

Visitors may now vote for the judges they consider to be the worst judges, by going to the Judge Directories or the judge's page in the forum. To find a judge use the Judge Directories, or the Find Judge search feature to the upper-left. Voting will continue throughout the year. Visitors are allowed one vote per session.

To explain your vote for a particular judge, you may use our forums or complete a judicial evaluation survey for the judge. Surveys may be accessed on the Judge Directory and on each judge's page in the forum.

State/Other Courts

- Alabama
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida
- Georgia
- Guam
- Hawai'i
- Idaho
- Illinois
- Indiana



On the other hand, a spokesperson for the U.S. Marshals Service recently said: “With the growth of blogs, discussion boards, video sharing sites and such on the Internet, we have seen a corresponding increase in the number of inappropriate communications directed at those in our protection.”²²

He spoke in the context of a flurry of attacks by YouTube patrons directed at a federal judge overseeing a copyright suit by Viacom against YouTube, including 34 videos publishing the judge’s work address, phone and fax numbers, and information on contacting his law clerks on social networking sites. One obscenity-laced video that called on people to expose the judge’s personal information had been viewed 164,000 times on YouTube by early August. Another video appeared to be a death threat.²³

Questions for discussion may include:

What are the objectives of court and non-governmental civic education efforts? How can the effectiveness of these efforts be measured?

How, if at all, have new media tools affected these civil education efforts? For example, who watches or listens to video or audio feeds of court proceedings?

What is the distinction between “civic education” and “advocacy?” When do court-sponsored civic education efforts become “advocacy?” Do courts have—do they need—policy guidance on where to draw the line? Would such policies differ from those that legislatures might adopt for their civic education efforts?

²² Jason Boog, “Attack of the Video-Bloggers, posted August 6, 2008, on the Institute of Judicial Studies Judicial Reports at http://www.judicialreports.com/2008/08/attack_of_the_videobloggers.php#more

²³ Boog, supra note 15.

How do journalists evaluate advocacy goals of non-governmental civic education efforts? Does the press have much interest in civic education about the courts? Should it have more?

Who is listening to organizations that advocate policies for courts in such areas as judicial selection, judicial performance, and judicial accountability ballot measures? What impact has the “new media” had on the ability of these groups to influence government, media and the public?

What responsibility, if any, do courts and civic organizations have to present contrasting information about courts? Are there different responsibilities for courts and civic organizations?

How has the “new media” reshaped courts’ view of what comprises “civic education?”

Can journalists who cover courts identify which among the many websites and blogs about courts are legitimate sources of information/analysis about courts—and who defines “legitimate”?

Segment Three: Constraints and Opportunities for Courts

Moderator: Brian Morris, Associate Justice, Supreme Court of Montana

Principal Discussants

Michael Chiorazzi, Associate Dean for Information Services, Professor of Law and Information Resources & Library Science, Rogers College of Law

Tom Hodson, Director, E.W. Scripps School of Journalism, Ohio University

J. Rich Leonard, United States Bankruptcy Court for the Eastern District of North Carolina

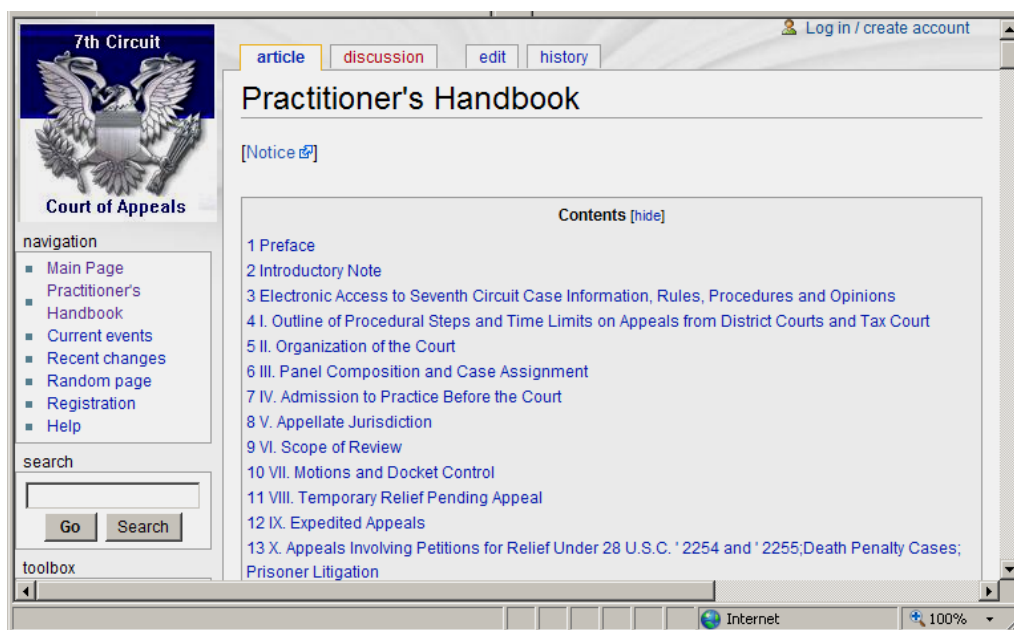
Howard Mintz, Staff Writer, *San Jose Mercury News*

David A. Sellers, Assistant Director for Public Affairs, Administrative Office of the U.S. Courts

The new media enhance courts' opportunities to communicate their work, to educate, and to persuade. But they also present challenges to courts.

Using Technology Effectively

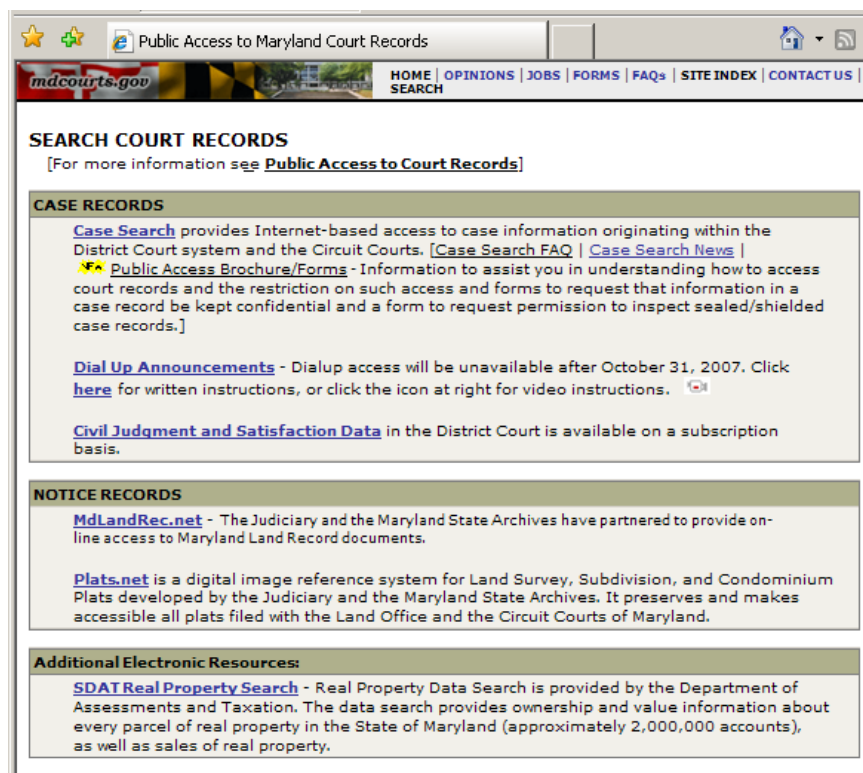
One challenge is using technology effectively—getting the most out of it. Court websites have sprouted like weeds; some look like weeds. At least 15 state judicial branch sites and three federal courts of appeals offer RSS feeds, but the only court wiki that surfaced in the mid-July survey is the “7th Circuit Wiki” of the U.S. Court of Appeals for the Seventh Circuit, whose Practitioner’s Handbook is, at this stage, the only item available for review and editing.



Lawyers and those who work around the courts are probably adapting new media faster and in more ways than are courts. For just one example, jury consultants are using social-networking websites as well as blogs, to research potential jurors, including testing the credibility of responses on juror questionnaires.²⁴

Electronic Access to Docket Information

Remote website access to court records has brought those records out of the “practical obscurity” that prevailed when they could only be examined in clerk’s office paper files. The federal courts’ Public Access to Court Electronic Records (PACER) system allows web access to party filings, judicial orders and final judgments in district and bankruptcy cases nationwide. Twenty-nine state judicial branch websites provide some kind of remote access for at least some data on at least some courts’ dockets.



Privacy and Transparency

Records in case files are public but statutes and judicial branch policies forbid disclosure of personal or sensitive information, such as social security numbers. Courts take different approaches to enforcing such policies with respect to case information online—some redact records, others tell the parties to keep sensitive information out of documents

²⁴ “Vetting Jurors via MySpace: Social Web sites contain a trove of data for attorneys,” *National Law Journal*, August 11, 2008.

to be made public, some seal files or allow only on-site inspection of sensitive records,²⁵ and/or or restrict access to sensitive information to certain categories of individuals. Technology may both enhance and frustrate these efforts. Last May, Howard Bashman's *How Appealing* posted an article about an incident in federal district court in Connecticut. A law firm tried to black-out information in filings to "make them inaccessible to the public," only to have PACER users download the documents, "copy the black bars that cover the text on the screen, and paste them into a Word document" thus revealing some embarrassing information about the client corporation's management practices.²⁶

Journalists have a stake in how courts restrict access to information online. The Justice Department last year proposed that PACER block electronic access to all plea agreements in order to frustrate websites that post agreements that identify cooperating witnesses (e.g., www.whosarat.com.) The six journalists or journalism organizations that responded to the Judicial Conference's call for comments on the proposal all opposed it, including a blogger who covered the "Scooter" Libby trial and Congressional corruption prosecutions. "If the plea deals are no longer accessible online," she wrote, "it would create exorbitant costs for average citizens to study the complex conspiracies of those in our government."²⁷ (The Conference rejected the DOJ proposal, but urged each federal district court to fashion a policy that preserved public Internet access to plea agreements while protecting information about cooperation.)²⁸

Facilitating Investigative Analyses

PACER's heaviest users (and perhaps those of most state systems) have been information resellers, such as credit agencies,²⁹ whose fees help substantially to sustain PACER. PACER's architecture, moreover, is largely case based and not designed to allow systematic research on behaviors of individual judges or groups of judges; its design reflects, rather, in the words of one observer, "a conscious effort to attract and accommodate users pursuing aims other than public scrutiny of the judicial process."³⁰ Journalists or academic researchers who wish to use the electronic data for aggregate analysis of how, for example, a certain category of litigants fared in the courts of a jurisdiction, are better off using commercial data bases that have reassembled court data for such research.³¹

²⁵ Alan Carlson, "Public Access to Court Records: Reducing the Risk of Disclosure of Personally Identifiable Information," *Future Trends in State Courts, 2007* (National Center for State Courts), 19-22.

²⁶ Douglas Martin, "GE Suffers a Redaction Disaster, General Electric's sensitive information easy to access behind black veil," *The Connecticut Law Tribune*, May 28, 2008.

²⁷ <http://www.privacy.uscourts.gov/2007comments.htm>

²⁸ "Federal Courts Urged to Protect Cooperating Defendants" (news release) http://www.uscourts.gov/newsroom/FC_urgedto_protect_defendants.html

²⁹ Peter W Martin, "Online Access to Court Records—from Documents to Data, Particulars to Pattern," *Cornell Law School Legal Studies Research Paper Series Paper 93* (2008), at <http://lsr.nellco.org/cornell/lrsp/papers/93>, at 11

³⁰ *Supra* note 30 at 5

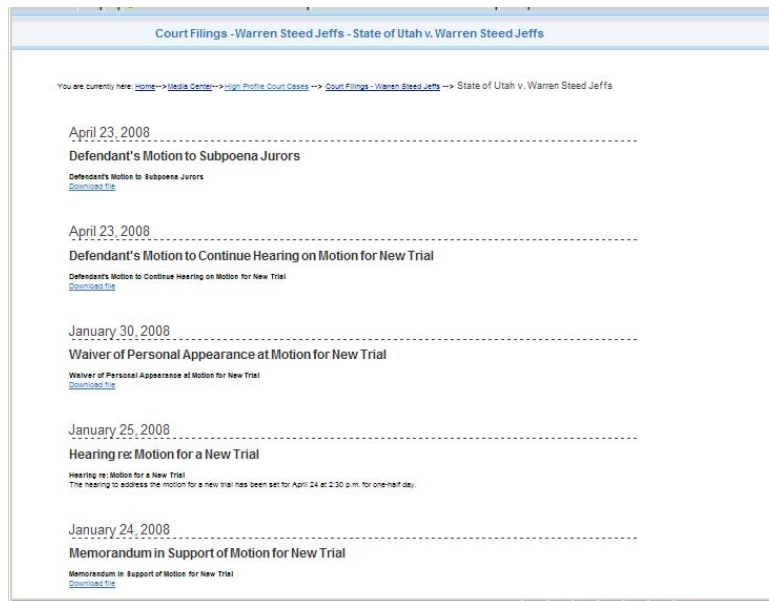
³¹ *Supra* note 39 at 15

New Media and Court and Case Management

Technology and the new media it spawns may both compound and ease court and case management tasks that implicate reporting about courts. Some examples:

Redacting Sensitive Information - As noted earlier, court privacy policies prohibit exposure of some private or sensitive information, which some courts implement by redacting records to hide that information. Courts, citing lack of resources for records or file redactions, have compensated for that administrative problem by barring access to entire files or documents.³² National Center for State Court researchers, though, report that technologies in commercial development may help solve that management problem by automatically redacting specified information.³³

Posting Exhibits - Posting exhibits online is common-place in some courts, but sometimes the amount and variety of exhibits create special burdens. In 2006, the judge in the federal prosecution of Zacarias Moussaoui resisted news media requests to provide them hard copies of exhibits that had been published to the jury. To do so, she wrote, would be "logistically impossible," in part because of the large number of exhibits. The court of appeals overruled, suggesting that the administrative burdens might be overcome by providing a single copy of exhibits that the press could then duplicate.³⁴ By 2007, however, both federal³⁵ and state³⁶ courts were posting exhibits in high-visibility cases on their websites.



³² A 2006 article said that Colorado was the only state whose courts had cited lack of resources to justify limiting access. Susan Burgess, "Administrative Obstruction of Justice," 30 *The News Media and the Law* No. 2, p. 29 (Spring 2006)

³³ Supra note 26 at 20

³⁴ In re Associated Press, 172 Fed. Appx. 1 (CA-4, 2006).

³⁵ Troy Gram, "Follow the Fort Dix terror case online; Judge OKs unprecedented access to evidence," *The Record* (Bergen County, New Jersey), July 11, 2007

³⁶ For other state examples, see <http://www.mncourts.gov/district/4/?page=2133> and <http://mdcourts.gov/coappeals/highlightedcases/index.html>. (Thanks to David Sellers of the Administrative Office of the U. S. Courts for identifying these examples.)



Video Coverage of Proceedings - In the same Moussaoui prosecution, the judge, on both legal and practical grounds, denied news media requests to televise the trial. She recognized that camera technology had rendered video coverage unobtrusive (no cables, no special lights), but said, if a witness's face were televised, even by mistake, other technology would compound the damage: the image would be "eligible for preservation by VCR or DVD recording, digitizing by the new generation of cameras for permanent placement on Internet websites and chat rooms."³⁷ Of course, few trials involve al Qaeda members, and the specific objection here might be overcome by delayed broadcast, but the exchange illustrates the clash of technologies.

Audio as an Alternative - The debate over video coverage of courtroom proceedings predates the onslaught of the new media. The states have been more accommodating to video coverage than the federal courts, despite recent and determined Congressional efforts either to mandate video coverage of Supreme Court proceedings³⁸ or authorize such coverage in all federal courts³⁹ (in either case, with qualifications). Video access may be inevitable, but the debate at present is in a holding pattern.

Courts also provide online access to live or recorded video or audio feeds of some or all appellate arguments and trial proceedings. As noted above, 18 state court websites provide audio or video feeds, five U.S. courts of appeals websites provide audio, and five federal

³⁷ US v. Zacarias Moussaoui, Memorandum Opinion, Jan. 18, 2002 205 FRD 183 30 *Media L. Rep.* 1251.

³⁸ S.344

³⁹ S. 352

trial courts are engaged in a pilot project to allow users to download audio files from PACER.

Blogging Trials - Newspaper reporters and media bloggers have chronicled trials in progress (e.g., the 2006 Enron⁴⁰ and 2007 Libby prosecutions) under special accommodations ordered by the presiding judges.

Jurors' and Citizen Journalists' Blogging During/About Trials - Thanks to the Internet, people interested in researching points at issue in a trial can often get much more information online, and get information much more quickly and easier, than they could be traipsing to the local library. The Internet also gives potentially powerful platforms to citizen journalists who, pre-Internet, got little attention. Local press stories, many of them surfacing nationally on Howard Bashman's *How Appealing* blog illustrate the impact of websites and citizen-journalist blogs on courts:

- a lawyer not associated with a complex fraud trial has run a blog commenting on the proceedings, which has led the judge to exclude five witnesses and a juror who had looked at the blog.⁴¹
- a family court judge ordered a minister, who was suspicious of a state agency's efforts to separate children from allegedly abusive parents, to remove from her blog "all written and pictorial information pertaining to the children" in a specific proceeding.⁴²
- there are numerous stories of jurors who have blogged during and after trials, prompting debate over whether blogs that provoke no comments from users violate judges' admonitions not to discuss the trial outside the jury room.⁴³
- an environmental activist and citizen journalist posted blog entries as a "fly on the [jury room] wall." The posts implied that some jurors in a case involving an oil company cast not guilty votes for improper motives.⁴⁴

Judges Who Blog

Another challenge involves how much judges should use these new media for out-of-court observations about their worlds. The February 2008 *ABA Journal's* Blawg Directory identified five judges who maintain their own blogs,⁴⁵ most prominently Richard Posner, who posts with University of Chicago economist Gary Becker on "The Becker-Posner Blog." The five judges listed in the *ABAJ*, though, don't include Texas state District Judge Susan Criss, and there may be others besides her who are not among the five identified by the *ABAJ*. Criss's "As the Island Floats" (www.astheislandfloats.com/) ruminates (or did, as of April 2008) about life on Galveston Island and about judging and her judicial life—including her recent

⁴⁰ Tolson, "The Enron Verdict; Coverage Entering a New Phase for Media," *Houston Chronicle*, May 30, 2006

⁴¹ Bruce Bigelow, "Peregrine Juror Excused; Saw Blog," *San Diego Union-Tribune*, June 27, 2007

⁴² Edward Fitzpatrick, "Blog Battle Becomes Free Speech Case," *Providence Journal (RI)*, Jan. 13, 2008

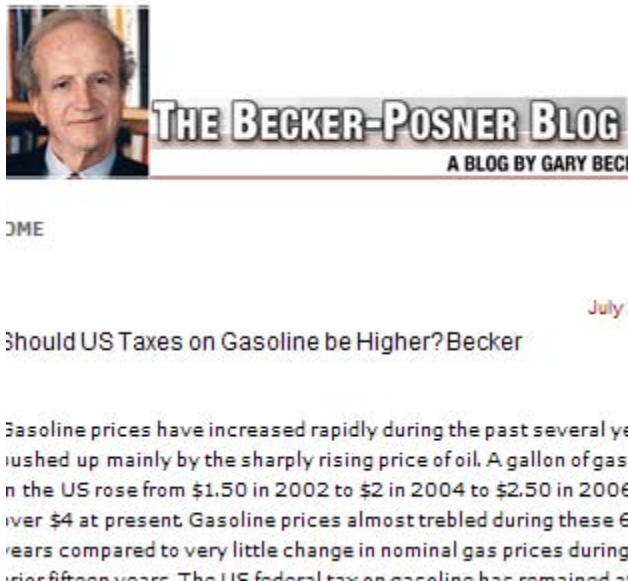
⁴³ For example, Vesna Jaksic, "A New Headache for Courts: Blogging Jurors," *The National Law Journal* March 19, 2007

⁴⁴ Posts are at <http://usavscitgo.blogspot.com/2007/08/usa-vs-citgo-dissenting-jurors.html> and http://usavscitgo.blogspot.com/2007/08/usa-vs-citgo-dissenting-jurors-part-3_17.html

⁴⁵ <http://www.abajournal.com/blawgs>

unsuccessful campaign for the Democratic nomination for the Texas Supreme Court (post of March 12, 2008).

Other judges contribute to blogs; Massachusetts federal District Judge Nancy Gertner is an occasional contributor to Slate magazine's "Convictions" legal blog.



Gertner told a *Boston Globe* reporter that she sees blogging "as the new media version of what I've always been doing . . . If this is where people are getting information, this is where we have to be." Judge Bruce Selya of the U.S. First Circuit's Court of Appeals, told the same reporter that he would not blog because "it would be a great strain on me to be careful not to say anything that could come back and make it seem like I prejudged a matter when it actually came before me."⁴⁶

Perhaps the debate over the propriety of judicial blogging is simply an extension of the debate over whether judges should speak on sensitive matters elsewhere than in their opinions. Gertner has commented about law-related matters in law reviews and op-ed pages. As paraphrased by the reporter, she thinks "judges are too often silent on issues they should publicly address," such as analyzing whether the federal sentencing guidelines produce unreasonably long criminal sentences or explaining why judicial codes of conduct forbid judges' public discussions of their cases. Reasonable people disagree over whether judges should opine on those topics off the bench regardless of the medium.

There may, though, be a concern that judges in the blog medium are more likely than in traditional communication to cross the line. Gertner told the *Globe* reporter that she edits her drafts on paper before posting them, and Criss's blog includes a disclaimer more extensive than caveats in judges' law review articles:

⁴⁶ Jonathan Saltzman, "Off the bench, judge blogs her mind," *Boston Globe* May 27, 2008

None of the information contained in or referred to by this website is intended to give legal advice or comment on pending or potentially pending litigation. Links or references to other websites or blogs are for informational purposes only and are not intended to be endorsements of persons, positions, products or opinions. References or links to other websites or blogs are not warranties of the accuracy of any information contained therein. Readers cannot anticipate how motions, objections, hearings, trials or other matters in litigation will be decided based on anything published on this site and should not try.

Questions for discussion may include:

Do court websites represent accepted features of good web design? Are courts making effective use of the “new media?” Can courts make effective use of so-called Web 2.0 forums, which facilitate social interaction and networking even more so than blogs? What current—and likely future technologies—should courts be using? Are court staff equipped to use these technologies well? Do courts have the resources to make effective use of new media? To what degree would use of these new forms of communication constitute a good use of court resources?

How, if at all, has online access to records previously available only for hard-copy inspection changed reporting about court activities and the dissemination of such records?

How are journalists affected by the design of systems such as PACER, which provide access to court records in individual cases but do not facilitate easy aggregate analysis of judicial behavior? To the degree electronic records systems are so designed, is the design problematic mainly for academic researchers or for journalists as well?

To what degree can audiofiles of judicial proceedings substitute for video coverage? More specifically, to what degree can the PACER audio file feature, if it goes national, blunt the demand for video access to federal courtrooms? Could audio be a better medium, creating fewer management burdens for judges? How do the relative merits of video and audio vary depending on type of court and type of proceeding?

More broadly, what are the implications for judges’ case management responsibilities of different types of in-court media presence, including cameras and special accommodations for bloggers covering trials?

Long before the Internet, judges took steps to protect the integrity of the trial by limiting comments by the parties and their lawyers and instructing jurors on seeking evidence outside the courtroom. How does the Internet change that and what should judges do about it?

Is there a problem with judges’ blogging, and if so what is it—the problem with any extrajudicial speech on sensitive issues, or problems unique to producing such speech for, and posting it in, cyberspace? Is there likely to be a difference—in tone, in candor—between, say, a judge’s law school lecture (that might subsequently be posted on a website) and a judge’s blog post, prepared specifically for the blog medium?

Consider the broader issue implicit in the question about judges' blogging: Some say the new media have enabled government agencies to cut out the press as the government-public middleman, or to go over the heads of the press, communicating directly with the public. Is that a strategy that courts can use, should use, given traditional judicial attitudes that judges should explain their decisions in their formal opinions?

BIOS

ZAIDA ARGUEDAS

Zaida Arguedas, LWVUS/EF deputy executive director, wears a number of hats. Within the Education Fund, she is in charge of global democracy and the Judicial Independence project. She received a BA, magna cum laude, in International Relations and Political Science, University of Alabama, and an MA in Public Policy and Latin American Studies, University of Kansas, and completed postgraduate studies in Social and Health Services at the University of Maryland. Zaida has served on the Montgomery County Central Democratic Committee and the Montgomery County Board of Elections.

Ms. Arguedas travels extensively, both domestically and internationally in support of the different programs under her responsibility. She has attended the conferences on the importance of a fair judiciary convened by Georgetown School of Law, Emory University in Atlanta, and by Fordham University in New York.

DOUGLAS A. BERMAN

Professor Berman is the William B. Saxbe Designated Professor of Law at the Ohio State University Mortiz College of Law. He was the Editor and Developments Office Chair of the *Harvard Law Review*. After graduation, Professor Berman served as a law clerk for Judge Jon O. Newman and then for Judge Guido Calabresi, both on the United States Court of Appeals for the Second Circuit. After clerking, Professor Berman was a litigation associate at the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison in New York City.

Professor Berman's principal teaching and research focus is in the area of criminal law and criminal sentencing, though he also has teaching and practice experience in the field of intellectual property. He teaches Criminal Law, Criminal Punishment and Sentencing, Criminal Procedure - Evidence Gathering, The Death Penalty, and Introduction to Intellectual Property.

Professor Berman is the co-author of a casebook, *Sentencing Law and Policy: Cases, Statutes and Guidelines*, published by Aspen Publishers. In addition to authoring numerous publications on topics ranging from capital punishment to the federal sentencing guidelines, Professor Berman has served as an Editor of the *Federal Sentencing Reporter* for nearly 10 years, and also now serves as co-managing editor of the *Ohio State Journal of Criminal Law*. During the 1999-2000 school year, Professor Berman received the Ohio State University Alumni Award for Distinguished Teaching, which is given to only 10 persons each year from an eligible pool of nearly 3,000 faculty members. Professor Berman was one of the youngest faculty members to ever receive this award, and he was subsequently asked to chair the University Committee which selects this award's recipients in the 2002-2003 school year.

Professor Berman is the sole creator and author of the widely-read and widely-cited web blog, *Sentencing Law and Policy*. The blog receives well over 50,000 "hits" per month (and had over 20,000 hits the day of the Supreme Court's major sentencing decision in

United States v. Booker). Professor Berman's work on the Sentencing Law and Policy blog, which he describes as a form of "scholarship in action," has been profiled or discussed at length in articles appearing in the Wall Street Journal, Legal Affairs magazine, Lawyers Weekly USA, Legal Times, Columbus Monthly, and in numerous other print and on-line publications.

In addition, Sentencing Law and Policy has the distinction of being the first blog cited by the U.S. Supreme Court (for a document appearing exclusively on the site), and substantive analysis in particular blog posts has already been cited in at least four federal circuit court opinions, in nearly a dozen federal district court opinions, in at least one state supreme court opinion, in many briefs submitted to courts around the country, and in dozens of law review articles.

Professor Berman is frequently consulted by national and local media concerning sentencing developments. In the last year alone, Professor Berman has appeared on four national TV news programs and been featured on two legal commentary shows produced by the Massachusetts School of Law and broadcast on public television throughout the Northeast. He has also been involved in six different National Public Radio segments and numerous local public radio segments, and has been extensively quoted in newspaper articles appearing in nearly every major national paper and many local papers, including the *New York Times*, the *Washington Post*, the *Wall Street Journal*, *Legal Times*, and in pieces from the Associated Press, Reuters, and Knight-Ridder news services.

Professor Berman sometimes serves as a consultant to lawyers working on important or interesting sentencing cases. In most instances, Professor Berman's consulting has been on an ad hoc and pro bono basis, and it usually involves a quick review of draft briefs and other court filings and then providing general advice on litigation strategies. On some occasions, however, Professor Berman has been formally retained to play a more sustained role in certain cases. For example, in June 2006, Professor Berman was retained by a large law firm to provide consulting service on federal sentencing issues in a high-profile white-collar case. Professor Berman often donates a significant portion of his fees from such consulting to support public service work at the Moritz College of Law and in other settings.

JOAN BISKUPIC

Joan Biskupic is the author of [Sandra Day O'Connor: How the First Woman on the Supreme Court Became Its Most Influential Justice](#) (Ecco/HarperCollins) and is working on a book about Justice Antonin Scalia (for Farrar, Straus & Giroux). She is the Supreme Court reporter for *USA Today*; previously, she was the Supreme Court reporter for the *Washington Post* (1992-2000) and legal affairs writer for *Congressional Quarterly* (1989-1992). She holds a law degree from Georgetown University and is the author of several legal reference books. She won the 1991 Everett McKinley Dirksen award for distinguished reporting of Congress for her coverage of the Clarence Thomas nomination. She is a regular panelist on PBS's "Washington Week."

BERT BRANDENBURG

Bert Brandenburg is the Executive Director of the Justice at Stake campaign, a national, nonpartisan partnership to keep courts fair, impartial and independent. Brandenburg was the Justice Department's Director of Public Affairs and chief spokesperson under Attorney General Janet Reno. He served in policy and communications positions for the U.S. Secretary of Agriculture, the National Performance Review, the 1992 Clinton-Gore campaign and presidential transition team, Congressman Edward Feighan, and the Progressive Policy Institute. He was Vice President of International Programs for the Santéch Institute, and served as an observer during the 1990 Pakistan national elections. He serves on the board of directors of the National Institute on Money in State Politics and on the National Ad Hoc Advisory Committee on Judicial Campaign Conduct. He holds a J.D. and B.A. from the University of Virginia.

STEPHEN G. BREYER

Stephen G. Breyer, Associate Justice, was born in San Francisco, California, on August 15, 1938. He married Joanna Hare in 1967 and has three children - Chloe, Nell, and Michael. He received an A.B. in 1959 from Stanford University, a B.A. in 1961 from Magdalen College, Oxford, and an LL.B. in 1964 from Harvard Law School. He served as a law clerk for Justice Arthur Goldberg of the Supreme Court of the United States during the 1964 term, as Special Assistant to the Assistant U.S. Attorney General for Antitrust from 1965-1967, as Assistant Special Prosecutor of the Watergate Special Prosecution Force in 1973, as Special Counsel of the U.S. Senate Judiciary Committee from 1974-1975, and as Chief Counsel of the Committee from 1979-1980. He served as Assistant Professor, Professor of Law, and Lecturer at Harvard Law School from 1967-1994, as Professor at the Harvard College Kennedy School of Government from 1977-1980, and as Visiting Professor at the College of Law in Sydney, Australia, and the University of Rome. He also served as a Judge and Chief Judge on the U.S. Court of Appeals for the First Circuit from 1990-1994, and as a member of both the Judicial Conference of the United States from 1990-1994 and the U.S. Sentencing Commission from 1985-1989. Nominated as an Associate Justice of the Supreme Court of the United States by President Clinton, he assumed that office on August 3, 1994.

MICHAEL CHIORAZZI

Michael Chiorazzi is the Associate Dean for Information Resources and Professor of Law at the James E. Rogers College of Law. He also holds a joint appointment in the School of Information Resources and Library Science. Prior to joining the College of Law in 1996, Professor Chiorazzi was a reference librarian and senior instructor in legal research at Duke University School of Law (1981-1989). Subsequently, he served as the deputy director of the Law Library and legal research instructor at the Boston College School of Law (1989-1996). Professor Chiorazzi's research interests include legal history, issues in law librarianship, and the use of technology in the teaching of legal research. Since 1999, he has served as the editor of *Legal Reference Services Quarterly*.

THOMAS S. HODSON

Thomas S. Hodson has been the Director of the E.W. Scripps School of Journalism since July 1, 2003. He is the first graduate of the school ever to assume its directorship.

Hodson has had dual career paths throughout his professional career in law and journalism. He was a trial attorney for over 20 years and was a trial judge in both Municipal Court and Common Pleas Court in Ohio for seven years. Hodson also served as a Judicial Fellow at the Supreme Court of the United States in the Administrative Office of the Chief Justice. He still sits as a visiting judge on assignment by the Supreme Court of Ohio.

Throughout his legal career, Hodson has pursued journalistic projects both in print and broadcast. He has published and continues to write numerous articles and columns for newspapers, magazines, and trade journals. He co-authored a book called *Journalists' Handbook to Ohio Courts*. He has written and been talent for numerous public television documentaries and public affairs programs. Hodson also has been active in producing public affairs programming for radio. He also has been a legal expert for radio interviews, covered various elections for radio and developed his own radio programming about the law. He currently remains active in sports broadcasting including play-by-play of baseball, football and basketball, as well as sports talk. He currently is the voice of Ohio University Women's Basketball.

Hodson also has been extremely active in higher education. Over two decades, he served as an adjunct in both the E.W. Scripps School of Journalism and the School of Interpersonal Communication at Ohio University. He also chaired the Mass Media Department at Marietta College from 2001-2003. Hodson was appointed to the Ohio University Board of Trustees in 1989. He served on that board through 1998 and was chairperson in 1994-95. He also acted as a special assistant to Ohio University President Robert B. Glidden from 1999 through June 2003.

For the past 20 years, Hodson has also served as a consultant, trainer, and educator to national and international judges' groups, court administrators, police and journalists on the topics of court/media relations and court/community relations. Currently, he teaches at the National Center for Courts and Media at the University of Nevada-Reno and has taught at the National Judicial College and for the National Center for State Courts. He is associated with the Conference of Court Public Information Officers and also has worked with the National Association of Court Managers, the American Bar Association Central and Eastern European Law Initiative (ABA-CEELI), the State Justice Institute, the American Judicature Society, and numerous state judicial education groups.

D. BROCK HORNBY

D. Brock Hornby, United States District Judge, was born in Canada, obtained his B.A. from the University of Western Ontario, and graduated from Harvard Law School where he was Supreme Court Note and Developments Editor of *The Harvard Law Review*. He clerked for U.S. Fifth Circuit Judge John Minor Wisdom, taught at the University of Virginia Law School (he became a U.S. citizen during that period), practiced with Perkins, Thompson, Hinckley & Keddy in Portland, Maine, served as a United States Magistrate Judge, then as a Justice of the Maine Supreme Judicial Court and became a United States District Judge in 1990. He is a member of the Council of The American Law Institute. He is a fellow of the American and Maine Bar Foundations. He is a member of the National Academies Standing Committee on Science, Technology and the Law. He has served on both the United States Judicial Conference and its Executive Committee. He is a past chair of The Federal Judicial Center's Committee on District Judge Education and of the United States Judicial Conference Committee on Court Administration and Case Management. He was a member of the Judicial Conduct and Disability Act Study Committee (the Breyer Committee) established by Chief Justice Rehnquist to study the system of judicial discipline for federal judges (final report 2006). In 2005, the Chief Justice appointed him as chair of the Judicial Conference Committee on the Judicial Branch. In 2007, the Chief Justice appointed him as chair of an Ad Hoc Committee to secure judicial salary restoration. Judge Hornby has presided over major Multidistrict Litigation (MDL) antitrust class action lawsuits. He has been a lecturer or consultant on United States judicial topics to judges in Argentina, Canada, China, the Czech Republic, England, Moldova and Thailand. Apart from his judicial opinions, he has written on a variety of legal and judicial topics.

THE HONORABLE MARILYN L. HUFF

Marilyn L. Huff was appointed in 1991 as a federal district judge for the Southern District of California and was Chief Judge of that court from 1998 to 2005. She is the Chairperson of the Ninth Circuit's Public Information and Community Outreach Committee. She is a member of the Committee on Rules of Practice and Procedure and Liaison to the Advisory Committee on Evidence Rules for the United States Judicial Conference. She is also on the Executive Boards of the Federal Judges Association and the Louis Welsh Chapter of the American Inns of Court.

Previously, she was a member of the Judicial Resources Committee and chairperson of the Statistics Subcommittee for the United States Judicial Conference, chairperson of the Ninth Circuit Gender Fairness Committee, Vice President of the San Diego County Bar Association, President of the Lawyers Club of San Diego and President of the American Inns of Court #9.

She received her J.D. from the University of Michigan law school in 1976. She was in a private practice in San Diego, California from 1976 to 1991, specializing in civil litigation and media law. She has received the San Diego County Bar Association's awards for Legal Professional of the Year and Service to the Legal Profession.

GARY S. KATZMANN

Gary S. Katzmann is an Associate Justice of the Massachusetts Appeals Court, having assumed this responsibility in October 2004.

Before becoming a judge, he was an Assistant United States Attorney in the District of Massachusetts, where he variously held the positions of Chief Appellate Attorney, Deputy Chief of the Criminal Division, and Chief Legal Counsel, and engaged in criminal and civil litigation in the trial and appellate courts. He also served on detail to the Department of Justice in Washington, D.C. as an Associate Deputy Attorney General. He is a recipient of the Department of Justice's Director's Awards for excellence in appellate advocacy, and for his work in the successful prosecution of Richard Reid, the Al Qaeda "shoebomber."

Judge Katzmann has been a Lecturer on Law at Harvard University (for many years teaching the "Government Lawyer" course), and he has also been a Fellow at Harvard's Kennedy School of Government and the Governance Institute, directing a project on juvenile justice. He has also taught at Yale and at the Russian Procuracy Institute program. He is the author of Inside the Criminal Process (W.W. Norton), a book that, translated into Russian, was used to teach Russian law enforcement and judicial officers. He is also the editor and contributing author of Securing Our Children's Future: New Approaches to Juvenile Justice and Youth Violence (Brookings Press/Governance). He has written various articles, including "Some Thoughts on Oliver Wendell Holmes, Jr. -- A Judge's Perspective" (*Supreme Court Historical Society Quarterly*, Vol. XXVIII, No. 4, 2007). He is a member of the Board of Visitors of the Discovering Justice Program (and a volunteer in that program), a member the Board of the Thomas J. Drinan Fellowship at Suffolk University Law School, and a member of the Juvenile Justice Advisory Committee.

Judge Katzmann received his A.B., *summa cum laude* from Columbia College, an M.Litt. from Oxford University, an M.P.P.M. from the Yale School of Management, and a J.D. from Yale Law School, where he was an editor of the *Yale Law Journal*. He served as a law clerk to Judge Leonard B. Sand of the United States District Court for the Southern District of New York and to then Circuit Judge Stephen G. Breyer of the United States Court of Appeals for the First Circuit.

REBECCA LOVE KOURLIS

Rebecca Love Kourlis served as a Justice of the Colorado Supreme Court for 11 years, the third woman ever to serve in that capacity. During her tenure, Justice Kourlis authored more than 200 opinions and dissents and spearheaded significant court reforms related to matters such as family law, juries and attorney regulation. She also served as a trial court judge for eight years before being appointed to the Supreme Court.

Justice Kourlis resigned from the Colorado Supreme Court in January 2006 to establish the Institute for the Advancement of the American Legal System (IAALS) at the University of Denver, where she is Executive Director. In this role, she has been an outspoken, national advocate of improvements to the process and culture of our civil justice system.

In 2006, IAALS released a comprehensive national survey of judicial performance evaluation standards entitled, *Shared Expectations: Judicial Accountability in Context*. This publication was followed by the release of a companion work entitled, *Transparent Courthouse™: A Blueprint for Judicial Performance Evaluation*. IAALS is considered to be one of the most credible sources of information on this issue in the United States. And recently, IAALS worked with decision makers in Utah and Colorado to support legislation to strengthen state judicial performance evaluation systems in those states.

In the spring of 2007, IAALS hosted its *Civil Justice Reform Summit* featuring presentations on legal reform best practices—here and abroad. The Summit was attended by a constellation of judicial, legal and academic experts, including Lord Harry Woolf—architect of England’s sweeping legal reforms. Throughout 2007, Justice Kourlis took a strong stand in two increasingly contentious national debates—the issue of how America chooses its judges and the tension between accountability and independence in the judiciary. She will continue to address national audiences to educate the public about these critical issues and to provide a substantive framework for discussion.

In May 2007, IAALS released *Navigating the Hazards of E-Discovery- A Manual for Judges in State Courts Across the Nation*; the report stimulated widespread interest from businesses, governments and judiciaries in the U.S. and abroad. In spring 2008, two companion reports will be published that address e-discovery challenges confronting America’s businesses.

IAALS’ ambitious schedule of work continues with the undertaking of its most ambitious initiative to date—the Civil Litigation Reform Project— comprehensive research and analysis to identify and quantify the problems associated with delay and disproportionate cost in our civil justice system.

Justice Kourlis has received numerous awards, including the Regis University 2008 *Civis Princeps Award*, the Colorado Judicial Institute’s 2006 *Judicial Independence Award* and the Academy of Matrimonial Lawyers 2002 *Judicial Excellence Award*. In 2007, Justice Kourlis accepted 2007 *Legal Reform Organization of the Year* honors from the U.S. Chamber of Commerce.

J. RICH LEONARD

A.B., University of North Carolina at Chapel Hill, 1971; M. Ed., University of North Carolina at Chapel Hill, 1973; J.D., Yale University, 1976. Currently United States Bankruptcy Judge for the Eastern District of North Carolina under his second 14-year term; served as Chief United States Bankruptcy Judge from August 1999 to August 2006;

clerked for U.S. District Judge F. T. Dupree, Jr., 1976-78; practiced law with Sanford, Adams, McCullough & Beard, 1978-79; appointed Clerk of Court for the United States District Court for the Eastern District of North Carolina in 1979; in 1981, became a United States Magistrate Judge for the Eastern District. In 1992, he received the first Director's Award for Outstanding Leadership in the federal courts for his efforts in educating and training court officials. In the spring of 1994, he spent the month of May in Zambia under the sponsorship of the U. S. State Department, assisting the Zambian judiciary with a major court reform effort. He returned to Zambia on several occasions to complete this effort, and has since provided similar assistance to the judiciaries of Tanzania, Namibia and Nigeria. In January and October of 2002, he traveled to Romania under the sponsorship of the U.S. State Department, assisting the Romanian judiciary with court reform efforts. From 1987-89, he was an adjunct professor at North Carolina Central Law School, teaching civil procedure, and in 1995-97 returned to teach bankruptcy. In 1995, he served as vice president of the North Carolina Bar Association. He served on the Judicial Conference Committee on Case Management and Court Administration from 1996 - 2002 where he was one of the four initial executive sponsors of CM/ECF, and was a member of its Subcommittee on Privacy and Public Access to Electronic Case Files. He was chair of the Endowment for Education of the National Conference of Bankruptcy Judges from 2004-2005. From 2002 - 2006, he served as a member of the American Bar Association's Africa Council. Since 1995, he has been a member of the Electronic Public Access Working Group that oversees the electronic dissemination of federal court data. He is an associate editor of the American Bankruptcy Law Journal. In 2005, he was elected to serve a 3 year term as the Bankruptcy Judge representative on the 4th Circuit Judicial Council.

LAURIE L. LEVENSON

Laurie L. Levenson is Professor of Law and William M. Rains Fellow at Loyola Law School where she teaches criminal law, criminal procedure, ethics, anti-terrorism, and evidence. She served as Loyola's Associate Dean for Academic Affairs from 1996-1999. In addition to her teaching responsibilities, Professor Levenson is also the Director of the Loyola Center for Ethical Advocacy. Professor Levenson was the 2003 recipient of Professor of the Year from both Loyola Law School and the Federal Judicial Center.

Prior to joining the Loyola Law School faculty in 1989, Professor Levenson served for eight years as an Assistant United States Attorney in Los Angeles. While a federal prosecutor, Professor Levenson tried a wide variety of federal criminal cases, including violent crimes, narcotics offenses, white collar crimes, immigration and public corruption cases. She served as Chief of the Training Section and Chief of the Criminal Appellate Section of the U.S. Attorney's Office. In 1988, she received the Attorney General's Director's Award for Superior Performance. Additionally, she received commendations from the FBI, IRS, U.S. Postal Service, and DEA.

Professor Levenson attended law school at UCLA School of Law and received her undergraduate degree from Stanford University. In law school, she was the Chief Article

Editor of the Law Review. After graduation, she clerked for the Honorable Judge James Hunter, III, of the U.S. Court of Appeals for the Third Circuit.

Professor Levenson is the author of numerous books and articles, including: *California Criminal Procedure* (2007); *California Criminal Law* (2007), *Handbook on the Federal Rules of Criminal Procedure* (2007); *Roadmap of Criminal Law* (2006); *Police Corruption and New Models for Reform*, 35 *Suffolk L. Rev.* 1 (2001); *Working Outside the Rules: The Undefined Responsibilities of Federal Prosecutors* (1999); *Ethics of Being a Legal Commentator*, 69 *So. Cal. L. Rev.* 1303 (1996); *The Future of Civil Rights Prosecutions: The Lessons of the Rodney King Trial*, 41 *U.C.L.A. L. Rev.* 509 (1994); and *Media Madness or Civics 101: The Lessons of "The Trial of the Century,"* 26 *U.W.L.A.* 57 (1995).

Professor Levenson has served as a volunteer counsel for the "Webster Commission" and as a Special Master for the Los Angeles Superior Court and United States District Court. She has served as a member of the Los Angeles County Bar Association Judicial Appointments Committee and Judiciary Committee.

Professor Levenson has provided legal commentary on several high profile cases, including the Presidential Impeachment trial, the Enron prosecutions, the prosecution of Martha Stewart, the Rodney King beating trial, the Denny beating trial, the Menendez Brothers murder trials, the O.J. Simpson and Scott Peterson murder trials, and the Michael Jackson child molestation trial, and most recently, the Phil Spector murder trial. In February 2007, she testified before the Senate Judiciary Committee on the firing of eight U.S. Attorneys. Professor Levenson has been quoted in more than 8,000 newspaper articles and has appeared on national and international television. Professor Levenson has worked as an expert legal consultant for CBS, NBC, ABC, CNN and NPR.

Professor Levenson lectures regularly throughout the country and internationally for the Federal Judicial Center, National Judicial College, international bar associations, bar review courses, community groups and legal societies.

TONY MAURO

Tony Mauro is Supreme Court correspondent for Legal Times, American Lawyer Media, and law.com. He has covered the Supreme Court for 29 years, first for Gannett News Service and USA TODAY and then, since January 2000, for Legal Times.

Mauro received a bachelor's degree in political science from Rutgers University, and a master's degree from the Columbia University Graduate School of Journalism.

He is the author of *Illustrated Great Decisions of the Supreme Court*, published in its second edition in December, 2005 by Congressional Quarterly Press. He also has written several law review articles and contributed chapters to several books. Mauro's 1998 stories on Supreme Court law clerks won a certificate of merit from the American Bar

Association. In March 2001 and November 2005, *Washingtonian* magazine included Mauro on its list of the top 50 journalists in Washington.

Mauro also serves on the steering committee of the Reporters Committee for Freedom of the Press. He is also on the advisory board for Georgetown University Law Center's Master of Studies in Law program for journalists.

RUTH MCGREGOR

Chief Justice Ruth McGregor has served on the Arizona Supreme Court since February 1998 and as its Chief Justice since June 2005. She was a member of the Arizona Court of Appeals from 1989 until 1998, where she served as Chief Judge from 1995 to 1997. Before her appointment to the bench, Justice McGregor engaged in the private practice of law as a member of the Fennemore Craig law firm in Phoenix, Arizona. She also served as law clerk to Justice Sandra Day O'Connor during Justice O'Connor's first term on the United States Supreme Court.

Justice McGregor received a Bachelor of Arts degree, summa cum laude, and a Master of Arts degree from the University of Iowa. She received her Doctor of Jurisprudence degree, summa cum laude, from Arizona State University in Tempe, Arizona, and a Master of Laws in the Judicial Process from the University of Virginia.

Justice McGregor has participated extensively in professional activities, particularly those involving legal education and the discipline of lawyers and judges. Among other activities, she currently serves on the Board of Directors for the Conference of Chief Justices and as Chair of the American Bar Association Section of Legal Education and Admission to the Bar.

MARY CAMPBELL MCQUEEN

Mary Campbell McQueen is President of the National Center for State Courts, having been appointed to that position on August 9, 2004. Previously, McQueen served as Washington State Court Administrator, 1987-2004; Director of Judicial Services, Washington State Office of the Administrator for the Courts, 1979-87; Court Planning Officer, District of Columbia Courts; Planning Coordinator, Kentucky Department of Justice; and Manager, Evaluation Unit, Kentucky Department of Corrections. As an advocate for court and judicial reform, she has served on the Board of Directors of the National Center for State Courts and Conference of State Court Administrators (President-1995-96); Chair, American Bar Association's Judicial Administration Division (Lawyers Conference); Chair of the Court Management Council; and a member of the Board for Judicial Administration, Judicial Information Systems Committee, Information Services Board, and Board for Court Education and Ethics Advisory Committee. McQueen's work has received acclaim through numerous awards and honors, including induction into the Warren E. Burger Society of the National Center for State Courts; the American Judicature Society's Herbert Harley Award in 2004, the joint ABA National Center for State Courts Jury Standards Award, 1989; and the National Center for State

Courts Distinguished Service Award, 1991. Her educational achievements include participating in the Program for Senior Executives in State and Local Government, John F. Kennedy School of Government at Harvard University; and degrees from the University of Georgia (BA) and Seattle University Law School (JD). She is a member of the U.S. Supreme Court and Washington State Bar Associations.

NORMA MENDOZA-DENTON

Dr. Mendoza-Denton (Ph.D. 1997 Stanford) is Associate Professor in the Department of Anthropology at the University of Arizona. Her areas of specialization are linguistic anthropology and multimedia anthropology, with an emphasis on youth, language diversity, and migration. She is the founder and director of the Linguistic Anthropology Teaching Laboratory at the University of Arizona, specializing in ethnographic video and multimedia teaching and research. Dr. Mendoza-Denton conducted research among teenage Latina gang members in the San Francisco Bay Area. The gangs' ideologies associated aspects of language behavior with concepts of femininity, ethnicity, and nationalism. This research led to the publication of her 2008 book Homegirls: Language and Cultural Practice among Latina Youth Gangs, published with Wiley/Blackwell Publishers and recently reviewed in the journal *Crime, Media, Culture*. Dr. Mendoza-Denton's recent research interests include gangs' use of the internet, political speech, and the spread of minority migrant gang-like identities among Western European migrant youth.

LESLIE MILLER

Leslie Miller graduated from Goucher College and received her law degree from St. Louis University Law School. She worked in both the private and public sector before being appointed as a Tucson City Magistrate in 1982. In 1985, Judge Miller was appointed to the Pima County Superior Court bench. She has served as Associate Presiding Judge, Criminal Presiding Judge and initiated the adult Drug Court in Pima County.

Judge Miller has served on the Board of Governors of the State Bar of Arizona, as Chair of the National Conference of State Trial Judges and the Judicial Division of the American Bar Association and President of the Pima County Bar Association, the Arizona Judges Association and the Arizona Association of Drug Court Professionals. She is a Delegate to the House of Delegates of the American Bar Association and a member of the Board of ALI-ABA. Judge Miller has served as Vice-Chair of the Least Understood Branch, a project of the Judicial Division and Standing Committee on Judicial Independence to promote public education about the role of the courts.

Judge Miller has been actively involved in community organizations and activities including the Boys and Girls Clubs of Tucson, YMCA, YWCA, Susan G. Komen for the Cure, La Frontera and the Tucson International Mariachi Conference. In 2001, Judge Miller was named Tucson Woman of the Year.

HOWARD MINTZ

Howard Mintz has been legal affairs reporter for the *San Jose Mercury News* since 1997, covering both the state and federal courts in California, including the California Supreme Court and the 9th Circuit. He has written extensively on a number of issues in the legal system, from the death penalty to the recent constitutional fight over California's same-sex marriage laws.

Prior to joining the Mercury News, he worked for *The Recorder*, a San Francisco-based legal publication in the American Lawyer chain, also covering a variety of state and federal courts.

He is a 1982 graduate of Ohio University's journalism school and a native of Cleveland, Ohio.

BRIAN MORRIS

Hon. Justice Brian Morris graduated with distinction from Stanford Law School in 1992. He served as law clerk for the Honorable William H. Rehnquist at the United States Supreme Court and for the Honorable John T. Noonan, Jr., of the United States Court of Appeals for the Ninth Circuit. He worked in private practice in Bozeman from 1995 through 1999. Justice Morris also served as a legal assistant at the Iran-U.S. Claims Tribunal and as a legal officer at the United Nations Compensation Commission in Geneva, Switzerland, before becoming the Solicitor for the Montana Department of Justice in 2001. He served as Solicitor until being elected to the Montana Supreme Court in November 2004.

GENE POLICINSKI

Gene Policinski, vice president and executive director of the First Amendment Center, is a veteran journalist whose career has included work in newspapers, radio, television and online operations.

Policinski oversees operations and programs of the center, which has offices in Nashville, at Vanderbilt University; and in Washington, D.C. He also is co-author of the weekly syndicated newspaper column, "Inside the First Amendment," and executive producer/host of the touring multimedia stage production, "Freedom Sings."

Policinski came to the Freedom Forum in 1996 from *USA TODAY*, where he was a founding editor and held various news executive positions. He began his journalism career in 1969 in Indiana, where he worked as a newspaper reporter and later as state bureau chief for Gannett News Service. In 1980, he became a correspondent in the GNS Washington bureau, reporting on Congress, politics and other issues.

In 1982, he was named Washington editor of *USA TODAY* during its development period, and he held that post when it launched on Sept. 15. In 1983, he was named a Page

One editor. In 1985, he was named deputy managing editor/sports and later was named managing editor/sports. He is the founding editor of *USA TODAY Baseball Weekly* (now *Sports Weekly*). From 1991 through 1993, he was the on-air host of three news, sports and information programs on USA TODAY Sky Radio. He also helped develop *USA TODAY's* first online ventures.

In April 1996, he joined the Freedom Forum as a journalist in residence, directing a special Olympic Games program, and in September was named special assistant to the chairman and chief executive officer. Since joining the foundation, he has held a number of executive roles, and was Washington editor for the First Amendment Center's Web site in 1999. Also, he was host and writer for of "Newseum Radio," a one-hour program that aired on National Public Radio Worldwide from 1997 to 2001. And he was executive producer of "Speaking Freely," a weekly interview program, which aired nationwide on public television from 2001 to 2005.

Policinski was named deputy director of the First Amendment Center in June 2000. He became executive director in 2004 and vice president in 2007.

A lecturer and consultant on journalism issues ranging from newsroom ethics to new media, Policinski is a member of the board of trustees of the Newspaper Association of America Foundation and the board of governors of the National Academy of Television Arts and Sciences, Mid-South chapter. He is an adjunct professor at Winthrop University in South Carolina and a member of the journalism alumni board at Ball State University in Indiana.

Policinski was born in South Bend, Ind. He is a graduate of Ball State and attended the Nashville School of Law. He is married to Kathleen B. Powell, an educator. They have two sons.

LAURIE ROBERTS

Laurie Roberts has been a reporter, editor, editorial writer and columnist during her 30 years as a journalist. She began her career as a reporter for the *Tulsa World*, in Tulsa, Okla., and has worked since 1981 at *The Arizona Republic*, the state's largest newspaper. As a reporter, she covered a variety of beats ranging from police and courts to city hall and the state Capitol. She has served as the newspaper's political editor and city editor and sat for several years on the editorial board before being named a metro columnist in 2002. She has won a variety of reporting and writing awards and was a 2001 finalist for the Pulitzer Prize for a series of editorials that sparked reform in the way Arizona's political districts are drawn.

This year, she won the national Society of Professional Journalists' Sunshine Award, for her role in changing a series of state laws that will open records in child-abuse cases and state employee disciplinary matters.

She is a 1978 graduate of the University of Missouri.

RONNELL ANDERSEN JONES

RonNell Andersen Jones is an Associate Professor of Law at Brigham Young University's J. Reuben Clark Law School, where she teaches constitutional law, First Amendment, and media law.

After graduating first in her law school class at The Ohio State University, Professor Jones clerked for the Honorable William A. Fletcher on the Ninth Circuit Court of Appeals and Justice Sandra Day O'Connor on the United States Supreme Court. Before entering academia, she was an attorney in the appellate division of Jones Day, where her work focused on Supreme Court litigation.

A former newspaper reporter and editor, Professor Jones researches and writes on legal issues affecting the press and is a regular presenter at media-law conferences. She served as director of the 2007 Media Subpoena Study, a nationwide study of the frequency and impact of subpoenas served upon newspapers and television newsrooms. Her work on the project was featured in the New York Times, the Washington Post, USA Today, as well as on MSNBC, Fox News and National Public Radio.

Professor Jones team-teaches with Justice O'Connor an annual course about the United States Supreme Court at the University of Arizona, where Professor Jones was a Distinguished Faculty Fellow from 2004 to 2008.

DAVID A. SELLERS

David A. Sellers is the Assistant Director for Public Affairs at the Administrative Office of the United States Courts (AO) in Washington, D.C. He oversees media relations, publications, community outreach, video broadcasting, and Internet programs for the AO and provides advice to federal courts in these areas. Mr. Sellers has been with the AO since 1987, serving as the agency's first Public Information Officer.

He has served on the faculty of the National Judicial College and the Federal Judicial Center and trained judges and court staff in Algeria, Jordan, Romania, Bulgaria, and throughout the United States in court/public affairs issues. Mr. Sellers is past-President of the Conference of Court Public Information Officers and is a member of the National Advisory Council for the Reynolds National Center for Courts and the Media, the National Advisory Council of the American Judicature Society, and the Dickinson College Advisory Council.

Mr. Sellers previously covered federal, state, and local courts for the *Washington Times*, a daily newspaper in the nation's capital. He served as editor of *Bar Report*, the official newspaper of the D.C. Bar; a public information officer for the Pennsylvania Department of Justice; a syndicated columnist for Copley News Service; and a reporter for the *Main Line Times* in suburban Philadelphia.

AARON M. STRETT

Aaron M. Strett is an attorney in the Supreme Court and Appellate Practice of Baker Botts LLP. Based in Houston, Texas, he practices primarily before federal circuit courts and the U.S. Supreme Court. Mr. Strett graduated from Hillsdale College *summa cum laude* in 1999 and the University of Texas School of Law in 2002 with high honors. He then clerked for Judge David B. Sentelle of the U.S. Court of Appeals for the District of Columbia Circuit and the Hon. William H. Rehnquist, Chief Justice of the United States.

Mr. Strett is a regular commentator on the Supreme Court and constitutional issues. He has spoken at numerous law schools and other fora around the country on the Court's terrorism jurisprudence, the legacy of Chief Justice Rehnquist, and the future of the Court under Chief Justice Roberts. He is regularly quoted by various newspaper, radio, television, and Internet outlets. From 2006-2007, Mr. Strett published a popular e-newsletter called Supreme Court Today, which provided insightful and humorous analysis of the Supreme Court's decisions to over 3,000 free subscribers. He is a board member of the Houston Chapter of the Federalist Society.

RUSSELL R. WHEELER

Russell Wheeler is president of the Governance Institute, a small, non-partisan think tank with a special interest in interbranch relations and their policy implications, and a Visiting Fellow in the Brookings Institution's Governance Studies Program. From 1977 until 2005, he was with the Federal Judicial Center, the federal judicial branch's research and education agency, serving as deputy director since 1991. He was one of the first two Supreme Court Fellows (1973-74) and continued work at the Court for several years as the research associate in the office of the Chief Justice's Administrative Assistant. For several years after that he was a senior staff associate with the National Center for State Courts. He is a graduate of the University of Chicago (Ph.D., political science, 1970) and Augustana College (Illinois, 1965).

He is an adjunct professor at the Washington College of Law, American University, where he teaches a seminar on American Courts: Structure, People, Process, and Politics. He serves on the Board of Advisors of the Institute for the Advancement of the American Legal System (University of Denver), the Board of Directors of the Justice Studies Center of the Americas in Santiago, Chile, the Supreme Court Fellows Commission, and the Board of Editors of the Justice System Journal. He has published articles in numerous academic journals and for the Federal Judicial Center on judicial education, judges' extrajudicial activities, judicial independence and accountability, and judicial governance. While at the Federal Judicial Center, he provided research and staff assistance to the United States Judicial Conference's Federal Courts Study Committee (1989-90), the Conference's Long Range Planning Committee (1994-95), the statutory Commission on Structural Alternatives for the Federal Courts of Appeals (1997-98), and the Judicial Conduct and Disability Act Study Committee chaired by Justice Breyer. He served in 2008 on the American Bar Association Incoming President's Task Force on Federal Judicial Nominations.

BENJAMIN WITTES

Benjamin Wittes is a Fellow and Research Director in Public Law at the Brookings Institution. He is the author of Law and the Long War: The Future of Justice in the Age of Terror, published in June 2008 by *The Penguin Press*. His previous books include Starr: A Reassessment, which was published in 2002 by *Yale University Press*, and Confirmation Wars: Preserving Independent Courts in Angry Times, published in 2006 by *Rowman & Littlefield* and the Hoover Institution. He is a columnist for *The New Republic Online* and a contributing editor for *The Atlantic Monthly*.

Between 1997 and 2006, he served as an editorial writer for *The Washington Post* specializing in legal affairs. Before joining the editorial page staff of *The Washington Post*, Wittes covered the Justice Department and federal regulatory agencies as a reporter and news editor at *Legal Times*. His writing has also appeared in a wide range of journals and magazines, including *Slate*, *The New Republic*, *The Wilson Quarterly*, *The Weekly Standard*, *Policy Review*, and *First Things*.