

FINAL GRANT REPORT

GRANT # 77DF-99-0030

Submitted To

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

From

AMERICAN BAR ASSOCIATION
JUDICIAL ADMINISTRATION DIVISION
APPELLATE JUDGES' CONFERENCE

DECEMBER, 1978

55307

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ACQUISITIONS

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ACQUISITIONS

LEAA FINAL REPORT
Page 1

I. INTRODUCTION

In 1968 a group of appellate judges gathered together and discussed how to go about improving the quality of the nation's appellate system. A number of suggestions were entertained. The one that received a consensus concerned continuing the judge's education after elevation to the appellate bench. It was concluded that the need to keep up with the rapidly changing law that each was required to administer compelled a decision to undertake a seminar program on a national basis offering courses designed for the appellate judge. With a small grant from the Law Enforcement Assistance Administration, a modest program was begun.

Through the years, with continued financial support from the LEAA, among others, the program grew and prospered. In 1977, the LEAA awarded an eighteen month grant (# 77DF-99-0030) to the Appellate Judges' Conference of the American Bar Association to enable it to continue sponsoring seminars in behalf of state and federal appellate judges, clerks of appellate courts, and appellate central staff attorneys. The purpose of this report is to summarize the accomplishments and failures that occurred as a result of that grant.

LEAA FINAL REPORT
Page 2

This report will describe the level of funding that was received in behalf of this project, the project goals and realities, the project objectives and successes, and any present problems or future difficulties that are anticipated. This report will not attempt to evaluate the educational program. We leave that to the McManis Corporation and to the many appellate judges, appellate court clerks and appellate central staff attorneys that have attended programs in the past.

II. PROJECT FUNDING

The Budget Narrative for the grant proposal¹ that resulted in LEAA awarding Grant Number 77DF-99-0030 indicated that the total budget for this eighteen month project would be \$234,923. Funds were made available to the project by the LEAA, the American Bar Endowment, the Brookdale Foundation and the Stanley Immerman Memorial Trust. The LEAA provided 81% of

1. Submitted to LEAA on October 4, 1976. The grant period began with the award on March 8, 1977. It was originally anticipated that the grant period would begin on January 1, 1977. The grant terminated on September 8, 1978. No extensions have been requested or received.

the funding for this project (\$163,121), 14% was provided by the ABE (\$27,400), and the remaining 5% was evenly divided between the Immerman Trust (\$5,000) and the Brookdale Foundation (\$5,000). At the conclusion of the project period, total expenditures amounted to \$199,756. For a breakdown of these figures by line item see Appendix I.

III. PROJECT GOALS

The Program Narrative of the grant proposal identified six major project aims that would hope to be achieved during the grant period. These are:

1. To expose a maximum number of appellate judges to the educational activities of the project. The goal was to have between 20 and 30 percent of the active members of the nation's appellate courts attend during an academic year.
2. To conduct an annual seminar that exposes appellate court clerks to new and improved methods of administering the appellate courts.
3. To expose appellate central staff attorneys to an educational program similar to that for the judge, but designed, for the first time, specifically for the central staff attorney.
4. To develop text materials to support the seminars that would be used both at and after the seminar.
5. To plan and implement special educational programs for the appellate system.

6. To obtain a candid evaluation of the educational program to see whether it is effectively and efficiently pursued.

This report will review the activities engaged in and the results obtained for each of these goals.

A. APPELLATE JUDICIAL EDUCATION

In October, 1976, the Committee on Continuing Appellate Education² met with its Academic Consultant, Dean W. Page Keeton, and the Program Director, Howard S. Primer. At that meeting a list of topics was developed for the purpose of planning for the seminars during the first half of the 1977 academic year. In developing the list a great deal of discussion concerning each topic was encouraged. As a result, at the end of the meeting the Committee had a clear idea what had to be

2. The members of the Committee on Continuing Appellate Education are Justice Harry A. Spencer, Supreme Court of Nebraska, Chairman; Chief Justice James Duke Cameron, Supreme Court of Arizona; Justice William A. Grimes, Supreme Court of New Hampshire; Justice James D. Hopkins, Appellate Division, Supreme Court of New York; Justice Sam D. Johnson, Supreme Court of Texas; Judge T. John Lesinski, Michigan Court of Appeals; and Judge Frank Q. Nebeker, Court of Appeals of Washington, D.C..

LEAA FINAL REPORT
Page 5

covered during the seminars. Principal focus was devoted to substantive law topics that appeared to be undergoing a great deal of change; administrative techniques that might better equip the nation's appellate courts to handle its ever expanding docket; and topics covered at prior seminars that received high evaluation scores and appeared interesting.

Based upon the "shopping list" created at that meeting, the Program Director, the Academic Consultant and the Chairman of the Committee develop the actual curriculum and faculty used at each seminar. This method of planning is used for all of the appellate judges' seminars. The Committee meets twice a year, May and October, to plan for the programs at the seminars to occur during the following half year. In this way, constant evaluation and redesign occurs. New topics are added, old topics are revised, removed or expanded, and the program undergoes repeated reappraisal.

The grant proposal submitted in behalf of this project stated that the seminars in behalf of the nation's appellate judges would take place in January, March, April, May, August and October during 1977, and January, March, April and May during the remaining six months of the eighteen month grant. That did not occur. The grant was not received in time for the January,

LEAA FINAL REPORT
Page 6

1977 seminar in Miami Beach and the January, 1978 seminar in Miami Beach was cancelled due to a lower than practical enrollment. The other programs occurred as planned.

The March, 1977, seminar was conducted in New Orleans, Louisiana. As with all of our seminars, it was headquartered at a local hotel. In New Orleans we experienced some difficulty in finding an adequate hotel with suitable accommodations at a price that would comport with our grant budget. It turned out that the seminar was held at a travelodge some distance from the dining and shopping area.

Attendance was reasonable. Twenty-three appellate judges attended and gave the program a rating of Good. For a list of participants, a copy of the program and a summary of the evaluation forms submitted for this program, see Appendix II.

The April, 1977, seminar was conducted in Tucson, Arizona. The attendance at this program was lower than desired and expected. Eighteen appellate judges attended. Of that number, fifteen submitted an evaluation form giving the program a rating of very close to excellent. See Appendix III.

For the first time in the history of the Appellate Judges' Seminar Series a seminar was conducted in Williamsburg, Virginia.

LEAA FINAL REPORT
Page 7

The May, 1977, seminar attracted thirty-two appellate judges and one of our finest faculties. The evaluation summary shows Excellent attitudes towards the presentations, materials and topical coverage. See Appendix IV.

At the May Seminar, as in the past, a meeting was conducted of the Committee on Continuing Appellate Education. Like October, the meeting was devoted, for the most part, to the identification of topics and speakers. In addition, site and date selection for the 1978 Seminar Series took place. This was essential. In no other way could the project be assured that it would have adequate accommodations at its 1978 programs.

The September Seminar was originally planned for Traverse City, Michigan. As of late July, however, only seven judges had registered to attend, below the level we consider adequate or practical. The Committee, therefore, conducted a conference by telephone to discuss what, if anything, to do about the September Seminar. It was decided that rather than eliminate the program it would be an interesting opportunity to test whether the site or the dates were at fault. The seminar was moved to Las Vegas, Nevada. Notice was distributed during the first week in August, 1977. By the time the seminar occurred, twenty-three judges had enrolled, more than enough to proceed with the program. The Committee evaluated this result and determined

that the month was not a problem, the location was. As a result, it resolved to hold its future programs in locations that were easily accessible, with attractions for the spouses, and a readily identifiable name.

The fourteen evaluations received from those in attendance at the Las Vegas program indicated that it was Excellent. See Appendix V.

The final seminar of the 1977 seminar year was conducted in San Francisco, California. Our policy prior to this seminar was to limit registration at any seminar to 40 appellate judges. In that way, we felt, it would be possible to retain program intimacy in order to stimulate discussion. With San Francisco we faced a new development. Registration passed the forty level very early. When we started to turn judges away we confronted the problem of trying to persuade the applicant that there was just no more room. Finally we decided to admit up to sixty applicants and then to divide the seminar into two groups. The faculty was not increased, instead each faculty member had to make two presentations-one before each group.

Overworking the faculty did not affect the program. It still received a very high rating from the participants. See Appendix VI.

The October Seminar was also the scene of a meeting of the Committee on Continuing Appellate Education. There it began planning for the remaining appellate judges' seminars in the grant period.

As was mentioned earlier, the Miami Beach, Florida Seminar was cancelled. Apparently, interest in Miami Beach had waned.

The first seminar of the 1978 Appellate Judges' Seminar Series was conducted in Tucson, Arizona during March. Sixteen appellate judges attended what was probably one of our best academic efforts. Every faculty member did an outstanding job and the evaluations were filled with high marks and praise. See Appendix VII.

The Appellate Judges' Seminar Series returned to San Diego, California with its April, 1978, seminar. In addition to the regular academic program, the Committee on Continuing Appellate Education invited a number of vendors of equipment that might be of interest to appellate courts to come and demonstrate its wares. This proved popular with the twenty-five appellate judges in attendance. The academic program, however, was not as successful or interesting as our usual program. A number of new topics and new faculty members were tried, some did not achieve the level of quality we desire, and have come to expect. See Appendix VIII.

The final appellate judges' program conducted under this grant took place in Williamsburg, Virginia in May, 1978. Like the 1977 program, this was well attended. It was, also, a fairly good program. See Appendix IX.

Under the terms of the grant, the last meeting of the Committee on Continuing Appellate Education took place in Williamsburg. Unlike prior meetings, the topic of conversation principally was on funding problems. The Committee expressed the view that funding by the Law Enforcement Assistance Administration appeared to be coming to an end. It resolved to obtain at least one more grant from the LEAA to allow it time to conduct a vigorous fund raising effort. The Committee recognized that when the Law Enforcement Assistance Administration was first proposed and created it was contemplated that its funds would be used to initiate programs, and not sustain them. The Appellate Judges' Seminar Series has been fortunate in that, from its inception, it has received the principal portion of its funding from the LEAA. Therefore, the Committee assigned the responsibility for further fund raising to Justice William A. Grimes and Howard S. Primer.

B. APPELLATE COURT CLERK EDUCATION

As in the past, the Appellate Judges' Seminar Series included a seminar in behalf of appellate court clerks at each of the two Annual Meetings of the National Conference of Appellate Court Clerks that took place during the term of this grant. The planning for these programs is left to the NCACC. The Committee on Continuing Appellate Education makes itself available to assist when asked. The NCACC is expected to submit its proposed program and faculty to the Committee for its approval. Rarely has there been any need to offer an alternative. The NCACC has developed an excellent ability to diagnose the needs of the nation's appellate court clerks and offer a program with that as its principal focus. The result is an extraordinarily high attendance at each of its programs (see Appendix X for a list of participants at each program). The effect, according to reports, is the institution of a large number of administrative reforms as a direct result of attendance at one of these programs. See Appendix X for a copy of the 1977 and 1978 programs.

C. APPELLATE CENTRAL STAFF COUNSEL EDUCATION

One of the administrative techniques discussed at many prior educational programs concerned the practical and proper use of a staff of attorneys in the appellate system. The idea, conceived by Prof. Daniel Meador³, was directed to the handling of the large number of appellate cases that offered little by way of new facts or new law to the current body of the law. Recognizing that the expenditure of judicial resources for this type of case is inefficient, it was concluded that central staff counsel could be trained to do much of the work necessary under appropriate judicial supervision.

Several years ago, the Appellate Judges' Seminar Series included as a topic at many of its programs the idea that central legal staff might assist the appellate courts. As a result, a number of courts have since introduced appellate central staff counsel into their appellate system. Although there is some disagreement as to the proper role of central staff, there is now little disagreement as to the benefit. In fact, the need

3. Meador, D., Appellate Courts: Staff and Process in the Crisis of Volume, (1974).

to train and maintain the central staff counsel is beginning to be the issue discussed, more than whether they have a place in the appellate process.

Under the leadership of Chief Justice James Duke Cameron, the Appellate Judges' Conference created the National Committee of Appellate Central Staff Counsel. Its purpose is to organize and train the nation's central staff attorneys. As a part of that purpose, the Appellate Judges' Seminar Series included in its 1976 schedule an educational program for central staff counsel. The program took place in Chicago at the time of the American Bar Association Annual Meeting. It was one day long and had in attendance appellate judges as well as staff counsel. See Appendix XI for a copy of that program and a list of attendees.

The following year, 1978, the National Committee of Appellate Central Staff Counsel decided to, once again, conduct its program in conjunction with the ABA Annual Meeting. It felt that by holding the meeting at the same time and in the same place as the American Bar Association it would be able to attract new members to join the Committee. Unfortunately, attendance at the seminar was equated as attendance at the Annual Meeting, and, as a result, a registration fee was charged. The registration fee, payable to the ABA, was, in our judgment, a disincentive to attendance, and attendance dropped off.

To avoid this problem in the future, the National Committee of Appellate Central Staff Counsel has decided to conduct its programs with those for appellate judges. Beginning in May, 1979, the National Committee will conduct an annual program at one of the seminars of the Appellate Judges' Seminar Series. In this way, it is anticipated that appellate judges and appellate central staff counsel will have an opportunity to learn about one another and to learn together.

D. TEXT MATERIAL DEVELOPMENT

It has long been our observation that continuing education of any kind is only effective if the student can apply what has been learned following the formal learning experience. For this reason, the Committee on Continuing Appellate Education has continually strived for the highest quality faculty that it can obtain at each of its seminars. We are pleased to report that, with few exceptions, we have been successful in this pursuit.

An additional goal is that, with the help of the faculty, text materials be developed to support the presentation and be of some use following the seminar. The purpose, consistent with

our belief that continuing education must continue for the participant after leaving a seminar, is to provide those that attend our programs with reference materials that will be helpful for some time in the future. In this regard we feel considerable satisfaction.

Seminar participants constantly comment that the materials that they received at a previous seminar have been of inestimable assistance to them in solving a subsequently confronted problem. The Program Director, Howard S. Primer, has reported that in his travels he has frequently observed one or more seminar books in a place in appellate judges' chambers that is readily accessible to the judge. When asked, the judges usually inform Mr. Primer that they are making frequent use of the materials. The evaluation forms submitted support this observation³.

E. SPECIAL EDUCATIONAL PROGRAMS

Through the experience and exposure that it has gained since commencing the Appellate Judges' Seminar Series, the Committee on Continuing Appellate Education has gained a great deal of

3. Summaries of all the evaluation forms submitted during the grant period are collected in the Appendix. See questions I. C. (2) and III.

expertise in the appellate process and formulating programs in behalf of it. As a result, the Committee has concluded that it must make this expertise available to any person or group requiring it. This has been done by assisting in the planning and executing of special educational programs.

For example, during the grant period three states, Kansas, Kentucky and Wisconsin, have instituted new intermediate appellate courts. In every instance, the staff and Committee have participated in the educational programs conducted to prepare the newly selected appellate judges to assume their responsibility. Assistance also has been given to several states in the preparation of their in-state conferences. As a matter of fact, several members of the Committee and the Program Director have appeared on the faculty at most of these programs.

A program begun in late 1977 and considerably expanded in 1978 resulted from the Committee's experience in conducting national programs for appellate law clerks. Seeking to better assist the nation's appellate judges by training the many newly appointed law clerks beginning work each summer, the Appellate Judges' Seminar Series has included, in the past, at least one program for law clerks. This program was abandoned because few courts could afford to send its law clerks to a national program. Instead, the Committee concluded that it would apply its

expertise to the creation of a package program that would be made available to individual appellate jurisdictions. In that way, every law clerk in the jurisdiction would be educated at roughly the same cost as sending one to a national program.

In preparation for that program, the Program Director was assigned the responsibility of developing a model curriculum that could easily be altered to comport with the needs of a specific jurisdiction. To support the curriculum, he authored a Law Clerks Manual that is designed to be modified to reflect local rules, laws and customs. The curriculum and Manual were reviewed and approved by the Committee's Co-Chairmen⁴ before being offered for use. See Appendix XII for a copy of a typical curriculum and the Table of Contents from the Manual.

The Committee on Continuing Appellate Education set as a goal for its first year the acceptance of this program by three states. It was pleasantly surprised when ten states decided to present the program⁵. In addition, a number of states have asked for assistance in 1979.

4. In August, 1977, Chief Justice James Duke Cameron, then Chairman of the Appellate Judges' Conference, appointed Justice Harry A. Spencer and Judge Frank Q. Nebeker as Co-Chairmen of the Committee on Continuing Appellate Education.

5. Seminars have been conducted in behalf of newly appointed appellate law clerks in Arizona, Florida, Maine, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, Wisconsin and Wyoming.

F. PROGRAM EVALUATION

The Committee on Continuing Appellate Education recognizes the need to obtain continual evaluation of its programs. For that reason, it has been eager to participate in the yet to be conducted objective evaluation that is called for in a Special Condition to the Grant and acknowledged in the application.

Short of the comprehensive evaluation to be conducted, the Committee has employed a thorough evaluation form that is given to every seminar participant at a seminar and repeatedly reviewed following a seminar. The summaries of the evaluation forms submitted is incorporated into this report in the Appendix.

IV. PROJECT OBJECTIVES

The objectives set for the Project for Continuing Appellate Education, as described on page 14 of our grant application, can be summarized as follows:

To present to as many appellate judges, central staff counsel and court clerks as possible a program of high quality to better prepare them to face the many problems imposed by the pressures of expanding docket and shrinking resources for the ultimate benefit of the nation's system of appellate justice.

In our judgment, we have accomplished this. In terms of sheer numbers, the programs have been an outstanding success. Over 30% of the nation's appellate judges, over 60% of its appellate court clerks and a large number of its appellate central staff counsel⁶ attended at least one seminar in the past year. We believe that no other educational program can boast such high ratios.

In terms of quality, the evaluation forms and letters received are full of praise. There is a gratifying sense of enthusiasm among the people that participate in our programs. Apparently, the enthusiasm exists long after the seminar has formally concluded, with participants remaining in contact with the people that shared their educational experience. Without having any empirical data to prove it, we feel that there is a better understanding of rapidly changing fields of law as a result of the presentations and materials at the seminars; that new ideas regarding the administration of appellate courts and the processing of appellate cases are shared, discussed and grow from the discussion; that the interpretation of the law has tended to become more uniform as a result of the discussions that take place at the seminars; that new concepts of law and

6. As of yet, no one is certain just how many central staff counsel there are. The National Committee of Appellate Central Staff Counsel is attempting to find out.

new approaches to court administration and organization have developed; and that the public esteem for the courts has been raised.

V. PROJECT PROBLEMS

There are several problems that we have experienced in conducting the Appellate Judges' Seminar Series and related programs.

First, assuming, as we do, that national seminars for appellate judges enable lateral communication to occur, that it will not occur in any other way and that it is important that it occur and flourish, then we consider it a serious problem that whole groups of appellate judges can not or will not participate.

The appellate judges that will not attend are of some concern, but little can be done about that. The judges that can not attend, however, are more important in that it is assumed that many of them would welcome the opportunity to attend and there is a void in information resulting from their absence. A review of Appendix XIII, containing a three year breakdown of attendance by jurisdiction, reveals that Connecticut, Montana

and Virginia appellate judges do not participate at all, and that California, Massachusetts and the U.S. appellate judges have extremely low participation. In fact, the California and Federal appellate judges that have attended have done so at their own expense, as their courts will not support participation. Our inability to break down the barriers to participation for these judges is considered our most disappointing failure.

A second problem has to do with staffing. This program is understaffed. The Program Director has many other responsibilities in behalf of the Appellate Judges' Conference and the American Bar Association. As a result, only a portion of his time is devoted to the Appellate Judges' Seminar Series. We would much prefer having him be able to devote his entire time to this Project and its related programs.

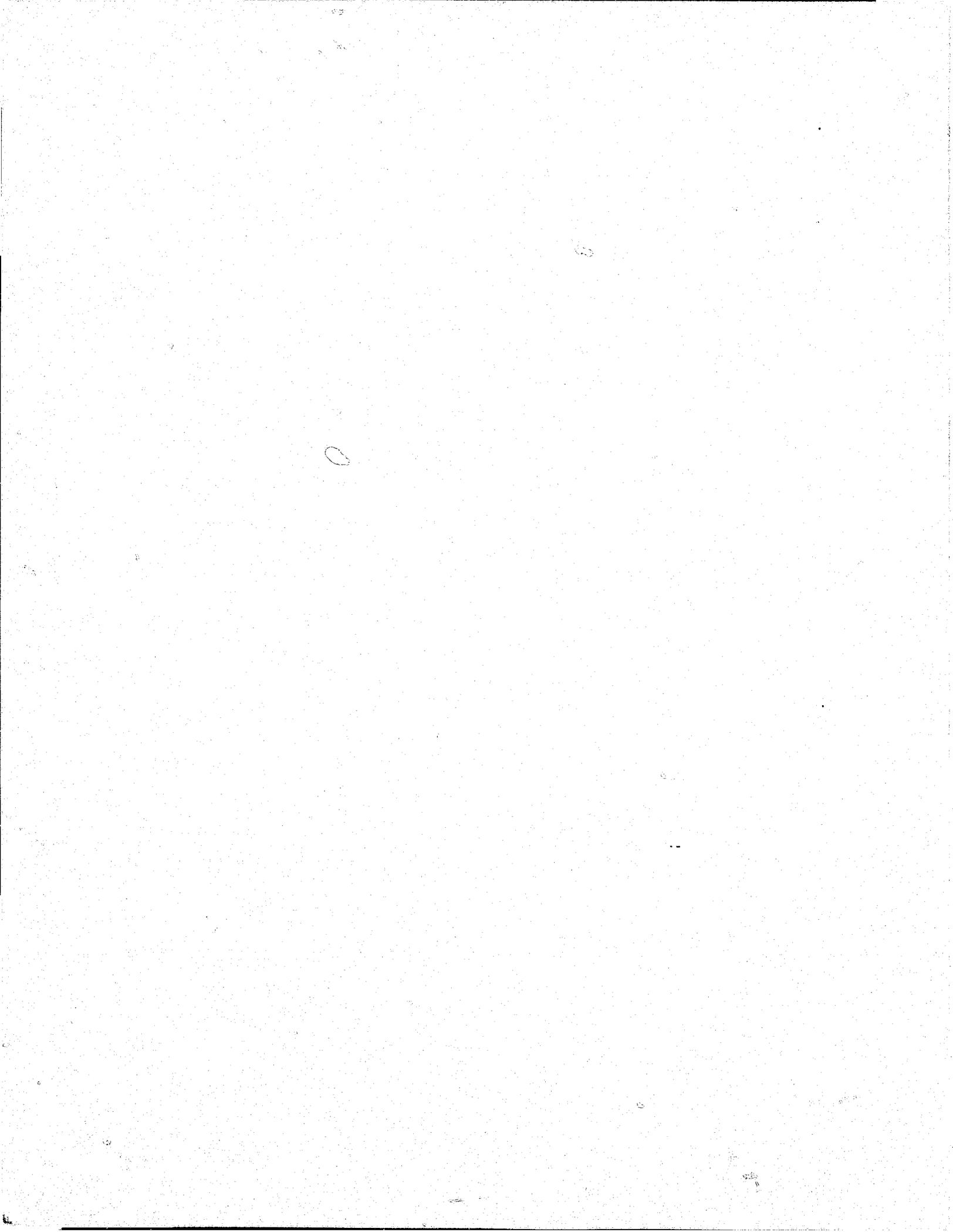
A third problem is closely related to the second. Funding for this program is inadequate and far too short term. Too much of the energies and resources of the Committee on Continuing Appellate Education and the Project staff are devoted to fund raising. It creates an uneasy sense of instability that affects our work product and programmatic expansion. In addition, the principal funding we do have from the Law Enforcement Assistance Administration requires frequent attention in order to

comply with its numerous special conditions and meet its many reporting requirements.

VI. CONCLUSION

In conclusion, we believe that the Project for Continuing Appellate Education has been worthwhile. The problems we have are small and the goals we achieve are significant. We are eager to continue the Appellate Judges' Seminar Series and to expand and improve its related programs.

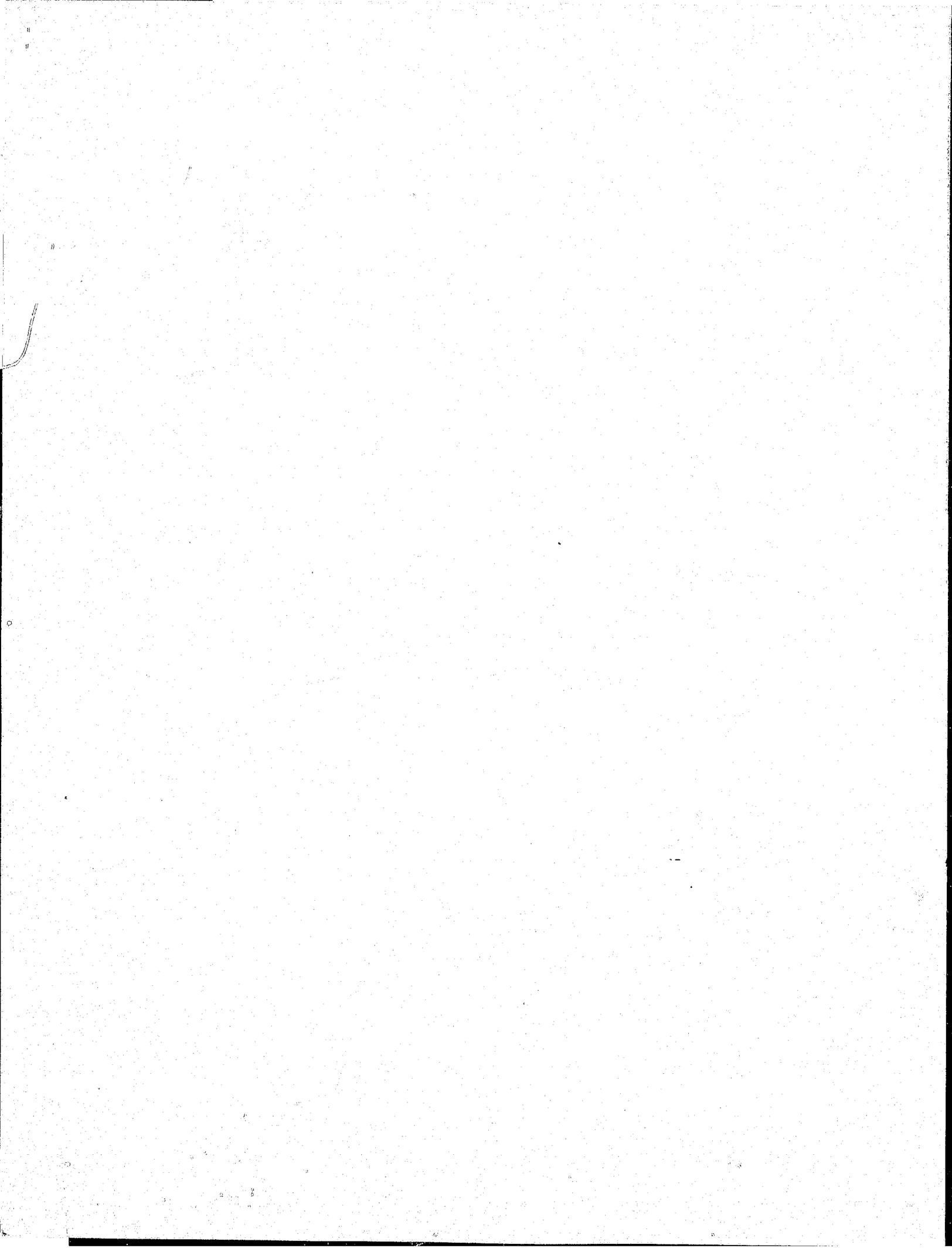
APPENDIX I



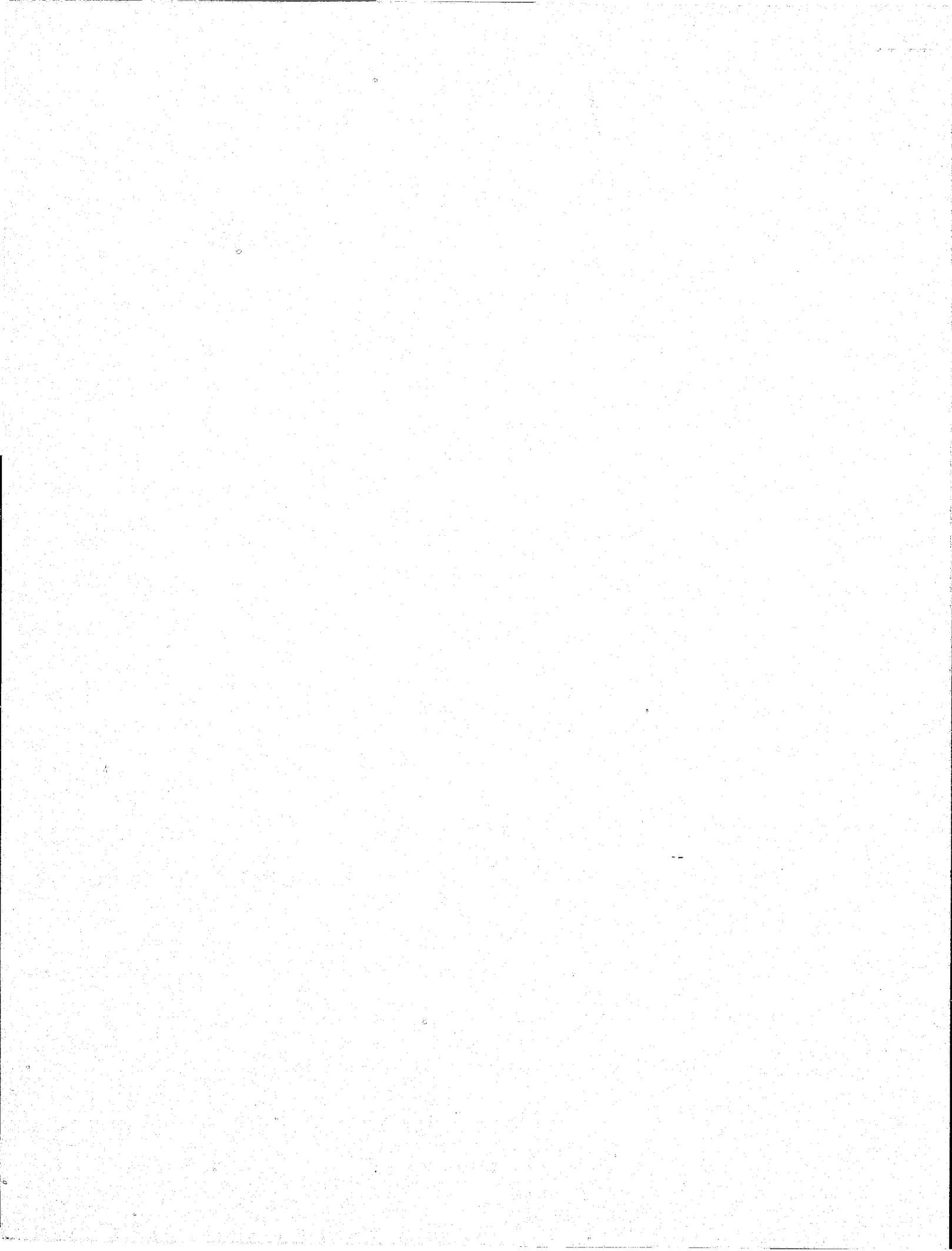
APPENDIX I

COMPARATIVE BUDGET REPORT

Budget Item	3/77-9/78 Original Budget	3/77-9/78 Actual Expend.
Personnel	64,286	53,013
Fringe Benefits	10,831	10,921
Travel	83,480	55,645
Equipment	6,405	4,270
Supplies	5,669	8,379
Contractual	13,050	4,919
Printing & Duplicating	10,025	24,899
Postage	4,100	5,812
Other	8,533	8,648
Indirect Cost	28,524	22,242
Total Project Cost	234,923	199,756
Total Project Revenue	200,521	



APPENDIX II



ROSTER OF PARTICIPANTS - NEW ORLEANS 1977

Honorable William R. Beasley
900 First Federal Building
Detroit, MI 48226

Honorable Norman Berman
1575 Sherman Street, Suite 612
Denver, CO 80203

Honorable Frederick L. Brown
110 Leonard Street
Belmont, MA 02178

Honorable Michael F. Cavanaugh
Court of Appeals
400 Washington Square Building
Lansing, MI 48933

Honorable Frank D. Celebrezze
8619 Whipoorwill Lane
Patma, OH 44130

Honorable William D. Cornelius
401 Texas Municipal Building
Texarkana, TX 75501

Honorable Alfred E. Dahling
Courthouse
Warren, OH

Honorable Robert J. Downing
Illinois Appellate Court
3000 Richard J. Daley Center
Chicago, IL 60602

Honorable Jerome Farris
11th Floor Pacific Building
Seattle, WA 98104

Honorable William I. Garrard
Room 419, State House
Indianapolis, IN 46204

Honorable Frank X. Gordon, Jr.
Arizona Supreme Court
State Capitol Building
Phoenix, AZ 85007

NEW ORLEANS PARTICIPANTS

1977

Page 2

Honorable George B. Hoffman, Jr.
Room 411, State House
Indianapolis, IN 46201

Honorable Richard L. Holmes
3361 Walton Drive
Montgomery, AL

Honorable Conley Ingram
Supreme Court of Georgia
State Judicial Building
Atlanta, GA 30334

Honorable Robert M. Martin
P. O. Box 888
Raleigh, NC 27602

Honorable John W. McCormac
Franklin County Hall of Justice
369 South High Street
Columbus, OH 43215

Honorable Robert Neptune
440 South Houston, Room 601
Tulsa, OK 74127

Honorable Leo Oxberger
Iowa Court of Appeals
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Des Moines, IA 50319

Honorable Edward P. Reed
Court of Appeals, Division II
2000 Tacoma Mall Office Building
Tacoma, WA 98409

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Honorable Anthony M. Wilhoit
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201 West Short Street
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NEW ORLEANS PARTICIPANTS
1977
Page 3

Honorable Samuel A. Lerner
520 Broad Street
Newark, NJ 07102

PROGRAM—NEW ORLEANS

Justice Harry A. Spencer—Presiding

**SUNDAY
March 27**

6:00-8:00 p.m.—Registration

**MONDAY
March 28**

9:00 a.m.-12:00 Noon

The Bench Views the Bar

Judge Charles Clark

The Bar Views the Bench

John P. Frank, Esquire

1:30 p.m.-3:00 p.m.

**Using LEAA by and for
the Courts**

Charles D. Cole, Esquire
William Herndon, Esquire

3:15 p.m.-4:45 p.m.

**Standards for the Effective
Assistance of Counsel**

Professor James A. Strazzella

**TUESDAY
March 29**

9:00 a.m.-12:00 Noon

Impact Decisions

1:30 p.m.-4:30 p.m.

Justice William A. Grimes
Justice Mark McCormick
Judge Frank Q. Nebeker

**WEDNESDAY
March 30**

9:00 a.m.-12:00 Noon

**Recent Developments in
the Law of Damages:
Pain and Suffering**

Professor Cornelius J. Peck

1:30 p.m.-4:30 p.m.

**Recent Developments
in Environmental Law**

Professor James W. Jeans

**THURSDAY
March 31**

9:00 a.m.-12:00 Noon

**Recent Developments in the
Law of Res Judicata and
Issue Preclusion**

Professor Allan D. Vestal

Note: The Hospitality Suite will be open each evening from 6:00 p.m. to 8:00 p.m.

Attendance: 25
Response: 12

PROGRAM EVALUATION

APPELLATE JUDGES' SEMINAR SERIES

New Orleans, Louisiana
March, 1977

Sponsored By:

THE APPELLATE JUDGES' CONFERENCE,
AMERICAN BAR ASSOCIATION

PROGRAM EVALUATION

In an effort to know how the Appellate Judges' Seminar Series can best serve the needs of the nation's appellate judiciary we ask that those who attend a seminar share their observations and comments with us. Therefore, we ask that you candidly respond to the following questions regarding the seminar you just attended. There is no need to identify yourself - anonymous evaluation is encouraged. We encourage you to complete this form prior to your departure from New Orleans. If you are unable to, please return the form to:

Howard S. Primer
Program Director
Appellate Judges' Seminars
American Bar Association
1155 East 60th Street
Chicago, Illinois 60637

	<u>Excellent</u>	<u>Good</u>	<u>Fair</u>	<u>Poor</u>
I. General				
A. Accommodations	()	(4)	(4)	(4)
B. Hospitality Sessions	(3)	(7)	(1)	()
(1) Contribution to the value of the program	(4)	(6)	()	()
C. Curriculum				
(1) General Quality of Presentations	(3)	(9)	()	()
(2) General Quality of Materials	(4)	(8)	()	()
(3) Topical Coverage	(3)	(7)	(1)	()

D. Any suggested improvements in the area of accommodations (Comments):

1) Disappointed at first but overall probably better than if had been more fancy and farther downtown. Easier on pocket-book, more quiet, within easy reach of action area.

(See attached)

E. Any suggested improvements in the area of the hospitality sessions (Comments):

1) None; 2) Some non-alcoholic punch or fruit juice with a variety of nuts or chips so that the non-drinker wouldn't have to fold his arms; 3) Better room; 4) Suggest have some

F. Any suggested improvements in the area of Curriculum (Comments):

1) No; 2) Impact Decisions should be a standard. Other topics areas should vary each year with the best people available to make presentations; 3) While the LEAA topic

II. Specific Excellent Good Fair Poor

A. Topics and Speakers

(1)	The Bench Views the Bar	(3)	(6)	(1)	(1)
	Judge Charles Clark	(6)	(2)	(3)	(1)
(2)	The Bar Views The Bench	(6)	(3)	(2)	()
	John P. Frank, Esquire	(4)	(5)	(3)	()
(3)	Using LEAA by and for the Courts	(2)	(6)	(1)	(2)
	Charles D. Cole, Esquire	(4)	(8)	()	()
	William Herndon, Esquire	NOT PRESENT ()	(3)	()	()
(4)	Standards for the Effective Assistance of Counsel	(4)	(4)	(2)	(1)

	Excellent	Good	Fair	Poor
Prof. James A. Strazzella	(1)	(10)	(1)	()
(5) Impact Decisions	(7)	(3)	()	()
Justice William A. Grimes	(10)	(2)	()	()
Judge Frank Q. Nebeker	(7)	(5)	()	()
Justice Mark McCormick	(7)	(4)	(1)	()
(6) Recent Developments in the Law of Damages: Pain and Suffering	(6)	(3)	(1)	()
Prof. Cornelius J. Peck	(5)	(4)	()	(1)
(7) *Recent Developments in Environmental Law	(4)	(4)	()	()
Professor James W. Jeans	(4)	(4)	(1)	()
(8) *Recent Developments in the Law of Res Judicata and Issue Preclusion	(7)	(3)	()	()
Prof. Allan D. Vestal	(8)	(3)	()	()

*Best presentations

B. Do you prefer the informal method of presentation?

Yes (12) No ()

Comments:

- 1) Need more time yet on Impact Decisions;
- 2) Prof. Vestal's subject is complex and could use more time, he had to hurry - tough to take notes;

(See attached)

C. How much time should be allotted per subject in the future? *1

	Hours:	1	2	3	4	5	6
The Bench Views the Bar	(7)	(3)	(1)	()	()	()	()
The Bar Views the Bench	(5)	(4)	(2)	()	()	()	()
* ² LEAA by and for the Courts	(7)	(1)	()	()	()	()	()
* ³ Standards for the Effective							
* ⁴ Assistance of Counsel	(5)	(3)	()	(1)	()	()	()
Impact Decisions	()	()	(2)	(2)	(2)	(4)	()
Recent Developments in the Law of Damages: Pain & Suffering	(3)	(1)	(4)	(1)	()	()	()

I. In deciding on which seminar to attend, which is the more important?

Dates 5 or Site 6* Both 2

*Within limits

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

A. Please describe the source of funds which you used for travel and subsistence.

Court: 2 State: 2

LEAA: 2 Personal: 1

Texas Center for Judiciary -1

State funds - partial LEAA, limit on subsistence-full travel.

B. If funding was provided by or through your court, how did you acquire those funds?

- 1) LEAA
- 2) Court Admin.
- 3) With permission of Chief Justice
- 4) Funds for one seminar per judge per year are included in our budget
- 5) Grant 6) Application 7) Will submit claim for partial

C. Would funds have been available from your court for: allowance

Travel (possible) Yes (8) No (3)

Subsistence " Yes (8) No (3)

\$24/day; \$30/day; \$35/day; \$40/day; 1/2;
How Much? Actual expense; Not enough

Tuition Yes (6) No (4)

Activity Fee Yes (0) No (10)

D. Other sources of funding.

Explain:

Travel and \$35.00 per day from Texas Center for the Judiciary.

Evaluation summary
New Orleans, Louisiana
March, 1977

I., D. - Any suggested improvements in the area of accommodations (Comments): (Cont'd)

2) Rooms with outside windows would have been better, I didn't find the accommodations inadequate, I was reasonably comfortable; 3) Accommodations were atrocious! Whoever was responsible should get on the ball; 4) Yes, improve the area by getting a better one - hotel, that is. Travelodge, however, in general was good; 5) Damn near anything better than the New Orleans Travelodge; 6) I understand you didn't intend to be here, so comment doesn't amount to much, but were too far from shopping areas for the women and motel service was lousy.

I., E. - Any suggested improvements in the area of the hospitality sessions (Comments): (Cont'd)

organized activities for spouses of judges (especially those not familiar with area) at least during first day of conference; 5) Get a bigger room; 6) A program for the ladies daytime "get-together".

I., F. - Any suggested improvements in the area of Curriculum (Comments): (Cont'd)

is valuable, we spent too much time on it; 4) At least $\frac{1}{2}$ day on current impact civil decisions.

II., B. - Do you prefer the informal method of presentation? (Comments): (Cont'd)

3) The program is generally far better than one would expect; 4) The hospitality sessions might be better if they considered the non-drinker; 5) Especially enjoyed Peck and his subject; 6) Really liked the balance - because there is also real value in having some "formal" lecture by some of the visiting professors; 7) Provides for participation.

II., D. - What new topic(s) and speaker(s) would you suggest for the future? (Cont'd)

5) Proper Use of Summary Judgments - because trial courts are utilizing the mechanism EXCESSIVELY and improperly repeatedly - 2 hours.

6) Constitutional Law - Parham Williams (Dean Ole Miss.)
3 hours

7) Evidence-Special Problems - Chief Judge of Florida Supreme Court - 3 hours

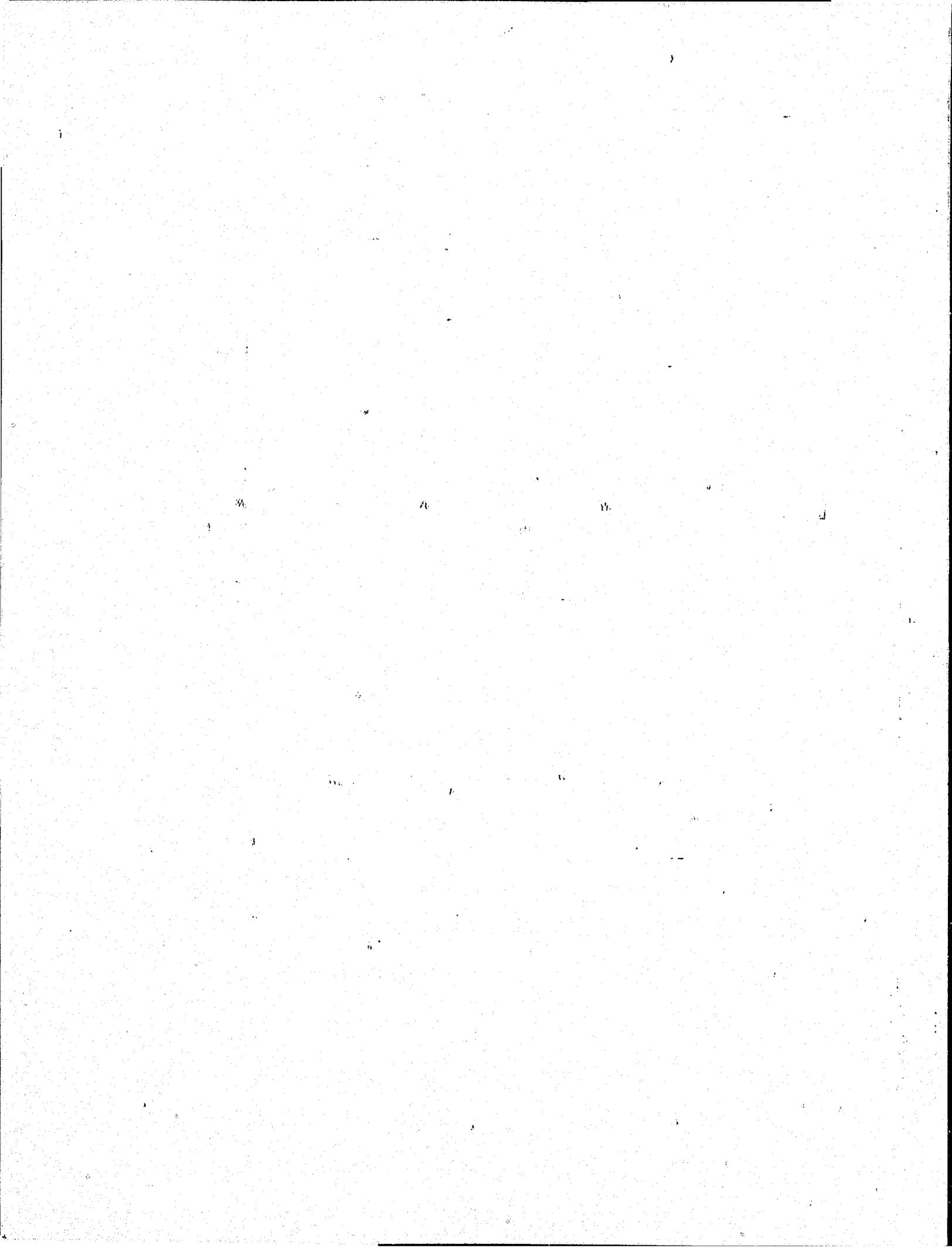
8) U.C.C. - any well informed professor or judge

Evaluation summary
New Orleans, Louisiana
March, 1977
Page Two

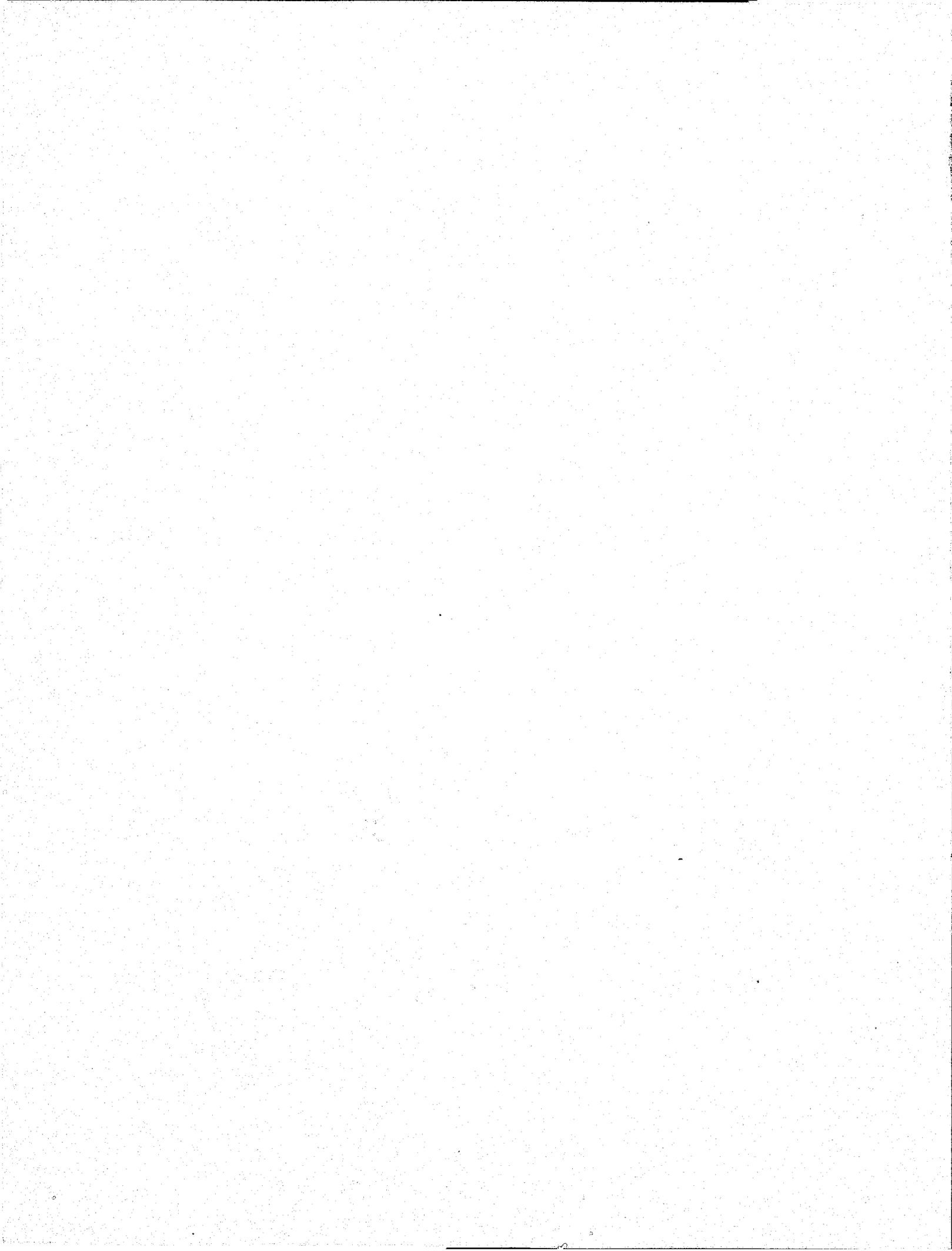
II., D. - Cont'd

9) Round table discussion of appellate court
problems

10) Administrative Law (utilities cases) duty of
reviewing court - 3 hours



APPENDIX III



ROSTER OF PARTICIPANTS - TUCSON 1977

Honorable Glenn S. Allen
Court of Appeals
400 Washington Square Building
Lansing, MI 48933

Honorable William B. Brown
Ohio Supreme Court State Office Tower
30 East Broad Street
Columbus, OH

Honorable Robert J. Danhof
Court of Appeals
200 Washington Square Building
Lansing, MI 48933

Honorable John A. Fogleman
Justice Building
Little Rock, AR 72201

Honorable Richard P. Gilbert
Court of Appeals Building
Annapolis, MD 21401

Honorable John H. Gillis
900 First Federal Building
Detroit, MI 48226

Honorable Gordon R. Hall
332 State Capitol
Salt Lake City, UT 84-14

Honorable Robert M. Haverfield
Third District Court of Appeals
P. O. Box 650307
Miami, FL 33165

Honorable Clay Le Grand
R. R. #1
LeClaire, IA 52753

Honorable Solomon Liss
Room 634 Courthouse
Court of Special Appeals
Baltimore, MD 21202

Honorable Hale McCown
Supreme Court
Capitol Building - Room 2211
Lincoln, NB 68509

TUCSON PARTICIPANTS
1977
Page 2

Honorable Helen F. McGillicuddy
28th Floor
Richard J. Daley Center
Chicago, IL 60602

Honorable Richard Mills
Appellate Court of Illinois
Virginia, IL 62691

Honorable Gary K. Nelson
Room 129 West Wing
State Capitol Building
Phoenix, AZ 85007

Honorable Sherman A. Parks
109 West 9th Street
Topeka, KS 66612

Honorable Neville Patterson
P. O. Box 117
Jackson, MS 39205

Honorable William L. Paulson
Supreme Court Chambers
State Capitol
Bismarck, ND 58505

Honorable Harry L. C. Weier
Missouri Court of Appeals
St. Louis County Courthouse
Clayton, MO 63105

PROGRAM—TUCSON

Justice Harry A. Spencer—Presiding

**SUNDAY
April 17**

6:00-8:00 p.m.—Registration

**MONDAY
April 18**

9:00 a.m.-12:00 Noon

Standards for Appellate Courts

Professor Geoffrey C. Hazard, Jr.

1:30 p.m.-4:30 p.m.

**Economic Analysis of Nuisance
Law**

Professor James E. Krier

**TUESDAY
April 19**

9:00 a.m.-12:00 Noon

Impact Decisions

1:30 p.m.-4:30 p.m.

Justice Robert E. Bakes
Justice William A. Grimes
Judge Frank Q. Nebeker

**WEDNESDAY
April 20**

9:00 a.m.-12:00 Noon

**Recent Developments in the Law
of Damages: Pain and Suffering**

Professor Cornelius J. Peck

1:30 p.m.-4:30 p.m.

**Recent Developments in
Conflicts of Law**

Professor Russell J. Weintraub

**THURSDAY
April 21**

9:00 a.m.-12:00 Noon

**Judicial Philosophy: Activism v.
Restraint**

Chief Justice James Duke
Cameron
Justice Jack G. Day

Note: The Hospitality Suite will be open each evening from 5:30 p.m. to 7:30 p.m.

Total Attendance: 12
Total Responses: 15

PROGRAM EVALUATION

APPELLATE JUDGES' SEMINAR SERIES

Tucson, Arizona.

April 17-21, 1977

Sponsored By:

THE APPELLATE JUDGES' CONFERENCE,
AMERICAN BAR ASSOCIATION

In an effort to know how the Appellate Judges' Seminar Series can best serve the needs of the nation's appellate judiciary we ask that those who attend a seminar share their observations and comments with us. Therefore, we ask that you candidly respond to the following questions regarding the seminar you just attended. There is no need to identify yourself - anonymous evaluation is encouraged. We encourage you to complete this form prior to your departure from Tucson. If you are unable to, please return the form to:

Howard S. Primer
Program Director
Appellate Judges' Seminars
American Bar Association
1155 E. 60th Street
Chicago, Illinois 60637

	<u>Excellent</u>										<u>Poor</u>										<u>WTD.</u> <u>AVG.</u>	
I. General																						
A. Accommodations	10 ⁶	9 ²	8 ³	7 ²	6	5 ¹	4	3	2	1	10	9	8	7	6	5	4	3	2	1	8.6	
*B. Hospitality Sessions	10 ⁵	9 ³	8 ¹	7 ⁴	6 ¹	5	4	3	2	1	10	9	8	7	6	5	4	3	2	1	8.5	
(1) Contribution to the value of the program.	10 ⁶	9 ²	8 ³	7 ²	6 ¹	5	4	3	2	1	10	9	8	7	6	5	4	3	2	1	8.7	
C. Curriculum																						
(1) General quality of presentations.	10 ⁴	9 ³	8 ⁵	7 ²	6 ¹	5	4	3	2	1	10	9	8	7	6	5	4	3	2	1	8.4	
(2) General quality of materials.	10 ⁴	9 ³	8 ⁷	7 ¹	6	5	4	3	2	1	10	9	8	7	6	5	4	3	2	1	8.6	
(3) Topical Coverage	10 ¹	9 ⁴	8 ⁷	7 ¹	6 ¹	5	4	3	2	1	10	9	8	7	6	5	4	3	2	1	9.1	

*Hospitality room too small

D. Suggested improvements in the area of accommodations
(Comments):

1) Be sure swimming pool is available; 2) Swimming and tennis facilities should be at hand without necessity for transportation; 3) A Marriott Hotel but in poor condition. Employees were excellent. Keep a close eye on recreational facilities. For instance, a hotel having a swimming pool that works, across the street a 36 hole golf course and tennis courts.

E. Suggested improvements in the area of the hospitality sessions. (Comments):

1) Larger rooms; 2) Larger rooms, too cramped; 3) More elbow room; 4) Room should be large enough to accommodate participants and allow for seating; 5) Just a bit more space and sitting room; 6) None, except that more spacious rooms be had for the hospitality sessions.

F. Suggested improvements in the area of curriculum.
(Comments):

1) Need microphone in sessions. Split up Impact Decisions and lecturers - 1/2 one day and 1/2 another; 2) Interesting; 3) More time on Impact Decisions; 4) See II-D. Also suggest that Wednesday (3rd day) afternoon be free on the theory that the mind absorbs what the behind endures; 5) One seminar should be devoted to new members of the courts of two years

G. Please give your candid opinion of the oral presentations given at this program. (Continued)

1) Good; 2) A mike would help all speakers. None were spell binders, but all were adequate from Hazard down to Peck; 3) Good; 4) Good; 5) Very good; 6) Excellent, generally; 7) I thought good, except for Grimes. He is overbearing and a bit pontifical; 8) Generally, very good; 9) Very, very good; 10) In the main, excellent; 11) Universally - excellent (Continued)

H. How did this program compare with your expectations?

1) It is what I expected; 2) Splendidly; 3) A-OK; 4) As expected; 5) Well; 6) About what I expected; 7) Very good; 8) Brochure advertised, The Opinion: The Whys, Whens and Hows of Opinion Writing. Such was not the case; 9) Better than expected; 10) I enjoyed every day and look forward to attending again in the future; 11) Better than I expected; 12) Average.

I. What portions of the program were most/least helpful to you in your work?

1) Impact decisions and Standards most helpful; 2) Most - Standards for Appellate Courts, Judicial Philosophy, least - Econ. Analysis of Nuisance Law; 3) Pain and Suffering dissertation did not seem to be helpful even though interesting; 4) Most - Recent Developments, least - Judicial Philosophy; 5) Most - Impact Decisions, least - Economic Analysis of Nuisance Law;

(Continued)

B. Do you prefer the informal method of presentation?

Yes (15); No

Comments:

1) The desired seminar approach would be totally destroyed without the informal approach; 2) No other way is effective with a group such as this; 3) Very excellent

C. How much time should be allotted per subject in the future?

	Hours (Circle)						WTD. AVG.
*Standards for Appellate Courts	1 ⁽¹⁾	2 ⁽⁴⁾	3 ⁽⁵⁾	4	5	6 ⁽²⁾	3.0
Economic Analysis for Nuisance Law	1 ⁽⁴⁾	2 ⁽⁶⁾	3 ⁽¹⁾	4	5	6	1.7
Impact Decisions	1	2 ⁽¹⁾	3 ⁽²⁾	4 ⁽³⁾	5 ⁽²⁾	6 ⁽⁶⁾	4.4
*Recent Developments in the Law of Damages: Pain and Suffering	1 ⁽²⁾	2 ⁽⁶⁾	3 ⁽³⁾	4	5	6	2.0
Recent Developments in Conflicts of Law	1	2 ⁽⁴⁾	3 ⁽⁹⁾	4	5	6	2.6
Judicial Philosophy: Activism	1 ⁽⁵⁾	2 ⁽⁴⁾	3 ⁽³⁾	4	5	6	1.8
Judicial Philosophy: Restraint	1 ⁽⁵⁾	2 ⁽⁴⁾	3 ⁽⁴⁾	4	5	6	1.9

*No more; Zero; None.

D. *What new topic(s) and speaker(s) would you suggest for the future?

<u>Topic</u> (Why?)	<u>Speaker</u> (Why?)	<u>Time Allotment</u>
Opinion Writing	Michael O'Hara - Michigan Excellent style Good speaker	(2)
	Winslow Christian - California Good speaker	
	Al Murrah - (Ret. Fed. Court) Good speaker	

(Continued)

*I would cut the program to 5 1/2 hrs and adjourn at 4:00 rather than 4:30 maybe 3:30. It would hold audience better and I'm not at all sure that 5 hr per day isn't enough.

E. What topics did you think should have been covered in this program that were not touched upon or were treated insufficiently?

1) Opinion writing; 2) Use of law clerks; 3) More time should be devoted to how reviewing courts can dispose of the greater volume of appeals by summarizing and expediting disposition (order, memo, full or short opinions, etc.); 4) When opinions should be written and what percentage of cases are cited;

(Continued)

	<u>Excellent</u>					<u>Poor</u>					WTD:
											AVG.
F. Discussion Time Allowed	10	(5) 9	(1) 8	(4) 7	(1) 6	5	4	3	2	1	8.6
Participation & discussion by fellow conferees	10	(4) 9	(1) 8	(2) 7	(4) 6	5	(1) 4	3	2	1	8.0

G. Present Seminar span is 4 days. Would you retain this length?

* Yes 11; No 4; What is the best length? 3; ⁽²⁾ 3 1/2; 5-(2 afternoon free time)

*With breaks at some point

H. Check the four most convenient months to hold the Seminars.

January <u>5</u>	February <u>5</u>	March <u>8</u>	April <u>10</u>
May <u>2</u>	June <u>2</u>	July <u>3</u>	August <u>2</u>
September <u>6</u>	October <u>5</u>	November <u>3</u>	December <u>0</u>

I. * List potential Seminar sites: *Present areas great - opportunity to visit either coast or go north or south.

N. Carolina - March/April	N. Hampshire, (Manchester) - Sept.
N. Mexico - April/May/Oct.	Brownsville, Texas
San Diego, CA.	Biloxi, Miss.

(Continued)

J. In deciding on which seminar to attend, which is the more important? *

Dates 7; Site 5

*Really both are prime factors, but site is the most significant. Equally important.

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

A. Please describe the source of funds which you used for travel and subsistence.

Court funds- 4 Judicial budget- 1
State funds- 2 " college- 1
LEAA- 6

B. If funding was provided by or through your court, how did you acquire those funds?

1) Voucher; 2) General funds of the state; 3) Application for approval to attend, then voucher; 4) Ask C.J. if they're available; 5) Request from court administrator; (Continued)

C. * Would funds have been available from your court for:

Travel	Yes	8	No	4
Subsistence		<u>8</u>		<u>3</u>
How Much?		\$20; \$22; \$25		
Tuition		<u>6</u>		<u>5</u>
Activity Fee		<u>4</u>		<u>7</u>

*Probably not - Legislature never appropriated sufficient funds for continuing education.

D. Other sources of funding. Explain:

Personal supplement⁽¹⁾

E. Please identify your state:

Arizona, Arkansas, Colorado, Florida, Illinois, Iowa, Maryland, Michigan, Missouri, Mississippi, Oklahoma

F. What court do you sit on?

Court of Appeals- 12
State Supreme Court- 2

PROGRAM EVALUATION

TUCSON

I. General

F. Comments. (Continued)

and less. Basic subjects such as opinion writing, conduct of hearings, impact decisions, and scope of appellate review; 6) More time should be devoted, in my opinion, to the improvement of appellate procedures and less time on impact decisions; 7) I would suggest that on the 3rd afternoon a break for sightseeing or just relaxing would be helpful; 8) All of us have our thoughts stimulated every day - I don't see that the curriculum was of any benefit to us. If we write a case on any subject covered, we have to go into much greater detail than any course. I feel that we should have subjects: aids to writing, use of staff attorneys, pre-argument conferences, writing of opinions, expediting appeals, handling the backlog, and similar subjects. Problem is that most of participants are from intermediate courts and most of rules are written by Supreme Court.

G. Comments. (Continued)

12) Excellent.

I. Comments. (Continued)

6) Least - Economic Analysis and Recent Developments to Law of Pain and Suffering; 7) Pain was interesting but not overly helpful; 8) Least - Economic Analysis of Nuisance Law, but an interesting topic; 9) Impact decisions were least helpful to me, probably because I was familiar with the cases; 10) Impact decisions - most, Damages Pain and Suffering - least; 11) All helpful; 12) No reason to have Economic Analysis of Nuisance Law, Recent Developments in the Law of Damages. Other courses were helpful but of little immediate value.

PROGRAM EVALUATION

TUCSON

II. Specific

D. (Continued)

<u>Topic (Why?)</u>	<u>Speaker</u>	<u>Time Allotment</u>
Continuing Legal Education mandatory-optional (etc.)	Bar Association type	3 hrs
Legal specialization mandatory-optional (etc.)	Law professor	3 hrs
These issues are coming and will create litigation.	-	-
Philosophical exchange among judges	<u>None</u> - free discussion	1 hr
Spectographic (voice print) Analysis	Dr. Tosi - Michigan State University	3 hrs
Water Law	-	-
Improvement in appellate procedure including a speedup of the process but not limited to that subject.	Appellate justice, a law prof., an experienced appellate practitioner, because one could express his experience (the justice); the prof. could express theories; the experienced attorney his experiences and why the speedup of appellate process is very probably needed.	4 hrs
Use of staff attorneys - wide variation in use at this time and all courts are trying to get some authorized.	-	-
Writing opinions - this is "old hat" but there is always room for improvement, any help is invaluable.	-	-
Pre-argument conference - this covered extensively last year or year ago, but could be followed up.	-	-
Expedited appeals - being tried and everyone should be made aware of possibilities.	-	-

PROGRAM EVALUATION

TUCSON

II. Specific

E. (Continued)

5) Use of support personnel. Table of cases should have book and page numbers; 6) Impact decisions (as to time); 7) Pre-argument was treated insufficiently; 8) Staff attorneys, expedited appeals - without record, etc.; 9) Everything OK; 10) Water, energy; 11) Court procedures; 12) Practical discussions on case load management, reduction in reported decision, cooperation and communication between courts; 13) Suggest a summarization of methods used to speed up the appellate process and dispose of large volumes of cases.

I. (Continued)

Corpus Christi, Texas

New York City

Annapolis, Md. (2) - Hilton Inn

Phoenix, AZ

Las Vegas, Nev.

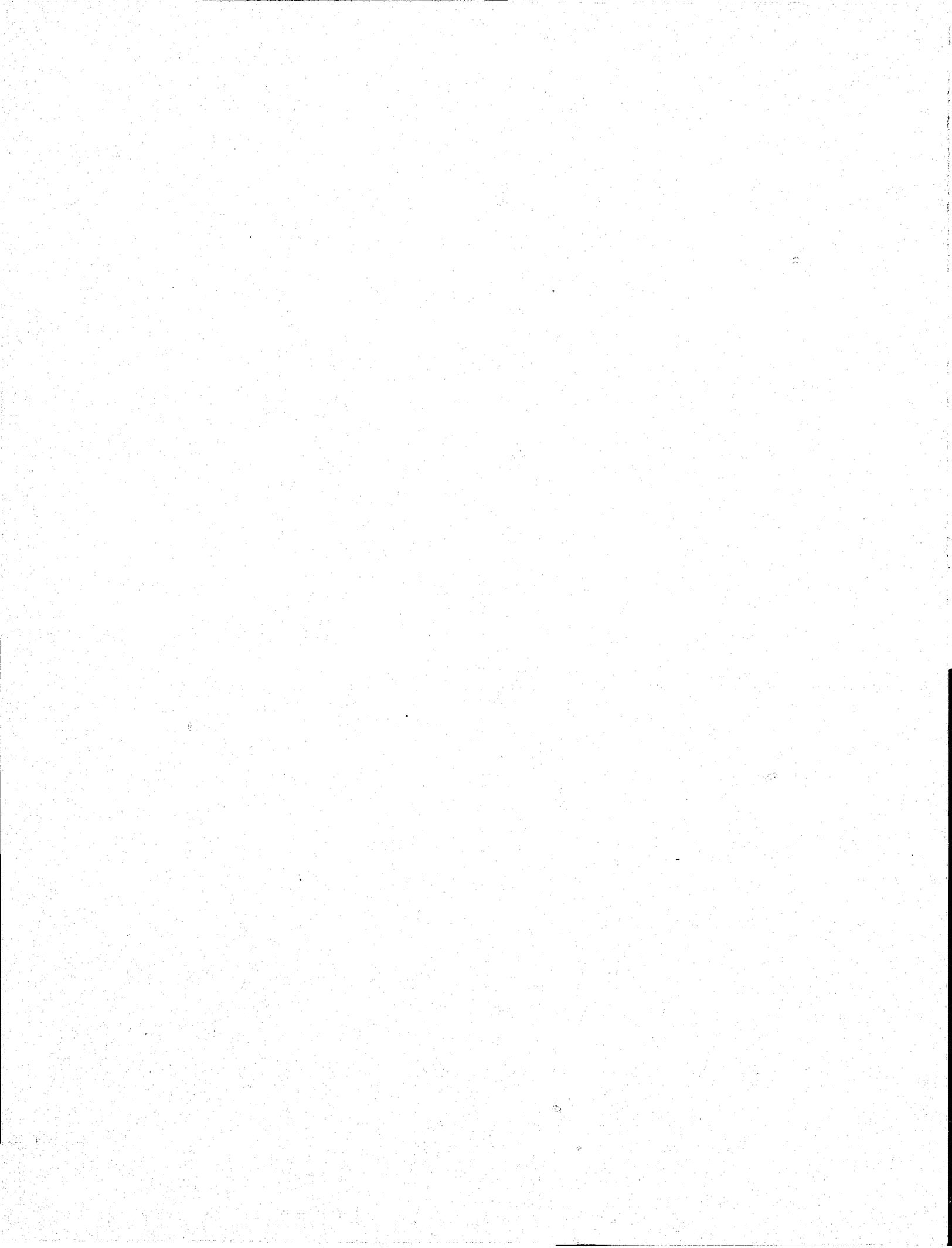
Denver, CO.

Geographically distributed throughout the United States.

III. B. (Continued)

6) Approval by Executive Council of the state; 7) Court administrator; 8) By approval of Chief Judge; 9) By application to Supreme Court

APPENDIX IV



ROSTER OF PARTICIPANTS - WILLIAMSBURG 1977

Honorable Same H. Bell
Court of Appeals
209 South High Street
Akron, OH 44308

Honorable Gerald T. Bissett
P. O. Box 2390
Corpus Christi, TX 78403

Honorable Leslie Boslaugh
Nebraska Supreme Court
Lincoln, NB 68509

Honorable Dwain D. Box
Court of Appeals, #1
Room 210-A State Capitol Building
Oklahoma City, OK 73105

Honorable Donald Brodkey
Room 222 Statehouse
Lincoln, NB 68509

Honorable Edward B. Clark
North Carolina Court of Appeals
P. O. Box 888
Raleigh, NC 27602

Honorable Ralph D. Cole, Jr.
925 Sixth Street
Findlay, OH 45840

Honorable Tom F. Coleman
Room 604, Civil Courts Building
Houston, TX 77002

Honorable Robert E. Cook
712 E. Main Street
Ravenna, OH 44255

Honorable John V. Corrigan
Court of Appeals, Courthouse
1 Lakeside Avenue
Cleveland, OH 44113

Honorable John F. Crane
520 Broad Street
Newark, NJ 07102

WILLIAMSBURG PARTICIPANTS

1977

Page 2

Colonel William S. Fulton, Jr.
U. S. Army Court of Military Review
NASSIF Building, 5611 Columbia Pike
Falls Church, VA 22041

Honorable Edward S. Godfrey
246 Deering Avenue
Portland, ME 04102

Honorable Dale M. Green
Court of Appeals, Division II
Broadway Centre Building
Broadway & Jefferson
Spokane, WA 99201

Honorable David Harris
Box 107
Jefferson, IA 50129

Honorable Edwin T. Hofstetter
Court of Appeals of Ohio
Eleventh Appellate District
Geauga County Courthouse
Chardon, OH 44024

Honorable John W. Kern, III
D. C. Court of Appeals
400 F Street, N.W.
Washington, DC 20001

Honorable Francis S. Lorenz
30th Floor Daley Center
Chicago, IL 60602

Honorable Richard J. Maughan
State Capitol
Salt Lake City, UT 84114

Honorable Theodore McMillian
Missouri Court of Appeals
St. Louis District Civil Courts Building
12th and Market Street
St. Louis, MO 63101

Honorable Charles H. O'Brien
P. O. Box 712
Crossville, TN

Honorable James C. Otis
230 State Capitol
- St. Paul, MN 55155

WILLIAMSBURG PARTICIPANTS

1977

Page 3

Honorable Hubert B. Pair
400 F Street, N.W.
Washington, DC 20001

Honorable G. A. Price, Jr.
Superior Court of Pennsylvania
1112 Grant Building
Pittsburgh, PA 15219

Honorable Richard E. Romang
2908 Tudor Road
Oklahoma City, OK 73127

Honorable James L. Ryan
20793 Farmington Road
Farmington Hills, MI 48024

Honorable Alan G. Shepard
Supreme Court
451 West State Street
Boise, ID 83720

Honorable Bruce M. Snell, Jr.
603 Barnes
Ida Grove, IA 51445

Honorable Joseph G. Stewart
Missouri Court of Appeals - 12th Floor
Civil Courts Building
St. Louis, MO 63101

Honorable Herbert A. Swanson
Court of Appeals - 11th Floor
Pacific Building
Seattle, WA 98104

Honorable John C. Tyson
Court of Criminal Appeals
P. O. Box 351
Montgomery, AL 36101

Honorable Julian Webb
Court of Appeals
4th Floor, Judicial Building
Atlanta, GA 30334

PROGRAM—WILLIAMSBURG

Justice Harry A. Spencer—Presiding

SUNDAY
May 22

6:00-8:00 p.m.—Registration

MONDAY
May 23

9:00 a.m.-12:00 Noon

Tools for Efficient Appellate Administration

Justice James D. Hopkins
Professor Paul D. Carrington
Professor Geoffrey C. Hazard

1:30 p.m.-4:30 p.m.

Current Developments in Tort Liability of Health Care Providers

Professor Robert E. Keeton
Dean W. Page Keeton

TUESDAY
May 24

9:00 a.m.-12:00 Noon

Judicial Review of Administrative Decision

Professor Victor G. Rosenblum

1:30 p.m.-4:30 p.m.

Legislative Classifications and the Equal Protection of the Law

Professor Gerald Gunther

WEDNESDAY
May 25

9:00 a.m.-12:00 Noon

Impact Decisions

1:30 p.m.-4:30 p.m.

Justice Robert E. Bakes
Justice William A. Grimes
Judge Frank Q. Nebeker

THURSDAY
May 26

9:00 a.m.-12:00 Noon

Recent Developments in Tort Law

Professor Victor E. Schwartz
Professor John W. Wade

Note: The Hospitality Suite will be open each evening from 5:30-7:30 p.m. Coffee and rolls will be served in the program room from 8:30-9:00 a.m.

Total Attendance: 36
 Total Responses: 17

PROGRAM EVALUATION

APPELLATE JUDGES' SEMINAR SERIES

Williamsburg, Virginia

May 22 - 26, 1977

Sponsored By:

THE APPELLATE JUDGES' CONFERENCE,
 AMERICAN BAR ASSOCIATION

In an effort to know how the Appellate Judges' Seminar Series can best serve the needs of the nation's appellate judiciary we ask that those who attend a seminar share their observations and comments with us. Therefore, we ask that you candidly respond to the following questions regarding the seminar you just attended. There is no need to identify yourself - anonymous evaluation is encouraged. We encourage you to complete this form prior to your departure from Williamsburg. If you are unable to, please return the form to:

Howard S. Primer
 Program Director
 Appellate Judges' Seminars
 American Bar Association
 1155 E. 60th Street
 Chicago, Illinois 60637

	<u>Excellent</u>										<u>Poor</u>		<u>AVERAGE</u>
I. General													
*A. Accommodations	10	(2) 9	(3) 8	(3) 7	(3) 6	(3) 5	4	(1) 3	(1) 2	1			6.3
**B. Hospitality Sessions	10	(4) 9	(2) 8	(4) 7	(3) 6	(2) 5	4	3	2	1	(1)		7.6
*** (1) Contribution to the value of the program.	10	(3) 9	(2) 8	(7) 7	(2) 6	(1) 5	4	3	2	1			8.2
C. Curriculum													
(1) General quality of presentations.	10	(8) 9	(4) 8	(4) 7	6	5	4	3	2	1			9.2
(2) General quality of materials.	10	(8) 9	(4) 8	(4) 7	6	5	4	3	2	1			9.2
(3) Topical Coverage	10	(3) 9	(9) 8	(2) 7	(1) 6	(1) 5	4	3	2	1			8.7

*Would appreciate a larger activity fee if it would permit wives at breakfast too; Poorly located.

Not enough room *Discussion w/other judges beneficial.

D. Suggested improvements in the area of accommodations
(Comments):

1) The hotel should be within walking distance of at least one good restaurant; 2) Better quality; 3) Hallways were un-air-conditioned, dirty; 4) Nearer center of attractions; 5) Something closer into center of city; 6) Accommodations were good - but would like them closer to the other activities of the week; 7) Locate closer to where the action is - especially where sightseeing involved; (Contd)

E. Suggested improvements in the area of the hospitality sessions. (Comments):

1) Hospitality hours were of absolutely no value; 2) More space, more places to sit and chat. Hospitality suite should be open or available for wives and sweethearts or both for the purpose a meeting place or card playing; 3) Larger area; 4) A little more room; 5) Larger facilities; 6) Larger room; 7) Larger area; 8) Increase fee sufficiently to include wives at breakfast - Most of us eat, but we don't all drink - hence we don't meet everyone on a social basis.

F. Suggested improvements in the area of curriculum. (Contd)
(Comments):

1) The only reason I didn't mark 10 was that it is arguable that a lick at current contract law developments (attacks on holder-in-due-course in consumer cases, e.g.) might be included - But it was an excellent selection; 2) Being from a criminal appeals court, I would prefer a bit more criminal law and procedure. (But I note that most "Impact" cases actually discussed were in this area, (Contd)

G. Please give your candid opinion of the oral presentations given at this program.

1) Excellent; 2) Generally good; 3) With the exception of the Tuesday presentations, they were excellent; 4) Splendid; 5) Excellent; 6) On the whole they were outstanding; 7) Impact Decisions are either too ambitious in size or should be covered more efficiently. All leaders should try to move along more quickly. Too much time spent on individual questions from the audience; (Continued)

H. How did this program compare with your expectations?

1) Exceeded any expectations; 2) Better than expected. The advance descriptive material really was inadequate; 3) Favorably; 4) Met them; 5) Better and more stimulating than I expected; 6) Somewhat better than expected; 7) One of the best I have attended; 8) Very well. No disappointments; 9)

I. What portions of the program were most/least helpful to you in your work?

1) Tort discussions and lectures were most helpful. Impact Decisions was the least helpful since our court does not have criminal jurisdiction; 2) Topics 2 & 6 because of the increased volume of this type of tort case; 3) Most - Tools for Efficient Appellate Admin., Current Developments in Tort Liability, Legislative Classifications & Equal Protection, Recent Developments in Tort Law; 4) All most helpful; 5) Topics (1) (5) (6) (2) (3) (4) in that order; (Continued)

PROGRAM EVALUATION - APPELLATE JUDGES SEMINAR - WILLIAMSBURG, VA.
May 22 - 26, 1977

I. General

D. Comments. (Continued)

8) Closer proximity to restaurants, leisure activities, etc.;
9) The S. Patriot was not well run. Service was poor, rooms so-so and dirty. Too far from center of Williamsburg; 10) Should be closer to the center of the historical activity so transportation and access is not a problem for those without their own transportation; 11) Would prefer hotel accommodations close enough to points of interest to permit walking.

E. Comments. (Continued)

8) More room and less crowding; 9) Larger room; 10) Improved activities for wives, one joint dinner, couple night; 11) I suggest that more be planned for the ladies and that one dinner be planned at which all are present; 12) Juice in the morning. Would prefer a European style continental breakfast with rolls, butter and jam and cheese rather than sweet rolls; cheese and crackers with drinks at night.

F. Comments. (Continued)

which is one way to add emphasis to criminal law.); 3) The curriculum was top-notch - not much room for improvement; 4) Curriculum is good. Change subjects to embrace developing fields of law; 5) I think the coverage is good considering the cross-section of judges (jurisdictions) present. Perhaps less theory - more stress on practical application; 6) With such a mixed bag of courts it is hard to suggest a program appealing to all. I think too much time devoted to criminal area generally; 7) Less specific - more general - more areas.

G. Comments. (Continued)

8) All very good. Some did not sufficiently stimulate audience participation or leave sufficient time for it; 9) Excellent. This was the best Appellate Judges' Seminar sponsored by ABA that I have attended; 10) Excellent; 11) Quite good, generally; 12) Was not impressed with "Impact Decisions". Gerald Gunther was tops. Rest was in between; 13) Good to superior; 14) Superb; 15) I think they were very good, information and the materials will be useful; 16) Excellent.

PROGRAM EVALUATION - APPELLATE JUDGES SEMINAR, WILLIAMSBURG, VA.
May 22 - 26, 1977

I. General

H. Comments. (Continued)

10) Better; 11) Was not disappointed; 12) High expectations - fulfilled; 13) Exceeded; 14) As anticipated; 15) It was really better than I expected because of the excellent panels and calibre of participants; 16) Very well.

I. Comments. (Continued)

6) Most: Sessions 1, 4 and 6; Least: 2, 5, no opinion on 3;
7) Most helpful: Appellate Administration, least helpful: Liability of Health Care Providers; 8) Torts & Malpractice - best, also review of administrative agencies. Impact Decisions good - but most judges try to keep up anyway; 9) Most - Impact Decisions, least - Legislative Classifications, etc. appeared to be the theory of the professor; 10) Most - Legislative Classifications & Equal Protection, next - Recent Developments in Tort Law, least - Judicial Review of Administrative Decision; 11) Most helpful - Recent Developments in Tort Law, Constitutional Law (Prof. Gunther), Impact Decisions, Tools for Effective Administration. Least helpful - all others; 12) Most helpful - Tort law developments. Least helpful - Legislative Classifications & Equal Protection.

II. Specific	Excellent	Poor	Average
A. Topics and Speakers			
(1) Tools for Efficient Appellate Administration	(6) (4) (5) (2) 10 9 8 7 6 5 4 3 2 1		8.8
Justice James D. Hopkins	(7) (3) (7) (1) (1) 10 9 8 7 6 5 4 3 2 1		8.6
Prof. Paul D. Carrington	(7) (5) (5) (2) 10 9 8 7 6 5 4 3 2 1		8.9
Prof. Geoffrey C. Hazard, Jr.	(7) (5) (3) (2) (1) 10 9 8 7 6 5 4 3 2 1		8.8
(2) Current Developments in Tort Liability & Health Care Providers	(7) (4) (4) (3) 10 9 8 7 6 5 4 3 2 1		8.8
Prof. Robert E. Keeton	(10) (5) (3) (1) 10 9 8 7 6 5 4 3 2 1		9.2
Dean W. Page Keeton	(10) (5) (2) (2) 10 9 8 7 6 5 4 3 2 1		9.2
(3) Judicial Review of Administrative Decision	(6) (5) (1) (1) (1) (2) (1) 10 9 8 7 6 5 4 3 2 1		8.1
Prof. Victor G. Rosenblum	(8) (2) (3) (1) (2) (1) 10 9 8 7 6 5 4 3 2 1		8.4
(4) Legislative Classifications & the Equal Protection of the Law	(7) (6) (3) (1) (1) 10 9 8 7 6 5 4 3 2 1		8.8
Prof. Gerald Gunther	(10) (5) (2) 10 9 8 7 6 5 4 3 2 1		9.2
(5) Impact Decisions	(7) (4) (1) (1) 10 9 8 7 6 5 4 3 2 1		8.6
Justice Robert E. Bakes	(6) (1) (3) (4) (1) (2) 10 9 8 7 6 5 4 3 2 1		7.9
Justice William A. Grimes	(7) (1) (2) (4) (3) 10 9 8 7 6 5 4 3 2 1		8.3
Judge Frank Q. Nebeker	(6) (2) (3) (3) (1) (2) 10 9 8 7 6 5 4 3 2 1		8.2
(6) Recent Developments in Tort Law	(8) (5) (2) 10 9 8 7 6 5 4 3 2 1		9.4
Prof. Victor E. Schwartz	(10) (4) (1) (2) 10 9 8 7 6 5 4 3 2 1		9.3
Prof. John W. Wade	(10) (5) (3)		

B. Do you prefer the informal method of presentation?

Yes(15) ; No _____

Comments:

1) The present methods (informality of presentation, casual dress and ease of discussion should be retained; 2) But class somewhat larger for informal discussion; 3) But leaders should at least curtail audience question when discussion gets bogged down on one point; 4) I thought participation was excellent even though the group was larger than usual which sometimes inhibits those of us who are more modest; 5) Mixed reactions - informal presentation is more difficult to make really useful.

C. How much time should be allotted per subject in the future?

	Hours (Circle)						Average
	1	2	3	4	5	6	
Tools for Efficient Appellate Administration		(2)	(8)	(2)	(1)	(2)	3.5
* Combine ** Delete * Current Developments in Tort Liability of Health Care Providers	(2)	(4)	(5)	(2)		(2)	3.0
Judicial Review of Administrative Decision	(1)	(6)	(5)	(2)			2.5
** Legislative Classifications and the Equal Protection of the law		(6)	(5)	(3)		(1)	3.0
Impact Decisions	(2)		(4)	(3)		(6)	4.1
* Recent Developments in Tort Law		(3)	(7)	(2)		(2)	3.4

D. What new topic(s) and speaker(s) would you suggest for the future?

<u>Topic (Why?)</u>	<u>Speaker (Why?)</u>	<u>Time Allotment</u>
1) Family Law The problems are of such recent origin that there are few, if any, qualified experts in the field. Suggest a panel of four (each panelist from a different state, to channel the discussion along the lines and in the areas raised by the participants in the seminar.	Panel discussion	3 hrs
2) Contract Law Developments	Law Professors	2 hrs
3) Long-arm Jurisdiction Developments	" "	1 hr

(Continued)

PROGRAM EVALUATION - APPELLATE JUDGES' SEMINAR, WILLIAMSBURG, VA.
May 22 - 26, 1977

II. Specific

D. (Continued)

<u>Topic</u>	<u>Speaker</u>	<u>Time Allotment</u>
4) Techniques helpful in writing opinions	-	4 hrs
5) As a judge working in a specialized field, I would like more emphasis on subjects in the area of criminal law.		
6) Opinion writing	Bob Summers of Cornell	-
He is developing some theories about what judges seem to be doing that are interesting and he is very much alive in this area. Howard Primer knows him. He really stimulates thought and provokes discussion.		
7) Criminal law developments	Alan Dershowitz Harvard Law School	3 hrs

I. (Continued)

Williamsburg is excellent
New York City is a possibility
Colony Village - _____, Iowa
Atlanta
Tucson
Anchorage, Alaska
Hawaii
Sarasota, Fla.
San Diego
McNairy, Texas

E. What topics did you think should have been covered in this program that were not touched upon or were treated insufficiently?

1) I sit on a court of civil appeals. The part on criminal law was of no value to me; 2) Refer to (D); 3) Designing an efficient Appellate Court System, i.e., comparison of states with best system; 4) More time might have been given on Tools for Efficient Administration with more sharing on innovations in different jurisdictions.

	Excellent							Poor		Average	
F. Discussion Time Allowed	(6)	(1)	(5)	(3)	(1)	(1)					
	10	9	8	7	6	5	4	3	2	1	8.3
Participation & discussion by fellow conferees	(3)		(6)	(4)	(2)	(1)	(1)				
	10	9	8	7	6	5	4	3	2	1	7.5

G. Present Seminar span is 4 days. Would you retain this length?

Yes (16); No (1); What is the best length? 3-5 days; 5 days

H. Check the four most convenient months to hold the Seminars.

January <u>5</u>	February <u>6</u>	March <u>3</u>	April <u>4</u>
May <u>9</u>	June <u>8</u>	July <u>8</u>	August <u>8</u>
September <u>4</u>	October <u>4</u>	November <u>2</u>	December <u>0</u>

I. List potential Seminar sites:

San Antonio (2)	Charleston, S.C.	Minneapolis
Washington D.C.	Knoxville, Tenn.	Seattle (3)
Yellowstone Park	Savannah, Ga.	Kansas City
Hilton Head, S.C. (2)	Chicago	Los Angeles (Continued)

J. In deciding on which seminar to attend, which is the more important? *

Dates 4; Site 7 **

*About equal; equally important

**Perhaps starting one session at 8:00 working through 2:00 with the balance of that day for sightseeing or recreation or both; I would suggest that, if possible, the schedule of seminars be published at an earlier date.

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

A. Please describe the source of funds which you used for travel and subsistence.
 court- 9 other: Texas Center for Judiciary
 LEAA- 4
 state- 3
 personal- 3

B. If funding was provided by or through your court, how did you acquire those funds?
 1) Congressional appropriation; 2) Legislative appropriation for continuing education seminars; 3) Administrative office of the courts; 4) Applied through the court to the Judge advocate General of the Army; 5) Legislative budget.

C. Would funds have been available from your court for:

Travel	Yes	<u>9</u>	No	<u>3</u>
Subsistence		<u>9</u>		<u>3</u>
\$40/day	How Much?	<u>50%</u>	\$22.00; actual	reasonable cost; \$15.00 day; \$2
Tuition-to	\$25.00	<u>9</u>		<u>3</u>
Activity Fee		<u>3</u>		<u>10</u>

D. Other sources of funding. Explain:

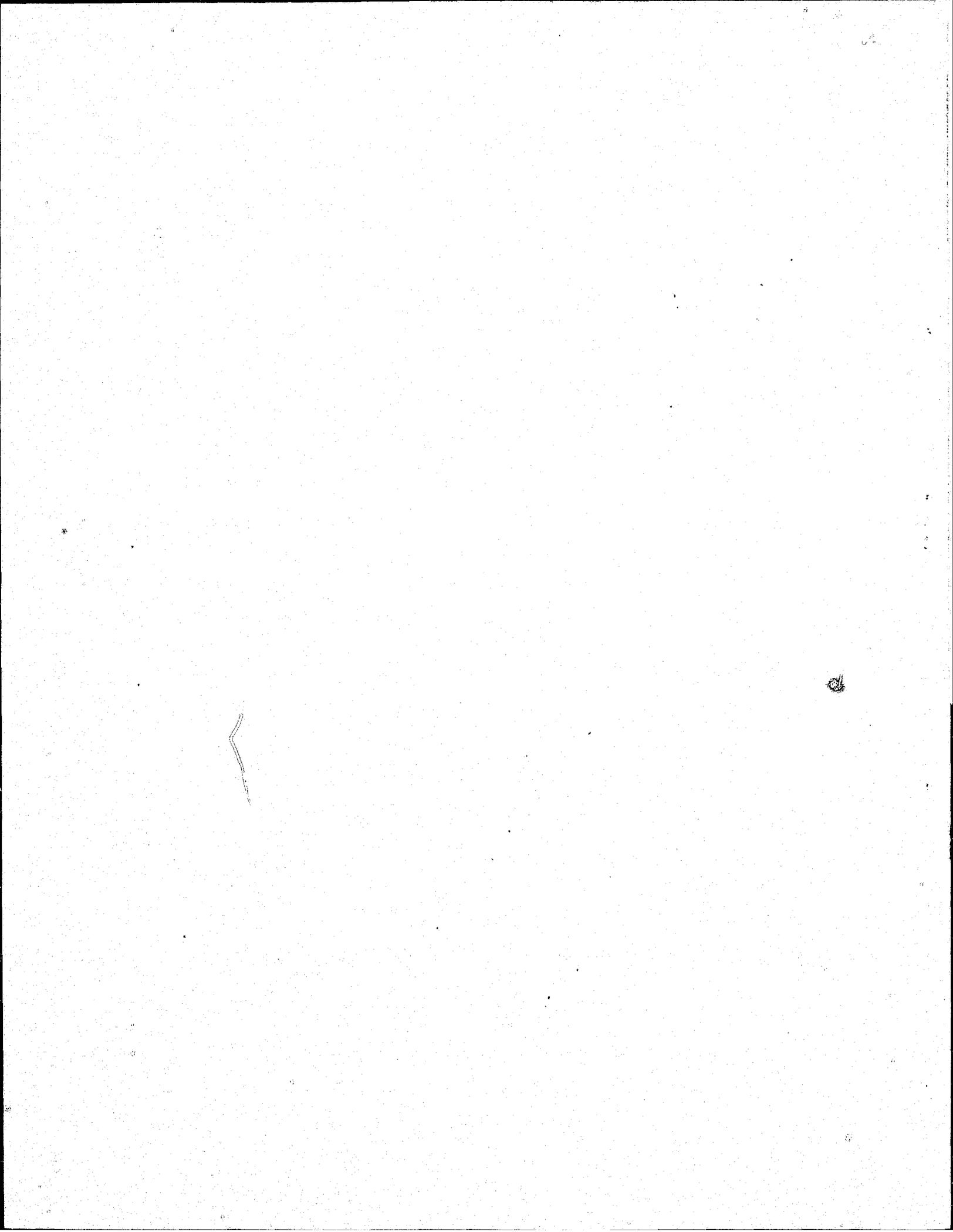
E. Please identify your state:

District of Columbia	Kentucky	Nebraska	Ohio
Illinois	Louisiana	New Jersey (2)	Oklahoma
Iowa	Missouri	N. Carolina	Tennessee
			Texas
			Washington

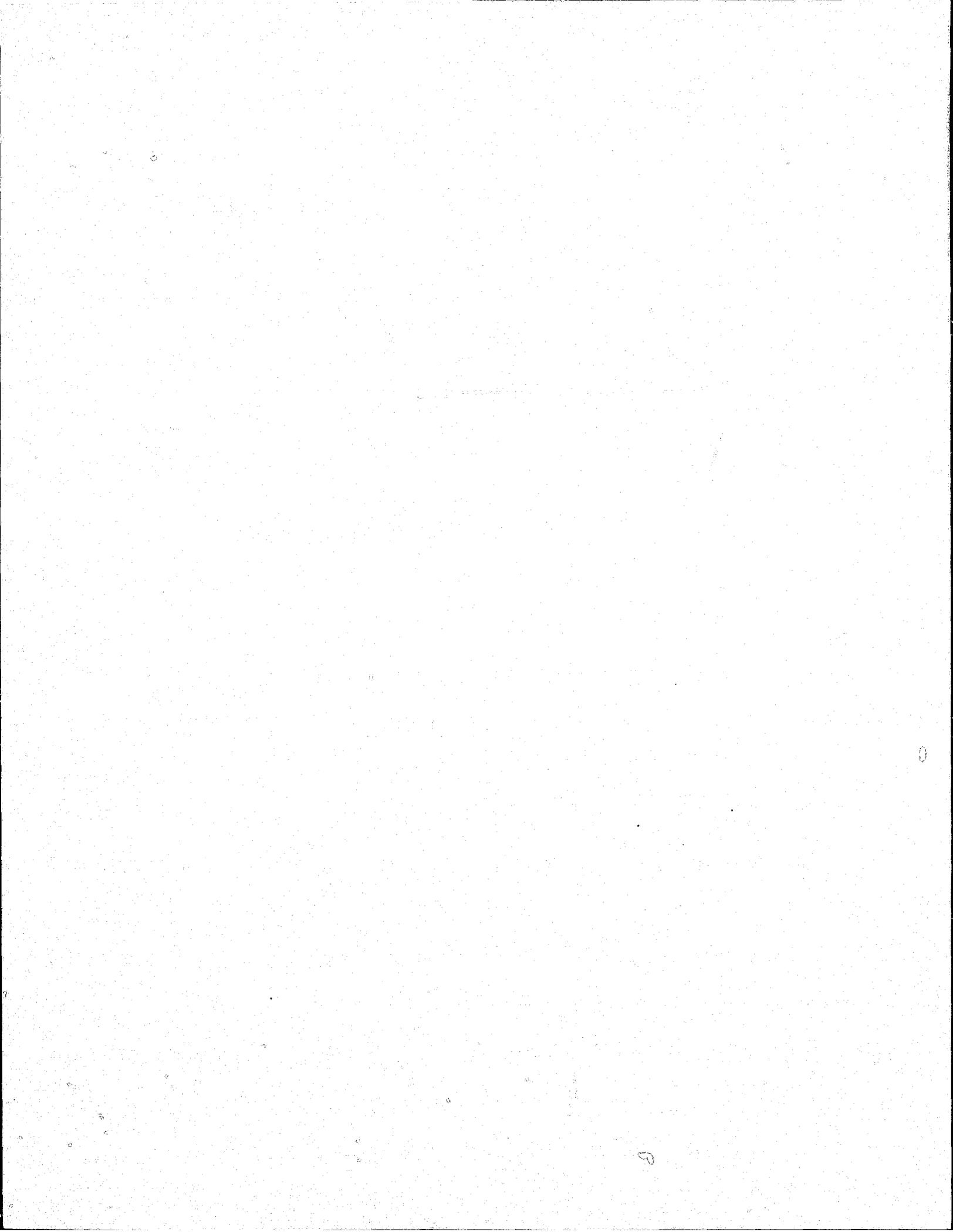
F. What court do you sit on?*

Court of Appeals- 12
 U.S. Army Court of Military Review
 Supreme Court- 3

*You should have the conferences at Universities in the Summer, and should arrange for the room & board in one lump sum.



APPENDIX V



ROSTER OF PARTICIPANTS - LAS VEGAS 1977

Honorable Theodore I. Botter
Courthouse
Hackensack, NJ 07601

Honorable Tyrie A. Boyer
Supreme Court Building
Tallahassee, FL 32404

Honorable Vincent J. Brennan
Michigan Court of Appeals
900 First Federal Building
Detroit, MI 48226

Honorable Robert B. Burns
State Office Complex
350 Ottawa, N.W.
Grand Rapids, MI 49503

Honorable Keith M. Callow
1100 Pacific Building
Seattle, WA 98104

Honorable William F. Cercone
130 Derwent Drive
Pittsburgh, PA 15237

Honorable Henry W. Dieringer
83 Hawley Road
Barrington, IL 60010

Honorable Charles R. Donaldson
451 West State Boise, ID 83720

Honorable Joe D. Duncan
Box 444
Knoxville, TN 37902

Honorable Houston M. Goddard
P. O. Box 444
Knoxville, TN 37901

Honorable E. M. Gunderson
Supreme Court Building, Capitol Complex
Carson City, NV 89710

Honorable J. Sydney Hoffman
364 City Hall
Philadelphia, PA 19107

LAS VEGAS PARTICIPANTS
1977
Page 2

Honorable Robert E. Hogan
Box 1094, SSS
Springfield, MO 65805

Honorable Frank D. James
1100 Pacific Building
Seattle, WA 98104

Honorable Michael J. Kelly
900 First Federal Building
Detroit, MI 48226

Honorable Noel E. Manoukian
Nevada Supreme Court, Capitol Complex
Carson City, NV 89710

Honorable Marvin H. Smith
P. O. Box 309
Denton, MD 21629

Honorable Dan Sosa, Jr.
Box 848
Santa Fe, NM

Honorable Richard Stengel
603 Cleveland Building
Rock Island, IL 61201

Honorable Lewis R. Sutin
Box 2008
Santa Fe, NM 87501

Honorable Julian Webb
420 Judicial Building
Atlanta, GA 30334

Honorable Paul W. White
State Capitol Building
Lincoln, NB 68509

Honorable John Mowbray
Supreme Court of Nevada
Carson City, NV 89701

PROGRAM—LAS VEGAS

Justice Harry A. Spencer—Presiding

SUNDAY

September 25

6:00 p.m.-8:00 p.m.

*Registration-
Hotel Lobby*

MONDAY

September 26

9:00 a.m.-12:00 Noon

*Recent Developments
in the Law of Damages*

Professor Dan B. Dobbs

1:30 p.m.-4:30 p.m.

Uniform Commercial Code

Professor David G. Epstein

TUESDAY

September 27

9:00 a.m.-10:30 p.m.

*Recent Developments
in Collateral Attack*

Professor James A.
Strazzella

10:45 p.m.-12:00 Noon

*Appellate Innovations
of the Eighth Circuit*

Judge Floyd R. Gibson

WEDNESDAY

September 28

9:00 a.m.-12:00 Noon

Impact Decisions

1:30 p.m.-4:30 p.m.

Justice William A. Grimes
Judge Frank Q. Nebeker
Justice Joseph F. Weis, Jr.

THURSDAY

September 29

9:00 a.m.-12:00 Noon

Judicial Discipline

Chief Justice James Duke
Cameron

Note: The Hospitality Suite will be open each evening from 5:30-7:30 p.m. Program participants will be served coffee and rolls in the program room each morning from 8:30-9:00 a.m.

22 Attended
14 Responded

PROGRAM EVALUATION
APPELLATE JUDGES' SEMINAR SERIES

Las Vegas, Nevada

September 25-29, 1977

Sponsored By:

THE APPELLATE JUDGES' CONFERENCE,
AMERICAN BAR ASSOCIATION

In an effort to know how the Appellate Judges' Seminar Series can best serve the needs of the nation's appellate judiciary we ask that those who attend a seminar share their observations and comments with us. Therefore, we ask that you candidly respond to the following questions regarding the seminar you just attended. There is no need to identify yourself - anonymous evaluation is encouraged. We encourage you to complete this form prior to your departure from Las Vegas. If you are unable to, please return the form to:

Howard S. Primer
Program Director
Appellate Judges' Seminars
American Bar Association
1155 E. 60th Street
Chicago, Illinois 60637

	<u>Excellent</u>					<u>Poor</u>					<u>Avg</u>
I. General											
A. Accommodations	(10)	(2)	(2)								
	10	9	8	7	6	5	4	3	2	1	9.6
B. Hospitality Sessions	(12)	(1)			(1)						
	10	9	8	7	6	5	4	3	2	1	9.6
(1) Contribution to the value of the program.	(9)	(2)	(3)								
	10	9	8	7	6	5	4	3	2	1	9.4
C. Curriculum											
(1) General quality of presentations.	(6)	(5)	(3)								
	10	9	8	7	6	5	4	3	2	1	9.1
(2) General quality of materials.	(3)	(6)	(4)	(1)							
	10	9	8	7	6	5	4	3	2	1	8.8
(3) Topical Coverage	(5)	(4)	(3)	(1)	(1)						
	10	9	8	7	6	5	4	3	2	1	8.7

D. Suggested improvements in the area of accommodations
(Comments):

- (1) Very Good - Best Yet;
- (2) Food served has room for improvement;
- (3) Great

E. Suggested improvements in the area of the hospitality sessions. (Comments):

- (1) More snacks - orange and tomato juice in morning session
- (2) Very good and very important part of seminar
- (3) Improved snack provision would be helpful, such as cheese assortment, etc.
- (4) Great

F. Suggested improvements in the area of curriculum.
(Comments):

See Attached Sheet.

G. Please give your candid opinion of the oral presentations given at this program.

See Attached Sheet.

H. How did this program compare with your expectations?

See Attached Sheet.

I. What portions of the program were most/least helpful to you in your work?

See Attached Sheet.

F. Suggested improvements in the area of curriculum.
(Comments)

1. No real suggestion
2. On impact decisions - devote 1/2 day to civil and 1/2 day to criminal so that some appellate judges who don't handle one or the other can use that free time.
3. I prefer more emphasis - Judicial Administration
4. Although the instructor was excellent, it was not fruitful to focus upon a subject as broad as the Uniform Commercial Code except to inform upon new, broad developments
5. More stress should be put on changing developments in the law-impact decisions-docket setting-expediting dockets, etc.
6. Opinion Writing, Use of Law clerks. Any innovations such as pre-argument settlement conference. Financial disclosure. Recall of retired judges - including applicability of canons.
7. Panel discussion on the ways in which four varied jurisdictions handle the appellate case loads. Good lecturer judges from Michigan, California, Texas and Washington

G. Please give your candid opinion of the oral presentations given at this program.

1. Excellent

2. Most of the oral presentations were very good. None of the speakers used graphic illustrations to any extent. This could be very helpful.

3. Excellent

4. Excellent

5. Excellent

6. Very much improved since my last seminar at San Francisco in 1975

7. Good

8. Generally very good

9. Very good

10. Not enough area covered. Too much "bulling around"

11. Excellent

12. Very good

13. Very good except for one speaker who tried to follow his prepared address too closely

H. How did this program compare with your expectations?

1. Exceptionally good
2. Very favorably
3. Very satisfied
4. Compared very favorably
5. Good
6. Fine
7. Better than expected
8. Not expectations
9. Came up to expectations
10. Very good
11. It is O.K. but I am a little disappointed in that I really expected something a bit more helpful
12. Very well
13. Very well
14. Better

- I. What portions of the program were most/least helpful to you in your work?
 1. Most - Recent Development in Law of Damages; Impact Decisions
Least - Eighth Circuit Innovations
 2. Most helpful was the discussion of the impact decisions
 3. Impact Decisions
 4. Most helpful - Impact Decisions
Least helpful - Damages - we are not legislators. Collateral attack - we are not federal judges.
 5. Most helpful - Impact Decisions
Appellate innovations in 8th Circuit of small benefit, but excellently presented by Judge Gibson.
 6. Least - Recent Developments in Collateral Attack
 7. Least - Habeas Corpus; Impact Decisions
 8. Least helpful - Recent Developments in Law of Damages
Most helpful - Uniform Commercial Code
 9. All was very good
 10. Most helpful - Recent Developments in Collateral Attack
Least helpful - Appellate Innovations in the 8th Circuit

II. Specific		Excellent					Poor					Avg
A.	Topics and Speakers	10	9	8	7	6	5	4	3	2	1	
(1)	Recent Developments in the Law of Damages	(4)	(1)	(2)	(5)						(1)	7.6
	Prof. Dan B. Dobbs	10	9	8	7	6	5	4	3	2	1	8.5
(2)	Uniform Commercial Code	(3)	(4)	(3)	(1)	(1)			(1)			8.1
	Prof. David G. Epstein	10	9	8	7	6	5	4	3	2	1	9.3
(3)	Recent Developments in Collateral Attack	(4)	(7)	(2)	(1)							8.9
	Prof. James A. Strazzella	10	9	8	7	6	5	4	3	2	1	8.4
(4)	Appellate Innovations in the Eighth Circuit	(3)	(3)	(2)	(3)		(2)				(1)	7.7
	Judge Floyd R. Gibson	10	9	8	7	6	5	4	3	2	1	6.9
(5)	Impact Decisions	(6)	(3)	(1)								9.4
	Justice William A. Grimes	10	9	8	7	6	5	4	3	2	1	8.8
	Judge Frank Q. Nebeker	10	9	8	7	6	5	4	3	2	1	8.9
	Justice Joseph F. Weis, Jr.	(7)	(3)	(4)								9.1
(6)	Judicial Discipline	10	9	8	7	6	5	4	3	2	1	8.3
	Chief Justice James Duke Cameron	(5)	(5)	(2)			(1)					8.8

B. Do you prefer the informal method of presentation?

Yes 13 ; No 1

Comments:

See Attached Sheet.

C. How much time should be allotted per subject in the future?

	Hours (Circle)						<u>Avg</u>
Recent Developments in the Law of Damages	1	(6) 2	(5) 3	(1) 4	5	6	2.6
Uniform Commercial Code	1	(3) 2	(4) 3	(4) 4	(2) 5	6	2.4
Recent Developments in Collateral Attack	1	(2) 2	(6) 3	(2) 4	(2) 5	6	2.3
Appellate Innovations of the Eighth Circuit	1	(7) 2	(1) 3	(3) 4	(1) 5	6	1.8
Impact Decisions	1	2	(2) 3	(6) 4	5	(5) 6	4.6
Judicial Discipline	1	(2) 2	(3) 3	(5) 4	(2) 5	6	2.6

D. What new topic(s) and speaker(s) would you suggest for the future?

<u>Topic</u> (Why?)	<u>Speaker</u> (Why?)	<u>Time Allotment</u>
---------------------	-----------------------	-----------------------

See Attached Sheet.

B. Do you prefer the informal method of presentation?

Yes _____ No _____

Comments:

1. The speakers usually have more to say that is meaningful than the participants who digress on their personal experience. I suggest a format of 2/3 lecture and 1/3 question and answer where the lecturer directs the discussion and involves all the participatns.
2. A written copy should be furnished for office use - if necessary - however, law clerks can supply authorities
3. Allowing for more than speakers on panel presentations. Provides more diversification

D. What new topic(s) and speaker(s) would you suggest for the future?

<u>TOPIC</u> (Why?)	<u>SPEAKER</u> (Why?)	<u>TIME</u> <u>ATTOTMENT</u>
1. Court rule-making power. It is important to increase the autonomy and independence of the judiciary and to review experience of states where the power exists.	1 & 2 Jack Weinstein U.S.D.C. Judge, Brooklyn, NY Former professor at Columbia L.S. also author of multi-volume text on Federal Rules of Evidence and N.Y. C.P.L.R. Judge Weinstein is presently writing a book on rule- making and has published a law review article.	1. 3 hours 2. 3 hours
2. Also, adoption of Codes of Evidence and/or discussion of the Federal Rules of Evidence		
3. Also use of court appointed expert witnesses		
4. Experience with no-fault		
5. More on effective administration particularly for the benefit of younger judges and, for all, with a view of improving the administration of case loads and judicial planning		4 hours
6. More regarding internal procedures in the various courts of the various jurisdictions		
7. Opinion Writing (reason is obvious)		2 hours
8. Opinion Writing		8 hours
9. Developments in Products Liability		3 hours
10. The Conflict between the Right to Privacy and the "Public's Right to Know" under the First Amendment		3 hours
11. Settlement Conference at Appellate Court Level		2 hours

E. What topics did you think should have been covered in this program that were not touched upon or were treated insufficiently?

See Attached Sheet.

	<u>Excellent</u>					<u>Poor</u>				
	(9)	(2)	(1)	(1)						
F. ^{7.4} Discussion Time Allowed	10	9	8	7	6	5	4	3	2	1
_{7.6} Participation & discussion by fellow conferees	(5)	(5)	(1)		(1)	(1)				
	10	9	8	7	6	5	4	3	2	1

G. Present Seminar span is 4 days. Would you retain this length?

Yes 12 ; No 2 ; What is the best length? Would run 1 extra day
3 days

H. Check the four most convenient months to hold the Seminars.

January <u>3</u>	February <u>1</u>	March <u>2</u>	April <u>6</u>
May <u> </u>	June <u>3</u>	July <u>6</u>	August <u>10</u>
September <u>8</u>	October <u>5</u>	November <u>4</u>	December <u> </u>

I. List potential Seminar sites:

See Attached Sheet.

J. In deciding on which seminar to attend, which is the more important?

Dates 7 ; Site 5

- E. What topics did you think should have been covered in this program that were not touched upon or were treated insufficiently?
1. Docket Management, opinion writing, and impact decisions - These are the things that would be more useful in a judge's everyday work.
 2. Publication of Opinions vs. New Publication relationship Supreme Court vs. Court of Appeals. How Judicial Opinions are prepared. Conflicting Opinions in various states and same state.
 3. Judicial or Court Administration
 4. Judicial conduct and discussion of depositions and sometimes imposed by the various states.

- I. List potential Seminar sites;
 1. Sarasota, Florida or Naples
 2. Hawaii, Palm Springs; Inn at other Crest, Oregon; Sun Valley, Ida
 3. Atlantic City, Hershey, PA., Williamsburg, VA, Baltimore, Washington, DC, Philadelphia Beach
 4. Reno, Nevada
 5. San Diego
 6. New York, Las Vegas, Reno, Atlanta, Dallas, New Orleans
 7. Sun Valley
 8. Tuscon, Williamsburg
 9. Atlantic City, N.J. Daytona Beach, FL
 10. Northern Nevada, including Lake Tahoe, Nevada, New York City, Florida

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

A. Please describe the source of funds which you used for travel and subsistence.

See Attached Sheet.

B. If funding was provided by or through your court, how did you acquire those funds?

See Attached Sheet.

C. Would funds have been available from your court for:

Travel	Yes	<u>12</u>	No	<u>1</u>
Subsistence		<u>6</u>		<u>1</u>
How Much?	See Attached Sheet			
Tuition		<u>6</u>		<u>6</u>
Activity Fee		<u>2</u>		<u>9</u>

D. Other sources of funding. Explain:

See Attached Sheet.

E. Please identify your state:

See Attached Sheet.

F. What court do you sit on?

See Attached Sheet.

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

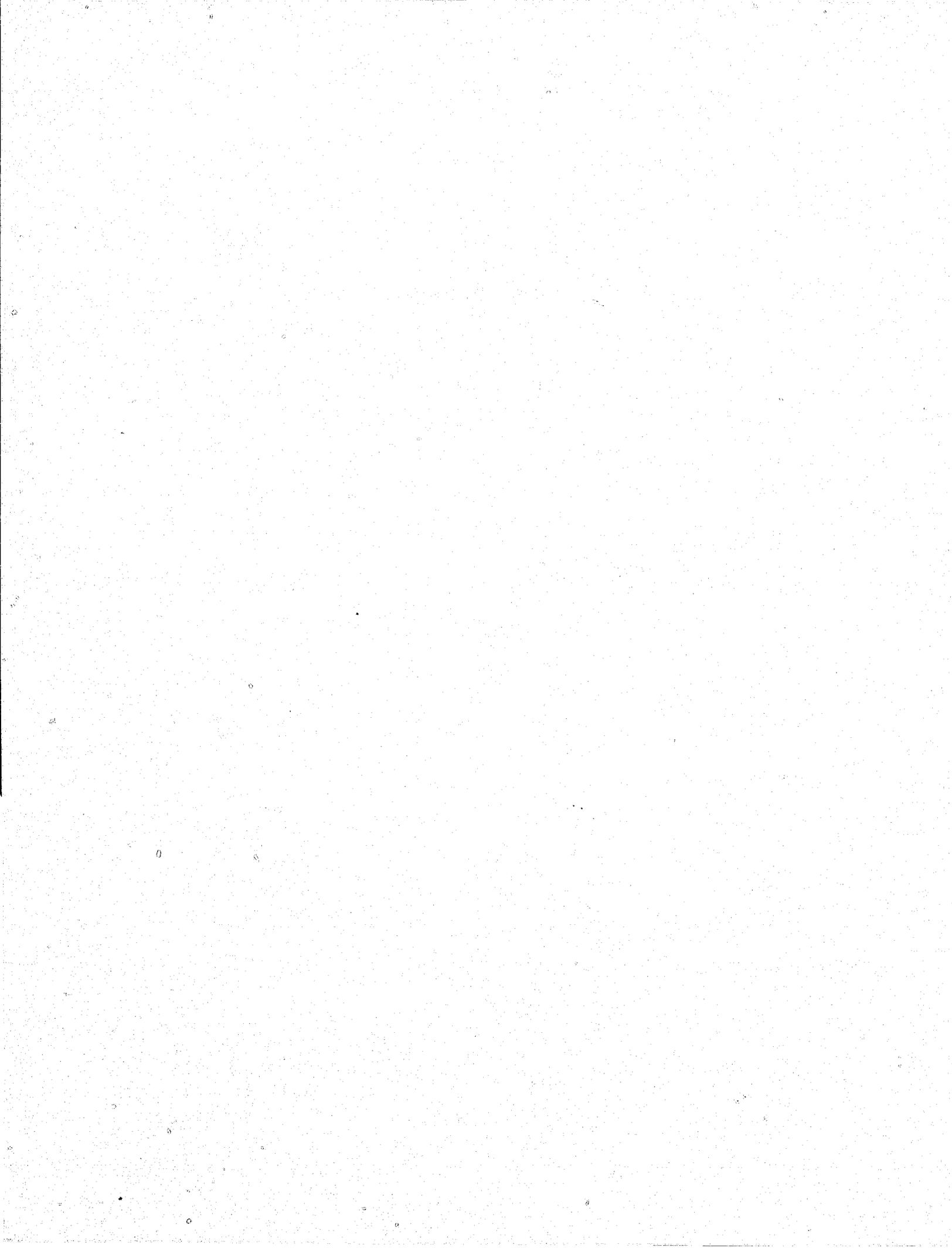
A. Please describe the source of funds which you used for travel and subsistence.

1. Nevada Supreme Court Educational Budget - State Funds
2. LEAA and Personal
3. State
4. Appropriated travel funds of my court
5. State allocation of Federal Funds
6. State
7. My court budget
8. A.D.C. allotted it from L.E.A.A. Funds
9. State Judiciary budget
10. My own
11. LEAA through the Administrator for the Courts State of Washington
12. State appropriation for judicial travel. My own funds for activity fee
13. Legislative Appropriation
14. Not certain

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

B. If funding was provided by or through your court, how did you acquire those funds?

1. Legislative Appropriation
2. Court Administrator
3. Voucher will be submitted through Administrative Office for payment
4. Expense Voucher
5. Approval of Chief administrative judge to attend availability of funds in budget.
6. We receive a travel budget
7. Request attendance to Supreme Court
8. Submitted Expense Account
9. General Assembly of Missouri
10. Legislative Appropriation



CONTINUED

1 OF 3

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

C. Would funds have been available from your court for:

Subsistence

How much? _____

1. \$25.00 Hotel; \$15.00 meals
2. Sufficient to cover actual expense; Room \$17.50, Food \$3.00, #3.50, \$6.50 travel and actual
3. \$11.25 and room
4. Reasonable
5. Round trip air fare transit
6. Actual
7. Hotel (actual) + \$9.75 per day for food
8. Air fare
9. \$50.00 per day
10. I don't recall
11. \$35.00 per day

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

D. Other sources of funding. Explain:

1. ? appropriations for legal education
2. None except personal funds if necessary if costs exceed per diem allowance
3. Private funds
4. Personal
5. ILEA

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

E. Please identify your state:

1. Illinois
2. Nevada (2)
3. New Mexico (2)
4. Tennessee (2)
5. Missouri
6. Idaho
7. Florida
8. New Jersey
9. Washington (2)
10. Maryland

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

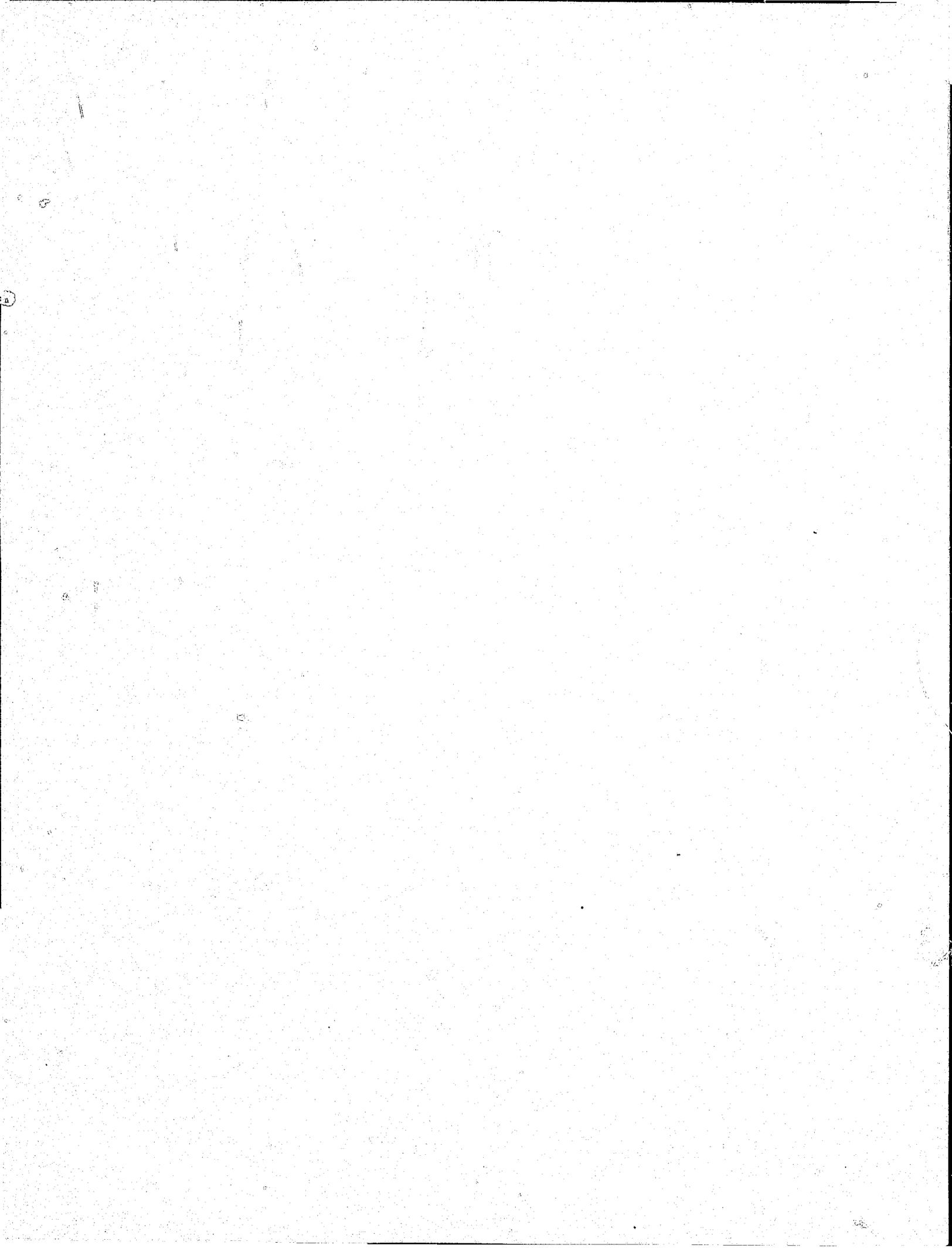
F. What court do you sit on?

Court of Appeals 7

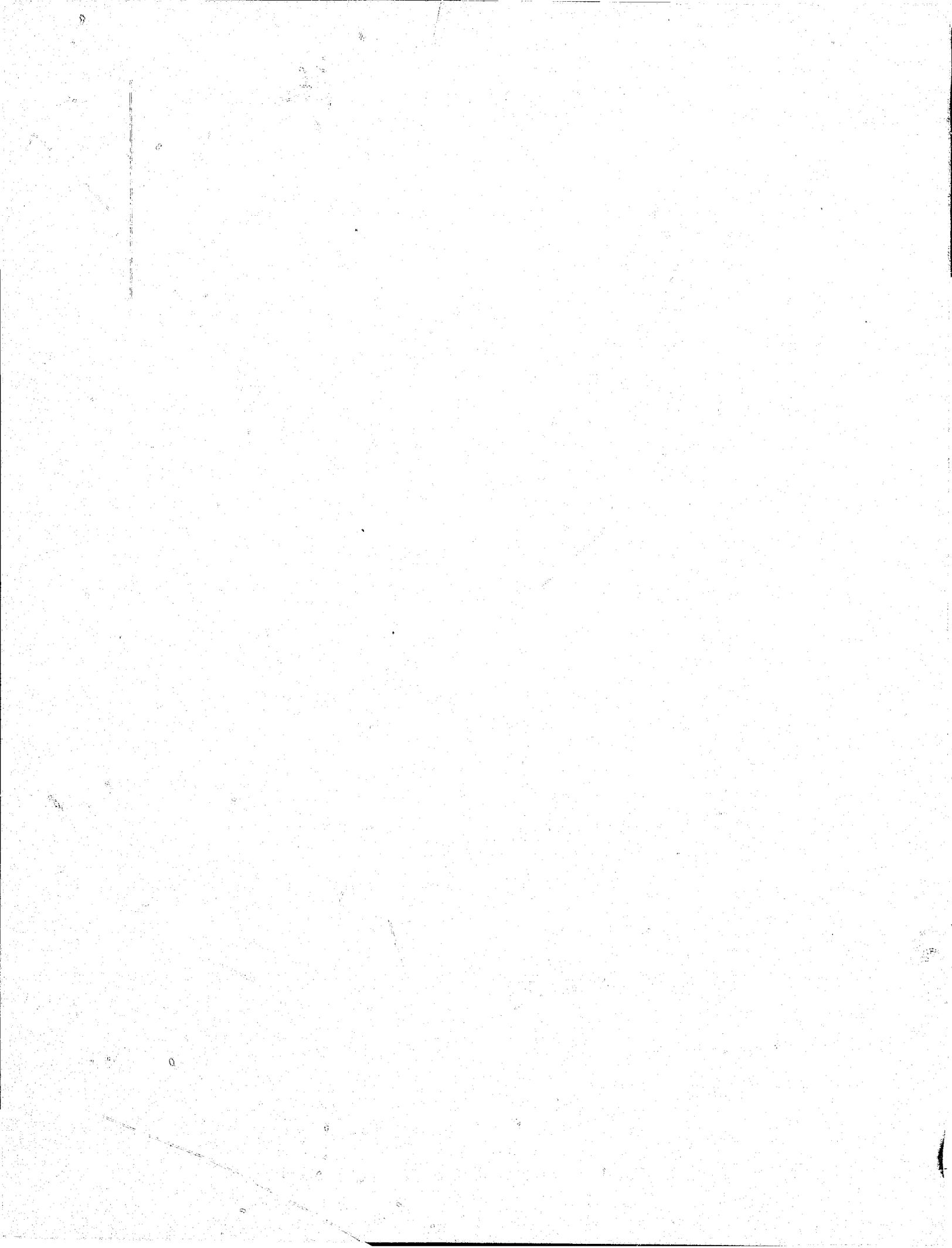
Supreme Court 4

Appellate Division 2

Criminal Appeals 1



APPENDIX VI



ROSTER OF PARTICIPANTS - SAN FRANCISCO 1977

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Honorable Martha Craig Daughtrey
Supreme Court Building
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Honorable James M. Dolliver
Washington State Supreme Court
Temple of Justice
Olympia, WA 98504

Honorable Robert T. Donnelly
Supreme Court Building
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Honorable John F. Doris
Supreme Court of Rhode Island
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Honorable Charles G. Douglas, III
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Concord, NH 03301

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1977

Page 2

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West Virginia Supreme Court of Appeals
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1977

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Supreme Court of Ontario
Appellate Division
Osgoode Hall
Toronto, Ontario M5H2N5

PROGRAM-SAN FRANCISCO

GROUP I

Justice Harry A. Spencer - Presiding

SUNDAY

October 23

5:00 p.m.-7:00 p.m.

Registration - Hotel Lobby

FRANCISCAN ROOM

MONDAY

October 24

9:00 a.m.-12:00 noon

*Recent Developments in
the Law of Class Action*

Professor Allan D. Vestal

1:30 p.m.-4:30 p.m.

Impact Decisions

Justice William A. Grimes
Judge Frank Q. Nebeker

TUESDAY

October 25

9:00 a.m.-12:00 noon

*Recent Developments in the
Law of Products Liability*

Dean W. Page Keeton
Professor Marshall S. Shapo

1:30 p.m.-4:30 p.m.

Professor Marc A. Franklin
Professor David G. Owen

WEDNESDAY

October 26

9:00 a.m.-10:15 a.m.

*Methods for Efficiency and
Justice on Appeal*

John P. Frank, Esquire

10:15 a.m.-12:00 noon

Justice Winslow Christian
Judge Mary M. Schroeder

1:30 p.m.-4:30 p.m.

*The Future of Choice of
Law for Torts*

Professor Russell J. Weintraub

THURSDAY

October 27

9:00 a.m.-12:00 noon

Impact Decisions

Justice Robert E. Bakes
Judge Joseph F. Weis, Jr.

Note: The Hospitality Suite will be open each evening from 5:30-7:30 p.m. Program participants will be served coffee and rolls in the program room each morning from 8:30-9:00 a.m.

PROGRAM-SAN FRANCISCO

GROUP II

Judge Frank Q. Nebeker - Presiding

SUNDAY

October 23

5:00 p.m.-7:00 p.m.

Registration - Hotel Lobby

MONTEREY ROOM

MONDAY

October 24

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PROGRAM EVALUATION
 APPELLATE JUDGES' SEMINAR SERIES

San Francisco, California

October 23-27, 1977

Sponsored By:

THE APPELLATE JUDGES' CONFERENCE,
 AMERICAN BAR ASSOCIATION

In an effort to know how the Appellate Judges' Seminar Series can best serve the needs of the nation's appellate judiciary we ask that those who attend a seminar share their observations and comments with us. Therefore, we ask that you candidly respond to the following questions regarding the seminar you just attended. There is no need to identify yourself - anonymous evaluation is encouraged. We encourage you to complete this form prior to your departure from San Francisco. If you are unable to, please return the form to:

Howard S. Primer
 Program Director
 Appellate Judges' Seminars
 American Bar Association
 1155 E. 60th Street
 Chicago, Illinois 60637

	<u>Excellent</u>					<u>Poor</u>					<u>Avg</u>	
I. General	(6)	(3)	(5)	(4)	(3)	(3)	(1)					
A. Accommodations	10	9	8	7	6	5	4	3	2	1	7.6	
B. Hospitality Sessions	(10)	(3)	(6)	(3)	(2)	(1)						
	10	9	8	7	6	5	4	3	2	1	8.5	
(1) Contribution to the value of the program.	(6)	(3)	(4)	(3)	(4)	(3)			(1)			
	10	9	8	7	6	5	4	3	2	1	7.5	
C. Curriculum												
(1) General quality of presentations.	(5)	(6)	(10)	(3)	(1)							
	10	9	8	7	6	5	4	3	2	1	8.5	
(2) General quality of materials.	(7)	(7)	(9)	(1)						(1)		
	10	9	8	7	6	5	4	3	2	1	8.8	
	(5)	(3)	(6)	(7)	(3)			(1)				
(3) Topical Coverage	10	9	8	7	6	5	4	3	2	1	7.3	

- D. Suggested improvements in the area of accommodations (Comments):

SEE ATTACHED SHEET.

- E. Suggested improvements in the area of the hospitality sessions. (Comments):

SEE ATTACHED SHEET.

- F. Suggested improvements in the area of curriculum. (Comments):

SEE ATTACHED SHEET.

- G. Please give your candid opinion of the oral presentations given at this program.

SEE ATTACHED SHEET.

- H. How did this program compare with your expectations?

SEE ATTACHED SHEET.

- I. What portions of the program were most/least helpful to you in your work?

SEE ATTACHED SHEET.

D. Suggested improvements in the area of accommodations
Comments:

1. None really. Although they were not the best, given cost-quality concerns, they were adequate.
2. The accommodations were more than adequate but expensive in view of the per diem allowance.
3. Within the amounts budgeted, I thought the Sir Francis Drake was excellent.
4. The meeting rooms were just fine. The hotel rooms were hot and window had to be raised and when this was done the street noise prevented sleep.
5. Newer hotel
6. This hotel was an excellent choice - good location, good price, very nice rooms - good service, etc. Meeting facilities also excellent.
7. The lack of air conditioning was a little annoying on the hot nights, but on what we can afford to pay, especially if the wives attend, will probably keep us in this class of hotel. The meeting rooms were adequate.
8. Probably the best that could be done for the price.
9. The conference rooms were most adequate and morning and afternoon refreshments very good.
10. The hospitality room was too small. Circulation was restricted, consequently, bull sessions and opportunities to strike up acquaintances were retarded
11. Very good
12. Hotel room was a bit run down and very small
13. Room was simply too small! Beds were O.K.
14. Rooms in the hotel were too small; however, meeting rooms were excellent

E. Suggested improvements in the area of the hospitality sessions. (Comments):

1. Larger room would have made meeting more people easier.
2. Where the group is smaller - 35 or less - there is a better exchange at the informal hospitality session.
3. Only that it be in a less crowded area. I think the hospitality sessions are absolutely essential.
4. Programs for ladies
5. The capacity to expand into the adjoining room was appreciated.
6. I only attended a few. Think the first would be good but the session at end of day did not help too much.
7. Bigger room where set up
8. Both the evening "reconstructions" and the morning coffee sessions were well done. Spouse suggests you choose another brand of scotch
9. More chairs and food. Some wine and less hard stuff
10. Perhaps a conscious effort should be made to have everyone meet everyone else.
11. Spread out the bar so as to avoid crowding.
12. Commence at 5:00 instead of 5:30.
13. Perhaps one evening group dinner would be effective, each participant bearing his own costs. Also a larger hospitality room would have been better.

F. Suggested improvements in the area of curriculum.
(Comments):

1. Would have spent more time on Methods for Efficiency and Justice on Appeal in a judges only crowd (crowd much too big). However, perhaps this reflects my bias as a Chief Judge.
2. Time allotment rigid. Impact case session was a survey rather than a discussion of impact or major cases.
3. The area was well thought out.
4. Since I am interested in Civil Law only, I would suggest more on Products Liability; area of deceptive trade practices such as Federal Truth in Lending, Consumer Protection Acts, etc.
5. More Administrative Law; more less usual areas such as eminent domain, zoning, etc.
6. Are there any experts in preparation of an opinion, taking into consideration use of law clerks, central staff; judge, all participating and contributing to the final product?
7. Would be difficult to improve.
8. Try to get an even balance among judicial administration, judicial process, substantive law - civil and substantive law - criminal. This session put too much emphasis on substantive law - civil.
9. More in judicial procedure and efficiency but should separate final courts of appeal from intermediate courts and final courts with and without intermediate Courts of Appeal.
10. I would give more attention to the practical problems of making appellate decisions and less attention to impact decisions.
11. More on administration
12. Curriculum was good.
13. The method of presentation did not draw out the wisdom and experience of the participants. It would have been helpful to know what the courts of the participants had decided in the subject areas, the tone of their conferences and the unarticulated value judgments made.
14. One session on impact decisions - substitute a new topic for the other session.
15. Perhaps more emphasis to be placed in the efficient

F. (continued)

15. operation of appellate courts. Coping with the growing case load. Effective use of staff, etc.

- G. Please give your candid opinion of the oral presentations given at this program.
1. Generally quite good. Of course, some was better than others.
 2. Good for legal teaching; poor educational method. Time allotments seemed to exceed teaching requirements. Post-break periods were usually unproductive bull sessions where everyone felt compelled to fill time by talking.
 3. Very high class.
 4. The impact decisions presentations jumped around to the extent it was difficult at times to orient to the subject matter.
 5. Excellent (3)
 6. Too much theory - opinions without reasons for opinions; suggest case law explanations.
 8. Impact decision material presentation could have been better organized. Too much jumping around among pages in material. Oral presentation - questions participation good.
 9. Good (2)
 10. Most were good, with one or two dreadful exceptions
 11. Generally good - Grimes and Nebeker unprepared, Vestal rather dull.
 12. Generally excellent.
 13. All good.
 14. All very good.
 15. Above average but too many people from academia who do not understand what we do and why we do things.
 16. Typical professorial efforts, by a good group. Tended to be "trend oriented," as is always true of academicians.
 17. All very good. For most part speakers were well prepared.
 18. Mediocre.
 19. Well presented by an excellent choice of men.
 20. Very good - although discussion of impact decisions was at some points weak - however, this was contributed to by attendees who insisted on giving orations.

G. (continued)

21. Very good.

22. They were excellent.

H. How did this program compare with your expectations?

1. Fulfilled.
2. Better. My expectations were low and the program was satisfactory.
3. Excellent, as expected.
4. Good. (2)
5. Higher than expected.
6. It met them.
7. Great.
8. My expectations were met.
9. Favorably. (2)
10. I would have preferred a session or two in the judicial process areas and a clearer focus on current developments in the criminal law area.
11. Lived up to them.
12. Favorable.
13. Equal.
14. Exceeded them.
15. Well.
16. Above average.
17. Best that I've attended.
18. Very well.
19. About 60%.
20. I was impressed. It was a good program.
21. Very well.
22. Very favorably.

I. What portions of the program were most/least helpful to you in your work?

1. Methods for Efficiency and Justice was most helpful. Recent Developments in Class Actions - Recent Developments in Choice of Laws for Torts (went to N.Y.U. this summer and heard Bob Leflar on same topic).
2. All was good.
3. I have enjoyed these seminars and feel they are extremely helpful and worthwhile. Good judgment has been shown by those who have set these up in the past and I would leave the future course up to them also.
4. All was helpful. Although some areas were specialized - we will derive some future benefits from everything presented. The impact decisions material is the most immediately useful as well as those pertaining to Court Administration.
5. Since I am limited to Civil Law, the most helpful was the Products Liability discussion and the least was impact decisions. Being from Texas, we did not benefit from the Class Action subject.
6. Impact decisions.
7. Grimes - superb.
8. Impact decisions always appreciated. Didn't get as much "new" information as thought I might in Admin. Section but appreciate the material. Have had no exposure to "Class Action" was appreciative of the exposure.
9. I enjoyed the "Efficiency and Justice on Appeal" the most but as a junior judge I can do the least about it. I would like to see more chief judges and justices hear this program.
10. Impact decisions discussion most helpful. Efficiency on Justice and Appeal most helpful.
11. I enjoy the interaction with academic scholars - however, I think this seminar was top heavy with academics - we have judicial scholars in this country, and some (like Bakes) even have teaching backgrounds. Suggest you identify and use these people more.
12. Impact decisions - least-products liability - most.
13. Impact decisions - most helpful administration - least.
14. The session Wednesday morning.
15. Torts most methods for efficiency

I. (continued)

16. Most - administration Least - Conflicts and Choice of Law.
17. Most - new decisions Least - the civil matters (until I make it to the Supreme Court).
18. Torts reviews most helpful Criminal Law (Impact Decisions) least helpful because I do only civil appeals.
19. Most: Class Actions (Preparation for the future)
Least: Impact Decisions (Too much S.Ct. U.S. no state S.Ct. cases)
20. Products Liability Most helpful Impact Decisions - Most helpful Class Action - Least helpful Methods for Efficiency and Justice on Appeal - Least helpful.
21. Most helpful - substantive law discussions least helpful appeal efficiency.
22. Lecture portion; discussion least helpful.
23. Least - Class Actions Most - Products Liability, impact decisions.

II. Specific A. Topics and Speakers	Excellent							Poor			Avg
(1) Recent Developments in the Law of Class Action	(4)	(4)	(11)	(1)	(2)	(1)	(1)				8.0
Prof. Alan D. Vestal	(3)	(6)	(8)	(3)	(2)	(1)					8.0
(2) The Future of Choice of Law for Torts	(5)	(4)	(5)	(3)	(1)	(3)					7.4
Prof. Russell J. Weintraub	(7)	(5)	(6)	(2)	(1)	(1)					8.5
(3) Impact Decisions	(6)	(4)	(4)	(2)	(3)						8.2
Justice Robert E. Bakes	(4)	(6)	(8)	(4)	(2)						8.2
Justice William A. Grimes	(5)	(6)	(9)	(2)	(1)	(1)					8.4
Judge Frank Q. Nebeker	(3)	(5)	(9)	(3)	(1)	(1)	(1)				8.0
Justice Joseph F. Weis, Jr.	(4)	(7)	(9)	(2)	(1)						7.1
(4) Recent Developments in the Law of Products Liability	(5)	(4)	(8)	(1)	(1)	(1)					8.3
Prof. Marc A. Franklin	(4)	(5)	(6)	(3)	(1)	(2)			(2)		7.5
Dean W. Page Keeton	(5)	(3)	(9)	(2)	(2)	(2)			(1)		7.7
Prof. David G. Owen	(4)	(3)	(8)	(2)	(2)	(2)	(1)	(1)			7.8
Prof. Marshall S. Shapo	(2)	(7)	(6)	(3)	(3)	(1)	(1)	(1)			7.7
(5) Methods for Efficiency and Justice on Appeal	(8)	(5)	(3)	(2)	(1)	(2)					8.3
Justice Winslow Christian	(4)	(8)	(7)	(2)	(2)	(1)					7.7
John P. Frank, Esq.	(6)	(8)	(6)	(1)	(1)	(1)	(1)				8.7
Judge Mary M. Schroeder	(3)	(8)	(6)	(2)	(3)	(2)					7.8

B. Do you prefer the informal method of presentation?

Yes 23 ; No

Comments:

See Attached Sheet.

C. How much time should be allotted per subject in the future?

<u>Avg</u>		<u>Hours (Circle)</u>					
2.1	Recent Developments in the Law of Class Action	(5) 1	(8) 2	(6) 3	4	5	6
2.2	The Future of Choice of Law For Torts	(2) 1	(10) 2	(6) 3	4	5	6
3.5	Impact Decisions	1	(3) 2	(5) 3	(5) 4	(1) 5	(1) 6
3.8	Recent Developments in the Law of Products Liability	1	(4) 2	(5) 3	(5) 4	(1) 5	(4) 6
4.1	Methods for Efficiency and Justice on Appeal	(3) 1	(1) 2	(4) 3	(3) 4	(1) 5	(8) 6

D. What new topic(s) and speaker(s) would you suggest for the future?

<u>Topic (Why?)</u>	<u>Speaker (Why?)</u>	<u>Time Allotment</u>
---------------------	-----------------------	-----------------------

See Attached Sheet.

B. Do you prefer the informal method of presentation?

Comments:

1. Depends on subject and presenter.
2. The format works well.
3. Discussion much better than a lecture.
4. One of the things missing was a discussion of the substantive topics from the Appellate Judges' point of view - Perhaps you could team a judge with each academic to better insure some discussion of the topic from a "practical" point of view.
5. I prefer a structured presentation; subject to discussion - just as you do it now.
6. Suggestions and issues raised by other judges add to the seminar a dimension one speaker cannot give.
7. But I think lecture and dialogue between faculty and student is better than the quasi-panel discussion format used here.
8. I believe it helps to permit the audience to participate to a limited degree.
9. Within time limitations, more participation from those attending.

D. What new topic(s) and speaker(s) would you suggest for the future?

<u>TOPIC</u> (Why?)	<u>SPEAKER</u> (Why?)	<u>TIME ALLOTMENT</u>
Composition of appellate opinions		
Criticism of appellate opinions as to form and substance		
Too much time spent on USCC "Impact Decisions". Why not spend one session in state court "Impact Decisions" in 2 or 3 areas. Most of what my Court does is not in the area of Federal Const. interpretation. There would be far more value in state rather than Federal Decisions.		
Possibly techniques in opinion writing		
Evidence law not Federal Rules		4 hours
Same segment pertaining to writing opinions; not the whole course on writing		
Impact Decisions Because he is best I have ever heard	Joe Weisburger Rhode Island	2 hours
	Charles E. Moylan, Jr. Baltimore, MD (as good as Weisburger newly)	2 hours
The role of summary adjudications in the future (summary judgments, directed verdicts, etc.)		2 hours
General annual review of developments in criminal law		
Equitable Remedies (Principles often forgotten) What's Happening in the Area of Judicial Discipline, Retirement and Removal. (Most of us provide judicial review of commission action).	Chief Judge Ed Re (U.S. Customs Court Authority in field)	5 hours
	Judge Don Fretz Merced, CO (Teaches judicial ethics at National College and	2 hours

D. (continued)

TOPIC (Why?)

SPEAKER (Why?)

TIME
ALLOTMENT

should be up on the subject).

Zero in on the hot spots in judicial administration and leave enough time for an in-depth discussion. To loosen up discussion by the judges, include a judicial process topic - i.e. review of discretionary rulings, etc. Could you substitute "impact topics" for impact decisions? Areas of rapid development or expansion, especially in the criminal procedure area: new speedy trial statutes (and rules) and how they are operating; criminal discovery rules; new developments in double jeopardy area; etc. (The current method of handling new developments through isolated decisions has a disconcerting "shot-gun" effect.)

New subjects being developed in Civil Law -- area of consumer protection such as consumer protection act, deceptive trade practices, Federal Consumer Credit Legislation and Case Law, etc. Continue with Products Liability Course. Continue to some degree Methods of Efficiency and Justice on Appeal.

The planning in these areas have been excellent.

E. What topics did you think should have been covered in this program that were not touched upon or were treated insufficiently?

See Attached Sheet.

		<u>Excellent</u>							<u>Poor</u>	
		(5)	(2)	(5)	(4)	(4)	(1)	(2)		
F.	7.4 Discussion Time Allowed	10	9	8	7	6	5	4	3	2 1
	Participation & discussion	(4)	(1)	(5)	(2)	(4)	(6)		(1)	
	7.0 by fellow conferees	10	9	8	7	6	5	4	3	2 1

G. Present Seminar span is 4 days. Would you retain this length?

Yes 25 ; No ; What is the best length? See Attached Sheet

H. Check the four most convenient months to hold the Seminars.

January <u>4</u>	February <u>9</u>	March <u>6</u>	April <u>10</u>
May <u>5</u>	June <u>4</u>	July <u>5</u>	August <u>7</u>
September <u>3</u>	October <u>15</u>	November <u>5</u>	December <u>1</u>

I. List potential Seminar sites:

See Attached Sheet.

J. In deciding on which seminar to attend, which is the more important?

Dates 7 ; Site 13

See Attached Sheet for comments.

- E. What topics did you think should have been covered in this program that were not touched upon or were treated insufficiently?
1. The details and techniques of the Arizona Plan, Preargument Conferences, Preargument memoranda, and limitation of oral argument.
 2. The problems involved in trying to be a good, conscientious and productive judge at the appellate level.
 3. In Phoenix 2 years ago, one session was devoted to going around the table with the attendees briefly introducing themselves and explaining their court. This developed into a good give and take comparison of how our respective courts operated with reference to the others.
 4. I attended the Judicial Writing Program at Boulder several years ago - it was excellent - Doesn't fit these seminars, but maybe something comparable - Justice George Rose Smith led an interesting session talking 1-2 sessions from opinion writing by attendants - showing how inadvertently we write bad language.
 5. Opinion writing effective use of Law Clerks.
 6. New decisions could have been covered more completely.
 7. Those presented were fine because I know all subjects can't be covered at once.
 8. Comparative negligence.
 9. All topics were treated well. I would have preferred more emphasis on methods for efficiency and justice on appeal.
 10. The decision making process and tips on opinion writing.
 11. Settlement Conference Procedures.

G. Present Seminar span is 4 days. Would you retain this length?

What is the best length?

1. 4 days (3)
2. I suggest there be a half day break for sightseeing. Five days with the middle day for sightseeing, would create a greater attendance at all sessions.

I. List potential Seminar sites:

1. New Orleans (3)
2. St. Louis
3. Orlando
4. Portland (3)
5. Seattle (3)
6. Charleston, SC (2)
7. Boston (3)
8. Denver
9. Phoenix
10. Philadelphia
11. Arizona
12. Santa Fe
13. El Paso
14. Houston
15. Savannah
16. Newport
17. Rhode Island
18. Alaska in July
19. Washington in Sept. (2)
20. Washington, DC (3)
21. California
22. Vail, CO (2)
23. San Francisco (2)
24. Miami winter
25. Keystone, CO
26. Grand Teton, WY
27. All the others you have been using in past years
28. Broadmoor Hotel, Colorado Springs
29. Stanley Hotel, Estes Park, CO
30. Vancouver, B.C.
31. Toronto
32. San Diego

J. In deciding on which seminar to attend, which is the more important?

1. Date for scheduling; site for expense
2. Both
3. Co-equal
4. If the dates are published well in advance our calendars are flexible enough to accommodate them. The site is especially important and the time of year dictates my choice of sites. Tucson in April was great.
5. The big majority of appellate judges are interested in site location and not time of year.
6. Equally important

III. PLEASE COMPLETE THE FOLLOWING. This information may assist prospective conferees in obtaining funds.

A. Please describe the source of funds which you used for travel and subsistence.

See Attached Sheet.

B. If funding was provided by or through your court, how did you acquire those funds?

See Attached Sheet.

C. Would funds have been available from your court for:

Travel	Yes	<u>17</u>	No	<u>3</u>
Subsistence	See	<u>14</u>		<u>3</u>
	How Much? Attached			
Tuition		<u>11</u>		<u>8</u>
Activity Fee		<u>6</u>		<u>13</u>

D. Other sources of funding. Explain:

1. Personal funds

2. Own so far

E. Please identify your state:

See Attached Sheet.

F. What court do you sit on?

Supreme Court	9
Court of Appeals	10
Court of Criminal Appeals	2
Court of Civil Appeals	2
Commonwealth Court	1

B. If funding was provided by or through your court, how did you acquire those funds?

1. By request - we are encouraged to attend one conference a year
2. Legislative appropriation
3. LEAA - through our Administrator for the Courts Office
4. Regular appropriation
5. Voucher for expenses
6. State Legislative Appropriation
7. Application to Executive Secretary, Supreme Court
8. Asked for in the budget each year
9. Do not know
10. General appropriation by the legislature
11. Budgeted
12. Regular budget

- A. Please describe the source of funds which you used for travel and subsistence.
1. Court appropriation (4)
 2. LEAA (7)
 3. State Judicial Dept. Education Fund Part LEAA and Part state funds
 4. Texas Center for Judiciary pays travel plus \$35.00 per diem
 5. State of South Carolina
 6. State funds (3)
 7. Supreme Court Budget for Travel
 8. Personal
 9. Held in city where Court located
 10. Court of Appeals appropriations
 11. Texas Center for Judiciary, P. O. Box 12487, Austin, TX 78711
These are LEAA funds render the Federal appropriations
 12. We have a fund (LEAA is the source, I think) provided through the Courts Executive Secretary's Office which covers most expenses

C. Would funds have been available from your court for:

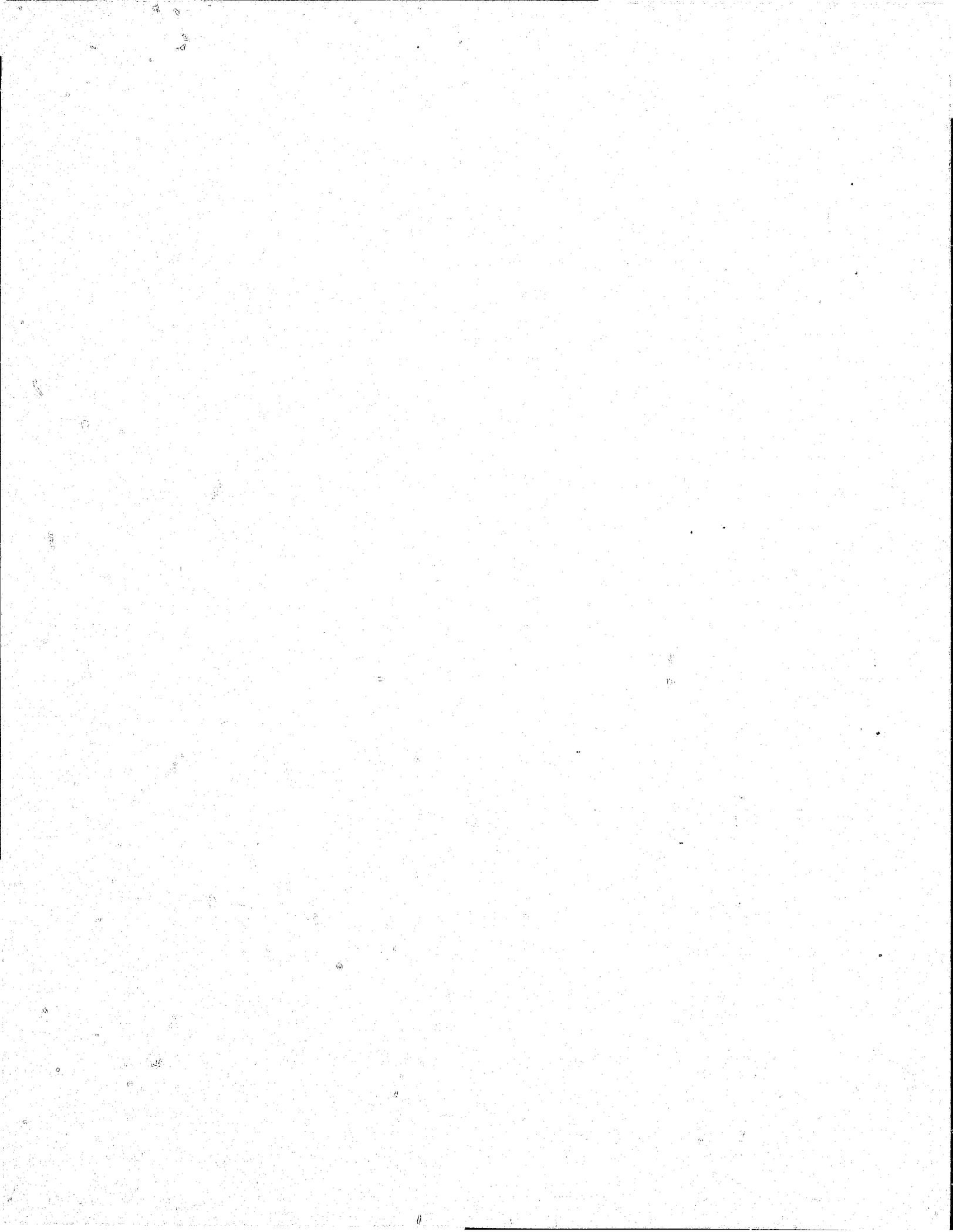
Subsistence
How Much? _____

1. Hotel - 12.00 per diem for food
2. \$50.00 per diem
3. Whatever needed
4. \$50.00 per day
5. \$40.00 per day
6. Some possibly
7. \$50.00 per day
8. Little if any
9. Reasonable (2)
10. \$30.00 a day in state, \$40.00/day out of state; probably on alternate year basis
11. Room and 11.50 meals
12. Actual expense so long as reasonable
13. \$35.00 per day
14. \$60.00 a day
15. \$45.00 per day
16. Reasonable and necessary
17. As needed
18. \$35.00 per day

E. Please identify your state:

1. Pennsylvania
2. Tennessee (2)
3. Texas (2)
4. Indiana
5. Washington (4)
6. Georgia (2)
7. New Hampshire
8. District of Columbia
9. Delaware
10. Michigan
11. Nebraska
12. South Carolina
13. Kentucky
14. Wyoming
15. Colorado
16. Oregon

APPENDIX VII



ROSTER OF PARTICIPANTS - TUCSON 1978

Honorable S. Jerome Bronson
Michigan Court of Appeals
American Center Building Ste. 760
2777 Franklin Road
Southfield, MI 48034

Honorable John F. Crane
520 Broad Street
Newark, NJ 07102

Honorable Robert J. Danhof
Michigan Court of Appeals
200 Washington Square Building
Lansing, MI 48933

Honorable William E. Eubank
Court of Appeals
State Capitol
Phoenix, AZ

Honorable Dale M. Green
Court of Appeals
Broadway Centre Building
Broadway and Jefferson
Spokane, WA 99201

Honorable Nathan J. Kaufman
State of Michigan
Court of Appeals
900 First Federal Building
Detroit, MI 48226

Honorable Robert L. Kunzig
United States Court of Claims
717 Madison Place, N.W.
Washington, DC 20005

Honorable David Linn
4949 Golf Road
Apt. 302
Skokie, IL 60077

TUCSON PARTICIPANTS

1978

Page 2

Honorable Reid S. Moule
281 Nottingham Terrace
Buffalo, NY 14216

Honorable John F. Raper
Wyoming Supreme Court
Supreme Court Building
Cheyenne, WY 82001

Honorable John T. Reardon
Fourth District Appellate Court
522 Vermont Street
Quincy, IL 62301

Honorable George T. Smith
Georgia Court of Appeals
State Judicial Building
Atlanta, GA 30334

Honorable Hardyn B. Soule
Court of Appeals
Division II - Ste. 160
2000 Tacoma Mall
Tacoma, WA 98409

Honorable Lewis R. Sutin
State of New Mexico
Court of Appeals
P. O. Box 2008
Santa Fe, NM 87501

Honorable Roy N. Vance
#7 Justice Lane
Frankfort, KY 40601

Honorable Frank Q. Nebeker
District of Columbia
Court of Appeals
4th and F Streets, NW
Washington, DC 20001

PROGRAM-TUCSON

Justice Harry A. Spencer-Presiding

SUNDAY March 19	5:30 p.m. - 6:30 p.m.	Registration- Hotel Lobby
MONDAY March 20	9:00 a.m. - 12:00 Noon 1:30 p.m. - 4:30 p.m.	Impact Decisions Judge Jerome Farris Justice Mark McCormick
TUESDAY March 21	9:00 a.m. - 12:00 Noon 1:30 p.m. - 4:30 p.m.	Judicial Review of Administrative Decisions Professor Jerre S. Williams Medical-Legal Problems Professor John A. Robertson
WEDNESDAY March 22	9:00 a.m. - 12:00 Noon 1:30 p.m. - 4:30 p.m.	Deciding Cases on State Law Grounds Justice Jim R. Carrigan Zoning Law: Public Rights vs. Private Rights Professor Milton Schroeder
THURSDAY March 23	9:00 a.m. - 12:00 Noon	How to Construct and Evaluate Reasons of Sub- stance in Common Law Cases Professor Robert S. Summers

Note: The Hospitality Suite will be open each evening from 5:30-7:30 p.m. Program participants will be served coffee and rolls in the program room each morning from 8:30-9:00 a.m.

10141 Attendance
Total Responses: 14

Jucson
1979

I. A. Accomodations 9.4

B. Hospitality Sessions 9.2

Contribution of Hospitality Sessions to value of program 9.1

C. General quality of presentations: 9.1

General quality of materials: 8.8

Topical coverage; 8.7

D. Suggested improvements in accomodations:

not so elaborate
not enough drawers or closet space
no list of good restaurants

E. Suggested improvements in hospitality sessions:

larger room-(5)
adequate
Rose's lime juice for gimlets
one group dinner

F. Suggested improvements in curriculum:

have subjects for all states
one session on jurisprudence
constitutional law session ie., search & Seizure
new methods of disposing case load session
opinion writing session
Carrigan's subject of little substance

G. Opinion of oral presentations:

excellent (10)
good
medico/legal best
Administrative decisions 2nd best
Carrigan's subject too narrow
some too rambling
should be more state-oriented

I. H. How did program compare with your expectations?

very good (3)
better than expectations (7)
met expectations (4)

I. What portions of program were most/least helpful to you in your work?

Most
common law (5)
impact decisions (4)
state law (2)
adm. decisions (1)

Least
zoning (5)
state law (2)
adm. decisions (2)
medico/legal (1)

II. B. Do you prefer informal method of presentation?

*Chairman should keep tighter control

Yes: 15 No: 0

C. How much time should be allotted per subject in future?

Impact Decisions: 4.8 hrs.
Adm. Decisions: 2.8 hrs.
Medico/Legal: 2.7 hrs.
State Law: 2.1 hrs.
Zoning Law: 2.6 hrs.
Common Law: 3.5 hrs.

II. A.

Topics

Common Law	9.5
Impact Dec.	9.1
Adm. Decisions	8.8
Medico/legal	8.7
Zoning Law	8.2
State Law	8.0

Speakers

Professor Robert Summers	9.5
Professor John Robertson	9.2
Professor Jerre Williams	8.9
Justice Mark McCormick	8.8
Justice Jim Carrigan	8.7
Judge Jerome Farris	8.6
Professor Milton Schroeder	8.3

II. D. What new topic(s) and speaker(s) would you suggest for future?

opinion writing .(3)--writing expert--3 hrs/6 hrs.

preargument settlement

unusual procedures

special problems: evidence/error (plain & harmless)

freedom of speech--2 hrs.

Impact Supreme Court decisions on Bill of Rights from police standpoint--

police chief/FBI--3 hrs.

jurisprudence--Summers (Prof. Columbia Univ)--3-6 hrs.

Constitutional law--Search & seizure, confessions--4 hrs.

E. What topics did you think should have been covered in this program that were not touched upon or were treated insufficiently?

common law

opinion writing

F. Discussion time allowed. 8.1

Participation & discussion by fellow conferees 9.0

G. Present seminar span is 4 days. Would you retain this length?

Yes: 13 No: .1 Other length: 3 dys.

II. H. Check the four most convenient months to hold the seminars.

Jan	3	Jul	1
Feb	8	Aug	2
Mar	10	Sep	2
Apr	4	Oct	7
May	3	Nov	4
Jun	2	Dec	0

I. List potential seminar sites:

Santa Fe (3)	Savannah
Seattle (2)	Teton Nat'l Park
New Orleans (2)	balance: east, west, midwest
<u>others (1 each):</u>	
south	
southwest	
No. Carolina	
San Diego	
Orlando	
Miami	
Myrtle Beach, SC	
Minneapolis	
Boston	
Wash.D.C.	
Williamsburg	
San Antonio	
Atlanta	

J. In deciding on which seminar to attend, which is more important?

dates: 7 site: 5

III. A. Please describe source of funds for your travel & subsistence:

LEAA/personal--2
personal-- 3
court-3
state-3
LEAA-2

B. If funding was provided by your court, how did you acquire those funds?

voucher-4
court-1
legislative appropriation-2
LEAA-1

III. C. Would funds have been available from your court for:

Travel: Yes-6 No-4
Tuition: Yes-5 No-3
Activity Fee: Yes-2 No-4
Subsistence: Yes-6 No-2
Amount: actual (2)
 \$40/dy

D. Other sources of funding:

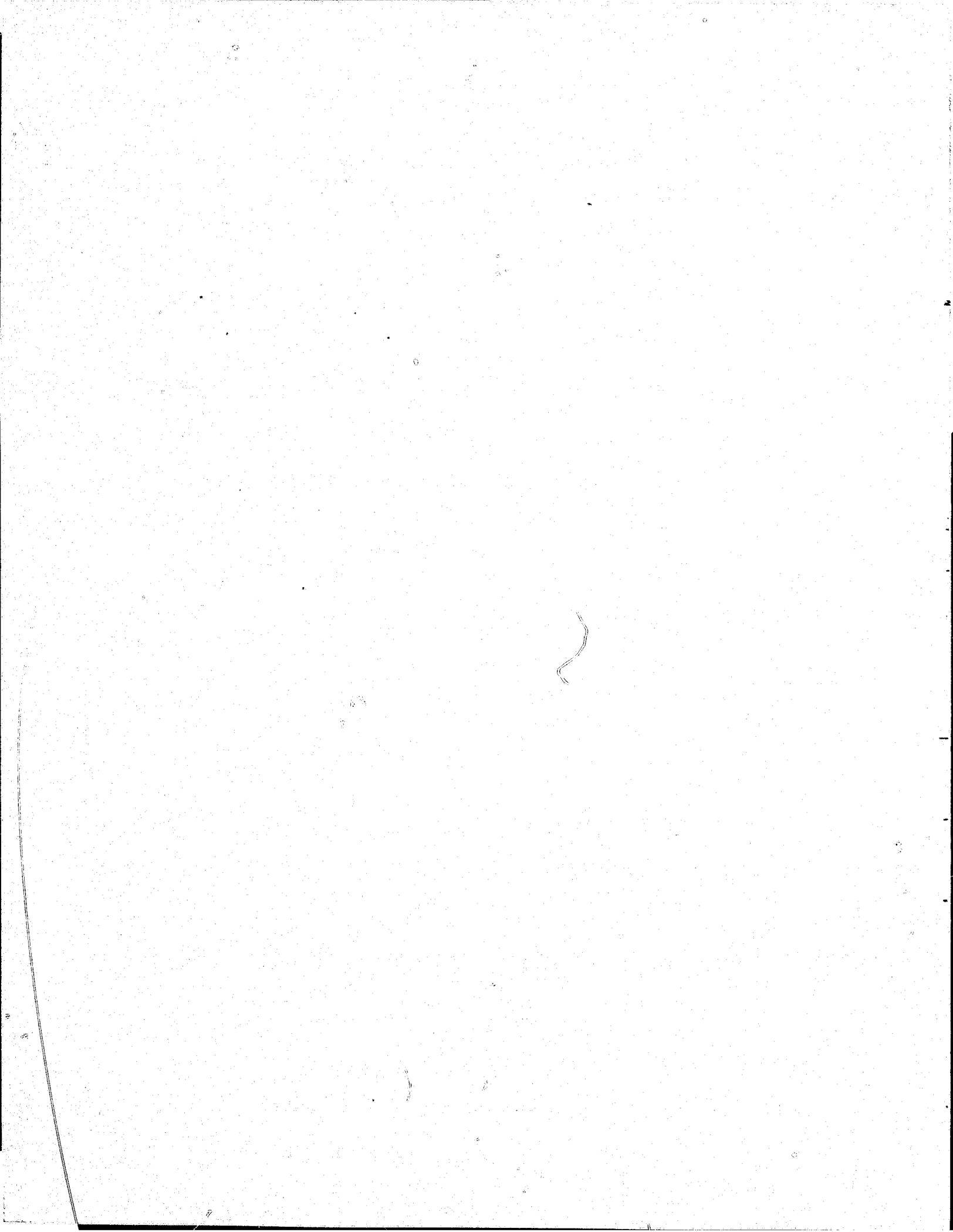
LEAA-1

E. Please identify your state:

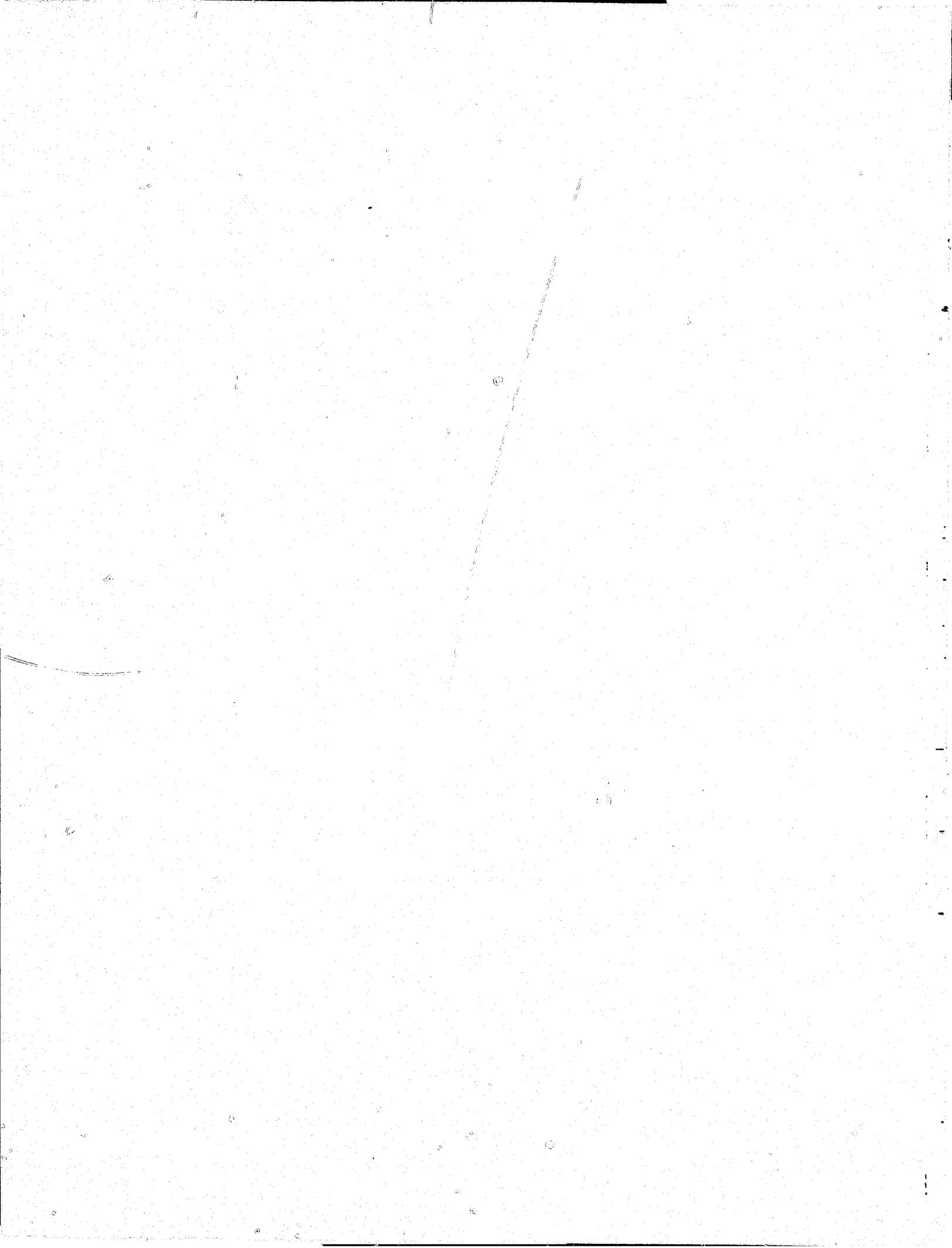
IL-2
WA-2
NM
DC
MI
GA
NJ
AZ
OK
WY
NU

F. What court do you sit on?

Appellate court-5
court of appeals-6
federal appellate-1
supreme court-1



APPENDIX VIII



ROSTER OF PARTICIPANTS - SAN DIEGO 1978

Honorable Glenn S. Allen
Court of Appeals
400 Washington Square Building
Lansing, MI 48933

Honorable Melvin P. Antell
Morris County Courthouse
Morristown, NJ 07960

Honorable William R. Beasley
Michigan Court of Appeals
760 American Center Building
2777 Franklin Road
Southfield, MI 48034

Honorable Norman E. Berman
2 E. 14th Avenue
Suite 360
Denver, CO 80203

Honorable Donald Brodkey
1301 J Street
Apt. 905
Lincoln, NB 68508

Honorable Robert B. Burns
State Office Building
350 Ottawa, N.W.
Grand Rapids, MI 49503

Honorable Keith M. Callow
1100 Pacific Building
Seattle, WA 98104

Honorable John A. Decker
Room 404, Courthouse
Milwaukee, WI 53233

Honorable Allen L. Donielson
Iowa Court of Appeals
Des Moines, IA 50319

Honorable Mack Easley
P. O. Box 848
Supreme Court Building
Santa Fe, NM 87503

SAN DIEGO PARTICIPANTS
1978
Page 2

Honorable Charles Galbreath
208 Supreme Court Building
Nashville, TN 37219

Honorable Frank D. James
1100 Pacific Building
Seattle, WA 98104

Honorable Mel R. Jiganti
Richard J. Daley Center
30th Floor
Chicago, IL 60602

Honorable M. L. Mason
119 Second Street, N.W.
Mason City, IA 50401

Honorable Glenn E. Mencer
700 E. King Street
Smethport, PA 16749

Honorable Milton Mollen
Appellate Division
45 Monroe Place
Brooklyn, NY 11201

Honorable Gary K. Nelson
Room 129, West Wing
State Capitol Building
Phoenix, AZ 85007

Honorable H. Vern Payne
P. O. Box 848
Supreme Court Building
Santa Fe, NM 87503

Honorable Vernon R. Pearson
Court of Appeals - Division II
2000 Tacoma Mall - Ste. 160
Tacoma, WA 98409

Honorable Arthur J. Simpson, Jr.
841 Lotus Avenue
Oradell, NJ 07649

Honorable Joseph G. Stewart
Civil Courts Building
12th Floor
St. Louis, MO 63101

Honorable Richard V. Thomas
P. O. Box 1556
Cheyenne, WY 82001

SAN DIEGO PARTICIPANTS

1978

Page 3

Honorable Solbert M. Wasserstrom
Missouri Court of Appeals - Kansas City District
Jackson County Courthouse - 10th Floor
Kansas City, MO 64106

Honorable C. Thomas White
Room 2219 - Supreme Court
State Capitol Building
Lincoln, NB 68509

Honorable Robert E. Dean
Marathon County Courthouse
Wausau, WI 54401

PROGRAM-SAN DIEGO

Justice Harry A. Spencer-Presiding

SUNDAY
April 16

5:30 p.m. - 6:30 p.m.

*Registration-
Hotel Lobby*

MONDAY
April 17

9:00 a.m. - 12:00 Noon

Economics and Law

Professor Charles J. Goetz

1:30 p.m. - 4:30 p.m.

*In Search of a Standard
of Care for the Medical
Profession*

Professor Joseph H. King

TUESDAY
April 18

9:00 a.m. - 12:00 Noon

Impact Decisions

1:30 p.m. - 4:30 p.m.

Justice William A. Grimes
Judge Frank Q. Nebeker
Judge Joseph F. Weis, Jr.

WEDNESDAY
April 19

9:00 a.m. - 12:00 Noon

Appellate Efficiency

1:30 p.m. - 4:30 p.m.

Justice Winslow Christian
Tort Liability of Police
Professor William H. Theis

THURSDAY
April 20

9:00 a.m. - 12:00 Noon

Inherent Powers of Courts

Justice James Duke Cameron

Note: The Hospitality Suite will be open each evening from 5:30-7:30 p.m. Program participants will be served coffee and rolls in the program room each morning from 8:30-9:00 a.m.

II. B. What portions of program were most/least helpful to you in your work?

Most

Appellate efficiency-9
Impact decisions-6
Inherent powers-1

Least

Tort Liability of police-7
Economics & law-6
Impact decisions-2
Standard of care-medical-1

D. Should we attempt to elicit more participation from judges attending seminar?

Yes: 9 No: 11

What would you like to hear other judges talk about?

their approach to common problems(2)
innovative changes in their courts(2)
things considered by them in close decisions(2)
new areas of law
their reaction to speaker's comments at seminars
philosophy of opinion writing
use of central staff
volume opinions
discuss of opinions sent in by other participating judges
judicial philosophy
role of judicial branch in today's society
how to utilize law clerks

E. Do you think a group dynamics type of discussion about common difficulties that judges experience in fulfilling their role would be helpful?

Yes: 15 No: 5

II. C.

TOPICS

Impact Decisions	8.6
Appellate Efficiency	8.5
Inherent Powers	8.5
Standard of Care	7.9
Economics & law	6.3
Tort Liability of Police	5.6

SPEAKERS

Justice James Cameron	9.0
Justice Winslow Christian	8.9
Justice William Grimes	8.5
Judge Frank Nebeker	8.4
Judge Joseph Weis	8.1
Prof. Joseph King	7.8
Prof. Charles Goetz	6.7
Prof. William Theis	6.1

II. F. What new topic(s) and speaker(s) would you suggest for future?

opinion writing (2) / philosophy thereof -2-4 hrs
judicial temperment
law & psychology--O'Connor (Univ of Michigan)
structure of opinions--Robert Leflor
percurian opinion-value of use--Jack Day (Ohio Court of Appeals)
judicial ethics- $\frac{1}{2}$ day
control of transcripts (NJ or Oregon computer system)- 1 hr
computer assisted transcription-Baron System- $1\frac{1}{2}$ hrs
publication of opinions--panel-- $1\frac{1}{2}$ hrs
auto legal research--search group rep.
performance evaluation of judges-federal judicial center-1-2 hrs
administrative law
broader cultureal scope: land use regs/housing/environment

III. A. Do you anticipate using the Seminar textbook for reference purposes after the Seminar?

Yes: 18 No: 3

If yes, would you prefer that the cases included therein be:

summarized: 13
printed in full: 3
merely cited: 1

Would a detailed, annotated outline, without more, be sufficient to make the textbook useful to you for reference?

Yes: 13 No: 5
Why no:
need summary--outlines too bare

B.. WHICH textbook feature do you find most valuable?

articles, cases: 1.6
lecture outlines: 2.1
list of attendees: 2.9
list of cases: 2.9

III. C. Which textbook feature do you find least valuable?

list of cases cited-4
list of attendees-2
"bare bone outlines"-1

IV. A. How did you hear about the Appellate Judges' Seminars?

AJS brochure--14
other judge-3
ABA judicial division journal-1
calendar of National Center of State Courts-1

B. Have you attended an Appellate Judges' Seminar in the past?

Yes: 15 No: 6

If yes, which seminar(s) did you attend?

Tucson(76)-3
Miami(76)-3
New Orleans(77)-2
San Diego-2
NYU-3
Tucson(77)-2
Miami(74 &77)
Phoenix(75)
San Francisco(71)
Miami(75)
Las Vegas
Mackinac Island
Many

C. What will most determine your attendance at a future Seminar?

availability of funds-1.6
an attractive location-1.6
"quieter" time of court calendar-2.4

IV. D. What other educational sessions have you attended in past two years?

state conferences-11
other AJS seminars-5
Nat'l Judicial College-4
NYU-2
regional conferences-2
opinion writing-CU
COSCA
ABA
Legislative Leaders Conference-Las Vegas
local bar
Annual Judicial Conference

V. A. Present seminar span is 4 days. Would you retain this length?

Yes: 19 No: 3 Other: 3 days-2
5 days-1

B. Check the four most convenient months to hold seminars:

Jan	6	Jul	4
Feb	10	Aug	8
Mar	11	Sep	3
Apr	11	Oct	2
May	4	Nov	1
Jun	4	Dec	2

C. List potential seminar sites:

New Orleans-6	Sarasota/Tampa
San Diego-5	Boston
Seattle-5	Atlanta
Santa Fe-5	Dallas
San Francisco-3	Vancouver
Phoenix-3	Chicago
Tucson-2	Northwest
Williamsburg-2	Wash, D.C.
Lake Tahoe-2	Portland
Jackson Hole, WY-2	Kansas City
Hawaii-2	Minneapolis
<u>one vote each:</u>	
New Mexico	
San Antonio	
Denver	
Las Vegas	
Miami, Ohio	
New York City	
W. Palm Beach, FL	

V. D. In considering which seminar to attend, is it important that the location be conducive to family vacation?

Yes: 14 No: 8

E. Would you like to receive materials relative to:

tourist activities: 20
places to eat: 20
Other: museums/special events/entertainment

F. Should we have an organized program for spouses?

Yes: 9 No: 11

G. Would you like to attend one organized function during seminar?

Yes: 13 No: 8 ? : 1

H. If the Appellate Judges Seminars were held on a regional, instead of a national basis, would you attend more regularly?

Yes: 5 No: 17
Why yes?
convenience-3
cheaper
all judges would have same interests

VI. A. Please describe source of funds for your travel & subsistence:

court-11
state-4
LEAA-3
LEAA/state-2
personal-2

B. If funding was provided by your court, how did you acquire those funds?

voucher-5
legislative appropriation-4
state adm-2
court adm-2
chief justice-1

MI. ~~D~~ Would funds have been available from your court for:

travel: yes-16 No-3

tuition: yes-10. No-5

activity fee: yes-4 No-12

subsistence: yes-16 No-3

amount: actual (4)/\$40/dy(3)/\$50/dy/\$45/dy(2)/\$35/dy/\$12/dy

EN. Other sources of funding:

LEAA-(4)

C. How much money available to you for education per year?

\$500/judge

\$1000/judge(2)

\$500/judge/2yrs

1 seminar/judge/per year(2)

o/s travel-\$300/judge

adequate

F. Please identify your state:

MI-3

AZ-2

WI-2

NM-2

MI-2

NJ-2

IA

NY

TN

CO

WA

WY

NB

G. What court do you sit on?

court of appeals-11

intermediate appellate-3

supreme court-3

appellate-3

civil appeals-1

APPENDIX IX

ROSTER OF PARTICIPANTS - WILLIAMSBURG 1978

Honorable Harold R. Banke
Court of Appeals
Judicial Building
Atlanta, GA 30334

Honorable Ralph D. Cole, Jr.
925 Sixth Street
Findlay, OH 45840

Honorable James M. Dolliver
Washington State Supreme Court
Temple of Justice
Olympia, WA 98504

Honorable Joseph Donofrio
Court of Appeals Seventh District
Mahoning County Courthouse
Youngstown, OH 44503

Honorable Robert J. Downing
Illinois Appellate Court
3000 Richard J. Daley Center
Chicago, IL 60602

Honorable John H. Gillis
900 First Federal Building
Detroit, MI 48226

Lt. Col. James H. Granger
1515 23rd Road
Arlington, VA 22202

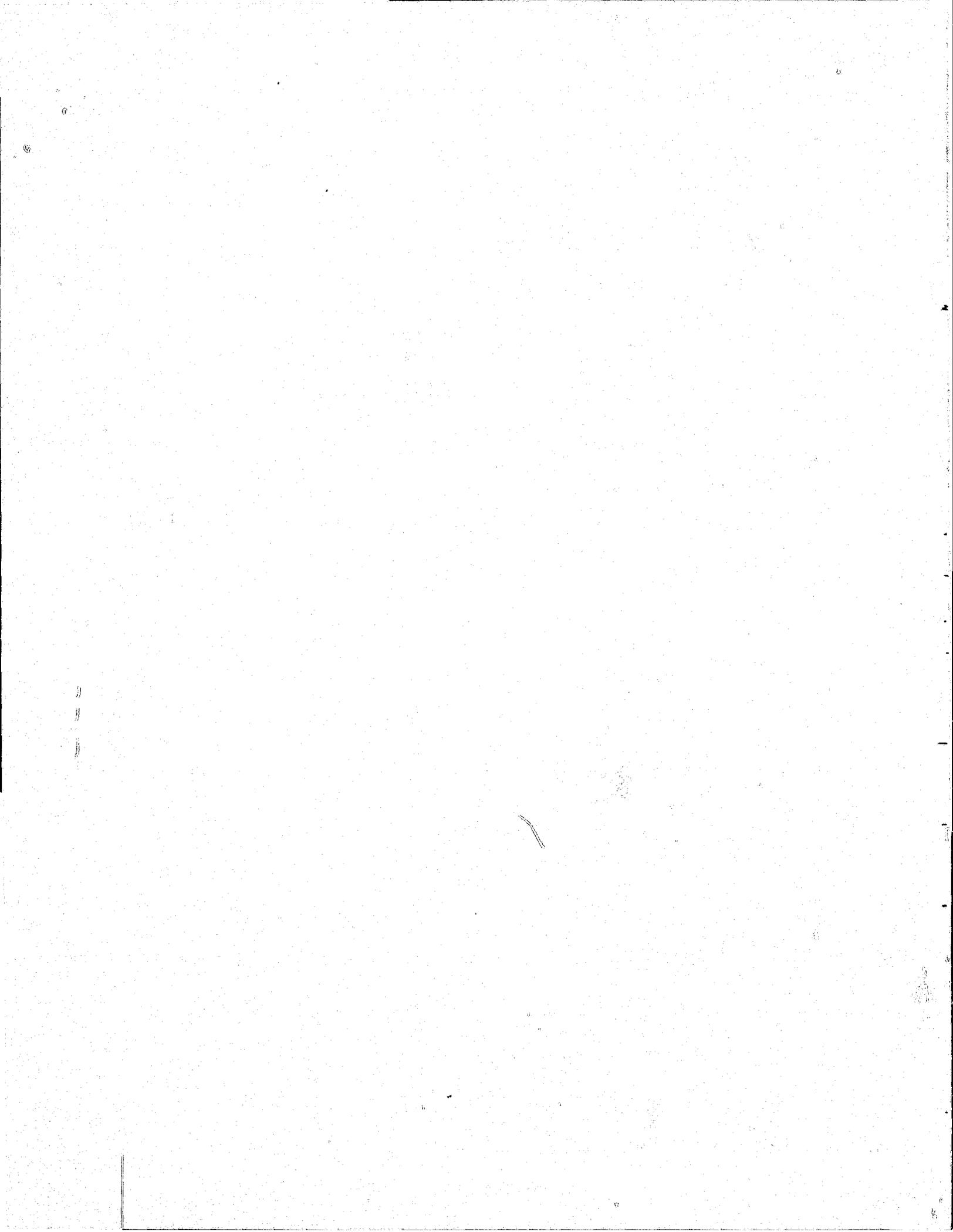
Honorable James C. Gulotta
210 Civil Courts Building
421 Loyola Avenue
New Orleans, LA 70112

Honorable Connor T. Hansen
Supreme Court - State Capitol
Madison, WI 53551

Honorable George B. Hoffman, Jr.
Room 411, State House
Indianapolis, IN 46204

Honorable Charles E. Jones
5th P. O. Box 40
McLeansboro, IL 62859

Honorable John J. Kelly, Jr.
3 St. Pinus Court
Florissant, MO 63033



WILLIAMSBURG PARTICIPANTS

1978

Page 2

Honorable Paul B. Landry, Jr.
First Circuit of Baton Rouge
P. O. Box 3237
Baton Rouge, LA 70821

Honorable Rolf Larsen
707 City/County Building
Pittsburgh, PA 15219

Honorable Jason D. Lee
1500 Liberty SE
Salem, OR 97302

Honorable Richard Mills
Public Square - Box F
Virginia, IL 62691

Honorable Julius B. Ness
P. O. Box 909
Supreme Court of South Carolina
Bamberg, SC 29003

Honorable Paul W. Nye
10th Floor Courthouse
Corpus Christi, TX 78403

Honorable Wendell A. Odom
Box 12308
Capitol Station
Austin, TX 78711

Honorable Donald J. Porter
Supreme Court, Capitol Building
Pierre, SC 57501

Honorable Stokes V. Robertson
P. O. Box 117
Jackson, MS 39205

Honorable C. Lenton Sartain
1st Circuit Court of Appeals
P. O. Box 3237
Baton Rouge, LA 70821

Honorable Patrick M. Schott
Court of Appeals
421 Loyola Avenue
New Orleans, LA 70112

WILLIAMSBURG PARTICIPANTS

1978

Page 3

Honorable Herbert M. Schwab
Court of Appeals - 3rd Floor
State Office Building
Salem, OR 97310

Honorable Allan G. Shepard
Idaho State Supreme Court Building
451 West State Street
Boise, ID 83720

Honorable Lewis R. Sutin
Box 2008
Santa Fe, NM 87501

Honorable Herbert A. Swanson
Washington Court of Appeals
Pacific Building
3rd and Columbia
Seattle, WA 98104

Honorable William H. Victor
Summit County Courthouse
Akron, OH 44320

Honorable Robert Vogel
Supreme Court
Bismarck, ND 58505

PROGRAM-WILLIAMSBURG

Justice Harry A. Spencer-Presiding

SUNDAY
May 28

5:30 p.m.-6:30 p.m.

*Registration-
Hotel Lobby*

MONDAY
May 29

9:00 a.m.-10:30 a.m.

*Appellate Pre-Argument Settlement
Conference: An Example of its
Potential*

Justice A. David Benjamin

10:45 a.m.-12:00 Noon

*Appellate Efficiency: Its Benefits
and Pitfalls*

Justice James D. Hopkins

1:30 p.m.-4:30 p.m.

Impact Decisions

Justice William A. Grimes
Judge Frank Q. Nebeker
Judge Paul H. Roney

TUESDAY
May 30

9:00 a.m.-12:00 Noon

Panel: Death Related Issues

Professor Leslie Rothenberg
(Moderator)
Dr. Eric Cassell
Judge Robert Muir

1:30 p.m.-4:30 p.m.

*Pitfalls in the Application of the
Federal Rules of Evidence*

Professor Stephen Saltzburg

WEDNESDAY
May 31

9:00 a.m.-12:00 Noon

Avoidance of Repetitive Litigation

Professor John C. McCoid

1:30 p.m.-4:30 p.m.

*Current Developments in Products
Liability*

Dean W. Page Keeton

THURSDAY
June 1

9:00 a.m.-12:00 Noon

Impact Decisions

Justice William A. Grimes
Judge Frank Q. Nebeker

NOTE: The Hospitality Suite will be open each evening from 5:30-7:30 p.m. Program participants will be served coffee and rolls in the program room each morning from 8:30-9:00 a.m.

I. A. Accomodations: 9.2

B. Hospitality Sessions: 8.6

Contribution to value of program: 8.1

C. General quality of presentations: 8.6

General quality of materials: 8.8

Topical coverage: 7.9

D. Suggested improvements in accomodations:

excellent--6

need night lights

make tourist info available for wives

Williamsburg

1979

Total Attendance: 31
Total Responses: 20

E. Suggested improvements in hospitality sessions:

excellent--3

okay--3

have non-alcoholic beverages-3

have soft drinks at coffee breaks

II. A. Which areas would you like to see more time allotted at seminars?

Matters relating to appellate efficiency: 9

Substantive areas of law: 8

Matters of judicial philosophy: 8

Impact decisions: 6

Other:

opinion writing

criminal law

how other systems work

II. B. What portions of program were most/least helpful to you in your work?

Most

appellate efficiency-4
product liability-2
impact decisions-2
preargument-1
death-1

Least

evidence-7
rep. litigation-6
preargument-3
app. efficiency-1
impact decisions-1

D. Should we attempt to elicit more participation from judges attending seminar?

Yes: 6 No: 14

What would you like to hear other judges talk about?

administrative problems(4)
decision-making process(2)
relations to other state courts
relation to exec/leg branches
impact decisions
opinion writing/criminal opinion writing
criminal
disposal of heavy docket
philosophy
efficiency
legal malpractice
participating judges' cases of importance

E. Do you think a group dynamics type of discussion about common difficulties that judges experience in fulfilling their role would be helpful?

Yes: 11 No: 6 ?: 1

II. C.

TOPICS:

Death Related Issues:	9.4
Product Liability:	9.1
Impact Decisions:	8.4
Appellate Efficiency:	8.3
Preargument Settlement:	7.7
Evidence:	7.0
Repetitive Litigation:	5.5

SPEAKERS:

Dr. Eric Cassell:	9.6
Justice William Grimes:	9.2
Dean W. Page Keeton:	9.0
Judge Paul Roney:	8.9
*Judge Frank Nebeker:	8.6
*Judge Robert Muir:	8.6
*Prof. Stephen Saltzburg:	8.6
Justice David Benjamin:	8.5
Justice James Hopkins:	8.3
Prof. Leslie Rothenberg:	8.2
Prof. John Mc Coid:	7.2

*tied

II. F. What new topic(s) and speaker(s) would you suggest for future?

How judicial decisions are made--Prof. Bob Summers, Cornell, (½ day)
Freedom of Press ("access")-panel(judge, prof., editor)
memo opinions
summary dispositions
short orders
unpublished opinions & orders
complexities of judicial system-Lewis Seeton(1 hr)
TV in court
impact decisions
obscenity(3 hrs)
general criminal appellate law-Joe Weisburger, Rhode Island
criminal evidence-Irving Younger, Colorado
search & seizure-Charlie Maylan, Maryland

III. A. Do you anticipate using the Seminar textbook for reference purposes after the Seminar?

Yes: 18 No: 0 ? : 1

If yes, would you prefer that the cases included therein be:

summarized: 16
printed in full: 1
merely cited: 1

Would a detailed, annotated outline, without more, be sufficient to make the textbook useful to you for reference?

Yes: 11 No: 5 ? : 1 Why No?
not as good as summary
not worth anything in future

B. Which textbook feature do you find most valuable?

articles, cases: 1.3
lecture outlines: 1.7
list of cases cited: 2.3
list of attendees: 3.2

III. C. Which textbook feature do you find least valuable?

(one vote each)

listing of impact decisions
table of cases
lecture outline
list of attendees

IV. A. How did you hear about the Appellate Judges' Seminars?

AJS brochure: 13
other judge: 2
ABA: 2
court administrator: 1

B. Have you attended an Appellate Judges' Seminar in the past?

Yes: 17 No: 3

If yes, which seminar(s) did you attend?

many: 2
Boston(77): 3
San Francisco(77): 6
Boston(75): 2
New Orleans(77): 2
Baton Rouge: 2
Mackinaw: 2
one each:
Miami(77)
Tucson(77)
New Hampshire
Miami(73)
Reno
Tempe
Phoenix
San Antonio
NYU(48)
Williamsburg(77)
Traverse City

C. What will most determine your attendance at a future Seminar?

attractive location: 1.5
quieter time of court calendar: 1.6
availability of funds: 1.7

V. D. In considering which seminar to attend, is it important that the location be conducive to family vacation?

Yes: 16 No: 4

E. Would you like to receive materials relative to:

tourist: 19
places to eat: 13

F. Should we have an organized program for spouses?

Yes: 13 No: 6

G. Would you like to attend one organized function during seminar?

Yes: 17 No: 2

H. If the Appellate Judges Seminars were held on a regional, instead of a national basis, would you attend more regularly?

Yes: 2 No: 16

If yes, why?

convenience: 2

regional issues: 1

seminars could be shorter & more frequent: 1

VI. A. Please describe source of funds for your travel & subsistence:

state: 8
LEAA: 4
court adm: 3
ILEC: 1
state/personal: 2
fed'l/personal: 1
FELA: 1

B. If funding was provided by your court, how did you acquire those funds?

legislative appropriation: 5
reimbursement (voucher): 4
court adm: 3
judicial conference: 1

MI. Q. Would funds have been available from your court for:

travel: yes: 18 No: 2
tuition: yes: 13 No: 6
activity fee: yes: 7 no: 11
subsistence: yes: 16 no: 2
amount: actual=3/reasonable=3/\$25 a day=2/\$35 a day/\$300 a year/
15¢ a mile or airfare+\$30 a day/partial

E. Other sources of funding:
state appropriation

C. How much money is available
for educational purposes a year?

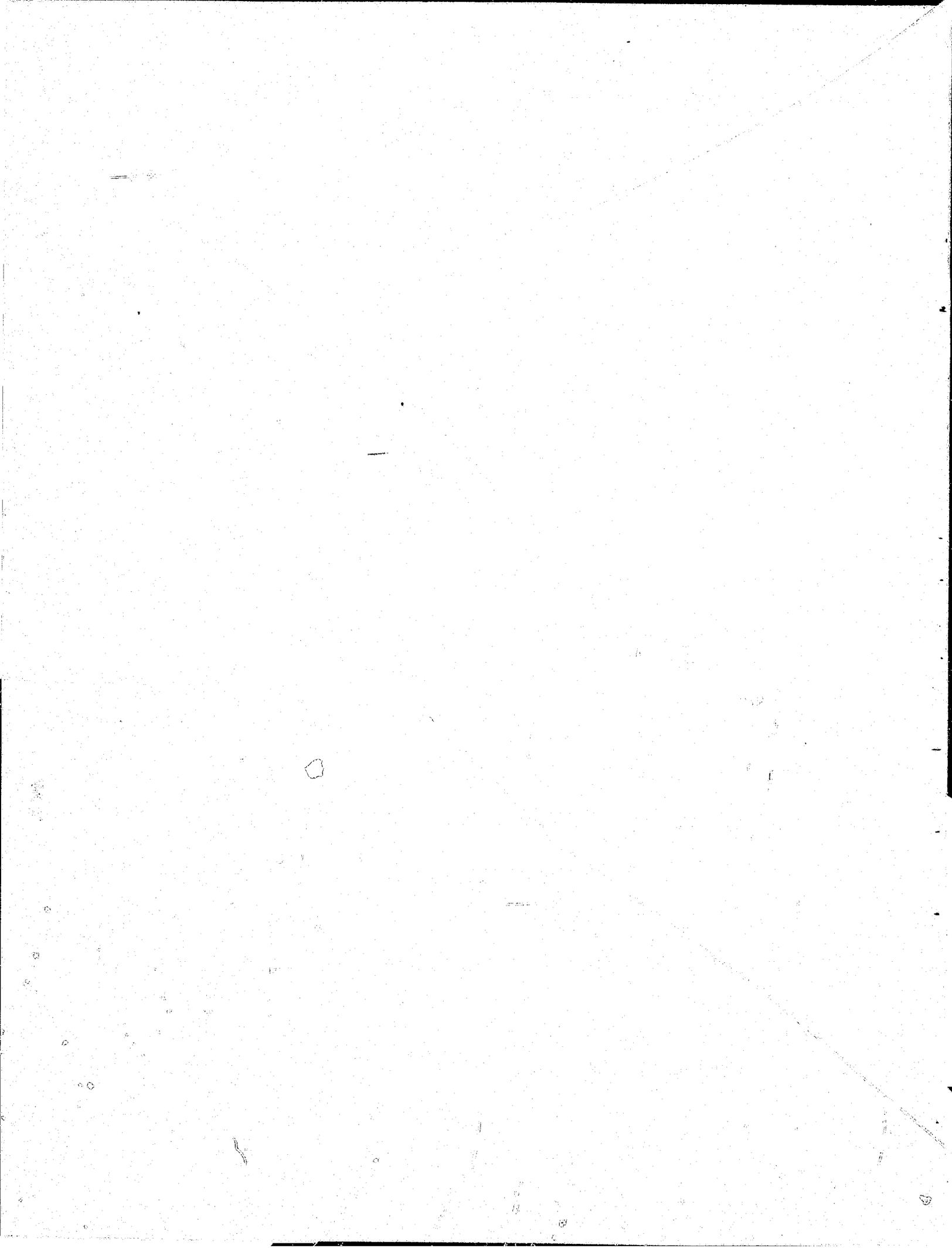
reasonable: 3
one per judge per year: 3
unlimited
\$700 per judge/yr
\$1000/judge/yr
ad hoc: 2
\$600/judge/2 yrs
2-3/judge/yr
\$500/judge/yr

F. Please identify your state:

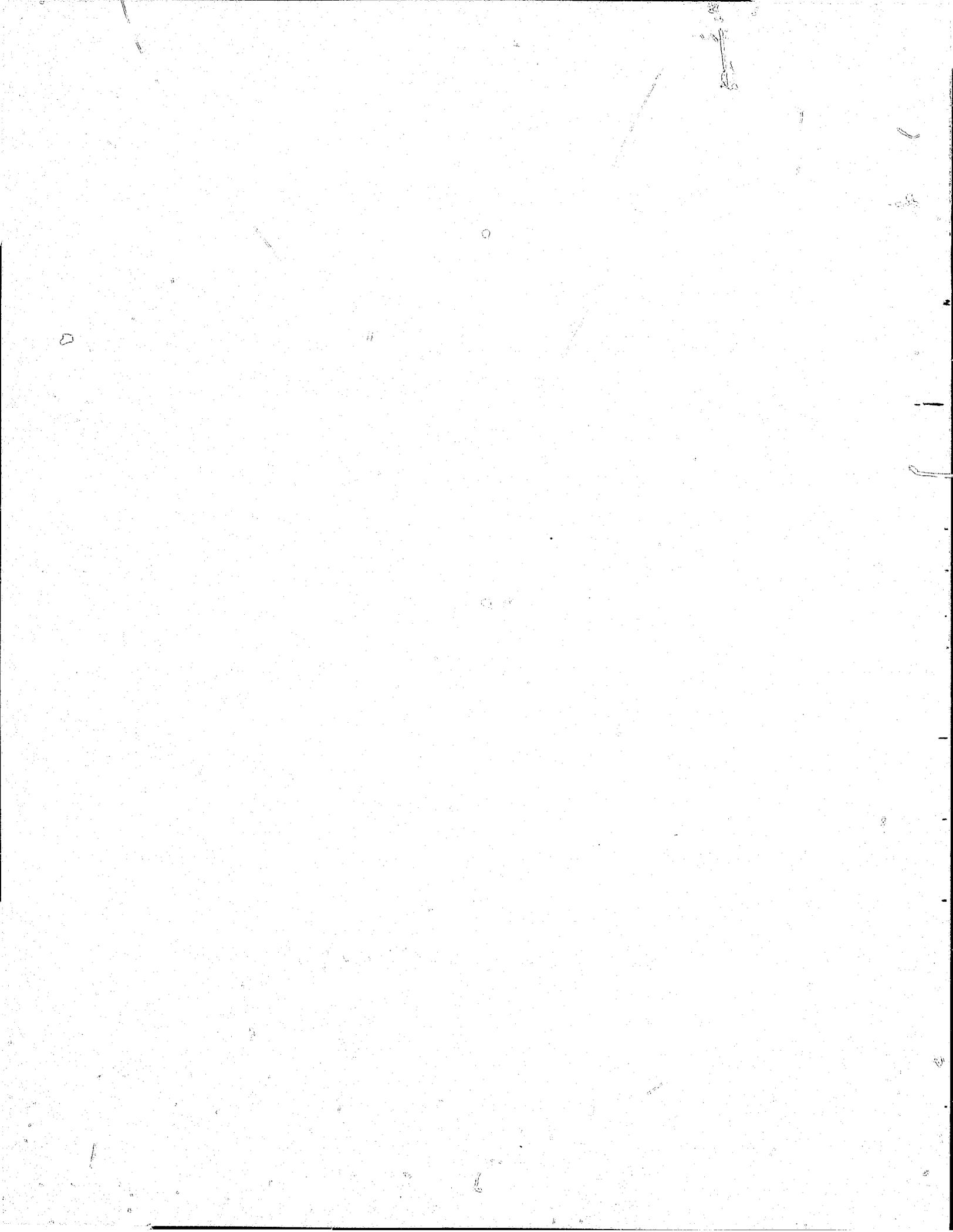
LA: 3
IL: 2
TX: 2
OH: 2
PA
WA
MI
MS
PR
IN
GA
ND
SC
MO

G. What court do you sit on?

court of appeals: 9
supreme court: 5
intermediate appellate court: 3
civil appeals: 1
criminal appeals: 1



APPENDIX X



NATIONAL CONFERENCE OF APPELLATE COURT CLERKS
MEMBERS PRESENT AT CONFERENCE IN COEUR D'ALENE

ABRAHAM, Thomas H.
231 Capitol Avenue
Hartford, Conn. 06106

BECKER, DEIDRE
Trumbull County Courthouse
Warren, Ohio 44481

BOOTH, HAROLD L.
Caddo Parish Courthouse
Shreveport, LA. 71101

CARTER, LEWIS C.
Third Floor, Statehouse
Topoka, Kansas 66612

CHAMPAGNE, JOHN J.
Temple of Justice
Olympia, Wn. 98504

DAVIS, CORBIN R.
P.O. Box 88
Lansing, Michigan 48901

DAVIS, HAZEL M.
P.O. Box 2008
Santa Fe, New Mexico 87501

DUNN, LUELLA
State Capitol
Bismarck, North Dakota 58501

DZIERBICKI, RONALD
600 Washington Square Bldg.
Lansing, Michigan 48933

FOX, CATHERINE
Supreme Court
Bismarck, North Dakota 58501

FRITZ, ELIZABETH URWIN
415 W. Congress St., Rm. 220
Tucson, Arizona 85701

GRAVES, MARILYN
Madison, Wisconsin 53704

HALLFORD, HAZEL
506 State Judicial Bldg.
Atlanta, Georgia 30334

HICKS, LOREN D.
Supreme Court
Salem, Oregon 97310

HOUSE, SHIRLEY A.
209 High Street
Akron, Ohio 44308

JUSTIS, CAROL
Supreme Court Building
Salem, Oregon 97310

KENNETT, JEAN M.
1404 Courthouse
Boston, Mass. 02108

KETCHUM, GOLDIE
Supreme Court
Jefferson City, MO. 65101

KRAMER, WILFRIED J.
Rm. 119, Library/Courts Bldg.
Sacramento, CA 95814

LEATHERS, RAMSEY
Supreme Court Building
Nashville, Tennessee 37219

LILLARD, ROSS
208 State Capitol Building
Oklahoma City, Okla. 73105

LYDEN, CATHERINE
Philadelphia, PA

McCULLOUGH, BILLIE R.
217 Statehouse
Indianapolis, Ind. 46204

McLAIN, HAZEL
2600 E. South Blvd.
Montgomery, Ala. 36101

McLAUGHLIN, ELIZABETH
Room 316, Statehouse Annex
Trenton, N. J. 08608

MILLS, FRANCES JONES
1st Floor Capitol Annex
Frankfort, Ky. 40601

MIMS, REBA D.
P.O. Box 11330
Columbia, South Carolina 29211

MRVOS, SALLY
Supreme Court
456 City Hall
Philadelphia, PA 19107

NELSON, LEONARD
Broadway Center Bldg.
Spokane, Washington 99202

NORRIS, JAMES H.
Court of Appeals Bldg.
Annapolis, MD. 21404

NORWOOD, DOROTHY
Supreme Court, P.O. Box 157
Montgomery, Al. 36104

PARKER, JOHN A.
Supreme Court
P.O. Box 444
Knoxville, Tennessee 37901

PEQUES, DONNA SPRAGG
State Capitol, Pouch U
Juneau, Alaska 99801

PESKOE, FLORENCE
Supreme Court, Statehouse Annex
Trenton, N. J. 08625

POWERS, JOHN E.
1404 Courthouse
Boston, Mass. 02108

QUINN, CONNIE
1st Floor Capitol Annex
Frankfort, Ky. 40601

AUG 19 RECD

MEMBERS PRESENT AT CONFERENCE IN COEUR D'ALENE (Continued)

RHODES, RAYMOND
Supreme Court Bldg.
Tallahassee, Fl. 32304

RICHARDSON, R. KEITH
Supreme Court
Des Moines, Iowa 50319

ROBBINS, CLAY, JR.
3580 Wilshire Blvd., Rm. 301
Los Angeles, CA 90010

ST. VRAIN, ROBERT
Civil Cts. Bldg., 12th Floor
St. Louis, MO. 63101

SCOTT, JOHN C.
Supreme Court, 209 Capitol Bldg.
Frankfort, Ky. 40601

SENTELL, J. O.
P.O. Box 157
Montgomery, Ala. 36104

SMITH, FRANCES H.
Supreme Court
Columbia, South Carolina 29211

STEVAS, ALEXANDER L.
D.C. Court of Appeals
400 F. Street N. W.
Washington, D. C. 20001

STROTZ, LOREN J.
Appellate Court Building
Elgin, Illinois 60120

SUZUKI, EDWARD K.
Supreme Court
Honolulu, HI 96804

SWANSON, KEVIN A.
2550 Mariposa St. Rm. 5077
Fresno, CA 93721

TAYLOR, RICHARD D.
Court of Appeals, Pacific Bldg.
Seattle, Wn. 98104

THOMAS, MORGAN
433 State Judicial Building
Atlanta, GA 30334

TURNER, HOWARD G.
11th and Broad Streets
Richmond, VA 23210

TUSZYNSKI, ERVIN J.
1350 Front St., Rm. 6010
San Diego, CA 92101

WESTERMAN, GEORGE F.
Court of Appeals, 600 Washington Sq. Bldg.
Lansing, Michigan 48933

WHITAKER, C. M.
Dist. of Columbia Ct. of Appeals
400 F Street, N. W.
Washington, D. C. 20001

WHITE, RITA
Supreme Court Building
Cheyenne, WY. 82001

WILKERSON, JOHN H., JR.
2600 East South Blvd.
Montgomery, Al. 36111

WILLIAMS, JOLINE B.
506 Judicial Building
Atlanta, GA 30334

WOODS, CLELL L.
Supreme Court Bldg.
Springfield, Illinois 62706

YOUNG, MARY ANN
225 State Capitol Building
Phoenix, Arizona 85007

YOUNG, R. H. (BILL)
451 West State Street
Boise, Idaho 83720

NON-MEMBERS PRESENT

LAGER, LINDA
Appellate Session Superior Court
Research and Planning
Drawer N Station A
Hartford, Conn. 06106

MORT, GEOFFREY
National Center for State Courts
1660 Lincoln - Suite 200
Denver, Colorado 80203

NELSON, CHARLES
West Publishing Company
50 West Kellogg Blvd.
St. Paul, Minnesota 55102

GAMEZ, BARBARA
American Bar Association
1155 East 60th Street
Chicago, Illinois 60637

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS
FOURTH ANNUAL MEETING
PROGRAM

MORGAN THOMAS - PRESIDENT

SUNDAY
July 31

1:00 p.m.-5:00 p.m. Registration (Hotel Lobby)
3:00 p.m.-5:00 p.m. Executive Committee Meeting
(Top Cabin)
6:30 p.m. *Lake Cruise on the Mish-n-Nock*
Hosts-Lt. Governor and Mrs.
William J. Murphy

MONDAY
August 1

7:30 a.m.-8:45 a.m. Breakfast for Members (Cloud 9)
8:30 a.m.-9:15 a.m. Registration (Hotel Lobby)
9:15 a.m.-9:30 a.m. President's Report (Convention
Center, Bay 4)

9:30 a.m.-10:00 a.m. Welcoming Remarks

Hon. William J. Murphy
Lt. Governor of Idaho

Hon. Frank Q. Nebeker
Executive Committee, Appellate
Judges' Conference

10:00 a.m.-10:30 a.m. *Judicial Planning Committees*

Claire M. Whitaker
First Deputy Clerk, District of
Columbia Court of Appeals

10:30 a.m.-12:00 Noon NOON WORKSHOPS

*Group A: Clerks of highest courts
without intermediate courts*

Rita White, Clerk
Wyoming Supreme Court (Bay 3)

*Group B: Clerks of highest courts
with intermediate courts*

Clell L. Woods, Clerk
Illinois Supreme Court (Bay 4)

App 3

Group C: Clerks of intermediate courts

Raymond E. Rhodes, Clerk
First District, Florida
(Bay 5)

Group D: Deputy Clerks

Dorothy Norwood, Assistant Clerk
Supreme Court of Alabama (Governor's
Terrace)

12:00 Noon-1:30 p.m. Luncheon

Hon. Charles Donaldson
Vice Chief Justice
Supreme Court of Idaho

Afternoon

*Tours of Cataldo Mission and Kellogg
Mines (Inquire at registration desk)*

7:00 p.m.

*Western Barbecue at the Bonanza Ranch
(Buses to be arranged)*

TUESDAY
August 2

7:30 a.m.-8:45 a.m.

Breakfast (Spouses, guests, and
families-daily 8:30-10:30 a.m.)

8:45 a.m.-9:30 a.m.

*Outreach--Educating the Public,
Litigants and Attorneys in the
Appellate Process*

John Wilkerson, Clerk
Court of Civil Appeals
Montgomery, Alabama (Bay 4)

9:30 a.m.-11:15 a.m.

ANNUAL MEETING (Bay 5)

11:30 a.m.-1:30 p.m.

Luncheon (Bay 3)

Business Machines Exhibition

1:30 p.m.-4:30 p.m.

Statistics

David J. Halperin, Director
Committee on Appellate Statistics
ABA Appellate Judges' Conference
1973

Lynn Jensen, Director
National Court Statistics Project
1977

WEDNESDAY
August 3

7:30 a.m.-8:30 a.m. Breakfast

8:30 a.m.-9:00 a.m. *Status Report of the ABA Standards
Relating to Appellate Courts*
Florence Peskoe, Clerk
Supreme Court of New Jersey (Bay 4)

9:00 a.m.-10:30 a.m. *Trends in Personnel: Unionism,
Labor Relations, Judicial Personnel
Systems, Grievance Procedures*
Francis E. Dosal, Senior Staff
Associate, North Central Regional
Office, National Center for State
Courts

10:45 a.m.-12:30 p.m. *The Problems of Security in Appellate
Courts.*
John Powers, Clerk
Supreme Judicial Court
Boston, Massachusetts

Michael Rodak, Jr., Clerk
Supreme Court of the United States

Jay E. Bailey, Special Agent
in Charge, Montana-Idaho
Division, Federal Bureau
of Investigation

12:30 p.m.-1:30 p.m. Luncheon (on your own)

1:30 p.m.-4:30 p.m. Workshops Continued (Bay 3, 4, 5
and Governor's Terrace)

6:30 p.m.-7:30 p.m. *Reception--Sponsored by West
Publishing Company*

7:30 p.m. *Annual Banquet (Bay 3)*
Hon. George T. Smith, Judge
Court of Appeals of Georgia
Dancing (Cloud 9)

THURSDAY
August 4

7:30 a.m.-8:45 a.m. Breakfast

9:00 a.m.-10:00 a.m. Summaries by Workshop Leaders (Bay 4)

10:00 a.m.-12:00 Noon Critique and Planning

12:00 Noon Adjournment

1:30 p.m. *Fishing Trip (Registration Desk)*

ROSTER OF PARTICIPANTS FOR MACKINAC - 1978

Thomas H. Abraham, Clerk
Connecticut Supreme Court
Drawer D, Station A
Hartford, CT 06106

Rose Marie Alderete, Clerk
Supreme Court
P. O. Box 848
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Robert Dean Bacon
Court Law Clerk
United States Court of Appeals
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Washington, DC 20001

Susan Bagwell, Assistant Clerk
Michigan Court of Appeals
350 Ottawa, N.W.
Grand Rapids, MI 49503

Troy Bennett, Chief Deputy Clerk
Court of Criminal Appeals
Box 12308, Capitol Station
Austin, TX 78711

Harold L. Booth, Clerk
Second Circuit Court of Appeal
Caddo Parish Courthouse
Shreveport, LA 71101

Yvonne Burnham, Deputy Clerk
Mississippi Supreme Court
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Jackson, MS 39205

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Kansas Supreme Court
Third Floor State House
Topeka, KS 66612

MACKINAC PARTICIPANTS

1978

Page 2

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Washington Supreme Court
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Luella Dunn, Clerk
Supreme Court
State Capitol
Bismark, ND 58501

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Lansing, MI 48933

Gloria J. Engle, Clerk
South Dakota Supreme Court
State Capitol Building
Pierre, SD 57501

Catherine Fox, Deputy Clerk
Supreme Court
Bismark, ND 58501

Elizabeth Urwin Fritz, Clerk
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MACKINAC PARTICIPANTS

1978

Page 3

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John Hensel, Assistant Clerk
Court of Appeals
600 Washington Square Building
Lansing, MI 48933

Henry Henson, Assistant Clerk - Data Processing
Court of Appeals
900 First Federal Building
Detroit, MI 48226

Loren D. Hicks
State Court Administrator
Supreme Court Building
Salem, OR 97310

Harold Hoag, Clerk
Michigan Supreme Court
P. O. Box 88
Lansing, MI 48904

Mary Ann (Young) Hopkins, Chief Deputy Clerk
Supreme Court of Arizona
201 South-West Wing
State Capitol Building
Phoenix, AZ 85007

Lynne Johnson, Deputy Clerk
Court of Appeals
600 Washington Square Building
Lansing, MI 48933

Carol Justis, Records Administrator
Court of Appeals
Supreme Court Building
Salem, OR 97310

Julia H. Kendrick, Clerk
Mississippi Supreme Court
P. O. Box 117
Jackson, MS 39205

MACKINAC PARTICIPANTS

1978

Page 4

Jean M. Kennett, Deputy Clerk
Supreme Judicial Court
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Sacramento, CA 95814

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New Orleans, LA 70112

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Office of Chief Court Administrator
Drawer N, Station A
Hartford, CT 06106

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Supreme Court Building
Nashville, TX 37219

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11th and Broad Streets
Richmond, VA 23219

Catherine E. Lyden, Deputy Prothonotary
Supreme Court of Pennsylvania
456 City Hall
Philadelphia, PA 19107

Billie R. McCullough, Clerk
Indiana Supreme Court
217 State House
Indianapolis, IN 46204

Mary McHaney, Deputy Clerk
Supreme Court of Missouri
Supreme Court Building
Jefferson City, MO 65101

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Montgomery, AL 36106

MACKINAC PARTICIPANTS

1978

Page 5

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Columbia, SC 29211

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Court of Appeals Building
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Division of Tennessee
Supreme Court Building
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Knoxville, TN 37901

Florence Peskoe, Deputy Administrative
Directors of Courts
State House Annex
Trenton, NJ 08625

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Supreme Court Building
Tallahassee, FL 32304

R. Keith Richardson, Clerk
Iowa Supreme Court
State House
Des Moines, IA 50319

Polly Richter
Court of Appeals of Ohio
Elventh Appellate District
Geauga County Courthouse
Chardon, OH 44024

MACKINAC PARTICIPANTS

1978

Page 6

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Montgomery, AL 36101

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Supreme Court
P. O. Box 11330
Columbia, SC 29211

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Supreme Court
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Montgomery, AL 36101

Connie Staska, Chief Deputy Clerk
Alaska Supreme Court
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Juneau, AK 99810

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Washington, DC 20001

Edward L. Suzuki, Chief Clerk
Supreme Court of Hawaii
Judiciary Building
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Honolulu, HI 96804

MACKINAC PARTICIPANTS

1978

Page 7

Richard D. Taylor, Clerk
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John Wilkerson, Clerk
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Detroit, MI 48226

Joline B. Williams, Clerk
Supreme Court
506 Judicial Building
Atlanta, GA 30334

Clell F. Woods, Clerk
Illinois Supreme Court
Supreme Court Building
Springfield, IL 62706

NATIONAL CONFERENCE OF APPELLATE COURT CLERKS

CONFERENCE PROGRAM

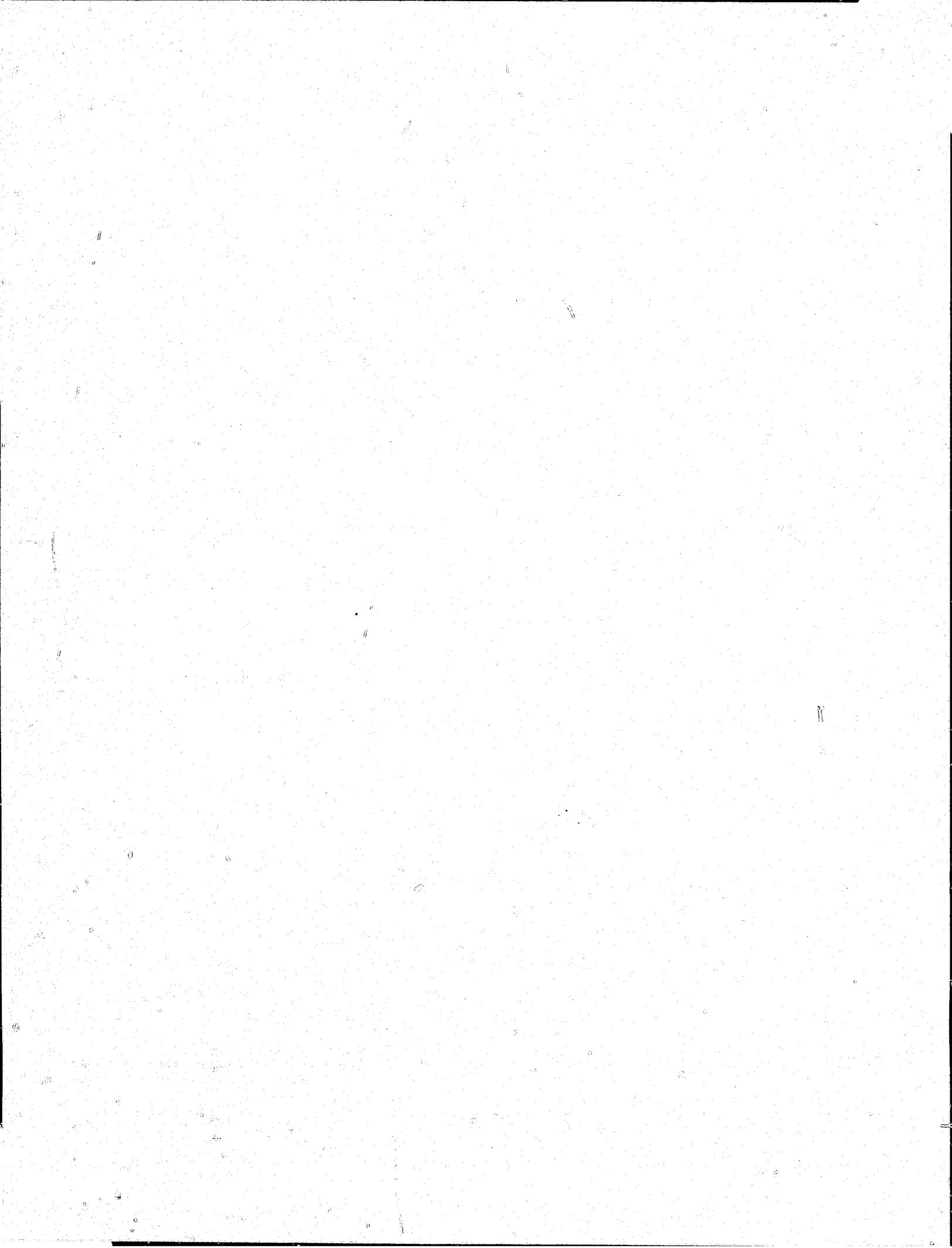
All Conference Sessions Are Scheduled in the
CLUB ROOM

SUNDAY, AUGUST 13

- 2:00 p.m. Registration
Lower Lobby
- 4:00 Welcoming Reception
8:00 p.m. Governor's Suite
NILS Publishing Co., Host

MONDAY, AUGUST 14

- 8:00 a.m. Outgoing Executive Committee Breakfast Meeting
Pontiac Room
- 9:00 a.m. Welcoming Remarks
Ronald L. Dzierbicki
President, NCAAC
Chief Judge Robert J. Danhof
Michigan Court of Appeals
- 9:15 a.m. Educational Opportunities
✓ Geoffrey Mort
National Center for State Courts
- 9:30 - . . . Records Management
12:00 p.m. . . .
✓ Francis L. Bremson
Director North Central Office
National Center for State Courts
✓ Richard T. Martin
Staff Associate
National Center for State Courts
✓ Donald S. Skupsky
Project Director
National Center for State Courts
- 1:30 - Workshop Sessions: Records Management
3:45 p.m.
- 4:00 - Optional Tours
6:15 p.m.
- 10:00 p.m. Straits Cruise
Shepler's Dock



CONTINUED

2 OF 3

TUESDAY, AUGUST 15

- 9:00 - Appellate Review of Sentencing
9:45 a.m.
- ✓ Judge Arthur J. Simpson, Jr.
Acting Administrative Director of
the Courts, State of New Jersey
- 10:00 - Panel: Expediting Appellate Workloads
12:30 p.m.
- ✓ Wilfried J. Kramer, Moderator
Clerk, Court of Appeal, Third
District, California
- ✓ Judge T. John Lesinski
Michigan Court of Appeals (Retired)
- ✓ Justice George E. Paras
Court of Appeal, Third
District, California
- ✓ Justice Harry A. Spencer
Supreme Court of Nebraska
- 2:00 - Workshop Sessions
4:00 p.m.
- 4:15 - Optional Tours
6:30 p.m.

WEDNESDAY, AUGUST 16

- 9:15a.m. Address: Chief Justice Warren E. Burger ✓
Supreme Court of the United States
- 10:00 a.m. - Panel: A Review of Williamsburg II
12:00p.m.
- ✓ Justice Paul C. Reardon, Moderator
Supreme Judicial Court
of Massachusetts (Retired)
- ✓ Chief Justice James Duke Cameron
Supreme Court of Arizona
- ✓ Victoria Cashman
Deputy Project Director
National Center for State Courts
- ✓ Judge Loren D. Hicks
Oregon State Court
Administrator and Clerk
- 1:30p.m. Reports on Innovations in Appellate Courts
- 2:30p.m.- NCACC Business Meeting
5:00 p.m.

WEDNESDAY, AUGUST 16 (Continued)

6:30 - Reception
7:30 p.m. Grand Hotel Porch
West Publishing Co., Host

7:45 p.m. Annual Dinner
Terrace Room

Presiding:
Ronald L. Dzierbicki
President, NCACC

Welcoming Remarks:
Chief Justice Thomas Giles Kavanagh
Michigan Supreme Court

Address:
Justice Sam D. Johnson
Supreme Court of Texas
Past Chairman, Appellate Judges Conference

THURSDAY, AUGUST 17

8:00 a.m. Incoming Executive Committee Breakfast Meeting
Pontiac Room

9:00 a.m. Critique, Review and Planning Session

10:30 a.m. 1978-79 Committee Meetings

12:00 p.m. Adjournment

EDUCATION PROGRAM COMMITTEE

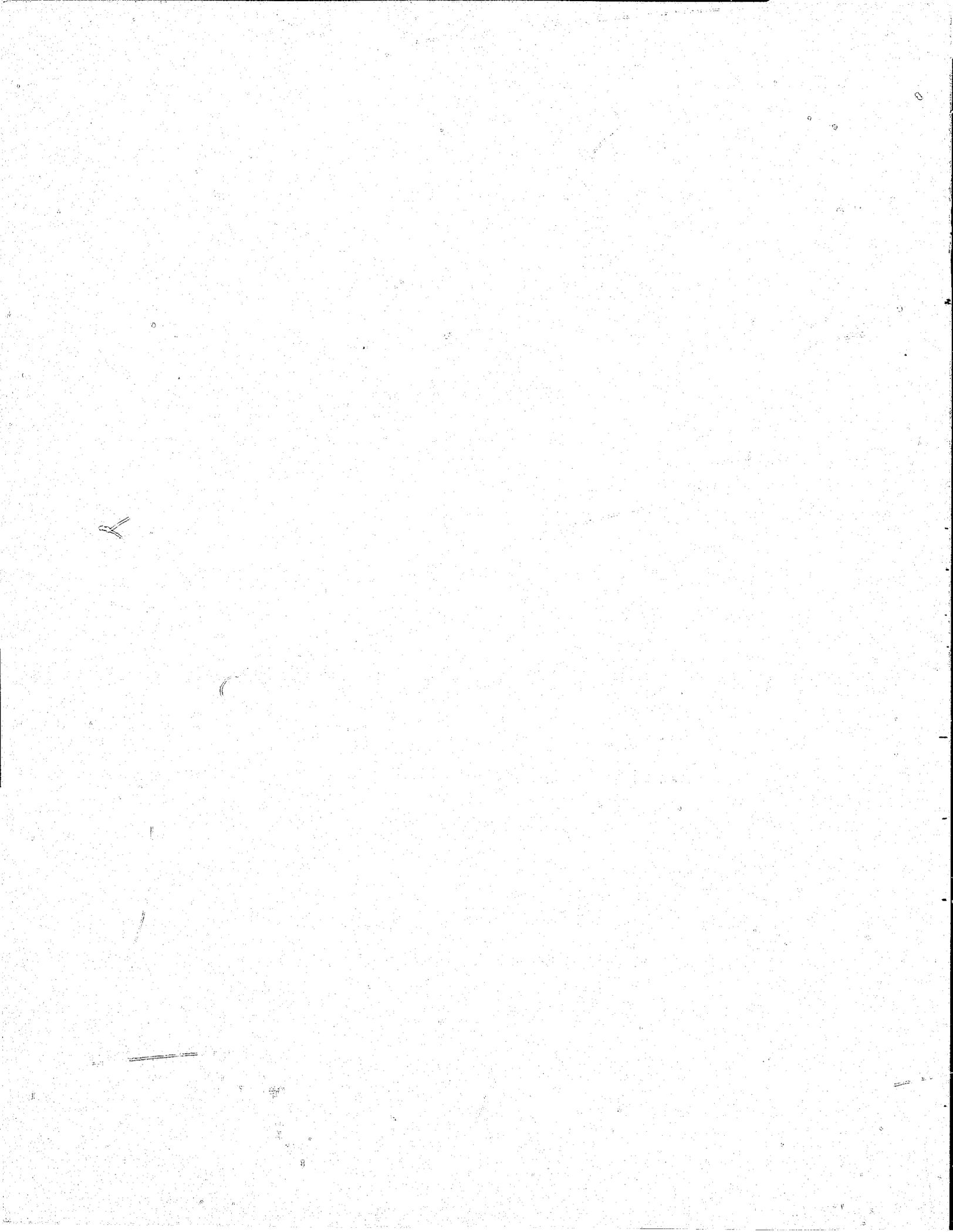
Wilfried J. Kramer, Chairman
Hazel M. Davis
Loren D. Hicks
Dorothy Norwood
John A. Parker
R. K. Richardson
William K. Slate, II

CONFERENCE ARRANGEMENTS COMMITTEE

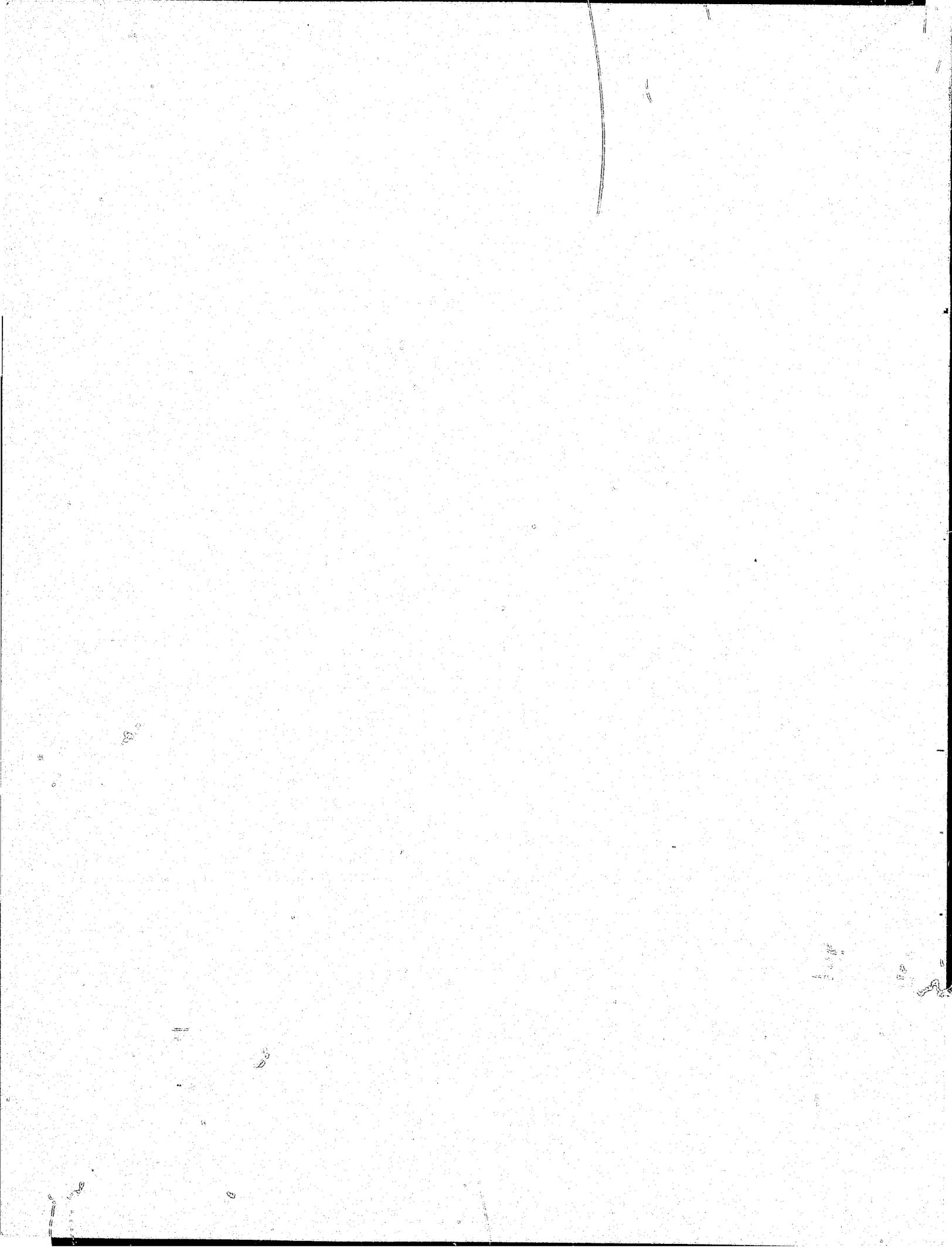
George F. Westerman, Chairman
Susan W. Bagwell
Corbin Davis
John Hensel
Henry Henson
Lynne Johnson
Ella Mae Williams

CONFERENCE ARRANGEMENTS STAFF

Tom Barker
Jim Harkins
Geoffrey Mort
Elizabeth Pyzik



APPENDIX XI 0



CENTRAL STAFF COUNSEL CHICAGO MEETING

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Seventh Circuit
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State House
Topeka, KS 66612

John W. Gilbertson
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Chicago Meeting
1977
Page 2

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Circle
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Assistant Court Commissioner
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Chicago Meeting
1977
Page 3

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Page 4

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Page 5

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CENTRAL STAFF COUNSEL NEW YORK MEETING

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New York Meeting
1978
Page 2

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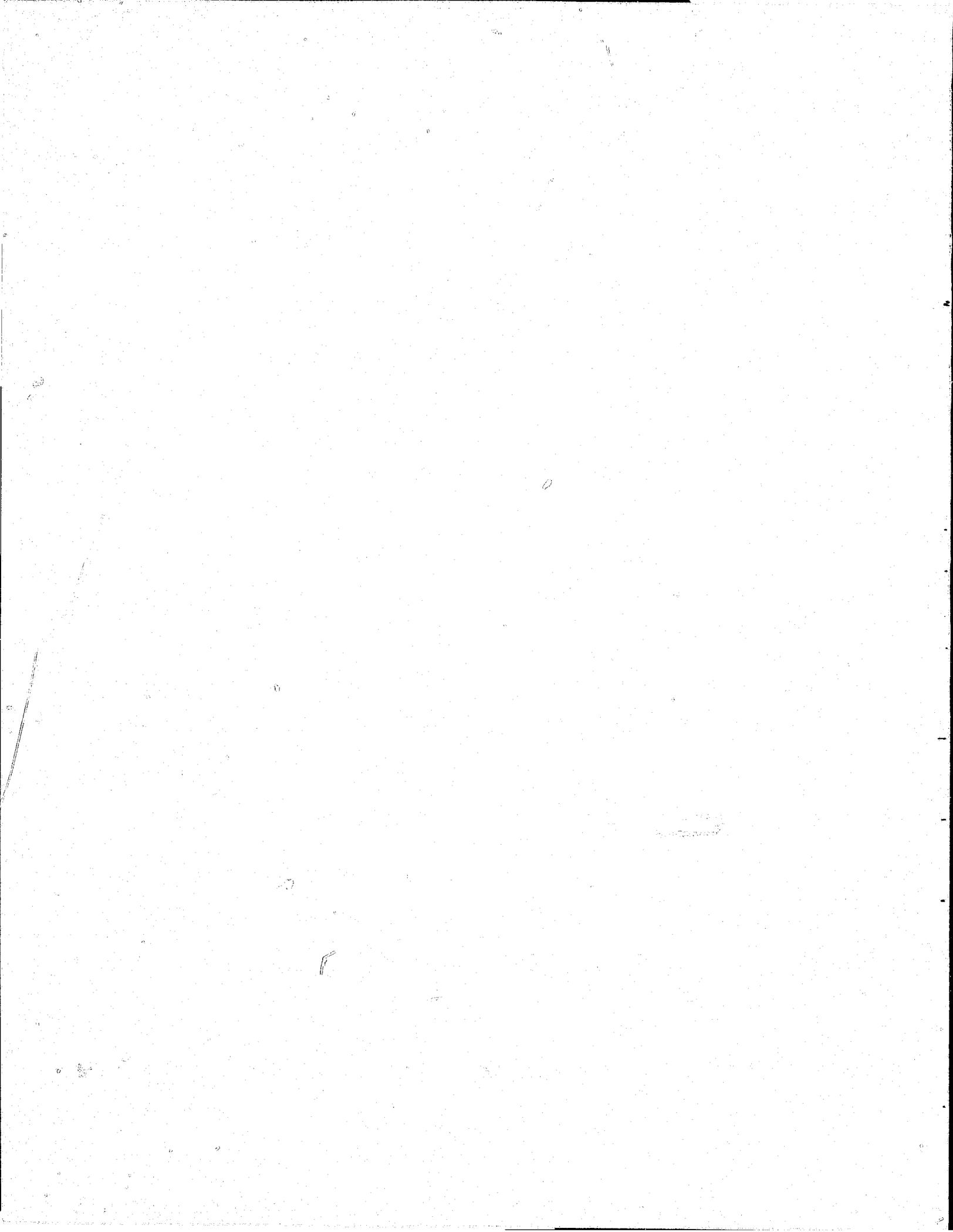
Sebastian Lee Lombardi
Central Appellate Research
New Jersey Supreme Court
Appellate Division
State House Annex CN 006
Trenton 38627

David Gernant
Oregon State Court
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Salem, OR 97310

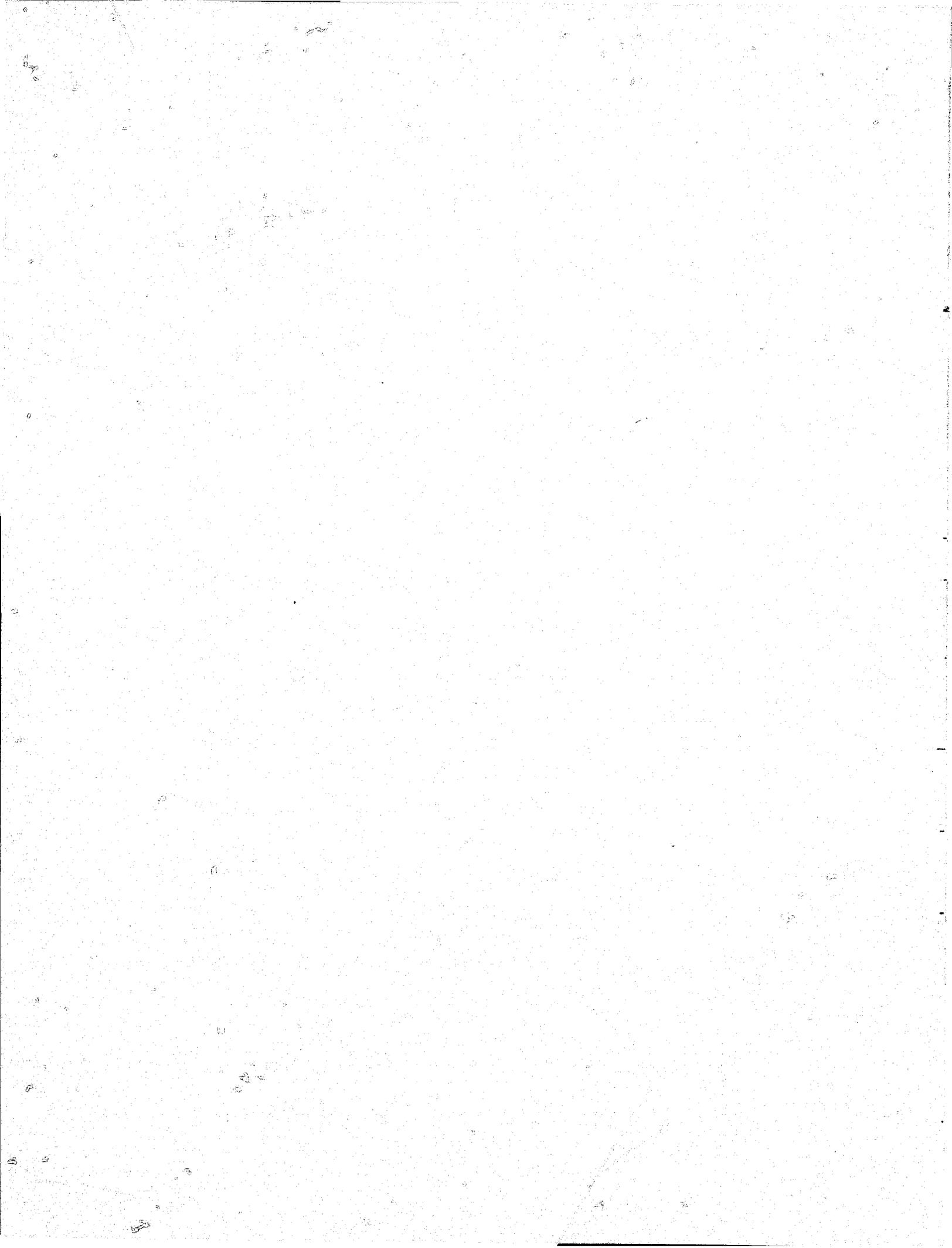
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APPENDIX XII



STATE OF WISCONSIN
SCHEDULE FOR APPELLATE LAW CLERKS' SEMINARS

<u>DAY ONE</u>	<u>TOPIC</u>	<u>PANEL</u>
9:00	<u>The Appellate System</u>	Justice Shirley Abrahamson; Commissioner Joseph Wilson
10:15	Break	
10:30	<u>Appellate System (con't)</u>	
12:00	Lunch Break	
1:30	<u>The Decision-Making Process and Related Duties of Law Clerks</u>	Jack Cooley, Chief Staff Counsel; Steve Felsenthal, Staff Counsel; Attorney Susan Steingass
3:30	Break	
3:45	<u>Conduct and Professional Responsibility</u>	
5:00	Break for Day	
<u>Evening</u>	Hospitality Function	
<u>Day Two</u>		
9:00	<u>Basic Analysis of Liti- tion</u>	Attorneys: John Bowers, Kent Carnell
10:15	Break	
10:30	<u>Recurrent Issues on Appeal</u>	Professor G. William Foster
12:30	Lunch Break	
2:00	<u>Legal Research</u>	Commissioner Joseph Wilson
3:00	Break	
3:15	<u>Legal Writing</u>	Howard Primer, American Bar Association
5:00	Break for Day	
<u>Day Three</u>		
9:00	<u>Writing Analysis (small group)</u>	Howard Primer and Justice Abrahamson
10:15	Break	
10:30	<u>Writing Analysis (con't)</u>	

MANUAL FOR NEW ENGLAND APPELLATE LAW CLERKS



BY

HOWARD S. PRIMER

AS A PROJECT FOR THE APPELLATE JUDGES' CONFERENCE OF THE
AMERICAN BAR ASSOCIATION

CHAPTER ONE
THE FUNCTION OF APPELLATE COURTS

- 1.10 The Dual Function
- 1.20 Professors Carrington, Meador and Rosenberg,
Justice on Appeal
- 1.30 The Appellate System in Wisconsin
 - 1.31 Structure
 - 1.32 Internal Organization and Procedures
 - 1.32.1 Size of the Courts
 - 1.32.2 Size of the Courts Panels
 - 1.32.3 When and Where Court is Held
 - 1.32.4 En Banc Hearings
 - 1.32.5 Delegation of Procedural Matters
 - 1.33 Opportunity for Appellate Review
 - 1.33.1 Appeals as of Right, Permissive Appeals
 - 1.33.2 Review of Administrative Agency Decisions
- 1.40 Responsibilities of the Chief Justice and Chief Judge
- 1.50 Rule-Making and Meetings
- 1.60 Civil Appeals Outline
 - 1.61 Notice of Appeal
 - 1.62 Relief Pending Appeal
 - 1.63 Record on Appeal
 - 1.64 Motions - General Procedural Rules
 - 1.64:1 Motion for Rehearing
 - 1.65 Disposition of Appeal and Mandate
- 1.70 Criminal Appeals Outline
 - 1.71 Time for Filing Notice
 - 1.72 What May Be Appealed
 - 1.73 Post-Conviction Relief
 - 1.74 Habeas Corpus

CHAPTER TWO
THE DECISION MAKING PROCESS IN APPELLATE COURTS

- 2.10 Outline of the Decision - Making Process
- 2.20 The Screening and Routing Process
 - 2.21 Jurisdictional Check
 - 2.22 Routing
 - 2.23 Pre-Argument Settlement Conferences
- 2.30 Calendar Preparation and the Scheduling of Appeals
- 2.40 Judicial Pre-Argument Conferences
- 2.50 Oral Argument
 - 2.51 Oral Argument in Wisconsin
- 2.60 Deliberation: The Decision Conference
- 2.70 Judgment and Opinion
 - 2.71 The Published Opinion
 - 2.72 The Unpublished Opinion
 - 2.73 The Opinion Process
- 2.80 Motions for Rehearing
- 2.90 The Mandate

CHAPTER THREE
DUTIES OF APPELLATE LAW CLERKS

- 3.10 Wright, "Observations of an Appellate Judge:
The Use of Law Clerks"
- 3.20 The Judges' Instructions to Appellate Law Clerks
 - 3.21 Hamley, "Remarks to Ninth Circuit Law Clerks"
- 3.30 Relationships with other Appellate Court Personnel
 - 3.31 Court Clerk's Office
 - 3.32 The Judge's Secretary
 - 3.33 The Court Administrator
 - 3.34 The Staff or Research Attorneys
- 3.40 Final Remarks
 - 3.41 Bevell, "The Good Law Clerk"

CHAPTER FOUR
CONDUCT AND PROFESSIONAL RESPONSIBILITY

- 4.10 Conduct Expected of the Appellate Law Clerk
 - 4.11 Code of Judicial Conduct of the American Bar Association
 - 4.12 Statutory Prohibitions Against the Practice of Law
 - 4.12.1 Restrictions Upon Law Practice after Termination of a Clerkship
 - 4.13 Statutory Prohibitions Against Engaging in Political Activity
 - 4.13.1 Avoidance of Political Statements by a Law Clerk
- 4.20 Appellate Court Etiquette
 - 4.21 Loyalty - The Judge and the Clerk
 - 4.21.1 Loyalty v. Advocacy
 - 4.22 Confidentiality
 - 4.22.1 Avoidance of Public Statements by Law Clerk
 - 4.22.2 Appellate Law Clerk and the Media
 - 4.22.3 Counsel and the Law Clerk
 - 4.23 Participation in Cases Involving Law Firms to Which Application for Employment is Pending
 - 4.24 Forwarding Information Received Informally

CHAPTER FIVE
BASIC ANALYSIS OF LITIGATION

- 5.10 Civil Actions
 - 5.11 Jurisdiction
 - 5.11.2 Venue
 - 5.11.3 Transfer of Venue
 - 5.12 Pleadings and Pre - Trial Motions
 - 5.12.1 Pleadings
 - 5.12.2 Pre-trial Motions

- 5.12.3 Amendments to Pleadings
- 5.12.4 The Answer
- 5.12.5 Judgment on the Pleadings
- 5.13 Discovery
 - 5.13.1 Methods and Scope
 - 5.13.2 Interrogatories and Depositions
 - 5.13.3 Requests for Production
 - 5.13.4 Mental and Physical Examination
 - 5.13.5 Requests for Admissions
 - 5.13.6 Power to Compel Discovery
- 5.14 Pretrial and Trial
 - 5.14.1 Scheduling Conference
 - 5.14.2 Conference Order
 - 5.15.3 Trial Functions
 - 5.15.5 Trial Procedure
- 5.15 Motions at and after Trial
 - 5.15.1 Motions at Trial
 - 5.15.2 Motions after Trial
- 5.20 Criminal Actions
- 5.21 Beginning the Prosecution
- 5.22 Complaint or Indictment Filed
- 5.23 Arrest
- 5.24 Initial Appearance Before a Judge
- 5.25 Preliminary Examination
- 5.26 Arraignment
- 5.27 Discovery
- 5.28 Pre-trial Motions
- 5.29 Trial

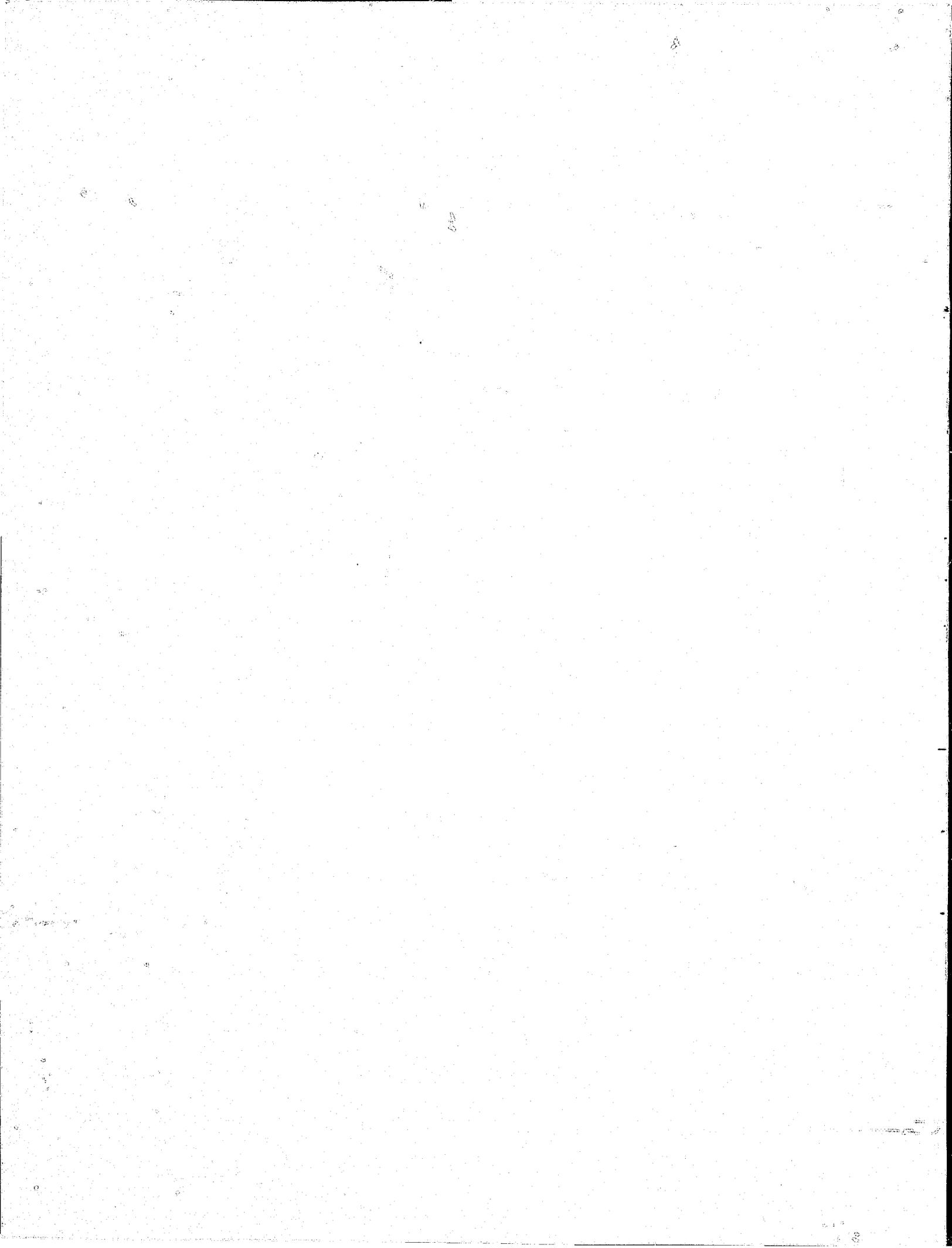
CHAPTER SIX
RECURRENT ISSUES ON APPEAL

- 6.01 Sufficiency of Facts
- 6.02 Abuse or Failure to Exercise Discretion
 - 6.02.1 Rosenberg, "Judicial Discretion of the Trial Court, Viewed From Above"
- 6.03 Instructional Issues
- 6.04 Doctrinal Issues
- 6.05 Statutory Interpretation and Application
 - 6.05.1 Robert A. Leflar, "Statutory Construction: The Sound Law Approach"
- 6.06 Constitutional Interpretation and Application
- 6.07 Jurisdictional Issues
 - 6.07.1 Requirement of Finality
 - 6.07.2 Orders Prior to Trial
 - 6.07.3 Post - Trial Orders
 - 6.07.4 Interlocutory Appeals
- 6.08 Procedural Regularity
 - 6.08.1 Procedural Due Process
 - 6.08.2 Judicial Review of Administrative Decisions
- 6.09 Adequacy of Findings
- 6.10 Harmless Error v. Plain Error

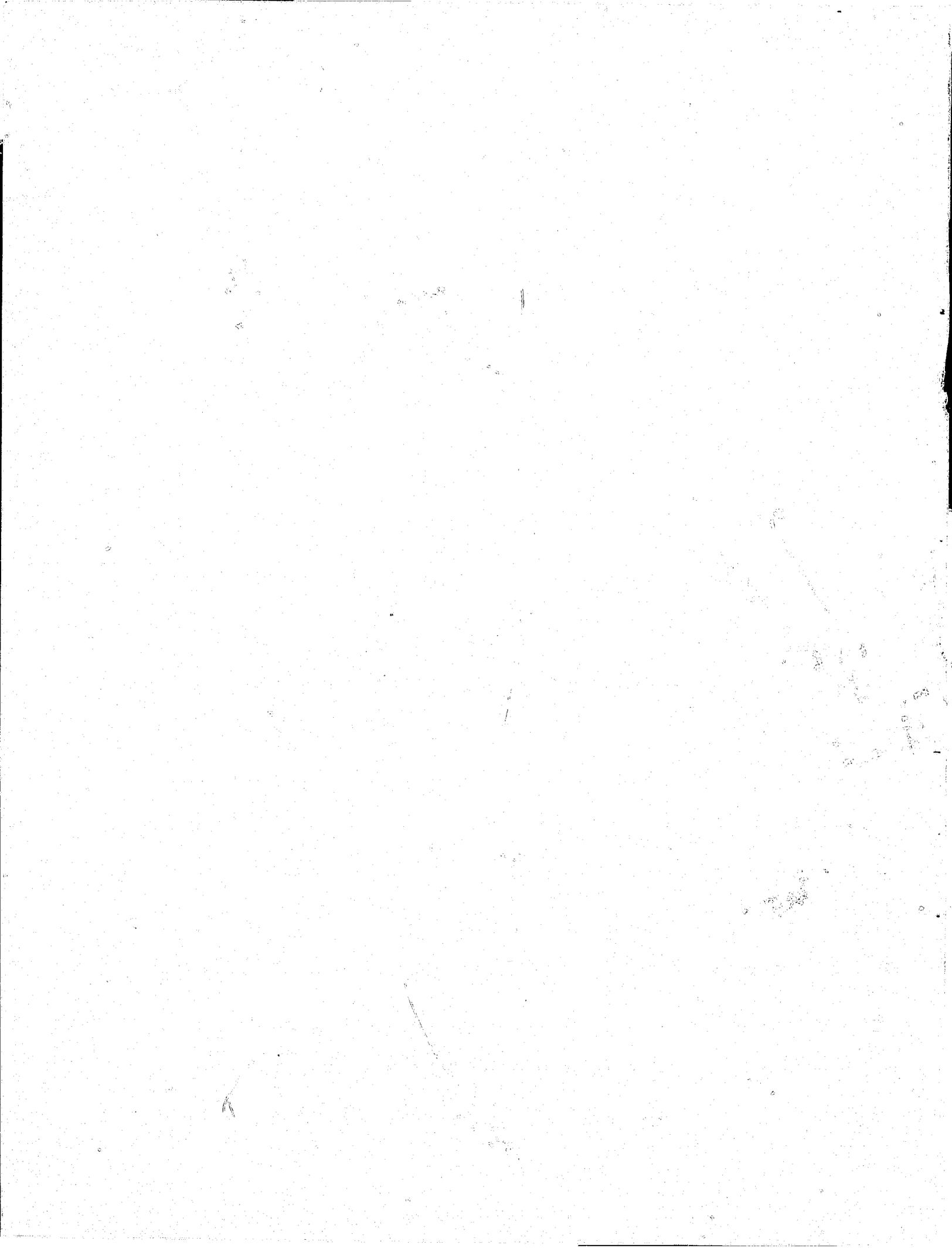
CHAPTER SEVEN
LEGAL WRITING AND RESEARCH

- 7.10 Legal Writing Tasks Commonly Assigned to Clerks
 - 7.11 The Process of Legal Draftmanship
 - 7.12 Writing Suggestions
 - 7.13 Robert A. Leflar, "28 Matters that Writers Ought to be Appraised of."
 - 7.14 General Comments on Usage and References
- 7.20 Methods and Preparation
 - 7.21 Guiding Principles of Legal Research
 - 7.22 Researching an Unfamiliar Area
 - 7.24 Note on Computerized Research
- 7.30 Legal Memoranda
 - 7.31 Forms
 - 7.31.1 Bench or Pre-Argument Memos
 - 7.31.2 Statement of Facts
 - 7.31.3 The Single Issue Memo
 - 7.31.4 The Full Case Memo
 - 7.32 Analysis of a Memorandum
 - 7.31.1 Errors to Avoid
 - 7.33 Drafts and Revisions
- 7.40 Opinions
 - 7.41 Outline of Basic Opinion Format
 - 7.42 Style Considerations
 - 7.42.1 Hamley, "The Writing of Opinions"
 - 7.43 Checking the Opinion
- 7.50 Citation Forms
 - 7.51 General Rules
 - 7.52 Order of Citation

- 7.53 Rules to Observe in Citing Cases
- 7.54 Signals
- 7.55 Repeating Citations
- 7.60 Editing
 - 7.61 Proofreading
 - 7.61.1 Proofreading the Galley
- 7.70 Writing Assignment and Sample Record.

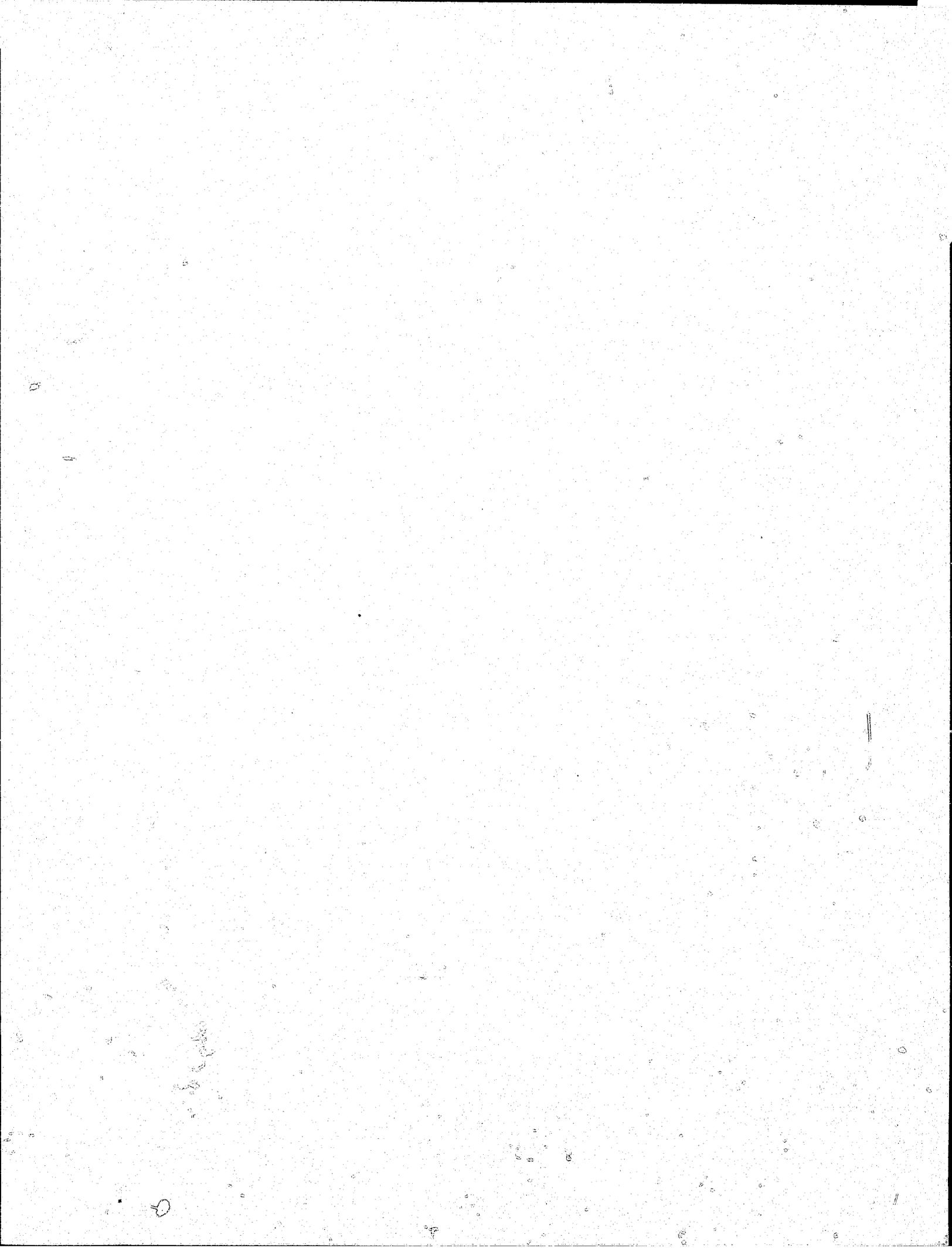


APPENDIX XIII



STATE	Total # Judges	1976	1977	1978	TOTAL	%
ALABAMA	7	3	3	-	6	86
ALASKA	5	1	-	-	1	20
ARIZONA	17	5	3	4	12	71
ARKANSAS	7	-	-	1	1	14
CALIFORNIA	63	3	-	1	4	6
COLORADO	17	3	5	-	8	47
CONNECTICUT	6	-	-	-	-	-
DELAWARE	3	-	1	-	-	33
DIST. COLUMBIA	9	2	2	1	5	56
FLORIDA	27	3	11	1	15	56
GEORGIA	16	3	4	2	9	56
HAWAII	5	-	-	1	1	20
IDAHO	5	3	1	1	5	100
ILLINOIS	41	2	11	6	19	46
INDIANA	14	3	2	1	6	43
IOWA	14	3	6	1	10	71
KANSAS	14	-	1	1	2	14
KENTUCKY	21	2	5	3	10	48
LOUISIANA	36	7	6	4	17	47
MAINE	6	-	1	-	1	17
MARYLAND	19	-	3	-	3	16
MASSACHUSETTS	13	-	1	-	1	8
MICHIGAN	25	9	7	1	17	68
MINNESOTA	9	3	1	-	4	44
MISSISSIPPI	9	1	2	1	4	44
MISSOURI	29	12	5	2	19	66
MONTANA	5	-	-	-	-	-
NEBRASKA	7	5	1	-	6	86
NEVADA	5	3	3	-	6	100
NEW HAMPSHIRE	5	1	2	1	4	80
NEW JERSEY	29	2	5	1	8	28
NEW MEXICO	10	4	3	2	9	90
NEW YORK	31	2	6	3	11	35
NORTH CAROLINA	16	-	3	1	4	25
NORTH DAKOTA	5	2	-	-	2	40
OHIO	45	2	10	5	17	38
OKLAHOMA	18	2	3	3	8	44
OREGON	13	1	3	4	8	62
PENNSYLVANIA	21	2	3	2	7	33
PUERTO RICO						
RHODE ISLAND	5	2	-	-	2	40
SOUTH CAROLINA	5	2	-	-	2	40
SOUTH DAKOTA	5	1	1	1	3	60
TENNESSEE	21	8	6	2	16	76
TEXAS	56	13	5	11	29	52
UTAH	5	2	1	-	3	60
VERMONT	7	1	-	-	1	14
VIRGINIA	7	-	-	-	-	-
WASHINGTON	21	9	6	1	16	76
WEST VIRGINIA	5	1	-	-	1	20
WISCONSIN	7	-	-	3	3	43
WYOMING	5	-	1	3	4	80
Canada		1	1	1	3	
Military Judges			1	1	2	

	Total # Judges	1976	1977	1978	TOTAL	%
US COURT OF CLAIMS		-	-	1	1	
US CIRCUIT COURTS	106	-	2	1	3	3
US COURT OF MILILARY APPEALS	3	2	1	-	3	100



END