



THE NATIONAL
JUDICIAL COLLEGE

INTERNATIONAL ACADEMY
OF TRIAL LAWYERS



DEMOCRACY'S LAST LINE OF DEFENSE

PRESERVING AN
INDEPENDENT JUDICIARY

March 14, 2024

Boston, MA

WiFi

DLLD2024

Session Materials

[JUDGES.ORG/DLLDAGENDA](https://www.judges.org/dlldagenda)



AGENDA

7:45-8:30 BREAKFAST

8:30-8:45 WELCOME & OPENING REMARKS

Roman Silberfeld, Past President, International Academy of Trial Lawyers
Hon. Benes Z. Aldana (Ret.), President & CEO, The National Judicial College
Hon. J. Michelle Childs, U.S. Court of Appeals for the District of Columbia Circuit; President, Federal Judges Association
Hon. Julie J. Bernard, Board of Trustees Chair, Flaschner Judicial Institute

8:45-9:15 KEYNOTE ADDRESS

Professor Akhil Reed Amar, Sterling Professor of Law and Political Science, Yale University Law School

9:15-9:30 BREAK

9:30-11:00 CHAMPIONING THE RULE OF LAW: THE ROLE OF STATE CONSTITUTIONS

This panel discussion will consider the preservation of individual rights and liberties and distill insights from the existence in our constitutional republic of not just a federal constitution and its interpretations by SCOTUS but of 51 state constitutions as interpreted by 51 different judiciaries.

11:00-11:15 BREAK

11:15-12:45 THE JUDICIARY AND THE BAR: REVIVING THE BAR'S CRITICAL ROLE IN PRESERVING THE INDEPENDENCE OF THE JUDICIARY

The strictures of judicial ethics impair the ability of judges to defend themselves from often unwarranted and unfair criticism and attack. The organized Bar, which does not suffer from those same ethical constraints, is critical to defending the judiciary and educating the public. This panel will discuss ways in which the Bar can fulfill and improve upon that role.

12:45-1:45 LUNCH BREAK

1:45-3:15 THE ESSENTIAL ROLE OF A FREE AND INDEPENDENT MEDIA The vital role played by the media in the continued health and survival of democracy will be explored by this panel. While smaller, independent news outlets have been in decline for many years, even to the verge of extinction, growing public dissatisfaction, skepticism, and distrust of corporate media have created opportunities for the resurgence of free and independent media.

3:15-3:30 BREAK

3:30-5:00 ARTIFICIAL INTELLIGENCE: RESOURCE OR THREAT TO DEMOCRACY?

From deepfake videos, to entrenchment of subtle biases and prejudices, to online bots manipulating public discourse by feigning consensus and disseminating disinformation, AI raises a variety of concerns for the legal system, including manipulation or fabrication of evidence, reinforcing racial and ethnic stereotypes in sentencing or pretrial release, and adversely affecting access to justice by exacerbating the "digital divide." This panel will explore these issues.

5:00-5:25 CLOSING REMARKS

Professor Akhil Amar, Sterling Professor of Law and Political Science, Yale University Law School

5:25-5:30 ADJOURNMENT Hon. Benes Z. Aldana (Ret.) & Roman Silberfeld

KEYNOTE ADDRESS & CLOSING REMARKS



PROF. AKHIL REED AMAR

**STERLING PROFESSOR OF LAW & POLITICAL SCIENCE
YALE UNIVERSITY SCHOOL OF LAW**

Author of *The Words That Made Us: America's Constitutional Conversation 1760-1840* (2021) and *America's Unwritten Constitution: The Precedents and Principles We Live By* (2012) Professor Amar teaches constitutional law at both Yale College and Yale Law School. His work has won awards from the American Bar Association and the Federalist Society, and he has been cited by Supreme Court justices in more than 45 cases. In his most recent book, he unites history and law in a narrative of the biggest constitutional questions early Americans confronted.

OPENING REMARKS



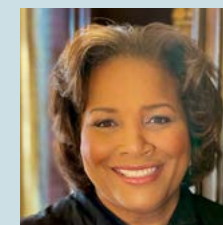
ROMAN SILBERFELD

Past President, International Academy of Trial Lawyers A member of the Robins Kaplan LLP Executive Board, Roman Silberfeld also serves as the firm's National Trial Chair. He has repeatedly served as the court-appointed lead counsel or chair of court-appointed litigation committees in multi-party, complex litigation.



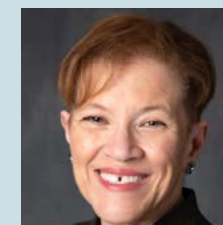
HON. BENES Z. ALDANA (RET.)

President & CEO, The National Judicial College Benes Aldana has served as president & CEO of The National Judicial College since 2017. During his prior 22-year career in the U.S. Coast Guard, he became the first Asian Pacific American chief trial judge in U.S. military history. He also served as an appellate judge, trial judge, and prosecutor and led legal services for Coast Guard operations across 26 states.



HON. J. MICHELLE CHILDS

U.S. Court of Appeals for the District of Columbia Circuit; President, Federal Judges Association Judge Childs was appointed to the U.S. Court of Appeals for the District of Columbia Circuit in July 2022. She previously served on the U.S. District Court for the District of South Carolina and the South Carolina Circuit Court. Before joining the bench, she practiced employment and labor relations law at Nexsen Pruet, where she became partner, and she later held the position of deputy director for the South Carolina Department of Labor, Licensing, and Regulation's Division of Labor.



HON. JULIE J. BERNARD

Massachusetts District Court; Chair, Flaschner Judicial Institute Board of Trustees Judge Bernard was appointed to the bench in 2002. She also serves as an Access to Justice commissioner and chair of the District Court Alternative Dispute Resolution Committee. She has participated as faculty and panelist on numerous legal education programs in Massachusetts, the National Center for State Courts, the Center for Judicial Ethics, the National Association for Court Management, and The National Judicial College.

CHAMPIONING THE RULE OF LAW: THE ROLE OF STATE CONSTITUTIONS



HON. DAVID N. WECHT **MODERATOR**

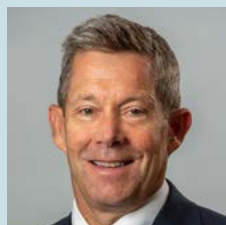
Associate Justice, Pennsylvania Supreme Court Justice Wecht was elected to a 10-year term on the state's supreme court in November 2015 and began his service in January 2016. Pennsylvania's Supreme Court is the oldest appellate court in the nation, dating to the Commonwealth's Judiciary Act of 1722. Prior to joining the Supreme Court, he served as a Superior Court judge from January 2012 to January 2016 and as a judge on Court of Common Pleas from February 2003 to January 2012.



HON. GERALDINE HINES (RET.)

Former Associate Justice, Massachusetts Supreme Judicial Court

Justice Hines served on the Massachusetts Supreme Judicial Court from 2014 to 2017 and was the first African-American woman to serve on the court. Born in Mississippi, she worked in private practice throughout the 1980s and 1990s. She was confirmed for the Massachusetts Superior Court in 2001 and promoted to the Massachusetts Appeals Court in 2013.



HON. JEFFREY S. SUTTON

Chief Judge, United States Court of Appeals for the 6th Circuit

Judge Sutton currently serves on the Executive Committee of the Judicial Conference of the United States and as chair of the Supreme Court Fellows Commission. Among his academic pursuits, he teaches at the Ohio State University College of Law and Harvard Law School. His books include *Who Decides? States as Laboratories of Constitutional Experimentation* and *51 Imperfect Solutions: States and the Making of American Constitutional Law*.



PROFESSOR AKHIL AMAR

Sterling Professor of Law & Political Science, Yale University Law School

Professor Amar teaches constitutional law at both Yale College and Yale Law School. His work has won awards from the American Bar Association and the Federalist Society, and he has been cited by Supreme Court justices in more than 45 cases. In his most recent book, *The Words that Made Us*, he unites history and law in a narrative of the biggest constitutional questions early Americans confronted.

THE JUDICIARY AND THE BAR: REVIVING THE BAR'S CRITICAL ROLE IN PRESERVING THE INDEPENDENCE OF THE JUDICIARY



KAREN C. BURGESS **MODERATOR**

Burgess Law PC; President, International Academy of Trial Lawyers

Karen Burgess is a trial lawyer board certified in civil trial law by the Texas Board of Specialization; she handles business disputes. Thomson Reuters has named her as a Top 10 Super Lawyer in Texas in each of its last two editions. Chambers ranks her as a Band One Commercial Trial Lawyer. She is a fellow of the American College of Trial Lawyers and currently serves as a presidential appointee to the National Board of the American Board of Trial Advocates.



HON. LEIGH I. SAUFLEY (RET.)

President and Dean, University of Maine School of Law

Prior to her appointment as dean in 2020, Leigh Saufley was a member of the Maine Supreme Judicial Court starting in 1997. She served as chief justice for almost 19 years, from 2001 to 2020. She was appointed to the Maine District Court in 1990 after nearly a decade in litigation with the Attorney General's Office, and she was appointed to the Maine Superior Court in 1993.



HON. PAUL L. REIBER

Chief Justice, Vermont Supreme Court

Paul Reiber was appointed an associate justice of the Vermont Supreme Court in 2003 and sworn in as chief justice in December 2004. He served in private practice in Rutland and was a partner in the law firm Kenlan, Schweibert & Facey from 1986 until his appointment to the high court. His current term is scheduled to end in 2029.



ANTHONY A. FROIO

Regional Managing Partner, Robins Kaplan LLP

Anthony Froio is a partner, member of the firm's Executive Board, co-chair of the Corporate Restructuring and Bankruptcy Group, and managing partner of the Boston office of Robins Kaplan. As trial counsel, he has represented clients in state and federal courts throughout the country ranging from Fortune 100 companies to individuals in complex litigation related to business and commercial disputes, intellectual property and trademark litigation, employment and corporate restructuring and bankruptcy litigation.



ANNA MERCADO CLARK

President, National Asian Pacific American Bar Association

As a partner at Phillips Lytle LLP, she is the co-leader of the firm's Technology Industry Team, which includes serving as leader of the Data Privacy and Cybersecurity and e-Discovery Teams and co-leader of the firm's Cryptocurrency and Blockchain Team. She serves as the firm's chief information security officer and is a member of the firm's Governing Committee, as well as the Diversity, Equity and Inclusion Steering Committee.

THE ESSENTIAL ROLE OF A FREE AND INDEPENDENT MEDIA



HON. MARK V. GREEN MODERATOR

Chief Justice, Massachusetts Appeals Court Chief Justice Green was first appointed to the Massachusetts Appeals Court in 2001 and became chief justice in 2017. He previously served as an associate justice of the Massachusetts Land Court. In 2005 and 2009, he participated in rule-of-law exchange programs in Russia, and in 2011 he was a member of a rule-of-law exchange in the People's Republic of China focused on the American jury trial system.



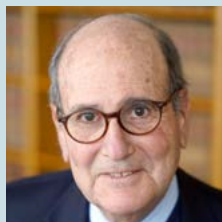
RACHELLE G. COHEN

Assistant Editorial Page Editor, The Boston Globe Rachele Cohen writes both editorials and columns for the Globe on criminal justice issues, housing and politics. She was a Pulitzer Prize finalist for editorial writing in 2021. She first joined the Globe Editorial Board in 2018 after serving for more than three decades as editorial page editor for the Boston Herald.



HON. MICHAEL G. HEAVICAN

Chief Justice, Nebraska Supreme Court Michael Heavican took office as Nebraska's chief justice in 2006. Prior to joining the court, he was a Deputy Lancaster County Attorney from 1975 to 1981 and Lancaster County Attorney from 1981 to 1990. He joined the United States Attorney's Office for the District of Nebraska in March 1991 and served as Acting First Assistant U.S. Attorney, Criminal Chief, and Acting U.S. Attorney. He was appointed U.S. Attorney for the District of Nebraska in 2001.



HON. FREDRIC D. RUTBERG (RET.)

President, Massachusetts Newspapers Publishers Association; President/Publisher, The Berkshire Eagle Fred Rutberg retired from the bench in 2015 after having served as an associate justice and presiding justice in Massachusetts district courts and in the district court appellate division. In 2016 he and three other investors purchased New England Newspapers, Inc., which publishes The Berkshire Eagle and three Vermont newspapers. In 2022 he received a Governor's Award in the Humanities for helping to revitalize the Eagle and for championing a vibrant and free press.

ARTIFICIAL INTELLIGENCE: RESOURCE OR THREAT TO DEMOCRACY?



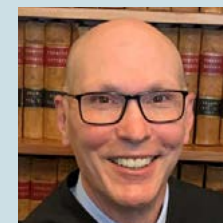
HON. ROBERT J. TORRES MODERATOR

Chief Justice, Supreme Court of Guam Justice Torres was appointed to the Supreme Court of Guam in 2004 and is serving his third term as chief justice. He is an executive committee member of the Pacific Judicial Council, a past president of the American Judges Association, serves on AJA's Executive Committee and Board of Governors, and is the membership secretary for the National Asian Pacific American Bar Association's Judicial Council. He was the 2022 recipient of the AJA's Judge William H. Burnett Award for outstanding service to the association, and in 2023 he received the National Judicial College's Making the World a More Just Place Award.



HON. EDWINA G. RICHARDSON

Deputy Chief Administrative Judge for Justice Initiatives, New York State Unified Court System Judge Richardson is tasked with ensuring meaningful access to justice for all New Yorkers in civil, criminal and family courts, regardless of income, background or ability. She oversees New York State's 300+ Problem Solving Courts, its Child Welfare Court Improvement Program, and juvenile and emerging adult justice system improvement projects. She also leads the New York State court system's renewed equal justice and anti-bias endeavors commenced in 2020.



HON. THOMAS A. ZONAY

Chief Judge, Vermont Superior Court Judge Zonay was appointed to the bench in 2007 and was appointed chief judge in 2021. Prior to his appointment to the bench, he was an attorney in private practice, and before that he was a police officer in Woodstock, Vermont. He is a past chair of the Faculty Council of The National Judicial College.



JACK CUSHMAN

Director, Harvard Library Innovation Lab The Harvard Library Innovation Lab is a software and design lab at the Harvard Law School Library that brings library principles to technological frontiers. A software engineer and appellate attorney, Jack Cushman previously worked as lead developer of the Caselaw Access Project and has served as a lecturer on computer programming at Harvard Law School.



MAKALIKA D. NAHOLOWA`A

President, National Native American Bar Association Makalika Naholowa`a is an attorney and executive director for the Native Hawaiian Legal Corporation, a nonprofit legal services organization dedicated to upholding Native Hawaiian rights. She also spent more than 11 years practicing in IP and tech and eventually ran the trademark team managing all Microsoft's trademark assets globally and served as chief of staff to the general counsel there.

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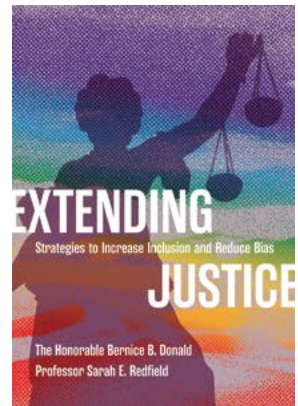


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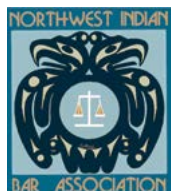


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