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2016 Judges Forum, 7/23/16, Los Angeles Donation \$ _____

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2016 Forum for State Appellate Court Judges (July 23, 2016, Los Angeles, CA)

Who Will Write Your Rules—Your State Court, or the Federal Judiciary?

To some state appellate court judges, rulemaking may seem an arcane, complex, and even secretive process whose motive forces are often uncertain. Even though state judges usually head their state rulemaking bodies, and may have final approval of new state court rules, they may feel that their primary job is the enforcement of the rules their state committees devise. State judges may also assume that new, facially neutral Federal Rules of Civil Procedure are mainly a concern for federal judges, yet their adoption is often followed by campaigns to persuade state courts to adopt identical rules. The clear effect of recent amendments to the Federal Rules of Civil Procedure has been to depress the scales of justice in favor of powerful interests who lobby the rulemakers. State appellate judges who assume that federal rules are automatically appropriate for their jurisdiction may contribute to the same outcome in their courts.

At the 2016 Judges Forum, nationally-recognized legal scholars will review the rulemaking process, identify instances in which it has led, *de facto*, to substantive changes in the law and diminished access to justice, and show how the “trickle-down” of federal rule amendments to the state courts may bring about local “litigation climate change.” Confirmed faculty include Steve Burbank (U. Pa.), Sean Farhang (Berkeley), Steve Subrin (Northeastern), Tom Main (UNLV), and Arthur Miller (NYU).

The Pound Institute invites all sitting state appellate judges to attend this 1-day educational program, and pays all travel and program costs for attending judges. Donors will be listed in materials distributed to attending judges, on Pound’s website and in the final Forum report.

Levels of support available (see reverse for payment):

\$5,000 – Counsellor \$3,000 – Barrister \$2,000 - Defender \$1,000 - Sentinel \$500 - Advocate

Name as it should appear in Forum Materials:

2016 Academic Symposium: The Demise of the Grand Bargain (September 23, 2016)

Tentative cosponsors: Rutgers Center for Risk and Responsibility, Northeastern Univ. School of Law

Workers’ compensation systems arose as one of the great political compromises of the Progressive Era: Workers injured on the job gave up the right to sue their employers for personal injury damages in return for less generous but more certain benefits. This exchange became known as The Grand Bargain. Well-accepted for almost a century by employers and employees, workers’ compensation systems have attracted the attention of employers seeking to cut costs. A politically powerful coalition has proposed further constraints on benefits through implementation of “opt-out” systems, which allow employers to substitute self-designed and self-implemented programs for the traditional statutory system. Remedies have become so constricted that some courts have questioned whether a quid pro quo still supports the Grand Bargain.

This conference will re-examine The Grand Bargain in light of evolving legal doctrine, a changed labor market, and changing politics. How well is the workers’ compensation system serving its original purposes of swift, sure, and efficient remedies? Does an employer-based insurance scheme for workplace injuries supplanting tort remedies remain desirable? How does the common law command of a remedy for every legal wrong affect the architecture of workers’ compensation systems? What responsibilities should employers and employees bear in this system? What are the ramifications of a social move towards universal health insurance? Responses to these questions can inform debates occurring now in courts and legislatures across America.

Donors will be admitted free to the Symposium, will be listed in Symposium program materials, and will be listed on the Pound Institute’s website. Sponsors will also be included in promotional materials and signage.

Levels of Support Available (see reverse for payment):

Sponsor: \$5,000 – Gold \$2,500 – Silver / **Donor:** \$1,500 \$1,000 \$500 \$250

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