



Report me and my cause aright
Hamlet, Act V, Scene 2

The Catchline

BULLETIN OF THE ASSOCIATION OF REPORTERS OF JUDICIAL DECISIONS

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JANUARY 2009

President's Message

I hope all of our members had a safe, happy, and healthy holiday season. It has been five months since our meeting in Pittsburgh, and plans for next year's meeting in Halifax are progressing nicely. Education Chair Cliff Allen has been busy with the Halifax education schedule. On behalf of the entire association, I thank Wilma Grant for her hard work and dedication as president for the past two years. Our organization was fortunate to have had Wilma as our president when the need for a repeat performance arose. For two years, no detail went unattended under Wilma's keen oversight. From all of us, thank you, Wilma.

As both private and public budgets are strained, we as an association will face challenges related to the economy. The expense of a trip to Halifax next summer may be difficult for some, but the Canadian dollar has weakened against the U.S. dollar, trading recently at a 20 percent discount. So, our U.S. members may get a break, however August is still seven months away.

The meeting in Pittsburgh was another success, both educationally, with our entertaining speakers and discussions, and socially, with several very enjoyable events. To Wilma Grant, Cliff Allen, Bilee Cauley, Lloyd Hysan and all those who helped plan and produce the 27th annual meeting, thank you.

Judge Gerald Lebovits shared his views on a well written opinion, which I am sure we were able to share with our judicial authors. Professor Ross Davies of George Mason University School of Law was very entertaining with his historical analysis of Supreme Court of U.S. Justices Benjamin Curtis and Samuel Miller, who also served as reporters of decisions and book vendors, and we all brought home a souvenir bobble head judge. Professor Peter Martin of Cornell forced us to acknowledge that some legal researchers may access our materials through electronic databases rather than through our reports, and, although his perfect world view of all cases being available on RJD-run Web sites that include headnotes and indices and are free and searchable may presently be a stretch for most of us, he did point out the need to see that the private electronic versions of our reports are as accurate as our written publications. This is a topic that I think we should pursue. Methods should be developed, and shared, to make those who maintain electronic databases aware of published interim corrections and volume changes to ensure that researchers find accurate electronic versions of our opinions. Our relationships with the primary vendors should facilitate that process.

Bilee Cauley did a great job organizing the Wednesday night dinner at McCormick and Schmicks. We were also

treated to three top shelf events, and must, once again, thank LexisNexis, Thomson Reuters, and Loislaw for their event planning and hospitality in Pittsburgh. And the city of Pittsburgh proved to be comfortable, convenient and fun, as anyone who rode the inclines or ventured out to Primanti Brothers for their unique sandwiches can attest.

Although much of this *Catchline* includes reports of the Pittsburgh meeting, the Executive Board met on November 21 in Washington, DC, with a full agenda. The minutes of the May 2, 2008, Executive Board meeting were approved. The minutes of the annual meeting were submitted and will be approved in Halifax. Claude Marquis did an excellent job in distilling the discussions. I learned last year just how difficult that task is.

Tim Fuller's treasurer's report through November, 2008, was approved. The organization maintained a consistent balance for the past year, an indication that we have our finances under control albeit at the cost of increased registration and guest fees. Tim, who has been treasurer since 1992 (sixteen years by my count) will retire next October. The transition to a new treasurer will be a priority this year.

Barbara Kincaid presented a package of bylaw amendments that were approved by the board. Secretary Ralph Preston will be mailing a bylaw package to each member for a vote in accordance with our present bylaws. The purposes of the proposed amendments are to eliminate from inclusion in the bylaws the amount of dues – a change in dues should not require a change in bylaws – to more accurately define the definition of membership and the function of the secretary, to update meeting notice procedures and to simplify bylaw changes.

Cliff Allen presented a tentative education program for Halifax. We can look forward to a program that includes speakers and discussions on several interesting topics.

Ralph Preston presented a report of the electronic publishing committee. As an advisor to the study committee of the National Conference of Commissioners of Uniform Laws, Ralph participated in an October conference call. Many of the topics of concern to the ARJD (*i.e.*, authentication and permanence) are central to the commission's proposed year long study, which may result in a uniform law proposal.

Andy Ashe has retired and passed the responsibility of Web site coordination to Dan Anselmo of Michigan. The pictures of the Pittsburgh meeting have been posted. Thanks to Carol Oakes, our de facto staff photographer, and to Dan

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Twenty-Seventh Annual Meeting

The twenty-seventh annual meeting of the Association of Reporters of Judicial Decisions was held in Pittsburgh, Pennsylvania, from August 7 through August 11, 2008 at the Omni William Penn Hotel. The Honorable Seamus P. McCaffery, Associate Justice of the Supreme Court of Pennsylvania welcomed us to Pennsylvania. Justice McCaffery was born in Belfast, Northern Ireland; relocated to Philadelphia with his family as a small child; and joined the U.S. Marine Corps in 1968 upon graduation from high school. After active duty, he joined the Philadelphia police department. After retiring from the police department, he was elected to the Philadelphia Municipal Court and he was later appointed by the Supreme Court as presiding judge of the Philadelphia Municipal Court. In 2003, he became a judge of the Superior Court of Pennsylvania and, in 2007, was elected to the Supreme Court. While on the Municipal Court, he gained notoriety as the judge of the "Eagles Court", which dealt with the unruly and disruptive fans at Eagles football games. Justice McCaffery welcomed everyone to Pittsburgh, gave us a brief history of the city, and described its main attractions.

Speakers in Pittsburgh

The Ethical Appellate Opinion

The first speaker in Pittsburgh, The Honorable Gerald Lebovits spoke on the topic of "*The Ethical Appellate Opinion*." Judge Lebovits of the New York City Civil Court is the author of many articles on legal writing and ethics. He is also an adjunct professor at St. John's University School of Law.

Judicial opinions create rights, define responsibilities, settle disputes, and bind litigants. While reporters help make an opinion better, more accurate, a well written opinion must have the characteristics of integrity: it must be honest, written with candor, and be fair to the litigants. The judiciary's power comes from the judge's words and these words will deserve respect only when those who utter them are both ethical and seen to be ethical. Opinion writing is public writing of the highest order. Words reflect thinking and the way an opinion is written may affect litigants and the result of an appeal. Opinions rationalize issues and provide accountability for the judiciary. Sloppy opinion writing will show that the judge may have taken insufficient time to write and may have reached the wrong result. An opinion which slants the facts will be disrespected. Judges who, in their opinions, attack colleagues, litigants, or counsel harm the integrity of the process. For a person involved in opinion writing, integrity and ethics count for everything.

An honest opinion must be persuasive and explain why a party wins or loses. It must also explain why a judge picks one line of authority over another. Written opinions are the common law and they must be written in a way to move the law forward and to create precedents. In writing opinions, judges must also keep in mind for whom they are writing (lawyers, judges, appellate courts, litigants, and the public). If judges write for themselves, it is a prescription for failure. This is a basis for egotism that will affect the integrity of the

entire opinion. Judges must make their decisions accessible so people can understand what they are saying. Although style is important, a correct and ethical opinion need not be a literary gem. An honest opinion is one that is written precisely, simply, and concisely. It states the rule on which the decision turns and applies it to the facts. The opinion must also be written using proper grammar. That makes the decision readable and shows that the judge took the opinion seriously. Judges must avoid copying the winning party's brief in their opinions and adopting it as their own. This does not show independence of thought but may give the impression that the judge is lazy. For the same reason, judges must avoid using boiler-plate opinions. This may show that the judges did not appreciate the subtle differences between the various cases. Nor should judges rely too much on their law clerks' writing styles.

There are two kinds of opinion: the pure and the impure opinion. A pure opinion is a formal opinion laced with legalese and has a tone of high professional gravity. It is far removed from conversation. It is solemn and impersonal. The judge's voice is masked with details and numerous and lengthy quotations from previous judicial opinions. It is inaccessible to the average reader. By contrast, the impure opinion is conversational and is written in a simple, accessible style. Judges who write impure opinions will explain not only the judgment but also the reasons in a way a layperson can understand. The impure opinion is candid, relaxed, sometimes humorous, and avoids heavy rhetoric.

In both pure and impure opinions ethical considerations arise. The facts of the case must be accurate and complete, and only the relevant facts should be mentioned. Judges cannot slant the facts in a dishonest way or omit facts that bore on the ultimate disposition. They should also be concerned with privacy issues. If you name a non-party in the opinion, in this Internet environment, you could affect that person's life forever. Unless it is absolutely necessary, judges should also omit grossly graphic sexual scenarios. Judges cannot rely on the litigants' statements of the facts. They must evaluate them independently and present a fair version of the facts which must be checked from the records. In writing opinions, it is also important for judges to connect the facts to the law and to explain their credibility findings. The claim raised by the parties must be properly defined. How you define a claim can determine the outcome of a case. Judges must rely on facts and law and there is no room for assumption or innuendo. Candor is expected from judges, but it has its limits. For example, it is not ethical for a judge to describe the length to which he went to render a fair decision. A court is assumed to be fair until the court or the opinion exhibits something to the contrary. Precedents, collegiality, litigants, lawyers, personalities, and politics are other proper limits to candor. Judges should maintain a professional, neutral tone. They have to be patient, dignified, restrained, and courteous at all times. Their opinions must not be arrogant, flippant, or influenced by provocation. The question of integrity has to do with modesty, humility and humanity. Judicial pomposity should be avoided. In opinion writing, modesty is essential. So is timeliness. An untimely decision is not a just or fair opinion. Judges have a duty to render timely decisions as justice delayed is justice denied.

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With respect to impure opinions, they are marked by an informal tone, but must not dispense with basic writing principles. Judges should avoid personal embellishment in their opinions, such as catchy phrases or melodrama. Humor in the judicial system is not funny. By using humor, the parties may feel that the judge did not take their case seriously. In an attempt to be humorous, a judge may humiliate a litigant and could be disciplined for doing so. Judges should not write their opinions in the form of poems. Opinions in rhyme go from "bad to verse." The goal of an opinion is to have an articulate holding supported by precedents. You cannot have that in a poetic opinion. The public might conclude that the judge spent more time constructing the verses than contemplating the law. Judges should respect the litigants, in particular the disabled or delusional litigants, appearing before the court. A judge should not make fun of litigants and must treat them with dignity. Personal attacks on lawyers or other judges also have no place in an opinion. Opinions should be used to resolve disputes and are an improper forum for discussing other matters not relevant to the issues to be decided. Appellate judges also lack respect when they ridicule trial judges.

While in pure opinions there may be too many authorities cited, in impure opinions there may not be enough. The decision should state plainly the rule upon which the decision proceeds. It is the rules that should be emphasized, not the cases themselves. In pure opinions, judges should not overuse authorities or footnotes. The length of an opinion affects its integrity. A longer opinion is also less likely to be read. Judges should try to be concise and avoid long opinions by eliminating dicta and by limiting the number of authorities cited and quotations. Quotations should be relevant and short and should not replace the analysis. Often, only the seminal case or the most recent decision on point needs to be cited. Judges must avoid plagiarism and be honest by not neglecting to credit their sources. In their opinions, judges should write in plain English and avoid legalese or phrases from other languages. The writing should be focused. They should avoid the passive voice, flowery language, and metadiscourse. Doctrines and maxims should be used with care.

Reporting Judicial Decisions to a World of Google and Wikis

The second speaker was Professor Peter W. Martin, whose topic was titled, "*Reporting Judicial Decisions to a World of Google and Wikis.*" Professor Martin from the Cornell Law School co-founded the Legal Information Institute (LII), which established the first Internet law resource. He is the author of many electronic and print articles on legal information technology and the implications of computer technology on legal research and education.

The ARJD is a relatively young organization of individuals involved in an old, but important, activity, one that has evolved dramatically over time. Economics and technology have been important factors in this evolution.

The thesis explored by Prof. Martin is that those who remain public law reporters are confronted with another historical moment: the printed volumes of official reports are becoming an obsolete form of case law dissemination. However, the very conditions that threaten to reduce radically the role, if not lead to the extinction, of reporters – the multi-channel distribution in electronic form of case law – pose challenges that may just as well give greater leverage and value to the skill and experience that reporters have previously applied to print. A reporter's role in this new digital environment created by the Internet (which includes Google, Wikis, blogs, public Web sites of primary law materials, and electronic commercial publishers, such as LexisNexis and Westlaw) must change. While players will change over time, the demand for effective access to primary law materials, including case law, will continue to draw a wide range of online sources. Most reporters are still very tied to a print-centric model, even as the environment in which they are operating has moved rapidly away from print. Reporters should move away from that model and adopt a content-centric model.

The role of an official reporter is to prepare headnotes, draft syllabi, edit opinions for accuracy and publish them. The office of the reporter, in some states, was established by their Constitution; in others, the functions of the reporter were defined by statutes. All these statutes target the production and distribution of print law reports, which creates a problem in the current environment. In the 20th century, many states ceased publishing their own reports and, in some cases, ceded their publication to a commercial publisher. There are now only 15 states which have a reporter and 3 of them are outsourcing some of the reporter's editorial functions.

Almost all legal research today is done electronically. In the Cornell Law Library, with the exception of New York where the school is located, the collection of official reports ends in 1999. Do other libraries still have access to official reports or are they relying on online sources? Few reporters have, at this time, taken advantage of digital distribution via the Internet. Nearly all the editorial values added by a reporter in the preparation of the official law reports are jettisoned by the commercial online services. This added value is at risk of being lost. Certain publishers substitute their own editorial materials; others, because of copyrights just omit the court-prepared syllabi, headnotes, and catchlines. Reporters must take advantage of the Web as a new and potentially more effective means of carrying out their historical functions. With declining subscriptions, it will become harder to secure the financial and staffing resources to do the editorial work that reporters must still perform. What should reporters do in the current environment? They should make widely accessible an authoritative, electronic version of the opinions with a vendor-neutral citation and non-proprietary editorial materials designed to facilitate access. At the moment, about 12 jurisdictions in the U.S. have a vendor-neutral citation and paragraph numbering in their opinions. Only a few states distribute non-proprietary materials to facilitate access and research. Headnotes, syllabi, and catchlines are important features for both print and electronic versions of opinions,

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but they are too often protected by copyright. Most people read only the syllabus of a case. If these features are not available online, important value is denied the users of the authoritative law decisions.

A court Web site should contain: (1) headnotes, syllabus; (2) indices (topical and statutory); (3) final and official text of the opinions; (4) metadata (XML) – treatment of the decisions as not print replicas but as information that will have a life in a digital environment (names of judges, date of decision, etc.); (5) persistent URLs; (6) medium-neutral citation, including paragraph numbers that can be linked targets; (7) openness to search engines such as Google; (8) digital signature attesting the authenticity of the opinions; (9) open licensing for copyright-protected content permitting its use without charge and with appropriate restrictions by online re-publishers; (10) commitment to permanence. There are, however, potential impediments, including: (1) statutes (states which publish official reports may require legislative changes to move to a digitally based approach); (2) commercial relationships; (3) the turf of other public agencies with which you must interact; (4) cultural and professional inertia; and (5) limited resources. The move from print-centric to content-centric publications can begin with small steps, and inaction is the path of oblivion for the important public function of reporters of official decisions.

Judges as Reporters:

The Case of Benjamin R. Curtis and Samuel F. Miller

The third speaker was Professor Ross E. Davies, who spoke on the topic titled, “*Judges as Reporters: The Case of Benjamin R. Curtis and Samuel F. Miller.*” Professor Davies of the George Mason University School of Law and editor-in-chief of *The Green Bag* law journal started his presentation by distributing to each member a bobble head of Justice Curtis, a former justice of the Supreme Court of the U.S. Justice Curtis was appointed to the high court in 1851. While on “Circuit Justice duties,” he noticed that many of the lawyers did not have a series of Supreme Court reports because they had become a rarity. The legal profession had exploded in size and the technology did not permit at the time the reprinting of back volumes. In 1852, he decided to prepare a condensed set of the entire body of Supreme Court decisions. After a few years, he published a 21-volume set of all the opinions of the Supreme Court of the U.S. with his own headnotes, since the headnotes in the official reports were copyrighted. Curtis’s intention was not to compete with the work of the official reporter of the Supreme Court, but rather to make available at a low cost the reports of the high court that were now out of print. The Curtis reports were a great commercial success. Justice Curtis resigned from the Court in 1857. He is remembered for his participation in two important cases: his majority opinion in *Cooley v. Board of Wardens* (1852), where he enunciated the theory applicable to the commerce clause in the U.S. Constitution, and his dissenting opinion in *Scott v. Sandford* (1857), where he demonstrated that African Americans were U.S. citizens within the meaning of Art. III of the Constitution. When he returned to private practice, he became one of the U.S.’s

leading lawyers. He argued several cases before the Supreme Court and also defended President Andrew Johnson at his impeachment trial. Curtis died in 1874.

A second justice of the Supreme Court of the U.S. also acted as a reporter. Justice Miller was appointed to the high court by President Lincoln in 1862. He decided to continue Justice Curtis’s work and reproduced, with his own headnotes, the decisions of the high court up to the Black reports (1861-62). This was done by the end of 1875. The great commercial value that Curtis and Miller brought to the reporting process was their faithful reproduction, at reasonable cost, of the opinions of the Supreme Court of the U.S. It was not the fact that they were brilliant judges. After the Black reports, the stereotype technique of publishing was developed. This technique permitted the reprinting of the U.S. Supreme Court reports after 1862. However, mainly for financial reasons, and maybe because he did not get along with the official reporter, Justice Miller in June, 1882, resumed his work as reporter and decided to publish his own edition of the Supreme Court decisions, promising that the decisions of the Court would be made available more quickly. This did not happen. The first Miller report was in fact only released 28 days before the official reports. Miller then tried to emphasize the better quality of his headnotes – that his headnotes were limited to what the case really decided. Reviewers of Miller’s first volume at the time were skeptical. They suggested to Justice Miller that he stick to his judging work, particularly at a time where there was a backlog at the high court. A reporter is a reporter and a judge is a judge, and Justice Miller’s opinions should be limited to his opinions, not his headnotes. The Miller reports were a failure. In June 1882, Justice Miller was in the business of reporting; by January 1883 he was out of it. In the history of law reporting in the U.S., Justice Miller has produced the most obscure judicial reports. They are almost impossible to find. Justice Miller died while still a member of the Supreme Court in 1890.

ARJD Roundtable Discussions

We Now Know What New Members Want – Let’s Start To Provide It

The first roundtable discussion was titled: “*We Now Know What New Members Want – Let’s Start To Provide It.*” The first item discussed was the mailing of the membership package to new members as well as to nonmember reporters to get them interested in the ARJD. The package contains a letter with information on the ARJD, the New York State International Symposium booklet, information on the next annual meeting and on how to join the ARJD. Leah Walker, the new members’ committee chair, said that she had received no feedback concerning the package. Frank Wagner indicated that funding seems to be a problem for some states which do not provide the reporter with the financial means to attend the meetings.

The second item of discussion was the mentor program. Leah indicated that last year two members had requested a mentor and that she would like to establish a bank of names so she can answer quickly any request for a mentor.

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Further, mentors could volunteer to give advice only in a specific area: e.g., editing, headnoting, and contracting with publishers and printers. Richard Ross mentioned that the “listserv” on the Web site could also be used to answer questions from members. Jo’ Abuodha from Kenya suggested that to meet the needs of European and African members, topics aimed at a specific region could be discussed at the annual meeting and in the *Catchline* to change the perception that the ARJD is only an American association. In Africa, there are a number of countries that are now starting to report judgments. Since the Association is an international organization, its program at the annual meeting should be relevant to all the members.

Third, Cliff Allen mentioned that seminars could be given at the annual meeting on specific subjects. These seminars on specific topics could replace some of the roundtable discussions. Leah indicated that she is still looking into the matter of CLE credit but, at this time, without much success. In the U.S., CLE credit is a state-by-state issue. Andy Ashe said that he could help Leah with CLE requirements, and Barbara Kincaid volunteered to do the same for the Canadian side of the ARJD. All members should check the requirements necessary to get CLE credit from their bar and give the information to Leah. On headnoting, it was mentioned that there is no specific manual which sets out the principles on how to write a headnote, and different jurisdictions prepare their headnotes differently. Maybe LexisNexis could provide a session on how it prepares headnotes for different jurisdictions. Tim Fuller will provide the directives given to Lexis on how to prepare the headnotes for the state of Washington. Members could also be asked to prepare in advance headnotes for specific cases to be discussed at a seminar. On proofreading, Frank indicated that there are basic symbols to follow for proofreading and that a page with the symbols could be given to all members. On editing, style manuals are useful in editing an opinion and members are encouraged to share their style manual with other members. Cliff indicated that in Massachusetts the style manual is on the Reporter’s Web site. The GPO also has its style manual online.

Fourth, it was mentioned that there should be a more expanded use of the ARJD Web site. For example, job postings for reporters could be put on the site. Past minutes (*which may need to be redacted*) and old *Catchlines* could also be added to the site.

Fifth, each reporter should create a greater awareness for the job of reporter. In Michigan, the law clerks are invited to visit the reporter’s office to see what the reporter’s staff does. In Alabama, a seminar is organized for the new law clerks and the reporter also meets with the new justices to inform them of what the reporter’s office can do for them. In Massachusetts, the reporter meets with the new justices and the new law clerks to inform them of the role of the reporter’s office. A quarterly newsletter is also sent to justices, staff attorneys and law clerks. Andy indicated that in New York they get CLE credit for their seminar with law clerks. Barbara mentioned that at the Supreme Court of Canada, senior staff also meet the law clerks to inform

them about the judgment process and a manual is also prepared for the new judges. At the Supreme Court of the U.S., the law clerks have a powerpoint demonstration on the Web site about the role of the reporter’s office and they also have a style manual they must follow when working on an opinion. It is better to edit opinions before they are released than after.

What should be prioritized? Dan Anselmo suggested that there should be a committee to monitor the future transition from printed law reports to electronic law reports. Ralph Preston indicated that the main issues are permanency, conversion problems, and integrity of the information. The matter raised by Dan might fall within the scope of the mandate of the Electronic Publishing Committee. Gladys Shollei indicated that in Kenya, all opinions are in HTML with markups to avoid migration problems from one format to another.

Too Many Cases Reported, Too Much Citation?

The second roundtable discussion was titled: “*Too Many Cases Reported, Too Much Citation?*” The discussion was moderated by Ralph Preston. First question: Are we reporting too many cases in print? No consensus on this question could be reached. Andy Ashe indicated that the English and Irish models seem to be to publish only the precedential and significant cases, but in the U.S. the theory seems to be that “more is better,” and that public access demands access to everything, if not in print at least in an electronic format. Some statutes require that all the appellate court decisions be published. By publishing everything, the reporter does not have the responsibility of deciding what is important and what is not. The size of the jurisdiction may also affect the number of cases that will be reported. Ms. Shollei mentioned that in Kenya only certain selected cases are published in print reports, but that they publish all the cases online. Bill Hooks said that the reporter must take into account the cost of producing and printing the reports. He must also take into account the users who must buy these books and find library space for them. The practicing attorneys probably want everything to be published. They want to decide by themselves what cases are relevant for their arguments. Kevin Loftus commented that too many decisions repeat the same principles and that, because of electronic searches which generally show the most recent cases first, the citation in the opinions of the seminal cases has disappeared. Robert Levine added that too many cases are fact intensive, in particular in criminal cases, but they are still published. Ralph remarked that almost no one is now using print reports. In Ohio, there is no longer a distinction between print published and non-print published opinions for the Court of Appeal. They are all treated on the same level. Generally, all the decisions of the highest court of a state are published in print. It is thus at the intermediate appeal level that the choices must be made whether or not to print or publish a case. The members from New York, Connecticut, and Alabama indicated that their states publish all the decisions of their intermediate appellate court. In Ohio, only 300 to 400 out of 6,500 opinions are published in print, but the process of selection is not sophisticated. While in

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Roundtable Discussions – Contd. from Pg. 5

some cases the courts will make a request to publish a case, the selection is generally made by the editors, and it is not possible to say that the cases that are chosen for print are more important than those that are not. In Kansas, the Court of Appeal judges generally decide what should be published. In Massachusetts, 1,600 appeals court decisions are released every year and about 350 are published, but all the opinions are available on the Reporter's Web site. The Federal Court of Appeal in Canada only publishes in its official reports 120 cases out of over 2,000. How many states have an official citation at the time of release? In Canada and Kenya, they have a vendor-neutral citation and Guam uses a public domain format citation. In New York, a slip opinion citation is assigned to a case as soon as it is released electronically. In Ohio, the Web site number (Year-Ohio-number) is part of the official citation and the slip opinions now also follow the Web site number.

Second question: Are there too many citations in the form of parallel citations? Ralph is of the opinion that there are too many parallel citations and that only one should be used when citing a case. At the Supreme Court of Canada, only one citation by case is given and the vendor-neutral citation is added. Kevin mentioned that the Blue Book suggests the use of parallel citations in certain cases.

Education Committee

The \$2,000 provided by the Executive Board for the education program has allowed Education Chair Cliff Allen to better plan the expenses associated with the education program. Although great efforts are made to keep these expenses to a minimum, certain costs must always be incurred and may include: hotel accommodations, meals, transportation and honoraria for speakers, meeting room, podium, microphone, and other audiovisual aids ranging from Internet connections to computers, projectors, and screens.

Planning for the 2009 annual meeting is nearly finished. A complete listing of all the speakers, a description of the workshops, and a summary of the various speakers' topics will be published in the next issue of the *Catchline*.

Membership Committee

Congratulations! You are 1 of 92! The total number of members in the Association of Reporters of Judicial Decisions now stands at 92. Of those 92, 39 are active members (reporters of decisions); 22 are associate members (assistant reporters and staff); 28 are retired members; and 3 are honorary members. One charter member – Richard Ross, the reporter of decisions for the Supreme Court and Court of Appeals of Kansas – remains active in the ARJD. Richard must have been a child when the ARJD was founded in 1982!

This past year some of our most stalwart members joined the ranks of retired members and deserve to be recognized for their exemplary service to their respective courts and to the ARJD: Andy Ashe, deputy reporter for the State of New York and president of the ARJD 2000-2001; Janette Bloom, clerk of court for the State of Nevada and president of the ARJD 2001-2002; Shelia D'Ambrosio, an attorney editor with the California Supreme Court and long-time member of the Honors Committee; and Richard Beaudoin, legal editor for the Federal Court of Appeal and Federal Court of Canada, who retired Dec. 31, 2008.

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and his assistant Lili Marchlewicz. Andy and Margaret plan to attend the Halifax meeting. We look forward to seeing them there.

This year (2008-2009 fiscal year) the ARJD will have received more than \$25,000 in annual income for the first time. That is due, in part, to a change in the manner of the very generous support that we receive from LexisNexis. We will, however, have to file an informational tax form, Form 990 or Form 990EZ. If anyone has experience with Form 990, please contact me at: Kevinloftus@charter.net

Although plans for the Halifax meeting are progressing nicely, the Las Vegas plans have encountered some obstacles. An attempt to find a new location either in Las Vegas or elsewhere is underway. Perhaps the difficult economy will be an ally in this effort if hotel bookings slow. Janette Bloom, site selection chair, has suggested that many Las Vegas hotels are reluctant to commit to groups two years in advance, so we may still find a suitable location there. The board also discussed a possible San Francisco meeting in 2010, the possibility of which we were encouraged to explore by Edith Lavin in Anchorage.

I think that this will prove to be a busy year, and I hope to reach out to each of you, if only to confirm the accuracy of our e-mail contact information. I am hopeful that we will have many of our outstanding issues resolved by the next Executive Board meeting, which will be held at the Supreme Court of the U.S. in April, a beautiful time of year in Washington, DC. I hope many of you will consider attending.

Kevin Loftus, President ARJD 2008-2009

Honors Committee

Frank Wagner and Bilee Cauley will join Richard Ross as members of the Honors Committee.

Our new members this past year have included Robert Levine, with the Superior Court of Pennsylvania; Dolores Bianco with the Superior Court of Pennsylvania; Bessie Decker, clerk of the Court of Appeals and reporter of decisions for the Courts of Maryland; Tracie Lindeman, clerk of court for the Nevada Supreme Court; Esther Onchana, Kenya National Council for Law Reporting; Daniel Rislove, chief assistant to the Compiler of Laws, Supreme Court of Guam; Gregory Pun, British Columbia Court of Appeals; and Matthew Pollack, clerk and reporter of decisions for the Supreme Court of Maine. Susan Williams, reporter of decisions for the Supreme Court and Court of Appeals of Arkansas, moved from associate member to active member.

If I have omitted anyone on either the list of retirees or the new member list, please accept my apologies and contact me so that I can rectify the omission in the next *Catchline*!

Bilee Cauley
Membership Chair

Site Selection

2009

The Delta Halifax Hotel has been selected as the site of the 2009 meeting in Halifax, Nova Scotia. The Delta, which is close to the waterfront and convenient to stores, will host the 2009 annual meeting from August 5 to 10, 2009. The hotel has guaranteed a rate of CAN\$165 for the meeting. Breakfast will be available for all attendees and guests. The complimentary meeting room is large with a view of the harbor. The Delta is located at: 1990 Barrington Street, Halifax, Nova Scotia B3J 1P2. The room rate is \$165 plus 15% tax per night for a single *or* double room. An additional (*third*) person charge is \$15 except for children (*as many as two*) under 18 in room with adult. The rates are available three days before and after the meeting dates. For reservations, call 902-425-7009. Ask for the ARJD negotiated room rate, when making reservations. You may also register online at <http://www.deltahotels.com>. **The cut-off date for reservations is Wednesday, July 1, 2009.** There will be an early bird drawing for all who register before June 15, 2009.

2010

As noted in the president's message, the contract with the hotel in Las Vegas was not signed. A new hotel or location are each being considered.

2011

Numerous sites were considered for the 30th annual meeting of the ARJD to be held in 2011 and, from the list, the members were asked to vote for their top two choices. The result was as follows: Boston 11, Washington, DC 10, Kenya 8, California (San Francisco) 6, Florida and Colorado 3, Nashville 2, and Ohio (Columbus) 1. The members approved Boston as the site selection for 2011 by a vote of 13 to 5. The site selection for the year 2012 will be decided next year in Halifax.

Scribes

The ARJD's application for membership in Scribes was rejected, Scribes' indicating that only members of the legal profession (essentially attorneys) can become Scribes' members and that all Scribes' publications will be sent to one address only. After a brief discussion at the annual meeting, there was a consensus that the ARJD should not join Scribes as an institutional member, but that ARJD members who wish to join that organization could do so on an individual basis (\$65 a year).

Nominating Committee Report

In a written report, the Committee chair, Shauna Thomas, proposed the following slate of officers for 2008-2009: Tim Fuller to repeat as Treasurer; Ralph Preston as incoming Secretary; Louise Meagher as incoming Vice President; Kevin Loftus as President; and Wilma Grant as Past President. The slate of officers was approved unanimously.

Gifts and Thanks

Outgoing Past President Barbara Kincaid, for her five years of service on the Board, and Claude Marquis, as outgoing Secretary, were given a gift in appreciation of their work for the Association. Andy Ashe was also given a gift for his long service as chair of the Web Site Committee and as webmaster of the ARJD Web site. Finally, Vice President Kevin Loftus presented a plaque to Wilma Grant to thank her for her excellent work for the last two years as President of the ARJD. Wilma took the occasion to thank all the officers of the Executive Board as well as all the committee chairs for their dedication. She also indicated that Ed Jessen and Denise Lynch would receive a gift in appreciation of their work as publishers of the *Catchline* and ARJD Directory.

Next Executive Board Meeting

The next meeting of the Executive Board is scheduled for Friday, April 10, 2009, at the Supreme Court of the U.S. in Washington, DC.

Next Annual Meeting

The next ARJD annual meeting is to be held in Halifax, Nova Scotia, on August 5-10, 2009. Please calendar and make your plans accordingly.

Visiting Canada

Required Travel Documents (U.S. Citizens):

Canadian law requires that all U.S. citizens entering Canada present proof of citizenship and identity, *e.g.*, a valid U.S. passport *or* a driver's license together with a birth certificate.

To return to the United States you will need to present a passport or a NEXUS card, if you are traveling by air. If you are re-entering the U.S. by land or ferry, you can also use a Passport Card.

Please note that there may be different rules for children under age 16.

The requirements of the Western Hemisphere Travel Initiative (WHTI) change from time to time, and you should consult the Department of Homeland Security's website for up to date information:

http://www.cbp.gov/xp/cgov/travel/vacation/ready_set_go/

Required Travel Documents (Citizens of Countries Other Than the U.S.):

Canadian law requires citizens of other countries to present a passport to enter Canada. Depending on your citizenship, you may also need to obtain a Temporary Resident Visa to visit Canada. The specific requirements for each country can be obtained from this Government of Canada website:

<http://www.goingtocanada.gc.ca>

Time to Vote on Bylaw Changes

Barbara Kincaid presented her draft amendments to the ARJD Bylaws at the business meeting in Pittsburgh. The main changes include:

- (1) the removal from the Bylaws of the annual dues payable by the members (Art. IV);
- (2) a new and expanded definition of membership (Art. IV);
- (3) a new definition of the secretary's functions to reflect more closely the reality of the job (Art. V, Sec. 5);
- (4) a new procedure for meeting notifications (Art. VII, Sec. 3);
- (5) the raising of the quorum of the annual meeting from nine to eleven members (Art. VII, Sec. 4); and
- (6) the simplification of the rules for amending the Bylaws (Art. X).

Barbara mentioned that it is necessary to broaden the definition of membership to better reflect the diverse structures of reporter's offices and to encourage people who are doing similar work as reporters to join the ARJD.

Ralph Preston, as the secretary of the ARJD, upon authorization by the board in May, has mailed ballot packets in accordance with Art. X of the current Bylaws to have the amendments approved by the membership. All members, except Honorary members, have a vote.

The general procedures governing the voting on the proposed amendments are as follows:

1. Voting is by mail ballot, as set forth in Article X of our current Bylaws.
2. The ballot is enclosed in the mailing to the members and members are asked to vote on each amendment.
3. **The returned ballot must be postmarked no later than January 31, 2009.**
4. Amendments will become effective if approved by two-thirds of the members who cast votes.
5. The Executive Board will count and tabulate the ballots.
6. Results will be announced in the Spring 2009 version of the *Catchline*.

Your vote counts – please take the time to fill out and return the ballot.

Halifax, Nova Scotia: The Site of the 2009 ARJD Annual Meeting

The province of Nova Scotia is located on the east coast of Canada. Composed of a peninsula attached to the mainland and a large island, Cape Breton, Nova Scotia is almost completely surrounded by the Atlantic Ocean. The principal urban centers are the Halifax metropolitan area and Cape Breton Regional Municipality.

Halifax is Nova Scotia's capital with a population of 360,000. Halifax is one of Canada's oldest cities, having been founded in 1749. Haligonians are friendly, down to earth and welcoming. Halifax has the world's second largest natural harbor, and hosts Canada's major naval base.

There is plenty to do in Halifax. You can explore the harbor front on foot, visit one of the many historical sites like the Citadel, tour the beautiful public garden on Spring Garden Road or check out the pubs in the Historic Properties. Many visitors enjoy day trips from Halifax to Peggy's Cove or Lunenburg and Mahone Bay on the South Shore of Nova Scotia.

Time Zone: Atlantic Standard Time / AST time zone.

Climate: Summer weather in Halifax can be lovely – warm during the day with cool evenings. It is always best to be prepared for rain and fog, but the old adage – wait five minutes and the weather will change – certainly applies to Halifax!

Getting there (By Air): There are non-stop flights to Halifax Stanfield International Airport from many American cities, including all the New York airports (La Guardia, JFK & Newark), Washington Dulles, Boston, Chicago, and, during the summer, Atlanta and Detroit. Currently, these U.S. airlines serve the Halifax airport: American Airlines, Continental Express Airlines, Delta Airlines, Northwest Airlines, and United Airlines.

(By Land and Sea): Take Interstate Route 95 north to New Brunswick, merge onto the TransCanada Highway, and exit onto Highway 102 when you get to Nova Scotia. Highway 102 takes you into Halifax. The drive from Boston to Halifax is about 550 miles. To shave off time and miles, you can take the "Cat," a high speed ferry between either Bar Harbor *or* Portland, Maine, and Yarmouth, Nova Scotia (about 170 miles from Halifax). The Web site <http://www.catferry.com> has schedules, fares and reservation information. It is recommended to make your reservations early.

Check out the link to Nova Scotia tourism on the ARJD website. We look forward to welcoming you to this beautiful province next August.

Your Canadian friends

Pittsburgh, PA - 2008 Annual Meeting Photos



2008-2009 Officers

- President:** Kevin Loftus, Supreme Court of Connecticut
- Vice President:** Louise Meagher, Supreme Court of Canada
- Treasurer:** Tim Fuller, Supreme Court of Washington
- Secretary:** Ralph W. Preston, Supreme Court of Ohio
- Past President:** Wilma M. Grant, Supreme Court of the U.S.

2008-2009 Committee Chairpersons

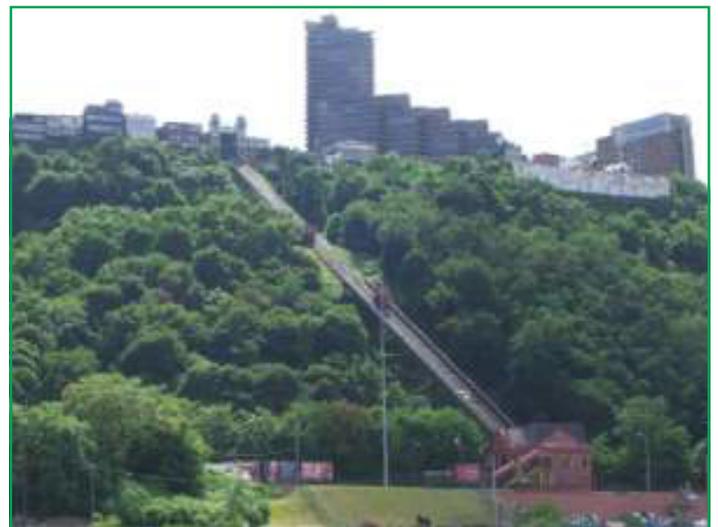
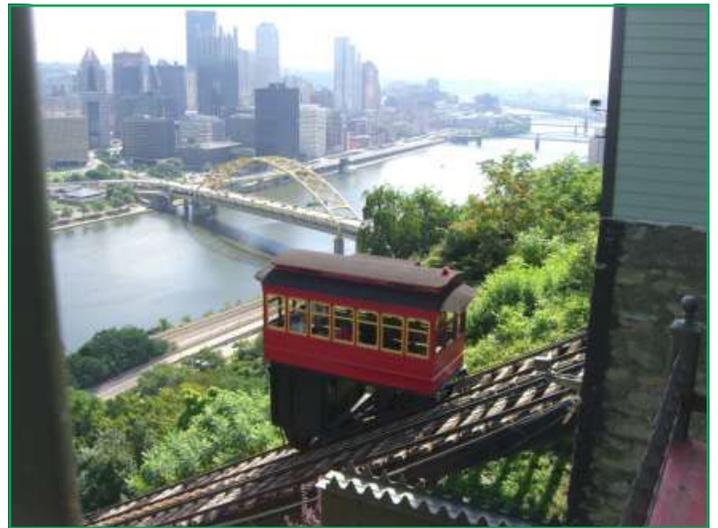
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C. Clifford Allen, Supreme Judicial Court of Massachusetts
- Newsletter Publisher:**
Wilma M. Grant, Supreme Court of the United States
- Electronic Publishing:**
Ralph W. Preston, Supreme Court of Ohio
- Honors:**
Richard D. Ross, Supreme Court of Kansas
- Membership:**
Bilee Cauley, Alabama Appellate Courts
- New Reporters:**
Leah A. Walker, Supreme Court of the United States
- Nominating Committee:**
Shauna Thomas, Supreme Court of Montana
- Site Selection Committee:**
Janette M. Bloom, Supreme Court of Nevada
- Website Committee:**
Danilo Anselmo, Supreme Court of Michigan

The Catchline

- Editor:**
C. Clifford Allen, Supreme Judicial Court of Massachusetts
- Newsletter Publisher/Layout & Design:**
Wilma M. Grant, Supreme Court of the United States

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Visit our Web site at <http://www.arjd.washlaw.edu>

Please complete and return this form with your dues check if you have not already tendered your dues for 2009.



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“ANY PERSON EMPLOYED AS AN ASSISTANT OR STAFF MEMBER UNDER THE DIRECTION OF A PERSON ELIGIBLE FOR ACTIVE MEMBERSHIP MAY BECOME AN ASSOCIATE MEMBER.”

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E-Mail _____

Calling all committee chairs, active and retired members . . .

Do you have experience in how the CLE process works? If so please share it with Leah Walker, New Reporters committee chair: lwalker@supremecourt.gov

Are you willing to mentor a new reporter? Also contact Leah Walker.

Do you have an item of educational value to share with our membership through *Catchline*?

Do you have a story or experience to share about a past conference?

Have you been to Halifax, NS – site of our August 2009 conference and want to share some favorite sightseeing spots, local restaurants, museums or interesting places to visit?

Have a joke pertinent to ARJD members, or a favorite phrase or a past photo to share?

What's happening with ARJD retirees? What is life like after years of reporting decisions?

What books are you currently reading and would like to share with ARJD friends.

Please send anything *Catchline* related to ARJD editor: clifford.allen@sjc.state.ma.us

This is your page and your opportunity to share such experiences or knowledge with your ARJD peers, many of whom are long-time friends. There are a few members that we have not seen for a while so it would be really great to catch up and find out what is happening in your world in 2009. It will be wonderful to hear from you as part of the joy of the whole educational and association experience is staying in touch with our industry peers. Many thanks.