

PRESENTATION OUTLINE
Faculty of Federal Advocates
District of Colorado
October 14, 2020
Hon. Jeremy Fogel (ret.)

How 2020 Has Changed the Judiciary and the Legal Profession

INTRODUCTION: THREE ESSENTIAL ELEMENTS OF THE JUDICIARY AND THE
LEGAL PROFESSION IN THE UNITED STATES

Evidence-based fact finding and decision making
Due process and procedural fairness
Robust ethical norms and professional accountability

HOW THE EVENTS OF 2020 HAVE IMPACTED EACH OF THESE ELEMENTS

- I. The COVID pandemic
 - A. Access limitations and delays
 - B. Remote proceedings from the standpoint of judges, lawyers and litigants
 - C. Reimagining the future of the courts

- II. Black Lives Matter
 - A. Heightened awareness of the limitations of human perception
 - B. Dealing with structural inequality while upholding the rule of law
 - C. The extent to which judges and lawyers can and should speak out

- III. Hyper-partisanship
 - A. Personal attacks on judges
 - B. Lack of public understanding of how the judicial process works
 - C. What lawyers and judges can do

