

# Judicial Division Record

American Bar Association Volumes 8 Issues 1 Fall 2004

## ABA President Robert Grey's Jury Initiative Project is a "natural" for the Judicial Division

When Robert Grey of Richmond, Virginia took office as the ABA President in Atlanta he announced that he is devoting his term to creating better justice through better juries via the American Jury Initiative. The Initiative has organized two groups to accomplish that goal—the American Jury Project, which is working to produce a single set of modern jury standards that the ABA can propose as a model, and a blue-ribbon Commission on the American jury that will be working to outreach to the public, the profession, and the courts.

The ABA has released a new public opinion poll that reveals Americans have a profound belief and trust in the jury system, and disproves the popular notion that Americans consider jury

duty to be a burden to be avoided. Seventy-five percent of Americans would want a jury, rather than a judge, to decide their case. Grey said "If we are to sustain American's respect for the jury system the legal profession must take steps to move the jury experience into the 21<sup>st</sup> century." Fifty-eight percent of those polled consider jury duty a privilege, and a responsibility they look forward to fulfilling.

The Judicial Division has made the Jury Initiative the major focus for this year. JD Chair Louraine Arkfeld has selected this effort as one of her major goals for 2004-2005. See her remarks in the Chair Comments in this issue of the *Judicial Division Record*.

You can visit the American Jury Project Web site at: [www.abanet.org/juryprojectstandards/](http://www.abanet.org/juryprojectstandards/).



Robert Grey

*"We...must take steps to move the jury experience into the 21<sup>st</sup> century"*

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Atlanta, GA - William T. Coleman, Jr. is presented with the 2004 Justice Center John Marshall Award. Shown (l-r) ABA President Dennis Archer, William T. Coleman, Jr., Justice Center Coordinating Council Chair Judge John Vittone, and Judicial Division Chair Rick Bien.



by Louraine Arkfeld  
Tempe, Arizona

As my year begins, I am very excited about the projects that we have planned for the upcoming year. We are going forward with new projects as well as continuing with ongoing projects that together are earning us a reputation as a

strong voice for the judiciary. Here are just some of our plans.

**American Jury Project** The JD, the Section of Litigation and the Criminal Justice Section have joined together in a Presidential Project to update and consolidate the existing ABA jury standards from these three groups. There are three subcommittees within this group, General Principles, Bringing Jurors into the Adjudicatory Process, and Managing Jury Trials. I chair the subcommittee on Bringing Jurors into the Adjudicatory Process. Work has begun and project members met in Chicago and again in Atlanta. Before these meetings, in-between these meetings and after these meetings, we have continued the work via conference calls and individual assignments. A draft set of standards will be completed by September. The goal is to have these standards ready to submit for the approval of the House of Delegates at the Midyear Meeting.

As part of the project, there has been appointed a Commission on the American Jury, co-chaired by the Honorable Sandra Day O'Connor and the Honorable Judith Kaye. The focus of this blue ribbon commission is outreach to the public on the importance of jury service. There will be a joint meeting of the project working group and the commission on October 14-15 in Lexington, Virginia. Together we hope to present a program on jury service at the 2005 Annual Meeting in Chicago.

**Judicial Outreach** The JD has continued to develop programs to be available through the Judges Network and emphasized the importance of participating in judicial outreach. The focus of the upcoming year will be on the

presentation of outreach programs. To this end, we are setting an expectation that any meeting will be preceded by an outreach program. To demonstrate this we did four outreach programs prior to the Planning Meeting in Tempe and several in Memphis prior to the Outreach Conference there. We are planning to do a program prior to the Midyear Meeting and a program prior to the Planning Meeting next spring. Our Judges Network Committee will develop an outreach program to address jury service to coordinate with the American Jury Project. Watch for news about a mini-grant project that will encourage the development of these programs.

*"we must follow through... by walking the walk of diversity"*

**Diversity Plan** Despite our commitment to diversity and our efforts to be an inclusive organization, the JD has never had an actual written Diversity Plan. A goal of my term was to have that completed and approved. The Standing Committee on Minorities in the Judiciary (SCMJ) prepared an initial draft which was reviewed at the Planning Meeting. Comments were provided and the SCMJ provided a revised draft for the JD Council at the Annual Meeting. I am pleased to report that the JD Council passed the Diversity plan so one of my goals has already been met! Now we must follow through to make this a living plan by walking the walk of diversity.

**Bench/Bar Councils** Following the success of the Council of Appellate Lawyers, we are working to develop a Bankruptcy Council to allow the opportunity for bankruptcy judges and lawyers to meet together and work and study on common issues. The first conference will be held on March 10-13, 2005 in Washington, D.C. There is much interest in this council and we are excited about the model for success that this will provide. Already we have approved a plan to start developing a Tribal Courts Council that will reach out to Tribal Court Judges and Tribal Court attorneys.

**Committees and Liaisons** Much of the work of the JD is done by the committees. JD Committee Chairs have been appointed and have been instructed to provide an action plan for their committee. I have

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## JUDICIAL DIVISION

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Silver Spring, MD

## Chair's Column

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also appointed the incoming Chair-elect and Vice-chair as the liaisons to the various committees to monitor the progress of the

committees and assist them in keeping on track towards reaching their goals. If there is a project or program you are interested in, let me know so we can assign it—and you—to the appropriate committee.

There is clearly much work ahead but I am excited about what we will accomplish together. I very much appreciate the opportunity and honor to serve as Chair of the Judicial Division.



by Margaret Thompson  
ABA Staff  
Chicago, IL

## National Award for The Judges' Journal

**K**udos to the JD and *The Judges' Journal*, its quarterly magazine! The Fall 2003 issue of *The Judges' Journal*, which examined the art and craft of judging, won an APEX prize in the magazines and journals category for magazine and journal writing. There were more than 750 entries in the category. The APEX contest, otherwise known as Awards for Publication Excellence, is sponsored by the editors of *Writing That Works: The Business Communications Report*.

The APEX award is a valuable sign of recognition for the magazine, which seeks to present articles on courtroom innovations and best practices and, by doing so, to help assure the efficiency, effectiveness, and integrity of the judicial system. The theme of the Fall 2003 magazine was the brainchild of Judge Richard L. Fruin Jr., who served as chair of the Editorial Board from 1998 to 2004. "The problem was to find the content that

would give the concept meaning," Judge Fruin wrote in the introduction to the Fall 2003 issue. "The Editorial Board ultimately concluded, however, that whether deemed an 'art' or a 'craft,' judging cannot be defined in a simple list of attributes; rather it is to be found in the attitudes of mind and heart that individual judges bring to their work."

Judge Fruin and the Editorial Board assembled a diverse collection of authors who considered the theme from a variety of perspectives. The theme-related contents of the award-winning issue included the following:

- "The Art and Craft of Judging" by Hon. Richard F. Fruin Jr.
- "Reflections on the Art and Craft of Judging" by Hon. William A. Bablitch, Retired
- "Judicial Excellence: A Trial Judge's Perspective" by Hon. Abraham Gerges
- "Let Us Keep Our Dignity: The Thirteen Habits of Highly Effective Judges (A Lawyer's List)" by Mr. Lawrence J. Fox
- "The Good Judge: A Trial Lawyer's Perspective" by Mr. Charles E. Patterson

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## Back to School!

by Mr. Gary A. Hengstler  
Director, National Center for Courts and Media  
Reno, NV

**T**urn on any evening news program or TV talk show or check the stories on the front page of your newspaper and there is a strong likelihood that a criminal trial will be a topic, if not THE topic.

Within the past year, the legal woes of basketball stars Kobe Bryant and Jayson Williams, movie star Robert Blake, pop singer Michael Jackson, entrepreneur Martha Stewart, and the media-made celebrity trial of Scott Peterson all regularly moved front and center to the nation's news—to say nothing of the legal focus on the financial misdeeds of companies like Enron.

All of which brings to mind the prescient words of Judge Learned Hand: "The hand that rules the press...rules the country;

whether we like it or not, we must learn to accept it." And he said this in 1942! What would he think today? Judges, for the most part, do not want this heightened media scrutiny. Certainly it is a new wrinkle that creates a new area of discomfort as they try to stay focused on their primary responsibility of managing a fair trial for the defendant.

Many jurists share the view of one of their colleagues who, while attending the media sessions of the General Jurisdiction course at The National Judicial College, said: "I never talk to the media. They never get it right." Of course, the conclusion is a sweeping overstatement, but the sentiment directly illustrates the deep suspicion and distrust some in the courts hold for the media. However, is it possible that one of the reasons why the media "never get it right" is because the judge "never talks to the media?"

The single biggest complaint of judges about news accounts is that too often the reporting is inaccurate. If that is the case, simply wringing of the hands is no

solution. More and more courts are seeking ways to help remedy the situation.

Increasingly, judges also recognize that in these changing times, they are going to have to develop new skills so, when the occasion calls for it, they can cope with the media as they maintain the dignity of the court. More and more, judges are using the opportunity to promote public confidence and understanding of the judicial system within second part of Canon 3B(9) of the ABA Model Code of Judicial Conduct.

It is precisely because the courts have come under greater media dissection and the recognition of the courts that more needs to be done to bolster public knowledge of the system that the Reynolds National Center for Courts and Media was established in 2000 at The National Judicial College.

The Center's course for judges not only lay out all the issues judges will deal with newsworthy trials, but also individually help establish the judge to establish a comfort zone when pressed to grant an interview.

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## National Award

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- "Sticks and Stones: Judicial Handling of Invective in Advocacy" by Mr. Ty Tasker
- "The Greatest Dissent? A Brief Essay on Language, Law, Rule, and Reason" by Mr. Gregory S. Fisher
- "Arts and Crafts" (fiction) by Hon. Arthur Gilbert

- "Judicial Temperament: The Court Administrator's Perspective" by Mr. John M. Greacen
- "The Craft of Ethics" by Ms. Marla N. Greenstein

The lineup ultimately scored an APEX award for magazine and journal writing. According to the judges of the competition, the quality of entries was particularly high this year. In the preface to the awards announcement, they wrote, "The judging slowed as we became absorbed by

fascinating stories, clever designs and imaginative communications strategies. What an occupational hazard! Outstanding writing kept us reading even such technical subjects as how street sweepers differ in various European countries."

In the magazine and journal writing category, other prizewinners included the venerable *ABA Journal*, the Civil War Preservation Trust, and Sandia National Laboratories. Congratulations to Judge Fruin, the members of the Editorial Board, and the authors of the issue!

## Back to School

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For courts without a fulltime public information officer, the Center educates existing court personnel on the basics of dealing with the media to help deflect the pressure from the trial judges. Further, the course includes a "how to" on creating public outreach programs. And, because the Center includes an equal press component, the course for journalists is designed to educate reporters on how to cover the courts to help improve the accuracy of the coverage.

In this information age, the mission of the Center has become critical. The late, great CBS newsman Edward R. Murrow captured the importance of the Center's work when he observed: "What truly distinguishes a free society from all others is an independent judiciary and a free press."

Of the many elements that make up a democracy, none are more crucial to sustaining our system than having independent judges and a free press. To the extent that the Center can reduce tensions between the two and help promote greater harmony, our nation as a whole will be helped. At least, that is the goal.

Through the on-site courses held in Reno at The National Judicial College and various shorter sessions held regionally across the nation, the Center has begun to establish its niche as providing quality guidance in this difficult area. The Center also has provided specific help in some of the nationally prominent trials mentioned earlier. The Center exists to help both the courts and the media do their jobs better amidst the expanding glare of public scrutiny. More information about the Center's work can be found at its website: [www.judges.org/nccm](http://www.judges.org/nccm).

## JD Council Creates New Native American Tribal Court Committee



by Matt Martin  
Cherokee, NC

Upon the recommendation of the National Conference of Specialized Court Judges Native American Tribal Court Committee, the Judicial Division created a new entity for Tribal Courts during the Annual Meeting in Atlanta.

This new entity, called the Tribal Court Council will operate at the Judicial Division level. Judge Charles Cloud of Norfolk, VA will head the Tribal Court Council.

A number of reasons supported the recommendation for the creation of the Tribal Court Council. First and foremost,

Tribal Court Judges are simply not participating in the JD. As a consequence, Tribal Courts are not represented within the ABA in the way that they could, and should be represented. Thus, important portions of the excellent work being done on a daily basis bringing justice to Indian Country are ongoing without significant participation on the part of the ABA.

Secondly, in addition to trial Court Judges, the Tribal Court Council will include Tribal Appellate Court Judges. Also, although this is changing, quite a number of Tribal Court Judges are non-law trained, and therefore will have the opportunity to participate as Associate Members of the ABA. Also, the Tribal Court Council intends to reach out to State and Federal Judges as well as attorneys who deal regularly with issues involving native peoples or who have an interest, either because of geography, caseload or other reasons. Given these differences in the population served, it is appropriate to operate this Council at the JD level.

Third, as each term of the Supreme Court indicates, the issues surrounding

Tribal Courts continue to grow in both complexity and import. See, e.g. *United States v. Lara*, 541 U.S. \_\_\_, 124 S.Ct. 1628, 158 L.Ed.2d 420 (2004). In matters of such consequence it is crucial that the ABA have the appropriate opportunity to lend its voice in participation.

Tribal Courts come in all shapes, sizes and flavors. Some, like the Courts of the Navaho Nation, have been operating for decades, while others, like the Cherokee Court are products of the new century. Some Tribal Courts are extremely busy with issues ranging from child custody and domestic violence to misdemeanors and adoptions. Others are largely limited to issues arising from Indian gaming. Tribal Courts are leading the country with innovative approaches to alternate dispute resolution.

The federally recognized Indian Tribes are "dependent sovereign nations," existing uniquely within the fabric of the greater United States. While each Tribal Court is different, all share one crucial aspect—these Courts are all dedicated to the sovereignty of their respective Nations. The ABA's

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## DIRECTOR'S COLUMN



**Luke Bierman,  
Justice Center  
Director to  
head Institute of  
Emerging Issues  
in North  
Carolina**

by Aimee Skrzekut  
Torres  
Chicago, IL

*are moving — we must sail sometimes with the wind and sometimes against it — but we must sail, and not drift, or lie at anchor." Oliver Wendell Holmes, Jr.*

The undeniable success of the ABA Justice Center (created in September 2000—2001) seemed fated given its strong leadership, the expertise and diligence of its constituent entities (Coalition for Justice, Judicial Division, Standing Committee on Federal Judicial Improvements, and Standing Committee on

Judicial Independence), its dedicated and innovative staff and its unity of purpose and vision. The Center continues to serve as a model despite budget cuts and increasing expenses as it delivers more substance with fewer resources. The Center's creativity and overall synergy benefits each Justice Center group and the ABA as a whole. To acknowledge Justice Center accomplishments we must recognize and applaud its innovator. From conception to fruition, Luke Bierman's steadfast leadership, ingenuity and tireless efforts made today's Justice Center a reality.

It is no surprise that after eight years with the ABA, Luke has been invited to head the Institute of Emerging Issues at North Carolina State University, where he will also serve as a member of the Political Science faculty with the rank of Associate Professor. The brainchild of former North Carolina Governor Jim Hunt, the Institute is a "think and do" tank that identifies emerging trends, studies the issues, proposes strategic responses and stimulates action by the academy and public and private sectors. As an independent and impartial broker of innovative ideas and action, the Institute makes important contributions to economic development

and progressive public policy. A new gateway building to house the Institute currently is under design for the University's Centennial Campus with ground breaking planned for 2006. Luke will be working closely with government leaders, entrepreneurs, and academics who are important contributors to the work of the Institute. Luke has spent time meeting and talking with Governor Hunt, whose vision and enthusiasm for the Institute make clear that this opportunity is challenging and important.

Please join me as I thank Luke for being a tremendous leader, mentor, advocate and a true friend to the Judicial Division—he will be missed! Luke's last day is October 1, 2004.



(l-r) Justice Center Director Luke Bierman and Judicial Division Director Aimee Skrzekut Torres

## JD Council

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understanding of that fundamental fact pays great respect to each of the Indian Nations, even those without Tribal Courts.

Initially, member recruitment will be the focus of the Tribal Court Council. Direct contact with Tribal Court judges is believed to be critical in creating interest in joining the ABA. Therefore, Judge Cloud and attorney Mike Davis plan to travel soon to Indian Country, hopefully accompanied by an ABA staff member, and meet personally with many judicial officials in several Nations, encouraging them to be a part of this exciting new project.

Judge Bob Pirraglia suggested a continuing education program centered on native traditions and concepts in mediation. Thus was born the Council's CLE program for the 2006 ABA Annual Meeting in Honolulu: Peacemaker—Traditional Native American Approaches to Alternative Dispute Resolution (ADR). This fascinating topic will be a pleasure to work on and volunteers are sought from the NCSCJ.

Other opportunities include: partnering with the ABA Commission on Racial and Ethnic Diversity in the Profession as well as the Judicial Division's Standing Committee on Minorities in the Judiciary and producing a publication for members of the Council. Membership in the Council is open to everyone, particularly

those with interest in Tribal Courts, Tribal government and Native American culture. We welcome interest and ideas. One great component of a new project is that it is ripe for fresh thoughts!

The over-arching goal of the Council will be to open up the ABA to the Tribal Courts, involving those in Indian Country in the work and mission of the ABA, and involving the ABA in the work and missions of those in Indian Country. This represents a tremendous opportunity for Tribal Courts to participate fully in the activities of the premier Bar Association in this country, and on behalf of the Tribal Court Council, I would like to thank the JD, the NCSCJ and the ABA staff for their commitment and able assistance.

## Division Nominating Committee Results

by Judge James Scott Sledge  
Anniston, AL

Pursuant to Section 5.02 of the Judicial Division Bylaws, the Nominating Committee reports the following results from the 2004 Annual Meeting:

Judicial Division Vice-Chair	Judge Leslie Miller
NJC Board of Trustees	Judge Tyrone Butler

# Time Off The Bench

by Judge Thomas C. Warren  
Chelan County District Court  
Wenatchee, Washington

## Why Would You Ever Travel to Chile?

There are a lot of reasons. Just because it is there? You have never traveled to South America? You have heard it is incredibly beautiful? These reasons, and more, prompted a two week vacation in Chile. We have good friends who had been to Chile previously, and encouraged us to join them for a joint driving trip starting in the capital Santiago, and then south through the Central Valley, the Lakes District, and onto Puerto Montt. We selected traveling during our spring, so it would be fall in Chile, hopefully similar to our October trips to Europe.

It is easy to fly to Chile. All the flights are overnight so the trip does not seem too long. You arrive about eight in the morning at a beautiful modern airport. Visas are not required but there is a \$100 entry tax in retaliation to U.S. entry fees. All of you who travel know the drive into a new City is always exciting because everything is new and interesting, and a little scary. This held true in Chile. We stayed in a delightful boutique hotel in the upscale neighborhood of Los Condes. From there we explored by private tour, walking, subway, and our rental car. Santiago is a beautiful, modern, clean, crime free and culturally diverse city. It has skyscrapers, historic sites, state of the art subways, wonderful people, great restaurants, excellent shopping and a boomtown atmosphere. Beyond our sightseeing we enjoyed meeting and dining with a native Chilean family and their friends. As an example of the excellent economy and education of the population, the family children were currently in medical school and law school.

So off we went on the driving adventure. Chile is long and skinny. At no point is it more than 110 miles wide and if it was stretched across North America it would extend nearly from coast to coast (2700 miles). After reading all those old Pan American road trip books, it was quite a surprise to find that Chile has a brand new 4 lane, limited access toll way all the way to Puerto Montt and Chiloe Island. This is no third world country operation! You will recall from some of my past adventures that driving in a foreign country is sometimes an exciting adventure for me. This drive presented some different challenges. The first obstacle was getting the luggage for four of us into a midsize sedan. As we progressed and bought more and more "stuff", each

morning became an exciting event. Hotel staff had to be strictly supervised as all the suitcases would fit only in a certain order. Overflow ended up between our wives in the back seat. My friend Les, was the navigator and I soon found out he was excellent at map reading. The challenge however, was that he is direction challenged—can't tell right from left. After several near misses, I always checked twice.

Our travels took us to the wine country of the Central Valley to a wonderful 5 star hotel who arranged our wine tour. Checking on the wine was, of course, only an academic exercise to bring



back information to our local Washington State wine growers. Next we were off to the Lake District and exploring the volcanoes and learning about the Mapuche Indian culture. Crossing the country (3 hours) from the Andes to the ocean we stopped in Valdivia, to enjoy the fishing villages and beautiful Pacific coast.

We then headed for the fascinating resort areas of Puerto Octay, Frutillar, Puerto Varas, and Puerto Montt. This is gorgeous lake and mountain country. Our final leg south was on to Chiloe Island where we encountered the only real steady rain of the trip.

On the return trip we spent time in Valparaíso and Viña del Mar, the main port of Chile and summer stop for the residents of Santiago. Valparaiso, which is also the location for the Chilean parliament, is built on steep hills descending to the Pacific Ocean. It was great fun touring the hills (fortunately with someone else driving on a private tour) and exploring the *ascensores* (the funiculars and cable cars) going up and down the hillside neighborhoods. We stayed at a wonderful ocean-side hotel in Viña del Mar enjoying the crashing surf of the Pacific Ocean on the rocks below. This was a great way to finish up a delightful two week adventure in a new country. Now how do I get all that "stuff" back home? Give Chile a try!

*"The challenge, however, was that he is direction challenged—can't tell right from left"*

## Judicial Practice Tip

Are you familiar with CourTopics? This is a quick access website, of the *National Center for State Courts*,

which provides over 100 topic folders with overviews, research reports, information about programs and services, frequently asked questions, best practices, and publications about judicial and court subjects and problems. You will be amazed at the breadth of subject matter.

Everything from Day Care in the Courts to Inherent Powers! Take a look: <http://www.ncsconline.org/WCDS/topiclisting.htm>

# Senior Lawyers Division is a Place for Senior Judges to Serve

by Judge Louis E. Condon, Charleston, SC and  
Judge James A. Noe, Mercer Island, WA

As the ABA home for experienced lawyers, the SLD affords an opportunity for practicing lawyers and judges, as well as the semi-retired and retired ones, to continue their relationship with the profession and also assist them in adjusting to the changes in interest and concern we all share with age. Despite what some might think, the Senior Lawyers Division is not just a collection of doddering old souls, but rather is a vibrant, active body with an award winning magazine (*Experience*); CLE's; a quarterly newsletter with supplements devoted to practical, hot topics for the practitioner; and publishes numerous books devoted to helping SLD members and their clients. On the social side, it offers some great travel opportunities. While we pay special attention to the fast growing area of "elder law" for the benefit of our members and their clients, we also devote time to other areas such as ADR.

*"not just a collection of  
doddering old souls"*

As JD members you might be particularly interested to know that the Judicial Committee of the Senior Lawyers Division is alive and well. By joining the SLD, senior judges (55 years and older) acquire additional opportunities to improve the justice system and address the myriad of issues affecting judges at all levels and jurisdictions. The SLD has 7,500 members including 250 judges. Most SLD judges continue to belong to the JD and are active in both divisions.

The two divisions collaborate on activities, programs and policy issues through the joint Senior Judges Committee, and by direct contact between divisions and conferences. The Joint Committee, which is made up of appointees by the Chairs of the

Conferences, meets at the mid-year and annual meetings of the ABA. The current chair of the Committee is Judge Ruth Kleinfeld.

The January 2003 issue of the SLD *Experience* magazine carried a theme to commemorate the bi-centennial anniversary of the seminal case of *Marbury v. Madison*. The spring 2004 issue highlighted the 50th anniversary of *Brown v. the Board of Education*. The Joint Committee was instrumental in supporting those two efforts and supplied some of the articles.

Other recent Judicial Committee activities include providing a resolution concerning *Marbury v. Madison* which was adopted by the SLD Council. Subsequently, in February 2003, the ABA House of Delegates approved the resolution making it a continuing policy of the ABA. It states:

"RESOLVED, that in recognition and commemoration of the bicentennial anniversary of the historic seminal decision by the United States Supreme Court in the case of *Marbury v. Madison* (February 24, 1803), the American Bar Association rededicates itself in support of the United States Constitution as the supreme law of the land and reaffirms its commitment to the doctrine of judicial review as a fundamental principle for a nation governed by the rule of law."

The Committee's theme for 2004-2005 is "The Rule of Law in America...is it endangered?" An article for the *Experience* magazine will be offered and a panel program at the mid-year meeting in Salt Lake City next February will discuss the serious ramifications of disobeying the law for personal political reasons.

Other noteworthy Committee efforts include researching and drafting the Standards for Judicial Retirement approved by the HOD in August 2002; participation in the ABA Commission for the Review of the Code of Judicial Conduct; supporting the 2005 Law Day theme of "The American Jury: We the People in Action"; and keeping the SLD Council advised of all issues impacting and affecting the judiciary and the justice system.

For more information contact Judge Louis E. Condon, SLD Chair-Elect, at [judgetlcc@aol.com](mailto:judgetlcc@aol.com) or Judge James A. Noe, SLD Delegate to the House of Delegates, at [janoe@aol.com](mailto:janoe@aol.com) or visit the Division website at [www.abanet.org/srlawyers](http://www.abanet.org/srlawyers).

## Announcements

### Inaugural Bench & Bar Bankruptcy Conference

The Conference will take place March 10-12, 2005 in Washington, DC at the Mandarin Oriental Hotel. You will enjoy dinner at the U.S. Supreme Court. In addition to sessions on "hot" topics, there is also a special program track for state trial judges. Discounts available for JD Members! To register and learn more about the conference, visit: <http://w3.abanet.org/jd/bankruptcy/>

### Race and Ethnic Fairness Initiative Debuts Database

The Race and Ethnic Fairness Initiative of the National Center for State Courts recently compiled an electronic database containing the findings and recommendations issued by judicial branch commissions and task forces on racial and ethnic fairness. The new database is a recognition of the accomplishments of the National Consortium on Racial and Ethnic Fairness and a way to commemorate the 50th Anniversary of the U.S. Supreme Court's decision in *Brown v. Board of Education*. The database is located at [www.ncsconline.org/Projects\\_Initiatives/REFI/reb.htm](http://www.ncsconline.org/Projects_Initiatives/REFI/reb.htm) and on the National

Consortium's Web site at [www.ncsconline.org/consortium/news](http://www.ncsconline.org/consortium/news).

### Judges and Courts

At the ABA Annual Meeting in Atlanta, GA, the House of Delegates approved two measures dealing with adequate funding of the courts. The Louisiana Bar Association and others sponsored Reports 10A urging that the federal judiciary be funded adequately. Decrying state court closures and staff layoffs and furloughs, the Judicial Division and others sponsored Report 107 which focused on access to quality justice in the state courts by urging ABA lobbying support for development of judicial branch budget procedures which insure stable and

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# Announcements

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long-term funding of the courts under all economic conditions. Finally, largely through the intervention of Judicial Division delegates, Report 110 sponsored by the Standing Committee on Legal Aid and Indigent Defendants on the subject of recoupment of expenses advanced for criminal defendants, was amended to reflect the reality that if court appointed counsel and investigators are furnished at government expense and the defendant has the ability to pay, that the court should require reimbursement from the defendant as a condition of the sentence. For more information on actions taken by the House, please Judge Fred Rodgers report at: [www.abanet.org/jd](http://www.abanet.org/jd)

## Minority Judges Directory

Are You a Judge of Color? The JD Standing Committee on Minorities in the Judiciary is constantly revising and updating the Directory of Minority Judges of the United States to include new judges, record changes and to remove those who have passed on. Matter-of-fact, the 4th Edition of the Directory will be available

in 2005! If you are an African-American, Asian-Pacific Islander, Hispanic/Latino or Native American Judge, we would like to ensure that you are properly listed in the directory database. Please take a few moments and complete the online form at <http://www.abanet.org/jd/qform.html>

## ALJ Outreach and Education

NCALJ will present "OPM, ALJs and the ABA" in Washington, October 21 in conjunction with the Administrative and Regulatory Practice Section of the ABA Conference. The conference concludes with a reception and dinner hosted by Justice Sandra Day O'Connor at the United States Supreme Court. NCALJ is a co-sponsor of **Mediation for Judges'** program in Phoenix, Arizona, from November 29 - December 3, 2004. NCALJ is also planning a mock hearing and co-sponsorship of other programs at the 2005 Midyear Meeting February 9-16, 2005, in Salt Lake City, Utah. For more information about the NCALJ and educational opportunities, please visit: <http://www.abanet.org/jd/ncalj/home.html>

## Model Code Update

The Joint Commission to Evaluate the Model Code of Judicial Conduct has

recently released further drafts of revised canon provisions. The latest drafts can be accessed at the Joint Commission's website, [www.abanet.org/judicialethics](http://www.abanet.org/judicialethics) Anyone interested in following the work of the Joint Commission may sign up for a general discussion list serve. Information on registering can be found on the Commission's website at: [www.abanet.org/judicialethics/](http://www.abanet.org/judicialethics/).

## New Jury Project Subgrants

The Judicial Division's Judges Network is initiating a subgrant program that will focus on joint judge/court/bar/court-administration projects that improve or promote the American jury system. Subgrants of up to \$1000 will be awarded at the ABA Midyear Meeting in Salt Lake City, UT and must be completed prior to the ABA Annual Meeting in Chicago, IL. Details about the subgrant program will be posted at [www.abanet.org/jd/judgesnetwork/home.html](http://www.abanet.org/jd/judgesnetwork/home.html). The deadline for applications is Wednesday, December 1, 2004.. For further information, contact Paula Nessel at email: [paulanessel@staff.abanet.org](mailto:paulanessel@staff.abanet.org).



Atlanta, GA - Shown (l-r) Rick Bien, ABA President-Elect Mike Greco and Ann Fullenkamp, Sr. VP and Publisher from LexisNexis at the Welcome Reception at the Carter Presidential Center sponsored by LexisNexis and the Judicial Division.



The new ABA building located at 321 N. Clark in Chicago.



Judge Hank Ridgely, Dover, DE with Judge Herbert Dixon, Washington, DC.

## Whatever Happened to.....

Often we think as we participate in ABA activities, what ever happened to John or Jane Doe? We just haven't seen him or her participate for years! Hopefully we can revive a few faces and fill in the gaps. This issue we are highlighting Judge **John Kirkendall**. John was chair of the National Conference of Specialized Court Judges in 2000. He was responsible for the first combined JD planning meeting in Amelia Island, Florida.

Currently Judge Kirkendall is the Presiding Judge of the Family Division in

Ann Arbor, Michigan. He is working diligently on a pilot project for Washtenaw County for the early intervention with families who find themselves in the process of breaking up. After his ABA leadership he is now serving on the board of the National College of Probate Judges, and is the chair of the curriculum committee for this year's joint meeting with the National Academy of Elder Law Attorneys and the National Guardianship Association.

If you know John, you are aware he has always had



a lot of interests off the bench. He loves spending time with his five grandchildren, occasionally is spotted performing with the University of Michigan Alumni Band, is seen teaching a cooking class at an Ann Arbor cooking school, and is now excited about the upcoming family reunion with his brother and sister to celebrate his mother's 90th birthday. Judge Kirkendall misses all his friends in the Judicial Division and recalls his years of service to the ABA as wonderful days. He reads with interest of the terrific activities being undertaken by the JD and says "keep up the good work".

Judge Kirkendall joined the trial bench in 1986 after 20 years of private practice in Ypsilanti, Michigan.



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**"I have nothing to offer but blood, toil, tears, and sweat."**

Sir Winston Churchill—1940



by Judge Tom Warren  
Wenatchee, WA

I am not sure that I would go quite that far but the quote probably caught your attention. As the new editor of the *Judicial Division Record* I do want to assure the membership, that I and the Conference editors will be working hard to publish a very interesting and informative newsletter.

You will notice that changes are appearing. The newsletter is smaller. We hope to save money by not being so repetitive and sticking to what really is news. The format is changing so that the newsletter is easier to read and it will be easy to find what you want to read. If you are looking for more substantive legal articles I suggest you turn to the award winning *The Judges' Journal*. In the new *Judicial Division Record* there will be some regular columns, so you can keep track of such things as: ABA friends you don't see any more; what is happening in continuing judicial education; interests out of the court house (like travel!); and practice tips.

The quality of a newsletter is directly proportional to the articles and information submitted. I hope that you will write for the newsletter, either for the general section or for your Conference section. Please help out the Conference editors. It is a tough job and we do not want to have any tears!



Atlanta, GA - William T. Coleman, Jr. received the 2004 Justice Center John Marshall Award at the Annual Dinner in Honor of the Judiciary on Sunday, August 8 at the Fernbank Museum of Natural History. (Shown l-r) Holley Thompson, LexisNexis, Justice Stephen G. Breyer, U.S. Supreme Court, William T. Coleman, Jr., Vicky Cashman, LexisNexis, Zenobia Holiday, Hon. Gregory Holiday, Nigel Roberts, LexisNexis. Thanks to LexisNexis for their generous support of the John Marshall Award.

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### **EDITOR'S NOTE**

The *Judicial Division Record* is a publication of the American Bar Association (ABA) Judicial Division. The views expressed in the *Judicial Division Record* are those of the author only and not necessarily those of the ABA, the Judicial Division, or the government agencies, courts, universities or law firms with whom the members are affiliated.

All persons interested in submitting articles for inclusion in future issues of the *Judicial Division Record* should contact one of the editors as listed or contact Kris Berliant at ABA/Judicial Division, 321 N. Clark, Chicago, IL 60610; Phone: 800/238-2667 x5700; Fax: 312/988-5709; E-mail: berliank@staff.abanet.org

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### **ARTICLE SUBMISSION DEADLINES**

Winter 2005: Wednesday, November 17, 2004  
Spring 2005: Wednesday, February 16, 2005  
Summer 2005: Wednesday, May 4, 2005

# Appellate Judges News

## Appellate Judges Education Institute Program Set for Dallas in November

Judges attending the Inaugural Appellate Judges Education Institute in Dallas November 11-14, 2004, can expect to hear from a variety of nationally known law professors, lawyers and judges presenting issues of importance to all appellate judges and lawyers. Retired Justice Harry Lemmon (Louisiana Supreme Court), program coordinator, has finalized the presentations, and announcements will be in the mail shortly.

The program opens with opinion writing tips for judges from Bryan Garner, of Law Prose, Inc., who frequently lectures to both lawyers and judges. The morning session then delves into an examination of the decision-making process with a panel moderated by Professor Paul J. Carrington of Duke University Law School. Joining in the panel will be Justice Elizabeth Lacy, Virginia Supreme Court; Judge Judith Billings, Chief Judge of the Utah Court of Appeals; and Judge Susan Graber, U.S. Court of Appeals, Ninth Circuit.

There will be separate Friday morning sessions for appellate lawyers that include presentations on several aspects of brief writing. In one session, Professor Alan Morrison of Stanford University Law School, who has argued many cases in the U.S. Supreme Court, will use a specific case's briefs as a discussion and teaching tool. The final morning session on Brief Writing from the Court's Perspective will feature Chief Judge Deanell Tacha of the Tenth Circuit, Justice Steve Limbaugh of Missouri, Chief Justice Chris Armstrong of the Massachusetts Court of Appeals, and Judge Sarah Duncan of the Texas Court of Appeals.

Friday afternoon will feature a 90 minute program on Judicial Independence. Chief Justice Tom Phillips of Texas and Justice Steven Limbaugh will be joined by a representative of the ABA Standing Committee on Judicial Independence to discuss this topic vital to both judges and lawyers.

During the second day of the program, in plenary session with the lawyers and judges combined, Harvard Professor Arthur Miller will moderate a discussion of Appellate Review of Fact Finding and of Summary Judgments. Judges and lawyers participating in this discussion include: Judge Patrick E. Higginbotham, U.S. Court of Appeals, Fifth Circuit; Chief Judge Danny J. Boggs, U.S. Court of Appeals, Sixth Circuit; Justice Ming Chin, California Supreme Court; Justice Nathan Hecht, Texas Supreme Court; Chief Judge John F. Irwin, Nebraska Court of Appeals; Judge James A. Wynn, Jr., North Carolina Court of Appeals; Theodore J. Boutros, Jr., Los Angeles, CA; and Professor William Dorsaneo, SMU Dedman School of Law.

Another discussion of Appellate Review of Judicial Discretion and of Daubert issues will be moderated by Judge Alex Kozinski, U.S. Court of Appeals, Ninth Circuit. Attendees will hear from panel members: Judge Harris L. Hartz, U.S. Court of Appeals, Tenth Circuit; Justice Denise Johnson, Vermont Supreme Court; Justice Wallace Jefferson, Texas Supreme Court; Judge Ulysses Gene Thibodeaux, Louisiana Court of Appeal; Judge Barbara Lynn, U.S. District Court, Dallas, Texas; and Michael H. Rubin, of the American Academy of Appellate Lawyers, Baton Rouge, LA.

Completing the second day will be a discussion of the most recent revisions of the ABA Code of Judicial Conduct, tentatively featuring Commission Members Mark Harrison of Phoenix, AZ, Judge James A. Wynn, and Dean James J.

*(continued on page 13)*

## UVA Judges Program Postpones Next Class Due to Budget Cuts

Failure of Congress to fully fund the State Justice Institute (SJI) has caused the postponement of the next cycle of the Graduate Program for Judges at The University of Virginia. As a result, Professor Earl Dudley, director of the program, plans to commence a new class in the summer of 2006.

Historically, the Graduate Program for Judges has received grants from SJI to fund the major expenses of the program. Tuition received from attending judges' states completes the revenues for the program.

This year, and despite the help of Senator John Cornyn of Texas, a 1995 graduate of the program, SJI funding was cut in the current legislative cycle. Senator Cornyn has agreed to continue to press for funding in the next budget. In the meantime, Professor Dudley is pursuing alternative sources of funding to assure that the program can commence again in 2006.

The Graduate Program for Judges, which commenced in 1980 with cooperation and assistance from the ABA Appellate Judges Conference, provides a two-year course of study for appellate judges, with classes during two six week summer sessions, leading to a Masters of Law in the Judicial Process Degree. Since its commencement, over 300 judges have completed its requirements and received degrees.

The application process for admission to the program which would have commenced this fall will be postponed until the fall of 2005, assuming funding has been secured.

## Hartz Takes Reins of AJC Executive Committee

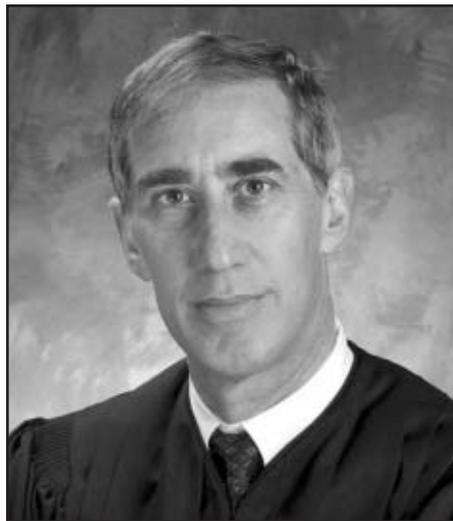
At the ABA Annual Meeting in Atlanta, Judge Harris L. Hartz, U.S. Court of Appeals, Tenth Circuit, was voted Chair of the AJC Executive Committee. Judge Hartz takes over from Judge James A. Wynn, Jr., North Carolina Court of Appeals, who guided the Conference for the past year. Judge Hartz will serve for the 2004-05 term.

Moving into the position of Chair-Elect is Vermont Supreme Court Justice Denise Johnson. Judge Rosemary Shaw Sackett, Iowa Court of Appeals, will serve as Vice-Chair. Judge Patricia A. Timmons-Goodson, North Carolina Court of Appeals, will assume the duties of Secretary, while Judge Wynn will fill not only the position of Immediate Past Chair but also Delegate to the ABA House of Delegates.

Newly elected to the Executive Committee for a two-year term is Judge Charles A. Johnson, Oklahoma Criminal Court of Appeals, and a one-year term is Judge Ronald Lee Gilman, U. S. Court of Appeals, Sixth Circuit. Continuing on the Committee for a new two-year term is Chief Justice Christopher J. Armstrong, Massachusetts Court of Appeals. These judges will join current members Chief Justice William G. (Bud) Arnott, Texas Court of Appeals; Judge Robert Henry, U.S. Court of Appeals, Tenth Circuit; Justice Randy Holland, Delaware Supreme Court; and Judge Joseph Huddleston, Kentucky Court of Appeals.

The Executive Committee received a full update on the upcoming inaugural Appellate Judicial Education Institute program in Dallas, Texas. Council of Chief Judges Chair Judge Stephen McEwen of Pennsylvania reported that the Chief Judges would meet in conjunction with the program and participate in several of the education sessions.

Also present at the Executive Committee meeting were Council of Appellate



*Judge Harris Hartz, 2004-2005 Conference Chair*

Lawyers Chair Mary Vasaly and incoming chair Charles G. Cole. They announced that CAL was seeking approval by the ABA Board of Governors of a new award to be presented by CAL titled The Distinguished Contribution to Appellate Law Award. Four categories of selection for the award are: (1) Distinguished Lifetime Achievement; (2) Distinguished Appellate Jurist; (3) Distinguished Appellate Advocate; and (4) Distinguished Service to CAL. After the Executive Committee Meeting, the ABA Board of Governors approved the award.

The Committee also heard a report of a successful education and business meeting of the Council of Appellate Staff Attorneys. One hundred thirteen staff attorneys attended the annual meeting in Park City, Utah, in July.

Justice Frank Sullivan, Indiana Supreme Court, attended the Committee meeting as Co-Chair of the Judicial Clerkship Program. This program was created under co-sponsorship of the ABA Commission on Racial and Ethnic Diversity in order to encourage more minority law students to apply for judicial clerkships. The program brings minority law students together with judges to learn about types of clerkships and the skills necessary for the position. Justice Sullivan expressed the need for judges to participate in the next program scheduled for the ABA Midyear Meeting in Salt Lake City. Those who are interested should contact Justice Sullivan or ABA staff member Gilda Fairley at 1-800-238-2667, x-5689. More information about the program appears at [www.abanet.org/minorities/jcp/04/sullivanarticle](http://www.abanet.org/minorities/jcp/04/sullivanarticle).

Finally, the Committee approved an update of the existing Conference Bylaws. The Council of Chief Judges requested, and the Committee approved, a change in its membership to include both past and future chief judges as permitted members as well as current chief judges. Other changes constituted general revisions to reflect current practices, including the existence of the Council of Appellate Lawyers as part of the Conference.

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## We Need Your Help for the Judicial Clerkship Program

*by Justice Frank Sullivan, Jr.  
Indiana Supreme Court  
Indianapolis, IN*

I hope you will join me at the ABA Midyear Meeting February 10 - 12, 2005 to help with the fifth annual Judicial Clerkship Program. If you have participated in the past, you already

know how enjoyable and invigorating the program is. If you have not, you will find that the program will give you a chance to counsel and inspire extremely impressive minority law students from throughout the country in a series of panel and small group discussions as well as social events. It doesn't really matter whether you are in the market for clerks; if you like talking to really smart law students about law and judging, I guarantee you'll enjoy being a part of this program. Register online at: <http://www.abanet.org/jd/forms/2005jcp.html>

# Education Institute

(continued from page 11)

Alfani, South Texas College of Law. Following this discussion, Dean John Attanasio of SMU Dedman School of Law will moderate a review of recent Supreme Court Decisions with panelists Chief Judge Danny J. Boggs and Professor Morrison.

A half day program on Sunday will permit short presentations to the Institute participants on "Law and..." Four sessions dealing with Literature, Religion, Science/Bio-ethics, and History will allow the audience to acquaint themselves with each topic. These will be followed with breakout session where the audience members may choose to learn more on one topic with the presenters. The session will be moderated by Judge Robert H. Henry, U.S. Court of Appeals, Tenth Circuit, and the presenters will be: Literature, Randy Gordon, Gardere Wynne Sewell LLP, Dallas, Texas; Religion, Professor Azizah Y. Al-Hibri, T.C. Williams School of Law, University of Richmond; Science, Dr. J. Donald Capra, Oklahoma Medical Research Foundation; and History, Dr Rufus Fears, University of Oklahoma.

Finally, the Institute will conclude with a discussion of the Future of Appeals in America, moderated by Judge Patrick Higginbotham. The panel will include Professor Daniel J. Meador, University of Virginia Law School and Founder of the Graduate Program for Judges.

Institute participants will also be treated to reception at the renowned Trammel Crow Asian Art Museum, a Tex-Mex Fiesta, and that famous Texas hospitality.

Scholarships may be available for judges covering part of the cost of tuition, room, meals and travel. Further details will

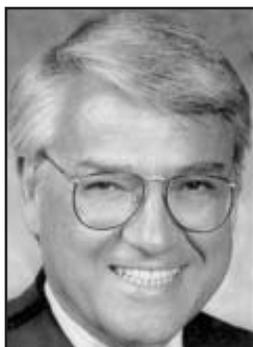
appear in the brochures which all appellate judges should receive during the month of September.



Justice Ming Chin



Professor Arthur Miller



Judge Patrick E. Higginbotham



Executive Committee Meets in Atlanta: From left to right, former Justice Craig Enoch (TX), Chief Justice Christopher Armstrong (MA), Judge Harris L. Hartz, New Chair, Judge Patricia Timmons-Goodson (NC), Charles G. Cole (CAL), Mary Vasaly (CAL), Paula Nessel, ABA Staff.

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# Lawyers Letter

## CHAIR'S COLUMN



by Jack L. Brown  
Tulsa, OK

The Lawyers Conference is ablaze with new projects, renewed enthusiasm and increased membership. Having just completed a successful series of meetings at the ABA Annual Meeting in Atlanta, the LC Executive Committee

is focused on publications and programs, achieving results, and involving more LC members in the implementation of projects.

This coming year, the LC will continue its work and complete revisions to the Guidelines for the Evaluation of Judicial Performance. Originally released in 1985, the Guidelines are being reviewed and rewritten based on today's standards for judicial performance and conduct. Chaired by Cheryl Cesario, the Judicial Performance and Evaluation Project anticipates having revised Guidelines early next year for review and comment by JD members. Other LC project members include Michael Aprahamian, Kristen Gustafson, Patricia Smith, Ed Madeira, and Dr. Hugh Collins. Each JD conference has members participating in the project.

The initial phase of the LC Clerkships Project which features a web-based listing of "national clerkship opportunities for law students" is expected to be online before the end of 2004. Law students will be able to access the Clerkships website which will be included in the JD website under the LC section. Chair Ben Longoria is coordinating the development of the website and informational listings that can be accessed by law students. It is anticipated that the website will also expose law students to the JD through activities with the LC.

The LC Bench Bar Project is preparing an Annual Meeting education program highlighting the "CSI effect" on juries. Gloria Wilson Shelton, Bench Bar Chair, has identified numerous nationally-acclaimed speakers who will make presentations at the program. The educational program is anticipated to be a highlight of the meeting inasmuch as ABA President Robert Grey has made the American jury system his top priority for the 2004-2005 year.

Other LC projects in planning stages include Career Advancement chaired by Justin Connor and Annual Meeting Planning chaired by Mike Hyman. The LC anticipates programs aimed at reaching out to many potential new LC members in the Salt Lake City legal community and other attendees to the 2005 ABA Annual Meeting. Finally, judicial outreach programs will continue to be at the forefront of the LC in addition to our continued support of the Judges Network. LC outreach programs are chaired by Daniel Gourash, who also is Co-Chair of the Judges Network.

As LC Chair, my objective is to entrench the project structure developed by the LC, ensure success for the projects initiated this year, and increase LC membership and support of all other JD conference related programs. It is a great time to be a member of the LC and I look forward to an exciting and enjoyable year as your Chair.

## Judicial Division Diversity Plan in Action



by Gloria Wilson  
Shelton  
Baltimore, MD

The Standing Committee on Minorities in the Judiciary, formerly the Task Force for Opportunities for Minorities in the Judiciary, was created in 1987 to actively implement the Judicial Division's programs and

projects that focused on the realization of ABA Goal IX. In carrying out its mandate, the Standing Committee prepared a detailed action plan which was approved by the JD Council for incorporation into the plans, goals and objectives of the six conference entities comprising the JD. The threshold of the work of the Standing Committee has been increasing minority judge membership in the ABA and JD, and actively promoting the participation of minorities in JD programs and events. In validating the accomplishments of the JD in the area of diversity, the Standing Committee sought to compile an annual report and action plan to assist the conferences in achieving and reporting the important goal of changing the complexion and expanding opportunities for minorities, women, and persons with disabilities in the JD.

The Diversity Action Plan found its genesis in ABA Goal IX and the JD Goal One. The stated ABA Goal IX is to promote the full and equal participation in the legal profession by minorities,

(continued on page 15)

# Diversity Plan

(continued from page 14)

women, and persons with disabilities. Similarly, the stated JD Goal One is to increase minority membership, including membership in each of the six conferences. The Diversity Plan identified various areas in which the JD could measure its accomplishments in the areas of, including but not limited to: leadership, committees, mentoring, outreach efforts, public relations and monitoring.

Over the past few years, the LC has taken a proactive role in achieving these important goals and continues to take steps in its outreach efforts to increase the interest of all lawyers and diverse groups. For example, the Nominating Committee of the LC actively recruited minority lawyers from around the country to become involved. This effort resulted in several appointments to the Executive Committee and within the Section Officer ranks. The LC encouraged as well as promoted the principles of diversity in selecting their leadership and continues to do so in preparation for the next year. Additionally, the LC is making strides in its program planning efforts to include issues

of concern to diverse members as well as actively seek out diverse members to serve on its project committees.

The LC and its respective membership committees must continue to be proactive in efforts to attract and retain diverse members and strive to facilitate a mentoring program for new members. The outreach efforts of the LC must also continue to be positive and valued by the legal community. With each member's commitment to the Diversity Plan and the leadership's desire to be all inclusive, the LC is optimistic that the progress it has made thus far will continue to be validated over the next year and years to come. The LC is happy to be one of the six conferences stepping up to the plate in demonstrating the value of diversity in its leadership ranks, membership and programs.

*Gloria Wilson Shelton is Principal Counsel of the Courts and Judicial Affairs Division in the Office of the Maryland Attorney General. She currently serves as Secretary of the Lawyers Conference and has served as the Lawyers Conference Liaison to the Standing Committee on Minorities from 2001 to present.*

Atlanta, GA - JD program on "High Tech Courts" speakers (Left to right): Victoria Cashman, Dayton, Ohio, Judge Herbert Dixon, DC Superior Court, Justice Henry Ridgely, Delaware Supreme Court and Richard Herrmann, Wilmington, Delaware.



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# Administrative Judiciary

## News and Journal

### CHAIR'S COLUMN

by Judge Dan Solomon  
Washington, D.C.

As I begin my year as Chair, the state of NCALJ is good, and the prospects are terrific.

Although we may be few, we have been effective. As part of the JD, we stand with the rest of the judiciary, state and federal, to defend liberty and promote justice. The ABA has led the fight for ALJ judicial responsibility, judicial status, and economic parity, in state and federal venues. Through the Division, we have initiated needed reforms and modalities that have become ABA, as well as public policy. NCALJ initiated efforts that have become ABA policy are:

- ABA Resolutions in support of protecting the public interest in independent, impartial and responsible decision-making in administrative adjudication.
- ABA Resolution in support of a default mechanism in federal administrative adjudication that the Administrative Procedure Act applies unless legislation states otherwise.
- Application of the ABA Model Code of Judicial Conduct to administrative adjudication.
- The Model Code of Judicial Conduct for State Administrative Law Judges.
- The Model Act for Creating a State Central Hearing Agency.
- ABA Resolution in support of an appropriate retirement system for federal ALJs.

In addition, NCALJ has recently proposed a Report and Recommendation supporting a Conference of Administrative Law Judges in the federal system.

In confirmation of our role in judicial education, an NCALJ member holds a seat on the board of the National Judicial College, and two of our members are on the NJC Faculty Council. Moreover, NCALJ and NJC are also cosponsors (with NAALJ) of a research study on State Administrative Law Judges at the University of Texas, LBJ School of Government. NCALJ participates in the Judges Network by providing such outreach efforts as mock hearings to local communities. For more information on our outreach and education efforts, please visit our website at: <http://www.abanet.org/jd/ncalj/home.html>

NCALJ is involved in leadership roles at the ABA by having a delegate in the House of Delegates. The chair of the Justice Center Coordinating Council is an NCALJ member. The same NCALJ member has been a member of the ABA Board of Governors, and now is an elected at-large member of the ABA House of Delegates, the ABA's legislative body. NCALJ members also serve as officers of other sections of the ABA, and another is an ex-officio member of the Council of the Administrative Law and Regulatory Practice Section, with whom we hold a special subject matter relationship.

NCALJ also sponsors a joint judicial fellowship with the National Highway and Transportation Safety Administration.

NCALJ is influential in promulgating model rules of professional ethics. An NCALJ member was the chief draftsman of the ABA Code for Federal Administrative Law Judges (1989). We also initiated the Model Code of Judicial Conduct for State Administrative Law Judges. An NCALJ member is a member of the ABA Joint

*(continued on page 17)*

## Report of The NCALJ Nominating Committee

At the 2004 Annual Meeting in Atlanta, the following members were elected to serve in the indicated positions:

### Vice Chair

Judge Tela Gatewood, Oklahoma

### Secretary

Judge Larry Craddock, Texas

### Executive Committee

(two-year term expiring August 2006)

Judge Robin Arzt, New York

Judge Ann Breen-Greco, Illinois

Judge Richard Goodwin, District of Columbia

Judge Bryan McDaniel, Louisiana  
(Term expires: 2005)

Judge Lois Oakley, Atlanta, fills the unexpired term of Judge Larry Craddock

# NCALJ OFFICERS 2004-2005

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Hon. Daniel Solomon  
Washington, DC

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Hon. Chris Graham  
Jefferson City, MO

## Vice Chair

Hon. Tela Gatewood  
Oklahoma City, OK

## Secretary

Hon. Larry Craddock  
Austin, TX

## Immediate Past Chair

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## Delegate to ABA House of Delegates

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## ABA Board of Governors Liaison

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## Executive Committee

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Anaheim, CA

Hon. Lois Oakley  
Atlanta, GA

Hon. Ira Sandron  
Washington, DC

Hon. Thomas Snook  
Miami, FL

Hon. Robin Arzt  
New York, NY

Hon. Richard Goodwin  
Washington, DC

Hon. Ann Breen-Greco  
Chicago, IL

Hon. R. Bryan McDaniel  
Baton Rouge, LA

## Chair's Column

*(continued from page 16)*

Commission to Evaluate the Model Code of Judicial Conduct. The ABA has accepted policy, generated by an NCALJ resolution, to extend the judicial codes to ALJs.

NCALJ is also joining with other judicial entities to attempt to bring "administrative justice to the people of the world" in contemplating an international administrative judiciary coalition. Some of our members have represented the ABA and the nation in service internationally through the ABA CEELI program. In June, we provided judicial scholarships to the Third International Administrative Justice Conference in Toronto, where our members presented several programs.

And the ABA has provided legislative consultation and leadership to the benefit of the administrative judiciary. The ABA has taken positions that are of interest to and the benefit of our members, the profession and society. Some of these are documented on our web page. The ABA is actively involved in public policy debate and development before Congress, the Executive Branch, and other governmental bodies. The ABA's Governmental Affairs Office (GAO) serves as the "eyes, ears and voice" of the organized bar in the nation's capital.

### How to Make a Difference

NCALJ committees are the lifeblood of the organization. Members can quickly become essential participants as committee membership is open to any member of the conference. Participation offers an opportunity to meet and work with other

judges from all jurisdictions and levels. A list of the committee chairs are listed on our website. If you have an interest in serving on any committee, please notify the committee co-chairs and notice my email address.

### And You Get It Wholesale

ABA Members are entitled to other discounts through ABA Member Advantage. For more information about these discounts, please visit <http://www.abanet.org/advantage/home.html>

### NCALJ as Family

For many of us, NCALJ is more than just a professional organization. Our semiannual dinners have been culinary and social successes. Every meeting is a family reunion. The ABA and NCALJ represents a haven, more therapy than drudgery, and usually a lot of fun.

Welcome to NCALJ.



# Federal Trial News

## CHAIR'S COLUMN



by Judge Mary Ann  
Vial Lemmon  
New Orleans,  
Louisiana

Judicial independence is in danger on many fronts. Public confidence in the judicial system is at an all-time low, with the public receiving information about the system mainly from media sources, which often are poorly informed or are seeking sensationalism. Judge-bashing has become an acceptable means of attracting public attention to some elected officials, both state and federal, irrespective of the fairness of the criticism. A contributing cause of these attacks is a misperception by some legislative and executive officials that the judicial branch is not separate, and certainly not equal.

Traditionally, many judges, in an earnest attempt to avoid any appearance of impropriety, have remained mute while under attack. As attacks have intensified, we badly need judicial response to the hostile climate. One means of responding is through judicial outreach programs to educate the public with accurate information about the judicial system. Judges and judicial officers can begin to turn public perception around by having meaningful direct contacts with schools and civic organizations and by promoting cordial relationships with the media. The media depends largely on the judiciary, for example, for enforcement of its First Amendment rights, when those rights are ignored in the context of attempts to keep secret those happenings of which the

public has the right to be informed. Likewise, the judiciary depends upon the media to provide fair and accurate coverage of court proceedings and other judicial events. Clearly, better communications between the media and the courts leads to a better understanding of the other's role, problems, and needs. Surveys have shown that the public perceives judges as being in the best position to educate about the judicial system.

A more imminent threat to judicial independence involves some inter-governmental attempts at lessening the role of the third branch. This threat may best be addressed by searching for mutual understanding of each other's constitutional authority and responsibility in a tri-partite system. The first step is for judges to keep informed about the legislative and executive activities which impact the judiciary and are contrary to the interests of an independent judiciary.

In a recent editorial, American Judicature Society's publication referred to "the dismal state of interbranch relations at the federal level," and called for legislators and judges to exercise restraint in expressing frustration over the tension between the branches. There are many causes for tension between the branches. For example, impartiality is the hallmark of the judiciary, while legislators are expected to be partisan in favor of the areas that elected them or the interests that financed their election; judges simply cannot be swayed by such considerations, and often are required by law to render unpopular decisions. The judicial branch also sits in judgment over the constitutionality of the enactments of the branch that controls judicial purse strings, creating additional tensions.

Another criticism is that some judges engage in law-making functions reserved

to the legislature. Certainly, such behavior would be improper, but much of that criticism is unjust. Most cases turn on issues which are not clearly controlled by positive law, and judges must decide such cases by applying the most nearly applicable law or by analogy to closely related laws. This is not law-making, this is the essence of the judicial process, but that process frequently is misunderstood.

Perhaps the greatest area of judicial criticism, and one of the most contentious issues of the day, involves the exercise of judicial discretion, particularly in imposing criminal sentences. The legislative branch clearly has the constitutional power to decide the sentencing range for one who violates a criminal statute enacted by the legislature. But for each crime and each criminal, individual considerations are involved that bear on the sentencing decision, and these factors simply cannot be controlled by general legislation. The legislative branch has appropriately taken many such factors into consideration in enacting sentencing guidelines that narrow the sentencing range, but the judge who presides over the case must exercise individual discretion in weighing guideline factors.

Tension between the legislative and judicial branches is not new, and mutual respect for constitutional powers demands that both branches should pursue means of relieving such tensions. The focus of the National Conference of Federal Trial Judges for 2004-2005 is to promote an open relationship between Congress and the Federal Judiciary. To this end, the Congressional Affairs Committee of the conference has been formed. The Conference is reaching out to entities which have undertaken in the past, and now, to preserve judicial independence. The American Judicature Society has been a

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## Chair's Column

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staunch advocate of judicial independence. Their creation of the High School Curriculum on the Courts project, funded with grants from the "Foundation for the Advancement of Independent Judiciary and the Rules of Law," to improve and enhance students understanding and appreciation of the justice system, is further evidence of AJS's commitment.

At the ABA Annual Meeting in Atlanta, the House of Delegates adopted a resolution directed to the current crisis in federal court funding, urging Congress to fund the courts sufficiently to enable the courts to fulfill their separate constitutional and statutory duties. (I am proud that the Louisiana State Bar Association was a co-sponsor of the resolution.) The Long Range Plan for the Federal Courts of the Judicial Conference of the United States suggests that positive communication and coordination between the judicial branch and the executive and legislative branches should be enhanced. One specific recommendation is that judges invite members of Congress to visit their courts and to discuss the work of the judiciary and the justice system generally.

The ABA Standing Committee on Federal Judicial Improvements has monitored federal courts and made constructive suggestions for improvements. In previous years, it formed the Commission on Separation of Powers and Judicial Independence to "respond to the recent attacks on the Judiciary and to deliver the overriding message that the vitality of our democracy is rooted in an independent judiciary." One of their current initiatives involves dialogue between Congress and the Courts. Hopefully, our conference can work side by side with the standing committee on this project.

Prominent persons and groups have called for inter-branch dialogue. Justice Stephen Bryer has recently suggested "reviving programs that once provided opportunities for members of congress and federal judges to talk to each other." Bipartisan groups, such as Justice At Stake, are undertaking a campaign to keep politics and special interests out of the courtroom.

Senator Orin Hatch demonstrated his sensitivity to judge-related issues in urging a bipartisan solution to the sentencing dilemma caused by the *Blakely* decision. Senator Patrick Leahy has expressed his deep concerns about the impact of *Blakely*, and his appreciation of the difficulty of the unanswered questions presented. He stressed his respect for the decision of the Supreme Court, and his understanding of the principles of the 1984 Sentencing Reform Act to narrow disparities in sentencing, "while leaving judges enough discretion to do justice in the particular circumstances of each individual case."

It is encouraging to note the formation of the bipartisan Congressional Caucus on the Judicial Branch, headed by Representative Judy Biggert (R-Illinois) and Representative Adam Schiff (D-California). Their stated purpose is to "forge a closer working relationship with the judicial branch . . . on issues that come before Congress that directly impact the Judiciary."

We welcome the invitation for interaction and offer our participation in this timely effort. Hopefully, this undertaking will lead to a mutual understanding of the necessity for opening lines of communications between Congress and the judiciary to protect the constitutionally mandated separation of powers and the mutual respect implicit in that mandate.

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# Special Court News

## CHAIR'S COLUMN



Judge Sharon Hattan  
Midland, Texas

**G**reetings from West Texas. I am honored to serve as your Conference Chair this year and looking forward to working together in promoting our diverse conference.

I hope many of you had the opportunity to attend the ABA's Annual Meeting in Atlanta, in August. You couldn't have asked for better weather. The dog days of summer took a brief vacation providing us with the perfect setting for an Annual Meeting. The Conference dinner Friday night was once again a fine dining experience. Southern hospitality was the main attraction which meant plenty of good food and warm company. There were also many programs offered during the meeting. One such program, "Can Paper Stop a Bullet? The Relationship Between State Protective Orders and Federal Firearms Laws" was organized by Chair-Elect Judge Mike Witte. Panelists included judges, an FBI agent and representatives from both the National Coalition Against Domestic Violence and International Association of Chiefs of Police. The program explored the relationship between state court domestic violence protective orders and federal firearms laws applicable to crimes of domestic violence and protective orders. Attendees were introduced to the laws surrounding firearms possession, confiscation, and purchase if the firearms' owner, possessor or purchaser is subject to a domestic violence order of protection or is convicted of a crime of domestic violence. In addition, attendees received excellent materials and resource guides on the subject matter.

One of our Conference's age old traditions was given new life by Judge Peter Evans who presented an orientation program to welcome the new members and give some insight about what our Conference is all about. Many thanks to him for all his hard work in putting the presentation together. Another favorite tradition, however, continued; the famous "raffle drawing for fabulous door prizes from across the country." My thanks to everyone who donated prizes.

Changing things up a bit, this year our Conference chose to award the William R. McMahon and Franklin N. Flaschner Awards during the general business meeting on Saturday. The winners of these prestigious awards were presented to Judge Karl Grube for the Flaschner and Joseph Sawyer for the McMahon. Judge Mike Pietruszka told those in attendance that Mr. Sawyer was being honored for his innovative use of technology. He created the first on-line long distance training programs for the National Judicial College. The programs assist judges with their teaching techniques; essentially a train the trainers program. Topics included Criminal Evidence, Administrative and Small Claims programs. Judge Karl Grube, winner of the highly respected Flaschner award, has been an active member of our Conference for 25 years. Currently, he is involved in many judicial outreach projects and is serving as a NHTSA Judicial Outreach Liaisons for the Southeast Region. Both Mr. Sawyer and Judge Grube should be congratulated for their devotion to training judges and especially to Judge Grube for his many years of service in the administration of justice.

Continuing our relationship with the National Highway Traffic Safety Administration, (NHTSA) our three newest Regional Judicial Outreach Liaisons; Judge Karl Grube, Southeast Region, Judge David Hodges, South Central Region and Judge Judith Eiler

representing the Northwest Region joined us. They each briefed us on their year ahead.

Our Traffic Court Committee is up and going. Judge Larry Sage is Chairing this Committee. Already plans are being discussed to possibly present programs in Utah, Kentucky, Indiana and New York. Judge Pirraglia and Judge Grube represented our Conference at the National Association of State Judicial Educators Conference in late August to promote our Conference programs. We are excited about the potential possibilities their contacts will bring. Looks like traffic programs in April 2005 in Kentucky and a similar one in Arkansas is most likely in the near future.

Also at this year's Annual Meeting, our Conference passed a written diversity policy. This policy reflects our already diverse group and is the product of many hours of discussion and intuitive thought. Look for the policy statement to be posted on the JD or our Conference website at [www.abanet.org](http://www.abanet.org).

The Judicial Division is working with our Conference to create a Tribal Courts Council. It is believed that judges from our Conference whose jurisdiction includes tribal courts will combine with other ABA members to create a special "Council" becoming a new part of the Judicial Division. Judge Matthew Martin, Chair of our conference's Tribal Courts Committee is working with the JD and its staff on this proposal. Feel free to contact Judge Martin or I should you have any questions about this matter.

I welcome both the returning and newly elected representatives to our Conference and look forward to the upcoming year. I hope each of you will not hesitate to contact me with any questions you may have about our Conference.

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## Federal Reporting Requirements for Traffic Courts

by Thomas A. Henderson

Executive Director for Court Association Services  
National Center For State Courts  
Williamsburg, VA

The federal government may seem far removed from the vicissitudes of a traffic calendar for a trial court. But judges and court administrators ignore the national legislative and rule-making process at their peril. Nowhere is this more apparent than in the adjudication of cases involving those holding a commercial drivers license.

In 1999 Congress passed the Motor Carrier Improvement Act, which contained specific requirements for those holding a commercial driver's license (CDL). The effect of the act was to charge the Department of Transportation with responsibility for regulating the issuance of CDLs by states. This authority had been part of DOT's responsibility for more than a decade, but the 1999 Act significantly expanded the authority.

Among the provisions of the Act was a requirement that a state Department of Motor Vehicles (DML) must maintain a current, accurate record of any conviction of holders of a CDL of any offense that would disqualify them. The list of disqualifications is extensive including criminal convictions as well as traffic offenses. In the summer of 2003 the Federal Motor Carrier Safety

Administration (FMCSA) issued its final regulations implementing this provision of the Act.

The regulations require that courts within a state submit to the DMV within 10 days a notice of conviction of any holder of a CDL of a disqualifying offense. If the conviction is of an out-of-state driver, courts have 30 days to submit the conviction to the responsible DMV. These mandates are scheduled to take effect on September 30, 2005. (On September 30, 2008 the out-of-state reporting requirement will be reduced from 30 days to 10.). Enforcement of this requirement is tied to a state's highway funds. The penalty for non-compliance the first year is withholding of 5% of a state's highway funds, increasing to 10% the second year. These penalties affect the state as a whole, but the reporting requirement is on courts alone.

That is the bad news. The good news is that officials FMCSA are aware of the burden this will place on courts and begun working with court groups such as the National Center for State Courts and the Judicial College, to provide assistance. There have been several meetings between representatives from FMCSA and court officials to discuss the regulations. In April FMCSA officials addressed the Assembly of Court Associations, an informal coalition of groups representing judicial officials, including the National Conference of Specialized Court Judges. Discussions continue with the agency over the development of a program that would provide additional resources for courts in meeting these reporting requirements.



Can Paper Stop a Bullet? Annual Meeting Education Program

# Trial Judges News

## A Review of the Twelfth Educational Forum of The Roscoe Pound Institute

by Judge Alexander P. White  
Des Plaines, IL

On Saturday, July 3, 2004, one hundred and twenty-five state appellate and trial judges participated in the Twelfth Educational Forum for State Court Judges in Atlanta, Georgia. The topic of the forum was "Still Co-Equal? State Courts, Legislatures, and the Separation of Powers" The forum consisted of morning and afternoon plenary sessions followed by small breakout sessions and a closing plenary session.

Two subjects were addressed. The first was "Keeping Co-equal: State Court Defenses Against Legislative Encroachment," which focused on differences, with examples, of federal and state separation of powers; "free standing" versus "specific" judicial powers and "formal" versus "functional" approaches to resolve separation of power controversies; and specific techniques state courts use in defending encroachments on their powers. The second was "Law Making and Judicial Review: What Degree of Deference Should State Courts Give to Legislative Findings?" which focused on judicial standards for fact deference and interpretations; "old style" federal standards of deference in federal and state court review; "new style" federal legislative record review; and an analysis of state levels of deference to state legislative fact finding.

The Forum closed with remarks from the president of the Roscoe Pound Foundation. The participants are looking forward to the Thirteenth Forum to be held in Toronto, Canada on July 23, 2005.



Atlanta, GA - The new State Trial Judges Executive Committee met at the annual meeting to discuss projects for the upcoming year. Shown here are judges, front row: Sophia Hall, IL; William Missouri, MD; Herbert Dixon, DC; Elibu Berle, CA; and Terry Ruckriegle, Co; Back row: Stephanie Domitrovich, PA; Tom Wine, KY; Carol Higbee, NJ; Annette Scieszinski, IA; Judson D. Deramus, NC; Hiller Zobel, MA, and Joel Medd, ND.

### CHAIR'S COLUMN

by Judge Elibu M. Berle  
Los Angeles, California

The NCSTJ is the premier organization of general jurisdiction trial judges, and is the oldest and largest of such associations in continuous existence. It is the national voice of state trial judges and represents the views of those judges in many forums and professional conferences around the country. The mission is to improve the administration of justice; promote judicial independence and recognition of the judiciary as the third co-equal branch of government; provide continuing education to judicial officers; increase public understanding of the judicial system through outreach programs and public education; and represent the interests of state trial judges nationally.

It was with great honor and pleasure that I assumed the duties of the office of Chair of NCSTJ at the Annual Meeting in Atlanta this August. I had thought that I would have a year of training to learn and prepare for my tasks by first serving as chair-elect, and thereafter take on the responsibilities of the chair in 2005. However, my schedule was suddenly accelerated by the auspicious, impeccable timing of my immediate

predecessor officer, Henry duPont Ridgely, who was appointed to the Supreme Court of Delaware shortly before the Annual Meeting. All of us who have worked closely with Hank at NCSTJ over the years are very proud of his well-deserved achievement and look forward to his many years of dedicated outstanding service to the public as a state supreme court justice. We will miss Hank's leadership in the Conference, but expect to have him continually involved in the projects of the trial courts.

The theme of the ABA this year is the American Jury System. The focus will be on The American Jury Initiative, which is an undertaking consisting of two major efforts: the Commission on the American Jury and the American Jury Project. The Commission will concentrate on outreach activities to enhance participation in and appreciation of jury service, an important element of our democratic institutions of government. The Project will direct its attention to gathering and updating jury standards and consider reforms that will improve the public's participation in jury service and jury comprehension during trial.

A keystone event in support of the American Jury Initiative will be the American Jury Project Symposium in Lexington, Virginia on October 15, 2004, which will bring together judges, lawyers, jury experts, court administrators, bar leaders, and legal educators who are interested in the health and success of the jury system. Bill Caprathe, chair of the NCSTJ Jury Management Committee, is serving on the Project's committee. NCSTJ members are deeply involved in the work of the Project.

In support of the American Jury theme, NCSTJ will present its annual full day seminar on the subject of Jury Trial Management, on Thursday August 4, 2005, preceding the ABA Annual Meeting in Chicago. The program will address such issues as outreach efforts for jury service, establishing diverse jury venires that are representative of the community, voire dire, use of high technology in jury demonstrative evidence presentations,

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## Chair's Column

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and the latest jury innovation proposals. Judges, lawyers, jury consultants and court administrators who deal regularly with juries will be interested in attending this program.

The ABA Kennedy Commission, under the leadership of Supreme Court Justice Anthony M. Kennedy, has issued its report containing specific recommendations regarding clemency, sentence reduction, incarceration as punishment, prison conditions, prisoner re-entry into society, restoration of rights, and racial disparity in the criminal justice system. The recent decision of the United States Supreme Court in *Blakely v. Washington* has highlighted even more vividly the importance of the work of the Kennedy Commission. NCSTJ Vice-Chair Bill Missouri served on the Commission as the NCSTJ representative and contributed greatly to its work. During the coming year he and Jim Lockemy, Criminal Justice Committee chair, will be working on projects and programs dealing with the ramifications of the *Blakely* decision on state court sentencing schemes and issues relating to reentry of criminal defendants into society after completion of prison terms.

The revision of the Model Code of Judicial Conduct is another significant project being undertaken by the ABA this year. Since there have been major changes in society, case law, and ethics opinions since the Model Code was adopted in 1990, a substantial rewriting of the canons of judicial conduct is anticipated. Annette Scieszinski, chair of the NCSTJ Committee on Ethics and Professionalism, is NCSTJ's liaison to the Joint Commission to Evaluate the Model Code of Judicial Conduct and has testified before the Commission on various issues.

In response to the financial crisis facing courts throughout our country, members of our Conference have also been involved in efforts to address and publicize the crucial issue of inadequate state trial court funding that threatens the independence of the judiciary. At the 2004 Annual Meeting, the ABA House of Delegates adopted the report of the ABA Commission on State Court Funding recommending "judicial branch budget procedures that will ensure adequate, stable, long-term funding" of the courts under all economic conditions. NCSTJ will continue to extend its efforts in support of sufficient, reliable and secure funding of state trial court operations to serve our communities under all circumstances.

One of the major endeavors of the NCSTJ in recent years was the promulgation of trial court electronic filing standards. Under the guidance and tireless

efforts of former chair elect (now Justice) Hank Ridgely and current chair-elect Herb Dixon, the NCSTJ developed standards to be used by state courts in implementing new technology for the filing and processing of court documents through electronic means. The new Standard 1.65 was adopted by the ABA House of Delegates in February, 2004, as an amendment to the ABA Standard relating to Court Organization.

The NCSTJ thus has been a major participant in those efforts dealing with the critical issues facing the courts and judicial officers. We welcome your involvement and contributions to the work of the Conference on the vital judicial administration issues of our times, so that the voice of the NCSTJ will continue to be loudly heard and respectfully considered.

*Please contact me or any of the other officers of NCSTJ if you would like to participate in any of the committees or projects of the Conference. Further information about the NCSTJ is available on the website: [www.abanet.org/jd/ncstj/](http://www.abanet.org/jd/ncstj/)*



Hon. Sophia Hall and Hon. Elibu Berle.



NCSTJ Officers Elected at Annual Meeting Atlanta, GA - Shown here are the NCSTJ officers for the upcoming year: Judges Sophia Hall, Immediate Past Chair of Chicago, IL, Elibu Berle, Chair, Los Angeles, CA, Herbert Dixon, Chair-Elect, Washington, DC, William Missouri, Vice-Chair, Upper Marlboro, MD, and Terry Ruckriegle, Secretary, Breckenridge, CO.

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# Save the Date

**October 8, 2004**

National Conference on Homeless Courts  
San Diego, CA  
For more information visit  
<http://www.abanet.org/homeless/home.html>

**October 13-15, 2004**

Traffic Court Program  
San Francisco, CA  
More information: 800/238-2667 (x5742)

**October 15, 2004**

National Symposium on the American Jury System  
(invitation only)  
Lexington, VA  
More information:  
[www.abanet.org/juryprojectstandards/](http://www.abanet.org/juryprojectstandards/)

**October 29-30, 2004**

SC on Judicial Independence Fall Meeting  
New Orleans, LA  
More information: 800/238-2667 (x5147)

**November 29-December 3, 2004**

Mediation for Judges Program  
Phoenix, AZ  
More information: 800/238-2667 (x5689)

**February 10-13, 2005**

ABA Midyear Meeting  
Salt Lake City, UT  
More information: 800/238-2667 (x5700)

**March 10-12, 2005**

Bench & Bar Bankruptcy Conference  
Washington, DC  
More information: 800/238-2667 (x5147)

**April 14-17, 2005**

Division Spring Planning Meeting (invitation only)  
Newport Beach, CA  
More information: 800/238-2667 (x5700)

**April 27-28, 2005**

ABA Day  
Washington, DC  
More Information: 202/662-1764

**August 4-8, 2005**

ABA Annual Meeting  
Chicago, IL  
More information: 800/238-2667 (x5700)

**September 22-24, 2005**

SOC  
Chicago, IL  
More Information: 800/238-2667 (x5742)

\* Visit [www.abanet.org/jd](http://www.abanet.org/jd) for more information on upcoming meetings.



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