

# AJA Benchmark

*A Publication of the American Judges Association*



*The AJA 2012 Midyear Meeting will be held at the Doubletree Downtown Nashville, May 17-19.*

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## In this Issue

- [Mark Your Calendars](#)
- [Harvard Executive Session Papers](#)
- [AJS Merit Selection Survey](#)
- [Future Conferences](#)

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## *A Message from the President*

### **Branding the American Judges Association**

*Judge Kevin S. Burke*

Like many professional organizations in the justice system, the American Judges Association is at a crossroads. It is one thing to copyright the motto "Voice of the Judiciary"; it is entirely another thing to be the voice. AJA is challenged to find our niche in a sea of competing organizations and interests judges have. For AJA to grow we need to brand the organization.



There are a myriad of challenges facing U.S. and Canadian courts. If we are honest, an organization with the present size and resources of the American Judges Association cannot be a voice on every issue we face, nor a source of wisdom and innovation on too broad a spectrum of reform. We need to be nimble and speak on the issues of importance to the judiciary, but we, when there is opportunity, also need to be wise and thoughtful, and we must concentrate on important areas of concern to judges.

Today the dissatisfaction with the administration of justice is at a level that none of us should tolerate or accept, for it threatens our democracy as much or more than any terrorist. Dissatisfaction with the administration of justice is our issue of homeland security.

In Roscoe Pound's infamous speech, "The Causes of Popular Dissatisfaction of Justice," he spoke of the popular assumption that the administration of justice is an easy task. Pound thought this was wrong, and I'll say that I candidly agreed with him for many years. I now think one of Pound's central premises was wrong. The administration of justice is simple. Be fair, effective, and efficient. Be willing to communicate that commitment to the public and be effective in doing that. Be willing to build the judiciary as a strong organization, which then and only then can be an effective branch of government. To put it bluntly, the judiciary cannot be a branch of government if our vision of sharing power with each other is no better than an office-sharing arrangement of solo practitioner lawyers whose practice specialty is being a judge. As someone once said, "The basic problem, crudely put, is that judges don't want to govern themselves, but they don't want anyone else to do it either."

The malaise that has captured too many court leaders is driven in part by a sense that not

enough people care if courts have to do more with less. "Courts are no different than the rest of government," and, after all, everyone wants less government anyway. Naturally, those of us who work in the courts interpret tighter funding to really mean that our work is valued less and less. Moreover, there is a lack of trust in our public institutions which, although not focused specifically on courts, is troublesome. Studies of the courts show that the objective quality of the justice system has improved over recent decades. Yet these objective improvements in the delivery of justice have not been matched by higher levels of trust and confidence among Americans. This is especially true of minority group members.

The American Judges Association made a unique contribution to the improvement of courts with our White Paper on Procedural Fairness. Since the paper was adopted thousands of judges have read the paper. Thousands of judges have had continuing education premised upon our White Paper. While you cannot describe procedural fairness as achieved, we made a difference.

This fall the American Judges Association will be presented with another White Paper. This time the focus will be on decision making. Thanks to the effort of Pam Casey of the National Center for State Courts, the State Justice Institute has funded an initiative to improve judicial decision making. Without making a joke at the expense of a former president, "we are the deciders." What we owe our communities is the best in human decision making. The American Judges Association brand can be a place where judges can belong with fellowship in the common goal of improving the way judges decide.

If you'd like to know more (or help), feel free to contact me.

### Visit the AJA Blog!

Or, better yet, become a guest blogger! AJA wants to hear what you think. The [blog](#) needs you!



### Mark Your Calendars--Important AJA Events & Deadlines

#### AJA Awards

AJA strongly encourages its members to consider submitting nominations for one or more of the association's awards. The [nominations form](#) should be submitted no later than **July 1, 2012** and may be used for any of the four awards. Please use a separate form for each nomination.

#### American Gavel Awards

Please also consider submitting nominations for AJA's [American Gavel Awards](#), which recognize "Distinguished Reporting About the Judiciary." Note that the submission deadline for these awards is **April 1, 2012**.

#### AJA Officer Nominations

Information about [vacancies](#) in AJA's Executive Committee (officers), Board of Governors, and Court of Appeals is available on the [AJA website](#) under "Latest News." There also is a link to a Declaration of Candidacy form. Please take a look and consider becoming more active in your association.

#### Nashville Midyear Meeting/National Symposium Update

It is not too late to register for the AJA Midyear Meeting and *National Symposium on Judicial Selection and Retention--The Politicization of the Judiciary: How to Respond*. The meeting will be held May 17-19 at the Doubletree Downtown in Nashville, Tennessee. Complete information is available on the [AJA website](#) under "[Conferences](#)." Please note that the cut-off date for reservations is **April 30**.

**Come to the New Orleans for the 2012 Annual Conference!**

Plans are well underway for the AJA 2012 annual conference in New Orleans, and the conference registration brochure should be in the mail to all members in May. There will be a number of thought-provoking and timely education sessions that will qualify for continuing education credit and several great social events. Watch your mail for more information!

### Harvard Executive Session Papers Illuminate Challenges Faced by State Courts

The National Center for State Courts has published the first two in a series of thought-leader papers that will ultimately include nearly a dozen academic explorations of the role of state courts in society. The papers are the result of six meetings of a diverse 28-member group; the meetings took place at Harvard University's John F. Kennedy School of Government over a three-year span. In [A Case for Court Governance Principles](#), Utah Chief Justice Christine Durham and Utah State Court Administrator Dan Becker describe the limits to what structural changes like centralization of state courts can accomplish. In [Herding Lions](#), retired Arizona Judge Barbara Mundell and Texas Chief Justice Wallace Jefferson put forward a state-court-structure-reform approach based on recognition of the collective responsibility of all courts within a state for the quality of justice administered.



### AJS Publishes Results of Largest-Ever Survey of Merit Selection

The [American Judicature Society](#) has completed the first survey of the use of merit selection of judges since 1994--[Inside Merit Selection: A National Survey of Judicial Nominating Commissioners](#). This survey assessed the operations of judicial nominating commissions in 30 states and the District of Columbia.

The survey finds that judicial nominating commissioners believe the merit selection process is fair, that it effectively promotes highly qualified individuals for service on the bench, and appropriately restrains the power of the governor while minimizing the role of politics in the judiciary. The research also indicates that commissions are becoming more systematic in their work, with more codified rules governing their decision-making processes, more transparency, more diversity, and more self-conscious and intentional efforts to remove political influences from the deliberations.



*Join AJA at the 2012 Annual Conference in New Orleans!*

### AJA Future Conferences

**2012 Midyear Meeting:** Doubletree Hotel, Nashville, Tennessee, May 17-19  
\$129 single/double

**2012 Annual Conference:** Sheraton New Orleans, New Orleans, Louisiana, September 30-

October 5  
\$169 single or double

**2013 Annual Conference:** The Fairmont Orchid, Kohala Coast, Hawaii, September 22-27  
\$219 single/double

**American Judges Association**

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