

# AJA Benchmark

*A Publication of the American Judges Association*



*AJA's 2012 Annual Meeting will be held at the Sheraton New Orleans, September 30-October 5.*

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## A Message from the President

Recently the Arkansas judiciary announced that because of a budget shortfall, some court employees will be furloughed for a few days in January. Not every employee is affected, and in the scheme of employee tragedies affecting courts, this was a little noticed event. Yet it once again raises the challenge--courts face a dual crisis: money and morale. The first is not one court leaders can solve on our own, but the second crisis of how to maximize employee morale is largely in our own hands.



Public-sector employee morale has reached a new level of frustration and discontentment. A danger is that court leaders will hunker down. But the most effective court leaders will challenge their court to face problems for which there are no simple painless solutions. There is not an option to defend every legacy practice to the end. To survive these times, courts will need to change the key rules of the game, but to do that they need to have a workforce that is prepared to make change.

It is not an easy era to be a court leader. A natural tendency is not to welcome dissent or embrace task conflict. Dissenters can be obstructionists and a pain to deal with, but dissenters who can provide a different perspective need to be protected from pressure to remain silent. Leaders need to listen to unfamiliar voices and set a tone for candor and risk taking.

What courts need now is procedural fairness for the people who work in the courthouse, not just for those who appear before the judge. Court employees need to be listened to far more than many courts have done in the past. Employees need to be treated with respect, and they need to understand why decisions are made. We need to build trust.

Fostering great morale is an art, not a science. Court leaders cannot allow themselves to be guided through this era imprisoned by their own myths about employee morale. Effective court leaders need to honestly ask how they view the courthouse work staff, what biases do they bring

to the analysis, and what theory about human behavior in the workplace best suits their courthouse needs.

Crisis leadership has two phases: The emergency phase when your task is to stabilize the situation and buy time, and the adaptive phase when you tackle the underlying causes of the crisis. Furloughs are a solution to an emergency. That is why so many courts have used them. But in the long run, we need adaptive court leadership.

Each of our courts is different. Some are limited jurisdiction, some are in Canada, some are big, and some are small. The American Judges Association cannot hope to provide technical advice to everyone, but we can commit to learn from each other. Virtually every AJA member faces the same challenge.

Ronald Heifetz once wrote, "The hope of leadership lies in the capacity to deliver disturbing news and raise difficult questions in a way that people can absorb, prodding them to take up the message rather than ignore it or kill the messenger." What AJA can do for each of us if we invest the time is to learn from each other how to better deliver disturbing news and how better to encourage our colleagues and employees to meet the challenge that courthouse morale is something we can improve on our own. I hope you will join me in that effort.

### **Pennsylvania Holds Court-Funding Conference**

State and national court leaders met in Carlisle, Pa., to discuss how courts can work with the other branches of government during tough economic times and in the face of political pressures. At "[Justice Unfunded--Justice Undone? Assuring Sustainable Funding for Courts](#)," participants discussed the values of our justice system and how to strike the proper balance to ensure adequate resources for courts. Events also included a panel discussion at the Pennsylvania State University Dickinson School of Law.

Pennsylvania's courts were underfunded by about \$94 million in previous years. Other states have cut court budgets by 10 to 15 percent, according to the [American Bar Association](#).



*Stephanie Forbes receives her certificate for taking 1st place in the essay contest from Judge Damian Murray.*

### **AJA Announces 2011 Law Student Essay Competition Awards**

AJA announced the winners of its 2011 Law Student Essay Competition. The topic for this year's competition was "Must a minor student be given his or her rights, including a *Miranda* warning and the right to have a parent present, before being questioned by police on school grounds?"

Stephanie Forbes of William & Mary Law School won the competition with her essay "Reading, Writing and Interrogating: Providing *Miranda* Warnings to Students in Schoolhouse Interrogations." Second prize went to Daniel Paterno of Pennsylvania State University, Dickinson School of Law, for his essay "School's Out? Factoring a Student's Age into *Miranda*'s Custody Calculus," and Daniel Erwin of Quinnipiac University School of Law took third prize with his essay "Hear My Words That I Might Teach You: The Rights to Silence and Counsel Down at the Schoolyard."



*Dean Brad Saxton (Quinnipiac University School of Law) and Judge Charles Gill present the 3rd-place award to Daniel Erwin.*

## **News from the National Center for State Courts**

### **NCSC Survey Looks at the State of Court Budgets**

The National Center for State Courts released the results of a [survey of state court budgets](#) on November 30, 2011. According to the survey, budget cuts are widespread:

- court budgets were cut substantially in 42 states;
- clerk vacancies were not refilled in 39 states;
- court staff were laid off in 34 states; and
- court-operating hours were reduced in 23 states.

A spreadsheet listing the budget measures adopted by individual states can be found [here](#). State-by-state narrative responses are available [here](#).

### **Massachusetts Receives 2011 Munsterman Award**

The Massachusetts Office of the Jury Commissioner of the Commonwealth and Jury Management Advisory Committee received NCSC's [2011 G. Thomas Munsterman Award for Jury Innovation](#). The award recognizes states, local courts, organizations, or individuals that have made significant improvements or innovations in jury procedures, operations, and practices. Massachusetts's jury system was recognized for its innovative use of technology to improve not only juror lists and management, but also service to jurors (particularly a Web site that allows jurors to manage their response to summonses online).

### **ICM's Licensee Program Brings Courses to the States**

The Institute for Court Management's new [Court Management Program \(CMP\) Licensee Program](#) allows qualified court staff to become certified to teach ICM's courses locally. To become certified, proposed faculty travel to Williamsburg, Va., for a three-day learning opportunity, which will include the completion of the course they wish to teach, a course on

adult-teaching methods, and a team-teaching practicum. As courts continue to weather the current financial climate, the licensee program is the least expensive way for courts to help educate and prepare leaders for today's and tomorrow's challenges.

### **NCSC Provides New Online Resources for Courts**

NCSC and the FBI have developed an [online course](#) on the National Crime Information Center database. This course also includes the Brady Act, the FBI's National Criminal Background Check System, and more.

NCSC's new, online [Judicial Salary Tracker](#) provides an easier interface for users to find the court salary data they need, along with the ability to create customized reports. This new resource allows users to compare real and inflation-adjusted salaries; create custom charts to compare salaries between states; and obtain the latest salary information for judicial officer positions for each state.

### **In Memoriam: Judge Leon Ruben**

Longtime AJA member Leon Ruben, a judge of the Davidson County General Sessions Court in Nashville, Tennessee, died on October 7, 2011, after a long illness. He was 77 years old.



Judge Ruben was a native of Nashville who received his undergraduate degree from Vanderbilt University in 1956 and his law degree from the Nashville School of Law in 1962. He was appointed to the general sessions bench in 1981 and served on AJA's Board of Governors. Judge Ruben was Jewish and always volunteered to sit on the bench Christmas Day to allow his colleagues to enjoy the holiday with their families.

AJA extends condolences to Judge Ruben's family.



*Nashville--the site of AJA's 2012 Midyear Meeting.*

### **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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