

# AJA BENCHMARK

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## Drake Law Student Wins National Essay Contest

**A** Drake University Law School student won first prize in the American Judges Association's 2002 Law Student Essay Competition. Rosalind A. Sargent, a third-year law student from Rock Island, Ill., received a \$3,000 prize and a commemorative plaque for her paper, "The Federal Sentencing Guidelines: An Infectious Anecdote."

The essay, which discusses the crack/cocaine disparity that exists within the Federal Sentencing Guidelines and its racial effects and implications, will be published in AJA's journal, *Court Review*.

Iowa District Court Judge Robert Wilson, a member of AJA, presented Sargent with the check and the plaque at a ceremony on October 2 at Drake University attended by United States Supreme Court Justice Antonin Scalia.

"I feel extremely blessed to be recognized for my work," Sargent said. "Especially because the paper covers an issue I feel very strongly about. There are more African-American men enrolled in this country's correctional system than in college, and that both saddens and frustrates me," she explained. "That was my motivation for writing this essay."

The annual competition was open to all full-time law students enrolled in an accredited law school in the



Judge Robert Wilson and Rosalind A. Sargent

United States or Canada. Nearly 100 students participated in the competition. Among other criteria, the papers were evaluated on writing quality, analysis and reasoning, and originality and creativity. **bm**

## AJA Invites You to Springtime in Montana

**B**e sure to mark your calendars for the 2003 American Judges Association Midyear Meeting at the Sheraton Billings Hotel in Billings, Montana, May 15-17! The "Big Sky Country" should offer an exciting backdrop for AJA's business meetings and educational sessions.

The meeting's agenda is still being worked out, but the AJA Board of Governors and the American Judges Foundation will meet on Friday, May 16, and the educational session will be held that afternoon (topic to be announced). Committees will meet on Saturday morning, May 17. And there will be an optional tour of the Little Bighorn Battlefield National Monument on Saturday afternoon.

Room rates at the Sheraton Billings are \$65.00 to \$75.00 per night plus tax, depending on the type of room selected. The registration fees will be \$125.00 for judges and \$75.00 for spouses and guests.

We hope to see you in "Big Sky Country" in spring 2003! **bm**



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# AJA Members in the NEWS

**C**ongratulations to **Steve Leben**, who will be receiving one of the National Center for State Courts' Distinguished Service Awards for 2003. Steve is a district court judge in Olathe, Kansas, who was elected AJA secretary at the last annual conference in Maui. He is also the editor of AJA's journal, *Court Review*.

Congratulations to **Richard Lee Price**, who was inducted as a justice of the Supreme Court of the State of New York at a ceremony at the county courthouse in New York City on December 11.

Congratulations to **Roger Warren**, president of the National Center for State Courts, who recently had an award named after him. The *Roger K. Warren Unity Award* recognizes an individual who promotes

collaboration and cooperation among all agencies, public and private, that work with children in the court system. This award will be given annually by juvenile justice agencies in Sacramento, Calif., where Roger previously served as a judge.

**Tom Clark**, a judge of the municipal court in Seattle, was recently featured in a story in the *Palm Beach Post*. He stepped down as head of the American Judges Foundation, but that wasn't the focus of the article. The focus was gavels or, rather, how gavels are rarely used in court, except for ceremonial occasions. Judge Clark's comment on receiving the customary gift of a gavel on a plaque: "I never really thought about it, but . . . [t]hey're used more like that than they're actually used in court." bm

## AJS Releases New Products on Judicial Ethics and Discipline

**T**he American Judicature Society has produced a new curriculum for judicial ethics and a new study of sanctions in judicial discipline cases. Both products were produced with funds provided by the State Justice Institute.

The new, three-part judicial ethics curriculum consists of a presenter's notebook and three separate presentations, which can be used with Microsoft PowerPoint<sup>CR</sup> software. The three presentations are

- Ethical Standards for Judges
- Ex Parte Communications
- Charitable Fund Raising

The presenter's notebook contains directions for preparing a program, including basic instructions for modifying the presentation to fit time constraints and reflect local

rules. The presentation may also be used as a basis for handouts.

The curriculum will be distributed to each state's chief justice, judicial educator, judicial conduct commission, and judicial ethics advisory committee.

Courts can turn to *A Study of State Judicial Discipline Sanctions* for guidance in how to choose the appropriate sanction in a judicial discipline case. The *Study* provides an overview of state judicial discipline systems, analyzes cases in which there has been disagreement over appropriate sanctions, and makes recommendations for states to consider in pursuing the goal of fair, effective judicial discipline.

Copies of the *Study* are available for \$25 each, plus \$7.50 postage and handling. For further information, see [www.ajs.org](http://www.ajs.org) or contact Rodney Wilson (fax 312-558-9175 or e-mail [rwilson@ajs.org](mailto:rwilson@ajs.org)). bm

## NOTICE

### *The Self-Help Friendly Court*

The National Center for State Courts no longer has printed copies of Richard Zorza's book *The Self-Help Friendly Court: Designed from the Ground Up to Work for People Without Lawyers*. This book was the subject of a brief article in the last issue of *AJA Benchmark*.

The book can now be downloaded as a pdf file on the National Center's Web site ([www.ncsconline.org](http://www.ncsconline.org)). Just set your browser to the following URL: [http://www.ncsconline.org/WC/Publications/Res\\_ProSe\\_SelfHelpFriendlyCtPub.pdf](http://www.ncsconline.org/WC/Publications/Res_ProSe_SelfHelpFriendlyCtPub.pdf). bm

# Are Hung Juries a Flaw in Our Jury System?

## National Center for State Courts Examines Causes and Effects of Hung Juries

**A**n increase of hung juries in recent years raised concern about their impact on the courts and society and prompted a study by the National Center for State Courts. The four-year project, which was completed in September 2002 under a grant from the National Institute of Justice, explores the frequency and causes of hung juries and outlines solutions. This is the first such study of deadlocked juries, which are considered a social and monetary cost to the court system, to the involved parties, and ultimately to the community.


From their findings, National Center researchers conclude that implementing a nonunanimous verdict rule would significantly reduce the number of hung juries. Researchers cautioned, however, that this approach treats only the symptoms of juror disagreement and not the causes. With that in mind, they recommend better preparation and case selection by attorneys, improved methods to help jurors better understand the evidence and the law, and increased guidance for jurors about deliberations.

Researchers conducted the study using three methods:

- a broad-based survey of hung jury rates in state and federal courts
- a jurisdictional study of four courts on nearly 400 felony trials that compared juries that were able to agree on a verdict to juries that deadlocked on one or more charges
- a case study of hung juries from the jurisdictional study

In examining the data, researchers found one or more of the following traits consistent in a hung jury compared to one that reaches a verdict:

- weak evidence
- problematic deliberations
- jurors' perception of unfairness


The final project report "Are Hung Juries a Problem?" is available at [www.ncsconline.org/wc/publications/res\\_juries\\_hungjuriespub.pdf](http://www.ncsconline.org/wc/publications/res_juries_hungjuriespub.pdf). 

## New JMI Manual Assesses Court Record-Making Operations

**A** new study conducted by the Justice Management Institute, with funding from the National Court Reporters Foundation, may help court systems assess how they are carrying out record-making responsibilities and assist them in making improvements. The findings are included in a two-volume manual that focuses on practical ways to improve the record-making process: *How to Conduct an Assessment of Your Court's Record-Making Operations*.

The manual will help judges and court managers identify a full range of issues regarding making a record of proceedings. For example, what should be considered in addition to costs? What is the best mix of technologies (court reporting, digital audio, video) for making the record in a court or state court system?

The study team observed technologies at Courtroom 21, a joint project of the College of William and Mary Law School and the National Center for State Courts in Williamsburg, Virginia, and in several trial courts, and conducted numerous interviews with judges, court administrators, court clerks, trial and appellate lawyers, court reporters, and communications technology experts.

A free copy of the Executive Summary is available at <http://www.ncraonline.org/foundation/jmi/index.shtml>. A paper copy of the executive summary or full manual can be ordered by calling (800) 272-6272. The Justice Management Institute is a national, nonprofit court improvement organization with offices in Denver and San Francisco. 

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## AJA MEMBER PROFILE

**Debra H. Lehrmann**  
*District Judge, 360th Judicial District*  
*Fort Worth, Texas*

**J**udge Debra Lehrmann said that it was “an interest in people” that drew her to study psychology. She earned a B.A. in that field from the University of Texas in 1979. But what she called an “eye-opening” experience influenced her to combine that degree with a J.D.

She worked at Austin State Hospital as part of an internship, where she encountered many mentally ill patients who simply weren’t getting any better. Many of these patients had been abused as children. “I’d rather be able to help people where I could see some tangible benefits,” she said. So, she earned her J.D. from the University of Texas School of Law in 1982.

Judge Lehrmann has devoted much of her career on and off the bench to working to ensure the welfare of children in divorce cases. She served as a lead attorney (later director of enforcement) for the Tarrant County Domestic Relations Office (1983-85), and started her judicial career as a IV-D master for all Tarrant County Family Law Courts in 1987. She became an associate judge of the 360th Judicial District in 1991 and a district judge in 2000.

She believes that judges need to think beyond their “traditional” role of listening to evidence objectively and rendering just decisions. They have to realize that an important part of their role is to ensure that courts don’t make a bad situation worse.

“Courts are now starting to recognize that the system should add no conflict to the situation [in a divorce proceeding],” Judge Lehrmann said. “[We must] expand our vision of what the adversarial system encompasses.

“[It’s] very important that the system allows parents to be parents,” and not just adversaries, she said.

“In the vast majority of family law cases,” she wrote in an article published in the *Texas Bar Journal* (November 2002), “the families and children are best served when the parents are able to resolve their cases through conciliatory means and develop their own co-parenting plans,” rather than focusing on “who is the better parent.”

Kids also need to be heard outside of adversarial proceedings. “Children,” she wrote, “are more apt to accept a parenting plan that takes their views into account . . . rather than one that is imposed upon them.”

Judge Lehrmann has been working to help clarify the law regarding representation of children in divorce proceedings through the Texas Legislative Ad Hoc Ad Litem Committee. This committee consists of judges, law and ethics professors, and lawyers, who are working to clarify how lawyers can best serve the interests of children. The work of this committee will be important not only in Texas, but nationwide, she said.

Tarrant County is also taking the lead with its Access Facilitation Program, says Judge Lehrmann. This program, which is funded by a grant from the Texas Attorney General’s Office, aims to head off custody and access disputes before they get out of hand. Parents are encouraged to meet with mental health professionals and social services before going to trial. So far, the “response from litigants has been overwhelmingly positive,” she said, often because many of those who have gone through the program feel that they have had their views heard for the first time.

Judge Lehrmann is also the president-elect of the Texas Chapter of the Association of Family and Conciliatory Courts. [bm](#)

# Going, Going, Gone! Give to the AJF Silent Auction

Everyone receives gifts during the holidays—some they like and want, and some they have no idea what to do with, can't use, or don't want. Yet these gifts may be too good to just throw in the trash.

## What to do?

We suggest that you donate such gifts to the American Judges Foundation's Annual Silent Auction at AJA's next annual conference. Just bring an unwanted holiday gift with you to Montreal next September.

Remember, what you don't need or don't want, someone else may think is just the thing for them or someone they know!

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## 2003 Midyear Meeting

May 15-17

Billings, Montana

Sheraton Billings Hotel

(\$65 single or double – run of house;  
\$75 single or double – executive king)

## 2003 Annual Conference

Montreal, Quebec

September 14-19

Hotel Omni Mont-Royal

\$220 single or double Canadian  
(currently about \$138 US)

## 2004 Midyear Meeting

Savannah, Georgia

January 30-February 3

Hyatt Regency Savannah

\$135 single or double

(joint meeting with National Association for Court Management)

# BENCHMARK

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