

AJA BENCHMARK

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Recent Court-Related Deaths Raise Concerns for Judicial Community

The American Judges Association extends its deepest sympathies to the family of Atlanta Superior Court Judge Rowland W. Barnes, as well as the families of Deputy Sheriff Hoyt Teasley, Court Reporter Julie Brandau, and Customs Agent David Wilhelm, who were killed in Atlanta on March 11. In the wake of the recent murders of Federal Judge Joan Lefkow's husband and mother, this horrific event, once again, highlights the importance of court security for all judicial officers and employees of all courts.

Gayle A. Nachtigal, AJA's president and a circuit court judge in Washington County, Oregon, said, "This latest tragedy is of great concern to all of us who serve in the judiciary, not only for the safety of those who dispense justice on a daily basis, but for the entire court community. Violence or the threat of violence in connection with court proceedings is antithetical to the rule of law.

"We must remain vigilant in our role as a separate and independent branch of government and continue to

educate the public about the necessity for courthouse security," she said.

Concern about threats to judges has been widespread for many years. An article published in 2000 in AJA's *Court Review* cited a 1999 survey of Pennsylvania state trial judges in which 52 percent of the judges had experienced some action by a litigant or court participant that the judge perceived as threatening in some way.

"The safety of judges, court staff, and their families must be treated as an important foundation of our judicial system," Nachtigal said. "We should make sure that sufficient resources are provided to analyze the threats to safe courts and to make sure that reasonable steps are taken to safeguard the people who provide a system of justice for everyone."

AJA stresses that such acts of brutality directed at judges and other court employees underscore the important role that they play in maintaining the rule of law in our country. **bm**

NCSC Unveils "Blueprint" for Court Security, Will Convene National Security Summit in April 2005

A new security blueprint for America's state courts emphasizing critical review of operating procedures and facilities, planning, funding, and new courthouse design was released by the National Center for State Courts (NCSC) at the National Press Club in Washington, D.C., March 16.

In addition to presenting the ten-point blueprint, NCSC also announced plans for a National Summit on Court Safety and Security to be held on April 21, 2005, in Washington, D.C. The National Summit will bring together all members of the court community to provide a mechanism for reviewing current safety and security practices and needs. This effort will result in a strategic action plan that will draw from a compilation of best practices and will provide the mechanism for identifying

resource and funding needs. The Department of Justice has awarded NCSC \$100,000 to fund the summit.

"The National Center for State Courts is committed to ensuring that our partnership with the entire stakeholder community results in the development of effective safety and security measures for our courts," stated Mary McQueen, NCSC president. "With the commitment of resources from the U.S. Department of Justice, our community has support that can only further our efforts on behalf of America's courts."

See page 2 of this issue of *Benchmark* for the "Essential Ten Elements for Effective Courtroom Safety and Security Planning." Go to NCSC's Web site at www.ncsconline.org for more information. **bm**

Essential Ten Elements for Effective Courtroom Safety and Security Planning

As determined by the Joint Committee on Security and Emergency Preparedness of the Conference of Chief Justices and Conference of State Court Administrators in October 2003

1. Operational Security: Standard Operating Procedures

This is one of the most critical deficiencies in the state court system today. Standard Operating Procedures are not being followed and for full safety, there needs to be 100 percent compliance.

2. Facility Security Planning: The Self-Audit Survey of Court Facilities

This point emphasizes the need to know the strengths and weaknesses of the physical structure of the courtroom to best protect the people inside.

3. Emergency Preparedness and Response: Continuity of Operations

At any moment, courts can be affected by natural or unnatural disasters; however, they must continue to operate and serve the public in such an event. There needs to be a greater awareness and identification of command structure, protocols, and communication routes for such emergencies and responses.

4. Disaster Recovery: Essential Elements of a Plan

The point emphasizes the need to ensure that adequate procedures are in place to recover lost or vulnerable information in the event of an emergency.

5. Threat Assessment

The federal government currently has an effective threat assessment protocol in practice. However, for security and safety purposes, state courts need to begin identifying serious threats so they may prepare for the proper protective action.

6. Incident Reporting

States must develop an appropriate incident report form that allows for capturing data on items such as intelligence and funding needs.

7. Funding

This is another critical deficiency facing the court system today and for years past. Equipment can be bought at moderate costs but without the trained personnel, the equipment is of little to no use. In addition, many state court administrators are troubled by the lack of federal funds. While much money is appropriated for homeland security, very little is dedicated to state courts.

8. Security Equipment and Costs

State courts must have updated and readily available information on what technology is available to them and how much it costs.

9. Resources and Partnerships

Strong and effective partnerships among state courts, law enforcement, and county commissioners must be developed to ensure successful security operations.

10. New Courthouse Design

As new courthouses are being constructed, this point emphasizes the opportunity to ensure that up-to-date physical safety measures are included in the design stage.

More on the National Summit on Court Safety and Security (www.ncsconline.org)

The NCSC has secured support and participation of members of Congress, Department of Justice officials, and state and county court officials, as well as members from public safety and state and local governments, in the National Summit. NCSC president Mary McQueen, who has been a strong and vocal leader of the state court community, has promised her members and the communities they serve that the outcome of the Summit will not only provide best practices for improving safety and security, but also use the power of its participants to call for necessary funding to implement such plans. 

Note from the Editor

Milt Nuzum, Marietta Municipal Court, Ohio

AJA membership pays dividends in ways I never expected. I attended an annual AJA meeting 11 years ago. I met some great people and served on a committee. Before I knew it, President Gerald (Terry) Elliott, appointed me editor of this publication. That entailed a trip to Williamsburg to meet with the AJA support staff at the National Center for State Courts (NCSC).



Colonial Williamsburg is a delightful place to visit. The trip was made all the more delightful by the wonderful people I met at NCSC. The network of friends I have made through AJA has been invaluable. I have many interests related to our profession. I am able to accomplish tasks that would otherwise be quite daunting to a judge in rural southern Ohio by using my AJA/NCSC connections.

Perhaps my greatest professional interest lies in using technology to make Ohio courts more efficient. I have worked on a series of tasks assigned by the Ohio Supreme Court to write court rules that allow us to use technology. For example, the simple requirement of signing a court document becomes complex when the document is transmitted to a court electronically. Additionally, with over 370 courts in Ohio, it is a complex matter to network these courts to share information. Solving problems like these is much easier when you can call an expert. Fortunately for me, I have been

able to call on Jim McMillan and Dale Kasperek at NCSC for advice. The NCSC national technology standards have been useful for our work in Ohio. I am looking forward to CTC9 (www.ctc9.org) in Seattle, September 13-15, 2005, where I can gain more ideas from these fine gentlemen and many others.

Building a new courthouse is yet another "outside" interest of mine. We are in the design phase of our project. I had the good fortune to meet the NCSC publications staff at one of our annual AJA conferences. I learned at that conference that NCSC has a very useful publication that describes in great detail just how this building project should proceed. It has been an invaluable resource.

Let me conclude by disclosing two secrets. Shelley Rockwell at NCSC is amazingly efficient. If you have the good fortune to attend an AJA conference, your experience will be memorable because Shelley and her staff have organized it leaving no detail to chance. I urge you to attend a conference and meet some great people. You can form your own network of friends who can help you achieve your goals as a judge. The second is a closely guarded secret; being the editor of *Benchmark* is not as difficult as it may appear. I know you find that hard to believe, as *Benchmark* is truly a fine publication. Fortunately, the heavy work here falls on the capable shoulders of the managing editor, Chuck Campbell. His great sense of humor and ability to make me look good (in print) are AJA dividends that I appreciate.

If AJA has benefited you in a meaningful way, please contact me and we will give you an opportunity to share your story. 

AJA Invites You to Beautiful Marco Island

Be sure to mark your calendars for the 2005 American Judges Association Midyear Meeting at Marriott Marco Island Resort, Golf Club and Spa, Florida, May 12-14. This lovely island should be an ideal backdrop for AJA's business meetings and educational sessions.

Room rates at The Marriott are \$125.00 single/double plus tax. The registration fees are \$150 for judges and \$100 for spouses and guests and in addition to the meeting materials will include a full lunch and dinner on Friday.

For complete information contact the AJA Association Management Office at (800) 616-6165, or bforrest@ncsc.dni.us. 



NOMINATIONS and ELECTION

The Nominations Committee chair, Judge Michael McAdam, requests early nominations for positions to be filled at the annual conference in Anchorage. In order for the nominations committee to give each name full consideration, it is important that nominations be received by **July 31**.

Officers: A President-Elect, Vice President, and Secretary need to be nominated for one-year terms.

Court of Appeals: There is one five-year term to be filled; Judge John Mutter is completing service.

Board of Governors: AJA's bylaws provide that the number of governors representing a district depends on the number of members in that district. Based on the current membership roster, 15 positions on the Board will be up for election. Of these 15 positions, 8 currently are held by incumbent Board members who are eligible for reelection. All positions are for three-year terms.

Shown below are the states and provinces in the AJA districts. Immediately following is the number of Board positions up for election.

Governors: The following positions on the Board of Governors are up for election. In some instances there is an incumbent; if so, the person's name is noted.

District I (CT, MA, ME, NH, RI, VT, Quebec, Prince Edward Island, Newfoundland, Nova Scotia, New Brunswick). Two positions, Irwin Lampert (NB) and John Maher (NH) incumbents.

District II (NY). One position, John Carter incumbent.

District III (DC, DE, MD, NJ, PA). Three positions, Ron Garvin (DC) incumbent.

District IV (NC, SC, VA, WV). Two positions, no incumbents.

District V (AL, GA, FL, VI, PR). Two positions, Arthur Taylor (FL) incumbent. Steven Leifman (FL) is eligible for reelection.

District VI (AR, LA, MS). No vacancies.

District VII (OK, TX, Mexico). No vacancies.

District VIII (IL, IN, KY, TN). No vacancies.

District IX (OH). Two positions, Howard Harcha and Milt Nuzum incumbents.

District X (MI). One position, no incumbent. Judge Gus Cifelli is completing his service on the Board.

District XI (IA, KS, MN, MO, ND, NE, SD, WI, Ontario). One position, William Gorewich (Ontario) incumbent.

District XII (AZ, CO, NM, UT, WY, Alberta, Manitoba, Saskatchewan). No vacancies.

District XIII (AK, ID, MT, OR, WA, British Columbia, Northwest Territories, Yukon Territory). One position, Judge Richard Kayne (WA) is completing his service on the Board.

District XIV (CA, HI, NV, Guam, American Samoa, Marshall Islands). One position, Tam Schumann (CA) incumbent.

Please send your nominations and the Declaration of Candidacy form to Ms. Shelley Rockwell, American Judges Association, 300 Newport Avenue, Williamsburg, VA 23185-4147, (757) 259-1841.

American Judges Association

2005-2006 Declaration of Candidacy

NAME: _____

COURT: _____

ADDRESS: _____

CITY: _____ STATE/PROV: _____ ZIP: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS: _____

ALL CANDIDATES, INCLUDING INCUMBENT GOVERNORS FOR REELECTION, MUST DECLARE THEIR CANDIDACY BY THIS DECLARATION SUBMITTED AS INDICATED AT THE END OF THE FORM. THE NOMINATIONS COMMITTEE WILL INTERVIEW ALL CANDIDATES FOR OFFICE INCLUDING FIRST-TIME GOVERNORS, SECRETARY, VICE PRESIDENT, AND PRESIDENT-ELECT ON SEPTEMBER 18 DURING THE CONFERENCE IN ANCHORAGE; INCUMBENT GOVERNORS FOR REELECTION WILL NOT BE INTERVIEWED.

I am a member of AJA in good standing. YES NO

I have been a regular member of AJA since _____.

I have attended the following AJA midyear meetings, district meetings, and/or annual conferences:

I am declaring my candidacy for the following position:

- President-elect
- Vice President
- Secretary
- Governor, representing District _____
- Court of Appeals

State briefly your court-affiliated duties and experience and describe your qualifications for serving as an elected official of AJA. The Nominations Committee will pay particular attention to whether each candidate has (1) a knowledge of the duties of the office, (2) a commitment to perform those duties, and (3) a record of prior service and performance to the organization. (Attach a separate sheet if necessary.)

Please complete reverse side

State your reasons for wanting to serve as an AJA elected official. (Attach a separate sheet if necessary.)

Yes No

Will you attend the annual conference in Anchorage?

Will you be available for an interview on September 18, 2005?

Will you be able to attend all AJA board meetings or any special meetings that may be called?

Will you be willing to serve on or chair committees when asked?

Have you served previously on any committees? If so, which committees and what was your function on each? (Attach a separate sheet if necessary.)

Signature: _____ Date: _____

Mail completed form with your résumé to: Shelley Rockwell
American Judges Association
300 Newport Avenue
Williamsburg, VA 23185-4147

*NOTE: Declarations of Candidacy must be postmarked by **July 31, 2005**. All candidates will receive a written confirmation, which acknowledges receipt of your materials. If you do not receive a confirmation by August 31, 2005, please contact the Association Management Office at (757) 259-1841.*

The President's FY2006 Proposed Budget

by José Dimas, Office of Government Relations, National Center for State Courts

The proposed budget the president delivered to the Congress on February 7 can be looked at in two ways: 1) the opening marker of a long, drawn-out negotiating process that will result in a final budget that most can agree on or 2) a vision of what the federal government should support, especially in programs from which the courts have long benefited. The president's budget calls for halving the deficit by 2009, mostly by taking a meat-ax to discretionary programs. It is important to note that this budget does not take into account the costs of the Iraq war or the revamping of Social Security.

First, this budget does inflict severe pain on programs that the courts have traditionally supported. For example, Byrne formula and discretionary programs are zero funded (no money asked for in the president's budget). The new Justice Assistance Grant (JAG) program, which was established at the end of 2004 and was supposed to combine the Byrne formula and Local

Law Enforcement Block Grant programs, is similarly zero funded. The Juvenile Accountability Block Grant program, another new program in which the courts were ready to take a role, is not funded under the president's budget. Several programs that fall under the rubric of law enforcement are zero funded: COPS hiring, law enforcement information technology, interoperable communications technology, and the crime information technology act (CITA). Finally, the State Justice Institute is also zero funded; no surprise since this has been the case for this program the past few years.

Some court-favorable programs do fare well under this budget. The National Criminal History Program's (NCHIP) budget request is doubled from \$25 to \$58 million. The president's budget supports the increase for NCHIP because of its role in tracking down domestic terrorists. The Regional Information Sharing System budget gets a \$5 million boost as compared to last year. A

continued on page ten

The American Judges Association Invites You to Its 45th Annual Educational Conference

September 18-23, 2005

Hotel Captain Cook • Anchorage, Alaska

Watch your mail for the registration brochure, which will provide complete information on the education sessions, the facilities, and accommodations of the beautiful Hotel Captain Cook, the planned optional tours to see and experience the incredible "Great Land," and the other activities that await you in Anchorage. The brochure also will be available in the "Members Only" section of the AJA Web site. Check out <http://aja.ncsc.dni.us> and join us for an outstanding conference this fall. Discount registration fees are available until July 15.

Take a Cruise Before the Conference!

In addition to holding the 2005 annual conference in the great state of Alaska, AJA also has planned an exciting preconference cruise. The cruise on Holland America's *MS Veendam* will depart Vancouver, British Columbia, on Sunday, September 11, and participants will arrive at the Hotel Captain Cook on Sunday morn-

ing, September 18, just in time for the conference. On top of the incredible scenery and wildlife, AJA is planning special educational meetings so you will be able to receive continuing education credits.

Contact the AJA Association Management office at

(800) 616-6165 for a cruise brochure; for more details and information, contact Holland America directly at (800) 355-3017, ext. 4247. Don't miss this exciting (and educational) once-in-a-lifetime opportunity! 



New Online “Centers” Help Courts Deal with Family Violence and Other Issues

The National Center for State Courts (NCSC) launched two new Web pages in early 2005 dedicated to helping courts apply problem-solving techniques to the justice system. Users can access these pages on NCSC’s Web site at www.ncsc.org.

The *Problem-Solving Courts Resource Center* (http://www.ncsconline.org/D_Research/Problem-Solving.html) puts in one place the information and other resources court leaders need to help establish the problem-solving approach in their jurisdictions. Help is provided in three areas:

- Help for Courts (including consulting and information)
- Administration for Problem-Solving Courts (including best practices and theory and ethics)
- Resources on Specific Types of Courts (including drug and mental health courts)

This Web page is maintained by NCSC’s Problem-Solving Courts Community of Practice.

Courts needing resources dealing with domestic violence can now turn to the *Center for Family Violence and the Courts* (<http://www.ncsconline.org/famviol/index.html>). This online clearinghouse consolidates court-related information and resources in five sections:

- Newsletter (current and past issues of NCSC’s *Family Violence Forum*)
- Resources (information on many important topics, such as elder abuse and workplace domestic violence)
- Education (course offerings of the Institute for Court Management and other domestic-violence-related curricula)
- Research (the latest NCSC projects in family violence, juvenile and family justice, and other areas)
- Funding (sources of funding for family-violence-related projects, including the Violence Against Women Office)

This Web page is maintained by NCSC’s Family Violence Forum, a community of practice dedicated to improving the justice system’s response to family violence. 

The Justice System Journal (ISSN 0098-261X) is the only refereed, scholarly journal dedicated to judicial administration and features the latest scholarship on topics of interest to judges, such as the “alternative” courts (e.g., drug courts), court administration and management, and public perceptions of justice. *JSJ* also publishes book reviews of interest to the justice community and Legal Notes examining the effects of federal court decisions on state courts.

Published three times per year; rates are \$40/1 year, \$70/two years (international subscribers, except Canada, should add \$30 for delivery via air mail PMT).

TO SUBSCRIBE

Toll-free number: (888) 228-NCSC • E-mail: ncsc.orders@aidcvt.com

Online: www.ncsconline.org (scroll down and click on “Publications,”

then follow the instructions under “Sign Up for JSJ”)

Mail: National Center for State Courts, Fulfillment Dept., P.O. Box 580, Williston, VT 05495-0580



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A nonprofit organization providing leadership and service to state courts

2005 AJA AWARDS

The AJA Awards Committee welcomes your suggestions for recipients of AJA's 2005 awards. Please look over the form and fill it out with information on any person you would like to nominate. Be sure to fill in your own name so that we know whom to contact if we need further information.

Award of Merit. To a judge for outstanding contributions to the judiciary.

Glenn R. Winters Award. To a layperson who has made substantial contributions toward improving the image of the judiciary.

Judge William H. Burnett Award. To an AJA member for outstanding service to the association.

Judge Bob Jones Memorial Award. To an AJA member to recognize significant contributions to judicial education. 

FORM

Please send your suggestions by **July 1, 2005**, to Toni Higginbotham, Family Court, 222 St. Louis Street, Suite 958, Baton Rouge, LA 70802.

Name of person submitting nomination(s) _____

AWARD (Check one): Merit Winters Burnett Jones

Name _____ Title _____

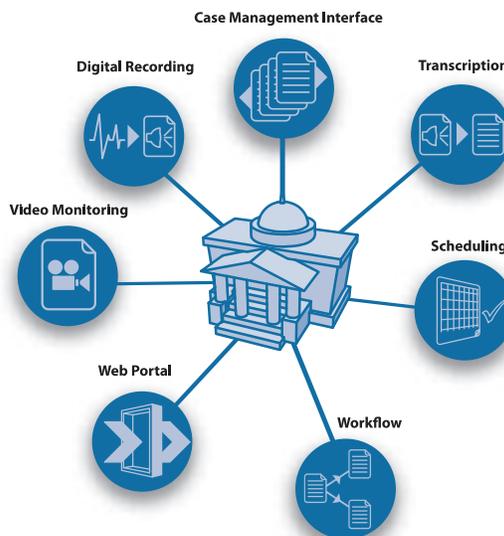
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Reflections on Presiding Over a Drug Court

Milt Nuzum, Marietta Municipal Court, Ohio

Perhaps there are many judges like me who are skeptical about the value of specialty or therapeutic courts. Today I am a believer. My conversion was borne out of tragedy. I have three sons now in their twenties. When they were children, we spent countless hours on the ball fields. It was a wholesome activity we shared with many other families in our community. One such family had two sons who played ball with my own. The parents of these boys were good friends of mine. The boys were good students, involved in sports and school activities.

We live in a rural area of the state. We have no gangs, and the crime rate is low. Unfortunately, illegal drugs are readily available. Although we live in a community of 15,000 people, we have had 15 young people die from drug overdoses in a three-year period. The two sons of my friends at ages 20 and 22 died within nine hours of each other from drug overdoses. It was heartbreaking to see the grief of these friends who lost their only children.

This tragedy had a great impact on me. As a municipal court judge, I deal with young people daily who have drug and alcohol problems. As I indicated, I was a skeptic. My philosophy is to make people accept responsibility for their criminal behavior. I did not perceive myself to be a social worker. Despite my reservations, I decided to try the drug court model as a way of dealing with young offenders with drug problems. I applied for a Byrne grant and received funding to hire the staff. My fear about becoming a social worker was unfounded. I have an important role on the drug court team, but I remain at all times in the role I am comfortable with—that of judge.

The personal rewards of this program far outweigh the time spent dealing with it. I had a surly young man in the program addicted to marijuana. He was intelligent but underachieving. He was only a

junior in high school. He was disrespectful to his teachers and was on the verge of flunking out. It was difficult at first, but we managed to keep him in school. He quit smoking marijuana, and the transformation in his demeanor was phenomenal. After he got clean he would light up the room with his smile. He stayed in school, made the honor roll, and graduated. Today he is going to college.

Another young man in the program was addicted to heroin. He is an extremely talented musician. He beat the addiction and is using his talents to help others find meaning in their lives. Yet another young man dropped out of high school. He could not get a regular job because he could never pass a drug test. Through regular drug testing, he was able to get clean. He obtained a GED and showed up one day at drug court beaming because he had gotten a job that actually paid benefits.

These vignettes are just examples of the elements of the program that make me feel good about our successes. Yes, we do have problems, and I do impose sanctions for violations. The most telling statistic is that not one of our “clients” has died or even had a health crisis in the program. Nearly all graduate successfully, and not a single one has reoffended for any reason.

Tragedy has visited my community, just I am certain it has yours. None of us can turn back the hands of time and undo these terrible events. However, we can do something positive to prevent them from happening again. The drug court is working in my community. If you have not considered it, you should. To do it well, we need resources. You will note in this publication that some of our funding sources are in danger of being eliminated (see page 7). Urge your representatives to make funds available for these programs. bm

The President's FY2006 Budget, continued

new DNA initiative, which now contains money for training judges in handling capital cases, gets a \$60 million boost over last year. The Violence Against Women programs, such as the STOP grants, CASA, and CAPTA programs, pretty much stay at level funding, which is a good sign for them. Overall, in terms of the court-favorable programs, the emphasis is decidedly negative, especially when you take into account the Byrne/JAG cuts. Indeed, final budget numbers show that Department of Justice assistance funding is cut almost

in half. Overall assistance for DOJ is reduced by over \$1.3 billion from FY05 to FY06.

In terms of next steps, the House and Senate budget committees will soon begin working on resolutions outlining the overall parameters of the various sections of the federal budget. After that, the appropriators start filling out the blanks for the specific programs. For us, it is imperative to begin talking to our congressional representatives about the negative impact of some of the above cuts. bm

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White with navy AJA logo
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Send order form with check or money order to the American Judges Association, 300 Newport Avenue, Williamsburg, VA 23185-4147.

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Address _____
Use Street Address

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AMERICAN JUDGES ASSOCIATION Future Conferences

2005 Midyear Meeting

Marco Island, Florida
May 12-14, 2005
Mariott Marco Island Resort
\$125 single or double

2005 Annual Conference

Anchorage, Alaska
September 18-23, 2005
Hotel Captain Cook
\$135 single or double

2006 Midyear Meeting

Coeur d'Alene, Idaho
Coeur d'Alene Resort
\$130 deluxe room
\$160 premier room

2006 Annual Meeting

New Orleans, Louisiana
Hotel Monteleone
\$169 single or double

2007 Midyear Meeting

Newport, Rhode Island

2007 Annual Conference

Vancouver, British Columbia

BENCHMARK

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