

AJA BENCHMARK

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American Judges Association Meets in Alaska

The 2005 annual conference of the American Judges Association was held September 18 to 23, 2005, in Anchorage, Alaska. Conference activities commenced with a day of committee meetings followed by a reception for conference attendees. AJA president Gayle Nachitgal called the meeting to order the following morning, and conference host judge Tam Nomoto Schumann extended greetings to those assembled, as did Chief Justice Alexander O. Bryner of the Alaska Supreme Court.

Education Program

Mary Campbell McQueen, president of the National Center for State Courts, delivered the keynote address, "Courts in Changing Times." She also honored AJA by delivering the annual National Center for State Courts Distinguished Service Award to former AJA president Mike McAdam for his significant contribution to the advancement of the judiciary.

Attendees participated in outstanding education programs. Concurrent education tracks were offered on



a variety of subjects. These included "Domestic Violence Issues in Underserved Communities" (responding to domestic violence in gay, lesbian, bisexual, and
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A Resolution to Adopt an Equal Access and Equal Treatment Policy for Court Users and Court Personnel

Adopted at the American Judges Association 2005 Annual Conference in Anchorage, Alaska

WHEREAS, The Judiciary has the responsibility to treat all people with fairness and equality under the law, to preserve and protect equal justice, to comply with state/provincial judicial canons and ethical considerations, and to promote the public's trust and confidence in the Courts and Justice system. And the Judges of the American Judges Association, the only North American organization of Judges composed of both Canadian and U.S. Judges, desires to take a leadership role in creating bias-free court environments and public-friendly Courts in furtherance of these responsibilities; and

WHEREAS, Thirty-seven States have adopted Access to Justice Commissions or Equivalents, the National Center for State Courts has adopted *Achieving Fairness Through Bias-Free Behavior: A Pocket Guide for the Courts*, the National Consortium on Racial and Ethnic Fairness in the Courts has adopted a policy regarding the Courts, the Conference of State Court Administrators has passed a Resolution affirming support for the National Consortium's policy, the American Bar Association's Commission on the 21st Century Judiciary has prepared a Report addressing
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the role of the Judges in fairness and impartiality, the National Legal Aid Defender Association has a Project titled *Justice for All* stressing the need for fairness and diversity in the Courts, the National Conference on Court-Related Needs of the Elderly and Persons with Disabilities has passed a Resolution (dated 8/91), the California Judicial Council has recommended and the California Supreme Court has adopted and implemented various access and treatment policies, and the Conference of Chief Justices adopted a Resolution titled Leadership to Promote Equal Justice setting forth the need for the Judiciary to provide a leadership role to ensure equal access to and equal justice in the justice system; and

WHEREAS, The American Judges Association adopted a Resolution on Access to Justice and Protection of the Rights of People on September 25, 1997 and in furtherance of the goals stated therein conducted a workshop entitled Access to Justice and Equal Treatment in the Courts for Court Users and Court Employees on May 13, 2005 where it reviewed all of the existing written policies addressing both Equal Access and Equal Treatment issues and determined that there is no one comprehensive Judicial policy addressing these issues; and

WHEREAS, Contemporary research, data, and surveys indicated lack of access to the Courts by the poor, aged, disabled, and limited-English Court users, and that women, people of color, and gay and lesbian Court users and Court Personnel experience bias in the Courts; and

WHEREAS, Research, surveys, and data reveal that the populations of the United States and Canada are increasing with people of color and those who are elderly and disabled, and that the available Court workforce in the United States and Canada will be shrinking within the next decade and that a bias-free work environment will assist the Court as an employer with retention and recruitment of Court employees.

NOW, THEREFORE, BE IT RESOLVED that the American Judges Association in furthering the goals of Equal Access and Equal Treatment for Court Users and Court Personnel will do the following:

- Appeal to local, specialty, and state bar associations to establish, expand, and support a voluntary pro bono system or affordable legal services for the poor, aged, disabled, other special populations, and limited-English Court Users for their legal, administrative, and court issues consistent with the *AJA Resolution of 1997*.
- Encourage attorneys, law firms, and corporate employers to promote and support the involvement of associates and partners in *pro bono* or voluntary legal services and public-service activities consistent with the ABA Policy on Legislative and National Issues Resolution of 8/88.
- Join and partner with national and state organizations as stated herein to identify existing programs and explore available funding with the objective of coordinating efforts and consolidating resources in legal matters related to the poor, aged, disabled, limited-English Court Users, and other special populations.
- Encourage Judicial Departments and Legislative bodies to secure long-term, sustained, and permanent funding for legal aid for the poor, aged, financially vulnerable persons and other special populations.
- Join and partner with national and state organizations as stated herein to expand the types of assistance available to self-represented litigants, including exploring the role of non-attorneys as resolved by the *Conference of Chief Justices*.
- Encourage Judicial Departments to provide and pay reasonable costs of any necessary auxiliary aids or services for Court Users, including, but not limited to, interpreters for the hearing impaired and limited-English proficient and accommodations for the physically and mentally disabled and aged in accordance with the American with Disabilities Act and as recommended by the *National Conference on Court-Related Needs of the Elderly and Persons with Disabilities*.
- Educate the AJA Members on issues of Access to Justice and Equal Treatment by incorporating a cultural competency component into educational programs.
- Educate the AJA Members on how to recognize bias and its manifestations; how to take a role to eliminate bias in the Courts; how to ensure bias-free communication and behavior; how to institutionalize fairness; and how to demonstrate respect, fairness, and neutrality as detailed in the *NCSA Pocket Guide for the Courts*.
- Encourage all Court Personnel to increase their awareness of Access to Justice and Equal Treatment issues and to enhance the leadership Skills necessary for an effective Court services environment.
- Endorse the implementation of local Court Personnel policies and practices to eliminate discrimination on the basis of gender, race, color, age, religion, language, and sexual orientation in the workplace in association with those associations and organizations stated herein.
- Endorse training and education programs for Court Personnel that would eliminate discrimination on the basis of gender, color, age, religion, language, and sexual orientation in the workplace.
- Recommend that the Judiciary take primary responsibility for providing continuing legal education, that continuing judicial education be required for all judges, and that state appropriations are sufficient to provide adequate funding for continuing judicial education as recommended by the *Report of the ABA Commission on the 21st Century Judiciary*.
- Assist in the development of state, regional, and national plans addressing Access to Justice and Equal Treatment for Court Users and Court Personnel consistent with this Resolution. bm

transgender communities); “Extending Project Passport: The Arizona Experience” (full faith and credit for protection orders); “Alternative Sentencing in DWI Cases”; “A ‘Mini-Sedona’ Dialogue on E-discovery Issues”; “Court Security Workshop”; “Leadership Symposium” (led by Judge Kevin S. Burke, Hennepin County District Court, Minneapolis); “Behind Closed Doors” (a research project of the Roscoe Pound Institute on jury deliberations); and “Recent Decisions of the U.S. Supreme Court” delivered by Professor Charles Whitebread of the University of Southern California.

The officers, governors, and interested attendees spent a morning engaged in focus-group activities on the future of AJA as “The Voice of the Judiciary.” Many ideas were shared to help AJA both maintain its direction and become more meaningful to its existing members and more attractive to new members. The executive committee will use this information in their deliberations about the future of AJA.

AJA also passed an important resolution renewing the association’s commitment to equal access and equal treatment for all who use our nation’s courts.

AJA and AJF Elect New Officers

AJA elected new officers and members for the Board of Governors at the General Assembly meeting in Anchorage. New officers for 2005-06 are:

President—Judge Mike Cicconetti, Painesville Municipal Court, Ohio

President-elect—Judge Steve Leben, Johnson County District Court, Kansas

Vice-President—Judge Eileen A. Olds, Chesapeake Juvenile and Domestic Relations Court, Virginia

Secretary—Judge Tam Nomoto Schumann, Orange County Superior Court, California

Judge Gayle Nachtigal, Circuit Court, Oregon, is AJA’s *immediate past president*, and Harold V. Froelich, Outagamie County Circuit Court, Wisconsin, remains as *treasurer*.

New members of the AJA Board of Governors are Elliott Zide (Massachusetts), Abraham Gerges (New York), Jennifer Gebbia (New York), Damian Murray (New Jersey), Brian Jeffcoat (South Carolina), James Oxendine (Georgia), Elizabeth Hines (Michigan), Gail Maltby (British Columbia), and Jay Dilworth (Nevada).

The Board of Governors also approved a resolution to offer one year of free membership to newly elected judges. They approved a modest increase in dues and renewed the contract with NCSC to provide administrative services to AJA.

The American Judges Foundation met and elected officers for the ensuing year. They are:

President—Judge Ron Garvin, Annandale, Virginia

President-elect—Molly Williams, Kansas City, Missouri

Vice-President—Russell Hines, Ann Arbor, Michigan

Secretary—B. J. Shorak, Vienna, Virginia

Treasurer—Elizabeth B. Campbell, Ewing, New Jersey 



AJA’s new officers for 2005-06 (l. to r.): Mike Cicconetti, Eileen Olds, Tam Nomoto Schumann, Steve Leben, and Gayle Nachtigal.



AJF’s new officers for 2005-06 (l. to r.): Russell Hines, B. J. Shorak, Molly Williams, Jackie Heupel, and Ron Garvin.

The Meeting Is the Thing

Steve Leben, AJA President-Elect

Could I have two minutes of your time? If you'll just give me two (or maybe three) minutes, I'll convince you that you ought to make plans to attend the AJA's annual educational conferences in the next two years.

Let me start by saying that you're perfectly normal—most AJA members have never attended. But let me tell you what you missed the past two years and some of what's planned for the next two. Then let's see if we can't get you to pencil in either the dates of October 8-13, 2006 in New Orleans or September 24-29, 2007 in Vancouver—or both—on your calendar.

All of us have the chance to attend educational programs closer to home. I've been attending my state judicial conferences for more than a decade. You will absolutely hear top-notch speakers and programs at our conference that you will not have heard elsewhere.

Last year in San Francisco, we had the National Forum on Judicial Independence, which focused on threats to judicial independence at the trial-court level. In addition, we had a condensed version of the National Judicial College's course on First Amendment and media issues for judges, a program on problem-solving courts with leading researchers and judges, and a symposium on judicial leadership to help those who are—or might like to be—presiding judges or otherwise play a leadership role on their own court.

This year in Anchorage, we had two very extensive programs on electronic discovery and jury-trial innovations. The e-discovery program featured the work of the Sedona Conference, which has developed guidelines for electronic discovery. Attendees learned what's in and on our computers that we don't normally see and how lawyers in contested cases go about trying to find this information. Speakers included the leading researcher in the area at the Federal Judicial Center, a federal magistrate judge, an attorney who has helped in drafting the Sedona Conference guidelines, and an expert in computer forensics. The jury-trial program included two professors who have been involved in national research involving observations of actual jury deliberations and Tom Munsterman, head of the Center for Jury Studies at the National Center for State Courts. In addition, a follow-up session of the judicial leadership symposium and programs on alternative sentencing of impaired drivers, handling domestic violence cases, and understanding search-and-seizure law were on the agenda. And all AJA annual conferences include Professor Charles Whitebread's annual review of the past year's U.S. Supreme Court decisions.

Okay, you say, so there are great educational programs. What else is there? Well, of course there's the

location. This year, 20 minutes from the conference hotel, I got to see three orphaned bear cubs playing with each other, within five feet of me, at a wildlife preserve. And we also have some speakers and programs just for fun. In San Francisco, we heard from Mick Unti, proprietor of the Unti Vineyards, about California wines. In Anchorage, we heard from 16-time Iditarod Trail Sled Dog Race competitor Vern Halter, a lawyer by trade and a musher by desire. (To see his background and 2005 race results, go to <http://www.iditarod.com/raceupdates/racemusher.php?id=195>.)



There are two more things that absolutely must be mentioned. First, you have the chance to trade ideas and experiences with judges from all across the United States and with quite a few from Canada. Most of the problems we face are not unique to our courts or areas. Getting views from outside our jurisdictions can be refreshing and just plain helpful in doing our jobs. Second, should you choose to participate in the business meetings of the AJA, you also have a chance to provide input as we do our best to represent you—as an association and as the voice of the judiciary to others.

With that overview, let me make a couple of comments about plans in place for the next two conferences. We have always had a very strong contingent of AJA members in Louisiana and have had some great conferences in New Orleans. Because of Hurricane Katrina and its aftermath, many of them were unable to attend our Anchorage conference; we missed them greatly. So long as we are able to do so, we will be at the Hotel Monteleone in New Orleans for our 2006 conference, and our Louisiana members are anxious to have it be one of our best ever. The New Orleans Convention and Visitors Bureau has estimated that the area economy is losing \$500 million of tourist business a month; obviously, everything that can be done to get things up and running will be. For 2007, we'll be in Vancouver, where we'll have a joint conference with some Canadian judicial organizations. The AJA has already lined up U.S. Supreme Court justice Ruth Bader Ginsburg and the Right Honourable Beverly McLachlin, chief justice of Canada, to speak at that conference.

I hope you'll take a moment now to pencil in the dates of these conferences on your calendar. We'd love to see you. 

More Scenes from Anchorage



DePaul University law professor Stephan Landsman presented his research on the impact of the so-called vanishing trial phenomenon at a special presentation on jury trials sponsored by the Roscoe Pound Foundation.

Members participate in a visioning session on AJA's role as "The Voice of the Judiciary" at the 2005 annual conference in Anchorage.



Past AJA president Mike AcAdam was honored twice in Anchorage: with NCSC's Distinguished Service Award (pictured) and AJA's Judge William H. Burnett Award for outstanding service to the association.



AJA members were treated to some native dancing during an evening at the Alaska Native Heritage Center.

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AJA WebBoard Conferencing and E-Discussion Rooms Now Available

James F. ("Jim") Vano, AJA Web Editor and WebBoard Manager

At the recent annual meeting in Anchorage, a consistent theme among judges participating in a visioning session was that our organization should use electronic media to promote networking and enhanced communications among our members.

We are pleased to introduce a new feature and AJA member benefit to help realize that vision. Through the assistance of the National Center for State Courts, we have added a password-protected AJA WebBoard link for our "Members Only" section. Member judges can enjoy AJA WebBoard conferencing and e-discussion rooms on a variety of topics. This presents an excellent opportunity to interact with other judges on numerous areas of interest and to associate together throughout the year.

The log on and use of the board have been kept simple and straightforward. Send an e-mail message to me at James.Vano@jocogov.org, or to Shelley Rockwell at srockwell@ncsc.dni.us, indicating your desire to log onto the WebBoard. I will provide an initial username and password. After you log on the first time, you

should "edit your profile" under the "more options" menu and change your password. Then, you are good to go. Jump in anytime.

To access the WebBoard directly, enter the following URL address in your browser:

<http://boardsncsc.dni.us:81/~AJAWebBoard>. Bookmark that address in your "Favorites" file. Check it regularly. You can post comments; review the replies and new postings of other judges; pose a question; share some advice; or start a new discussion string.

In the future, member judges also will be able to reach the AJA WebBoard through a link from the AJA Web site's "Members Only" side. You will find a thorough "Help" function when you log onto the board. Let me know if you have any questions, problems, or suggestions concerning the AJA WebBoard.

We are grateful for the tireless help from the National Center's technology staff, particularly Holly Smith and Ray Foster, in setting up this tool for our use and benefit. 

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2006 Midyear Meeting

Coeur d'Alene, Idaho
May 18-20, 2006
Coeur d'Alene Resort
\$130 deluxe room
\$160 premier room

2006 Annual Meeting

New Orleans, Louisiana
October 8-13, 2006
Hotel Monteleone
\$169 single or double

2007 Midyear Meeting

Newport, Rhode Island
April 18-20, 2007
Hotel Viking
\$169 single or double

2007 Annual Conference

Vancouver, British Columbia
September 24-29, 2007
Sheraton Vancouver Wall Centre
\$229 CN single or double

2008 Annual Conference

Maui, Hawaii
September 7-12, 2008
Westin Maui
\$190 single or double

BENCHMARK

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