

# AJA BENCHMARK

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## Newport Hosts AJA '07 Midyear Meeting

**A** keynote address by Chief Justice Frank J. Williams of Rhode Island and an educational presentation by Justice at Stake and the National Center for State Courts highlighted the AJA's Midyear Meeting, held in April in Newport, Rhode Island.

Chief Justice Williams, a noted Lincoln scholar, addressed Lincoln, leadership, and judging. Williams said that though the problems of today pale in comparison to those of Lincoln's time, the lessons of Lincoln's leadership remain invaluable.

For example, Williams cited Lincoln's proactive nature, indicated by Lincoln's comment: "If I only had an hour to chop down a tree, I would spend the first 45 minutes sharpening my axe."

"Great leadership requires hope, confidence, and unshakable moral courage," Williams said. "Great leadership requires the ability to stay the course, even when you stand alone, as Lincoln so often did."



*The sea off Newport, R.I.*



*Bert Brandenburg and Jesse Rutledge (Justice at Stake)*



*Chief Justice Frank Williams (R.I.)*



*William Raftery (NCSC)*


Williams's remarks will be reprinted in the next issue of *Court Review*.

The midyear educational program featured Bert Brandenburg and Jesse Rutledge, executive director and director of field operations, respectively, for Justice at Stake, and William Raftery, a researcher at the National Center for State Courts. Their presentation covered current threats to the court system and what may be done about them.

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### Annual Meeting Notice

**N**otice is hereby given pursuant to Article V, Section 1, of the bylaws of the American Judges Association that the annual meeting will be held September 25-30 at the Sheraton Wall Centre in Vancouver, British Columbia. The annual membership meeting will be held Saturday, September 29, at 9:00 a.m.

Notice is hereby given that the annual meeting of the American Judges Foundation will be held Thursday, September 27, at noon at the Sheraton Wall Centre. 

## Opinion

# The Judicial Branch Make Real Improvements

*Steve Leben, AJA President and Judge of the Kansas Court of Appeals*

**W**ith all the focus on presidential candidates for 2008, the 2006 election seems long ago, even though only a few months have gone by. Those of us who are concerned about maintaining fair and impartial courts should consider the results of three initiative proposals that were rightly perceived by voters as unnecessary challenges to the judicial branch of government. All three were defeated, but they represent the beginning, not the end, of the story.

The most absurd was the proposal in South Dakota, tagged “Jail 4 Judges” (“Jail” standing for Judicial Accountability Initiative Law). It would have eliminated judicial immunity—and even allowed taking away a judge’s job and earned retirement benefits—if a committee of laypeople, set up as a special “grand jury,” concluded the judge had been wrong. Oregon’s proposal would have set up geographic districts from which members of its Supreme Court had to be elected in an attempt to limit the number of Portland-area judges; Colorado’s proposal would have established a 10-year term limit for appellate judges.

In each case, the proposal was touted as a way to hold judges accountable. In each case, with appropriate public education, the public saw through the veneer. But it takes a substantial educational effort to defeat these superficially attractive proposals.

Take Colorado’s proposal for term limits as an example. Colorado already had term limits for legislators and governors—why not for judges? The public likes the idea of term limits: An initial poll in May 2006 showed the term-limit proposal for judges supported by a margin of 69% to 24%.

Term limits would have a much different impact on the judiciary, however, than on the other branches. The legislative and executive branches have taxing and spending power and a direct relationship with the voters. The judicial branch gains its authority through professional training, wisdom, and experience. Forcing appellate judges off the bench when they had gained wisdom and experience would leave the judiciary less able to defend the rights of the people—under the Constitution—against encroachment by politically motivated legislators and officials.

## Some Steps Toward Real Reform

Proponents of measures like the ones on the ballot last year are already looking to the next election. In Color-


do, the chief term-limits proponent has already said he’ll be back with a revised proposal in 2008. Judges, lawyers, and those interested in preserving fair but accountable courts need to take more steps that will make it even harder for these efforts to gain traction.

First, more should follow Colorado’s lead in providing a statewide judicial performance evaluation for all judges. Those evaluations, prepared by a state-chartered commission, are based on direct observations and surveys of litigants and jurors who have appeared before the judge—not just lawyers evaluating other lawyers. There are only six other states—Alaska, Arizona, Kansas, New Mexico, Tennessee, and Utah—that now do what Colorado does in providing an official and public performance appraisal of its judges.

Second, we must explore ideas to improve our effectiveness, including the public’s satisfaction with its experiences in court. For example, Kevin Burke, a trial judge in Minneapolis, many years ago brought social scientists into the local court there to observe the proceedings. In work that continues today, the courtroom behavior of individual judges is studied and feedback is given to them for self-improvement on matters like listening skills and the treatment of litigants. New York University psychology professor Tom Tyler and others have shown that people comply with and accept court judgments when they feel they were treated fairly. More courts and court systems should work with empirical data to evaluate their own effectiveness.

Third, we must hold ourselves and our colleagues accountable. Outsiders looking at Congress certainly concluded that members who knew about Mark Foley failed to take appropriate actions in response. No one likes to tangle with a colleague, but we have a responsibility as public officials to keep our own house in order. Lawyers, judges, and the public all have a role to play here.

Last, we must be open to the suggestions of others for improvement. When he was chief justice of Arizona, Thomas Zlaket invited various groups to meet with him and other justices so that their concerns could be heard. They met with victims’ rights groups and with court critics. They listened—and worked to respond to complaints found reasonable.


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# AJA Supports New York Judicial Pay Increase

**T**he AJA has added its voice to those supporting a pay increase for New York state judges, who have received only two raises in the past 20 years. AJA president Steve Leben issued a statement on June 27 in support of calls for the New York legislature to move forward on judicial pay.

"The courts and judges of New York have quite properly been well represented from the beginning of our nation's history, through the times of great judges like Justice Benjamin Cardozo and Judge Learned Hand, and continuing to the present days of [Chief Judge Judith] Kaye and her fellow judges," Leben said. "Yet salaries

of New York judges have fallen way below their national averages: the National Center for State Courts now ranks the pay of New York judges 48th out of the 50 states on a cost-of-living adjusted basis."

A proposed pay increase for New York state judges has been stalled in the legislature over attachment to campaign finance reform, the pay of other state officials, and other unrelated issues. Background on New York state judicial salaries and the AJA's full statement on the issue can be found on the home page of the AJA Web site. 

## AJA Committee Leaders for 2007

**M**uch of AJA's work is done in committee. The committee chairs for 2007 are listed below. To sign up for a committee, contact either

AJA President Steve Leben (e-mail: [sleben@ix.netcom.com](mailto:sleben@ix.netcom.com) or 913-715-3822) or one of the judges serving as committee chairs.

**Access to Justice:** Elizabeth Hines, 15th Judicial District Court, Ann Arbor, Mich. ([ephines@a2gov.org](mailto:ephines@a2gov.org))

**Arbitration and Mediation:** Stephen Cooper, 46th Judicial District Court, Southfield, Mich. ([sccoop@aol.com](mailto:sccoop@aol.com))

**Awards:** Denise Lightford, Phoenix (Ariz.) Municipal Court ([dmlightford@aol.com](mailto:dmlightford@aol.com))

**Budget:** Gerald Elliott, Johnson County (Kan.) District Court ([Gerald.Elliott@jocogov.org](mailto:Gerald.Elliott@jocogov.org))

**Bylaws:** John Conery, 16th Judicial District Court, Franklin, La. ([jconery@16jdc.org](mailto:jconery@16jdc.org))

**Conference Site Selection:** Michael Cicconetti, Painesville (Ohio) Municipal Court ([judgemike@pmcourt.com](mailto:judgemike@pmcourt.com))

**Court Security:** Vicent Lilly, Roanoke County (Va.) General District Court ([vlilley@roanokecountyva.gov](mailto:vlilley@roanokecountyva.gov))

**Domestic Violence:** John Conery, 16th Judicial District Court, Franklin, La. ([jconery@16jdc.org](mailto:jconery@16jdc.org))

**Education:** Mary Celeste, Denver (Colo.) County Court ([mceleste@ci.denver.co.us](mailto:mceleste@ci.denver.co.us))

**Judicial Independence and Accountability:** Michael McAdam, Kansas City (Mo.) Municipal Court ([mikediv201@aol.com](mailto:mikediv201@aol.com))

**Juvenile Justice:** Jerrauld Jones, Norfolk (Va.) Juvenile and Domestic Relations Court ([jcyjones@courts.state.va.us](mailto:jcjones@courts.state.va.us))

**Law Student Essay Competition:** John Rosson, Knoxville (Tenn.) Municipal Court ([jrosson@cityofknoxville.org](mailto:jrosson@cityofknoxville.org))

**Membership:** Michael McAdam, Kansas City (Mo.) Municipal Court ([mikediv201@aol.com](mailto:mikediv201@aol.com)), and Gayle Nachtigal, Washington County (Ore.) Circuit Court ([Gayle.A.Nachtigal@ojd.state.or.us](mailto:Gayle.A.Nachtigal@ojd.state.or.us)), Cochairs

**Nominations:** Michael Cicconetti, Painesville (Ohio) Municipal Court ([judgemike@pmcourt.com](mailto:judgemike@pmcourt.com))

**Problem-Solving Justice:** Brian MacKenzie, 52nd District Court (Oakland County, Mich.) ([mackenzieb@co.oakland.mi.us](mailto:mackenzieb@co.oakland.mi.us)), and Morton Minc, Municipal Court of Montreal ([mmsinc@ville.montreal.qc.ca](mailto:mmsinc@ville.montreal.qc.ca)), Cochairs

**Public Information/Public Relations:** Larry Allen, Willoughby (Ohio) Municipal Court ([judge@willoughbycourt.com](mailto:judge@willoughbycourt.com)), and David Gorbaty, Fourth Circuit (La.) Court of Appeals ([dgorbaty@bellsouth.net](mailto:dgorbaty@bellsouth.net)), Cochairs

**Resolutions:** Richard Kayne, Medical Lake (Wash.) Municipal Court ([rbkayne@cs.com](mailto:rbkayne@cs.com))

**White Paper:** Kevin Burke, Hennepin County (Minn.) District Court ([Kevin.Burke@courts.state.mn.us](mailto:Kevin.Burke@courts.state.mn.us))



# NOMINATIONS and ELECTION

**N**ominations committee chair, Judge Mike Cicconetti, requests early nominations for positions to be filled at the annual conference in Vancouver. In order for the nominations committee to give each name full consideration, it is important that nominations be received by August 20.

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

**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, 12 positions on the Board will be up for election. Of these 12 positions, 4 currently are held by incumbent Board members who are eligible for reelection. All positions are for three-year terms.

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

**District I** (CT, MA, ME, NH, RI, VT, Quebec, Prince Edward Island, Newfoundland, Nova Scotia, New Brunswick). No vacancies.

**District II** (NY). One position, Anthony Bentley completing service.

**District III** (DC, DE, MD, NJ, PA). One position, Norman Krumenacker (PA) incumbent.

**District IV** (NC, SC, VA, WV). One position, Ray Dezern (VA) completing service.

**District V** (AL, GA, FL, VI, PR). One position, no incumbent—due to unfilled vacancy.

**District VI** (AR, LA, MS). One position, Robert Burgess (LA) incumbent.

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

**District VIII** (IL, IN, KY, TN). One position, Lorenzo Arredondo (IN) completing service.

**District IX** (OH). One position, Jack Puffenberger incumbent.

**District X** (MI). One position, Stephen Cooper completing service.

**District XI** (IA, KS, MN, MO, ND, NE, SD, WI, Ontario). No vacancies.

**District XII** (AZ, CO, NM, UT, WY, Alberta, Manitoba, Saskatchewan). Two positions—Marty Celeste (CO) incumbent; one due to unfilled vacancy.

**District XIII** (AK, ID, MT, OR, WA, British Columbia, Northwest Territories, Yukon Territory). One position, Kenneth Eiesland (WA) incumbent

**District XIV** (CA, HI, NV, Guam, American Samoa, Marshall Islands). One position, James Van Winkle (NV) incumbent.

**Court of Appeals:** One position (five-year term), Aida Flores is eligible for election to a full term.

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

# American Judges Association

The Voice of the Judiciary®

## 2007-2008 Declaration of Candidacy

NAME: \_\_\_\_\_

COURT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE/PROV: \_\_\_\_\_ ZIP/POSTAL CODE: \_\_\_\_\_

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 25 DURING THE CONFERENCE IN VANCOUVER; 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 Vancouver?

Will you be available for an interview on September 25, 2007?

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 **August 20, 2007**. All candidates will receive a written confirmation, which acknowledges receipt of your materials. If you do not receive a confirmation by September 5, 2007, please contact the Association Management Office at (757) 259-1841.*

# AJA Members in the NEWS

**A**JA's immediate past president, **Michael Cicconetti**, was mentioned prominently in a full-page feature on creative sentencing in criminal cases found in the January 2007 issue of the *ABA Journal* (p. 35). The *Journal* noted two of Cicconetti's sentences: having two defendants lead a donkey through city streets before starting jail sentences for defacing a baby Jesus statue stolen from a local church display and having a man spend two hours with a pig for calling a police officer a pig. Cicconetti is the municipal judge in Painesville, Ohio.



AJA president **Steve Leben** has been named to the Kansas Court of Appeals. He began his new position June 15 after nearly 14 years as a general-jurisdiction trial judge. With his appointment, AJA's current officers are evenly split between trial and appellate courts. AJA president-elect **Eileen Olds** is a trial judge on the Chesapeake, Virginia, Juvenile and Domestic Relations Court; AJA vice president **Tam No-moto Schumann** is a trial judge on the Superior Court in Orange County, California; and AJA secretary **James McKay** is a judge on the Louisiana Court of Appeal.


Former *Benchmark* editor **Milt Nuzum** has been named the new director of the Ohio Judicial College, a training institute for Ohio judges and court personnel. Nuzum served as judge of the Marietta, Ohio, Municipal Court from 1993 until 2005. In announcing the appointment, Steven C. Hollon, administrator of the Ohio Supreme Court, said



Nuzum was "the consummate professional who places service to the justice system and the state judiciary above personal interests." In addition to his work for several years as *Benchmark* editor, Nuzum served as a member of the Ohio Supreme Court's Advisory Committee on Technology and the Courts and has been a regular instructor at the Ohio Judicial College. Nuzum praised Ohio judges as "a very dedicated group of people who are committed to delivering their services to the public in a very efficient and effective manner." He pledged to help in his new job to give those judges the tools needed to do their jobs well.

AJA president-elect **Eileen Olds** was featured in the February 2007 issue of *Ebony* magazine (p. 16 if you're looking). *Ebony* noted that she is the first judge from Virginia elected to lead AJA in its nearly 50-year existence. The magazine also noted that when named to the bench in 1995, she became the first woman and first African-American judge of the First Judicial District of Virginia. Olds is a judge of the Chesapeake, Virginia, Juvenile and Domestic Relations Court.

AJA member **Nathan E. White, Jr.**, a Texas district judge, was installed as president general of the National Society of the Sons of the American Revolution on July 11, 2006, at the National Society's 116th Annual Congress in Dallas. The National Society, which has 27,000 members in the United States, France, and several foreign countries who are descendants from those who supported the American Revolution, promotes patriotism and good citizenship through patriotic education and youth-recognition programs. White served for several years on the AJA Board of Governors representing District VII, and he is a Trustee of the AJA Foundation.


*If you have news or know an AJA member who is in the news, let us know. Send information to Chuck Campbell, managing editor, [ccampbell@ncsc.dni.us](mailto:ccampbell@ncsc.dni.us).* 

## Newport Hosts AJA '07 Midyear Meeting, *continued*

Justice at Stake ([www.justiceatstake.org](http://www.justiceatstake.org)) is a national partnership of more than 40 organizations, including the American Judges Association. It works to maintain fair and impartial courts.

Raftery edits an electronic newsletter, *Gavel to Gavel*, published by the National Center. It covers activities in


state legislatures that might affect the courts, including limits on judicial authority, structural changes, changes in judicial selection, and impacts on salary and budget. To subscribe, send an e-mail to [gaveltogavel@ncsc.dni.us](mailto:gaveltogavel@ncsc.dni.us).

Raftery will have an article in an upcoming *Court Review* on current threats to the courts. 

## Help AJA to Serve You—Complete Our Member Survey!

AJA wants to know what you think—about AJA! What do you think was best (and worst) about AJA's annual conferences? How can we make them better? What services should the association provide to members? You can share your thoughts on these topics and more by completing the 2007 Membership Survey!

Please take a few minutes and tell AJA what you think. The survey was published in the spring 2007 issue of *AJA Benchmark*, but you can also fill it out online at <http://www.ncsconline.org/ASPSurvey/TakeSurvey.asp?SurveyID=lJm4MJ9541G>.

Thank you! 

# AMERICAN JUDGES ASSOCIATION Future Conferences

### 2007 Annual Conference

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

### 2008 Midyear Meeting

Amelia Island, Florida  
May 1-3, 2008  
Amelia Island Plantation  
\$159 single/double standard  
room  
\$169 single/double deluxe room

### 2008 Annual Conference

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

# BENCHMARK

## American Judges Association

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(757) 259-1841

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Chesapeake, VA 23322

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*Postmaster: Please expedite  
Dated material*



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The Voice of the Judiciary®

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# AJA INSIGNIA WEAR

**Embroidered Patches:** \$3.00 each

**Membership Certificate Plaques:** \$15.00 each  
With clear acrylic cover

**Baseball Caps:** \$10.00 each  
Navy or royal with white AJA logo

**Canvas Briefcases:** \$25.00 each

**Hawaiian Shirts, blue with white palm trees:**  
\$40.00 each  
small medium large extra large XX large

**Sweatshirts:** \$25.00 each  
Navy or royal with white AJA logo  
medium large extra large XX large

**T-shirts:** \$20.00 each  
Navy with white or white with navy AJA logo  
medium large extra large XX large

**Windbreakers:** \$40.00 each

Navy with white AJA logo  
medium large extra large XX large

**Polo Shirts:** \$25.00 each

Navy or royal with white AJA logo  
medium large extra large XX large

**Fleece Jackets:** \$40.00 each

Navy with white AJA logo  
medium large extra large XX large

**AJA Sport/Duffle Bags:** \$25.00 each

Navy with white AJA logo

**Juror Certificates:** Box of 100, \$25.00 each

(preprinted certificates of appreciation for presentation to citizens serving as jurors in your court—not suitable for running through a laser printer)

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				\$	TOTAL

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