

# AJA BENCHMARK

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## AJA Holds Midyear Meeting in Montana

**M**embers of the American Judges Association and American Judges Foundation met in Billings, Mont., May 15–17, 2003, for the annual midyear conference of each organization. Judge Pedro R. Hernandez of the Yellowstone County Justice Court hosted the meeting. Vice President Mike McAdam presided over the business sessions of the AJA Board of Governors. President Francis Halligan presided over the Executive Committee meeting, but had to leave early to attend his son's college graduation.

### Committees

Committees perform much of the association's work, and all interested members are invited to join in. They work on projects as varied as the membership of the association itself, including court security, highway safety, juvenile justice, judicial leadership for ethnic equality, judicial leadership to reduce substance abuse, alternative dispute resolution, and therapeutic jurisprudence. Much of



*AJA's Montana host, Judge Pedro Hernandez, with Judge Jay Dilworth and his wife, Peggy Maines.*

the business meeting of the Board of Governors was devoted to receiving committee reports.

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## Spend the Fall in Montreal Come to AJA's 43rd Annual Conference!

**T**he American Judges Association invites you to the fascinating, culturally rich city of Montreal for our 43rd Annual Educational Conference at the Hotel Omni Mont-Royal, September 14–19, 2003. The Omni is located in the heart of Montreal's "Golden Square Mile," which is an ideal location for enjoying all that the city has to offer.

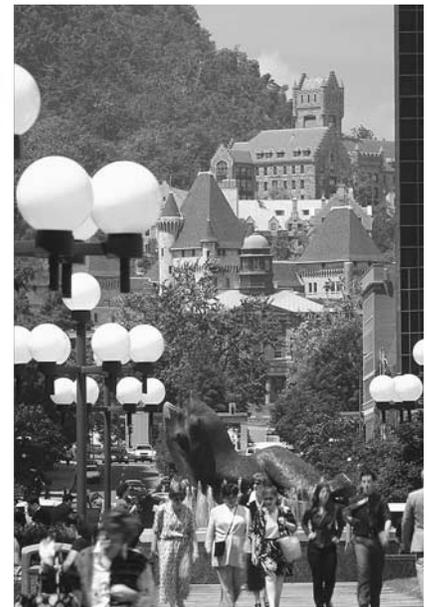
AJA is offering its usual outstanding educational program, too.

- Chief Justice Michel Robert, of the Court of Appeal, Quebec, will deliver this year's Honorable Tom C. Clark Lecture—"Judicial Independence: An Ethical Perspective."
- Prof. Charles Whitebread, of the University of Southern California Law Center, will present his annual look at "Recent Decisions of the U.S. Supreme Court."
- Billy Cypress, chairman, and Michael Diaz, Esq., of the Miccosukee Tribe, will discuss "Native American-Aboriginal Law and Its Relation to U.S. State and Canadian Provincial Law and Justice." Judge Anthony Mandamin of the Provincial Court of Alberta will join this panel.

Other education topics include domestic violence, therapeutic jurisprudence, and what judges can do to reduce the incidence of impaired driving.

There will be plenty of opportunities to enjoy the lovely city of Montreal. "Don't miss" sites include the Montreal Museum of Fine Arts, historic Old Montreal, and the Montreal Biodome. AJA will hold a golf tournament at the Hillsdale Golf and Country Club, and you can take a in a dinner cruise and murder mystery show on the St. Lawrence River.

We hope to see you this fall in Montreal! 



# Bringing It All Together: Behind the Scenes at an Annual Conference

*Judge Michael Cicconetti*  
*Chair, Site Selection Committee*

**Y**our check-in at the hotel registration desk went smoothly and you walk into your comfortable room where you will be staying for the five nights of the American Judges Association Annual Conference.

After unpacking you locate the conference registration desk as directed by the sign in the lobby. Shelley Rockwell or a member of her staff greets you and hands you your conference folder and a welcome gift with a bundle of information regarding local attractions.

You find the week is full of educational opportunities, social functions, an off-site evening, and a banquet. You read about a judge's golf tournament and several optional tours. At the conclusion of the day you can socialize with both judges and spouses in a designated hospitality suite. Everything is planned and you're ready to go!

As chairman of the American Judges Association Site Selection Committee for the past three years, I have had the opportunity to be involved with the behind-the-scenes work in planning the midyear meeting and annual conference.

The seed is initially planted approximately three years before the conference date. The Site Selection Committee chooses a location, setting the preparation work in motion. As chairman, I will contact the convention or visitor's bureau of the city selected and provide a general outline of our space needs. This organization will then notify a selected number of hotels in the area, and they will forward to the chairman a general description and brochures of their property. I do as much research as possible and narrow the possibilities down to four or five hotels.

The next step is to send requests for proposals (RFPs) to these hotels, which specify our requirements for number of rooms per night, meeting space, upgrades, meals, park-

ing, and other amenities. The hotels will respond with a proposed contract, including room rates, meal rates, and incidental costs.

Now the real work begins. If at all possible, a site inspection of the various properties is quite useful. Since AJA cannot afford the cost, I usually take a detour from a personal trip and spend a day or two meeting with a representative of a hotel's group sales department for a site inspection. The second best option is to rely on a local judge for a recommendation.

I will then select two hotels and recommend one of them to the Site Selection Committee and request permission to pursue negotiations. I will then inform the selected hotel that the committee has chosen their facility and has granted me permission to use the second hotel as an option if a satisfactory agreement cannot be reached.

This is the beginning of the long and arduous task of selecting the better hotel and further negotiating room rates, meal costs, attrition policy, guarantees, parking rates, upgrades, package delivery service, cut-off dates, exhibitor space, food and beverage minimums, credit arrangements, insurance, damages, complimentary space and amenities for our association, and penalty clauses.

Once the contract is signed, the social activities and tours must be planned with the help of the local host judge and the National Center for State Courts. Recently, I have also served as golf tournament chairman, with the added duties of organizing the outing with our judges and the golf course. Again, most golf courses require a separate contract, and my negotiating skills are put back in use. Skill prizes, door prizes, and last-minute changes in the foursomes always add an interesting twist to this event.

I have never kept a record of the hours required to complete this task, but my best guess would be 50 to 80 hours, not including any site inspections. Although the Site Selection Committee chairman does a great deal of the work, this project could not be completed without the assistance of Shelley Rockwell, our association services administrator at the National Center for State Courts. Somehow, Shelley waves her magic wand and everything comes together through her hard work and efforts.

I hope I have given you a little insight into the making of an annual conference. If matters do not go as planned during your attendance, please bear with us, and we will work with the hotel to correct the problem as best we can. Hope to see all of you in Montreal, Canada, on September 14, 2003. 

## NOTICES

Notice 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 14-19, 2003, at the Hotel Omni Mont-Royal in Montreal, Canada. The annual membership meeting will be held Thursday, September 18, at 8:00 a.m. Notice is hereby given that the annual meeting of the American Judges Foundation will be held Monday, September 15, 2003, at noon at the Hotel Omni Mont-Royal. 

# Coming to Montreal? Then Please Bear in Mind . . .

We hope to see you at the 43rd Annual AJA Conference in Montreal. But when you come to Canada from the United States, please remember:

- You must have either a U.S. passport or other proof of U.S. citizenship, such as an original or certified birth certificate together with photo ID.
- "Personal baggage" items, including clothing, personal computers, and cameras, are not subject to duties or taxes if you declare them when you arrive and take them back with you when you leave.

- You can import gifts for relatives and friends in Canada duty- and tax-free, as long as each gift is valued at \$60 CN or less.

For more information on entering Canada, go to this Web site: [http://www.amcits.com/entry\\_ca.asp](http://www.amcits.com/entry_ca.asp). To learn more about the city of Montreal, be sure to visit [www.montreal.com](http://www.montreal.com). And be sure to consult <http://aja.ncsc.dni.us> for more information about the conference. 

## AJA Members in the NEWS

### AJA Presents Award to Chief Judge of New York

Chief Judge Judith Kaye (center) of the New York Court of Appeals received AJA's *Chief Justice Richard Holmes Award of Merit* at a meeting of the Network of Bar Leaders held at the New York County Lawyers' Association (NYCLA) in April 2003. AJA honored Chief Judge Kaye for her outstanding service to the judiciary. From left: Josephine M. Bastone, past president of the Network of Bar Leaders; Bronx Supreme Court Justice Richard Lee Price, AJA's past president; Chief Judge Kaye; Leslie Nizin, president of the Network of Bar Leaders; and Michael Miller, president of NYCLA.



### AJA Member Joins Mediation Firm

Retired judge Patrick J. King has joined JAMS, the Resolution Experts, the nation's largest provider of alternative dispute resolution services.

Judge King served for 14 years on the Massachusetts Superior Court, where he presided over a broad range of complex, multiparty matters. He spent 12 years as an associate justice on the Boston Housing Court, where



he successfully mediated over 1,000 residential real estate disputes.

He is president of the Massachusetts Judges Conference, which presented him with its Judicial Excellence Award in 1997.

### All in the Family for Two Michigan Judges

When Judge Paul Braunlich stepped down from his position on the Monroe County District Court, he wasn't too concerned about his successor on the bench. "I'm sorry to leave this court," he told the *Toledo Blade*, "but I know I'm leaving it in good hands."

The "good hands" are those of his son, Mark, who was elected to the position Paul is leaving. Paul intends to remain active as a retired judge handling mediation matters in Michigan and as an attorney. 

# What's in a Problem-solving Court? A Brief Overview

**S**tate courts are adopting models other than traditional trials and sentences to confront such social problems as drug addiction and domestic violence. The Conference of Chief Justices and the Conference of State Court Administrators adopted a resolution "In Support of Problem-solving Courts" in 2000, which "encourage[d], where appropriate, the broad integration of the principles and methods employed in problem-solving courts into the administration of justice." AJA will hold a panel on "Therapeutic Jurisprudence" at the 2003 annual conference in Montreal on September 16.

It's fairly simple to come up with examples of problem-solving courts, such as drug courts, youth courts, and domestic violence courts, but it's more difficult to nail down the common principles of these courts—and to agree on their role in the justice system. According to the National Center for State Courts' Problem-solving Courts Community of Practice (CoP), there are at least seven elements common to problem-solving courts:

- Application of restorative justice principles and community involvement
- Proactive role of the judges and interdisciplinary team
- Early intervention
- Defendant accountability
- Connection to support services
- Rewards and sanctions
- Intensive judicial monitoring and supervision

For example, in a drug court, defendants are sentenced to treatment for addiction rather than to jail, and judges remain involved in defendants' lives, monitoring their progress and providing encouragement (or sanctions) when needed, rather than simply moving on to the next case.

The court also provides direct access to treatment services, sometimes in the courthouse itself.

There are some areas of at least broad agreement among judges as to what problem-solving courts should do, according to a survey conducted by the CoP. For example, the judges surveyed agreed that problem-solving courts call for active judicial monitoring and supervision; substantial reliance on treatment and service professionals for evaluations, case management, and treatment; a team approach, with the judge as leader and specialized training for team members; and a focus on changing an offender's future behavior.

However, in the same survey, the judges unanimously agreed that the most difficult challenge facing problem-solving courts involved changes in the traditional roles of judge, prosecutor, and defender. Can a non-adversarial approach be superimposed on a naturally adversarial process? And there was disagreement on whether recidivism by the defendant should be taken as a sign of failure or whether criminal conduct is a manifestation of problems that can be treated by professionals.

Overall, there was much more agreement over the components and features of problem-solving courts than over the principles behind them.

The Problem-solving Courts CoP has posted information on Drug Courts, Environmental Courts, Elder Abuse, and other related topics on the National Center for State Courts' Court Information Database (at [www.ncsconline.org](http://www.ncsconline.org)). The CoP also keeps abreast of funding opportunities for problem-solving courts. For more information, contact Kay Farley of NCSC's Government Relations Office at [kfarley@ncsc.dni.us](mailto:kfarley@ncsc.dni.us). 

## NCSC Announces Keynote Speakers for CTC8

**T**hree dynamic speakers will lead the program at the National Center for State Courts' Eighth National Court Technology Conference (CTC8) in Kansas City, Mo., October 28-30, 2003.

Chief Justice Jean H. Toal of South Carolina will open the conference on October 28 with "Successful Leadership for 21st-Century Courts." Chief Justice Toal was recently recognized as one of *Government Technology Magazine's* "Top 25 Dreamers, Doers, and Drivers" for 2003, and she was the guiding force behind South Carolina's Judicial Automation Project.

Dr. Jerry Mechling, the director of Strategic Computing and Telecommunications in the Public Sector and a Research Fellow at the Harvard University Kennedy School of Government, will deliver the keynote address on October 29: "Investing in Technology During Difficult Financial Times." He will share the results of his research and con-

sulting on the impact of computer-based technologies on organizational behavior and strategy in government.

Peter Bensinger, a partner in the firm of Bartlit, Beck, Herman, Palenchar & Scott, will present CTC's closing keynote address on October 30: "The High-Tech Attorney—Expectations for the Future." Bensinger was recognized as "the most wired lawyer in America" by the *National Law Journal*. He will address how courts can work together with the more technically advanced lawyers of the 21st century.

Other topics of interest to be covered in educational sessions include "The Court's Internet Connection to Public Education," "Public Access to Court Records—Policies and Technologies," and "Fighting the Naysayers: A Candid Discussion by Active E-Filing Judges." For more information on CTC8, log on to the conference Web site at [www.ctc8.net](http://www.ctc8.net). 



## AJA MEMBER PROFILE

**Judge Harold V. Froehlich**  
**Circuit Court, Outagamie County**  
**Appleton, Wisconsin**

**J**udge Harold Froehlich worked at a number of jobs before joining the Wisconsin bench in 1981, starting with a paper route when he was 12 years old. He also worked in a mill and a bakery and served in the U.S. Navy, where he had plenty of time to think and read. He decided on a career in law in the mid-1950s, but becoming a judge was not his immediate goal.

"I saw law as a fair way for getting into politics," he said. After graduating from the University of Wisconsin Law School, he started in private practice in 1962, joined the state assembly as a Republican in 1963, and was elected to the U.S. House of Representatives in 1973. It was in Congress that he faced a particularly tough test as a member of the House Judiciary Committee: the impeachment of President Richard Nixon.

"Depressing, quite frankly," he said about this period in his life. At the 1972 Republican National Convention, he had been a member of the Wisconsin delegation, which was pledged to support President Nixon's reelection. Even so, he said, "I made my own judgments."

Each member of the Judiciary Committee was entitled to a five-minute statement when the day came to vote on the articles of impeachment. Rep. Froehlich stayed up until 2:00 am the night before figuring out what to say. He voted for two of the articles. He left Congress in 1975 and served as a Ford delegate at the 1976 Republican Convention.

It isn't too surprising that he found his way to the bench. He spent many hours in the Wisconsin General Assembly working to help the judiciary; for example, to increase judicial salaries and staffing. He was recognized for his work in modernizing the state's judiciary with the Wisconsin State Bar

Association's "Judge of the Year Award" in 1999.

Wisconsin circuit judges take on a wide variety of cases. "We do everything in this county, from misdemeanors to felonies," Judge Froehlich said. "We like it that way—the variety."

His cases have certainly run the gamut. He presided over the first "three-strikes" case (a sexual assault) in 1996. One of his most interesting cases started two and a half years ago and is still going strong: the *Hudson* murder case, which involves a stabbing and a pursuit worthy of an episode of "World's Scariest Police Chases" through an "intersection I go through all the time," he said. This "messy case" has dragged on thanks to the intransigence of the defendant, who has gone through five lawyers and has been forced to watch the trial on closed-circuit television because of his emotional outbursts.

Then there's the recurring case of a local homeless man, who files suit against his father or brother every six months. At least he's well behaved and punctual, despite having "fried his brains with drugs. He always appeared when he was supposed to appear," Judge Froehlich said. One day, he showed up with some plastic cups and a bottle of booze and poured himself a drink in the middle of court. He offered one to Judge Froehlich, who declined: "I don't drink from plastic cups." This story made the local paper the next day: "Judge Refuses to Drink from Plastic Cup."

Judge Froehlich has been AJA's treasurer since 1999, a job which he took because he felt he was "too old" for the officers' chairs but still wanted to participate in the running of the organization. "It's a comfortable position," he said, "and you don't have to run for it." But he's willing to give it up. Any takers? 

# AJA INSIGNIA WEAR

**Embroidered Patches:** \$3.00 each

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

**Ties:** \$22.50 each  
gray with navy stripe and logo

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large extra large XX large

**T-shirts:** \$20.00 each  
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White with navy AJA logo  
large extra large XX large

**Lined Windbreakers:** \$40.00 each

Navy with white AJA logo  
large extra large XX large

**Polo Shirts:** \$25.00 each

large extra large XX large

***Sale!! Items with stamped logo***

**T-shirts:** \$10.00 each

White with navy AJA logo  
large XX large

**Lined Windbreakers:** \$30.00 each

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The education committee chaired by Past President Gerald Elliott reported on a significant project to provide AJA members an opportunity to receive continuing judicial education through the Internet. The project is in its formative stages, but implementation of a pilot learning process is expected soon. Members should look for more information about this in future issues of *Benchmark*.

## Educational Sessions

Quality continuing education is always a focus for each AJA meeting, and the meeting in Billings was no exception. Nicholas Murnion, county attorney for Garfield County, Mont., gave a very informative presentation on a subject that, unfortunately, many judges have encountered. He discussed his involvement as a prosecutor in a situation that garnered national publicity involving the Posse Comitatus, Montana Freeman movement. Judge Sidney Thomas of the U.S. Court of Appeals for the Ninth Circuit discussed several issues facing trial judges and suggested some effective ways to deal with those issues.

## Networking Opportunities

The American Judges Foundation sponsors many initiatives to support the judicial profession. During a luncheon at the midyear conference, the foundation laid out plans for future initiatives.



*Nicholas Murnion*

Perhaps one of the best features of any AJA conference is the opportunity for members to interact, develop friendships, and discuss issues common to all judges. One such opportunity was a reception and dinner held at the Yellowstone Art Museum. Judge Pedro Hernandez hosted the event. All enjoyed the beautiful artwork, fine dining, and wonderful fellowship.

If you have never attended a conference of AJA and AJF, please make plans to do so. We guarantee you will enjoy the experience. We look forward to seeing you at the annual conference in Montreal! 

## Law-Related Career Opportunities Nationwide Positions

Full/ Part Time

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## Mark Your Calendars! Upcoming AJA Conferences

### 2003 Annual Conference

Montreal, Canada  
September 14-19, 2003  
Hotel Omni Mont-Royal  
\$220 CN single or double

### 2004 Midyear Meeting

Savannah, Georgia  
January 30-February 3, 2004  
Hyatt Regency Savannah  
\$135 single or double

### 2004 Annual Conference

San Francisco, California  
October 24-29, 2004  
Grand Hyatt  
Room rates to be determined

## Nominations Open for 2004 Judicial Service Awards

**T**he National Center for State Courts (NCSC) is accepting nominations for the 2004 Judicial Service Awards. These awards—the *Distinguished Service Awards*, the *Paul C. Reardon Award*, and the *Warren E. Burger Award*—honor those who have made substantial contributions to the field of court administration and the work of NCSC.

The deadline for nominations is **September 10, 2003**. For more information, contact Shelley L. Fischer, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185-4147. 

# BENCHMARK

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