



National Association of Women Judges COUNTERBALANCE

Volume 28 Issue 1

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Thorny Issues and Slippery Slopes: Perspectives on Judicial Independence

By CHIEF JUSTICE SHIRLEY S. ABRAHAMSON¹

America has valued judicial independence since before the formation of the country. The American Revolution, a fight for national independence, was also a fight for judicial independence. Among the list of grievances justifying the American Revolution, the Declaration of Independence charged King George III with obstructing the administration of justice “by refusing his assent to laws for establishing judiciary powers” and with making judges “dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.”

But judicial independence is more than the creation of a judiciary or tenure and salaries. Although the phrase is hard to define, the term “judicial independence” embodies the concept that a judge decides cases fairly, impartially, and according to the facts and law, not according to whim, prejudice, or fear, or the dictates of the legislature or executive, or the latest opinion poll. Judicial independence means making unpopular decisions at times, unpopular with the legislative or executive branch or the public or judicial colleagues.

Judges make choices; by definition they exercise judgment. Not all judges reason alike or necessarily reach the same result even when presented with the same facts and the same law. If judges did not use judgment, they could be replaced by computers, which when given the facts and law would churn out an answer. Nevertheless, judicial independence does not mean that the judge is a loose cannon on the deck of justice, shooting in any direction he or she wishes. Judicial independence is a means to an end—a fair trial according to the law. The state constitutions and the sixth and fourteenth amendments to the U.S. Constitution guarantee the right to an impartial judge in criminal and civil cases. And these guarantees of impartiality are the legal backbone of judicial independence.

Judicial independence must, however, be balanced against and paired with other values, namely, accountability and responsibility. All government officials are accountable. Judges are accountable to explain their decisions and make these explanations available to the litigants, the public, the academy, fellow judges, and the media.

The judicial branch is responsible for processing cases expeditiously, offering everyone equal access to justice, and requiring judges and court personnel to be courteous and helpful. The judicial branch is responsible for administering justice free of discrimination. The judicial branch is responsible for spending its appropriations prudently and in accordance with sound fiscal practices. The judicial branch must give the bar and the public an opportunity to express their views about the system and to participate in the system through citizen boards and committees and volunteer programs.

Judicial independence has been strongly emphasized by international organizations as a key to safeguarding human rights. The United Nations, which regularly assists countries in establishing systems of justice, set forth standards for achieving an independent judiciary in its Basic Principles on the Independence of the Judiciary, which were adopted in 1985. Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights enumerate an independent judiciary as an essential element for protecting human rights. In fostering judicial independence in our country we must keep in mind and be guided by international norms. “Global” is the key word in this decade.



See THORNY ISSUES page 6

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From the President

The 2007 NAWJ Mid-Year Meeting of the Board of Directors was held over the weekend of March 23, 2007 in Manhattan, New York. The meeting was a great success and covered many substantive issues. The meeting began on Friday with a presentation of Judge Sarah Curley's judicial education program, "The Bankruptcy Card and How To Play It". Judge Cecilia Morris joined Judge Curley in the presentation of the program. A reception was held afterwards at the Bar Association of the City of New York. The board meeting began on Saturday and wrapped up on Sunday morning. We were treated to a very beautiful and elegant reception at the Rubin Museum where we honored women federal judges and celebrated the outstanding women of the New York State Judiciary. The following items are just a few of the topics that I discussed with the board during the business meeting.



Curley, Finance Chair; Linda Murname, Membership Chair; Resource Board Person.

Strategic planning is a widely accepted management technique commonly used in the profit and not for profit sectors. Ms. Shelley Stump, facilitator, and the Strategic Plan Steering Committee have worked very hard to create a strategic plan that will serve as a road map to help NAWJ as an organization establish objectives and give us a direction that can exist in the external environment.

The NAWJ Long-Range Strategic Plan sets forth our vision for the future, core values, mission statement, guiding principles, strategic directions, goals and strategies for the years 2007-2012. The draft plan was distributed

to the board of directors for comment to ensure that the board was a part of the planning effort and to enhance their sense of ownership for the plan. In addition to the strategic plan, the NAWJ Board Strategic Planning Policies have been established. The purpose of the policies is to institutionalize the planning process for our organization. The policies identify the general planning processes and activities that the board of directors must adopt to guide its ongoing planning activities. Once the board has approved the strategic plan and board strategic planning policies, we will begin to implement the plan. A modified committee structure will be recommended to the board that will ensure effective oversight and accountability for plan implementation. After twenty-seven years of phenomenal success as an organization, the NAWJ Strategic Plan will help us to determine where we want to go in the future and how we plan to get there within the purview of NAWJ's mission. Members will receive in the very near future a brochure outlining the Strategic Plan.

JUDICIAL APPOINTMENTS AND DIVERSITY ON THE BENCH

NAWJ continues to speak out on issues concerning judicial appointments and diversity on the bench.

A letter was sent to President George W. Bush on October 16, 2006 urging him

LONG-RANGE STRATEGIC PLAN

My presidency began with the awesome task of laying the groundwork for a strategic plan for our association. During the weekend of December 1, 2006, in the mist of an ice storm in St. Louis, Missouri, NAWJ began its Long-Range Strategic planning process for the years 2007-2012.

Members of the Strategic Plan Steering Committee in attendance included: Shelley Stump, Facilitator; Brenda Stith Loftin, President; Nan Duffly, President-Elect; Sandra Thompson, Past President, Cara Lee Neville, Past President, La Tia Martin, VP-Publications; Joan Irion, Secretary; Margie Carter, Treasurer; Mary Becnel, Life Member; Dru Ramey, Executive Director; Jeff Groton, COO; Linda Evans, Director Missouri Judicial Education. **Members whose flights were cancelled and were unable to attend:** Joan Dempsey Klein, Founder; Maggie Robb, VP-Districts, Amy Nectum, District Director. **Other members of the committee unable to attend:** Vanessa Ruiz, Immediate Past President; Dana Fabe, Project Development Director; Sarah

to nominate a woman jurist to the Court of Appeals for the Armed Forces. As of October 2006 there were two vacancies on this court, one of which was due to the retirement of Honorable Susan Crawford, the first and only woman to serve on the Court of Appeals for the Armed Forces. The President nominated Margaret A. Ryan, a former Marine prosecutor, former aide to the Commandant of the Marine Corps, and an attorney in private practice. She was confirmed prior to the Christmas recess.

On October 31, 2007 a letter was sent to Alaskan Governor Frank H. Murkowski expressing our concern over his record of appointment of female judges to the Alaska Bench over the course of his tenure as Governor. As of October 2006 there were four superior court vacancies, two in Anchorage and two in Palmer Alaska. We urged the Governor to fill three of the openings with the three highly qualified women included on the list of eight candidates sent to him by the Alaska Judicial Council. On November 17, 2007, the Governor appointed two women to the Palmer Superior Court. The two appointments are Judge Vanessa White and Judge Karri Kristiansen.

We wrote to Governor Eliot Spitzer of New York regarding an upcoming appointment to fill the current vacancy on the New York State Court of Appeals. The Governor nominated Justice Theodore Jones, an African American male. He was sworn in on March 4, 2007.

NAWJ voiced its concern in a letter to the editor of the New York Times regarding an article published November 30, 2006, "Lawyers Debate Why Blacks Lag at Major Firms". We noted that the article published by the New York Times did not acknowledge the many bar association and court sponsored diversity studies that have documented patterns of racial bias that continue to impede the progress of minorities, especially African-Americans, Latinos and Native Americans, in large law firms.

2007 REGIONAL CONFERENCES

Southern Regional Conference

The Southern Regional Conference, held in Miami, Florida on April 27-29, 2007, was a great success.

The Conference, hosted by Districts Five and Six, had a two-fold focus: the impact of technology on the courts and

jurisprudence, including Fourth Amendment issues and disaster preparedness and recovery for court systems, with a special focus on hurricane-related catastrophes. On Sunday, Judge Cindy Lederman presented, "Healing Babies and Toddlers in Court: The marriage of Law and Science". On Saturday, a spectacular luncheon was held in honor of the women judicial leaders in the South. Members of the conference committee were: Co-chairs Judge Mary Becnel and Judge Diana Eagon; Judge Maggie Robb, Judge Yvonne Evans, Judge Ernestine Gray, Judge Cindy Lederman, Judge Barbara Levenson and Judge Denise Owens.

West Coast Regional Conference

The West Coast Regional Conference will be held in San Diego, California on August 24-26, 2007. Retired Justice Sandra Day O'Connor will be our guest at the conference and will give the keynote luncheon address on Saturday, August 25, 2007. The general theme of the conference will be Judicial Independence with emphasis on Judicial Diversity. President-Elect Judge Nan Duffly will present the second Justice O'Connor scholarship during the conference. Save the date cards and invitations will be mailed immediately after the Southern Conference.

Second Annual NAWJ Judicial Women Leaders and Congressional Caucus on Women's Issues Luncheon Meeting

Co-chairs Judge Vanessa Ruiz and Judge Gladys Kessler have planned a second annual meeting of NAWJ judicial women leaders and members of the Congressional Caucus of Women's Issues. The Congressional Caucus is a bipartisan group that includes all women members of the U.S. House of Representatives. Our first luncheon meeting included NAWJ presidents, board members, women chief justices, and other justices. The purpose of the luncheon meeting is to foster a greater appreciation and understanding of the proper role of the two branches of government. The 2007 luncheon meeting will be held in the U.S. Capitol on Thursday, July 12, 2007.

ANNUAL CONFERENCE POLICIES

Conference Policy Committee

Conference Policy Chairperson Jennifer Gee and her committee have completed

the draft Conference Policy Manual. After a review and a few updates/changes the Conference Policy Manual will be ready for prospective conference planning chairpersons in April 2007. The committee is to be congratulated for producing a well written and comprehensive manual. This manual will institutionalize our way of doing business as it pertains to annual conferences.

Conference Site Selection Committee

Judge Sandra Hemphill, chairperson of the Conference Site Selection Committee, presented the results of her committee's findings during the Mid-Year Conference. This committee has worked very hard and explored many venues for future annual conferences.

NAWJ SCHOLARSHIPS

Justice Sandra Day O'Connor Scholarship

In March 2006 NAWJ presented the first Justice Sandra Day O'Connor scholarship in the amount of \$2,000.00. The Justice O'Connor scholarship will be presented annually. Beginning with the 2007 presentation, the scholarship amount will increase to \$5,000.00. This increase was voted upon and approved by the board of directors and general membership in 2006.

NAWJ Access to Justice Scholarships

Each \$1,000.00 of a Landmark Sponsor's annual installment of their three year contribution is set aside for scholarship awards. Any district planning an event may award the NAWJ Access to Justice Scholarship.

On February 16, 2007, the executive committee voted to recognize the late Judge Jane Bolin with a \$1,000.00 scholarship. Any one wanting to present the Access to Justice Scholarship in the name of Judge Jane Bolin may do so. She was the first black woman to become a judge in the U.S. Judge Bolin was appointed as a family court judge by Mayor Fiorello H. LaGuardia in 1939. Judge Bolin was the first black woman to graduate from Yale Law School, the first to join the New York City Bar Association, and the first to work in the office of the New York City corporation counsel, the city's legal department. She retired in 1979 after 40 years as a judge.

Continued

She died at the age of 98 in January 2007.

PRESIDENT'S TRAVELS

I had the privilege of representing NAWJ at two magnificent events held to celebrate Speaker Nancy Pelosi's becoming the first woman to ascend to the position of Speaker of the House. It was first my honor to be a participant in a tea honoring both Speaker Pelosi and the Late Honorable Ann Richards, held at the Mellon Auditorium in The Great Hall on the afternoon of January 3, 2007. During the tea, Speaker Pelosi pronounced the marble ceiling to have been shattered after over 2000 years. I later attended an equally uplifting brunch held the following morning at the Library of Congress, after

which Speaker Pelosi left to be sworn in as the first female Speaker of the House.

Later that month, I was invited to attend the installation of officers of the New York Chapter of NAWJ on Saturday, January 27, 2007, at the Marriott Marquis Hotel in Manhattan, New York. Chief Judge of the State of New York, Judith S. Kaye, gave the oath of office to the officers before a group of one hundred women judges, lawyers and friends.

I represented NAWJ at the Conference of Chief Justices Mid-Year Meeting on February 3-7, 2007, in New Orleans, Louisiana. Education programs were presented on timely topics such as information technology and the pitfalls of the leadership position; self-represented litigation including information

technology solutions; and emergency management in the courts. A Law and Literature Session was held featuring legal author Floyd Abrams, who discussed and autographed his book, "Speaking Freely—Trials of the First Amendment."

Our President-Elect, Judge Nan Duffly attended the District Four Conference and Spa Retreat in Cambridge, Maryland on March 16-18, 2007 and represented the executive committee of NAWJ.

My year as president was off to a great start thanks to our executive staff, Dru Ramey and Jeff Groton! If you have any concerns, suggestions or just general comments, just remember that I am only an e-mail or telephone call away. Thank you again for allowing me to lead such a great association of women judges.

Executive Director's Report

By DRUCILLA STENDER RAMEY, ESQ.



Under the leadership of President Brenda Loftin and the outstanding NAWJ Board, committee chairs and other members, the first half of the NAWJ year (November 2006-present) has been challenging and fruitful, presaging what is shaping up to be a wonderful year of achievement and growth for NAWJ on a great many fronts. I know that President Loftin's article includes an excellent summary of the highlights of the past few months, including a discussion of the excellent new Strategic Plan which was adopted by the Board in March, and which will guide us for the next many years.

I will endeavor here to flag just a few upcoming events and recent events and projects.

Annual Conference, Philadelphia, PA, November 7-12, 2007, Four Seasons Hotel

As is clear from the Agenda contained elsewhere in this issue, the Philadelphia Conference Committee, Co-Chaired by U.S. District Judge Norma Shapiro and Philadelphia Judge (and past-NAWJ President) Carolyn Temin, is well on its

way to creating an absolutely outstanding Conference. We are extremely fortunate to have the benefit of the talents of Program Committee Co-Chairs U.S. District Judge Anita Brody and Ret'd Judge Phyllis Beck, as well as those of the nonpareil Bunny Baum, Director of Judicial Services for the Pennsylvania Courts, who is handling all of the venue and procedural logistics.

The Philadelphia Friends Committee, superbly chaired by Bobbi Liebenberg, a partner at Fine Kaplan and Black, includes a large, diverse and enormously active group of highly respected representatives from most of the large corporate and major plaintiffs' firms in Philadelphia, working together with the corporate representatives on the Committee. The Committee has been indefatigable in its fundraising efforts, and has ensured that the Conference will meet all financial expectations, and will enjoy the support of the width and breadth of the Philadelphia and greater Pennsylvania legal community.

Southwestern Regional Conference August 24-26, 2007, San Diego, CA

The Southwestern Regional Conference, as more fully described on the President's Page, will be held at the Hilton Hotel Mission Bay and the Kroc Institute for Peace and Justice on the University of San Diego Campus. Centering on Justice (Retd) Sandra Day O'Connor's Keynote

Luncheon Speech on Judicial Independence on Saturday, August 25th, the conference will feature superb educational presentations by leading academics and jurists on: (1) the differential impact on women and minority judges of varying systems of selection, retention and evaluation, and; (2) the impact of judicial diversity on judicial independence and the perceived legitimacy of the system of justice. The Friends Committee for this event is a diverse and powerful group of leading San Diego practitioners, representing the broader San Diego legal community, including Abby Silverman, Katy Bacal (President of the San Diego women's bar, The Lawyers' Club), Theresa Brehl, Juanita Brooks, Janice Brown, Candace Carroll, Tracy Nation, Regina Petty, Anna Roppo and Shirli Weiss. The Judicial Planning Committee includes Judges/Justices Joan Irion, Judith McConnell, Joan Dempsey Klein, Margie Carter, Donna Crandall and Judith Chirlin, with many more to be added.

Second Annual Chief Justices/ Congressional Women's Caucus Luncheon July 12, 2007, Washington, DC

As you know on July 11, 2006, NAWJ held an historic meeting at the United States Capitol between national women leaders of the judiciary and members of the Congressional Caucus for Women's Issues.

Twenty-five Chief Justices, Associate Justices, Chief Judges and other judicial leaders from across the country, including numerous NAWJ Board members and past presidents, met for a luncheon with 18 Caucus members representing states from California to New York. The bi-partisan group of Caucus representatives included Caucus Co-Chair Rep. Hilda Solis (D-CA), Co-Chair Elect Rep. Lois Capps (D-CA), Rep. Deborah Pryce, a former judge (R-OH), Rep. Stephanie Tubbs Jones, also formerly a judge (D-OH), and then-House Minority Leader Rep. Nancy Pelosi (D-CA). Twelve of the judges later met with Senator Dianne Feinstein.

Under the leadership of Judge Gladys Kessler and Past President Vanessa Ruiz, working closely with President Loftin and with Resource Board Member Linda Morgan, Gibson Dunn partner Stephanie Tsacumis, and others, we are now working with the staff of 2007 Caucus Co-Chairs Lois Capps (D-CA) and Kathy McMorris Rogers (R-WA), on the Second Women Judicial/Legislative Leadership Luncheon, to be held on July 12, 2007, at the Capitol, preceded on July 11th by an informal dinner at a private home and followed by a meeting with one of more women Senators. We have invited all women serving as State Supreme Court Chief Justices or Chief Judge of a federal judicial circuit, as well as the NAWJ Executive Committee, and will be inviting all women serving in the House of Representatives.

New York Midyear Meeting March 23-25, New York, NY

In addition to the Board of Directors' Meeting and the semi-annual Meeting of the NAWJ Resource Board, the highlights of this year's Midyear Meeting in fabulous New York City included a Gala Reception Honoring Women Serving in the Federal Judiciary and on the New York State Bench, held at the magnificent new Rubin Museum of (Himalayan) Art, a Members' Reception at the historic offices of the Association of the Bar of the City of New York, and an outstanding presentation of Judge Sarah Curley's new Bankruptcy Program, The Bankruptcy Card and How to Play It, based on her hot-off-the presses new training syllabus focusing on bankruptcy issues for non-bankruptcy judges (and attorneys). We are most grateful to Lowenstein Sandler and LexisNexis, the Lead Sponsors of the New York Midyear Meeting, to Thomson/West,

Vinson & Elkins and Jackson Lewis, who also were major contributors, and to our other generous sponsors, Arnold & Porter, Creative Capital Inc., Herzfeld & Rubin, and Shandell, Blitz, Blitz & Bookson.

Southern Regional Conference April 27-29, 2007, Miami Beach, FL

This Conference, sponsored by Districts 5 and 6, and venued at the lovely South Beach Savoy Hotel, was co-chaired by Judge Diana Eagon and Judge Mary Becnel. In addition to two balmy outdoor receptions, one of the Conference highpoints was the Justices' Luncheon, featuring and honoring a panel of high-level judges from seven Southern states, who discussed issues surrounding their advancement to, and retention in, their current position. The panelists were: Judge Donna Barnes, of the Mississippi Court of Appeals, Presiding Judge Pamela Baschab of the Alabama Court of Criminal Appeals, Justice Janice Holder of the Supreme Court of Tennessee, Justice Carol Hunstein of the Supreme Court of Georgia, Justice Barbara Pariente, immediate past Chief Justice of the Supreme Court of Florida, Justice Robin Davis of the North Carolina Supreme Court, and Judge Paula Thomas of the South Carolina Court of Appeals.

The Conference also featured three extraordinary educational sessions. The first, moderated by Judge Patricia Riley, included fascinating presentations by technology-and-the-law experts Tom Sadaka, Esq., a nationally prominent speaker who is of counsel at Berger Singerman, and Sonya Strand, Esq., a partner and Holland + Knight specializing in these issues. The second panel focused on Judicial Preparedness for Disaster, and included presentation of moving remarks and shocking photographic depictions by Judge Jennifer Bailey, Judge Margaret Alfonso, Judge Fredericka Wicker, and Stacy Bercun, Esq., a partner at Akerman Senterfitt. The third program, Healing Babies and Toddlers in Court: The Marriage of Law and Science, led by Judge Cindy Lederman, with remarks by Amanda McGovern, Esq., a partner at Kenny Nachwalter, was a riveting presentation centered on a video, available via NAWJ, entitled Bridging the Gap, which is intended to launch a national program to instruct judges on how to develop court-sponsored programs to train parents and other caretakers of at-risk infants and

toddlers, whose actions have brought them into the court system, how to meaningfully and more fully engage and develop their children's cognitive capacities.

We are most grateful to our Lead Sponsors, LexisNexis, Akerman Senterfitt, Holland + Knight, and for the generous contributions of Kenny Nachwalter and Carlton Fields.

Growth in Landmark Sponsor Program/Resource Board Individual Commitments

For the past two years, NAWJ has pursued a Landmark Sponsor Program, whereby over 25 law firms and corporations have committed to contribute, generally, \$50,000, \$30,000, or \$20,000 over three years in support of NAWJ's programs. \$1,000 of each firm's annual gift is set aside for Access to Justice Scholarships, which are awarded to law students at various NAWJ events over the course of the year.

I refer you to the full list of Landmark Sponsors contained elsewhere in this publication, but call your attention to the new Landmark Sponsors who have made commitments since November 2006. These include:

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White & Case LLP
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**Bronze Landmark Sponsors:
\$10,000 over three years**
Folger & Levin
Goodin, MacBride, Squeri, Day & Lamprey

We also continue to encourage individuals to join the Resource Board, with a commitment of \$10,000 or more each year. Our newest Resource Board Member is **Elizabeth Cabraser, of Lieff Cabraser Heimann & Bernstein** (the firm is also a Gold Landmark Sponsor).

NAWJ Support for Initiatives in Furtherance of our Mission

Consistent with appropriate ethical

restrictions, and in furtherance of our overarching mission, NAWJ has continued to support initiatives intended to enhance access to and equality in the system of justice. (See article, *infra*, on Women in Prison Committee's work)

In addition to the actions described in Judge Loftin's Report, we were ultimately

successful, via the final affirmative vote of the House of Delegates at the recent ABA Midyear Meeting in Miami, in our efforts to mobilize the national women's and minority bars, and civil rights and legal services groups to convince the Commission redrafting the *Model Code of Judicial Conduct* to permit judges to attend,

speak at and/or be honored at fundraising events of these organizations. We also joined the Conference of Chief Justices, the AJS and other groups in successfully opposing last-minute amendments that would have eliminated, as separately proscribed, judicial behavior creating the appearance of impropriety.

Have You Checked Out NAWJ's New Members-Only Web Site?

Update your member data, download newsletters, register online for events, and more!

Log on at <http://www.nawj.org>

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Thorny Issues

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Threats to judicial independence are not new. They have historically come from the executive and legislative branches. The legislative or executive branch of government may become unhappy with judicial decisions and try to influence judicial outcomes directly or indirectly.

Threats from the legislative and executive branches continue, sparked by decisions on such issues as reapportionment, school funding, reproduction rights, gun control, tort reform, and affirmative action. Judges must continue to decide these cases even though the decisions may have significant repercussions for the judicial branch as an institution. The three branches of government are separate and equal branches but the branches are interdependent. Will the legislature or executive respond to a judicial decision by refusing to increase the number of judgeships needed to keep up with increasing caseloads? By refusing to appoint judges? By refusing to increase judicial compensation? By refusing to fund courthouses and staff?

In more recent years, another threat to judicial independence has come from non-governmental groups. Using political, social, and economic resources, powerful non-governmental groups are attempting to influence judicial decision-making by influencing the selection and retention of judges. The danger is that when individuals or groups are highly organized, ideologically driven and well funded, their self-interest in winning cases overcomes their interest

in an independent judiciary. How do we keep the influence of these special interests in check and yet protect everyone's rights of free speech and association? These are the challenges we face.

For some, judicial elections themselves are a significant threat to judicial independence. Over 80% of state trial and appellate judges are elected by the people, and most state judges have limited terms, some as little as four years. Without a doubt, campaigns have become nastier, noisier, and costlier than ever before.

On the other hand, many believe the appointive system for selecting judges has also become a significant threat to decisional judicial independence. The threat here is that the appointive system has increasingly turned into a search for people with particular views about the law. Litmus tests abound.

Yet another threat to judicial independence is intimidation of judges by vitriolic criticism and physical violence. Increased security measures have become necessary and visible in courthouses across the country.

In the long and short run, the basic and most important underlying safeguard for judicial independence is public support for judicial independence. We must develop the public's understanding of, respect for, and confidence in the concept of judicial independence. We must act now while the public retains confidence in courts.

But earning that confidence and respect

is a many-faceted process. The people must first understand the court system. Judges and lawyers must work with the public to help them become better informed about the work of the courts and to demonstrate the value of judicial independence.

The public must also have direct involvement in the work of the justice system, and must have an opportunity to express its concerns, criticisms, and suggestions. Giving the users of the system opportunities for involvement in the courts does not impede judicial independence. On the contrary, only with public support for an independent judiciary can the judiciary be truly independent.

I close with the words of Edward Ryan at the 1846 Wisconsin constitutional convention: "The function of the judiciary is interpretation and interpretation cannot be a representative function. The judiciary represents no majority, no people. It represents the written law of the land. . . It holds the balance, and weighs right between man and man, between the rich and poor, between the weak and the powerful."

Shirley S. Abrahamson, C. J., concurs.

¹ Chief Justice, Wisconsin Supreme Court. This essay is an edited version, with footnotes deleted, of the keynote address delivered by Chief Justice Abrahamson at The Ohio State University on March 21, 2002 and published at 64 Ohio St. L.J. 3 (2003).

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NAWJ Outreach to Law Schools

The New York chapter NAWJ meeting in January 2006 culminated in a decision to embark upon a very targeted outreach program between our judges and our New York state women law students. I have had the honor of chairing this program and shepherding it through its planning stages. The letter of intent I sent out to our membership received wide support and particularized all our goals. It read as follows...

The membership has indicated that it wishes to support an outreach effort to women law students throughout the state of New York. We are concerned that our future young colleagues have not had the opportunity to familiarize themselves with the history of the struggles and dedication that led to women comprising 50% of the student body at most law schools.

Also, many law students are concerned about their ability to integrate a professional life with a family life. Some do not think it is possible. Many of us believe that a meeting, in a small forum format, with women in each New York law school, could enable us to share our wisdom and experiences at a stage in these women's lives that will be meaningful and memorable. They are in the pool from which future NAWJ members will emerge. Also, no matter where their law degrees lead them, it can only be beneficial for all to have this opportunity to engage.

Please let me know if you wish to participate in this outreach effort, whether at your alma mater, or at any other law school, or both. Of course, all suggestions

will be appreciated since we are just entering formation mode. I would appreciate an e-mail reply at your earliest convenience. I may also be reached at (718) 520-3501. Thank you

Once all our membership was on board I contacted the deans of our 15 New York Law Schools with the following letter...

The New York chapter of the National Association of Women Judges (NAWJ) is embarking upon an outreach program to every law school in New York State. We would like to offer your students, our future members, an opportunity to meet with a delegation of New York State women judges to discuss our history, career paths and opportunities. This would provide a forum to discuss the balancing act that must be navigated by women in order to enjoy both the bench and a family life.

We would be prepared to visit your law school on a mutually convenient day. I will be telephoning you shortly to see if you would like to participate in this project and what format would best suit your students.

I can also be reached by e-mail (sroman@courts.state.ny.us) or telephone (718-520-3501). The NAWJ is looking forward to initiating this interactive event which we believe will be invigorating and beneficial to both our membership and your students.

To date we have sponsored 7 programs, all with an individualized format. The programs at St. John's, Cardozo, Pace, CUNY, Touro, Albany and Fordham Law were chaired by Judges Mary O'Donoghue, Deborah Kaplan, Terry Jane Ruderman, Diccia Pineda-Kirwan, Sarah

Krauss, Leslie Stein and Jacqueline Silberman respectively. The remaining 8 are in the works. Additional kudos to the many other judicial panelists who shared their wisdom and experiences with our younger legal colleagues.

It was also a great opportunity to let the law students know of the special student membership opportunities of NAWJ. I would be interested in hearing from any other chapters who have mounted similar efforts.

Regards,
Sheri Roman

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See the registration form in this issue!

Plan to bid the night away
NAWJ 29th Annual Conference
November 11, 2006
Four Seasons Hotel, Philadelphia, PA

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Watch our Web site for additional information
<http://www.nawj.org>



Four Seasons Hotel

Bridging the Gap: A Writing Workshop

by Vicki Lopez Lukis and Hon. Cindy Lederman

Envision finding yourself in prison and wondering how to make sense of this new and unexpected journey. This is exactly where former Lee County Commissioner, Vicki Lopez Lukis found herself in 1999 when she self-surrendered to FCC Coleman, a female minimum-security federal prison. She began serving a 27-month sentence for honest services mail fraud for lying to a newspaper reporter about an affair that she was having with her then boyfriend, a lawyer lobbyist, and now husband.

Few individuals who were voted most likely to succeed by their high school class and one of the youngest persons to graduate from the University of Notre Dame would ever believe that their charmed and privileged life could take a sudden and bizarre twist. Yet this harrowing experience provided a unique opportunity for Ms. Lukis to go “inside” to see firsthand the fastest growing industry in America and experience the impact of incarceration.

On November 21, 2000, President Clinton commuted Ms. Lukis’ sentence. Upon returning home to Miami-Dade County, she has worked tirelessly on behalf of women in prison, girls in detention and ex-offenders who are released and return home to Florida’s communities. She has emerged as a well-respected authority on these issues.

Responding to a growing crisis in our country and particularly in Florida that has

resulted in more and more women and girls being arrested, detained and incarcerated, often for very long periods of time, Vicki Lopez Lukis is determined to break this vicious cycle.

Her work with girls in detention highlighted the urgent need to intervene in the lives of these at-risk girls to teach them that every action has a consequence. Each time she told her own story about her prison experience, she saw the power of someone who had “walked the walk and talked the talk”. She invited other ex-offenders to talk with the girls, bringing into detention the stories of women who had “been there, done that” and who desperately wanted to save the girls from following in their own footsteps.

In the absence of being able to bring together the women in prison and girls in detention for a series of meaningful dialogues around the negative impacts of incarceration, she developed a writing workshop to “bridge” this gap. Thus was born Bridging the Gap: A Writing Workshop.

Bridging the Gap, represents a unique partnership between the Florida Departments of Corrections and Juvenile Justice; community volunteer, Vicki Lopez Lukis; the Girls Advocacy Project (GAP), an award-winning intervention program for girls detained in Juvenile Detention Centers founded by The Honorable Cindy Lederman; and ArtSpring, Inc., an arts organization whose mission is to support self-growth and effective life skills through art-making for underserved and institutionalized women and girls.

The objective of this project is to de-

velop a published anthology of the writings of the women inmates that can be shared with the GAP girls. ArtSpring engaged its advanced Inside Out program participants who had been in the program at least five years at both Homestead Correctional Institution, located in Florida City, and Broward Correctional Institution, located in Pembroke Pines, in a specifically designed creative writing program that addressed, through personal narrative essays, answers to questions that were posed by the girls in GAP, including the realities of being incarcerated.

Bridging the Gap is expected to educate female juvenile offenders on the issues related to the criminal mistakes made by female adult inmates who are serving long, and in most cases, life sentences for their crimes. The life experiences shared by the women inmates will benefit the girls in detention by giving life to real stories that have ended in real tragedy. The women will be able to highlight their regrets and the losses they have experienced, such as the loss of families and freedom since their incarceration. The objective is to share experiences of the women inmates to help the girls reject unhealthy relationships, substance abuse and the temptation to become involved in future criminal activity.

The Annie E. Casey Foundation, whose primary mission is to foster public policies, human service reforms, and community supports that more effectively meet the needs of today’s vulnerable children and families, funded a national documentary about the project. Please contact NAWJ for a complimentary copy of this DVD.

Reception for Military Judge Course Sponsored by District 4 April 23, 2007

Charlottesville, VA
by Denise Vowell

The 50th Military Judge Course opened in Charlottesville, VA, at The Judge Advocate General’s Center and School, located on the University of Virginia’s North Grounds campus. Over 50 military judge candidates from the Army, Navy, Marine Corps, and Coast Guard were in attendance; approximately 15% of the students were women. The course opened with an address by the Honorable Susan Crawford, former Chief Judge of the Court of Appeals for the Armed Forces. Judge Crawford was

recently designated as the Appointing Authority for the military commissions trying the Guantanamo Bay detainees.

At the conclusion of the first day of the course, the students and faculty adjourned for an icebreaker co-sponsored by District 4. Colonel (Retired) Denise Vowell, Chair of NAWJ’s Military Courts Committee and former Chief Trial Judge of the Army, represented NAWJ at the event. Several students expressed interest in joining NAWJ upon certification as military judges and the icebreaker involved some lively discussions con-

cerning issues the Military Courts Committee is considering. Proposed changes to the jurisdiction of military judges over cases and enhanced contempt authority for trial judges were among the issues discussed.



Appellate Women Judges Honored in New York

by Hon. Rosalyn Richter

On March 6, in honor of Women's History Month, the Anti-Bias Committee of the Supreme Court, Civil Branch, New York County, honored former and current Appellate Justices from the First Department who had sat as trial judges in the Supreme Court. The event was moderated by the Hon. Betty Weinberg Ellerin, who retired in 2005 after serving as a Justice of the New York State Appellate Division, First Department, for over 20 years. Justice Ellerin, who now is senior counsel in the Litigation and Trial Practice Group at Alston & Bird, has a long list of accomplishments too numerous to mention in this article, and has been a trailblazer for women judges in New York and nationally.

The honorees at this event were: Hon. Miriam Altman (posthumously); Hon. Carmen Beauchamp Ciparick; Hon. Helen E. Freedman; Hon. Kristen Booth Glen; Hon. Sherry Klein Heitler; Hon. Phyllis Gangel Jacob; Hon. Angela M. Mazzarelli; and Hon. Edith I. Miller (posthumously). A brief summary of the judicial service of these remarkable women shows the breadth

of their contributions to the legal profession and to their community. Justice Altman, who passed away in 2005, was appointed to the Appellate Division in 1994, having started her judicial career in 1978 and was a co-author of a widely used treatise on New York Civil Practice Before Trial. Justice Ciparick, who is an Associate Justice of the New York Court of Appeals, was the first Hispanic on that court and has been serving there since 1994. She is a former member of the New York Judicial Conduct Commission, and received the President's medal from her alma mater Hunter College. Justice Freedman served on the Appellate Term, First Department from 1995 to 1999, and now sits in the Commercial Division of the Supreme Court. She is a recognized expert on mass torts, and has written a book entitled *New York Objections*. Justice Glen, now one of two Surrogates in New York County, was appointed to the Appellate Term, First Department in 1992 and became Dean of CUNY Law School when she left the bench in 1995. Justice Glen was the first co-chair of the Supreme Court's anti-bias committee. Justice Klein Heitler, the most recently appointed appellate judge in this group, now sits on the Appellate Term, First Department, and began her judicial career in 1994 in the Civil Court. She is an

active member of the Fordham Law Alumni Association, and teaches at the law school. Justice Gangel Jacob, who now is serving as a Judicial Hearing Officer in the Supreme Court, sat on the Appellate Term from 1999 until her retirement last year. She has taught family law both in the United States and abroad. Justice Mazzarelli, currently the only woman sitting on the Appellate Division, First Department, began serving on that court in 1995, ten years after her first election as a judge. Prior to her elevation to the appellate bench, she sat in both civil and criminal parts, and chaired the Anti-Bias Committee of the Supreme Court. Edith Miller, a pioneer, was the first African American woman to serve on the Appellate Term, First Department, and began her judicial career in family court. She served as chairperson of the New York Court's Commission on Minorities.

Justice Ellerin, in her remarks, commented on how far women had come in the legal profession and in the judiciary, but noted that we still had far to go. Everyone in the room shared her pleasure at the collective achievements of these accomplished jurists and her hope that we would have more women appellate judges to honor in the future.

Justice Richter sits on the NY County Supreme Court.



Rick Kopstein/New York Law Journal



Judge Irion and Judge Thompson at the Bankruptcy Program held in NY at the mid year meeting.



U. S. Magistrate Judge Celeste F. Bremer at a meeting of the Karnataka, India Women's Bar Association January 26, 2007



NAWJ Photo Album



Texas Color of Justice Program. From left to right: Justice Bea Ann Smith, Laura Pena (recipient) and Judge Elisabeth A. Earle



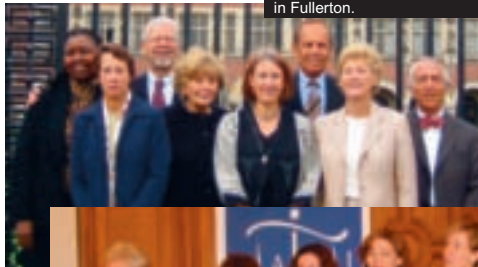
Texas Judges at NAWJ Annual Conference in Las Vegas



District 14 Orange County Reception, January 25, 2007. Congresswoman, Loretta Sanchez presented the scholarship to Princess Cooper, a student at Western State School of Law in Fullerton.



Left to right: Rep. Mary Grant; Rep. Storey; Supreme Judicial Court Clerk for Suffolk County Maura Doyle; Superior Court Judge Geraldine Hines; Rep. Gloria Fox



Judge Sue Yang, David Tevelin (NAWJ Resource Board Member), Judge Loftin and Judge Murnane at a reception at the Mid year meeting in NY.



Left to right: Supreme Judicial Court Chief Justice Margaret H. Marshall; Department of Corrections Commissioner Kathleen Dennehy; Information Technology Division Acting Chief Information Officer Bethann Pepoli; Department of Youth Services Commissioner Jane Tewksbury; Secretary of Labor and Workforce Development Suzanne Bump; Maureen McGee, Deputy Legal Counsel for Governor Patrick; and Judicial Nominating Commission Vice-Chair Elizabeth Morse



District 2 Second Annual Regional Conference



Immigration Law: A Topic Of Interest To All

By Lenni B. Benson and Lindsay A. Curcio

Patricia, only fifteen years old, left her home in Colombia last summer and entered the United States surreptitiously, in search of her mother who came to Manhattan in 1995, looking for work. Lawful permanent resident, Sally, mother, wife and emergency room nurse in Queens, was convicted of shoplifting again and sentenced to more than a year in jail although she only served five months. Maria and her family crossed the border from Mexico to the U.S. without inspection almost ten years ago. Maria's children attend public school. Maria works as a cook and wants to go to court to request pay her employer owes her. Anna was born in East Hampton. She has a good job working for a university, but she does not have a driver's license, state identification card or passport.

These are a few of the stories we shared with the judges who attended the regional conference in Albany, New York on April 26th. We began the afternoon by providing participants with case studies. While the characters were fictitious, the difficulties they faced were not. Immigration now reaches beyond the border and is deeply integrated with many state law issues.

As the judges explored the characters, we asked them to imagine how they would prove their immigration status in the United States. How could they document their identity for such commonplace tasks as proving eligibility to work, renting an apartment, opening a bank account, or obtaining retirement benefits. Less than fifteen percent of U.S. citizens have a passport. Proving status can be a challenge for anyone and is critical to employment and obtaining most benefits.

In our three hour session we explored key concepts in immigration law. Briefly, immigration law determines who is able to enter the U.S., for how long and what purpose. It also provides who must be deported or removed following entry. There was a discussion of the federal government agencies that administer immigration law. We were joined by the Honorable Immigration Judge Theresa Holmes-Simmons who explained the role of the Department of Justice, Executive Office for Immigration Review.

While immigration law is federal, today's anti-immigrant climate has resulted

in a rise in the introduction of alienage laws in local and state legislatures as cities and states try to manage immigration and surrounding issues. Proposed laws regulating zoning, access to education and healthcare and even the grant of citizenship to those children born within the United States, make headlines daily.

The field of immigration law is constantly evolving but in the last twenty years, there have been many major changes in the governing statute, The Immigration and Nationality Act, found in Title 8 of the U.S. Code. These changes have had a profound effect on the lives of not only legal and undocumented immigrants, but also their U.S. citizen family members. Changes include: the implementation of civil and criminal employer sanctions, stricter examination of applications for immigration based on marriage to U.S. citizens, the availability of increased relief for abused spouses and for unaccompanied minor children and the expansion of grounds of removability for criminal convictions resulting in the deportation of lawful permanent residents living in the U.S. for decades.

Today, convictions and sentencing affect the ability of a non-citizen to apply for immigration benefits and remain in the United States. Offenses which require close examination for immigration purposes are crimes involving moral turpitude, aggravated felonies, controlled substance violations, firearms and domestic violence. Convictions for any of these types of offenses limit the kinds of relief for which a non-citizen may apply when in removal proceedings in Immigration Court. Convictions that may be considered minor in state courts, frequently have serious ramifications in Immigration Court.

The Honorable Immigration Judge Theresa Holmes-Simmons provided the audience with information about the intersection of immigration, criminal and family law with an account of what happens when a non-citizen is placed in removal proceedings in Immigration Court. She discussed the types of cases decided in Immigration Court including review of asylum claims, marriage-based visa petitions, special immigrant juvenile petitions and possible relief from deportation for non-citizens who have committed crimes following entry to the U.S.

Judge Holmes-Simmons also discussed a recent U.S. Supreme Court case from December 2006, *Lopez v. Gonzales*. The Court's finding in *Lopez* has a big im-

pact on non-citizens in removal proceedings for controlled substance offenses. Pursuant to *Lopez*, first-time, state simple possession offenses (except for possession of more than five grams of crack cocaine and possession of flunitrazepam) are not considered aggravated felonies for immigration purposes, even if the state law classifies them as such. This finding will allow qualified individuals to apply for more types of relief while in removal proceedings.

Given the diverse experience of the judges in the audience, we discussed whether a judge or a criminal defense attorney has a constitutional duty or obligation to advise a non-citizen defendant of the potential immigration consequences of his or her plea or a finding of guilty by the jury. While the criminal defense attorney and the court must advise a defendant of the direct consequences of a plea, decisions regarding collateral consequences are varied in courts throughout the U.S. The judges shared how they handle this issue in their courtrooms.

The afternoon provided an opportunity to show how immigration law can play an important role in relation to many areas of local, state and federal law. As immigration and immigration issues continue to be so prevalent in our state and our country, continuing legal education regarding these issues for judges and attorneys working in all areas of law will help to ensure that immigration status is a consideration in many types of procedures.

We ended the program with an invitation to help state judges who need information about immigration law and collateral consequences of state law matters. If either of us can be of assistance, we hope you will contact us at New York Law School.

Lenni B. Benson is a professor at New York Law School and Co-Director of the Justice Action Center. Lindsay A. Curcio is an Attorney and Adjunct Professor at New York Law School.



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Jeff Groton, Renaissance Man

by Drucilla Stender Ramey, NAWJ
Executive Director



A great many of you have worked, in one way or another, with NAWJ's Chief Operating Officer, Jeff Groton, some of you quite frequently, and often on events and activities

that have meant a great deal to you and to NAWJ. For those of you who haven't, perhaps, had the pleasure and privilege of working with Jeff, we thought it time to give you just a little sense of this remarkable man and his pivotal role in making all things possible at NAWJ.

Jeff came to NAWJ in late 2002, bringing to the organization his over 20 years of business operations and financial management experience. (Parenthetically, Jeff also has a quite separate identity as a successful real estate entrepreneur.) Born and bred on Maryland's fabled Eastern Shore, Jeff served one tour of duty in the United States Air Force, after which he received his B.S. in Business from the Perdue School of Business. Upon his relocation to Washington, D.C., Jeff held positions ranging from Vice President of Banking Operations to Managing Director of Human Resources and Administration, following which he decamped to New York to serve as COO of a management consulting firm. It was our great good fortune that in the aftermath of 9/11 Jeff chose to return to Washington to join the NAWJ staff.

To say that Jeff is responsible for all aspects of business operations, financial management, event planning, Board support, Committee liaison, and meeting logistics, not to say compassionate staff supervision and unfailing support for the Executive Director, does not begin to capture the broad universe of Jeff's acumen, creativity, skills and responsibilities. With his unfailingly cheerful (but never pollyanna) mien, unflappable nature and *si se puede* attitude, Jeff undertakes to provide overarching leadership as well as detailed logistical guidance, and does so with great intelligence and grace. His talents have been of particularly central importance over the

past few months, and we are deeply grateful. To use a famous '90's term, Jeff has been, for this organization, simply the *ne plus ultra of je ne sais quoi*.

NAWJ Says Farewell



In February 2007, NAWJ bid a fond farewell to Program and Publications Assistant Stephanie Brown. A former Air Force Communications and Information

Systems Officer, Stephanie joined NAWJ in January 2006, bringing with her a unique background and skills-set that proved to be invaluable to us.

Among the vast variety of responsibilities she undertook during her tenure at NAWJ, Stephanie worked with our leadership to transform *Counterbalance* into a highly substantive, attractive and professional communications vehicle, universally acclaimed by NAWJ's leadership and members. She also used her considerable substantial knowledge and skills in computer programming and graphic design to completely overhaul and professionalize our Website, www.nawj.org, including designing and integrating a Members Only section with dynamic profile updates and online event registration. At the same time, she redesigned our monthly electronic Monthly Update, transforming it from a simple text e-mail into a compellingly enhanced, two-way e-mail communication. Throughout this period, Stephanie also served as an invaluable administrative and program assistant, as well as a critical sounding board, to both Jeff Groton and Dru Ramey, helping to make our every undertaking and task a success. And all this while matriculating as a full-time law student at the Georgetown University Law Center!

Stephanie received her B.A. in English from University of Detroit in 1992, an M.A. in Video Production and Graphic Design from the University of Baltimore in 1999, and her J.D. from Georgetown just this past month in 2007. While she finds the legal field exciting and is grateful for the outstanding education she has received, Stephanie is now pursuing her passion for filmmaking, which was ignited during her

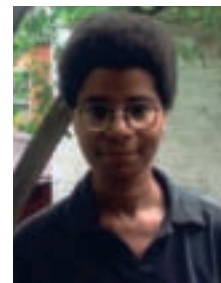
tour as a video producer-director in the Air Force. In June 2007, she will receive a certificate from the Institute for Documentary Filmmaking, a six-month intense graduate-level program at the George Washington University.

Additionally, (in her spare time) Stephanie is a freelance video production professional (www.stealingjoy.com). A consummately talented writer, producer, director, videographer, and editor, Stephanie occasionally works as a production assistant for other local producers and over the years has produced a number of short films and has edited several TV commercials.

Stephanie is currently Director of Photography on a student documentary film and is in the pre-production phase of her first documentary film. Always one to finish what she starts, Stephanie is committed to becoming a member of the bar so that she may provide legal assistance to low-income individuals on a part-time basis. She plans to take the Maryland State Bar Exam in February 2008.

NAWJ has been indeed fortunate to be the beneficiary of this extraordinary constellation of personal and professional aptitudes, skills and experience. We thank Stephanie for her hard work and dedication and wish her the very best of luck in all of her future endeavors.

NAWJ Welcomes Lavinia Cousin



NAWJ is thrilled to welcome Lavinia Cousin as Program and Publication Assistant. Born in Baltimore, MD, she has over 10 years experience in development, re-

search and marketing for nonprofit theatre organizations. One of her favorite regions in the world is the San Francisco Bay Area where she lived for eight years with Yosemite, Mendocino and Big Sur as her frequent stomping grounds.

A philosophy graduate of Mount Holyoke College, she credits experience living in an environment for women for imprinting an awareness of the importance of achieving fairness and gender equality, and the vigilance required.

NAWJ 29th Annual Conference "We The People"

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NAWJ 29th ANNUAL CONFERENCE PRELIMINARY SCHEDULE

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Wednesday, November 7, 2007

Noon - 5:30 pm	Registration Desk
Noon - 4:00 pm	Board lunch and Meeting (Four Seasons Hotel)
4:00 pm - 6:00 pm	New Judge Program
6:30 pm - 8:30 pm	Opening Reception (Four Seasons Hotel)
8:00 pm - Midnight	Hospitality Suite open (Four Seasons Hotel)

Thursday, November 8, 2007

7:30 am - 5:00 pm	Registration Desk
7:30 am	Continental Breakfast
8:30 am	Opening session: Welcome and Comments by dignitaries
9:00 am - 9:30 am	President Brenda Stith Loftin's Report
9:30 am - 10:45 am	First Plenary Session <i>Separation of Powers: What does it mean?</i> Moderators: Professor Charles J Ogletree, Jr. Harvard Law School Jessie Climenko Professor of Law and Vice Dean for Clinical Programs Panelists: Honorable Marjorie O. Rendell 3rd Circuit Court of Appeals and First Lady of Pennsylvania Honorable Deannell R. Tacha 10th Circuit Court of Appeals
11:00 am - Noon	Second Plenary Session <i>Public Perception of Women Judges</i> Speaker: Lisa Scottoline, Esq., Author
12:15 pm - 1:45 pm	Luncheon and Keynote Speaker (Four Seasons Hotel) Speaker: Professor Penny J. White Interim Director of the Center for Advocacy and Associate Professor of Law University of Tennessee College of Law
1:45 pm	Buses to Constitution Center

2:15 pm - 3:15 pm Third Plenary Session (Constitution Center)
The Roberts Court Evolving
 Speaker: Professor Pamela S. Karian
 Stanford Law School
 Kenneth and Harle
 Montgomery Professor Public Interest Law

3:15 pm - 5:00 pm Constitution Center activities

5:30 pm - 7:30 pm Reception (Constitution Center)
Dinner on your own
 (All receptions will feature substantial h'ors d'ouvres so dinner is optional)

8:00 pm - midnight Hospitality Suite open (Four Seasons Hotel)

Friday, November 9, 2007

7:00 am - 5:00 pm Registration Desk

7:30 am - 9:00 am District meetings over breakfast

9:15 am - 10:15 am Fourth Plenary Session (Four Seasons Hotel)
The Innocence Project (PWB)
 Moderator: Hon. Carolyn Temin
 Panelist: Maddy Delone, Esq.
 Madame Justice Cynthia Baldwin
 PA Supreme Court

10:30 am - 11:00 am Fifth Plenary Session (Four Seasons Hotel)
TOVA - a dramatic presentation about women in prison

Noon - 2:00 pm Luncheon Fundraiser
 (Park Hyatt at the Bellevue)
 Speaker: Judith Rodin, Ph.D.
 President
 The Rockefeller Foundation

2:30 pm - 3:30 pm Sixth Plenary Session (Four Seasons Hotel)
Immigration Law: Its impact on Women
 Panelist: Mary Campbell McQueen
 President
 National Center for State Courts

 Rosalind Malloy
 Immigration Judge

 Professor Deborah Anker
 Harvard law School Immigration Clinic

3:45 pm - 5:00 pm Seventh Plenary Session (Four Seasons Hotel)
Gender and Sexuality Law in the 21st Century
 Moderator: TBD
 Panelists: Professor Suzanne Goldberg
 Columbia Law School - Evolving Norms of Gender and Sexuality

Professor Elizabeth M. Schneider, Rose L. Hoffer Professor of Law, Brooklyn Law School - New Perspectives on The Law of Domestic Violence

Professor Minna Kotkin
Brooklyn Law School - Invisible Settlements, Invisible Discrimination

- 3:00 pm - 5:00 pm Resource Board meeting, second hour of which is with NAWJ Board of Directors
- 4:00 pm - 5:00 pm Joint Meeting Resource Board & Board Directors
- 5:30 pm Reception (PA Academy of Fine Arts)
Dinner on your own
- 8:00 pm Hospitality Suite open (Four Seasons Hotel)

Saturday, November 10, 2006

- 7:30 am - 2:00 am Registration Desk
- 7:30 am - 9:00 am Continental Breakfast and Panel on International Judges
- 9:00 am - 10:15 am Eighth Plenary Session (Four Seasons Hotel)
International Justice for Women
Speakers: Trudy Rubin
 Reporter, Philadelphia Inquirer

 Shirin Tahir-Kheli
 Special Assistant to the President and National Security Council
 Senior Director for Democracy, Human Rights and International
 Operations
- 10:30 am - 11:45 am NAWJ Joint Business Meeting & Election of Officers
- Noon - 1:30 pm Luncheon & Investiture of Officers
(Afternoon on your own)
- 7:30 pm - 10:00 pm Banquet & Awards Dinner
(Four Seasons Hotel)
- 10:00 pm Hospitality Suite open (Four Seasons Hotel)

Sunday, November 11, 2007

- 7:30 - 10:30am Registration Desk
- 7:30am Continental Breakfast
- 8:30 New Board meeting (Four Seasons)



District 4 Reception with Women's Bar Association

Washington DC—Members of NAWJ District 4 joined with members of the Women's Bar Association of the District of Columbia at a joint Judicial Reception in the imposing court room of the U.S. Court of Appeals for the Federal Circuit on February 21, 2007. After a thought provoking panel discussion on Judicial Independence, moderated by Judge Delissa Ridgeway of the U.S. Court of International Trade, and a former President of the WBA, we gathered for a reception in the elegant rooms of the Dolley Madison House, which has been preserved and is now part of the Federal Courthouse.

During the panel discussion, Dean Frederick M. Lawrence, of the George Washington University Law School, put the topic in historical perspective, citing the doctrine of judicial review, which was enshrined in *Marbury v Madison*, as an essential ingredient. He pointed out that the doctrine was not invented by Chief Justice John Marshall, but had previously been articulated by Alexander Hamilton in the *Federalist* papers. Thus, our system gives the judiciary the responsibility not only to interpret the meaning of legislation

enacted by the Legislature, but to assure that legislation conforms with the higher law of the constitution.

Judge Leonie M. Brinkema, USDC, EDVA responded that she had a more pragmatic view of the topic. She noted that many recent issues concerning judicial independence stem from review of executive action, unlike the review of legislative action described by Dean Lawrence. Life tenure is an essential ingredient for judges to feel the ability to find actions unconstitutional by the President of the US.

John Nields, Howrey a leading practitioner in Washington, who is currently serving on the Council for Court Excellence, which is charged with reviewing the judicial system for DC, noted that much of the current challenge to independence comes



from the press, which attacks judges, and subjects them to criticism for decisions that do not accord with what they perceive to be the "will of the people." He argued that Judges need to follow the law, not what is popular; otherwise, the Bill of Rights would be greatly diminished. The Bar needs to be vigilant to support and defend the judiciary, he said.

Judge Brinkema noted that there is no clear "will of the people" most of the time, given the wide diversity of our population, and that the relationships between the branches is never static, and is ever in flux.

In response to a question about whether the selection process itself does not impact on independence, Dean Lawrence made the point that judges sometimes surprise the president who appointed them. It was also observed that judges themselves are not static, and that long serving judges usually adjust their thinking over time, and move more toward the center. Dean Lawrence mentioned the importance of the constitutional guarantee of life tenure. He observed that had the judiciary been not mentioned in the Constitution, and left merely to the Legislature for its creation, he is certain that life tenure would not have been bestowed.

NAWJ's Women in Prison Project

by Hon. Brenda P. Murray

In early 2005, a friend who knows I am active in NAWJ's Women in Prison Project asked me to assist Nancy Havlik, a choreographer, who wanted to teach creative dance to incarcerated women. Because of NAWJ, I am familiar with the Maryland Correctional Institution for Women (MCIW), Maryland's only women's prison, located between Baltimore and Washington, D.C. MCIW houses some 975 residents. I made a written submission to the Warden who accepted Nancy's offer to conduct a Creative Movement Workshop inside the prison one night a week for eight weeks in March and April 2005. Nancy restricted enrollment to ten to fifteen women so that everyone could receive individual attention. Between eight and twelve women attended each session. People entered the session quiet and sometimes in obvious distress. Nancy's

planned activities encouraged people to move together or to react individually to a song or to poetry through speech or action. By the end of the hour, the transformation of the participants was visible. Everyone was smiling and obviously in a better frame of mind. At the inmates' request, Nancy conducted a second session in September-October 2005. The next session begins on March 8, 2006.

When we met in January 2005, relative to Nancy's workshop, Warden Brenda Shell asked whether NAWJ could organize an educational program for about 200 MCIW residents who are serving sentences of over twenty-five years. These women believe that they receive few programs because the prison's programming is to prepare inmates for release.

On May 31, 2005, Assistant Professor Leigh Goodmark, University of Baltimore School of Law, who volunteered to assist, Warden Shell, and I met with a large number of inmates at Jessup. We devised the following program based on the subjects

that women wanted information on.

This project was possible because of NAWJ's cachet and the speakers' good will and generosity. NAWJ members Judge M. Brooke Murdock and Judge Irma Raker were terrific. The rest of the speakers agreed to participate based on cold calls from me as a volunteer for NAWJ's Women in Prison Project. Law librarians Joan Bellistri and Janet Camillo designed a Power Point presentation and located several law books that they donated to the MCIW library. Only one person who was invited to participate said no.

We will have evaluations from the 30 to 60 women who have attended the sessions, but the feedback with three more sessions to go is positive. Each jurisdiction has different needs; however, it might be that a similar program could be organized elsewhere. I would be glad to assist anyone who wanted to try to do so.

Judge Murray is Co-chair, Women in Prison Project.

District Report: Women in Prison Project

Since its inception, NAWJ has initiated, via its Women in Prison Committee, a wide variety of innovative programs to improve inequitable and counterproductive treatment of incarcerated women and their families. Below are just a few brief descriptions of recent initiatives launched in NAWJ Districts.

District 2

Under the Leadership of Judge Betty Williams, NAWJ has for the second year written all New York State Legislators and the Governor urging their support for legislation which would amend New York's Correction Law to permit the Department of Correctional Services to grant merit time eligibility and increased merit time allowances to inmates who have defended themselves against their abusers or have committed crimes as a result of the abuse they have suffered;

District 4

Judge Theresa Nolan (Prince George's County MD) and Judge Brenda Murray (Chief ALJ Securities and Exchange Commission) have tremendously augmented a remarkable Book Club Program (BC), which attempts to make a difference by inspiring women serving extended sentences at the Maryland Correctional Institution for Women (MCIW) with bimonthly BC sessions consisting of one book discussion and one writing class. Each person in

the class of 20 receives a textbook and a notebook to be used as a personal journal, complete challenging reading and writing assignments, and at group sessions read aloud from, and, participate (if they chose) in discussions led by distinguished professors of their own work or assigned readings. Spring Session assignments have included Ma Rainey's Black Bottom, a play by August Wilson, Antigone by Sophocles, and Under African Skies, edited by Charles Larson. The icing on the cake was the visit by Harvard University Professor Helen Vendler, who discussed the poetry of Elizabeth Bishop. We have been honored by the active participation in BC of scholars including Southwestern University School of Law Professor Myrna Raeder, and area professors Diane Daniel, Deborah Payne Fisk, Ellarwee Gadsden, Dennis Kaplan, Charles Larson, Ailish Hopper Meisner, Joan Naake, Denise Orenstein, Carol Phippen, Barbara Sherr Roswell, Roberta Rubenstein, and Pamela Sheff.

At one recent session, the readings brought tears, gasps and applause from all those present. As described by Chief Judge Murray, "One woman, [for example], remembered and described with beautiful simplicity her experience as a youngster opening her brother's bedroom to find a tiger lying on his bed. The writer described the tiger's coloring, especially his orange and black eyes, so vividly that we were all in shock. Over the course of the session, you could almost see the women expand upon receiving the compliments of the other women and the instructors. This

was one of the few sessions where race was not a large part of the discussion. Instead, the emphasis was on happy times, family, and hope."

District 13

Alaska Chief Justice Dana Fabe's superb Model Program, intended for use across the country, entitled the "Success Inside and Out Conference". This holistic program was designed to provide mentorship and support by women judges and professionals for women in prison who are within one year of release, to provide women prisoners with information about resources available to them upon re-entry, and to allow women judges and other women professionals the opportunity to participate in a program within the prison, observe the prison environment, and become acquainted with correction officials. The culmination of a year of planning in collaboration with numerous community organizations and businesses, the Program featured sessions and workshops including "Celebrating Your Strengths", "Interactive Communication", "Dress for Success", "Family Care: Walk the CINA Line", "Continuing Your Education", "Healthy Relationships", "Exploring Life's Necessities", "Housing, Transportation & Food", "Fitness & Strength Training", "Parenting Issues", "Family Law Self-Help Center", "Getting Involved in the Arts", "Personal Finances", and "Mental Health." (detailed Planning & Implementation Guide, on CD and hard copy available via our National Office) We have photos on disc for Dana's program, right?

NAWJ - Branching Out Event, April 24

by Hon. Fernande Duffly

It was, I have to say, a HUGE success. Standing room only, enormous enthusiasm from the law students and newly admitted lawyers, all of whom were thrilled to be there, to have this opportunity -- and all expressed the hope we would do it again. The older lawyers we let register towards the end (we charged them \$20) said it was so helpful at a time when they had no other networking opportunities; new lawyers who did not go to school here said they were grateful for this chance to meet other lawyers in the area. We could do this annually, alternating the target audience so that we focus on law students one year, and attorneys 2-5 years out the next. The size

was perfect - -about 120 students and 30 panelists/participants, not including me, Amy Nechtem, the WBA President and the three main speakers: Chief Justice Margaret H. Marshall, Attorney General Martha Coakley, former Senator (and always a major supporter of the judiciary) Patricia McGovern, who is now General Counsel, Beth Israel Deaconess Medical Center. These three amazing women are excellent speakers and gave brief, and inspirational talks. An army of law clerks then ushered the students to three courtrooms in the Adams Courthouse, where a panel consisting of 5 women representing the three branches talked informally about the different paths they took to get where they got. The evening ended with a 45 minute reception and networking opportunity where the panelists and additional NAWJ members

and representatives of the other branches were on hand to speak to students one-on-one. It started at 5, and ended an hour over schedule, at 8 PM. No one I asked wanted any change to the format. WBA covered the cost of programs and name tags (color coded to indicate which branch each panel was in), provided additional staffing (registration, the effective email invitation); Jeff arranged for online registration, a law clerk here assembled that, answered all phone calls, took in any money (free for law students, \$10 for newly admitted lawyers 1-2 yrs out, \$20 all others); I think we have \$200+ from that source, another \$200 from WBA; food cost was \$610 plus tip.

Judge Duffly sits on the Massachusetts Appeals Court. She is NAWJ President-Elect.

NAWJ Honors Women of Three Branches of Government; Presents Equal Access to Justice Scholarship

Nearly 100 people attended the annual reception of the National Association of Women Judges (NAWJ) to recognize women in government who were newly appointed, elected, or elevated. The event, which was held on January 31 in the John Adams

Courthouse, was cosponsored by the Massachusetts Caucus of Women Legislators.

In her opening remarks, Appeals Court Justice Fernande R. V. Duffly, NAWJ President-Elect, said, "Judicial independence is a cornerstone of our constitutional ideal. But independence does not mean that we must be isolated from our community or from our partners in democracy, the executive and legislative branches. I believe that if we are isolated—if we do not have opportunities to learn about each other and from

each other, to develop mutual respect through the open exchange of information—mistrust and misunderstanding will be given room to grow, undermining our very independence."

NAWJ awarded its Equal Access to Justice

Scholarship to Merritt A. Dattel, a third-year law student at Suffolk University Law School (see letter below). Ms. Dattel was selected for the \$1000 scholarship because of her commitment to public service. An active member of the Suffolk Public Interest Law group, she raised over \$32,000 for public service fellowships as the 2006 auction coordinator. Ms. Dattel, a native of Greenville, Mississippi, plans to assist disabled people in Massachusetts in accessing health care, education rights, and employment and government benefits.

Established in 1979, NAWJ provides judicial education on cutting edge issues, serves as an impetus for the implementation of gender bias task forces in Federal and State courts, and develops initiatives that seek to increase the number of women and minorities on the bench and promote equal access to justice for historically vulnerable populations.



Left to right: Justice Duffly; Suffolk Law School Professor and Scholarship Committee Member Julie Baker; Suffolk Law School Dean of Students and Scholarship Committee Member Laura Ferrari, NAWJ Scholarship Recipient Merritt Dattel; David McGowan, guest; and Suffolk Law School Associate Dean and Scholarship Committee Member Marc Perlin

I sincerely appreciate your awarding me the National Association of Women Judges Access to Justice Scholarship. This scholarship not only provides me financial assistance in my endeavor to serve vulnerable individuals with disabilities, but it also carries with the prestige of such an inspiring organization, whose members have accomplished both professional and personal achievements that I hope to someday reach in my career.

The reception last Wednesday was also a remarkable experience that I will never forget. It was so encouraging to see such accomplished women in the three branches of government. Thank you so much for bestowing this honor on me.

Sincerely,
Merritt Dattel

Thank You NAWJ!

From Equal Access to Justice Scholarship Recipient Merritt A. Dattel, a third-year law student at Suffolk University Law School, Boston, MA.

Outreach at American University, NY Chapter Installs New Officers, and More...

DISTRICT 2

Installation of NY Chapter Officers

January 27, 2007, 10:45 a.m.
Marriott Marquis Hotel
1535 Broadway, NY, NY
Odets Room, 4th Floor

President

La Tia W. Martin

First Vice-President

Barbara Howe

Vice Presidents

Sherry Klein Heitler
Renee Forgenski Minarik
Barbara I. Panepinto
Sheri S. Roman

Secretary

Jeanette E. Ogden

Treasurer

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Angela G. Iannacci
Debra A. James
Linda S. Jamieson
Marcy L. Kahn
Deborah Kaplan
Barbara R. Kapnick
Sarah L. Krauss
Judith A. Lee
Sue B. Levy
Marion R. McNulty
Sandra K. Pardes
Jane A. Restani
Patricia P. Satterfield
Denise L. Sher

Bernice D. Siegal
Leslie E. Stein
Marsha L. Steinhardt
Shirley Troutman
Mary M. Werner
Betty J. Williams



Second Annual Regional Conference held in Albany, New York

A successful and well attended conference was held on April 26-27 2007 in the Capital City of Albany. Women jurists were represented from many areas of the State of New York. An extremely informative panel of Immigration Law experts including Immigration Judge Theresa Holmes-Simmons and New York Law School Professors Linda Curcio and Lenni Benson presented an exiting interactive program. This forum was thought provoking and provided practical information to be used by judges presiding over family, criminal and matrimonial cases.

DISTRICT 3

District 3 Women Judges are busy making plans for a very productive year. Our officers are as follows:

District 3 Officers: Judge Sue Pai Yang
- District 3 Director; Judge Isabel Stark
- Program Chair; Judge Siobhan Teare
- Secretary; Judge Karimu Hill-Harvey -
Treasurer

District 3 State Chairs: Delaware Chair:
Judge Jan Jurden; New Jersey Co-Chairs:

DISTRICT DIRECTORS

District Director, 1
Hon. Amy L. Nechtem

District Director, 2
Hon. E. Jeannette Ogden

District Director, 3
Hon. Sue Pai Yang

District Director, 4
Hon. Joan V. Churchill

District Director, 5
Hon. Diana S. Eagon

District Director, 6
Hon. Phyllis M. Keaty

District Director, 7
Hon. Shelia R. Johnson

District Director, 8
Hon. Jane Spencer Craney

District Director, 9
Hon. Ellen Levy Siwak

District Director, 10
Hon. Renee L. Worke

District Director, 11
Hon. Elisabeth Ashlea Earle

District Director, 12
Hon. Eileen S. Willett

District Director, 13
Hon. Barbara A. Madsen

District Director, 14
Hon. Donna Crandall

Judge Sandra Robinson and Judge Michelle Hollar-Gregory; Pennsylvania Chair: Judge Rochelle Friedman

In December 2006, New Jersey judges held their **holiday party and a toy drive** at the NJ Historical Society in Newark. The New Jersey Women Lawyers Association and men judges were also invited. Pennsylvania Women Judges held a meeting earlier this year. They will be selecting a Pennsylvania law school student to receive the **annual NAWJ scholarship**.

Several educational plans are underway for 2007. NJ Superior Court Judge Michelle Hollar-Gregory is spear-heading a **Genome Justice Program** for judges and attorneys. Federal Bankruptcy Judge Rosemary Gambardella has volunteered to organize an ICLE program on the recent changes in the **Bankruptcy Law** using the booklet developed by NAWJ.

District 3 members have raised funds to invite about a dozen **international judges** we met last May at the 8th Biennial Conference of the International Association of Women Judges in Sydney, Australia to **New Jersey and Delaware in November 2007**. We plan to host the judges in a people-to-people program where they will be hosted in homes of our members and community leaders. We are also working with the NJ Supreme Court Committee on Women in the Courts to set up some panel discussions in the area law schools and ICLE programs for attorneys.

In conjunction with this program, **Judge Sue Pai Yang of NJ was appointed Chair of the International Committee of the NAWJ National Convention, and Judge Jan Jurden of DE was appointed Vice Chair**. After hosting the judges in our respective states, we will then host them at the **NAWJ National Convention in Philadelphia, PA from November 7 to 11, 2007**. Districts 1 and 4 are also each raising funds to host an international judge to the National Convention. More Districts are invited to sponsor an international judge at our National Convention. If you are interested in contributing in any capacity, please contact either Judge Yang at suepyang@yahoo.com (phone: 973-648-2316) or Judge Jurden at jan.jurden@state.de.us (phone: 302-255-0665). Volunteers are still needed including but not limited to sharing hotel rooms or homes with the international judges and arranging

programs and tours for the international judges in the Philadelphia area law schools, bar associations and courts. So far, judges from Bosnia, Israel, Korea, Nepal, North Ireland, Taiwan, and Ukraine have shown interest in coming.

DISTRICT 4

In light of the fact that a large portion of the District 4 membership is made up of administrative and military judges, and judges serving on specialized courts, we are particularly proud of the fact that the NAWJ Board, at its 2007 Mid Year Meeting, adopted as an official NAWJ Project the project proposal we submitted on **Administrative, Military and Specialized Courts**, in conjunction with the NAWJ Administrative Judges Committee. The project, which is designed to familiarize the general judiciary, students and the public, with the diverse and complex work of the administrative judiciary, as well as the military court system, and specialized courts, is now available for use throughout the country.

We are also very proud that our member, *Hon. Leslie Alden*, Judge, Circuit Court for Fairfax County, VA is the President-Elect of the International Association of Women Judges.

District 4 has had a busy winter season, and has plans for a number of upcoming events. On **February 21, 2007**, District 4 co-sponsored a Judicial Reception with the Women's Bar Association of Washington DC in the magnificent Courtroom of the U.S. Court of Appeals for the Federal Circuit. Judge. Pauline Newman, of the Court hosted the event, along with Chief Judge Paul Michel. We heard an interesting panel discussion on judicial independence, moderated by the *Hon. Delissa Ridgeway* of the U.S. Court of International Trade, former President of the WBA. Dean Frederick M. Lawrence, George Washington University Law School provided an historical, academic perspective. *Hon. Leonie M. Brinkema*, Judge, U.S. District Court for the Eastern District of Virginia, provided a pragmatic perspective, and attorney John Nields provided the perspective of an advocate for judicial independence. After the panel discussion, we gathered for refreshments in the elegantly restored rooms of the Dolley

Madison House, which is now part of the Courthouse complex. (*See the separate article re the reception.*)

On **March 6, 2007** the Maryland Chapter held its 13th Annual Joint Dinner Meeting with the Women Legislators of Maryland. *Hon. Irma Raker*, of the Maryland Court of Appeals both chaired and hosted this event.

District 4 held a terrific weekend mini-conference at the Chesapeake Hyatt resort hotel on the weekend of **March 16 – 18, 2007**. *Hon. Marcella Holland*, Administrative Judge, Circuit Court for Baltimore City, had the idea for the conference, and made all the arrangements. We created the Lady Justice Award for the longest serving woman judge on each of the courts of highest jurisdiction in the District. *Hon. Robert Bell*, Chief Judge of the Maryland Court of Appeals (Maryland's Highest Court) hosted and spoke at the reception on Friday evening, at which we presented the award to *Hon. Irma Raker*. Saturday we held a District 4 business meeting, and then were treated to a panel on Judicial Independence, at which *Hon. M. Brooke Murdock*, Judge, Baltimore City Circuit Court shared her story re difficulties she faced after a decision she rendered on the subject of same sex marriage and the Maryland constitution. Judge Raker gave an historical overview of the topic. Bert Brandenburg of the Justice at Stake Campaign spoke of current threats to judicial independence throughout the United States, which are being monitored by his organization. After the meetings, members had a chance to socialize, net work, and check out the facilities at the hotel.

On **March 20, 2007** *Hon. Eric Washington*, Chief Judge of the DC Court of Appeals (the highest Court for Washington DC) participated in the presentation of the District 4 Lady Justice Award to his colleague *Hon. Vanessa Ruiz*, immediate past president of NAWJ.

A District 4 mini-conference is being planned for the weekend of **May 19-20** in Richmond, Virginia. Federal Magistrate Judge Hannah Lauck is coordinating what promises to be another spectacular District 4 event. Lunch with the *Hon. Anne Holton* First Lady of Virginia, a panel discussion with 4 judges on the U.S. Court of Appeals for the 4th Circuit, tours of the newly

renovated State House, and the Supreme Court, a gala reception, and a panel discussion with a prosecutor and defender at the *Moussaoui* trial are all on the schedule. Hon. Karen J. Williams, designated to become, next July, the first woman Chief Judge of the U.S. Court of Appeals for the 4th Circuit, Hon. Diana Motz, Hon. Roger Gregory, and Hon. Allyson Duncan have all agreed to participate. The panel will be moderated by Hon. Norma L. Shapiro, Judge, U.S. District Court, Eastern District of Pennsylvania.

A Gala reception is being organized by Landmark member Kelly Faglioni of the firm of Hunton and Williams, for Maymont, an elegant park. A special tour of the just completed, beautifully renovated State House has been arranged by Mayor (and former Governor) Douglas Wilder. Justice Elizabeth Lacy will host a tour of the Supreme Court. We plan to present Justice Lacy with her Lady Justice Award, during the weekend, as she was unable to attend our March mini – conference. We shall also be presenting the Lady Justice Award to Judge Karen Williams, longest serving woman on the U.S. Court of Appeals for the 4th Circuit. An NAWJ scholarship will be awarded to a law student at the University of Richmond Law School. Hon. Eileen Olds, Judge, Juvenile & Domestic Relations Court, Chesapeake, VA, will be honored for becoming President-Elect of the American Judges Association.

Color of Justice

Fairfax Virginia The 4th annual District 4 Color of Justice Program, in Fairfax Virginia, was held on **February 24, 2007**, in conjunction with the public schools of Fairfax County, VA. The event was chaired by Hon. Teena Grodner, Judge, Fairfax County Juvenile and Domestic Relations Court, and a past president of the NAWJ Virginia Chapter.

Newport News, Virginia The 2d annual District 4 Color of Justice Program in Newport News Virginia is scheduled for **April 28, 2007**. The program is being jointly sponsored by NAWJ, the Greater Peninsula Women's Bar Association and the Newport News Public Schools. This event is being chaired by Hon. Judith A. Kline, Judge, Juvenile and Domestic Relations District Court for Newport News.

District of Columbia The DC Color of Justice Program Committee is working with the DC Public Schools to arrange a 2d annual District 4 Color of Justice Program

for late April or early May. Hon. Janet J. Mahon and Hon. Mary Masulla, Judges of the DC Office of Administrative Hearings are coordinating the plans, along with Hon. Judith Macaluso, Judge, DC Superior Court, who has graciously offered the use of her Court Room for the program.

Moot Courts

District 4 President/District Director Hon. Joan Churchill, Judge, U.S. Immigration Court, retired, served on 2 moot courts at American University Washington College of Law, at the invitation of Law Student member Jennifer Slagle, of the Moot Court Executive Board. On January 26, 2007 Judge Churchill served on a panel judging the final round of the national competition for first year law students. On April 1, 2007, she judged the final round of the national high school competition.

Outreach

On **March 5, 2007**, District 4's Law School Outreach Committee, chaired by Hon. Jean Baron, Judge, District Court of Maryland, Prince George's County, put on its 3rd annual panel at American University. This was organized by Student Member Cristina Silva. The topic this year was *From Clerking for a Judge to Becoming One*. The panel included Hon. Chuck Adkins-Blanch, a former Law Clerk to the Immigration Court, who is now an Immigration Judge himself, as well as Judge Baron, Judge Churchill, and retired administrative judges Hon. Ruth Berg, Judge, Armed Services Board of Contract Appeals, retired, and Hon. Arlene Pacht, Judge, National Labor Relations Board, retired, and first president of the International Association of Women Judges.

On **April 23, 2007** District 4 will co-sponsor an "Ice-breaker" reception for students at this year's Military Judges Training Institute. This event was the idea of Hon. Col. Denise Vowell, former Chief Trial Judge of the U.S. Army, and present Special Master at the U.S. Court of Federal Claims, who has made the arrangements, and will represent District 4 at the event.

Current Officers

District 4

President/District Director: Joan Churchill, Immigration Judge, retired
Vice President: Anna Blackburne-Rigsby, Judge, DC Court of Appeals
Treasurer: Julia Weatherly, Judge, Circuit Court, Prince Georges County, MD
Secretary: Gayl B. Carr, Judge, Fairfax

Juvenile & Domestic Relations District Court, VA
Immediate Past President: Patrice Lewis, Judge, District Court of MD, Prince Georges County

Maryland Chapter

President: Cathy Serrette, Judge, Circuit Court, Prince Georges County, MD
Vice President: Beverly Nash, Judge, Office of Administrative Hearings, Washington, DC
Secretary: Vicki Ballou-Watts, Judge, Circuit Court for Baltimore County, MD
Treasurer: Zakia Mahasa, Master, Circuit Court for Batimore City, Juv. Justice Center, MD

Virginia Chapter, Virginia Association of Women Judges

President: Ann Hunter Simpson, Judge, Spotsylvania Circuit Court, VA
Vice President Alotha Willis, Judge, Juvenile & Domestic Relations Cort, Portsmouth, VA
Secretary: Colleen Killilea, Judge, Williamsburg General District Court, VA
Treasurer: Judith Kline, Juvenile & Domestic Relations District Court, Newport News, VA
Immediate Past President: Becky Moore, Judge, Alexandria General District Court, VA

DISTRICT 5

District 5 is hosting a Regional Conference in South Beach, Florida April 27 to 29 at the Savoy Hotel. This conference is being held in conjunction with District 6. Judge Diana S. Eagon (Retired) and Judge Mary Hotard Becnel are the co-chairs of the conference. The cost is fantastic, only \$75 for members.

Attorney Tom Sadaka a lecturer with the NCSC will preside over a panel discussion on April 27 covering 4th Amendment issues in this age of technology. He will be joined by Judge Patricia A. Riley. On Saturday morning Districts 5 and 6 will have a District meetings. These will be followed by a panel which will explore Disaster Issues. Judge Madeline Landrieu from Louisiana who will present discuss what judges have learned about disasters and how we should prepare for them in the future. She will be joined by Judge Alfonso from Mississippi who will talk about how disasters affect kids and Judge Jennifer Bailey from Florida. Judge Bailey's expertise is dealing with pandemics. The conference addendees will be provided with practical tips to deal with matters, as well as examples from past experiences to help us professionally and personally when

disasters happen. Our noon luncheon will honor the current and past Chief Justices from our two districts. The Chief Justices from District 5 are: from FL, former Chief Justice Barbara Pariente; from GA, Chief Justice Leah Ward Sears; from NC Chief Justice Sarah Parker ; and from S.C. Chief Justice Jean H. Toal. These women are amazing and what role models for our young women. They will have an opportunity to share with us issues they perceive relevant to the judiciary today. The District 5 Access to Justice Scholarship will be awarded at this luncheon. The conference will end on Sunday with a program by Judge Cindy Lederman. She will lead a workshop on Healing Babies and Toddlers in the Court demonstrating how courts can use science to improve life chances of infants and toddlers in foster care.

This promises to be a conference in keeping with the tradition of NAWJ of providing excellent cutting edge judicial programming for our professional growth , mentoring for our fellow judges, and an opportunities for sharing ideas, meeting new friends and greeting the old. Hope to see you there.

Other news from our District was reported by judges from the various states.

Judge Debra K Behnke reports that 53 women were elected or re-elected in Florida during the November elections. That list has been forwarded to Jeff.

Judge Nina M. Radakovich provided the great news about Georgia being the first state to have an African-American woman as Chief Justice of the Georgia Supreme Court. Chief Justice Leah Ward Sears was sworn in as Chief Justice and Carol W. Hunstein was sworn in as presiding Justice at a ceremony where U.S. Supreme Court Justice Clarence Thomas made remarks and Former Mayor Andrew Young administered the oath to the Chief Justice. Goals for the new Chief Justice include working on Georgia's indigent defense system, helping Georgia families prosper and succeed, and upholding the independence and integrity of the judicial branch of government. Presiding Justice Hunstein noted in her remarks the changing role of women in the legal profession, stating "while this swearing-in is an historic event for this state and this country, for me it is a reaffirmation of my faith in the rule of law and the role of the legal system in ensuring justice for all"

Judge Yvonne Mims Evans is excited to report that 2007 marks the first year that North Carolina has a women chief Justice and two associate justices on its Supreme Court. Chief Justice Sarah Parker became

Chief Justice in February 2006. Prior to that time she had served as an associate Justice from 1993 to 2006 and as a Court of Appeals Judge from 1985 to 1992. Her legal career started as an attorney in 1969. She brings a wealth of judicial experience to her job. Justice Patricia Timmons-Goodson was also appointed to the Supreme Court in February 2006. She too had previously served on the Court of Appeals. Her term was from 1997 to 2006. Prior to that time she had been a District Court Judge and prior to that an attorney. She brings the unique experience of a trial court judge to her new job.

Justice Robin Hudson is the most recently appointed woman Justice on the Supreme Court assuming office in January of 2007. As did her colleagues, she also served on the Court of Appeals from 2000 to 2007. In 2000 she was the first NC woman elected to the Appeals Court without being appointed first. Prior to that time she had extensive experience as an attorney and brings that knowledge with her to this important job. Congratulations to the people of NC for their good fortune in having these remarkable women leading their supreme court.

South Carolina Chief Justice Tean Toal reports that there are 26 women judges in the state of South Carolina with two additional women judges joining them this summer as family court judges.

I invite any judge in our district to submit to me any information you would like included in the next Counterbalance addressed to eagon@math.umn.edu. (Don't be confused by the e-mail address. It's a long story.) Hope to see you in South Beach for the Regional Conference.

In conjunction with putting on the Regional Conference an effort has been made to identify the women state court judges in the District. NAWJ has a list of the Federal Judges. A person was selected from each state in the District to forward the names and addresses of the women judges of that state and to provide to the District Director news relating to women judges for inclusion in the District Report and the Counterbalance.

Judge Debra K Behnke was appointed from Florida. She submitted to Jeff the names and addresses of the 53 women elected or re-elected in Florida. The Florida State Court Administrator's office has agreed to forward notice of our conference to the women judges of the state, but because of privacy issues would not submit them to us directly. It is possible that a sitting judge would be able to get them and

that is being explored.

Judge Nina Radakovich was appointed from Georgia. Judge Yvonne Mims Evans was appointed from North Carolina and Chief Justice Jean Toal was asked to provide this information from South Carolina. Jeff now has this information from each of these states.

In addition to providing the names of the women judges from each state the contact judge was asked to provide information for the Counterbalance . The information in the Counterbalance from District 5 is a result of their efforts.

District 5 has not had district meeting other than at the national meeting in part because of the distances and number of states involved. The Judges of the District are happy to have this Regional Meeting to get together and explore other means of promoting the mission of NAWJ. District 5 wishes to thank President Judge Brenda Loftin for her vision in requesting this Regional meeting and Judge Maggie Robb for her efforts in this regard. We are hopeful that this Regional Conference will generate interest in NAWJ and that we will be able to add to our numbers from District 5.

DISTRICT 8

NAWJ's signature program, the Color of Justice, is a popular program in District 8. On November 1, 2006 the program was presented by the Indianapolis Bar Association at the Indiana University—Indianapolis Law School. A \$1,000.00 NAWJ Equal Access to Justice Scholarship was presented to Kiamesha-Sylvia Colom, who has recently joined NAWJ as a Student Member. We anticipate the Indianapolis Bar Association will present this program again in the fall of 2007 at a public high school.

The Kentucky Human Rights Commission, headed by NAWJ Membership Director Linda Strite Murnane who is currently assigned to judicial duties in the war crimes trials at The Hague, is planning to present the Color of Justice at Kentucky State University, a historically African-American college, in the fall of 2007. We anticipate that a NAWJ Access to Justice Scholarship will be presented to a student/attendee during the program.

A Chicago Regional Conference is being planned for September 28 through 30, 2007. Thompson/West has provided \$2,500.00 to help fund this conference. Lexis/Nexus has expressed interest

in funding the conference also. The conference agenda is being planned around the issues of personal safety for Judges and Judicial Independence. NAWJ's Queen of Hospitality, District 8 Director Judge Jane Spencer Craney, and the Princess of Hospitality, former District 8 Director and retired Magistrate Christine Miller, are planning to come out of retirement to put on a wonderful Hospitality Evening during the conference.

DISTRICT 9

District 9 remains committed to the Color of Justice program. Wisconsin is currently working with Marquette Law School to host a Color of Justice program culminating in the presentation of a student scholarship award. Missouri will host a Color of Justice Program this spring in St. Louis. The program will be held with participants from Ladue High School. Each participant will receive a portfolio from the St. Louis County Bar Association and a NAWJ Color of Justice Cap.

NAWJ members help increase opportunities for women in the delivery of Justice. Iowa has teamed up with the Women's Bar Association to talk about opportunities for women counsel to serve as mediators, and to take leadership roles in improving delivery of justice, and address the backlog of cases in trial and appellate courts. U.S. Magistrate Judge Celeste F. Bremer participated in a two week program teaching mediators for a court-annexed program who will take cases from the trial courts of Karnataka in Bangalore, India.

Women Judges and Women Legislators find common ground. Iowa Women Judges hosted their annual meeting with Women Legislators on February 13, 2007 in Des Moines, Iowa. Missouri Women Judges sponsored the 10th annual luncheon in honor of Missouri Women Legislators on March 6, 2007 at the Missouri Supreme Court Building. Over 30 women judges and over 25 women legislators from Missouri attended. Both groups realize the importance of working together to combat the animosity that the media so frequently reports. On April 26, 2007 the St. Louis Daily Record will honor U.S. Senator Claire McCaskill, Husch & Eppenger CEO Attorney Carrie Hermeling, and Legal Services Attorney Kayla Vaughan at the Ninth Annual Women's Justice Awards.

District 9 bids a fond farewell to Moria Krueger who is retiring after over 29 years

on the bench. Moria was with NAWJ since its inception and served as its first treasurer. Moria, a true trailblazer, was the first woman judge in Dane County, having defeated the incumbent in the only successful recall in Wisconsin's history.



Maxine Aldridge White, presiding judge in the Milwaukee County Circuit Court Family Division and a Milwaukee resident, received the Alumni Service to the

Community Award as part of Marquette University's 2007 Alumni National Awards Dinner on April 28. It is one of six all-university awards given annually.

DISTRICT 13

On May 16, 2007, and the Washington State Gender and Justice Commission will co-sponsor a half-day version of the NAWJ

Color of Justice Program with Seattle University School of Law. This will be the second program with students from the Chief Leschi Native American School.

On June 21-23, 2007, Alaska will be having its fifth Color of Justice program. NAWJ members were active in this program designed to expose high school students to mock trials, mini-law-school classes, and the judiciary. The committee working on this program is coordinating with the University of Alaska and three Washington State law schools—the University of Washington, Seattle University, and Gonzaga University Schools of Law. Each school will be sponsoring interactive mini-law-school courses, including "Street Law" by the University of Washington.

Justice Barbara Madsen has extended an invitation to Justice Ruth Bader Ginsburg to include time, during her travel to the American Judges Association Conference in September, to join NAWJ, District 13 members and Washington State attorneys and judges in an event celebrating women in leadership.

Efforts are underway to increase membership in District 13.

**The National Association of Women Judges
Presents
The First-Ever
NAWJ Southwest Regional Conference**

Keynote Speaker: Justice (Retd) Sandra Day O'Connor
Guest Speaker: Hon. Sharon Majors-Lewis


PLENARY SESSIONS
Impact on Judicial Diversity:
Systems of Judicial Selection, Retention & Evaluation
Relationship Between Judicial Diversity and Judicial Independence

August 24-26, 2007
San Diego, California

Keep an eye out for your invitation!

We would like to thank the supporters!
(As of June 25, 2007)

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NAWJ Board Member Hon. Vanessa Ruiz Join Carnegie Endowment for International Peace Board of Trustees



WASHINGTON, D.C.—Making the announcement, **James C. Gaither, Chairman of the Board**, said: “I am delighted to welcome . . . Judge Ruiz to the Carnegie Board.”

“Vanessa Ruiz brings with her a deep intellect and vast experience as lawyer, scholar and judge. Both will add considerably to the breadth of the Carnegie Board.”

“The addition of . . . Judge Ruiz to the Endowment’s Board of Trustees further strengthens an already strong body as we embark on the implementation of our NEW VISION, the Carnegie Endowment’s transformation into the first multinational - and ultimately global - think tank,” said **Jessica T. Mathews, President of the Carnegie Endowment for International**

Peace. “I look forward to [her] insight and guidance as we enter the Endowment’s challenging next phase.”

“I am delighted to join the distinguished Board of Trustees of the Carnegie Endowment at this exciting time, when the Endowment is undertaking efforts to enhance the international impact of its excellent work on the crucial and interrelated issues of peace, economic development, human rights and the rule of law,” Judge Ruiz said.

Judge Vanessa Ruiz was appointed to the District Court of Appeals in 1994 by President Clinton after serving as Corporation Counsel (now the Attorney General) for the District of Columbia. Judge Ruiz chairs the D.C. Courts’ Advisory Committee on Judicial Conduct and is a member of the District of Columbia Access to Justice Commission. In 2001, she was named “Judge of the Year” by the Hispanic National Bar Association and is the Immediate Past President of the National Association of Women Judges and serves on the Board of Managerial Trustees of the International Association of Women Judges.

The co-author of *Europe Without Frontiers: A Lawyers Guide*, Judge Ruiz

speaks on issues of judicial independence, including civil society initiatives to improve and strengthen the judiciary and the importance of citizen understanding of the judiciary and judicial participation in citizen education in a democratic society. She has addressed the delegates to the Organization of American States and various conferences in Bogatá, Rio de Janeiro, Brasilia, Sao Paulo and Lima.

Judge Ruiz was born in San Juan, Puerto Rico. She is a 1975 graduate of the Georgetown University Law Center and received her bachelor’s degree in philosophy in philosophy.

The Carnegie Endowment for International Peace is a private, nonprofit organization dedicated to advancing cooperation between nations and promoting active international engagement by the United States. Founded in 1910, its work is nonpartisan and dedicated to achieving practical results.

For more information about the Carnegie Endowment, please visit: www.carnegieendowment.org.

Press contact: Trent Perrotto at (202) 939-2372 or tperrotto@ceip.org.



Long-Time NAWJ Volunteer Honored

Erin Twilley was recently selected from more than 1,500 nominees to be named to the All-Maryland Academic First Team and the All-USA Third Team. Twilley, 18, was

one of only two community college students in Maryland named to the All-USA Third Team.

Erin was selected to be the student speaker at the Wor-Wic Community College commencement exercises. Addressing her fellow members of the Class of 2007, Twilley focused on the importance of “never giving in.”

“There are moments in our life when

we just want to give in -- when the struggle, or the pressure to fulfill our obligations is too overwhelming,” she said. “During our time at Wor-Wic, we each probably reached a point where we questioned our ability to accomplish our goals. Yet, here we are.”

Erin Twilley is a general studies and honors program graduate with a 4.0 grade point average and is the niece of NAWJ’s COO, Jeff Groton (and he is very proud).



NAWJ CONGRATULATES

**Ms. Christie Edwards
Thomas Jefferson School of Law
San Diego, CA**

OF NOTE

Judge Sheila Murphy (Ret.) has been appointed Chair of the International Bar Association's Judge's Forum. The Judge's Forum seeks to inform judges of enlightened judicial decisions and projects around the world and seeks to upon the independence of the judiciary. For example, recently the International Bar asked President of Pakistan General Pervez Musharraf, to reinstate of Chief Justice Ifikhar Mohammad Chaudry. The Chief Justice was suspended by General

Musharraf in March. Judge Murphy will assume her duties as Chair at the annual conference in Singapore, October 14-19, 2007.

ACCOLADES

Yield: A Judge's Fir\$T-Year Diary, a non-fiction book by NAWJ member Janice Law, Houston, Texas, was awarded Honorable Mention in the 2007 writing competition sponsored by Public Safety Writers, a national literary group of police, sheriffs, firefighters, EMS and other related

professions. www.policewriter.com

"I am particularly honored that my second book *Yield* is recognized favorably by a group who know the criminal courts well," Law said. She is also the author of non-fiction *Sex Appealed: Was the U.S. Supreme Court Fooled?* A behind-the-scenes investigation of *Lawrence v. Texas*, a case assigned to her Houston court when she was judge-elect. www.judgejanicelaw.com

She now sits as a visiting judge for Texas judges who are ill, on vacation, etc.

Call for Submissions—September 10, 2007

Please send submissions for *Counterbalance* via e-mail attachment to nawj@nawj.org. Please include "Counterbalance" in the subject line. Before submitting, please review the following guidelines:

1. You may attach either a Word or WordPerfect document, or include the text in the body of your e-mail. Submissions should be single-spaced in 10pt Times New Roman font and include a title, if necessary, and your preferred byline.
2. Please submit complete articles. If you have information from some other source (article, newsletter, Web site, etc.) that you want included, please place that information in your article rather than attaching it to your e-mail and making references to it.
3. If you have photos you would like to accompany your submission, please **attach** high-quality photo files (.JPG, .GIF, .BMP, etc.). Do not include them in the body of your article. Captions are optional and dependent on space limitations.
4. Copyright restrictions do apply even though we are a non-profit organization. We cannot reproduce articles from newspapers or Web sites unless you own the rights or have been granted reprint permission. If you just want to include a summary from the source, please write and submit it as you would an article you had written yourself.

Welcome New NAWJ Members! October 2006 - May 2007

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 Hon. Gina M. Benavides
 Hon. Catherine M. Bennett
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NAWJ Membership Application and Update Form

Please print clearly

Check here if you are only updating your membership information and complete the appropriate fields below.

Title: Chief Justice Chief Judge Justice Judge Ms. Mr. Other nonjudicial _____

Full Name: _____ Court/Agency: _____

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Does your position require admission to the practice of law? Yes No

Please Check: Federal State General Jurisdiction Limited Jurisdiction Administrative

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Please select a membership type (Member dues and all contributions are tax deductible):

- Life Member \$3,000*
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- Subscription to *Counterbalance* \$25***

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*One-time only fee. May be made in 3 installments.

**Retired judges with changed circumstances may pay an optional reduced membership fee of \$100.

***For law libraries and associations only.

Mail application and payment to:

National Association of Women Judges Membership Office
ATTN: Kathleen Moseley
300 Newport Avenue
Williamsburg, VA 23185-4147



NAWJ 29th Annual Conference
“We The People”
November 7 - 11, 2007
Registration

REGISTRATION INFORMATION

NAWJ Member registration fee includes all educational sessions, receptions, meals, transportation to events listed in the program and use of the hospitality suite. Partner/guest registration fee includes all receptions, meals, transportation to events listed in the program and use of the hospitality suite.

REGISTRATION DEADLINE AND LATE REGISTRATION

Registration forms postmarked after the registration deadline of October 1, 2007, must include a \$50 late registration fee.

CANCELLATION POLICY

If notice of cancellation is received after October 1, 2007, the registration fee, less a \$50 processing fee, is refundable. Cancellations received within 3 days of the conference are refundable less a \$50 processing fee plus the cost of any hotel meals or guest guarantee expense incurred by NAWJ.

LODGING

Rooms at the historic Four Seasons Hotel, located in Centre City Philadelphia have been guaranteed at the single rate of \$198.00 plus tax, single or \$228.00 double occupancy. Upgrades are available. For reservations, call 1-215-963-1500 and state that you are with the NAWJ/Women Judges conference. Reservations must be made on or before **October 8, 2007**, to guarantee the conference rate (subject to availability).

REGISTRATION (You may register online at www.NAWJ.org.)

Please print your name and title as you wish them to appear on your name badge.

Name: _____ Title: _____

Address: _____ City: _____ State/Zip: _____

Phone: _____ Fax: _____ Email: _____

Name of Guest if Applicable: _____ I request a roommate if available? _____

Require vegetarian meals? Self ___ Guest ___ Require specific aids or services? Audio ___ Visual ___ Mobile ___

Date of arrival: _____ Date of Departure: _____

REGISTRATION FEES (Please add \$50 to each category after October 1, 2007)

NAWJ Member:	\$475	\$ _____
First Time Attendee:	\$450 (member only)	\$ _____
Spouse/Guest:	\$450 (education sessions not included)	\$ _____
Non-NAWJ Member:	\$495	\$ _____
	Total:	\$ _____

METHOD OF PAYMENT (Payment due at time of registration)

Enclosed is a check payable to NAWJ for \$ _____ or Credit Card: MasterCard, Visa or AMEX

Account Number: _____ Expiration: _____ Security Code (req): _____

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RETURN THIS REGISTRATION FORM WITH PAYMENT TO:

National Association of Women Judges
1341 Connecticut Ave, NW, Suite 4.2
Washington, D.C. 20036
Fax: 202-393-0125

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The National Association of Women Judges, Tax ID No. 55-1185005, is a tax-exempt charitable/educational organization under Section 501(c)(3) of the Internal Revenue Code. Since its founding in 1979, NAWJ has acted to protect the equal rights of women, families, immigrants, and other vulnerable groups in the justice system.

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