



# NATIONAL ASSOCIATION OF WOMEN JUDGES COUNTERBALANCE

Winter 2017 Volume 32 Issue 12

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(Left-Right: ABA Leaders from NAWJ Honorable Ann Breen-Greco, Honorable Linda Strite Murnane, Honorable Toni Clarke. Full biographies start on page 16.)

## NAWJ MAKES ABA HISTORY

HON. BEVERLY CUTLER, EDITOR, *COUNTERBALANCE*, WINTER 2017

NAWJ proudly announces that this year the Judicial Division of the American Bar Association is led by three distinguished NAWJ members. Chairperson is Judge (ret.) Linda Murnane (Colonel, United States Air Force, Ret., Chief, Court Management Services Section, Special Tribunal for Lebanon in Leidschendam, The Netherlands.) Chair-Elect is Judge Ann Breen-Greco (Administrative Law Judge, City of Chicago, Department of Administrative Hearings.) Vice Chair and in line to become Chair-Elect is Judge Toni E. Clarke (Circuit Court Judge, Maryland. This trio of leaders represents an amazing feat for NAWJ, the legal profession, and our country. Judge Toni Clarke also has made history by becoming the first African American woman to be part of Judicial Division leadership. Our three Judicial Division leaders even represent three different Conferences of the Judicial Division: the Specialized Courts Conference, the Administrative Law Judiciary Conference, and the State Trial Judges Conference.

NAWJ interviewed each judge briefly to learn more about their myriad responsibilities and to find out about the rewards they experience from being part of the ABA Judicial Division leadership. NAWJ also asked them how they make time for such a huge involvement, given the intense hours required to perform admirably on the bench as well. Here are their inspiring and passionate responses.

### **What are your hopes for accomplishment during your leadership tenure, and what rewards are you already experiencing?**

*Judge Murnane:* As Chair of the Judicial Division you are charged with setting a course for the work of the Division for the year. Our theme this year is "Global Justice at Home and Abroad." Part of the key to having a successful year as chair of the Division is to surround oneself with quality judges and lawyers whose talents far exceed one's own, and I have been so fortunate to have outstanding jurists and lawyers assisting me in this year's work. I have watched as the leadership surrounding me have moved all six tracks of the JD theme for this year to creative and innovative programming, articles, and activities to benefit the quality of our judiciary. Every track is vital to the work our judges engage in every day. Additionally this year, the Judicial Division was able to inform and advise our members of ways they could participate in the ABA Pro Bono week to benefit our U.S. military and veterans. As a retired U.S. military

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## MISSION

NAWJ's mission is to promote the judicial role of protecting the rights of individuals under the rule of law through strong, committed, diverse judicial leadership; fairness and equality in the courts; and equal access to justice.

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## PRESIDENT'S MESSAGE



### ***“Honoring Our Past: Pressing Toward the Future for Access, Fairness and Diversity”***

It is such an honor and a privilege to share with you as President of the National Association of Women Judge, the nation's leading voice of women in the judiciary. This is an exciting time of remembering, renewal, and regeneration. It has been my pleasure to serve with NAWJ's passionate officers and board members, along with our untiring and committed Executive Director, Marie Komisar, and dedicated staff. On the heels of an inspirational fall conference and our Immediate Past President's excellent leadership, NAWJ welcomes this year, as we assess how far we have come, where we

are now, and how to best position ourselves for a successful future. There is excitement in the air. Committees are in place and hard at work. The fourteen districts, through the leadership of their directors and state chairs, are planning events and projects. And, our valued Resource Board members are promoting our mission and goals.

Let me begin by updating you on the arrangements for our robust Midyear Meeting and Leadership Conference set for June 7-8, 2017 in Los Angeles, a city known for its sunny climate, beautiful beaches, and entertainment industry. Planning is underway for a full day of meetings to remember, renew and regenerate our organization's ability to thrive in the coming years. On the first day, Wednesday, which includes our Board meeting, we will focus on sustainability and strategic planning, and explore how NAWJ can best position itself for a viable and successful future. Afterwards, attendees may wind down and relax at a welcoming reception and dine-around. Next, on Thursday, our day begins with educational programming that promises the opportunity to explore cutting edge topics that will equip us to pursue excellence, fairness and diversity in our professions. Then, our enchanted evening in Hollywood begins with a red carpet reception, followed by our inaugural Lady Justice Awards Gala, where we honor our founding mothers, along with high achievers and Champions of Justice.

The Annual Conference is just around the corner. Co-chairs Justice Carol Hunstein and Judge Sara Doyle lead NAWJ's 2017 Atlanta Conference Committee. The conference is set for October 11-15, 2017 and will take place at the Sheraton Atlanta Hotel. Our conference theme, *Access to Justice: Past, Present & Future*, will allow attendees to explore historical lessons about justice, from the Civil Rights movement, and to discuss present changes such as criminal justice initiatives.

NAWJ's members are active and continue working to achieve fairness and equality for vulnerable populations. For example, throughout the country, plans are underway to convene NAWJ's signature Color of Justice program, designed to engage girls, particularly in impoverished areas, on the possibility of becoming leaders in our legal profession.

The Women in Prison Committee remains on the front line as well. Federal officials have confirmed that the last of female prisoners bound from the Metropolitan Detention Center (MDC) for Danbury, will be transferred back to the Federal Corrections Institute, as a long-delayed construction project nears completion. Members of NAWJ, who visited MDC in June, described the conditions as “unconscionable,” noting at least “one inmate hadn't seen her children and elderly mother in more than a year,” and that most “had not seen daylight since they were transferred from Danbury years ago.” “These women had all but given up hope that things would get better.”

NAWJ's Informed Voters-Fair Judges Project (IVP) continues with many exciting developments. Led by Co-Chairs Justice Barbara J. Pariente and Justice Robin Hudson, IVP provided critically important information in Kansas' 2016 retention elections, where voters evaluated appellate judges on the November 8 ballot.

The Human Trafficking Committee works toward eliminating human trafficking, especially women and children trafficked for sexual and labor exploitation. The newly formed Elder Law Committee, led by Judge Patricia Banks, is busy addressing issues amplified by the rapid growth of the older population, by providing training and education for the judiciary, practitioner, and other professionals in the agency network.

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## EXECUTIVE DIRECTOR'S MESSAGE



**Dear NAWJ Members,**

**Sustainability.** Most people hear that word and think of our planet. Yet, interestingly enough, it is a buzzword of the moment, an ever-present thought in our changing economic and political landscape and currently expressed in urgent discussions throughout national and international arenas. I am proud to say that NAWJ is ahead of the game in its commitment to ensuring that NAWJ will stand the test of time for generations to come.

NAWJ is taking a comprehensive, thoughtful look at our long-range prospects as we examine and re-examine our identity as an association and how best to represent our valued members and the communities we serve.

With this as our mandate — *“now more than ever”* — President Judge Diana Becton has charged NAWJ’s Sustainability Committee (established by past president Judge Lisa Walsh under the watchful eye of Judge Amy Nechtem as Committee Chair) to focus our lens during her midyear meeting on issues relating to sustaining NAWJ.

The Committee will conduct a comprehensive review, with the aid of your valued input, to identify and enhance areas for growth, to expand our visibility both nationally and globally, while supporting initiatives consistent with our mission. The important work of the NAWJ continues to preserve judicial independence, and to ensure equal access to justice for all in these dynamic, changing times.

As always, I am proud and honored to be the Executive Director of NAWJ. I look forward to working with all of you as we celebrate NAWJ as the leading voice for women in the judiciary and jointly to sustain and strengthen our resolve.

Thank you all for your devotion to this work.

Warmly,

Marie Komisar  
NAWJ Executive Director

➤ CONTINUED FROM PAGE 2

I close by noting the important work of NAWJ on the local, national and global scale. I am proud to identify with an organization of women leaders of diverse backgrounds from across the country that continuously demonstrate how deeply they care about our communities, and show a willingness to lift the causes and the voices of those in need. I thank each and every one of you for your tireless efforts for justice. As I close I leave you with the words of Rev. Dr. Martin Luther King Jr. “now is the time to make real the dream.” “This is our hope.”

Honorable Diana Becton  
President

## RESOURCE BOARD

The Resource Board of the National Association of Women Judges is committed to supporting NAWJ both financially and programmatically, for the purposes of (a) assuring that NAWJ has sufficient economic and human resources to execute its strategic plan; (b) developing bonds of mutual support and respect between and among Resource Board members and NAWJ members; and (c) promoting the professional advancement and elevating the standing of women from both the bench and bar.

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## Faces of Justice: NAWJ 38th Annual Conference



From October 5-9, 2016 over 300 judges, attorneys, government officials, academic and legal experts convened for NAWJ's 38th Annual Conference, Faces of Justice, in Seattle, Washington. Instrumental to bringing the conference to life is the Conference Planning Committee led by Conference Chair Hon. Susan Owens, Washington State Supreme Court and Co-Chairs Hon. Mary E. Fairhurst, Hon. Barbara Madsen, Hon. Sheryl Gordon McCloud and Hon. Debra L. Stephens, her colleagues on the Washington State Supreme Court, all supported by NAWJ 2015-16 President Lisa Walsh (11th Circuit Court of Florida).

Education Committee Chairs Hon. Karen Donohue (Seattle Municipal Court), Hon. Margaret Vail Ross (Pierce County District Court), and committee member Judith M. Anderson (Judicial Services Division, Administrative Office of the Courts) programed a concert of sessions that spoke to our members' issues of today. Education program included: Challenges of Aging: Proactive or Reactive Response; Justice for Vets; Ethical Issues for Judges in Dealing with Human Trafficking; Keynote Speaker Professor Stephanie Coontz; Water Knows No Borders; New Challenges in Balancing State, Federal and Tribal Water Law Interests; Community Supervision of Female Offenders; Gender and Race in Law and Movies; A Conversation with Law School Deans Annette Clark, Dean of Seattle University School of Law, Dean Jane Korn, Gonzaga University School of Law, and Dean Kellye Y. Testy, University of Washington School of Law moderated by Justice Debra L. Stephens, Washington State Supreme Court; Sexual Assault on College Campuses; Many Faces of Trafficking - Labor Trafficking; Underground Economy Workshop; Ensuring Access to Justice for Limited English Proficient and Deaf and Hard of Hearing; Tribal State Court Consortiums; Keynote Speaker Karen K. Naranski on Voting Rights; Implicit Bias and Cultural Awareness; Transgender People and the Courts; Ensuring Respect and Fairness; and Incarcerated Voices: the IF Project.

The Washington State Courts has made an excellent, representative photo timeline presentation of each activity, program and session for your view. Visit the Seattle Conference webpage at [www.nawj.org](http://www.nawj.org) to take a look and see everyone – speakers, planners, members – who participated.

Event Chair Hon. Marilyn Paja, Kitsap County District Court, coordinated a memorable, misty ferry excursion to the Suquamish Tribal Museum and Tribal Court, a tour of the modern Seattle Municipal Court led by its Presiding Judge Karen Donohue, and the world class attractions at Seattle Center – Chihuly Garden and Glass and The Experience Museum Project.

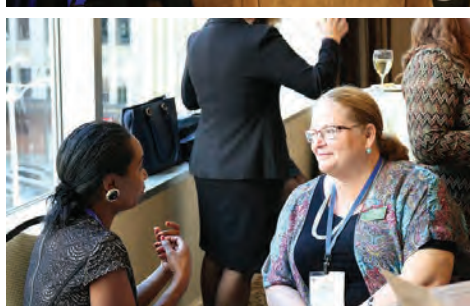
Volunteer Chair, Hon. Marcine S. Anderson (King County District Court, West Division), assembled an amiable team of volunteers to assist conference attendees in registration, signing-up for excursions, and directing speakers throughout the five-day conference.

Thank you to conference budget chair, Hon. Laurel H. Siddoway, Court of Appeals, Division II.

This wonderful conference could not have taken place without the leadership of the Friends Chairs **Ellen Conedera Dial, Esq.** and **Nancy Dykes Isserlis, Esq.** and the long list of sponsors they were able to gather in support of the conference's programs and activities: **Premier Sponsor:** Perkins Coie Foundation; **Gold Sponsors:** Lane Powell PC, LexisNexis, Microsoft, Starbucks, Washington State Supreme Court Gender and Justice Commission; **Silver Sponsors:** Alaska Airlines, Regina and Charlie Cheever, CourtCall LLC, Davis Wright Tremaine LLP, GEICO, JAMS, Nintendo, Inc; Pacifica Law Group Seattle, Schwabe, Williamson & Wyatt; Thomson Reuters, Williams Kastner; **Bronze Sponsors:** Bullivant Houser Bailey PC; Dorsey & Whitney LLP, Gordon Tilden Thomas & Cordell LLP, Keller Rohrbach L.L.P, Kozyak Tropin Throckmorton; Miller Nash Graham & Dunn LLP, Pacific Northwest Regional Council of Carpenters, Patterson Buchanan Fobes & Leitch, Inc. P.S.; Stokes Lawrence, Summit Law Group, Washington State Association for Justice; **Supporters:** Aoki Law, Calibre CPA Group Jameson, Babbit, Stites & Lombard PLLC; King County Bar Association, Lisa Kinoshita, Jewelry Designer; Mills Meyers Swartling P.S., Talmadge/Fitzpatrick/Tribe, Washington State Bar Foundation.

Education programs and inspiring excursions are not the only highlights of NAWJ's conferences; each conference also swears in a new President. This year, the Hon. Diana Becton, judge for the California Superior Court, was sworn in by NAWJ co-founder, retired California Appeals Court Justice Joan Dempsey Klein. Also taking the oath were a slate of officers, which are listed in this newsletter. Saturday night's Gala Banquet gave chance to members to hear from their new President, Hon. Diana Becton, laugh at the Improv of Unexpected Productions, and for outgoing President Lisa Walsh to recognize the achievement of select members. The Hon. Judith S. Chirlin - Justice Joan Dempsey Klein Honoree of the Year; Elizabeth M. Hernandez, Esq. and Akerman LLC – Florence K. Murray Award; Hon. Cheryl J. Gonzales, Hon. Brenda Murray and Hon. Betty J. Williams – Mattie Belle Davis Award; Hon. Karen Matson Donohue – Justice Vaino Spencer Leadership Award.





## New Judges Corner

### REFLECTIONS ON ATTENDING MY FIRST NAWJ CONFERENCE

BY BRIDE SEIFERT, ADMINISTRATIVE LAW JUDGE, STATE OF ALASKA

Invigorating, energizing, inspiring! Tagline for a new spin class? Promo for the latest TED talk? No. These are the adjectives that keep popping into my head when I think about my first NAWJ conference. My interest was piqued by emails from two much admired Alaskan judges touting NAWJ's benefits. But, like so many other worthwhile endeavors, NAWJ notices got sidelined in the "interesting, but not quite compelling" catalog... until this past summer. This time, the NAWJ conference was slated for Seattle, practically a suburb of Juneau, the place I'm lucky enough to call home.

I had no idea what to expect walking into the mentoring and new member reception. Some anxiety lurked that folks would be unwelcoming or, worse, that programs would be uninteresting. Talk about worthless worry. From those first moments, through the final good-byes, the conference delivered, and exceeded all expectations.

First, the people. NAWJ members cover the spectrum: different courts, different countries, and different levels of expertise. Yet, all seemed to share the same vision when it came to the conference. Each was there to learn, connect,



and contribute. Everyone was friendly and happy to share her story. Knowing that the State Supreme Court Justice suffers the same budget and access to justice concerns as the Housing or Administrative Court Judge helps to build bridges, buoy spirits, and inspire solutions. Sharing stories over some of Seattle's best sushi only added to the delight.

Next, the programs. Want to learn how to address transgender litigants, keep bias from creeping into your decision making, or gain a better understanding of tribal jurisdiction? NAWJ has you covered. Add to that top notch luncheon speakers and engaging optional

tours. Killer vocals, guitar riffs, and unbridled laughter filled the air at the Experience Music Project. We gazed in awe during our exploration of the Chihuly Garden. Best of all, we went back home renewed in our commitment to serve and love of the law.

Whether you're a much revered maven or still learning to walk in your robes, NAWJ has something for everyone. Rid yourself of any reluctance – get out there and invite a new member on board today. She deserves the quality education, camaraderie, and good old-fashioned fun that membership brings.

*Save the Date*

**SAN ANTONIO 2018  
NAWJ 40TH  
Annual Conference**

**October 3-7, 2018**

**Hyatt Regency  
Riverwalk**



# REMEMBERING CALIFORNIA JUSTICE VAINO HASSAN SPENCER

CO-FOUNDER OF NAWJ AND AN EXEMPLAR IN LEADERSHIP AND ACHIEVEMENT

“On behalf of the members of the National Association of Women Judges, I want to express our profound sadness in learning of the passing of one of the organization’s founding mothers, The Honorable Vaino Hassan Spencer,” said NAWJ President Judge Diana Becton, California Superior Court, Contra Costa County upon learning of the passing of one of her guiding lights.

Los Angeles Superior Court Judge Marguerite Downing: “Justice Spencer’s call was one of the first I received when I was appointed. Justice Spencer remains an inspiration to me. My goal is to have a legacy such as hers – always working to promote and encourage women to grab that next star.”

In 1974, after having founded the Black Women Lawyers Association, Justice Spencer joined with the former California Appeals Court Justice Joan Dempsey Klein, who co-founded the California Women Lawyers, to coordinate their efforts in support of women nominated to federal and state supreme courts. The seeds of these early collaborations grew into an organization to promote increasing the number of women in the judiciary and to address the gender bias problems experienced by the few women who were on the bench. More than 100 women judges gathered at the Westwood Marquis in Los Angeles, California from October 25-28, 1979 to convene NAWJ’s first national conference.

By 1980, just one year after the founding Conference, membership in NAWJ increased to 273 and included a number of male judges. When President James Carter took office in 1977, there were only ten women ever appointed to the federal bench. By the time he met with NAWJ in October 1980, he had appointed 38 more. Justice Spencer would later remark:

*We have been warmly greeted [everywhere], and we’ve gotten tremendous support, even from local judges who were openly resentful of our organizing initially. They have come around to be quite supportive, and they’ve demonstrated that in supporting the various programs that we have addressing gender bias and race bias in our courts.*



“Vaino Spencer combined style and elegance with keen intelligence and a steadfast and unwavering commitment to equality and fairness. To her ‘Justice’ was not only her title, but her way of life,” says Retired Los Angeles Superior Court Judge Judith C. Chirlin when asked what distinguished Justice Spencer from other leaders in her time.

A trailblazer for women and African Americans in the legal profession, the Hon. Vaino Hassan Spencer, served as the Presiding Justice of the California Court of Appeal, Second Appellate District. She retired in

September 2007 after a distinguished 46-year career on the bench. Her appointment to the Los Angeles Municipal Court in 1961 confirmed her status as a true pioneer, when she became California’s first black woman judge, and the third in the nation. She went on to the Superior Court in 1976, and four years later was elevated to the Court of Appeal. Beyond the courtroom, Justice Spencer served on the California Law Revision Commission, National Judicial Council, Judicial Council of California, and Attorney General’s Advisory Committee on Constitutional Rights, and was an officer and director of the Los Angeles County Commission on Justice. She held leadership posts in over two dozen professional and community organizations including the Democratic State and County Central Committees, the Democratic Minority Conference, the California Mental Health Association, the Neighborhood Economic Development Corporation, the NAACP Executive Board, the National Bar Association, and the Langston Bar Association.

Throughout the years, Justice Spencer remained closely involved with Southwestern Law School, her alma mater, serving on boards and committees, receiving the schools Outstanding Judicial Officer award in 1989. Her numerous other honors include initiation into the Langston Bar Association Hall of Fame (1991); Honoree of the Year (1992) from the National Association of Women Judges; the Lifetime Achievement Award (1991) from the Judicial Council of the National Bar Association; the Trailblazer Award (1985) from the National Association of Business and Professional Women; the Bernard Jefferson Appellate Justice Award (1983) from the California Association of Black Lawyers; and the Judge Ernestine Stahlhut Award (1976) from the Los Angeles Women Lawyers Association.



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## Life Beyond the Bench

### FROM CASES TO SYSTEMS

BY. HON. BOBBE J. BRIDGE (WASHINGTON SUPREME COURT, RETIRED),  
PRESIDENT/CEO OF THE CENTER FOR CHILDREN AND YOUTH JUSTICE

Ten years ago, I was Bobbe J. Bridge, Associate Justice of the Washington State Supreme Court; now I'm Justice Bobbe J. Bridge, ret, Founding President/CEO of the Center for Children & Youth Justice ("CCYJ"). I've gone from presiding over cases at the trial court level and deciding cases with eight colleagues at the appellate level, to working toward reform of the systems of child welfare and juvenile justice in the state of Washington. I have clearly flunked retirement!



In fact, when I tell people that my "retirement job" (an oxymoron) is systems change, I am greeted alternatively with blank stares or sad faces both skeptical and sympathetic. It's a big idea, and not easy to explain. But for me it was an evolution of thought and practice – using my experience in confronting the failures/limitations of these giant public systems in the cases before me – to reach higher, to advance great practice and policy so that **all** kids in these systems would benefit – working to save children and families now and for generations to come, not just one child at a time. I'm impatient.

So it's been ten years now, beginning with an opportunity from the MacArthur Foundation to lead its national initiative to reform the juvenile justice system – Models for Change – in Washington. Working with caseworkers, foster parents, judges, lawyers, probation and parole officers, social service agencies, charitable foundations, and most importantly, the kids and families themselves who are served by these systems, we're breaking down silos that segregate training, resources, funding and decision-making. Working to fulfill the promise of these systems for a permanent, safe home in which a child's developmental needs are met, and rehabilitation alternatives when mistakes are made,

we're bringing research-based, data-driven, outcome-focused practices, policies, and processes to courts, child welfare and juvenile justice agencies, and community service agencies.

Our goal is simple: to make sure that when children and youth come into contact with these systems – for whatever reasons – their lives are **better** as a result. Hence our tagline: Better Systems, Better Lives. CCYJ has had a significant impact on the foster care and

juvenile justice systems in Washington over these ten years, and is even becoming known nationally for its work with LGBTQ youth, commercially trafficked children and youth, and gang-involved youth through innovative cross-system, multi-disciplinary partnerships. These results were not achieved on our own – each one came about because CCYJ worked alongside skilled and dedicated partners, including providers of legal, social service, and health care services; educators; officials from local and state governments, law enforcement, and the courts; and the children, youth, parents and families who are at the heart of the work. Check out our website for more: [www.ccyj.org](http://www.ccyj.org)

Thinking back, the transition from cases to systems was a natural one. Taking the skills of judging – respect for research and data; objectivity; openness; fairness; convening and facilitation – and applying that to broader scale collaborations fits right in. Any judge who's been in a judicial administrative capacity or served in a juvenile court, family court, or therapeutic court setting can grow into this kind of role. Not to say it's easy – it's more challenging than anything I've ever done. But it's rewarding and, oh so much better than "retirement."

Judge Bobbe Bridge with fellow panelists of the 'Incarcerated Voices: The IF Project' education session presented October 8, 2016 at NAWJ's Annual Conference in Seattle.



(Photos from the NAWJ Seattle Annual Conference panel Incarcerated Voices: The IF Project.)

# THE EVER IMPORTANT QUEST FOR EQUALITY—HOW CAN WE STRENGTHEN BOTH JUDICIAL AND LEGAL ETHICS?

BY DRUCILLA STENDER RAMEY, FORMER EXECUTIVE DIRECTOR OF NAWJ;  
FORMER EXECUTIVE DIRECTOR, GENERAL COUNSEL OF THE BAR ASSOCIATION  
OF SAN FRANCISCO; FORMER TENURED MEMBER OF THE GOLDEN GATE  
UNIVERSITY SCHOOL OF LAW FACULTY.

Rarely in our nation's history have our grievous racial and gender divides come more to the fore than in the current, increasingly polarized environment. Under these circumstances, what was to be a brief, if hopefully informative ethics piece for Counterbalance must perforce become something more—a metaphorical call-to-arms for the judges and lawyers who stand at the gates of the justice system to practice what we preach—equality under law.

Never have the achievement of true diversity and the elimination of discrimination in the judiciary and legal profession been of more importance in attaining equal justice. Judges already have a duty, of course, under the ABA Rule 2.3 (C) of the Model Code of Judicial Conduct, to require attorneys to refrain from biased or prejudiced conduct. This black letter responsibility provides jurists with a potent tool of deterrence which hopefully will be more aggressively employed in the future. Additionally, recently amended Rule 8.4(g) of the ABA Model Rules of Professional Conduct, if adopted by states and vigorously enforced, has the promise of providing a new avenue of recourse for both the victims of attorney discrimination and the judges who bear the ethical obligation of ensuring against such attorney misconduct.

In my years as Executive Director of NAWJ, it was my great privilege to work with judicial leaders who were profoundly committed to attacking, via ethical proscriptions and a wide range of other strategies, seemingly intractable barriers to diversity and equality in the justice system. As women jurists in a judiciary that remains largely male-dominated (women constitute 35% of active Federal Court of Appeal judges, 33% of active District Court judges, and approximately 30% of all state court judges), NAWJ's members have always been especially cognizant of their unique role in achieving a more representative and fair justice system.

Supreme Court Justices Sandra Day O'Connor and Byron White memorably articulated this principle in emphasizing the towering importance of Justice Thurgood Marshall's decades of service as the sole African American on the United States Supreme Court. In noting that Justice Marshall's own unique background and experiences as an African American man informed not only his own judicial decision-making but also that of his white colleagues, Justice O'Connor observed, "Justice Marshall imparted not only his legal acumen, but also his life experiences, constantly pushing and prodding his colleagues to respond not only to the persuasiveness



of legal argument but also the power of the moral truth." Justice Byron White similarly acknowledged Justice Marshall's uniquely powerful influence on equal justice. "Justice Marshall would tell us things that we knew but would rather forget," he wrote, "and he told us much that we did not know due to the limitations of our experience."

It should come as no surprise that in our adversarial system state judiciaries, charged with dispensing fair, impartial and equal justice, have

historically been far ahead of the legal profession in adopting strict ethical prohibitions on discriminatory conduct -- by judges, their court administrators and staff, as well as the attorneys who appear before them. In today's dangerously toxic climate of intolerance, however, it is more incumbent than ever on judges to be especially vigilant and exacting with respect to biased and prejudiced conduct in the administration of justice.

Rule 2.3(C) of The Model Code of Judicial Conduct clearly sets forth the rules of the road in this regard, providing in relevant part:

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(C) *A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others. (emphasis added)*

Even in the absence of an analogous federal rule, federal jurists have, via imposition of sanctions, joined many of their state colleagues in holding lawyers accountable for engaging in discriminatory misconduct.

» CONTINUES ON PAGE 11

In two recent federal decisions, for example, sanctions were awarded against attorneys who had engaged in discriminatory conduct, with both jurists emphasizing the causal link between such conduct and the persistent lack of gender diversity in the legal profession. One of the judges condemned as unethical statements including, “You’re not getting menopause, I hope” and “[D]on’t raise your voice at me. It’s not becoming of a woman...” which had been directed by a male lawyer toward his female opposing counsel.

Both jurists alluded to the findings of a recent ABA landmark federal court study establishing that women are dramatically underrepresented among the ranks of lead counsel<sup>1</sup>, pointing to findings that “inappropriate or stereotypical comments” directed at female attorneys by opposing counsel were “one of the causes of the marked underrepresentation of women in lead trial attorney roles...When an attorney engages in discriminatory behavior, it reflects not only on the attorney’s lack of professionalism, but also tarnishes the image of the entire legal profession and disgraces our system of justice...”(Judge Beso, n. 2 below), and also noting that such conduct is “...among the more overt signifiers of the discrimination, both stated and implicit, that contributes to [women’s] underrepresentation in the legal field.” (Magistrate Judge Grewal)<sup>2</sup>

At 88% white, 65% male, under 5% openly LGBTQ and only a fraction of 1% lawyers with disabilities, it is no secret that law is the least diverse profession in the nation. Women, for example, represent only 17% of equity partners in large firms, a proportion that has moved just two percentage points in over a decade, and they earn 44% less than their male equity partner counterparts; minority equity partners stand at 5.7% of Big Law equity partners, approximately the goal for Year 1995 set in 1988 by the Bar Association of San Francisco.

As demonstrated in dozens of studies that have been published over a period of decades, among the primary factors driving this disastrous result is conduct, including the kind of behavior condemned by the federal jurists above, by the overwhelmingly white male leadership of the profession that too often is characterized by harassment, bias and prejudice and other forms of discrimination, largely arising from harmful stereotypes, and with few, if any, adverse consequences attaching to such behavior.

Such bias can and does adversely affect every level of decision-making in legal employment settings. As Peter Zeughauser, former General Counsel of the Irvine Corporation and now a prominent law firm consultant has said with respect to Big Law compensation, the powerful committees in question often are “veritable petri dishes of bias.”

Yet it was only this year that the ABA joined the judiciary and 23 states in finally enacting a Model Rule of Conduct expressly proscribing harassment and other forms of discriminatory conduct by attorneys. Three factors were largely re-

sponsible for final achievement of this hard-fought victory: the example set by the judiciary and the 23 states that had independently enacted their own rules; the unrelenting determination of then-ABA President Paulette Brown, Chair Myles Lynk, together with his ABA Standing Committee on Ethics and Professional Responsibility (SCEPR) and the leadership of the ABA’s diversity-related commissions; and the concessions that were ultimately exacted by opponents to the Rule.

Assuming many states choose to conform their rules to the new Model Rules, they may hopefully choose to omit the most troublesome of these concessions, as italicized below. To the extent that they are adopted, these two provisions will require strict interpretation by state disciplinary authorities, and, ultimately, by state supreme courts, if new anti-discrimination rules are to effectively address the underlying harsh realities giving rise to this long overdue rule revision.

Model Rule 8.4(g) reads in relevant part:

8.4 “It is professional misconduct for a lawyer to:

(g) *engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identify, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.*” (emphasis added)

It will behoove state supreme courts – and regulatory agencies – to either choose to omit the “know or should have known” language, or, if the language is included, to take special care to ensure that the “know or should have known” language is not interpreted to legitimize the very misconduct the Rule is intended to proscribe, including, e.g., sexually offensive jokes or remarks (sought, in 2016 to be characterized as mere “locker room banter”), inebriated “office party” predatory conduct, and racist remarks such as the statement by one law school hiring committee member, referring to a distinguished Japanese-American candidate as “just another SONY off the shelf.”

Even more important, states supreme courts should either choose to omit Rule 8.4(g)’s “legitimate advocacy... consistent with these rules” exception, or, in the event of its adoption, very narrowly construe the language lest this it effectively eviscerate the Rule itself<sup>3</sup> As SCEPR’s December 21, 2015 memorandum in support of passage of an earlier draft of the Rule stated, “It is time that harassment and discriminatory conduct by a lawyer based on race, religion, sex, disability, LGBTQ status or other factors, be considered professional misconduct when such conduct is related to the practice of law...Any such conduct brings disrepute to the

profession. Rather, the public has a right to know that as a largely self-governing profession we hold ourselves to normative standards of conduct in all our professional activities, in furtherance of the public's interest in respect for the rule of law and for those who interpret and apply the law, the legal profession.”

Unquestionably however, in establishing that discriminatory conduct is a black-letter ethical violation, the new ABA Rule provides a critically important new tool for judges and disciplinary authorities alike that can help accelerate the profession's heretofore glacial movement toward equality,<sup>4</sup> both inside and outside the courtroom

The Rule 8.4(g) will clearly provide, for example, an important new weapon for judges to employ in responding to, and ultimately preventing, the ongoing and pervasive belittling and disrespectful attorney conduct directed toward female witnesses and others who participate in the justice system, especially those in authority, such as police officers, courtroom officials and even female judges themselves. Women judges and their male colleagues — both recently appointed and veterans alike — are now armed with the national authority of the leadership of the legal profession itself in calling a halt to this kind of demeaning and destructive conduct — including not uncommon references to judges as “Young Lady”, “dear,” “girl” or “sweetheart,” — attorney behavior that threatens the integrity of the judicial process itself. Thus, in the final analysis, it will fall to the judiciary, as well as state disciplinary authorities, to ensure that these ethical

proscriptions bring about the long overdue transformation of the legal profession and the justice system that they are intended to produce.

As Harvard Law Professor David Wilkins wrote at the end of the last century,

*“Few would dispute that the campaign to end legal segregation culminating in Brown v. Board of Education is the legal profession's finest accomplishment—just as the profession's complicity in the regime that this campaign demolished was its darkest hour. The fact that the country's most prestigious law firms are nearly as segregated today as the entire legal system was forty years ago stands as a constant rebuke to the profession's attempt to claim the noble side of this heritage....As the legal profession confronts the uncertainties of the next millennium, it is the energy [of new initiatives] that holds the best hope for charting a new path that connects the profession's future to the best of its past.”*

*\*Dean Emerita Drucilla Stender Ramey is a proud past Executive Director of NAWJ and recipient of the Florence K. Murray Award. As longtime Executive Director of the Bar Association of San Francisco, Dru received awards including the ABA Margaret Brent Award and the AJC Learned Hand Award. A past Chair of the ACLU-NC and the San Francisco Commission on the Status of Women, Dru currently serves as Chair of Equal Rights Advocates in San Francisco and consults with industry leaders on matters of racial and gender diversity.*

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<sup>1</sup>Stephanie A. Scharf & Roberta Liebenberg, *First Chairs at Trial: More Women Need Seats at the Table* (ABA, 2015)

<sup>2</sup>*Cruz-Aponte v. Caribbean Petroleum Corp*, Case No. 09-cv-02092, 2015 WL 5006213 (U.S.D.C.-D.P.R., Aug. 17, 2015); *Claypole v. County of Monterey*, Case No. 14-cv-02730 (U.S.D.C.-N.D.Cal., Jan. 12, 2016). Judge Beso additionally cites numerous cases imposing sanctions for attorneys' reference to female opposing counsel as “babe,” “bimbo,” “crazy chicken,” “girl,” “dear,” “hon,” “little girl,” “little lady,” and “little mouse.”

<sup>3</sup>Judges should similarly narrowly apply the analogous, but more limited, such provision in Model Judicial Code Rule 2.3(D) language, excluding from its purview “legitimate reference[s]” by judge and lawyers “to the [protected groups], or similar factors, when they are relevant to an issue in a proceeding.”

<sup>4</sup>Model Rule 8.4(g) is also vastly superior to recently proposed anti-discrimination amendments to the California ethics rules, which require that the complained-of misconduct be “unlawful.” This requirement as a practical matter effectively vitiates the rule's effectiveness, and runs directly counter to the underlying rationale for the rules of legal ethics. As the ABA's Paulette Brown has emphasized, “Lawyers have a unique position in society as professionals responsible for making our society better. Our rules of professional conduct require more than mere compliance with the law. Because of our unique position as licensed professionals and the power that it brings, we are the standard by which all should aspire.”

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# WE AREN'T CLEANING CLOSETS: A SURVEY OF WHAT NAWJ'S RETIRED AND SENIOR STATUS MEMBERS ARE DOING

BY HON. BEVERLY CUTLER AND HON. JOAN CHURCHILL,  
NAWJ PAST PRESIDENT, IMMIGRATION JUDGE (RETIRED)



The Retired/  
Senior Judges  
Committee,  
chaired by Past  
President Joan  
Churchill,  
Immigration  
Judge (Ret.)  
surveyed the

NAWJ membership last year to find out what NAWJ members are doing after they leave their full-time judicial endeavors. The purpose of the survey was to learn about each other as to the range of options, as well as to inspire and inform our members contemplating retirement. We also wanted to gain a sense of what NAWJ can offer to our retired/senior status members to keep them engaged.

The questionnaire went out to approximately 180 members, yielding about 60 responses – a high return rate. We asked a variety of simple questions, such as

- whether their retirement was mandatory or voluntary,
- whether they had taken senior status, and if yes, how much they were working,
- whether they were engaged in the practice of law and/or other legal activities,
- whether they have malpractice insurance,
- their interest in NAWJ organizing group travel,

We closed with a request for a narrative about their activities since leaving the full time bench and asked them to include a description of activities in which they are engaged that are new or different from their life on the bench.

After the responses were in, we produced a report tabulating the responses and developed a data base of particularly interesting stories. We established a CounterBalance column: *Life Beyond the Bench* to include one or two of the more unusual stories each issue. We premiered the column with an article written by NAWJ Past President Barbara Levenson who has become a published mystery writer. Her latest book *Neurotic November* has just come out. She is working on her 5th. We followed up with an article by Mary Davis, who lives in Paris and is engaged in judicial training activities in many parts of the world.

Given the high level of interest in group travel, we have organized a short cruise, Boston to Montreal for May 20-27, 2017. Registration is currently open to all NAWJ members

and guests. We are planning education programs in connection with the cruise on the topics of

1. Ethical issues for both active and retired judges, featuring Past President Margie Carter
2. Handling of campus sexual assaults, featuring documentary film maker Liz Canner, who became embroiled as a defendant in a declaratory judgment case brought by local officials in New Hampshire over her request for government documents in a campus rape case. The Supreme Court of New Hampshire recently issued a ground breaking decision, in her favor, addressing the issue of finding the right balance between First Amendment rights for the press and privacy rights for an exonerated defendant.

We also hope to arrange a get together with members of the IAWJ Canadian chapter when we arrive in Montreal.

The questionnaire responses revealed that three-fifths retired because retirement was mandatory. A large number have Senior status and can continue serving part time if they wish. The vast majority are still involved in legal activities of some sort. A few have gone into private practice. One became a prosecutor. Former Judge Ellen Rosenblum has won reelection to a 2d term as Attorney General of Oregon. A large number of us are doing mediation/ADR type work, or serve part or full time with a variety of non-profit organizations. A large number are teaching, mostly primarily the law, whereas some are teaching non legal subjects, such as coaching special needs students in the local schools. One teaches the Japanese Tea Ceremony in Museums. Another teaches at a Veterinary College.

The more personal endeavors include long-put-off activities that so many finally are finding the time to do. Enjoying family, especially grand children and travel top the list. Learning a new language, or instrument, reading forgotten novels, gardening, bridge, going to the theater more, and just going out to lunch are also favorites.

It appears we are an amazing and active bunch. We are giving not only to the legal profession, but we are giving to our communities, our social groups, and our family members. This issue includes an article by Retired Judge Bobbe Bridge who has formed a pro bono organization to enhance child welfare in the juvenile justice system in Seattle, WA. Keep tuned to our *Life Beyond the Bench* column in future issues, where we shall feature more of our retired/senior status members who are engaged in unusual pursuits. The next one, we expect, will feature a member who rides show horses.

member, this was a very special initiative to be a part of, and the Division was pleased to support ABA President Linda Klein's effort to provide pro bono services for military and veterans and their families. I also have had the honor to represent the Judicial Division at home, and abroad, and have been able to broadcast the important work of the ABA and the Judicial Division before a number of audiences. I am pleased and looking forward with great anticipation to presenting the Judicial Division's CLE program in The Hague in April 2017, which promises to be an exceptional program detailing many of the international courts and legal practices in The Hague, known as the International City of Peace and Justice.

*Judge Breen-Greco:* I hope to continue the excellent work of our current JD Chair, Colonel Linda Murnane, particularly with respect to diversity and police/community relations. For my theme, I have chosen "Fostering Creative/Collaborative Leadership Globally to Ensure Fairness in Justice Systems." I will particularly focus on what judges can do when social policy undermines the premise of justice and how judges can address public health crises. As to working globally, in my year the ABA mid year will be in Vancouver, British Columbia, which will provide an opportunity to include judges and administrative tribunals from Canada and judges from other countries. I will also focus on the United Nations' declaration of the International Decade for People of African Descent – 2015-2024, which also highlights the current public health crises in the United States. My rewards have been the opportunity to work with talented judges and lawyers from around the country and enhance my own skills through the excellent CLE programs provided by the ABA. I also find it rewarding to work with law students in the Judicial Clerkship Program and new attorneys and hopefully share with them the opportunities I have experienced within the ABA.

***At what point in your career did you become seriously interested in the ABA? Was it before or after you became a judge?***

*Judge Murnane:* I joined the ABA when I was a law student, but didn't really grasp the importance of the organization until many years later. I remained active in the ABA. My lawyer membership status in the ABA has been non-stop since 1981 just after I was admitted to the Ohio Supreme Court — my first admission to the bar. I did not become a Judge until 1994, and remained engaged and active in the ABA for the 13 years between my admission before the Ohio Supreme Court, and the day I was privileged to be sworn in as a Judge.

*Judge Breen-Greco:* I had already been an administrative law judge for a number of years when I learned about the ABA Judicial Division's National Conference of the Administrative Law Judiciary and attended my first ABA conference — the 1998 mid year in San Antonio, Texas. I was immediately "hooked" and attended ABA conferences every year since then.

*Judge Clarke:* As a paralegal, the attorney I worked for, who was the managing partner, once told me that as a paralegal

and young lawyer I should get involved in bar association activities. He was very involved in the Maryland State Bar (MSBA) and American Bar Associations. He took me to MSBA and local ABA events. He always said as a result you would make life long friends, learn about how things are done in other jurisdictions and have support from other lawyers by way of referrals and advice in areas of the law with which I have limited or no experience. He was correct. I joined the MSBA and the ABA as a young lawyer. However, initially I did not feel as though the ABA was welcoming to lawyers of color so I was not very active. Fast forward about 16 years and about two years or so into my judicial career, my Administrative Judge, William D. Missouri, a Lifetime member of NAWJ, who was becoming Chair of the Conference of State Trial Judges (a Conference within the Judicial Division of the ABA) invited me to join the ABA and the Judicial Division (JD), and to Chair a committee. That was the beginning of what I would characterize as my real involvement with the ABA. After that I was asked to chair other committees and eventually became Chair of the Conference of State Trial Judges (NCSTJ). I found the programs and CLE's to be timely, informative and well done. I immediately hit it off with several judges whom I consider to be close friends.

***What advice would you give to young women judicial officers about the usefulness of the ABA even once they become judges?***

*Judge Breen-Greco:* It is a wonderful opportunity to meet judges from across the country who are involved in the same kind of work as you and it is enlightening to learn how they handle cases similar to the ones you do. Additionally the CLE programs for judges are outstanding. There is also an opportunity to be involved in other ABA entities besides the Judicial Division, such as International Law, Alternative Dispute Resolution, or an entity directly connected to the substantive work you are involved in.

*Judge Clarke:* I would offer the same advice that was given to me in the beginning of my career. Get involved in bar association activities. It will be an invaluable asset to your career. Being active in the ABA has afforded me an opportunity to meet judges from across the country who either sit on the same trial court level as I do, or who address similar issues that I've dealt with. There are opportunities for outreach, for free CLE credit, and for having an impact on important legal and social issues across the country. Sometimes as a judge you have to be mindful of not being labeled an activist. But as a member of the ABA you can always find an entity within which you can have a voice through the activities of the entity. This gives you an opportunity to effectuate change without being labeled an activist. Of course if you've been active and are known throughout the ABA you will benefit both professionally or personally.

*Judge Murnane:* Being a judge can be an isolating experience. The importance of maintaining neutrality, being fair and impartial and being seen as being fair and impartial can limit the relationships you can have with lawyers and others who once were in your closest circle. Being a part of the

ABA has allowed me to have a truly global network of not only professional colleagues but also dear friends. I have visited ABA Judicial Division members whom I consider to be friends at their homes in North Carolina, Florida, and California, and in turn several of them have been guests in my home in The Netherlands and in the United States. When I am faced with a challenging issue, it is not uncommon for me to call one or more of these colleagues to ask for a neutral review of the issues and to seek their guidance and counsel. I also find it incredibly rewarding to know that each day I work with colleagues in the Judicial Division, I am contributing to our democracy by strengthening the legal profession and the judiciary through policy and program events which make us better lawyers and judges.

***How can a young or “new to the bench” judge make time for meaningful ABA membership when life is so busy, with so many cases to hear, and there are so many judicial organizations to belong to as well, such as NAWJ?***

*Judge Clarke:* The only way to effectuate change is to work from within the organizations that are in the best position to do so. The ABA is the pulse of the legal community. It establishes Rules of professional conduct, adopts Resolutions that impact every facet of the community, accredits law schools and investigates and makes recommendations for Federal appointments, just to name a few of the important social and legal issues over which it has influence. The best way to have your voice heard is to be active in an organization that has the influence that a national organization such as the NAWJ and the ABA have. Being a part of these organizations will provide a platform for having a voice for change when it's needed, and provides an opportunity to learn from some of the best and brightest across the country. You don't have to start with an all-in approach. You can find one or two entities within the ABA, join a committee and focus on one or two issues to start with. It won't be long before you are completely immersed in the organization and the important issues of the day. No matter the issue: a career move, judicial clerkships, scientific evidence, jury selection, or social and community issues (Human Trafficking, diversity, implicit bias, etc) there will always be a person or entity from which you can get advice and counsel. Along the way you will make some tremendous friendships.

I consider myself fortunate to have been given an opportunity to be in leadership in the ABA/JD and the NAWJ. As a result of my membership and involvement I have been afforded opportunities to make an impact on some very important and serious issues in the legal and non-legal communities. And I have made great friends along the way all over the country. As one of NAWJ's immediate past president has said the NAWJ family are your sisters in law, likewise the ABA/JD family are your sisters and brothers in law, they are the family you choose.

*Judge Breen-Greco:* When I joined the ABA I was the mother of an infant. My daughter “grew up” with other ABA-JD children with whose parents my spouse and I became friends. The ABA-JD is like a family. The relationships en-

rich our lives as does the professional work we do within the ABA-JD. I am also an active member of the National Association of Women Judges, Illinois Judicial Council, and the National Association of the Administrative Law Judiciary, as well as my state bar association (Illinois), city bar association (Chicago), and the Illinois Women's Bar Association. I have benefitted from my participation in all of these associations, both professionally and personally.

*Judge Murnane:* I smiled when I heard this question. I am a retired US military judge, and I work full time now as the Chief, Court Management Services at an international tribunal abroad. I am a wife, a mother of two daughters and a foster daughter, three grandchildren, and a foster granddaughter. I belong to five separate judicial organizations and I am active in each and every one of them. I am also active in my faith community, and sing in the choir. How do you find time, you ask? I don't waste time. I use core management skills I learned in 29.5 years on active duty with the United States Air Force, including the “touch it once” principle. I don't let a project sit because if I do, it probably won't get done. I complete as much as I can on every project I am assigned as soon as I can do it — and then schedule the time when I will look at it again to be sure I don't forget to get it done. I use time when I am on the flight to catch up on reading. I write at night when it is quiet and I can concentrate.

However, I have to confess, I don't really understand the concept of “work-life balance”. For me the passion I have for the law, and the work I do, drives me each and every day. I have a wonderfully supportive husband and great kids and grandkids — and they make it possible for me to live my life on my terms. They want to see me be happy — and I am.

NAWJ Past President Lisa Walsh notes for us some additional relevant history. In 2004-5, the Judicial Division also was led by three female judges, though only one was an NAWJ member. Those three trailblazers were Judge Louraine Arkfeld (Tempe, AZ Municipal Court Presiding Judge, Ret.) who was Chair, Judge Jodi B. Levine (Administrative Law Judge, Social Security Administration ODAR-Oklahoma) who was Chair-Elect, and NAWJ member Leslie Miller (Superior Court, Arizona) who was Vice Chair. These three women landed in these Chair positions because they had been chosen to lead their three respective conferences of the ABA Judicial Division in the same year, which feat alone was quite an honor for all women who served in the judiciary. Judge Levine represented the Administrative Law Judiciary Conference, Judge Arkfeld the Specialized Courts Conference, and Judge Miller the State Trial Judges Conference.

Judge Arkfeld shares that the major project of her year was the American Jury Project where the Judicial Division joined with the Litigation Section and the Criminal Justice Section in a Presidential Project to update and consolidate the existing ABA jury standards from these three groups. This work was completed in record time resulting in the ABA Principles for Juries and Jury Trials approved by the House of Delegates at the Midyear Meeting of her year. This accomplishment was an excellent example of both the effec-

tiveness of collaboration and an opportunity seized to raise the Judicial Division's profile within the ABA.

Judge Levine described how it was an honor and privilege to serve with her dear friends, Judges Arkfeld and Miller. Judge Levine came into her position after a contested election, which she believes gave her term much interest and support. For her Chair year the theme was Defining the Judge. The intent was that when "We, the judges" define ourselves we are more empowered to serve the public and the law, and the public has more confidence in the judiciary and the judicial system. A key component of the definition approach was the recognition of our ethical responsibilities. Judge Levine noted that Judges Arkfeld, Levine and Miller also were the first to engage in a 3-year plan for their years. They realized early on they could be working together to make each other's years successful, and that more could be accomplished in such a way. This approach also gave them the opportunity to build on each other's connections and knowledge within the ABA. Selections for their Committee chairs were done so as to give the division institutional memory and yet include the involvement of new people as well. Judge Levine believes this basis for their success also laid a great foundation for the following years.

Judge Leslie Miller notes that the three of them together also were able to expand the role of the Judicial Division in the ABA. Even though the most important signature project of Judge Miller's was to develop a Judicial Mentor Program to pair lawyers of color with sitting judges in their jurisdictions to mentor them on effective efforts to the particular type of judgeship in which they had an interest, the expansion of the division's leadership role was in addition to the specific programs and initiatives that were pursued by each of them during each of their three years as Chief. Judge Miller humbly observes that the three years taken together (the years in which she, Judge Levine and Judge Arkfeld were chief) led to the strong role of the Judicial Division today. Today a tremendous benefit to all sitting judges is that we now have a much more visible judges' group within the ABA that provides a huge opportunity to work with lawyers in developing policy that impacts the courts, court administration, and federal and state court policy.

Most of us think of the ABA as an association with over 400,000 members that has a significant influence on the profession of law and legal policy. But we judges also should focus on the fact that in addition to the ABA providing us outstanding educational programs, networking, opportunities to work on substantive law programs, speak, publish and engage in community outreach and education as lawyers and as judges, the ABA offers judges the ability to impact changes in the legal system. For this opportunity we are indebted to all six judicial division chiefs profiled here.

NAWJ pays homage to these outstanding female judicial leaders from two decades ago and from now.

At present "three" seems to be a magic number for teams of women leaders in the realm of the law. The United States currently has three female supreme court justices, Justice

Ruth Ginsberg, Justice Sonia Sotomayor, and Justice Elena Kagan. Three female attorneys have consecutively been or will be ABA President, Immediate Past President Paulette Brown (who additionally made history by becoming the first African American woman to head the ABA), current ABA President Linda Klein, senior managing shareholder at Baker Donelson law firm in Atlanta, who is charting an outstanding course for the profession with her leadership this year (see related article in this *Counterbalance* by Drucilla Ramey)



(Left to Right, Judge Ann Breen-Greco, Judge Linda Murnane, Judge Toni Clarke)

and ABA President-Elect Hilarie Bass, a highly respected litigation attorney at Greenberg Taurig in Miami, who most certainly will continue this tradition of outstanding leadership.

NAWJ lauds the accomplishment of all of the above phenomenal women.

### Biographies

Colonel Linda Murnane, USAF, Ret. served 29.5 years on active duty with the United States Air Force. She began her career as an airman basic, the lowest enlisted grade. She obtained her undergraduate and law degrees while on active duty, and became a judge advocate (JAG) in 1981. She served as a JAG from 1981 to 1994, when she was selected to the first of four consecutive assignments as a military judge. She was the Chief Circuit Military Judge for Europe from 2000 to 2003 and the Chief Circuit Military Judge for the Eastern Circuit (Washington, D.C.) from 2003 to her retirement in 2004. She presided at the first trials in the combat zone for the United States Air Force for Operations Iraqi and Enduring Freedom. Following her retirement from active duty in 2004, she has served in a variety of positions, including service at the International Criminal Tribunal for the former Yugoslavia as a senior legal officer, chief, court management services section, acting head of chambers and acting deputy registrar. She was the senior international attorney for the U.S. Defense Institute of International Legal Studies, the lead agent for the Department of Defense for rule of law and human rights training globally in emerging democracies. She currently serves as the chief, court management services section for the Special Tribunal for Lebanon in Leidschendam, The Netherlands. She was a 2003 recipient of the Ohio State Bar Association's Nettie Cronise Lutes Award for opening doors for women and girls in the field of law. She received the NAWJ Mattie Belle Davis Award in 2006 and the American Bar Association's Margaret Brent Women Lawyers of Achievement Award in 2008. She currently serves as the Chair of the Judicial Division of the American Bar Association.

Judge Ann Breen-Greco is an Administrative Law Judge for the City of Chicago's Administrative Hearings Department. Previously for many years she was a State Administrative



Law Judge handling special education cases and prior to that child abuse cases. Judge Breen-Greco is a past Vice President of Districts for NAWJ and previously was a Director for District 8. Currently she is the NAWJ liaison to the ABA's Commission on Domestic and Sexual Violence. Judge Breen-Greco grew up in the housing projects of New York City and offers a tribute to her mother, Margaret Bowden Purcell Breen, who came to the United States as an indentured servant. "My mother was not able to complete her eighth grade education before having to leave school to care for her younger siblings and help on the family farm in Ireland. Although she lacked formal education she was a wise and compassionate person who saw all human beings as equal and deserving of respect. I strive to promote her ideals and to be a role model for my daughters, Colleen and Jasmia. My mother passed away when I was 26 and I want my daughters to know her and see her ideals embodied in the work that I do."

Judge Toni E. Clarke was appointed to the Seventh Judicial Circuit sitting in the Circuit Court for Prince George's County, Maryland where she has served since February, 1998. Judge Clarke presides over many types of cases including, but not limited to, Civil, Criminal, Family and Juvenile and is currently the coordinating judge for Foreclosure cases. Judge Toni Clarke received her J.D. from the University Of Maryland School Of Law and her B.S. from the Pennsylvania State University, where she played on the Women's Varsity Basketball team. Prior to her appointment, Judge Clarke practiced law in both the public and private sector. She was the first African-American female to serve as State's Attorney for Prince George's County, Maryland, and the State of Maryland. Judge Clarke has been very active in the Maryland State Bar Association, and has served as President of the J. Franklyn Bourne Bar Association. She was the first African-American to serve as President of both the Women's Bar Association of Maryland and of the Prince George's County Bar Association. Currently, Judge Clarke is on several committees of the Judicial Division of the American Bar Association, including past Chair of the National Conference of State Trial Judges of the Judicial Division of the American Bar Association. Judge Clarke is serving her second term on the Board of Trustees of the National Judicial College in Reno, NV and is Vice-Chair of the Judicial Division of the American Bar Association, where she will become Chair in 2018. Judge Clarke also serves as the National Association of Women Judges Delegate to the House of Delegates of the American Bar Association. Judge Clarke has been recognized by numerous organizations for her hard work, community involvement, and mentoring. She is the recipient of the Daily Record's 2004 Leadership in the Law Award and has received such other awards as: 2001 and 1999 Maryland's Top 100 Women; 2000 Wilde Lake High School Hall of Fame; 2000 Howard County Women's Athletic Hall of Fame; 1998 Women of Achievement in Maryland History; and 1997 Distinguished Woman Award from the Alliance of Black Women Attorneys of Maryland, to name a few.

Judge Leslie Miller was appointed to the Pima County Superior Court bench in 1985, after having served as an assistant public defender and City Magistrate. She has served as Associate Presiding Judge, Criminal Presiding Judge and initiated the Drug Court in Pima County. Leslie has served on the Board of Governors of both the American Bar Association and the State Bar of Arizona, as Chair of the Judicial Division and the National Conference of State Trial Judges, and President of the Pima County Bar Association, the Arizona Judges Association and the Arizona Association of Drug Court Professionals. She was a District Director for NAWJ. Leslie has been actively involved in community organizations and activities, including president of the Boys and Girls Clubs of Tucson, Susan G. Komen for the Cure, and La Frontera. She has also served on the Boards of the YMCA, Tucson International Mariachi Conference and as chair of the YWCA's Women's Leadership Conference. In 2001, Leslie was named Tucson Woman of the Year.

Judge Jody B. Levine currently is a U.S. Administrative Law Judge serving in the Social Security Administration Office of Disability Adjudication and Review. Previously she was a Senior Administrative Law Judge at the Oklahoma Corporation Commission. In the ABA she has served on the Board of Governors, as Chair of the ABA Judicial Division, Chair of the National Conference of the Administrative Law Judiciary, Commissioner of the Commission on Sexual Orientation and Gender Identity, Council Member of the Section of Administrative Law and Regulatory Practice and of the Section of Civil Rights and Social Justice, as a member of the Coalition for Justice and of the AIDS Coordinating Committee. Judge Levine was awarded the ABA Grassroots Award for there efforts to educate the public and congress about the disability hiring process. Additionally she is a Fellow of the NCALJ. Judge Levine was an inaugural Board Member of the Oklahoma Jazz Hall of Fame. She is involved in other local community organizations.

Judge Louraine C. Arkfeld, retired, served as the Presiding Judge for the Tempe Municipal Court, Arizona, starting in February 1994. Prior to her appointment she had been a judge in the Phoenix Municipal Court since 1984 and the Assistant Presiding Judge there since 1989. Judge Arkfeld has served on the Arizona Judicial Council, as Chair of the Court Leadership Institute of Arizona, and on the Maricopa County Commission of Justice System Intervention for the Seriously Mentally Ill, and the Public Safety and Justice Task Force of the Council of State Governments. She was presented the 2005 William H. Rehnquist Award for Judicial Excellence by the National Center for State Courts and the 2006 Hero in Women's Mental Health award.



*Hon. Beverly Cutler is a Senior Judge in the Alaska Court System. She was VP of Publications and editor of this issue of Counterbalance. Having been a member of NAWJ since 1990, Judge Cutler has held numerous leadership positions with NAWJ as a board member, and as committee chair and participating member.*

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# JUDICIAL INDEPENDENCE AND IVP IN KANSAS

BY NAWJ JUDICIAL INDEPENDENCE COMMITTEE CO-CHAIR, FLORIDA SUPREME COURT JUSTICE BARBARA PARIENTE NAWJ JUDICIAL INDEPENDENCE COMMITTEE CO-CHAIR, NORTH CAROLINA SUPREME COURT JUSTICE ROBIN HUDSON, AND INFORMED VOTERS PROJECT PROGRAM MANAGER VICTORIA PAJAUJIS

The dust is settling as four Kansas Supreme Court Justices remain safely on the bench after a brutal battle between politics and justice. Throughout this past election year, special interest groups with deep pockets and political agendas have been pumping millions of dollars into vicious campaigns against sitting judges whose past rulings have disagreed with outside partisan preferences.

The efforts to remove sitting judges whose rulings have disrupted outside groups' political agendas, is neither a new nor passing trend. Throughout 38 of the states where justices are either directly elected or face periodic retention elections, special interest groups have become major players in partisan warfare. According to the Brennan Center for Justice, over \$25.6 million in campaign funding was spent on televised advertising throughout the 2016 election year, while \$11.3 million of that funding came from outside groups. This is also known as dark money due to its untraceable origin. Their recognizable tactics, televised ads that attack sitting judges, try to convince citizens that judges should be more accountable to voters' partisan preferences rather than rule fairly and impartially based on the law. Kansas Court of Appeals Judge Karen Arnold-Burger, who was recently up for retention and witnessed the impact of dark money attacks ads first-hand says, "if people do not understand the basic civics of the three branches and the purpose of the judicial branch, they are more willing to believe whatever they are told."

Although Kansas, along with several other states, adopted merit selection several years ago to keep politics separate from the judicial branch, dark money has a tendency to pop up every few years when judges stand for retention. This rising trend of partisan warfare in state judicial elections has stimulated a new era of civic education, with the Informed Voters Project of the National Association of Women Judges at the forefront of the initiative. Preemptive of these attacks on the judiciary and recognizing that their success or failure would depend on their ability to mislead voters and decrease public confidence in the judiciary, the Informed Voters Project was launched in 2012 to help combat dark money with civic education.

Today the Informed Voters Project serves as both a reliable resource of accurate nonpartisan judicial information and a support system for judges seeking to protect fair and impartial courts. Over the past few months in Kansas, the Informed Voters Project has guided judges through their voter education seminars on the judicial branch and added credibility to their awareness campaigns on the powers that threaten judicial independence. To prepare judges for their educational programs, the Informed Voters Project provided them with a presentation tool-kit, held educational workshops, and administered instructional webinars for presenting their educational materials on the judicial branch. For awareness campaigns, the Informed Voters Project supplied judges with nonpartisan educational handouts, informational palm cards, and an Emmy-Award winning public service announcement video for raising awareness on the issues that threaten judicial independence.

Elections blur the public's perception of judges and politicians. Teaching voters that judges are meant to be indifferent to popularity, unlike politicians, is an especially challenging task when dark money is actively seeking to decrease public confidence in the judiciary. Having used the Informed Voters Project's resources during her recent awareness sessions, Kansas Court of Appeals Chief Judge Karen Arnold-Burger found that "being able to demonstrate that this was a national problem recognized by a neutral, non-partisan organization, allowed justices to highlight that the defense against the attacks was not supreme court justices trying to save their jobs but something bigger."

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The Informed Voters Project of the National Association of Women Judges is led by California Supreme Court Chief Justice Cantil-Sakauye, Miami attorney Linda Leali, Florida Supreme Court Justice Barbara Pariente and North Carolina Supreme Court Justice Robin Hudson and Program Manager Victoria Pajaujis.

# Informed Voters FAIR JUDGES

JUSTICE FREE FROM SPECIAL INTERESTS

- ✓ Judges should be judged on their character and integrity.
- ✓ Voters must be educated about efforts by special interests to politicize the courts.
- ✓ Our courts should be celebrated as the one branch apart from politics.
- ✓ The courts must be protected from those who politicize them.



Kansas Informed Voters Project



IVP\_Kansas

[ivp.nawj.org](http://ivp.nawj.org)

*A nonpartisan voter education project of the National Association of Women Judges.*

# Informed Voters FAIR JUDGES

JUSTICE FREE FROM SPECIAL INTERESTS

## This November...

Kansas justices and judges will be on the ballot and you will decide, through your vote, whether to retain them. Learn about them at [kscourts.org](http://kscourts.org) or [kansasjudgereview.org](http://kansasjudgereview.org).

Visit [ivp.nawj.org](http://ivp.nawj.org) to learn about the importance of keeping our courts fair and impartial. Request a speaker to inform voters in your area at [informedvotersks@gmail.com](mailto:informedvotersks@gmail.com).



Kansas Informed Voters Project



IVP\_Kansas

[ivp.nawj.org](http://ivp.nawj.org)

*A nonpartisan voter education project of the National Association of Women Judges.*

# JUDGES SPEAK OUT ON THE INFORMED VOTERS PROJECT FROM THE HIGH PLAINS

BY HON. CAROL BEIER, JUSTICE, KANSAS SUPREME COURT AND  
HON. KAREN ARNOLD-BURGER, CHIEF JUDGE OF KANSAS COURT OF APPEALS



(Moderator, Sarah Bagby of Watermark Book & Café speaking with Kansas Supreme Court Justice Marla Luckert and Justice Carol Beier)

The National Association of Women Judges' Informed Voter Project provided critically important help in Kansas' 2016 retention elections, where all of the 11 appellate judges on the ballot were retained by voters on November 8.

Kansas had been one of the eight original pilot states for the Project. It was an early player, one of the first states to form an implementation committee, which included judges, lawyers, and interested laypersons from both urban and rural areas. Members of the committee advised and assisted Project leaders in developing materials; then they deployed the materials as appropriate for the Kansas landscape and political climate. These efforts included dozens of presentations to audiences of all types.

"There is no question in my mind that IVP worked exactly as it was intended," said Justice Carol A. Beier, one of the justices on the 2016 ballot. "It helped to lay a reliable, respected, nonpartisan foundation for the educational component of this year's effort supporting retention of Kansas judges and justices."

Justice Marla J. Luckert, another of the justices on the ballot, agreed: "The members of our Court were able to build on IVP for the last 18 months, as we talked to Kansans about the importance of fair and impartial courts dedicated to preserving justice for all citizens. We were able to select from among the terrific NAWJ handouts and Power Point slides and other materials to assist us in reminding our listeners why the separation of powers is so vital to our freedom."

Judge Karen Arnold-Burger of the Court of Appeals, who also was retained, personally made more than 50 presentations incorporating IVP concepts and disseminating its materials, including cards developed specifically for distribution to Kansas voters. She also developed web-based training for other speakers. "The Justice Sandra Day O'Connor video, "Fair and Free," was especially compelling for many of my audiences." Judge Arnold-Burger said. "It drove home the point that all Kansans, no matter their background or their influence or lack of it, can expect to be heard and treated fairly in our courtrooms."

The IVP Committee, including Chair Mary F. Birch of Lathrop & Gage, and media expert Sarah Fizell, were able to work productively with the League of Women Voters and the Kansas Bar Association and many other groups and individuals involved in the coalition supporting retention.

This coalition participation was vital, according to F. James Robinson of Hite, Fanning & Honeyman, who led the coalition's campaign. "IVP helped to set the stage for the education and political success that followed," Robinson said, "and all of us in Kansas are grateful for NAWJ's support. We believe what happened here can be a model for other states facing down well-funded campaigns to politicize their bench."

# Join NAWJ Members, Family and Guests and Sail from Boston to Montreal on Holland America's ms Maasdam May 20-27, 2017



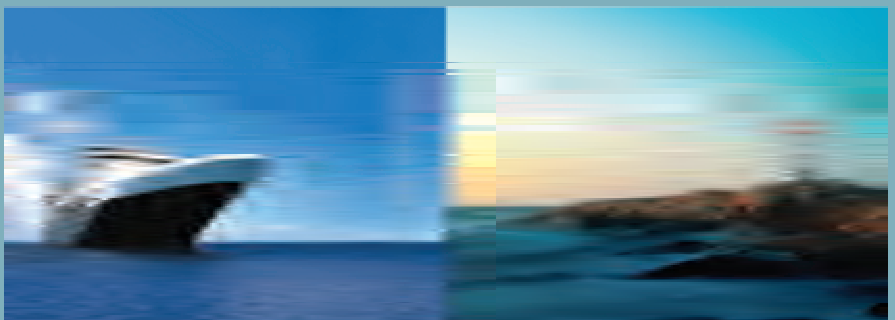
Discover a kaleidoscope of beauty and history in Canada and New England – from scenic coastlines to classic lighthouses. All in the elegant comfort of the ms Maasdam, the fifth ship in Holland America Line's 140-year history to bear the name.

**REGISTRATION: \$150 fee includes a pre boarding session in Boston with documentary film maker Liz Canner who will share the story of the lawsuit involving her request under the New Hampshire Right to Know law (screening of her documentary film on campus assaults to take place on board), Ethics for Judges education sessions, a special cocktail reception, and cruise memento.**

| CABIN ACCOMODATIONS  | Per Person Fares |
|----------------------|------------------|
| Interior Stateroom   | \$759            |
| Ocean-View Stateroom | \$959            |
| Vista Suite          | \$2,199          |

If you want to share a cabin inform Nancy Curtis when you contact her to reserve a room We will try to arrange cabin mates.

Contact Nancy Curtis at [curtistravel2@gmail.com](mailto:curtistravel2@gmail.com) for more details, and visit [www.nawj.org](http://www.nawj.org).



## DISTRICT DIRECTORS

**District One (MA, ME, RI, NH, PR)**

**Hon. MaryLou Muirhead**  
Boston Housing Court, MA

**District Two (NY, CT, VT)**

**Hon. Cheryl Gonzales**  
Civil Court, Housing Part, NY

**District Three (NJ, PA, DE, VI)**

**Hon. Barbara McDermott**  
1st Judicial District, Court of Common Pleas, PA

**District Four (MD, DC, VA)**

**Hon. Heidi M. Pasichow**  
Superior Court of the District of Columbia

**District Five (FL, GA, NC, SC)**

**Hon. Sara Doyle**  
Court of Appeals of Georgia, GA

**District Six (AL, LA, MS, TN)**

**Hon. Bernadette G. D'Souza**  
Orleans Civil District Court, LA

**District Seven (MI, OH, WV)**

**Hon. Michelle Rick**  
29th Circuit Court, MI

**District Eight (IN, IL, KY)**

**Hon. Cassandra Lewis**  
Cook County Circuit Court, IL

**District Nine (MO, IA, WI)**

**Hon. Ellen Levy Siwak**  
21st Judicial Circuit, Division 11, MO

**District Ten (KS, MN, NE, ND, SD)**

**Hon. Cheryl Rios**  
Shawnee County District Court, 3rd Judicial District, KS

**District Eleven (TX, AR, OK)**

**Hon. Karen Sage**  
299th District Court, TX

**District Twelve (AZ, CO, NM, UT, WY)**

**Hon. Emily Anderson**  
Adams County District Court, CO

**District Thirteen (WA, OR, AK, HI, ID, MT)**

**Hon. Karen Donohue**  
Seattle Municipal Court, WA

**District Fourteen (CA, NV)**

**Hon. Anita Santos**  
Contra Costa Superior Court, CA

## SPECIAL DIRECTORS

**International Director**

**Hon. Lisette Shirdan-Harris**  
Philadelphia Court of Common Pleas, PA

**ABA Delegate**

**Hon. Toni E. Clarke**  
Circuit Court for Prince George's County, MD

## DISTRICT NEWS

### DISTRICT ONE (MA,ME,NH,PR,RI)

#### NEW MASSACHUSETTS APPOINTMENTS

Congratulations to the following women judges who were appointed to the bench: Hon. Kimberly Budd to the **Supreme Judicial Court** (from the Superior Court); Hon. Sookyoung Shin to the **Appeals Court**; Hon. Rosemary Connolly, Hon. Hélène Kazanjian and Hon. Karen Green to the **Superior Court**; Hon. Michele A. Ouimet-Rooke, Hon. Michele Amour and Hon. Ina Howard Hogan to **District Court**; Hon. Maria Theophilis to Housing Court; Hon. Linda Sable, Hon. Tracie Souza and Hon. Carol Shaw to **Juvenile Court**; and Hon. Melanie Gargas and Hon. Lee Peterson to **Probate and Family Court**.

#### BRANCHING OUT: OPPORTUNITIES TO MAKE A DIFFERENCE IN THE THREE BRANCHES



District One presented *Branching Out 2016: Opportunities to Make a Difference in the Three Branches of Government* to a crowded audience on November 16, 2016.

The program was held in the John Adams Courthouse in Boston which had been restored to its historic beauty under the guidance of then Supreme Judicial Court Chief Justice Margaret Marshall. The program was sponsored by the Women's Bar Association of Massachusetts (WBA).

District Director Judge MaryLou Muirhead and WBA President Kristin Shirahama hosted the after-work program, together with Massachusetts Appeals Court Associate Justice Ariane Vuono, Chair of the NAWJ's Finance Committee, and NAWJ Past Presidents Massachusetts Supreme Judicial Court Associate Justice (Retired) Fernande (Nan) Duffy and Massachusetts Juvenile Court Chief Justice Amy Nechtem. A representative from each of the three branches shared their path to a leadership role in government: Marylou Sudders, Secretary of Health and Human Services in the Baker Administration; Linda Dorcena Forry, Senator for the First Suffolk District; and Associate Justice Geraldine Hines of the Massachusetts Supreme Judicial Court. The associations presented an award to Representative Ellen Story of the Third Hampshire District who concluded 24 years of service in the state legislature. After the presentations the audience participated in one of two panel presentations moderated by Justices Nechtem, Vuono and Duffy. Moderators led the panelists through dialog about

their motivation to enter government service, challenges they had to overcome, and lessons they learned. Panelists included Attorney Sharon Shelfer Casey, Executive Director of the Massachusetts Judicial Nominating Commission; Representative Ellen Story; Magistrate Judge Page Kelley of the U.S. District Court for the District of Massachusetts; Associate Justice Kimberly Budd of the Massachusetts Supreme Judicial Court; Associate Justices Amy Blake and Gabrielle Wolohojian of the Massachusetts Appeals Court; Judges Pamela Dashiell and Debra DelVecchio of the Boston Municipal Court; and Judge Helen Brown Bryant of the Massachusetts Juvenile Court.



The program concluded with a networking reception where judges, state representatives and executive branch officials mingled with law students, interns and attorneys over refreshments.

Hon. Patricia Flynn, Massachusetts Juvenile Court, was **reelected Clerk of the Massachusetts Judges Conference** at its annual meeting in the fall of 2016.

Hon. Gloria Tan, Massachusetts Juvenile Court, was a panelist for the **How to Become a Judge or Clerk Magistrate** seminar offered by Massachusetts Continuing Legal Education in Boston in November.

On June 7, 2016 an interview appeared in InDepthNH about **Hon. Linda Stewart Dalianis, Chief Justice of the Supreme Court of New Hampshire**. She is enjoying her 36th year on the bench. She was the first woman appointed to the Supreme Court and it is first woman Chief Justice. One story she shares of her early days was that male court officers would sometimes call her honey and she would reply “that’s Judge Honey” and eventually the point was made.

On January 8, 2016 the **Chief Justice of the Rhode Island Family Court, Haiganush R. Bedrosian, retired**. She was the first woman in the family court and the first woman chief justice.

In April 2016, **Rhode Island Superior Court Judge Patricia A. Hurst**, a jurist of wit, wisdom and legal acumen, retired after 26 years on the State Trial Court.

## DISTRICT TWO (CT,NY,VT)

### EQUAL MEANS EQUAL

On October 26, 2016, the District co-sponsored **Equal Means Equal**, which featured a documentary about the Equal Rights Amendment and a panel discussion with Kamala Lopez, Director of “Equal Means Equal”, Ellen Chesler, Senior Fellow, Roosevelt Institute and Lenora Lapidus, Director, Women’s Rights Project, ACLU.

### GAVEL GAP

The District, along with two Women’s Bar Associations and the New York State Bar, presented a Gavel Gap program on November 5, 2016 which will discussed why New York’s Judiciary doesn’t reflect the population.

### BEYOND THE BARS

NAWJ New York Women in Prison Chapter continued its popular seasonal programs Toy, Toiletry and Book Drive for the Beyond the Bars.

### NEW YORK CHAPTER HONORS



(Pictured from left: Hon. Leslie E. Stein; Marie Komisar, executive director of the NAWJ; Hon. Kathy J. King, president of the NY Chapter of NAWJ; Hon. Betty Weinberg Ellerin; Hon. Darcel Clark; and Hon. La Tia W. Martin (who received the award on behalf of Chief Judge Janet DiFiore, not pictured). Eagle photos by Rob Abruzzese.)

NAWJ New York Chapter hosted its annual dinner on June 29 at Giando On the Water in Williamsburg where it honored Chief Judge of the State of New York Janet DiFiore and two others. In addition to Judge DiFiore, Hon. Leslie E. Stein, associate judge of the court of appeals, and Hon. Darcel Clark, district attorney in the Bronx, were also honored. “Isn’t this a wonderful evening?” said Hon. Kathy J. King, president of the NAWJ New York Chapter. “We have a beautiful mix of powerful women mingling with colleagues and friends while supporting a great organization.” The ceremony at the event was brief, with state Assemblymember Annette Robinson giving the invocation, King speaking about the organization and then presenting awards to the three honorees and the honorees then giving short remarks. Each honoree also received a Tiffany crystal bowl engraved

## DISTRICT NEWS

with the NAWJ's emblem. "In the poem, 'The Phenomenal Woman,' the late Poet Laureate Maya Angelou speaks of a woman who is self-confident and unafraid to fight for the rights of others," King said. "Tonight's honorees are examples of phenomenal women."



Unfortunately, a last minute conflict kept Judge DiFiore from attending the event, so Hon. La Tia Martin accepted the award on her behalf and read from remarks that DiFiore prepared. "Since its founding, NAWJ has done so much to ensure equal justice and access to the courts for women and minorities and to foster camaraderie and establish an effective network of resources for judges," Judge DiFiore's statement read. "Your work has been instrumental in developing judicial leaders and facilitating the ascendancy of strong female leadership in our profession."

The next award was presented to Stein, who chaired the Gender Fairness Committee in the New York State Court of Appeals, Third Department from 2001 through 2005. "Every step of the way throughout my career, during every event I've attended and every place that I've been, I always felt at home because of the people that I knew from the Women's Bar Association or from the National Association of Women Judges," Judge Stein said after she received her award. "We are all there for each other, help each other — none of us are doing this by ourselves."

Finally, former Judge Clark of 16 years and a past president of NAWJ, was presented with her award. King cited her being the first African-American woman district attorney and for her initiative as DA to place a permanent staff inside Riker's Island as the reason for honoring her. "To be honored by friends and mentors has got to be one of the highest accolades that anyone could receive, and that's what you are doing here today," Clark said. "Women judges continue to rise here in New York state. Last time I checked, there was 471 women out of 1,401 judges in the entire state, so we're doing our thing and we'll keep doing it."

### JUDGE CHERYL GONZALES AND JUSTICE BETTY J. WILLIAMS NAMED 2016 RECIPIENT OF THE MATTIE BELLE DAVIS AWARD



(Judge Cheryl Gonzales center-left and Justice Betty Williams center-right.)

NAWJ awarded the Honorable Cheryl Gonzales and Justice Betty J. Williams the Mattie Belle Davis Award during its annual conference in Seattle on Saturday, October 8, 2016. The Award recognizes NAWJ members who have gone above and beyond her or his role as member and volunteer to help make a difference in the organization and furthered its mission, as the Honorable Mattie Belle Davis once did. Judge Gonzales and Justice Williams shared this award with Federal Administrative Law Judge, the Honorable Brenda Murray.

### DISTRICT FOUR (DC,MD,VA)

#### NAWJ WOMEN IN PRISON COMMITTEE CO-CHAIR HON. BRENDA MURRAY NAMED 2016 RECIPIENT OF THE MATTIE BELLE DAVIS AWARD



Judge Brenda Murray (left in photo), Chief Administrative Law Judge at the United States Securities and Exchange Commission was President of NAWJ 1992-1993. Judge Murray has long shared an active and fruitful leadership of NAWJ's Women in Prison Committee with Justice Betty Williams. She instituted and organized one of the first re-entry conferences for women inmates in Maryland, Women Moving Forward. The leadership she brought to this program has drawn the appreciation of inmates who were better prepared to sustain lives outside prison, and



admiration of the facility management. Ever since Judge Murray and other judges pressed the Senate Judiciary Committee for gender-specific policies for incarcerated women back in 1995, she has put forth a strong voice in offense to their neglect. Most recently, Judge Murray has maintained this commitment in advocacy for the federal inmates transplanted from Danbury to Brooklyn. (Judge Murray shares this year's Mattie Belle Davis Award with New York City Housing Court Supervising Judge, the Honorable Cheryl Gonzales, and with New York State Supreme Court Judge, the Honorable Betty J. Williams.)

#### **NAWJ PAST PRESIDENT HON. ANNA BLACK-BURNE RIGSBY NAMED CHIEF OF THE DISTRICT OF COLUMBIA'S HIGHEST COURT**



The District of Columbia Judicial Nomination Commission designated Judge Anna Blackburne-Rigsby to serve as Chief Judge of the District of Columbia Court of Appeals. Judge Blackburne-Rigsby assumed the office on March 18, 2017. Having served on both the Superior Court of the District of Columbia and the Court of Appeals with distinction, she brings a wealth of experience and commitment to

the position of chief judge. Judge Blackburne-Rigsby is widely respected by colleagues, Court staff, litigants, attorneys, public officials, and members of the local community. The Court and the residents of D.C. are fortunate that Judge Blackburne-Rigsby is willing to assume the additional duties and responsibilities of chief judge.

Judge Blackburne-Rigsby has served the citizens of the District of Columbia for much of her legal career. After graduating from Duke University, she received her Juris Doctor from Howard University School of Law, having served as lead articles editor of the *Howard Law Journal* and cocaptain for the Charles Hamilton Houston Moot Court Team. Judge Blackburne-Rigsby worked in private practice and served in the public sector before being appointed to Superior Court. She was both special counsel to the then-corporation counsel, and deputy corporation counsel in charge of the Family Services Division. Judge Blackburne-Rigsby was appointed as a magistrate judge on the Superior Court in 1995, and in 2000, was appointed by President William J. Clinton to the Superior Court. In 2006, President George W. Bush appointed Judge Blackburne-Rigsby to the Court of Appeals.

During her 21 years on the District of Columbia Courts, Judge Blackburne-Rigsby earned a reputation as a gracious and respected colleague and leader. She has served as acting chief judge of the Court of Appeals, and has mentored newly appointed judges on both Courts. Judge Blackburne-Rigsby has demonstrated a deep commitment to access to justice for all residents of the District of Columbia: She currently

chairs the District of Columbia Courts' Standing Committee on Fairness and Access and she also serves on the District of Columbia's Access to Justice Commission.

Judge Blackburne-Rigsby teaches professional responsibility as an adjunct faculty member at the David A. Clarke School of Law of the University of the District of Columbia. She has also taught courses at Harvard Law School and for the District of Columbia Bar. An active leader and member of various legal, judicial, and community organizations, Judge Blackburne-Rigsby has served as president of the National Association of Women Judges, chair of the Washington Bar Association's Judicial Council, and as a past chair and current member of the Board of Managerial Trustees for the International Association of Women Judges. Locally, she is supportive of youth organizations. Judge Blackburne-Rigsby has received numerous awards for her legal, judicial, and community service, including the Women's Bar Association of the District of Columbia's "2014 Star of the Bar Award."

#### **DISTRICT FIVE (FL,GA,NC,SC)**

#### **NAWJ NAMED ELIZABETH M, HERNANDEZ, ESQ. AND AKERMAN LLC 2016 RECIPIENTS OF THE FLORENCE K. MURRAY AWARD**



In September, NAWJ announced the 2016 recipients of the Florence K. Murray Award would recognize Elizabeth M. Hernandez, Esq. and Akerman LLC. Ms. Hernandez has been an NAWJ Resource Board member since 2015, though successfully leading NAWJ's campaigns since 2012, where she was Friends Committee Co-Chair

for NAWJ's 2012 Annual Conference in Miami. The Florence K. Murray Award was instituted by its namesake, the Honorable Florence K. Murray, for presentation to a non-judge who, by example or otherwise, has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession. Akerman LLP has a long history of public service and corporate citizenship that stems from a deep commitment to serve as allies and advocates in our communities. Their philanthropic efforts focus on causes we feel are important, worthwhile, and vital – particularly in the areas of education and youth development. The firm addresses critical social issues through community partnerships, employee volunteerism, pro bono service, and by collaborating with clients to expand the reach of shared purpose-driven initiatives.

## DISTRICT SEVEN (MI,OH,WV)

### MICHIGAN

#### FACE OF JUSTICE

This outreach event took place on October 25 at the Hall of Justice in Lansing, MI. It was co-sponsored by the Michigan State Bar, Diversity and Inclusion Advisory Committee, Law Related Education & Public Outreach Committee, and the Equal Access Initiative Committee. Sixty students from three Lansing High Schools were greeted by Michigan Supreme Court Justice Bridgette McCormack before taking part in panel discussions, jet-mentoring sessions, and tours of the Hall of Justice Learning Center and the Court of Appeals courtroom. Approximately 20 mentors participated, including the Michigan State Policy, judges, lawyers, and law students. The Equal Access Initiative, Juvenile Outreach Workgroup of the State Bar is looking to replicate the program on a regular, ongoing basis. They are hoping to present the program to students in the Flint public schools next.

#### TAKING NETWORKING TO NEW HEIGHTS: MICHIGAN STATE UNIVERSITY LAW SCHOOL AND NAWJ CO-SPONSOR MENTORJET



NAWJ District 7 Director Judge Michele Rick joined members from across Michigan's legal community to participate in the successfully popular MentorJet Program in Michigan. Taking Networking to New Heights took place at Michigan State University Law School on November 15, 2016. In addition to Janet Welch, Executive Director of the State Bar of Michigan, and Michigan State University Law School Dean Larry Ponoroff, mentors included: Hon. Donald. J. Allen, Brendon Basiga (Basiga Law Firm), Hon. Thomas Boyd, Geraldine A. Brown (Assistant Attorney General), Alannah Buford (Plunkett Cooney), Hon. Janice K. Cunningham (56th Circuit Court), Reid DeManche (Quinn Law Group), Robert Easterly (Foster Swift), Carmen Fahie (Administrative Law Judge, LARA), Joel T. Finnell (Sinus, Dramas, Brake, Boughton & McIntyre, P.C), Anita Fox (Fraser Trebilcock), Henri Harmon (Harmon Law Firm), Katila Howard (Foster, Swift, Collins & Smith),

Ryan Mills (Foster Swift), Lawrence P. Nolan ( President, State Bar of Michigan), David Nows (Foster Swift), Takura Nyamfukudza, (lane & Chartier, P.L.C.), Elizabeth Petsche (College of Osteopathic Medicine, Michigan State University), Jeffrey P. Ray ( Jeffrey P. Ray, P.C.), Alexander Rusek (White Law PLLC), Jeffrey Sattler (Schafer & Weiner Law Offices), Erin Sedmak (Dykema), Doug Van Epps (Director, Office of Dispute Resolution), Mieke V. Weissert, Esq. (Loomis, Ewert, Parsley, Davis & Gotting, P.C.), .Col. John Wojick (General Counsel, Michigan National Guard) and Muzna Zeitouni.

#### Women Lawyers Association of Michigan (WLAM) Mid-Michigan Region Judge Carolyn Stell Annual Dinner

NAWJ sponsored a table at this event held on November 9, 2016. A 54B Judicial District Judge Andrea Larkin was recognized for her contributions on the bench, and a \$1000 scholarship was awarded to Michigan State University law student Brittany Nichol.

#### Women Lawyers Association of Michigan (WLAM) Mid-Michigan

Judge Rick spoke at the Mid-Michigan WLAM Annual Conference as part of a judicial panel discussion in March on family law matters.

### OHIO

#### NAWJ Ohio State Chair Judge Mary Margaret Rowlands Awards District 7 2017 Access to Justice Scholarship

Judge Mary Margaret Rowlands presented the 2017 Access to Justice Scholarship to University of Akron third year law student Kenton Steele. This year, the scholarship was offered to a student who participated in Akron Law's Summer Trial Academy. Mr. Steele exemplifies the mission of NAWJ and the qualities the scholarship is designed to advance. Drawing from her pre-judicial career as a trial lawyer, Judge Rowlands worked with Professor Dana Cole to create the Summer Trial Academy in 2015. The Summer Trial Academy is a highlight of Akron Law's commitment to trial advocacy training. It is modeled after similar programs at Harvard Law and Gerry Spence's Trial Lawyer College. Twenty four students spend each morning, afternoon and evening for two weeks with volunteer trial lawyers from the community working through trial preparation, culminating in trials heard by local judges with incoming law students sitting as jurors.

Judge Rowlands earned her J.D. from The University of Akron School of Law in 1989 and has been a judge on the Summit County, Ohio, Common Pleas Court since 2009. She is dedicated to diversity and equality in the legal profession, protecting individual rights, fairness and equality in the courts, and equal access to justice.

**DISTRICT NINE (MO,IA,WI)**

**JUDGE KAREN ROMANO HOSTS JUDGES AND ACADEMICS FROM NIGERIA AS PART OF THE U.S. STATE DEPARTMENT'S VISITOR LEADERSHIP PROGRAM**



(L-R: Judge Theresa Igoche (High Court of Benue State, Makurdi); Judge Ijeoma Ojukwu (Federal High Court); Judge Karen Romano; Judge Binta Nyako (Federal High Court and Vice-President of IAWJ); and Judge Patricia Mahmoud (Kano State High Court)

District Nine member Judge Karen Romano met with a group of ten judges and law professors from Nigeria on August 11, 2016. The group visited Washington, D.C. before arriving in Des Moines, Iowa, and also stopped in Atlanta, GA. The international visitors were participating in the U.S. Department of State's International Visitor Leadership Program. The title of the groups visit was Judicial Independence and Human Right in the U.S. The group visited the Polk County Courthouse and met with Judge Romano, District Court Administrator Christopher Patterson and Clerk of Court Supervisor Cindy Johnson. The four women judges in the group are members of the IAWJ and the Nigerian Association of Women Judges. The group included Judge Binta Nyako the current Vice-President of IAWJ.



**DISTRICT TEN (KS,MN,ND,NE,SD)**

Read about the Kansas' Informed Voters program on pages 18-20 of this newsletter.

**DISTRICT THIRTEEN (AK,HI,ID,MT,OR,WA)**

**OREGON WOMEN LAWYERS RECOGNIZES NAWJ PAST PRESIDENT HON. JULIE FRANTZ WITH THE JUSTICE BETTY ROBERTS AWARD**



Past President Julie Frantz, a judge on the Multnomah County Circuit Court, was recognized by the Oregon Women Lawyers with its very prestigious Justice Betty Roberts Award. The award recognizes an individual who has made an outstanding contribution to promoting women in the legal profession and in the community.

The recipient is a person who has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the profession. The presentation took place on March 10, 2017 at the Portland Art Museum where the 25th annual Roberts & Deiz Awards Dinner was held.

**WASHINGTON**

Read about the fantastic work of Washington's members in the retrospective of NAWJ's 2016 Annual Conference in Seattle last October on page 4 in this newsletter.

**NAWJ AWARDS HON. KAREN DONOHUE 2016 RECIPIENT OF JUSTICE VAINO SPENCER LEADERSHIP AWARD**



The Honorable Karen Matson Donohue (in photo, right) was recognized as the 2016 recipient of the Justice Vaino Spencer Leadership Award. She is a Judge on the Seattle Municipal Court, and she has been an active member of NAWJ since 2011. The NAWJ community will benefit greatly from the substantial and relevant education programs Judge Donohue's has produced through her multi-year work planning programs for the annual conference in Seattle. Judge Donohue also volunteers significant time to NAWJ as Project Manager of its new website. NAWJ's site would not appear as elegant as it does without the well-organized coordination and management of multiple parties.

Judge Karen Donohue joined the Seattle Municipal Court bench in January, 2011, where she currently serves as Presiding Judge. Judge Donohue served two terms as Assistant Presiding Judge and is a member of the Court's Executive Team. Judge Donohue is the Washington State Chair for the National Association of Women Judges (NAWJ), co-chair of the education committee for the 2016 NAWJ Conference and has served on the NAWJ Website Committee. She is a board member of the Washington State District and Municipal Judges Association (DMCJA), is co-chair for the DMCJA education committee and has served on the DMCJA Department of Licensing Liaison Committee and the Uniform Citation Committee. Judge Donohue is the Chair of the Trial Court Coordinating Council, a member of the King County Bar Association Award Committee and the Regional Law, Safety & Justice Committee and regularly volunteers to judge law school and youth mock trials. In 2012, Judge Donohue co-founded Seattle Youth Traffic Court.

Prior to joining the bench, Judge Donohue worked as a Judge Pro Tem in several district and municipal courts, in a general practice firm, as a law clerk/bailiff, prosecutor and defense attorney, consultant and solo practitioner, director of a game board company and as General Counsel at a global telecommunications consulting and network development firm. In 1998, Judge Donohue relocated to Dublin with her family for a year, where she also acted as General Counsel to an Irish mobile phone company.

### ALASKA

Alaska is excited to announce that four new women judges have been appointed to the bench since 2017 began. The Hon. Tracey Wollenberg has been appointed to the Alaska Court of Appeals (making that court now majority female). The Hon. Jennifer Wells and the Hon. Christina (Tina) Reigh have been appointed to the Alaska Superior Court. And, the Hon. Kirsten Swanson has been appointed to the Alaska State District Court. NAWJ Alaska State Chair Hon. Pam Washington will be reaching out to all of them to join NAWJ.

## DISTRICT FOURTEEN (CA,NV)

### JUDGE ELIZABETH RIGGS FIRST AFRICAN AMERICAN WOMAN JUDGE IN SAN DIEGO COUNTY TRIAL COURT 1941-2017



The Honorable Elizabeth A. Riggs was appointed to El Cajon Municipal Court in 1979 where she remained the first and only African American woman judge until 2000, serving as Presiding Judge in 1984-1985. Judge Riggs opened El Cajon's first domestic violence court in 1997 and

became a Superior Court Judge in 1998 until her retirement in 2002.

She has served as Past President of the Earl B. Gilliam Bar Association, founded the Black Attorneys Association of San Diego, and served as a board member of the San Diego Legal Aid Society, Urban League of San Diego, and the African-American Museum of Fine Arts. She has been honored as a 'Legend of the Bar' by the San Diego Bar History Committee, 39th Senate District's Woman of the Year in 2007, and inducted as a Trailblazer in the San Diego County Women's Hall of Fame in 2008. Judge Riggs served in a variety of assignments with the court including many years in juvenile. After her retirement, Judge Riggs provided regular coverage for our court in juvenile delinquency and dependency assignments. Before her judicial career, she worked at the YWCA, the Neighborhood Youth Corp and directed Head Start before community leaders urged to go to law school. She graduated Rutgers, Class of 1973, and was admitted to California Bar June 18, 1974. She went on to serve as Deputy District Attorney San Diego (1974-1977), and Deputy Attorney General San Diego (1977-1979).

### NAWJ PRESIDENT JUDGE DIANA BECTON LEADS SUMMIT ON DIVERSITY IN THE CALIFORNIA JUDICIARY

The third summit on Diversity in the California Judiciary, co-sponsored by the Judicial Council, the State Bar Council on Access & Fairness (COAF) and the California Judges Association (CJA), was held on October 1, 2016 in San Diego. The summit was led by Judge Diana Becton, then NAWJ President-Elect. Prior summits were convened in 2006 and 2011. The summit reviewed accomplishments since the 2011 summit and established a pipeline and a newly introduced wind tunnel for ongoing dialogue and continued increases in diversity on the bench. The summit acknowledged accomplishments and the diversity that includes economic disparities, academic and practice backgrounds, as well as the traditional race, ethnic, gender and sexual orientation diversity. The summit was well attended by the bench, students, the community, as well as jurists young and seasoned and concluded with a lively fireside chat.

### ORANGE COUNTY WOMENS LAWYERS AND NAWJ SEVENTH ANNUAL SPEED MENTOR EVENT



The 7th Annual Speed Mentoring event at Chapman University Law School was held on September 15, 2016. It was co-sponsored by NAWJ and the Orange County Women Lawyers. Judge Jamao Moberly and Deirdre Kelly chaired the event, which began with a buffet dinner. Over 70 students and mentors attended. Students rotated around 12 tables staffed with mentor judges from the Orange County Superior Court and attorneys from diverse practices.

**“FREEDOM THROUGH WORDS BOOK CLUB” THE BRAINCHILD OF SAN DIEGO COMMISSIONER PENNIE MCLAUGHLIN GARNERS RECOGNITION WITH PLAQUE IN JAIL LIBRARY**

The local women’s jail in San Diego expressed plans to mount a plaque recognizing the work of the NAWJ in their new jail library. The San Diego judicial community has led active book club with the women for a year, and they have collected over 1,000 books to stock the shelves of the women’s jail. The women inmates are quite grateful, and asked that NAWJ be recognized on their library wall for its contributions.

**SAN DIEGO NAWJ BENCH WELCOMES JUDGES FROM MONGOLIA**

San Diego Judge Tamila Ipema hosted a group of judges from Mongolia at the San Diego Superior Court for a discussion about the rule of law in Mongolia and the United States.

NAWJ members Judges Ted Weathers, Terrie Roberts, Laura Halgren, Lisa Rodriguez and Patricia Garcia were present. The Assistant Supervising Judge for the San Diego County Superior Court, Judge Peter Deddeh was also in attendance.

**FOURTH ANNUAL NAWJ- BANKRUPTCY JUDGES MEET AND GREET**



On October 27, 2016, members of the National Conference of Bankruptcy Judges, who are also members of NAWJ, hosted their 4th Annual National Conference of Bankruptcy Judges-NAWJ Meet and Greet Breakfast at the NCBJ Conference in San Francisco.

The breakfast, held in the Wine & Stables at the Cavalier restaurant at the Hotel Zetta, was a warm and wonderful success. Much gratitude went to NCBJ, NAWJ liaison committee chair, Judge Rosemary Gambardella, and NAWJ Federal Judges Committee co-chair Colleen Brown. NAWJ President Diana Becton was present and offered inspiring remarks and an overview of upcoming NAWJ projects.

**COLOR OF JUSTICE HOSTED IN SAN DIEGO**

Judge Tamila Ipema, San Diego County Superior Court, chaired the 7th annual Color of Justice and mentor jet programs at the San Diego Superior Court. The Honorable

Randa Trapp inspired the students with her own life story and eloquently moderated the Color of Justice portion of the program. Mr. John Gomez, Esq., and Ms. Renee Galente, Esq., were phenomenal and engaging speakers and the students truly enjoyed listening to their paths to success. The 40 students from King Chavez Community High School were further engaged and motivated through their one-on-one conversations with more than 40 mentors during the jet mentor portion of the program.

**JUDGE TAMILA IPEMA HONORED BY LA VERNE LAW SCHOOL AS AN OUTSTANDING JURIST**

On October 1, 2016, Hon. Tamila Ipema (NAWJ’s Treasurer) was honored by La Verne Law School as an Outstanding Jurist for her many contributions to the bench and the community. These include chairing the NAWJ Color of Justice and Mentor Jet programs in San Diego and service with NAWJ.

**NAWJ RECOGNIZED HON. JUDITH C. CHIRLIN AS 2016 JUSTICE JOAN DEMPSEY KLEIN NAWJ HONOREE OF THE YEAR**



(Judge Judith Chirlin, right, acknowledges NAWJ co-founder Justice Joan Dempsey Klein, left, as then NAWJ President Lisa Walsh, center, looks on at the Banquet during NAWJ’s Annual Conference in Seattle, October, 2016.)

The NAWJ Award Committee recognized the Honorable Judith C. Chirlin as the 2016 Justice Joan Dempsey Klein Honoree of the Year. She is the Executive Director of the Western Justice Center and a neutral with Judicate West. She was appointed Judge to the Los Angeles Superior Court in 1985, and retired September 30, 2009. This award is to honor a judge who brings distinction to her office and to the NAWJ as exemplified by our founding mother, Justice Joan Dempsey Klein. Over the years, Judge Chirlin has been involved in numerous efforts to improve the legal system and the administration of justice in California, throughout the nation and around the world. In 1984 she designed and from that time through the present, has participated in seminars called “So You Want to be a Judge” for women’s, minority and other bar associations throughout the state. Those seminars have been widely recognized as having demystified the process of judicial appointments in California and having resulted in significantly increased diversity in judicial appointments throughout the state.

## DISTRICT NEWS

Judge Chirlin has also been called upon to consult on judicial selection in other states, discuss judicial selection on panels at national meetings and testify before the United States Senate Judiciary Committee on the subject of diversity in judicial appointments.

### **NAWJ NEVADA STATE CHAIR JUDGE PATRICIA LYNCH, TRAVELS TO AFRICA TO TRAIN WITH A LOCAL JUDGE**



In December 2016, Nevada Judge Patricia Lynch traveled to Zimbabwe with the Northern Nevada International Center and met with Chief Nelukoba of the Tonga Tribe in the Matabeleland Province in North Western Zimbabwe. Chief Nelukoba has judicial training and is the judge in his community. His court follows common law for the most part and most fines are paid in terms of cattle

or a monetary or other equivalency of cattle. Custom allows male heirs to be the chief but Chief Nelukoba has stated his intent to designate his eldest daughter as the Chief to succeed him. Judge Lynch was struck by how conscientious and dedicated he was to insuring justice in his community.

### **HONORABLE LIDIA S. STIGLICH APPOINTED TO THE SUPREME COURT OF NEVADA**



Prior to her appointment to the Supreme Court, Justice Lidia Stiglich was appointed District Court Judge of the Second Judicial District Court by Nevada Governor Brian Sandoval in November 2012, and was subsequently retained by voters in 2014. As the Presiding Judge of the District Court, Justice Stiglich heard civil and criminal trials. In addition, she served as the Probate Judge for the district

and was also the co-founder and Presiding Judge of the Youth Offender Drug Court. This specialty court was designed for the young adult population (ages 18 to 24) who are opiate/heroin users, as an alternate sentencing/rehabilitation program. Justice Stiglich's vast experience includes significant federal and state criminal and civil matters, as well as administrative law. Prior to her appointment to the bench, Justice Stiglich was the founder and managing partner of Stiglich & Hinckley, LLP. In addition to her role at the firm, she also served as special counsel to Lieutenant Governor Brian K. Krolicki, where she advised on legal matters related to economic development, tourism, cultural affairs, and other special projects. Justice Stiglich is admitted to practice law in Nevada and California.

Justice Stiglich currently serves as a faculty member at the National Judicial College and an instructor at the University of Nevada, Reno. She has served as an adjunct

law professor at the John F. Kennedy School of Law, Golden Gate University School of Law, and New College of the Law. She is a member of the Washoe County Bar Association, the Northern Nevada Women Lawyers Association, and the National Association of Women Judges. Justice Stiglich graduated from the University of California, Berkeley with a Bachelor of Science in Business Administration, emphasis in Finance. While at UC Berkeley, she was a member of the intercollegiate softball team. Justice Stiglich received her Juris Doctorate from the University of California, Hastings College of Law.

### **SENIOR MILITARY JUDGE BETHANY L. PAYTON-O'BRIEN SERVES ON THE FACULTY OF GUJARAT NATIONAL LAW UNIVERSITY'S MILITARY LAW AND JUSTICE ACADEMY**



In January, 2017, Captain Bethany L. Payton-O'Brien (second right), JAGC, USN, Senior Military Judge in the Navy-Marine Corps Trial Judiciary's Western Judicial Circuit in San Diego, gave a presentation at the 2017 Military Law and Justice Academy held at the Gujarat National Law University (GNLU) in India. This was the second occasion for which Judge Payton-O'Brien was invited to speak at the GNLU Academy (the first time in July 2015). GNLU is the second largest law school in India. This year, the Training Program took a major step ahead to focus on the concept of Militarism, Martial Law, Human Rights of the Forces and Global Perspective of Military Laws, English Articles of War on which the Indian and US military laws are primarily based. Additional training topic included Comparative analysis of procedures and practice: the British, US and Indian Military Justice System; Critical appraisal and analysis and future reforms.





NATIONAL ASSOCIATION of WOMEN JUDGES  
*The leading voice of women in the judiciary*

## 2017 MIDYEAR MEETING AND LADY JUSTICE AWARDS GALA

JUNE 7-8, 2017 • THE BEVERLY HILTON • LOS ANGELES

### HONOREES\*

Justice Sandra Day O'Connor (Retired) | *Lady Justice Award for  
Lifetime Achievement*

Hon. Joan Dempsey Klein | *California Court of Appeal  
(Justice, Retired); NAWJ Founding Mother*

Hon. Vaino Hassan Spencer (posthumously) | *California Court of Appeal  
NAWJ Founding Mother*

Janet Langhart Cohen | *Emmy-Nominated Journalist and Playwright*

Sharon Stone | *Actress & Activist*

Nina Shaw, Esq. | *Entertainment Attorney*

\* Additional Champions to be named later.

## NAWJ INVITES YOU

*to a once-in-a-lifetime occasion filled with friendly gatherings and educational sessions, and topped off with our premier, dazzling red carpet Lady Justice Awards Gala at the beautiful Beverly Hilton Hotel.*

### HIGHLIGHTS

- Wednesday Welcome Reception
- Thursday Education Sessions on Trending Topics
- Thursday Keynote Luncheon, Pamela Samuels Young, Esq., Attorney and Author
- Reception Honoring California Law School Deans
- Lady Justice Awards Dinner promising recognition of artists, and social champions.

### REGISTRATION FEES

\$545 First-Time Member Attendee  
\$695 for NAWJ Members  
\$745 for Non-Member Attendees  
\$350 for Lady Justice Awards Gala Only (limited)

Visit [www.nawj.org](http://www.nawj.org) to register online and for more information.

### ROOM RESERVATIONS

at The Beverly Hilton.  
Call (310) 274-7777 NAWJ Rate: \$299 night, plus state and local taxes, single or double occupancy

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The National Association of Women Judges greatly appreciates the generosity of law firms, organizations and individuals whose multi-year sponsorships allows us to expand the reach of our programs.

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## CONTRIBUTIONS

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Lisa Dale  
Linda Davis  
David DeJong  
Benson D'Metria  
Karen Donohue

## WOMEN IN PRISON NEWS

### BROOKLYN JUDGE HALTS COMMITMENTS DUE TO NAWJ WIP REPORT



The Women in Prison Committee June, 2016 report on its second visit to Bureau of Prison's Metropolitan Detention Center (MDC) in Brooklyn, New York found notice with sentencing judges in New York. A federal judge, Brooklyn Magistrate Judge Cheryl Pollak (photo), said in October, 2016 that she was reluctant to remand female defendants to the Metropolitan Detention Center in Brooklyn in light of "unconscionable" conditions found at the jail. As reported by John Marzulli of the New York Daily News, Judge Pollak said she was troubled by the conditions at the MDC cited in a recent report by the National Association of Women Judges. The report, documented in the Summer, 2016 Counterbalance newsletter, details conditions of life for women in the Sunset Park facility: "The absence of fresh, clean air, the complete absence of

sunlight, and the absence of ANY outdoor time and activities are immediate issue which BOP has failed to address in any meaningful fashion," the report says.

### 'WOMEN ARE BACK AT FEDERAL PRISON IN DANBURY' BY DIRK PERREFORT AT CONNECTICUT NEWS-TIMES



(Federal correctional institution in Danbury, Connecticut)

Following an outcry over the plan to move female prisoners from the only federal women's lockup in the Northeast, the Bureau of Prisons is now considering keeping some female prisoners housed at the Federal Corrections Institute in Danbury, officials said. Federal officials have confirmed that the last of female prisoners bound for Danbury have been transferred back to the Federal Corrections Institute as a long-delayed construction project nears completion.

Justin Long, a spokesman for the federal Bureau of Prisons, said the transfer began last month and was recently completed. But only a handful of the more than 1,100 women transferred out of the prison in a controversial move three years ago returned. "Many of the original inmates who were moved out of Danbury have already been released from Bureau of Prisons custody," Long said.

According to the prison bureau website, about 1,045 inmates are housed at the Danbury facility, including 78 women in the female portion of the prison. It was formerly a women's prison, made famous by the occasional celebrity inmate and the hit book and television series, "Orange is the New Black." The Bureau of Prisons was criticized in 2013 after announcing plans to turn the low-security prison, which had served women for the previous 20 years, into a men's facility. When both prison advocates and federal lawmakers expressed concern that female inmates would be placed far away from their families, the bureau agreed to rethink its plans.

Federal officials agreed to build a new women's facility on the site, and construction began in 2015. The project was expanded in May 2016 when officials decided to add a building for inmate programs, space for health services, a new visiting area and office space. The combined cost of the projects was about \$24.6 million. Mr. Long said this week that the new facility will eventually house around 200 female inmates.

Women transferred out of the Danbury prison in 2013 were moved to the Metropolitan Detention Center in Brooklyn, N.Y. – a jail that wasn't designed to house long-term inmates. Many advocates complained about the conditions at the jail, including inadequate medical care.



Dragga, Hannon, Hessler & Wills  
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 Diane Eagon  
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 Diane McGimsey  
 Rhian McGrath  
 Rachel McGuckian  
 Penny McLaughlin

Members of the National Association of Women Judges, who visited the Metropolitan Detention Center in June, described the conditions that prisoners face as “unconscionable,” noting at least one inmate hadn’t seen her children and elderly mother in more than a year, and most hadn’t seen daylight since they were transferred from Danbury three years ago.

“These women had all but given up hope that things would get better,” their report stated. “The lethargy was almost palpable.”

### **NAWJ WOMEN IN PRISON COMMITTEE NOTES STEP FORWARD BY U.S. JUSTICE DEPARTMENT BUREAU OF PRISON REFORMS**

For decades, members of NAWJ’s Women in Prison Committee have fought for the improvement in the conditions of women in prison, and a successful and sustained re-entry into society. On November 30, 2016 the U.S. Justice Department announced reforms to reduce recidivism and promote inmate rehabilitation. A summary of reforms below:

- From day one, identifying an inmate’s individualized “criminogenic” needs.
- Building a “school district” within the federal prison system.
- Launching a tablet-based pilot program for inmate education.
- Supporting the Second Chance Pell Pilot Program.
- Encouraging inmates to develop marketable job skills.
- Developing standardized, evidence-based programs to reduce recidivism.
- Prioritizing mental health treatment for inmates.
- Ensuring inmates receive appropriate substance abuse treatment.
- Helping inmates maintain family ties while incarcerated.
- Enhancing programs for female inmates.
- Reducing the use of solitary confinement and other forms of restrictive housing.
- Phasing out BOP’s use of private prisons.
- Reforming and strengthening federal halfway houses.
- Helping inmates obtain government-issued ID prior to their release.
- Equipping inmates with information and resources as they return to the community.

Reports of which NAWJ made recommendations and contributed to the reforms announced may be found on this U.S. Department of Justice webpage here <https://www.justice.gov/prison-reform#ConsultingReports>.

### **NAWJ DISTRICT TWO WOMEN IN PRISON COMMITTEE GATHERS HOLIDAY GIFTS FOR ANNUAL BEYOND THE BARS PROGRAM**

NAWJ’s New York Chapter Women in Prison (WIP) Committee conducted its Toy, Toiletry and Book Drive for its annual “Beyond the Bars” project. The Holiday Program included workshops and an afternoon of musical entertainment. In addition, donated gifts were delivered for the holiday party for the incarcerated women’s children and grandchildren. Gift bags, provided for the women, include toiletries such as lotion, shampoo, conditioner, emery boards, clear nail polish, Vaseline, deodorant (solid only, alcohol free), toothpaste, toothbrush, combs, wash cloths, as well as white socks, note cards, day planners, and candy canes. Committee members regularly donate toiletries, clothing, accessories, bags and luggage for incarcerated women at correctional facilities throughout the state. Beyond the Bars WIP Committee members facilitating the 2016 project included: Judges Laura Jacobson, Sylvia Hinds-Radix, Wavny Toussiant, Yvonne Lewis, Joanne Quinones, Robin Sheares, Cenceria Edwards, Ruth Shillingford, Verna Saunders, Barbara Panepinto, Doris Gonzalez, Laura Douglas, Lisa A. Sokoloff, and Judge Cheryl J. Gonzales, New York State Women in Prison Chair and District 2 Director 2016.

## CONTRIBUTIONS, CONT'D

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Travers Family Foundation  
Lisa Walsh  
Bonnie Wheaton  
Deb Webb  
Jan White  
Betty Williams  
Frances Wu  
Sue Yang

## COMMITTEES

This year, NAWJ President Judge Diana Becton introduced a new committee to the NAWJ community, the Elder Law Committee. This committee, chaired by Hon. Patricia Banks, Presiding Judge of the Elder Law and Miscellaneous Remedies Division of the Circuit Court in Cook County, IL, is planning several panel presentations for this year's conference programs. The Elder Law Committee joins other subject-matter NAWJ committees who may present programs in District meetings and conferences around the country:

### ADMINISTRATIVE JUDICIARY

The Administrative Judiciary committee ensures that administrative law judges at all levels are included and reflected in all aspects of NAWJ membership, leadership, networking, and educational programming. The committee also ensures that proposed legislation and other issues impacting Administrative Judiciaries are fully addressed by the Executive Committee, Board of Directors. Committee Chairs: Hon. Emily Chafa, [emily.chafa@iwd.iowa.gov](mailto:emily.chafa@iwd.iowa.gov) and Hon. Michelle McGovern, [Michelle.McGovern@iwd.iowa.gov](mailto:Michelle.McGovern@iwd.iowa.gov).

### DOMESTIC VIOLENCE

The Domestic Violence committee explores, develops, and presents NAWJ judicial educational programs relating to issues of domestic violence. Committee Chairs: Hon. Bernadette D'Souza, [bdsouza@orleansdc.com](mailto:bdsouza@orleansdc.com) and Hon. Ellen Levy Siwak, [ellen.siwak@courts.mo.gov](mailto:ellen.siwak@courts.mo.gov).

### ELDER LAW

The Elder Law Committee addresses issues amplified by the rapid growth of the older population. The Elder Law Committee seeks to provide training and education for the judiciary, practitioner, and other professionals in the agency network. Committee Chair: Hon. Patricia Banks, [patricia.banks@cookcountyil.gov](mailto:patricia.banks@cookcountyil.gov).

### FAIRNESS AND ACCESS

The Fairness and Access committee recommends steps necessary to ensure diversity in the justice system primarily with respect to women, but also as to minorities and the LGBT community, and ensures that the system provides fair and equal access, opportunity and treatment to all sectors of the community. Committee Chairs: Hon. Cheri Beasley, [bes@sc.nccourts.org](mailto:bes@sc.nccourts.org), and Hon. Victoria Kolakowski, [VKolakowski@Alameda.corts.ca.gov](mailto:VKolakowski@Alameda.corts.ca.gov).

### HUMAN TRAFFICKING

The Human Trafficking committee works toward eliminating human trafficking, especially women and children trafficked for sexual and labor exploitation. Committee Chair: Hon. Elizabeth Lee, [eklee@sanmateocourt.org](mailto:eklee@sanmateocourt.org). ABA Liaison: Hon. Ann Breen-Greco

### IMMIGRATION:

Committee Chair: Hon. Joan Churchill, [churchil@eroLs.com](mailto:churchil@eroLs.com)

### JUVENILE JUSTICE AND CHILD WELFARE

The Juvenile Justice and Child Welfare committee explores, develops, and presents educational programs related to the wide range of juvenile justice and child welfare issues in courts and communities. Committee Chairs: Hon. Amy Nechtem, [amynechtem@gmail.com](mailto:amynechtem@gmail.com) and Hon. Cathy H. Serrette, [chserrette@gmail.com](mailto:chserrette@gmail.com)

### MILITARY COURTS

The Military Courts committee explores programs that inform members about the legal system operating for United States service members and the role of the judiciary. The committee advises on all issues related to women in the military and retired military members. Committee Chairs: Hon. Kirsten Brunson, [brunson@judges.org](mailto:brunson@judges.org) and Hon. Linda Strite Murnane, [Kmurnane98@aol.com](mailto:Kmurnane98@aol.com).

### WOMEN IN PRISON

The Women in Prison committee disseminates information, makes recommendations and develops new initiatives relating to NAWJ programs to improve the lives of women inmates and/or ex-offenders, and their relationship with their children. Committee Chairs: Hon. Brenda P. Murray, [MurrayB@sec.gov](mailto:MurrayB@sec.gov); and Hon. Betty Williams, [bjwillia@courts.state.ny.us](mailto:bjwillia@courts.state.ny.us)



# Atlanta

# 2017



## Access to Justice

## Past | Present | Future

National Association of Women Judges  
39th Annual Conference

October 11-15, 2017 | Atlanta, GA

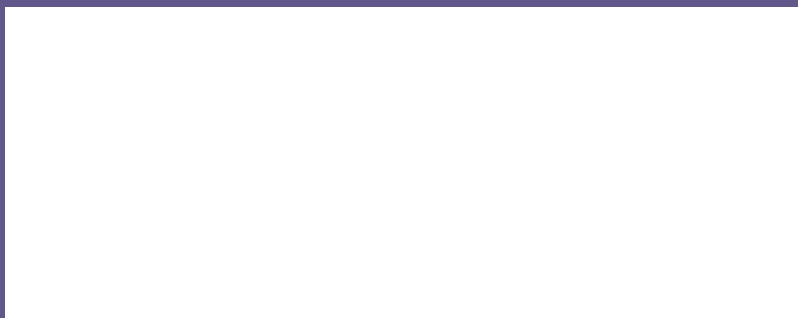
# Register!

**Fees** (until June 30, 2017):  
\$525 First-Time Member;  
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**Rooms:** Sheraton Atlanta Hotel  
\$199/night, plus state and  
local taxes, single or  
double occupancy.



National Association of Women Judges  
1001 Connecticut Avenue, NW, Suite 1138  
Washington, D.C. 20036



# Indian Water Rights

Professor Robert T. Anderson  
University of Washington School of Law  
Seattle, WA  
2016

