

**Liaison Report to ABA's Commission on Women in the Profession
On behalf of National Association of Women Judges
Submitted by Judge Anna Blackburne-Rigsby
NAWJ Liaison, District of Columbia Court of Appeals**

September 2016

I. EXECUTIVE SUMMARY - (Highlight major objectives and initiatives regarding women that your entity plans to pursue this year):

A. About NAWJ: The National Association of Women Judges (NAWJ) is the nation's leading voice for women jurists; we are dedicated to ensuring equal justice and access to the courts for women, minorities, and other historically disfavored groups, providing judicial education on cutting-edge issues. We promote collaboration with women in practice and in the other branches of government, and seek to increase the numbers and advancement of women in the judiciary in this country and around the world. We also promote participation by judges in a variety of programs and initiatives that seek to encourage women, and young women and men of color, to pursue careers in the law, address issues of women in prison, human trafficking, among others. These programs have been developed by NAWJ members for use by judges in their jurisdictions. By way of example, the list below describes some of the programs in which NAWJ judges have participated during this past year, often in collaboration with others:

1. color of justice programs and mentor jet programs
2. human trafficking programs
3. Informed Voter Project to educate the voting public about the role of judges in states that hold judicial elections
4. meetings with women legislators
5. programs with women lawyers that seek to advance women in the profession by increasing diversity of judicial appointments
6. initiatives and programs to improve the treatment of women in prison.

B. President of NAWJ: Judge Lisa S. Walsh, 11th Judicial Circuit of Florida, Miami, Florida, is NAWJ's new President for the 2015-2016 term. The theme for her tenure is "*Securing the Future for Women and Girls*," which focuses on how NAWJ can ensure its mission and goals are achieved in the future.

C. NAWJ hosted the IAWJ Biennial: May 26-29, 2016. NAWJ hosted the International Association of Women Judges' 13th Biennial International Conference and 25th Anniversary in Washington, D.C. from May 26 to May 29, 2016. The theme of the Biennial is "*Women Judges and the Rule of Law: Assessing the Past, Anticipating the Future.*" Over 900 judges and accompanying persons from 81 countries, including the United States attended the 13th Biennial Conference of the IAWJ. This conference celebrated the 25th Anniversary of IAWJ and marks the first time since its founding that the Biennial Conference was held in the United States and

hosted by NAWJ. The conference theme, “Women Judges and the Rule of Law: Assessing the Past, Anticipating the Future,” addressed the critical role that judges play in implementing a strong rule of law for the protection of women and vulnerable populations. In one room, we observed all the world’s conflicts and problems, albeit in a very collegial, friendly and collaborative atmosphere. Keynote speakers included Justice Ruth Bader Ginsburg and Justice Sonia Sotomayor of the Supreme Court of the United States and their women counterparts in high courts from the United Kingdom, Argentina, Philippines, and Zambia.

II. MAJOR/CURRENT WOMEN’S ISSUES: NAWJ’s mission is to promote the judicial role of protecting the rights of individuals under the rule of law through:

- A. Strong, committed and diverse judicial leadership and legal profession;
- B. Fairness and equality in the courts;
- C. Equal access to justice; and
- D. Assisting women and minorities in need.

NAWJ member judges advance this mission by putting on the programs developed by members, speaking in public and participating on educational panels, and collaborating with other entities that share in our mission.

III. ACTION ON MAJOR/CURRENT WOMEN’S ISSUES, AND HOW CWP CAN WORK WITH NAWJ

A. Informed Voters – Fair Judges

The National Association of Women Judges’ Informed Voters/Fair Judges Project (IVP), the brainchild of California Appeals Court Justice Joan Irion, launched on January 1, 2014. Informed Voters garnered many partners in support of its goal. **NAWJ is proud and delighted that the Judicial Division of the American Bar Association has bestowed the Burnham “Hod” Greeley Award to NAWJ for its Informed Voters Project.** This award is given to an organization for making a significant, positive impact on public understanding of the role of the judiciary. NAWJ is grateful for the efforts of Hon. Cara Lee Neville, Hon. Diana Eagon and Hon. Renee Worke for their efforts nominating NAWJ.

We appreciate the ABA and the CWP’s continued support for the Informed Voters—Fair Judges Project.

B. The Role of the Judiciary in Promoting Diversity in Appointments to Committees and Commissions

The program concept was initially developed at the instigation of then-CWP chair, Bobbi Liebenberg, who appointed Nan Duffly, NAWJ’s then-liaison to CWP

and a CWP Commissioner, to head a committee to develop a program to promote diversity in appointment to committees and commissions. The first presentation of the program was approved for inclusion at NAWJ 36th Annual Conference in October 2014 in San Diego, California. It brought together women judges and women practitioners to explore the use of the judicial power of appointment to improve access to justice; how these appointments can increase diversity and provide an important platform for the development of leaders of the bar, and as a pipeline to the bench; and how to seek and obtain such appointments. Bobbi Liebenberg, Nan Duffly, and current-CWP liaison Judge Anna Blackburne-Rigsby, along with other judges and practitioners, participated on the panel. The program was presented at the 2015 Women's Power Summit on Law & Leadership in Austin, Texas, on April 15-17, 2015, and at the NAWJ Mid-year Leadership Conference in Chicago, on April 23-25, 2015. On August 2, 2015, Justice Nan Duffly was honored by the ABA Commission on Women in the Profession as a 2015 Margaret Brent Award Honoree.

With the assistance of Bobbi Liebenberg and American Association for Justice President Julie Braman Kane, NAWJ has drafted a Resolution urging trial judges to take diversity into account when making important appointments of lawyers. The FDCC, ADTA and DRI, the AAJ, the HNBA and the Conference of Chief Justices have all voted to adopt NAWJ's drafted resolution on diversity. The Judicial Division of the ABA, led by Judge Linda Murnane with the leadership of Hon. Ann Breen-Greco and the support of the CWP, has begun drafting the ABA version of the resolution with supporting report. They have formed a committee, begun drafting, but likely will not complete the process before the ABA Midyear deadlines. The American Civil Roundtable placed the matter on their Fall agenda and agreed to send the resolution to all member organizations. Only if unanimously approved, the resolution will be adopted by the Roundtable.

The University of Texas Center for Women in Law (Linda Chanow) is currently working on a similar project gathering data in five major jurisdictions on appointments of lead MDL counsel. She has agreed to allow NAWJ into the national working group on these issues.

The goal is to package all resolutions and sent them to all chief justices and all federal chief judges as a single package under cover of NAWJ. Every organization which adopts this resolution can do the same – send the resolution and the endorsing organizations to every chief judge both state and federal.

CWP's ongoing support is welcome.

- C. Meeting with Congressional Caucus on Women's Issues July 22, 2016 Washington, DC.** On July 22, 2016, NAWJ hosted its 11th annual meeting with the members of the Congressional Caucus on Women's Issues. This year, we focused upon the topics of sexual assault in the military and on college campuses. Our exceptional panel was representative of the three branches of government, academia and advocacy for survivors of sexual assault. Senator Claire McCaskill (MO) and

Mr. Robert Taylor, Principal Deputy General Counsel for the Department of Defense, discussed legislation drafted by Senator McCaskill, passed in 2014, which dramatically changed the way in which the military investigates and adjudicates allegations of sexual assault and harassment. Our panelists also included Laura Dunn, a survivor of assault, attorney, adjunct professor of law, and founder of SurvJustice, an organization that provides representation to those proceeding in campus hearings on allegations of sexual assault; Professor of Law Suzanne B. Goldberg (far right), Executive Vice President for University Life at Columbia University; and retired Philadelphia Court of Common Pleas and NAWJ Past-President, Judge Carolyn Engel Temin, who has presided over hearings on allegations of sexual harassment and assault on college campuses.

In 2011, the Office of Civil Rights issued what has been referred to as its “Dear Colleague” letter, sent to all colleges and universities to address application of Title IX requirements to complaints of sexual harassment and assault. Universities differed in their application of these standards, depending upon size and budget, with the resulting processes ranging widely. We addressed whether the processes now in place adequately provide both parties a correct understanding of the process, an adequate opportunity to be heard, a reliable investigation, and appropriate results.

Following this program, NAWJ will hold a plenary session at its next annual conference in Seattle entitled, Sexual Assault on College Campuses, featuring Tricia Boerger, Esq., Assistant Attorney General, University of Washington Division, Professor Judith Resnik, Yale Law School, Brenda Tracy, Survivor, and Advocate, Lisa Wayne, Esq., Law Office of Lisa M. Wayne

NAWJ hopes that the ABA and CWP will continue its involvement and support; CWP members interested in supporting this meeting should contact NAWJ's President.

D. Success Inside and Out

NAWJ's Success Inside and Out program provides support and assistance to women in prison for their transition back into the community. NAWJ members conduct workshops and provide women inmates with information and resources to ease and sustain reentry back into their communities. This program also allows NAWJ to bring together judges, attorneys and other professionals to participate in areas of need in their communities. The program is consistent with the goals of NAWJ's Women in Prison Committee, and sometimes expands to benefit young women in youth correctional facilities. Organizers include Judge Brenda Murray, Judge Cathy Serrette (7th Judicial Circuit of Maryland), Justice Betty Williams (Kings County Supreme Court, Criminal Term) Chief Justice Dana Fabe (Alaska Supreme Court), Chief Justice Bernette Joshua Johnson (Louisiana Supreme Court), and Judge Jan R. Jurden (Delaware Superior Court).

On October 24, 2015, Alaska held its 10th Annual Success Inside and Out Conference at the Hiland Mountain Correctional Center. One hundred women prisoners attended the conference. At the conference, women prisoners learned some of the tools they will need to be successful and productive when they get out of prison.

New NAWJ Programming for Women Prisoners. NAWJ members have begun a monthly program at Las Colinas detention facility in California where two members conduct a monthly book club with women prisoners. Each month, a different group of inmates discusses a different book. This program is under review by NAWJ and pilots are beginning in different locations, including Miami.

CWP members who are interested in participating in this program should conduct the CWP-Liaison.

E. Updating the NAWJ History Book

Judge Anna Blackburne-Rigsby, former NAWJ President and NAWJ's CWP liaison, is leading the charge to update NAWJ's history book so that it remains a current and relevant resource to today's women judges. The process remains ongoing with an estimated completion date of 2016. Since its founding in 1979, NAWJ has inspired and lead the American judiciary in achieving fairness, equality, and access to justice for all, especially for the most vulnerable segments of our society. As part of our mission, NAWJ has been at the forefront in promoting the standing of women attorneys, and in seeking to increase the number of women serving on the bench, to ensure, in the words of the CWP, "that women have equal opportunities for professional growth and advancement commensurate with their male counterparts." NAWJ's history is a special, unique one, especially as it relates to women and the law, and deserves to be written down, remembered, and shared. In 2003, NAWJ published a history book to commemorate the 25th Anniversary of the founding of NAWJ, entitled "*Keeping the Promise of Justice*." This updated history of NAWJ in timely and vitally important given the changes in the law and within NAWJ in the twelve years since the publication of it's original the history book.

NAWJ welcomes any support or assistance that CWP members are willing to provide; please contact CWP-Liaison Judge Anna Blackburne-Rigsby.

F. Human Trafficking

NAWJ continues education programs in human trafficking, and in presenting programs at Midyear and Annual Conference meetings. NAWJ's Human Trafficking Committee, chaired by Judge Elizabeth Lee, completed its survey and submitted its findings to the Human Trafficking and State Courts Collaborative. Issues of concern include: 1) unaccompanied minors who may be under the control of human traffickers; 2) the intersection between gangs and human trafficking; 3) organ donors and human trafficking; and 4) emerging best practices in the field.

Several members of the Committee worked with the Collaborative on the National Association of Court Management's Human Trafficking Guidebook which was published in 2014, and is available on NAWJ's website at www.nawj.org. The Committee has now turned to the issue of labor trafficking. Further, in July 2014, the Collaborative published "A Guide to Human Trafficking for State Courts" which is available online at www.htcourts.org. NAWJ's program guides serve as reference tools for judges who want to promote a greater awareness of trafficking in their respective jurisdictions. It is aimed at providing members with the tools to put on such presentations. Judges Renee Minarik and Arline Pacht completed compiling the Human Trafficking Program Guide, which focuses on sex trafficking. NAWJ is also collaborating with the National Judicial College to update its training guide, "Human Trafficking – What Judges Need to Know." There will be a chapter on ethics and issues that might arise for judges who preside over cases where trafficking victims might appear. Once this book is published, NAWJ will provide a link to the Ethics chapter in its own Human Trafficking Program Guide.

CWP members who are interested and have relevant experience in these issues could participate in programs with NAWJ.

G. Color of Justice

NAWJ's Color of Justice Program brings judges and lawyers together to encourage students to consider legal and judicial careers. The program seeks to encourage girls and minority elementary, middle and high school students to consider pursuing law careers and the judiciary, and reaches over 400 students a year. Experienced judges and lawyers engage with students to discuss stepping stones to becoming a lawyer or a judge. Students learn about life as a law student and the requirements for admission to law school. Students also learn about the many different types of judges and different areas of legal practice. Hon. Brenda Loftin (St. Louis County Circuit Court, Ret.) created the Color of Justice program in 2001. The next Color of Justice Program shall take place in Anchorage, Alaska on February 25-26, 2016. In anticipation of the program, the Alaska Court System has announced a promotional video for Color of Justice to motivate rural Alaska students to come to Anchorage to participant in this year's program.

CWP could collaborate with NAWJ members in their communities to present and participate in these programs by talking about how they made their career choices.

H. MentorJet

NAWJ's MentorJet program is a 'speed mentoring' networking opportunity providing high school, college, and law students one-on-one access to judges and lawyers who serve as mentors and provide information and advice on legal careers. The program

uses a fun, accessible format like ‘speed dating’. Alaska Chief Justice Dana Fabe created the MentorJet program in 2010. Alaska puts on two mentor jet programs a year, at a career fair at University of Alaska Anchorage and at Mt Edgecumbe boarding school in Sitka, which has a primarily Alaska Native student population representing over 100 villages and communities. Judge Katherine L. Hansen (36th District Court) presents 3-4 programs a year for approximately 200 law school students.

CWP members could participate on this project by serving as mentors for a 90-minute mentor jet program in their local law schools or colleges.

I. Re-entry and Improving Treatment of Women in Prison

NAWJ’s Women in Prison Committee (WPC) continues to seek ways to improve the treatment of women in prison. WPC has joined with the Federal Bureau of Prisons Advisory Group to develop best practices for treating women in prison. The meeting followed on WPC’s success in ensuring that the only women’s prison in the Northeast (in Danbury, Connecticut) would remain in operation. At a meeting held more than a year ago, eight NAWJ members, along with BOP Warden Advisory Committee Co-Chairs, five wardens of major federal women prisons, and experts from fields ranging from psychology to workforce development, discussed ways to best assess how the Bureau treats women offenders, and identify and address problems. Plans include expanding the Advisory Committee’s network of knowledgeable people and conducting focus groups with incarcerated women.

In focusing on the plight of women in prison, NAWJ has conducted fact finding missions, including a March 20, 2015, trip to the Metropolitan Detention Center in Brooklyn, New York by WCP members Judge Cheryl J. Gonzales, Judge Robin S. Garson, Judge Brenda P. Murray, and Judge Betty J. Williams, to visit and speak with, among others, Sister Megan Rice, an eighty-four year old Roman Catholic nun serving a three year prison sentence for evading security and painting peace slogans on the walls of a nuclear facility in Oak Ridge, Tennessee. Sister Rice appreciated NAWJ’s visit, and the opportunity to talk with judges who are concerned. Sister Rice’s story, including NAWJ’s work on women in prison, was covered by NPR on February 5, 2015.

Re-entry is not the only challenge for women in prison. On September 3, 2014, eleven U.S. Senators wrote to the Bureau of Prisons (BOP) Director, Charles E. Samuels, Jr., raising concerns about BOP’s plan to change the use of the Federal Correctional Institution (FCI) in Danbury, Connecticut from a women-only facility to a facility devoted primarily to men. Questions surfaced due to the lack of progress in keeping federal space in the Northeast. (In 2012, NAWJ’s Women in Prison Committee learned of BOP’s request for operating funds to create a new large women’s prison in Aliceville, Alabama. The proposed isolated location would make family visits difficult for inmates outside the region.) NAWJ collaborated with Yale Law School in the effort to draw attention to the need for a national agenda

addressing the needs of women in detention. A report, *The State of Civil and Human Rights in the United States*, submitted to the Senate Judiciary Subcommittee congressional record on December 8, 2014, was the result of contributions made by the Arthur Liman Public Interest Program at Yale Law School's advocates, including NAWJ Member and Yale Professor of Law, Judith Resnik; NAWJ Past Presidents Judge Brenda Murray, Chief Justice Dana Fabe, Judge Anna Blackburne-Rigsby, Judge Gladys Kessler, as well as Nan Aron, Hon. Nancy Gertner, and Hon. Patricia M. Wald.

This year, the Women in Prison Committee has, at BOP's request, drafted a list of top five priorities for BOP to adequately address the needs of its women inmate population. We have met with the Administrator of the Female Offender Branch, Dr. Alix MacLearen, and have a scheduled meeting with Director Feather, Director of the Bureau of Prisons, to address properly the issues affecting women inmates.

WCP welcomes the support of CWP members who share the goal of improving the lives of incarcerated women and their children.

J. Storybook Project

NAWJ's **Storybook Project** seeks to offset the ill effects of prolonged separation between a mother and child that results from the incarceration of the mother, by maintaining their bond through reading. The program provides incarcerated parents a book and a tape recorder, brought to the prison by NAWJ program participants. The parent reads the story to their child, and this oral recording is preserved. Both book and recording are mailed to the child. In states around the country, NAWJ's Storybook Project has helped thousands of inmate mothers maintain contact with their children. Judge Marielsa A. Bernard (Circuit Court for Montgomery County, MD) organizes a team of judges and lawyers every year who travel to the Maryland Women's Correctional Facility in Jessup. District Director Judge Terry Fox (Colorado Court of Appeals) organizes book drives to support Storybook programs in collaboration with the Denver Women's Correctional Facility.

K. New Program Development

NAWJ is focused on **new program development** and is actively exploring program development. In addition to a new upcoming program, **Strength in Diversity**, directed at increasing diversity in the judiciary, NAWJ is developing programming in the areas of diversity in the legal profession, access to justice, sexual assault on campuses, retirement and elder law, and a possible in-depth reentry program. The Hon. Karen Donohue, Education Chair of the Seattle Annual Conference and Website Project Manager, will be introducing several of these new areas of programming and education in the Seattle Conference.

For example, on October 29, 2015, NAWJ joined the Gwen S. Cherry Black Women Lawyers Association (GSCBWL), Florida Association for Women Lawyers, Dade

County Bar Association and the Cuban American Bar Association to host "*Strength in Diversity: Faces of Justice in Florida's Courts.*" The program featured New York Supreme Court Justice Tanya Kennedy (NAWJ Treasurer), Judge Marcia Cook of the U.S. District Court Judge for the Southern District of Florida, and NAWJ President Judge Lisa Walsh. **NAWJ was joined by key members of the community to work on a strategic action plan to increase racial diversity in Miami's Circuit Court; no women of color has been appointed or elected to the court in 24 years.**

CWP members interested in these issues could collaborate with NAWJ members in their communities to present and participate in these programs, or to collaborate with NAWJ in creating new, cutting-edge programming.

NCWBA GOOD Guys Programming

The NAWJ has supported the NCWBA GOOD Guys program – GOOD stands for Guys Overcoming Obstacles to Diversity. On September 29, 2016, President of NAWJ Lisa Walsh in conjunction with the Miami-Dade Florida Association of Women Lawyers conducted a GOOD Guys program with 50 male shareholders or managing partners of Florida firms to engage men to support, promote and mentor the women in their firm.