

NAWJ Resolutions Committee 2016 Annual Report

The Resolutions Committee has reviewed two proposed Resolutions and forwarded them to the Executive Board. The first resolution concerns Diversity in Trial Court Appointments, and the second resolution concerns Support of Due Process and Judicial Independence in the Aftermath of the Military Coup Attempt in Turkey. The Committee understands the Executive Board has approved the Resolutions. The Resolutions will be formally presented to the membership to consider for approval at the Annual Meeting in October 2016 in Seattle. The Resolutions are attached to this report.

Submitted by: Karen Romano, Chair of the Resolutions Committee

NATIONAL ASSOCIATION OF WOMEN JUDGES

Resolution on Diversity in Trial Court Appointments

Whereas, in exercising their discretionary power to appoint lawyers to various positions(e.g., lead counsel for plaintiff classes; special masters; receivers; trustees; hearing officers; referees; mediators and arbitrators; guardians; and counsel for indigent defendants), trial courts have not appointed women lawyers, minority lawyers and lawyers in small law firms to such positions in numbers commensurate with their representation in the legal profession;

Whereas, there are ample numbers of such diverse lawyers who are experienced and highly qualified for appointments by trial courts;

Whereas, the justice system as a whole has become increasingly diverse, including diverse judges, juries and litigants;

Whereas, research establishes that diversity enhances creativity and innovation, and leads to better decision-making and problem solving;

Whereas, a fundamental underlying goal of the justice system is to provide equal treatment and opportunity for everyone; and

Whereas, litigants and the justice system as a whole benefit from greater diversity in trial court appointments;

Now, therefore, be it resolved that, in exercising their appointment powers, our trial courts, both federal and state, should be mindful of the importance of diversity and should make appointments that are consistent with the diversity of our society and the justice system.

NATIONAL ASSOCIATION OF WOMEN JUDGES

Resolution

In Support of Due Process and Judicial Independence in the Aftermath of the Military Coup Attempt in Turkey

WHEREAS, the National Association of Women Judges recognizes the critical importance in a constitutional democracy of an independent judiciary, free from intimidation and coercion; and

WHEREAS, pursuant to “Basic Principles on the independence of the Judiciary,” endorsed in 1985 by the United Nations General Assembly, judges shall be suspended or removed only after “a fair hearing,” and “only for reason of incapacity or behavior that renders them unfit to discharge their duties”; and

WHEREAS, it has been reported that a substantial number of judges in Turkey were taken into custody and detained, including judges on the Supreme Court of Turkey, Council of State (the Supreme Administrative Court of Turkey), and the Constitutional Court; and

WHEREAS, it is further reported that under emergency laws now in effect, constitutional protections for these judges have been suspended;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Women Judges urges the country of Turkey to adhere to its long history of promoting democracy, the rule of law and the independence of the judiciary to ensure due process for the detained judges, and the protection of judicial integrity and independence.