



The National Association of Women Judges  
Administrative Judiciary Committee  
October 19, 2022

Co-Chair: Honorable Emily Chafa

Co-Chair: Honorable Susan Formaker

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The NAWJ Administrative Judiciary Committee meets every month on the 3<sup>rd</sup> Friday of the month at 2 p.m. CT/3 p.m. ET/12 p.m. PT. We use a co-chair's personal Zoom account to avoid schedule conflicts with other NAWJ meetings. This co-chair is stepping down from this role, so another Zoom account will be used for future meetings.

We are active or retired administrative adjudicators (ALJ/AJ/IJ, other job titles) at the federal, state and local levels. We handle or handled a wide variety of dockets involving appeals of administrative actions taken by governmental agencies. We currently welcome 10-15 members to each committee meeting. Others are always welcome and encouraged to join us.

The committee thoughtfully and respectfully discusses various topics and issues of interest to the administrative judiciary at each meeting. Through these conversations, we learn about the diversity of our experiences, jurisdictions, hiring processes, and agency hierarchy.

The committee presented a webinar on April 21, 2022, with panelists describing their paths to the administrative judiciary. This program included judges in federal, state and local administrative tribunals. Other affinity bars helped us spread the word on the webinar and promoted attendance. The NAWJ Immigration Committee co-sponsored this program. The webinar was recorded and is available on the NAWJ website.

The committee continued to monitor and discuss the ABA JD NCALJ conversations, programs, and actions relating to a proposed federal central panel resolution. Several of our NAWJ Administrative Judiciary Committee members are also involved in ABA Judicial Division NCALJ leadership. ABA Resolution 200 was approved by the ABA HOD at the 2022 ABA Annual Meeting.

The committee discussed the proposed independent immigration court, receiving updates from a committee member familiar with the congressional process.

At the committee's August meeting, acting upon a member's motion, the committee voted to refrain from planning or presenting programs at NAWJ mid-year or annual meetings held in states that violate

the NAWJ Resolution Barring Future NAWJ Conferences in Jurisdictions Where LGBTQ Protections are Repealed or Where Discriminatory LGBTQ Laws are Enacted, passed in October 2021. The committee understands there will be a vote at the 2022 Annual Conference on a NAWJ Resolution Regarding Exempting Indiana from the October 9, 2021, List of States Covered by the NAWJ Resolution.

At the committee's September meeting, the committee discussed other barriers to attending mid-year or annual meetings, such as affordability issues, limited time off, and family obligations. The committee expressed interest in NAWJ exploring hybrid conferences, which could address a number of barriers NAWJ members face in attending mid-year or annual meetings.

The committee continues to discuss timely topics of interest to the administrative judiciary at each meeting. Our agendas are flexible, to allow us to address the most important issues facing our members.



October 19, 2022

Annual Report

Annual Conference Site Selection Committee

Honorables Marguerite Downing and Marcella Holland, Co-Chairs

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The Annual Conference Site Selection Committee met twice during this bar year for the purpose of selecting our annual conference site for 2024. The revised RFP, including the non-discriminatory certification clause which was adopted by the Outgoing Board at the 2021 Annual Meeting had been distributed to the Co-Chairs and 8 members of our Committee in advance of our first meeting on February 17, 2022. At that meeting, we reviewed the RFP and made a few minor changes. We then set up a timeline for the submission and consideration of the proposals. Built into the timeline was a time period for staff to research any potential sites and also to research possible sites for suggestions to the Committee in case we did not receive a Proposal from an NAWJ member. We agreed that the RFP should be widely circulated, but that it would be most important for our District Directors to have the proposal and to encourage their jurisdictions to apply. To that end, the RFP was sent to the Vice President of Districts so that discussions could be held at District Directors meetings. While we did extend our original deadline, only one proposal was received. That proposal was sent to all committee members for their review before our next meeting.

On July 12, 2022, the committee met and unanimously selected San Diego as the site of our 2024 Annual Conference. Our selection was submitted to the Executive Committee at their August meeting for approval. The approval to recommend San Diego to the Board was unanimously given. In addition, the Executive Committee agreed that the site selection committee's deliberations and decisions, like those of the Nominating and Awards Committees should be confidential until final Board approval and announcement. To that end, the 2025 Annual Meeting RFP has been revised with that information.



October 19, 2022  
Annual Report  
of the Awards Committee  
Chairs: Honorable Ariane D. Vuono and Honorable Cindy Davis

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Each year the Awards Committee requests nominations for the Honorable Joan Dempsey Klein Honoree of the Year Award and for the Florence K. Murray Award. We solicit nominations from our membership approximately three to four months in advance of the Annual Conference. Then, after consultation, the committee selects the honorees. This year the committee met in mid-August and reviewed many exceptional submissions. As previously announced, the Hon. Tamila Ipema will receive the Joan Dempsey Klein award and Attorney Maya Younis will receive the Florence K. Murray award. On behalf of the committee, the chairs wish to thank everyone who submitted a nomination, and we congratulate the honorees.



October 6, 2022

Annual Report of the Standing Committee Diversity and Inclusion  
Honorable Toni Clarke

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This was the inaugural year for the Standing Committee on Diversity and Inclusion (SCDI), which was created as a result of the adoption of the NAWJ Diversity and Inclusion Action Plan. At our initial meeting we discussed what we are tasked to do and how we should go about the tasks. We all agreed that we needed to define what is meant by diversity (what does diversity look like) and inclusion.

We came to several conclusions. First, we are tasked with making recommendations for NAWJ policies on D&I, to include, looking at diversity in ideas, including the military, international judges and tribal courts in the narrative and, how to address disparate treatment and impact; and second, creating a mechanism for monitoring NAWJ's progress on this issue.

To that end, we decided to create a survey of NAWJ members to get a pulse on what definitions our members have for diversity and inclusion. That survey has been sent and the results are pending. Next, we received and reviewed other organizations' diversity and inclusion policies and background information for those policies. After reviewing the other policies, the SCDI has created a proposed policy for consideration by the NAWJ Board.

The next issue we addressed was, consistent with the Section VIII of the D&I Action Plan, how do we monitor NAWJ's progress on issues of diversity and inclusion. We created a subcommittee to explore this issue and bring recommendations to the SCDI. We agreed that there should be some sort of metrics, which can be very tricky. Quantitative metrics and can lead to intrusive inquiries and subjective metrics are just that, subjective. One thing we also agreed on is that it's easier to determine the composition of NAWJ educational panels. We recently circulated the ABA's Webinar Proposal Form, which requests information about panelists which assists in monitoring compliance with ABA policy. We will create a similar form for NAWJ program planning.

Respectfully submitted,  
Judge Toni E. Clarke, SCDI Chair



The National Association of Women Judges  
Domestic Violence Committee Report  
October 7, 2022

Chairs Honorable Tracey Flemings-Davillier and Honorable Amy Ronayne Krause

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The National Association of Women Judges Domestic Violence Committee respectfully submits the following report of our Committee's objectives and goals. On February 23, 2022, this Committee submitted mid-year report regarding the Committee's meetings and activities. This report provides updates as of October 7, 2022.

**I. Meeting – April 19, 2022**

The following Committee members attended:

- Hon. Amy Ronayne Krause, Michigan Court of Appeals
- Hon. Catherine Shaffer - King County Superior Court Judge, Seattle, Washington
- Hon. Lisa Coen - Los Angeles County Superior Court Judge - Bellflower, CA
- Col. Linda Murnane - USAF, Retired - Xenia, OH
- Hon. Debra Sasser - NC AOC District Court Judge – Raleigh, NC
- Ms. Lynn Schafran, Esq. - Director, Legal Momentum's National Judicial Education Program

**II. Meeting Discussions**

**1. NAWJ DV position statement(s)**

- American Legal Institute (ALI) – Revisions of the Model Penal Code section regarding sexual assault definition of consent - Section 213
- President Elizabeth White issued a letter on May 2, 2022 on behalf of the NAWJ to ALI regarding NAWJ's position as to proposed revisions to the Model Penal Code provisions regarding Sexual Assault and Related Offenses, Section 213.0(2)(e) "Consent".

The letter included the following attachments:

- NAWJ Letter to ALI dated March 22, 2022
- Red-lined version of proposed revisions to Section 213.0(2)(e) “Consent” as of March 4, 2022 Compendium of Documents from *Organizations Expressing Deep Concerns About Provisions of the American Law Institute’s Revised Model Penal Code: Sexual Assault and Related Offenses* (50 Pages as of March 16, 2022)
- *Joint Memorandum to ALI Council re MPC Sexual Assault and Related Offenses Project - Requesting Withdrawal from Publication, January 17, 2022*
- The ALI will consider the MPC on May 17, 2022 at the Annual Meeting.
- It is our understanding that the ALI Model Penal Code consent definition is as follows:

Section 213.0(2)(e) “Consent”

(i) “Consent” for purposes of Article 213 means a person’s willingness to engage in a specific act of sexual penetration, oral sex, or sexual contact.

(ii) Consent may be express or it may be inferred from behavior—both action and inaction— in the context of all the circumstances.

(iii) Notwithstanding subsection (2)(e)(ii) of this Section, consent is ineffective when given by a person incompetent to consent or under circumstances precluding the free exercise of consent, as provided in Sections 213.1, 213.2, 213.3, 213.4, 213.5, 213.7, 213.8, and 213.9.

(v) Consent may be revoked or withdrawn any time before or during the act of sexual penetration, oral sex, or sexual contact. A clear verbal refusal—such as “No,” “Stop,” or “Don’t”—establishes the lack of consent or the revocation or withdrawal of previous consent. Lack of consent or revocation or withdrawal of consent may be overridden by subsequent consent given prior to the act of sexual penetration, oral sex, or sexual contact.

## **1. College and University Sexual Assault Claims**

We discussed that the college and university Policies and Procedures as to sexual assault claims should be reviewed. We will renew request for information regarding the ALI’s review of college and university policies and procedures for reporting and investigating sexual assault claims.

- Lynn S. – Emailed the ALI draft, which is 470 pages.

## **2. Domestic Violence Article**

The Committee discussed possible topics for a DV article. There was a suggestion that the article could focus on the ALI process.

## **3. Domestic Violence Webinar**

The Committee discussed possible topics for a DV webinar, including:

- DV sexual assault
- Rape in violent relationships
- Agreement and inclusion of spousal rape
- Rape as an escalation of crossing boundaries in violent relationship
- Restorative justice in DV matters and issues pertaining to this approach in DV cases
- Process for DV offenders to go to rehab or to receive mental health treatment
- Alternatives to incarceration – monitoring and treatment
- Coen – California prosecutors are diverting DV cases
- Escalation of DV homicides in Los Angeles County

## **4. Recommendations for the next DV Committee**

- (1) Article addressing DV issues
- (2) Webinar

### **Domestic Violence Committee Report submitted on February 23, 2022**

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The National Association of Women Judges Domestic Violence Committee respectfully submits the following report of our Committee's objectives and goals. On September 14, 2021, this Committee submitted an annual report regarding the Committee's meetings and activities. This report provides updates as of September 14, 2021.

#### **I. Meetings**

The Committee met via Zoom on September 30, 2021, October 25, 2021 and January 25, 2022. The following Committee members were able to attend:

#### **Committee Meeting Participants - September 30, 2021:**

- Hon. Tracey Flemings-Davillier - Orleans Parish Criminal District Court Judge, New Orleans, Louisiana
- Hon. Catherine Shaffer - King County Superior Court Judge, Seattle, Washington
- Ms. Lynn Schafran, Esq. - Director, Legal Momentum's National Judicial Education Program.



- Hon. Diane Kiesel – Pierce County Superior Court
- Hon. Amy Ronayne Krause, Michigan Court of Appeals

#### **Committee Meeting Participants - October 25, 2021:**

- Hon. Tracey Flemings-Davillier - Orleans Parish Criminal District Court Judge, New Orleans, Louisiana
- Hon. Catherine Shaffer - King County Superior Court Judge, Seattle, Washington
- Ms. Lynn Schafran, Esq. - Director, Legal Momentum's National Judicial Education Program
- Hon. Lori Dougherty-Bichsel - Shawnee County Judge, Topeka, KS
- Hon. Doreen Boxer - Los Angeles Superior Court Commissioner, Los Angeles, California
- Laurie Denham, CAE - NAWJ Executive Director

#### **Committee Meeting Participants - January 25, 2022:**

- Hon. Tracey Flemings-Davillier - Orleans Parish Criminal District Court Judge, New Orleans, Louisiana
- Hon. Annette Karem - Jefferson District Court Judge, Louisville, KY
- Hon. Ernestine Gray - Orleans Parish Juvenile Court Judge (Retired), New Orleans, Louisiana
- Col. Linda Murnane - USAF, Retired - Xenia, OH
- Hon. Catherine Shaffer - King County Superior Court Judge, Seattle, Washington
- Hon. Julie Verheye - St. Joseph Superior Court Judge - South Bend, IN
- Ms. Lynn Schfran, Esq. - Director of the National Judicial Education Program at Legal Momentum
- Hon. Patricia Lynch - Reno Justice Court Judge – Reno, NV
- Hon. Carroll Kelly - 11th Judicial Circuit Judge – Miami, FL
- Hon. Debra Sasser - NC AOC District Court Judge – Raleigh, NC
- Hon. Lisa Coen - Los Angeles County Superior Court Judge - Bellflower, CA
- Hon. Heidi M. Pasichow - Superior Court of the District of Columbia Judge – Washington, DC

## **II. Meeting Discussions**

### **A) Webinar**

During the September and October meetings, discussions centered around planning, funding, panel selections, webinar topics and marketing for the DV webinar that took place on November 16, 2021 at 2:00 p.m. CST. Almost 100 participants attended the webinar.

Ms. Amalfi Parker-Elder, Senior Program & Training Specialist, Praxis International presented and led the discussion on “Disproportionate Impact on Women of Color.”

Ms. Lynn Schfran, Esq., Director of the National Judicial Education Program at Legal Momentum, presented and led the discussion on the proposed definition of “consent” recommended by the American Law Institute (ALI) in the Model Penal Code (MPC).

## **B) NAWJ Position Statement**

The Committee has had extensive discussions regarding the American Law Institute's proposed revisions to the Model Penal Code, specifically with respect to the definition of "consent" and the sections pertaining to sexual assault and trafficking. The Committee explored available options for presenting recommendation(s) to the NAWJ Board, expressing NAWJ's position vis-à-vis the ALI MPC revisions at issue.

The Committee discussed research / documents provided by Ms. Schafran the following domestic violence, definition of "consent", resistance requirements, psychological and physical responses to trauma, tonic immobility, trauma responses in victims of domestic, sexual violence and trauma related disassociation. The Committee also discussed potentially adopting the position statement previously made by the American Bar Association Commission on Domestic & Sexual Violence.

It was our understanding that the ALI scheduled the revised MPC for a vote at its January 25, 2022 Council meeting. Thus, during the October 2021 meeting, the Committee discussed the possibility of drafting a "resolution" to present to the NAWJ Board for consideration. However, The Committee was advised that a proposed resolution would have to be submitted to the NAWJ Resolutions Committee for review and consideration. The Resolutions Committee could then present the proposed resolution to the NAWJ Board for review and consideration. In addition, the Committee was advised that typically, resolutions are presented and considered by the NAWJ Board in conjunction with the NAWJ Annual Meeting in October. In the alternative, the Committee discussed potentially submitting a position statement in writing and requesting special consideration, given the urgency of the issues, that such be considered for NAWJ discussion in conjunction with the NAWJ Mid-year meeting.

During the January 25<sup>th</sup> meeting, Committee member Lynn Schafran provided a summary of ALI's January 20, 2022 Council meeting. Ms. Schafran reported that given opposition by various notable organizations, ALI tabled their discussions regarding the revisions at issue until the March 2022 meeting.

Based on that information and in the interest of time, the Committee decided to present a draft position statement, directly to NAWJ President Elizabeth White. Ms. Schafran agreed to work on a draft, along with her colleagues, to submit to the DV Committee by February 4, 2022. The Committee agreed to attach to the proposed NAWJ DV statement pertinent documentation/reports/position statements submitted to ALI by other organizations. The Committee thought this approach, as opposed to the procedure for submitting a resolution, would be more efficient in light of the urgency of the issues.

On January 14, 2022, via email, NAWJ President Judge Elizabeth White advised that she had received a proposal from Judge Carolyn Kuhl, member of ALI, who suggested that NAWJ consider a discussion regarding the ALI's revision process with respect to the MPC. We were advised that the panelists who would be able to speak about the process and the revisions at issue were Judge Liz Rosenthal, who chaired the discussions on the MPC revisions, and Stephanie Middleton, the ALI Deputy Director.

After a subsequent meeting with Judge Ronayne Krauss, Judge Davillier and Lynn Schafer, Judge Ronayne Krauss forwarded to the Committee documentation regarding the two major issues: (1) the proposed revised definition of “consent”, and (2) the proposed revised Human Trafficking / Sexual Assault sections of the MPC.

On Wednesday, February 9, 2022, Lynn Schafran and Judge Davillier met via Zoom with President White, Judge Bobbie McCartney (Chair of the NAWJ Human Trafficking Committee), Judge Lee Rosenthal and Sarah Middleton. During the meeting, Judge Rosenthal and Ms. Middleton explained the process and the issues that the ALI discussed with respect to the revisions to the “consent” definition and to the Human Trafficking / Sexual Assault sections. The following issues were noted:

**(1) “Consent” definition**

- Judge Davillier raised various issues expressed by committee members with respect to sections (b), (c) and (e) of the revised definition.

**(2) Human Trafficking Matters**

- Issues were noted regarding “competency” vis-à-vis minors, and other factors that should be included, including poverty, economic equality and financial duress.

**(3) Broad Issues**

We discussed the following:

- The MPC should be written with the intent that those who are not affiliated with the ALI and who may or may not review the comments will have a clear understanding of the language.
- The Black Letter Law does not require people to review comments to understand the MPC.
- The MPC sections are separate such that a person should be able to read and comprehend each MPC section separately without having to read the other sections.

The following organizations have expressed deep concerns about provisions of the American Law Institutes Revised Model Penal Code:

- Aequitas: Champions for Justice
- American Bar Association
- Department of Justice, Office of the Deputy Attorney General
- Department of Justice, Office of Legal Policy
- Legal Momentum: The Women’s Legal Defense Fund
- National Alliance to End Sexual Violence
- National Association of Attorneys General
- National Center for Missing and Exploited Children
- National Center on Sexual Exploitation
- National Children’s Alliance

- National Crime Victims Law Institute
- National District Attorneys Association
- National Task Force to End Sexual and Domestic Violence
- RAINN (The Rape, Abuse, and Incest National Network)
- Rights 4 Girls
- Women's Law Project

Ms. Lynn Schafran addressed the opposition that Legal Momentum and other organizations and agencies, including the US Department of Justice, Office of Legal Policy, and the National Center for Missing and Exploited Children, have raised over several years and recently. Based on the discussion, Judge Rosenthal and Ms. Middleton advised that given the concerns lodged by various organizations and agencies, there is still time to address the revisions, before such are finalized.

Judge Davillier asked Judge White to schedule another Zoom meeting with Judge Rosenthal and Ms. Middleton to allow members of the Domestic Violence and Human Trafficking Committees to participate in the discussion. President White and the NAWJ are currently working on scheduling the meeting with both committees.



The National Association of Women Judges  
(Ensuring Racial Equity in the Justice System)  
(October 19, 2022)

Chair: Honorable Judge Terrie Roberts

Vice-Chair: Honorable Maria Puente-Porras

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The Committee on Ensuring Racial Equity in the Justice System was proud to host two events in 2022.

The July 28, 2022 webinar "Exploring the History of Bias Within the Child Welfare System and Seeking Solutions, " provided a historical perspective and provided the panelists the opportunity to delve into the current effect. The panelists included Alice Kennedy, LCSW, the Honorable Amy Nechem and the Honorable Josephine Wiggs. The discussion was moderated by the Honorable Edwina Mendelson. NAWJ President, Elizabeth White described it as "energetic and insightful first discussion to kick off the series on the institutional history of the child welfare system."

The Committee endeavored to make it a series and to that end, the next in the series webinar was hosted in November 2022. The webinar expanded the panelists to include a lived experience perspective.



October 6, 2022

Annual Report of the Human Trafficking Committee

Chairs: Hon. Ann Breen-Greco and Summer Stephan; Vice-Chair: Hon. Bobbie McCartney

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NAWJ HTC was involved in a number of collaborative efforts this year. We worked with the NAWJ Domestic and Sexual Violence Committee in the work of opposing the ALI's revision of consent to again place a burden on the victim. We help developed a letter that President White sent as part of the ***Organizations Expressing Deep Concerns About Provisions of the American Law Institute's Revised Model Penal Code: Sexual Assault and Related Offenses (as of 3.28.22)***. This was a national effort that included agencies and organizations. Despite these efforts ALI adopted the objectionable consent definition.

HTC also worked on the planning and participated in a Child Marriage Seminar sponsored by the Illinois State Bar Association and hosted by Loyola University Chicago School of Law at their Ceremonial Courtroom. The seminar noted the premise that, "We tend to operate under the misconception that child marriage is something that happens "over there. not in the United States." The seminar was a comprehensive look at child marriage internationally and nationally, including how child marriage intersects various areas of law. Immigration lawyers, child law practitioners, human rights counsel and a number of organizations participated, including those working with the United Nations. This full day CLE seminar focused on:

- How child marriage impacts those involved.
- The connection between child marriage, human trafficking and immigration;
- The factors influencing child marriage internationally and nationally;
- Legislative initiatives to end child marriage:
- How attorneys and judges can help shape the law and the culture surrounding.

The seminar was also available at a later date as a webinar.

HTC's current project is developing a video/program to assist judges and attorneys in identifying victims of human trafficking

Other matters reviewed by HTC are as follows:

**San Diego District Attorney Summer Stephan** shared with us a pending bill that she and other prosecutors and advocacy groups are very concerned about regarding Domestic Violence. The bill has gotten through the California Senate Assembly despite strong resistance and, if passed, will have a major adverse impact on enforcement for several reasons discussed further in the notes. Co-Chair Judge Breen-Greco has recommended further consideration of NAWJ involvement in advocating against the bill.

**Lynn Hecht Schafran**, Senior Vice President and Director, National Judicial Education Program, Legal Momentum. provided HTC with an overview of the recently published opinion from the Wisconsin Supreme in *State of Wisconsin v. Chrystul Kizer* [July 6, 2022 Affirmative Defense for a Child Sex Trafficking Victim].

**Rima Nashashibi, President** of Global Hope 365, provided HTC with the registration information for the free zoom meeting on August 1, 2022, with CA Attorney General Rob Bonta and team members from his office Maheen Ahmed, Deputy Director, DOJ Office of CARE; Michael Redding, Special Assistant AG. A number of HTC members attended and found it to be very informative and directly related to the many challenging issues associated with human trafficking.



2022 Annual Report of the Immigration Committee  
*Prepared October 3, 2022 by*  
Chair: Honorable Joan Churchill, Immigration Judge (ret)

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### **Membership**

Membership on the NAWJ Immigration Committee includes active and retired Immigration Judges, the President of NAIJ [the National Association of Immigration Judges], two past presidents of NAIJ, three past presidents of NAWJ, state court judges who have handled immigration cases as lawyers or judges and a retired judge who handles immigration cases pro bono for members of the U.S. military.

### **Meetings**

The Committee has met 4 times so far during the 2021-2022 term, two more are. Planned before the end of this term. Our 4 meetings held so far were held by video conference on November 12, 2021, January 28, 2022. April 7, 2022 and July 14, 2022.

We have two more meetings scheduled before the end of this term. Our next video conference meeting is scheduled for October 13, 2022 at 4pm Eastern. We are also scheduled to meet in person during the 2022 Annual Meeting in Detroit on Friday, October 21 at 7:30am.

### **Article I Immigration Court**

1. **CONGRESSIONAL HEARING.** At a hearing held on January 20, 2022, NAWJ Vice President Mimi Tsankov testified before the Subcommittee on Immigration and Citizenship in her capacity of President of the National Association of Immigration Judges [NAIJ] in support of legislation to create an Article I Immigration Court.
2. **THE REAL COURTS, RULE OF LAW ACT OF 2022, H.R. 6577 TO CREATE AN INDEPENDENT ARTICLE I IMMIGRATION COURT** was introduced in Congress on February 3, 2022, by Congresswoman Zoe Lofgren, Chairwoman of the House Subcommittee on Immigration and Citizenship, H.R. 6577 co-sponsored by House Judiciary Committee Chair Jerrold Nadler (NY-10) and Hank Johnson (GA-04). Chair of the House Subcommittee on Courts, Intellectual Property, and the Internet. the Judiciary Committee of the House of Representatives reported HR #6577 favorably out of committee. A floor vote has not, to date, been scheduled.
3. **NAWJ ENDORSEMENT.** NAWJ President Elizabeth White sent letters of endorsement on behalf of NAWJ on February 8, 2022 to the three members of Congress who sponsored HR 6577.
4. **PUBLISHED ARTICLES**

--Chair Judge Joan Churchill's article entitled *Compelling Reasons for an Article I Immigration Court*, was published in the winter edition of the *ABA Judges Journal*, issued March 11, 2022. ABA members can access the article at [https://www.americanbar.org/groups/judicial/publications/judges\\_journal/2022/winter/compelling-reasons-an-article-i-immigration-court/](https://www.americanbar.org/groups/judicial/publications/judges_journal/2022/winter/compelling-reasons-an-article-i-immigration-court/)

--An article written by NAWJ Vice President Mimi Tsankov entitled *Human Rights at Risk: The Immigration Courts Are in Need of an Overhaul*, previously published in the April 27, 2020 issue of the *ABA Human Rights Magazine*, was reprinted in the winter issue of the *ABA Judges Journal*. The article can be accessed at:



[https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/immigration/human-rights-at-risk/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/immigration/human-rights-at-risk/)

## WEBINARS

1. **Immigration Update - Issues & Current Developments** - The Committee presented a webinar on April 12 to update the membership on a variety of immigration related topics, ranging from the immigration judiciary, immigration issues connected to juvenile justice, immigration issues affecting members of the military, and immigration issues facing Afghan evacuees. The webinar, which was well attended, was cosponsored by the NAWJ Juvenile Justice and Child Welfare Committee and the NAWJ International Outreach Panel members included Judges Bev Cutler, Andrea Koppenhofer, Mimi Tsankov of our Committee, and Ashley Tabaddor, formerly a member of our committee, and Faraz Khan, Legislative Director of IFPTE, the parent federation of NAIJ, the judges' union. I served as moderator.
2. **Paths to the Administrative Judiciary** – The Immigration Committee co-sponsored a webinar on *Paths to the Administrative Judiciary* with the NAWJ Administrative Judiciary Committee. We arranged for a speaker from the Executive Office for Immigration Review, Deputy Chief Immigration Judge Sheila McNulty to be on the panel to share about the duties of Immigration Judges and how to apply.

## NAIJ

1. NAWJ Vice President Mimi Tsankov was elected President of NAIJ at its 2021 election.
2. Following its decision on January 20, 2022, in which the Federal Labor Relations Authority denied NAIJ's motion for reconsideration of the FLRA's 2020 decision, the FLRA formally ordered that NAIJ be decertified. In its 2020 decision the FLRA held that Immigration Judges are management officials who, therefore, are not eligible to be part of a Federal government bargaining unit. NAIJ has filed suit in the U.S. Court of Appeals for DC claiming that the FLRA's 2020 decision was erroneous in overturning its prior precedent decision which had held that Immigration judges were not management officials.
3. NAIJ has submitted a new petition to the FLRA seeking recertification.

## Afghan Women Judges.

We have been heavily involved this year with the plight of sister members of the International Association of Women Judges who were dismissed from their positions by the new Taliban leadership in Afghanistan and who feel at risk in their home country. Past President Vanessa Ruiz who is the Immediate Past President of IAWJ, has kept us up to date on the progress of helping those who wish to leave evacuate from Afghanistan and relocate elsewhere. Only a handful have arrived in the U.S. so far. We have brainstormed with Judge Ruiz, on immigration related issues and with Judge Lisa Walsh, NAWJ International Director, on fund raising issues to enable those in the U.S. to obtain Masters of Law at U.S. institutions. We met and welcomed the three Afghan judges who attended the NAWJ midyear meeting held in Virginia, at which they were granted complimentary membership in NAWJ. Bev Cutler of our committee is mentoring one of the Afghan Women Judges located in Virginia.



Annual Board Meeting October 19, 2022  
Report of the International Director/ Chair of International Outreach Committee  
Honorable Lisa Walsh

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The International Director is also the Chair of the International Outreach Committee.

**INTERNATIONAL JUDGES AT THE ANNUAL CONFERENCE IN DETROIT**

Co-Chair of the International Outreach Committee Judge Judy Chirlin and I have planned a roster of exciting activities with Detroit Judges Miriam Perry, Denise Langford-Morris, Judge Denise Hood and conference Chair Judge Michelle Rick. On Tuesday afternoon, October 18, we will be escorting our judges to Detroit Mercy School of Law (UDM Law) for an exciting panel at the school. Judge Perry will moderate a discussion about innovations in indigent criminal defense. The international students will liaise with UDM students as well as students from sister law school, Windsor Law in Canada. Wednesday morning, we will be traveling with the judges to view court proceedings in the 36<sup>th</sup> District Court and the Federal District Court. Wednesday afternoon will be the International Judges reception, immediately before the Conference opening reception. We will be sending out a request for mentors to pair with our visitors. On Thursday, we will be hosting our traditional “Tea and Ethics” program and have sent a request to the visiting judges to bring issues they wish to discuss and share with each other. We encourage all interested attendees to attend this session with our visiting judges.

As you all know, NAWJ is able to bring in international judges with the support of the US State Department INL. INL is represented by new officers this year, Oretha Gilbert and Jocelyn Rafferty, as our longtime partner, Shibani Malhotra has been promoted within the Department. INL will be providing transportation for the judges to UDM Law School and the courts. Please give a warm welcome to Oretha and Jocelyn at the conference.

**UPDATE ON THE AFGHAN JUDGES IN THE US**

We currently have 23 judges from Afghanistan in the US. They are liaising with NAWJ mentors as well as mentors and leaders from the South Asian Bar Association and the ABA Taskforce on Afghanistan Pilot Project. I am currently liaison to the ABA International Section as well as the ABA Taskforce for NAWJ and IAWJ. The Taskforce is approved to run a project to support eligible and able Afghan lawyers and judges in attending an accredited LLM program with an aim to become legal professionals in the US. It may expand its goals to other educational and professional pursuits, given the varying goals and abilities of our judges.

I have connected the judges both in the US and in third countries awaiting entry here with an organization which has given them English proficiency tests and is starting classes. English proficiency is the number one factor in securing the future success of our Afghan sister judges. So far, four are being supported by universities as “visiting scholars” and one is being supported in an LLM program. They are auditing classes, and some are doing research projects relevant to their past professional lives. Three attended our Midyear in Arlington.

Some of our Afghan judges are working very menial jobs and struggling for money. Some have large families. Future employment is the key to their success. Hopefully, if they take advantage of the English classes and educational opportunities, their future will be better. If you want to be a mentor for an Afghan judge, please email me. I am in process of building mentor “teams” in each locale where the judges are living to support one another to make the transition easier.

It is expected that 20-30 more judges will be entering the US within the next weeks or months. We have a critical need for mentors in NAWJ willing to be a friendly and welcoming voice for them as they enter our country. Again, please contact me with any interest.

#### **BIENNIAL CONFERENCE OF THE IAWJ IN MARRAKESH MOROCCO**

Very exciting news. Planning for the IAWJ Biennial Conference in Marrakesh, Morocco is underway. The conference venue is the Kenzi Rose Garden Hotel. At present, it is envisaged that the conference will start at 10 am on 11 May 2023 with the opening ceremony and lunch. There will then be a visit to the Palais de Justice, followed by a dinner and cultural experience. The conference will then run for two full days on 12 and 13 May and half a day on 14 May. The gala dinner will be on 14 May. On site registration and the drop off of items for the silent auction will be available from 10 May. The NAWJ Retired Judges Committee and Judge Marguerite Downing have arranged two side trips before and after the conference which will take travelers to the Skoura oasis, Merzouga dunes, Fez, and Casablanca, among other destinations and attractions. The brochures are attached.



2022 Annual Report of the Judicial Education & Academic Committee

*Prepared October 7, 2022 by*

Chair: Honorable Toni E. Clarke (ret)

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During the year we discussed the role of the committee and what we saw as tangible outcomes. We first determined that there are two main areas as far as education. First developing programs to educate the public and, second developing programs to educate our membership (Judges). To that end, we established subcommittees to explore programs within each category.

The educating the public subcommittee proposed that we develop and maintain toolkits, links, and a library of ready-made programs for use by our members when preparing to make a presentation to a school, church, community organization, etc. The process was that the subcommittee, chaired Annette Pitts, assigned two work study students to create a database by state to include civics, government, and law programs for K-12 students. It includes state programs and contacts as well as a few national program contacts. Digital access links will be provided with the permission of the originating entity. They currently have located over 200 contacts and programs. These include specific civics programs, court-related and bar-related civics programs, state department of education contacts for civics, mock trial and other state and national program contacts for each state, youth in government contacts, etc. This is a great start to our project.

The educating our members subcommittee will be working on programming for the coming year. As President-Elect, I have asked the subcommittee, and the committee, to work on Heritage months programming. We are also exploring programming on topics such as: technology (what lawyers are using), Cyber Security, Judicial Security, and Artificial Intelligence (AI). Additionally, we will assist with the program planning of the 2023 Annual Conference. Lastly, we have created a sub-sub-committee to work on a program for the International Day of the Endangered Lawyer 2023, which, with the persistence of Judge Delissa Ridgway (an NAWJ member), has been expanded to include judges. The focus country for 2023 is Afghanistan. Programs will be presented across the country and around the world on January 24, 2023, and NAWJ will participate in the international day by presenting a program on the Afghan women judges.

The final task of the committee is “recording and preserving” NAWJ history and archives. Even though it’s part of the committee description, that seems to be largely on the staff to secure. We will explore that task further.

Respectfully submitted,  
Judge Toni E. Clarke (ret), Chair

## NAWJ Judicial Independence Committee Report

August 2022 UPDATE



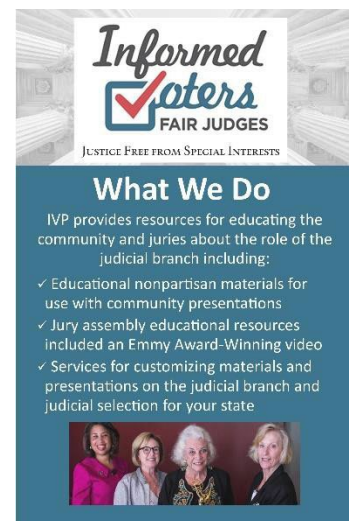
### Introduction

The Judicial Independence Committee of the National Association of Women Judges (NAWJ) is co-chaired by Justice Robin Hudson, Supreme Court of North Carolina; and Justice Debra Stephens, Washington State Supreme Court. The committee provides leadership to the Informed Voters, Fair Judges Project, a public education and outreach initiative designed to strengthen knowledge of the courts and the judiciary; heighten awareness of efforts to weaken the power of the judicial branch; and to build skills in evaluating and responding to unfair attacks on the judicial branch including political and other external influences.

The Committee continues to meet regularly via Zoom and has accomplished several long-term goals this period including a national webinar for judges. The Committee has also finalized production of a public education video for community outreach and juror education, created a clearinghouse of Judicial Independence literature and resources, and presented public education programs throughout the country. The Judicial Independence Committee has continued its national collaboration with the American Board of Trial Advocates to educate jurors and the public through the production of *With Liberty and Justice for All*. The video will be showcased during the 44<sup>th</sup> Annual NAWJ Conference in Michigan in October.

Key messages of the NAWJ Judicial Independence Committee and Informed Voters, Fair Judges Project include:

- Our courts should be the one branch of government free from politics.
- The courts need protection from special interests and political influences.
- We need to educate the public about the unique role of the judicial branch, judges, and juries in our constitutional design.
- The judicial branch is a coequal branch of government.
- Judges should make decisions based on the facts and the law.
- The judicial branch is not a representative or political entity.



The Judicial Independence Committee has actively pursued the development of educational programming, resources, videos, and partnerships this period to impact public knowledge and understanding of the judicial branch and its role in our constitutional structure. Such programs emphasize how the judicial branch differs from the other branches of government; judicial decision-making; judicial selection processes; and the importance of maintaining a fair, impartial, and independent judiciary.

Recent polls and surveys have documented the decline in public trust and confidence in the United States Supreme Court. A new committee presentation scheduled this year will address public knowledge, as well as trust and confidence in the judicial branch, and how this may affect judicial independence and the rule of law. Additional information on the NAWJ Judicial Independence Committee, Informed Voters Project, and upcoming events can be found on its website and social media pages or by attending the NAWJ annual conference. For further information, contact NAWJ Executive Director, Laurie Denham at [ldenham@nawj.org](mailto:ldenham@nawj.org).

## Informed Voters, Fair Judges Project Leadership

In addition to Judicial Independence Committee Co-Chair Justice Robin Hudson (Supreme Court of North Carolina) and Chief Justice Debra Stephens (Washington State Supreme Court), the leadership team of the Informed Voters,



Fair Judges Project has included co-chairs Chief Justice Tani Cantil-Sakauye, California Supreme Court, and attorney Linda Leali of Florida. Annette Boyd Pitts, Florida Southern College, has served as the National Education Chair.

Subcommittees of the NAWJ Judicial Independence Committee include an Administrative Law Judges Subcommittee focusing on Immigration primarily; Literature Review and Resource Clearinghouse Subcommittee; and a Communications and Messaging Subcommittee.

IVP was the brainchild of Justice Joan Irion of California in 2012. Under Justice Irion's leadership, Jonathan Shapiro produced an Emmy-Award winning film. United States Supreme Court Justice Sandra Day O'Connor (retired) narrated the film. Today the Informed Voters Project has evolved into a national education initiative providing a variety of resources and model initiatives to NAWJ members, courts, bar associations, and the public-at-large.

## Awards and Recognition

Congratulations to our two Co-Chairs of the Judicial Independence Committee. Justice Robin Hudson of the Supreme Court of North Carolina and Justice Debra Stephens of the Washington State Supreme Court both received recognition recently for their outstanding judicial service. Justice Robin Hudson of the Supreme Court of North Carolina was recently awarded the *Appellate Judge of the Year Award* from the North Carolina Advocates for Justice, the largest trial lawyers association in the country. Justice Hudson will be



retiring from the Supreme Court at the end of the year after serving in the North Carolina appellate courts for 22 years. Justice Hudson's commitment to judicial independence and public education has benefitted the public and NAWJ membership for many years. Congratulations to Justice Hudson and thank you for your longstanding service.



Congratulations also to Justice Debra Stephens of the Washington State Supreme Court! Justice Stephens was recently recognized as *Judge of the Year* by the Washington State Association for Justice. Pictured at the award ceremony is Justice Stephens with her Supreme Court colleagues Justice Susan Owens, Justice Helen Whitener, and Justice Chuck Johnson. Justice Stephens was appointed to the Washington State Supreme Court in January 2008 and served as its 57th Chief Justice. She is

deeply involved with public education and teaching about the judicial branch. Justice Stephens is a valued leader in judicial independence nationally. Congratulations on your recent honor and thank you for your service.

Thank you to both Justice Hudson and Justice Stephens for your leadership in judicial independence and your commitment to educating the public about the judicial branch.



## Educational Resources

Funding from the American Board of Trial Advocates and the ABOTA Foundation provided the resources need for production of two videos for use with public education and outreach initiatives as well as jury orientation and education programs nationwide. With education about the role of the judicial branch at the forefront of our mission, the videos will serve a critical function in informing the public about the courts and the constitutional significance of judges and jurors. Additionally, with a lack of substantive juror education programs nationwide, these videos will



fill a critical need for content-based juror education initiatives. A preliminary inventory of juror education programs throughout the country revealed inconsistent and sometimes nonexistent educational programming for jurors. Often juror information or education programs only provide logistical details about reporting for jury service including what to wear, where to park and other generic logistical information

With the success of IVP's original Emmy Award- winning video *Fair and Free*, featuring retired United States Supreme Court Justice Sandra Day O'Connor in 2012, this new video, *With Liberty and Justice For All*,

will highlight the importance of having judges and juries make decisions that are free from outside influence, pressure, and politics. Produced by the NAWJ Judicial Independence Committee with support from the American Board of Trial Advocates, and the ABOTA Foundation, the video may be used without charge for public education purposes, including school and community outreach as well as juror education or orientation programs. The video is available in two lengths. One version is a five-minute video that includes information about the American jury system, which courts may wish to use as part of their jury orientation program. It is also designed for use with general education and outreach efforts. A shorter three-minute video is also available. See links below.

Video Links: <https://drive.google.com/file/d/1o6FVSB1Qb5h0Gu21RIZ4ZvJM3ZCMDP3y/view>

<https://drive.google.com/file/d/12FPC0lhVr7GUaO5hb8xWEyEAooPA6kqz/view>

Today, we are hearing more and more from judges and court professionals across the country how essential it is to share the story of our justice system and the importance of having a fair and impartial judiciary, free from external influences. We hope this video may be helpful in these efforts. If you have any questions about this video, or about how to access other educational resources from the NAWJ Judicial Independence Committee, please contact Laurie Denham at [ldenham@nawj.org](mailto:ldenham@nawj.org). We ask that no edits or additions be made to the video without our approval.



The National Association of Women Judges (NAWJ) has long been recognized for its leadership in educating the public about the justice system, the rule of law, and the importance of judicial independence in our constitutional design. The Judicial Independence Committee continues to provide a wide range of resources on related topics including a short animation on judicial selection processes for use with public education efforts. The animation can be located on the [ivp.nawj.org](http://ivp.nawj.org) website and IVP social media. The video animation is also available by request for posting on applicable websites. Additionally, IVP has developed other new materials and resources including educational presentations and handouts to educate the public about the processes for selecting judicial candidates, how judges are different from other elected officials, and why voting for judges is important. These materials were piloted in nonpartisan presentations in a variety of jurisdictions. Social media campaign materials have also been created to educate and inform the public.



Millions of voters leave the ballot blank for judges annually in merit retention elections. One social media post created by the JIC IVP Committee titled, *Don't Leave the Ballot Blank*, is a reminder to voters that judges play an important role in our daily lives. Organizations and individuals have used it alike to generate interest in judicial elections and how to evaluate judicial candidates. This and other social media messaging can be obtained from the Judicial Independence Committee. Print and digital nonpartisan, educational resources are available for subsequent elections and are accessible to attorneys and judges throughout the country to utilize in public information and outreach campaigns.

Public education programs across the country were held using JIC IVP materials and resources this year. All ages and demographics participated. A variety of other presentations including Constitution Day events were held at colleges and universities as well as civic organizations throughout the year. The Judicial Independence Committee and the American College of Trial Lawyers worked collaboratively on a partnership to educate the public about the judicial branch. Twenty-two ACTL Fellows participated in the project working in twelve states. 16 public education presentations using NAWJ - IVP materials were conducted in 12 states last year. Presentations will continue throughout this year. Over 1200 persons attended the partner presentations during the pilot project period. Six judges and multiple NAWJ members also participated. In addition to ACTL partnership presentations, JIC members have individually presented in a variety of other settings including universities, bar associations, and civic organizations throughout the country. In-person and Zoom presentations were held in Florida, Louisiana, Oregon, Washington, California, and North Carolina, among others. The Judicial Independence Committee presented a national webinar for judges and members of NAWJ this year addressing challenges and threats to judicial independence while examining public knowledge, trust, and confidence in the judicial branch. The webinar highlighted attempts to politicize the judicial branch and possible consequences.



The Judicial Independence Committee is finalizing its collection and classification system for a new Judicial Independence Clearinghouse. The Clearinghouse will provide a wide range of resources to NAWJ members including a judicial independence literature review, as well as access to scholarly articles, primary sources, animations, videos, lessons, quotes, and essays/speeches to assist with public presentations, publications, and educational initiatives. These resources will be available later this year and will be updated regularly. Annette Boyd Pitts, Nicole Bautista and The Honorable Dorothy Chou Proudfoot serve on the subcommittee for this project.

The IVP website ([ivp.nawj.org](http://ivp.nawj.org)) is now managed by the National Association of Women Judges and houses a wealth of information and resources to assist judges and attorneys with education and community outreach presentations in a variety of forums. The website provides videos, PowerPoint presentations, handouts, and a variety of programming models that can be adapted for specific state use. Certain materials have been designed for use exclusively at state or national conferences. These are not available through our website directly but can be requested individually by judges or attorneys. IVP can also assist with designing content specific presentations

for programming in specific states. Special events such as Law Day and Constitution Day as well as judicial selection resources are also available either through the website or by special request. Materials are designed for use with public audiences.

Wide varieties of educational handouts are accessible through our website to use with community presentations. You may print the resource materials for audiences or provide in a digital format. Topics include evaluating judicial candidates (appellate and trial judge considerations), fair and impartial courts, politics and the judiciary, and other related topics. Look under resources on the [ivp.nawj.org](http://ivp.nawj.org) website.

For further details and information on any resources or projects of the Judicial Independence Committee, feel free to contact Annette Pitts at [annettebpitts@gmail.com](mailto:annettebpitts@gmail.com) or Laurie Denham at [ldenh@nawj.org](mailto:ldenh@nawj.org).



The National Association of Women Judges  
Juvenile Justice and Child Welfare  
October 19, 2022

Co-Chairs: Hon. Ernestine Gray and Hon. Joy Cossich Lobrano

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The Juvenile Justice and Child Welfare (“JJCW”) Committee established the following six 2022 committee goals:

- 1. JJCW committee will focus on three designated juvenile justice issues.** *The focused topics for 2022 are as follows: a) “Racial Disparity in Juvenile Justice System” b) “Foster Care Safety Net Initiatives” and c) “Opioid and Addiction Crisis.”*
- 2. JJCW committee’s 2022 Goals include to continue collaboration with other national associations regarding juvenile justice and child welfare with a 2022 focus on the following three organizations:**
  - a) National Council of Juvenile and Family Court Judges;
  - b) American Bar Association, Judicial Division, ABA Center on Children and the Law and ABA Youth at Risk Commission.
  - c) National Center for State Courts.
- 3. 2022 Coordinated Community Volunteering**
- 4. Develop a process for juvenile justice resource distribution** in which committee members can be provided with resources and information on innovative child welfare practices throughout the country & provide links to those resources.
- 5. Hosting a webinar(s)** on the three 2022 focused juvenile issues and continue collaboration and presentations with Justice Nechtam on the Pathway Initiative and Juvenile Initiatives at the Massachusetts Juvenile Court.
- 6. Committee Recruitment Efforts**

In furtherance of these goals, the JJCW committee will continue to partner with the NAWJ Ensuring Racial Equity in the Justice System Committee on their webinar series “Exploring the History of Bias within the Child Welfare System and Seeking Solutions”. The first webinar of the series, which aired on July 28, 2022, was moderated by one of our committee members, Judge Mendelson. In order to continue this partnership, the JJCW committee would like to host one of the webinars in this series with one of the following topics: Foster Care Safety Net Initiative, The Opioid Crisis within the Youth

Population, Crossover Populations (Victims to Offenders), The Criminalization of Black Girls in the Juvenile Justice System, or Cognitive, Implicit and Cultural Biases as applied to Child Juvenile Justice and Child Welfare. In discussion of the structuring of the webinar, the committee agreed that including a youth voice in the webinar panel to introduce a different perspective, and to emphasize the importance of hearing the voices of those with lived experience, would be an important aspect to the webinar.

The JJCW committee agreed that membership of the American Bar Association Judicial Division would be very beneficial. The committee members are committed to growing their network within this organization in order to better inform the members of the ABA on the current state of child and youth in the court system.

During the committee's last meeting on August 26<sup>th</sup>, 2022, the committee expanded on the goal of developing a process for juvenile resource distribution. The committee agreed that a resource library on the NAWJ website would be an excellent way to distribute materials not just for committee members, but for all NAWJ members. The committee is currently working on creating and gathering the most pertinent materials.

Several members of the JJCW committee meeting are planning on attending on the 2022 Fall Conference on October 19-22. At the previous committee meeting, the committee discussed meeting in person at the conference, as well as utilizing the conference as an opportunity to recruit new committee members.

The upcoming JJCW Zoom committee meeting will be held at 1pm CST on November 18, 2022



**LGBTQ Committee**  
**Annual Meeting Report to the Board – October 2022**

*Prepared by*  
Hon. Kristin L. Rosi, *Chair*  
Hon. Christopher Costa, *Vice-Chair*

**Summary:**

Re-formed only four years ago, the LGBTQ Committee has been working towards greater visibility, access and equality within the NAWJ. The LGBTQ Committee spent 2021 working towards the passage of a site selection resolution and supporting its members in seeking greater leadership roles within NAWJ. While the site selection resolution passed, the Committee was dismayed to see the Board's actions to avoid complying with it and misunderstanding of its import.

**Committee Membership:**

The LGBTQ Committee has significantly expanded its membership in the last year. While the committee had only five members last year, membership this year has swelled to 32 active members from 11 different states.

**Committee Meetings:**

The Committee meets on the 4<sup>th</sup> Friday of every month via the Zoom video conference platform. The Committee has held eight regular meetings in addition to multiple special meetings. The LGBTQ Committee posts its meetings on NAWJ's calendar and all are welcome.

**Issues**

- **Visibility within the NAWJ:**  
The Committee notes that there are no openly LGBTQ members serving on NAWJ's Board of Directors either as District Directors or Members of the Executive Committee. Further, there are no openly LGBTQ members on NAWJ's Nominating Committee, Bylaws Committee or Resolutions Committee. The lack of LGBTQ members in leadership positions negatively impacts membership recruitment and member satisfaction within the NAWJ.
- **Anti-LGBTQ Discrimination:**

The Committee is extremely concerned with the significant uptick in anti-LGBTQ legislation around the country and NAWJ's continued silence on the issue. Members have faced anti-LGBTQ sentiments from NAWJ colleagues and the increase in demeaning rhetoric is concerning.

**2021-2022 Actions:**

- Site Selection Resolution: The LGBTQ Committee led a successful effort to pass the Site Selection Resolution at the 2021 Annual Meeting.
- Webinar presentation titled *Pride and Pronouns*, assisting judges in providing a more inclusive and accessible courtroom to all.



The National Association of Women Judges  
Membership Outreach and Retention Committee  
October 19, 2022

Chair: Honorable Beverly Cutler (Ret.)

Chair: Honorable Doreen Boxer

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The NAWJ Membership Outreach and Retention Committee is a small, 9-member committee. Our mission is to decide the best way to encourage judges to join NAWJ, and to help engage existing NAWJ members to make them feel involved and connected to NAWJ.

#### Membership

Our committee membership includes judicial officers mostly located on the East Coast and the West Coast, with only one member from a state in the heartland. Presently our membership includes only state judges, with the committee having no federal judges, administrative, or military judges. Nor are there any NAWJ Past Presidents on the Committee.

#### Meetings

We have met monthly via Zoom. Attendance varies, but all 9 members have been actively engaged.

#### Counterbalance

We hope to work with the NAWJ Vice-President for Publications to make Counterbalance more generally available to persons outside the organization in order to expand the public's awareness of NAWJ and to inspire eligible non-members to join.

#### Direction We Seek

We ask our NAWJ President in appointing additional or new members to note that the NAWJ Website includes the following information about our Committee:

The Membership Outreach and Retention committee ensures NAWJ includes members from each of the major judicial groups, helps to recruit and meet the special needs of each group, and formulates and implements a plan for membership recruitment and retention. The committee analyzes statistical data and other information that may assist in identifying issues relevant to retaining and increasing membership.

When we started this year, we had no members on the committee who have been on this committee in the past few years, so we requested the statistical data referred to in this description, the current membership information, as well as the plans for membership recruitment and retention developed in recent years. We now request guidance from NAWJ's Board as to NAWJ's goals as they relate to membership outreach and retention and how to describe these goals to would-be members, in order to prioritize and achieve these goals. Finally, we seek direction on whether it is, or is not, important that members actually be a "female judge or retired judge."

## Recommendations

We have made the following recommendations to the President and to the Board:

The website content does not fully align with NAWJ's Strategic Plan. For example, the website articulates "Who We Are" as follows: "NAWJ is a dynamic gathering of women judges who are dedicated to preserving judicial independence to women, minorities and other historically disfavored groups while increasing the number and advancement of women judges and providing cutting edge judicial education." Meanwhile, on page 6 of the Strategic Plan, NAWJ is described as follows: "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." Thus, the Strategic Plan says that NAWJ strives to be gender-neutral and to ensure equal justice under the rule of law, while the website indicates the organization is a women-only "gathering" and does not appear particularly concerned with equal justice so long as the needs of "historically disfavored groups" are met.

The website has some old content and, as to some of the information, it is unclear why no more recent information is posted. Unnecessary/old information can prompt concerns about our organization. For example, on the "About NAWJ" page, under "Financials," the website includes IRS Form 990 from 2018 and 2019, but no recent filings. This may cause someone to question NAWJ's recent finances, which is not helpful to anyone. It is unclear why NAWJ posts this information publicly, and why these old forms are still available to the public. In any case, if NAWJ has decided to post this information, then NAWJ should also post the updated information; but, if there is no need to continue to post the 2018 or 2019 tax information, then NAWJ should consider removing it.

The website design does not afford easy navigation to a potential new member looking to learn about NAWJ's mission and value nor to an unengaged existing member. The website does not easily communicate what NAWJ offers to new or existing members or whom to contact to access a particular benefit or offering.

- The group recommends that NAWJ emphasize our value to web visitors, rather than display a large slideshow of photographs from past meetings which currently dominates the first page.
- The group recommends NAWJ emphasize three offerings listed below that are unique to NAWJ and, we believe, are of interest to potential new member/existing unengaged member visitors to the website. On the website each of these listed values/offerings should have a live hyperlink to navigate to a page that explains each offering/value/benefit as it relates to NAWJ. Selecting the hyperlink should also prompt display of a list of contacts so the potential new member or unengaged existing member can learn how to connect with the offering/value. The offering/values we recommend are:
  - Cutting Edge ["Innovative"] Education
  - Mentorship/Fellowship with other Judicial Officers
  - Opportunities for National Service and Leadership

- The group recommends NAWJ insert a search widget on the front page of the website so that visitors could easily answer, “What can I do near me right now with NAWJ?” or “How can I connect with my local NAWJ district group?”
  - The widget should allow the visitor to search for upcoming events in the visitor’s location or zip code and should generate a printable list of upcoming events in the website visitor’s geographic area, as well as any national webinars or conferences.
  - The widget should automatically give the visitor the contact information for someone with NAWJ (preferably a District Director or possibly someone in the national office) whom the visitor may contact and who will contact the visitor (within “X” number of days). The widget should generate an email to the District Director for the relevant district, and/or to someone at national HQ, to answer any questions and proceed with further outreach.

#### Other Projects

The Committee is compiling a list of sources to learn of new judicial appointments so that the organization can reach out to every new judge soon after appointment.

The Committee is compiling a list of similar national organizations and what they offer to attract new members.

#### Conferences

Annual 2022 - October 19-22, 2022 -- Detroit

Some of our committee members are planning to attend.





Report of the Military and Veterans Affairs Committee  
Of the National Association of Women Judges

Co-Chairs, Colonel Kirsten Brunson (US Army, Ret.) and Colonel Linda Strite Murnane (USAF, Ret.)

The Military and Veterans Affairs Committee of the National Association of Women Judges is a small committee, organized to address concerns primarily of military judges as well as members of the National Association of Women Judges who are veterans, spouses of military members or veterans, those with family members who are serving or have served in the U.S. military, and those whose practice includes representing veterans and military members in courts, boards, administrative proceedings, and those who support military members and veterans in other ways.

A major achievement this year was to broaden our mission to include more broadly those who may not themselves be veterans or serving in the military but who actively support military members, veterans and their families in their legal practice. We committed to use our committee to continue to serve as subject matter experts within the NAWJ on issues of specific relevance to the NAWJ and its members. This includes a wide range of issues, many of which our colleagues within NAWJ may be unaware of which impact military members and veterans in the jurisdictions in which NAWJ members preside. These include issues related to family law, such as child custody, visitation and child support, misdemeanor traffic court matters, including the dual prosecution of members of the military in both state courts and in administrative punishments through the military's nonjudicial punishment system, as well as summary, special and general courts-martial and administrative separation actions which impact the military member's ability to pay fines and fees that may be routine in state court dispositions of some offenses.

We also focused our time this year on issues that have relevance among servicemembers and their families that appear in state and federal courts in which our members may appear, such as litigation related to toxic water, inadequate or substandard military housing which may be provided in privatized housing complexes in jurisdictions in which NAWJ members preside, and the ongoing challenges faced by members of the military, and their spouses and families who are LGBTQ+. We additionally have had the opportunity to have members of the NAWJ Military and Veterans Affairs Committee featured in high profile webinars and programs, the most recent being co-chair Colonel (U.S. Army, Ret) Kirsten Brunson, in a program titled "How We Became Firsts: Ketanji and Me". <https://thesubtimes.com/events/how-we-became-firsts-ketanji-and-me/>

In late August, the Committee shared an opportunity with our members extended to military spouses through the Veterans Legal Advocacy Group (VETLAG) and the Military Spouse J.D. Network for a two-year paid fellowship representing veterans before the Court of Appeals for Veterans Claims or before the Federal Circuit.

Co-Chair, Colonel (Ret) Linda Strite Murnane, served as the editor of a publication published by American Bar Association Publishing titled: "Women's Voices: Global Perspectives on the Right to Vote." The book is available for advance orders at this site:

<https://www.americanbar.org/products/inv/book/425123472/>

In May, Co-Chair, Colonel Kirsten Brunson was appointed to the Military Justice Review Panel by the U.S. Secretary of Defense. She will serve an eight-year term on the Review Panel whose work includes examining improvements to the military justice system, including improvements intended to ensure fair and equal justice for all in the military under the military justice system.

In March, the NAWJ offered a salute to our Vietnam era veterans on National Vietnam Veterans Day, March 29.

In January, the Committee presented an article detailing substantial changes to the Uniform Code of Military Justice found in the National Defense Authorization Act (NDAA). Those changes included the removal of cases involving rape and sexual assault from the commanders and referral of those cases to a special prosecutor.

In December, Colonel Brunson was inducted into the Army Women's Foundation Hall of Fame and in May, Colonel Murnane was inducted into the Ohio Veterans Hall of Fame.

In November, Colonels Brunson and Murnane were featured in an American Bar Association webinar focused on special challenges faced by military members transitioning to civilian careers. This topic was a concentrated focus area within the committee's business plan at the start of the year.

The Committee proposed programs consistent with our goals for the year for the meeting to be held in Detroit and the meeting planned for Indianapolis. The Detroit meeting had more outstanding program opportunities than time slots in which to present them, but we hope that one of our two proposals for the Indianapolis meeting will be selected.

Our thanks to all of our members who contributed to our two meetings and active agenda this year.



The National Association of Women Judges  
Mothers in the Court  
Annual Report October 2022

Co-Chair: Honorable Faye R. Chess

Co-Chair: Honorable Elizabeth Weishapl

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Members:

Hon. Cori Barkman, 29th Circuit Court, Michigan  
Hon. Sheryl Beasley, Los Angeles Superior Court  
Hon. Julia Campins, Contra Costa Superior Court, California  
Hon. Lisa Coen, Los Angeles County Superior Court  
Ms. Erin Coleman, Law Offices of Erin Coleman  
Hon. Kathleen Feeney, Kent County Circuit Court  
Hon. Marlene Fernandez-Karavetsos, 11th Circuit, Miami-Dade County  
Hon. Ernestine Gray, Orleans Parish Juvenile Court, Retired  
Ms. Amy Hsu, Suffolk County Surrogate's Court  
Hon. Hilleri Merritt, Los Angeles Superior Court  
Ms. Renee Stackhouse, Stackhouse APC

1. Meetings: The committee met on March 3, 2022, and May 4, 2022.
2. Committee established rules for the NAWJ Mothers in Court list serve:

Welcome to the NAWJ Mothers in Court list serve.

Mothers in Court Committee identifies the issues that mothers face in the courtroom, from the bench to counsel table, from courtroom staff, jurors, and litigants. The committee thrives to raise awareness on these issues and provide education and methods of addressing them to courts across the nation.

This is a place to share, post, and engage in conversations about the important of representation for moms.

We want to start the conversation by asking:

**“What are the three things that helped you as a mother through the pandemic?”**

Group rules

1. Be kind and courteous.

We want to create a welcoming environment for everyone on the list serve. Please treat everyone with respect. Healthy debates are encouraged, and kindness is required.

2. No promotions or spam.

Self-promotion, spam, and irrelevant information are not allowed.

3. No hate speech or bullying.

Make sure everyone feels safe. Bullying of any kind isn't allowed, and degrading comments about things like race, color, religion, culture, sexual orientation, gender identity and expression, marital status, national origin, political affiliation, disability, veteran status, age, and social economic status will not be tolerated.

3. Articles posted on the list serve:

- Norton Bill Exempts Breastfeeding Mothers from Jury Service. Washington Informer.com
- What Working Mothers Heard in Judge Jackson's Word. Even the eminently accomplished Ketanji Brown Jackson knows the struggle of trying to balance a career and parenthood. The Atlantic.
- Amy Coney Barrett Was a Supermom. So Is Ketanji Brown Jackson. New York Times.
- What the Pandemic Can Teach Us about Parenting and Practicing Authentically Lessons to help forge your path as pre-pandemic life resumes. By Emily Wessel Farr

4. Discussion on surveying membership on issues like lactation rooms, maternity leave policies, children in chambers policies, and ethics rules which exist related to mothers/children in courts.



Report of the Retired/Senior Judges Committee  
for the 2022 Annual Conference Board Meeting  
*prepared on 10/3/22 by*

Chair: Honorable Joan Churchill, Immigration Judge, retired

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The NAWJ Retired/Senior Judges Committee is a large, vibrant committee, with about 30 members. Our mission is to assure that retired/senior judges continue to feel involved and connected to NAWJ.

### **Membership**

Our membership spans the USA, with members from Florida to Alaska, from East Coast to West Coast, and from many states in the heartland. Our membership includes state and federal judges, who have served on a variety of types and levels of courts: Federal and State, administrative, Military, trial and appellate, including a state Supreme Court. Several NAWJ Past Presidents are on the Committee.

### **Meetings**

We meet quarterly. Attendance at our meetings is robust. This term we met by video conference call via zoom on December 2, 2021, February 17, 2022, May 12, 2022, and August 18, 2022. An in-person meeting is scheduled for Friday, October 21, over breakfast at our Annual Conference in Detroit. A sizeable number of the Committee's members plan to be there in person.

### **CounterBalance**

We provide articles for CounterBalance, making sure we have at least one article each issue for the *Life After the Bench* column.

- 2022 Winter Issue Vol 36, Issue 1, p, 19  
Judge Emily Chafa's article entitled "*Retired. Now What? Give Your Time, Talent and Treasure to Your Community!*" which suggests volunteer activities for retired judges was reprinted from the *ABA Judges Journal*, Vol 59, No. 4, Fall 2020. It can be accessed online at:  
<https://www.nawj.org/static/230/counterbalance-winter-2022>
- 2022 Summer/Fall Issue Vol 36, Issue 2, p. 12  
Justice Cynthia Baldwin's article entitled "*A Life-Changing Experience*" describes her experiences serving as a Fulbright Scholar teaching on the Law Faculty of the University of Zimbabwe. It can be accessed online at:  
[https://www.nawj.org/uploads/files/counterbalance/cb36\\_2summer2022.pdf](https://www.nawj.org/uploads/files/counterbalance/cb36_2summer2022.pdf)
- Future Issues
  - 1, For the next issue of CounterBalance, Col. Linda Murnane has prepared an article entitled "*FINDING FULFILLMENT IN SECOND CHAPTERS OF A JUDICIAL CAREER,*" which reviews her career in the military and her extraordinary activities involved with international courts since retiring from the U.S. Air Force for which she served as a military judge.
  2. Judge Beverly Cutler has offered to write an article for subsequent issues about mentoring

Afghan Women Judges who who were part of the evacuation from Afghanistan after the fall of the Taliban.

## **Conferences**

### **Midyear 2022 March 10-12 -- Arlington VA**

Judges Beverly Cutler and Barbara Levenson, who are members of our committee, served on the panel entitled *Judges in Transition*. Each shared interesting vignettes.

### **Annual 2022 October 19-22 -- Detroit 2022**

There is considerable enthusiasm on our Committee for the upcoming Annual Meeting in Detroit. Several of our members are planning to attend. Committee Member Susan Moiseev is on the conference planning committee for the Annual Meeting.

We are planning our annual get together in the hospitality suite for all retired and senior judges attending the conference. It will take place Thursday night, October 20. We plan to present information that evening about side trip options at the 2023 IAWJ Biennial.

### **IAWJ Biennial 2023 – May 11 – Marrakech, Morocco**

In view of considerable interest in a tour of Morocco pre or post the conference, we formed a Side Trip Planning subcommittee chaired by Justice Cynthia Baldwin. The subcommittee developed a 9 day post conference tour of Morocco, May 15-23. Flyers will be available at the registration desk and hospitality Suite during the Detroit conference. As mentioned above, subcommittee members will do a presentation and provide information about the side trip during the Retired/Senior Judges get together in the hospitality suite during the Detroit conference on Thursday evening, Oct. 20.

Judge Marguerite Downing has arranged for a pre conference 9 day tour of Morocco. We have invited her to join us in the hospitality suite Oct. 20 to share information about the tour she has arranged.



**Rural Courts Committee  
Annual Report to the Board**

October 19, 2022

*Presented by*

Hon. Stephanie L. Davis, *Co-Chair* and Hon. Elisabeth Reynoldson, *Co-Chair*

**Summary:**

The Rural Courts Committee is energized and working towards increasing its membership and presence within the NAWJ. The Committee desires to build a more inclusive and diverse NAWJ membership through recruiting other rural court judges across the nation. The Rural Courts Committee is committed to issues revolving around access to services in rural courts and has set a goal to present its findings and solutions at a panel at the 2023 NAWJ Annual Conference.

**Committee Membership:**

The Rural Courts Committee is currently a medium-size committee. The Committee has 13 members from 7 states and we expect membership to increase significantly through the recruitment efforts of current Committee members.

**Committee Meetings:**

The Committee is committed to meeting bi-monthly (even numbered months) via the Zoom video conference platform. This Committee has decided to meet together via zoom at 7:30 p.m. EST for future meetings. The Committee is also exploring utilizing a platform (i.e., Microsoft Teams, Basecamp) for continual postings/communications of issues that rural judges face in their court.

**Issues**

- **Access to Justice in Rural Courts.** Increase resources for rural judges to ensure equal administration and access to justice.
- **Availability of Resources in Rural Courts for Pro-se Litigants.** This Committee is interested in discovering what it can do to help create solutions in providing access to legal resources for pro-se individuals who appear before rural courts.
- **Support Services in Rural Areas.** This Committee is interested in increasing the number of support services in rural areas. Services such as counseling, etc. are many times available only in more urban areas. Transportation from rural areas to urban areas can be an issue for those who are unemployed or have no driver's license. Often, public transportation is not an available option in rural areas. This Committee is also interested in exploring how we can bring the rural need for these services and urban availability together in a meaningful and productive way.

Also, the Committee would like to increase awareness in rural judges regarding Orders issued/to be issued and whether the Orders are fair to protect the interest of the parties and are possible to be carried out by parties in a rural area.

**2022-2023 Goals:**

- Increase membership of the Rural Courts Committee via recruitment of current members on the membership roster of the NAWJ that are from rural areas. Rural Court Committee members will also reach out and network with other rural court judges in their areas/state to increase membership.

**2023 Goals:**

- Committee representation at the 2023 National Conference.
- Requesting to make a panel presentation at the 2023 or 2024 National Conference. The specific topic is still under consideration but will primarily deal with *Administering Justice in Rural Courts*.





October 7, 2022  
Annual Report of the Women in Prison Committee  
Chair: Hon. Pennie McLaughlin

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Our committee met quarterly and came up with several ideas to focus on in the coming year. Our first mission was a robust discussion on changing our name to something more positive. The sub-committee worked hard on this and came up with some excellent alternatives but in the end, we decided to keep the original as it was well-known and descriptive of our mission.

The list below are the other action items we discussed at length and are still works in progress. This committee will need a strong Co-Chair, as well as a replacement for the current Chair, as more time is needed to ensure that there is follow-through on tasks and that we are being as effective as possible.

1. Changing the definition of chronically homeless to include recently released persons from incarceration.

All agreed that this was a worthy project to ensure that released individuals with nowhere to go upon release would qualify for federal assistance for temporary housing. This is still a work in progress and will need retired judges to contact federal legislators working on the appropriate committees to bring this to their attention.

2. Bridging the Success Inside and Out program name with the Maryland Women Moving Forward to get all NAWJ re-entry programs under one name.

This is quite difficult to do, as Maryland, as we learned, has had their program up and running since 2008. They are wedded to their name, as are the other districts who have been operating under the name "Success Inside and Out" for many years. It was suggested that the Success Inside and Out programs could move under the name "Women Moving Forward," as the program was originated through the NAWJ. For more information, please see this website: <https://www.wmfmd.org/>

3. Contact with the new Federal Bureau of Prisons Director, Colette Peters.

Our committee has been successful in supporting positive change at various federal and state prison facilities in past years. We would like to establish a working relationship with Director Peters so that we can bring many of the issues that have surfaced in our participation on this Committee to her attention. Recently, Director Peters was interviewed and her remarks

demonstrate that she is interested in fixing the problems that have long plagued many federal prisons:

“Our job is to make good neighbors, not good inmates.”

4. Presenting a webinar on a relevant topic related to our mission.

We have several ideas for this and hope to find a good date to present on a current issue affecting incarcerated women. The Committee agreed to explore the topic of reproductive health care access and rights of incarcerated women.