

October 5, 2023 Annual Report

Report of the Administrative Judiciary Committee>> Honorable Susan Formaker and Honorable Theresa Timlin, Co-Chairs

The NAWJ Administrative Judiciary Committee meets every month on the 2nd Friday of the month at 12 p.m. PT/2 p.m. CT/3 p.m. ET.

We are active or retired administrative adjudicators (ALJ/AJ/IJ, other job titles) at the federal and state levels. We handle or handled a wide variety of dockets involving appeals of administrative actions taken by governmental agencies. We currently welcome approximately 10 to 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, as well as the challenges facing our members.

The committee has planned a webinar to take place on November 8, 2023, with panelists describing their paths to the administrative judiciary. This program will include judges in federal and state administrative tribunals and will be very similar to one presented last year; the program last year generated a lot of interest, and we believe repeating the program will help provide a pipeline of diverse candidates for different types of positions in the administrative judiciary across the country.

In addition to the program discussed above, the committee is investigating the possibility of presenting or co-presenting two programs at the 2024 Annual Conference: one on the Science of Credibility/Reliability of Credibility Determinations, and a second program on CDL licenses and the connection with human trafficking and smuggling of undocumented persons across the border. The latter program would be in partnership with the Human Trafficking Committee. The committee is also considering a possible webinar, possibly with a medical organization or bioethicist, on potential clashes between medical ethics and professional licensing laws in states that have restricted access to abortion after the *Dobbs v. Jackson Women's Health Organization* case.

The committee continues to discuss developments in case law affecting the independence and authority of administrative law judges. In particular, the committee has been following closely the developments in the SEC v. Jarkesy case.

The committee has reviewed the bench cards that have been provided to it by the LGBTQ committee to address LGBTQ issues in the courtroom. The committee determined that those bench cards are an excellent resource and should be publicized in our jurisdictions.

The committee continues to discuss timely topics of interest to the administrative judiciary at each meeting.



October 5, 2023 Annual Report

Report of the Standing Committee on Diversity & Inclusion Honorable Francine Applewhite & Honorable Elizabeth Welch

The Standing Committee on Diversity & Inclusion has had a busy year. We spent several meetings reviewing the NAWJ Diversity and Inclusion Action Plan ("D&I Plan") to ensure consistency in language and full coverage of all groups across the Plan. This led to suggested minor modifications to the Plan, which have been provided to the NAWJ Board.

We began the year with two sub-groups, Committee Outreach (education about the D&I Plan) and Forms (creation of a D&I certification form). Both groups brought back fruitful action plans to the D&I Committee for implementation.

Specific tasks accomplished in 2023:

- Sent the D&I Plan to all NAWJ committee chairs.
- D&I Committee members attended other committee meetings to remind the group of the Plan's existence.
- Created a Program Certification Form for seminars/conferences/webinars to be completed for
 every NAWJ program request. The form has been converted into a pdf-fillable document to
 ensure it can quickly be filled out. While the form has been approved by the NAWJ Board, we
 still need to work with NAWJ staff to figure out how to best incorporate the form into the seminarplanning process. For now, program planners can just fill out the PDF version, but the goal is to
 incorporate the form into NAWJ's website program submission process as soon as possible. (Form
 attached)
- A webinar sponsored by the NAWJ D&I Committee about the importance of having a D&I Plan is scheduled for January 17, 2024. Department of Justice Access to Justice Director Rachel Rossi will speak from a national perspective. The co-chairs of the D&I Committee will also review NAWJ's plan with attendees.

The Committee's standing meeting time since January has been the second Thursday of each month at 3 pm ET (March and August were off due to anticipated low attendance numbers and light agendas). Our attendance has been excellent and our committee members very active in our work. We feel that future focus should be upon "who is missing" and figuring out how to attract those people to our membership and leadership. We also realize the D&I Committee is best positioned to educate the membership about the importance of the Plan and will continue to look for opportunities to do that work

in the future. We have been privileged to serve as co-chairs in this important work and hope that the processes we have put in place will be helpful to NAWJ in the future.

NAWJ PROGRAM CERTIFICATION FORM STANDING COMMITTEE ON DIVERSITY AND INCLUSION

Goal: To build diversity and inclusion within NAWJ, its Districts, Committees, Resource Board, and the judicial community. The NAWJ Diversity and Inclusion Action Plan (D&I Plan) was created to encourage NAWJ leadership, its Districts, and active members to promote diversity and inclusion within the organization and its programming by requiring full and equal participation of lawyers and judges across the spectrum of race, age, gender, sexual orientation, gender identity, religious affiliations, and disability status. (Other considerations could include color, ethnicity, and national origin).

Article IV of NAWJ Action Plan sets forth how NAWJ is to promote diversity in all of its programming. To ensure adherence to the D&I Plan, each program chair should:

- **1.** Be mindful of the value of having diverse speakers and presenters, as defined above;
- **2.** Be mindful of the value of diverse program content;
- **3.** Consider other legal organizations to identify diverse presenters;
- **4.** Seek diverse panelists in the host cities;
- **5.** Invite members and leaders of specialty bar associations in host city to programs and social events:
- **6.** Encourage joint programming with specialty bar associations;
- **7.** Report efforts to address diversity in its program to the Chair of the Education Committee by forwarding this form to said Chair.

I verify that the above referenced 7 directives have been adhered to in the presentation of the following NAWJ program:

Title of Program: Date scheduled:		-
Program Chair Date:	 	

If available, please attach the program identifying the panelists and topics.

For further information, please see the NAWJ D&I Plan here or go to nawj.org/governingdocuments.



The National Association of Women Judges Ensuring Racial Equity in the Justice System September 7, 2023 Year-End Report

Co-Chair: Honorable Sherry Thompson-Taylor Co-Chair: Honorable Nadia Keilani

The NAWJ Ensuring Racial Equity Committee has been very busy, and our meetings have been well-attended.

We hosted meetings on the following dates:

January 11, 2023

February 8, 2023

March 7, 2023

April 19, 2023

May 17, 2023

June 13, 2023

July 12, 2023

August 22, 2023

We agreed to start the year with a program regarding <u>Microaggressions in Court</u>. The program was free and open to all, including non-members. As of June 13, 2023, more than 85 people registered through District 1 before the program was even advertised. The Microaggressions seminar was hosted on June 21, 2023. Several committee members did an amazing job putting this program together. Thank you to Hon. Arose Nielsen, Attorney Patricia Taitano-Valdivinos, and Hon. Latrice Westbrooks. The program created awareness regarding microaggressions, the impact of microaggressions and best practices when confronted by microaggressions.

Our speakers included:

- Moderator- Hon. Geraldine Hines, Retired Justice, Massachusetts State Supreme Court
- Dr. Brigette Baldwin Professor of Law, Western New England University School of Law
- Hon. Steven Gonzalez Chief Justice, Washington State Supreme Court
- Hon. Veronica Galvan Judge, Washington State Superior Court

Two hundred and ninety-six people registered for the program and the feedback was overwhelmingly positive. This was the best attended webinar in NAWJ history.

Our second program focused on <u>Jury Selection</u>. Thank you to committee members, Hon. Vickie Henry, Hon. Julia Campins, Hon. Mindy Walker, Hon. Lisa Martin who did a wonderful job coordinating this program. The discussion focused on barriers to the fair selection of juries that represent a cross-section of the community as well as efforts to overcome those barriers. Other topics included recent changes in state laws with respect to the exercise of peremptory challenges, judicial efforts to overcome barriers in court; and the ways to work with the existing system of the courts to encourage fair and equitable jury selection.

Our speakers included:

- Moderator Hon. Mindy Walker, Judge, Jefferson County District Court, Washington State
- Ms. Lila Silverstein Appellate Public Defender, Washington Appellate Project
- Hon. Victor Martinez Judge, Los Angeles Superior Court
- Ms. Christine Farrow Commissioner of Jurors for Erie County, New York Unified Court System, Eighth Judicial District

The program was well received. The video has been uploaded to the NAWJ website.

Our third program of the year- <u>Racial Disparity in Sentencing</u> was previously scheduled for October, but we will push the program to November given the re-scheduling of the earlier panels. Retired Judge Ernestine Gray suggested we consider addressing Racial Disparity as it relates to "Emerging Adults 18-25 years old". Much more interested was generated by narrowing the topic. Our focus will be "Children Are Different: Juvenile Brain and the Justice System."

Subcommittee members include:

- Hon. Ann Breen-Greco
- Hon. Renee Stackhouse
- Hon. David Keenan
- Hon. Elizabeth Welch

We are currently scheduled for November 28, 2023; 12:00 p.m. (PST)

Possible moderators are Hon. Rohanee Zapanta or Hon. Tilisha Martin, Judges, San Diego Superior Court or Hon. Ernestine Gray, Retired Judge.

We are still working on our speakers:

- Ms. Marsha Levick, Juvenile Law Center
- Ms. BJ Casey, Yale neuropsychologist, currently teaches at Barnard College Columbia University.

The sub-committee is scheduled to meet on September 20th to confirm the title and other details.

All of our seminars presented this year were co-hosted jointly with the NAWJ Fairness & Access Committee.

Other programs for 2024 include:

- 1. Part two of the Microaggressions program.
 - a. Subcommittee:
 - o Hon. Vickie Henry
 - O Hon. Lisa Martin
 - Attorney Patricia Taitano-Valdovinos.
 - b. Date TBD but aiming for February 2024.
- 2. Addressing citation to slavery cases in the modern day.

Finally, we are working on creating a "10 Things You can Do to Combat Bias" sheet for distribution at the Indianapolis national conference and the San Diego national conference. Co- Chair Judge Thompson-Taylor and Hon. Vickie Henry have started working on the first draft and will share with the group for feedback. Co-Chair Judge Hon. Nadia Keilani reached out to Laurie Denham to ask if we can include in printed materials for annual convention attendees.

Our next meeting is scheduled for October 25, 2023.

It has been a pleasure for Judge Nadia Keilani and Judge Sherry Thompson-Taylor to chair this interesting and robust NAWJ committee.



The National Association of Women Human Trafficking Committee Annual Report

Co-Chair: Honorable Bobbie McCartney Co-Chair: D. A. Summer Stephan

NAWJ HTC 2023-2024 Agenda

What have been your committee's top three accomplishments this past term?

- 1) On July 17, 2023 we conducted a very special meeting of NAWJ's Human Trafficking Committee (HTC) where we had the opportunity to view for the first time an important judicial training/educational video addressing human trafficking issues recently completed by the wonderful staff of D.A. Summer Stephan, our HTC Co-Chair. As an approved project of NAWJ, we were honored to have our NAWJ President, Judge Toni Clarke, presenting the introduction. The video provides vantage points from a variety of judges, victims and survivors, public defender, prosecutor, probation, and others interested in learning more about human trafficking issues. We HTC will be introducing the video at the October annual meeting.
- 2) As Co-Chair for HTC, I have been working with the Juvenile Justice and Child Welfare Committee on their upcoming webinar on "Girls in the Systems journeys through the juvenile justice system" with a special interest in girls aging out of foster care who are particularly vulnerable to human trafficking.
- 3) As the NAWJ Liaison to the ABA Committee on Domestic and Sexual Violence (CDSV) and Co-Chair of NAWJ's HTC, I have reached out to NAWJ to co-sponsor ABA Resolution 605 supporting passage of the 'Stop Institutional Child Abuse Act.' NAWJ is trying to find ways to work with the ABA on this.

What does your committee hope to accomplish in the 2023-2024 term?

1) A top priority for HTC in 2023-2024 will be the presentation of the judicial training/educational video addressing human trafficking issues recently completed by the wonderful staff of D.A. Summer Stephan, our HTC Co-Chair, by D.A. Stephan *at NAWJ's October annual conference*. The video provides vantage points from a variety of judges, victims and survivors, public defender, prosecutor, probation, and others interested in learning more about human trafficking issues. HTC will also be engaged in striving for the maximum level of visibility and distribution possible of this important training video both within NAWJ and to external stakeholders.

- 2) As the NAWJ Liaison to the ABA Committee on Domestic and Sexual Violence (CDSV) and Co-Chair of NAWJ's HTC, HTC will continue to work with NAWJ to find ways to co-sponsor ABA Resolution 605 supporting passage of the 'Stop Institutional Child Abuse Act' a with a special interest in girls in foster care and other institutionalized settings who may be particularly vulnerable to human trafficking. (https://www.acf.hhs.gov/policy-guidance/responding-human-trafficking-among-children-and-youth-foster-care-and-missing)
- 3) HTC partnering with NAWJ's Administrative and Immigration Committees to plan a joint panel presentation at NAWJ's 2024 Conference in San Diego focusing on converging interests in human trafficking with DA Summer Stephan and Judge Breen-Greco actively participating in this endeavor as part of the planning committee for the conference.



October 5, 2023 Annual Report Report of the Immigration Committee Honorable Joan Churchill, Chair

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, 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 3 times so far during this term. We met by zoom video conference calls on January 19, March 3, and June 3. Our next meeting is scheduled for an in person meeting during the NAWJ Annual Conference in Indianapolis.

WEBINARS

Much of the focus of the committee this year involved organizing and presenting 2 webinars on immigration related topics.

1. ABA Webinar on Adjudicatory Independence Issues facing Immigration Judges

This ABA Webinar on March 17, which was organized and moderated by our Chair, Judge Churchill, in her role as Committee Chair of the ABA, Judicial Division's National Conference of the Administrative Law Judiciary. NAWJ cosponsored the webinar at the request of the NAWJ Immigration and Administrative Law Judiciary committees. The Webinar was very well received. A recording of it is available on the ABA Website.

Entitled <u>Adjudicatory Independence</u>: Are <u>Immigration Judges a Warning or a Model?</u> the panel touched on independence issues facing administrative adjudicators in general. Three former immigration Judges were on the panel, including Judge Churchill who served as moderator, Judge William Greene who currently holds senior status on the U.S. Court of Appeals for Veterans Claims, an Article I Court, and Judge Steven Morley. Prof. Jill Family, chair of the ABA Administrative Law Section, whose field of specialization is the intersection of immigration and administrative law, Karen Grisez, Esq. former Chair of the ABA Commission on Immigration, and Jeremy Grayboys, Acting Research Director at the Administrative Conference of the United States, rounded out the panel. Many Thanks to NAWJ for its support with co-sponsorship.

2. <u>Special Immigrant Juveniles</u>

The NAWJ Immigration Committee, under the inspired leadership of committee member Judge Tiffany Palmer, organized and presented an excellent webinar entitled USCIS. The. panel was top notch, with

- Judge Palmer presenting the perspective of a state court judge who has handled scores of these cases. Judge Palmer is a Judge of the Family Court Division of the Court of Common Pleas of Philadelphia, PA who has handled scores and scores of these cases,
- Rebecca Curtis, staff attorney for the Florence Immigrant & Refugee Rights Project in AZ who represents migrant children & youth with SIJ applications
- Randi Mandelbaum, Professor of Law at Rutgers Law School in NJ who heads of the Child Advocacy Clinic which represents migrant youths in NJ who are seeking SIJ status
- Margot Danker, an attorney with the office of Citizenship & Immigration Services that decides SIJ petitions.
- Immigration Judge Eliza Kline who explained the role of the Immigration Judges in the process when the migrant children & youth are in removal proceedings while seeking SIJ classification.
- Judge Ernestine Gray, Judge (retired) of the Orleans Parish Juvenile Court, moderating.
 Judge Gray, a past president of the National Council of Juvenile and Family Court Judges, is the immediate past chair of the ABA Judicial Division, and current Co-Chair of the NAWJ Juvenile Justice & Child Welfare Committee.

The webinar, which was developed by our Committee was also sponsored by the NAWJ Juvenile Justice and Child Welfare Committee, and the ABA Judicial Division.

The webinar was chock full of specific detailed information about the process. Judge Palmer described recent decisions of the PA Appellate courts with somewhat inconsistent results re the authority of State Judges to decline to render requested SIJ findings.

Interest in the program was record breaking. Over 160 registered for it, and over 130 actually attended, I understand.

Judge Palmer has promised to prepare an article for CounterBalance which provides a summary of the information presented in the webinar. The webinar was not recorded.

NAIJ

Our Committee continues to follow the status of the National Association of Immigration Judges, which was decertified as a bargaining unit by a decision of the Federal Labor Relations Authority about 50 years after the status was first accorded. An action in Federal Court seeking reversal of the FLRA action was dismissed as filed prematurely. NAIJ has collected petitions from its membership seeking recertification, but is holding off filing them until a vacancy on the Authority is filled. Meanwhile, NAIJ continues to function as a member association.

AFGHAN WOMEN JUDGES

Our Committee members continue to provide assistance to the Afghan Women judges located in the U.S. who fled the Taliban takeover of Afghanistan. Member Beverly Cutler has been particularly active in leading a team of NAWJ volunteers in the DC/MD/VA area, and has been providing mentoring assistance to one of the families in particular.



The National Association of Women Judges International Director International Outreach Committee April 4, 2023

Chair: Honorable Lisa Walsh

Vice-Chair: Honorable Delissa Ridgway

The International Director serves as a member of the Executive Committee. She also chairs the International Outreach Committee. She is also a Director of the International Association of Women Judges.

This report serves as the Report of the Committee Chair for International Outreach as well as the International Director Report.

<u>Afghanistan Resettlement Activity and Related Programs</u>

Providing mentorship support both for Afghan women judges who are resettling in the US and for those who seek to do so is one of the International Outreach Committee's two principal projects.

August 2023 marked the two-year anniversary of the fall of Afghanistan.

As of this report, 32 of 250+ Afghan Women Judges who have escaped their country and the threats against them therein, are in the United States. They are resettled in multiple locations across the country. Some have been lucky to obtain temporary positions at universities as visiting scholars. Some are working menial jobs. Two are employed in jobs associated with the courts, one in DC and another in Queens, New York. Most recently, the judge resettled in Miami has been hired at a resettlement agency! The majority are still unemployed and trying to find work. Federal refugee benefits are expiring.

For those who are able-bodied, many organizations and individuals are working hard to help them secure employment and educational opportunities. I have reached out to NAWJ members across the country where the judges have been resettled and formed "mentor teams" in most locations where the judges are living. This network ensures that our Afghan judges have local friends, networking opportunities, advisors and mentors. Our NAWJ mentors have done incredible things, donated their time, furniture, taken our judges to lawyer events, given them speaking obligations and set up visitation schedules. Other NGOs, donors, and organizations have helped fill in needs – like free online English classes, laptops, job retraining, resume building. JAMS, through the generous support and suggestion of Past-President Elizabeth White, granted each judge a stipend of \$5,000 for emergency use. The ABA

formed a pilot project to help support those Afghan legal professionals who are able to qualify to obtain LLM degrees in the US and to sit for bar exams. I serve as a liaison to that project.

NAWJ members now lead mentor teams in 18 areas and states. These groups take different forms of organization and involvement, depending upon the population, geography and number of interested mentors in each area. California, for example, has broken down its large mentor team into separate pods responsible for each Afghan judge living in California. District 4 encompasses 3 regions but operates as a single team. Following are a list of teams and team leaders:

Boise, Idaho Robyn Fry

California Hon. Nadia Keilani, Hon. Doreen Boxer, organizer: Mytili Bala

Chicago: Deborah Thorne

Dallas, Texas: Hon. Deborah Hankinson Denver, Colorado: Hon. Colleen Clark

District 4: Hon. Bev Cutler

Houston, Texas: Hon. April Farris

Maine: Hon. Rae Ann French (her judge moved to California)

Miami: Hon. Lisa Walsh

Michigan: Hon. Elizabeth Welch

New Hampshire: Justice Anna Barbara Hantz Marconi

New York: Hon. Kathy King

North Carolina: Hon. Robyn Hudson

Greensboro North Carolina: Samaneh Hamadani

San Antonio, Texas: Hon. Rebeca Martinez

South Bend, Indiana: Pending

Washington State: Hon. Lisa Paglisotti

Vermont: Hon. Patti Whalen

There have been other NAWJ leaders who have proven invaluable to this effort. For example, bridging her time in Northern California and Michigan, Hon. Carol King is trying to figure out how to create partnerships to assist with fundraising. Past-President Elizabeth White successfully obtained a grant for emergency funding for the benefit of the Afghan judges in the US from JAMS, where each judge received \$5,000. Past-President of SABA in San Diego, Mytili Bala, has developed relationships with many of the Afghan judges, triaged issues and problems and found solutions, from helping one judge overcome obstacles to entering an LLM program to dealing with health insurance to helping a disabled judge obtain access to emergency services. Our team leader in District 4, Bev Cutler, is devoted to the judges in her area and has helped with every bit of the multi-faceted process in putting together a life here.

Our team leaders have done an incredible and selfless job in trying to help acclimate our Afghan sisters to a new life in the US.

The Afghan women judges are still, for the most part, not yet employed and not yet proficient enough in English to enter LLM degrees. Those who have adjusted well have been hosted in Universities or colleges and been given the chance to acclimate academically. Their English has progressed the quickest.

Task Force on NAWJ Mentoring Program

President Toni Clarke has formed a task force to memorialize and set parameters for the mentoring project, which has heretofore operated organically and without much structure. Nadia Keilani, Doren Boxer, Carmen Velasquez, Bev Cutler, Lisa Walsh, and Kathy King form this committee. Our first meeting is set for October 4th by Zoom.

NAWJ/IAWJ Participation in 2023 Annual Conference of the ABA International Law Section

From May 2 through May 4, 2023, the ABA International Law Section held its 2023 Annual Conference in New York, New York, drawing hundreds of lawyers and judges from around the globe. As part of that Conference, the ABA's Afghan Legal Professionals Scholarship & Mentoring Pilot Program presented a program on May 4, 2023, titled "Standing with Afghan Legal Professionals: Rebuilding Lives and Supporting Human Rights to Save Democracy." NAWJ International Outreach Committee Chair Judge Lisa Walsh spoke on the panel, highlighting both the IAWJ's work assisting Afghan women judges and their families who fled their country, as well as the NAWJ's ongoing work providing support and assistance for Afghan judges who are now in the process of resettling in the US. Other speakers on the panel included Somaia Sharif Zada and Zamira Saidi, and Mike Byowitz (who co-chairs the ABA's Afghan Legal Professionals Pilot Program (discussed under "Supporting Afghan Women Judges Who Are Resettling in the US," above), as well as Judge Rona Sabawoon, an Afghan judge now living in Queens, New York, who is working for the New York state court system and is being mentored by the NAWJ mentor team headed by Judge Kathy King. The event was moderated by Dana Katz, who serves as Vice Chair of the ABA Afghan Legal Professionals Pilot Program.

Both Judge King and NAWJ International Outreach Committee Vice Chair Judge Lisa Ridgway attended the program, which drew a near-capacity crowd and was extremely well-received.

Following is the program description from the Conference Program Book: "Meet distinguished, courageous Afghan women legal professionals – a judge and two lawyers – who worked to uphold the rule of law and democracy within Afghanistan's U.S.-enabled justice system. Unable to return to their homeland, they continue to focus on Afghan women and girls left behind, while working to rebuild their lives in the U.S. You will hear first-hand the challenges they've had to overcome and hear about the work they are doing and their goals for the future. We will engage with them about the evolving battle for gender equality and women's rights in Afghanistan and the urgent need to stand with Afghan legal professionals—especially women. We'll also explain how you can help them in this effort through the ABA Afghan Legal Professionals Scholarship & Mentoring Pilot Program and learn about its mission to empower Afghan judges, prosecutors, and lawyers in the U.S. by providing financial and other support toward legal education, certification, and employment within the U.S. legal system."

Judge Ridgway serves on the governing Council of the ABA International Law Section and is otherwise very active in the ABA. She sought and obtained a waiver of the \$900 registration fee for the International Law Section's Annual Conference for Judge Rona Sabawoon and her husband, so that Judge Rona was able to attend as much of the conference as she wished.

International Day of the Endangered Lawyer

Since 2010, January 24th has been recognized by a coalition of law organizations as the International Day of the Endangered Lawyer. Our Co-Chair, Delissa Ridgway, was a co-author on the 2023 report, which recognized Afghanistan's lawyers and judges as deserving of recognition. Judge Ridgway hosted two programs on January 24th. In one, presented by the American Bar Association – International Law Section, the International Human Rights Committee, the Middle East Committee, and U.N. & International Organizations Committee, Judge Ridgway hosted a panel including: Symone Gaasbeek-Wielinga

Gaasbeek en Gaasbeek Advocaten, The Netherlands, Co-Founder, Day of the Endangered Lawyer, Professor Margaret Satterthwaite, U.N. Special Rapporteur on the Independence of Judges & Lawyers, Judge Lisa S. Walsh

International Director, NAWJ, Hena'a Salehi, a former lawyer from Afghanistan, and Michael Pates, Director, ABA Center for Human Rights, in Washington, DC.

The panelists discussed the history of the International Day of the Endangered Lawyer and presented on how the fall of Afghanistan has affected the lives and work of lawyers and judges.

In the second presentation for NAWJ, Judge Lisa Ridgway hosted a panel including Judge Vanessa Ruiz, Past-President of the IAWJ and NAWJ, and Judge Lida Kharooty, who discussed the aftermath of the fall of Afghanistan, the threats against women judges, the harrowing evacuation to other countries around the world, and the needs of Afghan judges who have landed in the US.

We are grateful to Judge Ridgway for shedding a light on the plight of the Afghan lawyers and judges and ensuring that the world does not forget those who remain under great threat.

The "focus country" for the "International Day of the Endangered Lawyer" for 2024 is Iran. As in prior years (with 2023 being the exception), the report and the observances (programs and other events, etc.) for 2024 will focus exclusively on the dozens upon dozens of Iranian lawyers who have been arrested and imprisoned for no reason other than doing their jobs as lawyers — i.e., counseling and advising protesters on their rights. On the other hand, even though Iranian women judges and prosecutors will not be included as subjects of the International Day of the Endangered Lawyer in 2024 because (whether male or female) Iranian judges and prosecutors are not at risk in the protests in the way that Iranian lawyers are, it is nevertheless true that women and girls are at the forefront of the Iranian uprising, the protests are women- and youth-led, and gender equality is one of the protesters' key demands.

The leadership of the NAWJ and the IAWJ will decide whether they wish to sign on to the 2024 report of the international coalition and the extent, if any, to which they wish to be involved in programming and other observances. Already the ABA has announced that it will be presenting a program at Noon on

January 24, 2024, advising that the UN Special Rapporteur on the Independence of Judges and Lawyers, Margaret ("Meg") Satterthwaite, has agreed to speak at the event.

IAWJ Biennial Conference

On May 10-15, 2023, the IAWJ held its Biennial Conference in Marrakech, Morocco. 75 of NAWJ's members attended. Each delegation wore its countries colors – and many wore traditional dress to attend the roll call of nations and gala dinner and post-gala activities.

On the evening of May 10, even before the official opening of the Conference, the US Ambassador to Morocco Puneet Talwar hosted a reception in honor of the US women judges and the Moroccan women judges. Reception attendees were welcomed by the Ambassador, IAWJ President Justice Susan Glazebrook of New Zealand, Chair of the Moroccan Conference Judge Mina Sougrati, and NAWJ President Toni Clarke, among other dignitaries.

For the colorful Opening Ceremony on the morning of May 11, the women judges were seated with their national colleagues, everyone clad in native costume and waving their countries' flags. The US delegation sported red, white, and blue scarves and wristbands, and waved US flags. National delegations filled the air, chanting and singing in animated competition. The Opening Ceremony program included greetings from many dignitaries in Morocco and entertainment by a wonderful choral group of women with native costumes and instruments.

Regional meetings were held on the afternoon of May 11. The IAWJ's North America region is entitled to two Directors on IAWJ's Regional Board, one from the US and one from Canada. NAWJ International Director Judge Lisa Walsh was elected as the US Director and Justice Mona Lynch, of the Supreme Court of Nova Scotia, as the Canadian Director.

NAWJ members Lisette Shirdan-Harris, Bernadette D'Souza and Lisa Walsh led three plenary panels, Towards more inclusive justice, Trauma-informed courts, and Afghanistan and the IAWJ.

The May 12 program titled "Afghan Judges and the IAWJ" evoked an emotional response from the audience. Two rescued Afghan women judges talked about their experiences fleeing their homeland as the country fell to the Taliban and their lives since leaving Afghanistan. NAWJ and IAWJ Past President Vanessa Ruiz presented via video on the IAWJ's process, successes, and failures in helping all of the women judges make their way out of the country to safety. NAWJ Past President and International Director Judge Lisa Walsh moderated the program. Honor and kudos were accorded those who have been in the forefront of the IAWJ and NAWJ efforts, including NAWJ members Judge Vanessa Ruiz, Judge Patti Whelan and Judge Bev Cutler. The members of the Afghan Judges Support Committee offered their thanks and acknowledgemnt to so many partners and supporters, esp Jewish Humanitarian Response and interpreters and especially Farah Arjang and those responsible for our database, George Isaac Proctor and Baran S., Anna Kruszewska for her work in Poland, Judges Karen Bilda and Shireen Fisher for their work in Germany and Ireland respectively. As well as partner judges in various

jurisdictions, including Ireland, Canada, Australia, the UK, the US and NZ supporting resettlement and the generous associations and individuals who contributed to the IAWJ Afghan rescue fund, including:

The Chinese Taipei Chapter of the IAWJ

The Philippine Women Judges Association

The Jamaican Association of Women Judges

The New Zealand Association of Women Judges

The Australian Association of Women Judges

The United Kingdom Association of Women Judges

The National Association of Women Judges, Nigeria

And to Afghan judges themselves for their courage and dignity.

Another Plenary Session, "Towards More Inclusive Justice," was presented in the late afternoon of May 12, and was moderated by NAWJ member and past International Director, Lisette Sheridan-Harris. Panelists from five countries discussed initiatives designed to ensure inclusive justice for minorities, unrepresented litigants, youth, persons with disabilities, and those who do not speak the language of the court before which they are appearing.

A third Plenary Session, "Trauma-Informed Courts," was moderated by NAWJ Past President Bernadette D'Souza and presented on the morning of May 13. Panelists discussed the types and causes of trauma that may be suffered by both parties and witnesses. A judge from Kenya presented on a project enabled by an anti-trafficking grant in her country and Uganda focused on the impact of trauma on witness testimony and strategies for making courts more accessible to traumatized parties and witnesses.

Other Plenary Sessions addressed "Celebrating Success" and "Empowering Women Judges" (both presented on May 12), "Gender Based Violence" and "Trafficking and Migration" (both presented on May 13), and "Judicial Diversity" and "Criminal Justice Innovations" (both presented on May 14). On the afternoon of May 13, Conference attendees visited the Palais de Justice, the seat of Morocco's highest court.

The Conference agenda also included some special social events, several featuring engaging entertainment and all offering sumptuous traditional Moroccan cuisine.

The menu for dinner on May 11 at Chez Ali was a feast of traditional Moroccan dishes including roast lamb, chicken Tagine, salads, and vegetables, as well as the sweet pastries and other delicacies for which Morocco is renowned. The venue and the entertainment made the evening all the more memorable. Upon arrival, attendees were greeted by men on horseback, in "Arabian Nights" attire. Folk singers and dancers in traditional native attire of the Berber tribes regaled attendees with their performances. Other highlights of the evening included Moroccan music, fireworks, and equestrian acrobatics.

The Biennial Conference's Gala Dinner was held on the evening of May 13 in the outdoor gardens and pool area of the Kenzi Rose hotel. Many tables were bedecked with flags and/or festive decorations, and many Conference attendees had proudly donned the native attire of their homeland. A Farewell Dinner

on May 14 afforded attendees who stayed Sunday night in Marrakech an opportunity to bid a fond adieu to new friends and old, and to the city and country as well.

At the IAWJ's General Meeting, held on the morning of May 14, attendees received reports and briefings on a range of IAWJ activities, programs, projects, and initiatives. The General Meeting was capped by Justice Glazebrook's introduction of the incoming President of IAWJ – Justice Binta Nyako from the Federal High Court in Abuja, Nigeria – and the announcement of the venue for the IAWJ's next Biennial Conference. For the first time ever, the IAWJ's Biennial Conference in 2025 will be held in two jurisdictions. The IAWJ Board will meet in Botswana first with some additional activities planned for IAWJ members who choose to go there. The action will then move to Cape Town, South Africa for the Conference's Plenary Sessions and other activities. The dates of the 2025 Biennial Conference will be announced in due course.

For NAWJ members wishing to see more of Morocco, two add-on group tours were separately organized by NAWJ members in their private capacities – one before the Biennial Conference, and the other after. Our next meeting will be in Cape Town, South Africa in April 2025.

International Judges Programming at Annual Conference in Indianapolis

As it has in past years, INL, led by Senior Officer Oretha Gilbert, is providing funding to support international judges' attendance at this year's Annual Conference, and sent invitations to diplomatic posts around the world inviting international judges to apply for an INL stipend. In addition, some diplomatic missions are separately funding the Annual Conference attendance of one or more judges from their countries. The members of the local International Judges Committee have made arrangements for our international judges to visit federal and state courts in Indianapolis, to observe proceedings and meet with judges there, in conjunction with the international judges' attendance at the NAWJ's Annual Conference.

We are welcoming 72+ international judges to our annual conference in Indianapolis, from countries including the Bahamas, Bangladesh, Belize, Benin, the Democratic Republic of the Congo (DRC), the Dominican Republic, Georgia, Guyana, Honduras, Jordan, Kenya, Kosovo, Krgyzstan, Mexico, Montenegro, Nepal, Nigeria, Peru, the Philippines, Serbia, Sri Lanka, Suriname, Tunisia, and Ukraine. The Indianapolis judiciary have formed a committee comprised of Judges Kim Dowling, Jennifer DeGroote, Steven David, and Kenna Costello. Pre-conference programming will be conducted by INL Senior Officer Oretha Gilbert on Tuesday October 3, and on October 4, we will be escorting our visitors to visit local federal and state trial and appellate courts, as well as the Indiana Coalition to End Sexual Assault & Human Trafficking empowers Indiana communities to prevent sexual assault and human trafficking, and the Indiana Coalition Against Domestic Violence, the state coalition for domestic violence programs in Indiana, working in a variety of areas to further the mission of eliminating domestic violence.

On Thursday, October 5, we will host a reception at 3:30 pm for the International Judges. On Saturday, October 7, we will hold our annual "Tea and Ethics" program, specifically designed to give our international guests an opportunity to raise and discuss ethical challenges of common interest..

September 2023 Earthquake in Morocco

Tragically, on September 8, 2023 – just a few short months after the IAWJ's Biennial Conference in Marrakech, Morocco was struck by its worst earthquake in more than 60 years and one of the worst in the country's history. Nationwide, more than 2900 perished, and thousands more were injured. NAWJ President Judge Toni Clarke together with International Outreach Committee Vice Chair Judge Lisa Ridgway, drafted a statement extending the NAWJ's sympathies on the devastating human toll and the catastrophic property losses.

The Statement (Sept. 10, 2023) is available at https://www.nawj.org/blog/newsroom/news/statement-on-the-earthquake-in-morocco-from-nawj-president-judge-toni-e-clarke. The IAWJ issued a similar statement. See Statement on the Earthquake in Morocco from Judge Binta Nyako, President, International Association of Women Judges, available at https://www.iawj.org/content.aspx?page_id=5&club_id=882224&item_id=92571&.

The same weekend that the earthquake struck Morocco, Tropical Storm Daniel hit the Libyan cities of Derna and Benghazi. Affected areas experienced strong winds and torrential rains, leading to the collapse of two dams. The resulting flooding left more than 15,000 Libyans dead or missing and tens of thousands more injured. An estimated 40,000 people have been displaced.

NAWJ Joint Sponsorship of Program Marking One-Year Anniversary of Death of Mahsa Amini

In partnership with the ABA International Law Section, as well as the ABA Judicial Division and the ABA Commission on Women in the Profession, among others, the NAWJ jointly sponsored a September 22, 2023 webinar titled "Zan. Zendegi. Azadi. – Women. Life. Freedom.: The One-Year Anniversary of the Death of Mahsa ('Jina') Amini." Following her arrest by the "morality police" charging her with improperly wearing her hijab, Amini's death under "suspicious circumstances" in police custody three days later sparked a massive, nationwide, women- and youth-led uprising, which continues to this day and which threatens the very foundations of Iran's ruling theocracy.

The promotional flier for the September 22 webinar encouraged potential attendees to participate in the program "to honor the memory of Jina Amini, to demonstrate solidarity with our Iranian lawyer colleagues, and to pay tribute to the legions of protesters who are risking their very lives and their liberty in their quest for democracy, freedom, justice, and the rule of law. The event drew nearly 100 viewers, and featured seven minutes of stirring introductory remarks by the new ABA President Mary Smith (who took office in early August), followed by a dynamic roundtable featuring the UN Special Rapporteur on Iran, Javaid Rehman, as well as Gissou Nia (Board Chair of Iran Human Rights Documentation Center, and Director of the Strategic Litigation Project at The Atlantic Council) and Omid Shams (Operations Director at Justice for Iran and a writer, lawyer, and activist living in exile). The Vice Chair of the NAWJ's International Outreach Committee, Judge Lisa Ridgway, moderated the roundtable and also co-chaired the program, together with international criminal law attorney Regina Paulose. Video of the event is available at

https://americanbar.zoom.us/rec/share/0bEy8OCktzD_V7OZM2gOfjlZE1K8vYCrv6KZnSVV5IzuNT1DdXr4 XyGzecZNM83D.M4gOpNgX6d90hlhB. In the words of the valiant women protesters: "Zan. Zendegi. Azadi. – Women, Life, Freedom."

NAWJ President's Participation in Chicago Program Focusing on Afghan Women Judges

On September 26 and 27, 2023, NAWJ President Toni Clarke participated in the 10th Annual Relativity Fest in Chicago. In a special program developed jointly by Relativity and the NAWJ, titled "The Law, the Taliban, and the Women Judges of Afghanistan," Judge Clarke explored the challenges of women in the law, and of the women judges of Afghanistan and their harrowing escape from their country after the Taliban regained control in August 2021. Other speakers sharing that dais with Judge Clarke included Judge Lida Kharooti from Afghanistan. Judge Clarke also spoke on the conference's traditional "Judicial Panel."



September 15, 2023 Report Judicial Independence Committee Honorable Robin Hudson and Honorable Debra Stephens

Judicial Independence Committee Update: Activities of Informed Voters/Fair Judges Project September 2023

The JI Committee and its Informed Voters/Fair Judges Project has continued its public education and related projects throughout 2023. The Committee's leaders for 2023 (Co-chairs Justice Robin Hudson, Supreme Court of NC, retired; Justice Debra Stephens, Supreme Court of Washington; Education Director Annette Boyd Pitts; Judge Carletta Sims-Brown, Richmond County, GA) have met with the Committee several times on Zoom, most recently on August 25, 2023.

The committee has been pleased to have active participants from coast to coast. We have several notable accomplishments this year to recognize, including the following:

1- Video Distribution. After the 2022 release of our updated video "Liberty and Justice for All," produced in a collaborative effort between NAWJ/IVP and the ABOTA Foundation, we used some of the remaining grant funding to have Spanish language versions of the video produced. These were completed and released in the summer of 2023; the letter signed by NAWJ/IVP leaders and ABOTA leaders announcing its release (and including links) is attached to this report.

NAWJ leadership is sending the letter to all NAWJ members and requesting their assistance in distributing the videos in their respective jurisdictions.

In addition, the magazine of the Bolch Judicial Institute at Duke Law School, <u>Judicature</u>, included a write-up with links to the videos in both the printed and online editions of its summer 2023 issue (see attached.)

2- In 2022, IVP completed and released its updated educational video, with a 5-minute and 3-minute versions. The longer version includes a new section, highlighting the importance of jury service. The Committee intends to use the videos in its general educational programs for the public, and in jury orientation programs wherever possible.

Both IVP committee members and ABOTA leaders actively participated in the creative work on the script and video editing, with the production being led by long-time lawyer and North Carolina public television producer Tom Earnhardt and his skilled professional crew.

The video was finished and released shortly before the 2022 NAWJ Annual Conference, and was shown during that conference in the program IVP presented, with a panel including Justice Robin Hudson, Judge Cymonie Rowe (FL) and Educator Annette Boyd Pitts. NAWJ has also made the video available for viewing, distribution, and use with educational outreach programs. The link can be provided upon request.

In September 2022, the President of ABOTA and the incoming 2023 President agreed to enlist its members in all fifty states, to utilize their contacts and knowledge of the judicial system, to facilitate distribution of the video in the state courts for juror orientation programs.

National distribution efforts are ongoing, with the assistance of ABOTA chapters nationwide. Since releasing the videos, we have successfully placed them video in at least one judicial circuit in Florida, thanks to IVP committee member Judge Cymonie Rowe. And also in January, we authorized the Michigan State Court Administrative Office to release the video to Michigan judges by way of a link on the website of the Michigan Judicial Institute. We are pleased with these efforts to distribute the video for educational and juror orientation programs and encourage all NAWJ members to send any ideas for video distribution to our committee Co-chairs.

Here are links to all four versions.

Jury Orientation and Public Education Video (Five-minute English version): https://drive.google.com/file/d/1o6FVSB1Qb5h0Gu21RIZ4ZvJM3ZCMDP3y/view

Jury Orientation and Public Education and Outreach Video (Spanish version)
https://drive.google.com/file/d/1Cty6Eji1kl D78GZVXDoytQ-T-MnJFPV/view?usp=sharing

Shortened Video (Three-minute English version): https://drive.google.com/file/d/12FPC0IhVr7GUaO5hb8xWEyEAooPA6kqz/view

Shortened Video (Spanish version) https://drive.google.com/file/d/1AdEHq56eQSch6w63KSgiBBfbvgMvnPW-/view?usp=sharing

3- A - For Constitution Day programs in 2023, Committee leaders Annette Pitts and Cymonie Rowe have created a new program, adaptable to different states, on the right to a jury trial and obligations of jury service. The program was created for use in Florida's Justice Teaching programs but can be used in age-appropriate forms in any state, using either a state-specific hypothetical or real-life landmark case. The program addresses the steps in a trial, voir dire processes, types of cases and levels of courts in state and federal systems, and more.

A new elementary presentation on Integrity was recently created for a federal judge to use introducing first through fifth grade students to the rules and code of conduct that judges must adhere to just as students have rules. It is a short presentation with PowerPoint to use. Please let us know if you are interested in reviewing either of these.

Other states have shared programs and models such as Judges in the Classroom and other valuable resources. The JIC is creating a repository of materials nationwide.

B - New Law Day program for May 2024: ABA Theme "Voices of Democracy."

Every year the ABA releases a theme for Law Week, which is celebrated in programs across the USA during the first week of May. Our committee has a working group to create a new slide deck on this theme for release and use with these programs this May and thereafter.

4- Literature Review and Clearinghouse. Our Education Director, Annette Boyd Pitts and her team of students at Florida Southern College's Justice Teaching Center have been working for several months to create a database and clearinghouse of resources on Judicial Independence. They clearinghouse will provide a wide range of resources including a judicial independence literature review, access to scholarly articles, primary sources, animations, videos, lessons, quotes, and essays/speeches to assist with public presentations and other educational initiatives. These resources should become 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. Select resources will be shared monthly to acquaint members with materials.

The Committee conducted a survey of NAWJ members on the need for further research to address questions and problems facing the judiciary. The results of the Research Survey Results Summary are attached.

5- Upcoming Meetings and Collaborations. Committee Co-chair Robin Hudson, and NAWJ Executive Directive Laurie Denham are

planning to attend the annual September meeting of the Civil Trial Bar Roundtable, in Washington, DC, 8-9 September 2023. This Roundtable, convened by past presidents of ABOTA, and attended by the leaders of most if not all of the national lawyer organizations. NAWJ's IVP Committee has attended these meetings with "observer status" since 2016, which has resulted in numerous collaborative educational efforts, including our recently released video and ongoing distribution efforts.

Our next IVP committee presentation meeting is scheduled for October 6, 2023, at the NAWJ Annual conference in Indianapolis. The panel will include moderator Justice Robin Hudson (NC retired), Justice Debra Stephens (WA), Annette Pitts (FL Educator), Judge Delissa Ridgway (US Court of Int'l Trade, NY), Justice Judith McConnell (CA), and Judge Carletta Sims-Brown (GA). The presentation will later be updated and presented as a webinar to expand outreach with membership.

We welcome any NAWJ members who are interested in joining the work of our committee. Anyone interested in attending who is not currently on the committee can contact NAWJ Executive Director Laurie Denham, or IVP Co-Chairs, who can provide the Zoom link for the meeting.



October 5, 2023 Annual Report Report of the Juvenile Justice and Child Welfare Committee Honorable Joy Cossich Lobrano and Honorable Ernestine Gray

The Juvenile Justice and Child Welfare ("JJCW") Committee established the following five 2023 committee goals:

- 1. JJCW committee will focus on four designated juvenile justice issues. The focused topics for 2023 are as follows: a) "Racial Disparity in Juvenile Justice System" b) "Children of Incarcerated Parents", c) "Runaways, Survival Sex, and Early Intervention", d) "Girls in the System"
- 2. JJCW committee's 2023 Goals include to continue collaboration with other national associations regarding juvenile justice and child welfare with a 2023 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. 2023 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 Girls in the System.

The committee has made progress on four out of the five committee goals, with the focus being on committee goal number five, hosting a webinar series in early 2024 on "Girls in the Systems". "Girls in the Systems: The Journey through the Child Welfare and Juvenile Justice Systems", the first installment of the two-part series, will be held during the last week of January 2024. Dr. Meda Chesney Lind, author of *Girls, Delinquency and Juvenile Justice*, will provide the foundation of the series with her presentation on the history and the current trends of girls in the systems during the first webinar. Ad'mirel Durden, Judge Lobrano's summer intern for three consecutive years, will shed light on the intersectionality of this issue and will discuss the connection to human trafficking. While the first webinar focuses on the

foundation of girls in the systems, the second webinar, "Girls in the Systems: Exposing and Eradicating Bias", will focus on remedies and best practices to expose and eradicate bias. The committee will continue to meet on a bi-monthly basis in order to prepare for this educational and enlightening webinar series.

In addition to working on our own webinar series, the committee has co-sponsored and collaborated on several webinars such as the "Immigrant Children and Youth: Special Immigrant Juvenile Classification with a 360-view of the Roles of State Courts, Immigration Courts, & USCIS" webinar and the upcoming "Children are Different: The Juvenile Brain and Juvenile Justice" webinar. Following a meeting with President Clarke, the committee plans to co-sponsor a series of NAWJ webinars on ABA resolution 605, which provides support for the Stop Institutional Child Abuse Act. This sponsorship aligns with the committee's goal to continue collaboration with other national associations.

While much of the committee's focus has been on educating the public, committee members have also dedicated their time to sharing resources with each other. Committee members have shared resources on human trafficking, the latest trends within the child welfare system, and up-to-date news on organizations related to the committee's focus topics, such as the International Coalition for Children with Incarcerated Parents (INCCIP) and Girls Educational and Mentoring Services (GEMS).

The upcoming JJCW zoom committee meeting will be held at 5p.m. CST on November 16th, 2023.



2023 Annual Meeting Report from the LBGTQ Adhoc Committee Chair: Honorable Linda Murnane

Report Accompanying the Resolution

Rescinding the October 9, 2021 Resolution "Barring Future NAWJ Conferences in Jurisdictions Where LGBTQ+ Protections are Repealed or Where Discriminatory LGBTQ+ Laws are Enacted," and Refining the Selection Process of Annual Meeting Locations to Ensure the Safety and Dignity of LGBTQ+ and Underrepresented Attendees at NAWJ Annual Meetings

INTRODUCTION

In 2021, a then-record 19 anti-LGBTQ+ bills were enacted into law, and 176 such bills were introduced nationwide.¹

The legislation included laws prohibiting transgender individuals from using bathrooms aligned with their gender identity, restricting healthcare for transgender individuals, banning transgender individuals from participating in sports teams aligned with their gender identity, allowing people or businesses to discriminate against others based on sexual orientation or gender identity if those characteristics violate their religious beliefs, limiting classroom discussions of sexuality and gender, and other discriminatory measures.

With that backdrop, and recognizing the threat to the safety, well-being, and dignity of LGBTQ+ individuals, the National Association of Women Judges' LGBTQ+ Committee drafted and introduced a resolution barring NAWJ from hosting conferences in jurisdictions where LGBTQ+ protections have been repealed or where anti-LGBTQ+ legislation has been enacted. The Resolution passed on October 9, 2021.

The following year, on October 22, 2022, NAWJ passed a resolution permitting the 2023 Annual Conference to be held in Indianapolis, a site selected prior to passage of the 2021 Resolution. The State of Indiana had passed anti-LGBTQ+ legislation in May 2022, making the state ineligible as a site for the annual conference, but for the passage of the October 2022 Resolution providing an exemption.

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¹ See https://fivethirtyeight.com/features/anti-lgbtq-laws-red-states/

In 2022, 26 anti-LGBTQ+ bills were passed, and 274 such bills were introduced nationwide.²

In 2023, 84 anti-LGBTQ+ bills have been enacted into law as of September 1, 2023, and at least 496 such bills have been introduced.³

Given the increasing onslaught of anti-LGBTQ+ legislation nationwide, NAWJ continues to be concerned that its mid-year or annual meetings or conferences be held in locations that provide for the safety, well-being, and dignity of all its members, including its LGBTQ+ members and guests.

At the same time, NAWJ seeks to support its LGBTQ+ members in states that have passed legislation hostile to their civil rights, including by hosting meetings in local jurisdictions that have enforceable local ordinances or legislation that prohibit discrimination against and ensure the protection of LGBTQ+ and other diverse communities.

In addition, NAWJ seeks to ensure that its conference and meeting site-selection process allows for certainty in planning once a location is selected and approved.

Thus, in early 2023, NAWJ formed an Ad Hoc Committee to submit recommendations to the NAWJ Board regarding the process for site selection for future conferences and meetings. The Ad Hoc Committee submitted a Resolution to NAWJ leadership for consideration on September 4, 2023.

This report reflects the historical background and other considerations that led to the Resolution that was forwarded by the NAWJ Ad Hoc Committee.

PREVIOUS RESOLUTION HISTORY

On November 1, 2021, NAWJ published its 2021 Resolution titled: "Barring Future NAWJ Conferences in Jurisdictions Where LGBTQ Protections are Repealed or Where Discriminatory LGBTQ Laws are Enacted."

https://www.nawj.org/uploads/files/resolutions/nawjresolutiononfuturenawjconferencelocations.pdf

The November 2021 Resolution recognized NAWJ's mission to advance diversity and inclusion at all levels regardless of race, ethnicity, age, gender, religion, sexual orientation, gender identity, disability, economic status, and other diverse backgrounds, and NAWJ's goal to eliminate bias and enhance diversity and inclusion of traditionally excluded groups not only within NAWJ but in the legal profession. The Resolution also recognized that multiple states have enacted laws that void or repeal state or local protections against discrimination based on sexual orientation, gender identity, or gender expression, or have enacted laws that authorize, mandate, or condone such discrimination. The Resolution attached a list of states that had enacted such discriminatory laws as of the date of adoption of the Resolution and noted that

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² *Id*.

³ See https://www.aclu.org/legislative-attacks-on-lgbtq-rights#categories

NAWJ should update the list as necessary to reflect the addition of any states that similarly adopt discriminatory legislation. The Resolution noted that the California Attorney General's Office was among the agencies maintaining similar lists.

In light of this background, NAWJ resolved that it would not sponsor or hold any mid-year or annual meetings or conferences in states that have voided or repealed state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression, or have enacted laws that authorize or mandate such discrimination.

On October 22, 2022, the National Association of Women Judges published its 2022 Resolution titled: "NAWJ Resolution Regarding Exempting Indiana from the October 9, 2021, List of States Covered by The NAWJ Resolution."

https://www.nawj.org/uploads/files/resolutions/indianaexemptionresolution10-22-2022.pdf

The October 2022 Resolution recognized that, just prior to passage of the November 2021 Resolution, the NAWJ Site Selection Committee had recommended and the Board of Directors had approved Indianapolis as the venue for the 2023 Annual Conference. The October 2022 Resolution further recognized that, following Indianapolis's selection, the State of Indiana passed legislation in May 2022 discriminating on the basis of gender identity with respect to participation in school sports. The Resolution further recognized that Indianapolis was subject to a county ordinance that prohibited discrimination on the basis of sexual orientation, gender identity, and other characteristics.

In light of this background, and given the time, money and resources already committed to planning the 2023 Annual Conference, NAWJ voted to allow the 2023 Annual Conference to be held in Indianapolis.

FORMATION OF THE AD HOC COMMITTEE

Following the passage of these Resolutions, NAWJ formed an Ad Hoc Committee in early 2023, whose stated purpose was to submit recommendations to the NAWJ Board regarding the process for the selection of sites for future conferences and NAWJ meetings consistent with the need to support and enforce the safety and well-being of its members, especially its LGBTQ+ members, and consistent with NAWJ's mission to advance diversity and inclusion and oppose discrimination in all its forms.

The Ad Hoc Committee included members from the current NAWJ Executive Board, as well as members of the NAWJ LGBTQ+ Committee. The Ad Hoc Committee discussed the continuing disturbing passage of legislation throughout the United States that is hostile to the rights of LGBTQ+ individuals, especially transgender persons.

The Ad Hoc Committee also took note of travel warnings issued by organizations relating to the LGBTQ+ community as well as other underrepresented persons whose attendance at NAWJ Annual Meetings is not only welcome, but is considered vital to the mission of NAWJ. Some examples of those travel warnings include:

- Equality Florida a statewide civil rights organization dedicated to securing full equality for Florida's LGBTQ+ community issued a travel advisory for the state on April 11, 2023, warning of the risks posed to the health, safety, and freedom of those considering shortor long-term travel, or relocation to the state. Equality Florida stated that the move came in response to a wave of safety inquiries it had received following the passage of laws that are hostile to the LGBTQ+ community, restrict access to reproductive health care, repeal gun safety laws, foment racial prejudice, and attack public education by banning books and censoring curriculum. (https://eqfl.org/florida-travel-advisory)
- The NAACP issued a travel advisory for the State of Florida on May 20, 2023, warning that "Florida is openly hostile toward African Americans, people of color and LGBTQ+ individuals. Before traveling to Florida, please understand that the state of Florida devalues and marginalizes the contributions of, and the challenges faced by African Americans and other communities of color." (https://naacp.org/resources/naacp-travel-advisory-state-florida)
- The Human Rights Campaign the nation's largest LGBTQ+ civil rights organization declared a state of emergency for LGBTQ+ people in the United States on June 6, 2023, following an unprecedented and dangerous spike in anti-LGBTQ+ legislation across the nation. HRC issued a <u>national warning</u> and a <u>downloadable guidebook</u> for the LGBTQ+ community, providing information about the status of LGBTQ+ related legislation in every state. (https://www.hrc.org/press-releases/for-the-first-time-ever-human-rights-campaign-officially-declares-state-of-emergency-for-lgbtq-americans-issues-national-warning-and-guidebook-to-ensure-safety-for-lgbtq-residents-and-travelers)

The NAWJ Ad Hoc Committee discussed the need to consider the safety, well-being, and dignity of its LGBTQ+ meeting participants, as well as all who attend the NAWJ meetings. The committee determined that the safety, well-being, and dignity of attendees at NAWJ meetings should be the central consideration when a site for the annual meeting of the organization is considered.

The Ad Hoc Committee also considered the obligation of the leadership of NAWJ to adhere to the organization's foundational principles, as well as its fiduciary responsibilities to protect the assets of NAWJ in submitting the Resolution now before the Association.

FOUNDATIONAL PRINCIPLES OF NAWJ

NAWJ was founded for the purposes set out in the NAWJ Bylaws:

NAWJ is organized and operated exclusively for charitable and educational purposes under section 501(c)(3) of the Internal Revenue Code, including the following specific educational and charitable purposes as set forth in the Articles of Incorporation:

(1) To research, analyze, compile, publish and distribute educational materials to enable women judges to become more proficient in their profession;

- (2) To assist, conduct or sponsor educational conferences, forums and seminars for the benefit of judges and other interested persons;
- (3) To study and educate the general public about the number of women judges, the processes by which judges are selected, nominated, elected or confirmed and the barriers which interfere with women's full participation in this process;
- (4) In order that the judiciary may more accurately reflect the role of women in a democratic society, to encourage the selection of additional women judges by compiling accurate information on judicial candidates and potential candidates and by cooperating with private and governmental organizations concerned with judicial selection;
- (5) To educate the general public and policy makers to the importance of selecting judges who reflect the ideals of a democratic society and accordingly are not members of clubs or associations which invidiously discriminate on the basis of sex, race, religion, national origin, age, socio-economic status, or sexual orientation;
- (6) To educate and sensitize all judges to a broad range of social, economic, psychological and emotional factors influencing women who are affected by the court system; and
- (7) To do all things necessary and proper to accomplish the forgoing purposes.

https://www.nawj.org/uploads/files/governing_documents/2021nawjbylawsadopted10.09.21.pdf

NAWJ's commitment to women judges as set out in its bylaws is a commitment to all who identify as women and includes a commitment to those who have transitioned or are in the process of transition.

NAWJ reaffirms its commitment to each of its purposes, including its commitment to educate the general public and policy makers to the importance of selecting judges who reflect the ideals of a democratic society and specifically to address issues related to invidious discrimination on the basis of sex, race, religion, national origin, age, socio-economic status or sexual orientation, as well as gender identity.

<u>DEVELOPMENTS SINCE THE NOVEMBER 2021 RESOLUTION CONSIDERED BY THE AD HOC</u> COMMITTEE

Since the passage of the November 2021 Resolution, the list of states that have enacted legislation that discriminates or permits discrimination on the basis of sexual orientation, gender identity, or gender expression has grown to include more than half of U.S. states. Were

this list to be expanded to international locations, many other nations have enacted or have in place legislation that would preclude the NAWJ from holding meetings in those nations.⁴

NAWJ has many members who reside in states in which LGBTQ+ hostile legislation has been enacted. Some NAWJ members residing in such states have expressed a desire to have NAWJ present in their states in order to support their efforts to ensure inclusion and to support diversity.

Some cities and counties within states that have enacted LGBTQ+ hostile legislation have enacted local ordinances or legislation that prohibit discrimination against and ensure the protection of LGBTQ+ and other diverse communities. To the extent that such local legislation is not preempted by LGBTQ+ hostile state legislation, NAWJ seeks to support members who reside in such local jurisdictions by considering sponsoring or holding mid-year or annual meetings or conferences in such local jurisdictions.

Where local legislation provides legislative support and a legal enforcement mechanism such as a right to file and have a complaint heard for discriminatory actions impacting the LGBTQ+ community, NAWJ's presence in those cities supports those NAWJ members who seek to advance NAWJ's core mission of education and informing the general public about the importance of diversity and inclusion.

RECOMMENDATIONS ADVANCED BY THE AD HOC COMMITTEE TO THE NAWJ EXECUTIVE BOARD

For these reasons, on July 15, 2023, the NAWJ Ad Hoc Committee recommended to the NAWJ Executive Board that a resolution be adopted that would:

- Reaffirm and reinforce NAWJ's commitment to the safety, well-being, and dignity of all of its members, and in particular its LGBTQ+ members, as reflected in the November 2021 Resolution;
- 2. Reaffirm NAWJ's commitment to advancing equality and opposing discrimination in all its forms;
- Direct that the NAWJ Site Selection Committee consider, in every instance, the freedom from harassment and discrimination that its members, and especially its LGBTQ+ members, may be subjected to in deciding a site for any NAWJ meeting;
- 4. Prohibit NAWJ from sponsoring or holding any mid-year or annual meetings or conferences in states that have enacted laws that void or repeal state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression, or have enacted laws that authorize or mandate such discrimination; except that,

⁴ The State of California, whose list of states that have enacted discriminatory legislation is referenced in the November 2021 Resolution, currently has pending legislation to rescind its travel ban. The action, if any, taken by the State of California on its travel ban is not dispositive, nor does it impact NAWJ's core commitment to the safety, well-being, and dignity of its LGBTQ+ members as well as all of its members.

- a. NAWJ may sponsor or hold a mid-year or annual meeting or conference in a city within an otherwise prohibited state if that city is subject to a legally enforceable city, county or other local statute or ordinance that prohibits discrimination against and ensures the protection of LGBTQ+ and other diverse communities.
- 5. Ensure that the NAWJ Site Selection process includes an anti-discrimination provision similar to that which is included in the American Bar Association's Policy and Procedure Guide.

ACTIONS DIRECTED BY THE NAWJ BOARD

On August 11, 2023, the NAWJ Executive Committee requested that the Ad Hoc Committee draft a Resolution and Report regarding site selection consistent with the recommendations submitted by the Ad Hoc Committee.

In addition, the Executive Committee provided further information and requested that specific issues be considered in the draft Resolution and Report. Specifically, the Executive Committee requested that the draft Resolution:

- 1. Include a rescission of the October 9, 2021 Resolution, replacing that Resolution with the 2023 Resolution.
- Include a provision that any decision by the Site Selection Committee shall be confirmed
 as of the date of its announcement in accordance with this Resolution, and if there is a
 change, including a material change, after the date of announcement under which the
 site would no longer be eligible, for reasons of financial responsibility of the NAWJ, the
 site selection will not be changed.
- 3. Omit any mandatory provision regarding site selection for the mid-year meeting because, if a mid-year meeting is held, it is hosted at a location directed by the NAWJ President and not by the Site Selection Committee.

The Ad Hoc Committee considered these requests and incorporated them into the text of the proposed 2023 Resolution.

The Ad Hoc Committee observes with confidence that the presidents of NAWJ have consistently remained committed to the foundational principles of the NAWJ.

While the Ad Hoc Committee acknowledges that the Site Selection Committee is not responsible for selection of sites for mid-year meetings, the Ad Hoc Committee discussed the challenges that would potentially be faced in achieving the principles in the NAWJ's Diversity and Inclusion Plan (https://www.nawj.org/uploads/files/governing_documents/nawjdipolicy-2023update.pdf) were a mid-year governance meeting to be held in a location to which some of NAWJ's Board members would feel unsafe to travel. In particular, NAWJ would have difficulty achieving the Diversity and Inclusion Plan's commitment to maintain and increase diversity in NAWJ leadership and District leadership. Therefore, the proposed 2023 Resolution urges that decisions regarding meeting sites not within the responsibility of the Site Selection Committee consider this foundational principle.

RECOMMENDATIONS TO ADDRESS PERCEPTIONS FROM PAST RESOLUTION ACTIONS

The Ad Hoc Committee discussed observations and comments received from members of NAWJ that their voices could not or were not invited to be heard during the process that was used in the November 2021 and October 2022 resolution processes.

In particular, the LGBTQ+ Committee was not consulted regarding the drafting and submission of the October 2022 Resolution that exempted Indiana from the ban on holding annual meetings in states that have enacted anti-LGBTQ+ legislation. As a result, many LGBTQ+ NAWJ members did not attend the 2022 Annual Meeting at which the October 2022 Resolution was passed and were prevented from voting on the resolution because of the lack of an option for online voting.

While this matter falls outside the specific task assigned to the Ad Hoc Committee, and is not included in the Resolution, the members of the Ad Hoc Committee suggest the following actions be taken to address the membership's concerns about the process used in each of these two important resolutions and their enactment:

- Consider a reconciliation process, such as healing circles or a voluntary public session, to discuss improvements to be incorporated in discussing and deciding particularly challenging and polarizing issues on which the NAWJ is considering taking action;
- Include a written comment period before enacting proposed resolutions, and ensure that written comments as well as comments in any public meetings be shared with voting members to allow a fully informed election process; and
- 3. Adopt policies including online voting procedures that ensure the greatest member participation possible in votes on the adoption of resolutions.



Report of the NAWJ Membership Outreach and Retention Committee for the 2023 Annual Conference Board Meeting

Co-Chair: Honorable Doreen B. Boxer Co-Chair: Honorable Beverly Cutler

The NAWJ Membership Outreach and Retention Committee is a small, 10-member committee. Our mission is to encourage women 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 state judicial officers in a variety of types and levels of courts. The committee has no federal judges or military judges. No NAWJ Past Presidents or current Board members are on the Committee. For the upcoming committee assignments, we encourage the Board to appoint a more robust group to better represent NAWJ's geographically broad, and personally and professionally diverse membership.

Meetings

In the 2022-2023 committee year, we met about every six weeks. Since our members are located in the East Coast, West Coast and in the Mid-West, it was a challenge to find a time to meet. We arranged most of our meetings at 7:30 p.m. Eastern/4:30 p.m. Pacific Time and met via Zoom. Our leaders ensured that each meeting was organized, and we issued meeting agenda. We kept our meetings to one-hour, honoring our members' schedules.

Actions in Support of NAWJ

Noticing that the NAWJ Website includes the following information about the 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.

We requested information from NAWJ that supports this statement, but did not receive that information.

On April 7, 2023, our committee also sent several recommendations to NAWJ's Board via our Committee Report. Our committee has not received clear feedback or direction on our recommendations.

Our recommendations, as stated in our April report, remain.



The National Association of Women Judges Resolutions Committee September 20, 2023 Chair: Honorable Mary M. Schroeder

The Resolutions Committee received one proposed resolution for consideration at the Annual Meeting. That resolution, with an accompanying report, was submitted by the Ad Hoc Committee formed to consider site selection procedures. The resolution would rescind the October 9, 2021, Resolution "Barring Future NAWJ Conferences Where LGBTQ+ Protections are Repealed or Where Discriminatory LGBTQ+ Laws are Enacted".

The members of the Ad Hoc Committee are:

Col. Linda Murnane - Chair

Hon. Ann Breen-Greco

Hon. Emily Chafa

Hon. Jodi Cleesattle

Hon. Sophia Hall

Hon. Marie Salas-Mendoza

Hon. Pamela Washington

The 2021 Resolution was adopted in the wake of California legislation banning state financed travel to states with discriminatory laws and referenced the list of states maintained by the California Attorney General. California has recently repealed that legislation and the repeal became effective September 13, 2023. The Ad Hoc Committee Report now reflects this repeal in footnote 4. The Resolutions Committee concludes the proposed resolution is not moot, however, because the 2021 Resolution was not limited to the lists maintained by the California Attorney General. It referenced lists "including, but not limited to, the State of California's Attorney General's office."

The Resolutions Committee met by ZOOM on September 18, 2023. Those attending were Judges Mary Schroeder - Chair, Marcella Holland, Sandra Ann Robinson and Karen Romano. Prior to the meeting Judge Schroeder circulated two suggestions relating only to form. The members unanimously voted to adopt those suggestions and then unanimously voted to recommend the membership adopt the proposed Resolution and Report.

The Resolutions Committee therefore recommends that the NAWJ adopt the attached Resolution and Report.



October 5, 2023 Annual Report Report of the NAWJ Retired/Senior Judges Committee By Honorable Joan Churchill, Committee Chair

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. We are a large committee, with 30 members. 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 have met quarterly. Attendance at our meetings is robust. Since our last annual report, prepared for the 2022 Annual Meeting, we have met 4 times, usually by zoom conference call:

- October 21, 2022: We met in person during the Annual meeting in Detroit. We met jointly with the Immigration Committee (chaired by the same Chairwoman, Joan Churchill).
- January 18, 2023.
- April 12, 2023
- July 19, 2023

Our final meeting for this term will be at the 2023 NAWJ Annual Conference in Indianapolis

CONFERENCES

NAWJ ANNUAL MEETING 2023: Our annual get together for all retired and senior judges at the Annual conference will take place in the hospitality suite on the Thursday night of our 2023 Annual conference in Indianapolis

IAWJ BIENNIAL IN MOROCCO, May 2023

Our committee members organized 2 side trips in connection with the IAWJ Biennial, A pre-conference tour of Morocco for 5 days, organized by Judge Doris Pechkurow and a post conference tour for 9 days, organized by Justice Cynthia Baldwin & Judge Kitty Schild, Several of our members attended the Biennial.

COUNTERBALANCE

An article by Colonel Linda Murnane -- about her career path in the military that culminated in her service as a military judge and led to her providing administrative support to international tribunals in The Hague -- appeared in the most recent issue of Counterbalance.

Three additional articles for the *Life after the* Bench column are in process.

- Judge Beverly Cutler has promised an article about the assistance she has been providing to several Afghan women judges and their families in the DC metropolitan area whom she has been helping acclimate to living in the United States. They all require help becoming financially self-sufficient and finding employment that makes use of their legal/judicial background. Her article will be prepared in time for the December 1 deadline for the 2024 winter/spring issue. Meanwhile, she provides the committee with periodic detailed updates and solicits suggestions from others on the committee.
- 2. Judge Joan Churchill submitted an article on the activities of the Retired/Senior Judges Committee that has been slated for the 2024Winter/Spring edition.
- 3. Judge Carol Scott-Berry has promised an article for the 2024 summer/fall edition.

WEBINAR PLANNING

Committee Vice Chair Ramona See is spear heading an effort to develop a program for the 2024 Annual conference in San Diego, along with a webinar designed to educate our members about the range of activities available for retired judges after they leave the bench as well as unexpected events that can interfere with ones retirement. plans. She is hoping to get it on the schedule for the annual meeting in San Diego. A subcommittee of the Retired/Senior Judges committee is working on the webinar planning with Judge See. Judge Jamoa Moberly has agreed to moderate.



October 5, 2023 Annual Report Report of the Women In Prison Committee Honorable Judith L. Wheat Honorable Suzanne Maxwell Barnes

Co-Chair Suzanne Maxwell Barnes identified a need in her state for counseling programs for incarcerated women who have been victims of human trafficking. Others on the Committee agreed that there appears to be a lack of appropriate resources for incarcerated women on a national scale. Consequently, the Committee has begun to explore what types of resources exist, or are being used currently, to assist incarcerated women with the specialized needs and challenges arising from being victims of human trafficking. Our goal is to determine whether any of these can be implemented on a broader scale. The Committee also expressed interest in potentially developing a program component to add-on to NAWJ's Success Inside and Out program regarding post-incarceration resources for human trafficking victims. The Committee will follow-up with the Program Committee to determine if there is interest.

Committee members also expressed interest in developing an educational program in conjunction with the Judicial Education Committee, to assist judges in better understanding the specialized needs of female inmates who have been victims of trauma generally. This program would focus not only on human trafficking victims, but also victims of domestic violence and sexual assault. At our last meeting, the Committee began discussing possible speakers, with the hope of putting a program together later in the year.

Although we got off to a bit of a delayed start, the Committee was able to meet several times this year and hopes to continue working on the above initiatives. It remains challenging to find meeting times that work for judges on both the East and West Coast, and we spent some time discussing options to try to enable broader participation by our members given this difficulty.

We especially want to thank Janelle and Laurie for their help in facilitating Committee meetings, as well as to all the members who were able to participate this year and share their ideas.