



NATIONAL ASSOCIATION OF WOMEN JUDGES C O U N T E R B A L A N C E

Volume 30 Issue 2

Remembering our History to Light a Path for the Future

Photo: The Honorable Gladys Kessler, Judge, United States District Court for the District of Columbia, NAWJ Past President 1982-83.

On May 24, 2010, District Four of the National Association of Women Judges celebrated the Edna G. Parker Award Reception and Banquet. The event was held at the Cosmos Club in Washington, D.C. with guests gathering in the garden before dinner in the historic mansion. The 2010 award was given to the Hon. Gladys Kessler of the United States District Court for the District of Columbia. Presenting the award was the Hon. Patricia McGowan Wald, (Ret) from the United States Court of Appeals for the District of Columbia. In addition to the NAWJ members, colleagues and friends gathered to celebrate the occasion, United States Supreme Court Justice Sonia Sotomayor was present to add her congratulations. Judge Kessler in accepting the award spoke of the importance of the NAWJ and the experiences of the early members of the organization.



From the Honorable Gladys Kessler:

"It is hard for me to express how delighted I am to receive this award. I knew Edna well. I met her during the very early years of NAWJ's existence when it was struggling to get its land legs. Edna was a feisty and at times fiery feminist at a time when that was not politically correct. She labored in a truly hostile work environment at the United States Tax Court, and she was always fighting a battle to assert and advance the rights of women. She was also just plain fun-with a wonderful sense of humor, never-ending energy, and an upbeat, optimistic outlook on life. She would love to know, and would appreciate the irony, that this award is being given in a very elegant private club which once excluded women as well as people of color, and now does not. Having known her, I am very honored to receive this award in her name.

You know as I look around this room, and most rooms these days, I see how young most of you are and I know your stories are different from the stories of my generation. It is important that we not forget the history that has brought us to the relatively comfortable, although always precarious, status that we all enjoy as judges and lawyers. It is even more vital that we never forget how atypical we are and how difficult everyday real life is for our sisters who work as waitresses, teachers, on a factory assembly line as Judge Patricia Wald's mother did, as farm workers, housekeepers and office cleaners. They certainly do not get to have dinner at the Cosmos Club.

Discrimination was so much more blatant and shameless in my early days. After a very egalitarian four years at Cornell, I entered Harvard Law School. Way back then that was quite a coup, but the price was high. Not only was there not a "critical mass" of women there, but the percentage was unbelievably low, some 25 or so students out of a class of about 525 total. Not only did we all stick out like the proverbial "sore thumb" but we were made to feel like a "sore thumb." The Dean made it clear that we were taking the place of some worthy male. Of course it was assumed by all and openly commented on that we were there to find a husband. One professor held a famous "Ladies Day" in his property class. Another professor called only on women when discussing rape cases. There was no Women's Law Association. In fact at that point in history, there was very little feminist consciousness amongst the women. We were all just "grateful" to be there.

In my last year at law school I was interviewed by a lawyer from a prominent law firm. We had very good rapport, and quite frankly I thought I had landed the job. He called me the next day, and said how much he too had enjoyed the interview. He then said straight out that his partners would never consent to hiring a woman, wished me luck, and hung up. This was before Title VII.

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SPECIAL INSERT
U.S. SENATE CONFIRMATION
HEARINGS

PRESIDENT'S MESSAGE

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

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Dear NAWJ Members and Friends,

I am happy to announce that NAWJ continues to pioneer creative ways to promote diversity in the judiciary. At our March midyear meeting, the Board of Directors approved the new program *MentorJet: A Speed Mentoring Experience*. Designed to give diverse young people the opportunity for personal interaction with diverse judges and attorneys in a relaxed, informal setting, the program debuted in Anchorage in June and is scheduled for Cincinnati in September. The format for the program looks much like speed dating. In Anchorage, about 35 young people—primarily young women and youth of color—traveled around the tables at a local café to meet fifteen justices, judges, and leading attorneys in a series of six-minute “dates.” The short sessions provided ample opportunity for the sharing of personal stories and aspirations about legal educations and careers, yet not so much time that participants felt pressured to maintain a long conversation. Each of the students was provided with a “*MentorJet* Passport” that included photos and brief biographies of participating mentors. Students who completed their passports by obtaining a stamp from each mentor were eligible for door prizes donated by law schools, legal organizations, and businesses. The entire event took only ninety minutes, and both students and mentors had a great time.

Our state's chief justice, Walter Carpeneti, attended the premiere event as a mentor. In his welcoming remarks, he noted, “I’ve been an attorney for over 40 years and a judge for nearly 30, yet “speed mentoring” is new to me. But if it means having a chance to meet a promising group of young people and talk about the path to a career in law, I know I will enjoy it.”

One of the key attributes of the program is its flexibility: It can target high school students, college students, college graduates who may be thinking about law school, law students, or new lawyers at the start of their careers. And it can be held almost anywhere with tables and access to refreshments. (We have found that good food really helps, and in Alaska we are very grateful to the Council on Legal Education Opportunity for sponsoring this aspect of our June event.)



The next two MentorJet events will take place in September—on September 21, 2010 at Chapman University School of Law, coordinated by District 14 Director Jamoa Moberly, and again on September 24, 2010 at the University of Cincinnati School of Law, coordinated by District 7 Director Margaret Clark of Ohio and District 8 Director Jane Craney of Indiana. I’m very excited about this next phase of the program and look forward to attending the Cincinnati event.

It is my hope that *MentorJet* will add a new tool for us to enhance the diversity of our profession and build on the work started by Judge Brenda Stith Loftin, founder of NAWJ's signature program, *Color of Justice*. It is so important that we continue to communicate the message that law is not simply a great career—it is the backbone of our democracy. Young women and youth of color need to know that a career in law will be interesting and rewarding for them personally. But they also need to know that a career in law can mean that their talents, their intelligence, and their unique perspectives will help shape the country we live in. Because if we are to fulfill the promise of equal justice under law, we must strive to ensure that the face of our justice system reflects a commitment to equal opportunity. And we must continually share our hope that the day will come when the members of our legal profession and judiciary reflect the great diversity of the people in our nation. May all of NAWJ's contributions help us reach the dawning of that day.

All the Best,

Dana Fabe, President



EXECUTIVE DIRECTOR'S MESSAGE



Greetings from the National Office,

Twenty years ago when I was the Executive Director of a small not-for-profit association, I wrote an article for the National Association of Bar Executives annual publication on the issues and challenges of managing a limited-resource 501(c)3 organization. It's interesting to note that although budgetary concerns vary, the challenges of managing a small not-for-profit are not dissimilar to those of managing a national organization. Some of this is related to the ever-shrinking level of available resources that large organizations suffer during budgetary crises, bringing them closer to the bare bones operation of the smaller entities. And both small and large organizations require a focused staff to keep the machinery up and running---the plates spinning and the balls up in the air. The atmosphere of any organization is as particular as the atmosphere of one's home. Each is different and has an individual tone. We are a happy team at NAWJ with a high level of morale and commitment to the mission and work of the organization. We hope this is reflected in the quality of work and with the efficiency of response time to our members' needs and requests.

I want to thank the NAWJ Officers, Board of Directors, and Resource Board members for their continued support so that we may continue to help grow the organization. Without the dedication and interest of these extraordinary individuals, none of our accomplishments and progress would be possible. It is not a surprise, therefore, that NAWJ is quickly becoming the go-to organization on issues pertaining to women in the courts and in the legal profession. Our access to the three branches of government is unprecedented due to NAWJ's strong national presence and relevance.

I continue to use the NAWJ Strategic Plan as my guide. Included in this issue of *Counterbalance* are some recent highlights of the work being done at NAWJ. In accordance with the strategic goal to enhance NAWJ's visibility through external approaches, NAWJ continues to be proactive in seeking meetings with local community organizations that have similar or complementary missions, and with organizations that may be natural partners for us to work with on mutual initiatives.

Plans for the October NAWJ Annual Conference, under the capable leadership of its Committee Chair, Judge Barbara Zuniga are going well and thanks to Kelly Dermody, Esq. Chair of the Friends Committee, we have surpassed financial fundraising goals for the Conference.

Fundraising in this economy has been challenging but with our efforts to expand our fundraising base to include corporate, foundation and federal grant dollars, it appears that we will weather the economic downturn and in fact end fiscal year 2010 with a healthy surplus.

As always, I look to our membership for comments, suggestions and feedback on our efforts. I look forward to seeing you at NAWJ's Annual Conference in San Francisco in October.

Warmly,

A handwritten signature in dark ink that reads "Marie Komisar". The script is fluid and cursive.

Marie Komisar, Executive Director

LANDMARK SPONSORS

The National Association of Women Judges greatly appreciates the generosity of law firms, organizations and individuals whose multi-year sponsorships allows us to expand the reach of our programs. NAWJ's mission is to promote the judicial role in protecting the rights of individuals under the rule of law with a strong, committed diverse leadership that acts for fairness and equality in the courts.

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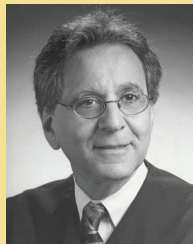
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Golden Gate University

San Francisco, Open Your Golden Gate
National Association of Women Judges
32nd Annual Conference
October 13-17, 2010
The Ritz Carlton, San Francisco



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CONFERENCE HIGHLIGHTS

WEDNESDAY, OCTOBER 13 - PRE-CONFERENCE ACTIVITIES

NAWJ 2009-2010 Board Meeting
First-Time Attendee Meeting
Welcome Reception

THURSDAY, OCTOBER 14 - OPENING DAY

Judicial Elections After *Minnesota v. White*
Keynote Luncheon Speaker - *Gail Collins*
Girl Trouble, A Video Screening and Panel Discussion
in 2 Sessions
Self Represented Litigants: Helping Them Navigate Through
the Legal System
Reducing Risk and Assessing Dangerousness in Criminal
Domestic Violence Cases
Best Practices in Presiding over Patent Cases
Aging and the Dynamics of Elder Abuse
Reception at the United States Court of Appeals for the
Ninth Circuit

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FRIDAY, OCTOBER 15 - DAY TWO

NAWJ District Breakfast Meetings
NAWJ Resource Board Meeting
Responding to Violence Against Women: Past Successes and
Future Challenges
Kids 'R Us: Building a Better Village for Our Foster Children
The Law's Migration
Combating Human Trafficking and Advancing the Rule of Law
Keynote Luncheon Speaker - Richard North Patterson
Ensuring Safety for Native American Victims of Domestic Violence
Crawford v. Washington and its Impact on the Prosecution of
Domestic Violence Cases
Order in the Court: Practice Tips for New (and Experienced) Judges
Reception at the Asian Art Museum of San Francisco

SATURDAY, OCTOBER 16 - DAY THREE

Before (and After) *Roe v. Wade*
NAWJ Committee Meetings
NAWJ Business Meeting, Investiture of Officers and Luncheon
NAWJ 2010-2011 Board Meeting
Pre Banquet Cocktail Reception
NAWJ Annual Awards Banquet

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2010 NAWJ AWARD RECIPIENTS

The National Association of Women Judges will present this year's awards during the Annual Conference in San Francisco in October.



Justice Joan Dempsey Klein NAWJ Honoree of the Year Awardee

Hon. Ronald M. George, Supreme Court of California

Chief Justice Ronald M. George is the first Chief Justice of California that has allocated significant quantities of the judicial branch's resources to create structural changes to address the legal and ethical problems associated with access to justice, and to the particular needs of families and children. Chief Justice George chaired the California Judicial Council Advisory Committee to implement the Gender Fairness Proposals which led to the successful adoption of all the recommendations of the California Task Force and created the award-winning Center for Families, Children and the Courts to ensure that the well-being of children, youth, families, and self-represented litigants is a high priority in the California judicial system. This Center serves to encourage positive change and to provide leadership, outreach and collaboration so that court and community resources are readily available. Chief Justice George was appointed to the Supreme Court of California in 1991, and named its Chief Justice in 1996.

The Joan Dempsey Klein Award honors a judge who brings distinction to their office and to the National Association of Women Judges as exemplified by NAWJ co-founder California Court of Appeals Justice Joan Dempsey Klein.



Justice Vaino Spencer Leadership Awardee

Hon. Brenda Stith Loftin, St. Louis County Circuit Court

Judge Brenda Stith Loftin has provided extraordinary leadership to NAWJ. Judge Loftin created NAWJ's signature Color of Justice Program, which has advanced the NAWJ Mission of enhancing diversity on our nation's bench and in our justice system. As past NAWJ President, Judge Loftin had the keen vision to move forward with the creation of NAWJ's long-range Strategic Plan that incorporates our vision for the future, core values and guiding principles in light of our mission. Judge Loftin has served on the St. Louis County Circuit Court, St. Louis, Missouri since March 1993. As a limited jurisdiction judge, assignments have included the Family Court, the Jury Trial Division, the Civil Division and the Criminal Division. Prior to ascending to the bench, Judge Loftin served as an Assistant Prosecuting Attorney in St. Louis County and a solo practitioner representing clients in state and federal court with emphasis on civil and criminal litigation. Judge Loftin is active in community service and serves on numerous boards.

The Justice Vaino Spencer Leadership Award recognizes outstanding leadership in promoting the vision, core values and mission of NAWJ as exemplified by NAWJ co-founder California Court of Appeals Justice Vaino Spencer.



Florence K. Murray Awardee

Kelly M. Dermody, Esq., Lieff, Cabraser, Heimann & Bernstein, LLP

Attorney Kelly Dermody's achievements and awards are numerous, and her service to communities fortunate to have her support, is exceptional. Atty. Dermody has served on the Resource Board for the National Association of Women Judges since 2005, and as its Chair since 2009. She has been instrumental in guiding the future of this Association. Atty. Dermody co-chairs the Friends Committee for NAWJ's 32nd Annual Conference in October and, in addition to securing untold sponsors, she has provided many hours of pro bono legal service on behalf of the NAWJ ensuring that this year's Annual Conference will be a success. A partner at Lieff Cabraser, Attorney Dermody was recognized in May, 2010 as one of the top 100 female litigators in California by the Daily Journal, one of two statewide legal newspapers. Atty. Dermody has served on many committees of the Bar Association of San Francisco as well as the American Bar Association.

The Florence K. Murray Award was instituted by the Honorable Florence K. Murray, the first woman to sit on the Rhode Island Supreme Court, and is presented to a non-judge who by example, has influenced women to pursue legal careers, opened doors for women attorneys, and demonstrated a commitment to NAWJ goals.



Mattie Belle Davis Awardee

Hon. Debra A. James, New York State Supreme Court

Justice Debra A. James has worked for many years on NAWJ's Women in Prison programs, devoting tireless effort to providing support and hope to incarcerated women in New York, particularly as they face re-entry into their communities. These programs support the rehabilitative objectives of the criminal justice system, aide in reducing recidivism rate, and advance safe reunification of families. Prior to ascending to the bench, Justice James was a lawyer devoted to public service. She began her career as an Assistant Corporation Counsel representing New York City in state and federal trial and appellate courts. Later, she served as an associate counsel for state authorities that promote housing for low and moderate income families.

The Mattie Belle Davis Award honors an NAWJ member who has gone above and beyond his or her role as member and volunteer to help make a difference in the organization and to further its mission, as did the Honorable Mattie Belle Davis.

2010-2011 BOARD OF DIRECTORS NOMINATIONS SLATE

In accordance with the NAWJ Bylaws¹, the Nominating Committee presents the following Nomination Slate for the 2010-2011 Board:

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Justice Marjorie Laird Carter (automatically assumes office)
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Judge Julie Elizabeth Frantz
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Brooklyn Family Court, New York

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County Court at Law #7, Texas

The following nomination for the position of President-Elect has been submitted to the Nominating Committee by petition of at least nine (9) voting NAWJ members in accordance with the NAWJ bylaws¹:

Hon. Joan V. Churchill, Immigration Court (Retired), Maryland

Members of the Nominating Committee:

Hon. La Tia W. Martin, Bronx County Supreme Court, NY, Chair

Hon. Mary Becnel, 40th Judicial District Court, Edgard, LA

Hon. Judy Chirlin, Los Angeles Superior Court (Ret), Los Angeles, CA

Hon. Cissy Daughtrey, U.S. Court of Appeals for the Sixth Circuit, Nashville, TN

Hon. Brenda Stith Loftin, St. Louis County Circuit Court, St. Louis, MO

Hon. Barbara Madsen, Washington Supreme Court, Olympia, WA

Hon. Margret Robb, Indiana Court of Appeals, Indianapolis, IN

Hon. Vanessa Ruiz, District of Columbia Court of Appeals, Washington, DC

Hon. Maritza Segarra, Geary County District Court, Junction City, KS

Hon. Bea Ann Smith, Third Court of Appeals (Ret), Austin, TX

Hon. J. E. Sullivan, Social Security Administration/ODAR, Morgantown, WV

Hon. Shirley Tolentino, Superior Court of New Jersey, Jersey City, NJ

Elected nominees will assume their roles upon close of the Conference.

1. Bylaws:

ARTICLE IX OFFICERS

Section 2.

- (b) The Nominating Committee shall present at least one (1) nominee for each officer's position. A nomination for each officer's position also may be submitted in writing to the Nominating Committee by petition of no less than nine (9) voting members of the organization at least sixty (60) days prior to the Annual Meeting.
- (c) The election of officers shall be held at a general session of the Annual Meeting. The rules adopted for the conduct of business may provide for early voting by those members attending the annual membership meeting who are unable to remain for the election.



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District Six (AL, LA, MS, TN)
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Juvenile Court, Ohio

District Eight (IN, IL, KY)
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Hon. Nancy L. Whittenburg
Iowa District Court

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Geary Co. District Court, Kansas

District Eleven (TX, AR, OK)
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148th District Court, Texas

District Twelve (AZ, CO, NM, UT, WY)
Hon. Ann Scott Timmer
Arizona Court Appeals

District Thirteen (WA, OR, AK, HI, ID, MT)
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Contra Costa County

Continued from Cover

I did get a job thanks to one of my male professors, Derek Bok, who later became President of Harvard. The job was with a federal government agency with a good reputation for hiring women. The work was stimulating. But after a while I realized there were no female supervisors to be seen at that agency, one of those “Aha” moments that Ms. Magazine used to point out in its early years. I enjoyed several years of very challenging positions, including two jobs on Capitol Hill, at a time when most women were hired for the size of their body parts and the depths of their naiveté or vulnerability. Then I had an experience which deeply affected me and the direction I wanted my life to take. I was among the relatively small group of women in town, several of whom are sitting at my table tonight, who formed the Women's Legal Defense Fund. In the beginning we had no money, structure or no history to rely on. But what we did have was dedication, energy, and brains abundance. We knew that women were being beaten and battered with no protection from the legal system, that women were not getting a fair amount of support for their children from the courts, and that women were denied jobs, employment benefits, and even credit on the basis of their gender, even though title VII and the public accommodations laws had been passed by then. The creation and growth of that organization and the experience of working with women to advance women's issues were of profound importance in my life. I learned how fulfilling it was to work collaboratively with women to achieve our goals and that in many ways our approach to getting a job done was very different from men's. I saw the enormous problems and daily indignities suffered by poor women, both those who worked for the minimum wage and those who were unable to earn enough to work outside the home caring for small children. That knowledge has affected almost everything I've done in my professional life since then. But the most important lesson I learned was about the power that women could exert to achieve change.

While the climate was very slowly changing, some things never changed. I was a trial judge at District of Columbia Superior Court for seventeen of the happiest, most gratifying years of my life. There was so much to be done, and we were doing within the courts to better the lives of poor people, most of whom were women and children. But during my first week of orientation at the Court, I was being shown around and trained by a long-time experienced and respected judge. He showed me the courtroom where domestic violence cases were tried and dismissively laughed and referred to it as The Boyfriend\Girlfriend assignment that I should avoid like the plague. At WLDF I has worked with and represented the beaten and terrorized women who went to that courtroom for protection and who fled to My Sister's Place, which at that time was the only battered women's shelter in the whole city. My stomach turned over at his comments. Another time I attended a birthday party for judge in his chambers. A few minutes after I arrived I found myself standing next to the birthday cake (many of you know about my addiction to icing on birthday cakes). But when I looked at it, I was stunned: the birthday cake was in the form of woman's breasts. I just could not believe it. The world has changed, and for professional women life is much better, but shocking attitudes remain.

But during that very same period of time, NAWJ was formed. Again I was privileged to be in the group of founders who met in Los Angeles, led by two charismatic, visionary women, Justices Joan Dempsey Klein and Vaino Spencer. At that first meeting most of us didn't know each other. As very public figures, we were all more than a little wary about this unknown group of people. But we had a common purpose, to create a national organization which would improve the quality of justice for those who were denied it and to diversify what was then a virtually all white male club on both the state and federal benches. At that meeting and at every annual conference I attend since then, I have felt the exhilaration of working together with enormously strong, talented, like-minded women, to improve the justice system.

As I look back, I am proud of the leading role that NAWJ and its members have played in many important areas. We were involved in the creation and reports of the Gender and Race Bias Task Force. We worked on the onerous, but incredibly significant task of creating child support guidelines so that custodial parents (mostly but not all women) could live better lives as they raised their children. The NAWJ worked hard to dramatically alter how judges, male and female, handled domestic violence cases. And I haven't even begun to talk about the sustained advocacy we have provided for women in the criminal justice system, who are primarily women of color, poor, and with ever growing numbers for whom English is not their first language. We even had a hand in getting far more women on both the state and federal benches, and yes, even on the Supreme Court. We had none on the Supreme Court when we began and soon there will be three.

LEXISNEXIS® SPONSORS EXPANSION OF COLOR OF JUSTICE PROGRAMS

Submitted by Hon. Joan Churchill & Hon. Brenda S. Loftin



LexisNexis® has generously agreed to sponsor the expansion of the Color of Justice program presentations. During the 2010 – 2011 period LexisNexis staff Linda Shea (pictured solo below) and Selene Martin, Director of LexisNexis® Cares, and Victoria Cashman, are graciously assisting in coordinating program presentations. Past President Judge Brenda Loftin, the creator of the Color of Justice

program has adapted the program for the LexisNexis expansion, and the Hon. Joan Churchill (Retired), Vice President for Districts, is coordinating implementation with the District Directors.

LexisNexis is delighted to further develop its relationships with the NAWJ and associated judges. After attending last year's annual meeting in Memphis and learning more about this premier NAWJ program, Color of Justice, LexisNexis decided to not only support this exceptional program from a monetary standpoint, but to also provide the time and skills of LexisNexis staff. The Color of Justice program supports multiple LexisNexis initiatives, including its volunteer program, partnerships with other organizations and deepening its ties with the legal community.

Through LexisNexis' Cares program all staff receive two paid days off each year to volunteer, and the company strongly encourages use of those days. Many LexisNexis employees have law degrees and practiced law prior to joining the company. Through this special joint NAWJ LexisNexis effort LexisNexis staff finds opportunity to impart their wide range of professional experiences to program participants and share how their law degrees apply to their current careers at LexisNexis. In addition to funding, LexisNexis staff assists with the logistics of locating interested schools and community organizations that work with teenage youth.

In Memphis, LexisNexis identified Big Brothers Big Sisters of Greater Memphis, Inc. to partner with NAWJ in presenting the program at the University of Memphis School of Law (see group pictured in photo.) Chief Justice Janice Holder, District Six Director Justice Sharon Lee, both of the Tennessee Supreme Court, and Tennessee Criminal Appeals Court Judge NAWJ member Camille McMullen were among the panelists. LexisNexis may also locate local law schools willing to host the program. LexisNexis shares NAWJ's goal of enabling youth to experience the energy of a wide range of intellectual and social communities through the experience that only time on a law school campus can bring.



In September, District 14 Director Judge Jamoa Moberly and President-Elect Marjorie Laird Carter will join the Orange County Women's Lawyer Association in hosting a MentorJet program at the Chapman University School of Law. A few days later, District Seven Director Judge Margaret Clark and District Eight Director Judge Jane Craney



will host a day long presentation combining two outreach programs, the Color of Justice and MentorJet, where MentorJet creator NAWJ President Dana Fabe will return to her home state to be among the many mentors advising law school students on the campus of the University of Cincinnati College of Law. In November, NAWJ member Judge Tamila Ipema will chair a Color of Justice and MentorJet outreach combination on the campus at the University of San Diego Law School.

The NAWJ's Color of Justice program also enables LexisNexis to leverage its relationships with various legal and youth organizations around the country with the goal of fostering stronger community ties to the legal profession. One of the most rewarding aspects of the Color of Justice program is the avenue it affords LexisNexis staff to interact with judges and attorneys outside of work in a philanthropic forum. LexisNexis looks forward to participating in many more Color of Justice programs across the country for years to come.

NAWJ District Directors have joined in support with great enthusiasm. As you will read further in District news, Color of Justice programs have been already presented in two locations: Memphis Tennessee on July 10, 2010, and in Miami, Florida on July 12, 2010. NAWJ Landmark Sponsor White & Case in Washington D.C. is volunteering their partners and associates too. LexisNexis plans on assisting District Directors in presenting additional Color of Justice programs in many states across the country including California, Florida, Illinois, Indiana, Maryland Michigan, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and many others.

Remembering Our History, continued

Like every family, I know our organization has its faults, its weaknesses, and it its disagreements. But when we speak and act with one voice, that voice is heard and respected. That is because we speak as one organization presenting powerful, successful, and influential women and male judges. I am aware every day of the privileges that I and every woman in this room enjoy. We have worked like Trojans to get where we are. But you, many of whom are already or will soon be the leaders of our judicial system, must never forget our history. The torch is passing, sometimes rather reluctantly I know. But we need to remember our history in order to light our path for the future. We lost two of our most inspiring leaders recently: Dorothy Height, a monumental figure in the civil rights movement, and Ted Kennedy, who never gave up the fight for social and economic justice. Both of them understood full well that their work, our work, must always go on. Each of you is blessed with opportunity and the ability to ensure that our judicial system does provide equal justice and access to all who seek its protection. I thank you all, again, for this wonderful evening, and for this award which I will truly cherish.

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

ANNUAL DINNER MEETING



(R-L) Justice Fernande R.V. Duffly, Massachusetts Appeals Court, former President, NAWJ; Judge Amy Nechtem, Massachusetts Juvenile Court, NAWJ VP of Publications; Professor Leigh Swigart; Judge Mary Lou Rup, Massachusetts Superior Court; and Justice Ariane Vuono, Massachusetts Appeals Court.

In April, NAWJ members gathered for the District One Annual dinner meeting held at the lovely Hotel Marlowe in Cambridge. The evening was hosted by District One Director Justice Ariane Vuono and began with opening remarks from Chief Justice Margaret Marshall of the Massachusetts Supreme Judicial Court. Past President Justice Nan Duffly addressed our group concerning recent activity of the NAWJ Boston Task Force. Judge Duffly formed this coalition in 2008 of District One members, Massachusetts Women's

Bar Association and women leaders in the profession. The Task force was convened to work on ways women could collaborate to promote advancement of women, including minority women in the profession. Vice President of Publications Judge Amy Nechtem reported on NAWJ national news including a preview of our upcoming Annual Conference to be held in San Francisco. Members were treated to remarks from our keynote speaker, Dr. Leigh Swigart, Director of Programs in International Justice and Society, International Center for Ethics, Justice and Public Life, Brandeis University, and coauthor of "The International Judge: An Introduction to the Women and Men Who decide the world's Cases". (Read Dr. Swigart's fascinating article in this issue : Promoting Judicial Dialogue Across the National Divide.)

BRANCHING OUT

This fall District One has plans again to present its signature program "Branching Out: Opportunities to Make a Difference in the Three Branches of Government". NAWJ will partner with the local Women's Bar in inviting area women law students, minority law students, newly appointed attorneys, giving them the benefit of learning from over 30 panelists of judges, legislators and executive branch representatives about different paths taken to achieve their goals and positions.

IN MEMORY

It is with great sadness that we announce the passing of the Honorable Kathleen Ryan Dacey, retired federal court judge. Judge Dacey graduated from Northeastern University Law School in 1935 and the University of Masters in Law in 1947. She was the first woman law clerk for the Justices of the Massachusetts Supreme Court. She was elected to the Boston School Committee in 1949 and became the first woman chairperson in 1950. Ms. Ryan Dacey was an Assistant District Attorney in Boston and in private practice for some 25 years. Judge Dacey was a long standing, loyal member of NAWJ, active in her community and many local Bar Associations. Judge Dacey was an Administrative Law Judge for the Social Security Administration appointed in 1977 by President Carter and sat in both Michigan and Massachusetts until her retirement in 1998. She was jurist and woman of great intelligence and grace. Along with many loving family and friends, Judge Dacey leaves her daughter, District Court of Massachusetts and NAWJ member Judge Mary Dacey White.

DISTRICT TWO (NY, CT, VT)

NEW YORK CHAPTER WELCOMES IAWJ JUDGES PARTICIPATING IN THE UN COMMISSION ON STATUS OF WOMEN



The New York Chapter's successful event honoring the international judges from the IAWJ attending the Commission on the Status of Women took place on March 9, 2010 at the United States Court of International Trade in New York City. Over 90 people mixed and mingled from the 17 co-sponsoring bar and judicial organizations as well as from a variety of law offices and courts. More than a dozen foreign judges joined us - all but one from the Democratic Republic of the Congo. Ambassador Meryl Frank and Professor Asifa Quraishi, United States delegates to the Commission on the Status of Women, provided special insights on the American efforts to build consensus among the CSW delegates on strategies for promoting gender equality around the world. **Professor Ruth Cowan shared her experiences in filming the "Courting Justice" documentary** about the women judges in South Africa. Judge Kyung-a Yoon told us how the Supreme Court of South Korea is transforming the law of that country to afford more protection to women and children. The venue was magnificent, thanks to Chief Judge Jane Restani of the Court of International Trade, and the hors d'oeuvres were outstanding, thanks to our contributing sponsors, who enabled us to provide refreshments without charging an admission fee. **The District Two planning committee for the event was, for the second year, headed by Justice Marcy L. Kahn and included her New York City colleagues, Judge Betty Williams, Justice Joan Madden, Justice Bernice Siegal, Judge Cheryl Gonzalez and Justice Bonnie Wittner, as well as Justice Sharon Townsend from Erie County.**

Justice Sylvia Hinds-Radix, Administrative Judge of Kings County (Brooklyn) Supreme Court, Civil Term, and Civil Court has received many honors this year. Organizations honoring her: Jewish Lawyers Guild with the Golda Meir Award on March 18, 2010, Brooklyn Women's Bar Association with the Beatrice M. Judge Award on April 29, 2010, Catholic Lawyers Guild with the Distinguished Judiciary Award on May 20, 2010, and District Attorney Charles Hynes with the Caribbean Heritage Award on June 26, 2010.



After 25 years on the bench, NAWJ Secretary and past Vice President of Publication, Associate Justice Sheri S. Roman left Supreme Court, Queens County for an appointment to the Appellate Division, Second Judicial Department.

NAWJ member and **Administrative Law Judge Carol Feinman is running as the Democratic nominee for Civil Court in Manhattan** and it does not appear that there will be opposition.

Judge Elisabeth Toole of Geneva City Court was recently awarded a Paul Harris Fellow from the Geneva Rotary Club for her outstanding service to the community. She has also been nominated for an Athena Award here in Geneva.

Hon. Alice Fisher Rubin, New York City Civil Court - Kings County, **received the first ever Lifetime Achievement Award** at the annual meeting of the Brooklyn Bar Association on June 12, 2010.

NAWJ members have been elected to positions in the Association of Justices of the Supreme Court of the City of New York. **The Hon. Phyllis Orlikoff Flug** has been elected Second Vice President, **Hon. Barbara R. Kapnick** has been elected as Third Vice President and **NAWJ Board Secretary Sheri Roman** has been elected Treasurer.

NEW YORK CHAPTER ANNUAL DINNER



The New York Chapter of NAWJ had its Annual Dinner on June 8, 2010 at the Waters Edge Restaurant in Queens. Judges from all over the state attended and we were graced with the presence of The Hon. Jonathan Lippman, Chief Judge of New York, who has long been a supporter of NAWJ. (See photo of Judge Lippman with Hon. Barbara Howe, outgoing president of the New York Chapter.) Hon. Sylvia Hinds-Radix, Administrative Judge of the Kings County Supreme Court, Civil Term, and Civil Court also attended. (See photo of Judge Hinds-Radix, left in photo) and Hon. Sylvia Ash, Kings County Civil Court Judge.)

Justice Laura Jacobson, NAWJ Projects Committee Chair, will be the new President of the New York chapter.

JUDGE KENNEDY RECEIVES ACHIEVEMENT AWARD FROM ALUMNI ASSOCIATION OF BENJAMIN N. CARDOZO SCHOOL OF LAW



On April 21, 2010, Hon. Tanya R. Kennedy, NAWJ New Judges Committee Chair and active member of the New York State Chapter, received an award for "professional achievement and dedication" from the **Black, Asian, Latino Law Student Alumni Association of Benjamin N. Cardozo School of Law**. Judge Kennedy is a member of various judicial, bar and community organizations, and serves as Parliamentarian

of the Benjamin N. Cardozo School of Law Alumni Association. Over one hundred fifty persons attended the celebration honoring Judge Kennedy at Cardozo, including fellow jurists and NAWJ members Hon. Betty J. Williams (Co-Chair of NAWJ Women in Prison Committee), Hon. Robin Sheares, and Hon. (Retired) Marjory Fields. Hon. Barry A. Cozier, former Associate Justice of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, and Partner at Epstein, Becker, & Green, P.C., introduced Judge Kennedy and was the keynote speaker. Judge Kennedy is an elected Civil Court Judge who currently presides over custody, visitation and family offense proceedings in Brooklyn Family Court. She is also an Adjunct Professor at Fordham University School of Law, where she teaches

a course on the juvenile justice system. Upon her election to the bench, Judge Kennedy has handled assignments in the Criminal Court of the City of New York and the Civil Court of the City of New York. Prior to joining the judiciary, Judge Kennedy served as Principal Law Clerk to Justice Cozier in the Appellate Division, Second Judicial Department, as well as in the Commercial Division of the Supreme Court of the State of New York, New York County. Judge Kennedy commenced her legal career at the New York City Law Department, Office of the Corporation Counsel, where she worked in both the Bronx Family Court and Bronx Tort Divisions and was promoted to Deputy Assistant Chief while assigned to the Tort Division.

Hon. Betty Weinberg Ellerin was honored on June 23, 2010 by the New York City Chapter of NOW with its **"Women of Power & Influence Award"** at a dinner at the Grand Hyatt.



Hon. Terry Jane Ruderman

On April 13, 2010 **Hon. Terry Jane Ruderman** received the Pace Law Review Outstanding Achievement Award at a dinner attended by present and past law review members. She was the law school's award Inaugural Honoree.

NEW YORK CHAPTER OUTREACH INITIATIVE TO LAW SCHOOLS

In an effort to foster relationships between NAWJ and women law students in the 15 New York law schools. The following letter was sent to our New York NAWJ membership:

The membership supports an outreach effort to women law students. We are concerned that our future young colleagues have not had the opportunity to familiarize themselves with the history of the struggles and dedication that led to women comprising 50+% of the student body at most law schools. Also, many law students are concerned about their ability to integrate a professional life with a family life. Some do not think it is possible. Many of us believe that a meeting, in a small forum format with women in each New York law school could enable us to share our wisdom and experiences at a stage in these women's lives that will be meaningful and memorable. They are in the pool from which future NAWJ members will emerge. Also, no matter where their law degrees lead them, it can only be beneficial for all to have this opportunity to engage. Please let me know if you wish to participate in this outreach effort, whether at your alma mater, or at any other law school, or both. I would appreciate an e-mail reply at your earliest convenience. I may also be reached at (718) 298-1441. Thank you.

Many members were willing to participate and NAWJ Secretary Justice Sheri S. Roman formed a small committee for each law school. It was not necessary that a judge attended that school to be a part of that school's committee. Letters were sent to every dean:

The New York chapter of the National Association of Women Judges (NAWJ) is continuing our outreach program to every law school in New York State. We would like to offer your students, our future members, an opportunity to meet with a delegation of New York State women judges to discuss our history, career paths and opportunities. This would provide a forum to discuss the balancing act that must be navigated by women in order to enjoy both the bench and a family life. We would be prepared to visit your law school on a mutually convenient day. I will be telephoning you shortly to see if you would like to participate in this project and what format would best suit your students. The NAWJ is looking forward to initiating this interactive event which we believe will be invigorating and beneficial to both our membership and your students.

The individual committees determined the presentation format in conjunction with the law school liaison. We hosted everything from panels of judges, lunches, cocktail parties, and round tables. One factor in common to all, was that it was not easy to conclude the presentation by a set time since law students were so eager to avail themselves of the opportunity for meaningful contact with women jurists. Across the board, there were kudos from the law students and the deans. We are now in our second round of school visits. Read below an update on some of our outreach efforts.

"The Road to the Bench"

Hon. E. Jeannette Ogden, Judge Barbara Howe, and Judge Foote-Beaver chaired this outreach effort presented at the Buffalo Law School on November 19, 2009. The program featured a delegation of female judges practicing in the western region of New York.

BROOKLYN LAW SCHOOL COLLOQUY AND RECEPTION

On March 8, 2010 NAWJ members in New York's chapter held a colloquy and reception with the women students of Brooklyn Law School. Choosing a time to accommodate day and evening students, the program was co-sponsored by the law school's Office of Career Services and by the Legal Association for Women at Brooklyn Law School (LAW). Both Camille Chin-Kee-Fatt, Director of Career Services, and Laurie Keaton, President of LAW, were instrumental in co-coordinating the event.

Judges Sheila Abdus-Sallam, Jo-Ann Ferdinand, Helen Freedman, Angels Mazzarelli, Margarita Lopez Torres, Gloria Dabiri, Sherri Roman, and Betty J. Williams participated as panelists. Law School Dean Joan Wexler delivered a welcoming address and Ms. Keaton served as program moderator. Each judge spoke briefly about her career and shared insights on being female in the legal profession. A candid and robust discussion with students followed.

In preparation for the colloquy, Ms. Keaton informed Judge Roman that the students were interested in learning about career paths to the bench, how judges handle work, public and personal life, whether women were fairly represented in numbers on the bench, and about networking and mentoring. Recent articles on women in leadership were circulated among the judges beforehand, as were statistics on New York women judges. Justice Freedman reported how struck she was by how much she subsequently learned regarding her colleagues and commented that the experience was a very pleasant surprise. Justice Mazzarelli offered the insightful suggestion that the next colloquy should use round tables with one or two judges and students at each table, so that students would have the opportunity for one-on-one discussions with the judges.

CAPITAL DISTRICT WOMEN'S BAR ASSOCIATION DIVERSITY PROGRAM

Chaired by Hon. Victoria A Graffeo and assisted by the Hon. Rachel Kretser, Hon. Helena Heath-Roland, Hon. Karen Peters and Hon. Elizabeth Garry, the New York chapter participated in "Why Diversity in the Judiciary and Legal Profession Matters: Charting New Pathways"- a panel aimed at increasing diversity in the judiciary hosted by the Capital District Women's Bar Association March 31, 2010 at Albany Law School. Supporting the judges as panelists were George King, Inspector General in the New York State Office of the Comptroller, and Patricia Rodriguez, a solo practitioner. **Albany Law School Dean Geurnsey opened the program**, calling the lack of judicial diversity in the Capital region an "embarrassment," pointing out that there are no women and only one minority among the 15 federal district and magistrate judges in the Northern District. The Capital District (which includes the 3rd & 4th Judicial Districts) is also last in the election of female judges to the state bench, of which 17% are women.

In addition to NAWJ, sponsors included Albany Law School, Center for Women in Government, Albany County Bar Association, Capital District Black and Hispanic Bar Association, Fund for Modern Courts, and the New York State Bar Association. Almost 100 participants were treated to a candid and engaging discussion of the current political process, including "war stories" from successful and unsuccessful campaigns for judicial office. Panelists encouraged young women and minorities to become active in bar associations and political parties, identify mentors, work on political campaigns and in the community, be tenacious and willing to take risks.

HOFSTRA UNIVERSITY SCHOOL OF LAW

NAWJ presented Women and the Law: A Balancing Act, a luncheon outreach education program at the Hofstra University School of Law on April 16, 2010. **Panelists included:** Hon. Emily F. Franchina, President of the Nassau County Bar Association; Hon. Angela G. Iannacci, Nassau County Supreme Court; Hon. Denise Sher, Nassau County Supreme Court; Hon. Phyllis Gangel-Jacob, New York State Supreme Court, Appellate Term; Hon. Valerie Alexander, Nassau County District Court; and **moderator** Hon. Michele M. Woodard, Nassau County Supreme Court.

NEW YORK LAW SCHOOL

Two years ago NAWJ sponsored a panel of jurists to address law students at New York Law School. It was a success, and a number of attendees were placed in internships. New York Law School is once again partnering with NAWJ to provide their students with an exceptional opportunity to dialogue with jurists, share experiences, familiarize our future colleagues with the history of the struggles and dedication that have led women to comprise fifty percent of the student body at most law schools and an increasing, although still insufficient, number of women jurists on the bench.

QUILTS AND SURVIVORS OF DOMESTIC VIOLENCE

In April 2010, NAWJ member **Judge Cheree Buggs was presented with a quilt made in her honor** at an exhibition held at Queens Borough Hall during **Women's History Month**. The quilt is of Judge Buggs and hangs in her court Chambers. Judge Buggs is a Civil Court Judge who sat in Family Court for a year. The creator of the quilt, Diane Pryor-Holland, met Judge Buggs at a York College Commemorative Quilt Luncheon in 2008. **Safe Horizon, an organization that worked with survivors of domestic violence partnered with Ms. Pryor-Holland to conduct Quilting Workshop with domestic violence survivors.** Quilts the survivors created hang in the lobby of the Queens Family Court. Each bears a positive message to encourage other women to have the strength and courage to speak out against domestic violence.

Pace University School of Law will host a fall semester panel chaired by **Judge Terry Jane Ruderman**, New York State Court of Claims.

"A Day for Women at the First Department"



According to the New York Law Journal, on June 11, 2010 the New York Appellate Division, First Department had an all women panel meeting and for the first time all the judges were women as were the

court officers. Some of the judges shown are NAWJ members and all of them supportive of the organization.

2010 GRADUATES OF THE NAWJ NEW YORK CHAPTER'S SUMMER JUSTICE ACADEMY FOR YOUNG WOMEN AT PACE LAW SCHOOL



DISTRICT FOUR (MD, DC, VA)

Nearly eighty people attended the **2010 Edna G. Parker Award Dinner and Banquet at the Cosmos Club in Washington, D.C.** on Monday May 24, 2010, where the Honorable Gladys Kessler, NAWJ Past President and U.S. District Judge for the District of Columbia, was recognized for her outstanding achievements. Her acceptance speech can be found on this issue's front cover.

BEYOND BARS/BRIDGE BEYOND BARS GIRL SCOUT SLEEP OVER

The Beyond Bars/Bridge Beyond Bars Girl Scout troop held its annual spring sleep over at the Maryland Correctional Institute for Women in Jessup on Saturday, May 1, 2010. Women judges were invited to stay overnight.

GIRL SCOUTS AT COURT DAY

On behalf of NAWJ, Baltimore judges volunteered to host a Girl Scouts at Court day. The younger girls so loved the mock trial that the judges sought to schedule another outing for them. The event took place in July at the Clarence Mitchell Courthouse in Baltimore.

MARYLAND HAS A NEW CHIEF JUDGE OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND



Congratulations to Chief Judge Deborah Chasanow, the first woman to serve as Chief Judge of the United States District Court for the District of Maryland. Chief Judge Chasanow is also the first Chief Judge appointed from Maryland's Southern Division located in Greenbelt, Maryland,

which opened in 1994. The Northern Division of the federal court is located in downtown Baltimore.

Chief Judge Chasanow was first appointed a U.S. Magistrate Judge for the U.S. District Court for the District of Maryland in 1987. She remained in that position until 1993, when President Clinton nominated her to become a federal district court judge. She received her commission on October 20, 1993.

The history of the U.S. District Courts of Maryland dates back to September 24, 1789, when the late Judge William Paca served as the first federal district court judge in Maryland from 1789-1799. **Judge Shirley Brannock Jones was the first woman to serve on the U.S. District Court of Maryland.** She was nominated by former President Jimmy Carter in 1979 and served until 1982.

TWO WOMEN WERE RECENTLY APPOINTED AS CHIEFS IN THE UNITED STATES COURT OF FEDERAL CLAIMS -- MEET CHIEF JUDGE EMILY C. HEWITT AND CHIEF SPECIAL MASTER SANDRA DEE LORD

Chief Judge Emily C. Hewitt



On March 11, 2009, President Obama designated the Honorable Emily C. Hewitt as the new Chief Judge of the U.S. Court of Federal Claims. Chief Judge Hewitt is the Court's fifth Chief Judge and the first woman to serve in that capacity.

Chief Judge Hewitt was commissioned as a Judge of the United States Court of Federal Claims by President William J. Clinton on October 22, 1998. In 2006, she

was appointed by the Chief Justice of the United States to serve on the Financial Disclosure Committee of the Judicial Conference of the United States. She graduated from Harvard Law School, with honors, in 1978. She is also a graduate of the Roland Park Country School in Baltimore and Cornell University (A.B. 1966).

After college, Chief Judge Hewitt studied at the Union Theological Seminary in New York City, where she received the M. Phil. degree in studies focusing on religion and education. She was ordained to the diaconate of the Episcopal Church in 1972. **A leader of the effort to open Episcopal ordination to women, Chief Judge Hewitt was one of the first eleven women ordained to the Episcopal priesthood on July 29, 1974.** In addition to hundreds of legal opinions, Chief Judge Hewitt is the author or co-author of more than two dozen publications on legal and religious topics.

In a recent interview for the Fall 2009 Federal Claims Bar Association newsletter, Chief Judge Hewitt expounded on her day-to-day work on the Federal Claims Court and her plans for the court as chief judge by expanding the role of technology in the court room, engaging the court more in rules development, and actively participating in the national judiciary. She further described her satisfaction of her past 16 years in government service is having been in a position to make a difference by ensuring that institutions are run smoothly and effectively. The U.S. Court of Federal Claims is the single forum for bid protests, an area in which she says so much is at stake. She explains that the larger picture in the bid protest arena is ensuring that the rules are "ground down to such a fine degree that decision makers can make good decisions." She also maintains that the real treasures of her job are the clerks with whom she works daily and an extremely supportive bar.

CHIEF SPECIAL MASTER SANDRA DEE LORD



On April 8, 2010, the judges of the Court of Federal Claims appointed **Sandra Dee Lord as Chief Special Master of the National Vaccine Injury Compensation Program (Vaccine Program)**, located within the United States Court of Federal Claims by the National Childhood Vaccine Injury Act, codified at 42 U.S.C. § 300aa-1 to 34. Chief Special Master Lord is the first woman to serve as Chief Special Master. She began her career in the United States Court of Federal Claims in

June 2009 as a Special Master. Before joining the Office of Special Masters, she served as an Administrative Law Judge in the Social Security Administration's Office of Disability Adjudication and Review in Raleigh, NC.

She described her job in the National Vaccine Injury Compensation Program as handling cases involving cutting-edge science and law. She explains that the eight special masters in the program must ponder difficult questions and answer them as reasonably and compassionately as they can. **Her goals as the new Chief are**

to achieve greater cohesion within the office, improve office efficiency, and provide more predictable procedures and outcomes. This effort will include increased coordination between the vaccine program office and the Court of Federal Claims. She will also “continue to build on the tradition of excellence in the Office of Special Masters, hoping to achieve better and quicker results without sacrificing the fair and thorough treatment of claims that characterizes the vaccine program.”

Special Master Lord graduated summa cum laude from Yale in 1972, and from Georgetown University Law Center in 1980. Before attending law school, Ms. Lord was a reporter for United Press International, the Albany Times Union, and the Detroit Free Press. She is a member of the Bar in the District of Columbia and Maryland.

MEET THE NEWLY APPOINTED CHIEF ADMINISTRATIVE LAW JUDGE OF THE DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS



On February 4, 2010, **Mary Oates Walker** was confirmed by the D.C. City Council as the new Chief Administrative Law Judge of the District of Columbia Office of Administrative Hearings. She is the first woman to serve in this capacity and first African-American female appointed. Prior to her elevation, she was a partner in the Washington, D.C. law firm of Wiley Rein & Fielding, LLP and in-house labor and

employment counsel for The Hershey Company. Judge Walker is a former chair of the District of Columbia Public Employee Relations Board (PERB) and a former member of the District of Columbia Board of Zoning Adjustment. Judge Walker is a graduate of Howard University School of Law where she was a Merit Fellow and co-captain of the National Moot Court Team. She also received a bachelor of arts in journalism, cum laude, from Howard University.

Since assuming office, Chief Judge Walker has spear-headed the move of the D.C. Office of Administrative Hearings (“OAH”) from three locations to swing space at One Judiciary Square at 441 Fourth Street, N.W.

Chief Judge Walker’s goal is to make OAH the model central panel for the country. This includes taking advantage of the latest information technology advances such as video streaming. OAH will also host a resource center to make the administrative judiciary offices more accessible to the community. Chief Judge Walker is committed to collaborating with the legal service providers in the community to draw upon their sources in meeting this accessibility objective.

Thank you to Administrative Law Judge Claudia Barber for sharing some of the many accomplishments of judges in District Four.

JUDICIAL APPOINTMENTS BY MARYLAND GOVERNOR MARTIN O’MALLEY

On July 23, 2010 Gov. Martin O’Malley announced the appointment of several new judges, including **Hon. Michele D. Hotten** to the Court of Special Appeals, who according to the *Daily Record* will become **the first black woman to sit on an appellate court in Maryland.** Judge Hotten will serve on the Court of Special Appeals for the 4th Appellate Circuit in Prince George’s County. For 15 years, she has been an associate judge on the Circuit Court for Prince George’s County, where she serves as the coordinating judge for civil cases. Before joining the Circuit Court, she served a year as an associate judge for the county District Court.

In Baltimore City, Gov. O’Malley appointed Yolanda A. Tanner a master in the Baltimore Circuit Court Division for Juvenile Causes. A University of Maryland law school graduate, Tanner

previously represented the city’s Department of Social Services and worked at the Legal Aid Bureau, representing children in child abuse and neglect cases. He also appointed Judge Shannon E. Avery and Judge Karen Friedman to fill vacancies on the Baltimore District Court.

In Baltimore County, Gov. O’Malley appointed Judge Marsha L. Russell to serve on its District Court. Judge Russell has been a prosecutor in the county state’s attorney’s office since 1993.

DISTRICT FIVE (NC, SC, GA, FL)

Miami Lighthouse for the Blind Joins NAWJ for Color of Justice



On Monday, July 12, 2010, NAWJ District Five presented “Color of Justice” to 18 teens at the Miami Lighthouse for the Blind. The purpose of the program was to encourage teens from diverse backgrounds to consider a career in the law. Present were Miami-Dade County Court Judges Myriam Lehr, Linda Singer Stein and

Lisa S. Walsh, attorneys Ronnie Fernandez, an attorney with Greenberg Traurig, and Yara Lorenzo, a law clerk with Federal District Court Judge Lawrence King, Sr., and law student Nneka Utti. The first hour was spent discussing the panelists’ paths in the law and why they encouraged the students to consider a law career. Ronnie Fernandez, an attorney who is sight-impaired, told the group that while his job was difficult, he felt no personal barrier to success in the law. In the second hour, the panelists presented the case of *State of Florida v. Goldy Locks*, a criminal case. At the conclusion of the trial, the students each presented their own closing arguments. At the conclusion of the event, the students enjoyed lunch in an outdoor pavilion. United States Congresswoman Ileana Ros-Lehtinen visited the panel and shared her experiences as a federal lawmaker. The program received local news coverage from CBS affiliate Channel 4, as well as coverage in the local business review. To view video coverage of the event go to <http://cbs4.com/video/?id=98410@wfor.dayport.com>. In all, the students’ enthusiastic involvement was an inspiration to all the participants.

Color of Justice in South Carolina



On Saturday February 28, 2010 in **Rock Hill, South Carolina**, the National Association of Women Judges sponsored the Color of Justice program presented by one of its most enthusiastic presenters South Carolina attorney **Chisa Putnam** (second from left in photo). The focal point of the program consisted of small group discussions during over lunch. Students were able to interact with judges and other law professionals in small groups. “I was very pleased with the program, said, Event Chair, Mrs. Chisa Putnam; “Thanks to the National Association of Women Judges and the **Iota Theta Omega Chapter of Alpha Kappa Alpha Sorority, Inc.** for all of their support with this endeavor.” All students attended panel discussion

with lawyers, law professors, law school admissions officers, and law school students to discuss the academic requirements and skills that participants need in order to succeed in a career in law. The participants received insightful information on the Judicial Branch of government, as the panel of judges discussed why they chose the judiciary as a career. They also talked in detail about the likes and dislikes of their position. All participants received Color of Justice souvenir bags with hats and literature on law.

Next in South Carolina

On Saturday October, 23 2010 the **South Carolina Young Lawyers Division (YLD)** will assist in the presentation of another Color of Justice program. Confirmed program panelists include: Retired York County Family Court Judge Henry T. Woods, local attorneys Ms. Angela Killian of the Department of Social Services for Lancaster County, Ms. Beth Ramsey-Faulkner in the office of The Young Law Firm, and Ms. Kutina Williams, Diversity Fellow from the Charleston School of Law. The panelists will share their personal experiences in pursuing a legal education and advise students on how to achieve their career goals in the legal field. **The program will be held in Council Chambers at the City of Rock Hill, Rock Hill, South Carolina, 9:00 a.m.-1:00 p.m.** If you have any questions, please feel free to contact Ms. Twana Burris at 803-980-0100 or twana.burris@theburrislegalgroup.com or Ms. Chisa J. Putman at 864-494-2442 or chisajputman@gmail.com.

DISTRICT SIX (TN, MS, LA, AL)

Judicial Reception



The National Association of Women Judges hosted a reception on June 22, 2010 at the Nashville School of Law in Nashville, Tennessee. NAWJ District 6 Director Tennessee Supreme Court Justice Sharon Lee, and NAWJ President-Elect Judge Marjorie Carter, a native of Tennessee, presented

the association's Equal Access to Justice Scholarship to Brandy L. Spurgin, a student at the Nashville School of Law. Ms. Spurgin was chosen for the \$1,000 scholarship based upon her sustained and passionate commitment to the achievement of equality of opportunity and access to the system of justice. The event also recognized 22 women judges who graduated from the Nashville School of Law. **The following judges were recognized at the event:**

Judge Denise Andre; Judge Cheryl Blackburn; Judge Jacqueline Bolton; Judge Clara Byrd; Magistrate Sophia Crawford; Judge Donna Davenport; Judge Lynn England; Judge Sue McKnight Evans; Judge Jane Franks; Judge Betty Adams Green; Judge Stella Hargrove; Judge Barbara Haynes; Judge Lynda McDaniel; Judge Susan Melton; Judge Diana Monroe; Judge Amy Reedy; Judge Muriel Robinson; Judge Lillie Ann Sells; Judge Marietta Shipley; Judge Carol Solomon; Judge Bettye Springfield; Judge Dianne Turner; and Judge Jane Wheatcraft.

Color of Justice Goes to Memphis



Featuring Supreme Court Justices, Appellate and Trial Court Judges, lawyers and recent law school graduates District Director Justice Lee, partnering with **Big Brothers Big Sisters of Greater Memphis** Saturday, presented the popular NAWJ outreach program Color of Justice on July 10, 2010. On the campus of the University of Memphis Cecil Humphreys School of Law 26 students lunched with mentors across the legal spectrum. In addition to Justice Lee, other NAWJ members **Tennessee Supreme Court Chief Justice Janice Holder** and **Tennessee Court of Criminal Appeals Judge Camille McMullen** served as mentors throughout the program. **LexisNexis' Linda Shea** representing the program sponsor, rounded out the event with exceptional organizing flair. All kids received a certificate for participation. Remarks on the program by law school Dean Kevin H. Smith can be found at www.memphis.edu/videos.

DISTRICT SEVEN (MI, OH, WV)

District Seven is finalizing plans for a **dual-program at the College of Law, University of Cincinnati**, to be held in cooperation with the Law School and District Eight, whose District Director is Judge Jane Craney.

The goal is to present the Color of Justice in the morning, and the new MentorJet program in the afternoon, following the model from the Alaska mentoring project with mentors from a range of judicial roles and various practicing attorneys in the public and private sector. Full report following the event will be presented at the October conference!

DISTRICT EIGHT (IN, IL, KY)

Judge Jane E. Magnus-Stinson was appointed to the U.S. District Court for the Southern District of Indiana. Before her appointment by President Barack Obama she served as a United States Magistrate Judge in the Southern District of Indiana, a position to which she was appointed in January 2007. Prior to her appointment, she served 12 years as a Superior Court judge for Marion County, Indiana, where she served on the Court's Executive Committee, supervised the Probation Department, and was one of six judges presiding over major felony cases. Judge Magnus-Stinson has been an active member of the Indianapolis Bar Association, including as Chair of its Pro Bono Standing Committee, Co-Chair of its Professionalism Committee. Prior to becoming a judge, Magnus-Stinson was counsel and Deputy Chief of Staff to then-Governor Evan Bayh, and before that was in private litigation practice with the Indianapolis firm of Lewis, Bowman, St. Clair and Wagner (now Lewis Wagner). Judge Magnus-Stinson was named **Outstanding Judge by the Indiana Coalition Against Domestic Violence** and received the Outstanding Service Award from the Indiana Coalition Against Sexual Assault.

Judge Tanya Walton Pratt was appointed to the U.S. District Court for the Southern District of Indiana. Before her appointment by President Barack Obama Judge Pratt served in the Probate Division of the Marion County Superior Court. Prior to her assignment to Probate Court in 2009, Judge Pratt was a trial judge in the Marion County Superior Court's Criminal Division, presiding over major felony matters for 12 years. Judge Pratt has been a member of the Marion Superior Court's four-member Executive Committee, which oversees the administrative operations of the court, since 2006. In 2007, Judge Pratt became Supervising Judge of the Marion County Juvenile Detention Center. Prior to taking the bench in 1997, she was in private practice and also served as a deputy public defender. She is a member of the House of Delegates for the Indiana Bar Association and was Chair of the Dr. Martin Luther King Holiday Commission in Indiana from 2001 to 2007. Judge Pratt received her B.A. from Spelman College in 1981 and her J.D. from Howard University School of Law in 1984.

DISTRICT NINE (MO, IA, WY)

Hon. Audrey Goldstein Fleissig, formerly a U.S. Magistrate Judge for the Eastern District of Missouri, was appointed District Judge for the Eastern District of Missouri by President Barack Obama on June 9, 2010. Judge Fleissig was United States magistrate judge for the last eight years. Prior to taking the bench, Judge Fleissig was a federal prosecutor in the United States Attorney's Office for the Eastern District, where she also served as the Senate-confirmed United States Attorney for approximately one year. Before joining the United States Attorney's Office in 1991, Judge Fleissig was in private practice at the St. Louis firm of Peper Martin Jensen Maichel and Hetlage (now Husch Blackwell Sanders), first as an associate from 1980 to 1989, and later as a partner from 1989 to 1991. She is the former President of the Women Lawyer's Association of Greater St. Louis.



Iowa

U. S. Magistrate Judge Celeste F. Bremer hosted the Chrysalis Foundation after-school group, Wyld Girls at the U. S. Courthouse in Des Moines in May. The gathering discussed careers in the law,

becoming judges, and the Infinity Project. They were surprised to learn that the 8th Circuit has only had one woman in 129 years. **After Justice Sonia Sotomayor's confirmation, they wrote her a letter, and shared some of their life stories with her. Justice Sotomayor responded, and the group took a picture of all 16 girls**

in robes on the bench. The photo was sent to Justice Sotomayor. The photo was also forwarded to Eighth Circuit Judge Diana Murphy who was asked to "hold on until 2030, in hopes that this is the group that will join her on the Court of Appeals!"

Judge Celeste F. Bremer Calls for More Women on the Eighth Circuit

The Iowa Lawyer published the following letter by Judge Bremer encouraging more women to apply for any vacancy on the U. S. Court of Appeals for the Eighth Circuit, **and to encourage Senators from states in the Eighth Circuit to appoint women:**

Infinity and Iowa

Recently I was interviewed by a student for her Master's thesis on Women in Leadership. She asked me about challenges I faced 30 years ago as a young lawyer, compared with the challenges faced today by women in legal practice, and my predictions for what changes women lawyers would see in the practice of law over the next 30 years. This interview reminded me yet again that the hopes young lawyers had in the 1970s for equality on the bench have not been realized, particularly on an important federal court that touches all Iowans — the U.S. Court of Appeals for the Eighth Circuit.

In the Eighth Circuit's 119-year history, only one woman — Judge Diana Murphy, appointed in 1994 — has served on the Court. Out of all the federal Courts of Appeal, the Eighth Circuit has the lowest percentage of women serving on the bench. As Professor Sherilynn Ifill noted at the Eighth Circuit Judicial Conference last year, we would think it very odd if all 11 active judges on the Eighth Circuit came from North Dakota, although there are surely 11 attorneys from North Dakota who could competently serve on the Court of Appeals. A Court of Appeals comprised of judges representing only one of the seven states in the Eighth Circuit would defy our sense of fairness and balance for the citizens of all the states in the Circuit. Why should our perspective about gender representation on the bench be any different?

Some observers attribute the problem of so few women judges on the Eighth Circuit bench to a lack of qualified women lawyers. Thus, as women get "in the pipeline," the appointment process will even itself out and more women will be appointed to the Court. I'm still waiting for this prediction to come true. Seventeen Eighth Circuit judges, including the 16 judges presently serving in active and senior status, have been appointed to the Court since I became an Iowa lawyer in 1977. All the active judges now serving on the Eighth Circuit were appointed after 1985 — surely a pool of competent women lawyers has existed for the last 25 years (and longer). Women make up 30% of practicing lawyers today, and about 30% of judges on state supreme courts are women. So what can be done to increase gender diversity on the Eighth Circuit Court of Appeals?

The Infinity Project (www.theinfinityproject.org) is a group of lawyers, judges and academics who challenge the status quo by seeking to increase gender diversity on the Eighth Circuit, while ensuring the quality of justice on the appellate court. Picking up on the work of the 1993 Eighth Circuit gender fairness task force, Infinity Project members create public awareness of the importance of gender equity on the bench, the availability of qualified women candidates, and upcoming vacancies. The Infinity Project recently received the National Conference of Women Bar Associations' Public Service Award, honoring the group's work in engaging senators and other politicians on issues relating to increased gender diversity in each of the 10 districts that make up the Eighth Circuit, as well as on the Court of Appeals itself. The Infinity Project takes its name not from a prediction about the duration of its work, but from similarities of the infinity symbol and the number 8.

The Infinity Project has state-based working groups in each of the seven states in the Eighth Circuit. In 2010, the Iowa working group will share the Iowa Organization of Women Attorney's booth at the information center during the Iowa State Bar Association's annual meeting in Des Moines. This fall, the group is hosting media

relations training and a symposium on diversity on the bench. Potentially, the Eighth Circuit Court of Appeals could have four vacancies, depending on whether each judge who is eligible elects senior status. However, because one of the judges eligible for senior status is Judge Murphy, the Eighth Circuit could be left with no active women members.

If you are interested in helping with the Infinity Project, you can contact attorney Ann Smisek (IOWA and PCWA), Ann.Smisek@iowacourts.gov, Rachel Caufield, Rachel.Caufield@Drake.edu, or me, Celeste_Bremer@iasd.uscourts.gov.

Although it has taken the first 30 years of my career to see society move past the question of “should women serve on the bench,” I hope it will not take the next 30 years to see the appointment of women judges in more than token numbers. I urge all Iowa lawyers to pay attention to issues of judicial selection and retention at the state and federal levels, and to ask those making appointments, “Where are the women?” Encourage women to enter or stay “in the pipeline” for judicial service, which is one of the best forms of public service. Seeing women judges increases the public’s confidence in the justice system. If your daughter or granddaughter chooses a legal career, will you be able to tell her, with a straight face, that all doors are open to her? Or will you have to tell her to “wait her turn,” that in another 30 years things will all work out, and the appointment of women to the bench will be so commonplace it will not take a task force to accomplish?

Iowa Governor Chet Culver Appoints Mary E. Tabor

Iowa Governor Chet Culver appointed Assistant Attorney General **Mary E. Tabor, Des Moines, to the Iowa Court of Appeals.** Mary Tabor will fill the vacancy that resulted from the retirement of Court of Appeals Judge Robert Mahan. She has been an attorney with Office of the Attorney General since 1993. She was named Director of the Criminal Appeals Division in 1999. Tabor was born in Maquoketa, Iowa, and received her bachelor’s degree from the University of Iowa in 1985. She was a staff attorney in the Federal Election Commission Office of General Counsel from 1991-1993. Judge Tabor is a member of the Blackstone Inn of Court and the Iowa State Bar Association.

ABA Honors Chief Justice Shirley Abrahamson

Wisconsin Supreme Court Chief Justice Shirley Abrahamson received the John Marshall Award given by the American Bar Association at its Annual Meeting in San Francisco on August 6, 2010. It recognized Chief Justice Shirley Abrahamson’s “exemplary lifelong commitment and dedication to the improvement of the administration of justice.” Hon. Shirley Abrahamson became the first woman on the Wisconsin Supreme Court when she was appointed in 1976, and has served as Chief Justice since 1996. The John Marshall Award is named in honor of the fourth chief justice of the United States, who is credited with establishing the independence of the judiciary and enhancing its moral authority.

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



MINNESOTA

Governor Tim Pawlenty Makes Appointments

Since the beginning of calendar year 2010 **six women have been appointed by Governor Tim Pawlenty** to various levels of Minnesota’s state court! On July 10 the **Hon. Lorie**

Skjerven Gildea was sworn in as **Chief Justice of the Minnesota Supreme Court.** Associate Justice Alan Page administered the oath of office. Former Chief Justice Russell A. Anderson spoke about Chief Justice Gildea’s small-town roots and strong work ethic. Justice Gildea previously served as an associate justice. Other district court appointments include: **Judge Dyanna Street**

in Anoka County, **Judge Erica MacDonald** in Dakota County, **Judge Robyn Millenacker Sharpe** to Ramsey County District Court, **Judge Christine A. Long** in Rice County, and **Judge Mary Mahler** in Stearns County. In sync with other states in our nation, Minnesota has had many budgetary setbacks. We have **continued to have judicial vacancies** held, share law clerks and have had judicial education programs suspended. Minnesota also **continues to debate the issues surrounding judicial elections v. retention policies** but nothing transpired legislatively to effectuate any change. In some respects we are one of the **holdout states** that still follows the course of being benched via appointment followed by election or outright election. During his term as Governor, Tim Pawlenty appointed more women to the bench than his predecessors. Hopefully, his successor will continue with appointments of the many talented women statewide.

Infinity Project Presents “Achieving Diversity on the Bench in the 21st Century

On August 11, the Infinity Project convened to discuss a continued commitment to promoting lawyers and judges to the federal bench and best practices for developing a diverse pool of qualified candidates at the University of St. Thomas School of Law, Schulze Grand Atrium, **Minneapolis, Minnesota.** A panel moderated by **Dahlia Lithwick**, Contributing Editor for Newsweek and Senior Editor for Slate, included: **Nan Aron**, President, Alliance for Justice, founder of the Judicial Selection Process; Professor Rachel Caufield, Drake University, consultant to the Hunter Center for Judicial Selection at the American Judicature Society; **Hon. Bernice Donald**, District Judge for the Western District of Tennessee, member of the faculty for the National Judicial College, first woman of color to serve as an officer of the ABA; **Hon. Ann D. Montgomery**, District Judge for the District of Minnesota, current Chair of the Diversity Sub-committee of the Judicial Conference of the United States; **Russ Wheeler**, Visiting Fellow in Governance Studies at The Brookings Institution, and former deputy director of the Federal Judicial Center; and **Jeremy Paris**, Chief Counsel for Nominations and Oversight to Senator Patrick Leahy, Chairman of the Senate Judiciary Committee, responsible for handling nominations to the United States Supreme Court, lower federal courts, and the Department of Justice.

KANSAS

Bankruptcy Judge Dale Sommers presented a seminar at the Annual State Court Judicial Conference using **Bankruptcy Judge Sarah Curley’s** popular program materials “**The Bankruptcy Card and How to Play It.**”

The Swedish Country Inn hosted a gathering of NAWJ members and other women judges during the **Kansas Women Attorneys Association’s 21st Annual Conference.** The event was held on July 16th in Lindsborg, KS. Women Judges from across the state were in attendance.

A “**Speed Mentoring**” program is planned for the fall semester at Kansas State University for the students enrolled in the pre-law program as well as any other students that may have an interest in pursuing a career in law.

HONORING WILMA MANKILLER

Below is message forwarded by **District Director Judge Maritza Segarra** written by **Judge Cheryl Kingfisher**, Topeka, KS. about **Wilma Mankiller, the first female Chief of the Cherokee Nation.** Judge Kingfisher is a member of NAWJ and I think her words, as well as those of her daughter are inspirational and echo the mission of NAWJ. Their words are also a moving tribute to a wonderful woman whose life and contributions have left an important and lasting mark on women.

Hello Dana and Friends:

The email message below is what my oldest daughter, Maria sent to the Mankiller family today. I told you I would pass it along. Also are my comments. Dana: Feel free to share my thoughts with whom-ever would like to document them.

Maria is 14 years old and in 8th grade. Marisol, is in 7th grade and is presently writing a second history paper about Wilma in school as of the time of her death. They are both Cherokee, descendants of David Kingfisher (my husband) and Lucy Johnson.

On April 1, 2010 Dave (Kingfisher) and I received an email from Wilma, which we presumed was a farewell message. She told of us her illness, and we understood her prognosis. We showed the email to my daughters.

Yesterday, Marisol asked if Wilma was a close family friend. I explained that she was a very close personal friend of her dads, and that she had been incredibly kind and respectful to me over the years.

In fact, if I had to articulate what Wilma Mankiller meant to me, I would have to say that she, along with Dana Tiger, helped me to become a better, stronger woman - not a person, but a woman. I had never tried to draw lines between femininity and personal identity before. I'd never even known the two were distinguishable as they related to me, until I'd met these native women, and discovered that there was indeed a powerful force within me, and that was simply being a woman. Wilma was the first female Chief of the Cherokee Nation Tribe and was internationally renowned. Dana Tiger, was in her own right an up-and-coming international artist, empowered by her talent and family legacy, she was destined for greatness. Surprisingly, I learned that I didn't have to sacrifice my personhood, or humanity, but was simply empowered with what I could also accomplish as a woman.

I can honestly say that I would not hold my current position as the first female Hispanic District Court Judge in the 3rd Judicial District of Shawnee County, if Wilma had not first appointed me under her administration, as staff attorney in the division of law and justice at Cherokee Nation, fresh out of law school. Wilma Mankiller believed that all women had the potential to achieve important things, if first given the chance to succeed.

The sense of empowerment and courage that she instilled just by her example and her demeanor - her seed - became rooted deep inside of me. I wonder if she now realizes that she planted this seed in me. I wonder if she realizes that now I've passed this seed to my children, which is also her legacy.

For those who have been touched by her, I truly wonder exponentially, how many daughters that this magnanimous woman has empowered with her legacy of reaching for the stars and knowing no boundaries to achieve ones' dreams.

Wilma Mankiller's passing is painful for those of us who have relied on her strength in life. But in her passing she is as gracious a human being, as she was in her lifetime. An amazing world leader in her own right (Peace Maker, Medal of Freedom Recipient, champion for Cherokee social services), in her final hours, she honored the Creator for blessings of a "rich and wonderful life, filled with incredible experiences." She was grateful for the loving family, friends and people who had touch her life. And most importantly, she expressed humility and honor for the journey that she'd taken in life and the journey she would take in her death.

I am honored and privileged to have known this woman in my lifetime. She was a cool breeze blowing in the warm sun on an autumn day; she was a pillar of strength for the downtrodden; she was a friend, a godmother, a mother; a mentor, a generous and powerful leader for all people, but especially to those women, who followed. If I had taken the time to reply to her email, I'd say, "Wilma I am indebted to you for the affect that you've had on my life, my family and my children. Your wisdom and gentle spirit will be deeply missed. But your legacy burns bright and is everlasting! You can be sure of it, as long as I am able to plant the seed!"

Humbly,
Cheryl Rios Kingfisher

DISTRICT ELEVEN (TX, AR, OK)

The Annual Judicial Education Conference will be held in Corpus Christi, Texas September 21-24, 2010. This particular conference is very special in that it is the only judicial conference that includes **all Texas judges across the state**. Attendance at all other conferences is limited by regions within the state or by specialty areas of law. There is much anticipation and excitement as this conference approaches.

For some years now the NAWJ has sponsored, through its District Director, **a dinner for the Texas women judges and their guests. This year is no exception.** The NAWJ Texas Women Judges' Dinner will be held on **Wednesday evening, September 22nd at a private residence at Corpus Christi Bay.** We look forward to a **presentation by a marine scientist from the faculty of Texas A&M University Marine Science Institute on the very timely subject: The Texas Gulf Coast—Protecting a National Treasure.**

DISTRICT TWELVE (AZ, CO, NM, UT, WY)

Thanks to **Judge Vernice Trease's** leadership as District 12 Director. We look forward to her continued participation, and thank the Third District **Court in Salt Lake City, Utah** where she sits for lending us her talents and time.

Welcome new District Director **Ann Scott Timmer of the Arizona Court of Appeals**, Division One in Phoenix, Arizona.

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

ALASKA



Alaska held another very successful **Color of Justice program June 16-18** which included the innovative and well-received **MentorJet** program which NAWJ President Dana Fabe has detailed in her column in this month's publication. Below are some photos from that event.

The fall **Success Inside and Out** program, which helps prepare women for and assists them in the transition from prison to the community, is scheduled for **October 8, 2010.**

WASHINGTON

Regional Conference in Seattle, June 25-26

NAWJ District 13 held a very successful meeting in Seattle, Washington on June 25-26, 2010. NAWJ District Director **Judge Julie Frantz, District 13 chaired the conference**, welcoming judicial officers from Alaska, Oregon, and Washington at a Friday evening reception at the Mayflower Hotel. The reception included a **presentation by Adam Eisenberg**, a local author and Superior Court Commissioner **discussing his book A Different Shade of Blue.** The book chronicles the history and lives of women in the Seattle Police Department and how their presence has changed the face of policing. Commissioner Eisenberg led a lively discussion about the challenges still facing women in law enforcement as well as the contributions women have made to the justice system.

Saturday's programs began with a welcome by Judge Frantz, NAWJ president, **Justice Dana Fabe of Alaska, and Chief Justice Barbara Madsen of the Washington Supreme Court.** The first program was a session featuring Margaret Fisher, a nationally recognized judicial educator. Ms. Fisher engaged participants using the same interactive teaching strategies that have been used in Washington State for the Color of Justice Program as well as other programs designed to encourage youth to consider law as a career option. Participants debated the policy underlying school rules and statutes aimed at juveniles. Following this presentation, **Myra Downing, Executive Director of the Washington Supreme Court Gender and Justice Commission, facilitated an exercise, "In Her Shoes."** This highly interactive simulation afforded participants the opportunity to walk in the shoes of a person who has been victimized by domestic violence. Participants discussed their reactions to the experience and considered ways to apply the experience to their work on the bench. The third presentation focused on the use of technology to stalk and harass. Teresa Atkinson with the Coalition against Domestic Violence presented "Technology: a stalker's playground." Ms. Atkinson demonstrated the latest bone-chilling information on how technology is being used by stalkers to track the movements of their victims, undetected. This program urged participants to consider new ways to think about protection orders.

At lunch, participants were treated to a "Look into the Future of Justice" by Mary McQueen, Director of the National Center for State Courts. Ms. McQueen reviewed the challenges facing state courts as well as the innovations from courts across the country. She concluded with a "peek" into the future—predicting the needs and challenges courts will face.

The day concluded with a NAWJ District 13 meeting and dinner. This meeting provided an opportunity for members to discuss other programs that are planned for the District as well as strategies for building the membership. The day concluded with a relaxing dinner at a local restaurant on a sunny Seattle evening to reflect on the substance of the program and the collegiality of the participants. **Special thanks go to Myra Downing for her tremendous assistance in bringing this program together.**

By Judge Julie Elizabeth Frantz.

DISTRICT FOURTEEN (CA, NV)



On July 16 a California Women Lawyers (CWL) presentation bestowed the Joan Dempsey Klein award to Judge Deborah Andrews. Judge Andrews was elected to the California Superior Court in June 1994, and directed its Domestic Violence Court in Long Beach for over a decade. In photo left, NAWJ President-Elect Judge Marjorie Laird Carter (right) and District 14 Director Judge Jamoa Moberly (left) present flowers to Judge Andrews (center).

On August 4th NAWJ hosted a reception for new judges at the Annual B.E. Witkin Judges College at the home of Judge Lisa Condron in Santa Clara.

On August 5th, NAWJ hosted a reception at the Bowers Museum in Santa Ana for the Orange County State and Federal judges honoring the appointment of Judge Josephine Tucker to the Federal District Court. Judge Jamoa Moberly chaired the program.

In September NAWJ will present a speed mentoring event, MentorJet, for law students and recent law graduates at Chapman University Law School in Orange. NAWJ and Orange County Women Lawyers will co-sponsorship the program which Judge Jamoa Moberly and OCWLA President Ashleigh Aitken will chair.

In November, the Color of Justice program will be presented in San Diego by its chair Judge Tamila Ipema. Sometime later in the fall the Color of Justice program will be presented in San Francisco by program enthusiast Judge Charlene Padovani Kiesselbach who will serve as chair.

Judge Lucy H. Koh, formerly on the Superior Court of California for the County of Santa Clara, was appointed to the United States District Court, Northern District of California. Prior to being appointed to the California bench by Governor Arnold Schwarzenegger in 2008, she was in private practice in Palo Alto, where she was a litigation partner representing technology companies in patent, trade secret, and commercial civil matters. Prior to her work in private practice, Judge Koh was an Assistant United States Attorney for the Central District of California. She is a former member of the Board of Directors of the Korean American Bar Association of Northern California.

Judge Ramona Garrett Receives California Women Lawyers' Rose Bird Memorial Award



NAWJ member Ramona Garrett, Superior Court Judge for Solano County, California, was awarded the prestigious Rose Bird Memorial Award at a beautiful and touching reception on May 21, 2010. The Rose Bird Memorial Award was established by California Women Lawyers (CWL) in honor of the first woman to serve as Chief Justice of the California Supreme Court. **Chief Justice Bird is remembered for having the courage of her convictions and as a champion of the less fortunate in our society.** In 1992, Governor Pete Wilson appointed Judge Garrett as the first African-American and the first woman to the Northern Solano Municipal Court. Judge Garrett became a Superior Court Judge in 1997, and established the Solano County Drug Court that same year. Judge Garrett served as Presiding Judge of the Solano County Superior Court for 2008 and 2009.

The reception and awards ceremony was attended by many members of the bench and bar from several surrounding counties, as well as by beloved family members and friends of Judge Garrett. **CWL President Nancy O'Malley, newly elected District Attorney of Alameda County, presented the award.** In doing so, President O'Malley recalled Judge Garrett's earlier career as an outstanding prosecutor in both Contra Costa County and Solano County. Several other speakers, including William C. Vickery, Administrative Director of the Administrative Office of the Courts for the State of California, and **NAWJ member Judge Brenda Harbin-Forte**, Alameda County Superior Court, also noted Judge Garrett's contributions to the courts and her community. **Judge Charlene Padovani Kiesselbach**, San Francisco Superior Court and NAWJ member, presented Judge Garrett with a beautiful bouquet of flowers on behalf of District 14, and noted that Judge Garrett exemplifies the commitment of NAWJ to promote judicial independence, equal justice and access to our courts for all persons. **The most touching recognition came from Judge Garrett's daughter, Michelle Garrett**, who was born when her mother was still in high school. Judge Garrett left home for Santa Clara University when she was just 18 and Michelle was only three months old. Michelle recalled that she grew up with her mother going to college, law school, studying for the bar, becoming a prosecutor and ultimately a judge. With tears in her eyes, Michelle eloquently conveyed her love and pride of Judge Garrett.

Korean Judge Sujin Lee



Korean Judge Sujin Lee, one of our panelists in Los Angeles in February, is now back home in Seoul. She is featured center in the photograph flanked by Judge Mary Schroeder and Judge Kathleen Mulligan, chair of the February event.

NOTES FROM KUWAIT

by Justice Fernande R.V. Duffly, NAWJ Past President

I recently returned from a weekend in Kuwait where I participated in a program jointly sponsored by the **American Bar Association Rule of Law Initiative (ABA ROLI)** [Nan Duffly is NAWJ Liaison to the ABA's commission on the Status of Women] and the Kuwait Lawyers Association, with funding provided by the Dutch Embassy. The program was designed to encourage appointment of women to Kuwait's judiciary, which currently has no women.

I left for Kuwait after my last oral arguments of the court year **on Friday, May 14, 2010**, and arrived the next day after 20 hours of travel. Here are excerpts from my emails about this incredible experience and opportunity:

Saturday, May 15. I was met at the airport and whisked to a well appointed and elegant Holiday Inn. The effects of the 1990 invasion of Kuwait are still evident, but new construction is in progress throughout the City. After checking in, I met with the ABA ROLI program Director, Paul Simonett, an American lawyer now living in Bahrain (after stints in different places around the world, including Indonesia). As I write this, I hear the sounds of prayers being said throughout Kuwait City, coming through my hotel window.

Sunday, May 16. It is 11:30 AM in Kuwait City. I have just come back from a morning meeting with women in parliament, including a very dynamic woman, clearly a leader among peers here, Dr. Masouma al-Mubarak; also present was another of the four female MPs, Dr. Rola Dashiti. We had an open discussion about their goals and strategies for putting women on the Kuwaiti judiciary. We then met with the Dutch Ambassador, Mr. Ton Boon von Ochessee, who supports these initiatives; it was in fact the Dutch Embassy that provided the funding which brought me here. I have an hour break before we meet with the President of the Kuwait Lawyers Association, its board and prominent women leaders. It's immediately and strikingly apparent that the impediments, largely of custom and attitude towards women, not legal, are similar to those facing women in this country (women not ready, not suited, too emotional, etc). We met the woman, Sharouq al Failakwi, who filed a court demanding that her application to the position of prosecutor be accepted. The story has been in the news here these days, following the release of the court's decision upholding the prohibition. Being a prosecutor here is the step preceding judiciary – she was first in her class and was denied the opportunity as the application was open to men only. That was upheld, though according to the English translation I read, the court appears to reject the argument that it is unconstitutional to preclude women from applying, stating "there are no objections (legally or religiously) to the appointment of women to the judiciary if circumstances change."

It's near 100 degrees out, but dry, so not as bad as it sounds even though we must wear suits in order to cover our arms and legs. The rule of covering arms and legs does not appear to inhibit young women here from looking very modern and attractive, they just wear tight leggings, with high heels and smart tops,

and make-up is definitely not forbidden! The women I have met so far, judges from France, the Netherlands, Morocco and Bahrain are terrific, intelligent and interesting.

Sunday evening. Our first meeting in the afternoon was at the sumptuous palace of the Prime Minister, Nasser Al-Mohammed Al-Ahmed Al-Jaber Al-Sabah. He apparently favors bringing women onto judiciary at the level of family law. We then met with the head of the Kuwait Judicial Training Institute who delivered a lecture about why lawyers could not be good judges but only prosecutors (since women aren't allowed to be prosecutors here, we understood this as a reflection of where he stands on the issue).

Next, we met with the Deputy Prime minister who is also Minister of Justice, Justice Rashed Abdulmuhsin Al-Hammad who was formerly a judge on the high court in Kuwait. He did not appear to know why we were there so just asked us each to introduce ourselves and say who we were. (He turned first to Judge Agnes Bischo, to ask why we were here and she deftly diverted the question to Paul, the ABA representative, who said something about the ABA providing on the ground support for initiatives to enhance the delivery of justice). Each of us briefly described what we did and how we got to where we are today. We all seemed to recognize it as an opportunity to show him that we were accomplished judges and it was very impressive. At the end, he asked The Question: "I suppose you want to know what I think about having a woman on the Kuwait courts." He probed some of us to see if we handled capital cases, and learned that most of us did not come from a prosecution background, the norm here in Kuwait. Given the level and breadth of the expertise in the room he really could not politely suggest that women weren't qualified to be judges, and in fact said that he thought it would happen in time. This really pleased the Kuwaiti bar members, who thought it was the most positive statement he had made publicly.

The all day conference, "Women in the Judiciary" took place at KLA headquarters on May 18, 2010. Local news stations covered the event. I understand that the Conference was being held at the point in time to capitalize on the press coverage about the court's decision upholding the prohibition against women seeking positions as prosecutors. We met a number of accomplished women attorneys, including attorneys of Cassation and High Constitution, and some who expressed frustration that they could not be judges. Also present were the ambassadors from countries represented by the women judges on the panels. In addition to me, the judges on the panels were: Judge Fatima Faisal Hubail, Bahrain Execution Court; Judge Hon Zhour Al Horr, President of Chamber, Supreme Court of Morocco; Judge Rosa Jansen, Vice-President, District Court of Utrecht, Netherlands; Judge Agnes Bischo, Vice President Superior Court of Strasbourg, France.

We each described the path of women in the legal profession



Pictured from left to right: KLA Vice President Alhumaidi Bader Al Subaie Kuwaiti, Judge Fatima Hubail, Judge Zhour Al Horr KLA President Omar Haman Al-Essa, Judge Fernande Duffly, Prime Minister Nasser Al-Mohammed Al-Ahmed Al-Jaber Al-Sabah, Judge Agnes Bischo, Judge Rosa Jansen, ABA ROLI Program Director Paul Simonett and KLA General Coordinator Nedhal M. Al-Humaidan

and the judiciary and the current role of women judges in our respective countries. Although the history of women in the legal profession in the US is much longer than that of Kuwait, where women did not gain the right to run for political office until 2005, there are parallels in the course of our progress, as well as those of the other countries represented, and the presentation provided a source of guidance and support. As I noted in my closing comments, no positive changes in the advancement of women in the legal profession occurred without the persistent, recurring, and active support of men and women.

A number of those I spoke to said that His Highness, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, the Kuwaiti Emir, is a modern man who promotes modernization of Kuwait; they believe he is inclined to support having women judges, and that it is a matter of timing. The focus of the conference was to present compelling evidence that now is the appropriate time.

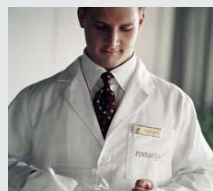


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Judge Margie Carter, NAWJ President Elect and Justice Dana Fabe, current NAWJ President, invite you (and your Family too!) to join them and your NAWJ colleagues for an NAWJ Alaska Cruise-Conference onboard Holland America's newly enhanced *ms Statendam* from May 22-29 of 2011. We will depart Vancouver, B.C. on Sunday, May 22, sailing up the stunning Inside Passage to Seward, Alaska, where we will disembark and travel three hours to Anchorage, AK for a day of sightseeing and a reception hosted at Dana Fabe's log home in the foothills of the Chugach Range on Sunday evening, May 29. (Monday, May 30 is Memorial Day.) Judicial Education sessions on topics relevant to both active and retired judges will be provided onboard the ship. All persons wishing to join NAWJ on the Alaskan Cruise must register as a participant. Non NAWJ members must be a guest of a NAWJ member in good standing.

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DAY	DATE	PORT	ARRIVE	DEPART
0	22 May	Vancouver, B.C.		5:00 PM
1	23 May	Inside Passage		
2	24 May	Ketchikan, Alaska	7:00 AM	3:00 PM
3	25 May	Juneau, Alaska	8:00 AM	10:30 PM
4	26 May	Skagway, Alaska	7:00 AM	9:00 PM
5	27 May	Glacier Bay		
6	28 May	College Fjord		
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*Dr. Leigh Swigart is director of Programs in International Justice and Society at the International Center for Ethics, Justice, and Public Life of Brandeis University. She oversees the Brandeis Institute for International Judges and the Brandeis Judicial Colloquia, as well as other programs for members of the judicial and human rights communities worldwide. She is the coauthor, with Center Director Daniel Terris and Cesare Romano, of *The International Judge: An Introduction to the Men and Women Who Decide the World's Cases*.*

PROMOTING JUDICIAL DIALOGUE ACROSS THE NATIONAL/INTERNATIONAL DIVIDE: THE BRANDEIS APPROACH¹

By Dr. Leigh Swigart, Director of Programs in International Justice and Society, International Center for Ethics, Justice, and Public Life – Brandeis University

Background

How should international law be applied in domestic courtrooms? Where can national judges learn about sources of international law? What are the different international courts and tribunals in operation today and what is their significance for the work of national judges? What is the “complementarity principle” of the International Criminal Court and what does it imply for national judiciaries?

These are some of the questions that have been discussed at the Brandeis Judicial Colloquia, a series of meetings organized by the International Center for Ethics, Justice, and Public Life of Brandeis University that have brought together domestic judges in various regions of the world with their counterparts serving on the benches of international courts and tribunals. The aim of these colloquia is to provide a forum where domestic judges can familiarize themselves with some of the central precepts of international law as well as the individuals who apply this law through their judicial rulings and decisions. It also allows international judges to learn of the challenges faced by their domestic colleagues as they strive to broaden the scope of their legal thinking through using both foreign and international law, not always with the approval of their peers or even governments.

The idea of the Brandeis Judicial Colloquia arose from another program, the Brandeis Institute for International Judges (BIJ). Since 2002, the International Center for Ethics, Justice, and Public Life has organized regular institutes for members of the international judiciary. These institutes provide an opportunity for judges serving on a wide spectrum of international courts and tribunals to meet one another in an intimate and informal setting.² There they discuss a range of topics, both practical and theoretical, relevant to their unique work, and forge relationships that strengthen their sense of membership in a professional group that has largely emerged in the last fifteen years.³ The BIJ has been held in various regions of the world, including Africa, the Caribbean, Europe, and North America. In July 2010, Brandeis held its seventh BIJ, hosting 16 judges from 13 courts and tribunals, in Salzburg, Austria.⁴

During the early years of the BIJ, participating international judges repeatedly observed that domestic judges are in a unique position to establish international law across the globe, as it is their decisions that have the most direct impact on local populations. It is thus critical, BIJ participants noted, that international and domestic judges be in dialogue with one another about how international norms can best be interpreted and applied by national judiciaries.

Since that time, four judicial colloquia have been planned and executed on three continents. The first was held in Dakar, Senegal in 2006, immediately following the fourth BIJ. Participants included 12 supreme and high court judges from across West Africa, including those from English-, French-, and Portuguese-speaking countries. They had the opportunity to discuss a broad array of issues, around the theme “Connecting International and National Justice,” with judges from the International Criminal Court, the International Criminal Tribunal for Rwanda, and the International Criminal Tribunal for the former Yugoslavia.

This meeting was followed, in 2007, by a second West African Judicial Colloquium in Accra, Ghana. It hosted a similar mix of national judges, and included judges from the African Court of Human and Peoples’ Rights and the Special Court for Sierra Leone. The second colloquium was a natural follow-up to the first, with sessions organized under the rubric of “Promoting Judicial Independence and Access to Global Jurisprudence.”

Brandeis next brought the series home, hosting the North American Judicial Colloquium on its campus in Waltham, Massachusetts in 2008. This meeting brought together United States and Canadian judges from state, provincial, and federal jurisdictions with international judges from the International

1. Thanks to Stéphanie Cartier and David Weinstein for their helpful comments on this article.

2. The following institutions have participated in the BIJ: African Court of Human and Peoples’ Rights, Caribbean Court of Justice, European Court of Human Rights, European Court of Justice, Extraordinary Chambers in the Courts of Cambodia, Inter-American Court of Human Rights, International Court of Justice, International Criminal Court, International Criminal Tribunal for the former Yugoslavia, International Criminal Tribunal for Rwanda, International Tribunal for the Law of the Sea, Special Court for Sierra Leone, Special Tribunal for Lebanon, and the World Trade Organization Appellate Body.

3. See Daniel Terris, Cesare P. R. Romano, and Leigh Swigart, *The International Judge: an Introduction to the Men and Women who Decides the World's Cases*, UPNE 2007.

4. Summaries and full reports of past institutes can be found at <http://www.brandeis.edu/ethics/internationaljustice/bij/index.html>.

Criminal Court, the Caribbean Court of Justice, and the European Court of Human Rights. The theme, appropriately, was “What can International and Domestic Judges Learn from One Another?”

Finally, the South American Judicial Colloquium was organized in Buenos Aires, Argentina in 2009. It hosted 20 judges from eight countries in the region as well as representatives from the International Criminal Court and other international legal bodies. Held entirely in Spanish, this colloquium adopted the theme *El Valor del Derecho Internacional Respecto de los Sistemas Legales Nacionales* (“The Value of International Law for National Legal Systems”).

Summaries and reports of the proceedings of all judicial colloquia are available at the website of the International Center for Ethics, Justice, and Public Life.⁵



Canadian and United States participants at the North American Judicial Colloquium, Brandeis University, 2008

Each of these colloquia has been designed and implemented in collaboration with local partners in order to ensure that the content is relevant and interesting to local judges.⁶ Participants are chosen through consultation with these partners and sometimes through direct contact with chief justices or presidents of selected courts as well. Judges represent various types of courts – family, juvenile, civil, commercial, administrative, appeals, and supreme.

The colloquia generally use the same format as the Brandeis Institute for International Judges: short presentations by legal experts on a given topic, followed by an extended question and answer period. This allows participants to interact with both session leaders and fellow participants and to ask for further information that can help them in their respective jurisdictions.

Each colloquium has also received the imprimatur of a leading judge or international figure from the region. Ambassador Ahmedou Ould Abdallah, United Nations Special Envoy to West Africa, delivered the keynote speech for the first West African Judicial Colloquium in Senegal. Justice Modibo Ocran, of the Supreme Court of Ghana, played this role for the second regional colloquium in Ghana. Participants of the North American Judicial Colloquium, as well as the Brandeis University community, were honored to have

as their keynote speaker Madame Louise Arbour, former Justice of the Supreme Court of Canada and former United Nations High Commissioner for Human Rights.⁷ Vice President of the Argentine Supreme Court of Justice, la Doctora Elena Inés Highton, addressed participants of the South American Judicial Colloquium at their opening session. The support of these eminent individuals, and the expertise they shared through their speeches, reinforced the importance of the judicial colloquia endeavor and raised the profile of these events in the larger legal and academic communities.⁸

Why do judges participate in this kind of dialogue?

When asked why they had taken time out from their very busy schedules to attend a Brandeis Judicial Colloquium, judges had a number of responses. Most are aware of the expanding role of international law in diverse domains of human activity, as evidenced by their governments’ ratification of various trade agreements, human rights conventions, and environmental protocols, as well as their governments’ submission to the jurisdiction of international judicial bodies such as the International Court of Justice, the International Criminal Court, and regional human rights courts. Judges may be less clear, however, about what such decisions on the part of governments imply for their own work in the courtroom. The following are some of the questions raised by judges over the course of colloquia discussions:

- When parties cite international law before my bench, how do I determine whether or not it is binding on my court?
- Where and how can I find sources of international law? How can I ascertain the content of international law?
- If a treaty is not implemented through legislation or is not self-executing, can I nonetheless consider it?
- What tells me that I have an obligation to apply international customary law?
- Does international law need to be proven?
- Is it appropriate to cite international law when not strictly necessary, with the aim of “educating” the public? Or will it only serve to aggravate colleagues not as open toward external sources of law?
- Can I determine remedies based on international law?
- What does it mean when the Rome Statute of the International Criminal Court asserts that national judiciaries must be seen as “willing” and “able” to prosecute a person alleged to have committed war crimes, crimes against humanity, or genocide?
- What is the potential impact of decisions by regional bodies such as the Inter-American Court of Human Rights and the Court of Justice of the Economic Community of the West African States on the work of national courts in their jurisdictions?

The Brandeis Judicial Colloquia have provided a supportive environment in which judges could ask such questions and hear about the experiences of their peers who have grappled with the same issues.

Another motivation to participate in a Brandeis Judicial Colloquium was the desire to broaden one’s approach to the law. The cross-border nature of the Brandeis colloquia allowed participants to learn directly from their colleagues in neighbor-

5. <http://www.brandeis.edu/ethics/internationaljustice/judicialcolloquia/index.html>

6. Partners include Le Centre de Recherche Ouest Africaine and the University of Ghana Law Faculty for the West African Judicial Colloquia; the National Judicial Institute of Canada and the International Judicial Academy for the North American Judicial Colloquium; and the Argentine branch of the International Judicial Academy and the

La Federación Latinoamericana de Magistrados for the South American Judicial Colloquium.

7. Arbour also served as the Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and Rwanda from 1996-99.

8. Details of their speeches may be found in the various colloquia reports. Supra note 4.

ing countries where there may be more openness toward both international and foreign law. In fact, a number of colloquium participants had already been involved in some kind of overseas training program, legal cooperation project, or judicial institution-building. This initial exposure left them eager to learn more about both international and foreign law. A North American Judicial Colloquium participant, who had worked and traveled extensively in many different countries with diverse legal regimes, said that she had come back “with a reshaped view of the legal and judicial function... It reinforced my conviction that exchanges of ideas and insights with foreign and international judges enrich my legal thought and reasoning.”⁹

There are important benefits that come from the judicial network-building that occurs at this kind of meeting as well. While judges in many parts of the world participate regularly in continuing judicial education programs or attend professional conferences, the Brandeis Judicial Colloquia provide a different atmosphere from those venues. There are rarely more than 20 judges in attendance, and the discussions are therefore more informal and conversational. The colloquium setting encourages the forging of new professional relationships that can continue long after the event has ended. Participants have also noted that they are more likely to admit the limits of their own legal knowledge when in a mixed crowd of judges from different courts and countries, away from the scrutiny of their immediate professional cohort.

In the case of the two West African Judicial Colloquia, the network-building component of the meetings was a rare opportunity in a region where judiciaries are underfinanced and travel to meetings is limited. It is also a region where judges may feel real threats to their independence. Some West African participants claimed that by simply attending a Brandeis colloquium, they communicated to their governments that they are part of a regional professional network whose members “keep tabs” on what is happening to their peers in neighboring countries. The West African meetings also allowed for acquaintances to be made across the linguistic divides that are a continuing legacy of the European colonial era. Such relationships are an important building block of regional unity.

What do participating judges talk about?

The program for each colloquium was designed by Brandeis in close consultation with its regional partners. It is clear that judges from disparate parts of the world work under varying conditions and thus have some concerns and needs unique to their situations. Session leaders were chosen primarily from among regional scholars and experts, not only to ensure that most presentations were made in the languages of the judges themselves but also to avoid the not uncommon dynamic whereby organizers from the global north “dispense knowledge” to those from the south.

Notwithstanding regional differences, each colloquium addressed the central question of how and when judges should apply international law in a domestic courtroom. Judges from all regions wondered about the relative primacy of their national constitu-

tions vs. international treaties and customary international law, and whether the “domestication” of international treaties and conventions was a precondition for viewing them as either binding or of persuasive value. Justice Emmanuel Ayoola, Judge of the Special Court for Sierra Leone, told West African participants, “there should be no national constitution inconsistent with human rights norms and it is the role of judges to uphold the norms enshrined there.”¹⁰ Professor Jutta Brunnée of the University of Toronto noted at the North American Judicial Colloquium that both Canada and the United States have a common law presumption that states intend to conform to international law; “therefore, domestic courts should strive to interpret national legislation in accordance with that law.”¹¹ In a South American session, Professor Alberto Ferrnando Garay, of the Universidad Torcuato Di Tella, described cases in which the failure of national judiciaries to uphold the human rights enshrined in international conventions, and sometimes even their own constitutions, resulted in an appeal by plaintiffs to the Inter-American Court of Human Rights.¹²

Session leaders generally encouraged participants to inform themselves about sources of international law and to incorporate them into their legal thinking and judgment writing. Judges were also exhorted to consult the jurisprudence coming out of other countries, both those in their own region, with similar traditions and histories, and those more distant. There are many helpful collections of such sources, many of which are now available on the Internet (see sidebar). As Claire L’Heureux-Dubé, retired Justice of the Supreme Court of Canada, asserted in her session on judicial dialogue at the first West African Judicial Colloquium, “Judges cannot afford to be parochial in this age of globalization. The world is now characterized by ‘justice without borders.’”¹³

Judicial influence is not a one-way street, however, with national judges passively absorbing international law for its application at home. Dr. Fatsah Ouguergouz, Judge of the African Court of Human and Peoples’ Rights, explained to West African participants that it is through the decisions of national judges that basic principles of law have been developed, the same principles that guide the work of international judges.¹⁴ At the North American Judicial Colloquium, Professor Brunnée noted that national judges “participate in the shaping and strengthening of international law by weaving international law into the fabric of domestic law, and by re-weaving and strengthening the fabric of international law itself.”¹⁵ The international judges in attendance at the colloquia, many of whom had previously served as judges in their home countries, agreed

Sources of International and Foreign Law

- *International Law: A Handbook for Judges*, Studies in Transnational Legal Policy, No. 35, The American Society of International Law. Foundation Press, 2001.
- <http://ilex.asil.org/>: Legal Research System for International Law in US Courts.
- www.worldlii.org/: World Legal Information Institute.
- <http://codices.coe.int/>: regular reports on the case-law of constitutional courts and courts of equivalent jurisdiction - in Europe but also in other parts of the world - together with case-law of the European Court of Human Rights and the Court of Justice of the European Communities.
- <http://droit.francophonie.org/>: international and foreign law in French.
- <http://www.brandeis.edu/ethics/internationaljustice/judicialcolloquia/index.html>: guides to electronic sources of international and foreign jurisprudence and legislation, prepared by the International Center for Ethics, Justice, and Public Life at Brandeis University.

9. See North American Judicial Colloquium report, p.5. Supra note 4.

10. See West African Judicial Colloquia report, p. 16. Supra note 4.

11. See North American Judicial Colloquium report, p. 6. Supra note 4.

12. See South American Judicial Colloquium report, p. 26 (in Spanish only with a summary in English). Supra note 4.

13. See West African Judicial Colloquia report, p. 7. Supra note 4.

14. See West African Judicial Colloquia report, p. 19. Supra note 4.

15. See North American Judicial Colloquium report, p. 7. Supra note 4.

that the relationship between domestic and international judiciaries is complementary and synergistic.

In addition to exploring interconnections between national and international legal regimes, each colloquium addressed issues specific to the group of judges it hosted. At the first West African Judicial Colloquium, many participants emphasized how difficult it was to keep abreast of developments in international and foreign law as they had limited experience with information technology. Their courts also do not have the means to employ enough clerks and assistants to help them with legal research. The second West African Colloquium responded by organizing hands-on demonstrations where participants learned to access legal information online, as well as by preparing guides to international and foreign jurisprudence and legislation (see sidebar, p. X). That colloquium also featured a session on how to establish internship programs in West African courts, following the model used in both United States and international courts, and how to design continuing legal education programs for judges and other court personnel.

Sessions at the West African Judicial Colloquia furthermore addressed a particular feature of African justice: in addition to having both common law and civil law regimes in the region, there also exists Islamic law in some countries and a robust system of African customary law and conflict resolution in almost all. This creates the challenge of integrating these various regimes and traditions into a harmonized justice system that everyone can access. Several participants noted that women in their countries had initiated gender discrimination cases based on their rights as guaranteed in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). They described the difficulties they faced in deciding such cases when there is a clear conflict between international norms and local customs.¹⁶

West African participants were interested to hear about perhaps the most discussed interconnection between national and international justice in recent years – the “complementarity principle” established by the Rome Statute of the International Criminal Court (ICC).¹⁷ This principle indicates that national courts will retain jurisdiction to try genocide, crimes against humanity, and war crimes unless they are genuinely “unwilling” or “unable” to investigate or prosecute the crimes in question. A country may be determined to be unwilling if it is clearly shielding someone from responsibility and unable if its legal system has collapsed.¹⁸

Participants had a number of questions about how complementarity would really work on the ground. They also questioned the amount of money being spent on the ICC. Given the lack of resources in many of the ICC member states, would it not be better, some wondered, to distribute these resources to individual countries so that a culture of crime prevention could be developed locally?¹⁹ Given that most of the current ICC cases and investigations are taking place in Africa, it seems that the efficacy of the complementarity principle will be put to the test.

In addition, judges at the West African Judicial Colloquia expressed frustration that the judgments issued by African courts

are little known and infrequently cited outside of their countries of origin. Participants were inspired by the idea that African jurisprudence could be made accessible over the Internet and encouraged one another to cite judgments from African nations rather than judgments from parts of the world with vastly different economic and sociological realities. They noted that Africa needs “landmark cases which are relevant for African purposes and can be used by judges on the continent.”²⁰

North American judges work under very different conditions than their West African counterparts. They have reliable access to information technology, adequate legal assistance, and ongoing legal education. There is little left in the way of “customary justice” to conflict with the mainstream system. And the United States is not even a party to the Rome Statute of the ICC (in contrast to Canada).

Yet Canadian and United States judges both face issues that make their interpretation and application of international law particularly problematic. Both countries are federal states with complex divisions of powers between the federal level and the provincial/state level. Furthermore, both Canadian and United States legal systems are dualist; that is, they assume that international and domestic law are distinct legal systems and that international law can only be enforced if it is incorporated or transformed into national law. What happens, then, if a treaty has been signed by the government but has not yet been “domesticated” into national law? North American participants observed that they needed to be educated about the binding force of international treaties in such situations. They also wondered about the obligation to apply customary international law. Is it binding at the state or provincial level, or just at the federal level? There is some controversy about this, leaving judges uncertain how to act. Participants had a lively discussion about these issues and had the opportunity to seek the advice of two international law experts, Professor Jutta Brunnée of the University of Toronto and Professor Martha Davis of Northeastern University Law School.²¹

These questions were explored in even more depth in a discussion of cases that have shown the reluctance of domestic courts in both the United States and Canada to recognize the binding force or persuasive authority of decisions made by international courts or quasi-judicial bodies against their national governments. In the United States Supreme Court case, *Medellín v. Texas*,²² the court refused to recognize the *Avena* judgment²³ of the International Court of Justice as binding on individual states. The *Avena* case involved the right of Mexican nationals on death row to access their consulate, as required by the Vienna Convention on Consular Relations to which the United States is a signatory. In the *Ahani v. Canada*²⁴ case, Canadian courts refused to recognize the persuasive authority of an interim measure request, made by the UN Human Rights Committee, to stay the deportation of a complainant pending the consideration of his complaint against Canada by the Committee.²⁵

North American Judicial Colloquium participants also examined the ways in which Canadian, US, and international judges reach

16. For more information about women and justice in Africa, see the report of the 2008 conference on “The Role of the Judiciary in Promoting Gender Justice in Africa”: <http://www.brandeis.edu/ethics/internationaljustice/judicialcolloquia/westafrika/wajc.html>.

17. This statute was adopted at a diplomatic conference in 1998 and entered into force in 2002.

19. See West African Judicial Colloquia report, p. 23. Supra note 4.

20. See West African Judicial Colloquia report, p. 19. Supra note 4.

21. See North American Judicial Colloquium report, p. 6-13. Supra note 4.

22. *Medellín v. Texas*, 128 S. Ct. 1346.

23. *Avena and Other Mexican Nationals (Mexico v. United States of America)*, Judgments: <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=18&case=128&code=mus&p3=4>.

24. *Ahani v. Canada* (Minister of Citizenship and Immigration), [2002] 1 S.C.R. 72, 2002 SCC 2, on January 11, 2002 (Supreme Court of Canada).

25. See North American Judicial Colloquium report, p. 20-22. Supra note 4.

their respective positions. Canada, like most countries in the world, follows an appointment procedure when filling judicial slots. In the United States, however, many state judicial positions are filled through elections, sometimes even partisan elections, a system that has come under much critical scrutiny. Similarly, international judges often reach the benches of international courts and tribunals through highly politicized nomination and election procedures that are decried by some in the international community. Colloquium participants had many observations to make concerning the drawbacks of both judicial appointment and election procedures, and the questions of independence and impartiality that can arise from the latter, in particular.²⁶

Not surprisingly, the program of the South American Judicial Colloquium differed somewhat from those held in West Africa and North America, having been designed to address conditions particular to the region. In contrast to the United States, most countries of South America are parties to both the ICC and the Inter-American Court of Human Rights (IACHR). This means that their governments have voluntarily submitted to the jurisdiction of these judicial institutions and are bound to comply with their decisions. Although there has not yet been an ICC case involving a country in the region, South American governments have frequently come before the IACHR to answer charges of human rights violations.

The historic involvement of many South American countries in state-sponsored human rights violations – epitomized by the practice of “disappearing” civilians – was a central theme running throughout the SAJC. It was addressed in the keynote speech by Justice Highton, who elaborated on the fundamental human rights that were incorporated into the Argentine Constitution with the 1994 reform, particularly those related to the forced disappearance of persons and torture. It also figured in the session led by Professor Alberto Garay on the effects of IACHR decisions on the continent. He began his session by describing some common trends in Latin American countries, including a lack of respect for the rule of law and for fundamental rights. Prof. Garay explained that it is important to disseminate the content of human rights treaties so that judges may take them into consideration when making their legal decisions. Finally, the theme was very much in the foreground during a fascinating presentation on the application of forensic science techniques, made by representatives of the Equipo Argentino de Antropología Forense (Argentine Forensic Anthropology Team). This organization has become a recognized leader in the exhumation and identification of human remains, carrying out highly technical work while remaining sensitive to the needs of survivors and cooperating with both judicial systems and police forces. It has worked not only in Latin America but also in the Balkans, Rwanda, and other parts of the globe that have experienced genocide, war crimes, and crimes against humanity.

South American judges also had the opportunity to learn directly of the everyday experiences of an international judge during a session led the Bolivian judge at the ICC, René Blattmann. He spoke of the challenges and successes of the early years of his institution as well as its ongoing historic first trial.²⁷ Judge Blattmann pointed out that even though domestic tribunals have the first responsibility to deal with so-called “international crimes,” history has shown that wars and conflicts can lead to the failure of domestic justice systems, leaving the international community to step in. He emphasized that an important element of the Rome Statute is its incorporation into domestic law, which serves to strengthen the legal regimes of member states.²⁸

In a final session, South American participants gave a report on the state of human rights in their respective countries. The number of challenges they face – be they threats to judicial independence, budgetary problems, or difficulties in applying the international conventions and treaties that their governments have signed and ratified – underscored the importance of having individuals of integrity and courage in South American judiciaries who are knowledgeable about international law.

Although the judges in attendance at the South American Judicial Colloquium had attended other conferences and workshops, they agreed that the multiplicity of countries represented at this meeting and the intimacy of the discussions made for a productive change of pace.

The foregoing represents just a few highlights from the Brandeis Judicial Colloquia organized since 2006. A more detailed account of each colloquium’s presentations and discussions can be found in the online reports at the website of the International Center for Ethics, Justice, and Public Life.²⁹ The importance of dialogue between national and international judges will only increase as globalization continues to break down boundaries that once allowed us at least the illusion of national autonomy. Brandeis thus hopes to expand its series of colloquia to new regions, as well as to deepen its relationships with judiciaries that have already participated in the series.

For more information about the Brandeis Judicial Colloquia, contact Leigh Swigart at swigart@brandeis.edu.

26. See North American Judicial Colloquium report, p. 23-27. Supra note 4.

27. The trial of Thomas Lubanga Dyalo of the Democratic Republic of the Congo, on charges of enlisting and conscripting child soldiers. See <http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/Situation+ICC+0104/>.

28. See South American Judicial Colloquium report. Supra note 4.

29. <http://www.brandeis.edu/ethics/internationaljustice/judicialcolloquia/index.html>.

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1. David Adams, *WHY DO THEY KILL?* (2007), at 171-172. Adams’s book is based on in-depth interviews with 31 incarcerated wife murderers, 20 wives who survived attempted homicide and 19 additional women who were victims of potentially life-threatening intimate partner assault.
2. Instructional technology and design was provided by the Rozier E. Sanchez Judicial Education Center of the Institute of Public Law of the University of New Mexico.
3. Evan Stark, *COERCIVE CONTROL* 388 (2007).
4. Judge Janice Martin, Battered Women’s Justice Project Audio Conference, November 13, 2008.
5. Raquel Kennedy Bergen & Paul Bucovec, *Men and Intimate Partner Rape: Characteristics of Men Who Sexually Abuse their Partners*, 21 J. OF INTERPERSONAL VIOLENCE 1375 (2006).

6. Judith McFarlane & Anne Malecha, *SEXUAL ASSAULT AONG INTIMATES: FREQUENCY, CONSEQUENCES AND TREATMENTS*, National Institute of Justice, 2005, available at <http://www.ncjrs.gov/pdffiles1/nij/grants/211678.pdf>.
7. Patricia Tjaden & Nancy Thoennes, *EXTENT, NATURE AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE*, National Institute of Justice (2000), available at <http://www.ncjrs.gov/pdffiles1/nij/181867.pdf>.
8. Jacquelyn C. Campbell, et al, *Risk Factors for Femicide in Abusive Relationships*, 93 J. OF AMERICAN PUBLIC HEALTH 1089 (July 2003).
9. U.S. Department of Justice, Bureau of Labor Statistics, *Homicide Trends in the U.S.*, available at www.ojp.usdoj.gov/bjs/homicides/tables/intimatestab.htm.

Endnotes Continue on Page 32



Lynn Hecht Schafran is Senior Vice President at Legal Momentum and has been director of Legal Momentum's National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP) since 1981. Lynn also serves as a senior staff attorney, litigating and writing in the areas of sexual harassment, rape, domestic violence, and family law. Established in 1980 and co-sponsored by the National Association of Women Judges, NJEP initiated judicial education about gender bias in the courts nationwide. Ms. Schafran has been on the faculty of numerous national, state and federal judicial colleges in the United States and Canada and is an advisor to the state supreme court and federal circuit task forces on gender bias in the courts for which NJEP was the catalyst. She is co-author of several model judicial education curricula in use across the country including *When Bias Compounds: Insuring Equal Justice for Women of Color in the Courts* and *Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault* and its DVD version.

RISK ASSESSMENT AND INTIMATE PARTNER SEXUAL ABUSE: THE HIDDEN DIMENSION OF DOMESTIC VIOLENCE

By Lynn Hecht Schafran*

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"There was no greater divergence in what victims and perpetrators reported than in the area of sexual violence. If we are to believe the killers, none of them had ever been sexually violent or even coercive to the women they killed...The victims of abuse painted a very different picture. Nearly three-fourths of the women [who survived a near-murder] said their abusive partners had raped them."¹

Risk assessment is of critical concern to judges in every kind of domestic violence case. Recent research documents the importance of a largely ignored sign of risk and potential lethality in these cases: intimate partner sexual abuse. To assist in recognizing and addressing intimate partner sexual abuse in the contexts of civil, criminal, family and juvenile law, the National Judicial Education Program created a comprehensive Web course, *Intimate Partner Sexual Abuse: Adjudicating this Hidden Dimension of Domestic Violence*. Funded by the State Justice Institute and the Department of Justice Office on Violence Against Women, registration at www.njep-ipsacourse.org is free and open to all.²

In 13 modules the Web course presents an overview of intimate partner sexual abuse, as well as in-depth treatment of issues from immigrant victims to jury selection. Four civil and four criminal case scenarios, self-tests and reflection questions provide opportunity for application of the curriculum and assessment of comprehension. The Web course contains links to much of the source material, including case law and articles on the subjects discussed, providing a comprehensive resource for judges and others. This article highlights the issues relating to risk assessment, addressed in the course.

A hidden problem

Until recently, the marital rape exemption foreclosed legal recognition of intimate partner sexual abuse. Although by 2005 every state and the military eliminated the complete exemption, 26 states still provide lesser protection for victims, such as lesser penalties for the rapist and imposition of a limited reporting period. These diluted sexual assault laws reflect cultural adherence to the misguided belief that rape by a loved one is less harmful than rape by a stranger.

Some victims do not know that marital rape is against the law, and perpetrators often do not perceive their behavior as sexual abuse. Many victim advocates, police, prosecutors and court personnel are not trained to ask the questions that would elicit this information. Even a victim who understands that an assault has occurred may hesitate to disclose this most personal form of violence and humiliation, sometimes out of fear that her credibility will be destroyed if she does.

The fact that the parties have had a consensual sexual relationship does not mitigate the horror of marital rape. In *Coercive Control* (2007), Professor Evan Stark, a leading researcher in this field, writes,

"Marital rape...should be treated differently and **more severely** than similar crimes committed by strangers...sexual assault is far more likely to be repeated when it is committed by partners and almost always occurs amid other forms of violence, intimidation, and control. The level of unfreedom, subordination, dependence, and betrayal associated with marital rape has no counterpart in public life." [Emphasis supplied].³

When this aspect of a domestic violence case is hidden, judges are deprived of essential information. In the words of Louisville, Kentucky Judge Janice Martin, "As a judge, when I assess lethality, my assessment is only as effective as the information that I receive...And my orders are only as good as the information that I receive."⁴

Prevalence

Prevalence data about intimate partner sexual abuse have been developed in research with abusive men and abused women. These studies report intimate partner sexual abuse rates from 40 to 75% of the sample and a high rate of repeated sexual assault. For example, in a study of more than 200 men in a batterer intervention program in a Northeastern city, more than half admitted to acts that constituted intimate partner sexual assault. Yet when asked, "Have you ever sexually abused your partner?" only 8% answered "yes."⁵ Behavior not recognized as constituting sexual assault included forced sex under threat or use of force, including weapons, forced participation in sex with other people or animals, and forced enactment of pornography.

A study of abused women in Houston based its findings on interviews concerning sexual assault with nearly 150 women seeking orders of protection, not one of whom reported sexual violence in her application for an order of protection. When interviewed, however, more than two-thirds of the group described sexual assault in addition to physical violence. One-fifth had a rape-related pregnancy. Significantly, the women who were being both physically and sexually abused reported more of the risk

factors for femicide, such as strangulation and threats to children, than did those subjected to physical abuse only.⁶

Finally, a National Institute of Justice study found that over half of women raped by an intimate partner were victimized repeatedly by that partner.⁷

Risk assessment

Risk assessment in domestic violence cases is typically limited to the risk that a batterer will kill his victim. But there are actually six types of risk, all heightened by the co-occurrence of sexual and physical violence. According to risk assessment expert Professor Jacquelyn Campbell, a physically-abused woman also subjected to forced sex is over seven times more likely than other abused women to be killed.⁸

1. Will the batterer kill his victim? On average, each day in the U.S. more than three women are murdered by their current or ex husbands or boyfriends.⁹ In a multi-city study of completed and attempted domestic violence femicide cases, Professor Campbell found that in more than half there was intimate partner sexual abuse. “Woman forced to have sex when not wanted” was the fifth most predictive factor in her risk assessment table, ahead of such factors as escalating physical violence and partner’s drug abuse.¹⁰

2. Will the batterer kill his partner’s or the couple’s children? Newspapers across the country frequently report cases of men murdering their or their partner’s children in the context of killing the mother, as punishment for the mother’s leaving the abusive relationship or as part of a custody struggle. Thus, any situation that heightens the risk of lethality for the mother heightens the risk of lethality for her children.

3. Will the batterer kill third parties? In domestic violence murders there are often third-party victims. Family members, bystanders, co-workers, police and court personnel who come to the principal victim’s aid, or who are simply nearby at the wrong moment, may themselves be killed.

4. Will the victim kill herself? Intimate partner sexual abuse is more psychologically damaging than physical violence alone. Two studies found far higher rates of suicide attempts among sexually assaulted battered women.¹¹

5. Will the victim kill the batterer? In Anne Brown’s 1987 study, *When Battered Women Kill*, three-quarters of the women reported having been raped at least once by their abusers. For her book *Wife Rape* (1996), Raquel Kennedy Bergen interviewed 40 victims of intimate partner sexual assault and reported that more than half had thoughts of killing their abusers.¹²

6. Will the violence continue/escalate after the relationship has ended? *Estranged husband of marital rape victim taped a photograph of a gravesite on her door.* State v. Morrison, 426 A. 2d 47 (N.J. 1981).

There is a widespread but mistaken belief that if women in abusive relationships would just leave, the violence would end. In fact leaving is the most dangerous time for the woman because the batterer is outraged to be losing control over her.¹³ Much of the worst physical violence and most murders occur at or after separation.¹⁴ Intimate partner sexual assault often begins when the woman tries to leave and continues after separation and divorce. Professors David Finkelhor and Kersti Yllo, two of the earliest researchers in the field, wrote in *License to Rape: Sexual Abuse of Wives* (1985), “A wife’s leaving or threatening to leave her marriage frequently provokes a marital rape...[o]ver two-thirds of the women in our sample were raped in the waning days of a relationship, either after previous separation or when they were making

plans to get out.”¹⁵ Raquel Kennedy Bergen similarly found that 20% of the women in her sample were raped post-separation. One woman was frequently raped by her partner when he arrived to pay child support.¹⁶

Custody and visitation

The negative impact of domestic violence on children, and the reasons why batterers should not be awarded sole or joint custody or unsupervised visitation, are well-documented.¹⁷ When the mother has been sexually as well as physically assaulted, the potential for harm to the children is particularly grave. In *Children’s Exposure to Intimate Partner Sexual Assault*, Kathryn Ford writes, “[I]ntimate partner sexual assault is associated with more severe depression, anxiety, and behavior problems in the children of adult victims, as compared to those whose mothers have been physically, but not sexually, abused.” Children exposed to intimate partner sexual abuse in their parents’ relationship often “internalize distorted and unhealthy messages about gender and sexual consent.”¹⁸

Victims should be encouraged to disclose sexually abusive behavior to enhance both their own safety and the safety of their children, and judges should take disclosures seriously. Presuming that such assertions are a ploy to deprive fathers of access to their children can have devastating consequences for a child’s health and safety.¹⁹

Recommendations

Judges can have tremendous impact on law enforcement, court, and probation and parole personnel, prosecutors, victim advocates, treatment providers and custody evaluators by informing them of the need to develop information about intimate partner sexual abuse and provide it to the court. Court intake forms for domestic violence victims and risk assessment instruments should include behaviorally-based questions on the subject. Model samples can be found in the *Intimate Partner Sexual Abuse* Web course, Module III, Risk Assessment.

Judges can enhance victim and community safety and educate the community by treating intimate partner sexual abuse with the seriousness it deserves. Judges can require that batterer intervention programs address intimate partner sexual abuse (many currently ignore it) and, in criminal cases, sentence offenders in accordance with the gravity of the crime and the unique impact on victims. Both pre-sentence investigations and post-conviction assessments should probe for co-occurring physical and sexual abuse, even if this was not raised in court, in order to determine whether sex offender treatment would be appropriate. If treatment is imposed as a sentencing condition, judges should require specialized, rigorous sex offender group treatment using a state of the art cognitive behavioral approach of the kind that can lead to lower recidivism rates for motivated offenders.²⁰

Judges need to know about intimate partner sexual abuse in order to assess risk, craft appropriate orders, effectively resolve custody/visitation matters, and impose appropriate sentences. Judges can take a leadership role in recognizing the significance of co-occurring domestic violence and sexual abuse by urging all stakeholders to address the issue comprehensively, creating a supportive courtroom environment, and utilizing all legal remedies available to ensure the safety of the victim and community through all stages of the court process.

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Fifth Annual Meeting Between the Congressional Caucus for Women's Issues and the National Association of Women Judges

On Thursday morning March 11th in the Cannon House Office Building on Capitol Hill, NAWJ members joined with members of the Congressional Caucus for Women's Issues to discuss areas of mutual concern, and to raise awareness of the ways in which state courts have been working to improve access to justice, particularly in these times of fiscal crisis. This was the fifth annual joint meeting.

NAWJ President Justice Dana Fabe, joined by Meeting Chairs Past President Vanessa Ruiz and NAWJ Resource Board Member Nicole Erb of White & Case LLP, engaged Congressional Caucus Co-Chair Representative Janice Schakowsky of Illinois, and Co-Chair of the Caucus' Violence Against Women Task Force Representative Donna Edwards of Maryland to explore some of the special challenges presented for courts in addressing the needs of self-represented litigants, including victims of domestic violence in divorce proceedings, and those litigants who appear before the court in need of interpreter services.

Distinguished guest speakers Chief Justice of the Utah Supreme Court the Hon. Christine Durham, President of the Conference of Chief Justices, and Mary McQueen, Executive Director, National Center for State Courts highlighted the significance of the important daily work for justice accomplished in our state courts. Praise was given for the state courts' leadership in ensuring the impartial, independent, and accessible administration of justice for litigants across the nation.

Congresswoman Jan Schakowsky, who joined direct from a meeting at the State Department was anxious to encourage support for the Violence Against Immigrant Women Act, a bill she introduced in the House in 2007, and which has been referred to the committee. When the discussion turned to human trafficking, attendees nodded in knowing response and judges expressed their understanding of the problem here in the United States.

This year's joint meeting occurred during a week when Congress was occupied with finishing landmark health care legislation, and many congresswoman were in key hearings. However, over thirty NAWJ members joined Caucus members who included Hon. Tammy Baldwin, Wisconsin 2nd District; Hon. Madeleine Z. Bordallo, Guam; Hon. Donna Christensen, Virgin Islands; Hon. Donna Edwards, Maryland 4th District; Hon. Janice Schakowsky, Illinois 9th District and Hon. Jean Schmidt, Ohio 2nd District.



2010 NATIONAL ASSOCIATION OF WOMEN JUDGES MIDYEAR MEETING AND LEADERSHIP CONFERENCE

The bar moved yet higher for NAWJ Conferences with this spring's 2010 National Association of Women Judges Midyear Meeting and Leadership Conference held March 11-14th in Washington, D.C. Many thanks to the meticulous planning, programming and support of NAWJ President Dana Fabe, Past Presidents Vanessa Ruiz and Noël Anketell Kramer, Finance Chair Anna Blackburne-Rigsby, and the deft fundraising of local barristers Conference Host Committee Chairs Deborah Israel, Nancy Long, and NAWJ Resource Board Co-Chair Elaine Metlin, whose care and execution made the near 400 attendees and participants' conference experiences memorable, valuable and historic.

The Conversation

Thursday evening's reception in the majestic National Museum of Women in the Arts drew hundreds of NAWJ members, local lawyers, judges and clerks, area dignitaries. C-SPAN cameras and other press and illuminati were on hand as Justices Ginsburg, Sotomayor and Lady Hale made their way to the stage escorted by NAWJ President Alaska Supreme Court Justice Dana Fabe, NAWJ Immediate Past President New York Supreme Court Supervising Judge La Tia Martin, and IAWJ President Judge Leslie Alden, and joined there by moderator, Yale Law School Professor Judith Resnik.

Her Alaskan wit on display, Justice Fabe graciously welcomed and introduced the evening's "three pioneers." Justice Ginsburg immediately acknowledged how NAWJ had grown since an earlier gathering of judges in 1980 in Pamela Harriman's home in D.C. When the Conversation began, the Justices went on to share their experiences as judges, speak about the increasingly prominent role women have assumed in the legal profession over their careers, and the operations of high courts in the United States and Britain.

The evening ended with the presentation of the NAWJ Ruth Bader Ginsburg Scholarship by D.C. Court of Appeals Judge Noël Anketell Kramer to American University Law School student Madhuri Smita Singh. We are grateful to West, a Thomson Reuters Business for funding this year's Ruth Bader Ginsburg Scholarship

More Than a Trip to the Holocaust Museum

Conference attendees began the program with a private tour of the U.S. Holocaust Memorial Museum. The tour served as a compelling reminder of the importance of the rule of law and fundamental human rights. Through the Museum's Law, Justice and the Holocaust, judges listened to a presentation by Museum Education Program officer Dr. William Meinecke and a panel discussion led by U.S. District Court Judge Gladys Kessler which included panelists Mrs. Louise Gruner Gans, a survivor of the Cracow, Poland ghetto and Bergen-Belsen concentration camp; Judge Mary M. Schroeder, U.S. Court of Appeals, Ninth Circuit; District of Columbia Court of Appeals Chief Judge Eric Washington; Judge Maria P. Rivera, California Court of Appeals; and Colonel Linda Strite Murnane, Retired Judge of the U.S. Air Force and current Chief of Court Management and Support Services at the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague, Netherlands.

Friday Afternoon Luncheon Program

Judge Anna Blackburne-Rigsby had the honor of introducing the afternoon's Keynote Speaker Tina M. Tchen, Director of the White House Office of Public Engagement, and Executive Director of the White House Council on Women and Girls. Ms. Tchen expressed the Obama Administration's frustration with the procedural delays placed on judicial nominees.

After a short break Retired Judge Louise Gruner Gans expounded on her insights made in the morning Law, Justice and the Holocaust program at the Holocaust Museum. "The Holocaust Museum makes me ill," she said, beginning her moving remarks in the afternoon session, stilling all in attendance. Judge Gans explained how her experience as a holocaust survivor impacted her role as a judge in criminal, family court and immigration cases they came before her in New York.

Reception at Korea Ambassador Han, Duk-soo's Residence

Later in the evening, conferees arrived to the sound of musicians playing classical music at a reception hosted by Korean Ambassador Han, Duk-soo at his stunning Residence in Washington, D.C. Ambassador Han welcomed attendees and recognized the wonderful work of NAWJ President Dana Fabe and IAWJ President Leslie Alden. On behalf of NAWJ, Justice Fabe expressed our profound thanks to Ambassador Han and his wife for their gracious hospitality and presented them with a lovely gift of jade in appreciation for a magnificent evening.

A Success with Support from All

The 2010 Midyear Meeting and Leadership Conference would not have been possible without the volunteer of time, funding, and in-kind donations of the many people and organizations who have continually supported the National Association of Women Judges year after year, and those who rose to the occasion for this unique and historic occasion.

A list of sponsors may be found on page 33.





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Third Annual 'Success Inside and Out', Expanding the Bridge Between Inmate and Non-Inmate Communities, Lemmon Creek, Juneau, Alaska

A familiar person to Counterbalance readers, Department of Corrections Commissioner Joe Schmidt addressed the audience and was joined by Joseph Contreras who stood before 56 inmates at Juneau's Lemon Creek Correctional Institute Center (LCCC) as a guest speaker during the Third Annual Success Inside and Out Conference, a pre-release meeting for the men and women incarcerated but nearing release. Commissioner Schmidt explained to the inmates in attendance: "Ninety-five percent of our prison population walks out of here as ex-cons. But you have other names. When the business community comes in here like this to support you, it is offering a hand up. I think that really means something and I hope that means something to you. Take advantage of this opportunity."

Mr. Contreras, one of the program's guest speakers, shared his experience of serving 28 years behind bars, nine of which in solitary confinement. **He has spent time in California's Los Angeles County, San Quinton and Chino prisons, as well Red Rock, Arizona** and Alaska prisons. Placed on discretionary parole in June 2008, he made the decision to attain skills by attending classes at the University of Alaska Southeast in the Autocad program and adjusting to life "on the outside."

The inmates found the speakers' presentations inspiring. From inmate Anthony Chuit: "It makes me feel happy that he is doing good and we have hope that people in Juneau care about us. I'm scared that I might not complete parole or probation. I have an alcohol problem, but I have hope." Chuit, who is set to be released in August, 2011, was incarcerated for a felony DUI and kidnapping his own child. To be able to participate in the program inmates have to be within 18 months of release.



Lemon Creek Correctional Center inmate Aleksandra Pittman models job interview wardrobe.



Pamela Watts, administrator of Juneau Alliance for Mental Health, Inc., talks to inmates at Lemon Creek Correctional Center.

"This is really a big community effort," **Juneau Superior Court Judge Patricia Collins, a member of the Success Inside and Out Steering Committee** said. "Lots of folks from every walk of life have come in to help out."

Groups of inmates attended panels focused on adjusting to life outside prison including: addiction treatment and mental health options, personal finances, credit and budget counseling, succeeding in the community and exploring life's necessities for housing, transportation and food.

Over sixty professionals from various segments of the local business community participated or led in groups discussions. Lunch was donated by local eateries and a mock fashion show allowed inmates to see proper attire for job interviews.

"To welcome them back into the community as someone that matters is important," Scott Wellard, LCCC Superintendent, said. "And just as important is all the people who are willing to take part in this, the businesses, the community. It just shows how much Juneau cares."

Historically, over two-thirds of Alaska's inmates released will return to jail and 38,000 individuals come into the prison each year.

"What is unique about Lemon Creek is that we are a pretrial facility," Wellard said, as well as a program facility. We are one of two maximum security prisons in the state. This prison does almost everything you can think of in terms of housing inmates."

Lemon Creek has started programs for sex offenders and those suffering from substance abuse. Both have been in operation for almost a year. The facility houses offenders ranging from first-timers to career felons who face long term incarceration.

☞ Continued from Page 26

10. Campbell, *supra* n. 8, at 1098-1099.

11. McFarlane & Malecha, *supra* n. 6, at 37; Raquel Kennedy Bergen, Wife Rape: UNDERSTANDING THE RESPONSE OF SURVIVORS AND SERVICE PROVIDERS 59 (1996).

12. Bergen, *supra* n. 11 at 59-60.

13. This belief also ignores the high likelihood that the batterer will go on to abuse his next partner. As Professor Walter DeKeseredy has written, "Any woman is a possible object of violence. What differs is not the woman, but the man. If the man is sexually abusive, he will victimize any woman with whom he lives or has lived." Walter S. DeKeseredy & McKenzie Rogness, *Separation/Divorce Sexual Assault: The Current State of Social Scientific Knowledge*, 9 AGGRESSION AND VIOLENT BEHAV. 675 (2004).

14. Tjaden & Thoennes, *supra* n. 7, at 22-25.

15. David Finkelhor & Kersti Yllo, LICENSE TO RAPE: SEXUAL ABUSE OF WIVES (1985), at 6-7.

16. Bergen, *supra* n. 11, at 21.

Prison Projects at New York State Correctional Facilities for Women

Beacon Correctional Facility

On March 12, 2010, Stephen Myers, Jamila Wideman and Heidi Cain, attorneys for the Legal Aid Society, conducted a Housing Re-Entry Workshop, organized by Judge Cheryl J. Gonzales, at the Beacon Correctional Facility, a minimum security prison for women, located approximately eighty miles north of New York City. The workshop addressed housing issues the women will confront as they prepare to re-enter their respective communities. Before the workshop started, a list of questions was submitted to the attorneys by the Beacon women. Topics discussed included existing barriers due to a criminal conviction, strategies to access public and private housing, and the availability of government subsidies for formerly incarcerated persons. Beacon Superintendent Gail S. Thomas, Beacon staff, **Judges Gonzales, Robin S. Garson and Betty J. Williams, and fifty-three women were present.** The Superintendent and Beacon women requested that housing experts visit Beacon and present on issues confronting women who live upstate New York. The Legal Aid attorneys and Judge Jeanette Ogden have provided resources that were forwarded to Superintendent Thomas.

A March 29, 2010 letter of thanks from Superintendent Thomas to Mr. Myers, Esq., Supervising Attorney, Legal Aid Society, read in part:

Thank you very much for the presentation you, Ms. Cain and Ms. Wideman conducted on March 12, 2010 about housing opportunities in the New York City area as part of the National Association of Women Judges – Women in Prison Committee program.

The presentation was very well received by the population. Most of the inmates here are on the last portion of their incarceration and preparing for imminent community reentry. The information your team provided on housing opportunities was very informative and relevant to their reentry preparation. Their interest and eagerness were evident in the questions and concerns during the presentation. The fact that about one third of the population (53 out of 169) attended the presentation demonstrates how much they appreciate your effort.

After the presentation, Judge Williams reported on legislative initiatives supported by several members of the New York Chapter of the National Association of Women Judges, Women in Prison Committee including the **Adoption and Safe Family Act Expanded Discretion Bill** affecting incarcerated women throughout New York State.

Taconic Correctional Facility

On June 29, 2010, Judge Laura Jacobson collected tote bags and yarn for the residents of Taconic Correctional Facility for Women. Taconic Acting Superintendent Andrea Hester informed the Women in Prison Committee (WPC) New York Chapter that Taconic residents, when released from the facility, were still in need of tote bags to carry their belongings. Judge Jacobson, at the request of the residents, during a prior visit to the facility, agreed to coordinate the collection of yarn and other supplies for the residents' knitting and crocheting classes.

Judges Doris Ling-Cohen and Carol Levy, in addition to Judge Jacobson, volunteered their chambers as drop off locations for the donations. The judges received assistance from their summer interns. The WPC will coordinate delivery of the bags and supplies with Taconic Deputy Superintendent of Program Services, Kenneth Caleo.

Legislation Update

On June 15, 2010, New York Governor, **David A. Paterson, signed into law the Adoption and Safe Families Act (ASFA) Expanded Discretion Bill (A.5462/S.2233).** ASFA grants foster care agencies expanded discretion to delay, if necessary, filing papers to terminate parental rights when a parent is in prison or residential drug treatment. **The reforms will allow parents working towards rehabilitation more time to maintain loving relationships and to find permanent placements for their children that do not involve severing important family bonds forever.**

The New York Chapter of the Women in Prison Committee supported passage of the legislation. The New York State Advisory Committee of Judicial Ethics, in response to a written request from WPC Chairperson Judge Betty J. Williams, issued an Advisory Opinion granting judges permission to advocate on behalf of the legislation. In her capacity as an Acting New York State Supreme Court Judge, **and not as a member of the NAWJ.** Judge Williams and other members of the WPC submitted letters of support for the legislation.

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17. See, e.g., Lundy Bancroft & Jay G. Silverman, *THE BATTERERS AS PARENT: ADDRESSING THE IMPACT OF DOMESTIC VIOLENCE ON FAMILY DYNAMICS* (2002); Lundy Bancroft, *UNDERSTANDING THE BATTERERS AS PARENT* (1998).

18. Kathryn Ford, *Children's Exposure to Intimate Partner Sexual Assault*, 1 FAMILY AND INTIMATE PARTNER VIOLENCE Q. 141 (2008).

19. Lynn Hecht Schafran, *Evaluating the Evaluators: The Problem with 'Outside Neutrals'*, 42 JUDGES' J. 10 (Winter 2003).

20. Robert J. McGrath, et al, *Outcomes of a Treatment Program for Adult Offenders*, 18 J. OF INTERPERSONAL VIOLENCE 3 (2003).

RESOURCE BOARD

The NAWJ Resource Board are leaders in their field. Resource Board members work with NAWJ members and staff to raise judicial awareness about subjects of mutual interest, offer advice regarding education projects, and provide and cultivate crucial professional and financial support for the organization as it works towards its mission.

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2007 NAWJ's Access to Justice Scholarship Recipient Jaya Vasandani, Graduates from Benjamin N. Cardozo School of Law

On June 1, 2010, Jaya Vasandani, the 2007 recipient of the NAWJ's Access to Justice Scholarship, graduated from the Benjamin N. Cardozo School of Law. **Ms. Vasandani received the Jonathan A. Weiss Award for Public Service Law** for her commitment to public interest law during her law school career as well as the Class of 2010 Inspire Award for outstanding commitment to public service.

During her first year at law school, Ms. Vasandani co-founded the Cardozo Chapter of the National Lawyers Guild (NLG), an organization dedicated to achieving social justice through changes in the structure of our political and economic system. Under her leadership, the membership of the Cardozo Chapter grew to over one hundred (100) students. During her second year, Ms. Vasandani assisted in filing a Freedom of Information Act (FOIA) lawsuit against the Department of Homeland Security (DHS), in the U.S. District Court for the Southern District of New York. The lawsuit demanded disclosure of the policies and procedures used by DHS's Immigration and Customs Enforcement (ICE), during its home raid operations. As a result of the lawsuit, which settled in January 2009, previously unreleased DHS memos detailing ICE's expansion of its home raid operations were made public. The release of these previously secret memos garnered major national press coverage, including a front-page article in the New York Times. Ms. Vasandani also co-authored a report published by the Cardozo Immigration Justice Clinic titled, "Constitution on ICE: A Report on ICE Home Raid Operations," the findings of which she presented to over thirty-five Chiefs of police from around the country, as well as high level DHS officers and advisors to the Secretary of the DHS, Janet A. Napolitano, at a conference in Phoenix in mid-July, 2009.

Ms. Vasandani continues to work at the Women in Prison Project, Correctional Association of New York, where she is the Associate Director for Prison Monitoring. Along with Tamar Kraft Stolar, Director of the Women in Prison Project, **Ms. Vasandani is currently working on writing the *State of the Women's Prison* report - the first of its kind in New York State and the country. The report will focus on systemic issues in the five (5) all-women's prisons in New York, and will make recommendations for improving conditions for women in prison.**

Attending the graduation ceremony were: Ms. Vasandani's father and mother, Hiru and Yoshimi Vasandani; her grandmother, Yoshie Kunimoto, who flew in from Tokyo, Japan for the occasion; Tamar Kraft Stolar, Director of the Women in Prison Project, Correctional Association of New York; and Judge Betty J. Williams, NAWJ member and Ms. Vasandani's proud friend and mentor.

Justice Betty Williams' Justice Vaino Spencer Leadership Award Acceptance Speech, NAWJ Annual Conference Memphis, Tennessee, October 17, 2009



Justices E. Jeanette Ogden and L. Priscilla Hall.

Thank you, Judge Jacobson for the introduction and Judge La Tia Martin and NAWJ for this award. I must correct some of what Judge Jacobson listed as my women in prison efforts. I would like to state the facts and give the history of the Bayview Project. Would Justice Priscilla Hall and Jeanette Ogden please stand.

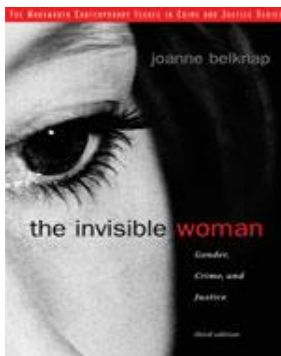
I make this request as these two women are responsible for the New York Women in Prison Committee (WIPC) developing the Bayview Project. Justice Priscilla Hall was President of the New York Chapter of the NAWJ and had participated in Project Joy, a holiday program,

started by Mrs Constance Eve, at the Albion Correctional Facility for Women, in Albion, New York. Judge Jeanette Ogden has been actively involved in Project Joy for many years. Judge Hall asked Judge Sarah L. Krauss, a WIPC member, to develop a similar program for the New York Chapter of the NAWJ. This program has now been reproduced in Maryland and Alaska. Judge Dana Fabe has taken this program to a new level, named Success Inside and Out and the program is now a NAWJ national program.

I am honored to accept this award. All I do for women in prison is a labor of love. I am especially pleased to accept the leadership award named after Justice Vaino Spencer, a trailblazer in California's Judiciary, to whom I was first introduced to by a photograph taken and shown to me by one of the NAWJ founding members attending the conference. I did not know that a founding member of the NAWJ was a woman of African descent. Thank you for this award and in the voice of one of my sheroes Sojourner Truth "Ain't I a Woman." Thank you.

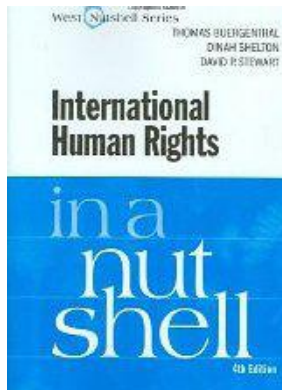
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RECOMMENDED READINGS



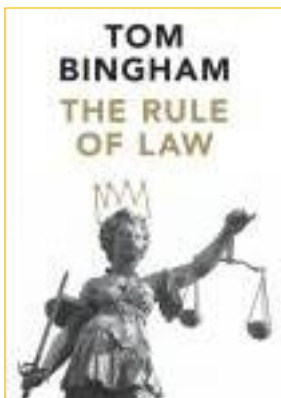
The Invisible Women: Gender, Crime and Justice by Joanne Belknap

In textbook fashion, Ms. Belknap covers topics on women and the criminal justice system with a focus on three major areas: (1) female offenders and their treatment by the criminal justice system; (2) female victims of crime; and (3) female employees of the agencies of the criminal justice system. The author is an NAWJ member, lifelong advocate for women's issues, and a renowned scholar and researcher on the criminal justice system in the University of Colorado's Department of Sociology.



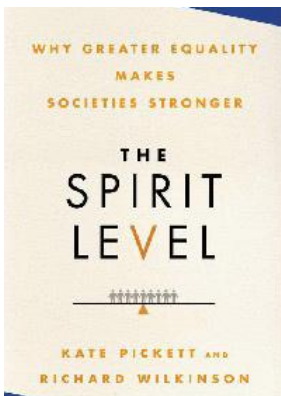
International Human Rights in a Nutshell, Fourth Edition by Thomas Buergenthal, Dinah Shelton, David P. Stewart

This guide is a resource on international human rights law for practitioners, professors and students. It provides an overview of the international, regional, and domestic human rights systems. It reviews recent developments in the field of international humanitarian law, including decisions of the ad hoc tribunals for the former Yugoslavia and Rwanda and the establishment of the International Criminal Court. It discusses the history behind international human rights, including the institutional context from which they evolved. It also features an expert review of human rights norms and identifies new developments in this area.



The Rule of Law by Tom Bingham

In this short book, a former British Senior Law Lord, and legal thinker, examines what the idea of 'the rule of law' may actually mean. He suggests that the rule of law is not an 'arid legal doctrine but is the foundation of a fair and just society, is a guarantee of responsible government, is an important contribution to economic growth and offers the best means yet devised for securing peace and co-operation.' Towards these goals he briefly examines the historical origins of the rule, and then advances eight conditions which capture its essence as understood in western democracies today.



The Spirit Level: Why Greater Equality Makes Societies Stronger? by Kate Pickett and Richard Wilkinson

This book is based on thirty years of research demonstrating that unequal societies adversely effect all its members, no matter the socioeconomic strata. The data presented helps to measure 'a spirit level' by which we can compare different societies. The differences revealed are striking, even between rich market democracies. The authors found that almost every modern social and environmental problem—ill health, lack of community life, violence, drugs, obesity, mental illness, long working hours, large prison populations— are more likely to occur in a less equal society.

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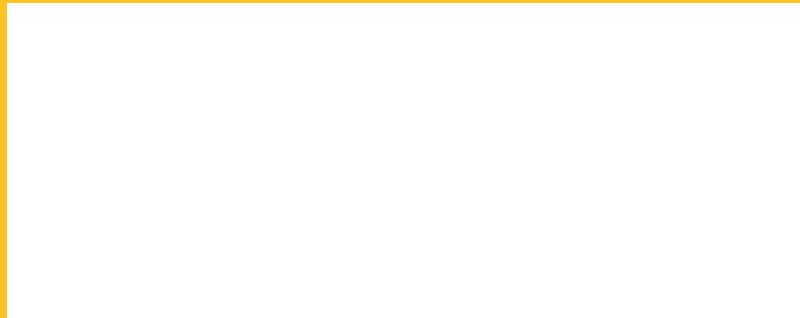
Proposed Amendments to the NAWJ Bylaws

Proposed Amendments to the NAWJ Bylaws
were emailed to all NAWJ members on August 11th.

If you did not receive the email
you can review the proposed amendments at www.nawj.org.



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