



NATIONAL ASSOCIATION OF WOMEN JUDGES COUNTERBALANCE

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COLLABORATION CONTINUES AT THE SIXTH ANNUAL MEETING BETWEEN THE CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES AND THE NATIONAL ASSOCIATION OF WOMEN JUDGES

July 7, 2011 in the Cannon House Office Building must have been one of the busiest places on Capitol Hill with key House congressional players negotiating the debt ceiling crisis seen making their way back and forth between their offices and committee hearing rooms. Despite the nation's business calling, members of the Congressional Caucus for Women's Issues (Women's Caucus) joined members of the National Association of Women Judges, government officials, and legal professionals from around the country to discuss areas of mutual concern, share insights on programs to increase the effectiveness of state courts as providers of equal access to justice, and reaffirm the value of the annual joint meeting as an opportunity for each - jurists to representatives, and representatives to jurists - to important knowledge of current activities and interest, and the role each plays in providing justice for all.

NAWJ President Judge Marjorie Laird Carter, California Superior Court, Orange County, joined by fellow Meeting Co-Chair NAWJ Finance Chair Judge Anna Blackburne-Rigsby, District of Columbia Court of Appeals, stood with Congressional Caucus Co-Chair Representative Gwen Moore of Wisconsin to welcome the near 65 attendees of Representatives, congressional staff, judges, government officials and attorneys who assembled in Cannon's elegantly beautiful Caucus Room. Despite another active period on Capitol Hill NAWJ members were joined by devoted Caucus members who included Hon. Tammy Baldwin, Wisconsin 2nd District; Hon. Ann Marie Buerkle, New York 25th District, Hon. Lois Capps, California 23rd District; Hon. Donna Edwards, Maryland 4th District; Hon. Sheila Jackson Lee, Texas 18th District; Hon. Jean Schmidt, Ohio 2nd District, and Hon. Nikki Tsongas, Massachusetts 5th District.

NAWJ Past President Judge Vanessa Ruiz, District of Columbia Court of Appeals, who is chairing the American Bar Association project to produce Standards for Language Access in Courts, discussed the increasing importance of language access—"roughly 20% of people in the United States, American citizens included, speak a language other than English in their homes" she volunteered. Language access is a growing problem that ignites tension with decreasing court-funding and she stressed, something the congress should be aware of in future appropriations.

The Hon. Susan Carbon, Director of the Office of Violence Against Women at the U.S. Department of Justice, herself a former Supervisory Judge of the New Hampshire Judicial Branch Family Division from 1996 until 2010, informed the audience that "14% of all homicides in the United States are domestic homicides, further offering the idea that "these domestic violence crimes are almost always predictable and therefore preventable." For her Office, promoting legislation to institute predictive programs is at the forefront of their agenda. Later during the meeting Maryland Representative Donna Edwards would strike a similar prescriptive tone when relaying a story of meeting with young girls who became animated when allowed to share their unfortunate experiences with violence in their homes and families.

Director Carbon reminded all of the resources available to them including the 'Burgundy Book,' Civil Protection Orders: A Guide for Improving Practice, produced by Office on Violence Against Women and the National Council of Juvenile and Family Court Judges. The Guide "acknowledges the unique roles performed by professionals throughout the civil legal system, and provides guidance specific to

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PRESIDENT'S MESSAGE

MISSION

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,

"Nothing ventured, nothing gained." We are thankful for all who ventured and for all they gained. When women were not allowed to own property, women challenged that. Now we all have that right. When women were not allowed to attend universities, women challenged that and women attended colleges and universities and earned degrees. When women were denied the right to vote, women challenged that and finally gained that right.

NAWJ has represented women and continued the fight for equality. When very few women were appointed to the bench, NAWJ spoke out and focused attention on the issue, encouraging the appointment of women and supporting those who ran. NAWJ reached beyond the bench and became a voice for all women, including those beyond our boards.

Although we may have started as an organization to support each other and increase our numbers, we have ventured and gained in other areas. NAWJ members have developed many programs and influenced children, students and women everywhere.

Sometimes when we are told we can't do something, it makes us want to do it even more. And fortunately, we have taken the challenge and succeeded. Throughout history, women have done things they were told they couldn't do. Courageous women, alone or in groups, have spoken out and made changes, and we must continue to take those chances and make changes. Together we can do even more.

Step back and watch out. NAWJ can make a difference. Each of us can make a difference.

Marjorie Lind Carter

Margie

EXECUTIVE DIRECTOR'S MESSAGE



How do we measure success?

NAWJ is a dynamic national organization that has been successfully led for the past thirty three years by outstanding, committed, professional and talented leaders. We can best measure organizational success by the quality of the many programs designed each year by and for NAWJ members with the assistance of legal and corporate entities in the 14 regionally based district communities we serve. Success can also be measured by the superior cutting-edge educational materials distributed to our members. These written materials and programs advance our dedicated mission of promoting the judicial role in 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. This also helps to reinforce the essential importance of NAWJ's strong membership and how this support helps to achieve the organization's goals. Together, the communication and outreach programs speak to the important work and the achievements of the organization.

The NAWJ strategic plan continues to be the road map on how best to utilize NAWJ resources to align with outcomes that will help fulfill the NAWJ mission. This plan provides the organization with a model that helps to facilitate the programmatic work being done throughout the country.

Also included in our outreach initiatives are letters to appointing authorities on the importance of judicial diversity and access to justice and highlights the informative work in the following areas including: immigration, family law issues, domestic violence, human trafficking and women in prison.

NAWJ membership is the life blood of this organization. Together we imagine and build upon NAWJ's core mission as we view the future of the organization with endless possibilities and high expectations. We thank our loyal members who understand the value in belonging to this notable and relevant organization. Also, we are eternally grateful to the law firms, Landmark Sponsors, Resource Board members, and corporate donors who without their support, NAWJ would be unable to expand its present programs including: Color of Justice, celebrating its 10th year anniversary; MentorJet; and our annual Congressional Caucus for Women's Issues.

I am so very proud to serve an association that strives each day to fulfill its mission and continually seeks ways to improve the organization.

Marie Komisar

Marie Komisar

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.

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Law Schools

Golden Gate University

CONFERENCE PROGRAM HIGHLIGHTS

TUESDAY, OCTOBER 11, 2011

Pre-conference tours of the courts for international judges

WEDNESDAY, OCTOBER 12, 2011

2010-2011 Luncheon and Board Meeting – Hilton
Mentor/Mentee Meeting for First-Time Attendees and International Judges
Welcome Reception – Historic Courthouse

THURSDAY, OCTOBER 13, 2011

OPENING WELCOME - REMARKS BY NAWJ PRESIDENT HON. MARJORIE LAIRD CARTER, CONFERENCE
CHAIR HON. SUE PAI YANG, AND OTHER DIGNITARIES – HILTON

Conversation with leaders on global women's issues
Friends' Keynote Luncheon – New Jersey Performing Arts Center
New Jersey Highlights Tours (additional fee required)
New York City Tours (additional fee required)

Late night hospitality hosted by 2012 Annual Conference Committee – Hilton

FRIDAY, OCTOBER 14, 2011

NAWJ Districts Breakfast Meetings - Hilton

JUSTICE RUTH BADER GINSBURG SYMPOSIUM AT RUTGERS SCHOOL OF LAW – NEWARK

Promoting Global Equality for Women Through the Law
Ending Violence Against Women

Ensuring Economic Equality for Women in a Global Society
Prevention of Human Trafficking I
Prevention of Human Trafficking II

(Sponsored by Rutgers School of Law-Newark, International Association of Women Judges and the American Society of International Law)

LUNCHEON

GUEST SPEAKER RECEPTION – HOSTED BY THE HISTORICAL SOCIETY OF THE U.S. DISTRICT COURT FOR

THE DISTRICT OF NEW JERSEY – U. S. COURTHOUSE

Harvard Law School Professor Annette Gordon-Reed, also former Professor at Rutgers University, will share remarks. A MacArthur fellow, she was awarded the Pulitzer Prize for History in 2009 for her publication

The Heminges of Monticello: An American Family.

Late night hospitality hosted by 2011 Annual Conference Committee - Hilton

SATURDAY, OCTOBER 15, 2011

NAWJ Committees Breakfast Meetings – Seton Hall

EDUCATIONS PROGRAMS AT SETON HALL UNIVERSITY SCHOOL OF LAW

These programs are dedicated in memory of the late Hon. Shirley Tolentino, NAWJ President 1996-97 and Seton Hall alumna.

Judges' Role in the Following Issues – Breakout Sessions

Urban Revitalization: Foreclosure Crisis, Access to Education, Prisoner Reentry

Forensic Evidence: Daubert Issues

Cross-Cultural Issues in the Courts

Family Law: Domestic Violence

Immigration: Its Impact on Families

Effective Leadership Styles

(Sponsored by NAWJ and Seton Hall University School of Law).

NAWJ Business Meeting and Investiture Luncheon – Don Pepe Restaurant

2011-2012 Board Meeting – Hilton

NAWJ Resource Board Meeting – Hilton

NAWJ Annual Awards Banquet: Keynote Speaker Hon. Ruth Bader Ginsburg – The Newark Club

Late night hospitality hosted by NAWJ District Three – Hilton

SUNDAY, OCTOBER 16, 2011

Farewell Breakfast featuring video montage of the 2011 Annual Conference

NAWJ 2011-2012 BOARD OF DIRECTORS NOMINATION SLATE

In accordance with the NAWJ Bylaws, the Nominating Committee presents the following
Nomination Slate for the 2011-2012 Board of Directors:

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Massachusetts Juvenile Court, Lynn, Massachusetts

PRESIDENT-ELECT

Hon. Joan V. Churchill

Immigration Court (Retired), Chevy Chase, Maryland

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Hon. Maritza Segarra

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INTERNATIONAL DIRECTOR

Hon. Ann Walsh Bradley

Wisconsin Supreme Court, Madison, Wisconsin

Members of the Nominating Committee include: Hon. Dana Fabe, Alaska Supreme Court, Chair; Hon. Judith Chirlin, California Superior Court (Retired); Hon. Jane Craney, Morgan Superior Court, Indiana; Hon. Bernice Donald, U.S. District Court, Western District of Tennessee; Hon. Carol Feinman, New York City Civil Court, New York; Hon. Debra James, New York State Supreme Court; Hon. Rosemary Leder, Civil District Court, Louisiana; Hon. Brenda Sith Loftin, St. Louis County Circuit Court, Missouri; Hon. Brenda Murray, U.S. Securities and Exchange Commission; Hon. Cara Lee Neville, 4th Judicial District Court, Minnesota; Hon. Mary M. Schroeder, U.S. Court of Appeals, Ninth Circuit, Arizona; Hon. Bea Ann Smith, Third Court of Appeals, Texas (Retired).

2011 NAWJ AWARD RECIPIENTS

JOAN DEMPSEY KLEIN NAWJ

HONOREE OF THE YEAR

RECIPIENT

Hon. Judith Kaye (Chief Judge, New York
Court of Appeals, Retired)

The 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.



The Honorable Judith S. Kaye joined joined Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates' Litigation Group in 2009. Before joining the firm, she served as Chief Judge of the New York Court of Appeals for 15 years until her retirement in 2008, longer than any other Chief Judge in New York's history. She first was appointed in 1983 by Gov. Mario Cuomo as an Associate Judge of the Court of Appeals, becoming the first woman ever to serve on New York's highest court. Judge Kaye gained a national reputation for both her groundbreaking decisions and her innovative reforms of the New York court system. She wrote notable decisions on a wide variety of statutory, constitutional and common law issues, including rights for gay couples and the death penalty. Judge Kaye also left her mark on New York's courts as a creative reformer, streamlining New York's jury system and establishing specialized courts to focus on issues such as drug addiction, domestic violence and mental health issues. In addition, she created the Adoption Now program that has produced more effective procedures for children in foster care and their families. Her reforms have been implemented by many other state courts. Before her appointment to the bench, she practiced law at Sullivan & Cromwell, IBM and Olwin, Connolly, Chase, O'Donnell & Weyher, where she became that firm's first female partner.



FLORENCE K. MURRAY AWARD
RECIPIENT

Elaine Medlin, Esq., Partner, Dickstein
Shapiro LLP

The award is presented annually to a nominee who is not a judge, and who has, by example or otherwise, influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession.

Elaine Medlin is Co-Chair of NAWJ's Resource Board and has been an active member since 2006. She is a partner in Dickstein Shapiro's Business Litigation and White Collar Practices where she has practiced law for 27 years. In 2006, she was named Washington, D.C. head of Dickstein Shapiro's Women's Leadership Initiative, and was recognized in October 2008 in Profiles in Diversity Journal's 7th Annual Women Worth Watching issue which honored leaders from many industries who are "determined and compassionate." She also is a founding member of the District of Columbia Chapter of Women's Leadership and Mentoring Alliance, a nonprofit organization whose mission is to cultivate networking, mentoring, and career development opportunities for women across industries. Ms. Medlin is a life-long and passionate advocate for women. She has counseled victims of rape and abuse victims and spent hundreds of pro bono hours seeking to protect and preserve women's reproductive rights. She has served as a mentor and role model for women since she entered law school as a single mother of a two-year-old daughter in 1980. In the mid-90's, she was instrumental in drafting her firm's cutting edge policy on alternative work arrangements, where women could work on a schedule reduced as much as 50 percent and still be on partnership track. She and her firm are generous supporters of NAWJ, contributing both time and resources. Dickstein Shapiro hosted an original panel on administrative courts for NAWJ judges, friends and other Washington, D.C. law firms, increasing NAWJ's visibility in the Washington, D.C. legal community. Her firm has also been a strong supporter of NAWJ Conferences and Meetings, and has been a Landmark Sponsor for many years.

CONFERENCE REGISTRATION FORM

Global Women's Issues

NAWJ 33rd Annual Conference – October 12-16, 2011

Hilton Newark Penn Station • 1 Gateway Center • Newark, NJ 07102-5107

REGISTRATION INFORMATION

Attendee registration fee includes all educational sessions, receptions, meals, transportation to events listed in the program and use of the hospitality suite. Guest registration fee includes all of the above except educational sessions.

REGISTRATION DEADLINE AND LATE REGISTRATION

Registration forms postmarked after the registration deadline of September 16, 2011 must include a \$50 late registration fee.

CANCELLATION POLICY

If notice of cancellation is received after September 16, 2011, the registration fee, less a \$50 processing fee, is refundable. Cancellations received within 3 days of the conference are refundable less a \$100 processing fee.

LODGING

Rooms at the Hilton Newark Penn Station have been guaranteed at the rate of \$170.00 plus applicable state and local taxes, single or double occupancy. For reservations call (973)-622-5000 and state that you are with the National Association of Women Judges (NAWJ). Reservations must be made on or before Wednesday, September 28, 2011, to guarantee the conference rate (subject to availability). The group rate is being offered three days pre/post based on availability.

REGISTRATION (You may register online at www.NAWJ.org)

Please print your name and title as you wish them to appear on your name badge.

Name: _____ Title: _____
Court/Organization: _____ City: _____ State/Zip: _____
Address: _____
Phone: _____ Fax: _____ Email: _____
Name of Guest if Applicable: _____ Title: _____
Require vegetarian meals? Self _____ Guest _____ Require aids or services? Audio _____ Visual _____ Mobile _____
First time Attendee: Yes _____ No _____ If yes, would you like a mentor? Yes _____ No _____
If not a first time attendee, do you want to be a mentor? Yes _____ No _____

REGISTRATION FEES (Please add \$50 to each category after September 16, 2011)

_____ NAWJ New Member First Time Attendee (attending within the first three years of joining): \$375
_____ NAWJ Member First Time Attendee: \$450
_____ NAWJ Member Attendee: \$475
_____ Non-NAWJ Member Attendee: \$495

_____ Guest: \$450 (Does not include education sessions)

METHOD OF PAYMENT (Payment due at time of registration)

Enclosed is a check payable to NAWJ for \$ _____ or Credit Card: MasterCard, Visa or AMEX

Account Number: _____ Expiration: _____
Signature/Name on card: _____

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The author Jill Laurie Goodman is Counsel for the New York State Judicial Committee on Women in the Courts located at 25 Beaver Street, Room 878, New York, NY 10004.

This article is an excerpt from The Lawyer's Manual on Human Trafficking: Pursuing Justice for Victims, edited by Jill Laurie Goodman and Doreen A. Ledholdt, and published by the NYS Judicial Committee on Women in the Courts with the Supreme Court of the State of New York, Appellate Division, First Department.

The Lawyer's Manual is a readable collection of essays by leading state, national, and international anti-trafficking activists. A generous and timely grant from the Novo Foundation underwrote the printing and distribution of the book.

Print copies are available by sending an email to WomenInTheCourts@nycourts.gov. An online version is available at <http://www.nycourts.gov/ip/womeninthe-courts/LMHT.pdf>.

NOTES: This article was published in the Lawyer's Manual on Human Trafficking: Pursuing Justice for Victims has 139 footnotes. These notes may be viewed in the online version of the book <http://www.nycourts.gov/ip/womeninthe-courts/LMHT.pdf> (footnotes to this chapter begin on page 14) or in the print version, which can be ordering by emailing a request to womeninthe-courts@nycourts.gov.

WHAT WE KNOW ABOUT HUMAN TRAFFICKING

by Jill Laurie Goodman

Creating a comprehensive portrait of human trafficking is a difficult undertaking. Identifying traffickers, trafficking operations, and victims is an initial and major obstacle. Trafficking is an underground activity, intentionally hidden from outside eyes. Victims rarely break free, and when they do, they are often too wary of authorities or too traumatized by their experiences to be able or willing to describe publicly or even privately what happened to them. Researchers have relatively small data bases from which to work, and the cases on which they depend inevitably reflect the biases of their sources, including those of laws and law enforcement. The many guises of human trafficking and the numerous cultures within which it flourishes complicate the work of researchers further. Trafficking can be found in virtually every inhabited corner of the globe. It can take place within the borders of a single nation, state, or city, or it may involve transit through, and exploitation within, multiple countries or regions. Researchers also must contend with conflicting definitions of trafficking, which vary in fundamental ways from jurisdiction to jurisdiction and nation to nation. As a result, different studies of trafficking invariably examine different populations, making comparisons among findings difficult.

Nonetheless, a fair number of reports, books, and articles on human trafficking have been published in recent years, and a body of knowledge is developing.¹ Some scholars extrapolate from known cases to develop estimates about the extent of trafficking, while others summarize information about a limited number of uncovered instances of trafficking. From these kinds of work, a portrait emerges of a phenomenon, both local and global, that ultimately bears responsibility for massive violations of human suffering.

The Extent of Global Trafficking Understanding the Reach of Human Trafficking

The United States Department of State issues yearly reports that document in rich detail the kinds of trafficking within, into, from, and through over 170 countries.² The individual country descriptions provide data points demonstrating that human trafficking is common and that it takes many forms throughout the world. For example, addressing trafficking in some fairly remote places, the State Department's Trafficking in Persons Report for 2009 finds that women and girls in Sierra Leone are trafficked internally for forced labor in fishing, diamond mining, and agriculture as well as begging and low-level street crime.³ Men and boys in Mali are part of a tradition of debt bondage in salt mines.⁴ Women and girls from Nepal and Bangladesh are trafficked to India into the commercial sex industry, and low-status and poor Indian women and children are trafficked internally for forced marriages as well as other kinds of sexual exploitation.⁵ Cambodian children are transported to Thailand and Vietnam where they are made to beg, sell flowers, or shine shoes, while the sale of virgins to sex tourists visiting Cambodia thrives on fees of \$800 to \$4,000 per purchase.⁶ Brazil's children are trafficked internally for sexual exploitation in resorts, along highways, and in Amazonian mining brothels.⁷

Developed countries too are part of the trafficking underworld described in the State Department reports. Australian men marry foreign women and then force them into prostitution or domestic servitude.⁸ Moroccan men are lured to Italy where they are forced to sell drugs.⁹ St. Petersburg and Moscow are destinations for Russian, Ukrainian, and Moldavian children used for sexual exploitation and begging.¹⁰ Men are trafficked into Belgium for exploitation in restaurants, bars, sweatshops, fruit farms, and construction.¹¹ Mongolian victims are found in Germany, Switzerland, the United Arab Emirates, and Israel, while South Korean and Japanese men visit Mongolia as sex tourists.¹²

Closer to home, Canadian aboriginal women and girls are trafficked internally into the sex industry where they join foreign women from Asia and Eastern Europe; Canada is also a transit state for South Koreans on their way to the United States, and it is both a source country and destination for sex tourists.¹³ Mexico is a transit stop for victims from Central America, the Caribbean, Eastern Europe, and Asia destined for the United States; a source country for women and children trafficked to the United States for sexual exploitation, as well as men and women trafficked for labor in agriculture and sweatshops; and a destination for sex tourists from the United States, Canada, and Western Europe.¹⁴

Quantifying Human Trafficking

While the Trafficking in Persons reports provide an immense amount of detailed information, gathering the various phenomena of human trafficking into a statistical portrait has proved difficult. In fact, the United Nations Office of Drugs and Crimes (UNODC), the UN body responsible

for human trafficking research and programs, said in its most recent report that it is premature to make estimates of the number of global victims.¹⁵

Most attempts to quantify human trafficking begin by trying to count its victims using complicated sampling methodologies.¹⁶ The most authoritative but admittedly problematic figures on the number of global victims are the 2005 estimates of the International Labour Office (ILO), an arm of the United Nations. According to these figures, which the ILO characterized as minimums, the total number of victims of “forced labor” was 12.3 million, and the number of victims of “trafficking” was 2.45 million.¹⁷ The ILO researchers themselves viewed these estimates as more useful for stimulating discussion than for settling questions, and four years later the ILO was still struggling to find ways to provide reliable data.¹⁸ Among the problems are the ILO’s concepts of “forced labor” and “trafficking”; the ILO defines “trafficking” too narrowly to include the universe of victims covered by international, federal, or New York State definitions while the ILO’s figure for “forced labour” is too broad. Also, the ILO only counts trafficking that involves movement of victims and so discounts a substantial portion of domestic trafficking.

Nor has the United States government been able to produce satisfying numbers. The estimate of between 600,000 and 800,000 annual victims cited by the Department of State’s Trafficking in Persons Reports in 2005 and 2006 and still often cited came under harsh criticism from the United States Government Accountability Office.¹⁹ The 2009 Trafficking in Persons Report simply refers to the ILO numbers without endorsing them, and the 2010 Report relies on them as well.²⁰

Demographics of Trafficking Victims

While total figures on human trafficking remain under debate, major studies converge in their assessments of the character of known trafficking instances and victims. Estimates from the four major international sources of data on victim profiles, the U.S. government, the ILO, UNODC, and the International Organization for Migration, agree that trafficking for sexual exploitation accounts for the greatest number of known victims.²¹ According to the ILO, which defines “trafficking” to require the transport of victims, 43% of human trafficking is for commercial sexual exploitation, 32% for labor exploitation, and 25% for mixed labor and sex trafficking.²² UNODC in its 2009 Report, using a broader and more generally accepted definition of trafficking, found that 79% of reported victims are exploited in commercial sex and 18% in forced labor.²³ United States Department of Justice figures are similar. Of United States trafficking incidents reported in 2007–08, the latest reporting period, 83% were incidents of sex trafficking and 12% were labor trafficking, with 5% designated as unknown.²⁴

While figures on the basic character of known trafficking victims and incidents are in agreement, UNODC has suggested that the available numbers on sex versus labor trafficking may mask regional differences and may miss the extent of labor trafficking.²⁵ Estimates necessarily rely, in one way or the other,

on the small subset of trafficking incidents that is uncovered, which may represent an atypical sample of trafficking cases. One limited study, which examined trafficking from eight Central and South American countries into the United States across the southwestern border, found that trafficking victims for labor outnumbered sex trafficking victims.²⁶

Sources agree that an overwhelming number of reported victims are female and that women and girls are the majority of labor trafficking as well as sex trafficking victims. Female trafficking victims are not only exploited in the sex industry, but they are also used in domestic servitude and forced to work in sweatshops, restaurants, and agriculture. The ILO reported that women and girls were 98% of the victims trafficked for sexual exploitation, but also 56% of victims of labor trafficking.²⁷ UNODC’s 2009 Report documents a similar disparity: between 84% and 80% of total reported victims in the years from 2003 to 2006 were women or girls.²⁸ The disproportionate number of female victims was sufficiently noteworthy for the U.S. Department of State to devote a special section in its 2009 Trafficking in Persons Report to the gender imbalance in human trafficking.²⁹ The report ascribes the vulnerability of women to their lack of basic economic, political, and civil rights.³⁰

Children, too, are victims of trafficking in large numbers. International and federal laws define trafficking as profiting from the participation of anyone under the age of 18 in commercial sex. The estimate commonly used is the UNICEF figure of more than 2,000,000 children exploited yearly in the global sex industry,³¹ but children are trafficked for more than commercial sex. They are forced to beg or commit petty crimes, used in industries such as fishing, gold mining, and brick making, or turned into child-soldiers by rebel armies. The ILO estimates that 40% to 50% of those in its category of “forced labour” are children.³²

Trafficking Prosecutions

The United States government annually counts both worldwide and domestic trafficking prosecutions and convictions, and the numbers are woefully low. The 2010 U.S. Trafficking in Persons Report gives a worldwide figure of 5,606 prosecutions and 4,166 convictions; the number of prosecutions was lower than in 2003, the first year in which the United States reported data on global law enforcement efforts, while the number of convictions was somewhat higher.³³ For 2009, the U.S. Department of Justice’s Civil Division reported charges brought against 114 individuals and 47 convictions in 43 cases (22 sex trafficking cases and 21 labor cases).³⁴ In addition, the Justice Department reports separate law enforcement figures for cases of child sexual exploitation; in 2009, there were 151 convictions and 306 children were identified through the joint federal and state law enforcement efforts.³⁵ The experiences under New York State’s Human Trafficking Law are consistent with the low figures for international and national efforts. In the first two years since New York’s law went into effect on November 1, 2007, New York had almost no prosecutions or convictions.³⁶

Trafficking Operations

A number of recent studies that focus on a particular location or kind of trafficking go beyond the numbers to bring trafficking to life. Researchers have examined in some detail women trafficked into the United Kingdom;³⁷ women trafficked in the European Union;³⁸ sex trafficking of women in the Ukraine;³⁹ child sex trafficking in Asia;⁴⁰ sex trafficking in Minnesota⁴¹ and, in a separate study, the sexual exploitation of American Indians in

Minnesota;⁴² domestic sex trafficking in the Midwest;⁴³ domestic sex trafficking in Chicago;⁴⁴ commercial sexual exploitation of girls in Atlanta;⁴⁵ trafficking in the Ohio cities of Toledo and Akron;⁴⁶ sexual exploitation of children in the United States, Canada, and Mexico;⁴⁷ and trafficking of foreign nationals into the United States.⁴⁸ Often these researchers start with a set of cases identified from law enforcement sources, social service agencies, or newspaper accounts. Their data is based on examinations of public documents and case files as well as interviews with survivors, social workers, health providers, police, public officials, and others whose work touches on trafficking or who encounter its victims. Together these studies present a plausible explanation of why trafficking happens, how it works, and the harm it visits on its victims.

Structure of Trafficking Operations

Trafficking operations vary radically in size, organization, sophistication, and global reach. On the smallest scale, traffickers may be lone pimps, exploiting one or several young girls picked up locally and seduced with promises of love, support, and security.⁴⁹ Other small exploiters are married couples, often wealthy and respected members of their communities, who find household workers abroad, arrange for their transportation, take them into their homes, and keep them in domestic servitude.

transportation, take them into their homes, and keep them in domestic servitude, often subjecting them to brutal conditions.⁵⁰

At the other extreme are complex operations, employing large cadres of people, working in different countries, involved at various different levels and stages in an integrated business.⁵¹ Human trafficking is a natural enterprise for organized crime. As one researcher explained, “[H]igh profits, low risk of detection, and minor penalties involved have made the human trade attractive to crime groups that previously trafficked in other commodities.”⁵² Classical organized crime syndicates, characterized by hierarchical structures and high levels of public corruption, are responsible for some large trafficking networks.⁵³ China and the Balkans are the most common home bases for these kinds of operations.⁵⁴ A single organization may employ specialists who find victims; transportation experts who move victims across borders, through safe houses, to ultimate destinations; business managers who organize exploitation in the profit-making enterprises; and money managers who take charge of funneling proceeds back to countries of origin, through wire transfers, couriers, and underground banking systems.⁵⁵ In between are any number of possible models with varying degrees of structure and collaboration among traffickers. Some trafficking is done through a series of independent contractors rather than as an integrated business. Recruiters may limit themselves to procuring victims and selling them to intermediaries for quick profits, a business model often found in the former Soviet Union nations.⁵⁶ Researchers documenting the operation of trafficking in the former Soviet bloc describe highly structured criminal gangs of five to thirty members who delegate recruitment, transportation, and document acquisition.⁵⁷ In

Asia, brothel owners may recruit children themselves, they may delegate recruitment, or they may work through agents.⁵⁸ In some places traffickers specialize in transporting victims and take responsibility for only one leg of a multi-national journey.⁵⁹ Women in transit destined for sexual exploitation may be sold multiple times, sometimes in markets that resemble slave auctions.⁶⁰ Loose citywide, national, or regional networks in the United States seem to support domestic traffickers and link them to broader crime rings.⁶¹ Cooperation may be limited to joining forces to discipline victims or may include transporting victims for use in prostitution for sports events or conventions.⁶² A series of entrepreneurs, who identify possible recruits, do actual recruiting, groom girls for prostitution, act as business managers in charge of victims, or keep track of victims to make sure they return after servicing jobs, may work together, or a single individual may combine some or many of these functions.⁶³

Vulnerability to Traffickers

Vulnerability to Transnational Trafficking

Gender and age put people at risk for transnational trafficking, partly because of the demand for young girls and women for use in the sex industry,⁶⁴ but traffickers find that women are easy targets for labor as well as sex trafficking. A UNODC report explained that “Women are vulnerable to trafficking because they are often excluded from employment, higher education and legal as well as political parity” and they are subjected to “forms of gender-based violations, such as rape, domestic violence, and harmful traditional practices...that contribute to vulnerability.”⁶⁵ Age itself is a risk factor. Children, who are dependent on the adult world and subject to the authority of families, are highly vulnerable.⁶⁶ Age and gender combine to make girls particularly susceptible to trafficking. While in general trafficking victims are young, female victims are on average younger than male victims.⁶⁷ Poverty is another risk factor and among the biggest contributors to international trafficking. In general, the flow of victims in transnational trafficking is from less developed countries, usually in the global south and east, to more developed countries, usually in the north and west. Countries of origin are most likely to be the former Soviet Union nations, Southern and Eastern Europe, South America, Western Africa, and Southeast Asia, while the most likely destinations are Western Europe, North America, and Western Asia.⁶⁸ Moderate as opposed to extreme poverty seems to make populations vulnerable. While destination countries are the world’s richest, countries of origin tend to rank in the middle rather than lowest in measures of human development.⁶⁹ Nor are individuals trafficked across national borders necessarily the poorest of the poor. They are likely to be poor but not desperately poor and to have some education.⁷⁰ Often they are responsible for families and dependent children.⁷¹

Experiences that alienate people from their families or communities create fertile ground for trafficking. Childhoods marked by physical or sexual abuse, neglect, or parental substance abuse are common among international trafficking victims, and many victims were subjected to sexual abuse or raped by someone they knew before they met their recruiters.⁷² Indigenous people and ethnic minorities are vulnerable across the globe.⁷³ Migration is yet another risk factor for trafficking. As one UN official said, “Traffickers fish in the stream of migration.”⁷⁴ War, civil strife, political upheaval, and natural or environmental disasters that destroy social structures or remove people from their communities all contribute to trafficking.⁷⁵

Vulnerability to Domestic Trafficking

Gender and age also predispose victims within the United States to trafficking for commercial sex, the form of most documented domestic trafficking. Like girls and women abroad, United States victims are trafficked to meet the demand generated by customers willing to buy women and children for commercial sex, and girls in prostitution are far more likely than boys to be under the control of pimps.⁷⁸ Youth also makes individuals vulnerable. The majority of people in prostitution entered before they turned 18 years old, many well before, and any sexual exploitation of children under 18 is trafficking under federal and international law.⁷⁷

In the United States as well as abroad poverty itself is a major risk factor, and so is the kind of family dysfunction that correlates to poverty. Common among domestic sex trafficking victims are children who have run away from, or been cast out of, homes with high levels of physical abuse, sexual abuse, or neglect; often these are homes where substance abuse or domestic violence is prevalent.⁷⁸ Immigration puts people at risk within the United States as well as in other parts of the world. One researcher studying foreign national trafficking victims in the United States estimated that a third of these victims were recruited once they had entered the country rather than abroad.⁷⁹

Recruiters and Recruitment

Recruitment into trafficking is a complex process with many pathways. Violence is one method of acquiring human beings for exploitation in labor or sex markets, and some victims are abducted or kidnapped.⁸⁰ More often the process is subtle. In transnational trafficking, false promises of opportunities abroad are commonly used. Women may respond to internet or newspaper advertisements offering opportunities for marriage abroad or positions as nannies, maids, waitresses, dancers, or models, only to discover too late that the agencies that placed the ads are fronts for sex traffickers.⁸¹ Men or women may be promised good jobs in agriculture, construction, or domestic service and find on arrival in a foreign country that the conditions of work are close to those of slavery and escape is virtually impossible.⁸²

While some recruiters are strangers, victims often know the people who serve as their initial entry into trafficking. Recruiters may be friends, relatives, or neighbors, and they may be trusted people within their communities; to victims and their families they may appear powerful and successful.⁸³ Family members themselves may be willing or unwitting recruiters. They may sell children outright, or they may be deceived by recruiters who tell parents that they will help with employment, education, or even adoption.⁸⁴ Women targeted for the sex trade may be wooed by charismatic recruiters posing as boyfriends, promising marriage, and providing extravagant gifts.⁸⁵

Families are found also among traffickers in domestic trafficking for commercial sex. Parents may themselves introduce children into prostitution,⁸⁶ and when they do the children are likely to be younger than those who enter the sex trade through other means.⁸⁷ Peers who are already in prostitution, living what look like glamorous lives, recruit schoolmates, friends, or even sisters.⁸⁸ Pimps looking for prospects often mask their intentions by feigning interest in the welfare of their targets. Typically, they find girls who have run away from home, often after they have been sexually abused, or whose dysfunctional families have physically or emotionally abandoned them.⁸⁹ Traffickers seek out victims at schools, shopping malls, bus stations, shelters, drop in centers, or even correctional facilities; they find victims in chat

rooms online or they advertise their services as talent scouts.⁹⁰ Initially, recruiters may profess love, give their victims a place to live, and shower them with gifts of clothes or jewelry as a means of easing the transition into prostitution and creating a durable bond with victims, who are made to feel complicit in their own victimization.⁹¹ As one pimp recently told a newspaper reporter, “With young girls, you promise them heaven, they’ll follow you to hell.”⁹² A participant in a study of domestic sex trafficking related the other side of the story: “He promised me everything and better . . . Clothes, cars, house, himself. I was just looking for someone to love and love me.”⁹³

Girls and women often are important links in the recruitment process, both abroad and in the United States.⁹⁴ Women constitute a fairly large percentage of defendants in global prosecutions for trafficking.⁹⁵ In the sex trade, female recruiters and handlers are useful because they lend legitimacy to the operation. They are less threatening than male traffickers and better able to gain the trust of victims, and they make the fact of prostitution seem less horrifying to new victims. Frequently these women and girls are themselves victims of sex trafficking who gain special privileges from those holding power over them or find an escape from prostitution by moving from exploited to exploiter.⁹⁶

Coercion and Control of Victims

The kinds of abuse traffickers use to control victims and keep them profitable have been documented by various studies of both domestic and transnational trafficking. These studies describe a fairly consistent and devastating set of tactics. Violence is at the root of traffickers’ power over victims.⁹⁷ It is typically physical, brutal, and instructional. In transit and indoctrination stages, violence may be used to convince victims that their survival depends on submission to their traffickers’ demands while later physical violence serves as punishment, reminds victims that they live in captivity, and acts as a means of keeping victims on edge so that they are more easily controlled.⁹⁸ Many kinds of violence are employed. One study of victims trafficked transnationally for sex and domestic servitude reported that victims were “hit, kicked, punched, struck with objects, burned, cut with knives.”⁹⁹ A law enforcement officer interviewed in Ohio said that he and his fellow officers “had seen everything from pistol whipping to broken bones.”¹⁰⁰ In the most extreme cases, victims are murdered.¹⁰¹ Rape is common.¹⁰² Once traffickers establish their capacity for violence, they can exercise control through threats, implicit or explicit.¹⁰³ Traffickers threaten not only victims but also their friends and families.¹⁰⁴ These threats are plausible. Traffickers often know victims’ families, and victims often report having seen, or knowing about, traffickers’ abuse, including murder, perpetrated against other victims.¹⁰⁵

The abuse used to control victims is psychological as well as physical, and non-physical violence can be as damaging to the health, well-being, and ability of victims to function as physical violence. One scholar characterized psychological abuse in trafficking as “generally persistent, commonly extreme, and frequently perpetuated in such a way as to destroy a woman’s mental and physical defenses.”¹⁰⁶ The forms of psychological abuse, like physical abuse, are many, varied, and designed to keep victims off balance, frightened, and in constant, debilitating states of stress. Traffickers almost always cut victims off from their family, friends, communities, and cultures.¹⁰⁷ Movement of any kind is a useful means of isolating victims psychologically as well as physically, and transporting them across the globe is particularly effective.¹⁰⁸ Victims who have been taken across

multiple borders are often completely lost to family members who might try to locate them.¹⁰⁹ Once commercial exploitation begins, traffickers often keep victims on the move, and the changes of locale can be so frequent that victims have no idea where they are.¹¹⁰ Victims are often confined by their traffickers, and their movements are restricted; they may be constantly watched and allowed outside only if closely guarded.¹¹¹ They are often prevented from calling or communicating with people they know, even when family and friends are near.¹¹² Victims exploited in prostitution are often given new identities.¹¹³ Abuse also takes the form of depriving victims of life’s most basic necessities, including food, sleep, and secure shelter.¹¹⁴ Not only may victims be kept hungry and exhausted, they may be forced to live in places that are dirty, overcrowded, unsafe, or harsh.¹¹⁵ They may reside where they work, sleep in beds they use to service customers in brothels, or spend their nights on floors.¹¹⁶ Debt bondage is common, and victims who rarely see money are left without means to buy basic personal items, such as soap or tampons.¹¹⁷

Drugs and alcohol play major roles in the subjugation of trafficking victims, and in sex trafficking they are a nearly universal presence. Traffickers sometimes prey on women and children with addictions, but recruiters, particularly in the transnational trade, may prefer healthier, more attractive victims and instead introduce drugs later, as they tighten their grip on victims.¹¹⁸ Both giving drugs and withholding drugs are effective and commonly used means of maintaining control over victims.¹¹⁹ Drugs and alcohol also act as an anesthesia, dulling physical and psychic pain, making victims capable of enduring the conditions of their servitude and thus continuing to produce profits.¹²⁰

Harm

Horrible as these various kinds of abuse may each be, the sum is more damaging than the parts. Abuse that may seem random, arbitrary, or sadistic is part of a process that keeps victims compliant. Physical abuse, harsh conditions of captivity, calculated unpredictability, and intentionally inflicted trauma in the context of enforced dependency create extremely high levels of stress, and the stress itself is responsible for physiological as well as psychological damage.¹²¹ One writer, describing the effects of traffickers’ psychological abuse, said of trafficking victims: “Their frame of reference for understanding the world is deeply altered . . . [and] they are left physically, emotionally, and spiritually shattered.”¹²²

Systematic psychological and physical abuses by traffickers are major causes of harm to victims but not the only ones. Agricultural workers may suffer disabilities from overwork, accidents from machinery, or poisoning from pesticides.¹²³ Victims exploited in the sex industry are at high risk for sexually transmitted diseases, including HIV and AIDS, gynecological disorders, and customer-perpetrated violence.¹²⁴ Prostitution, the fate of virtually all sex trafficking victims, is extremely dangerous in itself. One study of women in prostitution in the United States found extraordinarily high mortality rates, with a huge risk of murder in particular, often at the hands of clients and serial killers.¹²⁵ Police are among the perpetrators of violence, particularly sexual assault, against sex trafficking victims.¹²⁶

Living under conditions that one commentator likened to what is experienced by hostages, prisoners of war, or concentration camp inmates¹²⁷ creates whole constellations of symptoms. Prolonged exposures to stress induced by living in constant states of fear and deprivation produce physiological and neurological damage that affect the ability to think, remember, and respond to threats.¹²⁸ The immune system is compromised, leaving victims open to infection.¹²⁹ Exhaustion, malnutrition, and unhealthy living conditions compound the effects of other abuse and contribute to a downward spiral evident in the compromised mental and physical health of victims.¹³⁰

The long list of symptoms found among victims who have escaped confirms the potentially devastating impact of being trafficked. Authors of an important study on the health effects of trafficking concluded that their findings “are startling in the breadth and depth of the harm . . . sustained.”¹³¹ According to this study, in the first weeks post-trafficking, 57% of the victims interviewed had at least twelve physical health symptoms causing them pain or discomfort.¹³² Prominent among these were fatigue and weight loss.¹³³ Four-fifths of victims had central nervous system problems including headaches, memory difficulty, and dizzy spells, and three-fifths had gastrointestinal problems that proved persistent.¹³⁴ Over 70% of the victims reported mental health symptoms indicative of depression, anxiety, and hostility.¹³⁵ According to these researchers, “[W]omen’s psychological reactions were multiple and severe, and compare to, or exceed, symptoms experienced by torture victims.”¹³⁶ Symptoms of post-traumatic stress were common, and 56% of the victims met the clinical definition of post-traumatic stress disorder.¹³⁷

Stories

Most studies and reports on human trafficking devote space to the voices of victims and recount victims’ experiences in gripping first person or third person narratives. The U.S. State Department’s annual Trafficking in Persons Reports¹³⁸ and UNODC’s Human Trafficking: An Overview¹³⁹ are leading examples of this approach, but studies small and large quote victims at length. Trafficking seems to strike researchers and writers as so extreme that numbers, summaries, and generalizations fall short of conveying essential truths, and the stories placed within more scholarly material may be as important for understanding human trafficking as anything else written or published.

Conclusion

The relatively new field of research in human trafficking already has produced valuable data, useful to practitioners and policymakers alike. For example, knowing how often trafficking victims released from their captors experience memory loss, difficulty concentrating, and post-traumatic stress can inform law enforcement expectations of victims in the first days, weeks, or months after a raid or rescue. More work is needed and, no doubt, will be forthcoming, and with more information campaigns against human trafficking will be more focused and effective.

Yet a lack of complete knowledge is no excuse for inaction. We know that trafficking reaches nearly every corner of the globe, that large numbers of people find themselves under the control of traffickers, and that victims experience extreme brutality and deprivation. This is more than enough to place human trafficking high among policy priorities and establish it as a great wrong demanding immediate and sustained attention.

JUSTICE BARBARA LENKS REMARKS



Justice Barbara Lenk was appointed to the Supreme Judicial Court of Massachusetts by Governor Deval Patrick in 2011. She had previously served on the Superior Court, to which she was appointed by Governor William Weld in 1973, and on the Massachusetts Appeals Court, to which she was appointed by Governor Weld in 1995. The Honorable Barbara A. Lenk was born in Queens, New York. She received a B.A. magna cum laude from Fordham University in 1972; a Ph.D. in political philosophy from Yale University in 1978; and a J.D. from Harvard Law School in 1979.

JUSTICE BARBARA LENK'S SWEARING-IN REMARKS, JUNE 8, 2011

Thank you Governor, Chief Justices Ireland and Rapoza, Reverend Thiel, Professor Whall, Justice Mills. Thank you, each of you, so very much for your wonderful words. Louise Grasmere, Glenn Dickson and Michael McLaughlin, thank you for your wonderful music. And thank you, all of you who are here today, for honoring me with your presence.

It is so good to be here with you today, knowing all's well that ends well, dwelling not on what was but celebrating what is and will be. It is a privilege beyond words for me to be standing here as a member of the Supreme Judicial Court. Just as I have been honored to serve for almost 38 years as a judge of the Massachusetts Superior and Appeals Courts, I am honored by the opportunity to serve on our nation's oldest continuously sitting appellate court, the Court associated with such luminaries as John Adams and Oliver Wendell Holmes. I am very mindful in this regard that I assume the seat vacated by the eminent Justice Judith Cowin, whose shoes I cannot hope to fill. And that is only in small part because she wears backless high heels. Justice Cowin has served this Commonwealth with great distinction, and her beautifully written and carefully reasoned opinions will stand the test of time. I can only succeed her; I cannot replace her.

Although this day is one for which I had long hoped, in truth I never expected it to come. That it has come shows the vitality of America's promise; we remain a country where anything is possible. Even that, for the first time, someone of openly Polish heritage can sit on the highest court of this Commonwealth.

It is, in any event, probably fair to say that my application for this position posed the question, as in the song we heard moments ago, "Why can't I?" Governor Patrick, I thank you most sincerely for responding: "You can." I will do everything in my power over the next decade to live up to your confidence in me.

That I have reached this place is due to the people who have helped me all along the journey. It has taken far more than a village. It has taken a lifetime of family, friends, teachers, neighbors, colleagues, the larger legal community, and fellow citizens, who have blessed me with their generosity. This room is filled with people to whom I owe an endless debt of gratitude.

The 20th century theologian Abraham Heschel has said "It is gratefulness that makes the soul great." If that is right, then my soul is trending in an awfully good direction, replete as it is with thankfulness, full to overflowing with gratitude.

Chief among my blessings are my spouse, Debra, and our daughters, Katie and Julia, in whom we take such pride and who give us such joy. Watching them grow into the fine, strong, able women they are becoming is our greatest satisfaction. Debra, Katie and Julia are, for me, quite simply, the center that holds and I cherish their unfailing love and support. Debra is the center of the center, the rock on which the family rests. I was 37 when I found my life with her and, this fall, we will celebrate our 24th anniversary, our 7th legally married.

In those 24 years, the richest of my life, I have grown and learned a great deal. Having come from a working-class family and gotten through school on scholarships and a long string of minimum wage jobs, I'd long known something about how life looks to those with limited resources. Having gone to Fordham when it was still an almost all male college, having studied first philosophy then Law – both fields in which women had not yet made many inroads – and having then become a partner in a law firm at a time when women lawyers were few, I already knew a thing or two about breaking through glass ceilings.

What was quite new to me at and after the age of 37, however, was the experience of being a member of a minority group, not only when I came out, but also when I became part of a two-mom, multi-racial, Jewish family. In addition to learning the joys and worries of parenthood, I gained some added perspective on bigotry and racism. However belatedly, I learned to see things that before had simply escaped my notice, and I came to appreciate in entirely new ways the awesome power of words, and of law, to shape and convey reality. As Heschel has said "Words make worlds. What starts out as a sound ends in a deed."

Those 24 years have filled our lives with meaning, joy and purpose. We have, thankfully, known far more joy than sorrow, but Debra and I have in those years each grieved the loss of our mothers and the girls both their grandmothers. We see more clearly with each passing day how our parents gave us everything that matters.

As many of you know, I grew up blue collar in Queens, New York, my parents the first generation to be born in this country. Their parents had come from Poland, in search of a better life, as so many immigrants have done. My mother's people were potato farmers but my mother had other dreams. Armed with an 8th grade education, she headed off at 16 for New York City, and supported herself for the next 20 years as a live-in housekeeper to wealthy families. She had independence and her own money, a woman ahead of her time.

My dad's family were urban dwellers and every family member had to pitch in to secure the family foothold in America that would then allow them to work their way up the ladder. My dad was such a smart man, curious about everything, but he saw his dream of college evaporate with family needs and the Depression. So he worked 80 hour weeks all of his life running the family's small book bindery, turning out books that were bound just-so. All the power of one's hand, if done well, has dignity and brings pride. Work, I learned from my parents, is not a four letter word. I learned to read on my father's lap by looking at the comic strips, and we spent many evenings together in his truck, the one that had no radio, talking about everything under the sun as he delivered newly bound books to his customers.

My parents believed that every person, no matter how they dressed or what they did for a living, was to be treated with courtesy, dignity and respect. They believed in family and country, in the dignity of work, and in the power of education. They made sure that I did too. So when my father died unexpectedly at the age of 52, leaving my mother to raise me – then 16 – without any source of income other than Social Security, my mother's true colors showed through. Not once did she suggest that I just finish high school and go out to work. Determined that her daughter would get the education neither parent had had, insistent that this daughter be able to support herself without getting callouses on her hands and knees, my mother at the age of 56 returned to manual labor. She worked as an over sewing machine operator at the book bindery for the next 14 years, work that was dangerous and physically taxing. No one sat more proudly than she at my high school, college and law school graduations, and much

My parents believed that every person, no matter how they dressed or what they did for a living, was to be treated with courtesy, dignity and respect. They believed in family and country, in the dignity of work, and in the power of education. They made sure that I did too. So when my father died unexpectedly at the age of 52, leaving my mother to raise me – then 16 – without any source of income other than Social Security, my mother's true colors showed through. Not once did she suggest that I just finish high school and go out to work.

was a loving woman whose gift for making a family drew all of us close as she wrapped us in her warmth. Debra's dad, Mayer, here today from Minneapolis, and whom I look upon as a second father, shows us by his steady example how to be a spouse, a parent, a father-in-law, a grandfather, a friend, a mensch. And we are blessed to fill so many seats here with family and life long friends, who are to us as family, many traveling great distances to share this day. To all of you who have supported us throughout the journey, our gratitude knows no bounds.

I turn once again to the wisdom of Abraham Heschel, who said "When I was young, I admired clever people. Now that I am old I admire kind people." It is because of the generosity of kind people that I have been given countless opportunities. Let me touch on just some of these.

- The French order of nuns, the Daughters of Wisdom, who inspired us to believe that girls from families like mine could do anything, who prepared us for college and for life, insisting that we were duty bound to leave the world not less and worse but greater and more beautiful than when it was given to us.
- The Jesuits at Fordham, who encouraged and guided me, who helped me win a fellowship that paid for four years of graduate school, and who then supported me in my decision to change course and become a lawyer instead of a college professor.
- The lawyers and staff at Brown Rudnick where I practiced law for fourteen years, where I was given room to grow and flourish, learning from master lawyers how to be a good lawyer, and being elected over and again by my partners to help manage the firm itself.
- The judges and staff of the Superior Court who serve on the front lines of justice. Having been there, I appreciate the daunting challenges that all trial court judges and staff face and I have the highest regard for what they do every day.

JUSTICE BARBARA LENKS REMARKS

- The members of the Appeals Court family with whom I have worked for fifteen years. Justice is the work of many hands and the shared devotion to excellence manifest in the Appeals Court has quietly improved everything that I touched, from administrative matters to full opinions. It is wrenching for me to leave these fine people.

Let me now speak of those kind people whose words on my behalf more recently have made a world of difference for me, without whom I would not now be changing jobs.

Every time in the last few years that a vacancy on the Supreme Judicial Court was announced, I learned to expect three calls. Each caller would say – “You are applying, aren’t you? You have to apply.” And, “What can I do to help?” If I was too vague in my response, the calls would just keep coming, as they did anyway, to keep track of my progress.

The application process is, as it should be, time consuming and arduous. It was as if every time I needed to cross a river and didn’t know how to do it, a boatman would somehow appear to take me to the other side.

– and the help that they gave and that they mobilized, time and again, that kept me on course toward today. And they were thereafter joined by so many other people who called with support, encouragement and advice. It was as if every time I needed to cross a river and didn’t know how to do it, a boatman would somehow appear to take me to the other side.

Then there were the dozen or more people who acted as references on my applications to the Judicial Nominating Commission, and who wrote letters on my behalf to the JNC and – now we’re talking many, many dozens of people – who took vetting calls from the JNC or the Joint Bar Committee members, all of whom themselves spent countless hours making those calls, reading the voluminous applications, and meeting and voting in committee. And this was not the half of the help I received. There were those who agreed to testify on my behalf before the Governor’s Council, and those who decided to write or call their elected representatives on the Council, and those who helped prepare me to testify. I cannot begin to name all of these fine, kind, generous people. You know who you are and I can only hope that you know just how grateful I am to you. Just as I cannot fail to thank the members of the JNC, the Joint Bar Committee and members of the Governor’s Council for the public service they perform, I want to offer heartfelt thanks to the wonderful people in the office of the Governor’s Legal Counsel, Mark Reilly and Marilyn Lyng O’Connell in particular, whose labor intensive efforts made the entire process from application, through confirmation, through swearing in, run smoothly and well.

And I would be remiss if I did not acknowledge the enormous help I have been given in organizing today’s events by Maura Doyle, Suzanne Brown, the court officers of the Supreme Judicial Court and the Appeals Court, and most especially by Monique Duarte, the executive assistant to Chief Justice Rapoza, and my long time secretary, Ann Hogan.

Let me end by speaking about the future. We stand in this magnificent building dedicated to providing justice for all who enter. Each day before the court’s session begins, court officers at the Supreme Judicial Court, as they do throughout the Commonwealth, give their time-honored cry: “Hear ye, Hear ye, Hear ye, All persons having anything to do before the Honorable, the Justices of the Supreme Judicial Court, draw near, give your attendance and you shall be heard. God save the Commonwealth of Massachusetts.” And upon entering the courtroom of the Supreme Judicial Court, litigant and lawyer alike see the words of John Adams: our judges are to be “as impartial as the lot of humanity will admit.”

The court officers’ cry and John Adams’ words must be more than aspirational. We must realize them. We must make sure that the promise of access to justice is kept. You *shall* be heard. We must decide each case independently, impartially and respectfully, remaining faithful to the rule of law and constitutional demands.

Our much loved and admired colleague, Justice Benjamin Kaplan, would say to his law clerks: “Why are we here? We’re here to make a difference!” I, too, am a judge because I want to make a difference. As a judge, my only allegiance is to the rule of law and to the fair and equal treatment of all who come before the court. Judges have no constituencies other than those who seek justice and there can be no thumbs on the scale. At the same time, each person who wears a judicial robe has had life experiences that leave their mark. Mine have been rich and varied, bridging many divides, and these experiences enable me to see things from many perspectives. I understand fully that the law is not an abstract academic exercise and that, instead, it has immense practical impact on human lives. I also understand that the law belongs to all of us.

You are all witnesses to the oaths I have taken today. To this I add the promise to follow the advice I received when I first became a judge. As I have each day since then that I have taken the bench, I will remember to do four things: to hear courteously, answer wisely, consider soberly, and decide impartially.

You are all witnesses to the oaths I have taken today. To this I add the promise to follow the advice I received when I first became a judge. As I have each day since then that I have taken the bench, I will remember to do four things: to hear courteously, answer wisely, consider soberly, and decide impartially.

Thank you.

keeping safe – keeping well

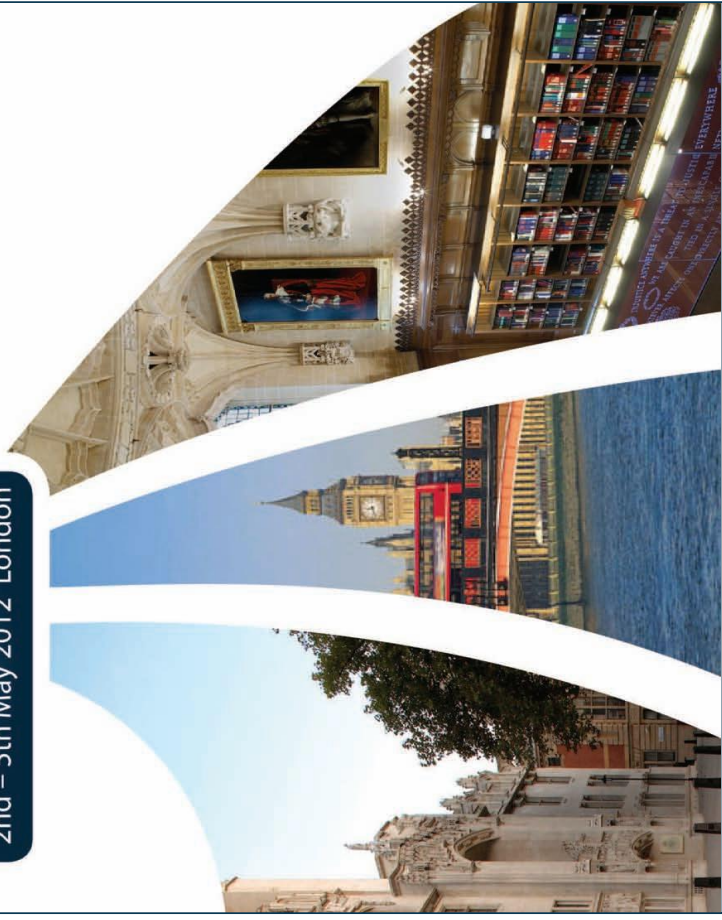


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DISTRICT ONE (MA, ME, RI, NH, PR)



ANNUAL RECEPTION FOR NEWLY ELECTED JUDGES

On April 26, 2011, District One celebrated the appointment of 11 women judges to the State Courts of Massachusetts, the appointment of Denise Casper to the U.S. District Court and Jennifer Boal to the position of U.S. Magistrate Judge, and the elevation of Nan Duffly to the Supreme Judicial Court at our annual reception and meeting. A number of newly elected legislators joined the group, enjoying a brief respite from a long week of budget battles. We bid a fond farewell to **Supreme Court Justice Judith A. Cowin, who retired in April 2011**, after serving on the Supreme Judicial Court for 11 years and p on the Superior Court for almost eight years. She was the third woman to be appointed to the Massachusetts Supreme Judicial Court. "I have been privileged to serve the people of Massachusetts," stated Justice Cowin. "I will remember these years with a conviction that the work is of great importance and with an abiding affection for the colleagues with whom I shared it." Born in Boston, Justice Cowin earned her undergraduate degree from Wellesley College in 1963 and her J.D. degree from Harvard Law School in 1970. She is a member of the Wellesley Alumnae Association and takes an active interest in advising young women about career paths and work-life balance. Also, we noted the upcoming retirement of Judge Nancy Gertner from the federal bench where she has served since 1994, when President Clinton appointed her to a seat on the U.S. District Court for the District of Massachusetts. In 2008, Judge Gertner became the second woman – **after Justice Ruth Bader Ginsberg – to receive the Thurgood Marshall Award from the American Bar Association**. Shortly after the reception, the Hon. Barbara A. Lenk's appointment to the Supreme Judicial Court was confirmed. Her inspiring remarks given at her swearing in ceremony on June 8, 2011 directly precede this news report.



DISTRICT DIRECTOR HON. ARIANE VUONO HOSTS CELEBRATORY LUNCH

Supreme Judicial Court Chief Justice Margaret Marshall (Retired) and Justice Shiranee Thakwardane of the Sri Lankan Supreme Judicial Court received honorary degrees from Smith College in Northampton. Justice Marshall is a strong supporter of NAWJ and Justice Thakwardane is a member of IAWJ. Various NAWJ members joined Chief Justice Marshall and Justice Thakwardane at the home of District Director Ariane Vuono for a celebratory lunch. **Chief Justice Marshall received another honorary degree from Mount Holyoke College** the following week.

MASSACHUSETTS JUDICIAL CONFERENCE GRANTS NAWJ MEMBERS JUDICIAL EXCELLENCE AWARDS

President-Elect Judge Amy Nechtem, Appeals Court Judge Raya Dreben, and Land Court Chief Justice Kayryn Scheier received a Judicial Excellence award from the Massachusetts Judicial Conference at a reception on May 25, 2011. A **Citation of Judicial Excellence was awarded to Paula M. Carey** in recognition of her outstanding leadership as Chief of the Probate & Family Court Department, and **Sandra L. Lynch, Chief Judge of the U.S. Courts of Appeals for the First Circuit** received the **Haskell Cohn Award for Distinguished Judicial Service** on June 9, 2011.

DISTRICT TWO (NY, CT, VT)

"NEW YORKERS ON THE MOVE"

In May, **Judges Arlene Hahn, Tanya Kennedy, Patricia LaFreniere, Carole Levy and Sheri S. Roman** joined in the cruise to Alaska. Once again friendships were forged with other attendees. Our intrepid wanderer **Justice Sheri S. Roman** next attended the Congressional Caucus in Washington DC, on July 7, 2011, during which **Congresswoman Ann Baurkle from upstate New York** delivered an address relating to an assortment of trafficking issues, ranging from children sent away by misinformed and desperate parents, entire families enslaved in India, and all too frequent occurrence of young girls from around the world promised acting and modeling careers who become enslaved and subjugated to profane realities.

On June 13, 2011, the **New York State Chapter held its Summer Dinner at the Water's Edge Restaurant**. We honored **Justice Betty Weinberg Elmerin (Retired)** for her long years of service which continues in full force to date. In addition, a **scholarship award was given to Sondah Ouattara**, a student at New York Law School.

On Friday, April 15, 2011, the New York Chapter of NAWJ hosted a dinner event in honor of five Ghanaian women judges participating in the Virtue Foundation Institute for Innovation and Philanthropy in Ghana's Jurist in Residence Program. The five women judges from Ghana – Circuit Court Judges Patience Mills-Tetteh and Barbara Naadja Tetteh–



Judges from Ghana being hosted by New York Supreme Court Justice Esther Morgenstern in her courtroom in Brooklyn's Domestic Violence Part.

Charway and Magistrate Patricia Ekuu Quansah, Audrey Edem Anna Kocwie-Tay, and Abena Oppong Adjin-Doku – were selected by Virtue Foundation in collaboration with the Chief Justice of Ghana, Her Ladyship Georgina T. Wood, and the Leifner Center for International Law and Justice at Fordham Law School, to participate in the five-week program. **The Virtue Foundation, in collaboration with the Leifner Center and the Office of Court Administration of New York, implemented this intensive training and shadowing program**. Training topics included: legal research and writing, case management, fair trial rights, ethical issues, gender and the judiciary, and issues of vulnerable groups in the courts. **Judges also spent a week shadowing U.S. judge counterparts who are working in problem-solving courts**. The goal was to adequately prepare participants to plan and implement an innovative model Family Justice Center in Ghana.

The New York Chapter sponsored its third annual **Summer Justice Academy for Young Women at Pace Law School**. The Justice Academy is a unique, one-week, intensive immersion program to inspire and empower these young women from Westchester County and New York City to pursue education leading to careers in law. NAWJ Past President and New York Chapter President **Justice LaTia Martin** spearheaded this program.

As usual, the **Women in Prison Committee** conducted many successful programs. Please read about them in the Women in Prison section further in this issue of Counterbalance.

Manhattan Acting Supreme Court Justice Debra A. James, wrote a forward to the report "From Protection to Punishment: Post-Conviction Barriers to Justice for the Domestic Violence Survivor". The study, which was prepared by the Women in Prison Project of the Correctional Association of New York and Avon Global Center for Women and Justice at Cornell Law School, argues that "mandatory minimum sentences constrain judges' ability to take survivor-defendants' experiences of abuse into account." **The report backs a bill introduced in the state Legislature – the Domestic Violence Survivors Justice Act (A7874-S5436) – that would expand on existing law by allowing judges to impose shorter, determinate sentences or place survivor-defendants in alternative-to-incarceration programs when abuse was a "significant contributing factor" to the crime committed.**

The committee also hosted two screenings: **"Crime after Crime" which chronicles the experience of Deborah Pegler, a California woman charged with murder in the 1st degree, for her role in the death of her abusive boyfriend**. The documentary follows Deborah Pegler's story and her two pro-bono rookie attorneys, as they encounter the corrupt and politically driven twists and turns of the criminal justice system. **The second screening was for "Mothers of Bedford" which explored the lives of five incarcerated women in the Bedford Hills Correctional Facility and the impact on the mother-child relationship.**

Finally, New York eagerly anticipates the 33rd Annual Conference in our neighboring State of New Jersey and has put together a **"New York State of Mind" component offering free-time alternatives including Broadway, Harlem and Ground Zero**. Thank you to committee members Tanya Kennedy, Sheri S. Roman, Carol Feinman and Phyllis Orlikoff Flug for organizing these outing offerings.

DISTRICT THREE (DE, NJ, PA, VI)

DELAWARE

Judge Jane Brady served as a judge for the **Delaware State Mock Trial Competition Finals**. **She traveled to Croatia and presided over a mock trial there and taught civic education**. While in Croatia, **she met Croatian President Ivo Josipovic** and observed the Project Citizen competitions there.

During the last fifteen months and for an additional year, **Judge Peggy Ableman, Delaware State Courts, will maintain full responsibility for all of the asbestos litigation in the state, in addition to her routine criminal and civil caseload**. Approximately ten percent of the asbestos litigation nationwide is filed in the State of Delaware, so Judge Ableman is frequently invited to speak at national conferences as part of East Coast panels or judicial panels. The workload is enormous because **Delaware does not have a dedicated judge assigned to asbestos but the judge manages to keep up with the huge number of summary judgment motions, pretrials, motions in line, and trials**. Settlements are frequent due to Judge Ableman's devotion to weekend and evening reading of transcripts and briefs.

NEW JERSEY

The Diversity Committee of the New Jersey Bar Association honored **Paulette Brown, Esq., Friends Committee Chair for this year's Annual Conference in Newark, and the late Honorable Shirley Tolentino**, with this year's Mel Narol Excellence in Diversity Award.

Much of the rest of NAWJ judges and friends in New Jersey and beyond are busy organizing NAWJ's upcoming 33rd Annual Conference to be held in Newark from October 12-16. For more information please review Conference information found on pages five through nine in this issue of Counterbalance.

PENNSYLVANIA

The NAWJ District Brunch Meeting was held July 30, 2011 in Hershey, Pennsylvania. The District's goal was to increase District membership by at least one-hundred new members and to encourage each new member to sign-up another new member. The meeting program held in The Hershey Hotel included a greeting and reports from NAWJ Judge Marjorie Carter, and NAWJ District Three Director Judge Sandra Ann Robinson, and others on topics such as the upcoming Annual Conference in Newark, the 2012 Annual Conference in Miami Beach, Florida, District Three Membership Growth, Speed-Mentoring, and Color District Three Programs, Announcement on District state leadership, IAWJ's 2012 B-Annual Conference In London, and a presentation of the **Wal-Mart v. Duke** United States Supreme Court decision by attorney Jenny Yang. **District Three meeting participants included Judge Marjorie Laird Carter, Judge Jane Brady, Judge Joan Churchill, Judge Maria Musti Cook, Judge Michelle Hollar Gregory, Judge Lisette Shirdan Harris, Judge Debbie O'Dell Seneca, Judge Isabel Stark, Judge Doris Pechkurrow, Judge Andrea Marceca Strong, Judge Siobhan Teare, Jenny Yang, Esq. and Judge Sue Yang**.

DISTRICT FOUR (MD, DC, VA)

DISTRICT OF COLUMBIA



(R) Virginia State Judge Patricia Wald
Judge Patricia Wald honored with 2011 Constitutional Champion Award

NAWJ member Hon. Patricia McGowan Wald (U.S. Courts of Appeal for the District of Columbia Circuit Retired) received the **2011 Constitutional Champion Award** from **The Constitutional Project** on April 14, 2011 in Washington, DC. The program highlighted Judge Wald's decades of public service, including her work on the U.S. Court of Appeals for the District of Columbia Circuit where she was the first woman ever appointed to that bench. She served in the Department of Justice as the head of Legislative Affairs. She established the D.C. Circuit Gender, Race and Ethnicity Task Force and has written about issues of gender bias for the ABA and other legal publications. Upon her retirement, she was the United States representative to the International Criminal Tribunal for the Former Yugoslavia in the Hague. The program, which was well attended, provided an inspired role model for lawyers and judges. Her remarks, as well as videos, may be found **The Constitutional Project's website**.

NAWJ member Judge Kathryn Oberly of the District of Columbia Court of Appeals was the planning chair for the **36th Annual Judicial Conference of the District of Columbia**. It was held on June 3, 2011, at the Ronald Reagan Center. The topic was Implicit Bias: Recognizing It and Dismantling It. There were outstanding speakers, including nationally known Dr. Mahzarin R. Banaji of Harvard University.

MARYLAND

Thanks to United States Magistrate Judge Susan K. Gurvey for sharing word of another woman, Stephanie Gallagher, appointed magistrate judge to her U.S. District Court for the District of Maryland bench. Here's hoping she joins NAWJ as well.

Judge Marcella Holland had a great afternoon with the **Girl Scouts Beyond Bars** troop on April 30th. Some of our judges helped them make jewelry and jewelry boxes for their mothers to take to the institution the Saturday before Mother's Day.

A play performance based on the life of the late Supreme Court Justice Thurgood Marshall and featuring a few **District Four Judges**, was nominated for a CLASSY award given to outstanding charities. The play features a cast of judges and local dignitaries including **U.S. Magistrate Judge Susan Gurvey** who played the admissions officer from the University of Maryland who denied Marshall admission to its law. The play centered on Marshall's life when he argued *Brown v. Board of Education*, and highlighted his career before becoming a lawyer.

On May 13 and 14, 2011 NAWJ District Four held a joint conference with the Maryland Women's Bar Association at the Gaylord Resort in Prince George's County, Maryland. Judge Toni Clarke, President of the NAWJ Maryland Chapter, and Kathleen Busraan, Esq., President of WBA, joined in presenting the conference. On Saturday morning the WBA and NAWJ members held separate business meetings over breakfast and then rejoined for a program on the Judiciary and the Media. Richard Gelfman led a panel of newspaper and television news managers and Circuit Court Judge Crystal Mittlesteadt who found herself at the center of media coverage following her ruling in a domestic violence petition hearing.

Judge Julia Weatherly, District Four President, is co-chairing the fourth Women Moving Forward Conference at Maryland's prison for women on October 22. NAWJ has partnered

with Maryland Correctional Institute for Women (MCIW) and a network of ex-offender organizations, faith based programs, and community groups dedicated to improving the chance of success for women leaving prison. This one day conference held at MCIW in Jessup offers over a dozen workshops on issues that the women must address in returning home, such as reunification of families, housing, handling their finances, and accessing services to address their health. **A major focus is on the issue of employment. This year's keynote speaker will be Chief Judge Robert M. Bell from the Maryland Court of Appeals.**

NAWJ continues to support the **Girl Scouts Beyond Bars** which provides scouting activities both at the state prison and in the community for girls with mothers who are incarcerated. **Judge Mariela Bernard** sustains support and interest for the **Storybook Project** which affords contacts between mothers in prison and their children: **the children receive the book and their mother's recorded reading.** Continue to read about Maryland's Women in Prison work following District News

VIRGINIA

VIRGINIA ASSOCIATION OF WOMEN JUDGES AWARDS



Lt. Col. Katherine Oler MIL USAF AF/JAT sharing information about membership in NAWJ at an icebreaker for the New Judges Course.



SCHOLARSHIPS FOR STUDENT ESSAYS

The Virginia Association of Women Judges (VAWJ) awarded \$500 scholarships to two Virginia high school students who wrote winning essays about the benefits of women's full participation in the legislative and judicial branches of government. **The VAWJ presented its scholarship awards at an April 30**



luncheon at the Virginia State Capitol to Karin A.M. Timmons (left) and Kelsey Hess (right), who are pictured above with Portsmouth General District Court Chief Judge Roxie O. Holder. Ms. Hess is a senior attending Rockbridge County High School and Timmons is a senior at Richmond Community High School. Judge Holder, said that in addition to offering financial assistance to students, the annual scholarship award is designed to increase awareness of the functions of, and women's contributions to, the legislative and judicial branches of government. **Judge Holder is president of the VAWJ.** The April 30 luncheon brought together sitting and retired judges, current and former legislators and members of state and local bar groups to celebrate with the families and friends of the scholarship winners.

VAWJ's next meeting will be held during the General District Court Judges Conference in August.

Future plans. At the May conference business meeting, we discussed **Color of Justice programs** for the fall in Virginia and Maryland. More programs with the Women's Bar Associations in the three jurisdictions should be encouraged. Programs to encourage judicial applicants (**"So You Want To Be A Judge"**) have been well received in the past. The Board has committed to **establishing an annual program at one of the areas law schools to encourage law clerk opportunities** and to give out the scholarship money available through NAWJ. A committee will be set up to determine what criteria should be set for the scholarship applicants.

Judge Weatherly has appointed Judge Cathy H. Serrette, immediate past president of District Four, as chair of the nominating committee for officers for 2011-2013. **A September meeting will be announced shortly which will include the election of new officers.**

DISTRICT FIVE (NC, SC, GA, FL)

2012 ANNUAL CONFERENCE NOVEMBER 7-11, 2012 "MEET ME IN MIAMI"



In the newly renovated Eden Roc hotel directly on the ocean on Miami Beach, **District Five will host the NAWJ 2012 Annual Conference.** They will present a number of innovative educational programs including: **"Bringing Human Rights Home," "The Power and Reach of the Internet in the World of Social Networking," "The Hidden Impact of the Economic Crisis,"** and a focus on recent events that threaten



judicial independence and what can be done to preserve it. Fun topics will include yoga, stress management and "So you think you have a book in you?"

In May, District Five hosted a kickoff reception for the 2012 conference. The oceanfront Deauville Hotel on Miami Beach hosted our cocktail reception where we presented our upcoming conference to a group of local lawyers and judges. President-Elect Amy Nechem, Marie Komisar and Jeff Grotton attended the reception. **The night before the reception, our Corporate Partners Chair Mikki Canton organized an event at the City of Miami Mayor's Terrace at City Hall for a reception honoring the National Association of Women Judges, Miami Mayor Tomas Regalado, the City Commissioners and School Board Member Raquel Regalado** welcomed our chairs and President-Elect Nechem and presented a proclamation establishing May 10 as the National Association of Women Judges Day.



District Five wishes to express its appreciation to **Friends Co-Chairs Elizabeth Hernandez, Detra Shaw-Wilder, Linda Leali and our Corporate Partners Chair Mikki Canton** for their generous support and hard work on the 2012 conference.

JUDGE SUSAN G. SEXTON RECEIVES DISTINGUISHED JUDICIAL SERVICE AWARD



Judge Susan G. Sexton of the 13th Judicial Circuit Court in Tampa was awarded the Distinguished Judicial Service Award for outstanding and sustained service to the public, particularly as it relates to support for pro bono legal services. Judge Sexton helped to begin the Elder Task Force, which devised ways for senior citizens to have full access to the court system. The result was the creation of the Elder Justice Center that links services, and serves as a mechanism for monitoring guardianship cases. The program is a model for similar ones around the United States, and it received the Justice Achievement Award from the National Association for Court Management, and the Governor's Peace at Home Award in 2002. In 1999, Judge Sexton was honored by her department for her dedicated service to Florida's elder population.

NORTH CAROLINA

State Chair Jane Harper chairs North Carolina's first Domestic Violence Fatality Review Team, which completed its first interim report in June to the Board of County Commissioners for Mecklenburg County (Charlotte) where the team is located. **The report is titled "If you leave me I will kill you" because at least three of the four victims whose cases we reviewed in our first year had heard this death threat before being killed by her husband or boyfriend.** Its findings include the need to take death threats seriously, to understand that leaving a violent relationship can put a person at highest risk of being killed, and the surprising finding that in these four cases, there had been very little contact with the justice system. The Domestic Violence Fatality Review report was well received by the Commissioners. **The Team will also make presentations to other groups, including an August 9 conference of U.S. Attorneys in NC. (to be held in Greensboro).**

This is the first Domestic Violence Fatality Review Team in North Carolina. The review Team is hopeful that their work will lead to greater recognition of the potential lethality of domestic violence, and to improved services and reduced numbers of deaths from domestic violence.

SOUTH CAROLINA

State Chair Sara Doyle reports that on June 2, 2011, NAWJ Member Hon. M. Yvette Miller, Presiding Judge of the Georgia Court received the Judicial Traditional of Excellence Award from the State Bar of Georgia's General Practice and Trial Section. Tradition of Excellence Awards are given each year by the Section to three outstanding lawyers and one judge for

NAWJ EQUAL ACCESS TO JUSTICE SCHOLARSHIP



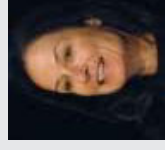
On May 11, 2011, Justice Lee presented Tammy Crayne, a student at the Lincoln Memorial University-Duncan School of Law, with an NAWJ Equal Access to Justice Scholarship. Ms. Crayne was chosen from a number of applicants to receive a \$1,000 scholarship based upon her sustained and passionate commitment to the achievement of diversity and equality in the system of justice.

Once she achieves her goal of being a lawyer, Ms. Crayne's desire is to practice law in the field of child advocacy. The scholarship was presented during a luncheon in Knoxville, Tennessee, honoring the Tennessee Supreme Court hosted by the East Tennessee Lawyers Association for Women where Chief Justice Cornelia A. Clark was the keynote speaker.

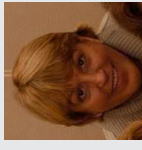
The luncheon was also attended by a number of representatives of the Duncan School of Law, including Dean and Professor of Law Syd Beckman, several professors, staff members and students. This scholarship was made possible through the support of Lief, Cabraser, Heimann and Bernstein, LLP, one of NAWJ's top level landmark sponsors.

DISTRICT SEVEN (MI, OH, WV)

Kathleen M. O'Malley was appointed to the United States Court of Appeals for the Federal Circuit by President Barack Obama in 2010. Prior to her elevation to the Federal Circuit, Judge O'Malley was appointed to the United States District Court for the Northern District of Ohio by President William J. Clinton on October 12, 1994. **During her sixteen years on the district court bench, Judge O'Malley presided over in excess of 100 patent and trademark cases and sat by designation on the United States Circuit Court for the Federal Circuit.**



DISTRICT EIGHT (IN, IL, KY)



"It's official! I have joined the Peace Corps!!!!" Says long time NAWJ member attorney Connie Postelli of Indiana. She will leave for Turkmenistan on September 29 and is gearing up for her assignment to teach English as a foreign language to high school students. She will be gone for 27 months so start sending your "happy adventures" greetings now.

DISTRICT NEWS

DISTRICT NINE (MO, IA, WI)

MISSOURI

From Missouri, come reports not just on the news but also on bits of history. **The NAWJ Color of Justice Program is 10 years old this year.** The first program was presented in St. Louis, Mo., and plans are underway to celebrate the 10 year anniversary by presenting a program in St. Louis in October.

Another bit of District Nine history and its Missouri members focuses on the early days of NAWJ when Missouri women judges were leaders and activists in the organization. Among them was the Hon. Susan Block, who along with Judges Anna Forder and Rosemary Denison served as officers or members of NAWJ's Board of Directors. Although Judge Block retired after 25 years of judicial service and returned to the practice of law in 2004, she maintains her membership in NAWJ. Among Judge Block's many other honors for a life dedicated to service to others, she was named a **Missouri Super Lawyer**.

NAWJ WAS INVITED TO ATTEND THE NATIONAL ASSOCIATION OF ATTORNEYS

General (NAAG) Conference held in Chicago, Illinois during the week of June 20, 2011. Attorney General Rob McKenna from Washington state announced his 2011-12 presidential initiative during a panel discussion addressing issues of human trafficking. Judge Brenda Stith Loftin, past president of NAWJ from Missouri, represented NAWJ at the kick-off of the NAAG Presidential Initiative.

IOWA

"Have gavel, will travel" is the news that comes from Iowa's U.S. Magistrate Judge Celeste Brenner. She is slated have a temporary assignment to a border court in Las Cruces, where she will be handling initial appearances, arraignments and pleas. In addition to continuing her work with the Infinity Project, a group trying to increase gender balance on the courts, Judge Brenner has been teaching at the Federal Judicial Center and presenting programs on judicial mentoring for the Iowa Judicial Branch.

WISCONSIN

Wisconsin Chief Justice Shirley Abrahamson along with Justice Ann Walsh Bradley were selected to attend the Aspen Institute Justice and Society Judicial Seminar for state court judges. The seminar, which was held in Greentree, New York, in June 2011 was entitled "U.S. State Courts: Learning from Other Jurisdictions."

Judge Angela W. Sutkiewicz won her first full term to the Circuit Court of Sheboygan County, Wisconsin. Judge Sutkiewicz was appointed by then-Governor Jim Doyle in 2010. Previously, she had served as an assistant district attorney in Walworth County and worked in private practice. She is a graduate of Barnard College at Columbia University and Marquette Law School. Judge Sutkiewicz lives in Sheboygan with her husband, Fred, and three daughters.

DISTRICT TEN (KS, MN, ND, SD)

KANSAS

COLORS OF JUSTICE PROGRAM AT THE GEARY COUNTY DISTRICT COURT

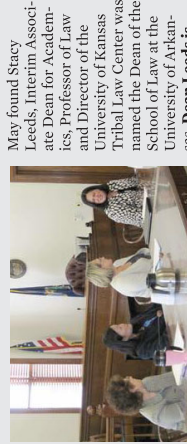


On May 5, 2011 Kansas held a Colors of Justice Program at the Geary County District Court targeting girls from the Junction City Middle School. The panelists consisted of Judge Maritza Segarra making a point at the 2010 Award Banquet in San Francisco.



The Judge Sheila Hochhauser, attorney Phon Sounakhen, Judge Maritza Segarra and the Admissions Director from Washburn Law School, Karla Whittaker. The students as well as the panelists enjoyed the event greatly. We hope to do another Color of Justice program in the fall and have the participation of more panelists.

NEWS FROM THE UNIVERSITY OF KANSAS TRIBAL LAW CENTER



May found Stacy Leeds, Interim Associates, Professor of Law and Director of the University of Kansas Tribal Law Center was named the Dean of the School of Law at the University of Arkansas. Dean Leeds is also the first Native American to serve as the Dean of a law school. She started her new position on July 1, 2011, and we wish her the best and are very proud of her.



MINNESOTA

By the time this issue of Counterbalance goes to press, the strong hope and desire of Minnesotans is that we will no longer be in the news relative to our state shutdown. If you are unaware, on July 1, 2011, our State made headlines in going the route of a full government shutdown as our state tries to erase a \$5 billion deficit without legislative resolution. Since then the state has

DISTRICT NEWS

Judge Hickey has jurisdiction over civil, criminal, juvenile, domestic relations, and probate matters in six counties. Prior to taking the bench in 2010, Judge Hickey was a career judicial law clerk to the Honorable Harry Barnes of the United States District Court for the Western District of Arkansas.

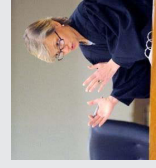
DISTRICT THIRTEEN

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

ALASKA

In April, President Obama nominated the first woman in Alaska history to serve on the federal bench here. Judge Sharon L. Gleason would be the first woman for the United States District Court for the District of Alaska. Judge Sharon L. Gleason is the Presiding Judge of the Third Judicial District of the Alaska Superior Court in Anchorage, Alaska, a position she has held since 2009. Judge Gleason was appointed to the Superior Court in 2001 and was retained by Alaska voters in 2004 and 2010. Prior to being appointed to the bench, she spent seventeen years in private practice.

PRESIDENT OBAMA NOMINATED JUSTICE MORGAN CHRISTEN FOR THE UNITED STATES COURT OF APPEALS.



Judge Christen, who served as an Anchorage Superior Court Judge for seven years, was appointed in 2009 to the Alaska Supreme Court by then-Gov. Sarah Palin. Judge Christen was born and raised in Washington state. She graduated from the University of Washington in 1983, and the Golden Gate University School of Law in 1986.

She clerked for Alaska Superior Court Judge Brian Shortell, and joined the law firm Preston Thorgimson Ellis & Holman in 1987, now known as K&L Gates. Her work included representing the State of Alaska in the wake of the Exxon Valdez oil spill.

Justice Morgan Christen was born and raised in the state of Washington. She attended the University of Washington, where she received her B.A. in 1983. While an undergraduate student, Justice Christen studied in England, Switzerland, and China. She later attended Golden Gate University School of Law and obtained her J.D. in 1986.

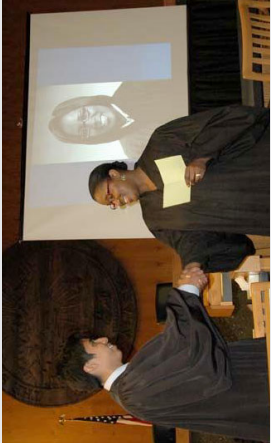
NINTH ANNUAL COLOR OF JUSTICE PROGRAM IN ALASKA



Mark Niles, Dean of Seattle University School of Law, L. and Justice Dana Fabe, Chair of Color of Justice in Alaska, C. offered welcoming remarks at MentorJet. A Speed Mentoring Experience, held the first evening of the 2-day program. Far right, Alaska's Chief Justice, Walter Carpenetti.



Professors and admissions officials from Pacific Northwest schools presented workshops at COJ Alaska, including L-R: Paula Gluzman, Assistant Director of Admissions, University of Washington School of Law; Fe Lopez, Assistant Director for Student Life, Seattle University School of Law; Judge Beverly Cutler (Ret.), co-founder of COJ in Alaska and M.C. of the Anchorage program; and Michele Storms, Executive Director, Gates Public Service Law Scholarship Program, University of Washington School of Law.



Judge Pamela Washington congratulates a COJ participant after robing him during the Meet the Pioneers; Greet the Future workshop.



Color of Justice participants gather in the Supreme Court Courtroom at the close of the Meet the Pioneers; Greet the Future workshop.

Over 100 youth and adults participated in the 9th Annual Alaska Color of Justice program held June 22-24, 2011, in Anchorage. Highlights of the program included the 3rd annual MentorJet: A Speed Mentoring Experience, which brought participating



Judge Vanessa White of the Palmer Superior Court serves as a Mentor at MentorJet: A Speed Mentoring Experience.

the Future featured a slideshow presentation that included photos from the judges' childhoods, teen years, and educational and legal careers. The photos and accompanying script, which provided the judges' backgrounds, quotes, and insights, helped illustrate to the COJ participants that the journey to the bench is different for everyone, and that women and minorities can navigate the journey successfully. For more information about Alaska's Color of Justice program, follow us on Facebook (<http://www.courts.alaska.gov/outreach.htm#coj>), visit our website at <http://www.courts.alaska.gov/outreach.htm#coj>, or contact the program coordinator at blood@appellate.courts.state.ak.us (907-264-0879).

SIXTH ANNUAL SUCCESS INSIDE & OUT REENTRY CONFERENCE

NAWJ-Alaska's Sixth Annual Success Inside & Out conference will take place October 29, 2011, at Hiland Mountain Correctional Center near Anchorage. Nearly 100 women inmates nearing the end of their incarceration are expected to take part in the day-long program of workshops and special events designed to help them prepare for the transition to life outside prison. A planning committee of judges, attorneys and community volunteers is busy preparing for this year's conference, which will once again include inspirational music and speakers, a wide range of breakout sessions on topics of importance to women in reentry, and the ever-popular luncheon fashion show presented by Second Run, a prominent Anchorage clothing shop. For more information about this year's Success Inside & Out program, contact the project coordinator at baliken@courts.state.ak.us (907-264-8266).



Justice Dana Faber, Success Inside and Out founder, visits with a participant during the 2010 program.

SEATTLE, WASHINGTON WOMEN'S LAW CAUCUSES JOINS NAWJ IN A JUDICIAL RECEPTION TO HONOR LAW STUDENT WITH AWARD

April saw members at a wonderfully received judicial reception hosted by the Women's Law Caucus of both University of Washington and Seattle University School of Law, and sponsored by the National Association of Women Judges, with support by the **Washington State Association for Justice, and the State Gender and Justice Commission.** In attendance were several lawyers including attorney Melissa Anderson from the international law firm ORRICK, and NAWJ Landmark Sponsor, who made the scholarship possible. Over 50 women judges attended with a like number of law students. The event was held at a local restaurant, and the students and judges had a lively interaction before and



after presentation of the NAWJ Scholarship. In photo above (from left): ORRICK attorney, Melissa Anderson (tallest in front row); Priyanka Prakash, NAWJ Scholarship winner, University of Washington law student (holding certificate); Washington Supreme Court Chief Justice and NAWJ member Barbara Madsen; far right, NAWJ District 13 Director Judge Marilyn Paja. All others are law students from University of Washington and Seattle University who hosted the event.

Beloved NAWJ member Justice Betty Roberts passed away.

Her memorial was on July 28th at Portland State University. Judge Roberts was an early member in the organization. She was a mentor to many lawyers and judges and will be sorely missed. She was an Oregon state senator and our first female Court of Appeals Judge and Supreme Court Justice. She was a great trailblazer for women in law and politics. She is remembered for her warmth, charm, humor, intellect and grit.

DISTRICT FOURTEEN (CA, NV) COLOR OF JUSTICE SOARS TRIUMPHANTLY IN SAN DIEGO



L-R Tamila Ebrahimi Ipema, Judge of the San Diego Superior Court Henry P. Ipema, Jr., Immigration Judge Margie G. Woods, Judge of San Diego Superior Court

Honorable Tamila Ebrahimi Ipema brought the very first Color of Justice Program to the San Diego Superior Court on May 26, 2011. The National Association of Women Judges' Color of Justice Program was presented in collaboration with the University of the San Diego School of Law, LexisNexis, and the San Diego Superior Court. The participation of more than twenty seven accomplished judges and attorneys as mentors made this program a huge success. Judge Tamila E. Ipema, who chaired the program, welcomed the students and the mentors to the program. She gave a brief history of the NAWJ, described her own background, and then laid out the objectives of the program and the schedule to follow.



Hon. Leo Valentine, Judge of the San Diego Superior Court Hon. Desiree Bruce-Lyle, Judge of the San Diego Superior Court. Speaking with the San Diego High School Students one to one (Mentor Jet).



Ms. Rupa G. Singh, Esq. Staff Attorney and Ethics Law Clerk at Ninth Circuit Court of Appeals (her back to the case). Mr. Garce Garcia, Director of Admissions and Financial Aid, University of San Diego School of Law (his back to the camera).

Hon. Dwayne Moring, Judge of the San Diego Superior Court, Hon. Gonzalo Curjel, Judge of the San Diego Superior Court. Speaking one to one with San Diego High School students (Mentor Jet)



Hon. Esteban Hernandez, Judge of the San Diego Superior Court speaking one to one with the San Diego High School students (Mentor Jet).



Hon. Judge Margie G. Woods, Judge of the San Diego Superior Court speaking one to one with the San Diego High School Students one to one.



Panel Discussion: Law as a Career; Preparing the Way and Judges making a difference.

From left to right: Hon. Rico Bartolomei, Immigration Judge of the United States Department of Justice; Hon. Sharon Majors-Lewis, Judge of the San Diego Superior Court; Mr. José García, director of Admissions and Financial Aid, University of San Diego School of Law.

careers, and to answer questions on a one to one basis in the Color of Justice Mentor Jet program. Mr. Tim Council, the San Diego University law school's outreach and recruiting coordinator; Mr. Jorge Garcia, assistant director of admissions and financial aid; Ms. Lizette Herrera, assistant director of public service and diversity in career services department; Ms. Irene Condella, assistant director of student affairs; and Mr. Colin Paterson, who is a third year law student, participated in Mentor Jet program and discussed the requirements for admission into law school with the students on a one to one basis.

Hon. Judge Margie G. Woods, Judge of the San Diego Superior Court, after a brief discussion of her personal background, moderated a panel discussion which included Honorable Rico Bartolomei, Immigration Judge of the United States Department



Panel Discussion: From left to right Mr. Gorge Garcia, Director of Admissions and Financial Aid, University of San Diego School of Law; Ms. Rupa G. Singh, Esq., Staff Attorney and Ethics Law Clerk at Ninth Circuit Court of Appeals R. Colin Paterson, Student at the University of San Diego School of Law

of Justice, who spoke about his challenging background and his accomplishments. Hon. Sharon Majors-Lewis, San Diego Superior Court Judge and former Secretary of Appointments for Governor Schwarzenegger also participated as part of a panel discussion, and talked about her personal background and experiences.

Ms. Rupa G. Singh, Esq., staff attorney and ethics law clerk at Ninth Circuit Court of Appeals Appellate Attorney for the Ninth Circuit spoke of her background, and personal experience as a high school student. Mr. Colin Paterson, a third year law student at the San Diego University School of Law, further shared his experiences as a law student, and gave the students great tips on how to prepare for law school. Also, Mr. Jorge Garcia, director of admissions and financial aid at the university spoke to the students about their path to law school, and gave them valuable perspectives on how to succeed.

Eronda Taylor, Government Consultant with LexisNexis explained the Mentor Jet program to the students, and moderated the speed mentoring session by providing 3 minute one to one discussions between the 27 students and the 27 mentors who participated in the program.

At the conclusion of the program, the students were awarded NAWJ Color of Justice Award certificates, NAWJ water bottles, note pads, NAWJ and LexisNexis bags, and pens, as well as, San Diego University's law school packet of information entitled "your path to law school" providing details as how to prepare for law school.

The feedback from the students, teachers, and mentors was extremely positive. There was an amazing positive energy in the air, and both students and mentors enjoyed the opportunity to get a chance to talk one to one with each other.

Many thanks goes to the Color of Justice Program Chair, Hon. Tamila E. Ipemba, Hon. Margie G. Woods, who worked tirelessly side-by-side, LexisNexis' Eronda Taylor and Linda Shea; San Diego University School of Law's Tim Council, outreach and recruiting coordinator; San Diego Superior Court, and its public affairs staff, particularly Julie Meyers, senior administrative analyst, Karen Dalton, public affairs officer, Amber Scott, and Deputy Sheriff Mike Moeller, and everyone else who worked behind the scenes to make this program a great success.

CALIFORNIA WOMEN LAWYERS POSTHUMOUSLY HONORS THE LATE HONORABLE ISABELLA HORTON GRANT WITH THE 2011 ROSE BIRD MEMORIAL AWARD

On March 25th, California Women Lawyers posthumously honored the Honorable Isabella Horton Grant with the 2011 Rose Bird Memorial Award, two weeks after she sadly passed away. Judge Grant's niece, Judge (and NAWJ member) Elizabeth Allen White, Los Angeles Superior Court, accepted the award on her behalf. Judge Charlene Padovani Kieselbach presented a bouquet from NAWJ. Judge Grant was a long time member of NAWJ and was a pioneer in the area of domestic violence. In practice she specialized



in probate and on the bench re-wrote the local Probate Court rules. She established among many of her programs the first guardianship mentorship program for children raised in alternative homes. She was author of the California Family Law Act of 1970 which became a model for no-fault divorce reform. She was also one of the first to recognize the rights of the victim of domestic violence. She also established calendars for victims of domestic violence who could appear before trained mediators and obtain social and medical services and assistance in preparing petitions against their abuser. In her fifty year career she was a tireless mentor to many and countless pioneering women judges count her as their mentor.

On July 29, the California Women Lawyers' group held its Joan Dempsey Klein Award reception for recipient Hon. Irma Elisa Gonzalez, the first Hispanic woman appointed to the Federal District Courts. The reception took place at Sheppard, Mullin & Hampton in San Diego with flowers from NAWJ presented by District Director Jamoa Moberly.

On August 3, the California Judges College held its annual NAWJ reception. The barbeque dinner was hosted by NAWJ at the lovely home of Judge Linda Condron in San Jose. All of the new judges and faculty are invited. This is one of the highlights for the new judges' college each year.

UPCOMING NAWJ EVENTS

August 27 – NAWJ welcome to Southern California reception for the new dean of Pepperdine University School of Law, Hon. Deanell Reece Tacha who comes to Malibu after serving 25 years on the Tenth Circuit Court of Appeal. She was recently named Kansan of the Year but is not in Kansas' anymore! Speakers will include Justice Arthur Alarcon of the Ninth Circuit and past Joan Dempsey Klein recipient/Pepperdine alumnus, Justice of the CA Court of Appeal Eileen Moore. Co-chairs: Judges Mary Kelly and Kathleen Mulligan.

October 18 – Second Annual "Speed Mentoring" at Chapman University Law School co-sponsored by NAWJ and Orange County Women Lawyers. Co-chairs: Judges Jamoa Moberly and Joanne Counte.

November 4: "Color of Justice" in Contra Costa County (East Bay San Francisco area) with sponsorship by the local bar. Co-chairs: Justice Maria Rivera and Judges Barbara Zuniga and Diana Becton.

THE PROJECTS COMMITTEE

by Judge Joan Churchill, Chair, Projects Committee



The NAWJ PROJECTS COMMITTEE continued its busy activities, with the assistance of Committee Member Hon. Laura Jacobson

JUSTICE FOR IMMIGRANTS

The State Justice Institute announced an award of \$30,000 to NAWJ for its Justice for Immigrants project. The first installment of the project was presented at our Mid-year leadership conference in Laguna Beach in March. The second installment was presented at the Annual Congressional Caucus lunch in July.

Congresswoman Ann Marie Buerkle (NY) spoke about the need for attention to issues involving Trafficking in Persons. Past President, Hon. Vanessa Ruiz of the District of Columbia Court of Appeals, reported on the work of the ABA special committee she headed which developed standards for language access in Courts. Judge Ruiz will present a resolution to the ABA House of Delegates, proposing support for adoption of the standards in courts throughout the country. Hon. Joan Churchill referenced the importance of the role of the U.S. Congress in connection with the immigration laws. **The third presentation of the program** will take place at the Annual Conference in Newark, where five sessions are planned that will include various components of the Immigration project, including Immigration Issues



HON. RENEE JONES WEEKS, NATIONAL BAR ASSOCIATION'S 2011 RAYMOND PACE ALEXANDER AWARD RECIPIENT

At its 40th Annual Meeting in Baltimore, Maryland the National Bar Association awarded the Honorable Renee Jones Weeks with its Raymond Pace Alexander Award at its Thurgood Marshall Luncheon. Judge Renee Jones Weeks (Retired) has served as a distinguished role model to fellow members of the judiciary by being one of New Jersey's first African American judges, appointed to the Superior Court of New Jersey in 1989.

She was elevated to the serve as Lead Judge, Non-Dissolution Unit, Family Part, Superior Court of New Jersey, and last served as a Judge in the General Equity and Probate Part of the Chancery Division, Superior Court of New Jersey. Prior to her judicial appointment, Judge Weeks served as Assistant General Counsel for Prudential, Acting Newark Municipal Court Judge, and State Deputy Attorney General. She is a graduate of Rutgers Law School in Newark, New Jersey and an undergraduate of Ursuline College in Pepper Pike, Ohio. Throughout her career, Judge Weeks has consistently demonstrated excellence in judicial leadership. During her tenure as Chair of the Judicial Council of the National Bar Association, she initiated a new program at the Mid-Winter Conference on the issues of stress, health, diet and exercise relating to institutional stress affecting Judges of Color. **Judge Weeks also developed Color of Justice Programs, a mentorship program between high school minority women and judges of the National Association of Women Judges.**

Judge Weeks has made significant contributions to judicial advocacy and humanity in her roles as Co-Incorporator of the Garden State Bar Association, Past Secretary of the Garden State Bar Association, Co-Founder and First President of the Association of Black Women Lawyers of New Jersey. Additionally, she has served as a Vice President of the National Bar Association, President of the Women's Division of the National Bar Association and Financial Secretary, Chair-Elect and Chair of the Judicial Council of the National Bar Association. Judge Weeks has also acted as a consultant and mentor for successive Chairs of the Judicial Council of the National Bar Association and was the First Black Trustee of the Essex County Bar Association. Judge Weeks has served on the following New Jersey Supreme Court Committees: Family Practice Committee, the Minority Concerns Implementation Committee, the Domestic Violence Working Group and the Judges Surrogate's Liaison Committee.

In 2009, Judge Weeks received the Past President's Award from the Association of Black Women Lawyers of New Jersey. Judge Weeks retired on July 18, 2009, after a total of 36 years of service in the legal community and 20 years of service on the Superior Court Bench.

NAWJ CRUISES ALASKA



Ninety-eight NAWJ members, family and friends departed Vancouver aboard the MS Statendam on Sunday, May 22, for a trip up Alaska's Inside Passage. The days at sea were opportunities to take in excellent seminars on subjects including retirement, diversity, ethics and mediation.

Monday's passage found travelers learning what they needed to know about judicial retirement and financial planning. Nancy Blunck presented an overview of how to incorporate your judicial retirement plan into your overall financial and retirement planning.

The ports of Ketchikan, Juneau and Skagway's change of scenery moved travelers to tour scenic towns and enjoy shore excursions. While in Ketchikan, Lynn Hecht Schafran, Director, National Judicial Education Program at Legal Momentum moderated a discussion on the



"Next Steps" Report of the ABA Commission on Diversity and Our Responsibilities as Individuals and as an Organization. Discussion leaders included NAWJ President Judge Marjorie Laird Carter of the California Supreme Court, and NAWJ President-Elect Judge Amy Nechem of the Massachusetts Juvenile Court. Last year the ABA Presidential Commission on Diversity, chaired by NAWJ member Ellen Rosenblum of the Oregon Court of Appeals, issued its report on enhancing



our profession's diversity in the 21st Century. In Juneau, cruise travelers took advantage of an opportunity to learn about Therapeutic Courts.

Judge Thomas Nave, who handles the Therapeutic Court proceedings in Juneau, opened regularly-scheduled hearings to



cruise attendees while in Juneau. When not in session, our travelers, sporting NAWJ fleece, could be seen walking on glaciers, dog sleds mushing in deep snow, catching salmon and crabs, and learning how totem poles are carved.



Navigating through the varied modes of transportation, which included helicopters, float planes, narrow gauge railroads, ford boats, bicycles, horses and zip lines, was adventure enough. For others, panning for gold brought hope that they would find enough of the valuable glittering metal to pay for their cruise trip itself. Suffice it to say, a couple of flakes sifted after a good run meant finding solace in their Alaskan Cruise being money well spent. Old miners' tales and spectacular scenery were constant entertainment. Who could resist sailing up Glacier Bay, watching the glaciers calving and wild animals in habitat.



Retired Judge Peggy Fulton Hora moderated a discussion entitled the Ethics Roundtable: Hot Topics on the Horizon. The panel, which included Dr. Joanne Belknap and Hon. Marjorie Laird Carter, reviewed

emerging ethical issues for judges such as those posed by problem-solving courts, cases of domestic violence, and other issues unique to the 21st Century.

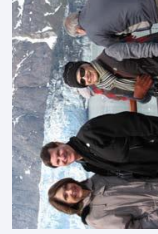
Senior Judge Elaine Marie Andrews of the Alaska Court System and Retired Judge Judith C. Chirlin banded together to offer fellow travelers "Tips and Tricks for Settling Cases." Presented as a practical guide for Mediators and Settlement Judges the judicial team led an interactive discussion on problems that arise during mediation and settlement, and offered solutions to those problems.



A reception in Juneau, hosted by the Juneau Bar Association, featured entertainment by native dancers and a performance of Robert Service's poems by a local attorney who is also an actor. Evenings on the MS Statendam found cruise-goers gathering for dinner and dancing in the Crow's Nest and watching

musical entertainment. This cruise was a chance for many to get together and come to know each other better.

NAWJ's inaugural cruise conference implanted fond memories and lessons for all who attended, and successfully combined education, adventure, fine dining and bonding into a signature NAWJ experience!



NAWJ MEMBERSHIP

Membership in NAWJ is open to sitting and retired judges, attorneys, associates, law clerks, law students and all other who are part of judicial and legal community. Find out more about NAWJ on our website www.nawj.org. Download a membership application, or mail or fax the completed form below to: Membership Office, National Association of Women Judges, c/o National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185-1520, fax 757.259.1520.

MEMBERSHIP CATEGORIES

LIFE MEMBER

Life members are voting members who make a one-time financial contribution and are not obligated to pay future dues.

VOTING MEMBERS

Sitting judges hold judicial positions and are in good standing in the practice of law.

ASSOCIATE MEMBER

Associate members hold judicial positions not requiring bar membership. They share the privileges of membership, but may not vote or hold office.

RETIRED JUDGE

Retired members have retired and are unavailable for judicial duties. They may vote and share the privileges of membership.

AMICUS JUDICI, LAW CLERKS, LAW STUDENTS

Amicus Judici, Law Clerk and Law Student members are interested in supporting NAWJ goals, but are not otherwise eligible for membership. They may not vote or hold office, but receive NAWJ mailings and publications, and share in all other privileges of membership.

Full Name: _____

Title: ☐ Chief Justice ☐ Chief Judge ☐ Justice ☐ Judge ☐ OM, ☐ OM, ☐ OM, ☐ Other _____

Court/Agency: _____

Street: _____ City/State: _____

Zip Code: _____ Country: _____ Phone: _____ Fax: _____

E-Mail: _____

Does your position require admission to the practice of law? ☐ Yes ☐ No

PLEASE SELECT A MEMBERSHIP TYPE:

LIFE MEMBER \$3,000¹

☐ SITTING JUDGE \$200²

☐ ASSOCIATE MEMBER \$175²

☐ RETIRED JUDGE \$175³

☐ AMICUS JUDICI \$175²

☐ LAW CLERK \$50

☐ LAW STUDENT \$25

Payment Type: ☐ Visa ☐ MC ☐ AMEX ☐ Check (payable to NAWJ)

Card No: _____ Exp. Date ____ / ____ Signature: _____

1. One-time only fee. May be made in three installments.

2. New Member Drive March 15, 2011 – March 14, 2012 - First Time Member fee is \$100.

3. Retired Judges with changed circumstances may pay a reduced membership fee of \$100.

MARYLAND WOMEN IN PRISON

CONCERNS RAISED TO IMPROVE THE WELLBEING OF DETAINEES

Throughout the month of March earlier this year the Maryland Women's Bar Association (WBA) and NAWJ presented life and career development workshops to young women detained at Thomas J. S. Waxter Center in Laurel, Maryland. Two issues arose over the course of the programs, and participating judges and lawyers felt compelled to raise to Superintendent Johnitha McNair. The session on teenage dating violence clearly demonstrated that **many of the girls had been abused and are in need of trauma counseling**. Judge Cathy Hollenberg Serrette offered on behalf of the group that Waxter provide such services, and informed Superintendent McNair that NAWJ is willing to provide assistance to ensure that there are sufficient resources for appropriate counseling for the girls.

Second, the girls were extraordinarily responsive to the debate session. **One of the presenters, a wonderful young woman from Baltimore, suggested that she might be willing to organize and coach a debate team** of Waxter. Obviously this would create logistics issues, given the need to debate other teams. Either the girls would have to be able to leave Waxter for competitions, or competing teams would have to be brought to Waxter. However, these issues can be overcome, and NAWJ proposed support for this program should a sufficient number of girls interested in participating.

COLLEGE DEGREE PROGRAM AT THE MD CORRECTIONAL INSTITUTION FOR WOMEN

The program continues with about one hundred women enrolled in either college classes or developmental classes designed to prepare them for college. **Demand by women who want to pursue these educational opportunities** is such that the non-profit is going to have to re-think its policy of trying to accommodate everyone. The program largely consists of volunteer teachers and tutors.

In May, a **State of Maryland official in charge of correctional education, Secretary Alexander Sanchez, and other state officials accepted an invitation to come to the prison** and meet with some of the college students.

On August 8, 2011, **Professor Helen Vender, A. Kingsley Porter University Professor, Department of English, Harvard University**, will speak to the college students on some poems of Emily Dickinson.

BOOK CLUB AND WRITING SESSIONS AT MCIW

The in-prison **Book Club and Writing Sessions began the tenth session in July**. This session will have area college professors leading discussions of Cutting for Stone by Abraham Verghese, Sugar Street by Naguib Mahfouz, Half A Life by Darin Strauss, The Reluctant Fundamentalist by Mohsin Hamid, and And Now You Can Go by Vendela Vida.

U.S. JUSTICE DEPARTMENT'S PROPOSED PRISON RAPE ELIMINATION ACT (PREA) REGULATIONS

The Women in Prison Committee joined with several other groups in voicing concern at the U.S. Justice Department's proposed Prison Rape Elimination Act (PREA) regulations. It was the view of many that the regulations proposed by the **Justice Department watered down the recommendations of the commission** set up as a result of the Prison Rape Elimination Act (2003), the first federal law enacted to prevent and eliminate sexual assault and rape in state and federal detention facilities.

MOTHERS OF BEDFORD STILL OPEN FOR VIEW

We tried unsuccessfully to get federal correctional authorities to view *Mothers of Bedford*, a splendid film by Jennifer McShane that describes over an extended period the lives of several women at Bedford Hills, NY, and their interaction with their children and families during and after incarceration.

CALL FOR A NEW FEDERAL BUREAU OF PRISONS CHIEF

Several of us met with White House and Justice Department officials to state the position that the selection of a new Director of the Federal Bureau of Prisons should be someone open to improving the treatment of incarcerated women and their children. The people we met with agreed with us. We have tried unsuccessfully for an in-prison nursery for federal prisoners who give birth while incarcerated.

NO WORD YET FROM THE CONFERENCE OF CHIEF JUSTICES ON ANTI-SHACKLING

We did not hear anything from the Conference of Chief Justices about a request made some time ago that it go on record as opposing the shackling of incarcerated women during childbirth and in transportation to medical facilities. The last we heard, the issue was sent to a committee.

NEW YORK WOMEN IN PRISON

THE BROOKLYN YOUTH GED CLASS, FIRST YEAR ANNIVERSARY CELEBRATION

On March 16, 2011, the Hon. William Miller, Kings County Criminal Court Supervising Judge, joined Judge Betty J. Williams and New York City Department of Education staff and teachers in celebrating the one year anniversary of the Brooklyn Youth GED Class. **The GED class is located in a former courtroom at Kings County Criminal Court in downtown Brooklyn**. The class provides high school equivalency classes to defendants, as part of their court mandate to pursue a high school general equivalency diploma (GED). Since March 2010, seven students have received their GED, with four more scheduled to take the test this summer. Three students have been accepted to and are scheduled to start college this fall.

Speaking at the class's official opening, on November 19, 2010, Kings County Administrative Judge for Criminal Matters, Barry Kamins, called the classroom nothing less than remarkable; a sentiment repeated by Judge Miller at the class's first year anniversary celebration. **"To have a court**

BARD PRISON INITIATIVE: EASTERN CORRECTIONAL FACILITY FOR MEN, EIGHTH COMMENCEMENT ADDRESS

On March 26, 2011, the Bard Prison Initiative held its Eighth Commencement Exercises at the Eastern Correctional Facility for men in upstate New York. Thirty four Eastern Correctional residents received Associate of Arts Degrees and six residents received Bachelor of Arts Degrees. **Retiring Superintendent William D. Brown delivered the Commencement Address and received the Bardian Award, honoring his service to the Bard Community**. Bard President Leon Borstein delivered the Charge to the graduates, Bard College faculty, Eastern Correctional staff, family members of the Eastern Correctional graduates, and guests, including NAWJ member, Judge Betty J. Williams.

Started in 2001, the **Bard Prison Initiative provides higher education opportunities at five New York State Correctional Facilities: Eastern, Elmira, Bayview, Greenhaven and Woodbourne**. Begun as a pilot program with fifteen students, the Initiative currently enrolls approximately two hundred thousand incarcerated men and women in a full time liberal arts curriculum. The Initiative aims to spread the benefits of a higher education to New York State's prison population, one of the State's most isolated communities.

Building on the success of the **Bard Prison Initiative in New York, in 2009, Bard established the Consortium for the Liberal Arts in Prison. As of 2010, Wesleyan University in Connecticut and Grinnell College in Iowa have become members of the Consortium**. Max Kenner, Executive Director and Founder of the Bard Prison Initiative, is currently in discussions with other colleges interested in providing in-prison higher education. **Mr. Kenner was a guest of the NAWJ at the 2009 Annual Conference in Memphis, Tennessee**, where he participated in the workshop, "Education Inside & Out: the Multiple Benefits of Educational Programs." Mr. Kenner's piece, "Bayview Women Receive Bard College Degrees," appeared in the Fall 2009 Counterbalance.

The curriculum at Eastern includes a full range of college mathematics, studio arts, natural sciences, and the intensive study of the German and Spanish languages. **Central to the completion of the bachelor's degree is the writing of the Senior Project**. Students pursue a yearlong course of research under the close supervision of a faculty advisor, resulting in an original academic thesis of roughly one hundred pages. Students studying with Bard through the Initiative have written Senior Projects in the fields of mathematics, anthropology, urban studies, American studies, history, literature, and philosophy.

The benefits of the Initiative extend beyond the prison walls. The range and vitality of the College's work with incarcerated students has strengthened the intellectual life of Bard's main campus in Annandale-on-Hudson, north of New York City. Approximately forty campus students visit regional prisons as volunteers. **The students plan and facilitate a variety of workshops on the arts, basic**

room converted into a learning center and in one of the busiest criminal courts in the country," Judge Miller remarked, "was truly remarkable." **The GED class, along with the Career Education Center, which opened on September 25, 2009, was founded with the support of Justice Fern Fisher, Deputy Chief Administrative Judge, New York City Courts and Justin Barry, Chief Clerk, Criminal Court of the City of New York**.

The Career Education Center provides career educational services to all drug court participants of the Screening Treatment and Enhancement Part (STEP), presided over by the Hon. Joseph Gubbay, and the Misdemeanor Brooklyn Treatment Court, presided over by Judge Williams. **The GED class, as a component of the Career Education Center, is a collaborative effort between the New York State Unified Court System and the New York City Department of Education, District 79, Alternative High Schools Programs**. Judge Williams assisted in securing the classroom space and furniture and contributed homemade cupcakes to the March 16th celebrations.

TACONIC HOUSING WORKSHOP

On March 25, 2011, Stephen Myers and Heidi Cain, attorneys for the **Legal Aid Society**, conducted a Housing Re-Entry Workshop, organized by Judge Cheryl J. Gonzales of the **Women in Prison (WIP) committee**, at the Taconic Correctional Facility, a medium security prison for women, located approximately 50 miles north of New York City. The workshop addressed some of the housing issues the women may confront as they re-enter their respective communities. The four (4) main topics discussed were: (1) The rules for Section 8 eligibility as administered by New York City Public Housing Authority (NYCHA) and New York City Housing and Preservation Department as they relate to the formerly incarcerated, and the possible challenges to eligibility findings;(2) eligibility criteria for NYCHA housing; (3) Housing and Urban Development subsidy rules; and (4) the Family Eviction Subsidy Program and Services for the Disabled. In addition, the presenters discussed trends in housing urban development and the resources available to public housing applicants. Resources included statewide legal services, neighborhood churches, private foundations and community based organizations, such as the Fortune Society, many of which have set-side programs focused on the housing needs of the formerly incarcerated. The presenters emphasized the importance of completing applications for the various subsidies and housing developments, and challenging any ineligibility finding by requesting a hearing.

Taconic Superintendent Andrea Hester, Taconic staff, Judges Gonzales and Betty J. Williams, and 68 women were present. **The WIP committee members also delivered donated bags that will be used by the women to pack their belongings when they are released**. The Superintendent and upstate Taconic women requested housing experts visit Taconic to present on issues confronting women in upstate New York.

The benefits of the Initiative extend beyond the prison walls. The range and vitality of the College's work with incarcerated students has strengthened the intellectual life of Bard's main campus in Annandale-on-Hudson, north of New York City. Approximately forty campus students visit regional prisons as volunteers. **The students plan and facilitate a variety of workshops on the arts, basic**

education, and college preparation. Bard College faculty travel regularly to the prisons, where they teach a full range of liberal arts course. Professors from neighboring colleges also participate in the Initiative.

The Initiative has made a significant contribution to the lives of all those involved – the teachers, volunteers, administrators, and especially the incarcerated students, their children and their extended families. The Initiative has also made a significant contribution to the New York community as a whole, both on the state and local level. The pursuit of a college education reduces the rates at which students return to prison after release. By furthering higher education inside New York State prisons, the Initiative has benefited not only those directly involved, but arguably all New Yorkers, who have a stake in the well-being of their communities.

For additional information, please refer to the Correctional Association of New York's report, *"Education from the Inside, Out: The Multiple Benefits of College Programs in Prison,"* located at <http://www.correctionalassociation.org>, or contact Mr. Max Kenner, Executive Director, Bard Prison Initiative, Bard College, at (845) 758-7817 or kemner@bard.edu.

BEACON PAROLE WORKSHOP

On April 15, 2011, Edward Hammock and Donna Sullivan, parole attorneys, conducted a Parole Workshop at the Beacon Women's Correctional Facility, a minimum security prison for women, with a capacity of two hundred and fifty (250), located in Beacon, New York, north of New York City, approximately two (2) hours by car. The workshop addressed parole issues the women may confront as they prepare to go before the Parole Board. The presenters emphasized the need to avoid any signs of a sense of entitlement, to pay particular attention to statements made by the Parole Board and parole officers, and to have a plan designed to increase credibility and earn the respect of the Parole Board and their parole officer. **The presenters fielded questions on early release, work release, post release supervision, merit time eligibility, parole violations, parole revocation, relocation while on parole, and a defendant's right to a pre-sentencing report.**

Beacon Superintendent, Gail Thomas, Deputy Superintendent for Programs, Jaifa Collado, Beacon staff, and Judges Sharon Aarons, Cheryl Gonzales, Laura Jacobson, and Betty J. Williams attended the workshop. The WIP Committee members delivered donated bags, to be used by residents to pack their belongings when the residents are released. Superintendent Thomas and Deputy Superintendent Collado had requested the parole workshop.

BEACON HOUSING WORKSHOP

On May 6, 2011, Heidi Cain, Stephen Myers, and **Janila Wideman**, attorneys for the Legal Aid Society, conducted a Housing Re-entry Workshop, organized by Judge Cheryl Gonzales, at Beacon Correctional Facility. The workshop addressed housing issues Beacon residents may confront as they prepare to re-enter their respective communities. The

four (4) main topics discussed were: (1) The rules for Section 8 eligibility as administered by New York City Public Housing Authority (NYCHA) and New York City Housing and Preservation Department as they relate to the formerly incarcerated, and the possible challenges to eligibility findings; (2) eligibility criteria for NYCHA housing; (3) Housing and Urban Development subsidy rules; and (4) the Family Eviction Subsidy Program and Services for the Disabled.

In addition, the presenters discussed trends in housing urban development and the resources available to public housing applicants. The presenters highlighted such resources as statewide legal services, neighborhood churches, private foundations and community based organizations, including the Fortune Society, many of which have set-side programs focused on the housing needs of the formerly incarcerated. The presenters further emphasized the importance of completing applications for the various subsidies and housing developments, and challenging any ineligibility finding, by requesting a hearing. The presenters provided the residents with the addresses of all New York State Housing Offices. Judge Jeanette Ogden provided a Housing Specialist referral for the Taconic upstate women who are anticipating release in the Buffalo and upstate New York area.

Beacon Superintendent, Gail Thomas, Deputy Superintendent for Programs, Jaifa Collado, Beacon staff, retired Superintendent Delores Thornton and Judges Cheryl Gonzales and Betty J. Williams attended the workshop. **Superintendent Thomas and Deputy Superintendent Collado had requested the workshop.**

BAYVIEW VOLUNTEER RECOGNITION DINNER

On May 19, 2011, Judge Betty J. Williams, representing the Women in Prison Committee (WIPC), New York Chapter, attended Bayview Correctional Facility's Volunteer Recognition Dinner. Deputy Superintendent of Programs, Joan Taylor Stewart, and HUB Supervisor, Volunteer Services, Margaret Horton, presented the volunteers certificates of appreciation for the work the WIPC does on behalf of Bayview's residents.

The WIPC organizes several "Beyond the Bars" events and workshops at Bayview, including the eleventh annual Bayview Holiday Program, the Successful Dressing Workshop, as well as the Parole Workshop, held several times throughout the year. The WIPC is currently organizing the second WIPC Bayview Volunteer Recognition Luncheon to honor the volunteers who greatly contribute to the success of the WIPC's Beyond the Bars Program. The luncheon is scheduled to be held in Fall 2011. Bayview is a medium-security women's prison located in lower Manhattan.

ART EXHIBIT BROOKLYN YOUTH GED PROGRAM

On June 11, 2011, Brooklyn Criminal Court Supervising Judge, William Miller, and NAWJ member, Betty J. Williams, attended a **student art exhibit held on the 10th floor of the Kings County Criminal Court House.** The exhibit, featuring works by the students of the Brooklyn Youth GED Program, was mounted with the assistance of "Doing Art Together," a non-profit arts education organization, created

to keep students interested and engaged and building skills that are easily transferred from the classroom to life.

President of Doing Art Together, Ken Jones, Esquire, joined Judges Miller and Williams in applauding the students' creativity and hard work. The GED Program, a component of the Kings County Career Education Center, is a collaborative effort between the New York State Unified Court System and the New York City Department of Education, District 79, Alternative High Schools Programs. The GED Program provides high school equivalency classes to defendants, pursuing their court mandated high school general equivalency diploma.

Opened on March 1, 2010, the GED Program already has seven graduates who have passed the GED test, with four more scheduled to take the test this summer. Three of the recent graduates have been admitted and are scheduled to start college this fall. The student art exhibit was featured in local paper, the Brooklyn Daily Eagle, on Tuesday, June 28, 2011.

SURROGATE'S COURT PRESENTATION

On July 9, 2011, Judge Diana Johnson, a Kings County Surrogate Court Judge, presented an overview of the operations of Kings County Surrogate's Court for the members of the Association of East New York and Brownsville, a non-profit community based organization. Judge Johnson's presentation, requested by the Association, was held at the New York Public Library, New Lots Branch, in Brooklyn, at the Association's monthly meeting. At the conclusion of the presentation, Judge Johnson answered questions from the more than seventy-five (75) association members and community residents in attendance. Judge Johnson was well received and enthusiastically applauded by the audience.

Judge Johnson's Surrogate's Court presentation continues a tradition, begun by New York City Judges Delores Thomas, Jacqueline Williams and Betty J. Williams, of providing an overview of New York City courts and their operations to the residents of the East New York and Brownsville communities. NAWJ member, Judge Betty J. Williams, organized and attended Judge Johnson's presentation on the Surrogate's Court.

WOMEN IN PRISON – PHILADELPHIA

'PHILADELPHIA JUDGES HELP INMATES TO STAND FOR THEMSELVES'

In July, Judge Lisette Shirdan-Harris of the Philadelphia Court of Common Pleas, along with two colleagues, Judges Diane Thompson and Gwen Bright, co-chairs of the local NAWJ Women in Prison group mounted **their first Success In and Out conference.** Several other judges were involved with our Women in Prison committee and served on the conference steering committee: Judges Sheila Woods-Skipper, Karen Shreeves-Johns, Karen Simmons, and Angeles Roca. The conference is our second project since our inception last year. **Our first project was a successful book drive which was also held at our local women's county jail.**



Philadelphia Common Pleas Court Judge Lisette Shirdan-Harris speaks to the women inmates at Riverside Correctional Facility. Photo courtesy of First Judicial District

Keynote speaker, State Senator LeAnna Washington, D-Philadelphia, inspired the 100 or so inmates attending the conference who eagerly took advantage of the chance to ask questions.

Senator Washington told attendees: "It's not how you fall. It's how you get up." During the keynote, Senator Washington told the conference attendees that she had been close to ending up in jail after a tumultuous personal relationship and a stint in a mental hospital inpatient unit. One inmate told Washington, "I haven't had a childhood." Another inmate, Melissa from the E unit, said she is now clean and sober and grateful for how "the program" has helped her in her sobriety. "You have to work your program or your program will work you," Washington said.

Another woman from the E unit said that she was glad to be back in RCF because "I love myself as of now." "Right now, what I'm trying to do is make a stand for myself," she said. PPS Commissioner Louis Giorla said that the conference showed a side of judges that can't be shown in court and "we couldn't afford to bring them in as a system."

More than 30 judges, attorneys and social workers presented programs on etiquette, getting ready for work, parenting, domestic violence, and "Thirty Days Out: I'm Not Coming Back and Here's Why." Philadelphia Common Pleas Court Judge Doris A. Pechkuraw, chair of the conference steering committee, said that any woman, whether a government official, a head of a corporation or a sales clerk at Wal-Mart, struggles on how to get food on the table for her family and how to take care of work and other responsibilities. But the conference was an opportunity to give back to women who have the extra problem of re-entering society from incarceration, Pechkuraw said.

In one workshop session, Kathleen Creamer, a fellow with the Stoneleigh Foundation working to improve services for children with incarcerated parents, said that parents only have 15 months after children are taken into foster care before a parent's rights will be terminated unless there is a change of circumstances. **Upon learning about that swift timeline, the women all gasped, and one woman covered her face with her hands while the woman next to her patted her on the shoulder.** Creamer advised that inmates must do anything they can do to keep in touch with their kids, even if it is as simple as coloring pictures and mailing them to their children. (Credit to reporting form the Legal Intelligence).

SUPPORTERS

The National Association of Women Judges is deeply grateful to individuals, many of them NAWJ members, whose gifts and donations play a vital role in sustaining the organization's strength.

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THE IMPORTANCE OF DIVERSITY IN A COURT'S EXERCISE OF ITS APPOINTMENT POWERS

by Roberta D. Liebenberg



Much attention has been focused on the efforts by law firms and corporate legal departments to promote diversity and provide greater opportunities for women and minority lawyers. There has been far less discussion of whether courts have done enough to promote diversity through the exercise of their discretionary appointment powers. This is a significant issue because federal and state court judges routinely appoint lawyers to a number of important positions, such as lead counsel in class actions; special masters; receivers; trustees; hearing officers; referees; mediators and arbitrators; guardians; and as counsel for criminal defendants. Numerous federal and state court gender, racial and ethnic bias task forces have examined how women and minorities are faring in our nation's courts.

They have found that women and minority attorneys "are often excluded from important court appointments."¹ For example, the landmark Report issued by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System found that women and minorities were significantly underrepresented on court appointment lists.² This underrepresentation in court appointments "reduced[] their opportunities to gain the experiences necessary to further their careers."³ Moreover, women and minority attorneys "perceive that they are excluded from receiving court appointments because they are not members of the 'old boys' network' of white male attorneys and judges."⁴ The Report stressed that although the judiciary has an interest in retaining discretion as to whom to appoint, "this interest must be balanced with the need to overcome the perception (and perhaps the reality) that the system is not accessible to all races, ethnicities, and genders."⁵ Therefore, it was recommended to the Pennsylvania Supreme Court that it "[e]stablish as a goal increased opportunities for women and minorities to receive judicial appointments and employment with the courts."⁶

The ABA Commission on Women in the Profession recently created a Committee which will further shine a spotlight on the ability of courts to promote diversity through their appointment powers. The Committee is comprised of a number of prominent women judges, and is chaired by Justice Nan Duffy of the Massachusetts Supreme Judicial Court, a former president of NAWJ.⁷ The Committee intends to educate judges around the country

about the need to make appointments which are inclusive of women and minorities. We believe that, by securing such appointments, women and minority lawyers will also become better positioned to advance within their law firms and perhaps enhance their prospects of becoming judges themselves. Our society and legal profession are diverse, and thus it is imperative that women and minority lawyers be afforded an equal opportunity to secure court-appointed positions.

One federal district court judge who has taken the lead in the effort to promote diversity in judicial appointments is Judge Harold Baer of the Southern District of New York. Judge Baer became concerned by the lack of female and minority lawyers at law firms, and concluded that he could help address that problem by taking diversity into account in making appointments of lead counsel for plaintiffs in class actions. For example, Judge Baer entered an order in a securities class action last Fall directing the two plaintiffs' firms serving as Co-Lead Counsel for the class to "make every effort to assign to this matter at least one minority lawyer and one woman lawyer with requisite experience." In re: Gildan Activewear Inc. Securities Litig., 2010 U.S. Dist. LEXIS 140619 at *3 (S.D.N.Y. Sept. 20, 2010). Judge Baer emphasized that "this proposed class includes thousands of participants, both male and female, arguably from diverse backgrounds, and it is therefore important to all concerned that there is evidence of diversity, in terms of race and gender, in the class counsel I appoint." Id. Indeed, Judge Baer has demonstrated his strong commitment to diversity in the appointment of class counsel in several other cases as well.

With respect to the appointment of class counsel, the Manual on Complex Litigation and various Circuit Courts have endorsed the use of "private ordering" among plaintiffs' counsel in order to secure agreement as to who should

serve as lead counsel for the class. However, although it may be desirable to avoid competing lead counsel applications, there is a risk that women and minority lawyers may be shortchanged in the "private ordering" process. This risk is exacerbated by the fact that courts presented with stipulations concerning the appointment of class counsel often approve such stipulations without conducting a rigorous analysis.

At the Federal Bench Bar Conference held in June, 2011 in Philadelphia, Judge Cynthia Rufe of the United States District Court for the Eastern District of Pennsylvania spoke about the importance of diversity in the appointment of counsel for a plaintiff class. She discussed her selection of the Plaintiffs' Steering Committee in the Avandia Marketing, Sales Practices and Products Liability Litigation, MDL No. 1871. In that class action, Judge Rufe emphasized to Plaintiffs' counsel that she wanted qualified women and minorities to be well represented on Plaintiffs' Steering Committee, that all appointments would be made by the Court through an open application process completed by on-the-record interviews, and that the Court would not be restricted to recommendations based on an "old boys' network" of plaintiffs' lawyers. As a result, the Steering Committee that she appointed was inclusive and diverse, with women attorneys placed in leadership positions based on their experience and qualifications. See, e.g., April 9, 2008 Order in MDL No. 1871.

Courts can and should utilize their appointment powers to advance the salutary goal of promoting diversity in the legal profession and the justice system. Ensuring the full participation of women and minority lawyers in court-appointed roles will demonstrate that the judicial system is fully committed to fairness and equality for all, not just in words, but also in deeds.

Roberta D. Liebenberg is a senior partner at Fine, Kaplan and Black in Philadelphia. She is Chair of the ABA Commission on Women in the Profession. She was also Co-Chair of the 2007 NAWJ Annual Conference in Philadelphia. Ms. Liebenberg was Chair of the ABA Standing Committee on the Federal Judiciary 2006-07.⁸

¹ Lynn Hecht Schafran and Norma J. Wikler, *Gender Fairness in the Courts: Action in the New Millennium*, at 123 (2001) available at <http://www.law.stanford.edu/pdf/genderfairness-strategiesproject.pdf>.

² *Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System*, Chapter 8, "The Court as Appointer," at 294. Report available at <http://origin-www.sops.org/NE/rtdnlyres/EC165941-F235-4FC6-9247-548FEED3840D/0/FinalReport.pdf>

³ Id. at 296.

⁴ Id.

⁵ Id. at 298.

⁶ Id. at 299.

⁷ The Committee includes Judges Margaret McKeown (9th Circuit); Martha Daughtrey (6th Circuit); Norma Shapiro (E.D. Pa.); Barbara Lynn (N.D. Tex.); Nancy Atlas (S.D. Tex.); Bernice Donald (W.D. Tenn.); Nancy Gerner (D. Mass.); and Elizabeth Strong (Bankruptcy Ct. E.D. N.Y.). Justice Nan Duffy is NAWJ's ABA Delegate and was appointed a commissioner on the ABA's Commission for Women in the Profession.

⁸ In re J.P. Morgan Chase Cash Balance Litig., 242 F.R.D. 265, 277 (S.D. N.Y. 2007); *Spagnola v. Chubb Corp.*, 264 F.R.D. 76, 95 n. 23 (S.D.N.Y. 2010); In re Dynex Capital,

FURTHER AFIELD

RESOURCE BOARD

The NAWJ Resource Board members are leaders in their field. Resource Board members work with other 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. All Resource Board members are members of the Association.

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RESOURCE BOARD NEWS



NAWJ Resource Board Member Ariana J. Tadler was recently honored as one of the recipients of the Women's Venture Fund's Highest Leaf Award. The award is given annually to women business executives who are leaders in their respective industries and who have influenced the business world with innovative strategies and creative ideas. The Women's Venture Fund is a non-profit organization that helps women of diverse backgrounds establish thriving businesses in urban communities by offering training, small business loans, and a network of business advisors to help them reach their business goals. Ms. Tadler was also invited to speak at a national mediation conference in Italy on June 21 to discuss the U.S. mediation process. The conference was organized after the implementation in Italy of the European Union directive promoting and regulating mediation. The newly enacted Italian law requires all litigants to attempt mediation prior to filing a case in court.



Anne Skove, CourtCall's Court Liaison for the Midwest Region cannot keep from seeing green. An enthusiast of Jim McMillan's ideas for of 'Green Courts' (see Jim McMillan's 'Greening in the Courts' article in the National Center for State Courts 2009 report Future Trends in State Courts 2009) she is a frequent blogger and commentator on courts news of all sorts, but was particularly pleased to inform us that the Franklin County Courthouse in Columbus, Ohio will be the first LEED-certified courthouse in Ohio. On hand for much of it development Ms. Skove said that though the LEED compliance part was 'fraught with issues' she joins in congratulating Ohio Courts 'Go Green' Initiatives, and the courthouse's Gold LEED status.

NEW MEMBER INITIATIVES - JOIN NAWJ AND ATTEND THE ANNUAL CONFERENCE

At its recent meeting the Board of Directors approved two exciting new member initiatives to promote membership in the organization by using one of our most engaging events of the year, our Annual Conference.

First, any person considering an initial membership in NAWJ may join for \$100. This fee is almost half the \$175 fee first time joiners have paid in the past. The offer is open to anyone who shares NAWJ's mission and joins between March 15, 2011 – March 14, 2012. Secondly, the Board approved a new registration category for the Annual Conference: New NAWJ Member First Time Attendee. Any member who is currently within the first three years of their membership may attend the Annual Conference for \$175; that is \$100 off of the regular member annual conference fee, and \$75 off the fee paid by longer standing members who decide to attend the annual conference for the first time, NAWJ Member First Time Attendee. Please see the conference registration form on page eight in this publication.

Our Annual Conferences bring out the best in NAWJ, and are the most inviting elements we have in showing potential members who we are and sparking them to join.

This is a great time and a new way to promote membership among your local communities. Join District Three in their drive to gather new members, and bring them to Newark.

RECOMMENDED READINGS

With Grit and by Grace: Breaking Trails in Law and Politics

By Betty Roberts
In July of this year Hon. Betty Roberts, an early NAWJ member, and mentor to many lawyers and judges passed away. Judge Roberts had been a state senator as well as Oregon's first female Court of Appeals judge and Supreme Court justice. She was a trailblazer for women in law and politics. Her memoir "With Grit and by Grace" will be a wonderful read for NAWJ members. It was published by the Oregon State University Press in May, 2008.



In Defense of Women: Memoirs of an Unrepentant Advocate

By Hon. Nancy Gertner
In Defense of Women is the one-of-a-kind memoir of an exceptional, self-proclaimed "outsider lawyer." In September 2001 longtime NAWJ member Nancy Gertner, U.S. District Court Judge for the District of Massachusetts, will retire from the bench and join the faculty at Harvard Law School. Looking back on her storied career, Gertner writes about her struggle to succeed personally and professionally while working on landmark cases. Among her clients were a woman suing the psychiatrist who repeatedly indicted her mother on trial for murdering her abusive husband, Teresa Contardo, a young mother who was abandoned by her husband, and Clara Ulf, a woman whose offense, in her case she also represented a student accused of rape, Ted Arzalone, on trial for extortion, and Matthew Stuart, implicated in his brother Charles's infamous murder of his pregnant wife. "This is a fascinating memoir of a life lived in the law with passion, guts, humor, and great skill. Nancy Gertner's clients were lucky to have her, and the legal system is lucky to have her today." -Linda Greenhouse.



The Secrets of a Client are Inviolable, a short story

By Hon. Janice Law
A Houston patent attorney in West Texas who inherits a famous Texas mystery, and ethical issues to go with it, is the subject of a fiction short story by NAWJ member Janice Law, a former Harris County, Texas judge. Law's story "The Secrets of a Client are Inviolable" won an Honorable Mention in the Texas Bar Journal Short Story Fiction Writing Contest "WRITE STUFF" competition sponsored in conjunction with the Texas Bar. The Texas Bar Journal which printed the winning entries, with accompanying original color art, in its June, 2011 issue available on line. Judge Law is the author of five published books, one of which "Yield: A Judge's First-Year Diary" was a finalist for the 2007 Texas Book Award.



Daughter of the Empire State: The Life of Judge Jane Bolin

by Jacqueline A. McLeod
This long overdue biography of the nation's first African American woman judge elevates Jane Matilda Bolin to her rightful place in American history as an activist, integrationist, jurist, and outspoken public figure in the political and professional milieu of New York City before the onset of the modern Civil Rights movement. Matilda Bolin was appointed to New York City's domestic relations court in 1959 for the first of four ten-year terms. The author Jacqueline A. McLeod reveals how Bolin parlayed her judicial position to impact significant reforms of the legal and social service system in New York. After her death in 1998, the American Bar Association's National Judicial Nominations department and its plaintiffs, Bolin also founded, with Eleanor Roosevelt, the White House School for boys in upstate New York and campaigned to transform the Domestic Relations Court with her judicial colleagues. McLeod's careful and highly readable account of these accomplishments inscribes Bolin onto the roster of important social reformers and early civil rights trailblazers.



Woman Lawyer

by Barbara Babcock
Woman Lawyer tells the story of Clara Foltz, the first woman admitted to the California Bar. Famous in her time as a public intellectual, leader of the women's movement, and legal reformer, Foltz faced terrific prejudice and well-organized opposition to women lawyers as she tried cases in front of all-male juries, raised five children as a single mother, and stumped for political candidates. She was the first to propose the creation of a public defender to balance the public prosecutor. Woman Lawyer uncovers the legal reforms and societal contributions of a woman celebrated in her day, but lost to history until now. It casts new light on the turbulent history and politics of California in a period of phenomenal growth and highlights the interconnection of the suffragists and other movements for civil rights and legal reforms. Barbara Babcock is Judge John Crown Professor of Law, Emerita, at Stanford University. She is the first woman appointed to the regular faculty at Stanford Law School. She also served as an Assistant Attorney General and was the first Director of the Public Defender Service in Washington, D.C.



America's First Woman Lawyer: The Biography of Myra Bradwell

by Barbara Babcock
During her lifetime, Myra Bradwell (1813-1894) a lawyer as well as publisher and editor-in-chief of a prestigious legal newspaper, did more to establish and aid the rights of women and other legally handicapped people than any other woman of her day. Her female contemporaries - Susan B. Anthony, Elizabeth Cady Stanton, Lucy Stone - are known to all. Now it is time for Myra Bradwell to assume her rightful place among women's rights leaders of the nineteenth century. With author Jane Friedman's discovery of previously unpublished letters and valuable documents, Bradwell's fascinating story can at last be told. "[This] biography of Myra Bradwell contributes to a new and growing interest in the history of women in the legal profession ...



Although she lost in the Supreme Court in 1873, the agitation her case provoked led to important reforms, and several states, including Illinois, passed legislation allowing women to practice law ... Friedman has uncovered some interesting letters from Susan B. Anthony to Bradwell that help to place Bradwell at the center of the nineteenth-century women's rights movement and that reveal the strained relationship between these two influential women." -American History Review



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Save the Dates in 2012!

NAWJ Midyear Meeting and Leadership Conference
March 8-11, 2012
Cambridge, Massachusetts
Host Hotel: The Charles Hotel

NAWJ's 34th Annual Conference
November 7-12, 2012
Miami Beach, Florida
Host Hotel: Eden Roc Renaissance