Is It too "social" in the courtroom?

The strength of Judge not afraid

An exchange of ideas with Thai judges

Go Team!

Justice Made Stronger Through Partnerships
Go Team! NJC Judicial Partners Team Up

By Trace Robbers, Director of Communications

Using strategic partnerships and teamwork has enabled the NJC to develop shared processes for mutual success at goals that no individual organization could achieve on its own.

Getting Too Social? Tweeting & Texting in the Courtroom

By Trace Robbers, Director of Communications/John G. Browning, Esq./NPR

As tweeting and texting in the courtroom continue to disrupt the judicial process in courtrooms across the country, judges are finding it necessary to inform jurors of the dangers of doing so.

An Exchange of Ideas

By William J. Brunson, Director of Special Projects


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Building on Innovation Through Partnerships

The changing landscape of judicial education has provided the NJC with an opportunity to partner and collaborate with other justice-related organizations. As judicial education budgets and the number of state-sponsored training programs decline, it is clear that institutions with the ability to adjust to the economic times and needs of the justice system will have a big advantage. In the coming years, court improvement initiatives must address the myriad of critical challenges facing our nation’s judiciary – well beyond 2010.

With this in mind, the NJC is committed to be among those working to address the interrelated challenges of judicial recruitment, competency, retention and leadership. The College’s 2011 course schedule has been announced and again will offer a rigorous and rewarding lineup of programs for justice system professionals nationwide. A preview is listed in the center section of this magazine with full course descriptions available on our website at www.judges.org. Our commitment is to provide a learning environment that will honor your valuable time and where you will experience challenging education coupled with insightful collegial dialogue. As I have noted previously, during these times, judicial education is needed more than ever. From in-state conferences, on-campus programs, off-site programs, to webcasts and Internet-based programs, it is NJC’s promise as your partner in education to provide innovative education to assist you in meeting the demands of judging in the 21st century.

Thank you for your support of the NJC these past four and half decades, and we all look forward to seeing you at an NJC offering in the near future.

Hon. William F. Dressel
President

In Remembrance
Former Nevada Governor Kenny Guinn, 1936–2010

Over the years, the NJC has had the pleasure to work with many dedicated government officials in pursuing our mission of advancing justice through judicial education. All of us at the NJC are saddened by the passing of Kenny Guinn, former governor of the State of Nevada. Mr. Guinn was a staunch supporter of educational opportunities for all, including serving as co-chair of the College’s 40th anniversary galas. His tireless effort and support helped to make the NJC the national leader it is today. He will be missed.
Using strategic partnerships and teamwork has enabled The National Judicial College to develop shared processes for mutual success at goals that no individual organization could achieve on its own. Building on innovative partnerships with key justice entity stakeholders has allowed the NJC to expand its reach and scope of judicial education offerings. The NJC aims to foster greater collaboration and new partnerships within the judicial and legal communities to prepare the justice system to address challenges now, and in the future. Our key focus has always been to provide an innovative and exceptional learning experience that in turn contributes to a stronger justice system.

Teaming up with the NJC on the cover are members of the Military Trial Judiciary who recently attended a joint military branch judicial program at the College's Reno campus. Military judges from the Army, Navy-Marine Corps, Air Force, and Coast Guard trial jurisdictions attended either Advanced Evidence or Judicial Philosophy and the American Law, each a weeklong program held specifically for our nation's military judges.

“I have tremendously benefitted from courses presented by the NJC... Not only do I feel more competent as a judge, but I believe that the knowledge and skills acquired are evident in each trial over which I preside,” said Lt. Col. Eugene H. Robinson, Jr., deputy chief judge, U.S. Navy-Marine Corps Trial Judiciary, Washington, D.C.


Building on the College’s unique perspective on national and international judicial issues, the NJC continues to offer innovative partnerships, programs and technical assistance to state courts and administrative law justice systems on a variety of topics and issues. These programs are often collaborations with entities such as the U.S. Department of Justice, Bureau of Justice Assistance, National High-
way Traffic Safety Administration, Federal Motor Carrier Safety Administration, National Center for Justice and the Rule of Law, PEW Research Center, National Center for State Courts, and the National Council of Juvenile and Family Court Judges, to name a few.

**INNOVATIVE CURRICULA, PROGRESSIVE PROGRAMS**

Staying innovative in a world of change has its challenges. Progressive learning is our passion, and we continually update our curricula and seek out new methods of delivery to enhance the learning experience. The College continues to offer Web-based and online learning modules, as well as innovative webcast opportunities that provide participants with educational flexibility that was not available even a year ago. We believe that building on this innovative platform of technology and learning will enable the NJC to reach our judicial audiences more effectively and efficiently well into the future. There are a multitude of issues that judges face in their daily duties. The complexities of our judicial system, compounded by the dramatically changing social and economic characteristics of society, have created an immense need for judicial education dealing with a variety of subjects, situations, ideas and trends.

The NJC’s programs address a broad range of topics covered in-depth by engaging faculty members who are experts in adult education. The College’s faculty and staff work hard to create innovative curricula continuously updated to provide exceptional learning experiences. Working with esteemed experts, the College has created interactive, multimedia, case-based simulations that place judge-participants in real-world situations that require the application of critical thinking skills to the decision-making process. This learning philosophy allows participants the opportunity to problem-solve, assess alternative solutions, and receive peer-review on critical judicial skills.

**RENO CAMPUS COURSES**

The National Judicial College presents an average of 25-30 tuition-based Reno campus courses annually. These courses inspire judges to explore the varying and complex dynamics of our nation’s continually evolving justice system. The NJC’s courses cover a multitude of current judicial topics ranging from Civil Mediation and Advanced Evidence to Handling Capital Cases and General Jurisdiction. Most of these tuition-based courses are eligible for credit towards the NJC’s Professional Certificates and the university’s Master and Ph.D. in Judicial Studies degree programs. Our partners, such as the Bureau of Justice Assistance and the State Justice Institute, provide guidance and program support for many of these programs held at the College’s main campus in Reno.

**SEMINAR SERIES PROGRAMS**

The College’s 6-10 annual off-site programs were developed to bring the same challenging and exacting courses to judges at accessible locations across the nation. Presenting courses off-site allows the NJC to make its programs and courses accessible with minimal travel. Courses such as Advanced Evidence, Conducting the Trial, or Current Issues in the Law, offer participants an in-depth understanding of the concepts, principles and functions relevant to these current-day topics. With assistance from organizations such as the National Center for Justice and the Rule of Law at the University of Mississippi School of Law, U.S. Department of Justice, Bureau of Justice Assistance and the Office of Justice Programs, the NJC is able to offer participants educational experiences at numerous locations across the country.
WEB AND ONLINE COURSES

The NJC’s 7-10 annual Web-based and online courses continue to attract more judges every year since the College’s distance learning program began in 2001. Participants are drawn to NJC’s Web-based courses because of the quality and ease in which judges can interact with course faculty and other participants, and for the convenience of being able to study without time or location constraints. Web-based courses cover a variety of issues including Evidence Challenges for Administrative Law Judges, Handling Small Claims Cases Effectively and Selected Criminal Evidence Issues. These courses provide quality judicial education through reading, tests, discussion boards, Web conferences and assignments guided by expert faculty members. In addition, the NJC sometimes partners with state judicial education systems to develop learning modules.

EXTENSION PROGRAMS

The College also offers an average of 19-25 extension programs each year that are held in conjunction with (or sponsored by) state courts or administrative law agencies and other justice related organizations. The NJC specializes in customized in-state programs geared toward providing in-depth education on local issues, national trends and current ideas. Since 1965, the NJC (with state judicial organizations and national law-related organizations) has conducted over 400 extension programs attended by more than 30,000 participants.

A partial list of extension program partnerships include:
- U.S. Dept. of Health and Human Services
- U.S. Dept. of Labor
- Executive Office for Immigration Review
- Individual state, county or local court systems
- Numerous State Administrative Law Offices
- Other federal ALJ organizations
- Judicial Branch - Administrative Office of the Courts
- AICPA - American Institute of Certified Public Accountants

FEDERAL GRANT PROGRAMS

As a leading provider of judicial education to our nation’s judges, the NJC has also become a leading resource for government agencies seeking assistance with judicial-related projects and programs. The NJC presents an average of 21-30 federal grant programs annually. Grant-related projects range in scope and complexity from providing national resources on Capital Litigation Improvement issues, to developing publications and technical assistance on Caseflow Management and Sentencing Sex Offenders initiatives.

A partial list of grant program partnerships include:
- Bureau of Justice Assistance
- State Justice Institute
- Justice Management Institute
- Tribal Judicial Institute
- Fox Valley Technical College
- National Highway Traffic Safety Administration
- Federal Motor Carrier Safety Administration
- National Center for State Courts

SPECIAL AND INNOVATIVE PROGRAMS

Building on its unique perspective on national and international judicial issues, the NJC offers programs and technical assistance on a variety of topics and issues. The NJC presents an average of 18-25 special and innovative programs annually. Topics such as Handling Child Pornography Cases, The Fourth Amendment: Comprehensive Search and Seizure Training for Trial Judges, Essential Skills for Appellate and Trial Judges, and Designing and Presenting Programs Effectively/Faculty Development, provide participants with in-depth knowledge and skills to effectively manage these issues in court. These programs are often collaborations with other entities and organizations.

A partial list of program partnerships include:
- Dividing the Waters/Hewlett Foundation
- Century Council
- National Center for Justice and the Rule of Law
- PEW Research Center
- Chemonics
- DPK Consulting
- National Center for State Courts
- National Council of Juvenile and Family Court Judges
- U.S. Marshals Service
In addition, the NJC collaborates with the Donald W. Reynolds National Center for Courts and Media (RNCCM) and the Reynolds School of Journalism at the University of Nevada, Reno, to increase understanding and communication among professionals in the courts and media fields. Both the NJC and RNCCM provide programs that offer a greater understanding of the First and Sixth Amendments, and how the courts and media professions can attain mutual understanding.

CUSTOMIZED PROGRAMS & TECHNICAL ASSISTANCE

Working with our many partners has made the NJC a leading choice for providing customized programs and technical assistance to the judicial branch. The NJC offers a broad range of specialized, practical and advanced programming designed specifically for state, local, administrative law, military, and Tribal justice systems. Many of the College's advanced and specialized programs are offered at select sites throughout the country and consist of conferences, workshops, needs assessments, and staff development focused on an organization's specific issues. The NJC also serves numerous international countries with educational programs and technical assistance leading to a greater understanding of effective justice issues and the rule of law.

A partial list of foreign countries served include:

AFRICA: Benin, Burkina Faso, Burundi, Cameroon, Chad, Cote d'Ivoire, Democratic Republic of Congo, Guinea-Bissau, Mali, Niger, Nigeria, Rwanda, Senegal, Togo, Tunisia

EUROPE, ASIA, MIDDLE EAST: Afghanistan, Armenia, France, Haiti, Indonesia, Iraq, Italy, Jordan, Kosovo, Kyrgyz Republic, Liberia, Macedonia, Malaysia, Malta, Montenegro, People’s Republic of China, Republic of Georgia, Romania, Russia, Slovenia, Sri Lanka, Thailand, Ukraine, West Bank

SOUTH AMERICA: Argentina, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay, Venezuela

The teamwork that the NJC builds with its partnering organizations (such as the Military Trial Judiciary featured on the front cover) is key to the College’s on-going success and reputation as one of the nation’s finest providers of judicial education. The years ahead will continue to demand ongoing teamwork and new ways of thinking and delivery of much-needed judicial education for our nation’s judges and court personnel.

The NJC and its dedicated staff, faculty, trustees and board of visitors stand ready to meet those challenges with a steadfast commitment to providing education and innovation toward advancing justice. We do so with a pledge to our partnering organizations and individuals to provide the best educational experience possible; to promote inclusiveness and diversity; and to embrace the belief that widespread access to innovative and inspired judicial education opportunities are key to a judiciary being better prepared to fulfill its role in a democratic society.

JUDGE CHUCK WELLER PRODUCE DOMESTIC VIOLENCE MEDIA GUIDE

Judge Chuck Weller of Nevada was recently awarded a Master of Judicial Studies degree with a Juvenile and Family Court Major, from the University of Nevada, Reno. Weller’s thesis examines media coverage of domestic violence and includes a guide for reporting of domestic violence incidences. While the guide, entitled “Covering Domestic Violence: A Guide for Informed Media Reporting in Nevada,” is geared to assist Nevada reporters, it is easily adaptable for use in other states.

“Nevada has had the highest rate of women murdered by men two years in a row,” said Weller. “Studies show that domestic violence policy-making is directly related to the quality of media coverage and that coverage is improved by the availability of a media guide. I hope this work contributes to the battle against domestic violence.” The Judicial Studies Program is a combined effort of the University of Nevada, The National Judicial College and the National Council of Family and Juvenile Court Judges.

To download the guide, go to www.judges.org/pdf/Domestic Violence Media Guide.pdf
The NJC is grateful to Aetna for its long-term support. Aetna, a supporter of national and local causes, is one of the nation’s leading providers of health care, dental, pharmacy, group life, disability insurance, and employee benefits.

NJC’s Pillars of Justice Fund, a Fund for the Future of Justice lists Aetna as one of its donors. The Fund provides unrestricted giving that is directed to important justice improvement projects such as the Resource Guide for Managing Complex Litigation, which presents, in a step-by-step format, issues a judge should consider and procedures adaptable to handling a complex civil case. It has been distributed to the states, available for use in educational offerings, and placed on NJC’s website for all judges to reference. In addition, Pillars donors have allowed the NJC to enhance its curriculum and provide new educational offerings that are important for judges. For example, Judicial webcasts debuted in 2008 with the first topic, From the Second Amendment to the Death Penalty: Notable Decisions of the U.S. Supreme Court, 2007-2008 Term. To date, six webcasts have been held and so well received that another three are scheduled this year.

In addition to Aetna’s generous financial support, the NJC is fortunate that Aetna’s head of litigation, Ed Neugebauer, is a member of the College’s Board of Visitors. Ed has been head of litigation for Aetna since 1997 and is continually involved in speaking and providing materials at conferences regarding legal issues facing the managed care industry. William Dressel, president of the NJC emphasized the importance of Ed’s participation. “Ed is a huge asset to the NJC,” he said. “And we are extremely fortunate for his involvement. Not only does he help with our fundraising efforts, he also has been instrumental in planning outstanding NJC courses held in Philadelphia the past few years.”

It is donors such as Aetna which provide the College with vital unrestricted financial support that allows the NJC to continue being the best judicial education institution in the country.

For more information about the Pillars of Justice Fund, please contact Gretchen Alt Sawyer at (775) 327-8257 or at alt@judges.org.
As tweeting and texting in the courtroom continue to disrupt the judicial process in courtrooms across the country, judges are finding it necessary to inform jurors of the dangers of doing so. In an “instant information age”, judicial systems nationwide are trying to work it out.

The Judicial Conference, the policy-making body of the federal courts, is belatedly entering the Internet age by proposing that judges clearly inform jurors they must not electronically discuss cases they are hearing. It’s standard procedure to inform jurors to remain mum until deliberations and not to conduct any research about the case. But recent gadget use by jurors has forced the hand of the Conference.

The Conference released the model jury instructions (download PDF at www.judges.org/cip.html) to the federal judiciary in late January. The rules specify:

“You may not communicate with anyone about the case on your cell phone, through e-mail, Blackberry, iPhone, text messaging, or on Twitter, through any blog or website, through any Internet chat room, or by way of any other social networking websites, including Facebook, MySpace, LinkedIn and YouTube.”

U.S. District Judge Julie Robinson of Kansas, the chair of the Judicial Conference Committee on Court Administration and Case Management, told the nation’s judges in a Jan. 28, 2010 memo that the new jury instructions “address the increasing incidence of juror use of such devices as cellular telephones or computers to conduct research on the Internet or communicate with others about cases.”

Robinson told fellow judges that “more explicit mention in jury instructions of the various methods and modes of electronic communication and research would help jurors better understand and adhere to the scope of the prohibition against the use of these devices.”
There are no nationwide instructions for the state courts, because each state adopts its own set of jury instructions. For instance, the joint committee of the Florida Supreme Court Committees for Standard Jury Instructions in Civil and Criminal Cases is recommending that jurors be read jury instructions multiple times and “they should be told that they cannot perform outside research using the Internet or use electronic devices to communicate about the case.”

In mid-March, a juror in a federal drug trial in Florida admitted to the judge that he had been doing research on the case on the Internet, directly violating the judge’s instructions. But when the judge questioned the rest of the jury, he got an even bigger shock. Eight other jurors had been doing the same thing. The federal judge, William J. Zloch, had no choice but to declare a mistrial, a waste of eight weeks of work by federal prosecutors and defense lawyers.

“We were stunned,” said defense lawyer, Peter Raben, who was told by the jury that he had been on the verge of winning the case. “It’s the first time modern technology struck us in that fashion, and it hit us right over the head.”

It might be called a “Google mistrial.” The use of BlackBerrys and iPhones by jurors gathering and sending out information about cases is wreaking havoc on trials around the country, upending deliberations and infuriating judges. The Florida Supreme Court will soon be examining recommendations from a Florida Bar committee that addresses the issue of jurors using electronic devices while in court to research a given case or to post information on their Twitter or Facebook accounts.

The issue has become more and more prevalent for courthouses around the country that have had problems arise when judges have learned that jurors are using the Internet to communicate about the trial, or to do background research. Jurors are not supposed to seek information about a case outside of the courtroom. They’re not supposed to talk about the case with their friends or family or let them know their opinions on it. But people used to being attached to a cell phone or Blackberry can easily access information about a case at the click of a button.

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Judge RANDALL: Well, certainly we need to – to advise jurors of the prohibitions with regard to using them. And many courts are banning them. But there’s a bigger problem, Neal. The bigger problem is that in this country we have a huge problem of getting people to even participate in jury service. People frequently say it’s just way too inconvenient and go for getting a warrant issued for their arrest. We need to acknowledge that this is a way of thought for many generations that are – that are now jurors, the Generation X-ers, the generation Y-ers. And if they aren’t allowed to have access to personal media, they’re going to lose - they’re going to lose so much in terms of their convenience, their ability to operate all day long, their ability to – to have a life outside of that courtroom, because being a juror is a temporary thing. Do we need to approach it in another way?

Judge RANDALL: There’s no question about that. But what we have to do is to make sure that we educate the jurors well enough through our orientation processes, through voir dire. The lawyers have a part in this too, explaining to people that, you know, if you do have Twitter accounts, if you do use Facebook, if you do have a Blackberry, there’s – there’s a right way and a wrong way to use this, because it’s all about the fair trial, it’s about guaranteeing the rights of the defendant. It’s about making sure that the jurors do follow the rules, and I think if they’re properly educated, we can rely on them to – to go ahead and abide by the oath that they’re taking.

CONAN: Judge Randall, cases of jurors Googling the defendant - in deliberations. That’s got to be a nightmare.

Judge RANDALL: It’s a total nightmare. It’s exactly the problem that we’re all talking about. I mean what happened is that jury then considered information that the judge probably excluded from the trial. You can guess that the plaintiff’s attorneys from that case probably wanted to bring that in and they had motions in limine before the case started because what the defend had done outside of the parameters of that lawsuit isn’t relevant to the circumstances of the jury making a decision in this case.

CONAN: And the juror…

Judge RANDALL: So that really was a travesty of justice.

CONAN: Joining us now by phone is Michael Downey, an attorney specializing in legal ethics at Hinshaw & Culbertson in St. Louis, where he trains law firms and attorneys to avoid social and media pitfalls. He’s with us on the line from Warrensburg, Missouri. Nice to have you on the program today.

Mr. MICHAEL DOWNEY (Partner, Hinshaw & Culbertson): Thank you.

CONAN: And there have been examples, as we mentioned in the introduction, of attorneys insulting judges online, blogging about witnesses. Some of these examples almost defy common sense. Aren’t lawyers worried about the repercussions and don’t they understand the judge or somebody else is probably going to go online and find this out?

Mr. DOWNEY: Yes, in fact, that is something that is coming up more and more. In fact, there actually is a Web site that is effectively encouraging litigants and judges to post such comments called therobingroom.com, and I’ve had numerous occasions to go on here, and you will find people that purport to be lawyers involved in cases who will comment on specific cases and give the case numbers and indicate how they believe the judge handled something improperly.

“The Court must recognize we live in a Google Society; Jurors are shocked when you tell them they can’t use their personal technology or social media; It’s the Courts obligation to educate jurors so they understand the issue is fairness, once we have done that we have very few problems.”

Hon. Gary B. Randall
District Court of Douglas County Nebraska
Chair, National Conference of State Trial Judges

“Many individuals called for jury service, especially younger jurors, have grown up with the Internet,” reads the petition by the joint committee. “These potential jurors may consider constant communication through cell phones, Blackberrys, and other devices to be a normal part of everyday life.” Many state courts have already moved to enact rules requiring judges to explicitly explain to jurors that they cannot look up information online about the case and that they cannot post their thoughts on social media sites. As people become more tech-savvy, the use of electronic devices will only increase and court systems will need to address this trend sooner, rather than later.
Is Social Media Turning the Jury Box into Pandora’s Box?

By Guest Columnist John G. Browning, Esq.

In our digital age, it’s become increasingly commonplace to see people pounding away at their Blackberrys, iPhones, and other web-enabled wireless devices everywhere – including the courthouse when summoned for jury duty. And while most of these prospective jurors are probably sending innocent, mundane messages about running late or having a spouse pick up the kids from soccer practice, who really knows what the others may be doing with the wealth of information just a few clicks away?

As it turns out, curious jurors engaging in such digital digging is a problem with which courts all around the country are grappling. With the phenomenal growth in popularity of social networking sites like MySpace (over 66 million users), Facebook (which has surpassed 500 million users worldwide), and Twitter (over 105 million users), jurors are more likely than ever to leave the privacy of the jury room for cyberspace. Consider these recent examples:

- In November 2008, a juror on a child abduction/sexual assault trial in Lancastershire, England, was torn about how to vote. So she posted details of the case online for her Facebook “friends” and announced that she would be holding a poll. After the court was tipped off, the woman was dismissed from the jury.

- In November 2007, the Supreme Court of Appeals of West Virginia reversed the conviction of Danny Cecil for felony sexual abuse of two teenage girls. Two members of the jury had looked up the MySpace profile of one of the alleged victims, and shared its contents with other jurors. Even though it found that the online sleuthing had not necessarily revealed anything relevant, the court held that “the mere fact that members of a jury in a serious felony case conducted any extrajudicial investigation on their own is gross juror misconduct which simply cannot be permitted.” As the court further noted, “Any challenge to the lack of the impartiality of a jury assaults the very heart of due process.”

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CONAN: Judge Randall, are you familiar with this?

Judge RANDALL: I am familiar with the website, and I’m familiar with the process. I think that the, you know, this has been articulated, you know, very correctly. The lawyers are really jeopardizing their license, and they could be impacting their clients in a real negative way and certainly violating the confidentiality issues there. That’s a particularly big concern, you know, when you hold a license to practice law, you also, just like a juror, take an oath to do certain things in certain ways, and this is a big problem.

CONAN: I wonder, Michael Downey, do some defense attorneys — we’ve talked about the rules of evidence, and obviously there are strict procedural procedures to what’s allowed into — what jurors are allowed to hear and what they’re not, but in some instances, are defense attorneys tempted to, you know, boy, I sure hope they Google the case?

Mr. DOWNEY: There’s actually an interesting related issue that there has been some activity of lawyers and law firms trying to gain access to people’s social networking sites including by claiming they’re someone else to try to find out what sort of information is posted there. For example, in a personal injury trial, if you know the plaintiff has a network to try to gain access to see if they show pictures of them doing something they claim they’re no longer capable of doing.

CONAN: So that’s an investigative tool and not necessarily totally on the up and up.

Mr. DOWNEY: No. In fact, actually, there’s an ethics opinion now that states that is not permissible. And there would be proper ways to get the same information, although the other side would, of course, know that, for example, if you subpoenaed them, they’d know that the subpoena was coming.

CONAN: And so, they would then know that you know and that sort of thing, as opposed to finding out sub rosa.

Mr. DOWNEY: Exactly.

CONAN: Uh-huh. Transparency. Again, transparency, both sides need to abide by that. But sometimes, well, sometimes it all doesn’t work.

CONAN: Michael Downey is the past chair of the ABA’s Ethics and Technology Committee, teaches legal ethics at Washington University Law School in St. Louis, Judge Gary Randall of the District Court of Douglas County in Nebraska, chair of the National Council of State Trial Judges.

CONAN: Thank you very much for your time today. And you’re listening to TALK OF THE NATION, which is coming to you from NPR News.

• In the May 2009 case of Zarzine Wardlaw v. State of Maryland, Maryland’s Special Court of Appeals looked at the circumstances behind the conviction of a man charged with rape, child sexual abuse, and incest involving his 17-year old daughter. During the trial, a therapeutic behavioral specialist had testified about working with the victim on behavioral issues such as anger management and had opined that the girl suffered from several psychological disorders, including ODD (oppositional defiant disorder). A juror took it upon herself to research ODD online, discovered that lying was a trait associated with the illness, and apparently shared this knowledge with the other jurors. Another member of the jury sent a note informing the judge about this development. After reading the note to counsel for both sides, the judge denied a defense motion for a mistrial and simply reminded the entire jury of his instructions not to research or investigate the case on their own “whether it’s on the Internet or in any other way.” The appellate court found that the juror’s Internet research and reporting of her findings to the rest of the jury “constituted egregious misconduct” that could well have been “an undue influence on the rest of the jurors.” As a result, the appellate court reversed the conviction and granted a mistrial.

Controlling the flow of information into the jury room isn’t the only problem. Equally troubling is the flow of information leaving the jury box. Building materials company Stoam Holdings and its owner, Russell Wright, sought a new trial after an Arkansas jury entered a $12.6 million verdict against them on Feb. 26, 2009. Wright was accused by two investors, Mark Deihl and William Nystrom, of defrauding them. Shortly after the verdict, Wright’s attorney found out that a juror, Jonathan Powell had posted eight messages, or “tweets,” about the case on the social networking site Twitter. Although several of the Twitter messages were sent during voir dire, the ones that attracted the most attention were those actually sent shortly before the verdict was announced.

In one such “tweet,” Powell wrote “Ooh and don’t buy Stoam. Its bad mojo and they’ll probably cease to exist, now that their wallet is 12m lighter.” In another, Powell said “I just gave away TWELVE MILLION DOLLARS of somebody else’s money.” One of the lawyers for Stoam and Wright maintained that the messages demonstrated not only that this juror was not
impartial and had conducted outside research about the issues in the case, but also that Powell “was pre-
disposed toward giving a verdict that would impress
his audience.” The court disagreed, and denied the
defense’s effort to set aside the verdict.

In some instances, the problems begin before
the trial even starts. In September 2009, the South
Dakota Supreme Court ruled that a judge was justified
in ordering a new trial in a product liability wrongful
death case where a prospective juror, Shawn Flynn,
had done Internet research before he even made it
onto the jury. In Shawn Russo, et al. v. Takata Cor-
poration and TK Holdings, the plaintiffs claimed that
seat belts manufactured by Takata were defective and
had unlatched during a rollover accident. When Flynn
received his jury duty summons, he did a Google
search for Takata and TK Holdings, examining web
pages for the company that previously was unknown
to him. He later shared information about the lack of
any prior lawsuits with fellow jurors during delibera-
tions and discussed his Google searches. After the
jury returned a verdict in favor of Takata, the plain-
tiffs sought a new trial, arguing that Flynn’s searches
had affected the jurors’ decisions about whether the
seat belt was defective and whether Takata had notice
of any defects. The trial judge vacated the verdict, and
the Supreme Court upheld his decision.

In an era in which Americans spend 17% of their
online time on social networking or blogging sites, and
where researching a patent claim or a medical disorder
can be accomplished with a few keystrokes, what can
judges do to adapt to the evolving legal landscape and
combat the dangers of the online juror? One possible
approach, advocated by a growing number of jurists,
is to go beyond the current boilerplate instructions
and specifically include references to the Internet and
social media as part of the standard admonitions to
jurors not to read about or do any outside research on
the case they happen to be hearing. Faced with a situ-
ation in which technology has far outpaced the court
rules, a number of states have actually changed their
rules to address the problem of the online juror.

Michigan judges are now required for the first
time to instruct jurors not to use any handheld device,
such as iPhones or Blackberrys, while in the jury box
or during deliberations. All electronic communica-
tions by jurors during trial – “tweets” on Twitter, text
messages, Googling, etc. – are banned. Similar mea-
sures have been proposed by San Francisco Superior
Court and elsewhere.

Punishing Googling jurors is one way of get-
ting the message across. After Paul Christiansen of
Danbury, Massachusetts caused a mistrial in a March
2009 sexual assault case by researching the defendant’s
prior conviction online and disclosing the results to
fellow jurors, he was fined $1,200. Jury consultant and
psychologist Dr. Robert Gordon of Dallas’ Wilming-
ton Institute suggests that the answer lies in educat-
ing prospective jurors. “Jurors go online because they
can; the anonymity of the Internet makes it possible,
and more alluring. You have to explain [why Inter-
net research is harmful], you have to actually talk to
them,” he says.

For the rights to due process and to confront
adverse witnesses and evidence to be protected, jurors
can’t be allowed to consider Internet “evidence” that
hasn’t been subjected to scrutiny by both sides, or to
be influenced by the postings of Facebook “friends” or
Twitter “followers.” Innovations like social media or the
Blackberry may be a tremendous boon in our daily lives,
but they can turn the jury box into Pandora’s box.

John Browning is a partner in the Dallas office of Thomp-
son Coe Cousins & Irons, LLP, where he handles civil
litigation in state and federal courts in areas ranging from
commercial cases to personal injury, employment, and
professional liability matters. He is a noted legal writer,
award–winning legal journalist, and recipient of the
2007 Burton Award for Distinguished Achievement in
Legal Writing. His book The Lawyer’s Guide to Social
Networking will be released in 2010. Mr. Browning can
be contacted at jbrowning@thompsoncoe.com.
SAMPLE JURY INSTRUCTIONS ON THE USE OF THE INTERNET AND SOCIAL MEDIA

Provided by Hon. Herbert B. Dixon, Jr., Superior Court of Washington, D.C.

These sample jury instructions can be downloaded at www.judges.org/news/cip.html

Until you have been discharged from service in this case:

- You may not perform any investigation, research or experiment of any kind on your own, either individually or as a group about this case;
- Do not consult any dictionaries for the meaning of words or any encyclopedias for general information on the subjects of this trial;
- Do not look up anything on the Internet concerning this case or any of the people involved, including the defendant, the witnesses, the lawyers, and the judge;
- Do not go to the scene where any of the events that are the subject of this trial are alleged to have taken place or use Internet maps or Google Earth or any other program or device to search for or view any place discussed during the case; and

Until you are discharged:

- You must not have any discussions about this case or make any entry on Facebook, MySpace, LinkedIn or other Internet social media site, and that includes all other forms of oral, written and electronic communications, including Twitter, e-mail, blogging and texting.

Please understand that I am giving these directions as a part of my responsibility to ensure fairness to all parties in this case. That fairness would be compromised and your actions could jeopardize the results of this trial if you violate these instructions.

FREE MODEL CURRICULUM CD ON IMMIGRATION CONVICTIONS

Under a grant from the State Justice Institute, The National Judicial College, in partnership with the National Center for State Courts, created Immigration Consequences of Criminal “Convictions”: A Model Curriculum for Judges. The curriculum will assist trial judges in understanding the immigration consequences of criminal convictions on both undocumented aliens and legally permanent residents of the United States. The curriculum was developed to be presented in a three-hour period, although faculty members may customize the material for other timeframes. The curriculum is designed for use at state or local judicial conferences.

There are approximately 250 free copies (including $2.95 shipping) available for the judiciary. If you would like a copy, please send an email to info@judges.org.
As the challenges facing our court systems mount, it is essential that the judiciary be equipped to change within the court system. One finding is that judges, like a growing number of graduate level professionals, are seeking out higher education programs and degrees to complement their current educational resources. According to the Chronicle of Higher Education, one reason may be that professionals are seeking to keep their skill set tuned up as a way of staying positive in the midst of uncertainty. Judges are also continuing to take advantage of higher education opportunities by enrolling in advanced degrees and certificate programs offered through The National Judicial College and the University of Nevada, Reno (UNR).

At the forefront of this movement is the successful Judicial Studies (JS) Degree program, a cooperative program of UNR, the NJC and the National Council of Juvenile and Family Court Judges (NCJFCJ) – all located in Reno. One of only a few programs of its kind in the nation, the Master of Judicial Studies Degree program was established in 1986 and continues to grow in stature and esteem among our nation’s jurists. The program has had an unmistakable impact on the field of judicial education, enrolling judges from 42 states and several foreign countries. The university program also offers a Doctor of Philosophy in Judicial Studies, the only Ph.D. program in the nation for judges.

According to Dr. James T. Richardson, director of the Judicial Studies program and the Grant Sawyer Center for Judicial Studies at the University of Nevada, the JS program provides sitting judges with a coordinated theoretical and practical academic experience aimed at providing knowledge, skills and abilities to affect positive change in our nation’s courts.

“Holding some of the most prestigious public offices, judges are expected to possess the highest level of knowledge possible about issues involved in cases brought before them, as well as high ethical standards, wisdom, independence and impartiality – our citizens demand it. The judicial studies degree program was developed to provide a formal academic setting in which to meet these goals,” Richardson noted.

Judges from a recent judicial studies class were asked to provide a personal perspective on their educational journey. Hon. Walter J. Brudzinski, administrative law judge with the United States Coast Guard in New York, N.Y. noted, “The education and skills acquired at the NJC and the JS Program not only benefits the student-judge but also builds public confidence in our justice system.” Judge Brudzinski holds a Master in Judicial Studies degree and is currently a Ph.D. candidate.

The NJC’s Professional Certificate Program often works in tandem with the master’s and Ph.D. programs, as do many of the courses and programs offered through the NCJFCJ. While NJC courses can be taken individually, the College recommends that judges enroll in a certificate program requiring completion of a set number of courses designed to promote a broader understanding of a particular discipline. Many of the NJC’s certificate program offerings are also eligible for credit in the master’s and Ph.D. programs. It is this dual-credit eligibility that makes the university’s degree programs and the NJC’s professional certificate programs so valuable to sitting judges. NJC President William F. Dressel, noted, “The university’s and the NJC’s commitment to higher education for all judges results in a unique educational experience that lasts a lifetime.”

For more information on judicial studies degrees offered through the University of Nevada, Reno, please visit the website: www.judicialstudies.unr.edu, or contact Denise Schaar-Buis, Program Officer: 775-784-6270, or by email at: jsp@unr.edu.
Providing a bequest to the NJC in your estate creates a lasting legacy and invests in the future of the College. A gift made by will or living trust can be simple to arrange. A provision or amendment prepared by your attorney at the time you make or update your will or trust is all that is necessary. Not only does a bequest strengthen the NJC’s future, it also provides substantial benefits to donors.

To learn more about leaving a legacy, please contact Gretchen Alt Sawyer at (800) 25-JUDGE or alt@judges.org.
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To submit an opinion, attach it to an e-mail to west.njcopinions@thomson.com or mail it to: Dianne Selbitschka, Rm. D2-5158, Thomson West, 610 Opperman Drive, Eagan, MN 55123

...AND YOUR VIDEO RECORDS TOO!

In collaboration with the NJC, Westlaw® is undertaking a major initiative to solicit video recordings of hearings/trials from judges across the country and publish them on Westlaw.com, the largest online legal research database in the world.

Video records can produce substantial benefits for both judges and lawyers. For judges, the benefits include seeing how matters are handled by other courts; the opportunity to watch a witness again before writing an order or opinion; and an excellent way to see how expert witnesses scheduled to testify in their cases testified in other trials. For lawyers, the advantages include the opportunity to observe the presentations of expert witnesses they’re considering using in their own trials; watch counsel examine and cross-examine witnesses on issues of interest; and learn what happened in the courtroom even when they don’t have a transcript.

This collaboration will also provide video records that NJC can use as powerful educational tools to show good courtroom management techniques, inform judges about scientific and other complex issues, and demonstrate the effective use of video technology itself. Please help the College, yourself, and other judges across the country by letting us know if you have any trials or other proceedings coming up that would be good candidates for video streaming and recording.

To participate in the video project, e-mail the case information and anticipated schedule to NJC President William F. Dressel at shodeen@judges.org or call (775) 327-8260
NJ C CELEBRATES ITS BOARD OF VISITORS

The NJC Board of Visitors provides leadership, encouragement and support to the overall resource development program of The National Judicial College. Members of the Board of Visitors work with the NJC administration and Board of Trustees in furthering the College’s fundraising activities on a national level. The Board of Visitors is a select group of nationally prominent individuals, as well as those rising to future prominence, who share in the NJC’s mission to “provide leadership in achieving justice through quality judicial education and collegial dialogue.”

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NOVEMBER 3-6, 2010 | ST. LOUIS, MISSOURI

For questions, please contact Susan Conyers at the NJC
at conyers@judges.org or 1-800-255-8343.
On April 26-29, 2010, The National Judicial College presented *Essential Skills for Trial and Appellate Judges* to 10 Thai appellate and trial judges. The United States Department of Justice, Office of Overseas Prosecutorial Development Assistance (OPDAT), sponsored the program. In addition, NJC presented a day-long program concerning the administration of a judicial training institute on June 30th.

The Thai judges were very experienced, with tenures ranging from 11 to nearly 30 years of experience. As a result, the participants challenged the faculty members with questions that were quite complex. As in all international programs, the faculty learned as much from the participants as the participants learned from the faculty.

Professor Ron Hofer, a judicial writing expert from Wisconsin, worked with the Thai judges for more than a day on opinion writing structure. During that time, he explored the nature of their opinions. He was surprised to learn of their interest in the O.J. Simpson case. As they explained, under Thai law, Simpson’s acquittal on the criminal charges would have left him judgment-proof under their civil law. Professor Hofer explained that the differing burdens of proof from criminal and civil cases allowed for a criminal acquittal as well as civil liability. Professor Hofer noted, “Typically, question and answer sessions with foreign judges end up feeling much like an oral exam from law school; their questions are so basic that they invariably cut to the very marrow of our legal system and force us consider our own jurisprudence from a new perspective.”

In that vein, Justice John Reif, a justice on the Oklahoma Supreme Court, spoke with the participants about jurisprudence, that is, the study of the general or fundamental elements of law, as opposed to its practical and concrete details. Jurisprudence addresses the questions about law that an intelligent layperson (not a lawyer) might think particularly interesting such as what is law, where does law come from, and what is purpose of the law. Justice Daniel Crothers, a supreme court justice in North Dakota was impressed with the merit based system for the selection, development and advancement of judges in the Thai legal system. He surmised that their system “contributes greatly to their judicial independence which, in turn, allows for their judicial branch to remain intact and transcend even drastic changes in their political branches of government. Judicial independence in the United States would be greatly enhanced if we used a merit based system for selecting judges similar to the system in Thailand.”
In preparing for his sessions on judicial independence, Justice Daniel Crothers, a supreme court justice in North Dakota, researched the Thai constitution. His research revealed that Thailand had three constitutions in the last 15 years. He had also read newspaper stories about political unrest in Bangkok. From his readings and research, he presumed the Thai judiciary was unstable. He was happy to find that the contrary is true. Justice Crothers found the Thai judges to be professional, well trained, thoughtful and experienced.

Justice Crothers’s research also showed Thailand is a monarchy with a strong military presence. With that strong executive branch influence, he had questions about the independence of the Thai judiciary. Justice Crothers stated that he “was happily surprised to learn their laws and their constitution call for the judicial branch to be strong and independent protectors of individual rights. The courts operate with rigorous checks on undue influence from the other branches of government, including judicial selection, retention and pay. Above this basic architecture, the Thai judges were genuinely interested in adjudicative methods that would promote their public’s trust in the courts.”

Margaret Crowley, Esq., a dispute resolution expert in Nevada, discussed alternative dispute resolution with the participants. She was pleased to learn that Thailand uses mediation extensively. She noted, “It was evident to me that Thailand appreciates the many advantages of mediation and has done an excellent job of incorporating it into its judicial system. It would benefit the United States to emulate Thailand and adopt a similar model.”

Finally, John F. Muffler, chief of domestic operations, U.S. Marshals Service, educated the participants about judicial security. He explained to the judges that the “subject of personal security and family security transcends all borders.” He noted, “It doesn’t matter if you are from Thailand, Colombia or the United States; if you are a public official, especially one who directly affects the livelihood of others by judicial decision, you are at risk to those seeking revenge. Threateners want to change their fortune, even laws or policy and they will do it by any means necessary.”

During the discussions, Chief Muffler surmised that the participants wanted additional security for the judicial branch, especially in light of the recent turmoil in the country. Indeed, a few days after the program, a Red Shirt protester fatally shot a Thai general during a media interview. Chief Muffler wondered if the judges in his class thought about his instruction on assassination, assessing risk and the value of having a protective shield such as the U.S. Marshals at their disposal. His question was answered a few days later when he received an email from the U.S. Embassy in Thailand requesting an assessment of the Thai judiciary’s security procedures.

On the last day of the program, William Brunson, NJC’s director of special projects, exchanged ideas about the administration of a judicial training institute (JTI). Mr. Brunson learned from the participants that their judicial education programming surpasses the best of what is offered in the U.S. Indeed, he began referring to the Thai judiciary’s program as the Lamborghini of judicial education. In the Thai system, judges participate in a year-long program. During the program, a judge attends classes for one month. The judge then shadows an experienced judge for six weeks. The judge then attends four additional months of classes before he or she takes the bench. During the remainder of the year, the judge works closely with a mentor judge who provides counsel and assistance. The only advice Mr. Brunson could provide to the Thai judicial leadership was for the Thai JTI to institute greater distance learning opportunities and to utilize faculty development workshops to educate the JTI’s faculty about state-of-the-art adult education philosophy and practice.
<table>
<thead>
<tr>
<th>COURSE</th>
<th>DATE</th>
<th>LOCATION</th>
<th>JS/CERT.</th>
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<td>Essential Skills for the Unemployment Adjudicator: A Web-Based Course</td>
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<td>Special Considerations for the Rural Court Judge: A Web-Based Course</td>
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<td>Web</td>
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<td>9/26 - 9/30</td>
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<td>Administrative Law: Fair Hearing (JS 612)</td>
<td>9/27 - 10/7</td>
<td>Reno, NV</td>
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<td>The Fourth Amendment: Comp., Search and Seizure Training for Trial Judges (JS 645)</td>
<td>10/4 - 10/7</td>
<td>Oxford, MS</td>
<td>JS,G,S</td>
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<td>Management Skills for Presiding Judges</td>
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<td>General Jurisdiction (JS 610)</td>
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<td>Technology Assisted Crimes Against Children: The Fundamentals</td>
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<td>Advanced Evidence (JS 617)</td>
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<td>Commercial Driver’s Licensing Laws: A Faculty Development Workshop</td>
<td>10/25 - 10/28</td>
<td>Reno, NV</td>
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<td>Evidence Challenges for Administrative Law Judges: A Web-Based Course</td>
<td>11/1 - 12/17</td>
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<td>Evidence in a Courtroom Setting (JS 633)</td>
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<td>Charleston, SC</td>
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<td>Evidence in a Courtroom Setting (JS 633)</td>
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This course preview is provided as an advance viewing of 2011 courses and does not reflect the full schedule or prices to be offered. All courses are subject to change.
Please check our website at www.judges.org for a complete course listing, or contact the NJC Registrar at (800) 255-8343 or registrar@judges.org for additional information.
<table>
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<td>General Jurisdiction (JS 610)</td>
<td>May 15-26</td>
<td>Reno, NV</td>
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<tr>
<td>Co-Occurring Mental and Substance Abuse Disorders</td>
<td>May 16-19</td>
<td>Reno, NV</td>
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<td>Court Management for Tribal Court Judges and Court Personnel (JM 690)</td>
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<td>Technology Assisted Crimes Against Children: Understanding Investigative Techniques &amp; Pretrial Motions Practice</td>
<td>May 19-20</td>
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<td>Logic and Opinion Writing (JS 621)</td>
<td>May 23-26</td>
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<td>The Fourth Amendment: Comprehensive Search &amp; Seizure Training for Trial Judges (JS 645)</td>
<td>May 23-26</td>
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<td>JUNE</td>
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<td>Handling Small Claims Cases Effectively</td>
<td>June 6-July 22</td>
<td>Web</td>
<td>D,G,S,T</td>
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<td>Special Court Jurisdiction</td>
<td>June 6-16</td>
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<td>Special Court Jurisdiction: Advanced (JS 611)</td>
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<td>Current Issues in the Law</td>
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<td>Criminal Evidence (JS 613)</td>
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<td>Decision Making (JS 618)</td>
<td>July 18-21</td>
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<td>Appellate Skills for Tribal Court Judges</td>
<td>July 18-21</td>
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<td>Civil Mediation</td>
<td>July 25-29</td>
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<td>A,D,G,S,T</td>
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<td>Management Skills for Presiding Judges</td>
<td>August 15-19</td>
<td>Reno, NV</td>
<td>A,G,S</td>
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<td>Impaired Driving Case Essentials</td>
<td>August 15-18</td>
<td>Reno, NV</td>
<td>A,S,T</td>
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<td>Evidence in a Courtroom Setting (JS 633)</td>
<td>August 22-25</td>
<td>Reno, NV</td>
<td>JS,G,S,T</td>
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<tr>
<td>Advanced Tribal Bench Skills: Competence, Confidence and Control</td>
<td>August 22-25</td>
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<td>Ethics, Bias and the Administrative Law Judge</td>
<td>Sept. 12-Oct. 28</td>
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<tr>
<td>The Fourth Amendment: Comprehensive Search &amp; Seizure Training for Trial Judges (JS 645)</td>
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<td>Special Considerations for the Rural Court Judge</td>
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<td>Web</td>
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<tr>
<td>Evidence Challenges for the Administrative Law Judge</td>
<td>October 3-November 18</td>
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<td>General Jurisdiction (JS 610)</td>
<td>October 17-27</td>
<td>Reno, NV</td>
<td>JS,D,G,S,T</td>
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<td>Judicial Philosophy and American Law</td>
<td>October 17-20</td>
<td>Reno, NV</td>
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<td>Managing Challenging Family Law Cases: A Practical Approach (JS 634)</td>
<td>October 24-27</td>
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<td>Mediation for Administrative Law Judges</td>
<td>November 14-18</td>
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</tr>
</tbody>
</table>
It was 1997 when the Hon. Ricardo Monte-Serrat and his wife Dioneia first attended the NJC from their home country of Brazil. Judge Monte-Serrat traveled to Reno with his wife, son Paulo and daughter Daniella – who was 10 years old at the time. Judge Monte-Serrat found the training and judicial dialogue essential to becoming a better judge. He often thought that if he had another chance to attend the NJC that he would again bring his family. The judge did get that opportunity again this year, only this time he attended with his daughter Daniella – now 22 years old – and both enrolled in the Civil Mediation class.

“I feel very fortunate to be able to attend the NJC again, and to experience the high-level of learning that the College offers. We both will be taking what we learned back with us and will be sharing these best practices with our colleagues,” said Judge Monte-Serrat.

Daniella Motta Monte-Serrat is now a mediator with the State Court of Brazil and is progressing toward a judgeship. They both say that attending the NJC together has given them an opportunity to focus on judicial issues that face the Brazilian courts and to look at those issues with a fresh perspective.

“I know that what I have experienced here at the NJC will enhance my mediation skills and I too will be sharing the knowledge learned with others in my field,” noted Ms. Monte-Serrat.

Over the years, judges often traveled with their children to the NJC while they attended courses. But, it is a rare occurrence when those children grow up and also attend courses as a participant with their judge-parent.

“We are pleased to have the Monte-Serrat family back at the NJC after these many years, and pleased to know that the judicial profession has become a family affair for them,” said NJC President, William F. Dressel.

As to the future, the Monte-Serrat’s say that they would like to return again to the NJC, noting that the education received here will be of assistance in their roles as judges and mediators back home in Brazil.

EVIDENCE BASED SENTENCING CD AVAILABLE

The National Center for State Courts, The National Judicial College, and the Crime and Justice Institute have announced the availability of a model curriculum “Evidence-Based Sentencing to Improve Public Safety and Reduce Recidivism.” The curriculum is intended to help trial judges develop sentencing practices that improve public safety and reduce the risk of offender recidivism. The curriculum was prepared with the assistance of an Advisory Committee of experts and support from the Pew Charitable Trusts and the State Justice Institute. The curriculum is designed to be presented in-person in a six-hour period, although faculty may customize the material for other time frames. The curriculum consists of five units and uses Microsoft PowerPoint® presentation software. All of the curriculum materials can be accessed online at www.ncsconline.org/csi/education.html.
Freedom of Speech, or Freedom to Rock Out?

That’s right, the freedom to lay down a bass line is now newly certified, at least for New York judges. New York’s Committee on Judicial Ethics recently determined that state judges can moonlight in bands or sell their artworks as long as it doesn’t interfere with their judicial duties, reports the Associated Press. And apparently New York isn’t the only state where judges have received approval for extra-judicial activities. The AP brings word of judges who have gotten the green light to play violin and referee for football, soccer, and softball. Acting Brooklyn Supreme Court Justice Matthew D’Emic said the ethics rule clarifies things for judges hoping to supplement a salary that hasn’t seen a raise in 12 years. D’Emic, who plays guitar and bass guitar, revived his band shortly after the committee issued its ruling. But now that he’s got a gavel and robe in addition to that bass, the band’s old name, Whippoorwill, may have to go in favor of something more, well, judicial. So far, his children and co-workers have suggested Rock-n-Robes, L.L. Cool Judge and The Electric Chairs.

Memorial Scholarship Established for Hon. Arthur A. Gladstone

The NJC has established a scholarship fund in memory of Administrative Law Judge (ALJ) Arthur A. Gladstone. Judge Gladstone, one of the “founders” of ALJ education, passed away on May 8, 2009 at the age of 97.

Judge Gladstone was an NJC faculty member for 27 years who helped to shape the careers of thousands of administrative law judges. In addition to being an excellent faculty member, his commitment to promoting the professionalism of the ALJ profession had a real impact on both the local and national levels.

NJC faculty member, Hon. Duane Harves, fondly remembers the way Judge Gladstone secured his legacy at The National Judicial College. Judge Harves said, “At the time when NJC was deciding whether to expand its course offerings, it was Arthur who led the effort to educate administrative law judges. Today, thanks to those efforts, thousands of ALJs from both state and federal governments have had the opportunity for professional education. He will not be forgotten,” said Harves.

The NJC thought it fitting to establish a scholarship in Judge Gladstone’s memory that will be awarded to ALJ’s seeking education at The National Judicial College. During these challenging economic times, states are experiencing budget shortfalls and are reducing judicial education programs. Establishing a scholarship fund in Judge Gladstone’s name will help provide ALJ’s with educational opportunities that they may not have had without this scholarship.

To contribute to the Hon. Arthur A. Gladstone Memorial Scholarship Fund, visit the NJC giving site at www.judges.org/giving.html and click on the “Give to the NJC” button. You can designate your gift by entering “Gladstone” into the comments section of the secure, online gift form.

For more information about the Gladstone Memorial Scholarship, please contact Gretchen Alt Sawyer at (775) 327-8257 or at alt@judges.org.
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The October 2009 Jackson Lecture, *The Other Side of the Coin: Institutional Independence of the State Courts*, was presented by Hon. Christine M. Durham, chief justice of the Utah Supreme Court. Justice Christine Durham has been on the Utah Supreme Court since 1982, and has served as chief justice and chair of the Utah Judicial Council since 2002. Currently she is president of the Conference of Chief Justices of the United States and chairs the Board of Directors for the National Center for State Courts. She also serves on the American Bar Association’s Council on Legal Education and Admissions to the Bar, the entity that accredits American law schools.

The May 2010 Jackson Lecture, *The Voice of Reason in Trying Times*, was presented by Hon. Timothy C. Evans, chief judge of the Circuit Court of Cook County. Timothy C. Evans serves as the chief judge of the Circuit Court of Cook County, one of the largest unified court systems in the world. More than 1.9 million cases are filed annually in the Circuit Court of Cook County, which serves Cook County’s 5.1 million residents. Chief Judge Evans oversees the circuit’s approximately 400 judges whom he assigns throughout the court’s eight divisions and six geographic districts. He also oversees an annual budget of $204.9 million and more than 2,800 employees who work in 13 non-judicial offices providing probation and other court-related services.

For 45 years, the E.L. Cord Foundation has been a generous donor to the NJC and its support continued with two recent grants totaling $70,000. These two 2009 grants allowed the College to replace outdated document management equipment that is vital to the operation of the College and provide scholarships for judges to attend courses in 2010 and beyond. NJC President William F. Dressel recently remarked on the Foundation’s generosity, “The College is grateful for the commitment from the E.L. Cord Foundation, which over the years, has provided numerous technology improvements, program development/enhancement, and most recently scholarship support that has allowed the College to provide relevant and challenging education. Because of the generosity of the Cord Foundation, judges have received outstanding education through state-of-the-art learning equipment. The education has provided judges from across the country with the skills and abilities to improve justice and uphold democracy and the rule of law.”

The E.L. Cord Foundation was established on December 11, 1962, by E.L. Cord, a well-known businessperson, industrialist and innovator whose visions, ideas and principles were far ahead of the times. Cord had many business ventures mainly in the manufacturing of automobiles, airplane and boat engines and electrical appliances as well as real estate. He died in 1974, and his foundation has been active in northern Nevada since that date.
At ten years old, Leroy Sage of the Crow Nation was struck by a motorcyclist on state-owned school property within the Crow Reservation. What ensued was a three-year tort claims battle which began in the Crow Tribal Court, went all the way to the U.S. Supreme Court and back, and established an important federal court precedent. As a result, Leroy Sage became Judge Not Afraid—a justice of the peace in Montana. Judge Not Afraid recently participated in a course at the National Tribal Judicial Center and shared this story.

As a child, Leroy Sage attended Lodge Grass School District No. 27, a state school located on land owned by the State of Montana within the boundaries of the Crow Indian Reservation. To celebrate the end of the school year, students at the Lodge Grass School attended a picnic at the town park which was within walking distance of the school. As the students climbed a hill to return to the school, the teacher escorting them left the children momentarily and went into the school building. While they were alone, Leroy was struck by an uninsured motorcyclist and suffered a broken leg. He spent the next two years on crutches or wearing a brace. Leroy’s mother, Flora Not Afraid, asked the school for help with her son’s medical bills, but they refused. Ms. Not Afraid hired an attorney who filed a case against the School District. The attorney served the papers on Wesley Falls Down, the chairman of the school board. Falls Down did not notify anyone of the service. The School District became aware of the suit when Falls Down hand-delivered a copy of the default judgment to the school principal.

National Farmer’s Insurance Companies, the insurer for the School District, filed a complaint in the United States District Court for the District of Montana alleging the Tribal Court’s exercise of jurisdiction violated due process and the Indian Civil Rights Act of 1968. National Farmer’s also sought a restraining order to prevent the Tribal Court from issuing a writ of execution on the default judgment. Importantly, National Farmer’s did not seek review of the judgment in the Tribal Court. Instead, National Farmer’s argued that the Tribal Court had no jurisdiction over the School District, a non-Indian entity, even though the school was located within the reservation. The U.S. District Court entered the temporary restraining order and subsequently granted a permanent injunction against any execution of the Tribal Court judgment, holding that the Tribal Court lacked subject matter jurisdiction.
Ms. Not Afraid appealed, and the Court of Appeals for the Ninth Circuit reversed. Without reaching the merits of National Farmer’s challenge to the Tribal Court’s jurisdiction, the Ninth Circuit concluded that the U.S. District Court lacked any constitutional, statutory, or common-law ground to exercise jurisdiction.

Then two years after the default judgment was entered, on August 1, 1984, the Tribal Court issued a writ of execution on the judgment, and tribal officials seized computer terminals, other computer equipment, and a truck from the School District to partially satisfy the judgment.

“That’s when all heck broke loose,” said Leroy. For weeks after the tribal official seized the property, local newspapers ran editorials attacking Leroy, his family, the Tribal Court, and the family’s attorney. Ms. Not Afraid received anonymous phone calls telling her to drop the case. In school, Leroy was verbally assaulted by teachers and accused of trying to shut down the school. He eventually left the school because the abuse became too much. Ms. Not Afraid recalled, “Even our own people were against us: ‘You better quit. You’re going to ruin our law. You’re going to ruin everything.’”

Montana and nine other states backed the School District in the litigation. The family got no support from the tribe, except for $80 collected in donations.

“I was going to fight on, no matter what,” Ms. Not Afraid said.

After witnessing his mother’s strength over the course of the litigation and ensuing controversy, Leroy Sage decided to change his name to his mother’s name—Not Afraid.

Before the auction of the seized property, National Farmer’s filed an application for a temporary stay with the U.S. Supreme Court. The Court granted the temporary stay pending disposition of National Farmer’s petition for certiorari.

In April of 1985, National Farmer’s Union Insurance Companies v. Crow Tribe of Indians, Leroy Sage, Flora Not Afraid, et al., was argued before the U.S. Supreme Court. At issue was whether an Indian tribe has the power to compel a non-Indian property owner to submit to the civil jurisdiction of a tribal court. During the course of the oral argument, the attorney for National Farmer’s brought to the Court’s attention the fact that there was no requirement that a Crow tribal judge be a member of a state bar or even go to law school. One of the Supreme Court Justices was quick to respond: “There is no requirement that we go [to law school] either.” The Justice’s retort was met by laughter in the courtroom.

The U.S. Supreme Court remanded the case to allow the Tribal Court to first determine the extent of its jurisdiction and the Tribe’s sovereignty under tribal and federal law and policy. The case stands for the important proposition that tribal court remedies must be exhausted before a party can seek relief in a federal court. The case was thereafter settled in the Tribal Court.

Ten years after the U.S. Supreme Court ruling, Leroy met the lead attorney for National Farmer’s for lunch. The attorney said, “I want to meet the young boy who caused National Farmer’s Insurance Company to spend several million dollars pursuing a case that we lost.”

Inspired by this case and his experience, Leroy Not Afraid is now a justice of the peace for the Justice Court in the Twenty-Second District in Hardin, Montana; Judge Not Afraid is also a motivational speaker and regularly attends courses at the National Judicial College and National Tribal Judicial Center. Judge Not Afraid says that his past experience with the law created a foundation for his respect for the courts and his dedication to his work as a jurist for the state. He feels that his job as a judge is a “call to something greater than what you see.”

The NJC convened an Effective Caseflow Management Summit in January 2008, supported by a Bureau of Justice Assistance Grant. The information in this booklet represents participant conclusions and the Summit’s work product. The booklet’s purpose is to introduce or reintroduce effective caseflow management to judges.

Available from the NJC. Please contact Laurie Ginn at (800) 255-8343 for more information.
Following in the footsteps of decades of tribal, state and federal listening conferences, the 2008 Walking on Common Ground Gathering brought together a group of individuals committed to continuing the process of cooperation, collaboration and communication between the three governmental entities. The Gathering brought new life to the movement to bring people from all justice communities together for the benefit of all people.

The impressive Gathering resulted in a publication that captured the thoughts and ideas of the attendees to move forward for the future. At the heart of the publication is the intense desire to preserve and protect the sovereignty of the first peoples of the nation. The thoughts are as diverse as those presenting them. Nevertheless, they communicate a common desire for healthier, stronger communities.

Reoccurring themes are communication gaps between sovereigns, the need for increased cultural awareness in general, and funding inconsistencies that force effective programs to lapse, thereby creating a negative impact on communities. Tribal court orders are still not always given validity by state courts or agencies which often place victims of domestic violence in harm’s way. Project Passport, an initiative launched by the National Center for State Courts, was designed to address this important issue. Its impact is being felt across the nation and is a force of change protecting victims, no matter where the court order is issued.

Collaboration is an essential component of the continued success of this movement for more respectful and meaningful government-to-government relationships. Highlighted in the Walking on Common Ground publication is the remarkable collaborative court between the Leech Lake Band of Ojibwe and the 9th Judicial District of Minnesota. The tribal and state court judges involved have formed an innovative wellness court that serves tribal and state citizens. The court is a model for others to follow. Combining the wisdom of culture with a united funding stream and services allows for the court to reach a wider group of people with a measurably affirmative effect on the communities served.

Addressed separately in the publication is the state of Alaska, a place of distinctive Native tribes, both linguistically and geographically. The tribes in Alaska face challenges because of the great distances that law enforcement and social service agencies must travel to provide aid. There is still much work to be done to improve government-to-government relations, but efforts for change are moving forward in a hopeful way.

If you would like a copy of the Walking on Common Ground publication, please contact NTJC Program Attorney Christine Folsom-Smith at cfsmith@judges.org.
NTJC COURSE FOR LAY ADVOCATES IN TRIBAL COURT

The first Essential Skills for Lay Advocates in Tribal Court was held on May 24-28 in Reno, NV. Pictured from left to right are: (Front row) Shirleen Fitzgerald, Sonia la Venture, Veronica Escobar, Antoinette Tourtillott, Jacqueline Allen, Joanne Gauthier and faculty member Jan Morris. (2nd row) Melissa Darden, Vivian Shane, Arthur Windy Boy, faculty member Lillian Jones, Rocky Johnson, Philip Gray and NTJC Program Attorney Christine Folsom-Smith. (Back row) Rosalie Allen, Gany Smith, Samuel Camper, Daryl Wright.

HON. LELAND D. WIGG-NINHAM

The NTJC is pleased to announce that Judge Leland D. Wigg-Ninham of the Oneida Nation Judicial System in Oneida, Wis., and faculty member of the NTJC, recently received his third Professional Judicial Certificate from The National Judicial College. Judge Wigg-Ninham has been an annual participant of the NJC beginning in 2000, and has completed more than 18 courses, qualifying him for three Professional Judicial Certificates. Certificates were awarded to Judge Wigg-Ninham in: Tribal Judicial Skills (August 2008), and Dispute Resolution Skills and Special Court Trial Skills (both earned in August 2009). Judge Wigg-Ninham continues to be an active alumnus of the NTJC which focuses on the needs of Native American tribes. NJC President William F. Dressel, called Judge Wigg-Ninham’s achievement “a shining example of hard work and dedication that will most definitely impact tribal courts in positive ways.”

HON. JOHN ST. CLAIR

The NTJC is also pleased to announce that Chief Judge John St. Clair of the Shoshone and Arapahoe Tribal Court in Fort Washakie, Wyo., recently completed the Advanced Tribal Bench Skills course presented at the NJC in Reno, Nev. Judge St. Clair has been on the bench for more than 26 years and is presently the longest sitting tribal judge in the United States. NJC President William F. Dressel noted, “Judge St. Clair has devoted his judicial career to helping make tribal law a positive force within tribal communities. We commend him on his continued service to advancing tribal justice.”
Presiding over a Capital Case: A Benchbook for Judges
William J. Brunson, Esq.
Daphne A. Burns, Esq.
Robin E. Woje, Esq.
Editors
The judge-authors have expertise presiding over numerous death penalty trials, and also have a breadth of experience from teaching NJC courses on capital cases in partnership with states nationwide.
490 pages softcover / $25

Logic & Legal Reasoning
2nd Edition
Professor Douglas Lind
This book builds on Professor Lind’s efforts to provide the best and latest methods to intertwine logical legal arguments in an easily accessible format. Through the cases, Lind demonstrates how to integrate logic into decisions.
410 pages softcover / $48

International Child Custody Cases: Handling Hague Convention Cases in U.S. Courts
Judge James D. Garbolino
273 pages softcover / $35

The Judge’s Evidence Bench Book
Leo H. Whinery, Theodore P. Roberts and Robert B. Smith
This publication provides judges with the tools to make evidentiary rulings during trials and hearings and also assists lawyers with evidentiary points. The book is based on the Federal Rules of Evidence and cases interpreting the Federal Rules. Order this book online directly from Thomson West http://west.thomson.com or call (800) 344-5009.
1,275 pages hardcover / $89

Resource Guide for Managing Complex Litigation
This book presents, in a step-by-step format, matters a judge should consider following during complex civil cases. This guide references the Manual for Complex Litigation, Fourth and other useful resources for the judge who wants to perform additional research on the area in question.
177 pages softcover FREE + shipping

Inherent Powers of the Court
Felix F. Stumpf, Esq.
In this 2008 revision, Mr. Stumpf has updated the subject matter and has provided a short historical and general overview. The coverage is principally a division of inherent powers cases in four major categories: Separation of Powers, Court Governance, Implementation or Conduct of the Adjudicative Function and Logistical Support.
202 pages softcover / $60

Search & Seizure Sourcebook for State Judges
Professor Kenneth R. Evans
Professor Evans presents a unique book designed to illuminate the intricacies of the U.S. Supreme Court and state supreme court decisions on search and seizure issues. Professor Evans correlates the courts’ decisions in a coherent and meaningful way.
684 pages softcover / $60

Judicial Discretion: A Text
J. Eric Smithburn
This text provides a practical examination of the meaning of discretion, why discretion exists, the levels of discretion, and the standard by which to define and review the abuse of discretion. This unprecedented work is a timely resource to guide any analysis and application of judicial discretion.
303 pages softcover / $60
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Justice W. Michael Gillette Celebrates 30 Years of Teaching at The National Judicial College

Justice W. Michael Gillette, Oregon Supreme Court, celebrated a 30-year teaching milestone recently at The National Judicial College. Justice Gillette has been an NJC faculty member for a variety of courses and programs over the years, most recently as faculty for the Administrative Law: Fair Hearing course held in April at the College’s Reno campus.

NJC President William F. Dressel (right) said at a special ceremony honoring Gillette’s achievement, “Justice Gillette’s service to the nation’s judiciary is exemplary – and his service to this institution is extraordinary…. I’ve known Justice Gillette for many years, and each time he returns to the NJC to teach for us he is more motivated than the time before.”

Others in the judiciary, and media, share a similar view. OregonLive.com, noted that while Gillette is the longest-serving state appellate court judge in Oregon’s history, he is also easily the most productive, earning that distinction by a combination of intellect and commitment to upholding the law.

“Our judicial education programs, as well as the hundreds of participants who have attended these programs will continue to benefit from Justice Gillette’s involvement. We are grateful for his service and look forward to many more years here at the College,” Dressel continued.

Hon. Ryan Receives Ph.D.
The NJC is pleased to announce that the Hon. Daniel P. Ryan, Detroit, MI, received his Ph.D. from the University of Nevada, Reno. Judge Ryan is a long-time faculty member of the NJC and is the immediate past chair of the College’s faculty council. His area of focus was international contract and sales law with an emphasis in the Pacific Rim. His dissertation, Essential Principles of Contract and Sales Law in the Northern Pacific: Federated States of Micronesia, The Republics of Palau and the Marshall Islands, and the United States Territories (updated edition forthcoming) ISBN 0-595-36020-3, was originally published in 2005 and has since been used by the Pacific Islands Legal Institute, lawyers, law schools and judges in the region, and has been cited as “an in-depth analysis of contract law in the North Pacific” by the Asian Development Bank (ADB), and as an authoritative “Pacific law text” by Globalex and NYU Law School, the Enterprise Research Institute (ERI), and other sources.

“The NJC congratulates Judge Ryan on obtaining his Ph.D. Judge Ryan is a committed and caring professional who is dedicated to helping the College’s participants achieve their professional best,” said Hon. William F. Dressel, NJC president. Pictured: Hon. Dan P. Ryan and Jim Richardson, director, Grant Sawyer Center for Justice Studies.

Judge White Receives Faculty Council Award
In April, 2010, NJC Faculty member, Hon. Penny J. White, received the 2009 V. Robert Payant Award from the Faculty Council for excellence in judicial education. Pictured from left: Joy Lyngar, chief academic officer, Hon. Penny White, Robin E. Wosje, director of grant projects and special initiatives, and William J. Brunson, director of special projects.
Ben Holden, a lawyer and long-time journalist, was named director of the Donald W. Reynolds National Center for the Courts and Media, part of the Reynolds School of Journalism at the University of Nevada, Reno, in May 2010. The center, which also works closely with The National Judicial College, is the only organization devoted to resolving conflicts between sometimes-dueling constitutional rights guaranteeing both freedom of the press and fair trials.

“To date,” Holden said, “no clear voice has emerged on the American policy landscape to articulate the proper balance between our constitutional guarantees to open courts and fair criminal trials. This center can become that voice.”

Technology has confused those First and Sixth Amendment guarantees even more, said Jerry Ceppos, dean of the Reynolds School of Journalism. “It seems every week a judge has to decide whether a blogger should get press credentials or whether a mainstream journalist can Twitter from a courtroom, issues that didn’t even exist five years ago,” he said. “These issues are perfect for a journalism school that specializes in issues surrounding innovation.”

Holden is a former reporter for The Wall Street Journal who wrote law-related articles ranging from a profile of the prosecutor in the 1996 murder trial of rapper Snoop Dogg to sentencing issues arising from the Rodney King beating case, to a co-bylined piece on jury nullification in the 1995 O.J. Simpson double-murder trial. The Journal nominated the O.J. nullification story for the Pulitzer Prize.

Holden, has been executive editor of the Columbus (Ga.) Ledger-Enquirer, deputy managing editor of the (Palm Springs) Desert Sun, and senior editor for business and sports at the Reno Gazette-Journal. He was also assistant to the president of the McClatchy Co., the Sacramento-based newspaper publisher.

Most of the funding for the center comes from the Donald W. Reynolds Foundation of Las Vegas, the journalism school’s biggest benefactor. Holden can be contacted via email at bholden@unr.edu.

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Hon. Gail S. Tuson (GA)
NJC WELCOMES NEW BOARD OF TRUSTEES CHAIR AND MEMBERS

The NJC is pleased to announce that Marybel Batjer, vice president of public policy and communications with Harrah’s Entertainment, Inc., in Las Vegas, Nev., was appointed chair of the board of trustees of the College. In addition, John Frankovich, Esq., managing partner with McDonald Carano Wilson LLC, was named chair-elect. Lydia I. Beebe, Esq., corporate secretary and chief governance officer with Chevron Corporation, was named secretary. Oliver C. Mitchell, Jr., Esq., Sinking Springs, Pa., was reappointed treasurer. Hon. Frederic B. Rodgers, of Gilpin County Combined Courts in Colorado, will remain on the board for an additional year as immediate past chair.

“Serving as chair of the board is a great honor in that it gives me the opportunity to assist the NJC in its mission of advancing justice through judicial education,” said Batjer. “I’m looking forward to leading the board in support of the NJC’s ongoing effort to provide excellence in judicial education.”

Ms. Batjer’s career in public policy and administration includes local, multi-state and federal positions, as well as her current position with Harrah’s Entertainment, Inc. in Las Vegas, a position she has held since 2005. Ms. Batjer has held several senior leadership posts for executive branches of two state governments; held key advisory roles for two U.S. presidential administrations, including positions in the Pentagon; she is the former cabinet secretary to the governor of the State of California, 2002-2005; chief of staff to Nevada Gov. Kenny Guinn; undersecretary, California Business, Transportation and Housing Agency; chief deputy director, California Department of Fair Employment and Housing; special assistant, Secretary of the Navy; President’s special assistant, National Security Affairs; deputy executive secretary, the National Security Council; assistant to Secretary of Defense Casper Weinberger and Deputy Secretary of Defense Frank Carlucci; director of political planning, the National Women’s Political Caucus; member, State of Nevada’s Colorado River Commission; and is also a member of the Nevada Security Bank, Board of Directors.

Peter J. Neeson, Esq., was elected to the board of trustees in June 2009. Mr. Neeson, is a senior partner and chair of Rawle & Henderson’s Environmental, Toxic and Mass Torts Department and is a frequent writer and speaker on litigation issues. In August of 2006, Mr. Neeson became chair of the Tort, Trial and Insurance Practice Section (TIPS) of the ABA. He is the founder of the National Trial Academy now in its 10th year at the NJC, and is also the founder of the ABA TIPS Leadership Academy.

Kim Sinatra, Esq., joined the NJC’s board of trustees in June 2010. She is Sr. Vice President & General Counsel for Wynn Resorts, Ltd. in Las Vegas, Nev., having joined the company in January 2004 as Sr. Vice President and General Counsel of its development activities. From 2000-2003 Ms. Sinatra served as Executive Vice President and Chief Legal Officer of Caesars Entertainment. She has also served as General Counsel for The Griffin Group, Inc., Merv Griffin’s investment management company. Sinatra graduated Phi Beta Kappa from Wellesley College with a B.A. in economics, and earned her J.D. from the University of Chicago Law School.

The NJC has an appointed 18-member board of trustees and became a Nevada not-for-profit (501)(c)(3) educational corporation on January 1, 1978.
**PROFESSIONAL CERTIFICATE IN JUDICIAL DEVELOPMENT GRADUATES**

### Administrative Law Adjudication Skills

- **Hon. Steve R. Darnell**
  (Tenn. Dept. of State Administrative Procedures Division, Nashville, TN)
- **Hon. Steven A. Folsom (COL)**
  (U.S. Navy-Marine Corps Trial Judiciary, Camp Pendleton, CA)
- **Hon. Marcella King-Ben**
  (Navaho Nation, Window Rock, AZ)
- **Hon. Catherine A. Moore**
  (Dept. of Human Services Lic. Divn., St. Paul, MN)
- **Hon. Lawrence A. Pederson**
  (Office of Hearings & Appeals, AK)
- **Hon. Kasandra Robinson Styles**
  (U.S. Merit Systems Protection Board, VA)
- **Hon. Stanley R. Webster**
  (Oneida Nation, WI)

### General Jurisdiction Trial Skills

- **Hon. Gerald K. Crow**
  (Circuit Court, AR)
- **Hon. Theodore E. Dixon (COL)**
  (U.S. Army Trial Judiciary, KY)
- **Hon. Warren P. Davis**
  (Superior Court, GA)
- **Hon. Robert Bynum Gibson, Jr.**
  (Circuit Court, AR)
- **Hon. Glynnis D. Hill**
  (Court of Common Pleas, PA)
- **Hon. Kevin R. O’Neil (CDR)**
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- **Hon. Elma T. Salinas**
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- **Hon. Donna M. Wright (COL)**
  (U.S. Army Trial Judiciary, HI)

### Dispute Resolution Skills

- **Hon. Anita F. Barber**
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- **Hon. Stephanie Domitrovich**
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### Special Court Trial Skills

- **Hon. Sharon A. Hatten**
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  (Oneida Appeals Commission, WI)

### Tribal Judicial Skills

- **Hon. Susan M. Alexander**
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- **Hon. Lorintha J. Umtuch**
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### JUDICIAL STUDIES PROGRAM GRADUATES

- **Hon. Chris Boyko**
  (Court of Common Pleas, OH)
  Master’s Degree
- **Hon. Stephanie Domitrovich**
  (Court of Common Pleas, PA)
  Ph.D. Degree
- **Hon. Kirk Granier**
  (Circuit Military, Air Force Reserve, LA)
  Master’s Degree
- **Hon. Paul H. Mitrovich**
  (Court of Common Pleas, OH)
  Master’s Degree
- **Hon. Robert Lueck**
  (District Court, NV)
  Master’s Degree
- **Hon. Teresa P. Fronck Rankin**
  (formerly Appeals Officer Dept. of Administrative Appeals, NV)
  Master’s Degree
- **Hon. Dan Ryan**
  (Circuit Court, MI)
  Ph.D. Degree
- **Hon. Donald Shelton**
  (Circuit Court, MI)
  Master’s Degree
- **Hon. Brian Tollefson**
  (Superior Court, WA)
  Master’s Degree
- **Hon. Chuck Weller**
  (Second Judicial District Court, NV)
  Master’s Degree
Christine Folsom Smith, Esq. Receives Faculty Council Award of Excellence

Christine Folsom Smith, program attorney for the National Tribal Judicial Center at the NJC received the Karen Morris Award for excellence in service to the faculty. The faculty council selected Folsom Smith for her dedicated service to the NTJC, as well as for her ongoing effort to promote effective and meaningful tribal judicial education nationwide. Folsom Smith has been with the NJC since August 2006.


Chief Justice Thomas Retires

Chief Justice Linda Thomas of the Dallas Court of Appeals retired in October of 2009. She attended her first NJC class in 1979 and continued to take classes until 1994 when she became a faculty member and taught for five years.

Obama Nominates Hon. Louis B. Butler

In September 2009, President Obama nominated long-time NJC faculty member Hon. Louis B. Butler, Jr., to the U.S. District Court for the Western District of Wisconsin.

Dougherty Superior Court Wins Award from Former First Lady Rosalynn Carter

Hon. Stephen Goss and the Dougherty Superior Court Mental Health/Substance Abuse Treatment Court Program won a Special Merit Award from the Rosalynn Carter Institute during the RCI Awards Gala in October, 2009. The goal of the program is to decrease or eliminate the number of hospitalizations, crisis unit admissions, or arrests experienced by those suffering from mental illness or substance abuse. Judge Goss is a faculty member for the NJC.

Pictured from left: Jennifer Benecker, CFO, Albany Mental Health, Mrs. Goss, Rosalynn Carter and Judge Goss.

Michael Sage to Head Ohio Judges Association

Hon. Michael Sage of the Ohio Common Pleas Court was elected president of the Ohio Common Pleas Judges Association. The mission of the Association is to improve the law, legal system and effective administration of justice. It includes all general division judges of Ohio’s common pleas courts.

Hon. Wellington Receives Alumni Award

The University of San Diego School of Law Alumni Association awarded Hon. Michael D. Wellington of the San Diego Superior Court with the 2009 Distinguished Alumni Award in September 2009. This award is the Alumni Association’s highest honor.

Michael DeMarco, NJC Board of Trustees Member, Selected as One of the Lawdragon 500 Leading Lawyers in America

NJC Board of Trustees member, Michael DeMarco is on the ballot for a second year as one of the Lawdragon 500 Leading Lawyers in America guide. DeMarco has been a member of the Board of Trustees since 2008 and is a former chair of the NJC Board of Visitors. Based in Boston, Mass., DeMarco is a partner with K & L Gates LLP. He has also served as the assistant district attorney of Boston in the 1970s. He was recently interviewed by Lawdragon about his inclusion in the guide and his upcoming trial representing Ecuador as it pursues fraud claims related to the 1996 failure of its fourth-largest bank.
A Judge’s Footsteps: 
Son Follows Dad’s Judicial Path

Although the long-range plan might not have been intentional, William and Tim Lohmar, father and son, have much in common. They share a love of baseball, both are lawyers, both are NJC alumni, and now, both are judges.

“I never really set out to follow in his footsteps,” Tim says. “But it certainly appears that is the track where I have been placed.”

Both father and son attended the Traffic Issues in the 21st Century course at the NJC and spoke about their special bond as judges. In 2007, Bill stood in St. Charles’ historic courthouse and swore in his son as judge of the county’s new municipal court. For Bill, it was a moment and a place with deep meaning. He had stood in the same spot in 1974, when he was sworn in as a magistrate, which made him one of the state’s youngest judges. “Tim will do well as a judge,” his father said. For starters, both he and his son enjoy interacting with people.

Over the years, the NJC has seen numerous judicial families benefit from the courses and programs offered at the college. According to NJC President William F. Dressel, “We are pleased that the Lohmar’s have attended the NJC together. We know that there is much they can learn from the NJC, and from each other.”

IN MEMORY

Chief Justice Andon L. Ama-raich of the Federated States of Micronesia died on Jan. 26, 2010. He was celebrated as one of the founding fathers of the Federated States of Micronesia. William Brunson, director of special projects at the NJC said, “Chief Justice Amaraich was a great believer in education. He encouraged judges to attend programs at the NJC because he knew that educated judges would ultimately benefit the people of the Federated States of Micronesia. He was a visionary.”

Hon. Rock Cadet, Court of Port-au-Prince, Haiti, died in the recent earthquake that decimated that country. Judge Cadet was part of a visiting group of Haitian judges which participated in the NJC’s international judicial program.


Hon. Arthur A. Gladstone, one of the “founders” of ALJ education, passed away on May 8, 2009 at the age of 97. Gladstone was an NJC faculty member for 27 years. He helped to shape the careers of thousands of administrative law judges. In addition to being an excellent faculty member, his commitment to promoting the professionalism of ALJs had a real impact on both the local and national levels.

Former Nev. Governor Kenny C. Guinn died on July 22, 2010. He contributed to the state as an educator, business and political leader, as well as a community advocate and supporter of the NJC. The College extends its condolences to Kenny’s family and to his many friends and colleagues.

Hon. Cotton Harness of Charleston, SC, passed away on April 25, 2010. Judge Harness taught Civil Mediation for the NJC.

Chief Justice Thomas Moyer of Ohio passed away on April 2, 2010. Justice Moyer was the third longest serving chief justice in Ohio history.
Dear Readers,

As judicial education budgets across the country continue to decline, the NJC is enormously grateful for support from our alumni, donors, and friends, which is vital for the College to continue to focus on Education, Innovation and Advancing Justice. I am proud to list the 2009 NJC donors who have all contributed to the ability of our nation’s judiciary to administer justice in courtrooms across the country. Thank you for your support.

Gretchen ALT Sawyer

Director of Development

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The NJC acknowledges the following alumni, faculty and friends for their generosity. This list reflects donations received between January 1 and December 31, 2009. If you are interested in donating to the NJC, please contact Gretchen Alt Sawyer at (800) 25-JUDGE or alt@judges.org.

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Designed to facilitate constructive dialogue between the courts and the media, the Scripps Howard Foundation has sponsored the presentation of Scripps Howard First Amendment and Media Issues courses since 2004. During the half-day session, judges are introduced to the interworkings of the press and why the courts are considered a primary news source by the media. Skills such as how to frame responses to media inquiries, how to recognize what issues during a trial are likely to cause the media to intervene and how to participate effectively in media interviews are also discussed during the session. Feedback from judges has been consistently positive. As one course participant commented, “The session was invaluable. It was good to hear the media’s perception of the courts; this will help me tremendously in working with media in the future.” The presentation is co-facilitated by NJC faculty and faculty from the Reynolds National Center for Courts and the Media. Since 2004, the Scripps Howard Foundation sponsored session has reached over 800 judges from across the county.

**Pictured:** Michael S. Sommermeyer, CIO, Clark County Courts, Las Vegas, NV and Steven L. Smith, Presiding Judge, District Court, Brazos County, Bryan, TX.
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“This year my gift is in memory of my wife Helen S. Sturtz, who passed away July 19, 2009, four days before our 60th anniversary. Helen came with me on six of my seven trips to the College, and also to a reunion we had in 1999. Our weeks at the NJC provided us with some of our fondest memories.

Helen played the piano for the class skit that we wrote in 1974, as well as for a rendition of “Alley Cat” performed by NJC President Robert Payant, Joe Weisburger and myself. In addition to the great memories, the College prepared me with the skills to be a better judge.

I retired in 1990 and I may say that I enjoy the reputation of having been one of the best judges who ever served in our county. So, many thanks for all that you did for me, and keep up the good work.”

Hon. William R. Sturtz (Ret.)
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