

# CASE POINT

THE NATIONAL JUDICIAL COLLEGE

SUMMER/FALL 2005

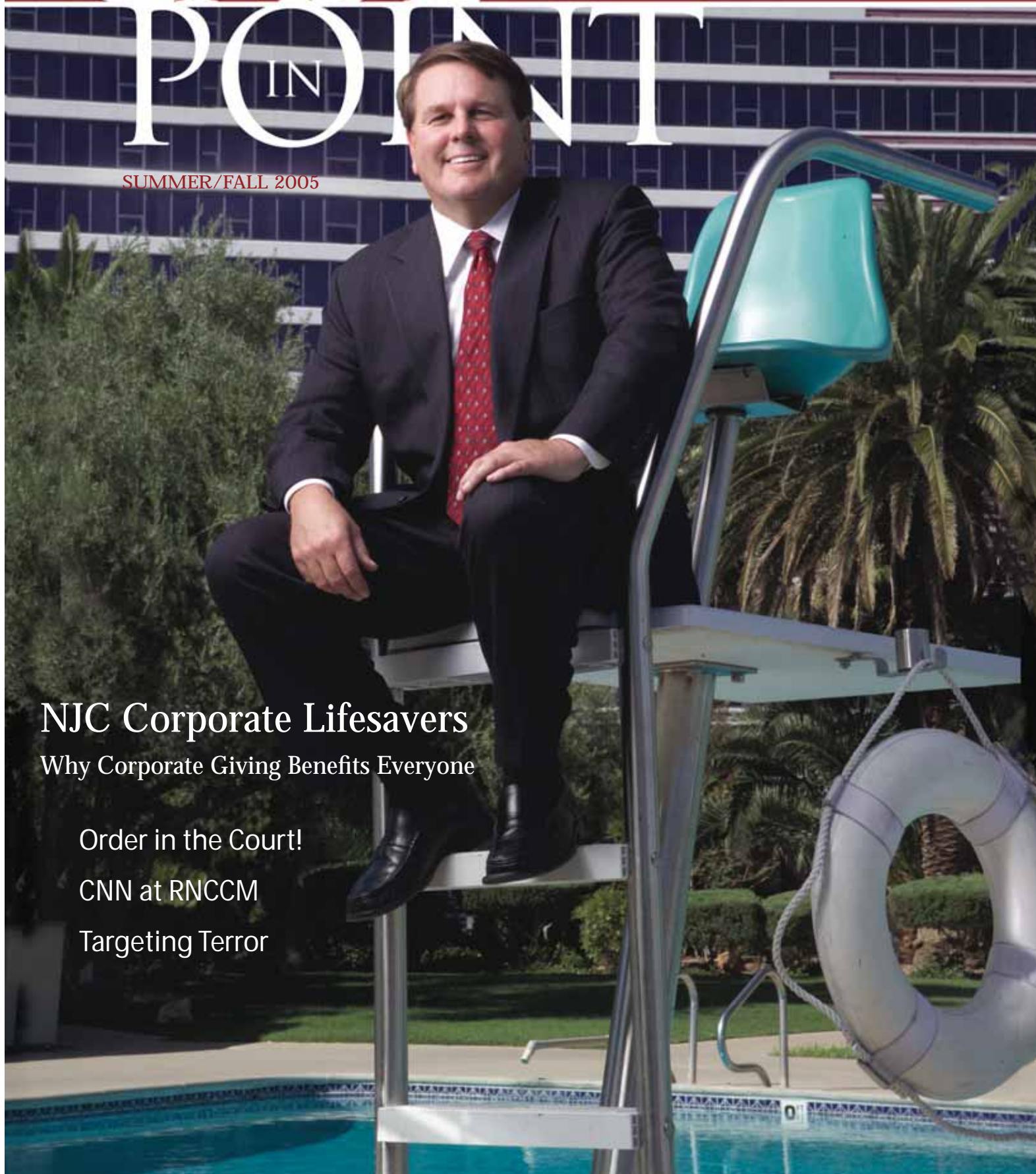
## NJC Corporate Lifesavers

Why Corporate Giving Benefits Everyone

Order in the Court!

CNN at RNCCM

Targeting Terror





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From left to right:

Christina Nellesmann, Graphic Designer

Nancy Copfer, Scholarship Officer

Trace Robbers, Director of Communications

Heather Singer, Communications Specialist

### Giving and Achieving

In this issue we mention the fantastic partnerships that we have with corporate America and how these partnerships are essential to the growth and well being of the College. We continue to seek partnerships that not only help us, but also add value to a company or corporation through the act of giving. Giving matters most when it's planned and focused. Giving makes a difference when it creates an impact and results for both the community and your company. The NJC makes certain that all funds donated to the College are properly managed and used for the maximum benefit. The outcome of giving must ensure results, changes and impact, and this rarely can be accomplished with a "checkbox charity" approach to giving. It's about having a strategic approach to giving and knowing that your contribution is having the intended impact. This is the essence of giving to the NJC – results for the NJC, your corporation and the nation.

As the year draws to a close, we once again thank the College's many partners who have supported our efforts nationwide. More than 3,000 judges, journalists and court personnel received training this year by attending one or more of our 140+ course offerings. And, in 2006 the NJC will be featuring even more ways to improve judicial proficiency and productivity. We hope to see you at the College in 2006, but until then, you can find us on the Web at [www.judges.org](http://www.judges.org).

Thanks also to my staff, Nancy Copfer, Christina Nellesmann and Heather Singer, who continually achieve above and beyond what is expected of them. Their commitment and dedication to completing this issue is greatly appreciated.

Thanks for reading.

Trace Robbers

Director of Communications

### CASE IN POINT

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*NJC Corporate Lifesavers*

*By Trace Robbers, NJC Director of Communications*

Corporations, small businesses and individuals alike, are becoming more strategic in their philanthropic efforts as they recognize the powerful partnerships that are formed when giving benefits the greater good of society.



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*Order in the Court!*

*By Heather Singer, NJC Communications Specialist*

Judges from around the country discuss the top do's and don'ts in the courtroom for attorneys.



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*Personal Safety and Public Justice*

*By Hon. John Kane*

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## PRESIDENT'S COLUMN

HON. WILLIAM F. DRESSEL

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America should be proud of how its individual citizens, corporations, and foundations have responded to the gulf hurricanes, the Asian tsunamis and a myriad number of other catastrophic events. America is truly a compassionate and generous nation which shares its resources with those in need at home and abroad. Similarly, The National Judicial College and other justice improvement entities have raised funds and responded in many other ways. Entities have placed appeals on their websites and provided links to organizations providing resources on the ground such as the American Red Cross. Others have created clearinghouses to match equipment and services that will be needed as courthouses along the gulf continue their heroic efforts to remain open, or resume providing services to their citizens.

During this time of meeting this extraordinary need, NJC is especially grateful to the generous and dedicated donors who support our work and other not-for-profit entities dedicated to the improvement of justice. This issue of *Case In Point* recognizes the positive impact that donors have upon the work of the many nonprofits and foundations in their ability to serve justice freely, fairly and without being beholden to any special interest or point-of-view groups. In recognition of the many generous donors who value a professional judiciary, this issue of *Case In Point* features a few of NJC's longtime supporters whose only request is – *use the funds to fulfill NJC's mission*.

As 2005 is quickly drawing to an end, we look with pride at what NJC has and will accomplish in the remainder of the year. In January, we started the year off appropriately by conducting a faculty development workshop. In February, NJC, the Conference of Chief Justices and NCSC hosted *A National Symposium on Judicial Speech – Post White* for the nation's chief justices. Georgetown

University professor Roy Schotland and NCSC's David Rottman, major contributors to the symposium, prepared "Call to Action, 2005" to be submitted to the chief justices. By the end of 2005, NJC will have conducted 54 courses in Reno, 12 seminar series programs, and an additional 78 extension programs for agencies, states or courts.

For the year, NJC will have provided a challenging education experience to over 3,000 judges.

The National Judicial College's offerings promise an exciting and challenging 2006. The NJC's Reynolds National Center for Courts and Media will be in its second year of hosting "in-state" conferences, bringing together journalists and judges for a day of working together to forge a better understanding of the role each plays and to foster future communication. The NJC is looking forward to working with other national entities to host the International Organization for Judicial Training 2006 Conference, October 8-13, 2006, in Reno. This conference will build on the achievements of the 2002 Jerusalem and the 2004 Ottawa conferences, working with judicial educators from around the world.

The NJC website is continually updated to provide the latest NJC information and serves as a valuable resource to those seeking information on the College. Please be sure to visit our website at [www.judges.org](http://www.judges.org) for the current course descriptions and dates, NJC news, program information and much more.

The College is proud of its role in serving justice through judicial education. The Board of Trustees and I are deeply grateful for your ongoing interest in NJC. With your support, the possibilities to further serve justice are endless. It is NJC's goal to provide challenging, life changing, judicial education programs. We continually strive to stay in the forefront of technology, legal, and judicial trends. With your support, this goal becomes a reality.



# NJC CORPORATE *Lifesavers*

By Trace Robbers,  
NJC Director of Communications



Jan Laverty Jones,  
Harrah's Entertainment, Inc.



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## Why Corporate Giving Benefits Everyone

Just what does it take to be a "corporate lifesaver" at The National Judicial College? A special suit? A fast horse? A life vest? Well, those probably might come in handy at a masquerade party, but at

the NJC what's really needed is just the desire, willingness and resources to see that programs and services offered by the College continue to have a positive effect on our nation's judiciary. The National Judicial College, like thousands of other not-for-profit organizations, depends on the generosity of individuals and corporations to meet its financial obligations as well as to fulfill its mission of "providing leadership in achieving justice through quality judicial education and collegial dialogue." Those who give to the NJC are indeed our corporate lifesavers, but more than that, they share a common thread of wanting to do something good for society and that's what makes giving to the NJC such a desirable and useful choice.

Scholars and corporate philanthropy officers alike indicate a movement in corporate philanthropy toward "strategic" giving. For example, this means giving that improves a firm's strategic position (ultimately the bottom line) while it benefits the recipient of the philanthropic act. According to a recent article in *Fast Company*, the data show that corporate giving managers believe their firms are becoming increasingly strategic in their philanthropic activities. The findings also indicate that individual and organizational influences combine to precipitate strategic philanthropy. The findings lend support to the belief that the nature of corporate philanthropy is evolving to fit a more competitive marketplace.

As chair of the NJC's board of trustees, Brian A. Larson, senior vice president,



secretary and general counsel for Boyd Gaming of Las Vegas, feels it is crucial for corporate America to support judicial education. Larson noted that equal justice is just as critical to small businesses and large corporations as it is to private citizens.

"Those of us who are responsible for, or help plan, our corporation's community philanthropy effort understand the value of community involvement and the important role it plays," he said. "At Boyd Gaming, giving our time and resources to help the communities in which we do business benefits society in general and helps those in need. For example, Boyd Gaming recently provided assistance to those affected by the devastation caused by hurricanes Katrina and Rita in the Gulf Coast region. The Boyd Mission Statement and Boyd Style initiatives emphasize the importance of giving back so that society benefits as a whole. These initiatives are a cornerstone of our company. Giving to the NJC has also been an important choice for us at Boyd Gaming in that we recognize the role the College plays in the training of our nation's judiciary."

Larson continues to be an advocate for the NJC by encouraging others to give to the College. He notes that corporate philanthropy is really about building a deeper connection between giving and your company. "It's about making a commitment to being a part of a community and changing lives. It's about improving communities for all to live and work in through a cause important to us all – justice."

According to the Giving USA 2004 study released by the Giving USA Foundation, U.S. corporations gave \$12 billion to charity in 2004. Individuals, small companies and corporations also gave through foundations, which totaled an additional \$121 billion.

The fact is, increasing numbers of corporations are giving to causes important to the greater good. And that's good news for the NJC. The College's annual revenue totals \$7.8 million and depends on corporate giving and fundraising to cover its annual expenses to break even. Annual contributions make up \$3.2 million or an important 39 percent of annual revenue for the NJC.

## The Profit/Nonprofit Partnership

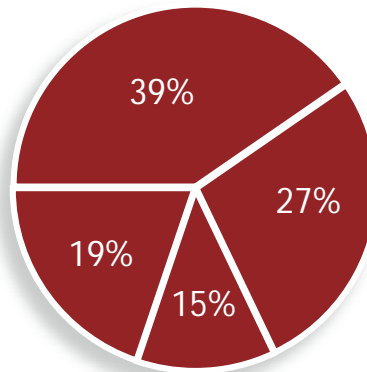
Corporations and individuals are proving themselves more worthy of charitable praise in that many are choosing to partner with nonprofit organizations to give them a fighting chance in today's unpredictable economy. For the NJC,



*Brian Larson,  
Boyd Gaming*

these partnerships are critical to maintaining and expanding its national judicial education curriculum. As more companies realize the value that a well-trained and knowledgeable judiciary has on our nation, the NJC is seeing an increase in its number of for-profit partners. These companies are valued not only for their financial contributions, but also for their expertise and input in helping the College achieve its mission and attain its goals year after year. The Giving USA 2004 study also noted that while there are financial benefits to corporations for donating to charities and nonprofits, there are other motivators and benefits for corporate giving such as societal expectations, employee expectations, opportunities for recognition/branding, and alignment with corporate goals. An emerging trend in fundraising has some corporations maximizing their affiliations by leveraging their corporate giving activities as team building programs and employee support initiatives that further increase the benefits to the company and the nonprofit organization.

### Percentage of NJC Annual Revenue




Contributions.....	39%
Tuition and Program Fees .....	27%
Grants and Special Projects .....	19%
Investment Income .....	15%

And, many others do contribute, as noted in the Donor section of this issue, but it is an on-going task of educating, cultivating and finding the right match for both the NJC and the corporation. Once the College's mission is presented and courses and programs are explained, giving to the College becomes almost second-nature.

On-going, generous support from Charles Matthews, vice president and general counsel for ExxonMobil, Richard Willard, senior vice president and general counsel for The Gillette Company, and Gary Jacobs, executive vice president, general counsel and secretary for MGM Mirage, have made it possible for the NJC to continue to offer quality educational programs to judges from across the country. They are among the hundreds of corporate givers who donate to the College annually, and we thank them.

"We are very grateful to all the generous supporters of the College throughout the years," expressed Hon. William F. Dressel, NJC president. "We are especially thankful to organizations and businesses that have

stepped forward year after year to support the work of the NJC and other entities dedicated to the improvement of justice. If not for them, we would be unable to boast of top-notch programs and services."

Over the past four decades, the NJC has helped shape the careers of thousands of judges from across the nation. Education shapes better judges, and better judges make better justice. Bringing together the best faculty, encouraging judges to learn and grow from their educational experiences, and constantly evaluating the judicial process for possible improvement shapes the College's methodology today. Just as the NJC plays a crucial role in helping judges provide better justice, our "corporate lifesavers" play just as crucial a role in helping the College maintain its quality educational programs and services. By donating today, you and your organization are ensuring the continuation of higher education for our nation's judiciary, and better justice for all. 

## Reinvesting in the Community

As senior vice president of communications and government relations for Harrah's Entertainment, Inc., in Las Vegas, Jan Laverty Jones, an NJC Board Member since 2000, knows firsthand the importance of corporate giving.

"Harrah's is guided by its corporate code of conduct that encourages the reinvestment in communities that we operate in," Jones said. "The NJC is a good charitable choice for Harrah's due to its prominent national programs for judges from all jurisdictions, and for its commitment to advancing justice at all levels of our nation's judiciary. Harrah's is a proud partner and recognizes the fine work being achieved at the College as well as the positive impact the NJC is having on the state of Nevada and the nation. It's essential to support the work being done here and we encourage others to do the same," she continued.

## Corporate Giving – Get Involved

According to *OnPhilanthropy* and the Committee to Encourage Corporate Giving (a membership organization representing the CEOs of the biggest corporate funders in the U.S.), there are four core principles to corporate philanthropy:

1. The need for business leaders to play an active role in civic affairs is greater than ever before, and organizations such as The National Judicial College that work for the public good on a national level, provide a platform that is a win-win opportunity for corporations to support.
2. Corporate philanthropy is a sound business practice in the best interest of shareholders and should be institutionalized as an integral part of the mission of every U.S. corporation's national and international business practices.
3. Increases in corporate profitability should be matched with commensurate increases in corporate giving programs and stabilized (not eliminated) in periods of volatility.
4. Corporate giving programs should be managed strategically with clear objectives, established metrics and reporting structures to senior management, similar to other key business disciplines.

## Be a Corporate Lifesaver

The National Judicial College has numerous ways to give in support of advancing justice through judicial education. For more information on becoming an NJC corporate lifesaver please visit our website and/or contact:

**Janice Barbour**  
**Director of Development**  
 (775) 327-8257  
[barbour@judges.org](mailto:barbour@judges.org)  
[www.judges.org/giving](http://www.judges.org/giving)







James Duratz

# Honoring a Family Legacy

## Cable TV Pioneer Visits NJC in Support of Judicial Education

A member of the pioneering family of cable television, James Duratz, visited The National Judicial College June 11, 2005, to learn more of the institution held dear by his deceased father-in-law and sister-in-law, George and Yolanda Barco. Duratz is the husband of Helene Barco-Duratz, sister of Yolanda and daughter of George, who passed away in August of 2000. He is now the chairperson of the Barco-Duratz Foundation. Duratz spent 30 years as the general manager of the family's cable company after resigning from the Pennsylvania Highway Patrol to attend college. He now serves as chair of the Pennsylvania Cable Network and a member of the Board of Directors of the National Cable Television Center and Museum.

"Our judicial system is the most important part of our lives," expressed Duratz, a longtime resident of Meadville, Pa. "I know they (George and Yolanda Barco) would be very pleased with The National Judicial College. They talked about it a lot. My father-in-law began continuing legal education in Pennsylvania. He felt very strongly about continuing education."

The support of judicial education runs deep in the Barco-Duratz family. George Barco, an attorney and cable pioneer, died in 1989, leaving a legacy of giving through the Barco-Duratz Foundation. The George

J. Barco Judicial Continuing Education Fund was established in 1993 at The National Judicial College by the Barco-Duratz Foundation with an initial gift of \$50,000. The National Judicial College was able to create a permanent endowment to assist in the continuing education of active trial judges serving in the Commonwealth of Pennsylvania.

*"My father-in-law began continuing legal education in Pennsylvania. He felt very strongly about continuing education."*

*~ James Duratz ~*

Yolanda Barco, an attorney and cable pioneer, passed away in May of 2000. In October of 2001, an additional \$100,000 was generously donated to the George J. Barco Judicial Continuing Education Fund in her honor. More than 50 judges have been awarded scholarships through the fund, enabling them to attend innovative courses at the NJC.

According to Duratz, it was George and Yolanda Barco's legal careers and support of continuing education which led them to the cable television business. In the early 1950s, George and Yolanda were in New York for a continuing education conference when they learned more about television at the hotel in which they were staying. It was this experience which led them to pursue careers in the cable television industry back in their home state of Pennsylvania.

During his visit to The National Judicial College, Duratz toured the prestigious two-story building, located on the campus of the University of Nevada, Reno. Duratz was able to view the state-of-the-art Model Courtroom and the Reynolds National Center for Courts and Media, both located inside The National Judicial College. He sat in on the *Scientific Evidence and Expert Testimony* course, visited with staff and enjoyed lunch with judges from across the nation in the College's cafeteria.

"We have a very fine judicial system," Duratz said. "It is what we live by. I would like to see the support of the College continue."

*The NJC encourages all of its donors to visit the College and see what their donations do for judicial education. To set up a visit, please call (800) 25-JUDGE.*



# New Master's Program: [Justice Management]

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The Master of Justice Management program is a challenging, stimulating academic degree program designed to provide a structured, interdisciplinary academic curriculum applicable to students' professional needs. It encourages them to take an active role in managing, planning, and administering justice services. The new program will also provide participants with experience (by virtue of the professional project requirement) in designing, implementing, and evaluating program outcomes in the improvement of justice administration.

This new master's program was developed to address the demand for graduate level training in the area of justice management. The program provides an academic foundation for those seeking education or advancement in the varied fields associated with the administration of justice.

It is organized jointly by the University of Nevada, Reno (UNR), The National Judicial College, and the National Council of Juvenile and Family Court Judges (NCJFCJ) and is supported by the National Juvenile Court Services Association, the National Center for State Courts' Institute of Court Management, the American Probation and Parole Association, the American Correctional Association, and

the Child Welfare League of America.

"What makes this program unique is that UNR is working directly with the NJC and the NCJFCJ," said Jane Robinson, assistant program director of the Justice Management Program. "Courses are offered by all three institutions. Except for the program offered by UNR exclusively for judges, there is no other program with

**"Judges are  
enthused that  
there is now a  
graduate degree that  
their administrative  
staff can pursue."**

*~ Jane Robinson ~*

this kind of national scope."

"The response to this program has been really good so far," added Robinson. "Judges I have met here at the NJC are enthused that there is now a graduate degree that their administrative staff can pursue."

A student of the program may take up to six years to complete the degree, but it is designed to be completed in two to four years. Most courses will be offered

online and many will be presented at regional conferences around the country.

"Students can attend conferences in their area and meet face to face with the instructors," said Robinson. "However, we intend that it be possible for a student to complete all course work online."

The program has both a thesis and a non-thesis option and three areas of concentration: Juvenile Justice Management, Adult Justice Management, and Executive Court and Agency Administration.

*Interested students from across the nation are encouraged to visit the program's website at [www.unr.edu/justicemanagement](http://www.unr.edu/justicemanagement). For further information please contact:*

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[www.unr.edu/justicemanagement](http://www.unr.edu/justicemanagement)

*For more information on the Judicial Studies Program through UNR and the NJC contact:*

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Justice & Judicial Studies  
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## Get Behind the NJC



Put your name on a chair to honor or memorialize someone special. For \$500 you can sponsor a Seat of Justice and each donation goes to the College and helps fund the judicial courses and programs we put on all year long. This year, we are thanking the office staff of Judge Scott T. Jordan of Reno, Nev., who sponsored a Seat of Justice in the name of Judge Jordan's retirement.

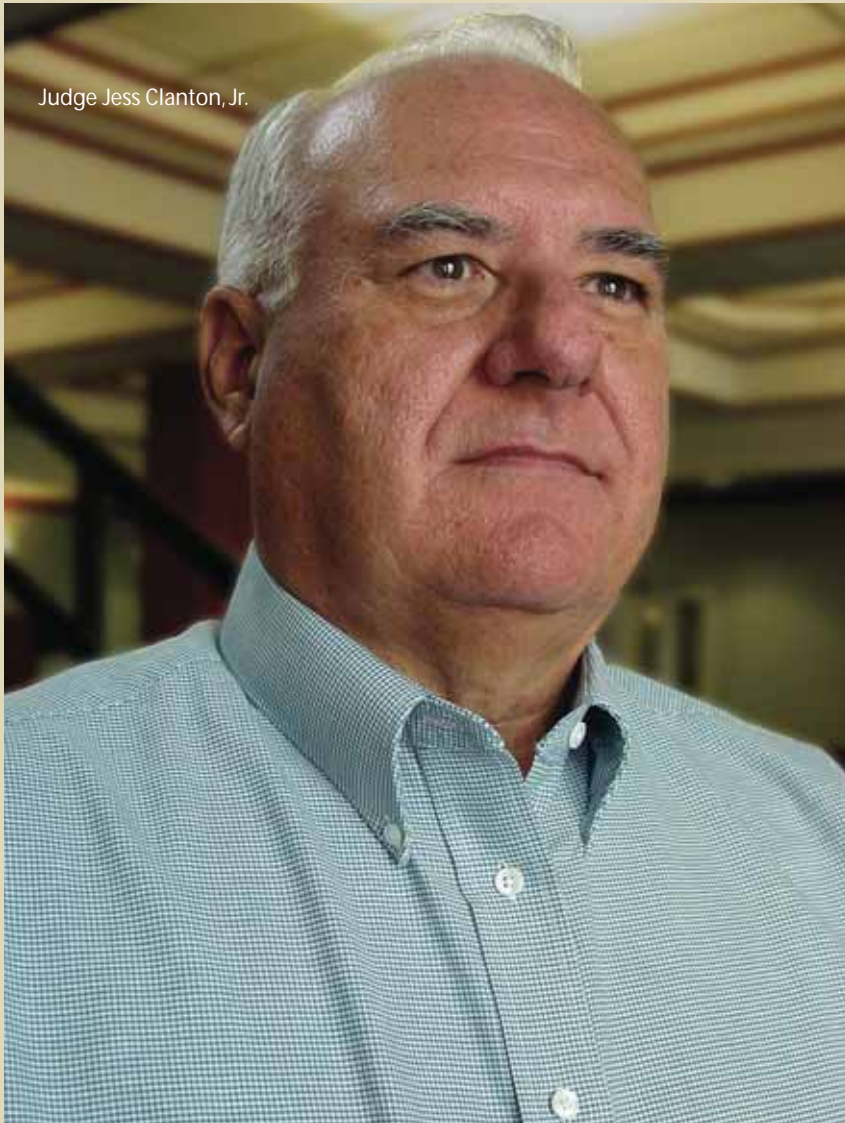


*From left: Lance White, law clerk, Suzanne Gabelick, administrative assistant, Judge Scott T. Jordan, Debbie Ungerman, court clerk, and Mary Trimmer, court clerk.*

*To name a chair, contact Elizabeth Scott at (775) 327-8258 or [scott@judges.org](mailto:scott@judges.org).*



Judge Jess Clanton, Jr.



Judge Courtenay Hall



Judge Mark Cleve



Judge Victoria Schofield

"I have been seeing a decline in courtesy and civility between attorneys in the courtroom over court-related matters."

Judge Jess Clanton, Jr.



Judge Daniel Sanchez



Judge Michael Sage

FOR JUDGES, sitting on the bench is not only an opportunity to deliver justice and impact many lives, it is also a front row seat for watching attorney victories, defeats, mishaps, faux pas and sometimes just downright bad behavior. Though these antics can set the stage for annoying distractions from very serious and important issues, they can sometimes be entertaining and provide some much-needed courtroom tension-breakers. Six longtime judges from courtrooms across the nation recently shared their top “do’s” and “don’ts” for attorneys in the courtroom and some minor pet peeves as well as insight and advice, most often gained only after years of claiming the best seat in the house. Each judge was interviewed separately so his or her answers would not influence the others.

Named by five of the six judges interviewed as absolute “don’ts” for attorneys in the courtroom were being late and arguing with the other attorneys. If, for some reason, an attorney will be late for a trial or hearing, the judges agreed that he or she should call the court and inform the judge. Judge Michael Sage, who serves on the Court of Common Pleas in Hamilton, Ohio, has seen many trials and hearings held up over late attorneys in his 15 years on the bench. “Attorneys are busy people and they can’t always be on time, but if an attorney can’t be on time, he or she should call,” he said. “It is very annoying to opposing counsel and others in the court.”

For a majority of the judges interviewed, a significant “don’t” was lawyers arguing with each other during trials and hearings. “I have been seeing a decline in courtesy and civility between attorneys in the courtroom over court-related matters,” said Judge Jess Clanton, Jr., an active-retired general jurisdiction judge from Langley, Okla. Judge Clanton, who has served on the bench for 30 years, is an alumnus of The National Judicial College and a member of the faculty. He also frequently serves as a group facilitator for NJC’s *General Jurisdiction* course.

Judge Courtenay Hall, a family court judge from Ballston Spa, N.Y., who has been on the bench for seven years, shared helpful advice that an older attorney gave him when he was a new attorney. “Never take every advantage of your adversary.

## Top “Do’s” and “Don’ts” for Trial Attorneys from Judges Who Have Seen It All

Always leave something for him or her. The two of you will practice together again someday, perhaps on the same side.” In addition to being courteous to opposing counsel, the judges also urged attorneys to be respectful of everyone in the courtroom and of the court itself. “Attorneys should display respect in the courtroom and toward the system for which it stands,” advised Judge Daniel Sanchez, a district court judge from Santa Fe, N.M., who has served on the bench for six and a half years. An NJC alumnus and group facilitator, Judge Sanchez, added, “Be dignified and always dress appropriately.”

A major courtroom “do” for attorneys, mentioned by the majority of the judges, was preparation. “I would say that being prepared is the single most important thing a lawyer can do to be successful,” stressed Judge Hall.

In addition to these top three reoccurring issues, each judge offered insight as to their own smaller, larger and very unique courtroom pet peeves. Three judges advised attorneys to lighten up in the courtroom and be able to laugh at themselves. “Lawyers take themselves way too seriously,” expressed Judge Victoria Schofield, a district court judge from Green River, Wyo. “I realize they are not there to be funny, but sometimes humor can be an appropriate way to lighten up a tense atmosphere.” Judge Schofield has served on the bench for five years and is an alumna and group facilitator for the NJC.

Also, advising some tasteful, moderate courtroom humor was Judge Mark Cleve, a district court judge from Davenport, Iowa. “Attorneys should have an appropriate sense of humor,” encouraged Judge Cleve, who has served on the bench for seven years. He is an alumnus of The National Judicial College and serves as a group facilitator for NJC courses. “They should not take themselves so seriously that they lose a sense of what they are doing and the impact it has on those around them,” he added.

For Judge Clanton, an essential factor in courtroom conduct for attorneys is making sure to ask juror qualifying type questions during *voir dire*. “Avoid personal colloquies and case-orientation type questioning,” he said.

An important “do” for attorneys, according to Judge Hall,

# ORDER in the court!

By Heather Singer, NJC Communications Specialist



is to deliver focused examinations. "In cross-examining witnesses, concentrate on a few points rather than using a shotgun approach. Focused examinations are far more effective for the judge and jury during a trial. They are much easier to understand."

Judge Sanchez asked that attorneys stand, out of respect for the court, if they wish to speak or object unless they have a physical disability which makes them unable to do so. Follow-through from attorneys is important for Judge Cleve, who said he often winds up with a short stack of files on which he has to ask several attorneys to follow up. He also hopes to see lawyers proof their papers for typos and bad grammar before filing documents with the court. For Judge Schofield, typos and poor grammar do not bother her as much as lawyers filing last minute documents.

A "don't" advised by Judge Clanton is for attorneys not to ask jurors to promise them anything such as "If the state fails to prove X, please promise me you will return a not guilty verdict." And, always be sure to turn off cell phones, he added.

Lawyers should avoid deception, said Judge Hall. "Never lie to a judge," he cautioned, stressing the importance of attorneys maintaining their credibility. "If a lawyer is credible, he or she is more likely to secure as favorable of an outcome for the client as possible."

For the most part, the majority of lawyers Judge Clanton sees in his court conduct themselves professionally. "Most attorneys do an excellent job in the courtroom," he said. "Most of them are prepared, punctual and courteous. The problem areas are limited to very, very few lawyers. I think the vast majority know they are public servants and officers of the court. Most attorneys are very professional." 

# Humor in the Court

## Memorable Moments That Should Have Been Caught on Tape

It was a closing statement that seemed like all was going well until a seam cracked, ... er, ripped under pressure as the attorney bent over to emphasize a point during his dramatic closing. His closing was emphasized, just not exactly in the way he had intended. Before Judge Courtenay Hall, of Ballston Spa, N.Y., could cover the eyes of unsuspecting jurors, flashy red, patterned boxer shorts glared out from the torn, frayed edges on the back side of the attorney's expensive gray suit. The attorney continued on, completely unaware that he was showing off more than the evidence exhibits, recalled Judge Hall. "I noticed that the jurors' eyes were bugging out," he said. "It was the most obvious contrast between the gray suit material and the flaming red boxer shorts. My prayers were just to guide this poor attorney's movements so he did not keep leaning forward to pick up exhibits." In interviewing the jurors after the trial to gain feedback on how to improve future trials, Judge Hall said one of the jurors asked, "Can we have that lawyer back next time?"

Another time, Judge Hall entered his courtroom in time to hear a defendant yelling profanities at everyone in the courtroom, including his attorney, who was desperately attempting to calm him. In catching the tail end of the tirade, Judge Hall, heard the defendant shout, "I don't want anything more to do with any of you jerks!" Just then, the defendant spotted the judge and paled. "I told him calmly, 'You won't get out of here until you get through dealing with this jerk.'" The courtroom erupted in laughter, recalled Judge Hall, who said later on, he realized they were probably laughing because they really thought he was a jerk.

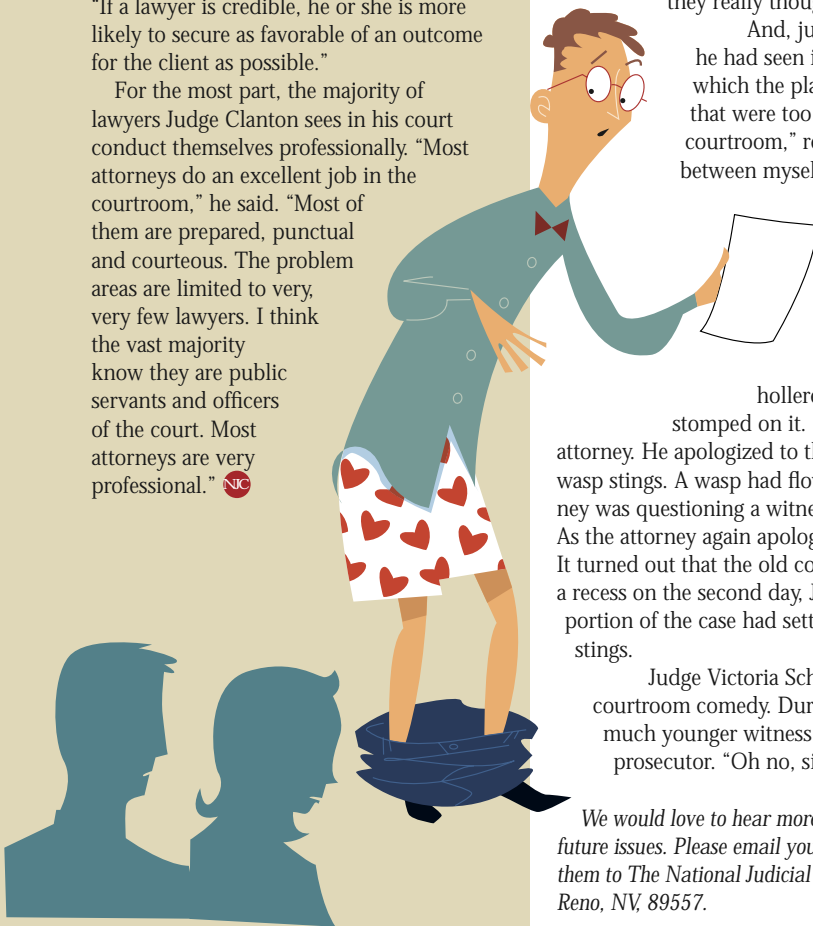
And, just when Judge Michael Sage, of Hamilton, Ohio, thought he had seen it all, he was in the midst of hearing a malpractice suit in which the plaintiff was suing the surgeon for inserting breast implants that were too large. "The attorney wanted his client to disrobe in the courtroom," recalled Judge Sage. "A humorous dialogue followed between myself and the attorney who was arguing why I should allow

this. I finally spoke with him in private and explained that he could accomplish his same goals without his client inappropriately undressing in the courtroom."

During a lien foreclosure trial that had multiple lien claimants, Judge Jess Clanton, Jr., of Langley, Okla., observed an opening statement that packed quite a sting. During his opening remarks, one of the attorneys hollered and stripped off his jacket, threw it on the floor and stomped on it. "What's going on, counselor?" Judge Clanton asked the attorney. He apologized to the court and jury, and explained that he was allergic to wasp stings. A wasp had flown inside his coat, he said. The next day, as the same attorney was questioning a witness, the same event happened, Judge Clanton recounted. As the attorney again apologized, he picked up his coat and out fell a huge wasp. It turned out that the old courthouse, built in the 1920s, had a wasp infestation. After a recess on the second day, Judge Clanton was informed by the attorney that his client's portion of the case had settled. Perhaps he was not the only one allergic to wasp stings.

Judge Victoria Schofield, of Green River, Wyo, has also seen her share of courtroom comedy. During one trial, a prosecutor in his early 50s was asking a much younger witness to describe the victim. "Was he around my age?" asked the prosecutor. "Oh no, sir, not THAT old!" answered the witness.

*We would love to hear more of your humorous courtroom stories. We might run them in future issues. Please email your stories to [singer@judges.org](mailto:singer@judges.org) or [robbers@judges.org](mailto:robbers@judges.org) or mail them to The National Judicial College, c/o Heather Singer, Judicial College Building/MS 358, Reno, NV, 89557.*



# Never Doubt the Stouts

Even before the Stout Foundation was established in 1982, Charles "Chick" and Elizabeth "Betty" Stout were strong supporters of The National Judicial College. The Foundation laid the groundwork for the Stout family's generosity to continue long after Charles Stout's passing in 1992.

"I think dad's giving helped the College move to Reno," explained Richard Stout, Charles' son, who owned Reno Printing with his wife, Sue, for more than 22 years. "I feel good about his giving. He did very well in life and was very generous. It is the mission of the Stout Foundation to support projects that our father was interested in and supported."

Charles Stout's noted career in newspapers and the printing industry spanned more than half a century. Born in Winterset, Iowa, the fourth oldest in a family of six boys, he worked his way to a degree in accounting at the University of Iowa as a linotype operator at the University Press. After graduation, he became an instructor in newspaper management at the University of Iowa. He spent the years 1929 through 1947 in New York City as vice president and sales manager for Matrix Contrast Corporation, with leave during World War II to serve as a U.S. Navy commander.

In 1948, Charles Stout became assistant general manager at the headquarters of the eight-newspaper group in Colorado Springs, Colo. In 1957, he was named publisher of the Nevada State Journal and Reno Evening Gazette and vice president of Speidel. He became president of the transcontinental group in 1964 and continued to serve as a director and chairman of the Executive Committee until his retirement in 1976 when Speidel merged with Gannett Co., Inc. Under his leadership, Speidel had grown to 13 daily newspapers and become the most profitable publicly-traded newspaper company

in the United States.

The Charles H. Stout Foundation was created in 1982 and is maintained by several members of the Stout family including: Richard Stout, president and trustee, Reno, Nev.; Martha Stout Gilweit, vice president and trustee, Del Mar, Calif.; Ross Stout, treasurer and trustee, Siloam

Springs, Ark.; Douglas McDonald, secretary and trustee, Fernley, Nev.; Katherine Gilweit Cartiglia, trustee, New York City, N.Y.; and D. Kent Clayburn, investment advisor, San Francisco, Calif. Betty Stout served as president of the Stout Foundation from its inception in 1982 until 1997 and was chairperson emeritus at the time of her death in 2003.

Although the family is now spread across the nation, their ties to Reno span more than a century. Betty West Stout's father, Claudius Wilson West was a Reno medical doctor from the early 1900s until his death in 1945. Charles and Betty were married in Reno in 1958 after Charles' first wife, Katherine Black Stout, died in 1957.

Today, the Stout family still strongly believes in their father's fondness of Reno and his appreciation for quality judicial education. Since 1982, the Stout Foundation has given annual donations to The National Judicial College totaling more than \$50,000, not including what Charles Stout gave privately before the Foundation was formed.

"The National Judicial College has done a very good job of growing and becoming nationally recognized," expressed Richard Stout.

The Stouts have shown their dedication over the years to supporting the mission of The National Judicial College and feel it is important for others to do the same.

"Be generous and open your pocket-books," urged Richard Stout. "Judicial education is very important and The National Judicial College is important to Reno."



Elizabeth Stout



Charles Stout

## Afghanistan Summit



Afghanistan adopted a new constitution in 2004 that significantly changed the judicial branch of government in structure, operation, and responsibilities. One of the significant changes was the reduction in the number of judges on the Supreme Court from more than 140 to nine.

In early 2005, Colonel Richard Gebelein, a reserve Army officer serving as the Rule of Law Officer in Afghanistan and a graduate of NJC's Master of Judicial Studies degree program, began discussions on behalf of the Army with NJC about developing a summit to assist the Supreme Court in making the transition to the judicial system required by the new constitution. USAID/Afghanistan and Checchi Consulting, which has the rule of law contract in Afghanistan, were also involved in the planning and financing of the summit.

The summit was designed to expose select judges, including members of the Supreme Court and appellate courts, and a similar number of individuals in high-level judicial administrative positions to information on the practices in courts in several countries. Faculty were recruited from Spain, Jordan, the Navajo Nation, and the U.S. to facilitate discussion for the participants on changes that they would like to make to the Afghan system.

The two-week program was conducted at the ABA/CEELI Institute in Prague, Czech Republic, in June. Faculty included NJC President William F. Dressel, NJC Operations Director and former court administrator Dennis Jones, Wisconsin Appeals Court District Staff Attorney Ronald Hofer, former Chief Justice of the Navajo Nation Robert Yazzie, Judge Richard Gebelein, Judge Ignacio Pando Echevarria of Audencia Provincial in Segovia, Spain, and Justice Abdul Karim Pharaon of the Supreme Court of Jordan. Peggy Vidal, NJC's International/Judicial Studies manager, administered the program.

Although courts at all levels are more and more initiating programs which fall under the courts' umbrella for alternative dispute resolution, few court-connected dispute resolution programs have been independently reviewed or audited. Practices can vary widely from one program

The first weakness mentioned, the inadequacy of stated program goals, is problematic because goals, even if named, are rarely stated in measurable terms. To fully evaluate a program's success, the goals ought to be measurable. For example, instead of merely stating the goal as "reduce the court's caseload," a mea-

# Evaluating Court-Connected Dispute Resolution Programs

By Nancy Neal Yeend

to the next. Statistics are kept in non-uniform ways and with different degrees of accuracy. It is no surprise then that it can be difficult to ascertain what, if any, benefits are provided to the public or the courts. Since appellate programs are only rarely evaluated, a recent assessment of the Nevada Supreme Court's program provides a unique opportunity to examine the impact, potential and drawbacks of court-connected dispute resolution.

To determine how well a program is working, a qualified evaluator typically examines and assesses five areas: program goals, program policies and procedures, qualification and competency of neutrals (program panelists), ratings by program users, and settlement rate. Because Nevada is one of a handful of states with no intermediate court of appeal, all cases from the trial courts are appealed directly to it. The caseload under this circumstance can be staggering and so a dispute resolution program provides a means of case management. Although there are some unique aspects to the Nevada program, the evaluation produced information with broad applications regarding program effectiveness, administration, policies and procedures, and neutrals.

Court-connected dispute resolution programs commonly suffer from some common weaknesses including inadequately defined or non-existent goals, no formal mechanism for receiving input from the attorneys and parties who participate in the program, no formal definition of the process, no plan for review of the neutrals serving the cases, and failure to utilize technology. These deficiencies impact the settlement rate and program cost.



// Without adequate definitions for the processes and the terms of art associated with a given process, confusion and lack of uniformity results. //

...

Nancy Neal Yeend

surable goal might be defined as "reducing the caseload of the court by 5 percent," or a goal might be defined as "reducing the duration of a case in the appellate process by 90 days." A sharpened view of what the program ought to achieve can be very valuable in determining its benefit versus its cost.

Similarly, participant feedback can be important in assuring quality.

User evaluations that address the timing of the process, competency of the neutrals, and overall satisfaction

with the experience produces vital information.


It does not matter what dispute resolution process or model a court chooses, be it arbitration, mediation, settlement conference, early neutral evaluation, or any other alternative. What is important is to specifically define the chosen process, clearly define the role of the neutrals, and establish competency and conduct standards for the neutrals. Without adequate definitions for the processes and the terms of art associated with a given process, confusion and lack of uniformity results. The level of user satisfaction with the process is directly and adversely affected. When participants do not understand the process, particularly the attorneys who otherwise might

be involved repeatedly, or when the process seems to change abruptly according to the neutral involved, they may become reluctant to use court-connected dispute resolution. If compelled to use it, these same participants are critical of its value to them. For these reasons, many non-mandatory court-connected dispute resolution programs, are underutilized.

Costs associated with administering a dispute resolution pro-



gram are often a significant portion of the budget. Integrating technology and computerizing amenable aspects of the process creates uniformity and reduces costs.

The Nevada Supreme Court dispute resolution program has been in existence for eight years, is mandatory in most civil cases, and enjoys an exceptionally high settlement rate of 55 percent, especially for an appellate program. Subsequent to undergoing an evaluation, the Nevada Supreme Court has embarked upon a series of changes, improvements and modifications to the program in order to clarify its purpose and increase its success. With periodic, independent review, a court-connected dispute resolution program will remain viable and provide significant benefit to the court, and community it serves. 

Nancy Neal Yeend, of Los Altos, Calif., has been a member of the NJC faculty since 1995. She evaluated the Nevada Supreme Court's Appellate Settlement Conference Program in 2004. She has researched the use of appellate dispute resolution programs in all 50 states, and results appear in the second edition of *State Appellate ADR: National Survey and Use Analysis with Implementation Guidelines*, 2002.

# How Do You Respond?



The National Judicial College's new classroom responder system made its debut in a recent presentation during the *Integrating Cultural, Race and Gender Issues Into Judicial Education* course. The system was purchased with a \$20,000 grant from the Robert Z. Hawkins Foundation. A classroom responder system is made up of wireless, handheld keypads that allow the College's student-judges to respond anonymously and uninhibited to questions posed by instructors regarding sensitive legal issues.

The new responder system allows the NJC to operate responders in two classes at once and also allows the College to accommodate larger classes. The system also has updated capabilities such as a "pulse system" that allows students to submit answers and opinions in real time. The results are automatically charted into a wave graph on two large screens so the faculty and students can view other students' reactions and answers to points made and questions posed throughout a presentation.

The Robert Z. Hawkins Foundation is known throughout northern Nevada. Formed in 1980 through the will of Robert Ziemer Hawkins, a longtime Reno resident, lawyer and successful inventor, the Foundation's giving is geared toward charitable, religious, educational, scientific and literary organizations as well as groups that work toward preventing child and animal abuse.

The National Judicial College uses ExhibitOne's TrialView Evidence Presentation System in its new state-of-the-art courtroom.

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# JACKSON Hirshon

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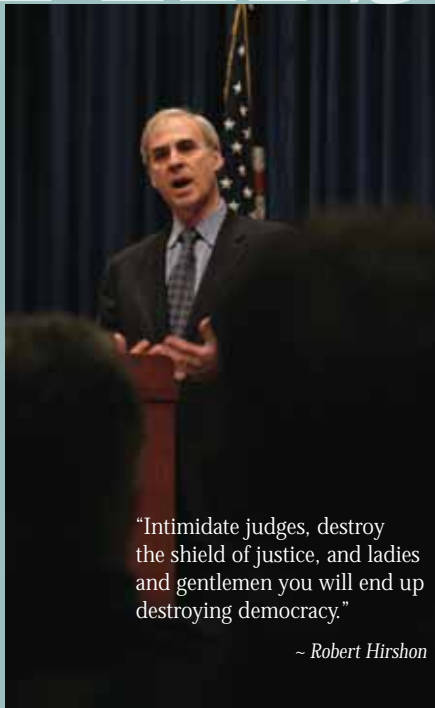
An audience of 75 judges, local residents and staff and faculty from The National Judicial College listened attentively April 20, 2005, as **Robert Hirshon**, former president of the American Bar Association, described the peril the nation's judiciary is facing due to recent public verbal attacks and intimidation.

The free public Jackson Lecture, entitled "*Under Seige: America's Independent Judiciary*," was held in honor of Justice Robert H. Jackson, a 1940s Supreme Court Justice best remembered for his role as chief prosecutor in the Nuremberg War Trials. The NJC presents these lectures three times a year at the end of each two-week *General Jurisdiction* course for the course participants as well as community residents. Justice Deborah Agosti, retired Nevada Supreme Court chief justice and NJC Board member and secretary, introduced Hirshon.

"Every day, thousands of judges, jurors, court personnel and lawyers go into courtrooms to promote and achieve justice," explained Hirshon, an internationally known lawyer, teacher, writer and speaker. "Their ability to work without fear or intimidation is what allows us to flourish as a great society. Intimidate judges, destroy the shield of justice, and ladies and gentlemen you will end up destroying democracy."

Hirshon urged the judges in the audience not to let themselves become intimidated by those seeking to undermine the judiciary. He cited recent comments by House Majority Leader Tom DeLay and Sen. John Cornyn as well as the verbal attack from American conservative political activist, Phyllis Schlafly, on Supreme Court Justice Anthony Kennedy for his opposition to capital punishment for juveniles, even arguing his opinion was grounds for impeachment.

"Ladies and Gentlemen, if we are to



bask in the glory of a nation governed by laws and not the whims of individuals, then we need a judiciary that is beholden only to laws and not to individuals ...," he said. "Sen. Cornyn, who stood in our capital, in our senate and dared to argue that the recent courthouse violence against judges might be explained by distrust about judges who are 'making political decisions yet are unaccountable to the public.' After reading that remark I realized hunting season had begun."

As a former member of the Texas Supreme Court, Sen. Cornyn should know better, said Hirshon. Expressing outrage over this and other recent remarks, he cited the recent increase in court-related violence nationwide.

"And ladies and gentlemen what was Michael Lefkow's crime or Donna Humphrey's crime?" he asked, referring to the murdered husband and mother of

U.S. District Judge Joan Lefkow, who were gunned down in their Chicago home February 28, 2005. "Are we going to excuse away their murders? Is this what the majority leader meant when he threatened that judges 'will answer for their behavior?'"

In July of 2003, Hirshon joined Tonkon Torp LLP as the firm's new chief executive officer and became the first chief executive officer of a law firm in Portland, Ore. In his 30 years as a practicing attorney, he has represented corporations, individuals, financial service companies and associations. As president of the American Bar Association from August 2001 to August 2002, the world's largest professional organization implemented a major technology initiative and redesigned its annual convention to make it more member-friendly. Hirshon also led the legal profession's response to 9/11 during its assessment of corporate governance issues.

"We must never think about political consequences, however formidable they might be," Hirshon said, concluding his lecture. "Even if rebellion is the ultimate result of our opinions, we are bound to say, 'Let justice be done though the heavens may fall.' Ladies and gentlemen, I suggest that you are our nation's most precious commodity. God help us if we do not begin to treat you as such."

An immediate standing ovation followed Hirshon's speech. Widely published, Hirshon is a former adjunct professor of law at the University of Maine Law School, where he taught courses in negotiations and trial practice. A longstanding shareholder in the Portland, Maine, law firm of Drummond, Woodsum & MacMahon, P.A., before coming to Tonkon Torp, Hirshon is the recipient of numerous awards and honorary degrees. In the spring of 2003, he was the first practicing attorney to be honored with the Muskie Access to Justice Award, named after U.S. Sen. Edmund Muskie.

# LECTURES & Warren

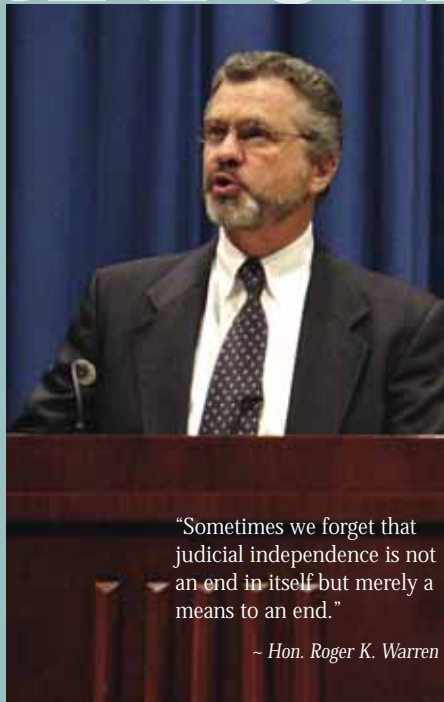
The National Judicial College's July 21, 2005, Jackson Lecture was presented by **Hon. Roger K. Warren**, president emeritus of the National Center for State Courts (NCSC) and scholar-in-residence at the California Administrative Office of the Courts. He reminded judges that judicial independence is an ideal that must be strived for by those in the judiciary.

"Let us be reminded that judicial independence is only a concept, an ideal," he told an audience of 175 people in the NJC's Tom C. Clark Auditorium. "The United States enjoys the strongest and most independent judiciary in the world, and our federal and state constitutions contain provisions intended to promote the independence of our judiciaries. Judicial independence has to be continually fought for – and won anew – each day. It is grounded in public respect for the courts and for the judicial function. Like respect, it cannot be demanded. It must be earned."

The event, which was free to the public, was entitled *"Judicial Accountability, Fairness and Independence,"* and was held in honor of Justice Robert H. Jackson, a 1940s Supreme Court Justice best remembered for his role as chief prosecutor in the Nuremberg War Trials. The NJC presents these lectures three times a year at the end of each two-week *General Jurisdiction* course for the participants as well as community residents.

Judge Warren cautioned the judges in the audience not to become so distracted by threats to judicial independence that they are not able to fulfill their duties adequately on the bench.

"We become preoccupied with the external threats to judicial independence over which we have little control rather than fully accept accountability for our own performance - over which we have almost complete control," Judge Warren explained. "We must examine our own



performance honestly and demonstrate the courage and ability to improve our performance when it is found insufficient."

He reminded the audience that judicial decision-making should be based solely on evidence and the law, not outside influence and improper consideration. The object of judicial independence is to ensure freedom, and judicial independence is the freedom to be fair, he said.

"Sometimes we forget that judicial independence is not an end in itself but merely a means to an end," he said.

Judge Warren, a member of NJC's faculty, served as the chief executive officer of the National Center for State Courts. He was president of the NCSC from March of 1996 until September of 2004. Under Judge Warren's leadership, the NCSC doubled its services to state courts and justice systems around the world.

Prior to becoming the president of the NCSC, Judge Warren served as a trial judge in Sacramento, Calif., for 20 years. As presiding judge of the Sacramento Juvenile Court, Judge Warren founded the Sacramento Court Appointed Special Advocates (CASA) program and Sacramento Child Advocates, Inc., the nonprofit corporation now providing legal representation to all minors in Sacramento juvenile abuse and neglect proceedings.

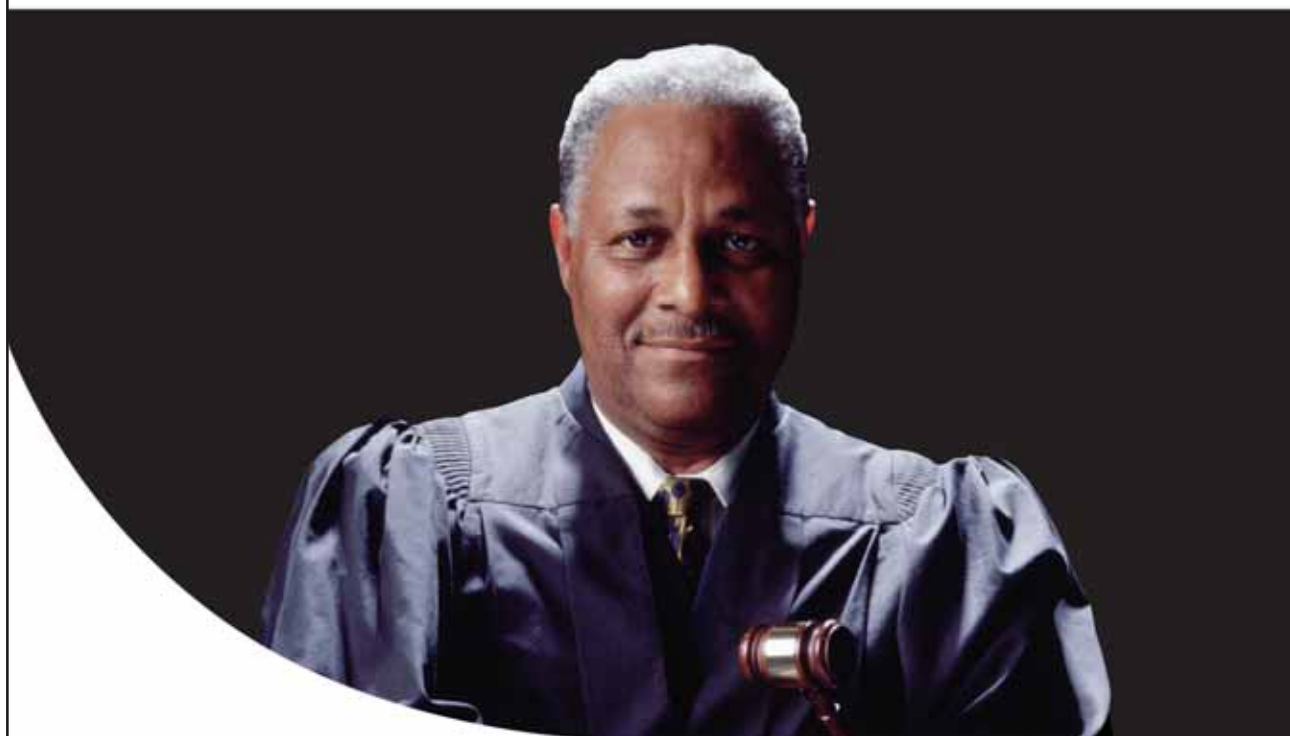
His professional achievements include membership on the California Constitution Revision Commission and the California Judicial Council, where he chaired the Planning Committee and was the founding chair of the statewide Trial Court Presiding Judges Committee. He was also active in California judicial education activities, including serving as chair of the Planning Committee for the education program for California presiding judges.

He has received numerous national awards from agencies and organizations including the Justice Management Institute, the National Conference of Court Public Information Officers and the National Association of State Judicial Educators. After his retirement from the Sacramento judiciary, the agencies of the Sacramento juvenile justice system created the Judge Roger K. Warren Unity Award, which is presented annually to recognize an individual who promotes collaboration and cooperation among the public and private agencies that work with children in the Sacramento court system.

Judge Warren attended Williams College, and received his master's degree in political science and his Juris Doctor from the University of Chicago, where he served as an editor of the University of Chicago Law Review. He served on a Fulbright Fellowship to Iran in 1964.



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# CNN at RNCCM

Five years into its existence at The National Judicial College, the Donald W. Reynolds National Center for Courts and Media (RNCCM) was discovered by the news network CNN. A profile of the center's work aired in prime time on *Paula Zahn Now* in June.

The CNN crew spent three days filming at the May course entitled *First Amendment and Media Issues for Judges*. Henry Schuster, who heads the network's investigative unit, was the show's producer while senior legal analyst Jeffrey Toobin flew to Reno to conduct the interviews.

Schuster became interested in how the RNCCM helps judges prepare for high-profile trials because his brother, Judge Stephen Schuster, a superior court judge in Marietta, Ga., had taken the course in 2004.

A portion of the profile was seen through the eyes of one of the judge attendees, Hon. Ronald E. Bush, a district court judge from Pocatello, Idaho. Judge Bush was shadowed by the crew to demonstrate what was taught in the sessions and was interviewed by Toobin.

Also in the spotlight was one of the faculty, Judge Terry Ruckriegle, who inherited the Kobe Bryant rape case in Eagle, Colo.. Judge Ruckriegle had taken the course in 2004 in preparation for the

Bryant case.

Besides discussing First Amendment issues such as access, gag orders and closed hearings that inevitably surface in newsworthy trials, the judges were given individual training on interview techniques, with each judge being videotaped and critiqued by faculty members. All of the interview training included a strong focus on what ethical constraints exist regarding judicial comment.

To get a sense of the reporter's perspective, the judges engaged in role reversal where they served as reporters questioning court officials at a press conference in a hypothetical situation that resulted in questions about the sufficiency of the amount of bail set. In teams of two, the judges then wrote news stories and headlines under deadline pressure and the stories were read to the class.

Another point of emphasis in the course was logistics. As Judge Ruckriegle explained, the crush of 800-plus reporters clamoring for information and access to the proceedings can be overwhelming. Added to the pressure is the intense scrutiny on the judge himself or herself with collateral impact on the judge's family.

To help the judges deal with such situations, the expert faculty included Jerianne Hayslett, a court media specialist, who was the Los Angeles Superior

Court public information officer during the O.J. Simpson trial, the Rodney King trial, the Menendez brothers' trials and other high-profile cases; Lucy Dalglish, executive director of the Reporters' Committee for Freedom of the Press; Judge Janet Berry, an experienced district court judge from Reno, Nev., who has handled high-profile cases; Judge Robert Alsdorf, a retired judge from Seattle, Wash., who also had his share of newsworthy trials; Mike Kautsch, a media law professor from the University of Kansas and former dean of the William Allan White School of Journalism; and Osler McCarthy, the court public information officer for the Supreme Court of Texas.

Gary A. Hengstler, director of the RNCCM, admitted he had qualms about whether the presence of the CNN cameras would affect the dynamics of the class, but he concluded that once the judges got into the sessions, they quickly became oblivious to the filming. "Overall, we're pleased that the portrayal of what we're trying to accomplish came across in such a positive manner for a national audience," he said.

*The transcript of the segment on Paula Zahn Now can be read by visiting the NJC website at [www.judges.org/njcnews/](http://www.judges.org/njcnews/).*



# TARGETING *Terror*

*Haunted by 9/11, a judge fights terrorism in a cyber disguise.*

By Heather Singer, NJC Communications Specialist

She has six different aliases, speaks five languages and has seen the inside of a courtroom hundreds of times. She is highly skilled in terrorism tactics and her ties to these illicit killing groups run deep. As an undercover cyber counter-terrorist, Judge Shannen Rossmiller, 36, has become one of the greatest weapons used by U.S. intelligence agencies in fighting terror since 9/11. A trained expert in the Arabic language and culture, Judge Rossmiller has been working in cyber counter-terrorism with 7-Seas Global Intelligence since November of 2001. The organization, 7-Seas, is a non-profit worldwide group dedicated to combating terrorism by intercepting information on the Internet. The 9/11 tragedy led Judge Rossmiller to pursue this volunteer endeavor, in which she spends countless nighttime hours each week communicating with terrorists using one of her aliases, and then analyzing information to pass on to U.S. intelligence agencies.

"I started doing this because my heart broke over the 9/11 tragedy," said Judge Rossmiller, an alumna of The National Judicial College. "I get more passionate about it as time goes on."

To prepare for cyber counter-terrorism, Judge Rossmiller immersed herself in studying the Arab people and culture. Already proficient in German, Spanish, French and English, she spent three months learning Arabic, but it took much longer for her to master the different Arabic dialects that would prove critical to penetrating the clandestine world of terror extremists. "All of the communicating is done in private rooms on websites and through emails," said Judge Rossmiller. "It took a while to work my way in and earn trust. The hardest part for me has been understanding the Arabic mindset and how the terrorists justify their acts. As Americans, we tend to think that most people in the world think like we do. I tend to think now that they do not."

After doing extensive research on the Arab-Israeli conflict,

Judge Rossmiller said she believes the root of today's terrorism stems from this ongoing conflict. Terrorists view the United States as a strong ally of Israel. They blame the Americans for helping Israel and, because of this, in their minds, feel Americans bring the terrorist acts upon themselves, she explained. "To an extent, I can see how they feel the way they do," she said. "However, it does not justify their actions."

A married mother of three, Judge Rossmiller has been a municipal court judge since 1999. Her children are older, ages 15, 13 and 10, which enables her to devote time to her counter cyber-terrorism mission. However, she makes sure each day to reserve time for her family, she said. Judge Rossmiller serves on the bench three days a week. Her criminal law training and experience as a judge have enhanced the skills she uses in combating terrorism.

"As a judge, and as a mom, you learn to read people," she said. "I believe my experience has helped me to be able to do this."

Safely tucked away in the close-knit community of Conrad, Mont., Judge Rossmiller does not fear constantly for her safety, but she is always cautious. "I would be stupid not to be conscious of the dangers, but I feel much safer here in Montana than in Los Angeles," she said. "You just have to be smart about it."

In learning about terrorism, Judge Rossmiller has gained a rare inside view of what terrorists are truly capable, and she believes the public underestimates the threat. "Knowing what I know does make me more frightened for the American public," she said. "I would like to see increased public awareness and consciousness of the threat of terrorism. I believe an event similar to 9/11 will happen again and it will be bigger. People tend to forget as time goes on and they become more relaxed."

Although there is a large pool of terrorist activity still to be infiltrated, Judge Rossmiller said 7-Seas Global Intelligence has intercepted and stopped many threats to the American public.

*"Knowing what I know does make me more frightened for the American public."*


*Hon. Shannen Rossmiller*



As a matter of fact, Judge Rossmiller's name and face made the national news in 2004 when she discovered U.S. National Guardsman Spc. Ryan G. Anderson was attempting to give U.S. military information to terrorist groups.

A Muslim convert from Fort Lewis, Wash., he offered Judge Rossmiller classified information on how to attack American troops. He mistakenly believed her to be a member of Al Qaeda. Although Judge Rossmiller was reluctant to testify in the trial, the case did not blow her cover because of her many aliases. Thankfully, the one she was using at the time was a newer one and did not cost her important connections. Spc. Anderson's case, which includes five convictions for attempted espionage and aiding the enemy during a time of war, remains the largest victory for the government in fighting terrorism post 9/11. He was sentenced to five concurrent life terms at Fort Leavenworth.

Although juggling her judicial career, spending time with her family and fighting terrorism forces her to manage her time well, Judge Rossmiller said the effort is worth it because she feels she has made a difference in making our nation more safe. She feels strongly about judicial outreach and believes judges are in a prime position to effect positive change on the bench as well as off the bench. Whether they choose to battle terrorism, fight drugs, combat teenage drinking and driving or raise awareness on domestic violence, the need is there for all judges to reach out and help in any way they can, she said.

"Judges are in such a unique position to make a difference," she said. "Even with the ethical limitations, there is still much they can do. If more judges reached out, they could effect much social change." 



Judge Shannen Rossmiller, of Conrad, Mont., fights terrorism in cyberspace.

## NJC Course

# Spotlight

## Administrative Law: Fair Hearing

By Hon. Duane Harves

Often referred to as the "hidden judiciary," administrative law hearing officials around the nation are involved in proceedings affecting the lives of millions of citizens on a daily basis. Many times, as the result of only one proceeding, public utility rates are set, the need for the building of power plants or high voltage transmission lines, and their siting and routing are determined. In other examples, professional licensees must comply with law and regulations or face fact hearings on suspensions or revocations of licenses. Entitlement programs to provide medical assistance, food stamps, unemployment compensation and workers' compensation are also in the purview of these administrative hearing officials. It will be administrative law judges who hear the cases involving the storage of nuclear waste in this country, compensation for injuries under the Longshoreman's and Black Lung acts, and entitlement to social security benefits.

The United States Congress and state legislatures are continually passing legislation calling for executive branch agency approval before private industry can proceed in any particular endeavor, and for the monitoring of the same endeavors. In some states, child support is decided through an expedited child support process. Community boundaries are determined and even unfair campaign practices are determined by administrative hearing officials in at least one state.

Yet, while the impact of these daily decisions within the executive branch of government has increased, training programs have not. Most agencies have in-house training programs but do not have the resources to conduct the type of education offered by the NJC. New administrative hearing officials are being appointed and hired daily and then simply put to work without any training. Since 1980, The National Judicial College is the only institution that has provided the type of "nuts and bolts" training for new administrative hearing officials. It does so through the *Administrative Law: Fair Hearing* program generally offered twice each year. The program is designed to provide new hearing officials with the tools and skills to perform their functions in a more expeditious and cost effective manner. The course also teaches new officials how to conduct hearings that provide the due process required under the Constitution of the United States and the constitutions of all states. It also enables them to rule on evidentiary issues that may arise, and issue findings of fact and determinations that will withstand judicial scrutiny.

## Fair Hearing Materials Now on CD

In what is believed to be the first time since its inception, The National Judicial College recently provided participants in the *Administrative Law: Fair Hearing* program with a CD containing the entire binder of materials, all PowerPoint presentations used, and a file of sample orders. This innovation arose out of a faculty curriculum review conducted by Program Attorney Michael Wise. During that review, the faculty discussed the possibility of providing the sample forms on a disc. In working on the project, it was determined that most of the materials were already in electronic format. Those that were not, were then scanned and reformatted. All of the faculty participated in updating their materials and PowerPoint slides for the project. In the past, participants have requested the PowerPoint presentation slides and that required additional work for the staff and an increase in copying costs.

In the past, the materials for this two-week course were contained in two binders. After a review of the materials themselves, the faculty has been able to reduce the materials to one binder. Very few post-hearing handouts are now necessary. Photos may be included on the disc in the future.



# Pathways to Justice *In Indian Country*

By Carolyn Wilson, Program Attorney, National Tribal Judicial Center

The U.S. Department of Justice has been instrumental in clearing the pathway to justice in Indian Country since the inception of its Tribal Courts Assistance Program (TCAP) in 1998. The competitive grant program, offered under the auspices of the Bureau of Justice Assistance, Office of Justice Programs, will fund over 300 tribal justice initiatives for the development, continuation and enhancement of tribal courts. To date, the TCAP awards total almost \$40 million.

This year, the Bureau of Justice Assistance, Office of Justice Program, U.S. Department of Justice (BJA), sponsored three conferences to initiate a dialogue with tribal, federal, state and local officials to gain insight on the critical needs of tribal justice systems, identify promising practices, and serve as guidance for developing tribal justice policies: the *Alaska Gathering of Tribal Justice Leaders* held April 11-13, 2005, in Anchorage, Alaska; the *National Gathering of Tribal Justice Leaders* held May 22-24, 2005, in Washington, D.C.; and *Walking on Common Ground: A National Gathering for Tribal-Federal-State Courts* held in Green Bay, Wisconsin. Collectively, the events are referred to as *Pathways to Justice*.

In his welcoming remarks at *Walking on Common Ground*, BJA Director Domingo S. Herraiz summarized the goals of the gatherings by stating, "We are a nation of nations. We have so many different cultures and so many different opportunities. We need to hear from each other and to listen and to learn." Three gatherings were planned so that the challenges and opportunities for advancing justice in Indian Country could be explored from the perspective of Alaska Native tribes, American Indian tribes in the lower 48 states and leaders involved in forging multi-jurisdictional partnerships. Bob Brown, BJA senior policy advisor for tribal programs, reminded the participants, "There is so much to be done – and we're going to do it – but we need to speak with one voice."

The events were planned and presented in consultation with advisors from federal and state agencies, educational institutions, and technical assistance providers, including the National Tribal



Judicial Center at The National Judicial College. Nearly 200 NJC alumni and faculty participated in the three gatherings. The University of North Dakota's Tribal Judicial Institute was the lead organization in the planning and organizing of the first two gatherings in Alaska and the nation's capitol. The Criminal Justice Center for Innovation at Fox Valley Technical College organized the third. Representatives of more than 200 American Indian and Alaska Native tribes attended the first two gatherings. They were joined by federal policy-makers who participated in the presentations and observed the small group discussions. In Alaska, state and local government officials also played a significant role as presenters and listeners at the gathering. Over 300 tribal, state and federal judges and government representatives participated in *Walking on Common Ground*.

## Reports on the Gatherings

The National Tribal Judicial Center at The National Judicial College in partnership with the Tribal Judicial Institute at the University of North Dakota will release a report on the first two gatherings in 2005. Entitled *Pathways to Justice: Building and Sustaining Tribal Justice Systems in Contemporary America*, the draft report released to tribal justice leaders for comment in August summarizes key findings from the small group discussions of tribal leaders and provides recommendations for federal, state and local policy-makers. The draft report also sets forth nine policy guidelines for developing, strengthening and sustaining tribal justice systems (see p. 22).

The policy guidelines presented in the draft report were inspired by commentary from the tribal justice leaders who attended the Alaska and national gatherings. "While the discussions at the gatherings produced many visions, ideas and models for strengthening tribal justice systems, the policy guidelines suggest ways in which tribal, state and federal governments can address justice issues in Indian Country effectively and respectfully," said NJC Special Projects Director William Brunson, who serves as the editor for *Pathways to Justice*. The final report will be published later this year following the close of the comment period.

The Criminal Justice Center for Innovation at Fox Valley Technical College will develop and publish the report on the Tribal-Federal-State Court Gathering held in Green Bay, Wis. *Walking on Common Ground* began where [the Alaska and national gatherings] left off – bringing together justice professionals and lay persons from state, federal and tribal justice systems to initiate the development of working solutions," said Beckie Murdock, Tribal Justice Programs manager for Fox Valley Technical College. The participants met in regional groups to identify problems pertaining to choice of forum, federal review, recognition of foreign orders, judicial independence, and the Indian Child Welfare Act, and developed recommendations for resolving the most pressing issues in their respective regions.

The reports will be available to download from the NJC website in December of 2005 (<http://www.judges.org/downloads>), or by contacting Carolyn Wilson at [cwilson@judges.org](mailto:cwilson@judges.org).

## The Plight of Alaska Native Tribes: Landless Sovereigns

Alaska Native tribes face a unique challenge in developing and administering tribal justice systems, because, in effect, they have no territorial jurisdiction over their tribal lands. In 1971, the Alaska Native Claims Settlement Act (ANCSA) set the stage for the unique jurisdictional status of the Alaska Native tribes. ANCSA transferred all but one reservation in Alaska to state-chartered, regional corporations and created years of debate over the legal status of Alaska Native village governments; specifically, the state questioned the status of these governments as tribes and the designation of tribal lands managed by the regional, tribal-owned corporations as "Indian Country" as defined by 18 U.S. § 1151(b).

The U.S. Department of the Interior ended the debate regarding the status of the Alaska Native tribes through the publication of a notice in 1993, which included 226 Alaska Native villages and tribes among the federally recognized tribal entities. However, the question of the territorial jurisdiction of Alaska Native tribal governments was not clearly resolved until 1998 when the U.S. Supreme Court issued its opinion in the case of *Alaska v. Native Village of Venetie Tribal Government*. In *Venetie*, the court held that ANCSA lands could not be defined as "Indian Country" because they were set aside for private, state-chartered Alaska Native corporations. In determining that these lands did not meet the federal definition of "Indian Country," the court ultimately determined that ANCSA had extinguished most of "Indian Country" in Alaska.

*Venetie* eliminated all tribal territorial jurisdiction within Alaska, except for one reservation. Consequently, Alaska Native tribal governments must address daunting social, economic, and health issues with very little legal authority over their members. In addition, the state of Alaska continues to challenge this narrow base of authority. Most recently, the Office of the Alaska Attorney General has reasserted the opinion that tribes do not exist in Alaska. Despite such opposition, tribal governments continue to function and assert the rights of sovereign governments including that of establishing tribal justice systems that provide both unique and culturally appropriate approaches to dispute resolution.





## Policy Guidelines

The key findings from the Alaska and national gatherings indicate that effective governmental policies for tribal justice systems will:

1. Strengthen tribal self-governance.
2. Address the needs and expectations of the community.
3. Promote community safety and wellness to secure a better future for the next generation.
4. Involve the tribal community in planning, implementing and evaluating justice initiatives.
5. Facilitate collaboration and cooperation within tribal governments.
6. Design cost-effective and sustainable solutions.
7. Require qualified, culturally-competent staff and professional services.
8. Enhance the capacity to respond to a tribal community's evolving needs and expectations.
9. Facilitate collaboration and cooperation between tribal, federal, state and local governments.

## NJC PLANNED GIVING

### *Why One NJC Supporter Chose This Giving Path*

There are many ways in which to support The National Judicial College (NJC), and the financial need is always great for NJC to continue to provide innovative and inspiring programs for the judges of our nation and other nations. Steven T. Walther, a former member of NJC's Board of Trustees and Reno attorney with Walther, Key, Maupin, Oats, Cox & LeGoy, chose planned giving as his way to ensure that NJC receives his financial support upon his passing. Walther has provided in his estate plan that, upon his death, a generous donation of \$50,000 shall be given to the NJC for the purpose of augmenting the international judicial education program of the NJC, with emphasis on the education of judges from the countries of the former Soviet Union.

"I think that planned giving fits with estate planning and also gives people the opportunity to plan to make a gift upon their passing when such a gift may be more difficult at other stages of their lifetime," he said. Walther has served on the NJC faculty and as a special presenter for courses since 1993, both in Russia and on-site. He has worked extensively with the NJC's international program and served on the NJC Advisory Board.

Realizing the positive impact the NJC has had on foreign justice systems, as well as our own, is what inspired Walther to make plans for his gift at the time of his passing. Walther received a bachelor's degree in Russian from the University of Notre Dame in 1965 and has visited Russia many times as well. He often teaches judges and lawyers for the NJC and the American Bar Association,

as well as for Russian educational institutions including the Legal Academy of Russia, the Russian Academy of Justice, and International University. He has seen firsthand the NJC's positive influence on the country's justice system.

"I have seen the impact that the NJC has had on judges from Russia and other countries," he expressed. "The NJC plays a critical role in influencing the global rule of law, due process and human rights."

With a continually evolving justice system in our nation and other nations, Walther said judicial education is essential in maintaining fair, impartial, and independent judiciaries.

"With our increasingly complex and intertwined legal and judicial systems, the law would mean little if people were not educated on ways law should be interpreted in this new global community," he said.

He pointed out the recent move by certain justices on the U.S. Supreme Court to look beyond the borders of the United States in certain cases. At the same time, those in our judiciary are noticing judges from other nations looking to the U.S. for guidance as well. Walther said the NJC's ever-increasing role in providing

guidance for judges around the globe has inspired his giving and he hopes others will follow his lead.

For more information on planned giving, please call or email NJC Development Director Janice Barbour at (775) 327-8257 or [barbour@judges.org](mailto:barbour@judges.org). Please visit <http://www.judges.org/giving> to read more on planned giving or other ways to give.



Steven Walther, Esq.

# BRIDGING THE GAP:

## Judge/Journalist Workshops

By Nancy Burkhart, Program Manager, Donald W. Reynolds National Center for Courts and Media

The working relationship between the media and the courts often is rocky. New York Times reporter Judith Miller has spent about two months in jail for failure to reveal her confidential sources to a grand jury investigating the leak of a CIA operative's identity. During the Michael Jackson trial, news gathering agencies filed suit when the judge declined to reveal the nature of questions asked by the jury.

The Donald W. Reynolds National Center for Courts and Media (RNCCM), located inside The National Judicial College, is working to ease tensions between the courts and media through one-day Judge/Journalist Workshops to be held throughout the United States, thanks to a generous grant from the Donald W. Reynolds Foundation.

The goals are: 1) to educate judges on First Amendment and media issues which sometimes occur in trials, and 2) to help journalists enhance their abilities to cover courts. The workshops are interactive in design to foster communication and cooperation between the two sides. They are tailored to each area in order to encourage discussion of issues specific to the locale.

By the end of 2005, 18 workshops will have been held in the continental United States and in the U.S. Commonwealth of the Northern Mariana Islands. In 2006, there will be approximately 25 workshops, including one in Puerto Rico and the Virgin Islands. There will be a return to the sites in 2007, with a mission to set up the groups to continue open discussion and problem-solving on their own.

Each workshop will be led by two presenters, a judge or court PIO and a journalist from either print or broadcast. The list



of highly esteemed presenters includes people from both arenas who have had extensive experience in high-profile trials. They will bring to the workshops their own knowledge and be able to relate it to local issues.

Great attention is being paid to local dynamics in arranging these workshops. In some states, the workshops will be held in state buildings, courthouses or law schools. However, in some cases, it was decided that the workshops must be held on neutral ground. In these cases, the workshop sites will be hotels. We have received great consideration from the Poynter Institute in St. Petersburg, Fla., where we have been designated as a "journalistic organization." It is no small achievement to garner this honor. In Tennessee, the workshop will be held at the First Amendment Center in the Diversity

Institute on the Vanderbilt University Campus.

Through its educational programs, RNCCM works to ensure that judges and journalists develop insight into their respective roles. Neither institution can fully flourish without the other. The courts breathe life into the constitutional guarantee of a free press. In addition, the free press validates the power of an independent judiciary. Absent a strong mutual understanding between the courts and media, public confidence in the entire system erodes, and democracy, as we understand it, is imperiled. The RNCCM's sole purpose is to promote that understanding. No other institution in America has that charge.

For a schedule of the workshops, please visit [www.judges.org/nccm/programs/prgm\\_location.htm](http://www.judges.org/nccm/programs/prgm_location.htm) or contact Nancy Burkhart at (800) 25-JUDGE.

# STRE-E-ETCH YOUR GIFT

**Have you considered making your gift in installments?**

With our Automatic Monthly Deduction Program you can make that annual gift to NJC more affordable and convenient.

To enroll, choose the amount of your yearly contribution and divide by the number of months (quarterly and annual drafts are also available). The NJC can charge your credit card or automatically withdraw that amount from your checking account.

**Simply complete the envelope found in the centerfold of this magazine or call (775) 327-8257 for more details.**

A person wearing a dark hoodie and pants is silhouetted against a bright, cloudy sky. They are holding a handgun in their right hand, pointing it towards the upper right. A red laser line extends from the gun's sight. The person's shadow is cast on the ground below them.

“One nation under guard is not the answer.”



# Personal Safety and Public Justice

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## *Judges are Threatened by More Than Guns*

By Hon. John Kane

In 27 years on the federal bench, I have received two threats serious enough to warrant around-the-clock protection. The first was from a woman who offered \$500 to anyone who would kill me because I had affirmed an order deporting her boyfriend. In the second, I was mistaken for another judge who had ordered firearms confiscated.

In both cases, I was protected by the U.S. Marshals Service and the suspects were prevented from doing any further harm. But like all judges, I know that my job can be dangerous. I was saddened but unsurprised at the murders of a state judge in Atlanta and the husband of a federal judge in Chicago.

The predictable response to these murders will be a demand for more protection for judges: more guns, barriers and electronic equipment. Yet one nation under guard is not the answer. Tying judicial security to the war on terrorism risks destroying the very institution we seek to defend.

The danger that judges face is not likely to be related to terrorist organizations; there is no tradition of organized groups killing judges in this country. Not even in the 1930s, when the mob was being prosecuted by people like Thomas E. Dewey, did it resort to taking aim at judges. Dewey, for example, was the target of a murder plot, but further attempts – as well as plans to assassinate a state court judge – were scotched by none other than the notorious gangster Louis Buchalter. We leave judges alone, he is reported to have said, because they're the only hope we have. Gangsters lack conscience, not common sense.

Another problem with judicial security is that it is unexpectedly difficult to define. After the shooting in Atlanta, for example, one defense lawyer described security at the courthouse as “absolutely atrocious,” while a judge there said it was “phenomenal.” The lawyer focused on poor training for security officers, while the judge noted that judges have a private elevator and their own parking garage.

The lawyer saw vulnerabilities beginning at the courthouse door. The judge saw security everywhere but the precise location where his colleague was shot: the bench. Under the prevailing mindset, nobody is safe.

The answer is not to convert courtrooms into fortresses or to cloister judges behind barricades. It is to create a sensible state of elevated awareness throughout the judiciary – not only about the need for better security but about the specific nature of the risk.


Since 1970, 10 state and federal judges have been murdered, seven of them in job-related incidents. Those who threaten judges are almost always disturbed individuals seeking revenge. (The murderer of the mother and husband of the judge in Chicago was sadly typical: He was an embittered former plaintiff.) Of the three federal judges killed in the last quarter-century, all were killed by men disgruntled with their treatment from the federal judicial system.

In state courts, violence is more likely to occur over domestic relations matters. In federal courts, it is more likely to come from litigants representing themselves, particularly those who have fired their lawyers, in emotion-laden cases alleging violations of civil rights or injuries to self-image, cases that deeply involve notions of personal worth.

Metal detectors at courthouses and beefing up security can thwart impulsive acts, but they are ineffective against long-simmering resentments or the detailed plans of paranoids. For those we rely on intuition.

Judges receive instruction on how to vary their departure time and route between home and chambers, install alarm systems and report threats and suspicious activity to the U.S. Marshals Service. But we get no training in analyzing pleadings and correspondence or profiling potentially troublesome personalities – or how to treat such people once they are identified. The goal should be to narrow the field of potentially troublesome people to permit the U.S. Marshals Service to focus on those who are truly threatening. Doing this would not only make the courts safer, but would also show that the system is committed to fairness.

When that woman put out a \$500 contract on my life, the U.S. Marshals Service suggested I carry a gun. I followed this advice for a while, but then I gave it up. It made me uncomfortable.

Carrying a gun made me look at everyone with an attitude that made fairness and impartiality impossible. This, in the end, is too high a price to pay for judicial security: It cannot come at the cost of justice. 

*Judge Kane is a senior judge in the United States District Court for Colorado. Reprinted from the New York Times with permission from the author.*

## NJC Hosts TIPS National Trial Academy

For the sixth consecutive year, in April of 2005, The National Judicial College hosted the National Trial Academy, a program of the American Bar Association's Tort Trial & Insurance Practice Section (TIPS). Each year, this five-day event brings attorneys and legal experts from across the nation to the College for intense mentoring and trial training. Often referred to as a "Boot Camp for Lawyers," the event, consists of 12-hour days which include vast information on trial techniques and methodologies.

"From the annual feedback we receive, we know that this is a highly successful program," said Alan Brayton, an attorney from Novato, Calif., who serves as the program director. "From the students to the mentors, we always get feedback saying they can't believe how much they've learned."

Each mentor/faculty member is assigned to three student/attorneys, enabling the attorneys to have plenty of individual teaching, explained Brayton. The 36 students consist of new attorneys or attorneys who are new to trials while the mentors are top-notch legal experts consisting of the nation's leading trial attorneys. Not only do the students, who come from both the prosecution and defense sides, become familiar with the latest courtroom technology by using The National Judicial College's state-of-the-art Model Courtroom, but they gain the skills and confidence they need to become trial experts.

"It is amazing to see these new attorneys grow in just a few days during this program," expressed Brayton. "The mentors often say they wish they had a program like this when they were new to the legal profession."

Although the National Trial Academy utilizes mock trials, there is nothing fake about the set-up, explained Brayton. The attorneys are given the same roles they have at their firms, either to represent the plaintiffs or the defendants. The juries are real community members and the judges are real judges. Toward the end of the training, the air electrifies with competition as the attorneys work diligently, using the skills they have learned, to argue their



cases, Brayton said.

"It is amazing to see such enthusiasm and competition," he added. "It becomes very realistic. It is just like being in a real trial. Through this program, these newer attorneys are able to learn from some of the finest and most experienced trial attorneys."

Throughout the event, the students also watch videos of themselves arguing cases. This enables them to critique and improve their courtroom style and presence. The students work hard to absorb the wide array of information they are given during this event, said Brayton.

"They learn such a wealth of knowledge that it is like trying to take a sip of water from a gushing fire hydrant," he added, jokingly.

The America Bar Association's TIPS Section provides the only national forum where plaintiffs' attorneys, defense attorneys and insurance and corporate counsel can come together to address issues of common concern. Members come from all sides of the legal table, specializing in nearly every area of practice. TIPS creates a networking atmosphere to help attorneys enhance their careers and keeps them updated on current information in their areas of practice.



## Judicial Speech Symposium

By Gary Hengstler, Director,  
Donald W. Reynolds National Center  
for Courts and Media

When the U.S. Supreme Court decided that judicial candidates may exercise their First Amendment rights during a campaign by announcing their positions on various social, political and legal issues in *GOP of Minnesota v. White*, in 2002, many states began the scramble to revise judicial ethical rules that had prohibited such commentary.

The American Bar Association established a commission to hear testimony and gather information to revise the Model Code of Judicial Conduct in light of the Supreme Court's decision.

And, in the process, The National Judicial College, through its Reynolds National Center for Courts and Media, contributed to this important discussion. The Reynolds Center held the *National Symposium on Judicial Speech – Post White* in February of 2005.

The symposium was the largest held on the topic to date, drawing 65 attendees that included representatives from 35 state supreme courts, 10 of whom were the chief justices.

Representatives from the ABA commission outlined the proposed Model Code change so far and heard reactions from the delegates. Roy Schotland, a professor at the Georgetown University Law Center and the foremost expert on the subject, was the keynote speaker and led much of the discussion.

The symposium was co-sponsored by the Conference of Chief Justices and the National Center for State Courts, as well as The National Judicial College and the Reynolds Center.

# DONATE YOUR UNEXPENDED CAMPAIGN FUNDS TO NJC

Do you have funds left over from your recent campaign? If so, consider making a donation to The National Judicial College to help judges attend courses and programs offered by NJC. Donations may be designated toward scholarships, the support of operations, program sponsorship or an NJC endowment. Campaign organizations (such as the Justice Deborah Agosti Election Committee of Nevada) have recognized that donating unused funds to educational institutions such as NJC is a powerful way to show support of judicial education.

*For more information or to donate, please contact Development Director Janice Barbour at (800) 25-JUDGE or [barbour@judges.org](mailto:barbour@judges.org).*



# FACULTY FOCUS



*By Professor Penny White, NJC Faculty Council Chair*

## Faculty Profile

Hon. Margaret Poles Spencer was named to the bench in Richmond, Va., in 1994. She presides in the circuit court, and also serves as the presiding judge for the adult drug court.

It is no accident that Judge Spencer makes time to teach at The National Judicial College despite her demanding docket. She came to the bench from teaching, having served as an associate professor at Marshall-Wythe School of Law at the College of William and Mary, where she was awarded the Distinguished Faculty Award by the Virginia Women Attorneys Association in 1993. Judge Spencer served previously as an adjunct professor at William and Mary, the University of Virginia and the University of Richmond law schools.

Since becoming a member of NJC's Faculty Council in 2002, Judge Spencer has devoted much of her time and energy to the work of the Faculty Council Equal Opportunity Committee (FCEOC).

As chair of the committee, Judge Spencer has been instrumental in asserting the Council's agenda of recruiting and retaining a diverse faculty. "To enrich the discussions and learning experiences at the NJC and to expand the intellectual life at the NJC, faculty and students should have different backgrounds, perspectives, and experiences," Judge Spencer said. "The best faculty members are not only excellent instructors, but also persons who create a stimulating educational environment at the College."

## FCEOC Update

In March of 2005, when a study conducted by the College uncovered a decline in the percentages of minority faculty members, the committee, which consists of Judge Spencer, Judge Ken Kawaichi, former chair of the Faculty Council, and Judge W. Michael Gillette, decided it was time to determine and address the reasons for the attrition.

First, the committee reported the findings to the Faculty Council, including a decrease in the number of African-American faculty members from 2001 to 2004. During that same period, the number of Asian and Hispanic faculty members remained somewhat consistent. The committee expressed concern about the decrease and the lack of growth in the number of minority faculty members, particularly in light of the increased numbers of minority judges, lawyers and law school faculty during the same time period.

Second, the committee adopted a multifaceted approach to address and eliminate the decline. With the help of Academic Director Phyllis Whittiker, the committee is identifying minority faculty members who taught previously at the College, but who no longer do so. Each will be personally contacted and asked why they no longer teach and what suggestions they have for improving the College's recruitment and retention of minority faculty members.

Additionally, the committee and the Council have solicited the help of former Faculty Council Chair Greg Holiday, an administrative law judge from Detroit, Mich., who chairs the ABA's Standing Committee on Minorities in the Judiciary. Judge Holiday, a recent participant at the annual meeting of the Coalition of Bar Associations of Color, will present recommendations on minority faculty recruitment and retention at the October Faculty Council meeting.

Lastly, the committee is actively seeking minority judges who are interested in attending faculty development workshops with an aim toward teaching at the College. It is through these workshops that new faculty members are identified and developed.

*The Committee and the Council welcome your suggestions on minority faculty recruitment and retention. Please contact Prof. Penny White, NJC Faculty Council Chair, at [pwhite@libra.law.utk.edu](mailto:pwhite@libra.law.utk.edu).*



# 2006 COURSES

JSP = Judicial Studies Program  
(accredited Master of Judicial  
Studies and Ph.D. program)  
A = Administrative Law Adjudication Skills  
C = Court Management Skills

D = Dispute Resolution Skills  
G = General Jurisdiction Trial Skills  
S = Special Court Trial Skills  
T = Tribal Judicial Skills

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## JANUARY

Planning and Presenting Effective Presentations: A Faculty Development Workshop  
Selected Criminal Evidence Issues: A Web-Based Course

Jan. 23-26  
Jan. 30-March 17

Reno, NV  
Web

G, S, T

Call for eligibility  
\$550 / No Early Discount

## FEBRUARY

When Justice Fails: Threats to the Independence of the Judiciary (JS 644)  
Essential Skills for Tribal Court Judges  
Commercial Drivers' License Faculty Development Workshop

Feb. 11-16  
Feb. 13-16  
Feb. 27-March 2

Washington, D.C.  
Reno, NV  
Reno, NV

JSP, A, D, G, S, T  
T

\$1,195 / \$1,095 by 11/13/05 / +\$230  
\$945 / \$845 by 11/15/05 / +\$235  
Call for eligibility

## MARCH

Basic Skills for Disseminating Court Public Information  
Mediation for Administrative Law Judges  
Current Issues in the Law  
First Amendment and Media Issues for Judges  
Evidence Challenges for Administrative Law Judges: A Web-Based Course  
The Fourth Amendment: Contemporary Issues for Appellate Judges  
Civil Mediation  
General Jurisdiction (JS 610)  
Judicial Writing (JS 615)

March 6-8  
March 12-17  
March 18-23  
March 20-22  
March 20-May 5  
March 23-24  
March 26-31  
March 26-April 6  
March 27-30

Reno, NV  
Atlanta, GA  
Key West, FL  
Reno, NV  
Web  
Oxford, MS  
Reno, NV  
Reno, NV  
Reno, NV

A, D  
D, G, S, T  
G, S, T  
A  
A, C, D, G, S, T  
JSP, C, D, G, S, T  
JSP, A, D, G, S, T

\$675 / \$600 by 12/6/05 / +\$175  
\$895 / No Early Discount / +\$235  
\$1,195 / \$1,095 by 12/18/05 / +\$230  
\$675 / \$600 by 12/20/05 / +\$175  
\$550 / No Early Discount  
Call for eligibility  
\$1,095 / No Early Discount / +\$275  
\$1,395 / \$1,295 by 12/26/05 / +\$455  
\$945 / \$845 by 12/27/05 / +\$235

## APRIL

Evidence in a Courtroom Setting  
Court Management for Tribal Court Judges and Personnel  
Handling Small Claims Cases Effectively: A Web-Based Course  
Administrative Law: Fair Hearing  
Logic and Opinion Writing  
Practical Approaches to Substance Abuse Issues (JS 628)

April 1-6  
April 3-6  
April 17-June 2  
April 24-May 4  
April 24-27  
April 24-27

Monterey, CA  
Reno, NV  
Web  
Reno, NV  
Reno, NV  
Reno, NV

D, G, S, T  
T  
D, G, S, T  
A, D, T  
A, D, G, S, T  
JSP, G, S, T

\$1,195 / \$1,095 by 1/1/06 / +\$230  
\$945 / \$845 by 1/3/06 / +\$235  
\$550 / No Early Discount  
\$1,395 / \$1,295 by 1/24/06 / +\$455  
\$945 / \$845 by 1/24/06 / +\$235  
\$945 / \$845 by 1/24/06 / +\$235

## MAY

Special Court Jurisdiction  
Special Court Jurisdiction: Advanced (JS 612)  
Advanced Evidence (JS 617)  
Law, Science and Ethics  
Administrative Law: Workers' Compensation  
Domestic Violence (JS 636)  
Managing Complex Litigation (JS 629)

May 1-11  
May 1-11  
May 8-11  
May 13-18  
May 22-25  
May 22-25  
May 22-25

Reno, NV  
Reno, NV  
Reno, NV  
Jeckyll Island, GA  
Reno, NV  
Reno, NV  
Reno, NV

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\$1,395 / \$1,295 by 1/31/06 / +\$455  
\$945 / \$845 by 2/7/06 / +\$235  
\$1,195 / \$1,095 by 2/12/06 / +\$230  
\$945 / \$845 by 2/21/06 / +\$235  
\$945 / \$845 by 2/21/06 / +\$235  
\$945 / \$845 by 2/21/06 / +\$235

## JUNE

Criminal Evidence (JS 613)  
Traffic Issues in the 21st Century  
Handling Capital Cases (JS 623)  
Ethics, Bias and Judging: Reaching Higher Ground: A Web-Based Course  
Administrative Law: Advanced  
Management Skills for Presiding Judges

June 5-8  
June 5-8  
June 10-15  
June 19-Aug. 4  
June 26-29  
June 26-30

Reno, NV  
Reno, NV  
Seattle, WA  
Web  
Reno, NV  
Reno, NV

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\$945 / \$845 by 3/7/06 / +\$235  
\$1,195 / \$1,095 by 3/12/06 / +\$230  
\$550 / No Early Discount  
\$945 / \$845 by 3/28/06 / +\$235  
\$945 / \$845 by 3/28/06 / +\$235

## JULY

Essential Skills for Appellate Judges  
Law and Popular Culture  
General Jurisdiction (JS 610)  
Decision Making (JS 618)  
Effective Caseload Management (JS 627)  
Dispute Resolution Skills (JS 625)  
Judicial Writing (JS 615)  
Scientific Evidence and Expert Testimony (JS 622)  
Enhancing Judicial Bench Skills

July 1-6  
July 8-13  
July 9-20  
July 17-20  
July 17-20  
July 24-27  
July 24-27  
July 24-27  
July 29-Aug. 3

Boston, MA  
Durango, CO  
Reno, NV  
Reno, NV  
Reno, NV  
Reno, NV  
Reno, NV  
Reno, NV  
West Yellowstone, MT

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\$1,195 / \$1,095 by 4/9/06 / +\$230  
\$1,395 / \$1,295 by 4/10/06 / +\$455  
\$945 / \$845 by 4/18/06 / +\$235  
\$945 / \$845 by 4/18/06 / +\$235  
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\$945 / \$845 by 4/25/06 / +\$235  
\$945 / \$845 by 4/25/06 / +\$235  
\$1,195 / \$1,095 by 4/30/06 / +\$230

## AUGUST

Appellate Skills for Tribal Judges  
Logic and Opinion Writing  
*New!* Traffic Adjudication for Administrative Law Judges: A Web-Based Course  
Civil Mediation  
Administrative Law: Fair Hearing  
Basic Legal Affairs Reporting for Journalists  
Conducting the Trial (JS 632)  
Sentencing Motor Vehicle Law Offenders

Aug. 7-10  
Aug. 7-10  
Aug. 7-Sept. 22  
Aug. 13-18  
Aug. 21-31  
Aug. 21-22  
Aug. 26-31  
Aug. 28-31

Reno, NV  
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Reno, NV  
Reno, NV  
Bar Harbor, ME  
Reno, NV

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\$945 / \$845 by 5/9/06 / +\$235  
\$550 / No Early Discount  
\$1,095 / No Early Discount / +\$275  
\$1,395 / \$1,295 by 5/23/06 / +\$455  
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\$945 / \$845 by 5/30/06 / +\$235

## SEPTEMBER

Judicial Philosophy and American Law  
Co-Occurring Mental and Substance Abuse Disorders  
*New!* Rural Courts: A Web-Based Course  
Basic Skills for Disseminating Court Public Information  
Commercial Drivers' License Faculty Development Workshop  
Criminal Pretrial and Post-Trial Challenges: Solutions for Bail, Supervision and...  
Managing Challenging Family Law Cases: A Practical Approach (JS 634)

Sept. 9-14  
Sept. 11-14  
Sept. 11-Oct. 27  
Sept. 18-20  
Sept. 25-28  
Sept. 25-28  
Sept. 25-28

Savannah, GA  
Reno, NV  
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Reno, NV  
Reno, NV  
Reno, NV  
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\$1,195 / \$1,095 by 6/11/06 / +\$230  
\$945 / \$845 by 6/13/06 / +\$235  
\$550 / No Early Discount  
\$675 / \$600 by 6/20/06 / +\$175  
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\$945 / \$845 by 6/27/06 / +\$235

## OCTOBER

First Amendment and Media Issues for Judges  
Ethical Issues in the Law: A Novel Approach (JS 619)  
General Jurisdiction (JS 610)  
Administrative Law: Unemployment Compensation  
Financial Statements in the Courtroom  
Managing Cases Involving Persons with Mental Disabilities  
Ethics, Bias and the Administrative Law Judge: A Web-Based Course  
Ethics for Judges  
DUI Primer for Judges: Impaired Driving Case Fundamentals  
Building a Bias-Free Environment in Your Court  
*New!* Best Practices in Handling *Pro Se* Litigants  
Settlement Techniques

Oct. 10-12  
Oct. 14-19  
Oct. 15-26  
Oct. 16-19  
Oct. 16-17  
Oct. 18-19  
Oct. 23-Dec. 8  
Oct. 23-24  
Oct. 23-24  
Oct. 25-26  
Oct. 25-26  
Oct. 25-26

Reno, NV  
Ashland, OR  
Reno, NV  
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\$675 / \$600 by 7/12/06 / +\$175  
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Call for eligibility  
\$550 / \$500 by 7/20/06 / +\$135  
\$550 / No Early Discount  
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\$550 / \$500 by 7/27/06 / +\$135  
\$550 / \$500 by 7/27/06 / +\$135

## NOVEMBER

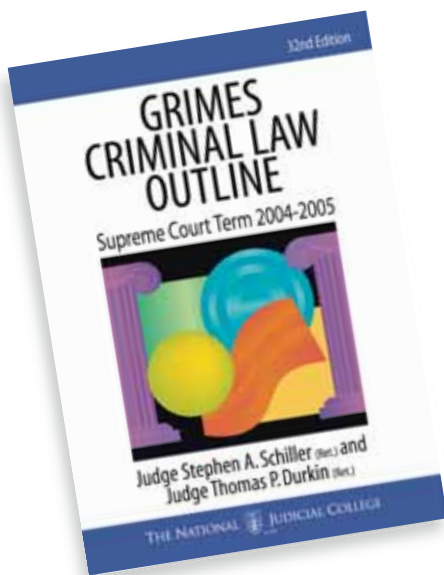
Handling the Criminal Case  
Advanced Evidence (JS 617)  
Computer Uses for Judges  
Essential Skills for Tribal Gaming Commissioners

Nov. 11-16  
Nov. 13-16  
Nov. 13-16  
Nov. 13-16

Hilton Head, SC  
Reno, NV  
Reno, NV  
Reno, NV

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\$1,195 / \$1,095 by 8/13/06 / +\$230  
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**Grimes Criminal Law Outline  
(Supreme Court Term 2004-2005)  
Judge Stephen A. Schiller (Ret.) and  
Judge Thomas P. Durkin (Ret.)**

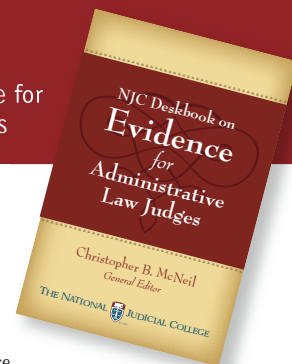
The Criminal Law Outline was originated by Chief Justice William A. Grimes of the New Hampshire Supreme Court. The 32nd edition of the *Grimes Criminal Law Outline (2004-2005 Supreme Court Term)* succinctly annotates all U.S. Supreme Court decisions on the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution since 1974. Judge Stephen A. Schiller (Ret.) and Judge Thomas P. Durkin (Ret.) continue to produce an invaluable and reliable tool for judges to consult in dealing with criminal law and procedure.

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CD ROM (MS Word /Single User License) / \$30.00

Softcover/CD ROM

Set / \$40.00



**International Child Custody Cases:  
Handling Hague Convention Cases in U.S. Courts  
Judge James D. Garbolino**

Judge James D. Garbolino's book, *International Child Custody Cases: Handling Hague Convention Cases in U.S. Courts*, provides judicial officers hearing Hague Convention cases with a reference resource. Judge Garbolino has written and lectured extensively on the Hague Convention in the United States and Europe. In September, 2000, he attended an international conference on the Hague Convention in Washington, D.C., as the chief U.S. delegate. In his foreword, Judge Garbolino says, "In the short time the Hague Convention has been in force in the United States, a substantial body of case law has developed, providing foundation for application of the Convention."

273 pages softcover / \$35.00



**Logic and Legal Reasoning  
Professor Douglas Lind  
University of Idaho**

This book is a clear introduction to logic and its application to law. Professor Lind reveals with illustrations from literature and judicial opinions what logical analysis can bring to the resolution of judicial controversies. In his preface, Professor Lind says, "No practice or profession matches the law in its reliance on argument and persuasion. Yet too few in the law understand the formal structure of the arguments they use in their daily work. This book is intended to fill the critical gap in the education of lawyers and judges between the practical enterprise of legal reasoning and the abstract realm of formal logic."

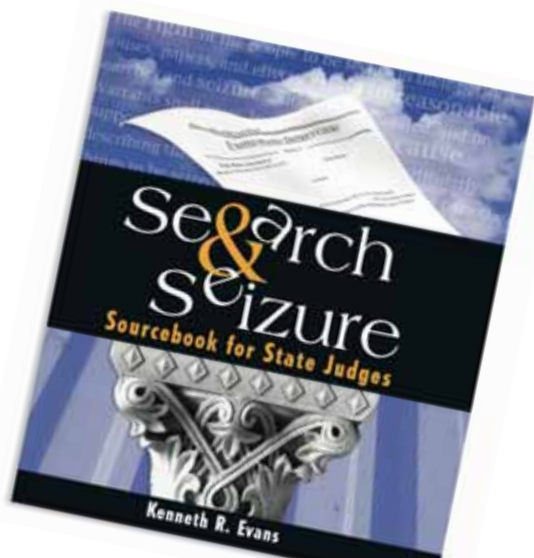
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Professor Kenneth R. Evans**

In *Search and Seizure, A Sourcebook for State Judges*, Professor Kenneth R. Evans presents a unique book designed to spotlight the intricacies of the U.S. Supreme Court and state Supreme Court decisions on search and seizure issues. His correlation of states cases with those of the nation's highest court is an innovation that distinguishes Professor Evans' book from other works on the topic. In addition, he provides valuable checklists and forms.

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JUDICIAL COLLEGE

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NJC President William F. Dressel and Hon. Vernon Schreiber

## CERTIFICATE PROGRAM GRADUATES

**Hon. Paul A. Bonin**, of New Orleans, La., received a Professional Certificate in Judicial Development in Special Court Trial Skills. He is the 7th Louisiana judge to complete a certificate program. Judge Bonin is also a candidate in the Master of Judicial Studies program through NJC and UNR.

**Hon. Rodger C. Harris**, U.S. Navy-Marine Corps, Court of Criminal Appeals graduated from the Professional Certificate in Judicial Development Dispute Resolution Skills program. Judge Harris is also working on his master's degree through NJC.

**Hon. Jill A. Tanner**, of Salem, Ore., also graduated from the Dispute Resolution Skills certificate program. This is her second certificate. She received her Special Court Trial Skills certificate in 2002.

**Hon. Vernon Schreiber**, of Vancouver, Wash., graduated with his Professional Certificate of Judicial Development in Special Court Trial Skills. He is the 4th judge from Washington and the 1st district court judge from Washington to complete the program.

**Hon. George A. Pagano**, of Media, Pa., graduated from the Dispute Resolution Skills certificate program. His first certificate was in the General Jurisdiction Trial Skills program.

**Hon. Jeffrey A. Harkin**, of Hammond, Ind., graduated from the Special Court Trial Skills certificate program.

**Hon. Kathleen J. Hicks**, of Las Vegas, Nev., graduated from the Administrative Law Adjudication Skills certificate program.

**Hon. Katherine D. Flores** is the second person from the Department of Employment in Casper, Wyo., to complete the Administrative Law Adjudication Skills program.

**Hon. Calvin Gantenbein**, Siletz, Ore., received his second Professional Certificate of Judicial Development in Tribal Judicial Skills in April 2005. His first certificate was in General Jurisdiction Trial Skills in 2003 and he is very close to completing the Special Court Jurisdiction Trial Skills program, as well.

**Hon. Charles M. McCullough**, of Olympia, Wash., received a certificate in the Administrative Law Adjudication Skills program. He previously received a certificate in Dispute Resolutions Skills.

**Hon. Evan L. Pearson**, of Dallas, Texas, and **Hon. Mark P. Reynolds**, of Lincoln, Neb., also graduated from the Administrative Law Adjudication Skills certificate program.

## ROBERTS APPOINTED TO ALCOHOL AND TOBACCO CONTROL

Chief administrative law judge, **Hon. Dale H. Roberts**, of Columbia, Mo., was appointed as director of the Division of Alcohol and Tobacco Control by Missouri Governor Matt Blunt.

## APPOINTMENT FOR WORKE

**Hon. Renee Worke**, of St. Paul, Minn., an NJC alumna, has been appointed to the Minnesota Intermediate Court of Appeals.

## MCDERMOTT HONORED IN IDAHO

**Hon. Peter McDermott**, of Pocatello, Idaho, was honored in April of 2005 as a Distinguished Alumni at the Pocatello High School Education Foundation.

## SRI LANKAN JUDGES APPOINTED

*General Jurisdiction* graduate **Justice Andrew M. Somawansa** was appointed as president of the Court of Appeal in Colombo, Sri Lanka. **Justice W.L. Ranjith Silva**, also a *General Jurisdiction* graduate, was appointed as a judge to the Court of Appeal.

## POPE HONORED

**Michael A. Pope, Esq.**, of the law firm of McDermott Will & Emery and former NJC Board of Trustee chair, was honored as the Leading Product Liability Lawyer in Illinois by *Who's Who Legal*. He was nominated by more clients and other lawyers than any other defense lawyer in the state.

## NEWLY ELECTED JUDGES

**Hon. J. Stephen Czuleger** was elected assistant presiding judge of the Los Angeles Superior Court.

**Hon. Jerry Polaha** was elected as chief judge of the Second Judicial District of Washoe District Court in Reno, NV.

## IN MEMORIAM

NJC alumnus, **Hon. Michael Frederick O'Brien**, of Rockwall, Texas, died April 3, 2005, as the result of an automobile accident in Iowa.

The oldest living member of the Nevada Bar Association, **Emilie N. Wanderer**, died in March of 2005 in Las Vegas at the age of 102. In honor of her tireless defense of minorites, last year the local ACLU established the Emilie Wanderer Civil Libertarian of the Year Award.

One of the original members of the Judicial Arbitrator Group, Inc., **Martin I. Steinberg**, of Santa Fe, N.M., passed away in June of 2004.

NJC alumnus, **Hon. Roger R. Weiher** of Toledo, Ohio, died in June of 2005.

One of the longest serving judges in Nevada, **Justice of the Peace Bill Sullivan**, of Beatty, Nev., died in June of 2005, one week before having the Beatty Justice Center renamed in his honor. The building is now named the Bill Sullivan Justice Center.



Holiday

Whittiker

Shodeen



*Peggy Vidal, NJC International/Judicial Studies Program manager*

## ACCOLADES FOR NJC STAFF

In recognition of her dedication to expanding The National Judicial College's international programs, **Peggy Vidal**, NJC International/Judicial Studies Program manager, received the Northern Nevada International Center 2005 World Citizen Award in March of 2005. Vidal has been an employee of the NJC for more than 21 years. She was nominated for this award by Claudia Miner, former NJC development director. The award also recognized Vidal's efforts through the NJC in honoring the contributions of women worldwide. Each year, Vidal puts up a special bulletin board in the NJC lobby and hands out flowers to the women staff in honor of International Women's Day.

**Nancy Copfer**, NJC scholarship officer, and **Dodie Schweitzer**, NJC special project accountant, were selected by the Faculty Council to receive the Excellence in Service to Faculty Award for 2005.

## IN MEMORIAM

NJC staff volunteer **Henrietta Creps** passed away on Jan. 29, 2005. Her granddaughter, Mindy Gonzalez worked as an NJC registrar, NJC receptionist and a course administrator.

## COMMUNITY SERVICE JUDGE HONORED

**Hon. Del Buttrill**, of McDonough, Ga., a faculty member of NJC since 1994, was honored in January of 2005 for his community service. Buttrill helped organize the Henry County Council on Aging as well as the first early-release program for inmates. He also helped the county open its first mental hospital and organize "A Friend's House" shelter for abused children.

## JUDGE HOLIDAY HONORED

**Hon. Gregory Holiday**, of Detroit, Mich., was awarded the 2005 V. Robert Payant Award for Teaching Excellence on recommendation of the Faculty Council.

## GEMPELER NAMED JUDGE OF THE YEAR

Faculty advisor and member, **Hon. Mark Gempeler**, of Waukesha, Wis., was named Judge of the Year for 2004 by the State Bar of Wisconsin. The award is presented annually to a judge who has improved the judicial system through leadership, judicial education or innovative programs.



*NJC's Communications and Development staff with the AMA Ace Award.*

## ACE AWARD FOR NJC COMMUNICATIONS STAFF

The National Judicial College Communications Department received the Ace Award for the best Nonprofit Marketing Campaign at the 17th Annual Ace Awards May 19, 2005, for its work in promoting the 2004 Nevada Lecture Series presentation by Professor Charles Ogletree, an event coordinated by the NJC's Development Department. The lectures, held Dec. 6 and 7, 2004, in Reno and Las Vegas, attracted 375 people. The Ace Awards are hosted by the American Marketing Association. The AMA said it received a record number of entries this year. The entries were judged by the AMA in Ohio.

## NJC GIVES KATRINA AID

In honor of the members of the judiciary affected by Hurricane Katrina, the NJC staff raised \$630 in donations for the American Red Cross.

## AICPA HONOREE

**Harold G. Martin, Jr.**, of Glen Allen, Va., was recognized by the American Institute of Certified Public Accountants at the 2004 National Business Valuation Conference as a 2004 Business Valuation Volunteer of the Year. Martin is an AICPA faculty member for the NJC.

## NEW NJC STAFF

Former NJC program attorney, **Phyllis Whittiker**, who returned to the NJC from retirement, is the NJC's new academic director. **William Brunson** was made special projects director. **Jennifer Rains Schoenfeldt** is a new program attorney in the Academic Department and **Sue DeFuentes** is the new staff accountant in the Business Office. **Lonnie Shodeen**, former course administrator, is now the executive assistant and **Adaline Perez** and **Cat Todd** are new course administrators. **Julie Russell** is the new assistant registrar and **Nancy Burkhart** is program manager and **Cindy Jennings** is program assistant for the Donald W. Reynolds National Center for Courts and Media.

## FACULTY/STAFF ACHIEVEMENTS

### 25 YEAR AWARD

Hon. W. Michael Gillette – OR

### 20 YEAR AWARD

Dr. John N. Chappel – NV

Dr. Jerry R. May – NV

### 15 YEAR AWARD

Hon. Gregory Holiday – MI

Dr. Louis Phillips – GA

### 10 YEAR AWARD

Hon. Deborah A. Agosti – NV

Hon. Janet J. Berry – NV

Prof. Raymond J. Clay – TX

Ms. Carol B. Herrera – NM

Hon. Leslie A. Hayashi – MI

Prof. Joseph L. Hoffman – IN

Hon. Daniel Patrick Ryan – MI

### 5 YEAR AWARD

Hon. Toni T. Boone – NV

Prof. Jonathan Bush – DC

Hon. Gregory M. Caskey – CA

Mr. Vito De La Cruz – NV

Hon. Vic A. Fleming – AR

Mr. John J. Costello – CA

Hon. Rogelio R. Flores – CA

Prof. Henry Friedlander – MD

Ms. Verdene A. Johnson – NV

Hon. Richard J. Knowles – NM

Prof. Phyllis D. Kotey – FL

Mr. Edward B. Martin – AZ

Hon. James A. Morrow – MN

Dr. Cindy Van Schooten – CA

Dr. Jill Y. Wallace – NV

Hon. Stanley R. Webster – WI

Hon. Avram Weisberger – DC

Ms. Robin E. Wosje – NV

### FACULTY SERVICE AWARD

Hon. Andre M. Davis – MD

Hon. Ken M. Kawaichi – CA

## NEW BOARD OFFICERS

During the July 15, 2005, Board of Trustees meeting, **Brian Larson**, of Boyd Gaming in Las Vegas, was elected as the new Board chair. **Hon. Carl O. Bradford**, of Portland, Maine, was made the new chair-elect and **Hon. Deborah A. Agosti** of Reno, Nev., is the Board's new secretary.

## NJC WELCOMES NEW BOARD MEMBERS

Several new members joined the NJC Board of Trustees: **Frederick P. Furth, Esq.**, of Healdsburg, Calif., **Gary N. Jacobs, Esq.**, of Las Vegas, Nev., and **Oliver C. Mitchell, Jr., Esq.**, of Franklin, Mich.

## FREDERICK P. FURTH, ESQ.

**Frederick P. Furth** was born in Harvey, Ill., a first generation American. His father immigrated from Germany and his mother's parents from Poland. He remembers his father as a kind, quiet individual who struggled mightily during the Great Depression to provide for his wife and four children. Furth credits his mother's faith in his potential as the impetus for his extraordinary accomplishments.

Graduating from the University of Michigan with a B.A. in 1956, Furth enrolled in the University of Michigan Law School and received his LL.B. in 1959. At school he met many foreign lawyers studying comparative law. Following graduation and service in the military, he traveled to Europe and studied comparative law at the University of Berlin and the University of Munich.

After serving briefly as an assistant to the general counsel for the Kellogg Company in Battle Creek, Furth accepted an offer to work with Joseph Alioto and his San Francisco law firm in 1965. Within a year he founded his own law firm. Internationally recognized, The Furth Firm specializes in complex business litigation. Furth is a preeminent antitrust litigator, specializing in class action and other plaintiff's cases.

He began his venture into viticulture and winemaking in the 1970s. Having trained to fly while in the Army, Furth rented an airplane from the Santa Rosa Air Center and began scouting for land, first over Napa Valley, then over Sonoma County. He spotted a hilly, rugged area in Sonoma County that appealed to him, and in 1972 he purchased the land – 242 acres, the founding parcel of the Chalk Hill Estate.

Trustee Furth commits time and heart to the Furth Family Foundation. "I founded this with my mother in mind," he says. For the past 20 years, in honor of his mother, the Foundation has supported the Mary Agatha Furth Program at Glide Memorial Church in San Francisco with a grant providing housing, shelter and hope to 40 children. In addition, the Furth Family Foundation has sponsored international conferences on justice and an international competition for the most innovative, practical solution to achieving Russian ruble convertibility, the so-called Furth Ruble Prize.

As chairman of the Chalk Hill Estate, Furth likens his role to the conductor of a 127-piece symphony orchestra. "You have to have an ear for harmony and discord." It is very gratifying to him that many employees have been with Chalk Hill for 20 years. He points out that the children of the owners of the great French chateaux work as interns at Chalk Hill each harvest. "Peggy and I are very complimented by that," he said. "We believe there is the greatest value and satisfaction in sharing with others what you cherish the most."

## GARY N. JACOBS, ESQ.

**Gary N. Jacobs** is the executive vice president, general counsel, and secretary of MGM Mirage, an entertainment, hotel and gaming company headquartered in Las Vegas.

Prior to joining MGM Mirage, Jacobs served from 1988 to 2000 as a senior partner of the law firm of Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP, Los Angeles, Calif., where he remains "Of Counsel."

From 1971 through 1988, Jacobs was a partner and/or associate of Wyman, Bautzer, Christensen, Kuchel & Silbert.

Jacobs received his LL.B. from Yale Law School in 1969, where he was Order of the Coif. Following law school, he was a law clerk for Hon. Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit. He also holds a degree from Brandeis University – *Summa Cum Laude*. He was a member of Phi Beta Kappa and studied at the London School of Economics.

Jacobs' current affiliations include: director and member of the Executive Committee, The InterGroup Corporation (INTG: NASDAQ-NMS); member, Board of Governors, American Jewish Committee; member, Board of Overseers, Brandeis

University Graduate School of International Economics and Finance; member, Board of Directors, Nevada Ballet Theatre; member, Executive Committee, Las Vegas Performing Arts Center; and member, Executive Committee, Nevada Cancer Institute. He is a member of the bar in the states of California and New York.

He and his wife, Robin, have two children, Melissa and Matthew.

## OLIVER C. MITCHELL, JR., ESQ.

**Oliver C. Mitchell, Jr.**, is chairman of the Ford Motor Company Dealer Policy Board. Founded in 1956, the Dealer Policy Board exists to address and resolve disputes between Ford Motor Company and any of its Ford, Lincoln or Mercury brand dealers. These controversies usually involve terminations of dealer franchises, market representation issues, charges to dealers resulting from warranty or sales audits, and generally the good faith and fair treatment of a dealer. The Board sometimes resolves disputes by facilitating resolution through a mediation exercise. It also is authorized to decide the controversy, and its decision is binding on the company.

Mitchell previously was an assistant general counsel at Ford. As a member of the Litigation Practice Group, he was responsible for all commercial, consumer, dealer, Superfund and employment litigation in the United States. He also served as Ford's chief labor and employment lawyer.

Mitchell has practiced law for nearly 25 years, and is a member of the bars of Massachusetts and Michigan. He received his undergraduate degree at Cornell University and his law degree from Suffolk University Law School. He has served the public as an assistant United States attorney for the District of Massachusetts, as first assistant district attorney for Hampden County Massachusetts, and as a member of the Board of Directors of the Massachusetts Bay Transportation Authority.

Mitchell is also a fellow of the American College of Trial Lawyers.



## BOARD OF VISITORS: *Taking NJC's Mission to the Next Level*

Those who work at The National Judicial College know there is much more to providing quality judicial education than recruiting outstanding faculty volunteers, planning dynamic curricula and establishing innovative nationwide programs. It is the special volunteers on The National Judicial College's Board of Visitors, who work tirelessly in conjunction with the Development Department to increase awareness of the College's mission and gain outside support to enable NJC to offer its wide array of programs and services throughout the country. These volunteers have shown dedication to justice and freedom. It is through their passion and commitment that others begin to realize the critical need for quality judicial education.

"Judicial education is incredibly important," said Board of Visitors member, Marybel Batjer, of Harrah's Entertainment, Inc., in Las Vegas, Nev. "We must have the best educated members of our judiciary as possible. It is important in the extremely complex world of litigation that those who serve on the bench have the best preparation in order to discharge their duties."

The NJC's Board of Visitors is a diverse group of individuals with an interest in justice, the judiciary and the rule of law who serve in an advisory capacity to the president, staff and College leaders on initiatives critical to the College's mission. The role of the Board is to provide leadership, advice and counsel; serve as a major resource for ideas and sources of financial support; and promote the College to friends and colleagues.

"I am hoping the Board will serve as a valuable resource for the College in increasing funding, attendance and awareness of NJC's programs," said Board member, Judyth W. Pendell, Esq., of Pendell Consulting, LLC, in West Hartford, Conn. She is also a senior fellow for AEI-Brookings Joint Center for Regulatory Studies. "I am very proud to be affiliated with NJC. The work it has done to educate state judges has been remarkable. The College exerts a positive influence on our court system and I feel it has a bright future."

Batjer's father, Justice Cameron M. Batjer, a former Nevada Supreme Court justice, instilled in her the importance of an independent, fair and knowledgeable judiciary. He was a strong supporter of The National Judicial College and Batjer expressed an honor in carrying on the family tradition of supporting justice through judicial education.

"The National Judicial College is a wonderful institution," expressed Batjer. "It is not only nationally recognized but it is here in Nevada, and has become such a popular and necessary educational tool. It is such a source of pride for Nevada and provides a fabulous service to judges."

There are currently 22 members of the Board of Visitors, who bring a cross-section of professional perspectives. They are leaders in the practice of law, the judiciary, government, education, corporate institutions, communities and nonprofit organizations. Members of the Board of Visitors have the experience, responsibility and resources to make substantial contributions to the work of the Board and the College.

See page 36 for a complete list of the NJC Board of Visitors members.



## NJC ENDOWED SCHOLARSHIP FUNDS: *Creating Opportunities – Making a Difference*

### SETTING OUR SIGHT ON PARTICIPANT SUCCESS

**The NJC Judicial Education Endowment Fund:** Provides resources for judges to attend courses at The National Judicial College as well as the financial resources to develop and present in-state courses. These funds also help to create training and educational opportunities to supplement existing programs that address judicial education or training needs.

### NAMED SCHOLARSHIP CAMPAIGNS AND EVENTS

**The Satre Endowed Scholarship Fund:** On Thursday, October 20, 2005, Philip Satre, a former member and treasurer of NJC's Board of Trustees, was honored at the Nevada event held at the Prospector's Club inside Harrah's. An endowed scholarship fund was established in his name to provide scholarships to judges in Nevada and around the nation.

**Washington, D.C., Endowed Scholarship Fund:** On November 8, 2005, in Washington, D.C., Hon. Eugene Hamilton (Ret.), Superior Court of D.C., and Carolyn B. Lamm, of White & Case, will be recognized for their commitments to judicial education at a scholarship event to create an Endowed Scholarship Fund for the judges in the District of Columbia.

**Bryan Endowed Scholarship Fund:** On March 9, 2006, Sen. Richard Bryan will be honored at a scholarship event in Las Vegas. The scholarship fund established in his name will be used to provide judicial scholarships to Nevada judges and to judges around the country.

### ESTABLISHING A SCHOLARSHIP

For many judges, scholarships are a vital solution to easing some of the financial burden of receiving a quality national judicial education, and The National Judicial College continuously works to raise funds for judicial scholarships. Consider naming a scholarship fund in honor of or in memory of a friend, family member, or business associate. Contact Janice Barbour at (775) 327-8257 or at [barbour@judges.org](mailto:barbour@judges.org) to discuss your named scholarship fund.

### HOW TO DONATE TO A FUND

- Cash or credit card
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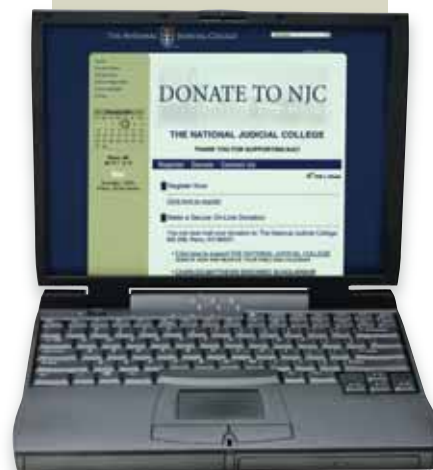
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SUMMER/FALL 2005

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