

CASE POINT

THE NATIONAL JUDICIAL COLLEGE

WINTER/SPRING 2005

To Split or Not to Split?

A Closer Look at the
Ninth Circuit

Hon. Procter R. Hug, Jr.,
of the Ninth Circuit and
NJC Board of Trustees Chair

An American
Hero in Vietnam

Walking on
Common Ground

Jackson & Nevada
Lecture Series Featuring:

Molasky
DeLaughter
Ogletree



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Heather Singer, Communications Specialist

As we begin a new year at The National Judicial College, the staff, faculty and board of trustees are eager for members of the judiciary to discover the quality and commitment that awaits participants at NJC. As attendees continue to chart their professional development at NJC, the dedicated staff is poised to make that journey a positive and engaging one.

In addition to our outstanding faculty, our program attorneys, course administrators and support staff are ready to provide visiting members of the judiciary with the personalized service that has become a benchmark at NJC.

This issue of *Case In Point* features several articles on judges who have used their NJC training and experience for the betterment of the communities in which they serve. In fact, judicial systems nationwide are benefiting from the thousands of NJC alumni who recognize the College's unwavering commitment and excellence as a leader in judicial education. If you are new to the bench, we look forward to helping you chart your judicial journey. If you are one of our many alumni – we hope to see you again this year.

Special thanks go out to my staff – Nancy Copfer, Christina Nellesmann and Heather Singer – for writing, editing and designing another engaging issue. But, in our continued quest for excellence we would like to hear from you on how we can improve *Case In Point* by including issues and topics important to you and the judiciary. Please e-mail your thoughts to us at your convenience, and thanks for reading.

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Director of Communications

CASE IN POINT

Vol. 4, No.1, Winter/Spring 2005

CASE IN POINT is published two times a year by The National Judicial College. Articles and information that appear in CASE IN POINT do not necessarily reflect the official position of The National Judicial College.

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PRESIDENT'S COLUMN

HON. WILLIAM F. DRESSEL

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It is appropriate at this time of the year to look back and reflect on the accomplishments of the past year as well as focus on the challenges of the future.

2004 was a year of many accomplishments as the staff of NJC worked diligently to achieve the goals of NJC's strategic plan. NJC's residential courses were well attended and received extremely positive evaluations from the attendees. The Seminar Series was launched to provide a slightly different learning experience in desirable locations around the country.

About five years ago, the NJC created two centers to provide unique services. The National Tribal Judicial Center was created to serve the needs of the tribal courts. It has developed invaluable courses and training for those the judiciary who work to bring justice to members of their tribes. Also, the Bureau of Justice Assistance created a consortium of service providers (under the able leadership of Judge B.J. Jones, of the Tribal Judicial Institute) to be a resource to tribal courts receiving federal grants. The NJC is proud to be a member of the TCAP coalition.

The Reynolds National Center for the Courts and Media reached a milestone in its existence with its original oversight entities ending their service and a new National Advisory Council created to carry on the excellent work of the original Governing Board and Advisory Committee. You will hear more about these outstanding volunteers in a future issue of *Case In Point*. In recognition of the outstanding accomplishments of the Reynolds National Center for Courts and Media, the Donald W. Reynolds Foundation gave three new grants to the Center which will support in-state symposiums bringing together judges and journalists, a national conference on cameras in the courtroom and assistance for operations.

It is amazing to realize that in addition to these accomplishments, the staff also created and presented (1)

numerous on-site and in-country international programs, (2) the traditional faculty development and new distance learning workshops, (3) conferences for judicial entities, and (4) a variety of academic offerings specifically designed for agencies, courts or other judicial entities. It is truly gratifying what a dedicated and competent staff of 44 people can accomplish!

While we are looking forward to the beginning of our 2005 courses, work is almost complete on the 2006 academic calendar and it won't be long until your education plans can be made for 2006.

Many non-profit entities across the United States are facing challenging fiscal times subsequent to 9/11 and the decline in the economy. I want to thank the many friends and supporters of NJC who have stood shoulder to shoulder with us as we sought the resources to support the work of the College. In this issue you will find the names of donors who through their contributions have made the goal of serving justice through judicial education a reality. The Board of Trustees, in addition to their outstanding leadership,

has once again come together with 100 percent of the trustees making donations to support education opportunities for judges. You may be assured that the resources we receive are used wisely to support the achievement of NJC's mission: "Providing leadership in achieving justice through quality judicial education and collegial dialogue."

While the future is positive, the efforts to provide resources to meet the educational needs of the judiciary remain challenging. I want to thank each and every one of you who help us acquire the resources to ensure that NJC remains an outstanding national judicial training center. I and the other members of the NJC staff look forward to serving you in 2005.



To Split or Not to Split?

A Closer Look at the Ninth Circuit

Editor's Note: Communications Office editorial staff, Trace Robbers and Heather Singer, recently met with Judge Procter R. Hug, Jr. who shared his views on the Ninth Circuit. The following article takes a look at issues surrounding the proposed splitting of the court.

As the largest judicial circuit, with 28 judgeships, the United States Court of Appeals for the Ninth Circuit has evolved through the decades to handle a large caseload in a way that enables the system to run smoothly and competently, said Ninth Circuit Chief Judge Emeritus Procter Hug, Jr., of Reno. Judge Hug, who also serves as chair of The National Judicial College's Board of Trustees, recently shared his views on the congressional efforts to split the Ninth Circuit into two or three smaller circuits. The Ninth Circuit has its headquarters in San Francisco and serves the nine western states of Nevada, California, Arizona, Washington, Oregon, Idaho, Montana, Alaska and Hawaii, as well as the territories of Guam and the Northern Mariana Islands.

During Judge Hug's five-year tenure as chief judge of the Ninth Circuit, there were three serious efforts to divide the Ninth Circuit. He worked with all of the judges in the Ninth Circuit, the members of the bar, and many others in seeking to avoid any division of the circuit and, with others, made numerous trips to confer with members of Congress. A great majority of the judges and lawyers in the Ninth Circuit opposed any division of the circuit. Judge Hug mobilized the opposition to any division of the Ninth Circuit. He noted that the following opposed any division: the American Bar Association, the Federal Bar Association, local bar associations within the Ninth Circuit, the United States Department of Justice, the U.S. attorneys and public defenders in the Ninth Circuit, and numerous respected scholars who have studied circuit court structure.

"Having a single circuit interpret and apply federal law in the western United States, is a strength of the circuit that should be maintained."

Hon. Procter R. Hug, Jr.,
of the Ninth Circuit and
NJC Board of Trustees Chair

The attempts to split the Ninth Circuit were defeated.

The last effort resulted in Congress creating a commission to study the structure of all the circuit courts with special reference to the Ninth Circuit. Chief Justice Rehnquist appointed the members of the commission and designated former Supreme Court Justice Byron White as its chairman. The "White Commission" conducted hearings throughout the country and in Seattle and San Francisco for the Ninth Circuit. At the Seattle hearing 20 out of the 25 persons who testified opposed any division of the Ninth Circuit, and at the San Francisco hearing 37 out of 38 persons who testified opposed any division of the circuit.

Judge Hug noted that the White Commission stated that "splitting the circuit would impose substantial costs of administrative disruption, not to mention the monetary costs of creating a new circuit . . . Having a single circuit interpret and apply federal law in the western United States, particularly the federal commercial and maritime laws that govern relations with other nations on the Pacific Rim, is a strength of the circuit that should be maintained. Any realignment of the circuits would deprive the west coast of a mechanism for obtaining a consistent body of federal appellate law, and the practical advantages of the Ninth Circuit administrative structure." The Commission also stated that it had examined over a dozen proposals for splitting the Ninth Circuit and found no merit in any of them.

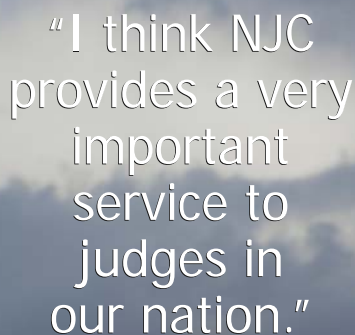
The issue of splitting the circuit has surfaced several times in past decades. Proponents of the split have stated that the circuit is simply too large to operate efficiently. Judge Hug stated that the circuit operates very efficiently, as recognized by independent studies, including the White Commission. Sometimes, however, unpopular decisions have motivated the efforts. He noted the important statement of the White Commission:

"There is one principle that we regard as undebatable: It is wrong to realign circuits (or not to realign them) and to restructure courts (or to leave them alone) because of particular judicial decisions or particular judges. This rule must be faithfully honored, for the independence of the judiciary is of constitutional dimension and requires no less."

A bill to split the Ninth Circuit was introduced late in the last session of Congress. It was narrowly approved 205-194 by the House of Representatives, but did

not come up for a vote in the Senate. Two bills to split the Ninth Circuit have been introduced in the House of Representatives in this session of Congress.

Only two other circuits have been successfully split. In 1929, the Eighth Circuit was divided into the Eighth and Tenth circuits and, in 1980, the Fifth Circuit was divided into the Fifth and Eleventh circuits. The major difference was that those divisions came about with the approval of the Fifth and Eighth Circuit



"I think NJC provides a very important service to judges in our nation."

judges, explained Judge Hug. The majority of Ninth Circuit judges opposed to its division, he added.

The new chief judge of the Ninth Circuit, Mary M. Schroeder, has views on the division of the circuit that run parallel to those of Judge Hug. In testifying before Congress, she stated to the House subcommittee, "The most important point is this: our circuit works well and our foresighted efforts to deal with the critical judicial administration issues facing us in the 21st Century are receiving national recognition."

She also described to the House subcommittee the progress made by the Ninth Circuit's Public Information and Community Outreach committee (PICO), spearheaded by Judge Hug, that tremendously improved the relationship between the Ninth Circuit and the media.

"We try to be open with the press and very conscious of any problems members of the press might be having in covering big stories," explained Judge Hug. "We are very conscious of the fact that the public should be aware of our business."

Serving as a judge is a role that Judge Hug has always taken very seriously.

"Judges are expected to put away their personal opinions and biases in order to

decide and interpret the law," he said.

"We are bound by the statutes passed by Congress, Supreme Court authority, and by the past decisions of our own court. Even though, as an individual, I may want to see a decision go another way, it is my job as a judge to enforce the law."


As chair of The National Judicial College's Board of Trustees, Judge Hug is able to see, firsthand, the impact the College has on empowering judges to administer justice. "Many Ninth Circuit judges have attended courses at the College or served on the faculty," he said. He is also pleased with The National Judicial College's ability to grow and adapt with the changing needs of judges across the nation.

"I think The National Judicial College provides a very important service to judges in our nation because continuing judicial education is so important," expressed Judge Hug.

A lifetime Reno resident, Judge Hug was on the University of Nevada, Reno's, Board of Regents in 1964 when The National Judicial College was relocated to the UNR campus. He was a strong supporter of bringing the College to Reno and has been a supporter of it ever since.

"The College is important to Nevada because judges who visit the College become great ambassadors for the Reno area and for Nevada," he added. "It is very significant to have judges from across the nation think highly of the College since their opinions are well-respected in their communities."

"The rapidly growing issue of judges and courts having to deal with increasing caseloads, similar to what the Ninth Circuit has faced, is one of many useful topics covered in courses offered at The National Judicial College, enforcing the need for quality judicial education," expressed Judge Hug. Each year, at the College, innovative courses such as Effective Caseload Management, Enhancing Judicial Bench Skills, Administrative Law: High Volume, Essential Skills for Tribal Court Judges, General Jurisdiction and many more address this current nationwide issue.

Because of programs offered at the College, as well as advances in technology and court programs, Judge Hug said he feels confident that the judges, court personnel, and communities served will adapt and continue to strive for a fair, well-balanced justice system that seeks to uphold freedom and liberty for all of our nation's citizens. 

For more information on the Ninth Circuit Court of Appeals, please visit:
<http://www.ca9.uscourts.gov>

The National Judicial College's state-of-the-art model courtroom is proof of the incredible technology available today that enables courtrooms to run more smoothly and efficiently. With a top notch digital audio-video system, an evidence presentation system and a convenient cable management system, the model courtroom at NJC serves as a blueprint for other courtrooms being constructed across the nation. The courtroom was created with technology donated by ExhibitOne, Jefferson Audio-Video, CourtCall and Waco Composites.

At 2,700 square feet, the model courtroom was completed in December of 1999 and is entirely American Disabilities Act (ADA) accessible. It was the last portion of the new wing of NJC to be completed, explained Joseph Sawyer, distance learning and technology manager at NJC.



"We are having an impact on the development of new courthouses," he said. "We don't call it the courtroom of the future because it is too hard to live up to that title. That's why we call it the model courtroom. We hope that other courtrooms will have as much, if not more, technology in the future."

Having technology in the courtroom can have many advantages, such as speeding up cases and saving taxpayers' money, Sawyer added. The NJC's model courtroom is continually being upgraded, which can be done more easily because of the cable management system, which means the courtroom has a false floor, designed for a computer lab.

"Between the false floor and the concrete is eight inches of space," Sawyer said. "You'll never see gray tape on the floor holding our cables down because we have that computer lab floor and we are starting to see more courtrooms install that type of floor."

As new technology becomes available, ExhibitOne, Jefferson Audio-Video, CourtCall and Waco Composites, which donated much of the model courtroom technology, continue to maintain their equipment. The donated technology totals around \$200,000, said Sawyer.

Jefferson Audio-Video donated \$45,000 in equipment in 2003 to NJC and also completed an update in April of 2003 of the audio-video system, which enables web conferencing and records everything going on in the courtroom. The system includes five cameras and a tape back-up system, which eliminates the need for a court reporter, Sawyer explained. The entire system is voice activated.

The Jefferson Audio-Video system has many other state-of-the-art features including a white noise generator over the jury box that enables the judge to have more privacy when discussing matters with attorneys during a bench conference. White noise is generated so the jurors cannot hear what the judge and attorneys are saying. ExhibitOne has upgraded the evidence presentation system, which enables evidence to be digitally displayed to jurors so the evidence can be

A company called CourtCall also donated equipment that enables teleconferencing, which saves the attorneys and the court money. If a trial is not in session and the judge is deciding motions, CourtCall provides attorneys a way to be in court without physically having to be there. CourtCall charges the attorneys for the service and then splits the money with the court, so it also serves as a revenue source for the court system.

With all of its high tech equipment, the model courtroom not only serves as a blueprint, it is an essential educational tool for attorneys and judges. The courtroom is used for mock trials, role-playing, sentencing exercises and technology demonstrations.

"The courtroom, as an educational tool, is used constantly," emphasized Sawyer. "We train both judges and attorneys on the latest technology and there are dif-

Court Technology PARTNERS

By Heather Singer, NJC Communications Specialist

Waco Composites I, Ltd.
Toll Free: (866) 688-3088

CourtCall
Toll Free: (888) 882-6878

Jefferson Audio Video Systems
Phone: (502) 244-8788

ExhibitOne
Toll Free: (888) 572-3265

viewed more closely without having to be passed around.

"Instead of passing a letter around or a bloody glove, you have an evidence presentation system where all of the members of the jury can look at the same item at the same time, which means they are really focused on it all together," added Sawyer.


In today's society, where violence is a constant factor, the model courtroom includes a safety feature with a bench that is fully armored. The armor, which was donated and designed by Waco Composites, does not only deflect bullets, it catches them, Sawyer pointed out.

"It protects not only the judges, but everyone else in the courtroom as well because the bullet isn't bouncing off the walls," he added.

ferent techniques for both. With lawyers, you train them how to use it and with judges, you are really working with them on what is the right technology for their courtrooms."

Because of the model courtroom's availability and modern appeal, movie producers have scouted it for possible film shoots. It has also been the filming site for legal and court-based documentary footage.

In addition to showcasing the newest equipment and serving as an educational tool, NJC's model courtroom also lends itself for real cases to be heard. The Washoe County Family Drug Court often hears cases in the model courtroom because it allows for more room and the Inter-Tribal Court of Appeals holds sessions there four times a year as well.

As an actual courtroom, a technology showcase and an educational tool, The National Judicial College's model courtroom plays an essential role in improving the dynamics of an ever-changing court system. As technology advances, the model courtroom will continue to be upgraded to lead the justice system into a modern and more efficient future. 

Giving in the Name of a Good Friend

They say the apple does not fall far from the tree. In the areas of friendship and giving, that saying is right on target with Dan Gordon and his father, Albert. Inspired by a 30-year friendship with Reno's late Rollan D. Melton, Dan and his father wanted to do something significant to show the enormous influence that Melton had on their lives. And what better way than to support a cause held dear to their inspirational friend?

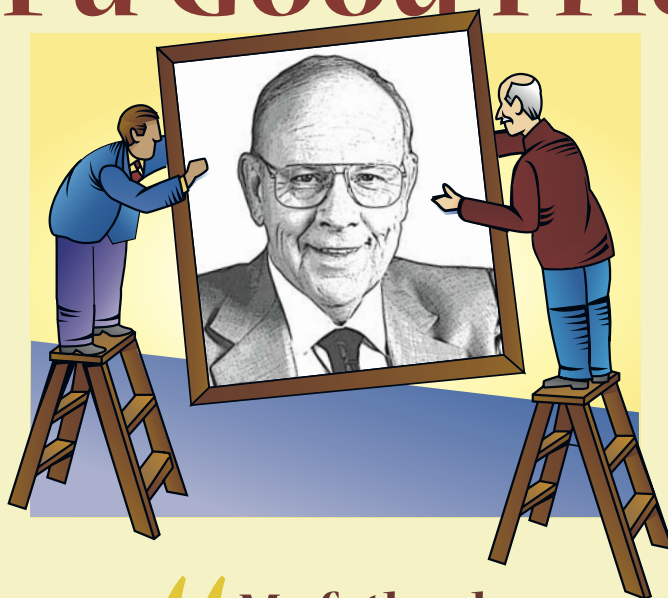
Since 2003, Dan has given \$50,000 to the Melton Chair, the fund that supports the programs of The National Judicial College's Reynolds National Center for Courts and Media (RNCCM). His father, Albert, a New York investor, has donated \$100,000.

"My father has always said that in making donations, you do it in a meaningful amount, especially for a cause that justifies it," explained Dan, a real estate property owner/manager in Philadelphia.

"We talked about doing this for Rolly because the RNCCM meant a lot to him. My father felt it was important to donate a maximum amount and then go a little further to demonstrate the importance of it. It is not just a donation, but a personal commitment from us for a dear friend."

Melton, a former NJC board member, was known by many Nevadans as the "People's Journalist." He was warm, compassionate and he truly cared about people's lives. It was Melton who gave Dan his first job in the newspaper business 30 years ago in Reno. Although Dan's career took another path, it was his humble beginnings, working with Melton that influenced his life and helped him become the person he is today.

"I don't think Rolly ever realized the influence he had on me," he said. "The fact that he hired me so long ago, gave such a huge boost to my life. If Rolly hadn't hired me, my life would have been



“My father has always said that in making donations, you do it in a meaningful amount, especially for a cause that justifies it.”

- Dan Gordon

a lot different. Even though I did not stay in journalism, he had a profound effect on my life.”

His father's friendship with Melton began through his son's job and grew along with his respect for the native Nevadan.

"My father and I had great affection and admiration for Rolly," expressed Dan. "We both liked his self-effacing and personable manner. He never projected himself as important and he was very humane. We wanted our donations to recognize the

great person he was and all he has done for the Reno area.”

A supporter of the press and the media, Melton knew well enough the tensions that ran among judges and journalists. The National Judicial College's RNCCM was important to Melton because it brought together these two opposing forces with the goal of creating a mutually beneficial understanding. The Melton Chair was created in his honor after his death in 2002. Although the Gordon's donations have been mainly to honor a great friend, Dan said the roles of judges and journalists are critical to our society.

"Journalists are charged with informing the public of the ongoing changes in our judiciary," he said. "The issue of judges and journalists was extremely important to Rolly. My father and I are willing to support those ideals."

Donating in their friend's memory was made even more special by knowing Melton would never have asked this of them.

"I don't think Rolly ever asked for much from people," expressed Dan. "That made it especially important for us to give as much as we could to something Rolly cared about. I think he would be very happy about our donations but he would never have asked."

Dan stressed that he and his father gave their donations as an expression of gratitude to the great man Rolly was and the inspiration he left behind.

"My dad will only do something like this when it is something he feels strongly about," Dan added. "Over his lifetime, my dad has met hundreds, possibly thousands of business people, but he always had special admiration for Rolly."

The National Judicial College has many giving opportunities to remember friends and family members as well as many naming opportunities within the College that are viewed by thousands of judges and visitors annually. For more information, please call (800) 25-JUDGE or visit the College's website at www.judges.org.



A Visit From a Founding Father

As one of The National Judicial College's founders and dean in 1963, Professor Ernest C. Friesen, Jr., has journeyed back to the College every year since to teach courses ranging from General Jurisdiction and Court Administration to Managing Trials Effectively and Court Management for Tribal Court Judges and Personnel. In that time, he has taught nearly 90 NJC courses. A law school professor who retired in 1995, Professor Friesen said helping start The National Judicial College is one of his greatest accomplishments.

"I feel like it is the most successful enterprise I have had part in and I have taken part in many," he said while visiting NJC in May of 2004 as part of the faculty for the Court Management for Tribal Court Judges and Personnel course. "I think it is the most important thing I have ever done. There was no judicial education in the country in 1963 and now it is routinely accepted."

With a teaching career spanning more than four decades, Professor Friesen said judicial education has evolved to exceed his expectations and NJC has grown and become more nationally recognized than he had imagined was possible 41 years ago. One of the biggest changes he has seen over the years is the courtrooms evolving from being run by attorneys to being run by judges.

"The College brought about this change because of the community of judges it created," he said. "The College opened up dialogue on judicial issues. It enabled judges to gain a national perspective."

Professor Friesen said he enjoys teach-

ing at the College because he has acquired so much knowledge and information over the years he feels compelled to pass it on. There is nothing in legal education or law practice that prepares people to become judges, pointed out Professor Friesen.

"One of the best judges I knew never practiced law a day in his life," he added.

The three qualities he considers essential to being a good judge are integrity, industry and intellect, said Professor Friesen.

"One of the best judges I knew never practiced law a day in his life."

Prof. Ernest C. Friesen, Jr.



"With those three qualities, you can become a great judge," he shared. "But, you must also have curiosity which comes from an open mind."

Professor Friesen consults and teaches with judicial systems throughout the world. He has served as dean and professor at the Whittier College School of Law and California Western School of Law. His teaching career also includes several years at the University of Cincinnati and the University of Denver where he taught civil

procedure, conflicts of law and federal courts. He served as assistant attorney general of the United States Department of Justice from 1965-1967. In 1967, he was appointed director of the Administrative Office of the United States Courts by the United States Supreme Court, where he served until 1970, when he resigned to start the Institute for Court Management at the University of Denver. He was awarded The National Judicial College's Erwin N. Griswold award for teaching excellence in 1995.

Shown above: Taking part in the NJC groundbreaking ceremony in 1964 are (from left) Hon. Frank Murray, Prof. Ernest Friesen, Jr., Hon. Larry Hyde, Jr., Justice Tom C. Clark and Hon. Procter Hug, Jr.

Donate Your Unexpended Campaign Funds to NJC

Do you have funds leftover 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 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.



By Judge Lex E. Anderson, Justice of the Peace, Peoria Precinct, Arizona

AN AMERICAN HERO IN VIETNAM

It was December 5, 1965. I was in the seventh grade at Washington Elementary School in Phoenix, Arizona. As I was counting down the days to Christmas, halfway around the world a battalion (300 men) of U.S. soldiers from the Army 1st Infantry Division were cutting their way through the dense Southeast Asian jungle. At age 12, I had barely heard of that faraway place called Vietnam and most certainly never dreamed that the horrific battle that was about to take place would ever affect my life some 38 years later.

On that December day in 1965, as the sun rose over the Republic of South Vietnam, so did the sweltering heat. The young American soldiers, many just teenagers were making their way back to their base at Lai Khe after a mission to rescue an ARVN outpost that had been brutally mauled by the elusive Viet Cong forces. As the weary soldiers broke out of the thick jungle and reached Highway 1 (a narrow dirt road that ran the length of the country) their column stretched nearly a quarter mile. They walked two and three abreast down the road, dead tired after three days of slashing their way through the jungle undergrowth.

Unknown to the American soldiers, Viet Cong trail watchers had constantly monitored their progress through the jungle. On the opposite side of Highway 1, more than 1,000 soldiers of the 9th Viet Cong Regiment lay in wait to spring a tremendous ambush that would eventu-



Pfc. Ken Abrams is shown in February of 1966 at the U.S. Army base in Lai Khe, Vietnam. He is 19 in this photo.

ally trigger those heartbreaking telegrams to mothers and fathers back home in the United States. As the U.S. soldiers emerged onto the highway and into the killing zone of the ambush, 19-year-old Pfc. Ken Abrams was just exiting the jungle at the rear of the battalion when

he first heard the deadly cacophony of machine gun fire. Many young American soldiers lost their lives before they ever had a chance to react; others were able to dive for cover and began returning fire.

The distinctive staccato of the Russian AK-47 machine guns was followed by the terrifying sound of the enemy bugles that signaled waves of Viet Cong soldiers to charge into the Americans with fixed bayonets. Vastly outnumbered by the enemy, fighting was reduced along some of the lines to hand to hand combat. With little or no time to reload their guns many U.S. soldiers died unspeakable deaths as they were swarmed over by hordes of the enemy. Words can scarcely describe the fear, adrenaline, or heart pounding primeval fight for survival that a soldier experiences when death is so imminent.

The surviving American soldiers risked their lives many times that day in attempts to evacuate their wounded and dead under heavy fire. Facing annihilation, the survivors had to leave their fallen comrades. Pfc. Abrams, had picked up a slain American soldier, and began making his way to an evacuation point when he was also forced to abandon his effort. As Abrams laid the body on the ground he

saw the man's face for the first time. His name was Edward Charles Upner, a sergeant. With graying hair, he looked much older than his fellow soldiers. Sewn above the left breast pocket on his blood-soaked uniform was the coveted CIB (combat infantryman badge), one of the infantryman's most treasured medals and one of the few that is worn on all classes of uniforms including fatigues. It consists of a rectangle with a rifle, superimposed over an oval wreath. One glance at a recipient's uniform commands instant respect and indicates the wearer has had previous

having always held out hope that her husband might possibly have survived and would return home as he had done in two previous wars. In fact, during WWII, he was reported as missing for a period of time and was subsequently located in a hospital in the Philippines.

For 38 years, Monzia Upner had lived with an uncertainty regarding her husband's fate. Finally, Mrs. Upner and her three grown children learned the details of Sgt. Upner's death from Ken Abrams, the last American soldier to see him. They learned that their brave husband and

Upon arriving in Ben-Cat province not far from the former U.S. Army base, we were escorted to the home of Bak Mau, a man who lived his entire life in the region where the ambush took place. Mau, through an interpreter, said he could show us the location of the battle because he was there when it happened. He was one of the trail watchers for the Viet Cong that had followed the American soldiers through the jungle that day. Mau described the ambush and its aftermath in chillingly accurate detail.

Upon questioning about any Americans

"WHEN THE WAR IN VIETNAM BEGAN TO ESCALATE, HE REJOINED THE ARMY TO SHARE HIS COMBAT EXPERIENCE WITH 'THOSE YOUNG AMERICAN KIDS' ON HOW TO STAY ALIVE."

combat experience. This fallen warrior's CIB, however, was noticeably different, it had a star attached to the oval wreath; a distinction earned from having served in combat in both WWII and Korea.

The following day U.S. soldiers returned to the battlefield to begin the grisly task of recovering their dead. Pfc. Abrams and others found Sgt. Upner's military identification card and dog tags in the road, but when they went to the location where his body had been placed, it was gone. He was listed as missing and not as being killed in action because his body had not been recovered.

Pfc. Abrams survived the war in Vietnam and went on to make a career in the Army. In December of 2000, he told this story to me, and said that for more than three decades, he had thought about Sgt. Upner's family.

I took an interest in this story and the disappearance of Sgt. Upner. Two years later, after researching military after-action reports and archives, I learned that Sgt. Edward Charles Upner was from Anniston, Alabama. He did not have to go to Vietnam, as he had already seen the horrors of war in WWII and Korea and had retired from the military. When the war in Vietnam began to escalate, he rejoined the Army to share his combat experience with "those young American kids" on how to stay alive. At age 43, he was respectfully known by the young privates as "the old man."

The Veterans Affairs Office in Anniston notified Sgt. Upner's wife and asked if she would like to speak with someone regarding the circumstances of her husband's death. She said yes. Monzia Upner, now in her late 70s, had never remarried




Judge Lex Anderson kneels over the spot where Sgt. Upner's body had been dragged and left by the Viet Cong after the Dec. 5, 1965 ambush. American soldiers, who returned the next day, were unable to find his body because it had been moved from the spot where Pfc. Ken Abrams was forced to leave it in order to flee for his life.

father, although missing, was never captured alive, nor was he tortured, nor did he suffer in death, but that he died "trying to save the lives of those young American kids."

In September of 2003, I accepted an opportunity to travel to Vietnam to observe their judicial branch of government and meet with their chief justice.

The family of the late Sgt. Upner asked me to take a photograph of the battlefield where their father died if it could be arranged. I relayed this story and request to Chief Justice Tho Xuan Pham, himself a 10-year veteran of the same war. Justice Pham was so taken by the story that he personally searched Vietnamese archives regarding this battle and arranged a trip to the site, which, to this day, is normally off limits to foreigners.

taken off the battlefield by Viet Cong forces, Mau said that he knew of one, an older soldier that was taken away. He led us to a concrete culvert that ran under the road, and pointed to a spot 20 meters away where he had seen the body under a large tree. Mau said he saw the American soldiers come back the day after the ambush and look for the body, but stated, "they just didn't look in the right place." Mau said he passed by the body many times and it was never buried.

I turned my information and photographs over to the U.S. Department of Defense, which is now investigating, and to the family of that fallen American hero who died on a dirt road that horrible day in Vietnam 38 years ago. My quest to take a picture of a little known battlefield in a jungle halfway around the world where so many young American soldiers lost their lives has brought the realization that as an American, I am forever grateful to the armed forces veterans that made the ultimate sacrifices so that we may remain free. 

Editor's Note: Judge Lex Anderson is an alumnus of The National Judicial College (NJC). Ken Abrams is the court building/facilities management supervisor for Judge Anderson's courthouse in Maricopa County, Arizona. Alton Do, NJC international/judicial studies program specialist, originally arranged for the meeting between Judge Anderson and Chief Justice Tho Xuan Pham, of Vietnam.

SUPPORTING THE CAUSE

Donald W. Reynolds Foundation Awards \$2.3 Million in Grants to NJC's RNCCM

The Donald W. Reynolds National Center for Courts and Media (RNCCM) at The National Judicial College recently has been awarded three grants, totaling \$2.3 million, from the Las Vegas, Nevada, based Donald W. Reynolds Foundation. In an effort to foster understanding between judges and journalists, the RNCCM will use the grants for three purposes: (1) a national conference focusing on the challenges faced by both the courts and the media in handling high-profile trials; (2) one-day workshops in various states for judges and journalists; and (3) general operating support for the RNCCM.

Upon announcing the grants, Fred W. Smith, chairman of the Donald W. Reynolds Foundation said, "We hope these grants will be successful in accomplishing a better understanding between individuals working within the judicial system and those in the media while they continue in their respective roles to best serve the public."

"With the ever-increasing emphasis on trials and coverage of court proceedings in national and local news, the need for reducing conflict between the press and the judiciary has never been greater. The new grants will heighten the impact of our work significantly," said RNCCM director Gary Hengstler.

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 Center's sole purpose is to promote that understanding. No other institution in America has that charge. For more information on the Donald W. Reynolds National Center for Courts and Media, please visit the NJC and RNCCM websites at www.judges.org or www.judges.org/nccm.

NJC's Civil Mediation Course Included in ILJ's Evaluation of Model Training Programs

The Institute for Law and Justice (ILJ) was awarded a contract by the U.S. National Institute of Justice to conduct a two-year project with the purpose of producing a training evaluation model that can guide evaluations of a wide range of criminal justice training activities supported by federal, state and local funds.

The overall goal is to help U.S. Department of Justice (DOJ) agencies achieve more consistency and control over funded training. This project will give DOJ a new and consistent way of assessing training projects. The four programs chosen to be evaluated are: Civil Mediation, offered by The National Judicial College; Tools for Tolerance Institutes, offered by the Simon Wiesenthal Center; Foundations of Intelligence Analysis Training (FIAT), offered by the National White Collar Crime Center; and Advanced Leadership for Law Enforcement and Corrections Professionals, offered by the National Law Enforcement and Corrections Training and Technology Center.

The NJC course was selected after ILJ conducted assessments on each of the FY 2002 BJA discretionary grants for criminal justice training courses. In particular, ILJ was interested in the Civil Mediation course because it is a lengthy skill-based course in which it is possible to measure changes in knowledge and behavior in the course participants as a result of taking this course.

NJC Receives IOLTA Grants for Scholarships for N.C. and S.C. Judges

The National Judicial College (NJC) is pleased to announce it has received grants from IOLTA funds from both North Carolina and South Carolina. The North Carolina State Bar Plan's IOLTA fund gave \$5,295 and \$21,706 was given by the South Carolina Bar Foundation's IOLTA fund. These grants will be matched by NJC grants from the Bureau of Justice Assistance. The funds will enable North Carolina and South Carolina judges to attend innovative courses at NJC.

NJC Receives \$20,000 Grant From the Robert Z. Hawkins Foundation

The National Judicial College was recently awarded a \$20,000 grant from the Robert Z. Hawkins Foundation to be used toward the purchase of a second classroom responder system. This system is made up of wireless, handheld keypads that will allow the College's student judges to respond anonymously and uninhibited to questions posed by instructors regarding sensitive legal issues.

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 Receives \$50,000 Grant for Computers From The E.L. Cord Foundation

The National Judicial College has been approved to receive a \$50,000 grant to upgrade the computer lab from The E.L. Cord Foundation, a Reno-based philanthropic organization dedicated to the betterment and well-being of humankind.

"This is quite a gift and we are extremely grateful," said NJC President William F. Dressel. "A computer lab is an excellent learning resource for our judges and it is essential to continually improve it as today's technology improves."

The grant will improve NJC's ability to meet the evolving needs of judges as changes in the economy, technology and population demographics contribute to the complexity of the training they require. It will also allow the College to increase its online curriculum. In the past, NJC has offered four online courses a year. In 2005, the College is offering six courses.



AN ABA EXECUTIVE LOOKS BACK

Terry Kramer recently retired as associate executive director of the Professional Services Group of the American Bar Association. Since he served as ABA liaison to the College for several decades, we asked him to share his thoughts with us about those years, and he was kind enough to do so.

I first became involved with The National Judicial College in the early eighties when Tom Gonser, my new boss and the new executive director of the ABA, asked me what I knew about the College, and I said, "Well, not all that much." Tom said, "I expect that to change." So off I went with Wantland Sandel, then head of the ABA's Judicial Division, for my first visit to Reno, to learn what I could learn. One of the first things I learned was that the College had been first operated in the sixties as a committee of the ABA's Judicial Division, subsequently becoming a Nevada not-for-profit educational corporation in 1978. The second thing I learned was that the College was the fortunate recipient of nearly \$11 million over an 18-year period from the Fleischmann Foundation but that that halcyon time would be coming to an end in 1984.

Shortly thereafter, I became an associate executive director of the ABA as well as the ABA's staff liaison to the College. I was involved with the planning for a dramatic change in NJC's operations: helping to refocus the College's development and business plans shortly before the last of the Fleischmann Foundation grants. Around 1985 we learned that the College, in the opinion of its auditors, could become the recipient of a much-to-be-avoided "qualified opinion," and that spurred all of us involved to work hard to come up with a viable business plan for the future of the College. Jim Williams, then NJC's CFO, and Bill Williams, the College's first development officer, worked with ABA staff (Dave DeHetre, CFO; Judy O'Connor, RDO; and me) on that plan, which in essence called for NJC to create and fund an endowment totaling \$10 million by 1991 and to become essentially self-supporting by that year.

Judy O'Connor was key to the College being awarded in 1986 a five-year grant of \$1,865,000 from the Chicago-based MacArthur

Foundation. Since MacArthur, like many grantors, does not give funds to endowments, it was agreed that the MacArthur funds would be used for current operations and that the ABA match (two for one, as required by the terms of the MacArthur award), would be used to fund the NJC endowment. By the early nineties, the endowment goal of \$10 million had been reached and exceeded, with the help of generous support from the state of Nevada, thus putting the College on a sound financial footing.

The College has come a long way since 1985 – it has developed a much more extensive curriculum that now includes distance learning and reaches a much broader audience than was the case 20 years ago. It has broadened the scope of its offerings by adding, in cooperation with the University of Nevada, Reno, in 1986 an advanced degree program in judicial studies. It has had several campaigns to extend its physical plant, with the most recent addition being that of the Reynolds National Center for Courts and the Media.

Since 1966, the ABA and the American Bar Endowment have provided funding to the College of over \$12 million. It has been my pleasure to have attended many board of trustees meetings and social functions with members of the board and their spouses during the past two decades. I've come to admire the Reno area very much – so much so that my wife Sally and I decided some years ago to retire in nearby Graeagle, California.

I believe that the College is in an excellent position now under the able leadership of Bill Dressell. The ABA has continued to provide financial support to the College, and I certainly hope that that continues. The American Bar Association and the National Judicial College are natural partners, and I believe that working together makes both of us stronger organizations and enhances both the judiciary and the legal profession.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition for a redress of grievances.

The First Amendment

Course Trains Judges to Effectively Handle the Media

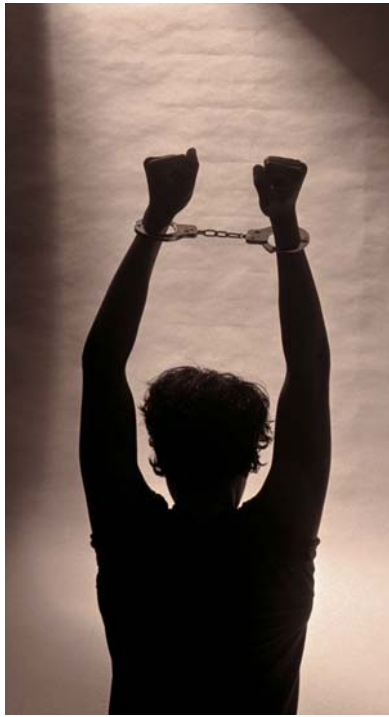
A judge's job consists of much more than his or her duties on the bench. Knowing how to understand and work with the media can be critical to maintaining the integrity of the court and the trust of the public. In 2005, the Donald W. Reynolds National Center for Courts and Media in The National Judicial College will be offering **First Amendment and Media Issues for Judges** May 23-25 and Nov. 14-16. This course is being presented in collaboration with the Conference of Court Public Information Officers and the Reynolds School of Journalism at the University of Nevada, Reno.

"This course is geared toward helping judges understand more clearly the culture of the news media, how news interviews are conducted and how to successfully create a publicity campaign to promote some aspect of the court's work," said Gary Hengstler, director of the Reynolds National Center for Courts and Media.

The struggle between the First Amendment (free press) and the Sixth Amendment (fair trial) is evident. This highly successful course provides judges with a more thorough understanding of the role of the press. More importantly, it provides judges with methods of preparing for and becoming more comfortable with the media. Topics covered include the judge as a reporter versus the judge as a public official, free press and fair trial, working with the news media, the media interview, the gag order, cameras in the courtroom and journalism ethics.

"Ideally, this workshop offers the opportunity for judges to familiarize themselves with the media in order to form a better working relationship, one that will mutually benefit the media as well as their courts," explained Hengstler. "It will also enable them to understand the complex dynamics of facilitating transparency within ethical restrictions."

To register for this course, please call (800) 25-JUDGE. For more information about the Donald W. Reynolds National Center for Courts and Media, please visit the website at www.judges.org/nccm or call Heidi Nash at (775) 327-8271.



By Robin Wosje, NJC Program Attorney

INSIGHT

NJC Courses Prepare Judges to Handle Substance Abuse and Mental Health Issues

The number of persons with a mental illness or with co-occurring mental and substance abuse disorders who are appearing before the courts has increased dramatically over the last 15 years. In many cases, the mental illness or the co-occurring disorders contributed to the event that caused the person to be involved with the court system. Further, such individuals may be in the court system because of a criminal act (e.g., drug possession, loitering, petty theft) or the individual may be appearing because of a different matter altogether such as landlord/tenant issues, domestic violence, family court issues, civil commitment, etc. And often, individuals with mental illnesses or co-occurring disorders may be appearing before courts on multiple issues or on multiple occasions. Court systems across the United States have had difficulties properly addressing the issues and needs of this population particularly since many of the mental health systems are broken and/or under-funded.

Recently courts have been examining ways to improve the manner in which persons with mental illnesses or co-occurring mental and substance abuse disorders are handled in the court system. The National Judicial College offers two classes on the subject, **Co-Occurring Mental and Substance Abuse Disorders**

and **Managing Cases Involving Persons with Mental Disabilities**. These two courses both provide judges with insight on how they might handle these issues more effectively in the courts.

The **Co-Occurring Mental and Substance Abuse Disorders** course will be held at the College on Aug. 15-18, 2005. This will be the sixth time the College has presented the course, which has consistently received high ratings. The four-day course teaches judges about mental illness and substance abuse. It was developed primarily for criminal court judges. The course uses several teaching methods to ensure that by the end of the course judges will have a greater appreciation of how cases with persons with co-occurring disorders can be better managed in the court system.

The three-member faculty consists of Dr. John Chappel, a psychiatrist and professor of medicine at the University of Nevada, Reno; Judge Peggy Fulton Hora, general jurisdiction judge in Alameda County, Calif., and one of the first drug court judges in the nation; and Judge Stephanie Rhoades, a district court judge in Anchorage, Alaska, and one of the first judges to start a mental health court in the United States.

"A judge has a duty to see that court orders are followed," said Judge Hora. "Unless judges understand effective

sentencing of people with co-occurring disorders, defendants will continue to violate probation and recidivate."

At the completion of the course, participants are able to identify and assess individuals with major mental disorders including substance abuse. The faculty provides information on the mental health illnesses that are prevalent in people appearing in criminal cases and what is relevant and helpful to judges about the symptoms that may be manifested as part of these illnesses. The Diagnostic and Statistical Manual IV (DSM-IV), a diagnostic criteria book used by psychiatrists, is used as the main reference tool during the course. A quick reference DSM-IV is provided to each of the participants for use when they return to the bench.

The course includes attendance at a 12-Step meeting and a field trip to a session of the mental health court at the Washoe County District Court in Reno. Additionally, during a panel session, judges have the opportunity to hear and ask questions of a selection of people who suffer from co-occurring disorders and have been involved with the criminal justice system. This part of the course is highly rated because of the insight it gives judges into the types of issues people with co-occurring disorders face each day and it provides an opportunity for judges to ask the panelists what has helped or

hindered them in their ability to stay out of the criminal justice system.

At the end of the course, participants design a plan for the implementation of systems or ideas that they intend to make upon return to their own jurisdictions. Those plans are examined in the discussion groups and then shared with the entire class. This course also contains pre-course and post-course online sessions via WebCT, an online password protected website. The pre-course session helps the faculty evaluate the education level of the judges on this subject by asking each participant to take a short quiz. Participants are also asked to complete a brief reading assignment prior to the course. The post-course session, administered approximately six months after the completion of the course, contains a survey instrument that allows the judges to further evaluate the course after they have had time to return home and use the knowledge gained from the course. The post-course session also gives the judges an opportunity to share the changes or improvements they made upon their return home.

Managing Cases Involving Persons with Mental Disabilities will be presented Oct. 17-18, 2005, in Reno. This two-day course was developed to provide information to judges about mental illness. Judges sitting in any docket where they are likely to encounter persons

who may have a mental illness will benefit. The course enables participants to identify and assess individuals with mental health disorders. As with the Co-Occurring Mental and Substance Abuse Disorders course, Dr. John Chappel uses the DSM-IV to teach judges about the

“Unless judges understand effective sentencing of people with co-occurring disorders, defendants will continue to violate probation and recidivate.”

—Hon. Peggy Fulton Hora


mental illnesses that tend to be present in persons involved in the court system. A quick reference DSM-IV is also provided to participants in this course.

After completing the course, participants are able to define those factors that affect and color their approach to cases involving persons with mental disorders. Bias and stigma are issues faced by persons with a mental illness on a daily basis.

One method to decrease the amount of bias, is to “walk in the shoes” of the “different person.” In this course, participants are asked to wear headphones and listen to a CD which contains a simulated experience of hearing voices. While listening, participants are asked to complete certain tasks to gain an appreciation of how difficult it must be to accomplish tasks when faced with such a psychosis.

Participants also become aware of the best practices for collaboration with the mental health system to support decision-making at various junctures of criminal case processing and best practices in the area of civil commitment.

Faculty members use a combination of teaching methods including video, case scenarios and question and answer to instruct the participants about the latest innovations in managing cases involving persons with mental disabilities.

This course contains a pre-course session consisting of a short quiz and reading assignment via WebCT as well. 

For more detailed course descriptions, scholarship eligibility, available CLE credit or to reserve your space, please call (800) 255-8343 or visit NJC's website at www.judges.org. For questions about the course, please contact Program Attorney Robin E. Wosje at (800) 25- JUDGE or wosje@judges.org.

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WALKING ON COMMON GROUND:

PATHWAYS to Equal Justice

By Bill Kockenmeister, Program Attorney, the National Tribal Judicial Center

Cooperation among tribal, state, and federal courts, as well as related law enforcement and service agencies, is essential to the effective administration of justice. Yet this remains one of the most difficult challenges facing our justice systems. In recent years, tribal/state/federal court forums, or "tribal forums," operating independently in states around the country, have made great strides and have identified critical issues that must be addressed. In addition, there is growing consensus that the time has come to work together, implement solutions and share findings on best practices to further the interests of justice for all people.

The National Conference of Chief Justices, in conjunction with the United States Department of Justice, Office of Justice Programs, the Tribal Judicial Institute at the University of North Dakota, the Criminal Justice Center at Fox Valley Technical College and the National Tribal Judicial Center at The National Judicial College, will host Walking on Common Ground, a national gathering on tribal land in Wisconsin, July 27-29, 2005.

Walking on Common Ground is a cooperative effort that seeks to identify and implement tested strategies for enhancing and improving tribal, state and federal court relations. It will bring together individuals and draw on the work of leaders and experts from a cross-section of diverse justice systems. The

objectives are to improve communication and understanding among tribal, state, and federal courts, law enforcement personnel, and service agencies, and to recognize and promote workable solutions that will foster respect and comity,

"Tribal, federal, and state justice communities join together, in the spirit of mutual respect and cooperation, to promote and sustain collaboration, education, and a level of support to ensure equal access to justice."

*- Walking on Common Ground
Mission Statement*

mitigate intersystem conflicts, and reduce or forestall diverse litigation. This national gathering promises to launch a new level of strategic thinking and setting of priorities for tribal, state and federal relations across the country. By providing a forum for collaboration and interaction, and by presenting and soliciting a "best-practices" exchange, Walking on Common Ground will increase the capacity of tribal, state and federal court systems to take significant strides toward the collective goal of equal justice for all.

Chief Justice Shirley Abrahamson, of the Wisconsin Supreme Court, has always been a strong advocate of cooperation among tribal, state, and federal courts and

law enforcement and service agencies. Justice Abrahamson will speak at the Walking on Common Ground Conference. "What tribal courts do and how they function is the concern of tribal nations," she said. "How tribal, state, and federal courts interface with one another is the concern of the entire nation."

Judge Charles Cloud, a member of the Advisory Board of the National Tribal Judicial Center stated, "The work that went into Walking on Common Ground is overwhelming, and I might add, historical. I don't think that it has ever been done before."

The National Tribal Judicial Center at The National Judicial College is honored to work with the Conference of Chief Justices and the other participants to further understanding and cooperation among tribal, state and federal courts. Hon. William F. Dressel, president of The National Judicial College, said he believes that the Walking on Common Ground gathering "will result in a significant improvement in cooperation between tribal, state and federal courts. This will only enhance the effectiveness of tribal judicial systems, which we strongly support through our National Tribal Judicial Center."

For further information, please contact Carolyn Wilson, program attorney, National Tribal Judicial Center at The National Judicial College, at (800) 25-JUDGE or cwilson@judges.org.

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iHola! from Madrid

By Peggy Vidal,
NJC International/
Judicial Studies Manager

Spanish-American Comparative Law Program

In September of 2004, 17 judges from eight states and two foreign countries (Australia and Germany) and 12 Spanish judges met in Madrid to compare their legal systems and share experiences as judges with common problems. The National Judicial College partnered with the Consejo General del Poder Judicial, Servicio de Relaciones Internacionales (International Relations Commission) to present this first comparative law program between American and Spanish judges. After studying for a week in Madrid, some of the judges participated in an optional extension program in the Basque Country, organized by the Basque government.

Spain's political history and configuration are quite different than that of the United States. After 40 years under the dictatorship of General Francisco Franco, Spain became a social democracy in 1978, and joined the European Union in 1986. Today the Spanish state is a parliamentary monarchy with King Juan Carlos as the head of state. The country is divided into 17 autonomous communities and two autonomous cities in Morocco, each with its own parliament and government. The Basque and Castilian communities have assumed more autonomous powers than the others, which made the visit to Basque Country an interesting addition.

The civil law system is the basis of the Spanish legal system, but recent judicial reform is incorporating oral trials. There is a constitutional court, outside the judicial system, which is the only means of voiding legislation and dealing with the differences between laws adopted by the different provinces. The semi-federal judicial system has a supreme court as its highest court. Each of the provinces has a provincial court. Judicial districts have courts of first instance and examining courts, and municipalities have courts of peace. Each autonomous community has a high court. The National Court handles



NJC's Peggy Vidal with participant Rafael Losada Armada of San Tander, Spain



Spanish-American Comparative Law Program attendees

cases of terrorism, drug trafficking, immigration and crimes committed abroad.


The judges observed a terrorism proceeding in the National Court in Madrid and were privileged to meet with the president of the court, Javier Gomez Bermudez, who explained the court's work and the proceedings observed, over which he presided. They also visited the Supreme Court, where religious images abound.

The program was opened by Juan Pablo Gonzalez Gonzalez, president of the International Relations Commission of the Consejo General del Poder Judicial, Javier Parra Garcia, director of the International Relations Service and me. Faculty consisted of American judges who attended the program and were asked to also teach segments on American procedure. Leaders of the Spanish and Basque

legal system presented their side of the comparative topics.

The judges who participated in the Basque Country program visited the capital of Vitoria, San Sebastian, and Bilbao. The visit provided the opportunity to learn more about how autonomous regions operate and about the Basque floral law system. The floral law was developed in the 15th century when customs and traditions were first written down. All Basque laws were abolished by the king in the 18th century, but they have been reinstated and are being revised to reflect today's needs. The floral laws mostly deal with family and community property law.

The judges visited Basque courts and met with Fernando Ruiz Pineiro, president of the Basque High Court, and Joseba Askarraga Rodero, the Basque Minister of Justice. This segment of the program was the result of Mr. Rodero's visit to NJC in 2004 and an agreement of cooperation signed by him and NJC President William F. Dressel.

Cultural activities for both segments of the program included visiting the Royal Palace and Prado Museum in Madrid; Toledo, Spain's most important historic town and former capital; the windmills of Don Quixote fame; old towns in Basque Country; and the Guggenheim Museum in Bilbao. 

COMING IN 2005: LUXEMBOURG

The 2005 program will be conducted in conjunction with the Judicial Division of the American Bar Association. The focus is on the new European Court of Justice in Luxembourg, with an optional extension to Strasbourg, France, to learn about the European Court of Human Rights. The dates are September 3-9 in Luxembourg, and September 10-14 in Strasbourg. Contact the registrar's office for details and cost at (800) 25-JUDGE.

Fairy Tales Really Do Come True

By Hon. Nancy Oesterle
Justice Court, Las Vegas, Nevada



nce upon a crime ... amidst the gasps and cheers from the gallery, the jury announced the defendant, Curly Pig, "Not Guilty" on the charge of attempted wolf cooking, in the case of *Big Bad Wolf v. Curly Pig*. Relieved after being vindicated in a court of law, Curly Pig thanked Cinderella, her defense counsel, on their way out of the courtroom. Later

that same day in the courtroom, Goldilocks was found "Not Guilty" of bad manners, regarding the case of her intrusion into the home of the three bears.

These were the verdicts handed down May 1, 2004, by the fairy tale jury during the Fairy Tale Moot Court Program, an event held annually in honor of Law Day, in which local third grade students are invited to take over court proceedings for the day to conduct mock trials with fairy tale themes.

As a 13-year veteran Justice of the Peace, I brought the program to Las Vegas in conjunction with local teachers, Sue Mowbray and Anne Middleton, to educate students about the justice system. This was the second year in a row that I hosted the event in my



Hon. Nancy Oesterle and members of the Fairy Tale Moot Court Program

courtroom, which operates under strict accordance with the Nevada rules of criminal procedure.

The program begins with 24 official jury summonses delivered to the homes of selected prospective jurors. These third graders receive their notices followed by a visit to the school from my bailiff and me. During my visit, I stress to the students the importance of the presumption of innocence, which means, anyone accused of a crime is presumed innocent until proven guilty by a jury of his or her peers. I also always stress the importance

"I have seen everybody from Snow White to Shrek, sitting, standing and popping up to object."

of fulfilling the civic duty of jury service.

The students have three weeks to prepare for trial, which is not much longer than actual attorneys have to prepare for many real court cases. Students hold classroom elections for the positions of judge, district attorney and public defender. Other students audition for supporting parts, such as case witnesses.

Throughout the case preparation period, local attorneys visit the class to teach the students about the judicial process and each student's role in it. Each student then rehearses his or her part. Jury members are all sequestered during the rehearsals to prevent any bias.

Students always enjoy the fact that since the trials require witnesses and a jury of fairy tale peers, they have the opportunity to become fairy tale characters themselves, complete with costumes. I have seen everybody from Snow White to Shrek, sitting, standing, and popping up to object in my courtroom.

As this year's program began, jurors were issued their official badges and an imposing 9-year-old bailiff ensured order in the courtroom. The student-attorneys' hard work was evident as they zealously advocated on behalf of their fairy tale clients, questioning witnesses like any seasoned professional.

At one point, during the *Wolf v. Pig* case, the defense argued that Curly Pig never intended to cook the Big Bad Wolf, who climbed down her chimney into a caldron of boiling water. "It was just an accident," the defense attorneys said. The prosecution countered with a piece of circumstantial evidence. Curly Pig had a recipe for poached wolf open on her kitchen counter. Was it just a coincidence? The jury thought so.

The judge listened astutely to the arguments, ruling on objections as they were made. After both sides rested their arguments, the judge gave the jury its instructions and asked the members to deliberate. Official verdict forms, I had previously prepared, were filled out and

returned with a verdict through the jury foreperson. With the exception of the Big Bad Wolf and the Three Bears, whose losses came as quite a shock to them, everyone present thought the day went splendidly.

The Fairy Tale Moot Court Program was designed by the American Bar Association (ABA) to educate students about the justice system. Parents and teachers have said they believe that the program adds value to in-class history and government lessons because it allows students to become involved in the process. When students are actually involved in the jury



Numerous fairy tale characters were summoned to court for the Big Bad Wolf and Goldilocks cases.


trial process, they tend to remember the lessons learned. That sentiment was echoed in a letter sent to me by a third grader named Allie, "That day I will surely never forget," she wrote next to a drawing of the courtroom.

When I first heard about the Moot Court Program from Reno District Court Judge Janet Berry, I quickly realized that the mock trials would go complement the Keys to the Courthouse program that I initiated 14 years ago. As part of the program, I have been opening my courtroom doors to students each week, year after year. For this program, I visit students in their classrooms with my bailiff, and then I follow up by inviting the students to observe court proceedings. After the students see real court cases being argued and decided, I give them a tour of the courthouse, showing them everything from my chambers to the inmates' holding cells. Since I began the Keys to the Courthouse program, I have seen over 5,000 students come through the courthouse.

I attribute the success of both outreach programs to the amount of involvement not only by teachers, but by the parents and courthouse employees as well. It is evident that the parents enjoy the mock trials and see real value in the activity. Diane Dickinson, mother of Jaclyn, who played "Curly Pig," wrote in a letter that the Fairy Tale Moot Court Program has "shown children, especially girls, that they can do anything they want to do."

Teacher, Sue Mowbray agreed, "Judge Oesterle worked with local teachers to develop a hands-on approach to understanding the judicial system by helping to design an educational, fun-filled mock trial program. We can't wait to be involved again next year. The students are

still talking about it!"

The program has been so successful that next year I am going to include a fifth grade class. The ABA provides scripts for students all the way up to the 12th grade. I strongly encourage all students, teachers, and parents to take part in this program because it helps young people become more active members of their communities. Mowbray said she hopes that students taking part in the program will grow up to become citizens who take jury duty seriously. She knows of one parent who received a jury summons shortly after the mock trial, and her child responded, "Wow mom, you are so lucky!" 

To learn more about the ABA's Mock Trials for classrooms visit the website at www.abanet.org/publiced/mocktrials.html



~Vito de la Cruz~ Harmonious Balance

By Heather Singer, NJC Communications Specialist

With his grandfather's musical influence and his aunt instilling a sense of fairness and justice in him, Vito de la Cruz's life revolves around three equal passions. When he is not in the courtroom defending those accused of crimes, he is sharing beauty and inspiration in the many original blues songs performed by his Reno-based blues rock band, BlueStone, and cherishing time spent with his family. Although his legal, musical and personal worlds are separate, they complement each other in his life.

"Playing music helps me keep my sanity," said de la Cruz, assistant federal public defender with the Reno Federal Public Defender's Office and a member of The National Judicial College faculty since 2001. In addition to songwriting, he plays the six and 12-string guitar, native flute, mandolin and harmonica. "Even if I come home and play for 10 to 15 minutes, it is very therapeutic."

De la Cruz, who is Chicano-Yaqui, has lived in Reno for six years. In addition to working as federal public defender in Reno, he was also a federal public defender in Washington and Las Vegas. He also served as a public defender in Monterey County, Calif., and worked in private practice for two years.

A Yale University graduate, who earned his law degree from the University of California at Berkeley, de la Cruz said he favors hard-driving blues music. He writes most of the lyrics for the band's original songs, which comprise about 80 percent of what the band plays. BlueStone has

increased in popularity since the group came together in 2003. They perform often at various local venues including the Great Basin Brewery, The Virg at Harrah's, the Old Washoe Club in Virginia City and Walden's Coffeehouse.

"We'll play anywhere," he said. "It is a pleasure to play for people."

As a child who loved music, de la Cruz was greatly influenced by his grandfather's guitar and harmonica melodies as well as

his two musically inclined aunts. Learning to play the piano around the age of 6 and taking up the guitar at 14, he began to see music was a way to overcome his shyness. The songs he writes are about human experiences, as well as social commentaries. One

of his newer songs, "Any Old Reason," examines the reasons people find not to be good citizens.

As a band member and fulltime attorney, de la Cruz also finds time to teach tribal courses at the National Tribal Judicial Center at The National Judicial College. Since 2001, he has taught five judicial skill-building courses.

"I love teaching at the College," he expressed. "It is just plain fun. NTJC does a wonderful job of teaching judges how to be good, strong, fair judges. Tribal court judges are incredible resources to their communities. It is important for them to perform in an efficient manner and, as a faculty member, I am able help them acquire the skills to perform their duties efficiently."

"I love teaching
at the College.
It is just
plain fun."

Judicial Studies NEWS

NJC CONGRATULATES DECEMBER 2004 MJS GRADS AND WELCOMES NEW CANDIDATES

There were three Master's of Judicial Studies Program graduates for December of 2004. They took part in the University of Nevada, Reno's winter graduation ceremony. On behalf of The National Judicial College, the Grant Sawyer Center for Justice Studies, and the National Council for Juvenile and Family Court Judges, we congratulate you for the sacrifices and challenges you have endured to obtain this prestigious degree. We wish all of you continued and newfound success!

Hon. Randy A. Doucet, Lummi Tribal Court, Bellingham, WA

Thesis: Tribal Judicial Systems and Tribal Economic Development in Three Tribal Judicial Systems

Hon. Gerald Hardcastle, District Court, Family Division, Las Vegas, NV

Thesis: Adversarialism and the Family Court: A Family Court Judge's Perspective

Hon. Chris B. McNeil, Occupational and Professional Licensing, Worthington, OH

Thesis: Executive Branch Adjudication in Public Safety Laws: Assessing the Costs and Identifying the Benefits of ALJ Utilization in Public Safety Legislation

NJC welcomes the following candidates into the Master's of Judicial Studies Program:

Brian Jeffcoat, Tax Court, Irmo, SC

Wayne Purdom, State Court, Decatur, GA

Naman Wood, Magistrates Court, Rome, GA

Finally, NJC welcomes **Hon. Paul Mitrovich of the Court of Common Pleas, Lake County, Ohio** as a Ph.D. candidate. He graduated with an M.J.S. degree in May of 1992. His thesis topic was Analysis of Ohio's Living Will Statute and Beyond.

NCJRL Programs Promote Fair Justice

The National Center for Justice and the Rule of Law is working to combat computer-related crime through the National Programs Initiative. Through this initiative, the NCJRL allies with other national organizations and with statewide agencies to create training programs and model projects to facilitate the prosecution of computer crime suspects. One of these partnerships consists of the NCJRL working with the National Association of Attorneys' General (NAAG) to offer an ongoing training program for attorney general offices in all 50 states.

Another program under the National Programs Initiative involves the NCJRL creating a model cyber-crime investigation project for state governments to use to create or improve their ability to prosecute cyber-crime. The NCJRL also provides the Mississippi Attorney General's Office with expertise and grants to facilitate its creation of a cyber-crime unit.

The NCJRL's National Programs Initiative also includes the development of pilot projects, which are used as the focus of national conferences, with prosecution-related agencies in numerous states, including California, Indiana, Massachusetts, Mississippi, Texas and Washington, D.C. These projects produce training materials and model approaches to help states prosecute computer-related crime. Through its partnership with NAAG, the NCJRL also offers training in the search and seizure of computers to state attorney general offices.

The NCJRL has three other programs: the Prosecution Externship Program, which provides specialized course-work and real-world training for law students on the duties and responsibilities of prosecutors; the Criminal Appeals Program, which provides law students with intensive training representing persons convicted of crimes during the appeal process; and Special Projects, which provides support for selected projects that promote the concepts of justice and the rule of law. For additional information about the NCJRL, please visit www.ncjrl.org or contact:

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NJC Course

SpOtlight

By Thomas K. Clancy
Director, National Center for Justice and the Rule of Law
University of Mississippi School of Law

Tackling Tough Fourth Amendment Issues

Perhaps no other amendment has such broad applicability to every day life as does the Fourth Amendment. It has become a complicated area of jurisprudence because Americans are known to value their freedom, liberty, independence and privacy, factors that create an uproar when encroached upon. However, sometimes, for the sake of justice, law enforcement must be allowed to cross certain boundaries. Where these boundaries exist, and when they should not be crossed is where the topic of search and seizure becomes complex. Advancing technology is also creating an overwhelming amount of new Fourth Amendment issues that need to be addressed daily in courtrooms across the nation.

"It is essential for today's judges to keep up to date on evolving Fourth Amendment issues," explained Hon. William F. Dressel, NJC's president. "With advancing technology, new laws and appellate decisions, search and seizure issues have become increasingly complex, which affects the decisions judges make in courtrooms every day."

To assist state court and appellate judges with the application of the Fourth Amendment, NJC is collaborating with the National Center for Justice and the Rule of Law (NCJRL) to provide courses on search and seizure issues. A comprehensive four-day search and seizure course for trial judges focuses on the nuts and bolts principles that trial judges must apply. **The Fourth Amendment: Comprehensive Search & Seizure Training for Trial Judges** will be offered May 23-26, 2005, at NJC in Reno, Nevada, and September 26-29, 2005, on the campus of the University of Mississippi in Oxford, Miss.

A second, two-day course for appellate judges focuses on the search and seizure of computers and electronic evidence and on selected topics designed to give perspective on the Fourth Amendment. **The Fourth Amendment: Contemporary Issues for Appellate Judges** course is tentatively scheduled for October 10-11, 2005, in Reno, Nevada, and will be offered sometime in the spring of 2006 in Oxford, Miss. Both courses are taught by judges, law professors and NCJRL personnel who have extensive expertise on Fourth Amendment issues.

The NCJRL was established in 2000 at the University of Mississippi, School of Law. Its main focus is on issues relating to the criminal justice system including a program entitled the Fourth Amendment Initiative, which promotes awareness of search and seizure principles through conferences, judicial and prosecution training, and support for selected publications. Its first permanent director, Thomas K. Clancy, assumed his position as director on August 1, 2001. The Center is funded primarily by a grant from the Department of Justice, Office of Justice Programs. Pursuant to this initiative, the Center has allied with NJC to create programs for state trial and appellate judges in search and seizure principles.

The NCJRL funds each of these courses in their entirety, including tuition and stipends for travel and accommodations for all attendees. These courses are by invitation only. Anyone interested in attending any of these programs can contact Robin E. Wosje, NJC program attorney, at (800) 25-JUDGE or wosje@judges.org.

OUR DONORS

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A Celebration of Giving

In many ways our loyal donors are the backbone of the College. Here, a few of our them share their stories of giving.



Donations allow the College to provide scholarships to judges to attend courses and programs such as General Jurisdiction.

Q When did you first learn about The National Judicial College and how did you connect with the organization?

Hon. B.B. Schraub,
presiding judge,



Hon. B.B. Schraub

**3rd Administrative Judicial Region,
Seguin, TX**

I was appointed to the District Court here in Texas in 1971. Very early in my career, I heard about NJC, and also found out funds were available for me to attend. I attended the General Jurisdiction course in the summer of 1972. Along the way, I developed friendships with a group of judges. Some of these friendships are still alive and active. I have long believed this experience was a turning point in my life as a judge. The lessons learned, and the sharing experiences with other judges from around the country proved to be invaluable.

Hon. Alfred A. Burka (ret.),
Superior Court of D.C.

I received a mailing from the College, and later spoke to Judge Tim Murphy (Superior Court of D.C.) and other first-year attendees regarding the depth and strength of the program.

Hon. Filis L. Otto (ret), Pierce County District Court, WA

I was first elected to the bench in November 1966. As a new judge, the administrator of the courts in Pierce County, Washington, arranged for me to attend The National Judicial College. It took the county six years to come up with the money to send me! I sat on the bench until 1995. Pierce County greatly benefited from that investment.

Herb Santos, Jr., Esq.
The Law Firm of Herb Santos, Jr.,
Reno, NV

I first learned of the Judicial College at my attorney swearing in ceremony in 1991. I met the president of the College at the reception after the event.

I became involved with the College during my tenure on the executive counsel of the Washoe County Bar Association. I was asked to make a presentation to visiting judges from the former Soviet

Republic. The judges were interested in learning about the local bar. I decided to bring my oldest son who was in fourth grade at the time. I met with approximately 30 judges and spoke about the practice of law in Washoe County along with what I believe are the ethical obligations and duties of attorneys. My son had the opportunity to talk to the judges about his school. It was such a great event for not only myself, but also my son.

Since that time, I have met with visiting judges from China, South America, Eastern Europe and Africa. The opportunity to learn about the judicial systems in other countries and provide information about our judicial system to visiting judges has been a learning experience for me which I never would have had if not for The National Judicial College. This opportunity has enhanced my life both professionally and personally.

Hon. William A. Munnell (ret.),
Superior Court Los Angeles County, CA

I first learned about The National Judicial College when I was a judge in California. I had been on the bench for about 10 years but at that point in my career I was never able to break away to attend courses. Many of my colleagues who attended courses were very impressed with NJC's offerings.

Q What first motivated you to give to The National Judicial College?

Hon. William A. Munnell

About 20 years ago I moved to Reno from California. Judge Jan Berry (2nd Judicial District Court, Reno, Washoe County, NV) re-acquainted me with the College and enlightened me as to the financial needs of the College. I didn't realize that the important services provided by the College were not fully funded. I've been a loyal donor since that time. I feel strongly that my personal gifts help the College reach its full potential in serving the educational needs of the nation's judiciary. I don't think most people think about the financial needs



In 2004, 81 scholarships were awarded to judges to attend NJC's General Jurisdiction courses.

of providing the necessary training that our judges need. Not only is the College not fully funded but many judges require and receive scholarships to attend the College. I was fortunate enough to learn the skills of a competent jurist with my legal training as well as experience sitting on a judiciary committee of the Congress. But many newly appointed judges do not have that opportunity.

Hon. Alfred Burka

The reputation of NJC as the cutting edge of judicial education, and the opportunity to interchange with judges from varied jurisdictions around the country. I wanted to acquire further skills and procedures, as well as the latest developments and trends, to polish my then present skills.

Hon. B.B. Schraub

I was fortunate enough to be able to attend a number of other courses at the College in later years. Each of these occasions reinforced my belief that the College was a major force in any judge's career on the bench. As a result, I was a small, but regular contributor to the College. The State Bar of Texas established the scholarship fund named the Judge B.B. and Estella J. Schraub Scholarship Fund. Over the years, business associates, and my wife and I have contributed to the balance to have the scholarship fund fully funded, and have tried to continue our contributions since in order to increase the corpus of the fund.

Hon. Filis Otto

I first gave because I wanted to ensure that NJC's services would be available for future judges. The thought of losing such a valuable resource scared me.

Herb Santos, Jr., Esq.

I have seen firsthand the impact The National Judicial College has had upon men and women who have entered its doors. I have had the opportunity to speak with U.S. judges and judges from other countries and it is apparent that they leave the College energized and excited to improve access to justice in their respective communities. The tools they gain here benefit not only their professional judicial practices, but also benefit the members of the communities where they preside.

Q Why do you support The National Judicial College, and why will you continue to give?

Hon. Filis Otto

I will continue to give to NJC because it preserves, at a time when it is under attack, the three co-equal branches of government, the judicial, the legislative and the executive. The NJC teaches that a judge's role is not to make laws but to uphold those laws.

The NJC also stresses the importance of an independent judiciary – separate from politics, ruling only on the precept of the law. Ours is a government of laws and not of men and no man is above the law. The NJC reinforces that important principle in judges.

Hon. B.B. Schraub

I have had the opportunity to serve the College in a number of ways. In 1992, I was elected to the Board of Trustees and served there for six years. I was fortunate to serve as chair of the board my last two years. The board was gracious enough to name me a chair emeritus, an action that I treasure. I have always felt that I have gained so much more from the College

*“Those of us who
have benefitted from
the College, should
financially support
it so that others
may enjoy its
many benefits.”*

~

Hon. Alfred A. Burka



Hon. Alfred Burka

continued on next page ...

"I will continue to give to NJC because it preserves, at a time when it is under attack, the three co-equal branches of government, the judicial, the legislative and the executive." ~ Judge Filis Otto

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than I have given. I believe The National Judicial College is the first, and still the leading institution in this country for the training of judges. This has been proven through the years. It has been wise enough to recognize the value of having judges teach judges. It has expanded its reach, and is internationally known as a place for judges from other parts of the world to improve their skills and practices.

Hon. William A. Munnell

I understand the College's financial requirements to provide the educational programs that strengthen our justice system. In order to ensure this education continues to be available to judges, I am happy to give. I personally can contribute to and take part in increasing the effectiveness of judges across the country.

Hon. Alfred Burka

My reasons for continuing to support the NJC are many. Many of those taking the bench have specialized in a particular branch of law for decades. The College provides, in the General Jurisdiction course, an in depth review of the law in general, and the state of law at present. For those who do not need such a review, the shorter, specialized courses meet the demands of those who face new assignment, appointment, or election to a particular court where only specialized knowledge is necessary. In addition, the opportunity to exchange views and procedures with judges from different jurisdictions is a vital component of the education offered. The phrase, "we have always done it this way" often goes out the door in favor of a different, time saving, or more efficient way of doing things. The continued support of the College always allows it to help judges


who work to improve themselves. Finally, those of us who have benefitted from the College, should financially support it so that others may enjoy its many, many benefits.



Herb Santos, Jr.

Herb Santos, Jr., Esq.

I will continue to give because I know that the programs offered ensure that we will continue to improve our judicial system. Funding judicial

education ensures that we will continue to have a judicial system that serves as a model for the rest of the world to learn from and strive for so that all people will have an equal access to justice. 

GUAM RENO

5,908 MILES FOR JUSTICE

Judges Anita A. Sukola and Steven S. Unpingco, both of Hagatna, Guam, are no strangers to courses at The National Judicial College. In July of 2004, they attended **Criminal Pretrial Issues: Best Practices in Bail and Release and Criminal Post-Trial Challenges and Remedies: Ending the Revolving Door of Justice.**

Their attendance was made possible with scholarships from the College through a grant from the Bureau of Justice Assistance. Judge Sukola also returned in August of 2004 to attend **Scientific Evidence and Expert Testimony and Law and Biology: Impact on the Courts.** She is currently enrolled in NJC's Professional Certificate in Judicial Development, General Jurisdiction Trial Skills program.

Since 1997, Judge Unpingco has completed 14 courses at the College and Judge Sukola has completed six since 2002. The judges are hoping to spread the message of the importance of judicial education and inform other Guam judges that

scholarship assistance is available through the College.

"Being a judge is a lifelong learning process," said Judge Unpingco. "My ethical duty is to resolve disputes fairly,



Hon. Anita Sukola and Hon. Steven Unpingco

efficiently and expeditiously. How else can a judge do this without taking courses? This is why I come to Reno every year."

Both judges said they feel NJC's pro-

grams and services are of superior quality. They feel that by coming to the College they are able to receive a top-notch judicial education.

"The subject matter of the courses offered here is extremely pertinent to what we do," expressed Judge Sukola. "It is great to be able learn new things, meet other judges and share ideas. This is the best place to learn and share information. I like the way the courses are structured and the way the building is very neat and organized."

Judges Sukola and Unpingco, longtime friends and former University of Guam professors, said they are impressed with the innovative courses offered at the College.

"This institution specifically caters to judges," said Judge Unpingco. "It gives you an opportunity to improve your judicial performance and productivity. It is also a great way to meet and network with other judges, and to get new ideas on how they handle issues."

Jackson Lectures

INSPIRATION, & INSIGHT ADVICE



In July and October of 2004, The National Judicial College hosted two free lectures as part of the Jackson Lecture Series. NJC presents these lectures at the end of each two-week General Jurisdiction course for the course participants as well as community residents. On July 29, Las Vegas developer and businessperson Irwin Molasky captivated the audience with intriguing insights into the qualities of a good judge.

"I would submit that a good judge has many of the same characteristics of a good businessperson," he said. "Knowledge and wisdom are key qualities that judges need to preserve our system of fair and impartial justice. Decisions made by judges affect all aspects of society."

Although wisdom may take time to develop, knowledge can be mostly gained through education, he said. He cautioned the judges against having preconceived notions and advised them to treat those in their courtrooms fairly.

"Follow a strict code of morals and

ethics," he added. "Carry and conduct yourselves with pride and dignity. Set a good example for those around you. Treat others as you wish to be treated. Always take the moral high road."

Molasky has played a longtime role in supporting the work of The National Judicial College and was founder of the College's National Associates of Justice program, which has brought in thousands of dollars in the past decade to enhance NJC courses and provided scholarships for judges to attend courses. Molasky is also a member of NJC's Advisory Council and served as the honorary chair of the College's 40th anniversary galas in 2003.

For more than 50 years, Molasky has played a significant role in the growth of Nevada and the Las Vegas Valley. As chairman of The Molasky Companies, he has been responsible for much of Las Vegas' current skyline as well as for the first private hospital in Las Vegas, thousands of master-planned, apartment and golf course communities and much more.

On Oct. 21, the Honorable Bobby DeLaughter, a Mississippi judge, speaker, author and prosecutor, best known for his successful prosecution of the murderer of civil rights leader, Medgar Evers, also had words of advice and wisdom to offer the judges in the audience.

"Sometimes new judges become overwhelmed by situations," he said. "You wouldn't be here if you weren't able to handle them. But remember that your actions as judges will affect lives far, far removed from ours."

As an attorney, DeLaughter reopened the 30-year-old Evers murder case in 1994, resulting in the conviction of Byron De La Beckwith. This case stood as a landmark symbol in the history of criminal

prosecution and carved Judge DeLaughter's reputation as an eloquent speaker and a dedicated steward of justice.

"This case left such a black eye in Mississippi," he told the audience. "I said I would investigate it and see where the investigation took us. I felt like our system of justice and, myself, personally, were being tested."

Judge DeLaughter wrote about his reopening of the 1963 murder case and the political and public obstacles that followed in his book, *Never Too Late: A Prosecutor's Story of Justice in the Medgar Evers Case*. The movie by Rob Reiner, *Ghosts of Mississippi*, was based on the book. Judge DeLaughter's closing argument in the murder case is one of 10 featured in *Ladies and Gentlemen of the Jury: Greatest Closing Arguments in Modern Law*.

"I firmly believe the legal profession is a calling and it is a noble one," said Judge DeLaughter. "We should never hesitate to call upon what we feel is right. I urge you all to draw upon your faith and moral instincts."

The Jackson Lectures are held three times a year 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. In addition to course participants, community members are always invited to attend these lectures presented by intriguing, nationally recognized individuals.

Past Jackson Lecturers have included: former Nevada senator, Richard Bryan; Hon. Hiller B. Zobel, a Massachusetts superior court judge; former UNR president, Joseph Crowley; former Nevada governor, Robert Miller; Harvard law professor, Arthur Miller; Hon. Kenneth Starr, United States solicitor general; Judge Michael Keasler, Texas Court of Criminal Appeals; U.S. Supreme Court Justice Sandra Day O'Connor; former vice president, George Bush; and many other notable leaders.



BRIDGING

Nevada
Lecture
Seriesthe
Freedom
Gap

By Heather Singer,
NJC Communications Specialist

Charles Ogletree, Jr., recognizes the strength of the many African-American civil rights warriors whose strong shoulders lifted him up and enabled him to achieve his dreams, which is why the successful author, legal theorist, speaker and law professor strives to provide his own shoulders for future generations to stand upon.

"I am smart enough to know I stand on some very broad shoulders," he told an audience of about 80 people Dec. 7, 2004, in The National Judicial College's Tom C. Clark Auditorium. "I would not have gone to Stanford or be teaching at Harvard if I did not have the benefit of standing on the shoulders of many African-Americans who fought to open those doors."

As the Harvard Law School Jesse Climenko Professor of Law and vice dean for clinical programs, Professor Ogletree was NJC's most recent Nevada Lecture Series presenter, offering two lectures, one in Reno and one in Las Vegas. He addressed a Las Vegas audience on Dec. 6, 2004, and then spoke at the College the following day. Both lectures were sponsored by NJC, the U.S. District Court for the District of Nevada and the Nevada Chapter of the Federal Bar Association.

Known for his dynamic and captivating speeches, Professor Ogletree passionately shared his views of America's slow, but diligent evolution toward racial tolerance these past 50 years. He was a 2-year-old toddler at the time of the *Brown v. the Board of Education of Topeka, Kansas* decision in 1954 and a young law student, who got lost with his wife in a racially charged section of Boston in 1974. Today, he feels the weight of a battle that was won

"I often think that Justice Thurgood Marshall must be rolling over in his grave thinking, 'Fifty years later, what did we really win?'"

five decades ago, but is far from over.

Professor Ogletree openly shared his life with the audience – the experiences that influenced him to fight for racial tolerance for all citizens, the significance of the *Brown* decision for him and other minorities, and what influenced him to

write his book, *All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education*.

"I use my book as a tool to help people understand how dramatically America has changed in the past 50 years," he explained. "*Brown v. Board* was the most significant case ever. It ended a system that was an ugly eyesore for our country. We cannot ignore the significance of this case and what it meant."

There were two major factors surrounding the case, of which many people are not aware, explained the professor. First, was that *Brown* really encompassed five cases, not just one. Second, the United States Supreme Court had been divided on the issue of school segregation until President Dwight Eisenhower appointed Earl Warren to the Court. Justice Warren came in and united the justices in favor of desegregating schools.

"What was remarkable is that the *Brown* decision was unanimous," he said. "They did not even offer a concurring opinion. Justice Warren believed and fought very hard to unite the Supreme Court so the nation and the world would know they were united on this issue."

The professor recounted the racial tension and resistance to desegregated schools that followed the *Brown* decision. With historical facts intermingled

with humorous personal stories, Professor Ogletree wove a picture of a chaotic period of United States history where the rule of law had almost been forgotten. But with the intervention of fate, wisdom and individual warriors fighting for freedom, justice prevailed for our nation. However, Professor Ogletree stressed that the hardest fight against racism came after that historical decision and continues on today.

"The rule of law was not respected or appreciated," he told the audience. "This was not a southern problem. This was a national problem . . . It was amazing to me that Boston was ground zero for the resistance to racial equality."

Today's progress is seen more in higher levels of society than in average populations across the nation where 50 percent of blacks and Hispanics drop out of high school and an overwhelming number of minorities crowd the prison system, he pointed out. Although the legacy of *Brown* erased any legal tolerance for segregation,

Professor Ogletree explained that it still exists in many areas of society today.


"I often think that Justice Thurgood Marshall must be rolling over in his grave thinking, 'Fifty years later, what did we really win?'" he said. Justice Marshall was the first black American Supreme Court justice. He played a huge part in the *Brown* decision.

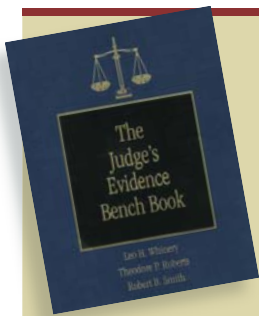
In closing, Professor Ogletree stressed the importance of liberty for all, not just for some.

"We can make sure that freedom and liberty are available to each and every one of us," he said before taking several questions from the audience.

Following the lecture, Professor Ogletree stayed for a book signing where copies of his book sold out quickly. A resident of Cambridge, Mass., the professor has made an international reputation by taking a hard look at complex issues of law and bringing racial issues to the forefront. In April 2004, Professor Ogletree

was appointed director of Harvard Law School's new Charles Hamilton Houston Institute for Race and Justice. In addition to writing the book, *All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education*, he also co-authored the award-winning book, *Beyond the Rodney King Story: An Investigation of Police Conduct in Minority Communities*.

His legal commentaries have appeared in the editorial pages of the *New York Times*, the *Los Angeles Times*, and the *Boston Globe*, among other national newspapers. He holds honorary doctorates of law from North Carolina Central University, the New England School of Law, Tougaloo College, Amherst College, Wilberforce University, and the University of Miami School of Law. In 2003, he was selected by *Savoy Magazine* as one of the 100 Most Influential Blacks in America. 



Book Review: THE JUDGE'S EVIDENCE BENCH BOOK

By Felix F. Stumpf,
NJC Publications
Consultant

Evidence books
abound. No

matter how long a trial lawyer has litigated or a judge has had to rule on evidentiary issues on the bench, there is always an insatiable demand in the legal profession for books or educational courses that expound the intricacies of the law of evidence.

Now, a different kind of evidence book has been published. In lieu of "an in-depth" treatise type of analysis, Professor Leo H. Whinery, who taught evidence at the University of Oklahoma College of Law and at The National Judicial College in Reno, Nevada, for many years and was also the national conference reporter for the *Uniform Rules of Evidence* (1999), has written a one-volume text entitled *The Judge's Evidence Bench Book*. Using the *Federal Rules of Evidence* as his source of evidence rules, Professor Whinery has designed a "user-friendly" publication to aid state and federal judges in ruling on the admissibility of evidence during trials or hearings. Since so many states have modeled their local evidence codes or laws on the *Federal Rules of Evidence*, a major purpose is to assist state judges in ruling on admissibility questions.

Professor Whinery's tome totals 1,271

pages of substantive coverage. There is no independent index, but a detailed comprehensive summary of contents precedes the volume as well as separate tables of contents that outline each of the 11 articles of the *Federal Rules of Evidence* into which the book is divided. Those familiar with the composition of the *Federal Rules of Evidence* should have no difficulty in finding the relevant subject matter of their investigations.

What makes Professor Whinery's discourse so different from other evidence books is the novel way he has chosen to discuss the rules. Each federal rule is organized into five divisions. The first division for each rule consists of doctrinal statements of the rule, essentially comments on their purpose. The second division follows with a series of factual situations in which rulings are illustrated to show the analytic process in contrast to a "precedent-oriented substantive" result. I counted 1,076 such illustrations scattered throughout the book. They resemble actual questions that might arise surrounding the breadth and scope of a rule. The illustrations are usually not supported by any specific citations, but a definitive ruling is set forth as the correct answer or result. Often the answers are accompanied by additional comments as well as relevant case citations. The most lavish use of illustrations occurs in the articles

covering relevancy, witnesses, hearsay and privileges.

The third division for each federal rule consists of excellent checklists, quite brief but explicit, that enable the reader to categorize and identify the requirements that must be met, or not met, to obtain the admissibility or exclusion of the evidence under each applicable rule. Cited authorities can be found in the second division. The fourth division contains annotations that will provide a lawyer or judge with the necessary authorities when the admissibility of the evidence is ruled on. Some are repetitions of cases cited in the third divisions.

Finally, the fifth division gathers references for in-depth coverage of the subjects referred to in the prior divisions. The specific sections of each reference are cited so that the user can quickly find the leading authorities, especially law review articles, needed to justify admissibility. If the reader can master the five divisions and learn how to navigate through the information which is collected, the use of this book can save an inordinate amount of time devoted to finding relevant evidentiary authorities. Professor Whinery has provided an inexhaustible sourcebook for litigating practitioners and judges alike.

2005 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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FEBRUARY

When Justice Fails: Threats to the Independence of the Judiciary	Washington, D.C.	Feb. 14-17	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 11/16/04 / +\$360
Enhancing Judicial Bench Skills	San Diego, CA	Feb. 19-24	G, S, T	\$1,195 / \$1,095 by 11/21/04 / +\$230
Selected Criminal Evidence Issues: A Web-Based Course	Web	Feb. 21-April 8		\$550 / No early discount
<i>Courage To Live</i> Faculty Development Workshop	Reno, NV	Feb. 28-March 2		
Handling Domestic Violence Cases for Tribal Court Judges	Reno, NV	Feb. 28-March 3	T	Call for eligibility
Distance Learning: A Workshop for Judicial Educators	Reno, NV	Feb. 28-March 4		Call for eligibility

MARCH

Practical Approaches to Substance Abuse Issues	Reno, NV	March 7-10	JSP, G, S, T	\$945 / \$845 by 12/7/04 / +\$190
Administrative Law: Fair Hearing	Reno, NV	March 7-17	A, D	\$1,395 / \$1,295 by 12/7/04 / +\$370
Mediation for Administrative Law Judges	Reno, NV	March 13-18	A, D	\$895 / No early discount / +\$210
Evidence in a Courtroom Setting	Key West, FL	March 19-24	A, D, G, S, T	\$1,195 / \$1,095 by 12/19/04 / +\$230
Evidence Challenges for Administrative Law Judges: A Web-Based ...	Web	March 28-May 13	A	\$550 / No early discount

APRIL

The U.S. Constitution and the Development of American Law	Carmel, CA	April 2-7	A, D, G, S, T	\$1,195 / \$1,095 by 1/2/05 / +\$230
Court Management for Tribal Court Judges and Personnel	Reno, NV	April 4-7	T	\$945 / \$845 by 1/4/05 / +\$190
Logic and Opinion Writing	Reno, NV	April 4-7	A, D, G, S, T	\$945 / \$845 by 1/4/05 / +\$190
The Gavel Gauntlet: A Bench Skills Workshop for New Judges	Reno, NV	April 9-10		Call for eligibility
General Jurisdiction	Reno, NV	April 11-21	JSP, C, D, G, S, T	\$1,395 / \$1,295 by 1/11/05 / +\$370
Handling Small Claims Cases Effectively: A Web-Based Course	Web	April 11-May 27	D, G, S	\$550 / No early discount
Basic Skills for Disseminating Court Public Information	Reno, NV	April 18-20		\$675 / \$600 by 1/11/05 / +\$150
Tribal Court Management of Alcohol and Drug Cases	Reno, NV	April 18-21	T	Call for eligibility

MAY

Integrating Cultural, Race and Gender Issues into Judicial Education ...	Reno, NV	May 10-12		Call for eligibility
Essential Skills for Tribal Court Judges	Reno, NV	May 16-19	T	\$945 / \$845 by 2/15/05 / +\$190
Special Court Jurisdiction	Reno, NV	May 16-26	C, D, S, T	\$1,395 / \$1,295 by 2/15/05 / +\$370
Special Court Jurisdiction: Advanced	Reno, NV	May 16-26	C, D, S, T	\$1,395 / \$1,295 by 2/15/05 / +\$370
First Amendment and Media Issues for Judges	Reno, NV	May 23-25	G, S, T	\$675 / \$600 by 2/22/05 / +\$150
The Fourth Amendment: Comprehensive Search and Seizure Training ...	Reno, NV	May 23-26	G	Call for eligibility

JUNE

Traffic Issues in the 21st Century	Reno, NV	June 6-9	A, G, S, T	\$945 / \$845 by 3/8/05 / +\$190
Management Skills for Presiding Judges	Reno, NV	June 6-10	G, S	\$945 / \$845 by 3/8/05 / +\$190
Creating an Active Learning Environment: A Faculty Development ...	Reno, NV	June 20-23		Call for eligibility
Current Issues in the Law	San Francisco, CA	June 11-16	D, G, S, T	\$1,195 / \$1,095 by 3/13/05 / +\$230
Advanced Evidence	Reno, NV	June 13-16	JSP, A, D, G, S	\$945 / \$845 by 3/15/05 / +\$190
Handling Capital Cases	Reno, NV	June 13-16	JSP, G	\$945 / \$845 by 3/15/05 / +\$190
Ethics, Bias and Judging: Reaching Higher Ground: A Web-Based ...	Web	June 20-Aug. 5	A, C, D, G, S, T	\$550 / No early discount
Administrative Law: Advanced	Reno, NV	June 27-30	A	\$945 / \$845 by 3/29/05 / +\$190

JULY

Conducting the Trial	Boston, MA	July 2-7	JSP, D, G, S, T	\$1,195 / \$1,095 by 4/3/05 / +\$230
The Gavel Gauntlet: A Bench Skills Workshop for New Judges	Reno, NV	July 9-10		Call for eligibility
General Jurisdiction	Reno, NV	July 11-21	JSP, C, D, G, S, T	\$1,395 / \$1,295 by 4/12/05 / +\$370
Administrative Law: High Volume	Reno, NV	July 11-14	A	\$945 / \$845 by 4/14/05 / +\$190
Scientific Evidence and Expert Testimony	Reno, NV	July 11-14	JSP, A, D, G, S, T	\$945 / \$845 by 4/12/05 / +\$190
Law, Science and Ethics	Flathead Lake, MT	July 16-21	G, S, T	\$1,195 / \$1,095 by 4/17/05 / +\$230
Dispute Resolution Skills	Reno, NV	July 18-21	JSP, A, C, D, G, S, T	\$945 / \$845 by 4/19/05 / +\$190
Criminal Evidence	Reno, NV	July 25-28	JSP, G, S, T	\$945 / \$845 by 4/26/05 / +\$190
Judicial Writing	Reno, NV	July 25-28	JSP, A, D, G, S, T	\$945 / \$845 by 4/26/05 / +\$190

AUGUST

Basic Legal Affairs Reporting for Journalists	Reno, NV	Aug. 8-9		Call for eligibility
Administrative Law: Utility Regulatory Adjudication	Reno, NV	Aug. 15-18	A, D	\$945 / \$845 by 5/17/05 / +\$190
Co-Occurring Mental and Substance Abuse Disorders	Reno, NV	Aug. 15-18	G, S, T	\$945 / \$845 by 5/17/05 / +\$190
Essential Skills for Tribal Appellate Judges	Reno, NV	Aug. 15-18	T	\$945 / \$845 by 5/17/05 / +\$190
Logic and Opinion Writing	Reno, NV	Aug. 15-18	A, D, G, S, T	\$1,195 / \$1,095 by 5/29/05 / +\$230
Judicial Philosophy and American Law	Bar Harbor, ME	Aug. 27-Sept. 1	A, G, S, T	\$945 / \$845 by 5/17/05 / +\$190
Court Management for Judges and Court Administrators	Reno, NV	Aug. 29-Sept. 1	C, D, G, S	\$945 / \$845 by 5/31/05 / +\$190
Managing Challenging Family Law Cases: A Practical Approach	Reno, NV	Aug. 29-Sept. 1	JSP, D, G, S, T	\$945 / \$845 by 5/31/05 / +\$190

SEPTEMBER

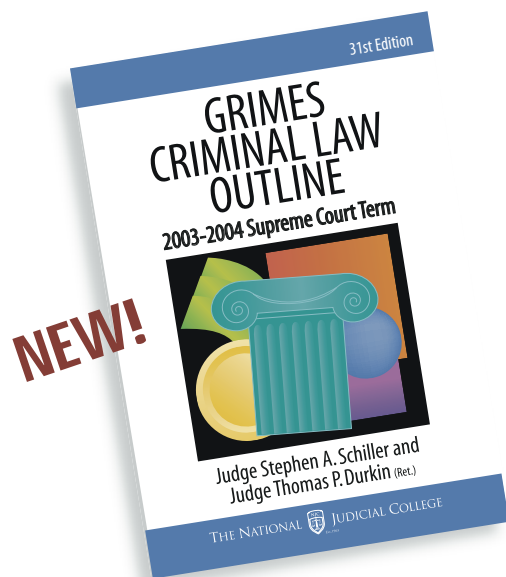
Creating Sentencing Alternatives	New Orleans, LA	Sept. 10-15	G, S, T	\$1,195 / \$1,095 by 6/14/05 / +\$360
Today's Justice: The Historic Bases	Washington, D.C.	Sept. 12-15	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 6/14/05 / +\$360
Civil Mediation	Reno, NV	Sept. 18-23	A, C, D, G, S, T	\$1,095 / No early discount / +\$210
Administrative Law: Fair Hearing	Reno, NV	Sept. 19-29	A, D	\$1,395 / \$1,295 by 6/21/05 / +\$370
Advanced Evidence	Reno, NV	Sept. 26-29	JSP, A, D, G, S	\$945 / \$845 by 6/28/05 / +\$190
Sentencing Motor Vehicle Law Offenders	Reno, NV	Sept. 26-29	A, G, S, T	\$945 / \$845 by 6/28/05 / +\$190
The Fourth Amendment: Comprehensive Search and Seizure Training ...	Oxford, MS	Sept. 26-29	G	Call for eligibility

OCTOBER

Ethics, Bias and the Administrative Law Judge: A Web-Based Course	Web	Oct. 3-Nov. 18	A, D	\$550 / No early discount
The Gavel Gauntlet: A Bench Skills Workshop for New Judges	Reno, NV	Oct. 15-16		\$550 / \$500 by 7/19/05 / +\$115
Managing Cases Involving Persons with Mental Disabilities	Reno, NV	Oct. 17-18	G, S, T	\$945 / \$845 by 7/19/05 / +\$190
Judicial Writing	Reno, NV	Oct. 17-20	JSP, A, D, G, S, T	\$1,395 / \$1,295 by 7/19/05 / +\$370
General Jurisdiction	Reno, NV	Oct. 17-27	JSP, C, D, G, S, T	Call for eligibility
Financial Statements in the Courtroom	Reno, NV	Oct. 19-20	D, G	\$550 / \$500 by 7/26/05 / +\$115
Building a Bias-Free Environment in Your Court	Reno, NV	Oct. 24-25	A, C, D, G, S, T	\$550 / \$500 by 7/26/05 / +\$115
Settlement Techniques	Reno, NV	Oct. 24-25	A, C, D, G, S, T	\$945 / \$845 by 7/26/05 / +\$190
Criminal Pretrial and Post-Trial Challenges: Solutions for Bail ...	Reno, NV	Oct. 24-27	G, S	\$550 / \$500 by 7/28/05 / +\$115
DUI Primer for Judges: Impaired Driving Case Fundamentals	Reno, NV	Oct. 26-27	A, S, T	\$550 / \$500 by 7/28/05 / +\$115
Ethics for Judges	Reno, NV	Oct. 26-27	A, C, D, G, S, T	\$675 / \$600 by 8/3/05 / +\$150
Administrative Law: Unemployment Compensation	Reno, NV	Oct. 31-Nov. 3	A	\$945 / \$845 by 7/28/05 / +\$190

NOVEMBER

Basic Skills for Disseminating Court Public Information	Reno, NV	Nov. 1-3		\$1,195 / \$1,095 by 8/14/05 / +\$230
Case Management	Charleston, SC	Nov. 12-17	A, C, D, G, S, T	\$675 / \$600 by 8/16/05 / +\$150
First Amendment and Media Issues for Judges	Reno, NV	Nov. 14-16	G, S, T	\$945 / \$845 by 8/16/05 / +\$190
Decision-Making	Reno, NV	Nov. 14-17	JSP, A, C, D, G, S, T	\$945 / \$845 by 8/16/05 / +\$190
Essential Skills for Tribal Gaming Commissioners	Reno, NV	Nov. 14-17	T	\$945 / \$845 by 8/16/05 / +\$190



Grimes Criminal Law Outline (2003-2004 Supreme Court Term)
Judge Stephen A. Schiller 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 31st edition of the Grimes Criminal Law Outline (2003-2004 Supreme Court Term) succinctly annotates all United States Supreme Court decisions on the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution since 1974. Judge Stephen A. Schiller 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.

359 pages softcover / \$30.00

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

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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."

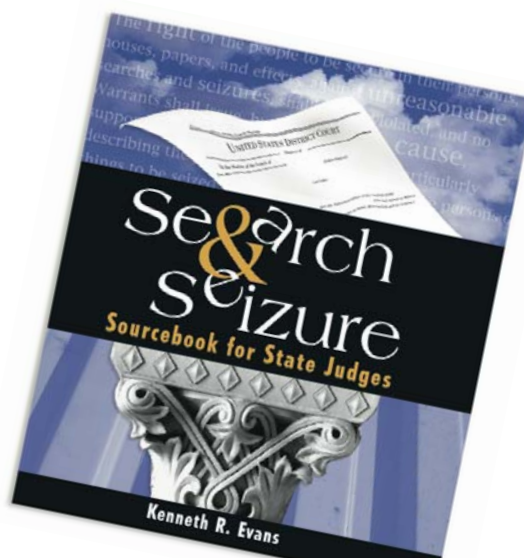
392 pages softcover / \$34.00



Search & Seizure Sourcebook for State Judges
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 United States 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.

684 pages softcover / \$60.00



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Handling Hague Convention Cases in U.S. Courts.	_____	@ \$35.00	_____
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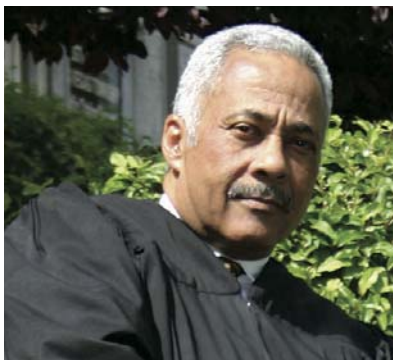
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THE NATIONAL
JUDICIAL COLLEGE

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Justice Michael Douglas

A NEVADA FIRST

Hon. Michael Douglas, former chief district judge for Clark County, was sworn in as the first black justice in the 140-year history of the Nevada Supreme Court. Nevada Governor, Kenny Guinn appointed Judge Douglas to replace the late Justice Myron Leavitt. Guinn praised Douglas as highly qualified and said, "Today is one of those days we will always remember."

IN MEMORIUM

Judge H.A. Taylor, 11th West Judicial Circuit Court, Pine Bluff, Ark., passed away May 21, 2004. He was the most senior circuit judge in the state and served as president of the Judicial Council from 1992-1993.

MARY PHILBROOK AWARD FOR JUDGE LOFTUS

Former judge, **Marilyn Loftus**, of Verona, N.J., received the Mary Philbrook Award for her pioneering efforts on gender equality in the courts.

JUDGE SPEARS WINS LAWYER-CITIZEN AWARD

Judge Jim Spears 12th Judicial Circuit, Fort Smith, Ark. received the Lawyer-Citizen Award from the Arkansas Bar Foundation at the Arkansas Bar Association meeting in June of 2004.

JUDGE NASH HELPS WITH ADOPTIONS

Juvenile Court Presiding Judge, **Michael Nash** volunteered his time at the Los Angeles Superior Court's Adoption Saturday on July 31, 2004, to finalize and formally create additions to 231 families. Adoption Saturday is a nationally recognized program that began in the Superior Court in 1998 and has since placed 6,000 foster children with new families.

NEW DETROIT JUDGE

Hon. Kay Hansen, was appointed as judge of the 36th District Court in Detroit, Mich. She will be finishing out the term of Judge John R. Perry, who passed away. Judge Hansen was formerly an assistant attorney serving as counsel for the Wayne County Family Independence Agency in child abuse and neglect matters. She has been a member of the NJC faculty since 1998.

JUDGE RHOADES WINS CHAPMAN AWARD

District Court Judge Stephanie Rhoades of Anchorage, Alaska was recognized by The Foundation for Improvement of Justice for her work to improve mental health courts. Rhoades is one of eight recipients of this year's Paul H. Chapman Award given by the Georgia-based foundation. The annual awards program aims to encourage improvement in various areas of the U.S. justice system.

SCHOLARSHIP FOR PERRY

Circuit Judge Roger Perry, of Logan, W.Va., received a scholarship from the State Justice Institute to attend the NJC Seminar Series course Handling Sex-Related Cases in Court. He was featured in his local newspaper, *The Logan Banner*.

BRETZLAFF FUND RECIPIENT

Judge Terry Johnson, of the Office of Nevada Labor, was the recipient of NJC's Bretzlaff Scholarship.

CONGRATULATIONS!

Kevin F. Brady, of Brunswick, Ga., graduated in May of 2004 from the University of Nevada, Reno and NJC's Master's of Judicial Studies program. Brady is grateful to the staff and administration (especially the library staff) of the College who helped him through the program.



President Dressel, Kevin F. Brady, Angela Brady, Jim Richardson

DEAN TONER RETIRES

Dean M. James Toner of the National Council of Juvenile and Family Court Judges is retired in February of 2005 after 33 years. He is an alumnus of The National Judicial College and a member of the faculty.



Judge Stephanie Rhoades

NEW APPOINTMENT

Criminal Court **Judge J.C. McLin** was appointed to the Tennessee Court of Criminal Appeals by Gov. Phil Bredesen. McLin is also an associate minister at Mt. Pisgah Baptist Church.

ANOTHER MILESTONE FOR WISCONSIN

Judge Louis Butler was appointed to the Wisconsin Supreme Court. Judge Butler is the first African-American to serve on the court and the only member from Milwaukee, where the state's largest population is based.

PAYANT AWARD WINNER

Dr. Isaiah M. Zimmerman, of Arlington, Va., was the recipient of the 2004 V. Robert Payant Award for Teaching Excellence. Dr. Zimmerman has been a member of NJC's faculty since 1983. During this time, he has taught nearly 40 courses.

THREE CERTIFICATES!

Honorable Linton D. Lewis, Perry County Court of Common Pleas, New Lexington, Ohio, recently completed the requirements to earn three Professional Certificates in Judicial Development at the NJC. The certificates were earned in court management, general jurisdiction and mediation. Judge Lewis began attending courses at NJC in 1992.



Ehlert

Kockenmeister

Juetten

NJC FACULTY MEMBER RECEIVES JUDICIAL EDUCATION AWARD

Judge Peggy Fulton Hora, Alameda County Superior Court, was named the 2004 recipient of the Bernard S. Jefferson Judicial Education Award by the California Judges' Association president, Eric C. Taylor, at the organization's 75th Annual Meeting in Monterey, Calif., on October 8, 2004. The award, named for Justice Bernard S. Jefferson (1910-2002), who was one of the state's first African American appellate judges, is awarded each year to a California judge who has made an exceptional contribution to the field of judicial education. The first recipient was B.E. Witkin in 1976, a co-founder with Justice Jefferson of the state's judicial college. Judge Hora has been on the faculty of The National Judicial College for 12 years. She was elected to the trial bench in 1984 and has taught at the B.E. Witkin Judicial College of California for 17 years. She was dean of the College from 1997-99.

She has also taught for such diverse entities as the American Psychological Association, the American Society of Addiction Medicine, the Center for Substance Abuse Treatment and the Chicago Police Forum. She has been teaching extension courses for the University of California for five years. She has lectured in Japan, Scotland, Italy, Ireland, Canada and England, primarily on the issues of therapeutic jurisprudence.

She is a graduate of the University of San Francisco School of Law (1978); California State University, Hayward (1975); and Chabot College (1972). She has three sons and seven grandchildren. Her website is www.judgehora.com.

Other Alameda County Superior Court judges who have received the Jefferson Award are Hon. Spurgeon Avakian (1983) and Hon. Marie Bertillion Collins (1985).

JUDGE GRAY RETIRING

Judge Sally H. Gray has announced her retirement from the Indiana judiciary after 24 years. She has taught for NJC, as well as at National Trial Advocacy workshops and at many Indiana Judicial Conference programs. Judge Gray was first elected to the bench of the Putnam County Court in 1980 and then elected to two additional terms. She spent her last term as a superior court judge. In 1994 she was appointed to the White House Office of Drug Control Policy Committee.



Joseph Sawyer

LONGTIME NJC EMPLOYEE JOSEPH SAWYER RECEIVES 2004 MCMAHON AWARD

For his efforts in helping courts of limited jurisdiction integrate technology into their work, **Joseph Sawyer**, distance learning and technology manager and program manager, has been awarded the 2004 William R. McMahon Award. The award is from the National Conference of Special Court Judges and recognizes Sawyer's efforts in assisting judges all across the nation in utilizing current courtroom technology. Sawyer has worked at NJC for 21 years. The NCSCJ is a division of the American Bar Association.

"I am delighted to have won this award," expressed Sawyer. "I feel honored. This is just one more reason I enjoy getting up in the morning, knowing I am helping judges."

This award is usually presented to judges or court personnel, but an exception was made for Sawyer since his work improves many courts across the nation. Sawyer received the award in August of 2004 at the ABA's annual meeting in Atlanta, Ga.

JUDGE LANZINGER ELECTED TO OHIO'S BENCH

Hon. Judith Ann Lanzinger was recently elected to the Ohio Supreme Court. Prior to her new position, she served on the bench for the Sixth District Court of Appeals of Ohio since November of 2002. She has attended courses at The National Judicial College since 1991 and joined the faculty in 1995.

NJC WELCOMES NEW...AND OLD EMPLOYEES

Former NJC Program Attorney **Phyllis Whittiker**, who retired in 2003, has returned to NJC as a consultant.

When judges make their travel plans, they will have a new voice to talk to: **Charity Clarke** the new travel coordinator. At the front desk of the College is **Sharon Ehlert**, the new receptionist. **Ben Davis** is the new human resources manager.

Program Attorney **Robin Wosje** has been promoted to assistant academic director, **Joseph Sawyer** has been promoted to distance learning and technology manager and program manager, and **Rachel Kiserow** has been promoted to lead course administrator.

The National Tribal Judicial Center is growing with an addition of a new program attorney, **Bill Kockenmeister**, and a new course administrator, **Sara Katafiasz**. **Lonnie Shodeen**, **Joni Beeson** and **Mary Jane Loudenburg** are new course administrators, **Susan Juetten** has joined the development staff as development officer and **Christi Smith** is the new development consultant. **ElRey Anderson** is the new accounting assistant for the business office.

NJC'S HOLIDAY SPIRIT SHINES STRONG

The 2004 holiday season was a generous one for NJC staff members. Spearheaded by Scholarship Officer **Nancy Copfer**, the College gave the Food Bank of Northern Nevada a total of 372 pounds of food donated by NJC staff members. Thanks to some more teamwork, \$74 was also donated to the Food Bank. The money was raised by **Registrar Muriel Bartlett** and **Assistant Registrar Jean Dimmick**, who sold garden vegetables donated by **Publications Consultant Felix Stumpf**. Staff members also donated over a dozen boxes of clothes to the Center to Aid Abused Women and the Truckee Meadows Community College Re-entry Center.

The **NJC Communications Department** organized a cookie and coffee party for 150 seniors at Reno's Sierra Manor Apartments, a subsidized housing complex. Staff members baked nearly 60 dozen cookies for the holiday celebration, and collected nearly 500 pieces of fresh fruit to give to the seniors during the party. The College also raised \$111 to donate to the SPCA of Northern Nevada along with boxes of much-needed pet food, toys and other supplies.

BOARD OF TRUSTEES

NJC WELCOMES NEW BOARD MEMBERS

At the October 21-22, 2004 Board of Trustees meeting, NJC welcomed three new members and honored several departing members.

Hon. Procter R. Hug, Jr., of the 9th Circuit Court of Appeals in Reno, took over as chair and **Brian Larson, Esq.**, of Boyd Gaming in Las Vegas, is the new chair-elect. **Hon. Alexander M. Sanders, Jr.**, president emeritus of the College of Charleston, is now immediate past chair. **Hon. Carl O. Bradford**, of the Superior Court in Portland, Maine, is the new secretary and **Mignon (Dee) Upchurch Beranek, Esq.**, from Tallahassee, Fla., is the new treasurer.

The new NJC Board members are:

HON. TYRONE T. BUTLER

Condensed biography: Chief administrative law judge, District of Columbia Office of Administrative Hearings; chief administrative law judge/director of the Bureau of Adjudication, Division of Legal Affairs, New York State Department of Health; administrative law judge, New York State Department of Health; assistant district attorney in Dutchess County; New York State general counsel to the Connecticut Inspector General's Office; inspector general, New York City Corrections Department; lieutenant, New York City Police Department; chair, National Conference of the Administrative Judiciary, ABA; chair-elect, the NAALJ; at-large member, Committee on Attorneys in Public Service, New York Bar Association; past president, New York State Administrative Law Judges Association; Fellow of the American Bar Foundation; elected to serve in the House of Delegates, New York State Bar Association; served as a delegate, ABA House of Delegates; admitted to the New York State Bar, 1981, and to the U.S. District Court, Southern/Eastern districts, 1982.



HON. FREDERIC B. RODGERS

Condensed biography: Judge, Gilpin County combined trial courts since appointment by the Governor in 1986; became a judge in 1969 as one of the first U.S. Army military judges in Vietnam; senior vice-president and member of the Board of Governors, Colorado Bar Association; member of the national boards of the American Bar Association and American Judicature Society; 11-year member of ABA House of Delegates; past-president/chair of ABA Judicial Division, National Conference of Special Court Judges, Colorado County Judges Association, Colorado Municipal Judges Association; vice-chair Colorado Trial Judges Council; provided judicial training and law drafting assistance to the Vietnam Supreme People's Court and Ministry of Justice, 2002-04; member, The National Judicial College faculty since 1990; member, NJC Faculty Council since 1993, chair in 1999.



THOMAS M. SUSMAN, ESQ.

Condensed biography: Partner, Washington Office of Ropes & Gray LLP since 1981; chief counsel, Senate Subcommittee on Administrative Practice and Procedure; general counsel, Antitrust Subcommittee and Senate Judiciary Committee; clerk, Judge John Minor Wisdom on the Fifth Circuit U.S. Court of Appeals; special assistant to the assistant attorney general, Office of Legal Counsel, U.S. Department of Justice; serves in the House of Delegates of the ABA; past chairman, ABA Administrative Law and Regulatory Practice Section; served on the Board of Governors of the ABA; president, D.C. Public Library Foundation; teaches Lobbying and Legislative Process, the American University's Washington College of Law.

Have you considered NJC in your estate planning?



A planned gift helps to ensure the future of the services and programs we provide to our nation's judiciary. For further information about planned giving contact Janice Barbour at (775) 327-8257 or (800) 25-JUDGE.



Michael Pope is awarded for his work and generosity to NJC by former Board chair, Hon. Alexander M. Sanders, Jr.

SCHOLARSHIPS FOR ILLINOIS ...

The National Judicial College's June 3, 2004, Illinois fundraiser brought in a total of \$62,350 for an endowed scholarship fund to enable Cook County, Illinois, judges to attend innovative courses at NJC. The cocktails and hors d'oeuvres event, which was held at McDermott, Will & Emery in Chicago, honored former National Judicial College board member, **Michael A. Pope, Esq.**

The event gave attendees an opportunity to mingle with others from the legal field and the judiciary as well as members



Peter C. John, of Williams, Montgomery & John Ltd., hosted the Chicago event.

of The National Judicial College's Board of Trustees, who were able to attend since it coincided with NJC's Chicago Board meeting.

The evening was hosted by The National Judicial College and Peter C. John, Esq., of Williams, Montgomery & John Ltd. Members of the Steering Committee included: Bartlit Beck Herman Palenchar & Scott LLP; Clifford Law Offices; Corboy & Demetrio; Paul B. Episcopo, Ltd.; William J. Harte, Ltd.; Johnson & Bell, Ltd.; Edward T. Joyce & Associates; Power Rogers & Smith, P.C.; Salvi,

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... AND TEXAS

Texas judges, attorneys and other legal professionals gathered Oct. 13, 2004 in Houston to raise money for a scholarship fund that will enable Texas judges to attend innovative and career-enhancing courses at The National Judicial College. The event, which was held to honor **Exxon Mobil Vice President/General Counsel Charles W. Matthews, Jr.**, a former longtime member of NJC's Board of Trustees, raised more than \$53,000 for the Charles W. Matthews Endowed Scholarship Fund. The event was held at the Houston Center Club.

"Those who attended the event showed tremendous support for judicial education," said Hon. William F. Dressel, NJC president. "These funds will go a long way in educating the Texas judiciary."

Matthews was elected vice president and general counsel of Exxon Mobil Corporation in 1999. Before the merger of Exxon and Mobil, he served as vice president and general counsel of Exxon Corporation since 1995. Matthews joined the litigation section of Exxon's law department in 1971. He has served in a number of regional and headquarters law department management assignments in Exxon USA and Exxon Corporation. A 1967 graduate of the University of Texas, Matthews received his law degree from the University of Houston in 1970.

In addition to The National Judicial College, other hosts of the event included David J. Beck, Esq., of Beck, Redden & Secrest, L.L.P., and Kenneth Tekell, Esq., of Tekell Book Matthews & Limmer. Beck, along with Joe Redden and Ron Secrest,

founded Beck, Redden & Secrest, L.L.P., in January, 1992. Beck was formerly a senior partner of Fulbright & Jaworski in Houston, Texas. He served as president of the State Bar of Texas from 1995-96. Most recently, United States Supreme Court Chief Justice William Rehnquist appointed Beck to the very prestigious Judicial Conference Standing Committee on Rules of Practice and Procedure. The Committee's members include some of the leading judges, academicians and practitioners in the United States.

Tekell has been a licensed trial lawyer in Texas and for the Federal Bar for over 35 years. He earned his bachelor's degree and LL.B. from the University of Texas. He is a member of the Houston and American Bar foundations. He specializes in insurance law, personal injury (defense and plaintiff), products liability law, toxic torts and workers' compensation law. He has tried to a verdict in district courts more than 150 cases.



Honoring Charles W. Matthews: (from left) Michael DeMarco, Esq., Exxon Mobil Vice President/General Counsel Charles W. Matthews, NJC President William F. Dressel, Kenneth Tekell, Esq., and David J. Beck, Esq.

SET UP A SCHOLARSHIP FUND FOR YOUR STATE

Anyone interested in setting up an NJC endowed scholarship fund may contact Janice Barbour at (775) 327-8257 or barbour@judges.org.

To contribute to the Scholarship Fund, please visit www.judges.org/donate and for more information on the College, please visit www.judges.org.

THE ANNUAL FUND

NJC's Annual Fund gives alumni and friends the opportunity to ensure the continued success of NJC. It is an ongoing fundraising effort aimed at securing operating resources. NJC would like to acknowledge the following friends and alumni for their generosity. This list reflects donations received from March 1, 2004 through December 31, 2004.

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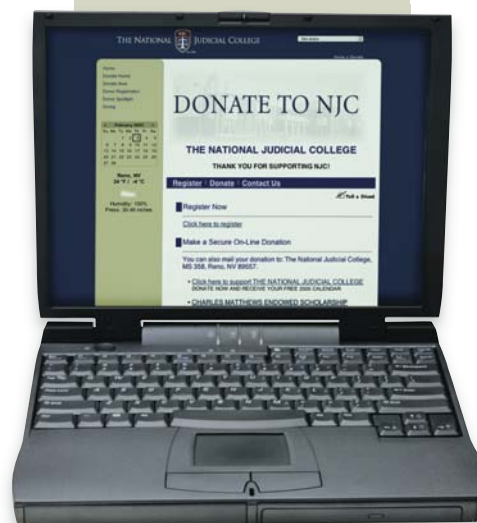
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