

CASE

THE NATIONAL JUDICIAL COLLEGE

POINT

SUMMER/FALL 2006

JUDICIAL VIOLENCE

Tipping the Scales

Tribal Courses Deliver Impact
Maryland's Technology Court

The Complex Litigation Puzzle

Family of Judges: It's in Their Blood





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Meeting the educational and professional development needs of the judiciary is the key focus for the NJC's staff and faculty – and we believe we do it better than anyone. Now entering our 44th year of service, we are committed to providing a dynamic curriculum leading to an enhanced understanding of the complexities of the rule of law. The College's 2007 course schedule provides an innovative menu of more than 70 courses and programs aimed at improving judicial proficiency and competency. Each year, we educate more than 3,000 judges from around the country and the world, and with our expanded offerings on campus, online and at various locations across the nation, taking a course from us has never been easier.

As the year draws to a close, we once again thank the College's many partners who have supported our efforts nationwide. Individuals and corporations that have donated to the NJC are profiled in our annual donor section, and we thank them for their continued support. The NJC also greatly appreciates the assistance of our sponsors, LexisNexis®, ExhibitOne®, and CourtCall® for their generous support of our programs and services, and for their sponsorship of this issue of Case In Point.

A special note of thanks goes out to Nancy Copfer, NJC scholarship officer, who is celebrating 25 years of service at the College. Her dedication, insight and commitment to her work are benchmarks for which all of us here at the College can strive. Thanks also to the editorial team of Christina Nellemann and Heather Singer for writing, editing and designing this outstanding issue. We look forward to seeing you at the NJC in 2007.

Thanks for reading.

Trace Robbers
Director of Communications

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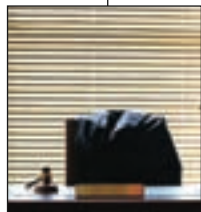


3

Judicial Violence: Tipping the Scales

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

A look at recent, and seemingly escalating, violence toward judges and their families.

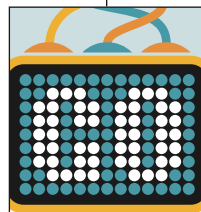


6

Threats to Judges – and Their Independence – Mount

From USA TODAY, a division of Gannett Co., Inc.

The assault on judges is threatening to unravel our nation's balance of power, and the right of those judges to make a fair decision.



12

Maryland's Ground-Breaking Technology Court

By Judyth Pendell, Senior Fellow, AEI-Brookings Joint Center for Regulatory Studies

The Maryland legislature and judiciary have created the nation's first Business and Technology Case Management Program to simplify and organize Maryland's courts.

contents

- 2 *President's Column*
- 5 *Justice From Coast to Coast: 2007 Seminar Series*
- 7 *Silver State Schools Credit Union / Tribal Symposium*
- 8 *Treasure Chest of Knowledge: Judge James Richards*
- 9 *Reinforcing Aggression: The True Cause of Dog Maulings*
- 10 *Justice: It's in Their Blood*
- 11 *NJC Year End Giving Campaign*
- 14 *Michael Pope to Help Honor Judges*
- 16 *The Complex Litigation Puzzle*
- 19 *A Fresh Perspective*
- 20 *NAALJ 2006 Conference Wrap-Up: Seattle*
- 20 *Villains Campaign Captures the 2006 Spotlight*
- 21 *University Inn Closing / Knowledge and Experience*
- 22 *Back on TRAC Update*
- 23 *Pacific Islands Program*
- 24 *What is the Future of the Judiciary?: 116th Jackson Lecture*
- 25 *Constitution Day Lecture / Brave New World: 115th Jackson Lecture*
- 26 *Going the Distance*
- 27 *Faculty Focus / NJC Course Spotlight*

DEPARTMENTS

- 28 *2007 Courses*
- 29 *NJC Press*
- 30 *NJC Press Book Order Form*
- 31 *Benchmarks*
- 32 *Faculty & Staff*
- 33 *Giving News*
- 34 *Board of Trustees*
- 35 *Donors*

PRESIDENT'S COLUMN

HON. WILLIAM F. DRESSEL

2

Not many people these days remember the Posse Comitatus, Freemen, or Constitutionalists. They were groups who, about a decade ago, targeted judges across America with harassment and threats of violence because they disagreed with their decisions. I remember them well, because in the early 1990's, they targeted me based on Federal Land Bank foreclosure cases I handled as a judge in the State of Colorado.

The first inkling I had of what was to come was when my bank ran a credit update revealing thousands of dollars in liens had been filed against me. After the Colorado attorney general obtained an order declaring the liens to be invalid, an involuntary bankruptcy petition was filed against me which was also subsequently dismissed. Next, a warrant was issued for my arrest (along with several other public officials) and I was advised by law enforcement that my personal safety was at risk since these individuals were believed to be armed and dangerous. I was briefed on how best to provide for my personal safety and that of my family. Eventually, law enforcement apprehended the individuals involved in this movement at a remote site on the Colorado/Wyoming border.



FAIR AND IMPARTIAL JUSTICE

Today, these movements are no longer actively threatening judges, but sadly, threats to judges, to courthouses, and to those who use our justice system still exist.

Recently, a horrible event in Nevada made news across the country. Reno Family Court Judge Chuck Weller was shot through a window while standing in his office. For most people it was a shocking revelation

of the lack of security at our courthouses, but for many it was just a sad reminder of the potential for violence.

We are making progress nationwide to advance the cause for judicial safety and independence, albeit not fast enough. Sen. Harry Reid (D-Nev.) has pursued an amendment to the Defense Authorization Bill (the Court Security Improvement Act) which would strengthen and expand the protection of judges, prosecutors, witnesses, victims, and citizens across the country who go to a courthouse seeking fair and impartial justice. The amendment would authorize federal financial support for state courts to improve security, all the more important given what happened to Judge Weller.

Those who work for the justice system know the importance of a forum that is accessible to all citizens. Courts are an essential part, not just of our justice system, but of our system of government as a whole, and it is essential that they be safe. Everyone – lawyer, judge, victim, or accused – must be able to participate in our justice system freely and fairly. It is part of what makes America great.

The normal tranquility of reflective discussion at The National Judicial College in Reno, Nev., abruptly gave way to anxiety June 13, 2006, as police guarded the front and rear entrances to the College and the bass drumbeat of helicopter blades crisscrossed the skies over the campus and downtown.

The unthinkable had happened. A local family court judge standing at a window in his chambers had been shot by a sniper.

In the initial hours, a key unanswered question was whether the attack was directed solely at a single judge or whether someone had a beef with the judiciary in general. Taking no chances, the police directed a lockdown of the courts.

Coming within a year of the fatal shootings of Atlanta judge, Hon. Rowland Barnes, his court reporter and a deputy sheriff and the murders of the husband and mother of federal judge, Hon. Joan Lefkow, in Chicago, the Reno tragedy raised anew an issue that gnaws at the very roots of our cherished concept of respect for the rule of law: How to provide adequate security for those entrusted to administer our judicial system in an age of increasing violence and terrorism?

At one time, it might have been easier to dismiss attacks on judges as aberrational, such as the assassination in 1979 of federal judge, Hon. John Wood, in San Antonio or the injuries to Maryland judge, Hon. John P. Corderman, when he opened a letter bomb in 1989.

Now, however, the peril must be taken much more seriously. Although figures for threats to state and local judges aren't available, the U.S. Marshals Service reports that threats against federal judicial officials have shown a dramatic increase – now averaging around 700 threats a year. On the state level, New York reports show more than 120 threats against state judges are made annually.

And in Reno, at the Washoe County Courthouse, consider these facts from the draft of a report on security concerns issued three weeks before the June 13 shooting of Hon. Chuck Weller.

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



JUDICIAL VIOLENCE

Tipping the Scales

In the shadow of recent events, the security of judges and the courtroom has been jeopardized. In response to these attacks, several organizations are taking a serious look at judicial safety.

- Out of 854,083 screenings at the courthouse in 2005, 15,000 knives, two guns and about 3,000 other potential weapons were found.

- In at least 20 instances since 2000, individuals had to be removed from the courthouse because of safety concerns.

- At least five bomb threats have been made to the courthouse since 1999.

- And in a prescient notation, one of the report's contributors stressed that "every window on the first floor" of the courthouse is unsecured.

Washoe County District Court Administrator Ron Longtin helped prepare the report, which described the windows as being nothing but "glass-covered holes." He said there is no alarm system to indicate entry through such vulnerable areas by a burglar, vandal or individual who might have malicious intent. The report recommended the installation of bars or even bullet-proof glass.

Longtin said the bulk of the recommendations addressing the security issues have not been implemented. In the wake of the sniper attack, Longtin emphasized, "We've got to start now. It isn't a question of whether another incident may occur, but when."

In his State of the Judiciary Address in 2006, California Supreme Court Chief Justice Ronald M. George pointed to the collateral impact physical attacks and threats directed to the court have on the legal system itself: "Courthouses must be a safe harbor to which members of the public come to resolve disputes that often are volatile. Once courthouses themselves are perceived as dangerous, the integrity and efficacy of the entire judicial process is in jeopardy."

Or, as CBS legal analyst, Andrew Cohen, flatly stated, "Judges and their families must be better protected in this age of terror."

Agreed. But how to protect court personnel and how much governments are willing to spend for court security remain the key unanswered questions.

For example, prisoner transportation was the subject of a 1997 study by the National Institute of Justice in

conjunction with the National Sheriff's Association. The study determined that the safety of personnel transporting and monitoring prisoners in the courtroom was the "most pressing concern." According to the study, "fewer than half the court agencies and sheriff's offices said they put a high priority on controlling access into court and judicial facilities."

While most of those surveyed acknowledged receiving training in court security and prisoner transportation, many "felt they were not fully prepared to meet new and emerging challenges." Among their concerns was their increased ability to apply "physical force to control defendants in high-risk situations."

Although the study is nearly a decade old, it underscores the notion that those responsible for court security are well aware of the risks. Those risks fully materialized in Atlanta when a prisoner, Brian Nichols, overpowered Deputy Cynthia Hall. After managing to get a gun, Nichols now is accused of killing Judge Barnes and two others.

Security concerns in Atlanta were further exacerbated when the press reported that earlier in the week, two homemade knives had been found in Nichols' shoes while he was in court. As a result of the tragedy, Georgia officials are reviewing all aspects of court security, with emphasis on better training, increased deputy staffing and creating security standards to apply to all courthouses throughout the state.

In fact, the string of violent attacks on judges and their families have prompted all states to review their systems. The Office of Court Administration in New York, for example, came up with 47 proposals last year for improved court security after a 10-member task force studied the matter.

Among the recommendations were:

- Providing bullet-proof benches for all of the state's 1,200 judges.
- Providing bullet-resistant vests for all court officers.
- Creating SWAT-like teams of specially trained court officers to respond to emergencies.
- Expanding the statutory authority for defendants to make routine court appearances via video teleconferencing.
- Making crimes against judges and court personnel, designed to impede the judicial process, aggravated offenses similar to the higher designation given to crimes against witnesses, jurors and victims.
- Studying further the feasibility of subjecting court officers to ongoing performance standards, including periodic assessment of their physical skills.

According to the New York Law Journal, the Office of Court Administration spent \$342 million, or nearly 17 percent of its \$2.1 billion budget, on court security. Still, as the paper noted, if the proposals are implemented, that cost will increase significantly.

And cost is where the rubber hits the road in terms of court security. Particularly in smaller counties, governments pare the budget and hope for the best.

Typical is the answer Dickson County (Tennessee) Mayor Linda Frazier gave to the Dickson Herald: "People talk about cutting budgets, but what services do you do away with? The security was a top priority to the court system, but whenever you talk to citizens on the street and the (county) commission, it just was not a priority."

However, as New York Times reporter, Deborah Sontag, noted, "Often it takes a murder plot or a violent incident to serve as catalysts for enhanced security." She added that with the slayings in Atlanta and Chicago, court officials everywhere are re-examining how to beef up protection – "debating approaches because many fear turning courthouses into fortresses. They are also hoping the current flash of public interest will shake free some financing."

Still, strengthening security at the courthouse, itself, can do little to protect the judge where he or she is most vulnerable – in the judge's private life. Every judge surrenders a measure of privacy simply by the nature of the job. Fortunately, we have not reached the stage where armed bodyguards are assigned to judges and their families. Nor is it likely that most judges would want to have to adjust their lives to accommodate such protection. However, there are steps a judge can take if he or she feels threatened.

In his book, "Court Security: Calm in the Courthouse," published by The National Judicial College, retired FBI special agent and court administrator, Kevin Illiad, offers several recommendations for the protection of judges, including "altering schedules, giving attention to parking areas, increased contact with family members (especially scheduling)," among others. However, he also noted that "it is sometimes difficult to convince a judge that extra security measures may be necessary to insure his/her well-being."

Certainly, the court security concerns are not new. And with the focus on the violence against judges in the past couple of years, there is no dearth of proposals from experts on what needs to be done.

Perhaps the best summary of the multi-faceted issues on the subject, as well as recommendations for improvement, can be found in the "Court Security Resource Guide," issued by the National Center for State Courts. Available on the NCSC's website – www.ncsconline.org/wc/

"We deal with a segment of society that most people don't have to deal with in their everyday lives – people who are violent, people who might not be mentally stable, people who are desperate because they don't have much more to lose."


- Hon Lee Sinclair

Education/CtSecuGuide.htm – the collection of data covers the following topics:

- Best Practices
- Strategic Planning
- Incident Reporting
- Screening Policies
- State Reports and Guidelines
- Rural Courts
- Facilities
- Training
- Risks to Judges
- Court Personnel and Related Offices
- Workplace Violence
- Individuals with Disabilities
- Terrorism and Homeland Security
- Emergency Management
- Transporting Prisoners

As Ohio common pleas judge, Hon. Lee Sinclair, told the Los Angeles Times, “We deal with a segment of society that most people don’t have to deal with in their everyday lives – people who are violent, people who might not be mentally stable,

people who are desperate because they don’t have much more to lose.”

Judge Sinclair’s observation is a statement of the reality facing our judicial system. At the same time, though, the view of Sen. Harry Reid, D-Nev., who called for increased federal funding to help courthouses across the nation make the needed improvements, is equally true: “Judges like Chuck Weller, their clerks, jurors and others who are serving their country and upholding the law must be free to do so without threats to their lives. Congress should take immediate steps to try to prevent a recurrence of the Reno tragedy in Nevada courthouses and in courthouses elsewhere in the United States.” 

Gary Hengstler is the director of the Donald W. Reynolds National Center for Courts and Media in The National Judicial College. He is also the acting public information officer for Washoe District Court.

Justice from COAST to COAST

The National Judicial College’s Seminar Series improves each year in its variety of enriching courses at cultural and historical locations across the nation. And, 2007 will be no exception. Staff and faculty members at the NJC designed a 2007 curriculum to ensure participants receive an in-depth understanding of today’s complex judicial issues. By attending the NJC’s seminars, judges are able to broaden their knowledge bases, examine emerging challenges facing the court system and be better prepared to handle challenging judicial issues.

The Seminar Series courses are held at desirable locations, close to America’s cultural and natural treasures and attract participants from across the nation. The courses offer an excellent opportunity to explore unique issues in a motivating, collegial format while complimenting current judicial career training.

These seminars are designed specifically for members of the judiciary seeking practical solutions and insight on current judicial issues. Each participant is responsible for making his or her own hotel and travel reservations. The NJC has a limited number of rooms reserved at special conference rates. Tuition and conference fees are per person/per seminar. The regular tuition is \$1,195 with a discounted rate of \$1,095 available up to 90 days prior to each course. The conference fee for each Seminar Series course is \$230.

The NJC’s Seminar Series faculty members are career legal professionals and have been chosen for their depth of knowledge, teaching skill and real-world orientation. The 2007 faculty members include Hon. Don Ash, Murfreesboro, Tenn., Hon. Jess Clanton (ret.), Langley, Okla., Hon. Andre Davis, Baltimore, Md., Hon. Sam DeSimone, Woodbury, N.J., Hon. O.H. Eaton, Jr., Sanford, Fla., Hon. Kevin Emas, Miami, Fla., Professor Elizabeth Francis, Reno, Nev., Hon. George C. Hanks, Jr., Houston, Texas, Carol Herrera, Santa Fe, N.M., Professor Joseph Hoffmann, Bloomington, Ind., Hon. William Hughes, Noblesville, Ind., Hon. Karen Hunt (ret.), Anchorage, Alaska, Hon. C. Darnell Jones, II, Philadelphia, Pa., Dr. John P. Kaminski, Madison, Wis., Hon. Cynthia Stevens Kent, Tyler, Texas, Hon. William Meyer (ret.), Denver, Colo., Hon. James Morrow (ret.), Anoka, Minn., Hon. Reba Page, Falls Church, Va., and Hon. V. Lee Sinclair, Jr., Canton, Ohio.

To register, or for more information, please contact the NJC registrar at (800) 25-JUDGE or registrar@judges.org. Early reservations are encouraged.

2007 Seminar Series

Evidence in a Courtroom Setting

Feb. 18-22 • Orlando, Fla.

Today’s Justice: The Historic Bases

March 18-22 • Wash., D.C.

Judicial Writing

April 15-19 • Jekyll Island, Ga.

Advanced Evidence

May 27-31 • Philadelphia, Pa.

Conducting the Trial

June 3-7 • Sun Valley, Idaho

Current Issues in the Law

Aug. 26-30 • Bar Harbor, Maine

Dispute Resolution Skills

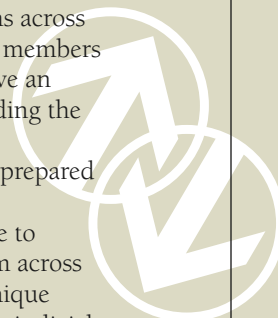
Sept. 2-6 • San Francisco, Calif.

Enhancing Judicial Bench Skills

Oct. 28-Nov. 1 • Charleston, S.C.

Handling Capital Cases

Nov. 4-8 • New Orleans, La.





Threats to Judges — and Their Independence — Mount

Court bashing endangers justice, undermines national stability

Judicial independence (i.e., fair and impartial justice) is the doctrine that decisions of the judiciary should be impartial and not subject to influence from the other branches of government or from private or political interests. In most cases, fair and impartial justice is secured by giving judges long, and sometimes lifetime, tenure. Despite this tradition, the threats to fair and impartial justice continue, and are even escalating.

Retired Supreme Court Justice Sandra Day O'Connor said she fears judges are under growing political attack nationwide. "I'm increasingly concerned about the current climate of challenge to judicial independence," O'Connor recently told a gathering of state judges from around the country. "Unhappiness with judges today is at a very intense level."

As the article below illustrates, judicial autonomy is important to the ethical and constitutional fabric that wraps this country, and must be maintained for the benefit of all.

Hon. William F. Dressel
NJC President

"Judges are like umpires," John Roberts said at his Supreme Court confirmation hearing last fall. "Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules."

And like umpires, Roberts might have added, judges need to be able to call 'em as they see 'em, without fear of retribution or bodily harm.

Unfortunately, judges across the USA are facing a

broad assault on the independence that threatens to undermine the nation's tradition of judicial autonomy and every citizen's ability to get a fair shake.

Perhaps the most troubling effort is a measure on South Dakota's ballot this

November that would strip state judges of immunity and allow them to be sued for the rulings they make from the bench. Backers of this approach plan to take it to other states if they succeed in South Dakota. [This initiative was defeated by voters in November.]

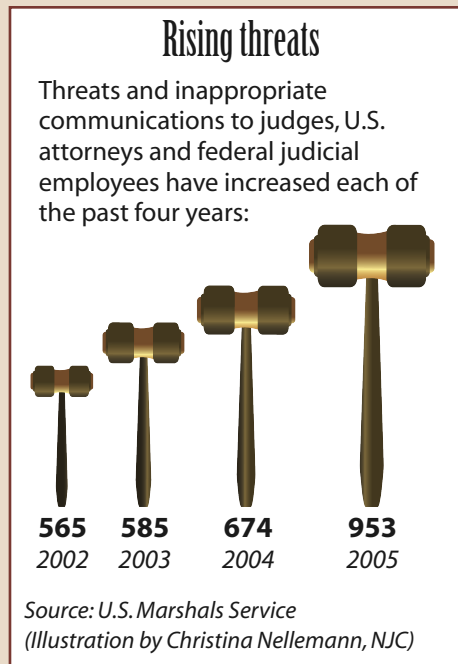
Passage of dangerous amendments, such as this one, would be like giving home crowds the ability to haul umpires into court for unpopular calls. The less popular a potential decision, the less likely a judge would be to make it.

At the federal level, much of the push to curb judges' authority comes from members of Congress who ought to know better:

- The House passed a bill last month to strip federal courts of jurisdiction over challenges to the "under God" language in the Pledge of Allegiance.

- Congressional conservatives are backing a measure to stop federal courts from ruling on a broad array of cases involving the separation of government and religion. Never mind that such rulings go straight to the heart of the First Amendment guarantee that the Supreme Court is bound to protect.

Railing against "activist judges" goes back at least to 1954, when the high court, under Chief Justice Earl Warren, outlawed racially segregated schools, and "Impeach



Earl Warren” signs sprouted in many states. Last year, it reached new virulence during Congress’ extraordinary efforts to prevent the husband of Terri Schiavo from taking the brain-damaged Florida woman off life support. When every court ruled that the law backed Schiavo’s husband, outraged social conservatives threatened everything from impeachment to budget cuts.

The rhetoric has died down, but not the bad ideas and the passions: Threats against federal judges and other court personnel increased 40 percent last year, according to the U.S. Marshals Service.

Although the more extreme legislative proposals appear unlikely to succeed, the virulence of the assault worries leaders from all parts of the political spectrum. Former FBI director William Sessions recently joined with a Democratic law professor to decry efforts to subject judges “to the whims of partisan politicians.”

Retired Justice Sandra Day O’Connor calls these moves, particularly South Dakota’s measure and others like it, a challenge to the intentions of the Constitutions framers. They intended three branches of government, each with power to affect the others, but each independent, letting all three “do their jobs,” she told the USA TODAY editorial board recently.

Free speech gives everyone the right to boo the umpires, and the judges. But threats to sue, restrict, remove or even kill them for unpopular decisions have no place, either on the ball field or in the courtroom.

From USA TODAY, a division of Gannett Co., Inc. Reprinted with permission.

SILVER STATE SCHOOLS CREDIT UNION SCHOLARSHIP FUND

In working to enhance educational opportunities in its state, Silver State Schools Credit Union (SSSCU), a Nevada company, has established an endowment for scholarships for judges to attend innovative courses at the NJC.

“We have an endowment set up for the University of Nevada, Reno, College of Education, and we felt that establishing one at The National Judicial College would follow our mission of enhancing educational opportunities throughout the state,” expressed Gilbert Niimi, executive vice president of SSSCU. “We would like to do more. We believe this is only the beginning.”

Due to a lack of state funding, more and more judges are relying on the NJC’s scholarship program to pay for their continuing education. The Silver State Schools Credit Union Scholarship Endowment consists of \$15,000 for 2006 and \$10,000 a year for the following five years. Niimi said SSSCU values education and realizes the importance of judges being trained to administer justice.

SSSCU is dedicated to educating its members on financial issues that arise within their communities as well as nationally. SSSCU, founded in 1951, is a premier financial cooperative owned and operated by its members.

To learn more about how you can provide a gift that will assist a judge with a scholarship, please contact Development Director Gretchen Alt at (800) 25-JUDGE or alt@judges.org.

TRIBAL/STATE JURISDICTION SYMPOSIUM

Spreads Awareness on Public-Law 280

In September of 2006, the National Tribal Judicial Center (NTJC) at The National Judicial College (NJC) co-presented the Tribal/State Jurisdiction Symposium with the Intertribal Court System of Southern California. The purpose of this two-day event was to educate tribal judges, attorneys and justice leaders in PL-280 states on complex jurisdictional issues. Sponsored by a grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, the event was held at the Pala Casino Spa Resort in San Diego. It drew 47 participants and consisted of 13 faculty members.

“The symposium provided an excellent forum for some of the local tribes to network and interact with tribal people from other PL-280 jurisdictions,” explained NTJC

Program Attorney Christine Folsom-Smith. “The participants were able to talk about the issues they face in dealing with PL-280.”

The goal of the conference was to



spark dialogue among tribal and state officials to resolve some complicated and significant PL-280 issues, said Folsom-Smith.

“Dave Raasch, tribal program coordinator at Fox Valley Technical College, provided the essence of the symposium when he recommended

that tribal judges network with the state judges nearest their jurisdictions to build bridges and open the lines of communication to handle the challenges created by PL-280,” recalled Folsom-Smith.

The symposium, which was preceded by the First Annual ICSSC Charity Golf Tournament at the Redhawk Golf Parkway in Temecula, Calif., included an overview of the PL-280 jurisdiction, sessions on regulatory and civil jurisdiction, juvenile justice, Indian Child Welfare Act cases, state/tribal relations focusing on cross-jurisdictional enforcement of orders and intergovernmental agreements as well as domestic violence issues surrounding cross-jurisdictional enforcement. The event was followed by a half-day Intergovernmental Agreements workshop.

TREASURE CHEST OF KNOWLEDGE

JUDGE JAMES RICHARDS
ATTRIBUTES HIS
EFFICIENCY TO THE NJC



Indiana Judge James Richards took the bench in 1963. The following year he attended The National Judicial College, where he learned the skills and knowledge he would need to be a more efficient and productive jurist.

“Attending The National Judicial College was the best thing that ever happened to me because it got me started on the right foot,” said Judge Richards. “The Judicial College gave me the best start I could have hoped for.”

Since 1964, Judge Richards has taken many NJC courses, served as an NJC faculty member and as a member of the NJC’s Board of Trustees. He has never forgotten the impact the College had on his judicial proficiency, and in return remains an avid supporter of the 43-year-old institution. Since 1985, Judge Richards has made a financial donation almost every year to the College.

“We are very grateful to him,” said NJC Development Director Gretchen Alt. “He has done so much for the College. He has donated consistently for the past 20 years – gifts that have helped the NJC enhance its nationwide programs and services.”

Judge Richards donates to the College in order to give something back to the institution that gave his judicial career a boost in the very beginning, he explained. He said the knowledge he learned at the NJC helped him feel more confident on the bench and made him able to deliver fair and impartial justice in his community.

“I think The National Judicial College is the greatest asset judges have, particularly judges who are just beginning their careers,” he said. “Every judge should have the experience of going to the NJC. It puts judges in contact with judges from other states so they can learn how other judges operate.”

A resident of Munster, Ind., Judge Richards retired Jan. 2, 2002 and, at the time, held the record of being Indiana’s longest serving active judge with 39 years on the

bench. He still serves as a retired senior judge in Indiana, presiding over cases approximately 30 to 35 days a year.


“I loved it,” he said of sitting on the bench fulltime before his retirement. “I enjoyed every minute of it. I had the best occupation you could have. When you like what you do, time means nothing. It gave me a great deal of

satisfaction. You can see yourself having an effect in your community and throughout your state.”

As a judge who remains active in his community and in many organizations, Judge Richards said judicial outreach is an important part of being a member of the judiciary. In addition to local community involvement and his dedication to The National Judicial College, Judge Richards served as president of the Indiana Judges Association, the Indiana Judicial Center and the National Conference of State Trial Judges. He currently

serves as a member of the board of directors for the Community Foundation of Northwest Indiana, an organization that operates three hospitals in his area. When he is not helping enhance his community, he spends his time fishing and hiking.

“I just got back from Wyoming,” he said. “The fishing was good and the weather was beautiful.”

Judge Richards studied at the University of San Francisco and Indiana University. He earned his law degree from Northwestern University and began a private practice in Hammond, Ind., in 1952. He was first elected to the bench in 1963 when he was working as a city attorney. Advice he said he would offer to new judges includes, “Get your work done when you are supposed to and be in court when you are supposed to be there. If you are there on time, you’ll keep all the lawyers happy.” 

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“[THE] NJC PUTS JUDGES IN CONTACT WITH JUDGES FROM OTHER STATES SO THEY CAN LEARN HOW OTHER JUDGES OPERATE.”

~ HON. JAMES RICHARDS

THE WOUNDS shown in the evidence photos were graphic. The victim had flesh severed from his arms as well as deep punctures and tears to muscles in his stomach. This was not the result of an attack from a knife-wielding, maniacal madman; rather, it was that of a vicious dog with powerful jaws and teeth no less deadly. According to the testimony given in court, the victim was simply walking to work early one morning when he was attacked by the dog after it jumped over a four-foot fence that separated it from the children and families living in the same neighborhood.

The police records entered into evidence showed that on four separate occasions the same dog, without provocation, viciously attacked five other people, including a mother with her infant son. In each and every one of these brutal attacks, the dog was subsequently returned to the owner without restrictions after the mandatory rabies quarantine period had passed because no one had thought, or knew, to file a vicious animal complaint in the local court.

There has been much publicized about dog maulings. Cases in California and Wisconsin received national attention when the human victims of unprovoked attacks were killed by someone's vicious dog, and most recently in Arizona, a five-year-old girl was killed by a pair of marauding dogs while she was playing in her own front yard.

Owners of vicious animals risk the possibility of severe civil and even criminal prosecution when their dogs attack people. In a particularly gruesome and fatal attack in San Francisco, Calif., owners of a vicious dog that killed a woman were convicted of second-degree murder and manslaughter.

In Arizona, as well as nationwide, it is not unusual to read about people who have been attacked and severely injured by vicious dogs. Unfortunately, and all too often, the victims of these vicious attacks are children. Some are left horribly traumatized, disfigured and even permanently disabled by the avulsion of tissue and muscle as a result of a mauling.

Take the case of eight-year old Omar Yepiz of Phoenix, Arizona. He was attacked Christmas Eve two years ago while playing on the sidewalk near his home. Omar fought for his life as two dogs, with a combined weight twice that of his own, locked their jaws on the boy's legs tearing off and eating much of his calf and thigh muscle. The dogs in this case stopped their tenacious attack only after an adult struck them numerous times with a baseball bat.

In many instances, the surgeries necessary to restore damaged bodies means the emotional trauma created as a result of a severe mauling does not end with the cessation of the attack. As of this date, Omar has gone through five lengthy and painful surgeries. He has had to endure the process of having skin tissue removed from his own

shoulders and stomach in efforts to produce grafts that will cover the wounds.

Fortunately, most dogs make great pets and companions and do not pose a threat to the community. As these recent cases show, however, certain breeds have a propensity to be highly aggressive. While any dog can become vicious through mistreatment or improper training, some breeds have a far greater ability to do more damage.


Some individuals specifically seek to own aggressive breeds that have a reputation for tenacity and fighting prowess. While ownership of these breeds is not illegal, there is a corresponding responsibility, as with all dog owners, to maintain their animals in such a way that they

do not become a threat to the community. Even aggressive breeds can be gentle creatures when nurtured properly; however, experts in the field of veterinary medicine and animal control point directly to owners as being ultimately

responsible for providing the proper environment, care and training for their dogs. Neglecting these responsibilities, or even worse, reinforcing vicious aggression, can create an atmosphere for disaster for both the public and dog owners.

As evidenced in many highly publicized attack cases, the public has become frustrated with the inability or lack of responsibility of dog owners to keep vicious dogs contained and off the streets. Many states have laws that provide a process for individuals to seek relief from exposure to such vicious animals in their neighborhoods. These remedies are available to the public by filing vicious animal complaints in the local courts. In most cases, after an individual

petitions the court, an order is issued to the Animal Care and Control Department of the county or municipality for the seizure of the animal. A court hearing follows where the allegations set forth by the petitioner and response by the dog owner are aired in open court. The court must ultimately make a determination as to whether or not the dog is "vicious" as defined in the state statutes, and subsequently determine the final disposition of the animal. Under many statutory codes, a dog is deemed vicious if it has a "propensity to attack, to cause injury or to otherwise endanger the safety of human beings without provocation."

With most dogs, you get what you raise. And while unprovoked attacks will inevitably occur in our communities from time to time, it is a problem that can be greatly reduced in significance with the education of dog owners, enforcement of animal control laws and greater public awareness of available judicial remedies. Unfortunately for some, it is too late. As in Omar's case, not even the hands of the most skilled surgeon can mend muscle and tendons that are no longer there. The public has the right to a reasonable expectation of safety from vicious animals. 

REINFORCING AGGRESSION

The True Cause of Dog Maulings



*By Judge Lex E. Anderson, Justice of the Peace
Lake Pleasant Justice Court, Arizona*

Justice: It's in Their Blood

NJC Boosts Judicial Careers for Family of Judges

10

For one family, The National Judicial College holds a place near and dear to their judicial careers. Chief Justice Jim Hannah, of the Arkansas Supreme Court, and his son, Judge Craig Hannah, Circuit Court, 17th Judicial Circuit, Searcy, Ark., both jump-started their judicial careers by attending the NJC's flagship course, General Jurisdiction.

"Judicial education is extremely important," expressed Judge Craig Hannah, who took his father's place on the bench in 2000 after he was elected to the Arkansas Supreme Court. "It is a good way to stay current on relevant topics. At The National Judicial College, you get to talk to judges from all over the country and share ideas. It is interesting to see how other judges do things."

Chief Justice Hannah was 33 years old in 1978 when he was first elected to the Circuit Court in Searcy, Ark., where he served until 2000. He swore his son in to his own vacated position, and in 2005, Judge Craig Hannah swore his father in as chief justice on the Arkansas Supreme Court. Judge Craig Hannah was 39 years old when he was sworn in by his father. The Hannahs were the two youngest judges to serve in their state at the time.

"When I took the bench in 2000, my dad swore me in and then I was able to swear him in as chief justice," recalled Judge Craig Hannah, 42. "It was something I'll never forget."

The Hannahs roots run deep at the College. Twenty-four years after his father attended the NJC's General Jurisdiction class, Judge Craig Hannah attended as well. He also came back in 2005 for the NJC's Evidence in a Courtroom Setting


course. Chief Justice Hannah, 62, has taken a total of 12 courses at the NJC, twice serving as a group facilitator. Ironically, Chief Justice Hannah's father-in-law, Judge Joe Villines, 14th Judicial District Court, Harrison, Ark., also attended the NJC, starting

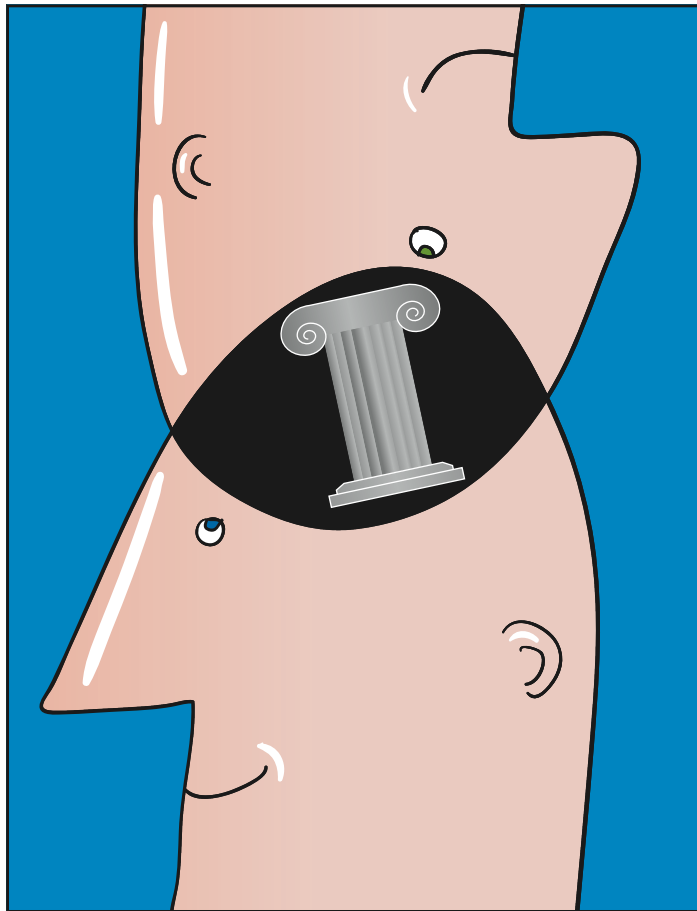
doctor," said Judge Craig Hannah, who practiced law for 12 years before taking the bench. "I had gotten a degree in zoology and was waiting to get accepted to medical school. One day, I decided it just wasn't for me. I thought, well, my whole family is in the legal profession. Maybe I should give that a try."

Judge Craig Hannah said having his father, grandfather and uncle as judges had some bearing on his decision. The three men tap each other for knowledge and advice often. The elder Judge Villines was also a wonderful resource of judicial knowledge before his passing, recalled Chief Justice Hannah.

Attending courses at The National Judicial College enabled the Hannahs and the elder Judge Villines to gain more confidence in serving on the bench and upholding justice in their communities, said Chief Justice Hannah, who worked as an attorney in private practice, as a prosecutor and as a city attorney prior to taking the bench.

"One thing I found out from attending the NJC was the challenges I encountered on the bench were shared by other judges across the nation," expressed Chief Justice Hannah. "We learned a lot from each other on how to handle these problems. The NJC is a great institution. We encourage all of our judges to go there. Attending courses there has just been a tremendous experience."

"I learned a whole lot," added Judge Craig Hannah of the NJC's General Jurisdiction course. "It was very helpful. I still use the information." 



in 1967 with General Jurisdiction. He attended six NJC courses, serving in three as a group facilitator. Judge Villines passed away in the early 1990s, but left a judicial legacy to be carried on with his own son, Judge Joe Villines, Jr., an administrative law judge in Jefferson City, Mo., as well as with his son-in-law and grandson. While the elder Judge Villines and Chief Justice Hannah never forced the legal or judicial profession onto their children, having their fathers as role models and growing up around judges did have an influence, according to Judge Craig Hannah.

"I had always planned to be a



Consider the NJC as a Part of Your Year-End Giving

As a non-profit organization, The National Judicial College relies heavily on the support of our friends and alumni to enhance and add to our course offerings and programs. As the end of the year approaches, please consider directing your contributions to support the important work of The National Judicial College. Your support will go a long way. Gifts provide scholarships for the NJC's attendees who would otherwise not be able to attend, support curriculum enrichment, and allow for new course offerings.

Justice Cameron Batjer (retired, Nevada Supreme Court) is one example of a donor who made a difference by providing a scholarship to a judge so that he could attend a course at the NJC. Justice Batjer said, "I felt very good about providing funding for a scholarship that provided an administrative law judge with the opportunity to attend the Judicial Writing course this summer. He let me know that the course was very valuable to him and allowed him to gain skills that he will use to enhance his position on the bench."

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Your contribution will have the same impact. Contributions enable judges to gain the knowledge that is vital to their duties on the bench, which in turn, will ensure a successful justice system that upholds freedom and justice.

There are a number of ways you can contribute to the NJC, and this year, Congress has added another avenue by changing the Individual Retirement Account (IRA) law to allow individuals age 70 and a half and older to donate their required IRA distributions directly to the NJC without paying taxes. In addition, donors can make a contribution online by visiting www.judges.org/donate/now or simply send a check in the reply envelope located in the center of this magazine.

For more information on giving to the NJC contact Development Director Gretchen Alt at (800) 25-JUDGE or alt@judges.org. For more information on IRA tax savings, contact your tax advisor. Thank you for your support.

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Maryland's GROUND-BREAKING TECHNOLOGY COURT

By Judyth Pendell,
Senior Fellow
AEI-Brookings Joint Center
for Regulatory Studies

If asked to name the country's centers of technology, many people would think immediately of Silicon Valley and Route 128 in Boston. Lots of other places might get mentioned before the state of Maryland. Yet, Maryland has one of the largest concentrations of bioscience and aerospace companies in the country. It has the highest percentage of workers in technology jobs in the nation, and it is the recipient of substantial research and development funding from the NIH. This has implications for the courts and the types of complex business cases that are certain to result. The Maryland legislature and judiciary have recognized this and have responded by creating the nation's first Business and Technology Case Management Program, which began operation in 2002.

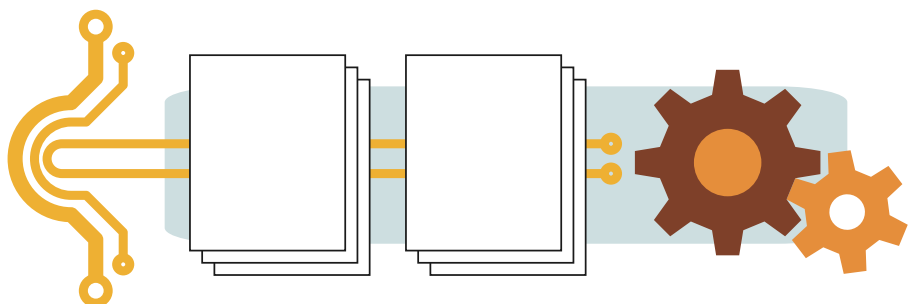
The process began in 2000 when a bill was introduced into the Maryland legislature that would have created Business and Technology Divisions in each circuit court in Maryland. Differing views on the bill resulted in a compromise, and an amended bill was passed creating a task force to study the "feasibility of establishing a specialized court function within Maryland's circuit courts to adjudicate business and technology disputes." The blue ribbon task force included judges, legislators, members of the state bar, academics, and business people. It was directed to solicit

input from the Maryland business and legal communities, review the experience of other business courts, and prepare a report to the governor, lieutenant governor, and the leadership of the legislature and the judiciary.

The task force conducted hearings and solicited broad input. Thought was given to conducting a study of pending cases that might qualify for inclusion in the program, but funding was not available, so the task force relied on the experience of its members and the input of interested parties. Following considerable deliberation the task force unanimously recommended the creation of a new statewide business and technology case management program.¹ The Court of Appeals, the highest court in Maryland, implemented the recommendation by Rule.

One motivating force behind the creation of the new program was a concern that Maryland courts were perceived as "anti-business." Although the establishment of such a court was not expected to be the sole factor in the selection of Maryland as a place to do business, it was believed that its existence would weigh in favor of Maryland being viewed by business and technology companies as a "preferred place to do business."

The business community's enthusiasm for the technology court concept was strong and unambiguous. The business people who testified before the task force were clear in their expectations: decisions would be timelier and more predictable, and the written opinions would provide useful guidance to business decision-makers.



The task force also saw Maryland's existing and successful differentiated case management system (DCM) as a foundation upon which the new program could be built. The report recommended an expedited track for the new program, where consent of the parties would be required; minimal discovery would be completed and a trial date scheduled within 90 days of the defendant's filing of an answer. The remaining cases would be on a standard track, where discovery would be completed and a trial date set within nine months of the defendant's response.

The new program was to benefit further from the fact that the courts in Maryland were, for the most part, fully automated. The task force envisioned a system where the law firms and the courts would use e-filing to exchange documents electronically. It seemed only natural that a program dedicated to resolving technology disputes would also be a "user" of the best that technology has to offer.

In its more integrated form, e-filing allows law firms to submit documents, view document entries, and submit filing fees directly to the court. In turn, the court can conduct internal business with electronic routing of documents and activities. Courts can also submit electronic orders, opinions, and administrative messages and actions to law firms in electronic formats. In 1995, the National Center for State Courts

initiated one of the earliest e-filing pilot projects in Maryland. Several circuit courts in Maryland have expanded their technological proficiencies since that time.

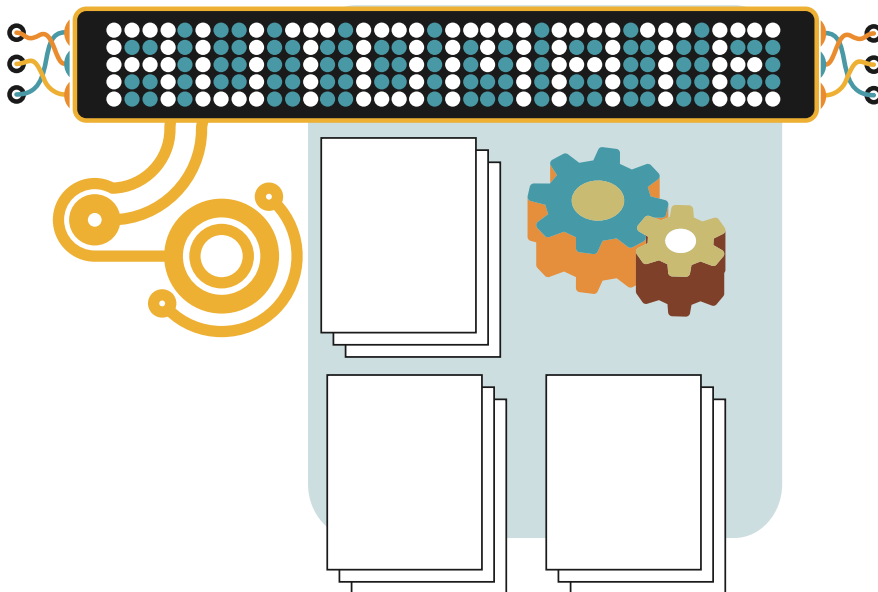
The task force studied and was encouraged by the experience other states have had with specialized procedures. At that time, Delaware, Illinois, Massachusetts, Wisconsin, Nevada, New Jersey, New York, North Carolina, Pennsylvania, and Virginia had operating business courts or tracks. Although research by the task force revealed that these courts initially encountered concerns regarding the need for specialized procedures, the concerns were seen as unfounded once the procedures were in operation.

The types of cases the task force believed should be referred to the Business and Technology Case Management Program are likely to be appropriate candidates for Alternative Dispute Resolution. In many cases the parties have associations they wish to have continue as positive and constructive working relationships. As the report notes, "Efforts are made to build on these relationships, rather than dissolving them as so often happens in the adversarial nature of litigation." As a result, ADR, including mediation, non-binding arbitration, and neutral case evaluation, is considered for every case.

The task force report cites several expected benefits from special procedures for handling substantive business and technology disputes:


- Specialized training and education for those judges with experience in business and technology issues, as well as the application of specialized case management techniques and technology for the handling of the cases.
- Greater efficiency resulting from the specialized training and education of judges, clerks, and staff, as well as the application of the most modern technology to the filing and processing of cases.
- More timely, rational, legally correct, and perhaps most importantly, predictable rulings from judges who are better trained and educated in the relevant subject matter, and comfortable in handling the cases.
- A higher rate of settlement of business and technology cases because of the increased correctness and predictability of an identifiable group of judges whose competence is certified by the requisite degree of judicial education and training and whose written opinions are circulated on the Internet and other available media.
- Greater efficiencies in the disposition of other types of cases within the jurisdiction of the circuit courts because of the increased time available for them as a result of the removal of time consuming business and technology cases from the general court docket.

The quality of the training of the judges who will implement this program is critical to its ability to achieve these benefits. An extensive training program for business and technology judges was created by the Judicial Institute of Maryland, with training in law, economics, and case and docket management skills, as well as the use of technology in the management of both cases and dockets presenting complex business and technology issues. All judges assigned to the Business and Technology Case Management Program have completed this program. Maryland will also be looking to The National Judicial College and will be providing the opportunity and incentives for judges to attend the NJC, along with other nationally recognized training programs for judges.

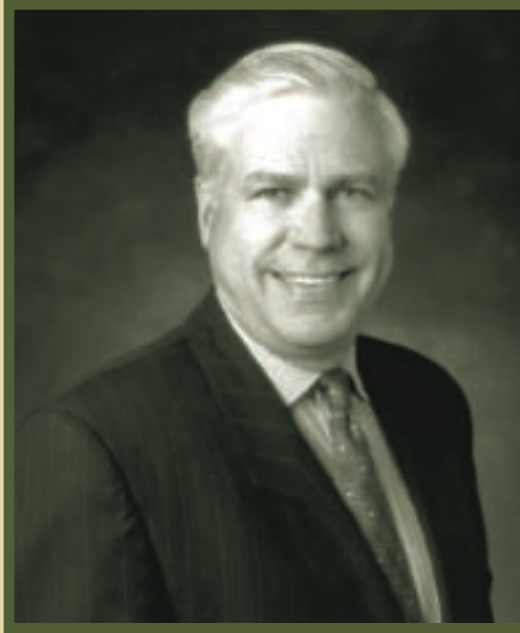




As Judge Steven I. Platt, the vice-chair of the legislatively created task force and the chair of the designated Business and Technology Case Management Program judges, who has management responsibility for the program said:

“The establishment of the Maryland Business and Technology Case Management Program meets the needs of the courts’ stakeholders without doing violence to judicial independence. It provides for a more rigorously trained judiciary and begins the necessary evolution of a voluntarily specialized judiciary that can still perform general jurisdiction duties when needed. Even more significantly, it enables the judiciary to pilot its vision for the use of technology in the operation of the courts. It allows the judicial branch of government to begin the process of recognizing the world of rapid change brought on by the Internet, bioscience, aerospace, and the information technology industry. Successfully operating a business in that world requires the flexibility and the creativity to rapidly react and plan in a volatile world. That, in turn, requires that entrepreneurs, as well as established businesses, be able to identify and, as much as possible, quantify risk quickly. These people need a court system whose case management program understands and accommodates their needs. Maryland’s Business and Technology Case Management Program does just that.” 

¹MARYLAND BUSINESS AND TECHNOLOGY COURT TASK FORCE REPORT can be found at www.courts.state.md.us/finalb&treport.pdf.



Former NJC Board Chair Michael Pope to Help Honor Judges as ACTL Award Committee Chair

Former National Judicial College board chair, Michael A. Pope, a partner in McDermott Will & Emery’s Chicago Trial Department, has been appointed the inaugural chair of the Sandra Day O’Connor Jurist Award Committee of the American College of Trial Lawyers (ACTL). The mission of the eight-member committee is to honor judges throughout the country who have performed their duties under very difficult or dangerous circumstances. The committee is composed of experienced trial lawyers from across the nation.

“I am pleased to be part of the selection process in which we will honor a respected jurist who has risen above contentious litigation, adverse publicity or other judicial stress to deliver justice at great cost to the judge, both inside and outside of the courtroom,” expressed Pope. “Being a judge is much more than overseeing trials. Today’s judges virtually put their lives on the line to make just decisions.”

Pope is a fellow of the ACTL which is composed of the best of the trial bar from the United States and Canada. Fellowship in the ACTL is extended by invitation only and only to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. For more information, please visit www.actl.com.

The new ACTL award was named after Justice Sandra Day O’Connor, the first female jurist to serve on the nation’s Supreme Court. “Justice O’Connor retired this year and this is a way to honor her dedication, commitment and the sacrifice she made in order to uphold justice,” explained Pope. “Not only was she the first female Supreme Court justice, but she served for many years as the swing vote and was a tireless advocate for judicial independence, which took courage and fortitude. We are looking for someone with these attributes to honor with this national award.”

As head of McDermott’s product liability practice, Pope has a national practice in product liability matters and business litigation, including the defense of class action lawsuits. He also has extensive experience in handling reinsurance disputes, the interpretation of excess and umbrella liability insurance policies, and in professional liability and alternative dispute resolution. He was the first chairman of the Illinois Equal Justice Foundation, and is a past president of Lawyers for Civil Justice, a national coalition of corporations and trial lawyers interested in improving the civil justice system.

Nominations for the Sandra Day O’Connor Jurist Award are currently being accepted. For more information about nominating a courageous judge, please contact Michael Pope at mpope@mwe.com or (312) 984-7780.



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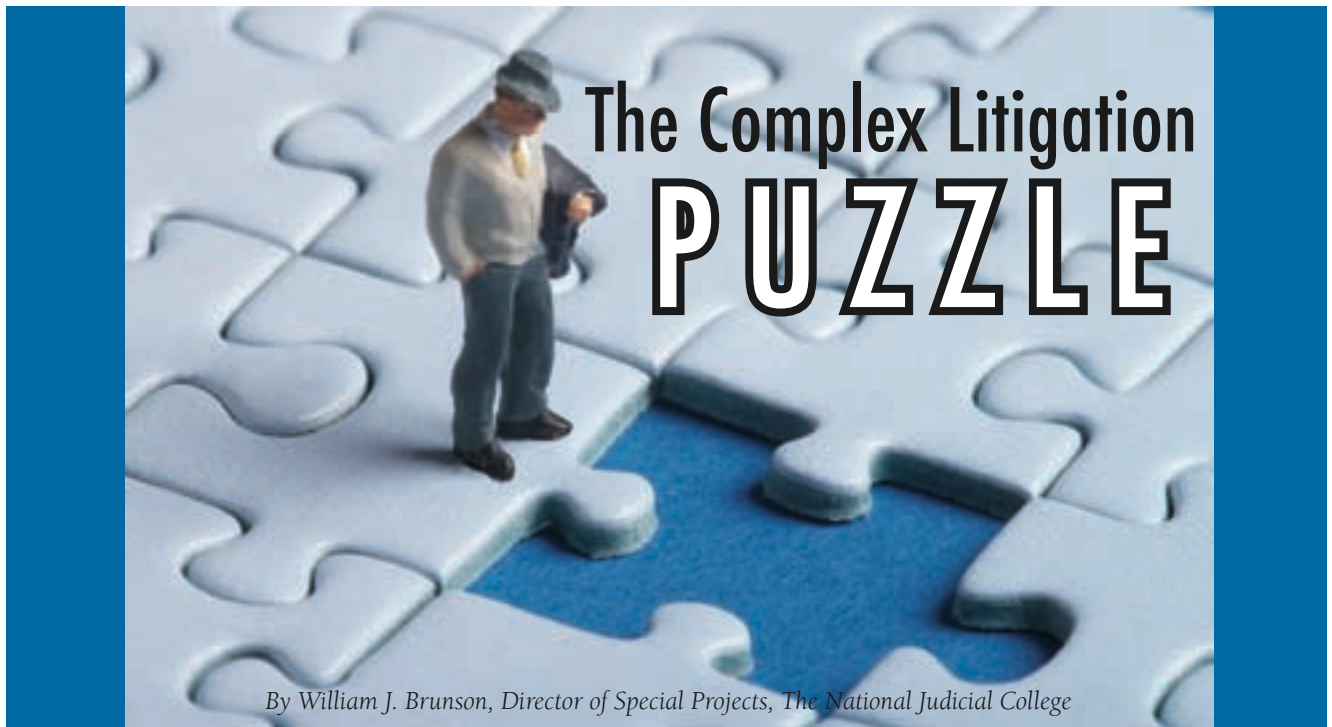
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The Complex Litigation PUZZLE

By William J. Brunson, Director of Special Projects, The National Judicial College

“My initial reaction to getting a complex case, as a full-time civil judge, was very practical. What am I going to do if I’m in one trial for anywhere from one to three months? How is this going to affect my calendar because I inherited a huge individual calendar?” Many trial judges, such as District Judge Alan Earl of Las Vegas, Nevada, who are facing complex civil cases, have similar reactions. It is a stressful, sometimes scary prospect to realize that your professional life could easily be consumed by a crush of cases. Some judges, such as Judge Earl, handle complex cases on a regular basis. Other judges may face a complex civil case like an industrial disaster only once in their careers.

These variable experiences can make putting together a curriculum on managing complex civil cases extremely difficult. Many trial court judges are charged with an obligation to rule on new and difficult questions of law and to manage increasingly complex cases without education or training on the best ways to handle that pressure. Sometimes they feel unprepared for the assignment because they had a criminal assignment prior to being transferred to civil. In some jurisdictions, new judges are assigned these complex cases because the more experienced judges are not willing to take them on.

“Because of the complexity of these cases, they are subject to greater scrutiny by the press, the appellate courts, the legal community, and the bench,” reports Judge Ken Kawaichi, a retired California superior court judge,

who spent much of his judicial career handling asbestos litigation. He also served as a core faculty member for the NJC’s Managing Complex Litigation program. “Judges are under a lot of pressure to handle these cases without making any procedural errors. This can mean the difference between litigants receiving compensation for their injuries during their lifetimes or delaying the remedy until after their deaths. That is a lot of pressure. Along with the potential human impact, no judge wants to retry a three-month trial because of a procedural error.”

How do you go about educating judges about handling complex civil litigation?

That was the challenge faced by The National Judicial College and the National Center for State Courts as they applied for, and received a grant from the Pound Civil Justice Institute and the Civil Justice Reform Group. What does it take to qualify a judge to handle these cases?

The National Judicial College, the National Center for State Courts and the National Association of State Judicial Educators addressed these needs by embarking on a research and curriculum design effort. The National Center conducted a study that

found lawyers and judges identified the following areas of knowledge to be the most important in ensuring a judge has the appropriate skills to handle complex civil cases: (1) substantive law; (2) business organization; (3) scientific method/economics/information and data management (tied for third); (4) where to find model orders;



(5) business accounting; (6) statistics; (7) corporate financing; (8) epidemiology; and (9) business valuation. The survey found that judges believe the following skills are the most important: (1) pretrial management/written communication (tied for first); (2) identification of complex cases; (3) discovery management; (4) listening; (5) leadership; (6) oral communication; (7) trial management; (8) time management; (9) case settlement; (10) techniques for gaining an understanding of technical/scientific information; and (11) media management.

In response, the NJC offered a faculty development workshop and developed a three-hour curriculum to assist judges in all states with these important cases. While no one believes that a three-hour curriculum is enough, in and of itself, to educate judges, it's a start. A shorter curriculum is more likely to be integrated into state judicial education programs. "The curriculum is designed to give judges a method for analyzing whether the cases before them should be considered complex, therefore, requiring special management," said Professor Michael Green of Wake Forest University School of Law, a core faculty member in the NJC's program on managing complex civil cases and an expert on class actions.

Complex civil cases often present problems because of scarce resources. Some mass actions, such as airplane crashes, may involve 250 separate cases against an airline; others may involve multiple defendants as well as a host of plaintiffs (e.g., mass tort litigation such as asbestos, DES, the Dalkon Shield, Ureaformaldehyde, Bendectin, Fen-Phen, and Baycol cases). Courts often do not have the physical resources they need (e.g., courtrooms large enough to accommodate the attorneys or the parties, electronic management tools, computer infrastructure, etc.), so judges must be creative. In Las Vegas, Judge Earl now has the benefit of a renovated space to manage complex litigation, primarily construction defect cases.


To be effective, judges must develop an organizational structure to handle the cases, and a judge-attorney team approach to resolving the cases. If a trial is scheduled,

they must manage the juries, the parties, the counsel, and sometimes the media as well. The discovery process for these cases can be overwhelming because the materials sought can include millions of pages, some of which have been created and stored in electronic and/or digital form raising issues of first impression regarding the scope, form, and cost of discovery, production, and review. In at least some instances, it is necessary for state judges to coordinate their cases with cases pending in federal district and bankruptcy courts.

The pressure to handle the cases correctly the first time out is tremendous because of the tremendous court resources that these cases consume.

The pressure to handle the cases correctly the first time is tremendous because of the tremendous court resources that these cases consume. No one wants to retry a case that can last three months and longer. "The best appellate lawyers in the state were taking notes on everything I said. It put me on edge in both a good and a bad way. The good part was that it kept me focused during a very long trial. The bad part was that it was a physi-

cal and mental endurance test." Judge Earl's experience is common among judges who are trying cases that often involve novel legal issues that have not been decided in any other jurisdiction. Judge Earl stated, "I always felt that these were test cases. And, I had to make up the law as I went along. Fortunately, my supreme court was supportive of the decisions that I was making."

In his experience, Judge Kawaichi has found that "these cases often involve complicated new interdisciplinary issues, whether economic, technological, or scientific. He cautioned, however, that a "judge cannot underestimate the human factor involved in managing complex civil cases. I think that there is a presumption that technology can solve all of the problems in a complex case. While those technological developments can help, it still boils down to managing the people as well as the vast amount of discovery, parties, lawyers and documents." 

For more information about the three-hour curriculum or The National Judicial College's Managing Complex Litigation program, please contact Director of Special Projects William Brunson at brunson@judges.org or at (800) 255-8343.

DONATE YOUR UNEXPENDED CAMPAIGN FUNDS TO THE NJC

Do you have funds left over from your recent campaign? If so, consider making a donation to The National Judicial College to help judges attend courses and programs offered by the NJC. Donations may be designated toward scholarships, the support of operations, program sponsorship or an NJC endowment. Campaign organizations have recognized that donating unused funds to educational institutions such as the NJC is a powerful way to show support of judicial education. For more information or to donate, please contact Development Director Gretchen Alt at (800) 25-JUDGE or alt@judges.org.

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The National Tribal Judicial Center (NTJC) at The National Judicial College (NJC) welcomed a new tribal program attorney in August of 2006. Christine Folsom-Smith, Esq., comes to the College with a wealth of experience as well as plenty of energy and enthusiasm.

"I think the NTJC is fantastic," she expressed. "The NTJC and NJC have a superb reputation and are well respected nationwide. I see this job as a great opportunity to use my education to serve native tribes."

A citizen of the Choctaw Nation, and a descendant of the Chickasaw and Rosebud Sioux tribes, Folsom-Smith takes pride in her American Indian heritage. After accepting the position at the College in August, she moved to Reno from Coweta, Okla., with her husband, John, and two children – her daughter, Sydney, 10, and her son, Folsom, 7. She lived in Coweta for 12 years and worked in private practice. She also served as legal counsel for the Cherokee Nation Election Commission, as a partner in Legal Advocates for Indian Country, L.L.P., and as a research analyst for Oden Insurance Services.

"This position has been interesting and challenging so far," said Folsom-Smith. "It is satisfying to use my legal education to design courses for tribal judges. It is an interesting spin on what you can do with a law degree."

She has big plans for the NJC's tribal program, which has evolved greatly since its inception in June of 2002. "One of my goals is to expand the program," said Folsom-Smith. "I would like to see tribal judges come here who haven't been here before. I am hoping some of the courses will become more focused and specialized, and I'd also like to create more advanced courses for tribal judges."

Folsom-Smith earned her bachelor's degree *cum laude* in English from Northeastern State University and her Juris Doctor degree from the University of Tulsa College of Law, where she is currently an LL.M. candidate. She served as president and treasurer of the Native American Law Students Association and participated in the 1996 National Indian Law Moot Court Competition. She was president of Sigma Tau Delta English Honor Society as well as president



A Fresh Perspective

and vice president of Indian University Scholars.

"Tribal courts are not the same as Western courts," explained Folsom-Smith. "Often, the point of reference is different and the process used isn't simply focused on retribution and punishment. These are forums where the aim is to bring the whole community back into balance and harmony using tribal customs and traditions."


The NTJC was formed at the College to provide tribal judges with the unique skills and knowledge they need to enhance their tribes' strengths as well as tribal sovereignty. The NTJC is among the first institutions to address the needs of American Indian and Alaska Native tribal law judiciaries. Its main objective is to improve justice through national programs of education and training directed toward judicial proficiency, competency and understanding. The Center is funded through a grant from the Bureau of Justice Assistance.

A major asset to the tribal program, said Folsom-Smith, is Course Administrator Dianne Williams, who began working with the NTJC in January of 2006. "Dianne has been the biggest help," Folsom-Smith

expressed. "I could not do this without her. She really helps things run smoothly."

Williams said she is equally glad to be working with Folsom-Smith. "It has been a pleasure working with Christine for the short period of time she has been here," said Williams. "She brings a fresh perspective to the tribal program at the NJC and displays a genuine interest in judicial education for all aspects of tribal courts."

Folsom-Smith and Williams said they are thrilled to be developing several new tribal courses including Competence, Confidence and Control: Enhancing Public Trust in Tribal Courts, which will debut in Reno on March 26-29, 2007.

"I couldn't be happier to be part of the NTJC," said Folsom-Smith. "It is a wonderful program that has evolved to meet the unique needs of tribal court judges. It gives tribal judges the tools to tackle day to day problems in their courtrooms." 

For more information on the National Tribal Judicial Center, contact Christine Folsom-Smith at (800) 25-JUDGE or cfsmith@judges.org

NAALJ 2006 CONFERENCE WRAP-UP

Seattle

The National Judicial College (NJC) sponsored and participated in the National Association of Administrative Law Judges (NAALJ) conference held in Seattle, Wash., Sept. 6-8, 2006. The conference was well attended with administrative law judges, attorneys, and government officials from the United States and Canada. NAALJ is the nation's largest professional organization devoted exclusively to educating and improving administrative adjudication. Its membership includes judges and staff from all levels of government - federal, state and local, both national and international.

At the conference, the NJC, under a National Highway Traffic Safety Administration (NHTSA) grant, presented eight separate education sessions focusing on the topic of DUI for Judges: Impaired Driving Case Fundamentals. The eight sessions, each lasting 50 minutes, covered such topics as pharmacology and sobriety testing; the stop, search and seizure law; the admissibility of relevant evidence; a law enforcement demonstration; and current defense challenges to field sobriety tests. The

NJC's sessions were limited to 30 persons per session and the rooms were often filled to capacity.

For these sessions, the NJC brought together a distinguished national faculty as well as local experts. Presenting for the NJC were the Honorable G. Michael Witte, the Honorable Earl Penrod, Ann Marie Gordon, and Trooper Ken Denton. Judge Witte was a Judicial Fellow for NHTSA and chaired the ABA Conference of Specialized Court Judges. He has taught for the NJC since 1994. Judge Penrod, MJS, is chair of the Indiana Judicial Education Committee and the author of several relevant legal publications. He has taught for the NJC since 2003. Gordon is an internationally trained forensic toxicologist, who currently heads the Washington State Toxicology Lab. Trooper Denton instructs other Washington state troopers in sobriety field tests. Melody Luetkehans, an NJC program attorney, and Distance Learning and Technology Manager Joseph Sawyer facilitated the sessions.



Villains Campaign Captures the 2006 Spotlight

The National Judicial College's 2006 Villains of the Courtroom campaign received attention from judges coast to coast who said they appreciated the NJC's light-hearted approach to serious issues.

"We were pleased with the great response," said Trace Robbers, NJC's director of communications. "We received emails and phone calls from judges who loved the creativity."

The campaign helped spread awareness of the NJC's important mission of providing leadership in achieving justice through quality judicial education and collegial dialogue.

The integrated marketing strategy used in the campaign centered on a "villains" theme and was designed and written to evoke a sense of urgency. The campaign played off a sense of nostalgia with a comic book feel while at the same time promoting a "line of defense" against the villains through NJC courses and programs.

The villains of course, are metaphors for those activities that have a real bearing on day-to-day judicial activities such as time management and work overload. To learn more about NJC courses and programs, visit our website at www.judges.org.

STRE-E-ETCH YOUR GIFT

Have you considered making your gift in installments?

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

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

Simply complete the envelope found in the centerfold of this magazine or contact Development Director Gretchen Alt at (800) 25-JUDGE or alt@judges.org.



UNR's University Inn Closing on Jan. 1, 2007

The University of Nevada, Reno's, University Inn will be closing on Jan. 1, 2007, to be transformed into much-needed dorm space. The Inn has been a popular place to stay for judges taking courses at The National Judicial College (NJC). Special rates for the NJC's participants will still be available at area hotels. For more information on the University Inn's closure, please contact the NJC's Travel Coordinator Charity Clarke at (800) 25-JUDGE or clarke@judges.org. For special rates, please contact the hotels directly and mention the discount codes noted below. For a complete listing of Reno-area hotels please visit the Reno/Sparks/Lake Tahoe Convention and Visitors Bureau website at www.visitrenotahoe.com.

Eldorado Hotel & Casino (complimentary airport shuttle)
Fourth and Virginia Streets
Reno, NV 89501
Discount Code: Execuline Account #27397
Reservations: (888) 889-9338 or (775) 348-9294
Fax: (775) 785-9042
Contact: Kelly Hedges, Execuline Manager
www.eldoradoreno.com/hotel/

Harrah's Reno (complimentary airport shuttle)
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Reservations: (800) 423-1121 ext. 3043
Contact: Jo Ann Chadwick, Sales Manager
Fax: (775) 788-3703
www.harrahs.com/our_casinos/ren/index.html

Siena Hotel Spa Casino
One South Lake Street
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Discount Code: NJC
Reservations: (877) 743-6233 or (775) 321-5877
Contact: Jim Gerhard, Director of Sales
Fax: (775) 321-5870
www.sienareno.com

Silver Legacy (complimentary airport shuttle)
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Discount Code: Sterling Class NJC01
Reservations: (800) 687-8733 or (775) 329-4777
Fax: (775) 325-7077
www.silverlegacy.com

KNOWLEDGE & EXPERIENCE



The NJC's Certificate Program and Tribal Courses Help Judge Deliver Justice


Tribal Judge Carl Pepion, of Browning, Mont., has taken many legal and judicial courses presented by various state organizations, but it wasn't until he attended The National Judicial College's National Conference for Tribal Court Grantees in 2003 that he learned the benefits of a superior training program.

"The requirements The National Judicial College has in its training and the knowledge the instructors have, set it apart from other training I have attended," expressed Judge Pepion, a graduate of the Professional Certificate in Judicial Development, Court Management program. "I have close to 2,000 training hours in various programs and I have had good and bad instructors. I have found the instructors at the NJC to be by far the most knowledgeable."

Judge Pepion took the bench on the Blackfeet Tribal Court in 2002 after serving for 22 years as a police officer, police chief, prosecutor and public defender. He has taken six courses at the NJC's National Tribal Judicial Center (NTJC), serving twice as a discussion leader. The National Tribal Judicial Center at The National Judicial College is among the first institutions to address the needs of Native American and Alaska Native tribal law judiciaries through innovative curricula, specially designed to enhance the professional skills of tribal judges.

"At the NJC and NTJC, you get to meet judges from all over and exchange views with them," explained Judge Pepion. "There is nowhere else you can do that. The NJC offers the best programs I have been to. If I am going to spend money on a judicial training program, it is going to be so I can come here."

Judge Pepion entered the certificate program in November of 2005 and graduated in July of 2006. The NJC's Professional Certificate in Judicial Development program is designed for judges who want to concentrate their studies in a focused academic area. The certification is a hallmark of study that complements existing degrees.

"Every time I come here, I learn something new," said Judge Pepion. 

See page 31 for complete list of Professional Certificate in Judicial Development graduates.

UPDATE

Back on TRAC

Treatment, Responsibility & Accountability on Campus

By Randy Monchick, Ph.D., J.D.

The last issue of *Case In Point* introduced the Back on TRAC: Treatment, Responsibility & Accountability on Campus nationwide program, a unique “clinical justice” initiative that adapts the drug court model to the college campus. The summer of 2006 formally marked the kick-off of this national initiative. Back on TRAC holds substance abusing students to a high level of accountability while providing individualized treatment and compliance monitoring.

The Back on TRAC model sets the stage for higher education and the judicial system to link hands in:

- (1) Addressing the overlapping impacts of substance abuse on campus and community life.
- (2) Developing a coordinated and collaborative systems-based intervention that promotes student development and campus/community civility.

Piloted at Colorado State University since 2002, preliminary data has



shown the model to be an overwhelming success in:


- (1) Its positive effect on once-troubled students.
- (2) Its cost effectiveness.
- (3) Its impact on the rebirth of a collective professional enthusiasm.

In mid-June, universities nationwide were solicited as national Back on TRAC demonstration sites. The program received a large response from prominent mid and large-sized universities that completed the two-stage application process. In late September, the Back on TRAC national committee convened at the University of Utah for the arduous task of choos-

ing the five schools. Selected were the University of Georgia, the University of Massachusetts Lowell, Northwestern University, North Dakota State University and Oklahoma State University.

A Back on TRAC technical assistance team will visit each campus during the late fall to provide some initial onsite techni-

cal assistance and assign homework to the selected universities. Multi-disciplinary planning teams from the selected universities will subsequently attend a special Back on TRAC training event at Colorado State University Feb. 1-4, 2007. Each team will be expected to formally implement a pilot program at its respective institution during the 2007 fall semester.

Headquartered at The National Judicial College, Back on TRAC is a partnership between the NJC, the National Association of Drug Court Professionals and Colorado State University. For additional information, please contact Randy Monchick, Ph.D., J.D., at monchick@judges.org. 



GET THE EDGE

Sign up for the Judicial Edge, a monthly e-mail from the NJC with information on courses, workshops, scholarships and events.

Sign up at <http://judicialedge.judges.org/form-optIn.php>.

Pacific Islands Program

By William J. Brunson
NJC Special Projects Manager

Judging in a small island country brings many challenges. Not only do you have to rule on important cases, but you have to respect the culture of the environment that you're in. Judge Mamea Sala is an associate justice on the island of American Samoa. In that capacity, he rules on cases involving rapes, murders and large personal injury cases, all without the benefit of a law degree. He enrolled in the NJC's Pacific Islands Legal Institute program to give him an increased understanding of legal issues.

"The program is designed to give the students an opportunity to learn to think like lawyers in a curriculum much like you would find in a traditional law school," stated Judge Daniel Patrick Ryan, who serves as one of the faculty members. "The difference is that the students must be much more disciplined because they have to do their reading assignments and case briefings on their own in a distance education-type format. Each year, the students tackle two of the subjects in a week-long, intensive, in-person program."

This past August, eight students attended the Pacific Legal Institute, Part II, and studied torts and contracts.

"I was extremely impressed with the level of knowledge of the students," reported Judge Adam Fisher, a South Carolina judge, who serves as faculty in the program. "It's not very often that a student can score a 100 percent on a multi-state bar exam-like test as one of these students did," Judge Ryan added. "I've educated law school students for years, and these judges are easily as gifted as those students."


The education is funded by the Department of Interior and is organized through the Pacific Judicial Conference and the Ninth Circuit Court of Appeals. The Pacific Islands Legal Institute is designed to address the needs of judges from American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, and the Republic of Palau.

American Samoa is an unincorporated territory of the United States located in the South Pacific Ocean southeast of the sovereign state of Samoa according to Wikipedia. Infoplease reports that it consists of five volcanic islands and two coral atolls 2,600 miles south of Hawaii in the South Pacific. It has been a territory of the United States since April 17, 1900.

The Federated States of Micronesia (FSM) consists of the island states of Chuuk, Pohnpei, Kosrae and Yap. According to Daniel Ryan's *Essential Principles of Contract and Sales Law in the Northern Pacific*, the United States

provides economic assistance and defense of the islands, which are under a Compact of Free Association with the United States. The contract was agreed upon in November of 1986 and was renewed in December of 2003.

The Republic of the Marshall Islands (RMI) consists of two archipelagic island chains of 29 atolls and 1,225 islands according to Judge Ryan's treatise. The Marshall Islands officially became an independent nation in October of 1986; nevertheless, RMI entered into a Compact of Free Association with the United States on October 21, 1986, which was extended for an additional 20 years in January of 2004.

The Republic of Palau is a group of islands in the Northern Pacific Ocean, located southeast of the Philippines, according to Judge Ryan's treatise. The Republic adopted its constitution in 1979, and became the Republic of Palau on January 1, 1981. Palau also entered into a Compact of Free Association with the United States in October of 1994, which is due to expire in 2009. According to its official website, like the U.S., Palau has three branches of government. Interestingly, the executive branch has a Council of Chiefs, comprised of the highest traditional chiefs from each state, which acts in an advisory capacity to the president on traditional laws and customs. Each of Palau's 16 states elects its own governor and legislature. 



William Brunson, NJC special projects manager,
with members of the Pacific Islands International Program.

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“WHAT IS THE FUTURE OF THE JUDICIARY?”



Felix F. Stumpf is presented with the Jackson Lecture award by Chief Academic Officer Phyllis Whittiker.

The National Judicial College's 116th Jackson Lecture was presented by Felix F. Stumpf, Esq., the NJC publications consultant, on Oct. 26, 2006, in the College's Tom C. Clark Auditorium. A staff member at the NJC since 1973 and a member of the faculty since 1974, Stumpf's speech was entitled, "What is the Future of the Judiciary?" Stumpf spoke briefly on the history of the courts, tracing trends through the modern day and then focused on future judicial challenges.

"The kind of legal work that was historically and normally litigated in the state judicial system has been changing dramatically," explained Stumpf.

The NJC's 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. The NJC presents these events at the end of each two-week General Jurisdiction course for the course participants as well as community residents. Stumpf's presentation drew more than 100 people.

"All in all, we can look ahead into a future that may not necessarily resemble the historic American common law model," Stumpf expressed. "It has been a long trip from 1787 with its ups and downs. The question is whether the changes will be for the betterment of our society and whether we can manage the changes smoothly and constructively."

Stumpf served as dean of the Nevada School of Law in Reno from February of 1985 to August of 1988, where he taught conflict of laws, civil procedure, and federal courts. Prior to that position, he served as director of The National Judicial College's Academic Department from 1973 to 1984, and then as an academic liaison officer from November of 1990 to October of 1991. He was in private practice from 1946 to 1953 in San Francisco, Calif., before becoming administrator of the California Continuing Education of the Bar, a position he held until 1970. From 1971 to 1973, Stumpf was a staff attorney for the United States District Court for the Northern District of California. He has authored articles, as well as co-authored an American Law Institute Model Plan for Continuing Legal Education. He is the author of the NJC's publications *Inherent Powers of the Court* (1994) and *Bench Trial Skills and Demeanor*. He was named by the Nevada Qualifications Commission as one of three persons for appointment to the Nevada Supreme Court in 1983.

COMMUNICATIONS STAFF WINS THREE SILVER SPIKE AWARDS

The National Judicial College's Communications Office staff was honored with three awards from the Public Relations Society of America, Sierra Nevada Chapter. Three Silver Spike Awards of Excellence were presented to the department for its 2006 *Villains of the Courtroom* campaign, its monthly *Judicial Edge* email marketing and a *Case In Point* magazine article. From left, are Scholarship Officer Nancy Copfer, Communications Specialist Heather Singer, Graphic Designer Christina Nelleman and Director of Communications Trace Robbers. The awards were presented at a dinner Nov. 16, 2006, at the Resort at Redhawk in Reno.



Constitution Day LECTURE

The Honorable Thelton Henderson, a U.S. district court judge and a justice department lawyer during the civil rights movement of the 1960s, shared his many experiences during a free public lecture, held Sept. 20, 2006, at the NJC. The event culminated the University of Nevada, Reno's celebration of Constitution Day.

Judge Henderson, a 1980 appointee of Jimmy Carter, served as assistant dean of Stanford University Law School and as a consultant to the U.S. Commission on Civil Rights, Office of Economic Opportunity, Carnegie Corporation, and Ford Foundation. He has also run his own law firm, specializing in civil liberties and constitutional law. He received his undergraduate and law degrees from the University of California, Berkeley.

In 1962, Judge Henderson became the U.S. Justice Department's first black American lawyer in the Civil Rights Division. He was sent to the southern states to monitor law enforcement agencies for civil rights abuses. He later served as director of a legal aid center in East Palo Alto, Calif. In 1969, he became assistant dean at Stanford University Law School, where he established the minority recruiting program. Over the years, Judge Henderson has received numerous awards for his work in the civil rights arena and in the legal and judicial fields.

The lecture was hosted by The National Judicial College and sponsored by the UNR Office of the President, Governmental Relations, the Special Assistant to the President for Diversity, the Intercultural Council, the Office of the Provost, the Core Curriculum Committee, the Honors Program, Extended Studies, the Grant Sawyer Center for Justice Studies, the Disability Resource Center, the Associated Students of the University of Nevada, Flipside Productions, the Jot Travis Student Union, the Center for Student Cultural Diversity and the Northern Nevada Chapter of the Sons of the Revolution.



Brave New World

Nevada Chief Justice Robert E. Rose Delivers NJC's 115th Jackson Lecture

The National Judicial College's July 19, 2006, Jackson Lecture was presented by Chief Justice Robert E. Rose, of the Nevada Supreme Court. Nearly 75 judges, NJC staff and faculty listened as Chief Justice Rose spoke about the uphill battle faced by today's judges.


"All in all, the role of the judiciary has expanded enormously, but our financial and public support has not kept up with the expansion," said Chief Justice Rose. "We are challenged year after year to get from our state legislatures enough money to fund our ever-expanding court system."

Chief Justice Rose's third six-year term on the Nevada Supreme Court will expire at the end of 2006. Serving three times as chief justice, he has built a reputation in the legal community and on the court as a reformer. He promoted the creation of the court's blue ribbon Judicial Assessment Commission to conduct a broad study of the judicial system and recommend improvements, and the Nevada Jury Improvement Commission. Chief Justice Rose also pushed the Supreme Court to adopt rules that require all courts to keep reliable uniform statistics to help better manage their pending caseloads and be accountable to the public.

"To have a chance to survive in this Brave New World for the judiciary, we have to be proactive in adopting new procedures and also publicly advocate our cause," Chief Justice Rose told the audience. "For our justice system to succeed, it must have public trust and understanding."

"Volumes have been written about the necessity of an independent judiciary and I agree with every page, every word," expressed Chief Justice Rose. "But, what I think we need to do first is tell everyone why what we do is so important to the average person and to society as a whole."

Chief Justice Rose's job as a Nevada Supreme Court law clerk in 1964 inspired him to pursue a judicial career that eventually led him back to the high court in 1989. After the high court clerkship, the New York University School of Law graduate practiced law in Reno before he was elected Washoe County district attorney in 1970. Four years later he was elected Nevada lieutenant governor. In 1979, he returned to the fulltime practice of law, although this time in Las Vegas. In 1986, he was appointed to the Eighth Judicial District Court bench. He spent two years there before a vacancy occurred at the Supreme Court and provided him with the opportunity to fulfill a dream that began nearly a quarter century before. He won the election and was reelected in 1994 and in 2000.

The National Judicial College's Jackson Lectures are held in honor of Justice Robert H. Jackson, a 1940s Supreme Court Justice best remembered for his role as chief prosecutor in the Nuremberg War Trials. The NJC presents these lectures three times a year at the end of each two-week General Jurisdiction course for the course participants as well as community residents and the NJC's faculty and staff. 

GOING THE DISTANCE

Q & A WITH THE NJC'S DISTANCE LEARNING AND TECHNOLOGY PROGRAM MANAGER JOSEPH SAWYER

Joseph Sawyer has been a member of The National Judicial College's staff since 1986 and joined its faculty in 2000. He has been the distance learning and technology program manager since 1998 and provides instruction to the College faculty on the use of teaching and classroom technologies. He has developed distance learning programs for judges on such topics as Handling Small Claim Cases Effectively; Select Criminal Evidence Issues; Judicial Education on Substance Abuse: Promoting and Expanding Awareness and Leadership; International Kidnapping and the Hague Convention; Evidence Challenges for Administrative Law Judges; Ethics, Bias, and Judging: Reaching Higher Ground; and Ethics, Bias and the Administrative Law Judge.

When did the distance learning program start at The National Judicial College?

Our first Distance Learning Faculty Development Workshop was in December of 2001. In the fall of 2001, we offered our first distance learning course, which was Handling Small Claims Cases Effectively.

How many distance learning classes were held in 2006 and what was the total number of participants?

We held a total of 10 stand-alone classes. That means they are presented entirely online. In 2006, 128 judges participated in our stand-alone distance learning courses. We also offered a variety of pre- and post-course distance learning components. What that means is that some live, onsite NJC courses have distance learning components where judges are given online assignments to complete before and after attending the courses.

How has the NJC's distance learning program evolved?

I think it has evolved very consistent with current nationwide trends. I think more states are offering distance learning. They use it for the same reason we do – to cut the cost to students. That doesn't mean distance learning will take the place of in-class courses. But for those agencies with limited budgets, distance learning is a viable alternative.



Where do you see the NJC's distance learning program going in the near future?

I think we are going to have more distance learning courses – both stand-alone and ones with pre- and post-course components. (NJC) President (William) Dressel said he would eventually like to see a distance learning component developed and attached to each of our onsite courses.

What do judges like the most about the NJC's distance learning program?

Let me quote Judge Les Meade from Indiana when he said the distance learning course he took was “the best continuing legal education course he had taken.” I asked him why and he said, “Because you made me do something.”

What are the challenges in distance learning education?

I think getting the learners comfortable with the technology so they can focus on the content of the course. Getting over that technological hurdle is the most challenging.

For more information on the Distance Learning program contact Joseph Sawyer at (800) 25-JUDGE or sawyer@judges.org or visit our website at www.judges.org.

FACULTY FOCUS



NJC Faculty Resources

On January 15, 2006, NJC Chief Academic Officer Phyllis Whittiker sent each faculty member three newly developed tools designed to prepare faculty for their teaching roles at the NJC: (1) the *2005 Faculty Handbook & Instructional Manual*, (2) the *Style & Proofing Guide*, and (3) the NJC's PowerPoint templates.

Originally printed in 1991, the *Faculty Handbook & Instructional Manual* contains a brief overview and history of the NJC, and explains the key role faculty play in the NJC's programs. The manual has 20 sections, and includes information about travel and lodging, reimbursement, learning objectives and methods, and course materials. The appendices to the manual



Chief Academic Officer
Phyllis Whittiker

contain sample course materials and other information presented in the NJC's faculty development courses.

The *Style & Proofing Guide* is one laminated page with three Citation Guides and a Materials Guide. The Citation Guides are based on the Harvard Bluebook, and state the proper citation form for legal documents included in course materials (e.g., law review articles, cases, government publications, Internet documents). The Materials Guide lists the preferable fonts for "Word Course Materials," "PowerPoint Course Materials," and "Handouts."

Faculty members received the third tool – the PowerPoint templates, by email. These are four NJC design templates with four background colors (white, green, blue and tan), the NJC logo, and set font types and sizes consistent with the Materials Guide. Two guidelines for preparing presentations, titled "Fifteen PowerPoint Tips" and "A Brief 'How to' Guide for PowerPoint XP," were also attached to the email message. These materials will assist faculty in preparing PowerPoint presentations.

The NJC appreciates the services provided by the faculty, and welcomes any comments about these resources. As stated by Whittiker, the "faculty is the heart of the NJC's programs."

NJC Course

SpOtlight

ADVANCED EVIDENCE

The judiciary is bombarded consistently and continuously with evidence questions. Judges must decide whether evidence should be admitted and why. Evidentiary issues pervade the legal profession, leaving legal practitioners and judges grappling with the fine points of the *Evidentiary Rules*. The National Judicial College (NJC) offers Advanced Evidence to judges all over the country to help judges manage difficult evidentiary decisions.

Consistently rated one of the top courses at the NJC, Advanced Evidence is a must for judges who want to improve their evidentiary rulings. The expert faculty lead participants through the quagmire of the *Federal Rules of Evidence* and compare and contrast the common law rules. After attending this course, participants are able to rule on evidentiary issues with greater accuracy and confidence; ensure that the baseline relevancy issues are met and their probative value outweighs unfair prejudice; analyze quickly whether character evidence is admissible, particularly with regard to prior bad acts; describe when habit and custom evidence may be admitted; rule on impeachment objections after analyzing bias, capacity and prior inconsistent statement rules; outline an analytical scheme for ruling on hearsay objections and the exceptions; recognize the judicial role of gatekeeper; and confidently rule on issues relating to lay opinion and expert opinion testimony.

In 2007, the NJC will offer Advanced Evidence twice. It will be offered May 27-31 in Philadelphia, Pa., and Oct. 1-4 at the NJC in Reno, Nevada. The offering in Philadelphia is especially exciting because the Court of Common Pleas in Philadelphia will host a reception at the National Constitution Center and a dinner at the Pennsylvania Academy of the Fine Arts. The National Constitution Center takes visitors through important events in United States history and utilizes interactive exhibits to show the Constitution's relevance. Visitors can take a Supreme Court justice's seat and cast a vote for the top United States president to ever hold office. The Pennsylvania Academy of the Fine Arts features exhibits from the world's artists, including emerging artists. The Academy will display its annual student exposition during May.

Philadelphia is a city rich in cultural landmarks, all within walking distance from most of the major hotels. From its yearly Flower Show to the Philadelphia Auto Show that attracts thousands of visitors over the three-day period, the Pennsylvania Convention Center has something for everyone. Touring the city, visitors can experience Historic Philadelphia, Boat Row and Penn's Landing – just a few of the area's major attractions. Philadelphia is a vibrant center for arts and culture. The city's diverse cultural landscape and tremendous infrastructure of cultural and historical assets make it a destination for many visitors. Whether one is looking for a play, museum exhibition, or historical tour, the city has a number of cultural amenities to offer. From the theaters on the Avenue of the Arts to the art galleries in Old City, there is something for everyone.

Please call (800) 25-JUDGE for more information or to register for the course, or visit www.judges.org.

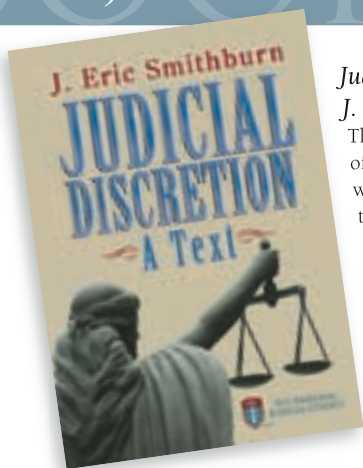
2007 COURSES

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

28

	Dates	Location	JSP/Certificate	Tuition/Early Discount/Conf. Fee
JANUARY				
Planning and Presenting Effective Presentations: A Faculty Development Workshop	January 22-25	Reno, NV		Call for eligibility
Selected Criminal Evidence Issues: A Web-Based Course	January 29-March 15	Web	G, S, T	\$550 / No Early Discount / No Conf. Fee
FEBRUARY				
First Amendment and Media Issues for Judges	February 5-7	Reno, NV	G, S, T	\$675 / \$600 by 11/7/06 / +\$175
Essential Skills for Tribal Court Judges	February 12-15	Reno, NV	T	\$945 / \$845 by 11/14/06 / +\$235
Evidence in a Courtroom Setting	February 18-22	Orlando, FL	D, G, S, T	\$1,195 / \$1,095 by 11/20/06 / +\$230
MARCH				
Distance Learning: A Workshop for Judicial Educators	March 5-9	Reno, NV		Call for eligibility
Commercial Driver's Licensing Laws: A Faculty Development Workshop	March 12-15	Reno, NV		Call for eligibility
Evidence Challenges for Administrative Law Judges: A Web-Based Course	March 12-April 27	Web	A	\$550 / No Early Discount / No Conf. Fee
Today's Justice: The Historic Bases (JS 642)	March 18-22	Washington, D.C.	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 12/25/06 / +\$230
Mediation for Administrative Law Judges	March 18-23	Charleston, SC	A, D	\$895 / No Early Discount / +\$235
General Jurisdiction (JS 610)	March 18-29	Reno, NV	JSP, C, D, G, S, T	\$1,495 / \$1,395 by 12/18/06 / +\$455
Electronic Discovery: What Every Judge Needs to Know	March 21	Wilmington, DE		\$125 / No Early Discount
Essential Court Teamwork in Dealing with the Media	March 26-28	Reno, NV	G, S, T	\$675 / \$600 by 12/26/06 / +\$175
Competence, Confidence and Control: Enhancing Public Trust in Tribal Courts	March 26-29	Reno, NV	T	\$945 / \$845 by 1/23/07 / +\$235
The Fourth Amendment: Contemporary Issues for Appellate Judges	March 29-30	Oxford, MS		Call for eligibility
APRIL				
Judicial Writing (JS 615)	April 15-19	Jeckyll Island, GA	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 1/15/07 / +\$230
Handling Small Claims Cases Effectively: A Web-Based Course	April 16-June 1	Web	D, G, S, T	\$550 / No Early Discount / No Conf. Fee
Administrative Law: Fair Hearing	April 23-May 3	Reno, NV	A, D, T	\$1,495 / \$1,395 by 1/23/07 / +\$455
Logic and Opinion Writing	April 30-May 3	Reno, NV	A, D, G, S, T	\$945 / \$845 by 1/30/07 / +\$235
Practical Approaches to Substance Abuse Issues (JS 628)	April 30-May 3	Reno, NV	JSP, G, S, T	\$945 / \$845 by 1/30/07 / +\$235
MAY				
Administrative Law: High Volume	May 14-17	Reno, NV	A	\$945 / \$845 by 2/13/07 / +\$235
Special Court Jurisdiction	May 14-24	Reno, NV	C, D, S, T	\$1,495 / \$1,395 by 2/13/07 / +\$455
Special Court Jurisdiction: Advanced (JS 612)	May 14-24	Reno, NV	JSP, C, D, S, T	\$1,495 / \$1,395 by 2/13/07 / +\$455
Court Management for Tribal Court Judges and Personnel	May 14-18	Reno, NV	T	\$945 / \$845 by 2/13/07 / +\$235
The Fourth Amendment: Comprehensive Search and Seizure Training for Trial Judges	May 21-24	Reno, NV	G, S	Call for eligibility
Advanced Evidence (JS 617)	May 27-31	Philadelphia, PA	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 2/26/07 / +\$230
JUNE				
Conducting the Trial (JS 632)	June 3-7	Sun Valley, ID	JSP, D, G, S, T	\$1,195 / \$1,095 by 3/5/07 / +\$230
Traffic Issues in the 21st Century	June 4-7	Reno, NV	A, G, S, T	\$945 / \$845 by 3/6/07 / +\$235
Civil Mediation	June 11-15	Reno, NV	A, C, D, G, S, T	\$1,095 / No Early Discount / +\$275
Ethics, Bias and Judging: Reaching Higher Ground: A Web-Based Course	June 18-Aug. 3	Web	A, D, G, S, T	\$550 / No Early Discount / No Conf. Fee
Administrative Law: Advanced	June 25-28	Reno, NV	A, D	\$945 / \$845 by 3/27/07 / +\$235
Managing Cases Involving Persons with Mental Disabilities	June 25-28	Reno, NV	G, S, T	\$945 / \$845 by 3/27/07 / +\$235
Management Skills for Presiding Judges	June 25-29	Reno, NV	G, S	\$945 / \$845 by 3/27/07 / +\$235
JULY				
Basic Legal Affairs Reporting for Journalists	July 9-10	Reno, NV		Call for eligibility
Creating an Active Learning Environment: A Faculty Development Workshop	July 9-12	Reno, NV		Call for eligibility
General Jurisdiction (JS 610)	July 15-26	Reno, NV	JSP, C, D, G, S, T	\$1,495 / \$1,395 by 4/15/07 / +\$455
Scientific Evidence and Expert Testimony (JS 622)	July 16-19	Reno, NV	JSP, A, D, G, S, T	\$945 / \$845 by 4/16/07 / +\$235
Decision Making (JS 618)	July 23-26	Reno, NV	JSP, A, C, D, G, S, T	\$945 / \$845 by 4/23/07 / +\$235
Judicial Writing (JS 615)	July 23-26	Reno, NV	JSP, A, D, G, S, T	\$945 / \$845 by 4/23/07 / +\$235
AUGUST				
Dispute Resolution Techniques for Tribal Justice Systems	August 6-9	Reno, NV	D, T	\$945 / \$845 by 5/7/07 / +\$235
Logic and Opinion Writing	August 6-9	Reno, NV	A, D, G, S, T	\$945 / \$845 by 5/7/07 / +\$235
Traffic Adjudication for Administrative Law Judges: A Web-Based Course	August 6-Sept. 21	Web	A	\$550 / No Early Discount / No Conf. Fee
Administrative Law: Utility Regulatory Adjudication	August 13-16	Reno, NV	A, D	\$945 / \$845 by 5/14/07 / +\$235
Criminal Pretrial and Post-Trial Challenges: Solutions for Bail, Supervision...	August 13-16	Reno, NV	G, S, T	\$945 / \$845 by 5/14/07 / +\$235
Current Issues in the Law	August 26-30	Bar Harbor, ME	D, G, S, T	\$1,195 / \$1,095 by 5/27/07 / +\$230
Fundamentals of Evidence	August 27-30	Reno, NV	A, S, T	\$945 / \$845 by 5/28/07 / +\$235
Sentencing Motor Vehicle Law Offenders	August 27-30	Reno, NV	A, G, S, T	\$945 / \$845 by 5/28/07 / +\$235
SEPTEMBER				
Dispute Resolution Skills (JS 625)	September 2-6	San Francisco, CA	JSP, A, C, D, G, S, T	\$1,195 / \$1,095 by 6/3/07 / +\$230
Advanced Mediation: Practical Skills and Techniques	September 10-11	Reno, NV	A, C, D, G, S, T	\$550 / No Early Discount / +\$135
Best Practices in Handling Pro Se Litigants	September 10-11	Reno, NV	A, D, G, S, T	\$550 / \$500 by 6/11/07 / +\$135
Ethics, Bias and the Administrative Law Judge: A Web-Based Course	September 10-Oct. 26	Web	A, D	\$550 / No Early Discount / No Conf. Fee
Co-Occurring Mental and Substance Abuse Disorders	September 24-27	Reno, NV	G, S, T	\$945 / \$845 by 6/25/07 / +\$235
Impaired Driving Case Essentials	September 24-27	Reno, NV	A, S, T	\$945 / \$845 by 6/25/07 / +\$235
Managing Challenging Family Law Cases: A Practical Approach (JS 634)	September 24-27	Reno, NV	JSP, D, G, S, T	\$945 / \$845 by 6/25/07 / +\$235
Rural Courts: A Web-Based Course	September 24-Nov. 9	Web	C, G, S	\$550 / No Early Discount / No Conf. Fee
The Fourth Amendment: Comprehensive Search and Seizure Training for Trial Judges	September 24-27	Oxford, MS	G, S	Call for eligibility
OCTOBER				
The Fourth Amendment: Contemporary Issues for Appellate Judges	October 1-2	Reno, NV		Call for eligibility
Advanced Evidence (JS 617)	October 1-4	Reno, NV	JSP, A, D, G, S	\$945 / \$845 by 7/2/07 / +\$235
Commercial Driver's Licensing Laws: A Faculty Development Workshop	October 8-11	Reno, NV		Call for eligibility
Court Management for Judges and Court Administrators	October 8-11	Reno, NV	C, D, G, S	\$945 / \$845 by 7/11/07 / +\$235
General Jurisdiction (JS 610)	October 14-25	Reno, NV	JSP, C, D, G, S, T	\$1,495 / \$1,395 by 7/15/07 / +\$455
Ethics for Judges	October 15-16	Reno, NV	A, C, D, G, S, T	\$550 / \$500 by 7/16/07 / +\$135
Financial Statements in the Courtroom	October 17-19	Lake Tahoe, NV	D, G	Call for eligibility
Building a Bias-Free Environment in Your Court	October 17-18	Reno, NV	A, C, D, G, S, T	\$550 / \$500 by 7/18/07 / +\$135
Settlement Techniques	October 17-18	Reno, NV	A, C, D, G, S, T	\$550 / \$500 by 7/18/07 / +\$135
Enhancing Judicial Bench Skills	October 28-Nov. 1	Charleston, SC	G, S, T	\$1,195 / \$1,095 by 7/28/07 / +\$230
Administrative Law: Fair Hearing	October 29-Nov. 8	Reno, NV	A, D, T	\$1,495 / \$1,395 by 7/28/07 / +\$455
Essential Court Teamwork in Dealing with the Media	October 29-31	Reno, NV	G, S, T	\$675 / \$600 by 7/30/07 / +\$175
Evidence Challenges for Administrative Law Judges: A Web-Based Course	October 29- Dec. 14	Web	A	\$550 / No Early Discount / No Conf. Fee
NOVEMBER				
Handling Capital Cases (JS 623)	November 4-8	New Orleans, LA	JSP, G	\$1,195 / \$1,095 by 8/5/07 / +\$230



Judicial Discretion: A Text

J. Eric Smithburn

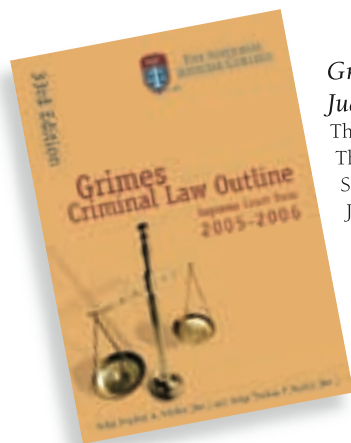
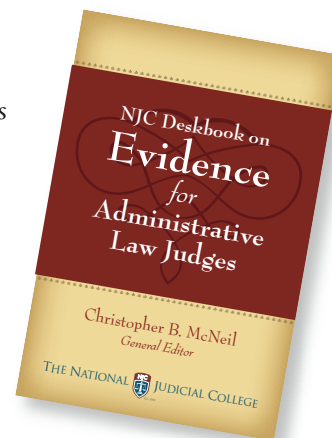
This text provides a scholarly yet practical examination of the meaning of discretion, why discretion exists, the levels of discretion, and the standard by which to define and review the abuse of discretion. While judges and legal scholars will continue to wrestle with the appropriate use of discretion, this seminal unprecedented work is a timely resource to guide any analysis and application of judicial discretion.

320 pages softcover / \$60.00

NJC Deskbook on Evidence for Administrative Law Judges
Christopher B. McNeil, General Editor

A complete updated revision of Goldberg's *Deskbook on Evidence for Administrative Law Judges* first published in 1993. The new edition now acquaints ALJs with the substantive context for understanding evidentiary concepts, provides state and federal authorities to support their rulings, supplements the comments with examples based on practical judicial experience and serves as an everyday checklist guide for executive adjudicators.

143 pages softcover / \$37.00



Grimes Criminal Law Outline (Supreme Court Term 2005-2006)
Judge Stephen A. Schiller (Ret.) and Judge Thomas P. Durkin (Ret.)

The *Criminal Law Outline* was originated by Chief Justice William A. Grimes of the New Hampshire Supreme Court. The 33rd edition of the *Grimes Criminal Law Outline (2005-2006 Supreme Court Term)* succinctly annotates all U.S. Supreme Court decisions on the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution since 1974. Judge Stephen A. Schiller (Ret.) and Judge Thomas P. Durkin (Ret.) continue to produce an invaluable and reliable tool for judges to consult in dealing with criminal law and procedure.

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CD ROM (MS Word/Single User License) / \$35.00

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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 a foundation for application of the Convention."

273 pages softcover / \$35.00



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 U.S. Supreme Court and state Supreme Court decisions on search and seizure issues. His correlation of states cases with those of the nation's highest court is an innovation that distinguishes Professor Evans' book from other works on the topic. In addition, he provides valuable checklists and forms.

684 pages softcover / \$60.00

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THE NATIONAL
 JUDICIAL COLLEGE



PH.D. AND MASTER'S GRADUATES

Hon. Stephanie Domitrovich of Erie, Pa., graduated in May with the first Ph.D. in Judicial Studies awarded by the University of Nevada, Reno. The Judicial Studies program is offered by UNR in conjunction with the NJC.

Above, from left, are Mara Merlino, Ph.D., Judge Domitrovich, Judicial Studies Director Jim Richardson, J.D., Ph.D., and Shirley Dobbin, interim director of NCJFCJ's Permanency Planning for Children Department. Col.

Rodger C. Harris graduated with a Master's in Judicial Studies degree. Col. Harris has retired from the military, and is now a U.S. immigration judge.

AWARD RECIPIENTS

Commissioner Michael Onheiber, Wisconsin Family Court Commissioners Association, was the recent recipient of the Marc Dorfman Award, created by the Government Lawyers Division of the State Bar of Wisconsin.

The **Richland County Criminal Domestic Violence Court** (SC), was awarded the 2006 National Association of Counties Achievement Award.

CERTIFICATE PROGRAM GRADUATES

Hon. Walter J. Brudzinski (NY), U.S. Coast Guard, graduated from the Administrative Law Adjudication Skills program.

Hon. Suzette Carlisle (MO), administrative law judge for the Division of Workers' Compensation, graduated in the Dispute Resolution Skills program. Judge Carlisle previously earned a certificate in the Administrative Law Adjudication Skills program.

Hon. Phyllis H. Carter (WV), chief administrative law judge for the Human Rights Commission, graduated from the Administrative Law Adjudication Skills program. She is also enrolled in the Dispute Resolution Skills program.

Hon. David Chidester (IN), superior court judge, graduated from the General Jurisdiction Trial Skills program.

Hon. Robert G. Dickinson (OR), presiding judge with the Confederated Tribes of the Siletz Indians, graduated from the Tribal Judicial Skills program.

Hon. Calvin E. Gantenbein, Jr. (OR), chief judge for the Siletz Tribal Court, graduated from the Special Court Trial Skills program. Judge Gantenbein has also completed the General Jurisdiction Trial Skills and the Tribal Judicial Skills programs.

Hon. Greg Gerard Guidry (LA), district court judge, graduated from the General Jurisdiction Trial Skills program. Judge Guidry is also a Master of Judicial Studies degree candidate and is enrolled in the Dispute Resolution Skills certificate program.

Major Charles Hale (Japan), U.S. Marine Corps Western Pacific Circuit judge, graduated from the General Jurisdiction Trial Skills program.

Hon. Charles Halterman (MO), senior appeals referee with the Department of Labor and Industrial Relations, graduated from the Dispute Resolution Skills program. He also graduated from the Administrative Law Adjudication Skills program.

Hon. Arthur E. Marshall, Jr. (VA), an ALJ with the U.S. Department of Defense, Office of Hearings and Appeals, graduated from the Administrative Law Adjudication Skills and Dispute Resolution Skills programs. He is the first judge from the U.S. Department of Defense to complete both programs.

Hon. Chris B. McNeil (OH), administrative hearing examiner for Occupational and Professional Licensing, graduated from the Administrative Law Adjudication Skills program.

Hon. Kenneth Moy (IL), circuit court judge, graduated from the General Jurisdiction Trial Skills program. He is also enrolled in the Dispute Resolution Skills certificate program.

Hon. Jeffrey G. Meeks (CA), senior judge of the U.S. Navy-Marine Corps Western Judicial Circuit Trial Judiciary, graduated from the General Jurisdiction Trial Skills program.

Hon. (Major) David S. Oliver (CA), U.S. Marine Corps, graduated from the General Jurisdiction Trial Skills program. He is the fifth military judge to graduate from the program.

Hon. Michael N. Patchen (WY), circuit court judge, graduated from the General Jurisdiction Trial Skills program.

Hon. Carl Pepion (MT), Blackfeet Tribal Court, graduated from the Dispute Resolution Skills and Tribal Judicial Skills programs.

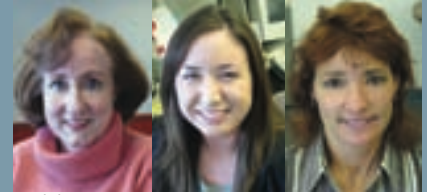
Hon. Philip Taylor (GA), chief judge for the Magistrate Court, graduated from the Special Court Trial Skills program. Judge Taylor is a recent graduate of the Dispute Resolution Skills program.

Hon. Audrey L. Thomas (Virgin Islands), superior court judge, graduated from the General Jurisdiction Trial Skills program.

Hon. Cynthia Burrows Williams (SC), chief magistrate, graduated from the Dispute Resolution Skills program.

MEMORIUM

Hon. Silvia Cano-Garcia (NM), died following a long battle with cancer.



Luetkehans

Vengco

Roscoe



Hon. Samuel DeSimone, of Woodbury N.J., received his 20-year teaching award from the NJC. Since 1987, he has taught *General Jurisdiction, Conducting the Trial and Case Management*.

IN MEMORIAM

Robert M. Landis died in January of 2005. Landis served on the NJC's board from 1990-1995. He spent nearly 50 years with Dechert Price & Rhoads in Philadelphia, rising to partner and chairman.

FACULTY/STAFF ACHIEVEMENTS

5 YEAR AWARD

Michael Roosevelt – California
 Richard S. Barnes – California
 Hon. Steven A. Wise – Iowa
 Hon. Pamela R. Harwood – Michigan
 Hon. Reba Ann Page – Virginia
 Dr. Mark G. Haug – Kansas
 Jon C. Herron, Ph.D. – Washington
 Susan Samson – Florida
 Prof. Thomas S. Hodson – Ohio
 Prof. Mike Kautsch – Kansas
 Ronald M. Keefover – Kansas
 Fred Egenberger – Nevada

10 YEAR AWARD

Hon. Andre M. Davis – Maryland

15 YEAR AWARD

William H. Anderson, Ph.D. – Nevada

20 YEAR AWARD

Hon. Samuel G. DeSimone – New Jersey

V. ROBERT PAYANT AWARD

Hon. W. Michael Gillette – Oregon

TWO NJC EMPLOYEES CELEBRATE A QUARTER CENTURY AT THE NJC

The National Judicial College recently celebrated the 25-year anniversaries for two employees – Scholarship Officer Nancy Copfer and Course Administrator Betty Morgan. The two have seen the College through much transformation and have been a huge part of its success over the years.

“I have possibly the very best job in the universe,” expressed Copfer, who works in the College’s Communications Department. “The faculty members and participants are real people with real challenges. Fortunately, for the past 15 years, I have been in a position to assist many of them with their goal of attending the NJC for the finest judicial education available.

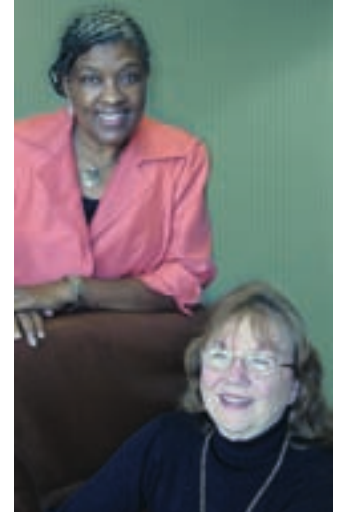
It is the best experience to have the opportunity to call them to tell them that the award is approved – kind of like a doctor with a ‘sure fire’ cure.”

Morgan, who works in the NJC’s Academic Department, said she gets a great deal of satisfaction from her job as well. “When I have finished preparing all the materials and the classroom is completely set up for a course, and the judges finally arrive, I feel a sense of accomplishment for all my hard work,” she expressed. “It is also a rewarding experience when you are no longer assigned to a certain class and the faculty request for you to be reassigned back to them because of your work ethic, your attitude, and your positive and outgoing personality. It gives me a true sense of worth.”

For Morgan and Copfer, the years have flown by quickly. Neither had anticipated reaching the 25-year milestone when they started working at the NJC in 1981. “In retrospect, the opportunity to be exposed to this legal environment, a faculty of the highest stature, exceptional participants, and the many wonderful friends I’ve made at the College during this time is irreplaceable,” Copfer said.

“The bonds formed over the years with faculty members and participants have been one of the most rewarding parts of my job,” expressed Morgan. “I’ve enjoyed meeting judges and College staff who have become my friends for life.”

In all of their accomplishments and hard work, there have also been moments they would like to forget. “One of my most memorable and embarrassing moments was when lunch was served outside on the patio. As I walked through the narrow aisles with my tray of food, I bumped into a judge and spilled hot gravy on his head,” recalled Morgan. “Needless to say, my day was over!”



Betty Morgan and Nancy Copfer

NJC ASSISTANT CONTROLLER WINS AWARD

Fred Egenberger, assistant controller in the Business Office, was one of the recipients of the Karen Morris Award for Excellence in Service to the Faculty. The Faculty Council selected him and former NJC International/Judicial Studies Manager Peggy Vidal for this year’s awards. Egenberger was chosen in particular for his service in the gift shop and for working with the Council to select and acquire faculty awards.

NEW EMPLOYEES

The NJC is happy to welcome several new employees. **Melody Luetkehans** is a program attorney in the Academic Department. **Christine Folsom-Smith** is the program attorney for the National Tribal Judicial Center. **Karen Roscoe** has joined the Business Office as accounting assistant and **Alaina Vengco** has joined the Development Office as a development officer. **Kelly Unger** joined the Academic Department as a course administrator.



Board of Visitors Chair Michael DeMarco

BOARD OF VISITORS HOLDS ANNUAL MEETING AT THE NJC

Members of The National Judicial College's Board of Visitors flew in from around the country and met for their annual meeting at the NJC in June of 2006. The meeting kicked off with a dinner and lecture by Lloyd Dixon, Ph.D., of the RAND Corporation, who addressed the Board with an informative presentation entitled, "Issues in Mass Torts." The following day, the board convened at the NJC and toured the facilities, including the state-of-the-art model courtroom, where the Nevada Supreme Court heard oral arguments in November of 2006. In addition, Judge Ken Kawaichi (Ret.) led an interactive discussion on the core competencies project, which is a joint effort of the National Center for State Courts and The National Judicial College. "The meeting provided the opportunity for the board to learn more about issues that affect their professions and also receive an update on the important work the NJC is conducting," said President William Dressel.

Michael DeMarco, chair of the Board of Visitors, was extremely pleased with the meeting. He said, "The annual meeting provides an excellent opportunity for the members to get together in person, get to know one another better and receive an update on the important work of the NJC. Our role is to determine

how we can best help to advance the mission and goals of the organization and assist in the fundraising efforts."

DeMarco has been involved with The National Judicial College since the late 1980's. He became familiar with the organization through his uncle, the late Michael DeMarco, a Boston judge who graduated from the NJC in 1971. DeMarco is a tremendous supporter who has not only given his own personal contributions but has also raised more than \$100,000 in additional contributions. He was involved with the former Advisory Council for 10 years, and when approached to become chair of the newly formed Board of Visitors in 2004, he accepted with enthusiasm. DeMarco is a trial attorney in Boston. He focuses on business litigation and white collar crime with Kirkpatrick & Lockhart, Nicholson Graham, L.L.P.

BOARD OF VISITORS

Michael DeMarco, Esq. (MA), *Chair Kirkpatrick & Lockhart, Nicholson Graham, L.L.P.*

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Hon. Louis E. Condon (Ret.) (SC)

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Lynn R. Johnson, Esq. (KS) *Shamberg, Johnson & Bergman, Chtd.*

Philip J. Kessler, Esq. (MI) *Butzel Long*

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Arlene Elgart Mirsky, Esq. (NJ) *Sills Cummis Epstein & Gross, P.C.*

Irwin A. Molasky (NV) *Paradise Development, Ltd.*

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Charles E. Patterson, Esq. (CA) *Morrison & Foerster, L.L.P.*

Judyth W. Pendell, Esq. (CT) *Pendell Consulting, L.L.C.*

James W. Quinn, Esq. (NY) *Weil, Gotshal & Manges, L.L.P.*

Marsha Rabiteau, Esq. *The Hartford Financial Services Group*

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Hugh Young, Jr., Esq. (VA) *Product Liability Advisory Council*

WHO ARE THE BOARD OF VISITORS?

The Board of Visitors is made up of prominent individuals who share in the NJC's mission of "providing leadership in achieving justice through quality judicial education and collegial dialogue." Each board member plays a direct role in strengthening the College's position as the leading institution for judicial education by agreeing to provide leadership, advice and counsel to the president and staff on initiatives that are important to the NJC's mission.



Chalk Hill Estate Vineyards and Winery in Healdsburg, Calif.



Trustee and meeting host, Fred Furth (right), and Trustee Oliver Mitchell



The Board of Trustees tour Chalk Hill Estate Vineyards and Winery



Marybel Batjer



Michael L. Buenger



Thomas V. Girardi, Esq.



Frederick P. Furth, Esq.



Hon. Denette Mouser



Hon. James M. Riehl

CHALK HILL VINEYARDS AND WINERY HOSTS NJC TRUSTEES' FALL MEETING

The College's fall board of trustees meeting was held October 19-21 at Chalk Hill Estate Vineyards and Winery in Healdsburg, Calif. Members of the board of trustees and guests met to discuss issues important to the future of the College. Led by guest facilitator, Dr. Nora Silver, Ph.D., the trustees discussed the NJC's mission, its courses and programs, fundraising, and how best to meet the educational needs of the nation's judiciary to respond to NJC programs and services.

"Chalk Hill Estates provided the perfect background for this important gathering," said Hon. William F. Dressel, NJC president. "Due to the generosity of Fred Furth and Chalk Hill Estate, we were able to meet as a group and examine important issues relevant to our organization's future."

The NJC board of trustees meets three times a year to provide outstanding leadership in setting goals and obtaining resources necessary to fulfill the NJC's mission. The board of trustees next meeting will be held in the spring of 2007 on the College campus in Reno.

NJC WELCOMES NEW BOARD OF TRUSTEES MEMBERS

The NJC extends a warm welcome to the following new board members. Each member will serve a two-year term which began July 1, 2006.

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Michael L. Buenger, State Court Administrator, Missouri Court System, Jefferson City, MO

Frederick P. Furth, Esq., The Furth Foundation, Healdsburg, CA

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Hon. Denette "Dennie" Mouser, Vice Chief Justice, Supreme Court of the Muscogee Nation, Bentonville, AR

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