

CASE

THE NATIONAL JUDICIAL COLLEGE

POINT

IN

SPRING/SUMMER 2007

ARE YOU OUT THERE?

Blogging on the Bench



A Technology-Gifted Court

Dwelling on the Past

Clarity on Conduct



THE EDITORIAL TEAM

From left to right:

Trace Robbers, Director of Communications
Christina Nellesmann, Graphic Designer
Heather Singer, Communications Specialist
Nancy Copfer, Scholarship Officer

Hello? Is anyone out there?

These words are being uttered more and more by members of the judiciary who are finding a new outlet for their words of wisdom by launching their very own Web logs or "blogs." Technology is coming at us at rapid speed these days and many judges are finding that using new technology, such as writing a blog, is a great way to stay connected with the world. In Heather Singer's article, "Bench Blogging," the challenges and rewards of producing your very own blog are examined. Technology is something we take seriously at the College to help participants gain a better understanding of the materials being taught. From our "smart classrooms," and online learning components, to our technologically enhanced model courtroom, participants learn first-hand how advancements in technology can produce positive results in real courtrooms across the nation.

Summer and fall are great times to take courses at the NJC and we encourage you to visit our website (www.judges.org) to view the many offerings that have been designed to enlighten, enhance and motivate your judicial career. Of course, it goes without saying, that our faculty and staff remain committed to excellence in helping you achieve your judicial education goals. A strong sense of responsibility and integrity is at the heart of everything we do at the NJC and in all of the services we offer. You will see this when you meet our receptionist, talk to our registrar, inquire about a scholarship, and in all the other ways in which the NJC maintains its role as the leader in judicial education. It is our mission, and we believe we do it better than anyone.

The NJC also greatly appreciates the assistance of our sponsors, Court-Call®, Westlaw® and ExhibitOne®, for their generous support of our programs and services, and for their sponsorship of this issue of *Case In Point*. Thanks also to our guest columnists and to my dedicated staff, Nancy Copfer, Christina Nellesmann and Heather Singer, for their excellent research, writing and design skills employed in this issue. We hope to see you at the NJC this summer and fall.

Thanks for reading.

Trace Robbers

Director of Communications

Cover: Hon. Becky Gerrard, Seneca, South Carolina;
Location: The Resort at Red Hawk, Sparks, Nevada;
Photography: Jeff Ross, Reno, Nevada

CASE IN POINT

Vol. 6, No. 1, Spring/Summer 2007

CASE IN POINT is published two times a year by The National Judicial College. Articles and information that appear in CASE IN POINT do not necessarily reflect the official position of The National Judicial College. Published articles do not constitute an endorsement of views which may be expressed. Readers are invited to address comments and suggestions to the publisher/editor; however, we cannot guarantee the publication or return of unsolicited manuscripts. CASE IN POINT articles and content are copyright protected. The National Judicial College encourages republication and dissemination of articles it publishes with permission. To secure permission to reprint CASE IN POINT articles, please contact the publisher/editor.

CASE IN POINT

The National Judicial College
Judicial College Building/MS 358
Reno, NV 89557

(800) 25-JUDGE (800-255-8343)

Fax: (775) 327-2167

www.judges.org

EXECUTIVE OFFICE

Hon. William F. Dressel, President

EXECUTIVE EDITOR

Trace Robbers

(775) 784-6747

email: robbers@judges.org

NJC BOARD OF TRUSTEES

Thomas M. Susman, Esq. Chair, Washington, D.C.

Saul A. Wolfe, Esq. Chair-Elect, Livingston, NJ

Hon. Frederic B. Rodgers Secretary, Golden, CO

Oliver C. Mitchell, Jr., Esq. Treasurer, Roseland, NJ

Justice Carl O. Bradford, Immediate Past Chair, Portland, ME

Marybel Batjer, Las Vegas, NV

Hon. Elihu M. Berle, Los Angeles, CA

Hon. Tyrone T. Butler, Washington, D.C.

John Frankovich, Esq., Reno, NV

Frederick P. Furth, Esq., Healdsburg, CA

Thomas V. Girardi, Esq., Los Angeles, CA

Hon. Sophia H. Hill, Chicago, IL

Gary N. Jacobs, Esq., Las Vegas, NV

Richard Morgan, Esq., Las Vegas, NV

Hon. Denette "Dennie" Mouser, Bentonville, AR

Joseph Petito, Esq., Washington, D.C.

Hon. James M. Riehl, Port Orchard, WA

Richard Willard, Esq., McLean, VA

FACULTY COUNCIL

Hon. Amy B. Karan, Miami, FL

BOARD OF VISITORS

Michael DeMarco, Esq., Chair, Boston, MA

CHAIR EMERITUS

Walter H. Beckham, Jr., Esq., Miami, FL

Hon. B.B. Schraub, Seguin, TX

PHOTOGRAPHY

Jeff Ross Photography

Stuart Murtland Photography

Heather Singer, The National Judicial College

DESIGN & PRODUCTION

Christina Nellesmann, The National Judicial College

A. Carlisle & Co. Printing, Reno, NV



3

Bench Blogging

By Heather Singer, NJC Communications Specialist

Where should judges, lawyers and court personnel draw the line when it comes to blogging and other communications on the Web?



11

A Technology-Gifted Court

By William Brunson, NJC Director of Special Projects

A look at the technological innovations that are impacting how judges and court staff interact with the public.



16

Dwelling on the Past

By Presiding Justice Arthur Gilbert, California Court of Appeal

Using the wisdom of Shakespeare, Justice Holmes and others to find a more just future.

contents

- 2 *President's Column*
- 7 *The Complexities of Commercial Driver's Licensing*
- 8 *Capital Litigation Improvement Initiative*
- 8 *Westlaw Wants Your Opinions*
- 9 *King of the Carnival*
- 10 *E.L. Cord Foundation Awards \$100,000 Grant to the NJC*
- 15 *One Judge's Opinion is Another Man's Song*
- 19 *NJC to Play Key Role in Decreasing Prison Rape*
- 20 *Essential Court Teamwork*
- 20 *Bequest From Nevada Couple Builds the NJC's Endowment*
- 21 *Positive Impact: 37 Nigerian Judges Attend NJC Program*
- 22 *117th Jackson Lecture: Bench and Bar Partners*
- 24 *Smooth Sailing: Nancy Copfer, Scholarship Officer*
- 25 *Book Review: No Flim Flam Here*
- 25 *Faculty Focus*
- 26 *NJC Course Spotlight*
- 26 *Book Review: Logic and Legal Reasoning, 2nd Edition*
- 27 *Clarity on Conduct*

DEPARTMENTS

- 28 *2008 Courses*
- 29 *NJC Press*
- 30 *NJC Press Book Order Form*
- 31 *Benchmarks*
- 32 *Faculty & Staff*
- 33 *Donors*
- 37 *Pillars of Justice*

PRESIDENT'S COLUMN

HON. WILLIAM F. DRESSEL

2

We hope you enjoy this latest edition of the College's magazine. In this age, when increasingly more information is being disseminated electronically, a not-for-profit entity should examine whether continuing publications such as *Case In Point* is still appropriate. The NJC uses this magazine as a means to make contact with its constituents, donors, and members of justice community. We also believe the magazine is an appropriate vehicle to share stories about justice-related issues and hope that you find the articles informative.

The magazine also gives us an opportunity to recognize those who join with us in advancing justice through judicial education. Herein, you will find information about the NJC Board of Visitors. These lawyers and justice system leaders come together to examine issues important to the administration of justice such as complex litigation, the vanishing jury trial, and the cost of litigation. These subjects are examined both from the point of view of the trial lawyer and the judge. One suggestion that came out of the work of the Board of Visitors was to create a resource guide for state trial judges based on the



“One suggestion that came out of the work of the Board of Visitors was to create a resource guide for state trial judges based on the Federal Judicial Center's *Manual for Complex Litigation*.”

Federal Judicial Center's *Manual for Complex Litigation*. In addition to their academic inquiries, members of the Board make contributions, and assist in the Development Department's fundraising efforts.

The members of the Board of Trustees and I appreciate the dedication of the men and women of the Board of Visitors to the mission of the College. We also greatly appreciate the contributions many of you make to the mission of NJC as well.

If you would like the magazine to include a special feature or address a particular area of interest to the judiciary, please write or call me (800-25-JUDGE or dressel@judges.org). Also, speaking of electronic communications, I hope that you had an opportunity to receive and review the NJC's *Judicial Edge*. If not and you would like to receive it in the future, contact Director of Communications Trace Robbers (robbers@judges.org) and give him your email address for future editions. The goal of *Judicial Edge* and all other communications is to stay in touch with you and inform you of the work of the College.

Please enjoy this latest edition of *Case In Point*.

BENCH BLOGGING

Where Should Judges, Lawyers and Court Personnel Draw the Line?

With the ease of high-speed computers and the Internet, information is always just a click away – lots of information. In the midst of information overload is the eternally ongoing struggle to define justice – a struggle both aided and obstructed by our advanced technology and the ease with which information has become available.

“Blogsites give the reader instant access to a whole range of materials,” explained Professor Doug Berman, an attorney who teaches at Moritz College of Law in Columbus, Ohio, and writes the nationally-read blog, *Sentencing Law and Policy*. “Blogging is a wonderful medium to gain immediate access to raw materials. Blogs often link to other blogs and give credit to other bloggers. Basically, blogsites are often a one-click way to access a whole range of information on certain topics.”

The numbers of judges, attorneys, law professors, legal analysts, jurors and others utilizing the modern blog phenomenon have increased dramatically during the past decade. Blogs – the term is a result of combining “Web log” – have become a way to share information on a multitude of levels from fact-based to opinion-driven. Legal and judicial bloggers tread far more risky waters than most other bloggers because justice can easily be jeopardized. Yet at the same time, shared knowledge can increase public awareness and understanding of the justice system as well as empower jurists with an outlet to inform. Opinions surrounding the ethics of legal and judicial blogging span as many viewpoints as the blogs themselves.

“To me, blogs are a special medium,” explained Professor Berman. “They have a special value and virtue that supersede other media in the sense that they are interactive and can engage a whole community at large.”



CBS legal analyst, Andrew Cohen, has discovered his blogs, *Court Watch* and *Bench Conference*, serve as catalysts in fueling debates and discussions on a wide range of topics. In the section of his blog that allows readers to leave comments, Cohen said the first few comments are usually about his recent blogpost, but after that, the readers often discuss the topic amongst themselves within the comment forum.

“The readers argue over different points they have made in their comments,” he said. “To the extent of fostering conversations, blogging is a good thing. There are more positives than negatives in regard to blogs, but for the negative, it is a medium where people can say things anonymously, so as a writer, I remind myself to not take all of the comments so personally.”

Judges, attorneys and other legal and judicial bloggers have carved a valuable niche as information sources for those in and outside of the legal and judicial professions. With the do’s and don’ts enduring much scrutiny, most appear to agree that as long as blogging judges adhere to the canons of ethics and avoid ethical pitfalls, there are many upsides to this new communication medium.

“Judicial blogs can be an excellent method for judges to come together and share information,” explained Judge Adam Fisher, Jr., of Greenville, S.C., a former member and chair of the NJC’s Faculty Council, who teaches ethics courses. “Blogs on timely judicial issues are highly valuable to judges.”

Judge Susan Criss, 212th District Court, Galveston, Texas, who has gained widespread publicity for her blog, *As the Island Floats*, agreed. “Blogs are a way to share a lot of valuable information,” she explained. “I enjoy reading them. You can learn a lot about different areas of the law. Sometimes lawyers will analyze cases in their blogs, and you can learn from those as well.”

The Power of Words

Long before advanced technology, computers and the Internet, people realized the dramatic impact of the written word. Actress and comedienne, Carol Burnett, said, “Words, once they are printed, have a life of their own.” More than a century earlier, in 1839, English playwright, Edward Bulwer-Lytton, wrote what is now the familiar cliché, “The pen is mightier than the sword.” The meaning still holds truth and wisdom today, even if the modern pen is a keyboard.

According to Cohen, CBS legal analyst, judges have adequate outlets to explain their judicial opinions and are putting their cases in jeopardy if they write blogs. “I think no judge should have a blog – ever,” stated Cohen. “There is no reason for a judge to want or need to blog about anything. They run too much of a risk about blogging on the wrong issues.”

Lawyers who blog must do so with caution, added

Cohen. “They have to be very careful of what they say, how they say it and how they project themselves, especially attorneys in large lawfirms. Many law websites have whole limited liability disclaimers on them.”

Blogging judges can have a positive impact as long as they write with caution, said Professor Berman. “We tend to inappropriately deify judges more than we should,” he added. “Judges are different from the rest of us but often an artificial distance is created.” Jurists are not the only ones who should write cautiously, Professor Berman pointed out. “Prosecutors, defense attorneys and anyone in the legal and judicial fields should do so as well,” he emphasized.

Ian Best, founding editor of *Law Blog Metrics* (formerly *3L Epiphany*), compiled a taxonomy of legal blogs while in his third year of law school. He was the first law student in the nation to receive academic credit for blogging. Best also interviewed several judges who cited blogs in their judicial opinions. As an explanation for why judges might be reluctant to blog, Best points out that “judges who blog could unnecessarily complicate their work. For example, judges who blog about particular legal topics might be asked to recuse themselves more often because their personal opinions are no longer discreet. Lawyers might read such blogs for the sole purpose of seeking insights into how to persuade the judge.”

Drawing the Line

So where should judges draw the line between appropriate and inappropriate subject matter? According to Judge Fisher, judicial blogs are considered a mode of communication and the same ethical rules apply to them as with any other forms of communication. “There is nothing in the cannon of ethics specifically pertaining to blogs,” explained Judge Fisher. “However, the same rules apply as those of any judicial communications.”

Hon. William F. Dressel, president of The National Judicial College, agreed. He stated that all codes of judicial conduct have provisions that impact what judges can say, which clearly apply to blogs and websites. Although the *ABA Model Code of Judicial Conduct* was updated in February of 2007, most states follow the version of Canon 3B(9) which reads as follows:

A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge’s direction and control.

“As long as judges are using blogs to enhance public education and understanding of our justice system and not compromising the integrity of cases, then judicial blogs

could serve and promote a greater understanding of the challenges and difficulties judges face in advancing justice,” said Judge Dressel.

Former National Judicial College Faculty Council secretary, Hon. Margaret Poles Spencer, Circuit Court of the City of Richmond, Va., said she feels judges must avoid the appearance of impropriety and participate in extra-judicial activities in a manner that minimizes the risk of conflict with judicial obligations.

“I preside in a general jurisdiction state trial court, in an urban area over civil and criminal cases,” explained Judge Spencer, who reads blogs, but does not yet write one of her own. “Therefore, to avoid recusal issues, I think there are a limited number of topics that I could discuss in a blog if I were to have one.”

“There is nothing in the cannon of ethics specifically pertaining to blogs,” explained Judge Fisher. “However, the same rules apply as those of any judicial communications.”



Judge Criss, of Texas, explained that legal and judicial blog authors should use the same careful consideration in writing their blog posts as they would with any other form of writing within their professions. “Blogs are the same as any other communication venue and the same rules of judicial conduct apply,” she said. She did emphasize the importance of judges keeping security and safety issues in mind as well.

Some of Judge Criss’ favorite legal and judicial blogs to read, she said, are *Have Opinion Will Travel*, *Grits for Breakfast*, *Blonde Justice* and *Anonymous Lawyer*. *Underneath Their Robes*, *A Criminal Waste of Space*, *U.S. Supreme Court Blog* and the *Blakely Blog* have also garnered a large national audience. Ian Best’s *Taxonomy of Legal Blogs* contains a large list of legal and judicial blogs organized into separate categories. *Courthouse Forum* also contains an extensive list of legal and judicial blogsites.

“My audience consists of people who’ve been working hard and feel the need for a break and enjoy relaxing and having a laugh,” said Justice William Bedsworth, author

Judicial Blogs

There are thousands of legal and judicial blogs in existence. This list is a compilation of blogs mentioned by those who were interviewed for this article.

Becker/Posner Blog

<http://www.becker-posner-blog.com>

Say What?!

<http://www.texasbar.com/saywhat/weblog>

Underneath Their Robes

<http://underneaththeirrobes.blogs.com>

A Criminal Waste of Space

http://www.acriminalwasteofspace.com/journal_beds.asp

SCOTUSblog

<http://www.scotusblog.com/movabletype>

As the Island Floats

<http://astheislandfloats.com>

Blakely Blog

<http://blakelyblog.blogspot.com>

Have Opinion Will Travel

<http://haveopinionwilltravel.blogspot.com>

Sentencing Law and Policy

<http://sentencing.typepad.com>

Court Watch

<http://www.cbsnews.com/sections/opinion/courtwatch/main15515.shtml>

Bench Conference

<http://blog.washingtonpost.com/benchconference>

Blonde Justice

<http://blondejustice.blogspot.com>

Grits for Breakfast

<http://gritsforbreakfast.blogspot.com>

Anonymous Lawyer

<http://anonymouslawyer.blogspot.com>

How Appealing

<http://howappealing.law.com>

Law Blog Metrics (formerly 3L Epiphany)

http://3lepiphany.typepad.com/3l_epiphany

Taxonomy of Legal Blogs

http://3lepiphany.typepad.com/3l_epiphany/2006/03/a_taxonomy_of_l.html

Courthouse Forum

<http://www.courthouseforum.com>

Indefensible

<http://davidfeige.blogspot.com>

Jurist – Paper Chase

<http://jurist.law.pitt.edu/paperchase>

The Volokh Conspiracy

<http://volokh.com>

Instapundit

<http://instapundit.com>

Blawg Review

<http://blawgreview.blogspot.com>

May it Please the Court

<http://www.mayitpleasethecourt.com/journal.asp>

of *A Criminal Waste of Space*, which the author described as more of a syndicated column than a blog. However, the term blog is often loosely applied to any online journal or log which is frequently updated. “I get a lot of feedback, almost exclusively from people who have enjoyed the column and want to congratulate me. Occasionally I get something from someone who says, essentially, “This was really funny, but there is something you may not have considered about this.”

An occasional blog reader, Judge Margaret Poles Spencer said the *Becker/Posner Blog* and *Say What?!*, are among her favorites. *Say What?!*, a blog written by U.S. District Judge Jerry Buchmeyer, Dallas, Texas, about humorous court happenings, offers a lighter approach to judicial topics. Professor Berman’s blog, *Sentencing Law and Policy*, draws his readers with a wide range of sentencing law topics. “I try to cover all the bases and serve as a user-friendly information clearinghouse,” he said. *How Appealing*, *SCOTUSblog* and *The Volokh Conspiracy* blogs are among Professor Berman’s top reading choices.

“Those are three of my favorites because of the different topics they cover and the diversity of perspectives they explore,” he said. “They are all written by lawyers and law professors but they all focus on a broad range of topics. They also do a nice job of living up to the basic do’s and don’ts of legal and judicial blogging.”

In one of her blogposts, Judge Criss wrote, “I decided to publish this blog after being inspired by the bloggers who post about the justice system and the government.” While her intent is to share information and knowledge, she is mindful of judicial ethics. In her blog, she also writes, “The *Judicial Code of Conduct* limits my ability to discuss pending litigation in my court. I have to refrain from expressing opinions about subjects that could lead to my being recused from hearing certain lawsuits. Don’t assume that you can guess how I will rule on matters in court based on what you read here.”

The Rules of Blogging

By following a few simple rules, blogging judges can ensure their information is valued without compromising judicial ethics. Judge Fisher emphasized the importance of never writing about pending cases or anything that might go against the *Judicial Canons of Ethics*.

“Blog-worthy topics consist of handling the press, managing a heavy caseload docket and *ex parte* communication,” expressed Judge Fisher. “These sorts of information topics can benefit all judges.”

Judges, attorneys, court personnel and other similar bloggers should be sure not to mix their professional and personal lives into one blog, cautioned Professor Berman.

“If you are writing a professional blog, you must write it with the same approach as you would any other form

Do's & Don'ts

Some Do's and Don'ts for Blogging Judges

DO provide links to other sites and to raw materials so people can find information more easily.

DO treat blogs the same as any other mode of communication, adhering to the canons of ethics.

DO blog on judicial issues to provide information other judges may need.

DO provide helpful tips on challenges such as caseload management.

DO write about judicial issues that might give citizens a better understanding of the court system.

DON'T write blog posts about pending cases.

DON'T mix your personal and your professional life into one blog.

DON'T write anything that could compromise your safety or the safety of those in the courthouse.

DON'T blog on issues that could increase the number of cases from which you could be recused.


of writing in your profession, whether you are typing up correspondence or writing judicial opinions. At the same time, if this is a non-work-related blog, you must be careful to avoid topics surrounding your profession or ones that could impact your profession."

Gary Hengstler, director of the Reynolds National Center for Courts and Media (RNCCM) at the NJC, said judicial blogs are so new that their role in society is still evolving. Anyone can post any information on the Internet – sometimes fiction disguised as fact and sometimes harmful information, Hengstler emphasized.

"The question for the judiciary is whether the reporters and commentators of tomorrow will bolster public confidence in the judicial system or whether bloggers will erode that confidence," expressed Hengstler. "To the extent that websites, such as CourthouseForum.com, provide the public with information about the courts in our nation, it can be a service. To the extent such sites permit people to suggest specific judges should be injured or even slain, it can be a detriment."

Hengstler added that it is too soon to tell which blog-sites are resonating long-term with the public and which are just the rantings of extremists on their modern-day soapboxes. "One thing is clear though: The Web is the primary communications vehicle today and will only become more critical as traditional media, such as newspapers and television, converge into this cheaper, faster and more effective delivery system," he said.

According to a Pew Research Center 2006 survey, there are approximately 12 million blogging adults in the United States and 57 million blog readers. The survey reported that a total of 147 million American adults use the Internet. It also found the blogs to be as diverse as the people who write them. More than half (54%) of bloggers are under the age of 30. Men and woman were evenly divided in the blogging population. To date, much of the public and press attention to bloggers has focused on the small number of high-traffic, A-list bloggers.

"I think it is valuable for everyone to dip their toes into blogging waters," expressed Professor Berman. "The technology has so much potential. I would like to encourage people to not be afraid of it. There is so much you can do with blogs." 

The Complexities of Commercial Driver's Licensing



Many judges dealing with traffic issues are not aware of the differences between commercial motor vehicles and commercial driver's license laws and their state's traffic laws. Because the commercial motor vehicle is a totally different object from the automobile, with different tolerances, parameters and restrictions, the federal government passed the Commercial Motor Vehicle Safety Act of 1986.

The Act subjects commercial motor vehicle drivers to new, uniform sanctions for certain unsafe driving practices. Though federal in origin, these sanctions are to be imposed by local traffic judges when commercial driver's license holders appear before them for traffic violations.

The NJC provides judges with the opportunity to learn first-hand the intricacies of commercial motor vehicle law and regulation. For the previous five years, the NJC has trained judges from 47 states to make presentations to their peers on commercial motor vehicles and commercial driver's license laws and regulations. These faculty development courses allow judges to become acquainted with the applicable federal laws and regulations (49 U.S.C. §31301, 49 C.F.R. §383) to climb into the cab of a big rig, learn the required federal sentencing and reporting parameters for violators, and to develop public speaking and presentation skills (including developing a CDL PowerPoint).

NJC's last class for this grant year will be held in Reno, Nevada, October 8-11, 2007. To register, contact the NJC at (800) 25-JUDGE or registrar@judges.org.



CREATE A LEGACY THROUGH THE NJC

Providing a planned gift in your estate will assist in supporting the future of judicial education, shape the growth and continued success of The National Judicial College, and create a lasting legacy. Not only does a planned gift strengthen the NJC's future, it also provides substantial benefits to donors.

YOUR GIFT CAN MAKE A DIFFERENCE AT THE NJC

To learn more about Planned Giving options, please contact Gretchen Struble Alt at (775) 327-8257 or alt@judges.org

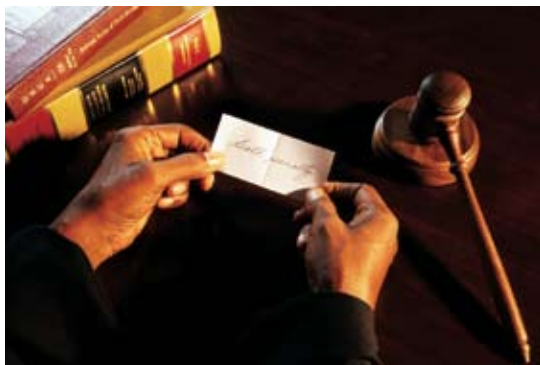
CAPITAL LITIGATION Improvement Initiative

By Jennifer Rains, NJC Program Attorney

With continued support from a grant from the Bureau of Justice Assistance, The National Judicial College will be continuing its work in implementing the Capital Litigation Improvement Initiative. The NJC has selected Arizona, Nebraska, Oklahoma, and Tennessee as locations to hold state capital case educational programs. Representatives from each of the states, including state judicial educators and judges, attended a curriculum development workshop at the NJC in April of 2007. At the curriculum planning workshop, the state representatives worked with NJC faculty to build interactive learning activities for the three-day programs.

The courses will explore both federal and state law with respect to all aspects of handling capital cases. Each state's course will provide both substantive law and practical skills and will be tailored to the particular needs of that state's trial court judges, including an emphasis on state procedures, emerging state trends, and other local factors.

Participants will focus on trends in U.S. Supreme Court capital jurisprudence, state capital case law and statutory provisions, proper procedures for jury selection, the guilt and penalty phases of trials, managing the trial, and ruling on motions in all phases of a case. The courses will educate approximately 50 judges in each of the four states.



As part of the grant project, the NJC is also developing a capital cases website (www.capitalcasesresources.org), which will serve as a resource for judges throughout the United States. The website will contain judicial resources on death penalty topics that arise at national and state levels. Topics will include pretrial and trial issues, post-conviction matters, mental health and ethics. It will also feature current trends in capital jurisprudence and have links to publications and resources. The site will also include an RSS feed providing syndication of news and developments in the area of capital litigation.

WESTLAW WANTS YOUR OPINIONS

In partnership with the NJC, Thomson West is undertaking a major national initiative to solicit opinions and orders from state court trial judges across the country and publish them on westlaw.com, the largest online legal research database in the world.

"This is an unparalleled opportunity for state court judges to educate each other and the bar about their decisions in cases of national importance," said Hon. William F. Dressel, NJC president. "The College is excited to co-sponsor this project with West."

West's quest for opinions and substantive orders is part of its ongoing effort to add important trial court documents to its comprehensive catalog of appellate court decisions. By linking those decisions to trial court decisions as well as to pleadings, major motions, orders, and expert testimony in the lower court file, West will offer the most complete body of legal documents available to lawyers and judges nationwide. Besides "leveling the playing field" for attorneys in litigation, the documents will also enable judges to



THOMSON
WEST

see how their colleagues ruled on motions filed in similar litigation across the country.

To participate in this initiative, state trial judges are invited to submit the opinions and orders they entered in civil cases from 2000 to the present. West will review and consider all opinions and orders that contain substantive legal reasoning

on important issues for the court, the jurisdiction, or Westlaw customers. All published opinions and orders will be searchable and linked on westlaw.com.

To submit an opinion, mail it to Thomson West, Attn: Dianne Selbitschka, Rm. D2-5158, 610 Opperman Drive, Eagan, MN 55123 or attach it to an email to west.njcopinions@thomson.com. The email link can be found on the homepage of the NJC's website, www.judges.org. For further information, contact David Tevelin at West at dave.tevelin@thomson.com or (202) 423-2986, or Trace Robbers at the NJC at robbers@judges.org or (775) 784-6747.

King of the CARNIVAL

NJC Faculty Member Steps up His Game to Help Children With Cancer

Longtime NJC faculty member, Ron Hofer, is such an ace at the Wacky Wire, he can practically do it in his sleep. A native of Milwaukee, Wis., Hofer is serious about his carnival games. Winning approximately 100 giant stuffed animals each year at Six Flags is no laughing matter for Hofer and four of his friends – okay, it is a laughing matter since the grown men are able to act like children and have a great time winning the prizes. But, the money they raise for cancer research is no laughing matter.

“We have the time of our lives doing this,” expressed Hofer, district staff attorney for the Wisconsin Court of Appeals. “If we weren’t doing it for charity, it would be a little strange – a bunch of guys in their 50s winning all of these stuffed animals, but we do it for charity and we have lots of fun.”

The five men – Hofer, Bob Clark, Phil Clark, Tom Clark and Bill Verdien, all of Milwaukee, Wis. – have worked hard to perfect their Ski Ball, Wacky Wire and Coin Toss skills, which are essential to winning the stuffed animals they donate every year to the Women for Midwest Athletes Against Childhood Cancer’s (MACC) Pasta Fest, a dinner and auction event in which all of the proceeds benefit childhood cancer research. The stuffed animals are auctioned off to raise money for the organization.

Women for MAACC is a non-profit, charitable organization made up of the mothers, siblings, relatives and concerned individuals of children who continue to battle cancer, or whose lives were tragically cut short by the disease. Since it was founded in 1982, the organization has helped raise nearly \$2.5 million for cancer research.

“It is obviously very rewarding,” said Hofer. “It is an absolute hoot to go each year to Pasta Fest and see people

bidding on the stuffed animals, especially how excited kids get when they win them.”


Hofer and Bob Clark began winning stuffed animals and donating them nearly 15 years ago after a friend of Hofer’s lost his son to cancer. The three other men joined the charitable endeavor throughout the years. The men favor games that take hand-eye coordination. They practice in Hofer’s basement, where he reconstructs several amusement park games for them to master.

“We always go to Six Flags about four times a summer,” said Hofer, who has been married for 31 years to his wife, Kathy Gray, an attorney with Quarles & Brady in Milwaukee. “Occasionally, we’ll go to a state fair, but mainly, it’s Six Flags. We call it ‘harvesting animals.’”

Hofer has no children of his own, but said that helping other children gives him great joy and satisfaction. He began teaching courses at The National Judicial College in 1994 and has taught Essential Skills for the Appellate Judge, General Jurisdiction, Writing for Tribal Court Judges, Opinion Writing for ALJs and many more. Since 1994, Hofer has taught more than 75 NJC courses.

“I have always been a firm believer in judicial education,” he said. “What I teach is predominantly writing. I enjoy it more than anything because judges are really motivated learners.”

When Hofer visits Reno to teach for the NJC, he makes time to brush

up on his carnival game skills at Circus Circus. Instead of hitting the slots, he sticks to darts and the quarter toss. Giant plush stuffed mascots rest in nearly every corner of the College and many NJC staff members have reaped the rewards since he can’t take these prizes home on the plane. So, while his NJC student judges are improving their judicial writing skills, he is improving his carnival game skills – a win-win situation for Hofer, Wisconsin’s children, and judges from across the nation. 



Judge Hofer and his “animal harvesting” friends at Six Flags.



Judge Hofer has been winning stuffed animals to benefit cancer research for 15 years.

E.L. Cord Foundation Awards \$100,000 Grant to the NJC for Classroom Technology Upgrades

10

The National Judicial College recently received a \$100,000 grant from the E.L. Cord Foundation for the implementation of "smart classrooms," – computer-driven, technology-enhanced classrooms that will save time and increase the quality of course presentations. This grant will fund the next phase of the NJC's technology overhaul. The E.L. Cord Foundation is a Reno-based philanthropic organization dedicated to the betterment and wellbeing of mankind.

"We are thrilled to receive this assistance from the E.L. Cord Foundation," said Hon. William F. Dressel, president of the NJC. "The College is fortunate to have been selected for this generous grant which will enable us to remain technologically ahead of current trends in order to better serve the needs of judges across the nation."

Earlier phases of the NJC's technology upgrade consisted of a newly remodeled computer lab in 2005 and a new database installation, both funded by the E.L. Cord Foundation.



Earlier phases of the NJC's technology upgrade consisted of a newly remodeled computer lab in 2005.

This next phase will consist of turning three classrooms, including the NJC's Tom C. Clark Auditorium, into state-of-the-art, technology-enhanced, modern, learning environments. The auditorium is used frequently to host national speakers and large courses. Currently, each room is partially set up to support audio-visual presentations, but requires significant preparation before each course. The new upgrades, which are slated for completion by the end of 2007, will provide NJC staff and faculty with the time-saving advantage of not having

to do lengthy pre-class set-up.

The technology improvements will raise the level of instruction by creating a consistent and user-friendly modern audio-visual environment in the three NJC classrooms, allowing the instructors to present better lectures and learning experiences than ever before. It will significantly update the aging equipment currently available in the classrooms.

The E.L. Cord Foundation, a longtime supporter of The National Judicial College, was established Dec. 4, 1962, by E.L. Cord, a well-known businessman, industrialist and innovator whose visions, ideas and principles were far ahead of the times. Cord had many business ventures, mainly in the manufacturing of automobiles, airplane and boat engines and electrical appliances as well as real estate. He died in 1974 and left the major sum of his earnings to his foundation.

For more information on donating to the NJC, contact Alaina Vengco at (775) 327-8254 or vengco@judges.org.

See State-of-the-Art Courtrooms from Around the Country

Contact ExhibitOne to receive your **FREE** photo CD. (E-mail: Court.CD@ExhibitOne.com)



VIDEO PRESENTATION SYSTEMS

DIGITAL AUDIO & VIDEO RECORDING

VIDEOCONFERENCING

AUDIO REINFORCEMENT



SEE.



HEAR.



SPEAK.

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

888-572-3265
www.ExhibitOne.com



A TECHNOLOGICALLY GIFTED COURT

11

By William Brunson, NJC Director of Special Projects

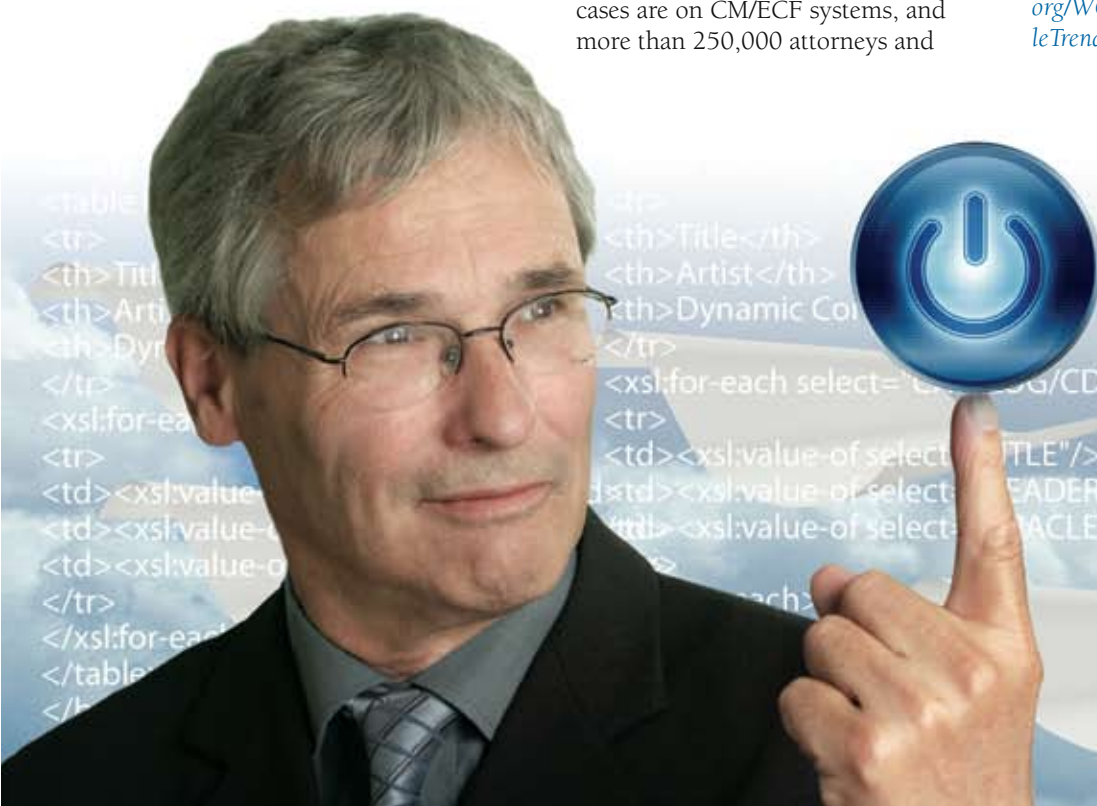
As judicial educators, it's important to know about the technological innovations that impact how court staff and judges currently interact with the public, and how they will impact future interactions. One of the most important aspects of a successful public court system is access to justice. Improving access benefits us all because it ensures that people will not seek to administer justice themselves. If technological innovations haven't impacted your court yet, they will. And that means you may be asked to assist the courts in providing training about the use of the technology. This article examines technological advances including e-filing, managing complex information, court standardization, judicial decision support systems, court management software and accountability, courthouse design, document management systems, electronic

discovery and access to justice and self-represented litigants.

E-FILING

According to the National Center for State Courts (NCSC), 26 states have adopted court rules enabling e-filing statewide or in at least one court. Most states started with a pilot project and then expanded to statewide e-filing. By the end of 2007, it is anticipated that all federal courts will offer e-filing. The implementation process typically takes about 10 months. Ninety-eight percent of the federal courts (92 district courts, 93 bankruptcy courts, the Court of International Trade, the Court of Federal Claims, the Court of Appeals for the 8th Circuit, and the and the Bankruptcy Appellate Panel for the 10th Circuit) currently use the Court Management/Electronic Court Filing (CM/ECF) system. Nearly 27 million cases are on CM/ECF systems, and more than 250,000 attorneys and

others have filed documents over the Internet. Most of the courts that have implemented or are in the process of implementing CM/ECF have made the electronic record the official record of the court and expect filings to be made electronically unless good cause is shown. "Another positive aspect of e-filing is that the systems have servers in multiple locations to avoid the problems created by the destruction of courthouses as happened in Louisiana and Mississippi in the aftermath of Hurricane Katrina," says NCSC's Principal Court Management Consultant Jim McMillan. He also noted that if the court uses electronic filing in conjunction with tablet personal computers and software such as OneNote, judges can review the documents without printing them out. The program also enables judicial users to create tabs for more complex trial matters (<http://www.ncsconline.org/WC/Publications/Trends/2007/ELFileTrends2007.pdf>).



MANAGING COMPLEX INFORMATION

To assist in managing complex information, some attorneys and courts are experimenting with programs such as MindManager (<http://www.mindjet.com/us>). It has the potential of helping the attorneys and, therefore, the courts in organizing complex information to aid understanding. This particular product was designed for use in business, but its application can be quite broad. As McMillan states, "It's a cool program that lets you link disparate information in a graphical map. In simple terms, it helps in organizing thinking."

Similarly, in blogs such as Groklaw, members of the public have taken it upon themselves to organize complex legal information in a series of lawsuits about technology-related litigation (<http://groklaw.net>). McMillan reports that "techies following the lawsuits about the Linux community have been creating grids of initial pleadings, responses, and other documents showing what's in dispute and what's not. With some fairly unsophisticated software, all legal pleadings could be filed in a manner that would automatically create these spreadsheets to automatically show the issues that require resolution."

COURT STANDARDIZATION

As courts struggle with managing and archiving documents, and with ensuring that software can be integrated, standardization is extremely important. Robin Gibson, court automation fiscal and planning manager for the Missouri Office of State Court Administration, writes that "Every day courts strive to find better, faster, cheaper, and more efficient solutions to share information. Different technologies have been tried, but the most promising technology today is eXtensible Markup Language (XML). It has sufficient implementations and standardized functionality to be a truly viable solution for courts and will expand rapidly in the future," (<http://www.ncsconline.org/WC/Publications/Trends/2006/GJXMLTrends2006.pdf>). McMillan notes that the newest version of Microsoft Word is XML-capable, although it certainly has its detractors (http://www.oreillynet.com/xml/blog/2005/03/holes_in_microsoft_office_xml.html).

A real problem for courts is preserving records. As more and more courts move to digital record-keeping, there needs to be a standard to ensure that future hardware and software will be able to view those digital files. Just as microfiche was used to replace paper copies, digital copies are replacing microfiche. The U.S. National Archives & Records Administration (NARA) is planning to archive potentially billions of electronic government documents "so that anyone, anywhere, anytime, far into the future, can access these records with the technology in use then," said outgoing NARA director, John W. Carlin.

In addition to assisting government archiving, he predicts the new products and processes will benefit other archivists – including colleges and universities, libraries and archives, small businesses and large corporations (<http://blog.lib.uiowa.edu/scholar/2004/07/26/national-electronic-records-archive-project-underway>). McMillan notes that NARA has endorsed XML as the standard. "What's nice about XML, it's basically a text file. There are no encrypted headers and no special formatting that can't be decoded easily. It's perfect for an open document standard," states Tony Scronce, information technology specialist for The National Judicial College. Also involved in standards development is the National Institute of Standards and Technology (NIST) (<http://www.nist.gov>).

McMillan applauds the work of two states for their technology integration efforts. He cited Pennsylvania's JNET (Justice Network) (<http://www.pajnet.state.pa.us/pajnet/site/default.asp>) which, according to its website, is a secure virtual system for allowing authorized users to access information "that historically took days or weeks to obtain through legacy, paper-driven, and sometimes manual-based business processes." Similarly, he noted that Minnesota is currently implementing the Minnesota Court Information System (MNCIS), which will also be helpful for allowing law enforcement, courts, and other state agencies to access necessary information for good decision making (<http://www.courts.state.mn.us/?page=1650>). Both systems

ensure that there are standards for all documents including warrants, charge tracking, protection orders, traffic citations, etc. Use of a standard language allows the information to be transferred across different formats with ease.

JUDICIAL DECISION SUPPORT SYSTEMS

Many courts have experimented with technology to assist in the decision-making process, primarily in the area of sentencing. Not all judicial decisions are the application of simple algebra. For example, if fact A is present, and fact B, then the result should be C. Many software companies have attempted to draft such software. Cyrus Tata, co-director of the Centre for Sentencing Research at Strathclyde University in Scotland, asserted that creating these systems is ambitious." Far from being a simple technical task, the fundamental challenges lie in developing a system which judges recognize as both useful and producing neutral data. This cannot be achieved by resorting to attempts to replicate legal judgment through the medium of algebra and mathematics processes. Research into the everyday practice of judgment-processes is more likely to provide the indispensable basis of a system, which judges feel is relatively natural to them." (http://www.ncsconline.org/D_Tech/ctc/showarticle.asp?id=21).

Judge Michael Marcus suggests that modern decision support technology holds great promise for improving crime reduction. "All involved should be able to run queries to determine how offenders who are like the subject have fared after being sentenced to any of the sanctions (custodial and otherwise) available for that offender, with success measured by various standards - but all keyed to reduced criminal behavior. And advocates should be expected to bring research to the task of sentencing." (<http://ourworld.compuserve.com/homepages/SMMarcus/whatwrks.html>). Evolving courts need to be able to show effectiveness rates, just as the drug court movement has been required to showcase empirically the recidivism rates of offenders in those programs. If problem-solving models are going to work, the

technology will need to keep pace to capture the data necessary for tracking effectiveness.

Pennsylvania, Virginia and Washington, D.C., are all currently using Sentencing Guidelines Software Web (SGS Web) that was developed by Cross Current Corporation (<http://www.crosscurrent.com/index.php?id=28,0,0,1,0,0>). According to its website, "SGS Web automates the process mandated to the State Sentencing Commission to maintain a 'consistent and rational statewide sentencing policy' for more uniform sentencing practices, leading to greater equity and fairness." The software automates the rules that provide judges with a common benchmark for sentencing. The software checks the sentence for conformity to the guidelines, and it requires reasons for times in which the judges wish to depart from the guidelines.

Many courts and judges have experimented with simple software to assist them in making good decisions. This innovation will continue into the future. Assuming supreme court involvement in the process, the question is what the appellate courts will do with trial court decisions that don't properly justify departure from the software's suggested resolution.

CASE MANAGEMENT SOFTWARE AND ACCOUNTABILITY

Case management was the buzz phrase of the 70s, 80s and 90s with tremendous work being done to

ensure efficiencies in court systems. With relatively simple technology, court employees' work habits can be tracked. McMillan tells of his experience in Bosnia with a simple case management system. "We know when a judge has something due and when he or she is done with a case. If the judges haven't done their jobs, we can easily track that. When there is a history of corruption, unfortunately more oversight is required. While it may seem somewhat Draconian, the software does help to curb bad behaviors." For example, he noted that one clerk would sign in at 9:30 a.m., leave at 11:00 a.m., and come back at 1:30 to 3:00 p.m. During that 1:30 to 3:00 p.m. time period, the clerk "hammered in a whole bunch of documents." The software was more valuable than a television camera would have been in documenting work progress. If this court were to request additional personnel because it's being overrun by documents, that request could easily be denied with this evidence of work habits. In positive terms, McMillan noted that the system would showcase whether a clerk in another jurisdiction needs work, providing load balancing and work sharing between jurisdictions in a centralized system.

To assist in ensuring that lawyers' and litigants' time is not wasted, many courts are utilizing time-certain scheduling. The court provides approximate times for the parties to

be called. Parties are more likely to be available if they are given certain times. Some courts are experimenting with online phone and online check-in much like airlines use, according to McMillan. Another benefit of time cuing is that the courthouse requires fewer parking spaces because not everyone is showing up at the same time. With shrinking court budgets and where parking spaces can cost between \$8,500 per space and much higher depending upon the jurisdiction, this can result in significant savings.

One of the hottest case management companies, according to McMillan, is Tyler Technologies (<http://www.tylerworks.com>), which offers a Web-based case management program for all case types, including civil, criminal, juvenile, probate, family, domestic violence and mental health cases, along with electronic document management for all court documents filed in these cases. The software also manages judicial assignment and scheduling. Just as importantly, the company interfaces with other state and local systems to ensure an integrated system.

COURTHOUSE DESIGN

McMillan reports that the courthouse in Ramsey County, Minnesota, has an excellent design (<http://www.mncourts.gov/district/2>). The court utilizes visible cuing, initial appearance and



arraignment courts, and allows parties to pay fines online. McMillan envisions the following scenario if some form of real ID comes to pass:

As the litigant enters the courthouse, a threat analysis using facial recognition software is conducted. “Ms. Jones, welcome to XYZ court. We see that you’re here for a civil action. We anticipate that the mediation session will be at 9:37, so please join us in the concierge lounge. Then proceed to the mediation center. Mr. Webster, we see that you have three warrants out standing, so please join Officer Smith. Mr. Thompson, I see that you are here for a domestic relations matter (domestic violence). Please proceed to the relaxation lounge until your hearing at 10:30 a.m.”

This type of court would reduce stress levels. In courthouse designs, savvy architects are aware of the way in which courts have changed in doing business. They recognize the importance of installing geographically dispersed victim and witness waiting areas. They provide for video monitoring where necessary. They are aware of the use of mediation, problem-solving principles including mental health and drug courts. Consequently, new courthouses have more and more conference rooms for mediations, settlement hearings and other dispute-resolution techniques. Some are built with mediation centers. Media lounges are created with access to computers, video and audio feeds, and the cameras in the courtroom are broadcast-quality.

DOCUMENT MANAGEMENT SYSTEMS FOR SHARING CASE INFORMATION

Many courts are exploring the use of password-protected portals for storing case information. For example, Ringtail Solutions allows lawyers from across the country to review documents at one password-protected site (<http://www.ringtailsolutions.com>). This is especially important in complex litigation matters. This type of collaborative site can also reduce the number of discovery disputes because the service also helps in organizing information.

ELECTRONIC DISCOVERY

Many courts are facing requests for injunctions or temporary restraining orders to either compel or restrict access to companies’ electronic files. Electronic documents contain meta-data, which provides information about the creator of the document, the document’s creation date, any modifications to the document, and other forensic evidence. Participants of the 10th Annual Court Technology Conference (CTC) in Tampa on Oct. 2-4, 2007, will examine the ability to fake the forensics software. There will be additional sessions addressing encrypting information. What will be protected information and what will be considered discoverable? This question is currently being litigated, and these types of suits will only increase in the future.

Another problem is the accidental, negligent and intentional release of private data. These types of suits have hit the courts and will continue at a greater pace in the future. Identity theft has become a major criminal enterprise, and courts don’t want to be part of the problem by releasing information such as dates of birth, social security numbers, and other private information that can assist in those thefts. According to McMillan, one product that shows promise is Intellidact (<http://www.csisoft.com/applications/intellidact.php>). Its technology automatically locates unstructured data, indexes it and redacts specified data without human intervention. This can help courts in their efforts to provide public access to court records without infringing upon privacy rights.

ACCESS TO JUSTICE AND SELF-REPRESENTED LITIGANTS


One of the most exciting technology products to assist self-represented litigants in accessing the courts is the Access To Justice Author (A2J Author) Software (<http://www.kentlaw.edu/cajt/A2JAuthor.html>). A2J Author software was developed by the Chicago-Kent College of Law. A2J is supported by grants from the Chicago-Kent College of Law, the State Justice Institute, the Center for Access to the Courts Through Technology, the Center for Computer-Assisted Legal Instruction (CALI), and Legal Services Corporation (LSC). Because of this funding,

the software is free for courts. The software uses a question and answer format. The self-represented litigant accesses the website and enters the type of claim that he or she wishes to make. The litigant is represented by an icon that is walking a path towards the courthouse.

As the litigant answers additional questions, the icon moves closer to the courthouse. With the answers to those questions, legal forms are being populated with the necessary information. Judges are often horrified to find out that litigants have paid sometimes substantial amounts of money for improper forms. This product negates that problem. To date, California, Idaho

and Illinois have built programs to assist *pro se* litigants. Other websites worth visiting are the National Center for State Courts site at (<http://www.selfhelpsupport.org>). It is designed to help courts and legal service providers deal with increasing numbers of self-represented litigants. It received the State Justice Institute’s 2005 Howell Heflin Award, which is presented annually to an SJI-supported project that has the potential to significantly improve the administration of justice in state courts nationwide. California has an excellent site as well at (<http://www.courtinfo.ca.gov/selfhelp>).

SUMMARY

The technological innovations described in this article are only the beginning. Albert Einstein lamented, “It has become appallingly obvious that our technology has exceeded our humanity.” It is imperative that technology be used to assist rather than hinder. It should make us more human, not less. Judicial educators have the unique role of educating judges and court staff on how to use technology to help people live better lives. 



One Judge's Opinion is Another Man's Song

By Alex B. Long, Oklahoma City University School of Law

Most judges and lawyers have relatively little in common with the likes of Bob Dylan or John Lennon (aside from the fact that some judges and lawyers may secretly wish that they were those people, if only for a day or two). However, songwriters and lawyers do have at least one thing in common. Their life's work involves the use of a common tool: words. Like songwriters, lawyers need to choose their words carefully in order to communicate as effectively as possible. Therefore, it shouldn't be surprising to learn that lawyers and judges sometimes turn to the lyrics of popular music to help advance a legal argument.

What is somewhat surprising is the extent to which legal writers do rely on the lyrics of popular music to help make their point. Legal writers – and most notably law professors – frequently utilize the lyrics of popular music artists to help advance a particular theme or argument in legal writing. However, judges and (perhaps to a lesser extent) practicing attorneys are not immune to the charms of music. If one looks hard enough, one can find numerous examples of judges resorting to the lyrics of popular music to help make a point in their written opinions.

Sometimes the resort to popular music lyrics works simply on a humorous level as a means of injecting a little levity into an opinion. Perhaps the best example would be the written opinion in *U.S. v. McPhee*, 336 F3d 1269, 1276 n.9 (11th Cir. 2003), in which Judge Stanley Marcus borrowed from Simon & Garfunkel's *I Am a Rock* ("I am a rock/I am an island") in a case where one of the issues was quite literally whether a land mass was a rock or an island. Sometimes the inclusion of lyrics may work both to liven up the writing and to persuade the reader or illustrate a point. One of the best examples here would be the California courts' frequent usage of the lyrics to Bob Dylan's *Subterranean Homesick Blues* to explain the rules regarding when expert testimony should be permitted at trial.

According to the California courts, "expert testimony is not required where a question is resolvable by common knowledge," or, stated differently, "you don't need a weatherman to know which way the wind blows." *Jorgensen v. Beach 'n' Bay Realty*, 125 Cal. App. 3d 155 (1981).

While legal writers might be subject to criticism that for relying quite heavily on artists from the Woodstock Generation to make their arguments, they do at least tend to borrow from artists who are generally recognized as being skilled wordsmiths. Below is a list of the top 10 most frequently cited popular music artists in legal writing (as of January 2006):

Artist	No. of Citations in Legal Journals	No. of Citations in Judicial Opinions	Total
1. Bob Dylan	160	26	186
2. The Beatles	71	3	74
3. Bruce Springsteen	64	5	69
4. Paul Simon	51	8	59
5. Woody Guthrie	42	1	43
6. Rolling Stones	35	4	39
7. Grateful Dead	30	2	32
8. Simon & Garfunkel	26	4	30
9. Joni Mitchell	27	1	28
10. R.E.M.	27	0	27

There are any number of potential pitfalls to using the lyrics of popular music in legal writing. However, if writers choose their sources and their words carefully, the lyrics of popular music may sometimes be an effective tool for communication. Even if The Beatles were never able to find a good rhyme for "the rule against perpetuities" or "medical malpractice."

Alex Long is currently an associate professor of law at Oklahoma City University School of Law and will be an associate professor of law at the University of Tennessee College of Law beginning in August of 2007. He teaches torts, professional responsibility, and employment-related courses. He also used to teach legal writing. His article, [Insert Song Lyrics Here]: The Uses And Misuses of Popular Music Lyrics in Legal Writing, will appear in Volume 64 of the *Washington & Lee Law Review*. The full article may be downloaded at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=937392.



Dwelling on the Past

Using the Wisdom of Shakespeare,
Justice Holmes and Others
to Find a More Just Future

By Presiding Justice Arthur Gilbert
California Court of Appeal



When I studied English history in college, I read about the Venerable Bede. He was a monk who was reputed to be the first major historian of England. He completed his five-volume work "The Ecclesiastical History of the English People," in 731. It knocks me out that Bede's name is preceded by "the Venerable." No text or article refers to Bede without the appellation "Venerable." It connotes the enormous respect this unique individual had earned during his life for his wisdom and scholarship. Because such high praise signals a lifetime's achievement, it is reserved for an older person. It is a recognition of the value of a person's past.

The Venerable Bede fostered respect for the past when there was not all that much of a past. Today, respect in general is in short supply, and respect for the past in particular, is a rarity. No wonder we seldom call people "venerable" today. We have a lot more older people today than we did in the 8th century, but I don't know of any who covet the soubriquet "venerable." In fact, call someone "venerable" to their face and you just might get punched in the nose.

But there are not that many people today to whom the term "venerable" even applies. There is, however, one judge to whom the description is apt: Julius Title. He is an energetic 91-year-old who I hope will not punch me in the nose. I have admired him from the days I was a practicing lawyer when he was appointed to the bench in 1966. He taught for many years in California as well as for The National Judicial College in the 70s and 80s. Through his courses and by example, he showed me and numerous other judges what it means to be a great judge, an ideal to which I can only aspire. Until recently he was sitting by

assignment on the Los Angeles Superior Court. Now that the court has its full complement of judges and functions so efficiently, Judge Title has packed up his temporary chambers in the Santa Monica Courthouse.

Because Judge Title is, as they say in jazz circles, "on the scene," dozens of young lawyers and sitting judges have had the good fortune to be exposed to this great jurist. But many in the legal profession and our judiciary have little interest in knowing about our predecessors. In fact, for many of us, the past is mostly forgotten or ignored. An opinion by Oliver Wendell Holmes reflects the work of a superb jurist and possibly the best writer ever to sit on any court. He could say clearly in eight pages what it would take others to say ambiguously in 50.

"Some may discount the value of the past because they see the past as a time of naiveté and simplicity which has no relevance today."

There are those whose links to the past consist of watching old movies or collecting or reading about antique cars. There is nothing wrong with that, but do many of us more deeply probe the past? Marshall McLuhan suggested that we make an art form out of the past, idealizing it, but not examining or confronting it. Maybe that

is because there is so much we have to do in the present. Judges, for example, must manage their calendars, keep abreast of the law, read points and authorities and determine the precedent that applies to the facts.

Who has time to dwell on the past, let alone other or related disciplines? I suppose Justice David Souter does. When his name was placed in nomination for the Supreme Court, articles made much about how he loved to read history. This curious trait was explained and tolerated. He was single and lived in New Hampshire. But what about the rest of us?

Professions are more complex than they were in the past. Courses in law schools involve subjects that were unheard of a few decades ago. Employment, the environment, biology, genetics, DNA, gender discrimination and

Alas, poor Yorick

17

toxic torts are specialties to which lawyers devote their entire practice. Judges take courses in these and related fields just to have some familiarity with the terms and basic principles of these disciplines. In comparison to the explosion of new and developing technology today, the past may seem quaint, if not insignificant.

As an example of how complex life has become, the esoteric “science” of hotel management is offered as a major at Cornell and other universities throughout the world. I wonder whether the graduates have a passing familiarity with Plato, Dostoyevsky, and Gibbons in addition to Hilton, Helmsley, and Marriott. I suppose knowing about Kierkegaard’s *Knight of Faith* may not be crucial to informing a guest that his room will not be ready until 3 p.m. But even with the complexities in managing a large hotel, I am convinced that a hotel manager versed in world culture will do a better job and in turn will be a more content human being.

Some 20 plus years ago I, along with several colleagues, designed an in-depth course in jurisprudence for California judges. We invited scholars from around the country to lecture and interact with students on issues posed by current and past legal philosophers. Judges lined up to take the course, but I was informed that recently it was discontinued because student interest had waned.


What a shame. Judging is not just about plugging in a formula to get a result. That is why I require students who take my course at the Judges College to read Shakespeare’s *Measure for Measure*. Professor Herbert Morris first turned me on to the play years ago and I haven’t been the same since. The play was written 400 years ago, yet astonishingly, it is no less relevant to the present time. It speaks to the tension between judicial activism and restraint. It posits the cost to society and to our notions of justice when we interpret a statute too liberally or too literally.

The play, like the writings of jurisprudential scholars, helps make judges conscious of their predilections when deciding difficult cases. Moreover, the play helps us cope with the inescapable fact that absolute justice is impossible.

Reading Shakespeare is at first tough going with all those Elizabethan words, the meanings of which, are unknown to a modern audience. Reading the annotations can be ponderous. But the reward is worthwhile.

The same reward awaits the judge knowledgeable about the schools of jurisprudence present and past. Shakespeare and legal philosophy may seem far removed from moving a court calendar with dispatch, or applying the evidence code. But an understanding of legal philosophy better equips a judge to decide issues in a diverse society.

Some may discount the value of the past because they see the past as a time of naiveté and simplicity which has no relevance today. Elmer Rice’s play of 1931, *Counselor-At-Law*, portrays a successful seemingly hard boiled criminal defense attorney as a person of compassion and integrity. I do not believe that I am naïve to posit that the attorney portrayed in Rice’s play reflects most of today’s criminal defense attorneys. Yet, today the media portrays most lawyers as craven, unprincipled and the devil incarnate. Some say the turn around in perception came during the Watergate scandal. They point to all those lawyers who were convicted. But I suggest we look at the lawyers who brought them to justice.

History gives judges a broader view of the world and the people in it. It enables them to evaluate a case and to make informed judgments. Getting back to Shakespeare for a moment, in *The Tempest, Act II Scene I*, he reminds us that “What’s past is prologue.” Looking to the past and to other disciplines makes judges better at what they do. 

...and Juliet is the Sun

SAVE THE DATE 2008

Ethical Issues in the Law: A Novel Approach (JS 619)

September 14-18 | Ashland, OR

This course is designed to spark in-depth discussion and analysis of ethical behavior and justice at the point law, literature, and life experience intersect. Participants will immerse themselves in literary works that serve as the focal point of discussion. The curriculum involves a two-text approach: the literary text (a play, short story, novel, poem or essay) and the life text (the life experience of the judge who participates in the discussions). Participants attend plays at the Oregon Shakespeare Festival and discuss the ethical dilemmas posed within the plays as the dilemmas relate to the judiciary. Participants must read the assigned literary texts prior to attending this course.

Qualifies for 2 credits toward the Judicial Studies degree and as an elective in the Certificate in Judicial Development, Administrative Law Adjudication Skills, Dispute Resolution Skills, General Jurisdiction Trial Skills, Special Court Trial Skills and Tribal Judicial Skills programs.



Judges and Attorneys across the country are using CourtCall®



CourtCall®

Telephonic Court Appearances



**Join the hundreds of other Courts
that trust CourtCall® to handle their
Telephonic Appearances.**

*Judges, Lawyers, and their Clients Benefit
from CourtCall® Telephonic Appearances!*

- No cost or expense to the Court
- Reduce travel time and save money

Call or Visit CourtCall® for Details at: 888.882.6878
www.courtcall.com

NJC TO PLAY KEY ROLE IN DECREASING PRISON RAPE

19

By Jennifer Rains, NJC Program Attorney

The National Judicial College received a grant from the Bureau of Justice Assistance to collaborate with the American Prosecutors Research Institute/National District Attorneys Association to raise awareness among judges and prosecutors of prison rape, provide education on this sweeping problem and provide guidance on the handling of prison rape cases.

The first stage of the project, which is nearly completed, consisted of creating two CD-ROMs in one-hour self-study formats – one for prosecutors and one for judges. The second stage, which began at the end of May, consists of creating two instructional manuals to accompany the CD-ROMs and form the basis for the workshops designed for delivery at state and local training venues.

The final stage will be to pilot the curricula this summer. The first planning meeting took place at the NJC in January of 2007, and the second was held in May of 2007 in Alexandria, Virginia.

The prosecutors' curriculum addresses the role of prosecutors in (1) holding offenders accountable; (2) the appropriate interventions for victims; and (3) working with the community to facilitate the reentry of victims and offenders. The judges' curriculum addresses the role of judges in (1) ensuring the handling and management of cases


involving prison rape; (2) ensuring the offender is brought to justice; and (3) facilitating the reentry of victims and offenders into the community.

The problem of prison rape received national attention when Congress enacted the Prison Rape Elimination Act of 2003 (PREA). As part of that legislation, Congress found that 2,100,146 persons were incarcerated in the United States at the end of 2001. Perhaps most shocking was Con-

gress' finding that more than 1,000,000 inmates had been sexually assaulted in the 20 years preceding enactment of the PREA. Inmates with mental illness and youthful first offenders are at increased risk of sexual victimization.

Prison rape impacts the safety of our communities because each year, 600,000 inmates across the nation are released. Victims of prison rape suffer severe physical and psychological effects, including infection with HIV/AIDS, that hinder their ability to integrate into their communities

and maintain stable employment upon release from prison. Additionally, prison rape increases the level of homicides and other violence against inmates and staff.

The purpose of this educational project is to educate both judges and prosecutors about the problem of prison rape and to improve the prosecution and administration of these difficult cases. 



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.

Contact Development Director Gretchen Struble Alt at (800) 25-JUDGE or alt@judges.org.

Essential Court Teamwork

20

When a newsworthy event happens in court, is it better for the chief judge to deal with the media, or to pass that responsibility to the court's actual or acting public information officer – usually the court administrator?

The answer, of course, depends on the circumstance. In most cases, the court will want its chief judge out front simply because that person is the designated spokesperson for the court. There are times, however, when it may be more appropriate to have someone else take the media's questions. But how does a judge or court administrator or PIO know which tactics to use and when?

It was with such questions in mind that the Reynolds National Center for Courts and Media retooled its *Basic Skills* class for court personnel into a class for both judges and court administrators entitled *Essential Court Teamwork in Dealing with the Media*. The class is designed for two members of the same court to work together in the sessions, which include not only responses to negative situations, but also affirmative public outreach programs designed to educate the public



about the court through the media. Individuals may enroll in the class as well.

The effectiveness of the course is evidenced by the statement of Nancy Holsey, judicial assistant/analyst for the Lassen Superior Court in Susanville, Calif., to her colleagues in court public information offices:

"I had the great pleasure of attending the *Essential Court Teamwork in Dealing with the Media* course at The National Judicial College March 26 through 28 in Reno. . . . The class consisted of PIOs, court administrators, and judges. My presiding judge and I attended together as a team and found this course invaluable. It's a great opportunity to get PIOs and judges on the same page. I heartily recommend this course and suggest attending as

a team with either your presiding judge or PIO. It will turn a narrow one-way communication lane into a six-lane freeway of open dialogue and ideas."

Essential Court Teamwork in Dealing with the Media will be held October 29-31, 2007, in Reno, Nev. To register call (800) 25-JUDGE or visit the website www.judges.org.

Bequest From Nevada Couple Builds the NJC's Endowment

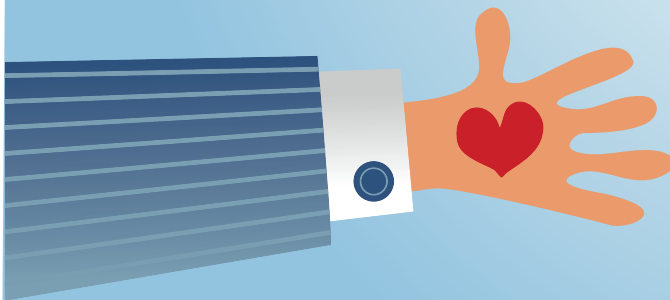
The National Judicial College (NJC) has recently become the beneficiary of a sizeable bequest gifted through the will of a longtime Reno, Nev., couple, who requested to remain anonymous. This generous gift has been added to the NJC's endowment and will enable the NJC to enhance numerous programs and services as well as the overall operations of the College.

Staff, trustees and faculty at the NJC were touched by their extreme generosity and support of judicial education through the charitable bequest set aside for the NJC in their estate plans. This special legacy will keep the spirit of these generous donors alive and ensure the NJC has the resources it needs in its mission of providing leadership in achieving justice through quality judicial education and collegial dialogue. "These anonymous donors valued the NJC and thought to include the College in their will when they were planning for what would occur with their estate

when they passed away. Their generous gift will create a lasting legacy that will benefit countless judges and others in perpetuity," said NJC Trustee Richard Willard, chair of the NJC's Development and Communications Committee.

Other NJC supporters are encouraged to consider the NJC as they make plans for their estates. While some donors choose to remain anonymous, many prefer to have their names attached to programs or endowments that will benefit judicial education, carrying forth the generosity these people expounded in their everyday lives.

Charitable bequests, which are made through wills or trusts, are the easiest and most common forms of planned giving. A bequest offers donors the opportunity to make a more substantial gift than may be possible during their lifetimes. Through a bequest, donors can support the future of the NJC and can designate their gifts to an area of interest, such as a scholarship, specific program or general support of the College. In addition, a gift through a will may lower estate taxes. The NJC has a local attorney who provides estate planning services *pro bono* to donors interested in leaving gifts through their wills. To learn more about how you can leave a legacy at The National Judicial College, please contact Gretchen Struble Alt at (775) 327-8257 or alt@judges.org.



Positive Impact

37 Nigerian Magistrates Attend NJC Program

By William Brunson, NJC Director of Special Projects



In December of 2006, The National Judicial College (NJC) welcomed 37 Nigerian magistrates for a judicial program aimed at improving the efficiency and productivity of the Nigerian justice system. The funding for the Lagos State judges to attend the Handling the Criminal Case course was arranged by Professor Yemi Osinbajo, Lagos State attorney general and commissioner for justice.

Chief Magistrate Eniola Fabamwo learned about the NJC and its worldwide judicial programs through the NJC's website, www.judges.org. "We had never heard of the NJC, but when we searched the Web, the NJC website was the best," she said. "I was not quite sure of what to expect because I must confess that I had never heard of Nevada before. But from the list of courses on the College's website, we found out that its courses were tailored to meet our needs and quite reasonably priced."

Lagos State, formerly the capital of Nigeria, is the most populous state in the Federation of Nigeria. It boasts the highest number of judicial officers with more than 50 high court judges and more than 115 magistrates, who all speak fluent English. All Lagos State court proceedings are conducted in English.

"I find Americans to be extremely friendly," said Chief Magistrate Bose Botoku, whose visit to the NJC was her first trip to the U.S.

One of the faculty members for the program, Judge Richard Knowles, of the Albuquerque District Court, recommended the Nigerian magistrates examine the length of their bench trials, which can last up to three years. "During that time witnesses will come and go, motions will be filed, and appeals will be sought," said Judge Knowles about the Lagos State court system. "No record is taken, so if a judge is 'reposted' or retires, pending trials must be restarted all over again."

Chief Magistrate Botoku said she gained new ideas to expedite cases. "I learned that with the American system, time is of the essence. Litigants are not encouraged to get cases unduly protracted. We are trying our best within our rules of procedure to do the same."

For any educational program to be successful, the stu-

dent judges must put their new knowledge to work. "The most effective thing I brought back home was the use of a case plan where my cases are given a life span which I stick to," expressed Chief Magistrate Adeola Adedayo. "Before the course, my cases tended to drag on indefinitely but now I am in better control and conclude cases faster. I am also more flexible in my attitude on the bench."


Chief Magistrate Fabamwo has adopted a stricter and firmer approach in terms of managing her case files. "So far I am able to conclude criminal trials in 9 months or less," she said. "This is a significant achievement, considering many cases take three years or longer."

Senior Magistrate Ariyike Nwachukwu now prepares a trial schedule with counsel. "I don't think this is popular with the lawyers yet because they are used to long adjournments and protracted cases."

As part of the educational program, the magistrates visited Washoe County District Court in Reno and found the court system to be impressive. Chief Magistrate Adedayo commented that "It was most interesting to be in a culture where everything works."

"We had a great time and, in addition to learning, we were able to let off steam and recharge our judicial batteries,"

added Chief Magistrate Fabamwo. "The energy and zeal which the [faculty] put into the lectures actually energized us and motivated us to a great extent." In addition to substantive knowledge, many of the participants said they gained new bench confidence. Chief Magistrate Fabamwo pointed out, "Although our systems of justice differ greatly, the problems we have are quite similar such as lawyers seeking adjournments and trying to delay the cases."

The faculty members found the student-magistrates to be particularly enthusiastic. "They asked insightful questions and, by doing so, helped to teach the teachers," expressed Judge Knowles. "One of the judges thanked me at the end of the program by saying, 'Thank you so much. I have been positively impacted.' It was one of the best compliments I have received." Judges Cheri Copsey, Boise District Court, and F.A. Gossett III, a U.S. district court magistrate from Omaha, Neb., also served as faculty for the program. 

"We had a great time and, in addition to learning, we were able to let off steam and recharge our judicial batteries."



*Chief Magistrate Eniola Fabamwo
Lagos State, Nigeria*

President of the State Bar of Nevada, Rew R. Goodenow, spoke March 28, 2007, to an audience of more than 75 people during The National Judicial College's Jackson Lecture in the College's Tom C. Clark Auditorium.

"You can't order people to respect the rule of law," explained Goodenow during his lecture, entitled *Bench and Bar: Partners for Fair and Impartial Justice*. "What we need to do – judges and attorneys – is work together to educate our fellow citizens on the importance of judicial independence."

Audience members consisted



as general counsel for the Nevada Republican Party. He earned his bachelor's degree from Tulane University and his Juris Doctor degree from the University of Iowa College of Law. He is admitted to practice in Nevada, Iowa, the U.S. Supreme Court, the U.S. 9th Circuit Court of Appeals, the U.S. District Court for Nevada and the U.S. District Court for Iowa.

The Jackson Lectures are held three times a year in memory of Justice Jackson, who was born in Spring Creek, Penn., on Feb. 13, 1892. He obtained most of his legal education under the old apprenticeship system

BENCH & BAR PARTNERS

of judges attending courses at The National Judicial College as well as staff, faculty and local residents. The NJC'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.

Goodenow focused on the advantages of judges and attorneys working together in pursuit of fair and impartial justice. He illustrated many ways in which judges and attorneys could assist the other in helping the judicial process run more smoothly and efficiently. One advantage, Goodenow pointed out, was in communicating with the public.

"Citizens need to hear from us how the system directly affects them," he said. "Leading our fellow citizens by teaching provides us a way to give back to our communities."

In addition to serving as president of the Nevada Bar, Goodenow

practices law with Parsons Behle & Latimer in Reno, Nev., specializing in all phases of business development and operations, from start-up to market leader. He holds an AV rating from Martindale Hubbell, the highest rating given. In addition to extensive experience successfully negotiating and completing business purchases and sales, and other business transactions, Goodenow has served as lead counsel in state and federal trial courts and courts of appeal in complex and ordinary business and corporate litigation. He represents banking and other financial institutions in bankruptcy court.

As the principal author of *Nevada's Limited Liability Company Act*, and of the treatise *Nevada Business Entities*, Goodenow counsels clients in a broad range of complex business, financial and real estate transactions. He serves on the editorial board for the *ABA Journal* and

as a law clerk and did not get his law degree until after he was named as a justice to the Supreme Court of the United States.

Justice Jackson was invited by President Franklin Delano Roosevelt to serve in the New Deal government, first as general counsel to the Bureau of Internal Revenue, and later as solicitor general and attorney general. He took his seat as a justice of the Supreme Court of the United States on Oct. 6, 1941, and served until his death in 1954. Justice Jackson is best remembered for his vigorous decision and wisdom.

The decision to honor Justice Jackson with this lecture series was made by his friend and Supreme Court colleague, Justice Tom C. Clark, chair of the Joint Committee for the Effective Administration of Justice and one of the NJC's founders, for whom NJC's auditorium is named.



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>.

“Motion to dismiss
denied!”



New State Trial Court Orders on Westlaw® give you instant online access to a judge's rulings on individual filings. The pleadings and motions at the state trial court level are already available on Westlaw – now you have the judge's responses to them.

In a few keystrokes, you can quickly determine what filings prevailed either for your type of case or for the judge you're about to face. See what strategy proved persuasive. How were the arguments framed? What

cases and statutes were cited? What was the trial judge's response based on? Was it overturned? Search by case type, judge, attorney or key terms – and link to related content on Westlaw. All of which will help you save time and gain new insights as you develop your own winning strategies.

Call **1-800-207-9378 (WEST)** and mention code **68598**, or visit **west.thomson.com**.



Smooth

Nancy Copfer is the scholarship officer for The National Judicial College. She began working at the NJC in 1981 as secretary to the dean and has served as the scholarship officer since 1991. She has guided more than 4,700 judges through the scholarship process.

What are the challenges to your job as scholarship officer?

Matching the judge with the appropriate scholarship and counseling the judge to seek additional funding from his or her state judicial educator, court, or judicial associations of which the judge may be a member. The package comes together when all of those things are investigated.

What do you like most about your job?

I've always enjoyed talking with all the judges and helping them through the process.

What are the most common scholarship questions you get from judges?

The first thing judges usually want to know is if there are scholarships available for the courses they want to take. Actually, almost all of our NJC courses have scholarship eligibility except for mediation courses.

Why is the NJC's scholarship program so important to judges?

When federal and state budgets decrease, usually there is a cut in state judicial education programs as well as funding for judges to receive judicial education either in-state



With Nancy Copfer at the helm of the Scholarship Committee, NJC attendees are guaranteed

Sailing

or out-of-state. The NJC scholarship program helps to supplement state budget shortfalls to enable judges to get the training they need. A well-trained judge benefits his or her court and community.

Where does the money to award scholarships come from?

The major source is the Bureau of Justice Assistance. Other sources are NHTSA, private gifts and endowments, corporations and foundations. The state specific endowments through the NJC are critical for future scholarships. Often, we have IOLTA grants from states that we match with federal funds to enable us to grant larger scholarships.

How many scholarships were awarded in 2006?

In 2006, we awarded 419 judicial education scholarships, totaling more than half a million dollars.

Does the number of scholarships awarded increase every year?

Over time, the number of scholarships increases. The more funding we receive, the more scholarships we are able to award.

How easy or difficult is it to get a scholarship to attend NJC courses?

It is probably the easiest process – one page, nominal information including what funding is available in the

applicant's state. That information helps us determine how much funding is needed. We try to spread the scholarships out throughout the year. There is limited funding so we use the funds in the best ways possible. The NJC Scholarship Committee (made up of five NJC staff members) meets weekly, and based on previous awards, amounts requested and the overall need, we determine if the scholarship request merits award.

How has the process evolved over the years? Has it become simpler and more efficient?

It is very easy to apply for an NJC scholarship. We are also able to provide judges with information on how to seek funding from other sources. We try to make it as painless as possible.

What types of judges are eligible for scholarships?

We award scholarships to all kinds of judges – general jurisdiction, appellate, limited jurisdiction, military, administrative law, tribal and special court. There is no limit on the number of scholarships a judge can receive over the course of his/her career, but judges are only eligible to receive scholarships every two and a half to three years, with exceptions for extenuating circumstances (i.e. change of division, change of jurisdiction, specific need on a specific topic).

What are the main factors that influence the Scholarship Committee's decisions on who receives funding?

The committee usually looks at the overall need as well as how critical the requested course is for a specific judge to be able to do his or her work in upholding justice.

If someone wants to apply for a scholarship, what is the first step?

Judges can visit our website at www.judges.org to download the scholarship application and to get more information on the process, or they can call me at (800) 25-JUDGE.

FACULTY FOCUS

25



JUSTICE W. MICHAEL GILLETTE

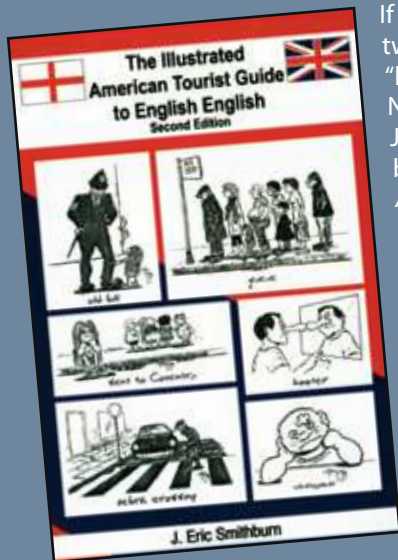
Hon. William F. Dressel, president of The National Judicial College, presented the 2006 V. Robert Payant Award for Excellence in Teaching to Justice W. Michael "Mick" Gillette on August 23, 2006, in Reno, Nev. The award was presented to the Oregon Supreme Court jurist in conjunction with the *Administrative Law: Fair Hearing* course in which he is an integral faculty member.

Justice Gillette is usually never at a loss for words, but he was obviously humbled by the award and virtually speechless, yet regained his composure in order to make brief remarks about the award. The award is presented annually to a candidate or candidates selected and recommended by the Faculty Council to the President for his final decision.

The College makes every effort to keep the recommendation and selection secret in order to preserve the element of surprise to the recipient. Justice Gillette is currently an associate justice of the Oregon Supreme Court and has been on the NJC faculty, teaching resident and nonresident courses, since 1980.

Justice Gillette holds a B.A., *cum laude*, from Whitman College and a J.D. degree from Harvard Law School. He has served on the Oregon Supreme Court since 1986, the Oregon Court of Appeals from 1977 to 1986, and served as Solicitor General of Oregon from 1973 to 1977. He has also taught various law-related courses for the Willamette University Department of Political Science and was an adjunct professor at the Atkinson School of Administration at Willamette, and Willamette University College of Law.

No Flim-Flam* Here...



If you don't know that a "blues and twos" is an emergency vehicle or a "lift" is another word for elevator, Notre Dame Law School Professor J. Eric Smithburn's new book might be required reading. The *Illustrated American Tourist Guide to English English, Second Edition* (AuthorHouse, 2005, \$14.95) has 3,500 fun entries of English words and expressions used by the British. The book is a product of 20 years of Professor Smithburn's on-and-off residency of Great Britain.

Professor Smithburn is also the author of *Judicial Discretion: A Text* which is available from the NJC Press.

* a load of rubbish, a tall story or trickery

Spotlight

The National Judicial College presented “Today’s Justice: The Historic Bases” in Washington, D.C., on March 18-22, 2007. The course explored the development of the judicial system from the English precedents into today’s judicial system. Professor John Kaminski, from the University of Wisconsin, led the participants through the reasoning behind the decisions upon which the United States judicial system began. The English government’s rule over the colonists in America created a volatile situation that ultimately led to the Declaration of Independence from English rule. The development of the unrest and the reasoning of the colonists allowed the participants to see the developing revolution through a personal viewpoint.

Professor Kaminski brought to life the struggle over whether to declare independence and the conflicts between the states themselves. While we view history from the secure position of knowing the outcome, the participants saw the development of the judiciary from the uncertain point of the time. The colonists saw themselves as citizens of

their respective states, not citizens of the United States.

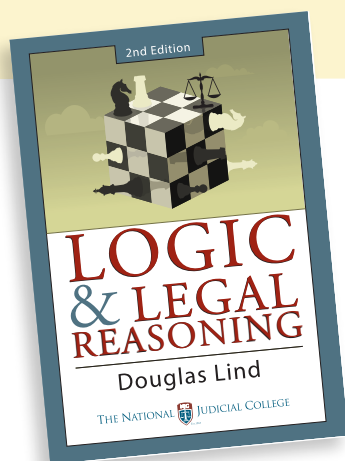
During the American Revolution, the consequences of this viewpoint were felt. For example, why should a Georgian citizen fight for another state’s interest, especially a state far away from Georgia? As the Constitution was debated, similar state-related arguments arose. The interests of the different states’ were divergent, communication could be slow, and in many cases the national government was far away. The problems associated with states’ rights and a central government were enumerated and explained. The Constitution and Bill of Rights discussion developed the reasons the Constitution was specific on points and vague at other points.

Judge Philip Taylor, chief judge of the Kennesaw Municipal Court, discussed the right to privacy, judicial ethics, and slavery, race and gender issues past and present. Participants utilized recent case law to analyze privacy doctrines, including standing, the seizure of intermingled electronic files, and the use of search warrants after a grand jury subpoena was issued. Participants discussed the limits that the *Model Code of Judicial Conduct* places upon the judiciary, especially with regard to speech and conduct. Participants utilized timelines to understand slavery, race and gender issues. The timelines illustrated how widely held racist or sexist views affected leaders of legal reform and that the past discrimination still

affects today’s judicial system.

Professor Samuel Krislov, Professor of Public Administration at American University and Professor Emeritus of Political Science and Law at the University of Minnesota, discussed the impact of religion as an issue since World War II, the Takings Clause, and Federalism. Professor Krislov explained the U.S. Supreme Court’s difficulty in balancing non-incorporation with free exercise of religion. The U.S. Supreme Court’s leading approaches for the Takings Clause was examined. Participants examined the desire to limit federal congressional power and analyzed the techniques used to limit federalism.

The National Judicial College thanks the U.S. Supreme Court, Ms. Kathy Arberg, and Ms. Yolanda Sanders for arranging the visit to the U.S. Supreme Court. Participants attended the *Roper v. Weaver* oral argument at the U.S. Supreme Court and toured the U.S. Supreme Court. For many participants, this was the first visit to the Court and a highlight for the course. The oral argument was lively with rapid questions and responses. The tour gave the participants a behind the scenes look at the Court and its history. Participants then had the opportunity through Judge Becky Gerrard and Senator Lindsey Graham to tour the U.S. Senate. Today’s Justice examined history through the present and witnessed the U.S. Supreme Court in action.



BOOK KEEPS JUDGES ON THEIR TOES

By Laurie Ginn, NJC Program Attorney

The National Judicial College is pleased to announce Professor Douglas Lind’s second edition of *Logic and Legal Reasoning*, a revised and updated version of the original text, first published in 2000. The newest edition builds on Professor Lind’s efforts to provide the best and latest methods to intertwine logical legal arguments in an easily accessible format. It will be used in the upcoming Logic and Opinion Writing courses at The National Judicial College. While the original book enhanced the education of many judicial professionals, the update is an important advancement in the pursuit of judicial excellence.

Professor Lind illustrates logical principles with relevant cases and literary works.

Through the cases, Professor Lind demonstrates how judges can integrate logic into their decisions. The reader is guided through logical principles and learns how to identify logical fallacies. Judges often face a situations where arguments appear complete and correct, however they are left with the idea that the arguments are flawed. The revised *Logic and Legal Reasoning* book guides the reader to identify the fallacy hidden within the argument and offers the reader a roadmap to discover the proper logical reasoning for ideal arguments.

The National Judicial College is excited to offer this timely publication to all judicial professionals and court personnel. The new *Logic and Legal Reasoning* is a worthy addition to any library and an invaluable resource for all legal professionals. Please contact The National Judicial College at (800) 25-JUDGE or visit www.judges.org to purchase Professor Lind’s second edition of *Logic and Legal Reasoning*.

Clarity on Conduct

A Look at the new Model Code of Judicial Conduct

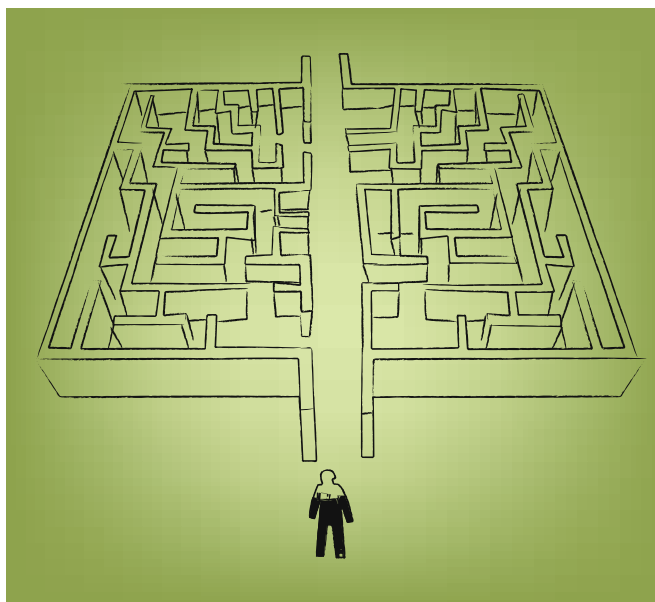
More than three years ago, I wandered into the first meeting of the ABA Joint Commission to Evaluate the *Model Code of Judicial Conduct* and introduced myself as the liaison from The National Judicial College. Then, along with the other 20 or so in the room, I proceeded to give my “list” of the areas of the then-current *Model Code* I thought needed attention and revision. Thirty-nine months, 19 in-person meetings (including nine public hearings and 39 sets of written comments), and 32 teleconferences later, a significantly revised version of the *Model Code of Judicial Conduct* passed the ABA House of Delegates unanimously and was adopted, effective this past February.

So what’s the big deal? Why did we need this review process and why should each of your jurisdictions now spend its valuable time evaluating your own codes of conduct to determine whether these changes should be adopted? The truth is that if your state’s code is working perfectly – or even reasonably well – for your judges, it is probably not going to be at the top of your list of priorities. So, what can I say to encourage you to form a committee and take a serious look at the new *Model Code*?

First, this *Code* is clearer than before. Because of this, it is more fair to judges who may, after all, be accused of violating the code and suffer sanctions as a consequence. It actually tells you what the “rules” are – and, for the first time ever, like lawyers’ codes of professional conduct, calls them “rules.” Its clarity is an improvement both for the judge and for the enforcers of the codes. It also reorganizes the subject matter so that it makes more sense and is easier to follow.

Second, at the same time that it provides a rules-based format, it maintains its earlier aspirational qualities by way of its four introductory Canons, as well as fairly extensive commentary that provides both aspirational statements and guidance in interpreting and applying the rules. This is


“It actually tells you what the “rules” are – and, for the first time ever, like lawyers’ codes of professional conduct, calls them “rules.””



important because, thankfully, very few judges are going to be disciplined. But all of us want to do “the right thing.” Third, and perhaps most important, while ethics don’t really change, the ideas that form them may. Thus, the updated *Code* captures some of the ways in which the modern judiciary has adjusted to meet the changing needs of the society that depends on us to be fair and impartial. Just to give a few examples of the new “flavor” of the

Code, you will find new references in the rules or commentary on: access to justice for all; fair and impartial courts; *pro se* litigants; *pro bono* involvement; problem-solving courts; community outreach; Internet research; court security; settlement judges; judicial education seminars; and judicial disability and impairment.

Finally, no judge needs to be told that the U.S. Supreme Court and many lower courts have weighed in during the past six years in the area of the First Amendment, often shocking us into a whole new approach to speech-related judicial conduct, at least with respect to judicial campaigns. This revised *Code* attempts, within the constraints of the *White* decision, to draw some lines to keep us true to the core judicial value of impartiality. Where, because of uncertainties created by the moving target of litigation in this arena, lines couldn’t easily be delineated, extensive commentary has been added to the Canon 4 political activity rules that gives, perhaps, the best guidance this revised *Code* has to offer.

In short, there’s enough here, hopefully, to arouse even the most complacent of us. Do take a look, form a committee, debate the new rules, read the commentary – and decide for yourself whether to adopt all or a part of this new *Model Code of Judicial Conduct*. It’s worth your time. 

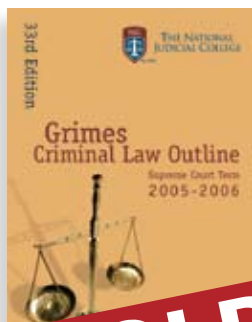
2008 COURSES

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

Course	Date	Location	JSP/Certificate	Tuition / Early Discount / Conf. Fee
FEBRUARY				
Logic and Opinion Writing	February 17-21	Orlando, FL	A, D, G, S, T	\$1,195 / \$1,095 by 11/19/07 / \$360
Selected Criminal Evidence Issues: A Web-Based Course	February 18-April 3	Web	G, S, T	\$550 / No Early Discount / No Conf. Fee
MARCH				
When Justice Fails: Threats to the Independence of the Judiciary (JS 644)	March 2-6	Washington, D.C.	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 12/3/07 / \$360
Enhancing Judicial Bench Skills	March 3-6	Reno, NV	G, S, T	\$985 / \$885 by 12/4/07 / \$235
Tribal Court Management of Alcohol and Drug Cases	March 3-6	Reno, NV	T	\$985 / \$885 by 12/4/07 / \$235
Administrative Law: Fair Hearing	March 3-13	Reno, NV	A, D, T	\$1,495 / \$1,395 by 12/4/07 / \$475
Essential Skills for Appellate Judges	March 10-13	Reno, NV		\$985 / \$885 by 12/11/07 / \$235
Essential Skills for Tribal Court Judges	March 10-13	Reno, NV	T	\$985 / \$885 by 12/11/07 / \$235
Evidence Challenges For Administrative Law Judges: A Web-Based Course	March 10-April 24	Web	A	\$550 / No Early Discount / No Conf. Fee
General Jurisdiction (JS 610)	March 30-April 10	Reno, NV	JSP, D, G, S, T	\$1,495 / \$1,395 by 12/31/07 / \$475
Essential Court Teamwork in Dealing with the Media	March 31-April 2	Reno, NV	G, S, T	\$675 / \$625 by 1/1/08 / \$175
APRIL				
Mediation for Administrative Law Judges	April 6-11	Santa Fe, NM	A, D	\$1,195 / \$1,095 by 1/7/08 / \$360
Judicial Writing (JS 615)	April 7-10	Reno, NV	JSP, A, D, G, S, T	\$985 / \$885 by 1/8/08 / \$235
Judicial Philosophy and American Law	April 13-17	Sedona, AZ	A, G, S, T	\$1,195 / \$1,095 by 1/14/08 / \$360
The Fourth Amendment: Contemporary Issues for Appellate Judges	April 14-15	Oxford, MS		Call for eligibility
Handling Small Claims Cases Effectively: A Web-Based Course	April 14-May 29	Web	D, G, S, T	\$550 / No Early Discount / No Conf. Fee
Court Management for Tribal Court Judges and Personnel	April 28-May 2	Reno, NV	T	\$1,095 / \$995 by 1/29/08 / \$275
Special Court Jurisdiction	April 28-May 8	Reno, NV	D, S, T	\$1,495 / \$1,395 by 1/29/08 / \$475
Special Court Jurisdiction: Advanced (JS 612)	April 28-May 8	Reno, NV	JSP, D, S, T	\$1,495 / \$1,395 by 1/29/08 / \$475
MAY				
Civil Mediation	May 5-9	Reno, NV	A, D, G, S, T	\$1,095 / No Early Discount / \$275
Practical Approaches to Family Issues in Tribal Courts	May 13-15	Reno, NV	T	\$675 / \$625 by 2/13/08 / \$175
Criminal Evidence (JS 613)	May 19-22	Reno, NV	JSP, G, S, T	\$985 / \$885 by 2/19/08 / \$235
Practical Approaches to Substance Abuse Issues (JS 628)	May 19-22	Reno, NV	JSP, G, S, T	\$985 / \$885 by 2/19/08 / \$235
The Fourth Amendment: Comprehensive Search and Seizure...(JS 645)	May 19-22	Reno, NV	JSP, G, S	Call for eligibility
Evidence in a Courtroom Setting	May 25-29	Chicago, IL	D, G, S, T	\$1,195 / \$1,095 by 2/25/08 / \$360
JUNE				
Administrative Law: Advanced	June 9-12	Reno, NV	A	\$985 / \$885 by 4/22/08 / \$235
Advanced Evidence (JS 617)	June 9-12	Reno, NV	JSP, A, D, G, S, T	\$985 / \$885 by 3/1/08 / \$235
Managing Cases Involving Persons with Mental Disabilities	June 9-12	Reno, NV	G, S, T	\$985 / \$885 by 3/1/08 / \$235
Tribal Court Practice and Procedure	June 9-12	Reno, NV	T	\$985 / \$885 by 3/1/08 / \$235
Management Skills for Presiding Judges	June 9-13	Reno, NV	G, S	\$1,095 / \$995 by 3/11/08 / \$275
JULY				
Ethics, Bias, and Judging: Reaching Higher Ground: A Web-Based Course	July 7-22	Web	A, D, G, S, T	\$550 / No Early Discount / No Conf. Fee
Domestic Violence (JS 636)	July 14-17	Reno, NV	JSP, D, G, S, T	\$985 / \$885 by 4/15/08 / \$235
Managing Complex Litigation (JS 629)	July 14-17	Reno, NV	JSP, A, D, G	\$985 / \$885 by 4/15/08 / \$235
Appellate Skills for Tribal Judges	July 21-24	Reno, NV	T	\$985 / \$885 by 4/22/08 / \$235
Dispute Resolution Skills (JS 625)	July 21-24	Reno, NV	JSP, A, D, G, S, T	\$985 / \$885 by 4/22/08 / \$235
Judicial Writing (JS 615)	July 21-24	Reno, NV	JSP, A, D, G, S, T	\$985 / \$885 by 4/22/08 / \$235
Basic Legal Affairs Reporting for Journalists	July 28-29	Reno, NV		Call for eligibility
Conducting the Trial (JS 632)	July 28-31	Reno, NV	JSP, D, G, S, T	\$985 / \$885 by 4/29/08 / \$235
AUGUST				
Handling Domestic Violence Cases for Tribal Court Judges	August 11-14	Reno, NV	T	\$985 / \$885 by 5/13/08 / \$235
Co-Occurring Mental and Substance Abuse Disorders	August 18-21	Reno, NV	G, S, T	\$985 / \$885 by 5/20/08 / \$235
Logic and Opinion Writing	August 18-21	Reno, NV	A, D, G, S, T	\$985 / \$885 by 5/20/08 / \$235
Administrative Law: Fair Hearing	August 18-28	Reno, NV	A, D, T	\$1,495 / \$1,395 by 5/20/08 / \$475
Effective Caseload Management (JS 627)	August 24-28	Bar Harbor, ME	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 5/26/08 / \$360
First Amendment and Media Issues for Judges	August 25-27	Reno, NV	G, S, T	\$675 / \$625 by 5/27/08 / \$175
Sentencing Motor Vehicle Law Offenders	August 25-28	Reno, NV	A, G, S, T	\$985 / \$885 by 5/27/08 / \$235
SEPTEMBER				
Decision Making (JS 618)	September 7-11	Monterey, CA	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 6/9/08 / \$360
Ethical Issues in the Law: A Novel Approach (JS 619)	September 14-18	Ashland, OR	JSP, A, D, G, S, T	\$1,195 / \$1,095 by 6/16/08 / \$360
Rural Courts: A Web-Based Course	September 15-Oct. 30	Reno, NV	G, S	\$550 / No Early Discount / No Conf. Fee
Implementing and Evaluating a Court-Connected ADR	September 22-23	Reno, NV	D	\$550 / No Early Discount / \$135
Impaired Driving Case Essentials	September 22-25	Reno, NV	A, S, T	\$985 / \$885 by 6/24/08 / \$235
Managing Challenging Family Law Cases (NCJFCJ) (JS 634)	September 22-25	Reno, NV	JSP, D, G, S, T	\$985 / \$885 by 6/24/08 / \$235
The Fourth Amendment: Comprehensive Search and Seizure...(JS 645)	September 22-25	Oxford, MS	JSP, G, S	Call for eligibility
Ethics, Bias, and the Administrative Law Judge: A Web-Based Course	September 22-Nov. 6	Web	A	\$550 / No Early Discount / No Conf. Fee
NEW! Judicial Wellness and Personal Security	September 24-25	Reno, NV	A, G, S, T	\$985 / \$885 by 6/24/08 / \$235
OCTOBER				
Evidence Challenges for Administrative Law Judges: A Web-Based Course	October 6-Nov. 20	Web	A	\$550 / No Early Discount / No Conf. Fee
Best Practices in Handling Cases with Self-Represented Litigants	October 12-16	San Diego, CA	A, D, G, S, T	\$1,195 / \$1,095 by 7/14/08 / \$360
Essential Court Teamwork in Dealing with the Media	October 13-15	Reno, NV	G, S, T	\$675 / \$625 by 7/14/08 / \$175
Traffic Issues in the 21st Century	October 13-16	Reno, NV	A, G, S, T	\$985 / \$885 by 7/15/08 / \$235
Civil Mediation	October 13-17	Reno, NV	A, D, G, S, T	\$1,095 / No Early Discount / \$275
General Jurisdiction (JS 610)	October 19-30	Reno, NV	JSP, D, G, S, T	\$1,495 / \$1,395 by 7/21/07 / \$475
Ethics for Judges	October 20-21	Reno, NV	A, D, G, S, T	\$550 / No Early Discount / \$135
Handling Capital Cases (JS 623)	October 20-23	Reno, NV	JSP, G	\$985 / \$885 by 7/22/07 / \$235
Building a Bias-Free Environment in Your Court	October 22-23	Reno, NV	A, D, G, S, T	\$550 / No Early Discount / \$135
The Fourth Amendment: Contemporary Issues for Appellate Judges	October 27-28	Reno, NV		Call for eligibility
Criminal Pretrial and Post-Trial Challenges: Solutions for Bail, Supervision...	October 27-30	Reno, NV	G, S, T	\$985 / \$885 by 7/29/08 / \$235
NOVEMBER				
Current Issues in the Law	November 9-13	Charleston, SC	D, G, S, T	\$1,195 / \$1,095 by 8/11/08 / \$360
Advanced Evidence (JS 617)	November 17-20	Reno, NV	JSP, A, D, G, S, T	\$985 / \$885 by 8/19/08 / \$235



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. C. ... new ...

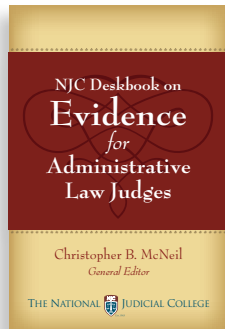
SOLD OUT!
2006-2007 Term Available Soon

... Court Term) ... accurately annotates all U.S. ... 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.

386 pages softcover / \$35.00

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

Softcover/CD ROM Set / \$45.00



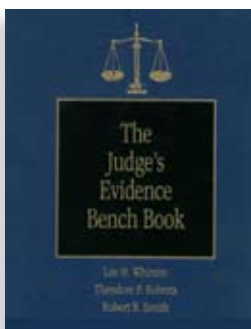
NJC Deskbook on Evidence for Administrative Law Judges

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



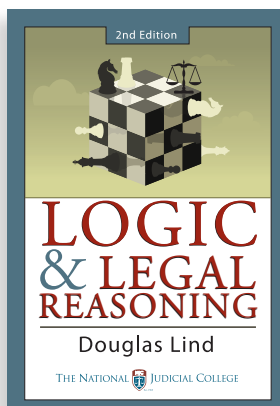
The Judge's Evidence Bench Book

Leo H. Winery
Theodore P. Roberts
Robert B. Smith

This new publication provides judges with the tools to make evidentiary rulings during trials and hearings and also assists lawyers with evidentiary points. The book is based on the Federal Rules of Evidence and cases interpreting the Federal Rules. It contains the text of rules, official comments, analysis, illustrative examples, relevant case summaries, checklists and cross references.

To order this book online directly from Thomson-West go to <http://west.thomson.com> or call (800) 344-5009.

1,275 pages softcover / \$89.00

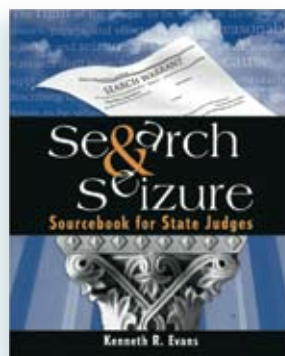


Logic & Legal Reasoning 2nd Edition

Professor Douglas Lind

The newest edition of this book builds on Professor Lind's efforts to provide the best and latest methods to intertwine logical legal arguments in an easily accessible format. Lind illustrates logical principles with relevant cases and literary works. Through the cases, Professor Lind demonstrates how judges can integrate logic into their decisions. The reader is guided through logical principles and learns how to identify logical fallacies.

410 pages softcover / \$48

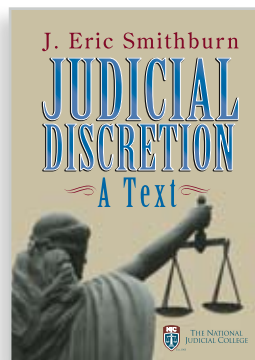


Search & Seizure Sourcebook for State Judges

Professor Kenneth R. Evans

Professor Evans presents a unique book designed to illuminate the intricacies of the United States Supreme Court and state supreme court decisions on search and seizure issues. Professor Evans correlates the courts' decisions in a coherent and meaningful way.

684 pages softcover / \$60.00



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.

303 pages softcover / \$60.00

NJC PRESS BOOK ORDER FORM

30

Item	Quantity	Price	Total
Judicial Discretion: A Text	_____	@ \$60.00	_____
Grimes Criminal Law Outline, 2005-2006 Supreme Court Term, 33rd Edition	_____		_____
Softcover	_____	@ \$35.00	_____
CD ROM (MS Word/Single User License)	_____	@ \$35.00	_____
Softcover and CD ROM Set	_____	@ \$45.00	_____
NJC Deskbook on Evidence for Administrative Law Judges	_____	@ \$37.00	_____
Search & Seizure Sourcebook for State Judges	_____	@ \$60.00	_____
The Judge's Evidence Bench Book	_____	@ \$89.00	_____
International Child Custody Cases:			
Handling Hague Convention Cases in U.S. Courts	_____	@ \$35.00	_____
Decision Writing: A Handbook for Administrative Law Judges	_____	@ \$10.00	_____
Court Security: Calm in the Courthouse	_____	@ \$18.00	_____
Handbook for a Sufficient Hearing Record	_____	@ \$15.00	_____
Making Work Work for You	_____	@ \$39.95	_____
Courtroom Evidence Handbook	_____	@ \$40.00	_____
Logic and Legal Reasoning	_____	@ \$48.00	_____
Total of Order	_____		_____
*Quantity Discount	_____		_____
Plus Shipping and Handling	_____		_____
Grand Total Due	_____		_____

Order Information

To order NJC Press Judicial Publications, please return this order form with a check/credit card/purchase order number to: Judicial Publications, The National Judicial College, Judicial College Bldg./MS 358, Reno, NV, 89557. You may also fax your order to (775) 327-2161. Be sure to complete the entire order form. Order toll-free: (800) 25-JUDGE (800-255-8343).

*Discount: Quantity discount of 20% for 20 or more publications ordered and shipped to the same address.

Payment: Prepayment or purchase order is required on all orders. International orders require prepayment and additional shipping charges; call or fax for pricing information.

Shipping Charges:

First book = \$7.50

Each additional book = \$2.50

40-99 books = \$50.00

100+ books = FREE

Call for overnight shipping rates. Please allow 2-4 weeks for delivery.

International Orders: Prepayment in U.S. funds required. Additional shipping charges apply. Call/fax for pricing information.

Ship To (Name) _____

Shipping Address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____ E-mail _____

☐ Check enclosed (payable to The National Judicial College)

☐ Purchase Order Attached _____

☐ Credit Card Number _____

☐ Visa ☐ MasterCard ☐ American Express ☐ Discover

☐ Expiration Date: Month/Year ____/____

Name on Card (please print)

Signature



THE NATIONAL
JUDICIAL COLLEGE

Est. 1963



Hon. William Lawless

OBITUARIES

Hon. William Lawless, a former New York trial court judge and former dean of the NJC from 1987 to 1990, died in April of 2007 at age 84.

Ronald James Rose, former director of administration at the NJC died on January 18, 2007. He worked for the College from 1976 to 1988. His wife, Patricia Rose is the sister of Marilyn Melton, widow of journalist, Rollan Melton.

Hon. Burton A. Scott, retired Kenosha City Attorney and Kenosha County Circuit Court Judge, passed away at his home in Wisconsin April 2, 2007. Judge Scott was dean of the NJC from 1991 to 1994 and was the driving force behind the Essential Skills for the Appellate Judge course.



Hon. Burton A. Scott.



Hon Larry Sage (center), Master of Judicial Studies graduate, with James Richardson (left), professor and director of the Judicial Studies program and Grant Sawyer Center for Justice Studies at the University of Nevada, Reno, and President William F. Dressel (right) of the NJC.

MASTER'S DEGREE GRADUATE

Hon. Larry Sage received his master's degree in Judicial Studies in December of 2006. He is now retired from the Sparks Municipal Court in Sparks, Nev. He is also a faculty member for the NJC.

CERTIFICATE PROGRAM GRADUATES

Hon. Patricia L. Calton, Justice/Municipal Court in Wells, Nev., graduated from the Certificate of Judicial Development Special Court Trial Skills program. She is also enrolled in the Certificate of Judicial Development Dispute Resolutions Skills program.

Hon. Patricia Coffey, supervisory justice with the Superior Court of New Hampshire, graduated from the Certificate of Judicial Development General Jurisdiction Trial Skills program.

Hon. Robert B. Corn, New Mexico Magistrate Court, has graduated from the Special Court Trial Skills Certificate of Judicial Development program. He is the first judge from the New Mexico Magistrate Court to complete the program. He is also a graduate of the Dispute Resolution Skills program.

Hon. Nancy M. Dippell, Jefferson City, Mo., graduated from the Certificate of Judicial Development Administrative Law Adjudication Skills program and the Certificate in Judicial Development Dispute Resolution Skills program.

Hon. Robert L. Hans, commissioner for the Tax Equalization and Review Commission of Nebraska, graduated from the Certificate of Judicial Development Dispute Resolutions Skills program. He also graduated from the Certificate of Judicial Development Administrative Law Adjudication Skills program in 2004.

Hon. Patricia T. Hedges, 22nd Judicial District Court in Louisiana, graduated from the Certificate of Judicial Development General Jurisdiction Trial Skills program.

Hon. John Marnocha, chief judge for the Superior Court of Indiana, graduated from the Certificate of Judicial Development General Jurisdiction Trial Skills program.

Hon. Robert W. Redcliff, Western Circuit of the Navy-Marine Corps Trial Judiciary in California, graduated from the Certificate of Judicial Development General Jurisdiction Trial Skills program.

Hon. William K. Teeguarden, administrative law judge for the Indiana Department of Homeland Security, graduated from the Certificate of Judicial Development Dispute Resolutions Skills program. He also graduated from the Certificate of Judicial Development Administrative Law Adjudication Skills program in 2003.

NEW APPOINTMENT

Judge Larry Sage, Sparks, Nev., was selected by the ABA Judicial Division National Conference of Specialized Court Judges to serve as the first NHTSA Judicial Outreach Liaison for the Western Region of NHTSA.



Hon. Karl Grube, of Florida, was awarded a plaque for 25 years of service to the NJC.

FACULTY/STAFF ACHIEVEMENTS

5 YEAR AWARD

Hon. Ira Bank – California
 Hon. Michael J. Barrasse – Pennsylvania
 Hon. Peter I. Breen – Nevada
 Dr. Mark H. Broadhead – Nevada
 Hon. Mark D. Butterfield – Wisconsin
 Hon. Thomas E. Cheffins – Pennsylvania

Hon. Thomas Fong – California
 Hon. Stephen S. Goss – Georgia
 Hon. Charles F. Kahn, Jr. – Wisconsin
 Mr. Vincent Knight – Colorado
 Hon. Roma M. McElwee – Oklahoma
 Mr. Andrew Mintzer – California
 Hon. Stephanie L. Rhoades – Alaska
 Hon. Marshall A. Snider – Colorado
 Ms. Kelly E. Tait - Nevada

10 YEAR AWARD

Hon. Elbridge Coochise – Arizona
 Professor Stephen M. Simon – Minnesota

15 YEAR AWARD

Professor Paul Bateman – California
 Hon. Timothy McArdle – California
 Hon. Michael R. Morgan – North Carolina
 Professor Penny J. White – Tennessee

20 YEAR AWARD

Hon. Allan A. Toubman – Maine
 Mr. Michael J. Whetstone, Esq. – Minnesota

25 YEAR AWARD

Hon. Karl B. Grube – Florida

V. ROBERT PAYANT AWARD

Professor Elizabeth A. Francis – Nevada



First dean of The National Judicial College (NJC), Professor Ernest Friesen, left, receives his 39-year teaching award from Hon. William F. Dressel, president of the NJC. Subjects on which he teaches include case management, general jurisdiction and dispute resolution. He also received the NJC's Erwin Griswold award for teaching in 1995.



HON. MORGAN RECEIVES 15-YEAR TEACHING AWARD

Hon. William F. Dressel (left), president of The National Judicial College, presents a 15-year teaching award to Hon. Michael R. Morgan, a member of the NJC's Faculty Council. Judge Morgan serves as a superior court judge for the General Court of Justice for the State of North Carolina. He teaches administrative law courses at the College.

FACULTY COUNCIL

Hon. Amy B. Karan, Chair
 Miami, FL
 Hon. Peter M. Evans, Secretary
 West Palm Beach, FL
 Hon. Adam Fisher, Jr.
 Greenville, SC
 Hon. David M. Gersten
 Miami, FL
 Prof. Ronald R. Hofer
 Waukesha, WI
 Hon. Ken M. Kawaichi, Ret.
 San Francisco, CA
 Hon. Michael R. Morgan
 Raleigh, NC
 Hon. Jan W. Morris
 Peoria, AZ
 Hon. Daniel P. Ryan
 Detroit, MI
 Michael J. Whetstone, Esq.
 Woodbury, MN



NJC WINS ACE AWARDS

The NJC took home the top award in the Non-Profit Marketing Campaign category at the 2007 Ace Awards for the Villains of the Courtroom Campaign. The campaign was created by Communications Director Trace Robbers (*center*), Graphic Designer Christina Nellemann (*left*), Scholarship Officer Nancy Copfer (*not shown*), Communications Specialist Heather Singer (*right*) and Studio G Design. The NJC was also presented with a Certificate of Excellence for its monthly email marketing newsletter, *Judicial Edge*.

THE ANNUAL FUND

This list reflects donations received in 2006. The NJC acknowledges the following friends and alumni for their generosity. If you are interested in donating to the NJC, please contact Alaina Vengco in the Development Department at (800) 25-JUDGE or vengco@judges.org.

Special Recognition Donors (\$25,000+)

Boyd Gaming Corporation

Ethics and Excellence in Journalism Foundation

ExxonMobil Corporation

McClatchy Newspapers, Inc./ Star Tribune Foundation

McCormick Tribune Foundation

E.L. Wiegand Foundation

TOM C. CLARK FOUNDER'S CIRCLE (\$10,000 - \$24,999)

Anonymous
Century Council
Donald W. Reynolds Foundation
Harrah's Entertainment, Inc.
Robert Z. Hawkins Foundation
Samuel S. Lionel, Esq. (NV)
Silver State Schools Credit Union
The Rhode Island Foundation
The Charles H. Stout Foundation
The Clinton H. and Wilma T. Shattuck Charitable Trust
The South Carolina Bar Foundation

PRESIDENT'S CIRCLE (\$5,000 - \$9,999)

Bartimus, Frickleton, Robertson & Gorny, P.C.
David J. Beck, Esq. (TX)
Beirne, Maynard & Parsons
Patricia Glaser, Esq. (CA)
Philip J. Kessler, Esq. (MI)
Edward W. Madeira, Jr., Esq. (PA)
Charles W. Matthews, Jr., Esq. (TX)
MGM Mirage
M.R. Bauer Foundation
Nelson Mullins Riley & Scarborough, LLP
William H. Neukom, Esq. (WA)
The North Carolina State Bar
Plan for IOLTA

Robert L. Parks, Esq. (FL)
Charles E. Patterson, Esq. (CA)
Sills Cummis Epstein & Gross, P.C.
John A. Tarantino, Esq. (RI)
Mark G. Tratos, Esq. (NV)
Verizon Communications
Saul A. Wolfe, Esq. (NJ)

DIAMOND GAVEL CIRCLE (\$2,500 - \$4,999)

Thomas V. Girardi, Esq. (CA)
Ronald R. Hofer (WI)
Hon. Procter R. Hug, Jr. (NV)
Brian A. Larson, Esq. (NV)
Hon. Marilyn H. Loftus (NJ)
Marilyn R. Melton (NV)
Paradise Development, Ltd.
Sidney Stern Memorial Trust
Stephens Media Group
B. Phyllis Whittiker, Esq. (NV)

PLATINUM GAVEL CIRCLE (\$1,000 - \$2,499)

Anonymous
The Allison Law Firm
Darrell L. Barger, Esq. (TX)
Hon. Cameron M. Batjer (NV)
William J. Brunson, Esq. (NV)
Bullivant Houser Bailey, PC
ConocoPhillips
Hon. William F. and Angela Dressel (NV)
Gabelli Foundation, Inc.
Hon. David M. Gersten (FL)
Hon. Stephen B. Goldstein (MI)
Hon. Karen L. Hunt (AK)
Jacob, Medinger & Finnegan, LLP
Gary Jacobs, Esq. (NV)
Mr. and Mrs. Dennis B. Jones (NV)
Krist Law Firm, P.C.
Ron and Susan Krump (NV)
Marathon Oil Company
McDowell Knight Roedder & Sledge
Hon. Christopher B. McNeil (OH)
D. Scott Mitchell (MI)
Oliver C. Mitchell, Esq. (NJ)
Ethel Morvay (NV)
Hon. William A. Munnell (NV)
Peter C. Neumann, Esq. (NV)
Nevada State Bank
Hon. and Mrs. V. Robert Payant (NV)
Peter Perlman, Esq. (KY)
Reno Gazette-Journal
Kitty Rodman (NV)

Hon. Ellen F. Rosenblum (OR)
Bruce W. Sanford, Esq. (DC)
SBC Foundation Matching Gift Program
Hon. David M. Schreiber (NV)
Sunbelt Communications Company
Thomas M. Susman, Esq. (DC)
The Thomas Foundation
Troutman Sanders LLP
Richard K. Willard, Esq. (DC)
Claudine Williams (NV)

CRYSTAL GAVEL CIRCLE (\$500 - \$999)

Albert R. Abramson, Esq. (CA)
Hon. H. Jere and Jeanne B. Armstrong (VA)
Battle Creek Community Foundation
Hon. Elihu M. Berle (CA)
Hon. Peter W. Booth (CO)
Hon. Carl O. Bradford (ME)
Hon. Tyrone T. Butler (DC)
Chinois Restaurant
James E. Coleman, Jr., Esq. (TX)
Hon. Samuel G. DeSimone (NJ)
Hon. Peter M. Evans (FL)
Frank J. Fertitta, Jr. (NV)
Hon. Timothy D. Fox (AR)
Hon. Kristina Jarrott (TX)
Hon. J. Ernest Kinard (SC)
Hon. Jack Lehman (NV)
Andrew Molasky (NV)
Richard J. Morgan, Esq. (NV)
Hon. Denette Mouser (AR)
Hon. James W. Oxendine (GA)
Hon. Robert T. Pfeuffer (TX)
Michael A. Pope, Esq., and Christine M. Pope (IL)
Hon. James M. Riehl (WA)
Hon. B.B. and Estella Schraub (TX)
Hon. and Mrs. Olin W. Shinholser (FL)
Hon. and Mrs. Jack W. Smith (AK)
Dennis R. Suplee, Esq. (PA)
Douglas Unger (NV)
Hon. Pilar Vaile (NM)
Russell Webb (AK)
Hon. Joseph R. Weisberger (RI)
West Virginia Judicial Association
Wilmer Cutler Pickering Hale and Dorr, LLP
Dr. Isaiah M. Zimmerman (DC)

GOLDEN GAVEL CIRCLE (\$250 - \$499)

Gretchen Struble Alt (NV)
Hon. David A. Anderson (VA)
Hon. Angela R. Arkin (CO)

DONATE ONLINE!

Give to the NJC
safely and
securely using
your credit card.

As easy as 1, 2, 3 ...

1. Visit our website
at [www.judges.org/
giving.html](http://www.judges.org/giving.html).

2. Click on the
Donate Now button.

3. Enter your
donation
information.

*The NJC is committed
to protecting your privacy.
Our giving site uses
VeriSign® to secure your
information.*



Ronald J. Bacigal (VA)
Hon. James E. Barlow (TX)
Hon. Janet J. Berry (NV)
Dan W. Bolton III
Hon. George H. Boyett (TX)
Michael L. Buenger (MO)
Emilia K. Cargill, Esq. (NV)
Hon. Joseph E. Cirigliano (OH)
Hon. and Mrs. Edward C. Clifton (RI)
Hon. Charles R. Cloud (VA)
Hon. Louis E. Condon (SC)
Hon. Vivian L. Cummings (GA)
Hon. Patrick J. Curran (NM)
Hon. Mark R. Denton (NV)
Hon. Rex J. Ford (FL)
Greg Giordano, Esq. (NV)
The Goad Foundation
Hon. Stephen S. Goss (GA)
Hon. Karl B. Grube (FL)
Hon. and Mrs.

Robert C. Halbritter (WV)
Robert L. Hans (NE)
Hon. Duane R. Harves (MN)
Hon. Gregory Holiday (MI)
Hon. Douglas H. Ige (HI)
Hon. Perry O. Johnson, IV (CA)
James M. Jones, D.D.S. (NV)
Hon. Norman A. Krumenacker III (PA)
Maher, Guiley and Maher
Michael J. McCue, Esq. (NV)
Hon. Melvin M. Menegat (OR)
Alan Molasky (NV)
Carl Naumann (NV)
John M. Naylor, Esq. (NV)
Jack H. Olender, Esq. (DC)
Steven F. Pflaum, Esq. (IL)
Hon. James M. Redwine (IN)
Hon. John F. Reif (OK)
Hon. James J. Richards (IN)
Hon. Frederic B. Rodgers (CO)
Hon. Thomas P. Rogers (PA)
Hon. Daniel Patrick Ryan (MI)
Hon. Mikell R. Scarborough (SC)
Hon. Robert A. Schultz (NV)
Hon. J. Stephen Schuster (GA)
Jeffrey A. Silver, Esq. (NV)
Hon. Margaret Poles Spencer (VA)
Hon. Ernest H. St. Germaine (WI)
Hon. James F. Stapleton (CT)
Peter and Denise Walsh (NV)
Hon. Richard A. Weiss (AZ)
Hon. Douglas G. White (TN)
Rich Worthington (NV)
Nancy Neal Yeend (CA)

SILVER GAVEL CIRCLE (\$125 - \$249)

Hon. George H. Allen (TX)
Hon. John M. Antosz (WA)

Ms. Carol S. Ball (MA)
Hon. Thomas H. Barland (WI)
Hon. Charles Bechhoefer (DC)
Beesley, Peck & Matteoni, Ltd.
Hon. Robert C. Bibb (WA)
Hon. James M. Bierce (OH)
Hon. G. Paul Bollwerk III (DC)
Kevin F. Brady, Esq. (GA)
Hon. Margaret G. Brakebusch (GA)
Hon. E. Maurice Braswell (NC)
Hon. Tom D. Capshaw (IN)
Hon. Frederic S. Carr, Jr. (VA)
Hon. Burrell J. Carter (LA)
Hon. Phyllis H. Carter (WV)
Hon. William H. Carver (WI)
Hon. Guido J. Casari, Jr. (CA)
Hon. David L. Chidester (IN)
Hon. Richard Cisneros (TX)
City of East Chicago City Court
Hon. Jess B. Clanton (OK)
Hon. Thomas E. Connolly (MA)
Hon. John W. Countryman (Ret.) (IL)
Hon. Alice M. Craft (VA)
Hon. Anderson D. Cromer (NC)
Alan Curry (TX)
Richard A. DeGuise (NV)
Hon. Darrin M. Dolehanty (IN)
Kevin J. Dunne, Esq. (CA)
Hon. Carol A. Eckersen (MN)
Hon. Cheryl D. Fairbanks (AZ)
Hon. Timothy J. Finn (IA)
Hon. Jane D. Fishman (FL)
Hon. Robert B. Ford (OH)
Hon. Kathleen O'Ferrall Friedman (MD)
Hon. A.P. Fuller (SD)
Keith E. Galliher, Jr., Chtd.
Elizabeth Gonzalez (NV)
Hon. Charles R. Greenacre (CO)
Hon. Barbara Arnold Harcourt (IN)
Hon. Stella L. Hargrove (TN)
Hon. Wanda K. Heard (MD)
Hon. Joe Hegel (MT)
Earl M. Hill (NV)
Mark A. Hinueber, Esq. (NV)
Hon. William E. Holdridge (IL)
Hon. Philip S. Hollman (NH)
Hon. Peggy F. Hora (CA)
Howard and Doris Hunter (MA)
Hon. Gilbert V. Indeglia
Hon. Marc Jacobson (VA)
Hon. Paul L. Jones (NC)
Hon. Norman E. Joslin (NY)
Hon. Amy Karan (FL)
Hon. Ken M. Kawaichi (CA)
Hon. Joseph Keefe (IA)
Hon. Ronald M. Keefover (KS)
Hon. James E. Kelley (IA)
Hon. Kevin R. Kelly (MO)
Hon. William G. Kelly (MI)

Hon. Leila R. Kern (MA)
 Hon. Marvin F. Kittrell (SC)
 Hon. Melvin S. Kracov (NJ)
 Hon. Philip T. Kyle (KS)
 James W. LaBelle (AK)
 Stacy L. Leeds (OK)
 Hon. Steven H. Levinson (HI)
 Hon. Paul G. Levy (NJ)
 Hon. Jerry W. Looney (AR)
 Hon. Robert Lovell (OK)
 Hon. Robert W. Lueck (NV)
 Hon. Violet A.P. Lui-Frank (AZ)
 Hon. Arthur E. Marshall (VA)
 Hon. Charles M. May (IL)
 Hon. Bruce S. Mencher (DC)
 Hon. Hannes Meyers, Jr. (MI)
 Hon. Linda W. Miller (PA)
 E.G. Moody (TN)
 Hon. Wesley L. Mook (VT)
 R. Thomas Moorhead (CO)
 Hon. William F. Morgan (PA)
 Hon. James A. Morrow (MN)
 Hon. Sheila M. Murphy (IL)
 Hon. and Mrs. Leslie C. Nichols (CA)
 Hon. Joseph V. Ochoa (OR)
 Hon. Debbie O'Dell-Seneca (PA)
 Hon. Felicia Orth (NM)
 Hon. George A. Pagano (PA)
 Hon. and Mrs. Richard E. Parrott (OH)
 Hon. William J. Pattinson (IA)
 Hon. George M. Peagler, Jr. (GA)
 Hon. and Mrs. Earl G. Penrod (IN)
 Hon. Charles E. Poston (VA)
 Rawlings, Olson, Cannon, Gormley
 & Desruisseaux
 Tania H. Reese, Ph.D. (CO)
 Hon. Charles B. Renfrew (CA)
 Hon. Lyle L. Richmond
 (American Samoa)
 Hon. Steven D. Robinson (FL)
 Hon. Jeffrey Rosinek (FL)
 March Runner (AK)
 Hon. Larry G. Sage (NV)
 Hon. Deborah Schumacher (NV)
 Hon. Michael A. Silverstein (RI)
 Hon. Cameron B. Simmons (LA)
 Hon. William R. Slaughter II (FL)
 Hon. Dennis J. Smith (VA)
 Hon. George R. Sprague (MA)
 Hon. Jeffrey K. Sprecher (PA)
 Hon. Kenneth E. Stewart (IL)
 Felix F. Stumpf, Esq. (NV)
 Hon. David R. Sweat (GA)
 Hon. Constance M. Sweeney (MA)
 Hon. Louis Thayer (MN)
 Hon. Robert C. Tobias (CO)
 Hon. Malaetase M. Togafau (AS)
 Hon. Fa'auuga To'Oto'o (HI)
 Hon. James C. Van Winkle (NV)

Hon. Gerald W. VandeWalle (ND)
 Hon. Thomas C. Warren (WA)
 Hon. James G. Weddle (KY)
 Hon. Frank J. Williams (RI)
 Hon. Cynthia B. Williams (SC)
 Hon. Elizabeth M. Williams (AZ)
 Hon. J.D. Williamson, Jr. (MO)
 Hon. David Wiseman (MP)
 Hon. and Mrs. G. Michael Witte (IN)
 Hon. Roger Young (SC)
 Hon. Van D. Zimmer (IA)
 Gordon I. Zimmerman, Ph.D. (NV)

BRONZE GAVEL CIRCLE (up to \$124)

Kim Aaron (WV)
 Hon. David W. Abbott (CA)
 Hon. Samuel Adams (MA)
 Hon. Deborah A. Agosti (NV)
 Hon. James F. Almand (VA)
 Hon. Douglas K. Amdahl (MN)
 Hon. Daniel S. Anderson (IA)
 Hon. Donald T. Anderson, Sr. (IL)
 Hon. Randy S. Anglen (MO)
 Hon. Andrew S. Armatas (CO)
 Hon. Philip Arnaudo (CA)
 Hon. Karen M. Arnold-Burger (KS)
 Hon. Don R. Ash (TN)
 A. Wayne Ashley (TX)
 Hon. Victor Ashrafi (NJ)
 Hon. Steven D. Aycok (WA)
 Hon. Stephen G. Baratta (PA)
 Hon. Richard D. Barber, Jr. (OR)
 Lee A. Barnhardt (ND)
 Hon. Michael J. Barrasse (PA)
 Muriel Bartlett (NV)
 Hon. Michael E. Beale (NC)
 Hon. DeLawrence Beard (MD)
 Hon. Robert J. Bednar (KS)
 Hon. Anthony S. Beltrami (PA)
 Hon. Alan M. Black (PA)
 Hon. Stephen E. Boswell (GA)
 Jan and Stephen A. Bouch (CA)
 Hon. Roger E. Bradley (GA)
 Hon. Thomas C. Branca (PA)
 Hon. H. Joe Bressler (OH)
 Hon. Laura J. Bridges (NC)
 Dale W. Brien (ND)
 Hon. Gwendolyn N. Bright (PA)
 Hon. Richard S. Brown (WI)
 Richard T. Brown (MI)
 Hon. Cindy H. Bruner (CO)
 Hon. Kim W. Burke (OH)
 Hon. Janet R. Burnside (OH)
 Karla K. Butko, Esq. (NV)
 Hon. Mark D. Butterfield (WI)
 Douglas Byington (NV)
 Hon. William A. Cardwell (HI)
 Alan Carlson (CA)
 Hon. Vicki L. Carmichael (IN)
 Annie Lee Carroll (IL)
 Hon. Richard W. Carter (TX)
 Hon. William B. and
 Audrey J. Cassel (NE)
 Hon. Joel T. Chaisson (LA)
 Hon. Thomas E. Cheffins (PA)
 Hon. and Mrs. James Chenault (KY)
 Hon. Michael E. Chionopoulos (OK)
 Hon. Lee Christofferson (ND)
 Hon. Cathleen B. Clarke (FL)
 Hon. Christopher D. Coats (TN)
 Hon. and Mrs. Frederick C. Cohen
 (MO)
 Benjamin R. Cohen (NJ)
 Hon. Allen T. Compton (AK)
 Hon. Colleen Conway Cooney (OH)
 Hon. Cheri C. Copsey (ID)
 Hon. Trish Corbett (PA)
 Hon. John P. Corderman (MD)
 Hon. James A. Cox (CA)
 Hon. Larry J. Craddock (TX)
 Hon. Daniel Crothers (ND)
 Linda Rae Curry (KY)
 Hon. Ellis W. Darby (MI)
 Hon. and Mrs. E. Duane Daugherty
 (IN)
 Hon. Chester C. Davis (NC)
 Hon. Andre Davis (MD)
 Hon. Rose M. DeFino-Nastasi (PA)
 Hon. Michelle M. Demmert (WA)
 Mary V. Deroo (WV)
 Hon. Robert G. Dickinson (OR)
 Hon. James N. Docter (WA)
 Hon. Frederick D. Dorsey (DC)
 Hon. David J. Dreyer (IN)
 Hon. and Mrs. Dennis C. Drury (MI)
 Jeffrey J. Dywan (IN)
 Hon. S.J. Elden (MI)
 Howard O. Emorey, TTEE (MI)
 Hon. Henry J. Eslinger (ND)
 Hon. Philip R. Fahringer (AZ)
 Hon. James H. Faison III (NC)
 Hon. Adam Fisher, Jr. (SC)
 Patrick J. and Roberta L. Fitzgibbons
 (NV)
 Hon. Rogelio R. Flores (CA)
 Hon. Katherine Flores (WY)
 Elizabeth A. Francis, Ph.D. (NV)
 Ernest C. Friesen, Jr. (CO)
 Hon. William J. Furber, Jr. (PA)
 Dr. Geoff Gallas (PA)
 Hon. John E. Galt (WA)
 Hon. Sheldon C. Garber (IL)
 Hon. John Gaylord (AZ)
 Hon. Ernest and
 Charlotte Gibson (VT)
 Hon. Mary C. Gilbride (NE)
 Hon. W. Michael Gillette (OR)

Hon. George M. Glasser (OH)
 Rew R. Goodenow, Esq. (NV)
 Hon. Ramond J. Gordon (MO)
 Robert Gorrell, Ph.D. (NV)
 Hon. John F. Gossart, Jr. (MD)
 Hon. Richard A. Gray (PA)
 Hon. Jane C. Greenspan (PA)
 Hon. Frank R. Gruber (OR)
 Hon. Ronald E. Hadley (OH)
 Hon. Gayle K. Hamilton (LA)
 Hon. Katherine L. Hansen (MI)
 Hon. Glenn S. Hara (HI)
 Colonel Rodger C. Harris,
 USMC (NC)
 Joe Harrison (IL)
 Hon. Thomas M. Hart (OR)
 Hon. Denise S. Hartsfield (NC)
 Hon. Frank T. Hazel (PA)
 Hon. Paul P. Heffernan (MA)
 Hon. Charles H. Henry (NC)
 Hon. Eileen W. Hollowell (AZ)
 Hon. Nicholas H. Holmes, Jr. (OH)
 Hon. Renee C. Hughes (PA)
 L.A. Jacobi (TX)
 Hon. Emilio Jaksetic (VA)
 Hon. Nelson C. Johnson (NJ)
 Hon. W. Clayton Johnson (FL)
 Susan A. Juetten (NV)
 Hon. Jan R. Jurden (DE)
 Hon. Thomas M. Kalenius (WA)
 Hon. Harold M. Kane (PA)
 Claire S. Kaneshiro (HI)
 Hon. Franklin M. Kang (CA)
 Hon. Tod J. Kaufman (WV)
 Hon. Tom J. Keith (AR)
 Hon. John C. Kennedy (NJ)
 Hon. D. Webster Keogh (PA)
 Hon. Stanley Klavan (MD)
 Vincent Knight (CO)
 Hon. William J. Knight (LA)
 Hon. Daniel L. Konkol (WI)
 Hon. David M. Krashna (CA)
 Hon. Everett H. Krueger (OH)
 Rita M. Laden (NV)
 Emmett W. Lally, Esq. (NV)
 Hon. Richard S. Lane (NY)
 Hon. Franklin Fulton Lanier (NC)
 Hon. Frank M. Lario, Jr. (NJ)
 Hon. William F. Lee, Jr. (GA)
 Hon. David A. Leech (NC)
 Hon. Linda K. Lefkowitz (CA)
 Hon. Thomas R. Lett (IN)
 Linda Levy (TX)
 Hon. Kathryn S. Lewis (PA)
 Hon. Mark R. Luitjen (TX)
 Richard B. Lundy (MI)
 Cary E. Lurie (NV)
 Donald R. Mason (MS)
 Hon. Lech A. Matuszewski (AR)
 Ernest J. Maupin (NV)

Hon. Gregory K. McClintock
 (IL)
 Hon. George M. McFaddin, Jr.
 (SC)
 Hon. Kathleen M. McGury (IL)
 Hon. Robert E. McBeth (WA)
 William O. McCarthy (TX)
 J. Philip McKean (MI)
 Hon. P.B. McLauchlin, Jr. (AL)
 Robert L. McMasters (MI)
 Hon. David Melcher (KY)
 Hon. Marie Nakanishi Milks (HI)
 Hon. Janice L. Miller (LA)
 Hon. Edward T. Miller (DC)
 Donald S. Mills (MI)
 Hon. Jeffrey P. Minehart (PA)
 Hon. Ronald T. Moon (HI)
 Hon. Sandra L. Mooney (NH)
 Hon. Catherine Moore (MN)
 Hon. James W. Morgan (NC)
 Hon. William D. Mudd (CA)
 Hon. Greg Nakamura (HI)
 Hon. Shelley Robins New (PA)
 Hon. William T. Nicholas (PA)
 Hon. Albin W. Norblad (OR)
 Hon. William E. Nugent (NJ)
 Hon. Jeanette O'Banner-Owens
 (MI)
 Hon. Patrick O'Malley (WA)
 Hon. George W. Parsons, Jr. (NJ)
 Jack and Betty Pearlman (AZ)
 Dee A. Peplowski (NV)
 Hon. Alan G. Perkins (CA)
 Hon. Douglas A. Pierce (WA)
 Hon. Dan R. Price II (WY)
 Hon. William D. Probus (KY)
 Hon. Russell S. Pugh (CO)
 Hon. Nina Puglia (IL)
 Hon. John C. Quigley, Jr. (VA)
 Hon. Dave Raasch (WI)
 Myrna S. Raeder (CA)
 Hon. James E. Rafferty (NJ)
 Manuel Ramos, Esq. (FL)
 Hon. Ripley E. Rand (NC)
 Henry R. Reeve (CO)
 Robert and Patricia Reeves (MI)
 Hon. Charles D. Reite (CA)
 Hon. Thomas M. DelRicci (PA)
 David G. Rice, Esq. (MT)
 James and Cynthia Richardson
 (NV)
 Hon. Michael J. Sage (OH)
 Sallie Mae Fund Employee
 Contributions Program
 Hon. Lourdes I. Santiago (NJ)
 Hon. Jennifer B. Sargent (NH)
 Hon. M. Teresa Sarmina
 Sian Schilhab (TX)
 Hon. Michael J. Schingle (CO)
 Hon. William L. Schmaedecke
 (KY)

Hon. Mark H. Shapiro (NY)
 Hon. Paul J. Simon (MO)
 Jeanne Simpson (AR)
 Hon. Andrea H. Sloan (OR)
 Hon. and Mrs. T.M. Smallwood, Jr.
 (AL)
 James C. Smith (NV)
 Hon. Barbara A. Smith (OK)
 Hon. Berkeley A. Smith (OR)
 Hon. Steven L. Smith (TX)
 Marjorie G. Smith (CO)
 Hon. Joseph A. Smyth, Jr. (PA)
 Hon. Marshall A. Snider (CO)
 Hon. Gary Snow (OK)
 Hon. Jon R. Spahr (OH)
 Hon. Ronald E. Spivey (NC)
 Hon. Robert L. Steinberg (PA)
 Hon. Roscoe B. Stephenson, Jr. (VA)
 Hon. Thomas B. Stewart (AK)
 Hon. C.E. Stirman (CO)
 Hon. Kevin L. Stitham (ME)
 Hon. Waldo F. Stone (WA)
 Hon. Keith L. Stoney (UT)
 Hon. Roger G. Strand (AZ)
 John E. Stults (MT)
 Hon. Bob Swander (VA)
 Kelly E. Tait (NV)
 Hon. Patricia M. Talbert (NJ)
 Hon. Jill Tanner (OR)
 Hon. Susan C. Taylor (NC)
 Hon. William K. Teeguarden (IN)
 Hon. Edward F. Thompson (WI)
 Hon. Sherry A. Todd (OK)
 Hon. Lars I. Tollefson (NV)
 Hon. Richard Tombrink, Jr. (FL)
 David Tomlin, Esq. (NY)
 Hon. Robert J. Torres, Jr. (Guam)
 Hon. Allan A. Toubman (ME)
 Hon. Paul W. Tressler (PA)
 Hon. Tim D. Tucker (SD)
 Hon. Jeanne W. Ulmer (SC)
 Hon. Deborah L. Ustas (NJ)
 Hon. Jon A. Van Allsburg (MI)
 Hon. Anthony J. Vardaro (PA)
 Hon. Betty M. Vitousek (HI)
 Hon. Michael J. Voris (OH)
 Hon. Dianne M. Wagner (PA)
 Hon. Steven Wallace (ID)
 Hon. Marcia K. Walsh (MO)
 Hon. John L. Ward, II (AS)
 Danita Washington (WA)
 Hon. Jack H. Weil (CA)
 Hon. Charlene L. Weis (AZ)
 William L. Wellons (VA)
 Leo H. Whinery (OK)
 Hon. Janis Whitener-Moberg (WA)
 B. Phyllis Whittiker (NV)
 Hon. Stephen K. Willcox (MO)
 Hon. Ronald J. Wilper (ID)
 Carolyn Wilson (AZ)

Dennis Winner (NC)
 Hon. Daniel M. Winograd (CO)
 Hon. Steven A. Wise (IA)
 Wm. Sullivan & Son of Royal Oak
 Hon. Margherita Worthington (PA)
 Hon. Paul Wyler (CA)

FOUNDATIONS

Anonymous
 Battle Creek Community Foundation
 Donald W. Reynolds Foundation
 M.R. Bauer Foundation
 Ethics and Excellence in
 Journalism Foundation
 Gabelli Foundation, Inc.
 The Goad Foundation
 Robert Z. Hawkins Foundation
 McCormick Tribune Foundation
 The North Carolina State Bar
 Plan for IOLTA
 The Rhode Island Foundation
 The Clinton H. and
 Wilma T. Shattuck Charitable Trust
 The South Carolina Bar Foundation
 The Charles H. Stout Foundation
 Sidney Stern Memorial Trust
 The Thomas Foundation
 E.L. Wiegand Foundation

CORPORATIONS

Boyd Gaming Corporation
 ConocoPhillips
 ExxonMobil Corporation
 Harrah's Entertainment, Inc.
 Marathon Oil Company
 McClatchy Newspapers, Inc.
 McDowell Knight Roedder & Sledge
 MGM Mirage
 Nevada State Bank
 Paradise Development, Ltd.
 Reno Gazette-Journal
 Silver State Schools Credit Union
 Stephens Media Group
 Sunbelt Communications Company
 Verizon Communications

NATIONAL ASSOCIATES OF JUSTICE

The Allison Law Firm
 Collins Brothers Corporation
 William J. Brunson, Esq. (NV)
 Kevin J. Dunne, Esq. (CA)
 Mr. and Mrs. Dennis B. Jones (NV)
 Girardi & Keese
 Patrick E. Maloney, Esq. (IL)
 McDowell, Knight, Roedder
 & Sledge
 Hon. Christopher B. McNeil (OH)
 Ethel Morvay (NV)

Nevada State Bank
 Robert D. Parrillo, Esq. (RI)
 Hon. Stephen B. Goldstein (MI)
 Hon. David M. Schreiber (NV)
 Dennis R. Suplee, Esq. (PA)

CIRCLE OF JUSTICE

Douglas Unger (NV)

HONORARIUM GIFTS

In Honor of G. Kent Renegar
 Hon. Daniel S. Anderson (IA)
In Honor of John J. Vail
 Kevin F. Brady, Esq. (GA)
In Honor of Leslie G. Johnson
 Hon. Ellis W. Darby (MI)
In Honor of Gloria Ramirez-Halman
 Hon. Peggy F. Hora (CA)
In Honor of Charity Clarke
 Hon. Rex J. Ford (FL)
In Honor of Larry V. Starcher
 Hon. Tod J. Kaufman (WV)
In Honor of Hawkins/Westbrook
 Hon. Marvin F. Kittrell (SC)
In Honor of Charles W. Barrow
 Hon. Robert T. Pfeuffer (TX)

MEMORIUM GIFTS

In Memory of T. Peter Craven
 Hon. Angela R. Arkin (CO)
In Memory of James B. Gilbert
 Kevin F. Brady, Esq. (GA)
In Memory of Lawrence W. Carroll
 Annie Lee Carroll (IL)
In Memory of Melvin B. Goldberg
 Hon. Duane R. Harves (MN)
In Memory of Michael Wosje
 Hon. Peggy F. Hora (CA)
In Memory of James Murray
 Hon. Sheila M. Murphy (IL)
In Memory of Harrell Simpson
 Jeanne Simpson (AR)
In Memory of Stancil Spivey
 Hon. Ronald E. Spivey (NC)
In Memory of James F. Williams
 B. Phyllis Whittiker, Esq. (NV)
In Memory of Michael Wosje
 B. Phyllis Whittiker, Esq. (NV)

If you have any questions or would like to make a correction to our Donor Wall, please contact Alaina Vengco in the Development Department at (800) 25-JUDGE or vengco@judges.org.



PILLARS OF JUSTICE FUND READY TO LAUNCH

The National Judicial College (NJC) is excited to announce the launch of its new campaign, the Pillars of Justice Fund – A Fund for the Future of Justice. This fund will provide the resources needed for the NJC to implement innovative, results-oriented programs and professional development that will assist in bringing positive change to our justice system. This program is being launched now because judges must receive judicial education that enables them to uphold democracy and the rule of law.

Hon. William F. Dressel, president of the NJC, emphasized the crucial need for this fund, stating, "This is a pivotal time in the history of our democracy, one in which the education of judges is essential to our future. Support for this fund will truly make a difference in achieving fair and impartial justice, upholding democracy, and advancing the rule of law." Because of their commitment to the democratic principles of this country, law firms and corporations from across the nation will be asked to support this program. The NJC seeks to partner with many firms and corporations to ensure that the Pillars of Justice achieves its objectives.

Donors may choose to support scholarships, research and education or the general operations of the College. Giving levels begin at \$5,000 and donors will receive ample recognition on the NJC's website, in the *Case In Point* magazine and inside the NJC where thousands of judges attend courses annually.

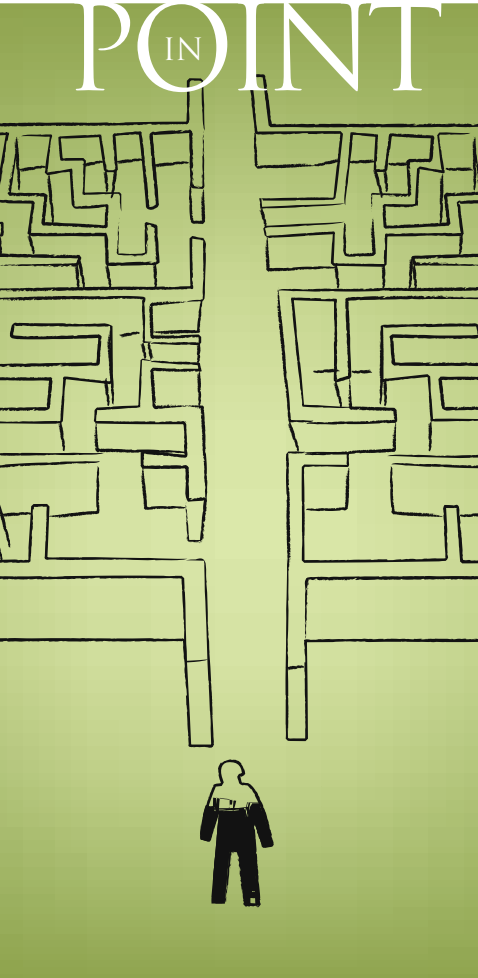
To learn how you can become involved, please contact Gretchen Struble Alt at (775) 327-8257 or alt@judges.org.

CASE POINT



Judicial College Building/MS 358
University of Nevada, Reno
Reno, Nevada 89557

POINT



SERVING JUSTICE THROUGH JUDICIAL EDUCATION

