

# Annual Report to Stakeholders 2020



# THE NATIONAL JUDICIAL COLLEGE

## 2020

### YEAR IN REVIEW

#### HEROES & LEGENDS

LAUNCHED SERIES SALUTING JUDICIAL HEROES & LEGENDS  
SPOTLIGHTS A PROLIFIC FIGURE EACH MONTH

#### COVID-19

FORCED SHUTDOWNS BEGAN MARCH 11, 2020  
CANCELING 80% OF IN-PERSON COURSES

#### CONVERSATIONS ON RACIAL JUSTICE

TOPICS COVERED IMPLICIT BIAS, SYSTEMIC RACISM  
FEDERAL INDIAN POLICY & ACCESS TO WATER, A.I

#### UPHOLDING DEMOCRACY

NJC AND COURTS AROUND THE NATION GRAPPLED WITH  
A PRESIDENTIAL ELECTION DURING A GLOBAL PANDEMIC

#### ALL-TIME ENROLLMENT

CLASSES TOTALED NEARLY 23,000 PARTICIPANTS  
OVER 2X PREVIOUS CLASS PARTICIPATION RECORDS

A FUND FOR RACIAL JUSTICE  
\$100,000  
TO SUPPORT PROGRAMMING

"The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."  
- Dr. Martin Luther King, Jr.

Watch a 4-minute review of 2020 at the NJC at [judges.org/2020\\_Year\\_in\\_Review\\_Video](https://judges.org/2020_Year_in_Review_Video)

## WORKING THE PROBLEMS

If you've seen the movie Apollo 13, you probably recall the scene in which Gene Kranz, the chief flight director in Mission Control, played by Ed Harris, overhears a NASA director say that the explosion aboard the Command Module could be the worst disaster NASA has ever experienced. "With all due respect," Kranz says, "I believe this is going to be our finest hour." So it was for The National Judicial College in 2020.

In early March, it was announced that the COVID-19 pandemic had forced the cancellation of the College's principal activity – in-person classes – through June 20. Eventually, the plug was pulled on all in-person instruction for the rest of the year. A disaster.

Like the resourceful engineers and technicians at Mission Control, however, the NJC team didn't panic or go home. They worked the problem.

Online instruction went into hyperdrive and found judges eager for instruction, advice, interaction. A webinar on *Lessons Learned from Around the World About Managing Courts in a Pandemic* drew more than 1,200 judges and other court personnel from more than 50 countries. The previous record for an NJC webinar was around 400. A series of Conversations on Racial Justice, launched after the police killing of George Floyd and the protests that followed, also drew huge virtual crowds.

What started as a disaster of a year turned into the all-time record year for enrollment of nearly 23,000. That was more than double the enrollment in a typical year.

Like surgical advances pioneered in wartime M\*A\*S\*H units, we learned how to do things differently during this crisis, in some ways better. The remote communication necessitated by a quarantine produced a new normal for business, education and many other fields. The College did not merely survive a crisis, it improved.

Thank you to the many friends, old and new, who donated time and treasure during an hour of need and helped it become, arguably, our finest hour. As we reflect on the lessons learned and reset for the next normal, your continued partnership is vital in fulfilling our mission of making the world a more just place.

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More than 750 judges from coast to coast (not all shown) registered for the rapid-response webinar *A Judge's Role in a Pandemic*.

### Unexpected dividend of the pandemic: record-setting enrollment

During the worst pandemic in more than a century, the NJC did far more than survive. Enrollment totaled nearly 23,000, more than double the previous record.

COVID-19 precautions forced the cancellation of 80 percent of the College's courses that had been scheduled to be presented in person. But faculty and staff quickly pivoted to providing an online experience for judges hungry for connection and resources while most courthouses remained shuttered.

With financial assistance from the federal Paycheck Protection Program, which kept staffing reductions to a minimum, the College was able to present 165 webinars and 17 web-based courses, including two phenomenally popular rapid-response webinar series, on judging during the pandemic and racial justice. The College also delivered 16 in-person courses.

Many of the webinars shattered previous participation records. The largest, *Lessons Learned from Around the World About Managing Courts in a Pandemic*, attracted 1,227 judges and other court personnel from more than 50 countries.

Recordings of the programs have since been viewed thousands of times.

Four courses that had been scheduled to be presented in person – *Administrative Law: Fair Hearing*, *Judicial Writing*, *Civil Mediation*, *General Jurisdiction*, and *Special Court Jurisdiction: Advanced* – were converted to an online format. The first such course, *Administrative Law Fair Hearing*, was taught by 10 faculty and seven group facilitators, including four past honorees of the Payant Award for Excellence. The faculty worked with 54 participants from Alaska to the Virgin Islands.

Among tuition-based courses alone, the College enrolled a record 3,400 judges in 2020. That was about 2,000 more than any year in recent memory.

### Teaching the judiciary how to recognize and prevent racial injustice

In the wake of the police killing of George Floyd and subsequent protests against police brutality and racial injustice, the College quickly convened a series of on-line Conversations on Racial Justice.

The eight webinars amounted to the judiciary's first national self-examination on the issue of racial injustice and enrolled nearly 3,000 judges, attorneys and other

justice system professionals. The sessions covered a wide range of topics, including implicit bias, systemic racism, federal Indian policy and access to water, artificial intelligence, and bias.

Those discussions culminated in a February 2021 *Racial Justice Roundtable* hosted by the NJC and the National Center for State Courts that included representatives of nearly every national judicial organization. More than 760 judges and other court personnel participated.

During 2020 the College raised more than \$100,000 for a Fund for Racial Justice to support additional programming on the subject. In 2021 the College published a list of 20 concrete suggestions for how judges can combat racial injustice. The ideas were drawn from the 2020 conversations.



“Thank you for your continued support of state court judges who labor to administer justice throughout our country. That work is more critical now than ever in this time of dramatic stress and change. Keep up the good work.”

— Senior Judge Wally Senyk of the Fergus Falls, Minnesota, District Court. He participated in the *Core Skills for Judges Webinar Series*

### Anticipating legal challenges to the 2020 presidential election

In the final days of a contentious presidential election campaign, the College invited three of the nation's leading experts on election law to share their concerns in a webinar, *Election Law and the Role of Judges*.

More than 170 judges and legal counsel registered to hear Erwin Chemerinsky, dean of the University of California Berkeley School of Law; Lisa Marshall Manheim, the Charles I. Stone Associate Professor of Law at the University of Washington School of Law; and Daniel P. Tokaji, the Fred W. & Vi Miller Dean and Professor of Law at the University of Wisconsin Law School.

Manheim noted that the Supreme Court in recent years had signaled a reluctance to allow courts to police elections. “If (courts) won't exercise judicial review (of election rules) in a meaningful way, where are we headed?” she asked.

Chemerinsky expressed deep concern over several potential problems, one of which was, “What if President Trump loses and says, ‘I believe it was all a result of fraud and I'm not going to leave office.’”

Tokaji, from the swing state of Wisconsin, said, “The prayer of election officials (in Wisconsin), which now might also be the prayer of judges, is, ‘Please, God, don't let it be close.’”

### Symposium looks at how to keep implicit bias from creeping into jury decisions

Just days before mandatory pandemic precautions forced the cancelation of virtually all public gatherings, the College held a one-day symposium in Washington, D.C., on how to combat implicit bias in jury decisions.

*Judging the Book by More Than Its Cover: A Symposium on Juries, Implicit Bias, and the Justice System's Response* took place March 12, 2020. The event was sponsored

by the American Association for Justice Robert L. Habush Endowment, the International Academy of Trial Lawyers Foundation, ABOTA, and the ABA Section of Litigation.

Juries exist to weigh evidence and render just decisions. But jurors are only human, and research confirms that all people possess biases that they may not even know they have. This national symposium was organized to look at what our legal system can and should do to protect jury verdicts from the influence of unconscious or implicit bias.

Nearly 130 judges, attorneys, court personnel and other system players heard keynote speakers Jeff Rachlinski, Henry Allen Mark Professor of Law at Cornell Law School, and Robbin Chapman, associate dean of diversity, inclusion and belonging at Harvard's Kennedy School of Management.



Top (with microphone): Professor Jeff Rachlinski of Cornell Law School; Middle: Robbin Chapman, associate dean of diversity, inclusion, and belonging, Harvard Kennedy School; Bottom: Hon. Kevin McKeever, Sixth Judicial District, Ohio

The event also yielded a follow-up white paper on the science behind implicit bias and how judges and others can mitigate the effects of bias in jury trials.

### Payant Award goes to a judge who brings humor to class

The 2020 V. Robert Payant Award for Faculty Excellence, the College's highest teaching honor, went to Vermont judge David T. Suntag.

A Superior Court judge in Windham County who took active/retired status in 2015, Judge Suntag has been a member of the NJC faculty since 2004. His courses are known for their use of videos, cartoons and music. For many years he has been among the top five faculty members in terms of hours of teaching service donated to the NJC.

“His sense of humor brings joy to the classroom – even when he's discussing difficult topics,” said William Brunson, the College's director of special projects, custom courses and international programs.

Judge Suntag has presided over criminal, family and civil dockets as well as multijurisdictional rural courts. He helped create and presided over the first integrated domestic violence docket in Vermont and has written for the College about sensitive treatment of abuse victims in court.

### Problem-solving-court pioneer Peggy Hora dies

The College lost one of its finest teachers and the judiciary lost one of the original apostles of the problem-solving court movement with the passing of Hon. Peggy Fulton Hora (Ret.) on Oct. 31, 2020. She was 74.

Judge Hora taught for the NJC more than 60 times over 27 years. She received the College's highest teaching honor, the V. Robert Payant Award for Teaching Excellence, in 2017 and had







recently been recognized as a Distinguished Faulty member.

“She was a force of nature and irreplaceable,” NJC President Benes Aldana said in the College’s tribute to her.

To honor the memory of Judge Hora and with the encouragement of her friends and family, the College has established the Hon. Peggy Fulton Hora Scholarship Endowment Fund.

### Justice Sotomayor stars in the first multistate, online Reading & Robes program

Supreme Court Justice Sonia Sotomayor told students participating in a special online, multistate version of the College’s Reading & Robes program that every night before she goes to sleep she asks herself two questions: Whom did I help today and what new things did I learn?

She mentioned the routine during a live talk from her chambers on Sept. 28, 2020. She was speaking via computer to 200

students and 27 judges from 30 schools and youth organizations in 13 states. The new Alumni Relations Committee was instrumental in organizing, promoting and hosting the event at the sites.

Reading & Robes features judges in their robes teaching children about the courts, civic responsibilities and the power of reading. Since its debut in 2019, the program has taught more than a thousand students, most of them from disadvantaged backgrounds like Sotomayor. Her parents were from Puerto Rico, and she grew up in public housing in the Bronx.

Justice Sotomayor was diagnosed with Type I diabetes at the age of 7. In her picture book for young readers “Just Ask! Be Different, Be Brave, Be You,” which Reading & Robes participants receive, she explains about having to give herself daily insulin injections. The book encourages children not to fear people with disabilities or unfamiliar medical conditions.

Justice Sotomayor’s Reading & Robes appearance came less than a week after the death of her friend Justice Ruth Bader Ginsburg.



Middle and high school students who participated in the virtual Reading & Robes program were given autographed copies of Justice Sotomayor’s autobiographical “The Beloved World of Sonia Sotomayor.”

### Alumni Relations Committee may be first step toward an NJC alumni association

An Alumni Relations Committee has been created to help the College engage alumni more effectively. The group may also serve as the foundation for a future alumni association.

The 32 members represent judges from every region of the country. Hon. David J. Dreyer (Ret.) of Indianapolis and Hon. Alli B. Majeed (Ret.) of West Melbourne, Florida, volunteered to serve as co-chairs.

### Three new Trustees

Stephen Benjamin, a nationally recognized political figure and mayor of Columbia, South Carolina, since 2010, was among three new Trustees elected to the College’s governing board in 2020.



Mayor Stephen Benjamin (left) and attorney A. Clifford Edwards

Also joining the Board of Trustees was A. Clifford Edwards, founding attorney of Edwards Frickle & Culver of Billings, Montana, and immediate past president of the prestigious International Academy of Trial Lawyers. Sadly, the third new member of the board, attorney Pamela A. Bresnahan, a partner in the Washington, D.C., office of Vorys, Sater, Seymour and Pease LLP, passed away from cancer on March 31, 2021, at the age of 66.

### Three more Judicial Academy alumni make it to the bench

Three more alumni of the College’s revolutionary *Judicial Academy* for attorneys who aspire to become judges saw their aspirations realized in 2020.



Lorrie Sinclair Taylor became the first African-American judge in the history of Loudoun County, Virginia, when the Virginia General Assembly approved her appointment as a General District Court judge.



Patrice “Patti” Oppenheim was elected judge of the St. Tammany and Washington Parishes (LA) Family Court.



Jose S. Castillo was appointed to a judge of the San Diego (CA) County Superior Court.

All three graduated from the inaugural *Judicial Academy* held in 2019. The course was canceled in 2020

because of the pandemic but was scheduled to resume in 2021.

The Judicial Academy receives support from the William Randolph Hearst Foundation.

### College to receive more than \$2 million from federal highway safety agencies

The College entered into a five-year, \$1.27 million cooperative agreement with the National Highway Traffic Safety Administration (NHTSA) to educate judges on issues related to impaired driving.

The agreement added to a near-\$1 million grant, announced earlier in 2020, from the Federal Motor Carrier Safety Administration (FMCSA). The FMCSA grant is designed to improve highway traffic safety by educating judges and other court officials about their role in upholding the law set forth in national Commercial Driver’s License regulations.

Among other deliverables, the latest agreement with NHTSA provides funding to develop a coursework certificate program customized to judges from non-lawyer backgrounds and new courses for military and tribal adjudicators. The agreement also will enable the judicial

college to deliver courses on drug-impaired driving to judges in their own state.

NHTSA has partnered with the NJC on traffic-related programs for judges for more than 15 years.

### New website launches thanks to generous support

The College was able to launch a completely redesigned website in 2020 thanks to generous grants from three public-spirited Nevada organizations: the NV Energy Foundation, the Robert Z. Hawkins Foundation and the E.L. Cord Foundation

The NV Energy Foundation is the philanthropic arm of the state’s major electric utility. The Robert Z. Hawkins Foundation, created from the estate of the attorney of the same name, supports human services, basic needs, arts and culture, health, animals, recreation, seniors and youth in Nevada. The E.L. Cord Foundation, named for a pioneering radio broadcaster and automotive pioneer, supports primarily secondary and higher education, including colleges and universities, social services and youth organizations, and cultural organizations.

“[F]or years the focus on producing a high number of hearings and decisions each day ... slowly eroded the pride I had in both my profession and my position. The NJC ethics classes I have attended have not only invigorated the passions I have felt for my profession but have renewed my love for professional research and development. As corny as it sounds, this course has been a lifeline for me.... Thank you from the bottom of my heart and soul.”

— Paula Wallin, administrative law judge, Arizona Department of Economic Security

### California’s chief justice shares lessons learned in her Jackson Lecture

California Chief Justice Tani Cantil-Sakauye talked about “The Robe: One Size Does Not Fit All” in delivering the 137th Justice Jackson Lecture on Oct. 29, 2020.



Speaking online because of the COVID-19 pandemic, she shared lessons learned from the bench and the obligation of judges to defend the independence of the judiciary. “A great justice is not born,” she told new judges. “A great justice is learned. A great justice is one who models himself or herself after the highest possible values....”

Her remarks drew about 200 viewers, including participants in a combined *General Jurisdiction* and *Special Court Jurisdiction: Advanced* course.

The event was made possible with support from Thomson Reuters.

### College receives \$500,000 grant to support tribal judiciaries

The College was awarded a \$500,000 grant from the Bureau of Justice Assistance (BJA) through the U.S. Department of Justice’s Coordinated Tribal Assistance Program as a supplement to a 2019 grant.

With the grant funding, the College’s National Tribal Judicial Center will deliver training and services for tribal courts, tribal judges and tribal court staff in collaboration with the Tribal Justice Institute at the University of North Dakota School of Law and the Center for Court Innovation.

New Tribal Judicial Center Director Jan W. Morris, an enrolled member of the Choctaw Nation of Oklahoma, will spearhead the grant initiatives.

The Tribal Judicial Center was established with funding from a BJA grant and first received BJA funding for tribal court support in 2002.

“This course was transformative. I came away with more confidence about how to serve as judge. It was tremendously helpful to me in making the transition from lawyer to judge. All the presenters were excellent and the bench cards and decision trees provided will continue to assist me in the coming months and years.”

— Judge Diane Warren, 4th Judicial Circuit, Fayetteville, Arkansas, a participant in *General Jurisdiction*



“I must say, I have taken many NJC courses around the country and in Reno and have been in faculty for *Civil Mediation* over the past 16 years. This (was) by far the best and most practical course I have taken.”

— Hon. Lisette Shirdan-Harris, administrative judge, Trial Division, Court of Common Pleas, Philadelphia. She was writing about *Leadership for Judges*.

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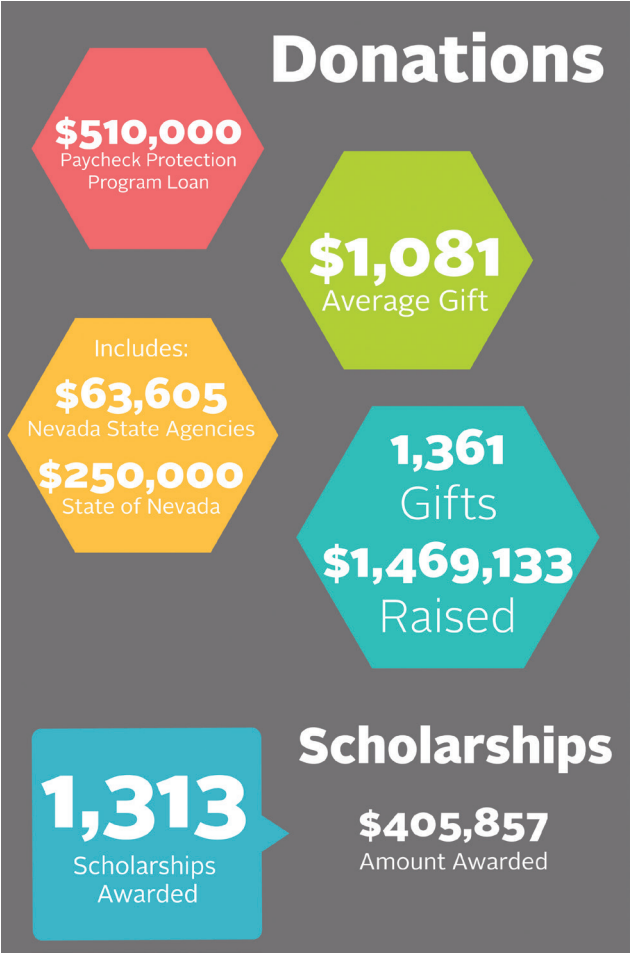
— Tiffany Schmidt, administrative hearing officer, Bureau of Mediation Services, St. Paul, Minnesota, writing about *Administrative Law: Fair Hearing*

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“We would like to express our heartfelt appreciation for your excellent presentation! Your friendly and sincere manner of teaching, deep dive into the topic, and incredible sense of humor were so engaging and won the hearts of our audience.”

— Uliana Pashynna, legal advisor to the USAID New Justice Program, Ukraine. She was writing to instructors Hon. Thomas Zonay and Hon. John W. Valente, who taught a webinar on *Enhancing Judicial Bench Skills* to Ukrainian judges.

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Here's how to make a gift that will benefit you now and support the College for all time:

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Contact our Advancement Department at njc-development@judges.org for more details.

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In 2020, The National Judicial College held cooperative agreements with the U.S. Department of Justice, Bureau of Justice Assistance. The NJC serves as a sub-recipient on U.S. Department of Justice cooperative agreements with the University of North Dakota School of Law Tribal Judicial Institute.

The NJC also serves as a sub-recipient on two U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration cooperative agreements awarded to the American Academy of Addiction Psychiatry. These are important collaborations between medical professionals and the legal system on the topic of opioids.

The NJC partnered with the U.S. Department of Transportation's National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration's Commercial Driver's License program to provide traffic safety education to judges.

The NJC also receives grants from the State Justice Institute, a nonprofit organization established by federal law in 1984 to award grants to improve the quality of justice in state courts, and to foster innovative, efficient solutions to common issues faced by all courts.



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“It was a great pleasure for me to participate with you in this excellent course even though my interaction wasn’t easy.... As judges we are often asked to behave as leaders, but many times our personal characteristics and our own biases shape us differently, so leading becomes tough.... Really proud of my educational experience and sharing it with you. Thank you, NJC.”

— Raoudha Sammoudi, appellate judge, Cassation Court, Tunis, Tunisia. He participated in *Leadership for Judges*. There were also participants from Ethiopia and Chuuk State in the Federated States of Micronesia.

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### Inspiring judges



As part of its mission to both educate and *inspire* judges, in late 2020 the College launched a monthly series saluting Judicial Heroes & Legends. Each month a different figure is profiled on the College's website and mentioned at the beginning of many courses.

The series was suggested by Trustee Edward Blumberg, a longtime trial attorney in Miami.

The first two honorees were the late federal judges Frank M. Johnson (top left) and Matthew J. Perry.

Johnson, appointed to the U.S. District Court in Montgomery, Alabama, decided some of the most famous cases in the history of the civil rights movement, including the Rosa Parks bus desegregation case. He also ruled that activists could undertake the historic Selma-to-Montgomery March led by Rev. Martin Luther King, Jr. King said Johnson "is the man that I know in the United States who gives true meaning to the word justice."



Judge Johnson insisted that he was only doing his job and that the decisions were not difficult: "The law will not tolerate discrimination on the basis of race."

Perry was a successful civil rights attorney who became the first African American from the Deep South appointed to the federal judiciary and the first to serve as a U.S. District Court judge in South Carolina. In one case, he defended a woman arrested for sitting in a "whites only" section of a hospital while waiting for emergency treatment for her daughter. The case led to integration of the hospital and Perry's own arrest for contempt of court.

Chief United States District Judge Joseph Anderson once wrote, "to say that Matthew Perry was good in the courtroom is like saying Mickey Mantle knew how to swing a bat...."

Meet all the Heroes & Legends at [judges.org/judicial-heroes](http://judges.org/judicial-heroes).