



# NATIONAL ASSOCIATION OF WOMEN JUDGES COUNTERBALANCE

Volume 24, Issue 1, Winter 2005

## Message from the President

*(Remarks from the 2004 Annual Conference in Indianapolis, IN)*

As I stand before you this morning, I want all of you to know that I take this responsibility very seriously. This conference weekend has truly been a whirlwind of activity and there have been exhilarating moments and terrifying moments.

So many of you have come up to me to individually offer your support and encouragement and to offer assistance. My ABA friends from the Conference of Specialized Court Judges expressed support with a wonderful bouquet of roses. Thank you so much.

Others have approached me with concerns about the future of NAWJ and suggestions for renewed programmatic focus and membership initiatives. One judge came to me with tears of outrage because of her feeling that there is a lack of concern for the feelings of the membership by the leadership of this organization. I hope plans to leave NAWJ were not real, but I appreciate the fact that you felt safe enough to share your thoughts. Thank you. To coin a phrase: this has been the best of times and the worst of times...

Here in Indianapolis – and let me pause for a moment to comment about the conference – in NAWJ folklore there has been an increasing number of members who have taken our conferences from mom-and-pop events to world class conferences like this one. (Of course Pearl Appelmann and

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## 2004 Annual Conference, *At the Crossroads,* Among NAWJ's Best!!

*Cristina Silva, Consultant*

The 2004 Annual Conference was another star in NAWJ's recent history of terrific Conferences. *At the Crossroads* was held in Indiana's capital city, Indianapolis, from October 12-14, 2004. The schedule ran from Thursday until Sunday, a day shorter than past Conferences, yet was packed with outstanding educational programs, exceptional speakers, and an entertaining and relaxing time. The Conference also featured family-oriented activities.

The agenda featured a wonderful mix of progressive and traditional legal issues including topics such as the *Globalization of Decision Making, Judicial Independence, Evidence in the Digital Age, and Feminist Theory and Judging*. Conference speakers including, Dr. Kathy Reichs, who opened the conference with a presentation entitled, "Accident, Suicide, Homicide; You Decide," Hon. Charles Clevert, District Judge, United States District Court for the Eastern District of Milwaukee, Dr. Roger E. Hartley, University of Arizona, School of Public Administration and Policy, Susan Williams, Walter W. Foskett Professor of Law, Indiana University School of Law at Bloomington, and many other interesting and diverse speakers. In addition, there were several topical breakfasts on balancing family and work life, stress management, ethical issues, and other similar subjects.

New to the Conference was technology training. Our own Mr. Thomas

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## Message from the President

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the New York judges remain in a special class by themselves.) We will also always be grateful to Ann Kough, Diana Eagon, Noel Kramer, and, now, Maggie Robb for helping us make this transition.

Just when we thought we had seen it all, we now encounter "A Night of Chocolate". We find ourselves reeling from the shock of a sudden cancellation to an enjoyment of a rollicking Catherine Crier as a replacement. Maggie, we truly owe you a debt of gratitude for this wonderful conference.

As I prepared for these comments I have been thinking of two people: a "famous" admiral and a tattooed lady of the evening. "Who am I and why am I here?" bounced off Sweet Charity's query: "Where am I going and what will I find? What's in this grab bag that I call my mind?" How ironic that here in Indianapolis we find ourselves "At the Crossroads" in more ways than one.

This has been a banner year for NAWJ. Our signature programs have been presented in all areas of the country: The *Color of Justice* Program in the Pacific Northwest reached out to Asian Pacific and indigenous native populations for the first time; the *Genome Justice* Pilot Project in Seattle was well attended and fascinating and we are planning a follow-up for Phoenix, Arizona in April; and the *Tapestry Program* in Wisconsin was such a show stopper that baby tapestry programs are springing up all over. We will co-sponsor another one in Iowa with the American Judicature Society on November 18th. The Audrey Hepburn Judicial Research Project began and continues with work for the development of a curriculum.

Our district directors have also been working toward the development of regional programs. Boston's Legislature-NAWJ dinners have begun to develop into regularized meetings with members of NAWJ and members of the state legislature.

We have begun receiving recognition from sources unheard of before; some examples: National Center for State Courts, Judge Brenda Loftin is now a member of the Board of Directors and we have been invited to attend the Rehnquist Recognition Dinner; Conference of Chief Justices have included NAWJ by issuing a guest invitation to the President of NAWJ; American Judges Association has recently installed NAWJ member Gayle Nachtigal as president of the organization and invited me to attend their October conference with an eye toward cooperative efforts; American Judicature Society will sponsor a

Tapestry Program with NAWJ in Iowa on November 18<sup>th</sup>; Albany Law School allowed NAWJ to make a presentation to awarded Judge Judith Kaye at a recent ceremony; National Association of Women Lawyers co-sponsored an award luncheon at the ABA Conference in Atlanta and have asked us to co-sponsor the Chicago luncheon and work with them on other projects.

We also have offers for programmatic co-sponsorship from many other organizations. Where NAWJ goes from this point depends on you. You have heard from and seen your new leadership, but I submit to you that the direction we go from here depends entirely upon you and not on the leadership.

I will be calling on all of you to be our eyes and ears so that we can reconnect with our members and respond to membership needs. As I experienced this wonderful weekend, I thought about NAWJ and how much it has meant to me. I also want to share some comments made about NAWJ by one of our members:

"In June 1981 when I was appointed to the Bakersfield Municipal Court, Associate Justice Pauline Hansen invited me to join NAWJ and attend the annual conferences. I did not think I could afford it. Over the next few years she kept inviting me and I kept thinking I did not need NAWJ. After spending my first five years as the only woman judge in Kern County and being the first judge to have three miscarriages, one live birth and one adoption, I knew I could not afford to not belong to NAWJ. I have been to all but one conference since 1989. It is the highlight of my professional life."

"I have found membership in NAWJ to be everything Justice Hansen said it would be, and I would like very much to share it with you. Being the only woman judge or one of a small number of women judges on a bench can be very lonely and having a network of other women can be a great source of collegiality and support. Those of us in counties with smaller numbers of women cannot even begin to imagine the riches experienced by women in larger counties. We can, however, get to know one another."

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# There Remain Roads to be Forged by Women, Especially Women Judges...

*Hon. Fernande Duffly, Treasurer*



*[redacted and adapted version]*

For quite a few years now, many of our law schools have graduated more women than men. Among judges in the Commonwealth, women make up about a third, and most of the divisions of the Court have had a woman as chief. Many of our country's highest State courts have women at the helm. No doubt with these achievements in mind, many judges considering membership in NAWJ have asked whether NAWJ's goals been already achieved, and isn't it time to fold up our tents?

I would love to be able to say that it is time, that NAWJ has served its purpose by outliving the stated goal of providing support to women and other under-represented groups in the profession. But I do not think this is the case.

To illustrate, I will share some surprising statistics that were recently reported in the Massachusetts Lawyer's Weekly, in the section on the 100 largest firms in Massachusetts. The data should cause concern: of those firms reporting, there are a total of 115 managing partners (with a few firms reporting co-managers) — only six of these are women. Of firms with at least twenty-five partners, only two report having over 20% of equity partners who are women (21% and 23%). In more than half of the rest of these firms, women comprise fewer than 14% of equity partners, and that range goes all the way to 0%. Nationally, the number of women partners averages less than 16%.<sup>1</sup> Similar statistics remain a cause for concern for women in politics, in business, banking, accounting and in other professions.

The reason can no longer be attributed to a dearth of women being trained and educated. Within a year of my graduation from law school over 25 years ago, women made up on average one third of the graduating classes in law schools around the country, by 1985 40% of new lawyers were women.<sup>2</sup> You would think that by virtue of their twenty to twenty five years of experience these women would now be partners, managing partners and CEOs. The Lawyer's Weekly report shows that law firms are hiring men and women in roughly equal numbers — but, degrees and long resumes in hand, women who have gained entry to the major law firms are leaving these law firms — and investment firms and Fortune 500 companies — in large numbers before they reach the upper echelons of power. By 1997, for example, as a result of attrition, the overall growth rate for women in large firms was 0.8% — this is because women were leaving at a greater rate than they were being hired.<sup>3</sup>

There are surely several reasons for this phenomenon, including no doubt personal choice. But to assume that these women, who have spent years being educated and trained have all suddenly decided they would just rather stay at home is to miss an important point. Women leaving law firms by and large are not leaving to spend full-time with their families, but for other full-time jobs. Nor are they leaving because of a lack of opportunity to work part-time. A recent study of women lawyers in Massachusetts law firms indicates that 90% of respondent law firms have policies permitting reduced hour arrangements<sup>4</sup>; and only one has a policy that part time work would preclude consideration for partnership.<sup>5</sup>

I will assume that the retention of women lawyers, and promotion to partnership, is a goal of our law firms and one we all share as appropriate — not only because these institutions should reflect the diversity of the population, but because the opportunity to work collaboratively with colleagues from diverse backgrounds leads to a better work product.

That certainly has been the case for us on the Massachusetts Appeals Court, where mutual respect for the varied backgrounds and experiences we each bring to the job is a hallmark of our storied as congeniality and of our collaborative approach to decision building. According to a study by Catalyst (the country's leading non-profit research and organization working to advance women in business and the professions) gender diversity has been good for the bottom line among 353 of Fortune 500 companies reporting who have a significant percentage of women in upper management.<sup>6</sup>

*“There are a total of 115 managing partners [in Massachusetts] - only six of them are women.”*

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# NAWJ EXTENDS SYMPATHIES TO THE FAMILIES OF JUDGE JOAN LEFKOW AND JUDGE ROWLAND BARNES

NAWJ extends our deepest sympathies to Judge Joan Humphrey Lefkow and her family, who lost her husband and mother, and to the family of Judge Rowland Barnes, who was killed during the shootout at the Atlanta courthouse.

Judge Joan Lefkow has been a judge on the federal district court for the Northern District of Illinois since June of 2000. Prior to her Federal judgeship, Lefkow served as a U.S. Bankruptcy Court Judge in the Northern District of Illinois, which was preceded by a judgeship as a U.S. Magistrate Judge in the Northern District of Illinois. Judge Lefkow received her undergraduate degree from Wheaton College in Wheaton, Illinois, and her law degree from Northwestern University School of Law. Prior to assuming the post of Magistrate Judge, she was the Executive Director of the Cook County Legal Assistance Foundation, an instructor at the University of Miami Law School, Chief Administrative Law Judge for the Illinois Fair Employment Practices Commission and attorney with the Legal Assistance Foundation of Chicago.

Superior Court Judge Rowland Barnes, was an individual known for taking the law seriously, but not himself. He displayed a personable approach to justice, and had a great sense of humor. The judge would often indulge lawyers at the Atlanta Bar Association's annual charity fundraiser where he appeared in skits wearing his underwear. Judge Barnes, 64, was named to the bench in 1998. He was a 1972 graduate of Emory Law School in Atlanta.

NAWJ salutes both Judge Lefkow and Judge Barnes for their dedication to the law and justice. We hope Judge Lefkow, her family, and the family of Judge Barnes find peace. May justice come swiftly to the individuals who caused such great losses in our legal community.

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## Message from the President

*(continued from page 2)*

That judge, Sharon Mettler, reached out to newer judges in her county and our membership grew. We need to do a better job of sharing with our non-members why we are enthusiastic about NAWJ and how relevant membership is to our lives.

We can only accomplish our goals if everyone participates. There have been some leadership changes in NAWJ and you can participate in any area of your interest. Some of the changes in our leadership include: Honorable Linda Murnane, Military Outreach, and Dr. Elizabeth Schneider, District Alignment. Hopefully the concept of district alignment can become a project for students so that we can evaluate the districts. Honorable Brenda Loftin will serve as Resource Board Liaison, and Honorable La Tia Martin will be the new Projects Director.

This morning as I was reading my UNITY and preparing for my day, I was struck by the message for today: "With spiritual vision, I see only the highest and best within all." As we confront the challenges facing NAWJ this year, know that we can surmount them if we work together seeing the highest and the best within us all. Please join me in this quest.



# NAWJ Welcomes Acting Executive Director

*Sonia Queralt, Administrative Assistant*

The National Association of Women Judges (NAWJ) has hired as its Acting Executive Director Drucilla Stender Ramey, former Executive Director and General Counsel of the Bar Association of San Francisco (BASF).

A graduate of Harvard College and Yale Law School, Ms Ramey has devoted her career to social justice activism, most recently as a consultant for the Open Society Institute and other organizations in New York City, and before that as a national bar leader, law professor and civil rights litigator at the Mexican American Legal Defense and Educational Fund. She is a former chair of the ACLU of Northern California and the San Francisco Commission on the Status of Women, was a co-founder of the California Minority Counsel Program, and served as founding Vice President of California Women Lawyers. In recognition of her work to advance equal access and opportunity in the system of justice, Ms. Ramey has been the recipient of awards including the ABA Margaret Brent Women Lawyers of Achievement Award and the American Jewish Committee's Learned Hand Award.

We extend our warmest welcome and look forward to working with Drucilla in the future.

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COMING SOON...

The 27th Annual Conference in Houston, TX. It will be held from October 19-23, 2005. From Hayrides to BBQs, it is guaranteed to be a kick-up-your-heels good time!  
*Mark your calendars!*

# HONORS & RECOGNITIONS



*Hon. Noël Anketell Kramer*

President George W. Bush has nominated **Hon. Noel Anketell Kramer** for a slot on the nine-judge D.C. Court of Appeals. The judgeships carry 15-year terms and must be approved by the Senate.

Judge Kramer is a former NAWJ President. She currently presides over the Criminal Division, to replace retiring Judge John Steadman and has been a Superior Court judge for 20 years. Prior to joining the local bench, Kramer was an Assistant U.S. Attorney in the District of Columbia. As head of the Criminal Division on the Superior Court, Kramer has overseen the creation of the Community Court — a pilot program intended to match offenders with social service programs in an effort to keep them from returning to the court system.

The fourth annual Polk County, Iowa Adoption Saturday was held November 20, 2004, in Des Moines. **Judges Donna Paulsen, Connie Cohen and Karla Fultz** organized the highly successful event. Forty children were adopted on a Saturday morning, when the courthouse was devoted exclusively to adopted children and their families. Refreshments were served in the lobby, and balloons and stuffed animals decorated the courtrooms. Judges, court reporters, and court staff volunteered their time to create this festive atmosphere for adoptive families and their children. “We wanted to create a family-friendly atmosphere in the courthouse for the children and adoptive parents,” said Judge Paulsen. “Normally the courthouse is crowded with jurors, members of the public, attorneys, and prisoners. The atmosphere on Adoption Saturday is completely different.”

**Hon. Anuradha Vaitheswaran**, Iowa Court of Appeals Judge, co-chaired the state’s Child Support Review Committee, which makes recommendations to the state Supreme Court every four years on child support issues. The revised child support guidelines went into effect November 1, 2004.

On November 18 NAWJ co-sponsored a ceremony honoring past women judges in Iowa. The event, modeled on a similar ceremony in Wisconsin, paid tribute to the contribution of Iowa’s early women jurists. The ceremony was sponsored by the American Judicature Society, along with NAWJ, Drake University, and the Iowa State Bar Association.

Women jurists honored at the event were **Hon. Linda Neuman**, retired Iowa Supreme Court Justice and former NAWJ board member; **Hon. Janet Johnson**, former judge of the Iowa Court of Appeals and later dean of the Pace University Law School; the late **Hon. Lynne Brady Neuhaus**, former district court judge; **Hon. Margaret Briles**, former district court judge; **Hon. Linda Reade**, former district court judge and now Iowa’s first woman United States District Court Judge; and **Hon. Patricia Houlihan**, former district associate court judge.

**Eliza Ovrom**, District 9 representative, presented remarks at the ceremony on behalf of NAWJ. “The judges we honor here today were true pioneers in their field,” she said. “They have been an inspiration to an entire generation of women law students, attorneys, and judges.” Approximately 200 people attended the ceremony, including former Iowa Governor Robert Ray, Iowa Supreme Court Chief Justice Louis Lavorato, and many members of the Iowa Supreme Court, Court of Appeals, and District Court, as well as a number of attorneys. Portraits of the honorees were unveiled at the ceremony. The portraits will be displayed at the state Judicial Branch Building, and later will be hung in each judge’s home courthouse.

**Judge Natalie Tyrrell** received the Latin Chamber of Commerce Professional Services Award at their Annual Awards Gala on October 2, 2004. Judge Tyrrell was elected to the North Las Vegas Justice Court in November 2000. She is the first woman judge in North Las Vegas. The 2004 Las Vegas Latin Chamber Community Achievement Awards honor exceptional individuals based on their professional and community contributions to the Southern Nevada Latin Community. Judge Tyrrell was nominated for her commitment to our growing Latin community.

Judge Tyrrell created an outreach program in 2002, KIDS IN THE COURT, partnering with C.P. Squires Elementary School, a predominantly Hispanic school, in North Las Vegas. This program educates fifth graders about the court system with emphasis on careers and the importance of staying in school. The students meet Judge Tyrrell, who visits the school to discuss her education and the judicial process. The students then take a field trip to the North Las Vegas Justice Court where they tour the facility, meet Judge Tyrrell’s staff to learn about their jobs and education and then participate in a mock trial. Some of the students act as jurors, witnesses, and the defendants. This school year will mark the fourth year of this annual program.

**Hon. Nonnie Burnes** received the BBA award for judicial excellence on April 28, 2004 and the Testa Visionary Award from Discovering Justice on May 12, 2004.

*To Share your good news of other honors and recognitions to be included in the next issue of Counterbalance, please send them to [squeralt@nawj.org](mailto:squeralt@nawj.org)*

## NAWJ Charter Member, Hon. Harriet P. Henry, Loses

### Battle with Cancer

The Honorable Harriet Putnam Henry passed away at Piper Shores, Scarborough, Maine on Sept. 11, 2004 after an uphill battle with ovarian cancer. She was eighty years old.

Hon. Henry was born Sept. 28, 1923 in Ashland, Kentucky. She was a direct descendant of John Putnam, who arrived in Salem, Mass., in 1640 and of Major General Israel Putnam of Revolutionary War fame. She was nationally recognized as an expert in marine law and coastal management and subsequently became Maine's first woman judge in 1973. Harriet Putnam Henry soon became known as an advocate for women judges, and for her work in the areas of child abuse and child welfare. She is a graduate of Smith College and received her law degree from George Washington University.

Among Harriet's many honors are an Honorary Doctor of Laws from Bowdoin College and from the University of Maine, and the Maine Commission on Women's Woman of the Year Award. She also served as a board member for the Maine Humanities Council, the Maine Historical Society, the National Center for State Courts, and others. She was also a charter member of NAWJ.

Her legacy will live in the hearts of everyone she touched with her amazing spirit and advocacy work.

## Honors & Recognitions

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**Judge Joyce Hens Green** received the American Inns of Court Professionalism Award for the D.C. Circuit.

On Monday, August 30, 2004, **Hon. Dora L. Irizarry** was sworn in as a United States District Court Judge for the Eastern District of New York. The formal induction was held in the Brooklyn Federal Courthouse on Thursday, September 23, 2004.

**Judge Fred Horn** was the recipient of the AJA's "Judge Bob Jones Memorial Award" for 2004. This national award is presented annually to a judge by the AJA for significant contributions to judicial education. The award, which was presented on Monday, Oct. 25, 2004 during the AJA's annual educational conference in San Francisco, is in recognition of Judge Horn's work with new judge education on the Continuing Judicial Studies Education Committee of the California Administrative Office of the Courts, and his leadership in other areas of judicial education.

Congratulations to **Retired Colonel Linda Murnane** who was recently named Executive Director of the Kentucky Human Rights Commission. She will be moving to Louisville, KY, to begin her new position and looks forward to taking with her NAWJ's *Color of Justice* program.

## 2004 Annual Conference Article

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Leighton, a member of NAWJ's Resource Board, hosted training on *WestLaw* for everyone from beginners to advanced users. Microsoft was only on hand to provide trainings for its different program. On the last day of the Conference agenda also a "So you want to be a..." series which gave Conference attendees a choice between "So you want to be a TV Star," which took up the issue of Judges and the Media, and "So you want to be a Mediator/Arbitrator," which gave attendees an inside look on how to become a Mediator/Arbitrator and how to prepare oneself for that path.

NAWJ extends a sincere thank you and bravo to Conference Chair Hon. Maggie Robb and her conference committee. They began planning the committee back in early 2003. The Conference and the city of Indianapolis *wowed* attendees. After the Conference, Judge Sue Kurita, NAWJ Vice-President, stated "Indianapolis was a such a beautiful and gracious host city! I hope to return soon."

We look forward to the 2005 Conference following the tradition of excellence that NAWJ Conferences are known for! Be on the look out for information on the Houston Conference, which will be available soon.

## WELCOME NEW MEMBERS!

August - December  
2004

Hon. Beth A. Bittel  
Hon. Toniaanne J. Bongiovanni  
Hon. Renee Allen Cain  
Hon. Blanca de la Torre  
Hon. Bernadette DeCastro  
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Ms. Shermela J. Williams  
Ms. Alicia Winston  
Hon. Sarah Zabel

# *Removing Obstacles to Justice for Immigrants*

## **Program Presented in Three More Cities: Boston, New York, and Philadelphia**

*Hon. Vanessa Ruiz, President-Elect*

NAWJ's comprehensive curriculum dealing with immigrants in court continues to be presented in different venues and formats around the country. The curriculum, developed by President-elect Judge Vanessa Ruiz, was supported by grants from the State Justice Institute and the Open Society Institute. The three most recent programs were supported by a Ford Foundation subgrant obtained through the American Bar Association and supplemented the curriculum with distribution of the ABA bench book entitled *A Judge's Guide to Immigration Law in Criminal Proceedings*. All programs have been very well received and, in their evaluations, participants expressed a serious need for in-depth sessions on this topic.

The program presented outside Boston on February 28, 2005, was organized by NAWJ Treasurer, Judge Nan Duffly, and co-sponsored by the Flaschner Institute. The all-day program entitled *Immigrants in the Courtroom: A Practical Guide for Judges*, was attended and very well received by approximately seventy judges. The training focused on the immigration consequences of state and federal criminal convictions, sentencing and other dispositions; federal congressional amendments to the Violence Against Women Act that benefit victims of crime (including battered immigrants); juvenile dispositions; issues related to unaccompanied minors; and an overview of obstacles to justice facing immigrants in the courtroom. The presenters, who encouraged active intervention by the judge attendees, followed by small group breakout discussion were: Massachusetts Appeals Court Justice Joseph Grasso; Judge Rosanne Sragow; Dan Kesselbrenner, Executive Director, National Immigration Project; Gail Pendleton, Associate Director, National Immigration Project; Manny Vargas, Esq., Director New York Immigrant Defense Project; Iris Gomes, Esq., Mass. Law Reform Institute; and Wendy Wayne, Esq., Counsel for Public Services, Immigration Law Project.

On March 10, 2005, under the leadership of NAWJ Project Development Director, Judge LaTia Martin, the New York State Women Judges Association hosted a more broadly focused evening seminar at the U.S. District Court for the Southern District of New York. The seminar was attended by twenty justices from the boroughs of the Bronx, Manhattan, Brooklyn and Queens, representing three different courts — New York City Family Court, New York City Criminal Court and New York State Supreme Civil Court. The presenters were Manny Vargas, Esq., Director, New York State Defenders Association Immigrant Defense Project; David Grunblatt, Esq.; Maria Arias, Esq., Professor CUNY School of Law Battered Women's Rights Clinic; and Sujata Warriar, Director of the Health Care Bureau, NY State Office for the Prevention of Domestic Violence. They directed their remarks to the legal, cultural and language issues that affect immigrants in the judicial system, including the legal ramifications of criminal convictions and sentencing on the immigration status of non-citizens, the provisions and impact of the Violence Against Women Act as it applies to immigrant battered women and other related immigration issues.

On March 16, 2005, under the leadership of Judge Patricia McInerney, the Education Committee of the First Judicial District of Pennsylvania presented a luncheon program focussing on the repercussions of criminal convictions on immigrant defendants. Approximately thirty Common Pleas Court judges and one state court administrator were in attendance. The session was conducted by Steven Morley, Esq., an immigration law specialist, who focused his presentation on the repercussions on immigrants of various categories of felony convictions and the range of sentence lengths commonly imposed for lower-level felony offenses in Philadelphia. If you are interested in planning a program in your jurisdiction or would like a copy of the NAWJ Curriculum or ABA bench book, contact Sonia Queralt, NAWJ Administrative Assistant at [squeralt@nawj.org](mailto:squeralt@nawj.org) or (202) 393-0222.





# The second pilot program of *Genome Justice* a **HUGE** Success!!



**Picture this:** A fertilized embryo, from two donors (one sperm, one egg) is implanted in a surrogate for a couple, who, after the surrogate is eight months pregnant decide they no longer want the baby. Who does the embryo belong to? The donors? The surrogate? The intended parents? Or no one?

**Question this:** Should frozen, fertilized embryos be subject to equitable distribution at divorce?

**Imagine this:** American-Indians in the State of Arizona have been the subject of medical research for years without their knowledge. Their blood, which was taken for purported basic medical care, has been used for investigative purposes on diseases such as diabetes. Who should be held responsible? Should they be able to recover from any profits that may derive from research conducted on their cells?

NAWJ has launched the second of two pilot programs, formally titled *Genome Justice: Disparate Impacts of Genetic Testing on Women and Vulnerable Populations*, at the Arizona Supreme Court Education Center from April 7–9, 2005. During this important and innovative judicial education program, judges learned about issues such as:

- **new advances in genetic technology;**
- **the impact of these advances on bioethics, new evidentiary questions, causes of action, and standards of care; and**
- **the real, potential, and perceived disparate impacts of these advances on populations already vulnerable.**

As issues regarding genetic testing are beginning to arise in many civil as well as criminal courts, judges at all levels of state, federal and military court systems benefited from participating. Both pilot programs were funded with a grant from the National Institutes of Health (NIH). Approximately 30 attendees interacted over the course of three days with a host of outstanding national medical, legal, forensic and ethical experts, whose presentations covered a panoramic gamut of issues. These included the privacy, discrimination and other challenges implicated by broadened access to genetic information; genetics and family law; reproductive genetics; toxic torts based on genetic susceptibility; research issues from the Native American perspective; stem cell research and cloning; and medical malpractice.

Participants were also hosted to an elegant reception by the Arizona Women Lawyers Association. We extend a great big thank you to all who helped plan and execute this wonderful and educational program!! Stay tuned for upcoming Genome Justice programs in other states.

*Conference Photos*





## UPCOMING EVENTS

Mid Year Meeting  
Washington, DC  
March 2005

Genome Justice  
Pilot Program II  
Phoenix, AZ  
Spring 2005

27th Annual Conference  
Houston, TX  
October 19-23, 2005

28th Annual Conference  
Las Vegas, NV  
Date TBA, 2006

# New York Judges Sponsor a Holiday Program for a New York State Transitional Prison Facility

*Hon. Marcy L. Kahn, Co-Chair, District 2 Committee on Judicial Opportunities*

The judges in the New York Women's Judges Association and the Women in Prison Committee sponsored for the 4th year a Holiday program for the women inmates at Bayview Correctional Facility. The program took place on Dec. 15 and offered not only substantive seminars like maximizing the parole application, housing options and foster care but also sessions on health issues, spirit, mind and body, meditation and stress management. The women were also given a demonstration on makeup and how to dress appropriately for a job interview and where to get the clothes inexpensively. In the afternoon, gifts donated by the judges were distributed to the women and then all were invited to an hour long entertainment session, with a saxophone player, two guitarists and the Bayview Choir sang. This is a very rewarding activity that many judges participate in every year. The judges also sponsor a toy drive to collect toys for the inmates' children. These toys are distributed at another party given at the facility for the children and their mothers. The judges have been so successful in their efforts in the past that we have had many excess toys which were distributed at Rikers Island prison, a city facility.

Any questions about this worthwhile program can be addressed to Hon. Carolyn Demarest, Supreme Court, Kings County New York, Chair of Women in Prison Committee or to Hon. Betty Williams, Criminal Court Kings County ; Hon. Sarah Krauss, Civil Court, Kings County, co-chairs of the special Holiday Program Sub-Committee.

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## District 1 Members Host "Bringing Women to the Table" Dinner



A District 1 committee of NAWJ judges has been meeting to develop a series of events that will give us a chance to meet informally, and on a regular basis, with women in the other branches of government. Meetings with former Senator McGovern and Senator Creem resulted in an initial after work gathering at a local restaurant. Following that event, we were invited by Senator Susan Tucker and Representative Harriet Stanley of the Mass. Women's Legislative Caucus, to the "Bringing Women to the Table" dinner held September 20, and co-sponsored by the Mass. Commission on the Status of Women. The energy in the room was palpable! We have a lot to learn, and much to share.

Here are a few photos. Heading from NAWJ were: District 1 Director Amy Nechtem, Fernande Duffly, Pat Flynn, Pat Curtin, Gwen Tyre, Barbara Lenk, Judith Fabricante and Michelle Hogan. Also in attendance were: Rep. Stanley, Sen. Tucker, Rep. Alice Wolf, Angie Menino, M'Sex DA Martha Coakley, Rep. Alice Peisch (and others).



## **DISTRICT 2 HOLDS FOURTH "BAR TO BENCH" PROGRAM IN SYRACUSE, NEW YORK**

*Hon. Marcy L. Kahn, Co-Chair, District 2 Committee on Judicial Opportunities*

The NAWJ District 2 Judicial Opportunities Committee held its fourth "Bar to Bench" conference on November 11, 2004 in Syracuse, New York. The Co-chairs were Judge Diane Fitzpatrick, Justice Deborah Karalunas, and Judge Karen Uplinger all from Onondaga County. The program was targeted at attorneys and law students in New York's Fifth and Sixth Judicial Districts (central New York State), and was co-sponsored by the New York State Bar Association, the New York Association of Women Judges, the Onondaga, Oneida, Broome and Lewis County Bar Associations, the Women's Bar Association of the State of New York, the Central New York Women's Bar Association, and Syracuse University College of Law, where the conference was held. The Onondaga County Bar Association arranged for provision of CLE credit for the ethics portion of the program.

By all accounts, the speakers, programming, and materials were excellent. Judge Fitzpatrick, aided by Justice Karalunas, Judge Renee Minarik and Judge Karen Uplinger, obtained assistance from the State Bar and the New York State Unified Court System's Advisory Committee on Judicial Ethics and Judicial Campaign Ethics Center in bringing speakers who engaged in a lively discussion about cutting edge judicial campaign ethics issues. Attendees were informed about the activities of NAWJ and membership forms were available. Although conference attendees came from all regions of the Fifth District (the northern tier of the region), we did not succeed in turning out attorneys from the Sixth District (the southern tier), and attendance figures were not as great as at our earlier conferences. Nonetheless, those who attended were enthusiastic about the program.

Our Committee is reviewing the results of the program and will be considering venues for future presentations. Should you have any questions, please do not hesitate to contact me.

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## **DISTRICT 14's COLOR OF JUSTICE PROGRAM – A HUGE SUCCESS**

On September 15<sup>th</sup>, District 14 held its first Color of Justice program in San Francisco. Thirty-nine eleventh grade students from Balboa High School came to the beautiful Civic Center Courthouse of the San Francisco Superior Court for the program, which was co-sponsored with NAWJ by the law firms of Munger, Tolles & Olson, and Orrick, Herrington & Sutcliffe. The presenters included seven judges from state, federal and administrative courts, as well as attorneys and law students. Included as presenters were NAWJ members Charlene Padovani Mitchell, District 14 Director who moderated the program, Jennifer Gee, Suzanne Ramos Bolanos, Teri L. Jackson, Gail Dekreon, and Catherine Lyons.

The program started off with a formal opening and a demonstration opening statement for a murder trial by Jeff Adachi, San Francisco's Public Defender, which immediately engaged the students. The panelists also included Dennis Herrera, San Francisco's City Attorney, and Jon Streeter, the President of the Bar Association of San Francisco.

*(continued on page 14)*

**SAVE THE DATE...**

*"The New Frontier"*

27th Annual Conference  
Houston, Texas  
October 19-23, 2005

# Audrey Hepburn Children's Fund: A Chance to Make a Difference

Judge Linda Strite Murnane



Hon. Linda Murnane

For some it happens every day. For others it never happens. And for even others, it happens once in a great while. From July 9 - 11, 2004, in New Orleans, LA, the chance to make a difference was put into action when members of the National Association of Women Judges were invited to participate in the groundbreaking work of the Audrey Hepburn Children's Fund.

To honor his mother's work with UNICEF on behalf of children throughout the world, Ms. Hepburn's son, Sean Hepburn Ferrer, founded the Audrey Hepburn Children's Fund. Through the Fund, specialized child maltreatment clinics have been established in Hackensack, New Jersey, and Los Angeles, California. At the end of the Judicial Resource Project week, a third clinic was dedicated at Children's Hospital New Orleans, LA.

In conjunction with the new center's dedication, Mr. Hepburn Ferrer brought together experts from the fields of medicine and law to begin a discussion of protocols to be used in examining, treating and assisting children who are victims of physical and emotional abuse. To assist in developing the protocols, experts in pediatrics, attorneys devoted to prosecuting crimes against children, and judges discussed what they would like to see in a children's medical work up if they had a "perfect world" scenario.

The NAWJ members who participated in this groundbreaking work included Judge Shirley Tolentino, Judge Nancy Saitta, Justice Amy Nechtem, retired Judge Linda Strite Murnane, Judge Zakia Mahasa, Judge Sheila Fell, Judge Judith Ann Dowd, Judge Karen Ahn, and Judge Carmen Bosch. There were other judges who had worked with the two previous Audrey Hepburn Children's Center staffs in the past who also participated in the discussions.

*The recommendations made at the  
Judicial Resource Project will be  
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internationally.*

The recommendations made at the Judicial Resource Project will be compiled by the Audrey Hepburn Children's Fund into a report by the fund, with the idea that guidelines for treating children of abuse or neglect can become recognized nationally and internationally.

In addition to the challenging work at the Judicial Resource Project, the last evening included a fundraising gala which included memorabilia from Ms Hepburn's movie "Monte Carlo Baby." On the last day, country western star, Faith Hill, the honorary "Godmother" for the New Orleans Children's Center, joined actress Jennifer Love Hewitt, the "Godmother" for another of the Audrey Hepburn Centers, for the dedication ceremony.

"I was excited when I was invited to participate in the Judicial Resource Symposium," retired Judge Linda Strite Murnane said, "because it gave me a chance to speak to the needs of military children. All of these centers are near military installations," Judge Murnane explained, "and I am hopeful the guidelines will include interfacing with military caregivers and law enforcement personnel to deal with the very real need for post-conviction treatment for children whose offenders face criminal charges."

For more information about the Audrey Hepburn Children's Fund, contact James Gilson who is the director of the fund project at [ahcf@audreyhepburn.com](mailto:ahcf@audreyhepburn.com).

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## Color of Justice (cont. from pg 13)

Goals of the program were to educate, as well as inspire, the students about becoming a lawyer or a judge. The students were encouraged to consider a career in the legal profession, and by the discussions and personal histories of the panelists were shown that there are many ways to achieve these goals – and that it is possible for them to succeed in a legal career.

The program was a huge success. The student evaluations were very high, and the student comments were heart-warming. The students left with a "goodie-bag" put together by the law firm sponsors. District 14 hopes to make the Color of Justice program an annual event in San Francisco, inviting students from a different public high school each year.

## There Remain Roads to be Forged...

(continued from page 3)

Two major factors that women report as the reason for leaving law firms, despite the ability to work part-time and thereby juggle both family and work commitments, are the lack of support and the lack of mentors. Studies conducted by Catalyst and those reported in journals devoted to addressing the issue in the areas of investment banking, accounting, business, and the law all recognize that mentoring is a major contributor to the successful transformation to partnership – indeed, the absence of a mentor is seen as a barrier to advancing.<sup>7</sup>

Mentors have long been recognized as the source of a successful man's rise to the top of his profession. Few of us in this room tonight, and certainly not me, would be where we are if not for the support of others, whether through observations of a role-model, the more active roles of support and encouragement from colleagues, family and friends, guidance to the inner workings of a particular job, and coaching and help in advancement at various stages of my career. Each of these describe aspects of the role of a mentor."<sup>8</sup>

The absence of women at the top means the absence of role-models and the absence of mentors. As two respected authors report "the dynamics of tokenism keep junior and senior women apart."<sup>9</sup> To achieve the critical mass of women and minorities in positions of power means that all of us must be mentors, and law firms must create formal mentoring programs.

The support that organizations such as NAWJ provide are necessary until there are enough senior women to provide mentoring relationships in the workplace. Because role-modeling involves both interaction and identification, same gender mentoring is extremely important to women whose workplace issues and concerns about balancing work with family-life may be different from those of men.<sup>10</sup> To be a mentor can be enormously gratifying. It provides a way to pass on what you have learned to younger members of the profession – a legacy of wisdom acquired over time. Oliver Wendell Holmes said that "a mind stretched by a new idea never regains its original dimensions," and the chance to stretch a young mind is, like that of parenting, reward in itself.

It is my sincere hope that in a few years we can all say that the work is done. In the meantime, we must continue to act as mentors to other women in the profession, and membership in NAWJ continues to be a significant way of providing support and mentoring opportunities.

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### Footnotes

<sup>1</sup> "Women in law: making the case," Catalyst, (2001). Women are 13.7% of Fortune 500 general counsels. Id. at 7.

<sup>2</sup> Ibid.

<sup>3</sup> "More Than Part-time -A Report of the Employment Issue Committee of the Women's Bar Association", 2000, at 16.

<sup>4</sup> Id. at 9

<sup>5</sup> Id. at 11

<sup>6</sup> A study released by Catalyst in January 2004 demonstrates that companies with a higher representation of women in senior management positions financially outperform companies with proportionally fewer women at the top. These findings support the business case for diversity. The group of companies with the highest representation of women on their senior management teams had a 35-percent higher Return on Equity and a 34-percent higher Total Return to Shareholder than companies with the lowest women's representation.

<sup>7</sup> Ibarra, Herminia, "Making Partner: the Mentor's Guide to the Psychological Journey," *Harvard Business Review* (March/April 2000) at 146-155, 148; Ragis, Belle Rose & Cotton, John L. "Mentor Function and outcome: a comparison of men and women in formal and informal mentoring relationships." *Journal of Applied Psychology*, Vol. 84. no.4 (August 1999) 529-550. "Creating Successful Mentoring Programs: A Catalyst Guide" (2002)

<sup>8</sup> Catalyst has this to say about mentoring: "No one climbs the career ladder alone. And in today's increasingly complex work environment, women need more than one mentor to advise them. It is particularly critical for women to mentor each other. It is never too early to provide candid feedback and share lesson you have learned, particularly those learned the hard way, even if you are not in a position to advance another woman's career" "Women in law: making the case," Catalyst, (2001). Women are 13.7% of Fortune 500 general counsels. At 64.

<sup>9</sup> Parker, Victoria S & Kram, Kathy E. "Women mentoring women: Creating conditions for connection." *Business Horizons* (Mar/April 1993, Vol 36, 423-52.

<sup>10</sup> Kram, Kathy E. *Mentoring at Work: developmental relationships in organizational life*. Scott, Foresman & Co. (1985) at 113-115.

# Past President's Message from Abroad



I arrived in Sarajevo on September 4, 2004, to begin a new phase of my judicial career. I looked forward to this experience with the usual mixture of excitement and trepidation as I had no idea exactly what my new assignment would entail. I had prepared by familiarizing myself with the Code of Criminal Procedure and the Criminal Code, two statutes that were passed by the Legislature in March 2003 and applied only to the Court of Bosnia and Herzegovina, the Court on which I was to sit. What I was unable to discover prior to actually arriving in Sarajevo was what my calendar would consist of and what my court schedule would look like. These things were shrouded in mystery.

## ***A Little Background***

The country now known as Bosnia and Herzegovina (BiH) was part of the former Yugoslavia and emerged in its present boundaries and political divisions as a result of the terms of the Dayton Accords signed in Paris in 1995. The treaty created an entity called the Office of the High Representative (OHR) and a position known as the High Representative who is appointed by the UN. Subsequently, because of the general reputation of the Courts for corruption and inequality, the High Representative terminated all of the judges in the country and appointed a body called the High Judicial and Prosecutorial Council (HJPC) to interview applicants of the now-available jobs. It was an open process in which anyone who had been admitted to the bar could apply, regardless of previous judicial experience.

The Court of BiH was established by the High Representative in March 2003. Once established it was given complete independence and, in fact, it was the reputation of a completely independent court, free of political and other influences. It consists of both National and International Judges. The Court is divided into a Criminal and Civil Division. The President of the court is a national. A new President Judge has just been appointed. She is a woman who was a former prosecutor with no previous judicial experience.

There are eight international judges and eight national judges in the criminal division which is headed by a national judge. Of these, two are American, and judges from Finland, England, France, Portugal, Italy and Belgium. The Finnish judge is the only other woman to have sat on the international panel, although three women national judges (including the president judge) have been appointed in October. Prior to that time there had been no female nationals on the Criminal division and I was told that this was not considered "womens work" in Bosnia. Obviously, whoever told me this was in error.

We sit on four different stages of the proceedings. We sit individually as Preliminary Proceeding or Preliminary Hearing judges and in three judge panels (two internationals and one national with the presiding judge being an international) for trials and appeals. "Preliminary proceedings" is a term applied to anything that occurs prior to the indictment being confirmed and "preliminary hearings" applies to certain pretrial procedures, such as arraignment and custody issues, that take place after the indictment is confirmed. "Confirmation" consists of judicial approval of the indictment at a formal hearing. The standard for approval is "grounded suspicion." We are our own Appellate Division and there is no appeal from our court. We are a unique court in this jurisdiction as we do not fit into the regular hierarchy of the Divisional Cantonal and Supreme and Constitutional courts. In a chart of the courts we would be off to the side on the same level as the Supreme and Constitutional courts.

## ***My First Week***

My first week on the Court was very eye-opening both in terms of the workings of the Court and the personalities of the staff. The physical plant of the Court is a gated, walled and fenced complex that was a former army barracks with, I have heard, an unsavory reputation. There are several buildings in the complex, one of which is presently being used by the Court and another that is being renovated for the Court to move into sometime early next year. At least that's the plan, but as I discovered in the Balkans things often take longer than is expected. In fact, it is expected that this will be the norm and when it is otherwise it is a nice surprise.

There was a plenum meeting at 9:00 a.m. on my first day to announce and discuss the retirement of the President Judge Martin Raguz which was to take place the next day. Judge Raguz stated that he hadn't been notified that he would have to step down until the Friday immediately preceding the meeting and he apologized for the late notice. Thankfully, this was not an issue I really had to follow closely, but the experience opened my eyes to the difficulties of operating in an arena where everything has to be translated. It is totally different experience than using interpreters in Philadelphia. For one thing, the interpreters English is often imperfect or not colloquial. All of the interpreters have varying degrees of

*(continued on page 17)*



## Past President's Message *(continued from page 17)*

a foreign accent. All of the international judges communicate in “English” of a sort and all of us speak it with different accents. You cannot assume that because someone claims to speak English that they speak it in a way that you will understand or that they necessarily understand you. Earphones are additional difficulties because of the sound system which pipes the translation through our earphones but not the original language spoken by the speaker. This means you have to constantly pull the earphones on and off in order to hear someone speaking English, and only the interpretation is miked so that it's difficult to hear the language that you understand. Additionally, the official language is what we call Bosnian in Sarajevo although elsewhere it can be known as Croatian or Serbian. It used to be called Serbo-Croatian but that is no longer politically correct. In the language as spoken and officially it is called simply “the local language.”

### ***My First Hearing***

On Friday of my first week the prosecutor's office filed a motion to extend the custody of a suspect who was being held without bail pending indictment. There are very strict rules about this kind of preindictment custody and the custody order automatically expires after 15 days unless extended by the Court or the indictment is confirmed. A three judge panel is required to decide this and I was given the “honor” of being appointed the President of the panel. At the time I didn't realize that this meant I got to stay until any order we made was typed up in Bosnian and then translated and then I had to sign 20 copies. This is an ex parte proceeding and there is no hearing. It is purely an exercise on paper with no appearance by counsel for either side and no notice to the defense. After a discussion of the allegations we did extend custody and a few days later our decision was mooted out by the filing and confirming of an indictment against the “suspect” (who after indictment is called the “accused”).

### ***I Get a Trial Assignment***

At the beginning of my second week on the Court I was pleasantly surprised to find that I had been assigned as the second international member of the panel that would try the case against Ante Jelovic a former member of the Presidency (there are three presidents elected at the same time and, therefore, a President is referred to here as a “member of the presidency”). He had been indicted along with four others and charged with embezzling 260 million convertible marks (the local currency worth about \$.60 U.S.) the trial began as scheduled on September 24<sup>th</sup> and is on-going. On a bad week we sit fewer hours per day or even fewer days per week. So far two of the accused pled guilty, two were severed and the only one on trial is the main accused, the former member of the Presidency. Guilty pleas are a novel procedure in Bosnia and the judges and lawyers are still learning the procedures which are also unfamiliar to most of the other judges from western European countries. In this case the pleas were subject to plea agreements. Neither of the accused agreed to testify against codefendants, they did agree to give full statements concerning their involvement and anyone else's involvement and they could be compelled to testify once the plea is completed. Interestingly enough, under the Code of Procedure, a sentence must be imposed within 3 days after a plea is entered. This has engendered much discussion among the judges. The case is on-going and there is not much more I can say about the case at this time. I hope to write more about it when my participation is over.

### ***I Wouldn't Trade Places.....***

I am delighted to be here at this particular time when someone with my experience can make a difference to a country where the legal system is in a state of growth and development. Sarajevo is a cosmopolitan city with many cultural events and a wealth of good restaurants that serve mainly Italian cuisine in addition to wonderful Bosnian delicacies. This country is very old and has a complicated cultural, geographical and political history involving people of diverse ethnic and religious backgrounds who have coexisted in one fashion or another under various and sundry rulers. Although the ravages of the war are still apparent, the revitalization of the city and the reconstruction are inspiring. It's a great place to be and I'm fortunate to be here.

Every morning I'm woken up by the chiming melody of the wonderful alarm clock we received in our Indianapolis briefcases. I use the briefcase to carry my books and files to Court and I shop for vegetables in the open market with my Washington, D.C red tote bag to put my packages in. I never forget that it was my NAWJ connection that opened up this opportunity for me. It was an extreme honor to be able to serve as a President of this wonderful organization. So long for now.

- ***SUDIYA CAROLYN ENGEL TEMIN, Sud BiH, Sarajevo***

# NAWJ Welcomes its First Student Members!!!

*Sonia Queralt, Administrative Assistant*

As an organization we are thrilled to announce that we have expanded our membership to include student members, and to date we have four Georgetown University Law students who are now members of this great organization!!

These law students first became acquainted with our organization back on November 1, 2004 when the National Office executed their first mentoring program for law students at the Georgetown Law Center. Over 50 students attended, four student organizations co sponsored the event and a great panel of six NAWJ member judges, made for a successful program!!!

What this type of mentoring program sought to achieve was to bring a panel of local judges of NAWJ into the particular law school with the goal of educating and sharing with students some of their experiences as legal and judicial professionals.

When the student members were asked what had inspired them to join NAWJ, Kathryn Ward a second year law student from Georgetown had this to say, "I attended the panel discussion put on by NAWJ at Georgetown Law School last semester, and I thought the stories told and advice given by the NAWJ judges present was very insightful. While listening to the panel, I realized that aspiring to be a judge someday is not a completely unrealistic goal." A common theme amongst all four of our student members was the fact that upon hearing first hand from women judges on how they developed their careers, the roadblocks that they had encountered, how they balanced their work and personal lives, it became very clear to all of them that through perseverance any achievement is possible.

Lori Mihalich a third year law student and now a NAWJ member had this to add about why she decided to join the organization. "After listening to the panel of judges speak frankly about their experiences, tribulations and triumphs, it really made me want to become involved with and a part of this unique network of inspiring women."

We welcome all of our new members and hope that in the future NAWJ's student membership will continue to increase in numbers!!!

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**The submission deadline for the next issue of Counterbalance is April 30, 2005.**

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