



# National Association of Women Judges COUNTERBALANCE

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## INSIDE THIS ISSUE:

Law and Genetics: What Judges Need to Know /1

From the President /2

Executive Director's Report /3

NAWJ Supports New York Legislation /5

Women Judges At War /6

News /8

Special Feature: Becoming A Judge /10

Viva Las Vegas /12

Events /14

District News /16

Member News /21

## Law and Genetics: What Judges Need to Know

BY JENNIFER L. ROSATO

**A** child is born with five potential parents . . . An employer learns of an employee's genetic predisposition to carpal tunnel syndrome, which she might contract in the work place . . . A man who raises a child for four years, thinking she is his daughter, learns that she is not genetically related to him . . . A DNA database containing genetic identification information about convicted felons is expanded to include persons convicted of any crime . . . A parent asks a pediatrician to test her 10-year-old daughter for a genetic predisposition to breast cancer . . . Infertile parents, who are both deaf, ask their fertility doctor to choose to implant only those embryos that possess a genetic predisposition for deafness . . .



Some of the above examples may sound futuristic, like scenes out of the novel *Brave New World* or the film "Gattaca." Yet as a result of the advances in genetics that have occurred over the past decade or more, these are real-life scenarios, involving real children and families whose rights and responsibilities are giving rise to unique legal conflicts that are making their way through the courts around the country.

The lack of public consensus and corresponding dearth of legislation on these and other charged issues relating to these advances, has forced judges to the forefront of determining the contours of the law that involves genetic technology. Judges already have seen and will increasingly be called upon to rule on cases in a wide variety of substantive areas, including custody and child support, invasion of privacy, malpractice, insurance coverage, employment discrimination, and criminal law.

It is for this reason that two years ago NAWJ, under the leadership of Arizona Chief Justice Ruth McGregor, U.S. District Court Judge Gladys Kessler, Utah Chief Justice Christine Durham, and California Presiding Justice Judith McConnell, together with Dr. Wiley Burke of the University of Washington, obtained an NIH grant to develop and nationally present a Genome Justice Project to help prepare judges for these cases before they arrive at the courthouse door. NAWJ also was concerned about the possibly differential impact on women and other vulnerable groups of the emerging law in the genetics area, particularly in the employment and family law contexts.

The first such presentations, based on comprehensive materials spanning a range of scientific and legal issues, were multiple-day programs in Phoenix and Seattle. These seminars featured speakers from a wide variety of disciplines, including ethicists, practicing physicians and basic scientists, as well as law professors and attorneys with expertise in the area. Because of the enthusiastic response by the judges who attended the programs and the continued need for educating judges in this area, these initial programs have been followed by similar programs of varying lengths, formats, and faculties, presented at NAWJ conferences and other judicial events across the country. Programs have been conducted in Albany, NY, San Juan, Puerto Rico, Newport, RI, Houston, TX, Indianapolis, IN, Minneapolis, MN and Virginia Beach, VA, with more scheduled for the coming year.

The advent of this rapidly growing body of case law was inevitable, given the vast amount of genetic information now available to health care providers, consumers, employers, insurance companies and law enforcement personnel. Not only is more genetic information available, but there is increased

See LAW AND GENETICS page 4

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## From the President

*The following remarks were given by Hon. Brenda Stith Loftin during the NAWJ 28th Annual Conference in Las Vegas, Nevada, October 2006.*

### A VOICE, A VISION, A WAY

In March 1968, Rabbi Abraham Heschel introduced Dr. Martin Luther King, Jr. to a group of Jewish leaders and remarked that Dr. King represented “a voice, a vision and a way.”

The same may be said of Justice Joan Dempsey Klein and Justice Vaino Spencer, founders of the National Association of Women Judges. On October 25, 1979, under the leadership of Justices Klein and Spencer, approximately 166 women

judges, representing 28 states, came together to form the National Association of Women Judges. Today, the NAWJ “voice” speaks for over 1,100 judges in the 50 states and the U.S. commonwealths and territories. Our members — judges of all races, cultures, and religions — preside in federal, state, municipal, military, administrative law and tribal courts. And, just like Justices Klein and Spencer, we are more than “pretty faces.” We are courageous, intellectual, talented, hardworking, and yes, we are powerful. After all, we do have our own branch of government. I am proud to be a voice in the NAWJ chorus of women judges, including, among others, Justice Klein, Justice Spencer, Retired Justice Sandra Day O’Connor and Justice Ruth Bader Ginsburg.

Our co-founders had a “vision” for NAWJ — and what a vision it was! NAWJ would provide strong, committed judicial leadership to address issues of gender fairness and equality in American courts. NAWJ would promote equal access to justice for the most vulnerable of our population. Finally, NAWJ would foster professional and personal relationships among women judges so that each judge could attain her full potential, on and off the bench. Each president of NAWJ has executed policies and programs reflecting the vision of our founders. As Judge Ruiz passes the baton to me, I, too, promise to promote the ideals of our visionary founders.

In 1979, our founders presented a

“way.” Unlike Dr. King, there were no sit-ins or boycotts. Although the way, or the strategy, may have been different, both groups shared a common denominator — a profound passion for equality. This passion was seen in the early days of NAWJ in its hard work on gender bias issues. In 1980, the National Judicial Education Program and NAWJ partnered to investigate bias against women judges, lawyers, litigants and court personnel. By 1985, NAWJ had created the National Gender Bias Task Force. To date, thanks to the NJEP and our NGBTF, there are 42 states with gender task forces and many federal circuit task forces fighting bias against women in our justice system. Clearly, we have seen changes in the last 27 years,

and NAWJ should be proud of its many accomplishments. However, our work is not complete; there is a great deal more to do. After 27 years, it is time to re-evaluate “the voice, the vision and the way.”

To that end, I have asked, and received approval from, NAWJ’s Board of Directors to begin a formal strategic planning process for our Association. During December, a strategic planning committee will meet in St. Louis, Missouri, to chart a future course for NAWJ. Shelley Stump, a lawyer and educator specializing in strategic planning and management, will assist us in this process. Shelly’s talents are many and her credentials are impressive, having helped numerous courts and legal organizations with similar processes. However, our success hinges on each member’s *active* participation in the planning process. A strategic planning member questionnaire is posted on the NAWJ Web site. Please take the time to complete the questionnaire upon your return home.

One of our tasks in the long-range planning process will be to identify issues and trends in judicial education. NAWJ is, and always has been, committed to providing innovative and cutting-edge educational programs for our members. This year, we renew our commitment to judicial education by developing a new series of programs for NAWJ districts, judicial educators and courts around the country. NAWJ is fortunate to be guided in this process by Linda Evans, Director of the



Missouri Department of Judicial Education. Linda, a nationally recognized judicial educator, has agreed to volunteer her time and talents to this important endeavor. Linda, NAWJ thanks you and looks forward to working with you in the coming year.

NAWJ will be very active during 2007: We will expand our voice, our vision and our way. "The NAWJ Way" this year, in addition to those items I have already discussed, will include:

- Continuing to speak out, strong and courageously, on issues consistent with our mission statement;
- Continuing with the important

work of our Women in Prison Project;

- Continuing to increase our membership;
- Hosting the Second Congressional Caucus on Women's Issues;
- Sponsoring two new NAWJ Regional Conferences — one in the west/southwest and one in the south;
- Determining the sites for the NAWJ Annual Conference for 2007, 2008 and 2009;

- Working anew with the talented and supportive members of the NAWJ Resource Board.

7. Working anew with the talented and supportive members of the NAWJ Resource Board.

I am looking forward to a very productive year. Thank all of you again for giving me this great opportunity to serve as President of NAWJ. Let me close by saying that I may not be Allstate, but, "you are in good hands" with me. Thank you and God Bless America.

*Judge Loftin sits on the St. Louis County Circuit Court in St. Louis, Missouri.*

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## Executive Director's Report

By DRUCILLA STENDER RAMEY, ESQ.



As Executive Director of NAWJ, it is my unique privilege to initiate contact with potential supporters in the hope that they will join NAWJ as Landmark Sponsor Firms

and Corporations, and thereafter to ensure that the talents of our extraordinary group of distinguished Landmark Sponsor representatives are enlisted to help us achieve NAWJ's overarching mission of diversity, equality and fairness in the system of justice.

Landmark Sponsors generally pledge \$50,000, \$30,000 or \$20,000 over three years; I urge you to take a look at the remarkable list of distinguished Landmark Sponsors contained in this issue of *Counterbalance* and on our Web site. As you will additionally note, Morrison & Foerster, in addition to its \$50,000 contribution, most graciously provides housing and services for NAWJ's pied à terre in New York City. Three corporations have steadfastly stood with us over the

past many years--LexisNexis, which as our Diamond Landmark Sponsor contributes over \$25,000 each year, and Thomson/West and J.G. Wentworth, who generously help fund many of our most important projects.

Landmark Sponsor representatives serve on the NAWJ Resource Board together with individuals who contribute \$10,000 or more annually to NAWJ, not to say their personal support and indefatigable *esprit*—Robert Kaufman, of Proskauer Rose, Linda Morgan, of Covington & Burling, Deborah Israel, of Womble Carlyle, and Barbara McConnell Barrett. The Resource Board, ably chaired this past year by Brenda Castello, of The Sterling Group, is a longstanding and essential advisory arm of NAWJ whose members have the opportunity to formally meet with NAWJ's Board of Directors at both the Annual and Midyear Conferences, and, on a more informal basis, to provide operational advice and substantive assistance and participation in planning, presenting and serving on NAWJ's national and regional judicial education programs, diversity efforts and collaborations.

We are delighted to welcome Jamie Levitt, of Morrison & Foerster and Karen Johnson-McKewan, of Orrick, Herrington

& Sutcliffe, as the 2006-07 Resource Board Co-Chairs. Julie Marshall, of Latham & Watkins, has agreed to serve as the Resource Board's representative on the newly inaugurated NAWJ Strategic Planning Committee. See article on page 8.

It was a particular pleasure for the NAWJ Board, past Presidents and other leaders to greet 18 members of the NAWJ Resource Board at the Las Vegas Annual Conference last month, and to participate with them in a fascinating two-hour meeting that ranged from lengthy self-bios to discussion of issues of mutual concern, including women in prison and issues of work/life balance. At the conclusion of the meeting, members of this extraordinary group of women litigators were individually paired with NAWJ leaders from federal district and circuit courts, federal administrative agencies, and state trial courts, courts of appeal and supreme courts. I believe that all emerged with a determination to forge and leverage stronger relationships and programmatic initiatives both among Resource Board members themselves and, especially, between Resource Board members and the leadership of NAWJ at the national, regional and local levels.

**CORRECTIONS:** On page 7 of the Spring 2006 issue, Judge Fernande Duffly's court was incorrectly listed as the United States District Court for the Eastern District of Massachusetts. Judge Duffly sits on the Massachusetts Appeals Court. On pages 12 – 13, LexisNexis® was inadvertently omitted from the list of sponsors for NAWJ's 2006 Gala Reception. LexisNexis® is a Landmark Sponsor. Please accept our sincerest apologies for these errors.

## Law and Genetics

*continued from page 1*

access to technological advances such as pre-implantation genetic diagnosis (PGD), a procedure that allows an embryo's genetic make-up to be examined before being implanted in a woman's uterus as part of the in vitro fertilization (IVF) process. More dramatic advances, such as cloning and genetic engineering, may not be far behind. In fact, when it was rumored a few years ago that a cloned child might soon be born, the ABA Family Law Section submitted a report setting forth the rights of cloned children,<sup>1</sup> and a local lawyer stepped forward to be appointed as her guardian because of concern for her well-being.<sup>2</sup>

In general, genetic advances are welcomed and are expected to lead to more choices and healthier lives. At the same time, justifiable concern exists that these advances will negatively affect vulnerable populations such as women, children, and people of color. For example, women may be exploited as the market for egg donors and gestational surrogates becomes even more competitive. Many children are born through assisted reproductive technology each year, but not much attention has been paid to their welfare after they are born. Children also risk serious invasions of their privacy when adult family members are tested for their genetic predispositions and when children themselves are tested for "late-onset" diseases such as cancer or heart disease that manifest themselves during adulthood. There is increasing concern that genetic information may become another way to discriminate against people of color, whether in employment, health insurance, or in the criminal justice system. Even the perception that discrimination exists may deter people of color from accessing technological advances, and that in itself would be troublesome.

Although the need for thoughtful and carefully articulated legislation at the state and federal levels is acute, most of the complex public policy consequences of these scientific advances have not yet been

1 [http://www.abanet.org/family/reports/cloing\\_fullreport.pdf](http://www.abanet.org/family/reports/cloing_fullreport.pdf)

2 <http://archives.cnn.com/2002/LAW/12/31/human.cloning.guardian>

legislatively addressed. Thus far, there is not much more than a bare patchwork quilt of laws addressing the legal and ethical issues spawned by this new technology—although some states have been more thoughtful than others.

This limited legislative response is attributable to a number of causes. First, it is generally recognized that law lags behind technological advances, especially in a field as complex and quickly developing as genetics. It seems like every week we are hearing about advances such as a newer or cheaper genetic test, a disease with a genetic cause, or the results of research on adult and embryonic stem cells.

Second, legislation is less likely because the resolution of public policy issues requires a consensus on underlying ethical issues that is currently lacking. Most difficult to resolve is the question — "when does life begin" — and the related question — "what is the status of an embryo or fetus?" Numerous articles have been written on the subject and reports have been issued, but consensus is still out-of-reach. And without resolution on these fundamental issues, it is unlikely that comprehensive legislation will be passed in the near future. The failure of Congress to pass a ban on human reproductive cloning is just one prime example.

Consequently, for the foreseeable future, it is judges who will continue to be responsible for resolving the messy legal and ethical disputes that have already arisen and are certain to continue to arise as a result of genetic advances. To resolve these cases effectively, judges not only will need their experience and their knowledge of the law, but also will need to learn basic genetics to fully understand the issues and to consider integration of bioethical principles to make better-reasoned decisions.

This need is well-illustrated by some recent cases that have arisen in the family law context as a result of advances in reproductive technology and genetics. These advances permit "collaborative reproduction:" a child can be created with a sperm donor (anonymous or known), an egg donor (anonymous or known), a gestational surrogate who carries the child

to term, and the intended parent(s) who begin the process with the fertility doctor. With multiple parents, the chances for legal disputes also are multiplied. Recent cases have arisen involving child custody and child support, posing questions such as: is an "intended parent" with no biological ties to the child still obligated to pay child support when her relationship with the biological parent has ended?<sup>3</sup> Is a known sperm donor required to pay child support even though he agreed with the biological mother he would have no rights and responsibilities related to the child and has not had any contact with the child?<sup>4</sup> Is a genetically related mother entitled to custody or visitation rights, even though the child has another mother who carried her to term and intended to raise her on her own?<sup>5</sup> These cases may be decided one at a time, but they will have significance far beyond the parties involved.

The most remarkable part of the programs that NAWJ has organized to assist judges in the genetics area is the spirit of interdisciplinary collaboration reflected in the sessions. As the primary planner for several of these programs, I have tried to make sure that the judges hear from scientists as well as academics. And because the genetics issues can arise in a number of diverse areas of the law, I try to "sample" as many areas as possible in a single program. The judges who attend the sessions learn as much from the dynamic presentations as through the lively and thought-provoking discussions that follow.

The goals of the Genome Justice Project will be fully realized when we have been able to present these programs all across the country, with every judge leaving each program with a new understanding of how difficult these issues will be to resolve, together with the recognition that she will be better able to make a fair and thoughtful decision if she needs to. 

3 See *Elisa B. v. Superior Court*, 22 Cal. Rptr.3d 46 (2005).

4 See *Ferguson v. McKiernan*, 855 A.2d 121 (Pa. Super. Ct. 2004).

5 See *K.M. v. E.G.*, 33 Cal. Rptr.3d 61 (Cal. S. Ct. 2005).



Have You Told A Friend About NAWJ!

<http://www.nawj.org>



# NAWJ Supports NY Legislation

## Merit Time Eligibility for Domestic Violence Victims

HON. BETTY J. WILLIAMS

The National Association of Women Judges, in a letter dated June 13, 2006, urged New York State Governor, George Pataki, and New York State legislators to support S 5124-B, sponsored by Senator Dale Volker, Chair of the Codes Committee, and its companion bill A 8024-B, sponsored by Assemblymember Helene E. Weinstein, Chair of the Judiciary Committee. The bills would amend New York State's Correction Law to permit the Department of Correctional Services to grant merit time eligibility and increased merit time allowances to inmates who have defended themselves against abusers or have committed crimes as a result of the abuse the inmates have suffered. The legislation includes safeguards to ensure that only certain inmates qualify for merit time eligibility and increased merit time consideration. For example, only certain convictions would be eligible for consideration and the inmate would also have to prove, by sufficient and credible corroborative materials that: he or she was subjected to substantial physical, sexual or psychological abuse; the abuser was a member of her or his family or household, as those terms are defined in the Criminal Procedure and Penal Law; and the abuse was a substantial factor in causing him or her to commit the crime for which he or she was convicted. Even if the inmate established eligibility by these standards, he or she must have otherwise earned merit time by maintaining good behavior and by participating in specified programs, as required for all other eligible inmates. Decisions about whether to grant merit time would be made on a case-by-case basis, subject to the discretion of either the Commissioner of the Department of Correctional Services's designee or the parole board. The bills were not voted on by the New York State legislature this session and will be reconsidered when the session reconvenes in September, 2006. The Correctional Association of New York's Women in Prison Project has requested that the NAWJ and the New York Chapter, Women in Prison Committee, continue to support the merit time legislation.

On January 28, 2006, at the NAWJ New York Chapter's annual meeting,

the Women in Prison Committee was advised that Assemblymember Helene E. Weinstein and the Women in Prison Project had requested the support of the Women in Prison Committee for the merit time legislation. In response, the Women in Prison Committee submitted a letter to the New York State Advisory Committee on Judicial Ethics requesting an opinion on the following three questions:

1) Whether it was permissible for members of the New York Association of Women Judges, Women in Prison Committee, to lend their support to a bill in the New York State legislature that would grant merit time eligibility and increased merit time allowances to incarcerated domestic violence survivors who have defended themselves against their abusers or who have committed crimes as a result of the abuse they have endured.

2) Whether it was permissible for members of the New York Association of Women Judges, Women in Prison Committee, to sign a letter urging the New York State legislature to pass a bill that would grant merit time eligibility and increased merit time allowances to incarcerated domestic violence survivors who have defended themselves against their abusers or who have committed crimes as a result of the abuse they have endured.

3) Whether it was permissible for members of the New York Association of Women Judges, Women in Prison Committee, to lobby the New York State legislature to pass a bill that would grant merit time eligibility and increased merit time allowances to incarcerated domestic violence survivors who have defended themselves against their abusers or who have committed crimes as a result of the abuse they have endured.

In Opinion 06-34, issued March 9, 2006, the Advisory Committee responded: Pursuant to Rules Governing Judicial Conduct, full-time judges are permitted to appear before a legislative body on matters concerning the law, the legal system or the administration of justice. 22 NYCRR 100.4© (1). Thus, in prior opinions, this Committee has found it appropriate for a judge to write to a legislature or to lobby in favor of legislation so long as it

concerns the law, the legal system or the administration of justice. Opinions 02-10; 98-05 (vol. XVI). Accordingly, it is not inappropriate for a judge's association to engage in activities which express the group's position on particular matters where the issues involved fall within the contemplation of Rule 100.4 ( c )(1). Opinion 93-78 (vol. XI). In our opinion the proposed legislation involves such issues and, therefore, the judges may engage in the proposed activity.

Following the Advisory Opinion, members of the Women in Prison Committee met with the Women in Prison Project Director Tamar Kraft Stolar and Project Associate Jaya Vasandani to review the status of the merit time legislation and to discuss other pending legislation affecting women prisoners. The Women in Prison Committee was advised that the merit time bills had passed out of the necessary Assembly and Senate committees and was on the legislative calendar for a vote before the current legislative session ended on June 26, 2006. In a letter dated June 7, 2006, the Women in Prison Committee informed the NAWJ of the details of the legislation, as provided by the Correctional Association of New York's Women in Project, and that a final vote was imminent. The Women in Prison Committee requested that the NAWJ support the legislation. On June 12, 2006, the NAWJ Executive Committee voted to grant the Women in Prison Committee's request. The Honorable Vanessa Ruiz, President of the NAWJ, forwarded a letter of support to Governor George Pataki and all state legislators on June 13, 2006. The members of the legislative sub-committee of the Women in Prison Committee are Judges Debra James, Joan Madden, La Tia Martin and Betty J. Williams. For information regarding the legislation, please e-mail Tamar Kraft Stolar at [tkstolar@correctionalassociation.org](mailto:tkstolar@correctionalassociation.org) or Jaya Vasandani at [jvasandani@correctionalassociation.org](mailto:jvasandani@correctionalassociation.org). 

*Judge Betty J. Williams sits on the Criminal Court of the City of New York, Kings County.*

# Women Judges At War

COLONEL DENISE VOWELL, USA, RET.

Is your courtroom in a “tough neighborhood”? Imagine trying cases in a combat zone! The Army’s military judges do just that on a regular basis. Since the beginning of the War on Terrorism, at least ten Army judges and several Air Force and Marine Corps judges have traveled to Iraq, Afghanistan, and Kuwait to preside over trials of service members accused of crimes ranging from absence without leave to murder. As of May, 2006, there have been 333 Army courts-martial in Iraq, 36 in Afghanistan, and 64 in Kuwait.

Army judges “ride circuit” to get to trial locations. Your commute to the courthouse may be difficult, but it can’t compare to the time and effort needed to reach a small military base camp in Iraq or Afghanistan. During a trip in 2005 to the temporary courtroom (ordinarily the headquarters conference room), I spent 17

in tents, converted conference rooms, and in Saddam Hussein’s former palaces.

The result of a rocket propelled grenade attack on the courtroom in Tikrit is depicted in two photographs here, showing the doors of the courthouse blown off, and the shattered windows in the judge’s chambers. The military judge was en route to the courtroom at the time of the attack, which fortunately did not result in any serious injuries.

The most dangerous part of a military judge’s job is traveling from one courtroom to another. Both ground convoys and aircraft within Iraq and Afghanistan have been subjected to frequent attacks. Colonel Jim Pohl, the Chief Circuit Judge of the Army’s 5<sup>th</sup> Judicial Circuit, which encompasses Europe and Southwest Asia, traveled to Sadr City, a perennial hot spot, to conduct one court-martial because the local Iraqi witnesses refused to enter a U.S. military base.

Trying cases in combat zones has been an equal opportunity mission for the Army’s judges. About half of those judges who have deployed to preside over courts-martial have been women, who comprise about one third of the Army’s trial judiciary. Two NAWJ members, the 1<sup>st</sup> Judicial Circuit’s Chief Circuit Judge, Colonel Lauren



hours traveling to Kuwait by commercial airlines, had an eight hour layover at Camp Arifjan, a U.S. military facility in Kuwait, then traveled by two different military flights between Kuwait and Qatar and Kandahar, Afghanistan. After arriving at about 8:00 A.M., local time, my court reporter, Master Sergeant Jennifer Coots (a mobilized reservist) and I took a brief shower break, and then began the first of two trials and one arraignment in Kandahar.

The first trials in Iraq began in May, 2003, shortly after the end of “major combat operations,” but the danger was far from over when the first court-martial was called to order. Since then, trials have been held

Leeker, and I have been among them, trying cases in Kuwait and in Kandahar and Bagram, Afghanistan. Army Reserve Colonel Stephanie Browne, who was a panelist for the “Women Judges at War” presentation at the 2006 NAWJ Conference in Las Vegas, made numerous trips from her mobilization location in Wuerzburg, Germany to Iraq, Kuwait, and Afghanistan in her two years on active duty as a mobilized reservist. In civilian life, Colonel Browne is an Assistant U.S. Attorney



in Rhode Island. Retired Military Judge (Lieutenant Colonel) Robin Hall also tried cases in Afghanistan, Kuwait, and Iraq.

Court reporters Sergeant First Class Vonda Griffith of 3rd Infantry Division, Master Sergeant Jennifer Coots of Combined Forces Land Component, and Sergeant First Class Cherie Barnett of XVIII Airborne Corps pose in the photo at the left with Judge (Colonel) Denise Lind at the Camp Victory Courtroom in Baghdad in 2005.

Courtroom renovations in 2006 to the division courtroom at Camp Liberty in Baghdad reflect the emphasis placed on adequate facilities. Judge Lind reported that the facilities inside were fine, but the plumbing needed work. During recesses, witnesses, attorneys, and judges alike traipsed to port-a-potties outside. During the rainy season, the walkway was calf-deep



in mud, requiring some tricky footwork while wearing her robe.

Military judges report that trial practice and procedures in combat zones are much the same as in permanent military courtrooms within the United States. Difficulties in moving witnesses to the trial location, problems in communicating with witnesses and clients at remote locations, and scheduling trials around military operations and rest and recreation leaves sometimes slow cases down or force a delay until the next trial term, but the legal issues remain the same. The military's criminal code, the punitive articles of the Uniform Code of Military Justice, have an extraterritorial effect. While some offenses, such as "Aiding the Enemy," are rarely tried outside of combat zones, most offenses tried in deployed environments are the same as those tried at military

installations in North Carolina or Texas.

"Trial terms," or periods when a military judge is scheduled to remain in theater and available for trial, have proven to be an effective means to try cases expeditiously. Counsel and court support personnel can schedule other requirements around trial terms and military units can be provided a range of dates when witnesses, bailiffs, and court members must be available. While "jury" or members trials are not uncommon, most cases in combat zones, like those in other locations, have been bench trials.

High profile cases, including several of those tried for offenses committed at Abu Ghraib, were tried in Baghdad. The situs for the trial is normally determined by the military judge, who focuses primarily on witness availability. While prosecutors have subpoena power and a military judge may order a witness produced or abate the proceedings until the witness is produced, civilian witnesses located in the United States cannot be compelled to travel overseas for a court-martial. Interestingly, the courts-martial of the Abu Ghraib accused soldiers were not the first cases involving detainee abuse to be tried in Iraq or Kuwait. Several of the earliest courts-martial in Iraq and Kuwait involved allegations of



abuse of detainees, but without pictures of the abuse, the cases generated little media interest.

Courts-martial in combat zones have been conducted in accordance with the same professional standards as those conducted anywhere else in the world. Military judges go where the cases take them and make rulings based on the law, not politics. The independence of military judges (in theater and elsewhere) was perhaps best illustrated by a ruling by Judge Pohl in the Abu Ghraib cases. After President Bush stated publicly that he thought the prison should be torn down, Judge Pohl ordered it preserved as a crime scene until the conclusion of the courts-martial. It's still standing. 

*At the time she was trying cases in Afghanistan, Colonel Denise Vowell was the Army's Chief Trial Judge. She is now retired and serves as a Special Master at the Court of Federal Claims.*



**Save the Date!**  
**29th Annual NAWJ Conference**

**Philadelphia, PA**  
**November 7 - 11, 2007**  
**Mark your calendar now.**

Watch our Web site for additional information  
<http://www.nawj.org>



Four Seasons Hotel

## New Resource Board Co-Chairs

NAWJ is pleased to announce that Karen Johnson-McKewan, Esq. of Orrick, Herrington & Sutcliffe and Jamie Levitt, Esq. of Morrison and Foerster have been selected to co-chair the 2006-2007 Resource Board.



Karen Johnson-McKewan is the Managing Partner of Orrick Herrington & Sutcliffe's San Francisco office. A 1985 graduate of the University of California, Davis law school, Ms. Johnson-McKewan has spent her career as a commercial litigator. She

spent 17 years at Brobeck, Phleger & Harrison, the last four years managing that firm's San Francisco office. After a two-year stint at Clifford Chance, Ms. Johnson-McKewan moved to Orrick in June, 2004. Ms. Johnson-McKewan has litigated and tried a wide variety of cases, including the \$1 billion insurance coverage claims of the Shell Oil Company for environmental remediation costs at the Rocky Mountain Arsenal in Colorado, malicious prosecution and fraudulent transfer claims, and breach of fiduciary duty and conversion claims.

Jamie A. Levitt is a Litigation partner in Morrison & Foerster's New York office. Ms. Levitt received her B.A., magna cum laude, from the University of Pennsylvania in 1988 and her J.D. from Columbia University School of Law in 1992, where



she was a Harlan Fiske Stone Scholar. Ms. Levitt's practice involves all aspects of complex commercial litigation, with expertise in the areas of securities litigation and regulatory/white collar defense as well as intellectual property litigation. Ms. Levitt is on the Executive Committee of the Board of New York Lawyers for the Public Interest, and President of the Board of Advocates for Children of New York. Ms. Levitt serves on the Public Service Committee of the Federal Bar Council and is a member of the Women in the Profession Committee of the New York City Bar Association.

## ASU Names College of Law In Honor of Justice Sandra Day O'Connor

**TEMPE, Ariz.** - Arizona State University has named the College of Law after retired Supreme Court Justice Sandra Day O'Connor, in honor of her career-long dedication to public service, her intellectual vigor and her sense of fair-mindedness.

The Sandra Day O'Connor College of Law at ASU was announced at a press conference held April 5 at ASU. Dignitaries attending the press conference included Arizona Governor Janet Napolitano, Arizona Supreme Court Chief Justice Ruth McGregor and ASU President Michael M. Crow.

"We are establishing a permanent and living tribute to Justice O'Connor, one that will honor a native daughter who has provided extraordinary service to her state and country," said ASU President Michael M. Crow. "This will be a living tribute, because it will continue over generations of students."

"Justice O'Connor is a quintessential Arizonan, and we want to celebrate that," Crow added. "We want to associate ourselves and our school with the values that Justice O'Connor stands for, including integrity, public service, personal independence, the willingness to take risks, wonderful curiosity, high intellectual standards, and an abiding commitment to justice and the rule of law."

"Sandra Day O'Connor was Arizona's gift to the national legal community and it is altogether fitting that we name one of our premier law schools in her honor,"

said Arizona Governor Janet Napolitano.

"We are very excited about the opportunity to be the first law school named after a contemporary woman," said ASU Law Dean Patricia White. "One cannot overestimate Justice O'Connor's importance as a role model for women and how central her success has been to the acceptance of women in legal practice and the judiciary."

"We believe this is only the second time a law school has been named solely on the basis of merit for a living person," White added, noting the Thurgood Marshall School of Law in Houston.

"We are choosing to honor Justice O'Connor, and in so doing we honor ourselves," White said. "We believe that our association with Justice O'Connor will help us gain recognition of the ASU College of Law, its accomplishments and what it stands for. We are confident that now and in the future students, faculty and others will want to share in this association."

Arizona's Congressmen praised the choice in written statements. "Justice O'Connor has been a defining force for the stability and fairness that an independent judiciary brings to a modern democracy for a generation," stated Sen. John McCain, R-Ariz. "The fact that she embodies the independent, straight-talking western values of other great Arizonans like Carl Hayden and Barry Goldwater makes this



At an April 5 press conference, ASU President Michael Crow (from left), College of Law Dean Patricia White and Arizona Gov. Janet Napolitano, happily announced the naming of the Sandra Day O'Connor College of Law at ASU.

occasion all the more gratifying. Mrs. O'Connor showed first the cowboys of southeastern Arizona, and then the rest of the world, that gender is not a bar to greatness.

"I believe the new name will challenge the students of this wonderful institution to emulate her spirit of accomplishment, her tenacity, her fearlessness, and her willingness to do the hard work that leads to finding true justice. They could not have a better role model."

"I congratulate Arizona State University for naming its law school after Justice Sandra Day O'Connor," stated U.S. Sen. Jon Kyl (R-Ariz.). "In naming its law school after Justice O'Connor, Arizona State University honors a great Arizonan and one of America's most distinguished jurists. It also demonstrates our state's commitment to turning young men and women into legal professionals who will live up to the inscription on the East Pediment of the Court that Sandra Day O'Connor served so well for 25 years: 'Justice, the Guardian of

Liberty.”

U.S. Rep. J.D. Hayworth (R-Ariz.) also lauded the choice. “I commend Arizona State University for this fitting tribute to one of America’s judicial pioneers, Sandra Day O’Connor,” Hayworth said in a written statement. “Justice O’Connor’s service on the United States Supreme Court has inspired and motivated many women to pursue a career in law. ASU’s new Sandra Day O’Connor College of Law will train many more students, in the tradition of Justice O’Connor, to think independently and impartially, to pursue lofty goals, and to place great emphasis on public service.”

Mary M. Schroeder, chief judge of the United States Court of Appeals for the Ninth Circuit, said honoring O’Connor was the perfect choice. “This law school was founded in the no-nonsense, Arizona pioneer tradition, to achieve excellence and opportunities in legal education,” Schroeder said. “It is being named for a no-nonsense, Arizona pioneer in the pursuit of excellence and equal opportunities in the judiciary. Nothing could be more appropriate.”

Sandra Day O’Connor served as the first female Associate Justice of the Supreme Court of the United States (1981 to 2006), and she was cited by *Forbes* magazine (2004) as the fourth most

powerful woman in the United States and the sixth most powerful in the world. Due to her case-by-case approach to jurisprudence and her relatively moderate political views, O’Connor was the crucial swing vote of the Court for many of her final years on the bench.

Sandra Day was born on March 26, 1930 in El Paso, Texas. She spent her early childhood on the Day family cattle ranch near Duncan, Ariz., but when she reached school age, she lived with her grandmother in El Paso.

Sandra Day attended Stanford University, where she received a B.A. in economics in 1950. She continued at Stanford for her law degree, completing the program in two years rather than the customary three, and graduating third out of a class of 102. While in law school, she met John Jay O’Connor III, whom she married in 1952 and with whom she has three sons.

Sandra O’Connor served as an Arizona assistant attorney general from 1965 to 1969, when she was appointed to a vacancy in the Arizona Senate. In 1974, she successfully ran for trial judge, a position she held until she was appointed to the Arizona Court of Appeals in 1979.

On July 7, 1981 President Ronald Reagan nominated her to the Supreme

Court. In September 1981, on a 99-0 confirmation vote, Sandra Day O’Connor became the Supreme Court’s 102nd justice and its first female member.

During her time on the court, Justice O’Connor was regarded as a consummate compromiser. Her votes were generally conservative, but she frequently surprised observers with her political independence.

In her later years on the Supreme Court, O’Connor’s voting record was pivotal. She joined four liberal judges on many 5-4 decisions including those of *Grutter v. Bollinger* (2003), which affirmed the right of state colleges and universities to use affirmative action in their admissions policies to increase educational opportunities and promote racial diversity on campus. In *Rush Prudential HMO Inc. v. Moran* (2002), her vote helped uphold state laws giving people the right to a second doctor’s opinion if their HMOs tried to deny them treatment.

On July 1, 2005, Associate Justice O’Connor announced her retirement from the Supreme Court after 24 years of service on the bench.

For more information contact: Judy Nichols, 480-727-7895, [judith.nichols@asu.edu](mailto:judith.nichols@asu.edu) or Beth Shapiro, 480-727-9052, [beth.shapiro@asu.edu](mailto:beth.shapiro@asu.edu).

## Honoring A Remarkable Justice



On Sept. 7, 1976, the State of Wisconsin celebrated a milestone: the investiture of the first woman ever to serve on the state Supreme Court. Justice Shirley Abrahamson’s

appointment sparked a frenzy of media attention, for she was not only the first woman on the state’s highest court, but also – at the time – the only woman on the bench in Wisconsin.

On Sept. 6, 2006, an estimated 1,200 people gathered in the Capitol Rotunda to celebrate Chief Justice Abrahamson’s 30-year anniversary on the court along with her 10th anniversary as Chief Justice and 50 years as a lawyer. Citations and well wishes – including a framed letter from the National Association of Women Judges – were prominently displayed in the Rotunda.

“This is a great celebration, coming as

it does midway through my career,” Chief Justice Abrahamson told the appreciative crowd. Also speaking at the event was Chief Judge Barbara Crabb of the federal court in Wisconsin’s Western District. Judge Crabb opened and closed the program and, in between, the crowd heard from the deans of both Wisconsin law schools, the president of the State Bar of Wisconsin and the Bar’s executive director, and former Gov. Patrick J. Lucey, who appointed Justice Abrahamson in 1976.

Gov. Lucey shared his thoughts about placing the first woman on the Supreme Court, which was a political risk. Justice Abrahamson took the bench soon after Judge Olga Bennett lost her bid for reelection in Vernon County Court and Judge Vel R. Phillips (also a Lucey appointee) lost her election bid in Milwaukee County. Lucey said he was persuaded that Shirley Abrahamson was the right choice, and that her stewardship has changed the face of justice in Wisconsin.

“The chief justice has brought the message of judicial independence to every courthouse in the state. Next month, Marquette University will host a

conference on the vitality of the Wisconsin constitution, a conference that wouldn’t have even been imagined without the emphasis she and the court have placed on the state constitution and federalism. In addition to all of the law review articles and honorary degrees, she has presided over small claims cases and spent evenings on patrol with police officers. She has found her opinions quoted and affirmed by the U.S. Supreme Court. She has taken the reputation of Wisconsin’s judiciary for independence around the world,” he said. “I thought when I appointed her that she would be strong and independent. And I thought she would last. I thought that she would provide a legacy – not for me but for the state of Wisconsin, and she has.”

The deans of the law schools at the UW and Marquette, along with the State Bar of Wisconsin, co-hosted the event. Among the notable guests were five of Chief Justice Abrahamson’s fellow justices, current Gov. Jim Doyle and the state’s First Lady, Jessica Doyle, Lieutenant Gov. Barbara Lawton, state legislators, trial court judges, and many more.

## Special Feature: Becoming A Judge

by Lindsey Silver, NAWJ Intern

Recently, a middle-school student who attended one of our Color of Justice programs e-mailed NAWJ with questions about becoming a judge. After reading her questions, we realized that other NAWJ members—law students and attorneys in particular—might be interested in learning more about how different judges made their way to the bench. I spoke with three NAWJ members to hear their experiences: Chief Justice of the Supreme Judicial Court of Massachusetts Margaret H. Marshall; United States Magistrate Judge from the Eastern District of California Theresa A. Goldner; and San Francisco Superior Court Judge Donna J. Hitchens. Each judge shared her fascinating personal story and provided valuable advice to those interested in pursuing a career in the judiciary. Though they all took very different paths, each believed that her legal career prepared her for her role on the bench.



Chief Justice Margaret Marshall grew up in South Africa, where she was deeply involved in efforts to fight that country's tragic apartheid system. With the help of

concerned friends, she moved to the United States, ultimately graduating from Yale Law School, becoming one of the few women partners in a major Boston firm, serving as President of the Boston Bar Association, and assuming the position of General Counsel of Harvard University.

During her time at Harvard, Chief Justice Marshall became acquainted with the judicial appointment process through serving on the Massachusetts Judicial Nominating Council. However, when a seat on the Supreme Judicial Court unexpectedly opened up, she was not sure that she should submit her name for consideration. Many colleagues approached her about the position, though, and it was their support and encouragement that finally convinced her to allow her name to be submitted. Chief Justice Marshall emphasized the importance of effective mentorship in increasing the number of women judges. Her experience demonstrates how women

are often hesitant to put their names in for consideration, thereby, of course, ensuring that they will not be appointed. She, therefore, now stresses that young women need to know what opportunities are available and to have the confidence to seize those opportunities.



Magistrate Judge Theresa Goldner decided to pursue a judicial career after practicing civil law for 14 years. Right after law school she worked as a real estate attorney at a large

San Francisco firm, but she subsequently switched to smaller firms in civil litigation and business transactions, later opening her own civil practice. As an attorney, Judge Goldner “eventually discovered that [she] loved to be in the courtroom, arguing motions, and most of all, trying cases.” She also realized, however, that her “approach to litigation and disputes as a lawyer tended to be rather objective,” and she “began to view cases more as a judge would, which in turn started [her] on the path to becoming a judge.”



Judge Donna Hitchens had a similar experience, realizing as a lawyer that she viewed cases in a more objective, judicial manner. She said that she was interested in

resolving conflict instead of being part of an adversarial team. At the time when she finally took the then-unusual step of running for a judgeship rather than seeking a gubernatorial appointment, it was clear that women, people of color, gay men and lesbians and criminal defense lawyers were rarely being appointed to the bench by the then-Governor, and she believed that the resulting California bench, especially in San Francisco, was not representative of the broad diversity of the community. Prior to her election to the bench, Judge Hitchens had established herself as a leading public interest litigator at one of the nation's premier women's rights law offices, Equal Rights Advocates, and later, as Executive Director of the public interest firm she

founded, The Lesbian Rights Project. During that time, she served as Chair of the San Francisco Commission on the Status of Women as well as the ACLU of Northern California.

While none of these three judges had seriously considered a judicial career as early as law school, each of them spoke about the importance of gaining practical experience and working with lawyers or judges during law school. Judge Hitchens was not a law clerk (very few women were at that time), but she realized that she wanted to practice public interest law after participating in related externships. Her civil rights work would later play a key role in her election to the San Francisco Superior Court, because she already had many contacts with a broad and diverse array of community groups when she began her campaign.

For Judge Goldner, “being able to put the law into action during law school was definitely a catalyst” for her decision to become a judge. She served as an extern clerk for Justice Frank K. Richardson of the California Supreme Court, where she learned how to review and analyze cases and how to draft opinions. Judge Goldner explained, “I do not think it is absolutely necessary to clerk in order to become a judge later on, but it certainly gives you a perspective and experience that helps you understand the role of a judge.”

Chief Justice Marshall was not a clerk and does not believe that it is necessary, but she regrets not having had the experience herself. She thinks that law clerks may be more likely to become judges because they “experience how deeply rewarding being a judge can be and other lawyers don't experience this.” Many of Justice Marshall's law clerks have said that the best part of their careers was working with a judge, and she believes that this feeling about their clerkships instills professional ambition in them, as they may aspire to emulate the judge for whom they clerked.

When asked what characteristics make for a good judicial candidate, all three judges gave similar answers—honesty, integrity, strong work ethic, fairness, maturity, and good judicial temperament. Despite sharing these qualities, each NAWJ member went through a different process to become a judge. Both Chief Justice Marshall and Judge Goldner were appointed to their positions, but Justice Marshall was appointed by the Governor of Massachusetts while, as a Magistrate

Judge, Judge Goldner was selected by the District Judges of the United States District Court for the Eastern District of California. In Chief Justice Marshall's case, pursuant to Massachusetts law, a specially appointed committee comprised of distinguished lawyers and lay people initially vetted and approved her for consideration by the Governor; she was then interviewed by the Governor's legal counsel and the Governor himself before being confirmed. Judge Goldner's confirmation involved interviews with a Merit Selection Panel and with the judges of the Court.

Judge Hitchens campaigned for her position on the San Francisco Superior Court for an exhausting five months. A large part of the campaign involved simply getting her name out in the community, and Judge Hitchens credits her work in civil rights law with helping her in this regard, because of her established contacts with many different groups. She said that voters "don't want politicians"—they want

candidates who can address issues such as how jurors are treated or what you can do if you cannot afford a lawyer.

I asked all three judges the same question at the end of our interviews: "If you could give one piece of advice to individuals interested in becoming judges, what would it be?" Each judge gave a very different answer that reflects her personal experience.

Chief Justice Marshall: "Get to know how the system functions in your jurisdiction for both federal and state court positions. Work with bar associations. They have many resources to help explain the judicial nomination process and have served me very well in many aspects of my career, not just in becoming a judge."

Magistrate Judge Goldner: "Maintain your integrity, be patient, fair and diligent in your dealings with others, and appreciate that every case you encounter is a very important case to the litigants involved in it and those who are affected by it."

Judge Hitchens: "Build your contacts in the community so that you'll have a broad base of support whether you're going after an appointment or elected position. And always treat people with dignity. If you don't, it will come back to haunt you."

NAWJ is fortunate to include within its membership over 1100 distinguished jurists, and we are most grateful that these three extraordinarily accomplished and impossibly busy members were willing to share their personal experiences and advice with me and the entire membership. With programs ranging from The Color of Justice program, aimed at middle school and high school students, and the From Bar to Bench program, tailored for attorneys seeking judicial office, NAWJ is mindful of the importance of continuing to serve as a resource for the future generation of women judges.

*Lindsey Silver is a senior at Wellesley College in Lowell, Massachusetts.*

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# Viva Las Vegas!

by Hon. Bea Ann Smith  
Third Court of Appeals, Austin TX

NAWJ members gathered in Las Vegas October 4-8 for a sterling educational program presented by former Chief Justice Miriam Shearing and her conference committee. In his keynote address, Professor Erwin Chermersky began by alerting judges that the widespread and virulent assaults on the judiciary and the recent attacks on basic constitutional values pose a greater menace to our nation than a handful of terrorists flying airplanes into a building. He exhorted NAWJ members, "Now more than ever we need you to be courageous." Later, Professor Chermersky brilliantly reviewed the cases decided in the past term and previewed the issues to be addressed in the current term of the U.S. Supreme Court.



In another keynote address, we heard from the brave Air Force Lieutenant Colonel Sharon A. Shaffer, the sole woman appointed to represent one of the Guantanamo detainees on appeal. Later, Colonel Shaffer joined a panel of current and former judges to discuss their service on the front lines in Iraq, Saudi Arabia, Afghanistan, and Oman.

Hon. Brenda Stith Loftin was sworn in as NAWJ President. In her acceptance speech, Judge Loftin quoted the Rev. Dr. Martin Luther King, Jr., announcing that



NAWJ is proud to have "a vision, a voice, and a way." Judge Loftin promised to promote the ideals of NAWJ's visionary leaders, to foster professional and personal relationship among women judges so that each judge could attain her full potential—on and off the bench. She also announced a strategic planning process to chart the future course of NAWJ during her term.

Outgoing president Hon. Vanessa Ruiz presented the Joan Dempsey Klein Honoree of the Year Award to Hon. Mary M. Schroeder, Chief Judge of the U.S. Court of Appeals for the Ninth Circuit. The Mattie Bell Davis Award was given to Colonel Linda Strite Murnane, USAF (ret.).



Judge Ruiz gave the special President's Award to the Hon. Miriam Shearing, Chief Justice of Nevada (ret.), who served as chair of the 2006 conference. The Hon. Marilyn J. Teeter won the Member-Get-A-Member grand prize, an all expense paid

trip to the Las Vegas Conference.

During the conference the Board of Directors met with the exciting and vital new Resource Board, representing some of the more than 30 of the many law firms who have pledged substantial support to NAWJ. This is yet another tribute to the hard work of our Executive Director, Drucilla Stender Ramey. Each Resource Board member was assigned an NAWJ buddy and many stayed to participate in the Masquerade Gala Dinner and other conference activities.

In addition to the wonderful programs, NAWJ members enjoyed superb shopping, dining and some of the many exciting after-hour shows. (I have no report on money won or lost gambling; judges who engaged in such activities were quite discreet.) On Saturday afternoon, our members fanned out to hike the scenic trails of Red Rock Canyon, to visit backstage with a Bally's showgirl, and to view the home studio of artist Joyce Straus. The merriment (but not the conference) came to a close Saturday night at the Masquerade Gala Reception and Dinner, where the judges donned Mardi Gras beads and masks and were entertained by members of the cast of "Menopause the Musical."

If you were unable to join us in Las Vegas, plan now to attend the 29th annual conference at the Four Seasons Hotel in Philadelphia, PA, November 7-11, 2007.



**We would like to thank the following law firms, organizations and individuals for their generous support of our 2006 Annual Conference**

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### Women from Across the District of Columbia Metro Area Gather at Networking Tea

By Cristina Silva, Membership and Outreach Committee Student Representative

On October 20, 2006, more than 200 women judges, lawyers and law students gathered at The Catholic University Columbus School of Law for networking tea. The tea was sponsored by the women's law associations of law schools across the Washington, D.C. metro area. NAWJ's District 4 co-sponsored the event, along with the Women's Bar of the District of Columbia and Westlaw.

The event featured keynote speaker

Paula Monopoli, a visiting professor at the George Washington University School of Law, and founding director of Maryland's Women, Leadership & Equality Program. Professor Monopoli addressed a subject with which NAWJ is all too familiar—women lagging behind men in advancement in the legal profession. She noted that September 2006 marked the 25th anniversary of the appointment of Sandra Day O'Connor to the Supreme Court of the United States, yet the day came and went with little fanfare. She pointed out the irony in the makeup of the current Court and commented how it had returned to where it was 25 years ago—with only one woman.

After delivering her speech, Professor Monopoli opened the floor to comments. Several members of the audience spoke about their experiences as women in the legal profession, including experiences with sex discrimination. Some of the judges in attendance spoke on subjects such as the importance of assertiveness in whatever job one undertakes.

Other speakers included District Court of Maryland judge Hon. Jean Baron, Chair of District 4 Law School Outreach, and Veryl Miles, Dean of The Catholic University Columbus School of Law.

Several NAWJ members were in attendance, including Hon. Anna Blackburne-Rigsby, District of Columbia Court of Appeals, Hon. Janet Mahon and Hon. Claudia Barber, District of Columbia Office of Administrative Hearings, and Hon. Silvia Bacon, District of Columbia Superior Court (Ret.).

Overall, it was a wonderful opportunity to meet and network with current and future women leaders. NAWJ student members hope to plan similar events at law schools across the U.S. in the coming year. The events will also introduce law students to NAWJ, and the new student membership category.

*Cristina Silva is a third-year student at American University College of Law.*



### IAWJ Gathers in Sydney

by Hon. Bea Ann Smith  
Third Court of Appeals, Austin TX

The International Association of Women Judges convened its Eighth Biennial Conference in Sydney, Australia on May 3-7. More than 350 women judges from 43 countries answered the call. NAWJ boasted 38 members in a delegation lead by President Vanessa Ruiz and International Director Bea Ann Smith.

The Conference met at the sparkling Darling Harbor Convention Center where the Honorable Dame Sian Elias, Chief Justice of New Zealand, welcomed us "Chiefly Women of the World" and reminded us that

"who decides matters." The conference was dedicated to "An Independent Judiciary,"



addressing culture, religion, gender and politics. We began with a session about "Judging in Countries in Conflict or Transition." We heard from the indomitable Judge Marzia Basel from Afghanistan, the courageous Judge Shiranee Tilakawardane from the Supreme Court of Sri Lanka, and our own Carolyn Temin describing her experiences serving for a year on a criminal court in Bosnia/Herzegovina.

Dame Brenda Hale of the United Kingdom spoke on the Appointment and Removal of Judges under the Common Law System, while Justice Bea Ann Smith described the partisan election system employed in selecting and removing judges in many states in this country, a system unfamiliar to most of the delegates. Chief Justice Beverley McLachlin, Chief Justice



of Canada gave a rousing speech on "Why We Need Women Judges."

Judge Cynthia Baldwin of the Pennsylvania Supreme Court addressed the "Genesis, Tradition and Current Challenges to Judicial Independence in the United States." And we heard from Judge Ihssan Baraka about "The Effect of Religious Beliefs on the Independence of the Judiciary and on Gender Equality in Jordan." On the final morning we heard moving remarks from Judge Vanessa Ruiz on the current challenges to judicial independence in the United States, including threats of impeachment from zealots when they



dislike certain judicial opinions. Justice Nazhat Shameem gave a stirring report on the role judges played in the struggle for rule of law following the constitutional crisis in Fiji.

The social events presented great opportunities for visiting with the many interesting judges attending. We were treated to a beautiful reception and concert at the stunning Sydney Opera House, gazing out at the Harbor Bridge at sunset. Many judges



strolled through the Botanical Gardens of Sydney, while others enjoyed a cruise on a ferry around Sydney Harbor on a Saturday afternoon. And we all came together in lovely national dresses for a Gala farewell dinner at the Sydney Town Hall where Carmen Argibay and Arlene Pacht were both honored for their years of dedication to IAWJ. Justice Carmey Argibay from Argentina, former IAWJ President, received the IAWJ Human Rights Award and a standing ovation, and Judge Arlene Pacht, former Executive Director from Washington D.C., was recognized as the 2002 winner of the same award. Then, the music began and the judges danced, to celebrate the courage, strength and warmth

of so many judges who have played a role in creating and maintaining independent judiciaries around the world.

Our great thanks to Jane Matthews, outgoing President of IAWJ, who brought together such an inspiring and memorable program that forged more bonds between women judges of the world. Do yourself a favor and make plans now to attend the Ninth Biennial Conference of IAWJ to be held in Panama, home of the new IAWJ President, Judge Graciella Dixon.



### **“Mentoring Future Women Lawyers” District 4 Members Speak to Women’s Law Association Members at American University Washington College of Law**

By Hon. Joan Churchill, District 4 President

On April 5, 2006, a panel of seven District 4 judges, representing 6 different types of courts, met with law students at American University’s Washington College of Law (WCL). The event, entitled *Mentoring Future Women Leaders*, was held in conjunction with the Women’s Law Association (WLA). After mingling with the students informally, the judges discussed their path to the bench and the jurisdiction of their Courts.

Hon. Mary Schoelen, a recently appointed judge on the U.S. Court for Veterans Appeals, who worked previously on Capitol Hill, discussed the legislative history of the creation of the Court, which had to overcome resistance to the creation of a specialized Court from members of Congress who thought that the jurisdiction over the claims should remain in the various Federal District Courts. Hon. Noël Anketell Kramer, recently elevated to the DC Court of Appeals, the highest Court for the District of Columbia, after many years as a trial judge on the Superior Court for DC, discussed the different experience of sitting infrequently on the bench, rather than every day. Hon. Teena Grodner, a judge on

the Juvenile and Domestic Relations Court in Fairfax, Virginia, an alumna of American University’s Washington College of Law, spoke of her memories of being involved with the Women Law Students Association during her student years there, and her joy that the organization is continuing to function. She stressed that it is still needed. Hon. Jean Baron, of the District Court for Prince Georges County, Maryland, spoke of her path to the judiciary, and the types of cases typically heard in her Court. She related the importance of being active in local and state bar associations for all attorneys, and especially for those whose long-term career goals may include the judiciary. Hon. Beverly Nash, a judge at the DC Office of Administrative Hearings, spoke of the types of cases heard by her Court, and at the MD Office of Administrative Hearings on which she was previously a judge. Hon. Arabella Teal, a new judge at the DC Office of Administrative Hearings, spoke of the challenge and importance of remaining humble in dealing with the litigants before the courts. Hon. Joan Churchill, the President of District 4 and a retired Immigration Judge in the U.S. Department of Justice, referenced the range of issues for the judiciary touched on by the panelists, which included selection methods, issues affecting independence, specialized versus general jurisdiction for courts, the role of administrative courts, and other jurisdictional issues.

Since the panelists represented a diverse range of judge ships, the students had an opportunity to explore many different roles of the judiciary. In particular, students asked questions of the judges such as how they decided to become a judge and how does one prepare for a career in the judiciary.

During the evening, WLA presented its annual Women’s Law Association Scholarship to Sarah K. Brown, a first-year student at WCL. The award is given annually to a WLA member to work for a non-profit organization during the summer.

The meeting with judges is the second of its kind held at WCL, thanks to the willingness and participation of District 4 members. Hon. Jean Baron, Chair of the District 4 Law Student Outreach Committee, together with Cristina Silva, Student Representative to the Membership Committee, are working together to plan similar events at other Washington, D.C. metro area law schools this coming fall. The next event is scheduled for September 19, 2006, at the University of Baltimore School of Law.

Anyone interested in organizing a similar event at a law school in their area, may contact Hon. Jean Baron at [jean.baron@courts.state.md.us](mailto:jean.baron@courts.state.md.us), or Cristina Silva, at [cristina.silva@american.edu](mailto:cristina.silva@american.edu) for advice.

*Judge Joan Churchill is retired from the U.S. Immigration Court.*

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District Director, 13  
Hon. Barbara A. Madsen

District Director, 14  
Hon. Donna Crandall

## DISTRICT 2

**Hon. Terry Jane Ruderman**, President of the New York State Association of Women Judges, is pleased to report that more than 60 judges attended the Association's fall dinner meeting held on October 30, 2006 at Cibo Restaurant in Manhattan. At the meeting, there was an interesting and informative presentation by the Correctional Association of New York, Women in Prison Project. Our members also elected the Association's new officers for 2007. **Hon. La Tia Martin** will be sworn in as our incoming President at our Annual Meeting on January 27, 2007.

## DISTRICT 3

### Workplace Bullying Programs: Held April 4 and 5, 2006



District 3 in cooperation with the NJ State Bar Foundation held two large forums for the public on *Workplace Bullying – an issue of importance in the 21<sup>st</sup> Century*. The

emerging awareness of this phenomenon of psychological violence in the workplace and proposals to address the issue were presented by six speakers. National anti-bullying movement pioneers **Dr. Ruth Namie** and **Dr. Gary Namie** of the Workplace Bullying and Trauma Institute (who are confirmed speakers at our 2006 NAWJ National Convention); **Professor David Yamada** of Suffolk Law School, author of the Healthy Workplace bill and Workers' Compensation Judge and District III Director **Hon. Sue Pai Yang** were among the speakers. Perspectives were also presented by **Bear Atwood, Esq.** from the NJ Division on Civil Rights and **Leisa-Anne Smith, Esq.** on the anti-bullying

programs in the NJ schools mandated by the legislature.

Dr. Gary Namie said, "Bullying crosses boundaries of gender, race and organizational rank. The time has come to treat workplace bullying the same as sexual harassment or racial discrimination – to identify the perpetrators, establish rules of conduct and penalties and even pass laws prohibiting and penalizing bullying." The talk so resonated with the public that a grassroots group immediately formed to lobby the New Jersey state legislature to be the first state in the nation to have a healthy workplace statute. Assemblywoman Linda Greenstein has already agreed to be a principal sponsor of the bill. Most developed nations around the world already have healthy workplace laws on the books.

### Luncheon In Celebration of the Accomplishments of Women In the Legal Profession: Held: April 30, 2006

District 3 held a luncheon in *Celebration of the Accomplishments of Women in the Legal Profession* in West Trenton, New Jersey for women judges and women attorneys. Over 100 attendees heard New Jersey **Supreme Court Chief Justice Deborah Poritz** give the keynote speech. Other honorees exemplifying the possibilities for women today included

**Hon. Frederica Massiah-Jackson**, Judge, PA Court of Common Pleas; **Hon. Isabel Stark**, NJ Superior Court (retired); **Hon. Zulima Farber**, Attorney General State of NJ and Clinical **Professor Esther Canty-Barnes** of Rutgers Law School, Newark. Our District III Access to Justice Scholarship recipient was **LaTanya R. Harry** of Rutgers Law School, Newark, NJ.

The Host Committee Judges included



**Hon. Sue Pai Yang**, District 3 Director, **Hon. Isabel Stark**, District 3 Program Chair; **Hon. Jan Jurden**, DE Chair; **Hon. Sandra Robinson**, NJ Chair and **Hon. Rochelle Friedman**, PA Chair.

## DISTRICT 4

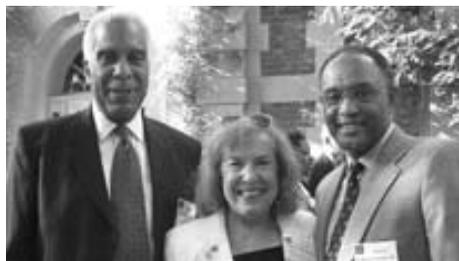
### Edna Parker Award banquet

On June 13, about 115 people attended District 4's 2006 Edna Parker Award Banquet and Reception to Honor New and Recently elevated women judges. We presented the Edna Parker Award to **Judge Kathleen O'Ferrall Friedman**, Associate Judge, retired, of the Circuit Court for Baltimore City, in the presence of many of her colleagues from the Baltimore City Circuit Court as well as family members of the late Judge Edna Parker, a Judge on the U.S. Tax Court, in whose memory



the award was established. Judge Patrice Lewis, Immediate Past President of District 4, presented the award to Judge Friedman on behalf of the Edna Parker Award Committee. **Judge Theresa Nolan**, past president of District 4, under whose presidency the Award was created, shared a short history of the award.

An interesting panel of five judges described judicial transitions that they have experienced. **Hon. Patricia Wald**, previously the Chief Judge of the U.S. Court of Appeals for the District of Columbia and a Judge for the Criminal Tribunal for the former Yugoslavia at the Hague spoke about moving from a Unites States to an International Court, moving from an appellate bench to a trial court, and retiring from the bench. **Hon. Noel A. Kramer**, recently elevated to the DC Court of Appeals, (the highest Court for the District of Columbia) from the DC Superior Court, spoke about the differences she has noticed serving on an appellate court after many years on the trial bench. **Hon. Mary Schoelen**, the first woman appointed to the U.S. Court of Appeals for Veterans Claims, spoke about the similarities of serving as a judge and as a legislative staff



assistant. **Hon. Denise Vowell**, Special Master, U.S. Court of Federal Claims and former Chief Trial Judge, U.S. Army, spoke about transferring from a military to a civilian court. **Hon. Beverly Nash**, District of Columbia Office of Administrative Hearings, spoke about the administrative central panels in Maryland and DC, based on her experiences in both.

Twenty-seven new and recently elevated women judges were honored at the banquet. See honoree list on page 19.

\*\*\*\*

District 4 has established a law school outreach program, chaired by **Hon. Jean Baron**, District Court for Prince Georges County, MD, and aided by law student member **Cristina Silva**, to introduce NAWJ to law students, and to encourage them to think about judicial careers.

On April 5, 2006, a panel of judges met with women law students at the American University Washington College of Law. See separate article on page 15.

The next program is scheduled for September 19, 2006, at the University of Baltimore Law School, in Baltimore, MD.

\*\*\*\*

**Hon. Herbert Dixon**, Judge, DC Superior Court, is serving a term as Chair of Trial Judges Conference of the ABA Judicial Division.

\*\*\*\*

**Hon. Janet James Mahon**, Principal Administrative Law Judge, DC Office of Administrative Hearings, was elected to the executive board of the National Conference of Administrative Law Judges of the American Bar Association.

\*\*\*\*

With the recent appointments of **Hon. Anna Blackburne-Rigsby**, the Vice-President of District 4, and **Hon. Phyllis Thompson**, the District of Columbia Court of Appeals, the highest Court of the Nation's Capital, is now majority female, for the first time in history. Judges Blackburne-Rigsby and Thompson have joined **Hon. Vanessa**

**Ruiz**, the President of NAWJ, **Hon. Noel A. Kramer**, a Past President of NAWJ, and **Hon. Inez Reid** on the 9 member Court.

## DISTRICT 9

District Court **Judge Bobbie Alpers** of Davenport, Iowa, was recently named chief judge of the Seventh Judicial District. Judge Alpers is the first women named chief judge of a judicial district in Iowa.

The Seventh District comprises five counties in eastern Iowa. Judge Alpers will supervise 146 employees, including seventeen judges and fifteen part-time magistrates. The district's annual operating budget is \$12.2 million.

Judge Alpers was appointed to the district court bench in 1992 by the governor. She previously worked as in private practice, as an assistant county attorney, and as a part-time judicial magistrate.

Judge Alpers has served on a number of state and local court advisory committees, including the Iowa Supreme Court Commission on Planning for the 21<sup>st</sup> Century, the Iowa Supreme Court Workgroup on Domestic Violence and Mediation, and the Scott County Coalition Against Family Violence.

"Iowans can depend on the courts to provide impartial and unbiased resolutions for one and all," said Judge Alpers. "My goal is to see that this continues to be the standard in the Seventh Judicial District."

\*\*\*\*

**Justice Marsha Ternus** was named Chief Justice of the Iowa Supreme Court September 5. She is the first woman to hold this position.

Justice Ternus was appointed to the Iowa Supreme Court in 1993. Before joining the court, she practiced with the firm of Bradshaw, Fowler, Proctor and Fairgrave in Des Moines. Justice Ternus graduated from Drake University Law School in Des Moines. She was Order of the Coif, and editor of the Drake Law Review.

"I am honored by the opportunity to serve as chief justice and appreciate the confidence my colleagues have placed in me," Ternus said. "My paramount goal as chief justice will be to support all of our judges and court staff, for whom I have great respect and in whose work I take enormous pride, as we work together to advance the important mission of Iowa's state courts."

Justice Ternus stated that her only

specific plan at this time is to strengthen court oversight of child welfare matters to ensure the safety and well-being of children in foster care.

Justice Ternus will succeed retiring Chief Justice Louis Lavorato. She was selected chief justice by a vote of the seven justices on the court.

She has worked on a number of court initiatives and other efforts to improve the administration of justice, including the court's administrative subcommittee, the court's child welfare initiative, and the judicial team that oversaw the design and construction of the state Judicial Branch Building.

\*\*\*\*

**Artis Reis**, district court judge in Des Moines, Iowa, has been named chairperson of the Magistrate and District Associate Court Nominating Commission for Judicial District 5-C in Des Moines, Iowa. The commission screens applicants for vacant magistrate and district associate judge positions, and makes nominations for appointment to these positions by the district court judges in the district.

**Nancy Baumgartner** of Cedar Rapids,

Iowa, and **Mary Howe** of Davenport, Iowa have been appointed District Court Judges by Iowa Governor Tom Vilsack. Both were serving as district associate judges prior to their appointment to the district court bench. The district court is the state's general jurisdiction trial court, while the district associate court is a limited jurisdiction trial court.

Judge Baumgartner earned her bachelor's degree from Iowa State University in 1975, and her law degree from the University of Iowa in 1979. She previously worked as an assistant state public defender, a judicial magistrate, conducted a private practice, and served as supervising attorney at the University of Iowa law school's Student Legal Services.

Judge Howe received her undergraduate degree from Drake University in 1979, and her law degree from the University of Iowa in 1982. Judge Howe previously worked as Assistant Scott County Attorney, and Scott County Magistrate.

\*\*\*\*

Massachusetts Appeals Court **Judge Fernande Duffly**, NAWJ president-elect, and Iowa District Court **Judge Eliza**

**Ovrom**, outgoing District 9 Director, recently teamed up to share information concerning courthouse renovation and restoration.

Judge Ovrom was a member of a delegation from Des Moines, Iowa, that traveled to Boston to tour courthouses. After being contacted by Ovrom, Judge Duffly graciously agreed to conduct a tour of the Adams Courthouse for the Polk County group. The Adams Courthouse is a century-old court building that has been beautifully restored to house Massachusetts' Supreme Court and Appeals Court.

\*\*\*\*

On August 15, Missouri NAWJ members along with many other Missouri Appellate and Circuit Court judges honored NAWJ President-Elect Hon. Brenda Stith Loftin at a reception/membership drive held during the Missouri Judges Annual Summer Judicial College. Judge Loftin was presented with a wonderful gift, and the attending judges congratulated her on her outstanding accomplishments and work with NAWJ, and expressed best wishes on her upcoming leadership position as NAWJ President.

## Color of Justice Shines In District 4

By HON. JOAN V. CHURCHILL, RET.  
District 4 Director

On Saturday, April 1, 2006 Judges and lawyers in Newport News, Virginia presented The Color of Justice program to 27 girls in grades 6 to 12. The students were notified about the program by a posted announcement and asked to complete an application if they were interested. They were also encouraged to attend by teachers and guidance counselors. Eighty-seven applications were received. The program was sponsored by the Greater

Peninsula Women's Bar Association and the Newport News Public Schools, and held at Enterprise Academy from 9am to 1pm. The Program began with an introduction and welcome by Judge Judith Kline, Moderator, Dr. Sadie Carter, Director of Alternative Programs and Karla Keener, President of GPWBA. The first panel addressed academic preparation for college and law school. Panel members were: Hon. Aundria D. Foster, Newport News Circuit

being a judge: Hon. Aundria D. Foster, Circuit Court, Newport News; Hon. Bonnie J. Jones, General District Court, Hampton; Hon. Bryant L. Sugg, General District Court, Newport News; Hon. Judith A. Kline, Juvenile & Domestic Relations District Court, Newport News.

Pizza and drinks (donated by attorney & GPWBA member Cathy Krinick) were distributed as students broke into five groups. Group One was led by Judge Foster and Donna Wilson, Esq. Group Two was led by Patricia Roberts, Esq., Dee Vantree-Keller, Esq. Debra Saunders, Esq., & Marqueta Tyson, Esq. Group Three was led by Fay Spence, Esq., Karla Keener, Esq. & Geneva Perry. Group Four was led by Judge Jones & Stuart Saunders, Esq. Group Five was led by Judge Kline & Ronnie Cohen, Esq.

The students were extremely attentive, engaged in the discussion and very interested



Court Judge; Patricia E. Roberts, Associate Dean, William & Mary School of Law; Geneva N. Perry, 3<sup>rd</sup> yr. Law Student, William & Mary; Ronnie Cohen, Professor, Christopher Newport University; Fay Spence, Public Defender.

The Second Panel was composed of the following judges who discussed their career choices and the challenges and rewards of



in the topic. They asked excellent questions and several inquired about the possibility of continuing mentoring relationships. It seemed that everyone involved had a positive experience. At the conclusion of the program Judge Kline presented each girl with a Certificate of Participation (prepared by Marqueta Tyson) and a T Shirt with the NAWJ logo.

Since many more students applied for participation than we could accommodate at this session, we anticipate presenting the program again next year.

\* \* \* \*

District 4 held a Color of Justice program on June 3, 2006 for middle school students of the DC Public Schools. The DC Color of Justice Committee consisted of Judges Janet Mahon, Chair, Judith Macaluso, and Mary Masulla. Five 9th grade students, and one 8th grade student attended, from three DC middle schools, along with two teachers. There were

three boys and three girls. Judge Judith Macaluso graciously hosted the program in her courtroom. Each of the students was handed a 12 page booklet describing the program, and listing noted female and minority lawyers and judges.

Five judges presented the program: two from the DC Superior Court, Judges Judith Macaluso and Anna Blackburne-Rigsby [Editor's note: Judge Blackburne-Rigsby now sits on the DC Court of Appeals], two administrative law judges from the DC Office of Hearings and Appeals, Judges Janet Mahon and Mary Masulla, and one Immigration Court Judge, Judge Joan Churchill, who is retired.

The judges discussed the type of jurisdiction of their Court and their personal paths to the legal profession and judiciary. The students were then divided into two teams for a game called Legal Taboo. A team mate read a card to his team containing clues about a constitutional amendment or the identity of well known women and minority lawyers. The team got a point if it answered correctly. After spirited competition, the game ended in a tie.

Judge Blackburne-Rigsby described the steps necessary to become a lawyer, including finishing junior high, high school, taking the SAT, finishing college, taking the LSAT, finishing law school, and taking the bar exam.

She took the students on a tour of the area behind the bench. The students were fascinated with the lock up cells. She demonstrated the dignity required in Court, by having one of the students act the role of the bailiff, announcing her as she entered the Courtroom in her robe. She then put her robe on one of the students, who took the bench. She asked the student if wearing the robe made her feel different, and pointed out that the student walked differently as she made her way to the bench. Judge Blackburne-Rigsby told the students how proud she is of them for choosing to attend the program.

We adjourned to the jury room, where we served the students pizza and soda. After an informal discussion, we presented each student with a copy of the autobiography by Johnnie Cochran entitled "A Lawyer's Life." We then issued each of the students a certificate of participation. The students indicated that they enjoyed the program, and recommended that we present it again.



***The National Association of Women Judges District 4  
Honors New and Recently Elevated Women Judges***

- Hon. Krystal Alves, Maryland District Court for Prince Georges County
- Hon. Micki Aronson, Social Security Administration/Appeals Council
- Hon. Claudia Barber, D.C. Office of Administrative Hearings
- Hon. Pamela L. Brooks, Loudoun County Juvenile and Domestic Relations Court, 20th Judicial Circuit
- Hon. Patricia Campbell-Smith, U.S. Court of Federal Claims
- Hon. Laura Cordero, D.C. Superior Court
- Hon. Joan Davenport, D.C. Office of Administrative Hearings
- Hon. Constance Frogale, Alexandria Juvenile and Domestic Relations Court, 18th Judicial District
- Hon. Theresa Gallagher, U.S. Army Trial Judiciary, 1st Circuit
- Hon. Sharon Goodie, D.C. Office of Administrative Hearings
- Hon. Mary Henry, DOD Office of Hearings and Appeals
- Hon. Audrey J. Jenkins, D.C. Office of Administrative Hearings
- Hon. Alexandra Keith, D.C. Office of Administrative Hearings
- Hon. Stephanie Kimbrell, Maryland Office of Administrative Hearings
- Hon. Noel Anketell Kramer, D.C. Court of Appeals
- Hon. M. Hannah Lauck, Magistrate Judge, U.S. District Court for Eastern District of Virginia
- Hon. Mary Masulla, D.C. Office of Administrative Hearings
- Hon. Beverly Nash, D.C. Office of Administrative Hearings
- Hon. Laurie Parker, D.C. Superior Court
- Hon. Lisa Schenck, U.S. Army Court of Criminal Appeals
- Hon. Mary Schoelen, U.S. Court of Appeals for Veterans' Claims
- Hon. Patricia Smith, Administrative Appeals Council, Social Security Administration
- Hon. Margaret M. Sweeney, U.S. Court of Federal Claims
- Hon. Arabella Teal, D.C. Office of Administrative Hearings
- Hon. Wanda Tucker, D.C. Office of Administrative Hearings
- Hon. Denise Vowell, Special Master, U.S. Court of Federal Claims
- Hon. N. Denise Wilson-Taylor, D.C. Office of Administrative Hearings

## Acclaimed Color of Justice Programs Continue Charleston Law School and the University of Kentucky Host

By COLONEL LINDA STRITE MURNANE, USAF, RET.  
Membership Outreach and Retention Chair

The Charleston Law School, Charleston, S.C., was the site of the Color of Justice program held on April 1, 2006.

More than 40 people participated in the program. "It was particularly inspiring to watch how this program came to occur," NAWJ member Linda Strite Murnane said. "Following our presentation of the Color of Justice at the University of Louisville Brandeis

Law School in Kentucky, someone sent the news clippings to Chisa Putman, who is a law student at Charleston Law School, S.C.," Murnane explained. "Ms. Putman became the driving force behind bringing this important program to Charleston Law School," Murnane added.

An Equal Access to Justice Scholarship was presented to second year law student, Sabrina Williams. Dean John Benfield summarized the contributions Ms Williams has made in her first two years in law school in ensuring equal access to justice, which is the principal criterion used to select recipients of the scholarships presented in association with Color of Justice Programs.

Ms. Williams is a native of Walterboro, South Carolina, a 2001 graduate of the University of Florida, and is currently a second year student in good standing at the Charleston School of Law. Ms. Williams had a 2005 summer clerkship with a local federal judge, and has been very active in the Black Law Student Association. She worked part time in the Charleston School

of Law library to help defray some of the costs associated with her legal education. Ms. Williams and her family have made significant financial sacrifices for her to be able to enroll in and continue her legal studies at the Charleston School of Law. She plans to return to Walterboro, South Carolina, a small rural area about one hour from Charleston, when she completes her law studies, to practice law.



Charleston Law School Equal Access to Justice Scholarship recipient Sabrina Williams.

This was the first Color of Justice program held at the Charleston Law School. Dean John Benfield indicated he is hopeful that the program would return in future years.

Also in April, The University of Kentucky College of Law hosted its first Color of Justice program, drawing more than 50 people. This program, which was co-hosted by the Kentucky Commission on Human Rights, the National Association of Women Judges, and the University of Kentucky, brought together students from three counties. Held on April 22, 2006, in Lexington, KY, NAWJ member Linda Strite Murnane served as moderator for the program. Judges from Hardin County, KY, donated funds to pay for bus transportation to the UK campus, which is located in Fayette County.

Councilwoman Jeanette Stephens was instrumental in recruiting students and in obtaining the funding for the transportation for the Hardin County students. Those students traveled nearly two hours to get to the program, spent three hours involved in the program on a beautiful Saturday afternoon, and then spent two hours returning to the Radcliff, KY area.

Local NAACP chapters were also

involved in recruiting students from Mason County. Other students from Fayette County also attended, including students from Paul Laurence Dunbar and Lafayette Senior High Schools, and students from the Imani Youth Achievers program.

An Equal Access to Justice Scholarship was awarded to Valorie Smith, a University of Kentucky Law School student. Ms. Smith was no stranger to the Color of Justice program, as she had volunteered to participate in the first Color of Justice program presented in Kentucky in April at the University of Louisville Brandeis Law School. She was instrumental in bringing Color of Justice to the University of Kentucky. Active in the Black Law Student Association, Ms. Smith was also on the regional first-place Moot Court Team at the University of Kentucky.



Color of Justice program participants at the Charleston Law School in Charleston, South Carolina gather for a photo.

Dean Allan W. Vestal welcomed participants, along with Drusilla Bakert, Associate Dean and Chair of the Admissions Committee. Faculty members and law school administrators joined judges, lawyers and law students in the program. Judges Pamela Goodwine and Lawrence Smith spent the day with the students. Kentucky will host its third Color of Justice program at Northern Kentucky University's Salmon P. Chase Law School in Fall 2006.

### NAWJ Mid-Year Board Meeting

Le Parker Meridien  
New York, NY  
March 23 - 25, 2007

Contact Jeff Groton at [jgroton@nawj.org](mailto:jgroton@nawj.org)



Student participants at the University of Kentucky Law School in Lexington, Kentucky, listen closely.

## Success Inside & Out

By Hon. Dana Fabe, Projects Committee Chair

NAWJ members in Alaska hosted the first annual "Success Inside & Out" workshop on November 4, 2006, at Hiland Mountain Correctional Center near Anchorage. Chief Justice Dana Fabe of the Alaska Supreme Court, NAWJ Program Director, founded the workshop this year to bring professional women together to help inmates prepare for the transition to life outside prison. Women in prison "don't get released and magically succeed," says Fabe. "They need steering and support, and professional women can give them that." Hiland Mountain Superintendent L. Dean Marshall, whose support was instrumental to the program, echoed this view: "We need to help them, because eventually



Women inmates present Chief Justice Fabe (4th from left) with a quilt they sewed to commemorate Success Inside and Out. With them are Karen Jenkins, Educational Coordinator (far left); and artist Indra Arriaga, (front), who helped with the project.

they're going to be part of the community, working jobs and cheering their kids on at the hockey game, right beside you."

Over 80 inmates scheduled for release within 18 months participated in the day's workshops and plenary sessions, which addressed themes ranging from employment and housing to child custody

and personal wellness. A fashion show featuring the "dos" and "don'ts" of dressing for a job interview, and mock job interviews illustrating the common and often humorous mistakes job candidates make, and were among the day's highlights. Responses have been positive, and Fabe hopes to continue the program and prepare a manual that can assist other NAWJ members interested in pursuing something similar in their communities. For more information, or to obtain copies of the program or workshop materials, please contact Chief Justice Dana Fabe (907-264-0622; [dfabe@appellate.courts.state.ak.us](mailto:dfabe@appellate.courts.state.ak.us)) or program coordinator Brenda Aiken (907-264-8266; [baiken@courts.state.ak.us](mailto:baiken@courts.state.ak.us)).

*Chief Justice Fabe sits on the Alaska Supreme Court in Anchorage, Alaska.*

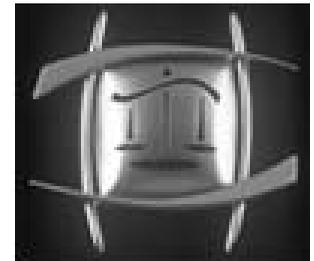


## NAWJ Logo Pin

This stunning NAWJ logo pin, created by award-winning jeweler Judith Kinghorn for the 1999 NAWJ annual conference in Florida (Google "Judith Kinghorn jewelry" for samples of her work at museums/shows around the country), will be available on a one-time, advance order basis only and ready by the Philadelphia conference. To get yours, you must order now and pay in advance (\$250 for the silver; price to be determined for gold and gold/silver).

You may send a check payable to "National Association of Women Judges" to NAWJ, ATTN: Pin Offer, 1341 Connecticut Ave NW, Suite 4.2, Washington DC 20036, or call (202) 393-0222 to pay by credit card. Don't delay. Get your NAWJ pin today!

*Judith is providing the pins at cost, so \$100 of your payment represents a charitable donation to NAWJ.*



## Call for Submissions—April 10, 2007

Please send submissions for *Counterbalance* via e-mail attachment to: Stephanie M. Brown, Program and Publication Assistant, [sbrown@nawj.org](mailto:sbrown@nawj.org). Please include "Counterbalance" in the subject line. Before submitting, please review the following guidelines:

1. You may attach either a Word or WordPerfect document, or include the text in the body of your e-mail. Submissions should be single-spaced in 10pt Times New Roman font and include a title, if necessary, and your preferred byline.
2. Please submit complete articles. If you have information from some other source (article, newsletter, Web site, etc.) that you want included, please place that information in your article rather than attaching it to your e-mail and making references to it.
3. If you have photos you would like to accompany your submission, please **attach** high-quality photo files (.JPG, .GIF, .BMP, etc.). Do not include them in the body of your article. Captions are optional and dependent on space limitations.
4. Copyright restrictions do apply even though we are a non-profit organization. We cannot reproduce articles from newspapers or Web sites unless you own the rights or have been granted reprint permission. If you just want to include a summary from the source, please write and submit it as you would an article you had written yourself.

**Member-Get-A-Member Returns**

By Colonel Linda Strite Murnane, USAF, Ret.  
Membership Outreach and Retention Chair

Whenever I am asked what means the most to me about belonging to the National Association of Women Judges, my answer, without hesitation, is the amazing members I've met, both men and women, who are dedicated to the mission and principles of this association.

The National Association of Women Judges has renewed its Member-Get-A-Member campaign, which provides members the opportunity to nominate individuals to join our association. The cutting edge programs, like Genome Justice, and equal access to justice activities offered to our members, like Color of Justice and Women in Prisons programs, are tremendous opportunities that we can share with those who are not currently among our members.

NAWJ members can participate either by recruiting new members, or by forwarding the names and contact information of individuals they believe might be interested in joining the association. Those new potential members will receive applications and letters of invitation from the NAWJ president and membership committee members.

Either way, there are rewards for individuals who assist in the nomination or recruitment of new members. For each individual whose efforts result in three or more new members, the nominating member will receive an NAWJ history volume. Additionally, each nomination results in an entry for a drawing for an expenses-paid trip to this year's annual meeting in Las Vegas, NV.

According to Jeff Groton, the Member-Get-A-Member program was the most successful single source of membership recruitment and retention in NAWJ's history.

As our members know best, the NAWJ offers incredible value for the membership dollar. Our annual meeting program team, led by Justice Miriam Shearing, has worked hard to provide programs that will appeal to all of our members. Programs for new judges, retired judges, administrative law judges, state and federal judges, municipal judges, and specialized jurisdiction judges, are all included in

this year's program line-up. Additionally, members have the opportunity to become involved in committees designed to meet their specialized jurisdictional needs, including rural courts, military courts, and international court issues.

Spread the word . . . and help us to grow the best thing about our association, the unique and talented members with whom we choose to share our time.

**AWARDS & RECOGNITION****Hon. Kathleen O'Ferrall Friedman  
Talks About Winning the Edna G.  
Parker Award**

Receiving the Edna G. Parker Award is a humbling experience. I remember the great love everyone felt for her, and the loss District 4 members felt when she died in 1996. From its inception, she was a driving force in our District. As a District Director she was described as energetic, resourceful, gracious, and a fearless champion of justice.



In 1997, I served on the first Edna G. Parker Award Committee with Kaye Christian, Carolyn Parr and Rosemary Annunziata. Judge Bess Lavine, another Marylander, received the award that year. I take this opportunity to pay homage to both Judge Lavine and Judge Roz Bell who I consider mentors.

At the urging of Judge, I joined NAWJ as soon as I was elected to the Baltimore City Circuit Court. From the first conference that I attended in Seattle in 1987, where I met Brenda Murray, Carolyn Parr, and Lisa Todd, among others, the benefits of the organization were apparent. The electricity at that conference – the energy and enthusiasm – was thrilling. Every NAWJ Annual Meeting I have ever attended left me recharged. As I look back over the last two decades, I realize that because of NAWJ annual meetings historical events such as the 1991 Hill-Thomas hearings and the 2001 terrorist bombings were experienced in a way that provided those who attended a special bond and collective expression of spirit and determination.

A recent landmark UCLA study

suggests that friendships among women counter stress and extend our lives. All who have been active NAWJ members realize the benefit to our professional lives in sharing our experiences, exchanging ideas, exploring problem solving and holding each others hands.

It has been rewarding and fun to meet women judges from all over this nation and, through the International Association of Women Judges, from all over the world. When one ponders the organizations ability to put us in touch with Supreme Court justices, Presidents and First Ladies, we realize that we are part of history in the making. Without NAWJ, how would I have had my picture taken with Gloria Estefan during a Florida hurricane, attended a program on Reel Justice and had lunch afterwards with Susan Dey, or met and chatted with First Lady Laura Bush.

In addition to providing terrific programs, Annual Meetings have been great fun. NAWJ's conferences are held in fabulous cities at first class accommodations, with gatherings at wonderful museums, interesting historical sites, and beautiful arboretums. Seldom does one have the opportunity to be in a room with so many power scarves! And nobody plans a hospitality room with the same pizzazz as NAWJ districts. Patti Lewis, Theresa Nolan, Delaware Judge Susan Delpesco and I have a lot of wonderful shared memories and photographs from these meetings.

Gladys Kessler expressed the true purpose of NAWJ when she told an assembled group in 1995, "It was only by working collectively that we could maximize our ability to address issues we cared about." And so NAWJ has been in the forefront of many important social and legal issues of our time: Gender Bias in the Courts, which we now approach as Gender Fairness, Bioethics, especially maternal fetal issues, increasing diversity on the Bench, judicial independence, genome justice, family violence, girls in the justice system, and incarcerated women and the effect on their children. Identifying problem areas, brainstorming strategies, providing a forum for critical thinking, exploring interventions, and implementing solutions on a national and state-wide level in collaborations with leading practitioners and academicians in the legal field and other professions is the modus operandi

of NAWJ. It is through these efforts that each of us transcends ourselves to become agents of change in our local communities, the nation and the world. One can not ask for better than that.

*Judge Friedman is retired from the Circuit Court for Baltimore County. She received the 2005 Edna G. Parker Award at an awards ceremony held at the Cosmos Club in Washington DC in June 2006.*

### 2006 John Marshall Award Winner

Judge Norma L. Shapiro, U.S. District Court for the Eastern District of Pennsylvania, has won the 2006 John Marshall Award in recognition of her exemplary lifelong commitment and dedication to the improvement of the administration of justice in the categories of Judicial Independence, Justice System Reform, and Public Awareness regarding the Justice System. The Award will be presented at the Dinner in Honor of the Judiciary during the ABA Annual Meeting at the Halekulani Hotel in Honolulu, Hawaii, on Sunday, August 6, 2006.

### Pennsylvania Supreme Court Justice Honored By Pennsylvania Minority Bar Committee

Hon. Cynthia A. Baldwin was recently awarded the A. Leon Higginbotham Award

from the Pennsylvania Minority Bar Committee on Friday, April 7, 2006 and the A. Leon Higginbotham award from The Barristers' Association of Philadelphia on May 20, 2006. These distinguished awards recognize Justice Baldwin's exemplary scholarship in the practice of law, along with her impressive personal accomplishments as an African American Judge. Justice Baldwin serves on the Supreme Court of Pennsylvania.

Justice Baldwin also served on a panel entitled Religion, Tradition, and Judging at the I. A. W. J. Conference in Sidney Australia in May.

### Former DC Superior Court Judge Elevated to DC Court of Appeals

District 4 Vice President, **Hon. Anna Blackburne-Rigsby**, formerly of the DC Superior Court, has been confirmed for a seat on the DC Court of Appeals, the highest court for the District of Columbia.

### Iowa Judge Honored by Iowa Organization of Women Attorneys

In June 2006, Hon. Miki McGovern, administrative law judge for the Iowa Workers Compensation Commission, was awarded the Arabella Mansfield Award by the Iowa Organization of Women Attorneys. The award is named after the first woman admitted to practice law in the

United States.

Ms. Mansfield was admitted to the Iowa Bar in 1869. The award is given annually to honor a woman lawyer who has promoted and nurtured women in the legal profession. Judge McGovern is the fifth recipient of the award.

### Of Note

District 4 member, and the NAWJ MD Chapter Secretary: **Hon. Vicki Ballou-Watts**, Circuit Court for Baltimore County, has been named by Maryland business and law daily newspaper *The Daily Record* as one of its 11th Annual Top 100 Women.

At the 8th Biennial Conference of the International Association of Women Judges, held in Sydney, Australia, during May 2006, District 4 Member, **Hon. Leslie Alden**, Circuit Court for Fairfax County, VA, was selected President-Elect of the IAWJ for the coming 2 years.

### ACCOLADES

Houston member **Hon. Janice Law** debuted her second non-fiction book: *Yield, A Judge's First-Year Diary* June 15 in Austin at the annual meeting of the Texas Bar where she was a featured author on the literary panel. Law serves as a visiting judge in Texas. [www.judgejanicelaw.com](http://www.judgejanicelaw.com).

## Welcome New NAWJ Members! February - September 2006

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Check here if you are only updating your membership information and complete the appropriate fields below.

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**Mail application and payment to:**  
National Association of Women Judges Membership Office  
ATTN: Kathleen Moseley  
300 Newport Avenue  
Williamsburg, VA 23185-4147