



# NATIONAL ASSOCIATION OF WOMEN JUDGES COUNTERBALANCE

Winter 2013 Volume 31 Issue 6

## CHILDREN AND THE LAW\*\*

### Introduction of New Column - Future Young Lawyers

## GENDER-RESPONSIVE JUVENILE JUSTICE TO COUNTER BIAS AND BETTER REACH DISPOSITIONAL GOALS FOR GIRLS

By: Dacia A. Read\*

When assigning dispositions in delinquency proceedings, New York State Family Court judges are not only required to consider the community's need for protection, but also the needs and best interests of the respondent child.<sup>1</sup> As female respondents enter, experience, and exit the juvenile justice system differently than male respondents,<sup>2</sup> dispositional alternatives that provide girl-specific services and treatment are often most suited to meet girls' unique interests.<sup>3</sup> Despite this, explicit considerations of gender in dispositional planning were discredited in *In Re Geraldine A.*<sup>4</sup> New York State does not collect data on girls in the system to identify their gendered interests; and, the State's provision of girl-specific dispositional alternatives remains inconsistent and unevaluated.



In New York's male-dominated juvenile justice system,<sup>5</sup> much of what is known "about the service needs and experiences of court-involved girls has been largely anecdotal."<sup>6</sup> Findings from a 2006 report by the Citizen's Committee for Children (CCC) suggest "the majority of [court-involved] girls faced multiple stressors prior to their entry into the juvenile system."<sup>7</sup> Nationally, girls in the juvenile justice system uniquely share a series of distinct characteristics, including family fragmentation; exposure to abuse and violence; higher rates of physical and mental disorders than their male counterparts;<sup>8</sup> separation from children; academic failure; substance abuse and developmental stresses related to female puberty.<sup>9</sup> Interestingly, the CCC report also showed that in New York "attorneys and providers believed there was a marked difference in the way court-involved girls were expected to present themselves before the judge as opposed to boys. [...] All stakeholders, including judges, acknowledge[d] that developmental differences between boys and girls inevitably created preconceived notions of how court-involved girls and boys should present themselves in the courtroom."<sup>10</sup> Though such notions likely inflict inappropriate bias into the system,<sup>11</sup> their scope and impact remain unevaluated and largely unfettered.

Nationally, gender bias has served to discriminatorily push girls deeper into the justice system,<sup>12</sup> and has assumed that the same programs developed to meet boys' interests also meet girls' interests.<sup>13</sup> Looking closely at the influences of gender bias on the juvenile justice system, Francine Sherman, Director of the Juvenile Rights Advocacy Project at Boston College, wrote in 2012 that "for the most part, gender bias that drives girls into the juvenile justice system is not obvious in facially discriminatory statutes or policies and may not be the result of intentional discrimination by juvenile justice systems."<sup>14</sup> Rather, she found gender bias is most often at work when "well-meaning decision makers act to protect girls, or act out of frustration at girls' misbehavior, pushing girls deeper into the system through mechanisms such as aggressive enforcement of warrants and violations of probation."<sup>15</sup> While judicial discretion may be required to tailor individual dispositions in Family Court,<sup>16</sup> wide discretion shared not only by judges, but also by police officers, probation officers and presentment agencies provides opportunity for preconceived notions and stereotypes about appropriate female behavior to influence dispositional decisions for court-involved girls.<sup>17</sup>

So how can judges contravene gender biases and more deliberately consider girls' gendered needs during dispositional planning? In *In re Geraldine A.*, a Queens Family Court judge held that it could not be done through the explicit consideration of gender made by a risk assessment tool that the Department

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\*\*This issue edited by former VP of Publications Hon. Tanya R. Kennedy

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NAWJ's mission is to promote the judicial role of protecting the rights of individuals under the rule of law through strong, committed, diverse judicial leadership; fairness and equality in the courts; and equal access to justice.

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It was my honor and privilege to be sworn in as NAWJ's new President on October 12, 2013, at our annual conference in New Orleans, LA! I wish to thank our out-going President, Joan Churchill, for her leadership and for the phenomenal programs and work of NAWJ during her tenure. It has been a pleasure to serve with her.

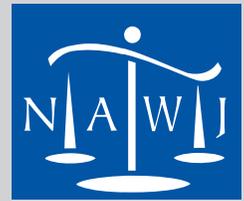
I am excited and I look forward to the coming year. The theme I have chosen for my term as President is "NAWJ: Ensuring Access to Justice for All." Through cutting-edge judicial education, community outreach, leadership development and mentoring programs, I will work to continue NAWJ's mission of promoting the rule of law through innovative and inspired programming that will promote diverse judicial leadership, fairness and equality in the courts and equal access to justice. I will continue NAWJ's vital role of mentoring and encouraging a new generation of women to pursue careers in the law and in the judiciary. Additionally, I will work to expand NAWJ's partnerships and collaborative endeavors so that NAWJ's work can impact a wider audience.

NAWJ has been a vital part of my professional and personal development during my 17 years as judge, first as a magistrate judge, then as a Superior Court trial judge and now on the highest court of the District of Columbia—the Court of Appeals. My mother, Justice Laura D. Blackburne (retired) and I first joined NAWJ together in 1995 as the only mother/daughter judges in the country! I also wish to thank my husband Judge Robert Rigsby for his service as both a civilian judge on our District of Columbia Superior Court and as a Military Judge in the United States Army Reserves. Public service is a core value that has been instilled in me by my parents and one that my husband and I share and strive to pass on to our son. Since 1995, I have had the opportunity to grow personally and professionally through my work with NAWJ as a District 4 officer, on various NAWJ committees and through my service for the last five years on NAWJ's National Board of Directors. Above all else, I have valued the opportunity to meet and work with phenomenal women judges from across the country and around the world and to work with lawyers around the country on NAWJ's important program initiatives.

We have important and exciting work to do this year and I need your help. NAWJ has many committees and programs that offer unique ways to get involved around issues of importance to you. Pick one thing that interests you and feel free to share your ideas for new programs to address emerging needs! Please join me and get engaged in this wonderful organization! I look forward to serving as your new NAWJ President and to working with you to "Ensure Access to Justice for All!"

Warmly,

*Judge Anna Blackburne-Rigsby*



### NAWJ 2014 MIDYEAR MEETING AND LEADERSHIP CONFERENCE

March 13 - 15, 2014

The Westin Hotel

Georgetown,  
Washington, D.C.

### PLANNING COMMITTEE CHAIR

Hon. Anna Blackburne-Rigsby

### HOST COMMITTEE

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### REGISTRATION

Conference registration fees are \$375/\$475 for NAWJ members, and \$475/\$525 for non-members.

### HOTEL

Reserve your room at The Westin Georgetown, 2350 M Street, NW in Washington, D.C. Room rates are \$199.00 per night plus tax, for single or double occupancy. Call (800) 321-3010 or (202) 628-2100 using group name "NAWJ."

Visit [www.nawj.org/midyear\\_2014.asp](http://www.nawj.org/midyear_2014.asp) to register and find more information.



It is that time of year when NAWJ asks all its members to dig deep in their pockets and make an extra contribution to support our beloved organization as part of your holiday season giving and contributions for the new year. Please be as generous as you can, and if your dues are up for renewal, please renew promptly and add an additional donation.

The theme chosen this year by NAWJ President Judge Anna Blackburne-Rigsby is **“NAWJ: Ensuring Access to Justice for All.”** Through cutting-edge judicial education, community outreach, leadership development and mentoring programs, NAWJ will continue its mission of promoting the rule of law

through innovative and inspired programming that will promote diverse judicial leadership, fairness and equality in the courts and equal access to justice. NAWJ will also continue its vital role of mentoring and encouraging a new generation to pursue careers in the law and in the judiciary. Additionally, NAWJ will continue to expand its partnerships and collaborative endeavors so that NAWJ's work can impact a wider audience. NAWJ needs your continued support to accomplish these goals.

NAWJ is involved, as you know, in extraordinary activities on behalf of those whose voices are not readily heard in the justice system. We do this through national and local conferences, through our projects and training programs, and the work of our committees.

Through our involvement with the International Association of Women Judges (IAWJ), founded by NAWJ, and our International Outreach Committee we are also engaged in work internationally to promote the Rule of Law. In fact, NAWJ will host the 2016 Biennial Conference of the IAWJ in Washington, DC.

Our activities are expanding, but our resources are not. Fundraising is proving to be more and more difficult and our dues cover only a small fraction of our expenses. A donation from you would be a big help, either individually or via a family foundation or other grant-making organization with which you may be involved. These are challenging times for the issues at the core of NAWJ's mission. We have a lot of work to do. Our Districts and Committees are up and running, ready to carry out our work for the coming year. Let's join together to support NAWJ's financial needs to get it done.

Please note that we have added a new feature on our website, which allows members to make a general contribution to NAWJ, or to designate that your contribution go toward one of your favorite NAWJ programs or projects.

Very Best Wishes for a Wonderful New Year for you and yours,

Warmly,

*Marie Komisar*

NAWJ Executive Director

## NAWJ CELEBRATES ITS 35TH ANNUAL CONFERENCE

### NEW ORLEANS PROVES A CORNUCOPIA OF SOCIOLEGAL REVELATIONS, MEMBER INDUSTRY AND GOOD TIMES

#### A Jazzy Welcome for NAWJ

After two years of planning and leadership, 2013 Annual Conference Co-Chairs Hon. Mary Becnel (40th Judicial District Court) and Hon. Bernette Joshua Johnson (Louisiana Supreme Court) successfully and joyfully gathered judges, attorneys, authors, educators, New Orleans, Louisianans, members of the wider legal and women's communities to discuss current issues including: human trafficking; sexual assault in the military; women in prison; assisted reproductive technology; the new politics of judicial selection; and life after judicial service. Additional planning committee members included: Judge Tiffany Chase, Orleans Parish Civil District Court; Judge June Berry Darensburg, 24th Judicial District Court; Judge Bernadette G. D'Souza, Orleans Parish Civil District Court (Family); Judge Vanessa Guidry-Whipple, First Circuit Court of Appeal; Judge Phyllis Montgomery Keaty, Third Circuit Court of Appeal; Professor of Political Science Sally J. Kenney, Tulane University Newcomb College Endowed Chair; Judge Rosemary Ledet, Fourth Circuit Court of Appeal; Judge Joy Cossich Lobrano, Fourth Circuit Court of Appeal; Kathryn Venturatos Lorio, Leon Sarpy Distinguished Professor of Law, Loyola University New Orleans College of Law; Judge Ethel Simms Julien, Orleans Parish Civil District Court; Judge Sylvia Steib-Dunn, Office of Workers' Compensation; and Judge Laurie A. White, Orleans Parish Criminal District Court.



Highlights included a welcoming reception hosted by the Louisiana Supreme Court at the Court, and excursions to the Louisiana Correctional Institute for Women and Eden House, a two-year residential program for women who have been commercially and sexually exploited. Through Eden House, women receive wrap-around services such as counseling, education, and job training.

#### Members Taking Care of Business

The annual conference is always a time to share. During its annual business meeting, committees convened to share news and advancements in the ongoing areas of human trafficking, domestic violence, women in prison, international exchange, and in new projects of voter education and tribal judges membership outreach. Board leadership reported work of the past year, and new board members were sworn in.

The Friends Luncheon, which began with remarks from Barbara Arnwine, Esq., head of the Lawyers Committee for Civil Rights under the Law, recognized the Conference's many sponsors. Thank you to the Friends Committee Chairs: Coordinator, Kara Hadican Samuels, Sangisetty & Samuels, LLC; Kim M. Boyle, Partner, Phelps Dunbar LLP; Matthew Moreland, Becnel Law Firm LLC; Norma Jane Sabiston, Sabiston Consultants; and members: Paula Ates, Ates Law Firm; Judy Barrasso, Barrasso Usdin; Angelina Christina, McGlinchey Stafford; Jaimme Collins, Adams & Reese; Lesa Colon, Frilot, LLC; Dana Douglas, Liskow Lewis; Caroline Fayard, Fayard Law Firm; Donna Fraiche, Baker Donelson; Rebekah Huggins, Armentor Law Firm; Lynn Luker, Lynn Luker Law Firm; Inemesit O'Boyle, Gauthier, Houghtaling; Ravi Sangisetty, Sangisetty & Samuels; Martin Stern, Adams and Reese; Sharonda Williams, New Orleans City Attorneys' Office; Rachel Wisdom, Stone Pigman; Diane Dink, Diane K. Zink Law Firm.

#### Recognizing Leaders

Outstanding members were recognized with NAWJ's Annual Awards. The Honorable Bernette Joshua Johnson, Chief Justice of the Louisiana Supreme Court, accepted this year's Justice Joan Dempsey Klein Award, during the Friends Luncheon. The award recognized Justice Johnson's assistance to women judges in becoming more proficient in their profession; her persistence in solving the legal, social and ethical problems associated with the judiciary; and working to increase the number of women serving as judges. The Honorable Patricia Ann Hurst, Superior Court of the State of Rhode Island, was honored with the Norma Wickler Excellence in Service Award at the Luncheon for her devotion to assuring that NAWJ's finances are in order and compliant with tax, audit and regulatory requirements. During the Banquet, Professor of Political Science Sally Kenney, was honored with The Florence K. Murray Award for her service to NAWJ, and to the cause of gender diversity in the judiciary through her teaching, research and activism. This year's Justice Vaino Spencer Leadership Award recognized Justice Joan K. Irion, Chair of NAWJ's newly formed Judicial Elections Committee, for her entrepreneurial creation of NAWJ's 'Informed Voters. Fair Judges' Project. The Mattie Belle Davis Award recipient was Judge Tamila Ebrahimi Ipema, who sits on the San Diego County Superior Court. Judge Ipema presented the first NAWJ Color of Justice and MentorJet programs for the community of San Diego, California in 2011, which are being continued on an annual basis. The Banquet was capped by the swearing-in of NAWJ's 34th President Honorable Anna Blackburne-Rigsby, Judge of the District of Columbia Court of Appeals.

NAWJ's "Judging and All That Jazz" Conference took place in New Orleans, Louisiana, October 9-13, 2013 at The Ritz-Carlton Hotel. Over 400 persons attended, including international judges from around the world.



Continued from Cover

of Probation used to determine juveniles' risks of recidivism and make dispositional recommendations to Family Court judges. In the case, the court found that the department's Probation Assessment Tool (PAT) was in conflict with the Equal Protection Clause because, in its opinion, it provided an advantage to girls who were "similarly situated" to boys when recommending levels of restrictive placement.<sup>18</sup> Though the PAT was developed through an analysis of 730 adjudicated juvenile delinquents,<sup>19</sup> and the "research underlying the PAT [...] show[ed] that in their first 18 months in the community following disposition, 56% of boys were rearrested compared with just 22% of girls,"<sup>20</sup> the Court found that the data-driven tool "impermissibly discriminate[d] against juvenile males by awarding a preference to delinquent females in the form of asset points based solely on the immutable fact of their gender."<sup>21</sup> Though asset points were assigned based not just on gender, but on relative risk of recidivism, the Court rejected the PAT for giving girls more asset points than boys, consequently decreasing girls' comparable chances of receiving a probation recommendation for a restrictive placement.

The court reiterated in *Geraldine* that it "is required to assess the needs of each particular juvenile delinquent without any *preconceptions* related to the child's gender."<sup>22</sup> In declining to consider whether differences in gender correlate with differences in dispositional needs, however, the Court did not consider the opportunity to prioritize gender-specific assessments of risk that could have better tailored dispositions to address girls' unique experiences and specific interests. The Court also refrained from considering whether for the purposes of equal protection analysis, "male and female juvenile offenders [should be considered] similarly situated in their shared right to individualized dispositions"<sup>23</sup> – which, though perhaps not to the exact same extent, could have very well justified the PAT's consideration of girls' lower recidivism rates through differences in asset point dissemination between genders. Francine Sherman and researcher, Marsha Levick, argue that "even under rational basis scrutiny, there is arguably no legitimate government interest that justifies affording girls a diminished opportunity for individualized treatment and rehabilitation"<sup>24</sup> through gender-responsive assessments. As the court did not center its analysis in this way, however, *Geraldine* invalidated the PAT; and attempts to use data-driven decision-making models to address gendered experiences and interests during disposition planning have since been generally abandoned in New York.

Unfortunately, disposition treatment alternatives specifically designed for girls also remain few and far between in New York State. In 2002, CASES alternative to incarceration program initiated its first girl-specific disposition program.<sup>25</sup> Though GirlsRISING was later defunded and disbanded in 2006, lessons learned through the program indicate the ability girl-specific programs have to better serve girls' needs in New York. Before GirlsRISING, girls in CASES's co-ed Court Employment Program (CEP) were dropping out due to "conflicting responsibilities at home (including childcare), belief that the program did not help them, pregnancy, and a hostile environment because of the large number of boys in the program."<sup>26</sup> On average, girls made up less than 10% of the CEP population, and staff members noticed "female participants were often a minority of one [in classes], a situation

that silenced most of the girls and held them back from thriving."<sup>27</sup> In contrast, GirlsRISING's strengths-based model provided girls with safe spaces to develop healthy relationships, foster creative self-expression and receive education and gender-specific transition services.<sup>28</sup>

A former GirlsRISING participant, who was enrolled in the program when funding was cut, recently recounted to me the sense of lost community she felt when she had to return to the male-dominated CEP program after GirlsRISING's closure:

"Being outnumbered is just uncomfortable for any human," she said. "I drew more close to staff and really missed the getaway we had when we had the GirlsRISING space away from the boys. After GirlsRISING, there was nowhere to hide here. I was pregnant then. I felt like I always had to put on a serious face so the boys wouldn't try me, but they still made comments and it made me have to be feisty."<sup>29</sup>

The young woman, who continues to work with youth at CASES today, shared that she still sees girls enrolled in CEP who lose focus and struggle in relationships with boys in ways that impact their progress and success in the program.<sup>30</sup> Perhaps through the lens of her own experience, the woman is careful to provide a haven in her office for girls in today's co-ed CEP program, who she said, "are clingy with staff and looking to build consistent relationships as they mother their own children and look for a quiet place away from all the boys in the program."<sup>31</sup>

Thus far, five states have passed juvenile justice legislation requiring that gender be considered in regards to dispositional planning and treatment, and that girl-specific treatment alternatives be adequately provided to court-involved girls.<sup>32</sup> In neighboring Connecticut, legislation has been passed to amend the goal of the State's juvenile justice system itself, to include "comprehensively address[ing] the unique needs of a targeted gender group."<sup>33</sup> In the last year, New York's Juvenile Justice Advisory Group and its Juvenile Re-Entry Task Force have both expressed initial desires to coordinate the collection of gender-related data to develop gender-responsive treatment for girls in the juvenile justice system<sup>34</sup> – an important first step. Legislative amendments to require that gendered needs be considered during assessments of juvenile's individualized needs, and that girl-specific services be adequately provided to address girls' needs, could provide another important step in preventing further bias or indifference from neglecting the gendered needs and experiences of court-involved girls.

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\*Dacia A. Read is a 3L at Brooklyn Law School. She came to law school to advocate for young people after teaching and working in youth development for several years. While in law school, Dacia has interned with the Legal Aid Society's Juvenile Rights Practice in the Bronx, the Children's Aid Society and Youth Represent. She also acts as a student member of the New York City Bar Association's Juvenile Justice Committee. This article provides a synopsis of a seminar paper that Dacia wrote for her "Women and the Law" seminar at Brooklyn Law School during Spring 2013.

**ENDNOTES**

<sup>1</sup>Section 352.2(a) of New York’s Family Court Act states: “In determining an appropriate [dispositional] order the court shall consider the needs and best interests of the respondent as well as the need for protection of the community. If the respondent has committed a designated felony act the court shall determine the appropriate disposition in accord with section 353.5. *In all other cases the court shall order the least restrictive available alternative enumerated in subdivision one which is consistent with the needs and best interests of the respondent and the need for protection of the community.* N.Y. Fam. Ct. Act § 352.2 (McKinney) (emphasis added).

<sup>2</sup>See *Girls in the Juvenile Justice System: Understanding Service Needs and Experiences*. Citizen’s Committee for Children of New York, Inc. New York, NY, at 11. (October 2006) (“It must be emphasized that although both court-involved girls and boys generally experience many of the same risk factors and service needs, research does demonstrate a distinction between male and female juvenile delinquency that is influenced by gender-based developmental needs, as well as society’s perception of the response to female juvenile delinquency as demonstrated through program, policy and practice.”)

<sup>3</sup>See Laurel A. Hoehn, Comment, Double Standard: The Inequality of Treatment for Female Juvenile Offenders. 24. J. Juv. L. 140, 152 (2004). (“Females do not respond well when placed in systems designed for males. Programs targeting females must consider female development and be responsible about not perpetuating stereotypes.”); Meda Chesney-Lind, Merry Morash & Tia Stevens. Girls’ Troubles, Girls’ Delinquency, and Gender Responsive Programming: A Review. 41.1 The Australian and New Zealand Journal of Criminology 162, 167 (2008) (“Multiple studies show that girls in the juvenile justice system search for adults to act as proxy family members who would provide care, safety and ‘someone to talk to’ on a continuing basis. For this reason, girls were most disappointed [in traditional settings,] with probation officers (and others) who only paid attention to them when they failed to observe some rule or condition.”).

<sup>4</sup>See *In re Geraldine A.*, 29 Misc. 3d 1226(A), 920 N.Y.S.2d 241 (Fam. Ct. 2010)

<sup>5</sup>*New York State Juvenile Re-entry Strategic Plan: A Report from the New York State Juvenile Re-entry Task Force*. New York State Div. of Crim. Justice Services, Albany, NY, at 5. (2012). (gender of justice-involved youth placed in voluntary agencies in 2011: 82%male (752) , 18% female (169))

<sup>6</sup>*Girls in the Juvenile Justice System*, supra, at 16.

<sup>7</sup>Id. at 11

<sup>8</sup>See *Girls in the Juvenile Justice System*, supra, at 11

<sup>9</sup>See Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System, A Report Jointly Issued by the American Bar Association and the National Bar Association. 9 Wm. Mary J. Women & L. 73, 81 (2002).

<sup>10</sup>*Girls in the Juvenile Justice System*, supra, at 10.

<sup>11</sup>Laura A. Barnickol. The Disparate Treatment of Males and Females Within the Juvenile Justice System. 2 Wash. U. J. L. & Pol’y 429, 442 (2000); (“Females have occupied a subordinate role within society for many years and, as a result, society expects a greater conformity to social norms by young females than by their male counterparts. Consequently, states respond to these stereotypes by punishing females for failing to live up to the established social norms or appropriately defined roles.”)

<sup>12</sup>See Id., at 445-446. (“One result of gender biases is that adolescent females are disproportionately brought into the juvenile justice system for status offenses. This tendency reflects a societal double standard, which holds status offenders to be less significant when committed by a male offender. [I]n contrast, the system frequently detains females who commit a status offense in an effort to protect them.”)

<sup>13</sup>Chesney-Lind, *Girls’ Troubles*, supra, at 170. (“[D]isregard for girls in programming is mirrored by the lack of any national, detailed research on girls’ needs, and by the failure to use science to show ‘what works’ for girls in the justice system.”)

<sup>14</sup>Francine Sherman, Justice for Girls: Are We Making Progress? 59 UCLA L. Rev. 1584, 1612 (2012)

<sup>15</sup>Id. at 1618

<sup>16</sup>John N. Kane, Jr., Note, Dispositional Authority and Decision Making in New York’s Juvenile Justice System: Discretion at Risk. 45 Syracuse L. Rev. 925, 942. (1994) (“[T]he differences between the adult and juvenile justice systems rest largely at this stage of proceedings [i.e. the disposition stage] and, in particular, the decision-making process associated with it. Simply stated, the uniqueness of the juvenile court disposition, and the power of “individualized justice” lies in discretionary decision making.”)

<sup>17</sup>See *Girls in the Juvenile Justice System*, supra, at 18

<sup>18</sup>*In re Geraldine A.*, 29 Misc. 3d 1226(A), (Fam. Ct. 2010)

<sup>19</sup>Sherman, Justice for Girls, supra, at 1623

<sup>20</sup>Id.

<sup>21</sup>*In re Geraldine A.*, at 29

<sup>22</sup>Id. at 32. (emphasis added)

<sup>23</sup>Marsha L. Levick & Francine T. Sherman. When Individual Differences Demand Equal Treatment: An Equal Rights Approach to the Special Needs of Girls in the Juvenile Justice System. 18 Wis. Women’s L.J. 9, 33 (2003)

<sup>24</sup>Id.

<sup>25</sup>Melissa Beck, Ana Bermudez & Martha King. “Because Everybody Thought That I Wouldn’t be Able to Do It”: Gender-Responsive Services for Court-Involved Girls and the First Year of the GirlsRising Program. 18 Wis. Women’s L.J. 117, 128 (2003)

<sup>26</sup>Id. at 126

<sup>27</sup>Id.

<sup>28</sup>Id. at 128

<sup>29</sup>Interview with former GirlsRISING participant (name withheld), (Mar. 15, 2013).

<sup>30</sup>Id.

<sup>31</sup>Id.

<sup>32</sup>Fact Sheet: Federal and State Gender-specific Juvenile Justice Legislations. (National Girls Institute, Washington, D.C.) <http://www.nationalgirlsinststitute.org/i-want-to-know-more/policy/fact-sheet> (last viewed May 8, 2013)

<sup>33</sup>Conn. Gen. Stat. Ann. § 46b-121h (West)

<sup>34</sup>See *2011 Annual Report*. New York State Juvenile Justice Advisory Group and New York State Div. of Crim. Justice Services, New York, at 15 (2011); See also *New York State Juvenile Re-entry Strategic Plan*, supra, at 23.

# A NEW DAY, OR MORE OF THE SAME?

## GIRLS IN THE JUVENILE JUSTICE SYSTEM

BY JUDGE CATHY HOLLENBERG SERRETTE, 7TH JUDICIAL CIRCUIT OF MARYLAND AND  
SONIA KUMAR, STAFF ATTORNEY, ACLU MARYLAND

***“While the girl offenders are smaller in number, the problems they pose are no less complex. The pressure of the 1958 culture has taken its toll, and the expressions of hostility and rebellion of delinquent girls is greater than that ever before experienced. They currently are engaging in a wider variety of delinquent acts and often are associated with boys in gang warfare. For the first time in the history of institutions for females there has been a series of major incidents during the last ten years.”***

—MARYLAND STATE PLANNING COMMISSION, INSTITUTIONAL NEEDS FOR DELINQUENT CHILDREN AND YOUTHFUL OFFENDERS OF THE STATE OF MARYLAND 10 (1958).

***“We feel that there is not equal punishment for boys and girls in Maryland. It seems like, for the exact same charge, boys go home, but girls are locked up.”***

--ACLU OF MARYLAND, CAGED BIRDS SING: A REPORT BY THE GIRLS ON THE A UNIT AT WAXTER 6 (2010).



Judge Cathy Serrette



Sonia Kumar

Last year, NAWJ adopted a resolution urging the elimination of gender bias in juvenile justice systems across the country. This article examines gender differences in how girls and boys come to be confined in residential facilities in the juvenile justice system and highlights questions to consider in ongoing efforts to tackle gender and race bias in the justice system more broadly. We frame and illustrate these issues through the lens of one state, Maryland, but the story we tell could take place anywhere.

### OVERVIEW

Much has been written about the lack of appropriate programs and services for girls in the juvenile justice system. The focus of this article, however, is *process*: what are the equal protection implications of differences in how girls and boys come to the attention

and custody of the juvenile justice system?

Available data consistently show that girls are committed to the custody of the juvenile justice system for less serious offenses than their male counterparts. Academic and clinical literature describe distinct “pathways” into the juvenile justice system associated with gender – and then proceed to call for different, “gender-responsive” services for girls. But rarely is the question asked: should we accept gender-based differences in why and how young people are taken into the custody of a justice system? Are such differences the product of cumulative bias and inequality? Are attempts to “save” girls, however well-intentioned, reinforcing age-old stereotypes about women and girls as victims and undermining long-term progress? And how does race and poverty connect with these issues?

In 2010, for the first time, the Maryland Department of Juvenile Services released data corroborating what girls and their advocates had long claimed: that girls are punished disproportionately for minor offenses relative to boys. Despite the promise of equal protection under state and federal law,<sup>1</sup> girls who come into contact with the juvenile justice system in Maryland are more likely to be punished for minor offenses and spend longer time in state custody for those offenses, while they are less likely to get

the treatment and services they need. The overwhelming majority of girls in the system are girls of color and girls living in poverty.

There is no doubt that more and better programs for girls are needed. But programs alone cannot address the structural and institutional inequities that perpetuate longstanding discrimination based on gender and race. In order to address race and gender inequality, we must understand the historical context and structural factors contributing to modern-day disparate treatment.

### KEY TRENDS

#### BOYS’ NUMBERS DECLINE, BUT NOT GIRLS, ESPECIALLY GIRLS OF COLOR

Although girls are a numerical minority in juvenile justice systems across the country, the figures for girls are increasing relative to those of boys both nationally and in Maryland. Nationally, juvenile arrest rates have dropped across the board in the last decade, but the declines for girls have been smaller and have increased in some areas.<sup>2</sup> For example, between 1996 and 2005, girls arrested for simple assault increased by 24 % nationally.<sup>3</sup>

In Maryland, during the last five years there were marked declines for boys at every decision-point from the front door (“intake”) to confinement in residential programs (“commitment” or “placement”), but smaller reductions or increases for girls. Between 2008 and 2012, the number of boys brought to intake declined by 37%, while the number of girls declined by 30%. During that same period, the number of boys in detention declined by 21%, while the number of girls in detention increased by 9%. Moreover, the number of boys committed by courts to the Department of Juvenile Services (DJS) declined by 10%, while the number of girls committed actually *increased* by 7%.<sup>4</sup>

These statistics are troubling in their own right. But they become even more alarming when we look at race: The difference in the trends for Caucasian girls and girls of color is nothing short of astonishing. In Maryland, between 2001 and 2010, the number of Caucasian girls brought to the front door of the juvenile justice system declined by nearly 40%, while the number for African-American girls *increased* by 7%.<sup>5</sup> By 2012, African-American girls made up 59% of all girls brought to DJS, 60% of girls in long-term placement, and 72% of all girls in detention, although African-American youth comprise only 31% of Maryland’s youth population.<sup>6</sup>

Thus, the story of girls in the juvenile justice system is an intersectional one that is incomplete unless it squarely confronts racial disparities.<sup>7</sup>

## **GIRLS ARE TAKEN INTO CUSTODY FOR LESS SERIOUS OFFENSES**

Despite media reports that suggest that girls who come into contact with the juvenile justice system are violent, data shows that girls who come into contact with the juvenile justice system in Maryland are more likely to be punished for minor offenses than their male counterparts.

In fact, Maryland data mimics national data showing that, regardless of gender, the vast majority of youth come to the attention of the juvenile justice system for low-level offenses.

Nonetheless, girls are brought to the front door of the juvenile justice system with even less serious offenses than boys. In Maryland, for example, in 2012, 79% of boys and 92% of girls came in for misdemeanor or lesser offenses.<sup>8</sup>

And, although diversion and other court processes help filter out many youth, offense disparities persist and in fact increase somewhat as girls are processed through the courts. By the deepest ends of the system, among youth with the same “punishment” – youth committed to state custody for long-term residential placement – girls still had *far fewer* serious offenses than their male counterparts. For example, during 2012, in Maryland, only 15% of girls had been adjudicated for a felony or crime of violence, compared to 34% of boys.<sup>9</sup> Put another way, data shows that girls are penalized by the juvenile justice system for less serious offenses than boys.

## **INCREASED ATTENTION TO GIRLS – GROWING CONCERN AND ADVOCACY**

Nationally and in many states, the increases in the number of girls processed by the juvenile justice system have led to increased visibility and attention, prompting a surge in interest and projects targeting girls.<sup>10</sup> Much of the work at the local and state levels has focused on the lack of parity in juvenile services for girls – particularly, the lack of programs. Underlying this focus is a growing body of work asserting that girls in the juvenile justice system present different needs than boys. Both academic and clinical literature describe distinct “pathways” into the juvenile justice system that differ by gender.<sup>11</sup> Sexual victimization of girls as a driver of system involvement has been central to these discussions, and a consensus has emerged that girls at the deepest ends of juvenile justice systems have histories of trauma, and, often, complex trauma.<sup>12</sup>

Thus, a lot of attention has been paid to asking “what works for girls?” with a particular focus on trauma, sexual abuse and exploitation. A demand for “gender-responsive” services and programs has emerged – programs that acknowledge and reflect gender differences in how youth come to the juvenile justice system, especially the trauma histories of girls.

The demand for gender-responsive programs reflects a remedial purpose – to correct decades of neglect to girls’ specific needs and to ensure that girls have equal access to programming that meets their needs. This work is critical to improving the experiences of girls in the juvenile justice system. But, typically, this is where the equal protection analysis ends – with a focus on programming. It is our view that, to achieve long-term parity and racial equality, the analysis must go deeper to ask: why are there gender-based differences in how youth come to the juvenile justice system and race disparities in who these youth are, and should we tolerate such differences?

## **QUESTIONING “GENDER-BASED” PATHWAYS TO DETENTION: PUNISHMENT FOR BOYS, PROTECTION FOR GIRLS**

Rather than accepting descriptions of gendered pathways as fixed and unchanging, we should scrutinize as inherently suspect gender-based differences in how youth enter and are processed by the juvenile justice system. Are these differences themselves a reflection of inequality? Are they the modern-day iteration of a longstanding history of policing women and girls’ differently? We think these questions particularly important in light of the history of the juvenile justice system’s orientation towards girls.

It is generally acknowledged that, “[h]istorically, juvenile courts responded to boys primarily for criminal misconduct and to girls mainly for noncriminal status offenses. ... Historians consistently report that judges detained and incarcerated girls primarily for minor and status offenses and at higher rates than they did boys.”<sup>13</sup> Indeed, “[f]rom the juvenile courts’ inception, controlling adolescent female sexuality was a central focus of judicial attention and intervention.”<sup>14</sup> This “central focus” on girls’ sexuality was not fabricated by courts, but rather the result of “a complex network of struggles and negotiations among working class parents, teenage daughters, and court officials.”<sup>15</sup>

“Faced with a reduction of social sanctions’ effectiveness in a more mobile and diverse environment, many parents had their daughters arrested for incorrigible behavior or for dating men of whom the family did not approve. Others asked the juvenile court judges to take their daughters away, to place them with other families or in institutions so the girls would learn to respect their parents’ wishes.”<sup>16</sup>

In Baltimore City in 1950, for example, records show that girls were brought to the juvenile court by their own parents at more than four times the rate of boys.<sup>17</sup> Nearly one third of all girls came to the attention of the court this way, compared to less than seven percent of all boys. About 72% of the girls were brought to the court for “sex complaints,” “incorrigibility and [being] chronic runaways,” or truancy, in contrast with about 15% of boys.<sup>18</sup>

It is only fair to assume that, then as now, parents and court officials had the best interests of girls at heart. But that does not mean that their efforts were not infused with the gender biases and assumptions of their time. In fact, looking back, it seems rather obvious that sexism and gender bias were at work in requests for court interventions for girls. As noted, boys were unlikely to be penalized for promiscuity or otherwise deprived of opportunity because of their sexual behavior.

Given this history, we think it critical to ask whether some of those same forces are at work today. When we look back fifty or one hundred years from now, will today’s gender differences in “pathways” into the juvenile justice system be viewed as simply an extension of the juvenile court’s history of policing girls differently?<sup>19</sup>

## **DO GIRLS WHO MAY NEED PROTECTION BELONG IN THE JUSTICE SYSTEM?**

In response to critiques about gender-based disparities in detention and placement, stakeholders in Maryland have pointed out that juvenile dispositions – juvenile sentencing – are not offense-based and are not intended to be punitive, but rather to serve a legitimate child-saving function: Girls are taken into the custody of the juvenile justice system because of “treatment needs” that reflect some perceived threat girls pose to themselves – often, fears that girls are running away or otherwise putting themselves in risky situations that might result in sexual exploitation or pregnancy. Thus, the argument goes, unlike the past, when girls were policed because their behavior was

## A NEW DAY OR MORE OF THE SAME

regarded morally offensive, now courts intervene because girls are in danger of being victims. Because the intention is not to punish, but rather to protect, and because this is a valid purpose of the juvenile court, gender bias is not a problem.

However laudable the goal of protecting girls may be, we cannot ignore that protecting girls has been invoked as a basis for court intervention in girls' and women's lives for much of modern history in ways that we now view as illegitimate—in ways that have served to “deny women, simply because they are women, full citizenship stature – equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities.” *United States v. Virginia*, 518 U.S. 515, 532 (1996). We think it unlikely, for example, that very many boys are sent to juvenile facilities because they are at risk of getting girls pregnant.

Moreover, youth advocates call attention to the ways in which the juvenile court has shifted away from its primarily child-saving function to more closely resemble criminal court, citing prosecutorial up-charging and the prevalence of plea-bargaining as evidence that court processes are increasingly concerned with “certainty of punishment – rather than the social welfare of the youth.”<sup>20</sup> Indeed, in Maryland, subject to certain constraints, prior commitments in the juvenile justice system can increase the “offender score,” and, accordingly, the sentencing guideline range, for individuals being sentenced in the adult criminal justice system.<sup>21</sup>

And certainly, young women in the juvenile justice system tend to perceive the intervention as punishment, however well-intentioned it may be from the perspective of the adults involved.<sup>22</sup> Residential programs, in particular, frequently deprive girls of choice over even the smallest details of their existences, which perpetuates and exacerbates the powerlessness that is already pervasive in their lives – and the self-destructive behavior in which they engage to re-assert control.

Perhaps most significantly, a growing body of rigorous research corroborates what girls and their advocates tend to say – that, contrary to expectations, girls are often worse off after intervention by the juvenile justice system. For example, a recent report by the Annie E. Casey Foundation surveying research from across the country concluded that when low-risk youth with minor delinquency are sent to juvenile facilities, their likelihood of reoffending actually *increases* compared to similar youth who are supervised in the community.<sup>23</sup> In Maryland, a study of group homes in the child welfare system found no improvements at all for girls sent to group homes, and in fact found that girls who lived in group homes showed increased risk to themselves and/or others.<sup>24</sup>

### CONTEXT MATTERS: WE MUST INTEGRATE OUR THINKING ABOUT GENDER, RACE AND TRAUMA IN ORDER TO FIND LASTING SOLUTIONS

We do not mean to suggest that some or most girls who end up in the juvenile justice system would not benefit from services or programs. Rather, our point is that, when provided through the juvenile justice system, services tend to be of a wholly different character than when provided by community organizations, schools, or mental health or child welfare systems.

And this is where it becomes especially important to connect the dots to the overwhelming race disparities in which girls – and boys – become involved in the juvenile justice system. As noted earlier, researchers have repeatedly indicated that, particularly for girls, trauma is a driver of juvenile system involvement. This research is compelling and instructive. But, when divorced from socioeconomic and demographic information, the trauma-based narrative tends to mask the structural issues that lead to disproportionate system contact for girls of color.

In our view, “trauma” is often used as shorthand for girls' experiences with poverty, violence, abuse, loss and the like. This approach lends itself to an approach that is hyper-individualized—divorced from patterns of social disorganization and racial and economic inequality that cause *certain* groups of girls to experience more trauma and to have less access to services and programs than others. It also fails to acknowledge that there may be disparities and inequality in the volume and nature of policing where girls live, and that these disparities will influence which girls come to the attention of the justice system in the first instance.

Our failure to “connect the dots” results in interventions that are solely individual-based, rather than structural, even in response to factors that are plainly out of the young person's control. For example, Maryland's needs assessment tool for youth in the juvenile justice system, modeled on a tool that is used by systems across the country, asks whether the young person lives in a dangerous neighborhood. But to what end? The juvenile justice system is not going to move her family to a safer neighborhood or take steps to help her feel safe where she lives. At the most, it will extract the girl from everything and everyone she knows and send her to a residential program to be rehabilitated away from “bad influences,” – and then return her to that neighborhood after she completes the program.

The patterns and disparities in who becomes involved in the juvenile justice system are not a new phenomenon. In Baltimore, for example, when youth advocates highlight race disparities, the most common refrain is to point out that the city is majority-black. But even when the city was not majority-black – even when whites were the overwhelming majority – the majority of kids in the juvenile justice system were black. In 1950, for example, African-Americans comprised less than a quarter of the city's population – but the majority of girls in the juvenile court were African-American.<sup>25</sup>

Although most or all youth in the juvenile justice system require trauma-informed care, it is not enough to merely recognize this fact. We must connect what we see in individual cases to the patterns we see in the aggregate, so that we can find lasting solutions.

### LOOKING AHEAD: WE MUST KEEP ASKING QUESTIONS

Rather than simply relying on the juvenile justice system to “protect” girls, we must look at the practices and policies that create opportunities for victimization and abuse and press for better and earlier systemic responses to violence, abuse and trauma that bring girls to the attention of the juvenile justice system in the first place. We must question our assumptions about what will help make girls safer, and we must be willing to be creative in identifying what more can be done.

Moreover, in seeking to remedy unequal treatment, we must be vigilant against perpetuating the stereotypes that prevent women and girls from achieving their full potential. We must thoughtfully and deliberately ensure that in protecting girls and responding to current social realities, we are not relying on stereotypes about women and girls as victims who cannot make decisions for themselves, disempowering girls, and reinforcing gender inequality.

These considerations must be addressed not only in the context of juvenile justice, but indeed in any context where the urge to protect women compromises their autonomy and liberty – such as in the context of domestic violence, or human trafficking. For in striving to ensure equal justice, we owe women and girls nothing less.

## ENDNOTES

<sup>1</sup>See Article 46, Maryland Declaration of Rights (“Equality of rights under the law shall not be abridged or denied because of sex.”); *Burning Tree Club, Inc. v. Bainum*, 305 Md 53, 63-64, 501 A.2d 817, 822 (Md. 1985) (“[T]he treatment of any person by the law may not be based upon the circumstance that such person is of one sex or the other.”); *United States v. Virginia*, 518 U.S. 515, 532 (1996) (“[N]either federal nor state government acts compatibly with the equal protection principle when a law or official policy denies to women, simply because they are women, full citizenship stature – equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities.”).

<sup>2</sup>Margaret A. Zahn et al, U.S. Department of Justice, Office of Juvenile Justice Delinquency and Prevention, *The Girls Study Group: Charting the Way to Delinquency Prevention for Girls* 3 (2008). Researchers who have analyzed the reasons for the increase in the number of girls processed by the juvenile justice system have suggested that the changes are not due to changes in girls’ behavior, but rather other factors, such as changes in the legal system. *Id.* (“Despite increasing arrest rates in the past decade, self-report data suggests that girls’ behavior has not changed.... Arrest laws and changes in law enforcement policy appear to have had more of an impact on arrest rates than changes in girls’ behavior.”); see also Barbara E. Bloom & Stephanie S. Covington, *Effective Gender-Responsive Interventions in Juvenile Justice: Addressing the Lives of Delinquent Girls* 2 (2001).

<sup>3</sup>*Id.*

<sup>4</sup>Data compiled from Maryland Department of Juvenile Services, *Data Resource Guide* 21-22, 94-96, 123-24 (2012) and Maryland Department of Juvenile Services, *Report on Female Offenders: Statistical Information on Girls and an Inventory of Services* 5-9 (2012).

<sup>5</sup>Data compiled from Maryland Department of Juvenile Services, *Annual Statistical Report FY 2001-10*, Table 9 (“Intake Cases by Race, Gender, and County of Jurisdiction”).

<sup>6</sup>Maryland Department of Juvenile Services, *Data Resource Guide* 22, 96, 124 (2012).

<sup>7</sup>We describe racial disparities for African-American girls and not others because meaningful data regarding other racial minorities, particularly Latinas, are not available due to unreliable reporting. Some jurisdictions, for example, report zero arrests of Latino youth, yet also report over-representation of Latino youth in detention. Thus, Maryland’s racial disparities might be far worse if racial and ethnic data were accurately reported.

<sup>8</sup>Maryland Department of Juvenile Services, *Data Resource Guide* 21-22 (2012).

<sup>9</sup>These numbers reflect the most serious proven (“adjudicated”) offense in the young person’s history. The most common offenses for girls who were taken into the custody for long-term residential programs were simple assault (28%), followed by misdemeanor theft (22%), and marijuana possession (10%). Maryland Department of Juvenile Services, *Data Resource Guide* 125 (2012).

<sup>10</sup>For example, in 2004, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) convened the “Girls Study Group” to investigate and disseminate information regarding girls’ involvement in delinquency. Building on this work, in 2010, OJJDP, in conjunction with the National Center on Crime and Delinquency (NCCD), launched the National Girls Institute, as a clearinghouse for information and technical assistance pertaining to girls’ delinquency. These national efforts are, to some degree, a response to the numerous local and state girls’ working groups around the country that have raised concerns regarding girls’ delinquency and the lack of programs for girls.

<sup>11</sup>See, e.g., Barbara E. Bloom & Stephanie S. Covington, *Effective Gender-Responsive Interventions in Juvenile Justice: Addressing the Lives of Delinquent Girls* 1-4 (2001).

<sup>12</sup>See generally, Marianne Hennessey et al, National Child Traumatic Stress Network Juvenile Justice Working Group, *Trauma Among Girls in the Juvenile Justice System* (2004); Sherman, Francine T., *13 Pathways to Juvenile Detention Reform: Detention Reform and Girls, Challenges and Solutions*, 21-23 (2005).

<sup>13</sup>Barry C. Feld, *Violent Girls or Relabeled Status Offenders? An Alternative Interpretation of the Data*, 55 *Crime & Delinquency* 241, 244 (2009).

<sup>14</sup>*Id.*

<sup>15</sup>Kay L. Levine, *The External Evolution of Criminal Law*, 45 *Am. Crim. L. Rev.* 1039, 1063 (citations omitted).

<sup>16</sup>*Id.*

<sup>17</sup>Charles E. Moylan, Associate Judge, Supreme Bench of Baltimore City, *Report of the Circuit Court of Baltimore City (Division of Juvenile Causes) for the Year 1950* at 12.

<sup>18</sup>*Id.* at 11

<sup>19</sup>In addition, advocates have found evidence of gender bias seeping into other aspects of juvenile justice programming. For example, an ACLU review of community-based programs for girls in the Maryland juvenile justice system in 2012 found that, overwhelmingly, programs targeting girls emphasized chastity, reproductive health and self-esteem – but virtually no programs addressed job skills, professional development, or sports and overall physical health. Boys, too, were shortchanged – denied meaningful opportunities for classes in parenting and reproductive health.

<sup>20</sup>Elizabeth Brown, Ph.D., Gina Castro Rodriguez, MFT, and Amy Smith, J.D., Ph.D. *100 Girls: A Preliminary Look at the Lives and Outcomes of Young Women Incarcerated in San Francisco Juvenile Hall* 3 (2011).

<sup>21</sup>Maryland State Commission on Criminal Sentencing Policy, *Maryland Sentencing Guidelines Manual* 21-22 (April 2013).

<sup>22</sup>See, e.g., American Civil Liberties Union of Maryland, *Caged Birds Sing: A report by Girls on the A Unit at Waxter* at 5 (2010).

<sup>23</sup>Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration* 12 (2011) (citing studies from Ohio, Florida and Virginia finding that low-risk youth sent to residential facilities re-offended at a higher rate than similar youth placed on probation); see also National Juvenile Justice Network, *The Truth About Consequences* (2012) (reviewing research and concluding that “the best public safety outcomes coincide with the least restrictive interventions for youth, rather than more traditional processing and incarceration.”) (citing Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg, *Formal System Processing of Juveniles: Effects on Delinquency* Campbell Systematic Reviews (2010).

<sup>24</sup>Maryland Child and Adolescent Community Innovations Institute, Department of Child and Adolescent Psychiatry, University of Maryland School of Medicine, *Functioning of Youth Served in Group Homes in the State of Maryland* 4-5 (2009).

<sup>25</sup>Charles E. Moylan, Associate Judge, Supreme Bench of Baltimore City, *Report of the Circuit Court of Baltimore City (Division of Juvenile Causes) for the Year 1950* at 12.

# GIVING CHILDREN A VOICE IN FAMILY COURT

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“Did anyone happen to borrow my black toy car while I was out of the office? I haven’t seen it since I’ve been back.” Unless you have worked with children in your practice, you perhaps have never seen this type of e-mail in your workplace. You probably never had a box of toys in your reception area to

keep clients occupied while you finish a meeting or hurry back from court. Nor have you ever interviewed a client on the floor or under a desk while coloring, building towers, or creating forts out of Legos. Walls covered with crayoned cartoon characters and drawings and offices filled with toys and stuffed animals strewn about are hard to envision in most legal environments. You have never encountered a recalcitrant teenager who stares you down daring you to be the next adult to disappoint because so many adults who have promised to help have already been in and out of their lives. Is this really the life of a lawyer? Is this a job where actual lawyering occurs and critical decisions are made? Would a lawyer actually choose this line of work? If so, why?

Millions of dollars are not involved in these cases but yes, critical and life altering decisions are made every day. Custody and visitation matters are often some of the most adversarial legal disputes. Once a petition is filed, legal decisions are made that inextricably change a child’s life. And this is happening at a time when the family is at its most vulnerable. Caretakers turn into litigants. With or without attorneys they must provide evidence and make arguments supporting the outcome that they want the judge to make. Both parents’ expressed goal is the best interest of the child, but as they perceive it.

Charged with the responsibility for making legal determinations is the judge. Often in contentious proceedings, the judge must decide the sufficiency of the evidence supporting the allegations in the parent’s petition. In this where is the voice of the child? Who, but the child, can offer the best perspective about what it means to be in their shoes. Frequently, children view judges as similar to a principal or guidance counselor who resolve disputes on the playground. Many children immediately associate the person who is making decisions about their lives with “Judge Judy,” as one 10-year-old described the judge: “he is no marshmallow but all rock.” Or, in the alternative, as one young child put it, “the judge is the one that wears the bathrobe.”

Children in custody proceedings do not have an automatic right to an attorney. In fact, only a small percentage of the children involved in these cases have a lawyer. The Attorney for the Child (AFC) is an independent actor whose duty is to his or her client. The AFC is able to focus on advocating the child’s expressed position,

utilizing the court rule to ensure that the child can meaningfully participate in the case. The AFC’s work is to partner with a child to develop their voice in the litigation through the lawyer-client counseling process which includes building rapport, respect, and trust. Frequently, children describe their attorney as their voice in court, someone who fights for them, and as one child stated, “[w]ait! You’re myyyy lawyer?! So, I finally get to say what I feel!?”

Legal representation for a child can be very confusing for the adults who have sought the court’s assistance. Excluding children from participation in matters that affect them is a knee jerk reaction with the premise that this will protect them. Just by the status of being a child it is thought that involving them and hearing their thoughts is putting a burden on them. Parents believe they are supposed to know what is best for their children and are concerned about empowering children and elevating them to an adult like status which will usurp the parent’s authority. However, children are more observant, aware and insightful than parents give them credit for as reflected in these children’s statements:

“I told my mother that she shouldn’t let no man control her like that. That just be disturbing.”

“My mom is so much more protective of her boyfriend than she ever was about any of us, her kids.”

“I like to see my father outside, not at his house. When I’m at his house, it feels like he’s not my father anymore because he’s there with his new wife and his kids.”

“He’s moving too fast, he has a fiancé already. He should at least wait until he and mom are divorced.”

“My parents are arguing like they are teens and they just broke up yesterday. They’ve been divorced for 5 years.”

“If he actually admitted that he hasn’t been involved and apologized and said he wants to make things better, I would be willing to see him. But if he just pretends that he’s always been so involved, that’s a lie.”

But how do you project your client’s voice in this murky backdrop? As attorneys who represent children we provide representation to children in custody/visitation, guardianship, domestic violence and related child protective cases in New York City Family Courts and Integrated Domestic Violence Parts in Supreme Courts. At the firm, The Children’s Law Center (CLCNY) we utilize the mission to give a child a strong and effective voice in a legal proceeding that has a critical impact on his or her life. Our core values are to provide high quality representation and to provide children with supportive, informed and passionate advocates who give voice to their unique needs. Time and again, experience shows that children, even very young children, given the time and opportunity, demonstrate not only that they have views, experiences and perspectives to express, but that their expressions can contribute positively to decisions that directly affect them and their wellbeing. As one five-year-old child reflected to his

attorney, “I know when my parents argue because the police come to the house.” Or as another young child stated, “[m]y dad is like a nice cozy couch that hugs you when you sit in it and my mom is like a hard couch that is very uncomfortable.” Accordingly, at CLCNY, our client values were developed to encapsulate the tools needed to provide a client’s voice with the acronym CHILD:

- Communicate our client’s voice
- High quality representation
- Integrate legal representation with social work
- Listen to our clients
- Develop the client’s sense of participation

The cases to which CLCNY is assigned are varied and complex and it is one of the few non-profit organizations that specializes in high conflict custody and visitation cases. The cases have a direct and substantial impact upon the lives of children, including: where and with whom they will live; whether or not they will visit a parent, grandparent, or sibling; and who will be their legal guardian. In more than half the cases, there are allegations of domestic violence between the parties, often involving the children. The fact is that the children’s voice in the process is as critical and as important as the other adults in the courtroom. It is their lives that are impacted by their parents’ behaviors or child welfare services’ actions. Accordingly, as attorneys representing children in family court, it is our role and responsibility to effectively represent the child not only in the courtroom, but also to employ strategies to defuse the conflict and reach a resolution which provides children conflict-free time and affection that they generally crave from both of their parents. This is not as simple as it sounds. Law school does not train attorneys to address the medical, social, child development, and psychological issues that often occur in families. Attorneys are taught to think analytically and not how to be sensitive to the emotions and interpersonal issues of families. Yet, AFCs must assess and address these issues every day working in a specialty which means delving into the innermost aspects of families and their relationships, and participating in legal proceedings that impacts the most intimate aspects of an individual’s life. Not surprisingly, many are reluctant to share their thoughts and feelings, especially when they know that these thoughts and feelings may be used against them when stuck in a litigious posture.

Advocates active in the litigation assume the role of mediator and negotiator. This may seem outlandish to those who believe in a win or lose mentality and that trial with competing adversaries before a judge is the best method to reach a resolution in a case. However, it is critical for the AFCs in custody and visitation cases to be the voice of reason and to convey their client’s feelings and preferences to the parents, the very people who should readily hear them before settling into a protracted legal battle. Research has shown that children “want to be consulted and informed and the inclusion of the child’s voice in the negotiations about rearrangement of the family structure correlates positively with that child’s ability to adapt to the rearranged family situation.”<sup>2</sup> Children are very aware of the conflict and generally express considerable sadness over it. When asked specifically, how it made her feel, one five-year-old client simply and profoundly responded: “I feel like a mood ring – all blue and grey.” It is not uncommon for children to express during interviews:

“I just want to be normal”

“I love them both and just want them to get along”

“I don’t want to be a part of this”

“I don’t want to have to choose”

“Just make this go away”

At CLCNY, the use of a holistic team led by the attorney is critical to help resolve cases without going to trial. Certainly, some cases cannot be resolved and they are generally identifiable early on in the case. These are cases in which the parties lack insight and are locked into their own belief systems, frequently due to personality disorders, and are immune to therapy, education, or persuasion– disagreeing with any contrary conclusions of an assessor or therapist. These parents are self-absorbed and view their own actions as being in the child’s best interests and cannot accept any other perspective. They will rarely acknowledge or accept responsibility for their actions or change, and are blind to the effects of acrimonious litigation on the child, the other parent, and extended family. Cases that go to trial generally share certain common parental characteristics that include irrational behavior, dysfunctional relationships, mental disorders, and alleged or actual engagement in potentially criminal conduct, drug abuse, domestic violence, or child abuse or neglect.<sup>3</sup>

But what about the other cases that can be resolved. These are generally situations in which there has been a traumatic separation and the parents are not prepared, skilled or knowledgeable enough to handle a child’s feelings towards the other parent while at the same time dealing with their own emotional trauma when they initially go to court. However, these parents ultimately will be open to education, behavioral transformation for the benefit of the child, engaging in therapy, and in the end, resolving the case.

Ultimately, representing children in custody and visitation cases can be significantly different than representing children in child welfare proceedings. It has been stated that child protective cases are tragedies while custody and visitation cases are dramas. Yet, even in the drama of custody and visitation litigation, a child’s voice still needs to be heard and their story told. It is up to the child’s attorney to provide that voice.

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<sup>1</sup>Dawn J. Post is the Co-Borough Director of the Brooklyn, New York office of the Children’s Law Center (CLC), co-managing the office and providing representation to children. Prior to her current position, Dawn was an Assistant Attorney-in-Charge of the Legal Aid Society’s Juvenile Rights Practice in the Brooklyn office, providing representation to children in child protective and delinquency cases. Dawn provides various trainings on family law matters, and seeks to assist individuals and institutions to recognize and address compassion fatigue and secondary trauma in attorneys through training, organizational consciousness and a more open dialogue about its effects, and to provide a supportive environment to address it. Dawn may be reached at [dpost@clcnyc.org](mailto:dpost@clcnyc.org).

<sup>2</sup>Jill Goldson, Hello, I’m a Voice, Let Me Talk Child-Inclusive Mediation In Family Separation, Centre for Child and Family Policy Research Auckland University, p. 6 December 2006.

<sup>3</sup>Child Custody Proceedings Reform, High-Conflict Custody Cases: Reforming the System for Children Conference Report and Action Plan. Conference sponsored by the American Bar Association Family Law Section and The Johnson Foundation Wingspread Conference Center, Racine, Wisconsin, September 8-10, 2000

## DISTRICT DIRECTORS

**District One (MA, ME, RI, NH, PR)**  
 Hon. MaryLou Muirhead  
 Boston Housing Court  
 Massachusetts

**District Two (NY, CT, VT)**  
 Hon. Betty J. Williams  
 New York State Supreme Court,  
 Kings County

**District Three (NJ, PA, DE)**  
 Hon. Sheila Woods-Skipper  
 Court of Common Pleas, 1st Judicial  
 District  
 Philadelphia, PA

**District Four (MD, DC, VA)**  
 Hon. Toni E. Clarke  
 Circuit Court for Prince George's  
 County  
 Maryland

**District Five (FL, GA, NC, SC)**  
 Hon. Diana S. Eagon  
 Hennepin County District Court  
 (Retired)  
 Nokomis, Florida

**District Six (AL, LA, MS, TN)**  
 Hon. Joy Cossich Lobrano  
 Fourth Circuit Court of Appeal  
 New Orleans, Louisiana

**District Seven (MI, OH, WV)**  
 Hon. Margaret A. Clark  
 Brown County Probate/Juvenile Court  
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 Hon. Debbie Kleven  
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## DISTRICT ONE (MA,ME,NH,PR,RI)

### A NOTE FROM THE DISTRICT DIRECTOR



When I joined NAWJ, I was inspired by the commitment of the organization to encourage women and minorities to pursue careers in government and to consider the legal profession and judiciary as career goals. There are many programs NAWJ and community organizations have developed such as Mentor Jet and the Color of Justice. However, the opportunity to touch and affect the lives of young people is closer than you think. I have had several opportunities to reach out to young people and encourage them.

Last winter, during a break on a busy Thursday morning, I noticed a family in the back of my courtroom when there were no cases left to be heard. Many, if not most, of the litigants in the Boston Housing Court are self-represented and I suspected that these people might be in the wrong courtroom. When my clerk inquired if the family had a case before the court, the mother responded that they were just observing because one of her sons wanted to be a judge! Anthony and Antoine, who are eight year old twins, had been sitting so quietly that I asked them to come up and talk. I then showed them around the courtroom (and the adjacent holding cell) and the "Long Road to Justice" exhibit in the atrium. We had our picture taken and everyone left with a smile on their face. Who knows if taking these few moments will make a difference in their lives but I felt it was time well spent. I later received a "thank you" card and Anthony wrote, "I appreciated your love and kindness toward us. I am working hard in school to become a judge like you."

### NAWJ RECEPTION AT THE EDWARD W. BROOKE COURTHOUSE

District One hosted a reception for newly appointed and elevated women judges in Massachusetts on June 26, 2013.



NAWJ Past President Justice Fernande R.V. Duffly congratulates Chief Judge of the U. S. District Court, Patti Saris.



Chief Justice Barbara Rouse with new Superior Court Judges Heidi Brieger and Angel Kelley Brown.



Justice Ariane Vuono welcomes Justices Diana Maldonado and Geraldine Hines to the Appeals Court.



Justice Mary Sullivan of the Appeals Court, Judge Judith Fabricant, District One Director, Mary-Lou Muirhead and Justice Barbara Link of the Supreme Judicial Court.



Judges Cathleen Campbell, Mary McCabe and Gloria Tan flanked by Judges Amy Nechtem and MaryLou Muirhead.

**JUDGE ANGELA ORDOÑEZ APPOINTED CHIEF JUSTICE OF THE PROBATE AND FAMILY COURT**



On June 27, 2013, Chief Justice Paula Carey announced that she will appoint Judge Angela Ordoñez as Chief Justice of the Probate and Family Court. Judge Ordoñez commented that, "I am honored ... to serve the Probate and Family Court as Chief Justice. The greatest strength of our Court is in the dedication of the judges and employees who work to deliver justice every day. I am thankful to be part of this re-energized organization

and look forward to supporting the mission of the Trial Court." Judge Ordoñez is the first Hispanic to serve as a Chief Justice in the Commonwealth of Massachusetts. In 2010, she was named a Distinguished Jurist by the Massachusetts Association of Women Lawyers. In 2001, she received the Las Primeras Award from the Massachusetts Association of Hispanic Attorneys. Among her many community initiatives is the creation and continued participation in the Massachusetts Bar Association's Tiered Community Mentoring Program.



**Gloucester District Court Judge and NAWJ member Ellen Flatley** was honored in June by the North Shore Women Lawyers Association "for her distinguished career and her hard work to insure justice is done every day." She was particularly recognized for her concern for women and family issues and the fair treatment of women, especially indigent women, in the courts. Judge Flatley is also a **past recipient of the Distinguished Jurist Award by the Massachusetts Association of**

**Women Lawyers.** Attending the presentation were, in photo below (left to right) are Judges Stacey Forbes-White, Amy Nechtem, Bert Conlon, Ellen Flatley, Michael Edgerton, Chief Justice of the Juvenile Court, Sally Padden and Mary Ann Driscoll.



**On September 25, 2013, in recognition of Hispanic Heritage Month,** the Massachusetts Bar Association and the Massachusetts Association of Hispanic Attorneys hosted a reception honoring the recent appointments of NAWJ members Angela M. Ordoñez as Chief Justice of the Probate and Family Court and Diana L. Maldonado as Associate Justice of the Massachusetts Appeals Court.



On September 28, 2013, NAWJ member and **New Hampshire Chief Justice Linda S. Dalianis** was honored at the Suffolk University Law School Alumni and Awards dinner with the presentation of the Outstanding Alumni Achievement Award. Judge Dalianis is a graduate of Northeastern University and Suffolk University Law School. Judge Dalianis worked in private practice in Nashua until 1979, when she became Marital Master of the Superior

Court. In 1980, she became the first woman appointed to the New Hampshire Superior Court and rose to be the first female Chief Justice of the Superior Court. In 2000, she achieved another first when appointed to the New Hampshire Supreme Court and in 2010, still another, when elevated to Chief Justice.

**COLOR OF JUSTICE PROGRAM AT NEW MISSION HIGH SCHOOL IN BOSTON**



On November 12, NAWJ District One organized a **Color of Justice Program at New Mission High School in Boston** in conjunction with the Massachusetts Bar Association's Tiered Community Mentoring Program. It provided them with an opportunity to hear from attorneys and judges who have made a commitment to public service and to their community. It also allowed students the chance to interact with successful professionals and discuss their own situations and concerns. The program coordinators were able to bring together a particularly diverse and distinguished panel, including the Chief Justice of the Probate and Family Court, Hon. Angela Ordoñez; Superior Court Judge Shannon Frison; and Judges Gloria Tan of the Juvenile Court, Antoinette Leoney of the District Court and Geraldine Hines of the Appeals Court. The attorneys on the panel were Diane Chang from the Department of Children and Family Services, Joseph Feaster from McKenzie & Associates, Joseph Kaigler, Associate Chief Counsel of Mass Port and JoeAnn Smith, First Assistant Clerk Magistrate of the Boston Housing Court.



NAWJ Past President **Judge Amy Nechtem** received the **2013 Community Service Award from the Simmons College Alumnae Association** in October. The presentation was made by fellow Simmons Alumnae, Chief Justice Karyn Scheier of the Land Court (photo on the left) who cited Judge Nechtem's dedication and service in the community as well as her commitment to young people and advocacy for juvenile justice in the courtroom.

### NAWJ MEMBERS RECEIVE JUDICIAL EXCELLENCE AWARDS AT MASSACHUSETTS JUDGES CONFERENCE



At the 2013 Annual Meeting of the Massachusetts Judges Conference, four District One members were presented the Judicial Excellence Award: Hon. Terry Craven, First Justice of the Boston Juvenile Court; Hon. Judith Fabricant, Associate Justice of the Superior Court; Hon. Ellen Flatley, Associate Justice, Lynn District Court; and Hon. Mary Anne Sahagian, First Justice of the Essex County Probate and Family Court. This award recognizes judges who demonstrate a commitment to “maintaining a fair and impartial judiciary and legal system” and have “the courage and willingness to work unselfishly for the benefit of society.”



Judge Martha Grace (right) with Judge Leila Kern.

A highlight for the district at NAWJ's Annual Conference in New Orleans was the presentation of the Norma Wickler Excellence in Service Award to district member **Justice Patricia Ann Hurst**, by then NAWJ President Joan Churchill (photo left).

Judge Martha Grace (right) with Judge Leila Kern.

### DISTRICT TWO (CT,NY,VT)

In August, **U.S. Supreme Court Justice Ruth Bader Ginsburg** visited the Glimmerglass Festival, in Cooperstown, NY, and gave a talk on the passions of her life – opera and the law.

In January of this year, **Supreme Court Justice Sonia Sotomayor's memoir “My Beloved World”** landed on the New York Times' non-fiction bestseller list and she swore in Vice President Biden for his second term.

**Supreme Court Justice Elena Kagan** spoke at the Aspen Ideas Festival in June.

In May, former Chief Judge of the New York Court of Appeals Judge Judith Kaye and former Associate Judge Carmen Beauchamp Ciparick joined in a **discussion of the role of the New York courts in international disputes** as part of the International Section of the New York State Bar Association's Global Law Week. Judge Kaye is the **chair of an arbitration panel** in a dispute between the Seneca

Nation of Indians and the State of New York regarding whether New York violated a 2002 gambling rights compact. Judge Kaye also was the **commencement speaker at the Syracuse University College of Law** in May. In September, Judge Kaye will be among the hosts celebrating **New York State Youth Courts** in a program sponsored by the U.S. Attorney's Office of New York, Northern District, the Special Committee on Youth Courts (NYSBA), and the Association of New York State Youth Courts.

After retiring from the Court of Appeals, **Judge Carmen Beauchamp Ciparick** joined Greenberg Traurig in January as of counsel in the firm's New York litigation and appellate practices. New York Court of Appeals Chief Judge Jonathan Lippman named Judge Ciparick as **co-chair of a task force aimed at eliminating wrongful convictions in the state**. Judge Ciparick was also honored by the Historical Society of New York Courts and was presented with an Award for Legal Excellence. In June, Judge Ciparick **released her report as special master** in the U.S. District Court, Southern District of New York case of *Ann Molina vs. the County of Orange*, a redistricting case. In August, Assembly Speaker Sheldon Silver appointed Judge Ciparick to the state Indigent Legal Service Board. In addition, Judge Ciparick was presented with the 2013 Pionera Award at the Latino Justice's Fourth Annual Latina Trailblazers breakfast.

On July 2, 2013, the Hon. Betty W. Ellerin, former Associate Justice of the New York Appellate Division, First Department was **appointed by Governor Andrew M. Cuomo to the “Commission to Investigate Public Corruption”** under the Moreland Act and Executive Law Section 63(8) to probe systemic corruption. Judge Ellerin, along with Judge Kaye, was among the persons chosen by the New York Law Journal as outstanding lawyers to receive its Lifetime Achievement Award.

In conjunction with other local bar associations, some of our members attended a boat ride around New York City to celebrate the arrival of summer.

On October 16, 2013, the **Black Bar Association of Bronx County celebrated its 30th Anniversary** by honoring the achievements of its distinguished members. Among the honorees were NAWJ's own Judge Sheila Abdus-Salaam, New York Court of Appeals, and Justice Darcel D. Clark, New York Supreme Court Appellate Division, First Department. The event was held in the New York Botanical Gardens.

Justice Sheri Roman of the New York Appellate Division, Second Department, was the installing officer of the Queens Brandeis Association in October. Justice Roman also has been very busy organizing the National Association of Women Judges' website.

### NAWJ PRESENTS PROGRAM ON AFFIRMATIVE ACTION AT FORDHAM UNIVERSITY LAW SCHOOL

On November 23, the Fairness and Access Committee and its **Co-Chairs Hon. Marcia P. Hirsch and Hon. Debra A. James** presented the program, “Affirmative Action After Fisher v. University of Texas (at Austin) & Schuette v. Coalition to Defend Affirmative Action.” Nearly thirty judges, lawyers and law students had the opportunity to respond to speakers Professor Robin Lenhardt, Fordham University Law School; Shanta Driver, Esq., National Chair of the Coalition to Defend Affirmative Action, Integration, and Immigrant Rights and Fight for Equality by Any Means Necessary; Professor Peter Schuck, Professor of Law Emeritus at Yale University; and Professor Theodore Shaw, Professor of Professional Practice at Columbia University School of Law. The program was such a success that law school student Dr. Sharam Shekib immediately joined NAWJ.

**DANBURY PRISON TO REMAIN — NAWJ COMMUNITY JOINS WITH PARTNERS, LEGISLATORS; SERVICES FOR WOMEN IN PRISON TO INCREASE**



In 2012, ever mindful to the conditions of women in prison, NAWJ's Women in Prison Committee learned of the federal Bureau of Prison's (BOP) request for operating funds to create a new large women's prison in Aliceville, Alabama. The proposed isolated location meant that family visits would be very difficult for inmates outside of the region. Initial inquiries from the Women in Prison (WIP) concluded there was nothing it could do to change the BOP's plans.

Much to WIP's surprise and horror, in July 2013 the BOP announced it was going to close the only women's prison in the northeast, Danbury, Connecticut, and send most of the women to the new prison in Aliceville. Danbury has a residential drug program, a gynecologist on staff, and volunteer groups in a metropolitan area that provide services. Aliceville, despite the best efforts of its chamber of commerce, had minimal resources.

The Committee contacted additional individuals and groups who might share its view that closing Danbury would be detrimental to the women inmates and their families, particularly children, who lived in the Northeast. The WIP put together a grass roots effort to keep Danbury open that included: Professor Judith Resnik and others at the Liman Center at Yale; Citizens United for Rehabilitation of Errants (CURE); Lynn Hecht Schafran, Legal Momentum; Nan Aron, Alliance for Justice; Judy Lichtman, National Partnership for Women & Families; Marcia Greenberger; and Piper Kerman, Board Member of the Women's Prison Association in New York.

On August 22, 2013, NAWJ President-Elect Judge Anna Blackburne-Rigsby, Judges Patricia Wald, Gladys Kessler, and Brenda Murray, Professor Brenda V. Smith, and Charlie Sullivan (CURE) met with Charles Samuels, BOP Director. On August 26, 2013, the same group met with Deputy Attorney General James Cole.

Professor Resnik and Lynn Schafran worked with Congressional staffers, Senators Richard Blumenthal (CT), Robert P. Casey, Jr., (PA), Kirsten E. Gillibrand (NY), Angus S. King (Maine), Patrick Leahy (VT), Edward J. Markey (MA), Christopher Murphy (CT), Bernard Sanders (VT), Jeanne Shaheen (NH), Charles E. Schumer (NY), and Elizabeth Warren (MA), to write to BOP Director Samuels expressing concern.

The judiciary was amazing. U.S. District Court Chief Judges Carol B. Amon, Deborah Chasanow, Christopher C. Conner, Janet Hall, Joseph Laplante, Mary L. Lisi, Michael A. Posnor, Loretta A. Preska, Patti B. Saris, Jerome B. Simandle, William B. Skretny, Gregory Sleet, Mark L. Wolfe, John Woodcock, and Judge Rya W. Zobel, also wrote to Director Samuels.

On November 6, 2013, the BOP Director called the WIP and informed us that there would continue to be a 200-bed secured facility at Danbury with all existing services and programs; a new 50-bed facility in Brooklyn, New York; and a committee of wardens to advise on best practices for treating women. NAWJ's status and efforts made this possible. Thank you to Justices Joan Dempsey Klein and Vaino Spencer.

**CONGRATULATIONS TO OUR NEWEST JUDGES**

We welcome to the bench Judges Theresa M. Ciccotto, Denise Dominquez, Dakota Ramseur, Mary Rosado, Carol Sharpe and Kim Adair Wilson, who were elected to Civil Court on November 5, 2013. We also welcome Judge Leslie Stroth who was previously appointed to Housing Court. We welcome all to become NAWJ members.

**HON. DEBRA A. JAMES ELECTED TO NEW YORK STATE SUPREME COURT**



Justice Debra A. James, Co-Chair of NAWJ's Fairness and Access Committee and Immediate Past Chair of the District's Women in Prison Committee, was elected to New York State Supreme Court in Manhattan's general election on November 5, 2013. Her fourteen-year term will begin on January 1, 2014. Since her appointment as an Acting Supreme Court Justice in 2002, Judge James has presided over

hundreds of civil actions in every type of case or controversy brought in New York's trial court of plenary jurisdiction. Elected in 1994 and re-elected in 2004, Judge James began her judicial career in New York City's Civil Court. Judge James earned her law degree from Cornell Law School, and graduated cum laude in American Government & Politics from Cornell University. As the chapter's Women in Prison Committee Chair, Judge James facilitated the collaboration between the Avon Global Center for Women and Justice and the Correctional Association of New York on their joint program and report entitled "From Protection to Punishment: Post-Conviction Barriers to Justice for Domestic Violence Survivor-Defendants in New York State." In addition to her NAWJ work, Judge James serves on the Executive Committee of the New York City Bar Association. During her twenty years on the bench, Judge James has mentored scores of summer law student interns, participated in law school moot court competitions, and lectured lawyers on civil trial advocacy.

**CONGRATULATIONS TO JUDGE BETTY WILLIAMS**



On November 5, 2013, longtime NAWJ member and Women in Prison Co-Chair Judge Betty J. Williams was elected to the New York State Supreme Court and will assume her new position January 2014. Judge Williams currently presides in the Misdemeanor Brooklyn Treatment Court (MBTC) and Part 70 (felony), Kings County Criminal Court. MBTC and Part 70 follow the national drug court model, where long term substance abuse offenders are given the opportunity to receive treatment instead of incarceration. Judge Williams was re-elected to Kings County (Brooklyn) Civil Court in November 2010 (first elected in November 2000) and has been assigned to Kings County Criminal Court since January 1, 2001. She was appointed Acting Supreme Court Justice on March 31, 2009.

**DISTRICT THREE (DE,NJ,PA,VI)**

**COURTING ART**





NAWJ member, **Montgomery County Common Pleas Court Judge Carolyn Carluccio** chaired the Local Bar Association Community Outreach Committee, where she led efforts to brighten courthouse corridor walls. The resulting project was a county-wide contest for artists, aged 55 and older, to create paintings with the theme, “What I Love About Montgomery County.” **More than one hundred entries were submitted and displayed at the Montgomery County Community College Fine Arts Building.** Thirty-four winning entries now grace the courthouse walls. “The contest received an enormous outpouring of support from the community. In fact, it was so successful that we intend to repeat it next year,” said Judge Carluccio.

## SUCCESS IN AND OUT



**Philadelphia Chapter of NAWJ** sponsored its Second Seminar and Workshops at the Riverside Correctional Facility for Women on June 27, 2013, led by NAWJ Pennsylvania state representative Judge Doris Pechkurow. This event included the participation of fifteen

agencies and strong support from the facility’s Prison Commissioner, Warden and other participating agencies. Workshops included “I’m Not Coming Back and Here’s Why” (*Thirty Days Out: Navigating the first month after your release*), “Will Your First Impression Be Your Last?” (*Etiquette In and Out: Projecting your best in Court and Everywhere Else*), “Steps Towards a Fantastic Future” (*Job Readiness: How to Look For, Apply For, Interview For and Get a Job*), “Fuzzy Math-Making Sense of Schooling” (*Education: Getting Yourself and Your Children Through School*), “I’m Nobody’s Punching Bag” (*Domestic Violence: Avoiding and Surviving Abusive Relationships*) and “What About My Kids?” (*Choices, Custody and the Courts: Dealing with Your Children and the Courts*). There was also an image consultant who showed the participants how to look their best. A formally incarcerated woman was the featured speaker who talked about “Success Begins on the Inside.” NAWJ participants included District 3 Director, Judge Sheila Woods-Skipper, Judges Doris Pechkorow, Barbara McDermott, Maria McLaughlin, Lisette Shirdan-Harris, Diane Thompson and Karen Shreeves-Johns.

## TAIWANESE JUDGES VISIT NEW JERSEY



Judge Michelle Hollar-Gregory’s beautiful courtroom served a backdrop for five judges from Taiwan who sit in civil court. Judge Hollar-Gregory seated third from left, is a member of NAWJ’s International Judicial Exchange Committee

Judge Hollar-Gregory, seated third from left, is a member of NAWJ’s International Judicial Exchange Committee.

**The Garden State Bar Association** honored NAWJ member Judge Sandra Robinson with the Roger M. Young Award on June 1, 2013 at its 38th Anniversary Scholarship and Awards Gala.

**District Three held its meeting** on July, 27, 2013 at the Hershey Hotel. Plans were made for future events, including hosting a program in February 2014.

## NEW JERSEY NAWJ AND NEW JERSEY OFFICE OF ADMINISTRATIVE LAW (OAL) PERSONNEL CONGRATULATE THE 2013 SUMMER OAL INTERNS FOR A JOB WELL DONE



From Left to right: Hon. Leland McGee, ALJ; Hon. Evelyn Marose, ALJ; Hon. Tiffany Williams, ALJ; Kevin Bloom, Rutgers Law School; Hon. Caridad Rigo, ALJ; Ali Yusuf Ozbek, Rutgers Law School; Hon. Leslie Celentano, ALJ; Richard Keiser, Esq., Managing ALJ Clerk; Hon. Carol I. Cohen, Assignment Judge; Kyle Trent, Law Clerk; Hon. Tahesha Way, ALJ; David Ulric, Rutgers Law School; Hon. Sandra Ann Robinson, ALJ. Also in attendance for the intern recognition were Judges Mumtaz Bari-Brown, JoAnn LaSala Candido, Patricia Kerins and Kimberly Moss. All Administrative Law Judges (ALJ’s) are NAWJ members.

The next district meeting will be held in Philadelphia on Saturday February, 22, 2014 at the Westin Hotel.

**CONGRATULATIONS TO JUDGE SHEILA WOODS-SKIPPER**



Judge Woods-Skipper, who currently sits on the Court of Common Pleas, First Judicial District of Pennsylvania, was recently elevated to its President Judge. She was appointed by the former Governor Tom Ridge and unanimously confirmed by the Pennsylvania State Senate in December 1998, and later re-elected to her second ten-year term. She was

appointed Supervising Judge for the Criminal Division of the First Judicial District in November 2008, where she has been instrumental in creating and overseeing innovative programs in the Criminal Division that have reduced the prison population and increased efficiency in the processing of criminal cases. She currently presides over the newly created First Judicial District Mental Health Court. Judge Woods-Skipper was appointed by Governor Rendell to the State Council for Interstate Compact for Adult Offenders, and was also appointed by the late Justice Cappy, and re-appointed by Justice Castille, to the Pennsylvania Commission on Sentencing. She was also selected to serve on the Mental Health Advisory Commission (MHAC) of the Pennsylvania Commission on Crime & Delinquency. Judge Woods-Skipper is a native Philadelphian who attended Philadelphia High School for Girls, the University of Pennsylvania and Temple University School of Law. Judge Woods-Skipper holds leadership roles in the Pennsylvania Conference of State Trial Judges and the American Judges Association and is a frequent speaker on criminal justice topics.

**DISTRICT FOUR (DC,MD,VA)**

**NAWJ AT THE WAXTER JUVENILE DETENTION CENTER**

In March, **NAWJ members Judge Cathy Serrette and Judge Caryn Hines** were among several judges who joined the Maryland Women’s Bar Association at the Waxter Juvenile Detention Center. The judges and lawyers worked with young ladies to devise skits, artwork and poems on topics, such as etiquette and goal setting. At the conclusion of the program, the judges and lawyers gave the young women a party.

In May 2013, the **Maryland Chapter of NAWJ held a meeting at the State Judicial Conference** on the Eastern Shore. New judges suggested the chapter present a program which provides an overview of NAWJ projects.

**NAWJ MARYLAND LEADERSHIP CONFERENCE**



On September 7, 2013, Maryland Chapter of NAWJ held a **leadership conference at Maryland Court of Appeals, Annapolis**. The idea for the brainstorming meeting came up at a NAWJ meeting at the Maryland Judicial Conference. An overview of NAWJ projects and goals was presented. New judges joined NAWJ.

**JUDICIAL RECEPTION AND DINNER HONORING MARYLAND COURT OF APPEALS’ CHIEF JUDGE MARY ELLEN BARBERA**



From left Hon. Peter Krauser, Hon. Patricia Campbell-Smith, Hon. Emily Hewitt, Hon. Mary Ellen Barbera, Hon. Deborah Chasanow, behind her: former Judge Delaware Beard, Montgomery County Circuit Court, Maryland; Hon. Eric Washington, and former Chief Judge Robert Bell, Court of Appeals for MD.

On Wednesday, September 25, 2013, NAWJ District 4 honored Chief Judge Mary Ellen Barbera for her recent appointment as the first female Chief Judge of Maryland’s highest appellate court, the Court of Appeals of Maryland. The judicial reception and dinner took place at The Cosmos Club in Washington, D.C. Many Chief Judges in the Washington, D.C. and Maryland metropolitan areas attended the event. They included former Chief Judge Robert Bell of the Court of Appeals of Maryland; Chief Judge Eric Washington of the District of Columbia Court of Appeals; Chief Judge Deborah Chasanow of the U.S. District Court of Maryland; Chief Judge Emily Hewitt of the U.S. Court of Federal Claims; Chief Judge Peter Krauser of the Court of Special Appeals of Maryland; Chief Administrative Law Judge Brenda Murray of the U.S. Securities and Exchange Commission; and former Chief Special Master Patricia Campbell Smith of the U.S. Court of Federal Claims.



Judges Arabella Teal and Nicholas Cobb performing the play reading.

**Several deans of area law schools attended the celebration**, including Dean Claudio Grossman of Georgetown Law Center, and Dean Phoebe Haddon of the University of Maryland School of Law, Chief Judge Barbera’s alma mater. Altheria Myers, Special Assistant to Interim Dean Okianer Dark of the Howard University School of Law was also present for the occasion.

**The judicial reception was followed by a play, “Belva The Lady Lawyer,” featuring a cast of judges.** NAWJ member Judge Paul Handy wrote the play, which shared the life of Belva Lockwood, the first woman to practice law before the U.S. Supreme Court. Attorney Lockwood lobbied Congress for five years to pass legislation approving women’s admission to the Bar of the U.S. Supreme Court. U.S. Senator Allen G. Thurman (D-Ohio) blocked the passage of legislation allowing women to practice law before the Court. Ms. Lockwood was the second woman to run for president of the United States. She was inducted into the National Women’s Hall of Fame in 1983. The role of Belva Lockwood was portrayed by NAWJ member and District of Columbia Administrative Law Judge Arabella Teal. Senator Thurman was portrayed by D.C. Administrative Law Judge Nicholas Cobbs.

On October 26, 2013, the District co-sponsored the **Women Moving Forward Conference at the Maryland Correctional Institute for Women**, which support the re-entry of women in prison into the community. Judge Brooke Murdock and Rev. Cheryl Mercer were the conference co-chairs.

## 2013 ANNUAL CONFERENCE DONORS

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**Next Spring**, the Maryland Chapter will be working with the Elizabeth Seaton High School to present a program on Human Trafficking to junior and senior students. Judge Krystal Alves will be the program co-chair.

### INCOMING DISTRICT DIRECTOR HON. MARCELLA HOLLAND RETIRES



On November 14, 2013, the Monumental City Bar and the Friends of Judge Marcella Holland celebrated the service of the Hon. Marcella Holland on the Circuit Court of Maryland Eighth Judicial Circuit, Circuit Court for Baltimore City, from 1997 to 2013. The celebration was held at the Reginald F. Lewis Museum. Judge Holland was elected District Director at the annual conference in New Orleans.

### HONORABLE LENORE G. EHRIG - 89

One of NAWJ's earliest members, the Honorable Lenore Ehrig, passed away on July 31, 2013. She was Chief Administrative Law Judge at the Federal Communications Commission. An NAWJ life member, she also served in the 1990's as District Four's President/District Director and was the first female to be appointed Chief Administrative Law Judge of a federal agency.

### JUDGE J.E. SULLIVAN JOINS THE BAR OF THE U.S. SUPREME COURT



On Oct. 16, 2013, just after returning from the NAWJ Annual conference in New Orleans, then NAWJ President Hon. Joan Churchill had the honor and privilege to move the admission of district member Judge J.E. Sullivan as a member to the Bar of the U.S. Supreme Court. In photo, Judge J.E. Sullivan, a U.S. Administrative Law Judge for the U.S. Department of Transportation Office of Hearings, is featured with outgoing NAWJ President Hon. Joan Churchill, and Cody Smith, an Attorney Adviser in Judge Sullivan's office.

### PRESIDENT OBAMA HONORS JUDGE PATRICIA WALD WITH MEDAL OF FREEDOM IN WHITE HOUSE CEREMONY

The White House announced this summer that President Barack Obama would award the Medal of Freedom to the Honorable Patricia Wald, the first woman appointed to the U.S. Court of Appeals for the D.C. Circuit. The President hosted the 2013 award ceremony in the East Room of the White House on Nov. 20th, where Judge Wald was recognized for her lifetime accomplishments. A longtime member of NAWJ, Judge Patricia Wald is one of the most respected appellate judges of her generation. Following her graduation from Yale Law School where she was one of 11 women in her class, Judge Wald became the first woman appointed to the U.S. Circuit Court of Appeals for the District of Columbia. She served as Chief Judge from 1986-1991. She later served on the International Criminal Tribunal in The Hague. Judge Wald currently serves on the Privacy and Civil Liberties Oversight Board.

### NAWJ MEMBER U.S. CIRCUIT JUDGE PAULINE NEWMAN HONORED WITH THE ABA MARK T. BANNER AWARD



Judge Pauline Newman was nominated to the U.S. Court of Appeals for the Federal Circuit by President Reagan on January 30, 1984, and assumed the duties of such office on May 7, 1984. She received a B.A. degree from Vassar College in 1947, a M.A. degree in Pure Science from Columbia University in 1948, and a Ph.D. in Chemistry from Yale University in 1952. She received an L.L.B. degree from New York University School of Law in 1958.

Judge Newman was the Director of Patent, Trademark and Licensing at FMC Corporation at the time of her appointment to the bench. She also served as patent attorney and house counsel of FMC Corporation and as a research scientist at American Cyanamid Company. She worked for the United Nations Educational, Scientific and Cultural Organization as a science policy specialist in the Department of Natural Resources. Judge Newman has served as an officer and director of several bar and scientific organizations. She has also served on several public advisory committees, including the Advisory Committee to the Domestic Policy Review of Industrial Innovation and the State Department Advisory Committee on International Intellectual Property. She was Special Adviser to the United States Delegation to the Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property.

The Mark T. Banner Award, in honor of the late Mark T. Banner, is presented to an individual or group that has an impact on intellectual property law and/or practice. Award recipients have advanced the practice, profession, and/or substance of IP law through extraordinary contributions to, among other things, teaching, scholarship, legislation, advocacy, bar or other association activities, or the judiciary.

## DISTRICT FIVE (FL,GA,NC,SC)

### FLORIDA

Dade County Judge Gladys Perez is NAWJ's **state representative for Florida**.

Several members in Florida are hard at work on NAWJ's new 'Informed Voters/Fair Judges' initiative, a nonpartisan voter education project developed to increase the knowledge of our citizens regarding the judicial system. The Informed Voters project will communicate nationally, but focus in eight pilot project states. **Florida Supreme Court Justices Barbara Pariente and Peggy Ann Quince** have been working as project committee members to formulate the project's messaging and program content. Florida Supreme Court Justice Barbara Pariente also serves as chair of the project's State of Florida coordinating committee which is primarily responsible for the project's outreach efforts in Florida. **NAWJ member Linda Leali is co-chair of the project's Development Committee**, which is charged with securing funding for its implementation.

**Judge Janet A. J. Mahon** is planning a Color of Justice program for Orlando.

Judge Cindy Lederman has been invited by the National Research Council at the National Academy of Sciences to participate as a member of the Roundtable on Crime Trends, a three year project where the participants are charged with describing and explaining the crime drop of the past twenty years.

### GEORGIA

Court of Appeals Judge Sara Doyle in Atlanta is NAWJ's **state representative for Georgia**.

### NORTH CAROLINA

Judge Jane Harper is NAWJ's **state representative for North Carolina**.

Last November, *North Carolina Weekly* began announcing **Women of Justice awards**. All of the winners in the Public Officials category were state district court judges. Judge Lisa Bell, who then was the Chief District Court Judge in Charlotte (she was recently appointed to the Superior Court), also won the Woman of the Year award. She, along with Judges Trosch and McKoy-Mitchell, has presided in juvenile court. Judge Hands is the lead domestic violence judge in Charlotte. This year's nomination process is underway and one Charlotte judge is under consideration. All are NAWJ member prospects.

**The North Carolina legislature extended its authorization for the state's first Domestic Violence Fatality Prevention and Review Team**, which began work in Charlotte in 2010. Three other counties have requested and received authorization to form teams. Judge Harper chairs the Charlotte team. She will present its report titled "Don't Shoot Me!" which reflects the preponderance of gun deaths in the cases reviewed.

### SOUTH CAROLINA

Attorney and frequent Color of Justice presenter **Chisa J. Putman** is NAWJ's state representative in South Carolina. The Color of Justice committee hosted a program in Columbia on April 27th. Ms. Putman was selected as an **ABA Young Lawyer Division Scholar and General Practice Solo Fellow**. She attended the inaugural Collaborative Bar Leadership Academy in June.

## DISTRICT SIX (AL,LA,MS,TN)

See New Orleans Retrospective. NAWJ acknowledges with gratitude the many supporters of this year's Annual Conference. They are listed in the columns to the right and left.

## DISTRICT SEVEN (MI,OH,WV)

### JUSTICE AND THE LUNCH CART: BATTLING HUMAN TRAFFICKING AND SEXUAL EXPLOITATION THROUGH THE COURTS AND "FREEDOM A LA CART", BY COLONEL LINDA STRITE MURNANE



Rita Lynch, Julie Clark and Freedom a la Cart employee provide service at the Pearl Alley Market in Columbus, Ohio.

On a warm spring afternoon, a trip to the City of Columbus' Pearl Alley Market allows visitors an opportunity to not only enjoy great lunch cart cuisine, but it also provides an opportunity to fight human trafficking and sexual exploitation.

Through the joint efforts of Franklin County Municipal Court Judge Paul Herbert and Human Trafficking agency, Doma, victims of sexual exploitation and human trafficking are finding their way back to the legitimate work force through Freedom a La Cart, a catering and food service enterprise started by Doma Founder, Julie Clark.

### Bon Amis

A Confidential Transportation  
Allan Berger & Associates, PLC  
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Basin Street Records  
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Deutsch, Kerrigan & Stiles, L.L.P.  
Domengeaux, Wright, Roy & Edwards, L.L.C.  
Elmer's Chee Wees  
Frances & Calvin Fayard  
Friend & Company Fine Jewelers  
Gainsburgh, Benjamin, David, Meunier & Warshauer, L.L.C.;  
Honorable Toni Higginbotham  
Jacobs, Sarrat, Lovelace & Harris  
Jones & Alexander  
Law Office of Francis J. Loblano  
Levin, Fishbein, Sedran & Berman  
Live Oak Manor Volunteer Fire Department  
Lynn Luker & Associates, LLC  
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New Orleans Convention and Visitors Bureau  
Ron Austin & Associates, LLC  
Norma Jane Sabiston  
Saks Fifth Avenue  
Tabasco  
Keith Whipple, Esq.  
Honorable Vanessa Guidry-Whipple

## JUDGE PAUL HERBERT AND C.A.T.C.H. COURT



Judge Paul Herbert presides over C.A.T.C.H. Court in the Franklin County Municipal Court.

Judge Herbert began by explaining how the efforts to fight human trafficking and sexual exploitation began. “I was in 4D, the Franklin County arraignments courtroom, one week, and I listened to forty-four cases involving domestic violence that week. After hearing story after story of violence and brutality, I began to wonder if I really wanted to be a judge anymore,” Judge Herbert explained. “There was a woman the Sheriff brought into the court room to be arraigned. She was charged with prostitution, but she had the appearance of many of the victims of domestic violence I had seen during the week,” Judge Herbert said. “When I saw this woman, and heard she was charged with prostitution, I decided I needed to learn more about prostitution and why women have turned to it to earn money. I learned that one-third of all prostitutes enter the sex worker industry before age 15. In studying more about this offense, I found out that sixty-two percent of women were in prostitution before their 18th birthday, and that ninety-two percent of prostitutes who entered the sex worker industry as juveniles were runaways, usually as the result of physical or sexual abuse, or both, in their home,” Judge Herbert said.

Judge Herbert went on to share that alcohol and drug abuse is nearly universal among prostitutes. Eighty-two percent are physically assaulted and eighty-three percent have been threatened with a weapon. More than sixty-five percent have been raped while working, and twenty-seven percent of those who have been raped have been attacked by multiple assailants. Worse still is the information that women in prostitution are eighteen percent more likely to be murdered than women of similar age and race and that fifteen percent of all suicides are prostitutes. Nearly seventy-five percent of women engaged in prostitution will attempt suicide.

What he learned about the dangers of prostitution became a driving force for Judge Herbert, searching for a way to change the landscape for these women. “Franklin County has had a Mental Health Court program for some time, and I began to search for a specialty court that might address the unique needs of the individuals who were being brought into the criminal justice system for prostitution,” Judge Herbert explained. He found two courts in the U.S. running programs to address prostitution and the issues related to those in the criminal justice system. He called the judges operating both courts, and visited a court in Pittsburgh, PA. “I was inspired and impressed with what I saw in the court in Pittsburgh and was determined to bring that therapeutic court model to Columbus,” Judge Herbert said.

Judge Herbert began the C.A.T.C.H. Court program in his Franklin County Municipal Courtroom in 2008. C.A.T.C.H. stands for “Changing Actions to Change Habits.” In making the case for C.A.T.C.H., Judge Herbert outlined the wide range of public funds and societal concerns that would be addressed by the new approach. “The known cost of prostitution in Franklin County is \$5.4 million per year,” Judge Herbert said. “The issues tied to prostitution which weigh on county resources are many,” he said. They include:

- 54% of prostitutes test positive for sexually transmitted diseases with syphilis being the most prevalent;
- Jail costs taxpayers a minimum of \$79 per day per prisoner;
- Jail can cost as much as \$300 per day for a prisoner depending on the prisoner’s needs;
- Hospitalizations as the result of street violence;
- Prenatal care, labor and delivery – of 68 prostitution cases reviewed, 75% reported 254 pregnancies resulting in 123 live births with most of those children going to foster care;

- Foster care expenses can be as high as \$1,000 per month per child;
- Juvenile Court Guardianships;
- Neighborhood decline;
- Generationally fractured families.

The C.A.T.C.H. Court program involves weekly meetings in the courtroom and daily contact with probation officers. “Participants in the C.A.T.C.H. Court Program have people they are not allowed to be in touch with and places they are not permitted to go as conditions of their probation,” Judge Herbert explained. “We try to keep those in the program away from people, places and things that are triggers. We use tools like SCRAM, GPS and random drug screens to help them address their addictions. I have frequently said that C.A.T.C.H. Court is like a specialty mental health court on steroids,” Judge Herbert explained.

Judge Herbert reminisced, “I think back to that week in 4 D and look today at the work being done in C.A.T.C.H. Court and I am inspired seeing these women go from surviving to thriving in their lives. Their resiliency counter balances their deeply troubling personal stories.”

## ENTER DOMA AND FREEDOM A LA CART

When these women leave Judge Herbert’s specialty court, however, the risk of their returning to prostitution to meet personal expenses was a concern.

Julie Clark has been caring for vulnerable women and children since her first visit to a Russian orphanage in 1993. Her primary focus has been on breaking the orphan cycle. This led Julie to establish the non-profit organization called “Doma.” “When I came to Columbus, I was looking for a way to connect my past work with survivors of human trafficking to my past work,” Julie explained. “Someone told me I needed to meet Judge Herbert, and so I came to his C.A.T.C.H. Court,” she said.”

Julie asked Judge Herbert what her organization, Doma, could do to help with his efforts. “Women came to the court at 4 p.m. and everyone was hungry, so we began by bringing food for the women attending the C.A.T.C.H. Court program. Doma volunteers would bring food, including new cuisine. In Ohio, the average entry age into prostitution is 13, and their food experiences were pretty limited,” Julie explained.

In addition to providing food, Doma began recruiting and training volunteers to participate in Doma’s comprehensive life skills program. After extensive training, Doma volunteers can be individually paired with a C.A.T.C.H. participant. The one-on-one peer mentorship is a key component of Doma’s work with C.A.T.C.H. Despite the proven success of C.A.T.C.H. in rehabilitating trafficking survivors and in addressing issues related to drugs, alcohol and safe peer support, and the success of Doma’s community-based treatment program, Julie observed that as individuals completed the program, many of the graduates could not get jobs. “Many of the graduates of the program had not been in a traditional job environment, and were in need of job training, among other needs,” Julie said. Julie and her colleagues at Doma began to look into the kinds of supervised and structured post-court work settings they might be able to organize for graduates of the C.A.T.C.H. program. With the experience of seeing the women in court enjoying food and sharing information about food preparation, the Doma team looked into what it might take to establish a food service program.

## FREEDOM A LA CART

With an initial investment of \$1,900 for the food cart, the Freedom a La Cart opportunity was born. Freedom a La Cart currently boasts fifteen employees. While they do a brisk lunch counter and food cart business, they also have branched into boxed lunches and private catering, including events for law firms and the courts in Franklin County. Employees of Freedom a La Cart learn how to set

up the food cart, and how to prepare the food. The menu offers creative gourmet foods, appealing to a variety of tastes. They include specialty vegan menu items among their many food options. All of the employees of Freedom a La Cart come from a situation in which they were past victims of sexual exploitation. About ninety percent of the employees are C.A.T.C.H. Court graduates.

Individuals who want to participate in the Freedom a La Cart job experience begin as volunteers while still in the court supervised probation program. Once they have completed their required treatment plan, they can begin a staged progression toward receiving a paycheck. Those who come to work with Freedom a La Cart have guaranteed hours, and gain increased responsibility over time. At Freedom a La Cart, survivors learn work and life skills, including organization, job expectations, professionalism, time management, conflict resolution, customer service, nutrition, grocery shopping, goal setting and some computer skills.

One C.A.T.C.H. Court graduate, Rita, handles purchasing and supervises the kitchen. Rita had run her own business at one time, but suffered from addiction in her 30s. "I knew I wanted to be a responsible person and return to being a part of society as I had in the past," Rita explained. "I have been clean and sober for four years now," Rita said as she prepared a meal for a Columbus business person visiting Pearl Alley for lunch. Determined in her commitment to sobriety, Rita added "C.A.T.C.H. Court saved my life."

**MENTORJET**



On September 13, 2013, former District Director Michigan Judge Katherine Hansen, and her dedicated partner in Mentor Jet presentations, Dickinson Wright attorney Allison Bach (both pictured), co-chaired

"Taking Networking to New Heights." Sponsored by NAWJ, the Detroit Metro Bar Association, the Women Lawyers Association of Michigan - Wayne Region, and the University of Detroit Law School, the program convened nearly twenty-five judges, attorneys and other legal experts to mentor students along the path of establishing a legal career.

**DISTRICT EIGHT (IL,IN,KY)**

**MAKING STRIDES AGAINST BREAST CANCER WITH THE WOMEN'S BAR ASSOCIATION OF ILLINOIS**



On October 25, 2013, District 8 Director Judge Ann Breen-Greco (far right), walked for Making Strides Against Breast Cancer with the Women's Bar Association of Illinois (WBAI), including WBAI President Michelle Kohut, standing behind her seven-month old baby, Charlie. The walk took place around Chicago's

Soldier Field, home of the Chicago Bears. Judge Breen-Greco is wearing the cap with the Boston and NAWJ logos, provided by former President Judge Amy Nechtem, at NAWJ's 2012 Midyear in Boston.

**WOMEN'S BAR ASSOCIATION OF ILLINOIS RECEPTION TO CELEBRATE HISTORY**

On October 29, 2013, NAWJ District 8 members attended the Women's Bar Association of Illinois' reception to celebrate history. Judge Diane Pamela Wood became the first female Chief Judge of the United States Court of Appeals for the Seventh Circuit and Justice Rita Garman became only the second female Chief Justice of the Illinois Supreme Court. **NAWJ members in attendance were Judges Sophia Hall, Cheryl Cesario, Virginia Kendall and Ann Breen-Greco.**



Left to right, Judge Sophia Hall, Justice Rita Garman, Judges Diane Wood, Ann Breen-Greco, and Cheryl Cesario at the Women's Bar Association of Illinois reception for Justice Garman and Judge Wood.

**NAWJ held a very successful outreach program with John Marshall Law School.**

Student representatives of student organizations including: Health Law Society, Polish American Law Society, Environmental Law Society, Black Law Student Association, Student Bar Association, Renaissance Society, and the Fashion Law Society participated. District members Judges Sophia Hall, Loretta Wolfson,

Sheila Murphy, and Ann Breen-Greco served as mentors for the day. Many thanks to Judge Murphy for making the arrangements. **Also participating were Judges Patrice Ball-Reed, Margaret Fitzpatrick, and Sheila Maloney.**

**NAWJ AT THE PERFORMANCE OF SHADOW TOWN**



Mary Bonnett, playwright; Judge Ann Breen-Greco, Illinois Congresswoman Jan Schakowsky, former Congressional Women Caucus Co-Chair.

**Judge Ann Breen-Greco** attended a performance of the acclaimed play *Shadow Town*, by Mary Bonnett, which is based on the lives of trafficked girls in Chicago. Mary Bonnett attended the joint NAWJ/ABA Task Force on Human Trafficking seminar, hosted by NAWJ member Judge Virginia Kendall in her courtroom. All twenty-four performances featured different local celebrities playing the role of a parent of a trafficked girl. **Congresswoman Jan Schakowsky** was the celebrity performer the night Judge Breen-Greco attended and gave a powerful and emotional performance. Judge Kendall was the celebrity performer on the last night of the play.



NAWJ welcomes new member **Judge Melissa Olivero**. Judge Olivero is an Administrative Law Judge with the National Labor Relations Board. Judge Olivero and District Director Judge Ann Breen-Greco met recently at the Illinois State Bar Association's annual conference. *Welcome, Judge Olivero!*

## DISTRICT NINE (IA, MO, WI)

In January, 2013, Mary Sheffield was appointed by Governor Terry Branstad under the Missouri Plan, to the Missouri Court of Appeals, Southern District. Judge Sheffield had served as a Circuit and Associate Circuit Judge of the 25th Judicial Circuit in Missouri since 1983.

Iowa Senior Judge Donna Paulsen has **coordinated a project to raise funds to furnish the new visiting room for Iowa's only women's prison**, the Iowa Correctional Institute for Women in Mitchellville. After touring the prison with a group attending the annual Iowa Judges Association Conference, Judge Paulsen wanted to do something to enhance the importance of the visits between inmate mothers and their children. The project is called "Visiting Mom" and had a goal of raising \$10,000 to furnish the new space with books, games, toys, bookshelves and other furnishings. In coordination with the Iowa Organization of Women Attorneys (I.O.W.A.), the Polk County Women Attorneys (PCWA), and the Ashcraft Library Project, the effort exceeded the goal of \$10,000 with more contributions coming in! Funds have been donated by many judges, including NAWJ members, attorneys and friends of the effort.

### NAWJ PAST PRESIDENT HON. BRENDA STITH LOFTIN RETIRING AT YEAR'S END



After many years of service on the bench, the Hon. Brenda Stith Loftin will retire from the St. Louis County Circuit Court. She will continue to provide leadership to NAWJ, the level of which was recognized in her 2010 Justice Vaino Spencer Leadership Award honor. Judge Loftin created NAWJ's signature Color of Justice Program, which has advanced NAWJ's mission of enhancing diversity on our nation's bench and

in our justice system. She also showed vision in moving forward with the creation of NAWJ's Long Range Strategic Plan, which incorporates NAWJ's vision for the future, core values and guiding principles. Judge Brenda Stith Loftin was appointed by Governor Mel Carnahan in March 1993 as a Circuit Judge in the St. Louis County Circuit Court. Her judicial experience includes assignments in the Family Court, the Civil and Criminal Division and the Jury Trial Division. Prior to being appointed judge, she served as Assistant Prosecuting Attorney in the Office of the Prosecuting Attorney in St. Louis County from 1989 to 1993, as well as a solo practitioner representing clients in state and federal court with emphasis on civil and criminal litigation. Judge Loftin was President of NAWJ for its 2006-2007 year. Judge Loftin is busy planning another Color of Justice program for fifty young girls in St. Louis for early 2014.

## DISTRICT TEN (KS, MN, ND, SD)

### KANSAS

**Justice Nancy Moritz has been nominated** by the Obama Administration for a position on the 10th Circuit of the U.S. Court of Appeals based in Denver. This position became vacant when Hon. Deanell Tacha retired to become Dean at Pepperdine Law School in California. We are so proud of her and wish her the best of luck!

**Justice Carol A. Beier** was a recipient of the Kansas University Law School's Distinguished Alumni Award on May 11, 2013. The award is given to graduates who have distinguished themselves through exemplary service to the legal profession, their communities, alma mater, state or nation.

Justice Marla Luckert was named to and elected by its members as **Chair of the Kansas Judicial Council** in June 2013. We are proud and honored to have these distinguished women sit on the Kansas Supreme Court!

### MINNESOTA



Minnesota, Kansas and North Dakota judges welcome Judge Debbie Kleven as the new District 10 Director.

Due to the multi-state composition of District 10, the District has begun rotating its directorship among the states of KS, MN and ND to increase the transfer of information across the different states. With the addition of NAWJ state chairs we have a more productive way to share information and resources. The baton

passed to Judge Debbie Kleven in North Dakota for the next term. We have not, however, been able to recruit a state chair for Nebraska.

**The death of Justice Rosalie Wahl** remains an important news item from Minnesota. Justice Wahl truly exemplified compassion, determination and courage. She was a trailblazer and true leader, whose vision and determination guided countless women and men toward principled action to make a difference in their communities. The Annual Conference in New Orleans' film screening of *Girl from Birch Creek*, a biography of Justice Wahl, proved timely. Screenings have been held in various locations in the state of Minnesota following Justice Wahl's death. In honor of Justice Wahl, a memorial will be named at Tubman. Tubman is devoted to providing legal services to victims of domestic violence, sex trafficking and sexual assault throughout the state.

Attorney Jennifer Fischer was recently appointed by Minnesota Governor Mark Dayton as District Judge in Minnesota's 8th Judicial District (northwestern part of state). She previously served as the Kandiyohi County attorney and replaced Judge Kathryn Smith, who retired earlier this year.

Members also gathered for the **Minnesota Women Lawyer's Annual Holiday Benefit** in December. Proceeds from the holiday benefit supported the work of groups that advocate for victims of violence.

### NORTH DAKOTA

**Hon. Robin A. Schmidt was appointed by North Dakota Governor Jack Dalrymple** as District Court Judge in northwest North Dakota. The state legislature created two judgeships this year to address the increased caseload in the Oil Patch. Judge Robin Schmidt is the ninth female district judge in the state.

North Dakota also retains two female justices on the North Dakota Supreme Court, including, Justice Mary Maring, an active NAWJ member. However, in September, **Justice Maring announced her retirement!** She was the only second female Supreme Court Justice, taking the bench in 1996. Her retirement will be effective at the end of 2013, although Justice Maring has four years remaining on her 10-year term. Justice Maring said she hopes to fill in as a surrogate for justices who have to recuse themselves from a case due to conflicts of interest. She would also like to teach part time, and hopes to do some mediation at the district level in a new appellate mediation program starting in 2014. When appointed by the Governor at the time, he called Justice Maring a "tough scrapper" who is "compassionate and caring." We wish her the best as she moves into a new arena.

## DISTRICT ELEVEN (AR, OK, TX)

On September 5, 2013, the district hosted a "meet and greet" breakfast at the **40th Annual Texas Judicial Conference (TJC) in San Antonio**. Over forty judges attended the breakfast and several became first time NAWJ members. District Director Judge Orlinda Naranjo also enticed judges to attend the breakfast

by offering a lovely TJC jacket as a door prize. The lucky winner was Judge Sarah Clark from Houston. We are also grateful to the two San Antonio law firms who sponsored the breakfast: Cokinos Bosien & Young and Rosenthal Pauerstein Sandoloski Agather LLP.

## DISTRICT TWELVE (AZ,CO,NM,UT,WY)

Arizona members held a book drive during the annual three-day judicial conference in Phoenix this past June. Approximately three hundred books were donated to the women's prison library. Members enthusiastically expressed interest in making the drive an annual staple of the judicial conference.

## DISTRICT THIRTEEN (AK,HI,ID,MT,OR,WA)

On June 10, 2013, Alaska hosted a Color of Justice program. As in years past, the program was well attended. **NAWJ member Judge Pamela Washington** hosted a reception for all of the volunteers. Other NAWJ members provided refreshments for the reception.

**The Seventh Annual Success Inside & Out** conference took place on October 26, 2013 to help incarcerated women prepare for their transition to life outside of prison. The conference was held at Hiland Mountain Correctional Center near Anchorage. Workshops were offered on topics ranging from housing, employment, managing finances and maintaining healthy lifestyles. Co-sponsors of this event included the Alaska Court System, The Alaska Bar Foundation and NAWJ.

### WOMEN JUDGES EVENT

On November 6, 2013 at the Snow Café in Anchorage, Alaska, **NAWJ and the Anchorage Association of Women Lawyers held a networking event promoting and encouraging women lawyers to consider applying for judicial positions.** Judges from the local District and Superior Courts gave an overview of the process of applying for a judicial opening, what one can expect, and what one can do professionally to build one's resume and qualifications for a judicial position. This event was co-sponsored by Dorsey & Whitney, LLP.

### 4TH ANNUAL WASHINGTON STATE JUDICIAL OFFICER AND LAW STUDENT RECEPTION



NAWJ member and Washington State Supreme Court Chief Justice Barbara Madsen; NAWJ Washington State Chair Judge Marilyn Paja; Washington Association for Justice Scholarship Award winner Michelle Suarez; University of Washington Law School 3L NAWJ Equal Justice Scholarship Award winner Rachel Wallace, University of Washington Law School 2L; Washington Association for Justice and Gender & Justice Commission member Judith Lonquist; Washington State Gender & Justice Commission Co-Chair Ruth Gordon.

On November 13 2013, NAWJ co-sponsored the Fourth Annual Washington State Judicial Officer and Law Student reception. The reception provided an opportunity to support the professional development of women entering the legal profession. A \$1,000 scholarship was awarded to University of Washington law school student Rachel Wallace. The experience moved Ms. Wallace to write the following letter:



## DISTRICT FOURTEEN (CA,NV)

### NAWJ WRITES THE GOVERNOR OF CALIFORNIA EXPRESSING CONCERN ABOUT REPORTS OF FEMALE INMATES BEING STERILIZED

The Center for Investigative Reporting (CIR) recently published a report, written by Corey Johnson, on female inmates in California being sterilized without required state approval. Lawsuits, a U.S. Supreme Court ruling and public outrage over eugenics and similar sterilization abuses in Alabama and New York spawned new requirements in the 1970s for doctors to fully inform patients. Since then, it's illegal to pressure anyone to be sterilized during labor or childbirth. Yet, Kimberly Jeffrey says she was pressured by a doctor while sedated and strapped to a surgical table for a C-section in 2010, during a stint at Valley State for a parole violation. Jeffrey, 43, who was horrified, resisted and said: "He said, 'So we're going to be doing this tubal ligation, right?'" Jeffrey responded, "I'm like, tubal ligation? What are you talking about? I don't want any procedure. I just want to have my baby. I went into a straight panic."

Read NAWJ's letter to Governor Jerry Brown below:

**Dear Governor Brown:**

**We write on behalf of the National Association of Women Judges (NAWJ), Women in Prison Committee, regarding the reported sterilization of at least one hundred and forty eight incarcerated women between 2006 and 2010, by the California Department of Corrections and Rehabilitation. Press reports are that the women were sterilized without the necessary required informed consent and state approval. On behalf of NAWJ's Women in Prison Committee, we recommend a thorough investigation to determine the accuracy of the press report. If the facts are confirmed, those responsible must be held accountable and safeguards must be put in place to prevent a repeat of this inhumane treatment of incarcerated women. If you have already initiated an inquiry, the Committee would welcome a report of the inquiry's finding.**

**NAWJ is a non-profit organization of more than 1,200 federal, state, administrative, tribal, and military judges from across the country. Founded in California in 1979, NAWJ has served as the nation's leading voice for jurists dedicated to preserving judicial independence and ensuring equal justice and access to the courts for women, people of color, and other marginalized groups. NAWJ has long pursued a Women in Prison Project to address the disparities in conditions of incarceration that have an adverse impact on women. The Committee is confident you will act to ensure the rights of incarcerated women are respected by the California Department of Corrections and Rehabilitation. Thank you for your immediate attention to this matter.**

**Sincerely,**

**Joan V. Churchill**

**Joan V. Churchill**

**President, National Association of Women Judges**

### NAWJ FOUNDING MEMBER JUSTICE JOAN DEMPSEY KLEIN ESTABLISHES JUSTICE JOAN DEMPSEY KLEIN SCHOLARSHIP IN LAW AT UCLA



The UCLA School of Law received a gift of \$1.025 million dollars from alumna Justice Joan Dempsey Klein and her husband Conrad Lee Klein to fund student scholarships. The gift will create the Justice Joan Dempsey Klein Scholarships in Law. "As I have said many time, my law school education at UCLA gave me a life – and a good life it has been," said Klein who graduated from the UCLA School of Law in 1954. The first scholarship recipient was announced by Dean Rachel F. Moran at the California Women Lawyers "So You Want To Be A Judge" program on May 18, 2013. (Photo: left to right). Hon. Diana Becton, Contra Costa Superior Court, Justice Joan Dempsey Klein, and Hon. Tara Flanagan, Alameda County Superior Court.

### FORMER L.A. SUPERIOR COURT JUDGE BEVERLY REID O'CONNELL CONFIRMED TO THE FEDERAL BENCH



On April 15, 2013, the U.S. Senate confirmed President Barack Obama's nomination of Los Angeles County Superior Court Judge Beverly Reid O'Connell to serve as a U.S. District Judge for the Central District of California. Judge Reid O'Connell was nominated on November 14, 2012 and re-nominated on January 4, 2013 because the Senate had not voted on her nomination before the conclusion of the 112th Congress. She will preside over matters in Los Angeles in the Court's Western Division. Judge Reid O'Connell has served as a Superior Court Judge for Los Angeles County since her appointment by Governor Arnold Schwarzenegger in 2005, and has presided over thousands of cases and approximately 150 jury trials. For a five-month period in 2010 and 2011, she sat by designation on the California Court of Appeal for the Second District, Division 8. Prior to her elevation, she served as the Supervising Judge for the North Valley District of the Superior Court. At the Superior Court, she served on its Executive Committee and was involved in new judge orientation, community outreach programs, and civic education programs.

### JUSTICE PATRICIA BAMATTRE-MANOUKIAN RECEIVES THE ROSE BIRD MEMORIAL AWARD



At a reception on June 7, 2013, Justice Patricia Bamattre-Manoukian received the Rose Bird Memorial Award. The Rose Bird Memorial Award was established in 2000 in honor of the first woman to serve as Chief Justice of the California Supreme Court, Rose Bird. Chief Justice Bird was one of the pioneers who founded California Women Lawyers in 1974.

### IN LOVING MEMORY OF ALAMEDA COUNTY SUPERIOR COURT COMMISSIONER NANCY LONSDALE

We regret to report the death of long time NAWJ member Nancy Lonsdale, who died on April 21. Hon. Nancy Roberts Lonsdale graduated from law school at University of California, Berkeley Boalt School of Law. She received her undergraduate degree from Stanford University. She was admitted to The State Bar of California on November 29, 1978 and was an NAWJ member since 1995.

### MYRNA S. RAEDER



From Southwestern University Law School: "Professor Myrna Raeder, a faculty member of the Southwestern Law School in Los Angeles for nearly 35 years, passed away on November 16. A prominent national figure in legal education and the advancement of criminal justice, Professor Raeder was one of the most highly regarded experts in evidence and a leading advocate for gender equity in the legal profession and the criminal justice system." Upon learning of Professor Raeder's passing, NAWJ Past President Judge Gladys Kessler remarked "she was a dear sweet person, a feminist of very long standing, totally devoted to bettering the lives of women in prison and had just attended the program at the White House, and was active in our fight to preserve Danbury for women and their families." Myrna Raeder received one of the American Bar

Association's highest honors, the Margaret Brent Women Lawyers of Achievement Award, in 2002. In speaking of her close colleague of over 30 years, Professor Catherine Carpenter said, "Myrna was a leader among women in the academy before there were Women's groups, and certainly before there was a critical mass of women in legal education. She embodied what it meant to be a trailblazer. Her network was vast, and was only surpassed by her knowledge and passion for women's and children's issues." A memorial service in Professor Raeder's memory will be held in January. The family has requested that donations be made in her memory to the Myrna Raeder Scholarship Endowment Fund at Southwestern. Information regarding the fund may be obtained from Associate Dean Debra Leathers at [dleathers@swlaw.edu](mailto:dleathers@swlaw.edu)

**COLOR OF JUSTICE PROGRAMS IN CALIFORNIA**

**SAN FRANCISCO**

On March 15, 2013, NAWJ, the Queen's Bench, California Women Lawyers and LexisNexis presented another presentation of Color of Justice program. Chaired by Judge Charlene Padovani Kiesselbach at the San Francisco Superior Court, the event drew nearly one hundred students from Balboa High School. The students engaged professionals from a variety of legal fields, and learned what it takes to be a lawyer or judge.

**SAN DIEGO**

Hon. Tamila Ebrahimi Ipema chaired the third annual Color of Justice Program in San Diego Superior Court on October 24, 2013. The Color of Justice Program was presented in collaboration with the San Diego Superior Court. The participation of more than forty highly accomplished judicial officers and attorneys as mentors made this program a huge success. The program is designed to encourage high school students to consider pursuing careers in the law and to inspire and excite them about the study of law.



Judge Tamila E. Ipema welcomed mentors and students (grades 9 to 12) from San Diego's Lincoln High School to the program; gave a brief history of NAWJ; and shared her own background. The program was held at the Hall of Justice in San Diego.



An engaged group of thirty-five students, teachers, including Mr. Ray Beattie, Principal Dr. Emma Martinez, and career advisor Mr. Clinton McVay, participated in this interactive program.

Experienced judges and lawyers of diverse backgrounds came together to share their experiences and challenges, including reasons why they chose their careers.

The director of admissions, scholarship, and financial aid at the University of the San Diego School of Law (USD), Mr. Jorge Garcia, Ms. Shumaker, Assistant Director for Advocacy Programs at USD, and several law students discussed the requirements for law school admission with the students on a one to one basis.



Mentors San Diego County Bar President Marcella McLaughlin, Esq., Hon. Sharon Majors-Lewis, Judge San Diego Superior Court, and Sara Boot, Esq., and Immediate Past President of the San Diego Lawyers Club.

Hon. Sharon Majors-Lewis (pictured above in center) San Diego County Superior Court Judge, moderated a panel discussion which included Honorable Rico Bartolomei, Assistant Chief Immigration Judge of the U.S. Department of Justice. Other panel members included Commissioner Cindy Davis of San Diego County Superior Court; Mr. Jorge Garcia, Director of Admissions, Scholarship, and Financial Aid at the University of San Diego School of Law; Ms. Nadia Keilani, Esq., Judicial Research Attorney at the San Diego Superior Court; Ms. Kim-Thoa Hoang, Esq., Program Director, Union of Pan Asian Communities (UPAC); and Ms. Sammie McPherson, law student at California Western School of Law. Ms. Sammie McPherson gave students great tips on how to prepare and succeed at law school. Mr. Garcia spoke to the students about their path to law school and provided a valuable perspective on how to succeed academically.



## DISTRICT NEWS

Ms. Julie Myers, Senior Administrative Analyst for the San Diego Superior Court, was instrumental in putting the program together and worked side by side with Judge Ipema to execute the Color of Justice program.

At the conclusion of the program, the students were awarded NAWJ Color of Justice Award Certificates, water bottles courtesy of LexisNexis, gavel pencils courtesy of San Diego Superior Court, and other items.

The feedback from the students, teachers, and mentors was extremely positive. There was positive energy in the room, and students and mentors both enjoyed the opportunity to talk each other.

Many thanks goes to the Color of Justice Program Chair, Hon. Tamila E. Ipema, Julie Myers, Amber Scott, Amoreena Urbeck, Deanna Blanchard, Deputy Sheriff Jamie Lewis, and everyone else who worked so hard behind the scenes to make this program a great success.

### PLANNING NAWJ'S 2014 ANNUAL CONFERENCE

Hon. Margie G. Woods and Hon. Tamila Ipema (pictured) and their team are busy planning *Protecting and Advancing Meaningful Access to Justice*, NAWJ's 36th Annual Conference in San Diego, October 15 - 19, 2014. Contact them at Tamila.Ipema@sdcourt.ca.gov and Margie.Woods@sdcourt.ca.gov.



The Conference will be held at The Westin San Diego Gaslamp Quarter. Education programs and presentations will include the review and exploration of topics and issues critical to the conference theme of *Protecting and Advancing Meaningful Access to Justice* for all on both national and international levels. In addition to collegiality and camaraderie, the conference will provide opportunities to review

challenges faced in the protection of International Human Rights, Immigration, Military, Tribal rules and law that affect access to justice for all individuals. The Conference will close on Sunday at a breakfast gathering. This farewell will be preceded the night before by an unforgettable Gala Dinner with our prominent keynote speaker United States Supreme Court Justice Sonia Sotomayor. Committee members are: **Advisory Committee-** Hon. Judy McConnell; **CLE Committee-** Hon. Bob Longstreth; **Education Committee-** Hon. Susan Finlay, Hon. Randa Trapp, Hon. Judy Chirlin; **Finance Committee-** Hon. Cindy Davis; **Friends Committee-** Jerri Malana, Esq., India Jewel, Esq.; **Friends Committee Liaison-** Hon. Patricia Cowett; **Hospitality Suite Committee-** Hon. Patti Ratekin; **International Judges Committee-** Hon. Judy Chirlin, Hon. Patricia Cowett; **Keynote Speaker Committee-** Hon. Yvonne Campos; **Law School Liaison Committee-** Hon. Keri Katz; **New Judge/First Time Attendee/Mentor Committee-** Hon. Sharon-Majors Lewis; **Publications/PR/Logo Committee-** Hon. Katy Bacal; **Registration Committee-** Hon. Ted Weathers; **Security Committee-** Hon. Joan Weber; **Social Events Committee-** Hon. Lorna Alksne; **Volunteers Committee-** Hon. Ana Espana and Hon. Vallera Johnson.

Continue to visit [www.nawj.org/annual\\_2014.asp](http://www.nawj.org/annual_2014.asp) for more conference information and updates.

## NAWJ AT LARGE

### NAWJ AT THE 88TH ANNUAL CONVENTION OF THE NATIONAL BAR ASSOCIATION



Back row from left Hon. Corrine Sparks, Canada; Hon. Diana Becton, California, former NAWJ District 14 Director; Hon. Lillian Harris Ransom, Pennsylvania; Hon. Sheila Johnson, Michigan, former NAWJ VP of Publications; Hon. La Tia Martin, NAWJ Past President; and Hon. Sandra Ann Robinson, former District 3 Director; front row seated from left Hon. Jennifer Long, Washington, D.C.; Hon. Sheila Woods-Skipper, NAWJ District III Director; and Hon. Caryn L. Hines.

Members of the National Association of Women Judges (NAWJ) participate in the 88th Annual Convention of the National Bar Association (NBA) at the Fontainebleau Hotel, Miami Beach, Florida on July 2013. NBA Judicial Council Division seminars attended by NAWJ members addressed: Judicial Ethics; Post Fisher: The Future of Diversity in Law School Admissions; Extremism in America; The Effects of Mass Incarceration; Judicial Vacancies; and How To Become A Law Professor.

## INTERNATIONAL

### NAWJ PAST PRESIDENT NECHTEM AND JUDGE IRION IN BULGARIA



NAWJ Past President Judge Amy Nechtem and Justice Joan Irion, Chair of the NAWJ Judicial Elections Committee and creator of NAWJ's Informed Voters/Fair Judges project, were invited to attend the annual conference of the Bulgarian Judges Association Union of Judges (BJA) this past October. The membership of over one thousand men and women is representative of all levels of the judiciary and provides its members affiliation with the International and European Association of Judges, which has been in existence for some twenty years. Bulgarian Judge Ekaterina Nikolova, a



**NAWJ 2014 ANNUAL CONFERENCE**

**PROTECTING AND ADVANCING MEANINGFUL ACCESS TO JUSTICE**

**October 15 - 19, 2014**

**The Westin Gaslamp Quarter  
San Diego, California**

**CONFERENCE CO-CHAIRS**

**Hon. Tamila E. Ipema  
Hon. Margie G. Woods**

**FRIENDS COMMITTEE CO-CHAIRS**

**Jerri Malana, Esq.,  
Shareholder,  
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**India Jewel, Esq.,  
Legal Director,  
Sony Electronics Inc.**

**KEYNOTE SPEAKER**

**Hon. Sonia Sotomayor  
U.S. Supreme Court Justice**

**REGISTRATION**

Conference registration fees: \$595 NAWJ members (\$550 before March 12, 2014); \$525 for First Time Attending Members; \$695 for non-members; \$575 for spouses and children of conference attendees.

**HOTEL**

Reserve your room at The Westin Gaslamp Quarter Hotel on 910 Broadway Circle in San Diego, California. Room rates are \$219.00 per night plus tax, for single or double occupancy. Call (619) 239-2200 using group name "NAWJ".

Visit [www.nawj.org/annual\\_2014.asp](http://www.nawj.org/annual_2014.asp) to register and find more information.

member of the Board of the Union of Judges in Bulgaria, was among the international attendees at the 2012 NAWJ conference in Miami, and extended this exciting invitation to Judge Nechtem and Justice Irion to speak on issues of judicial independence, juvenile justice and NAWJ's mission and strategic planning. The meetings were held in the ancient city of Plovdiv and in the stunning capital city of Sofia.

Our judges were able to impart timely information regarding initiatives taken in the United States to safeguard judicial independence, an area of pressing concern for the Bulgarian judiciary. Comparisons and insights were exchanged concerning the vast differences in the juvenile justice systems in our countries. The extraordinary member participation among NAWJ's thirty committees provided the BJA with the framework to address its own equal access to justice challenges. Judges Nechtem and Irion also attended a meeting on "Judicial Reform Review," aimed at achieving the goal of sustaining an efficient, transparent, and accountable judiciary. The America for Bulgaria Foundation hosted the meeting, and the Deputy Prime Minister of Justice and the U.S. Ambassador to Bulgaria were among the many participants.

**NAWJ To Host IAWJ 2016 BIENNIAL CONFERENCE IN WASHINGTON, D.C.**

NAWJ has been selected to host IAWJ's increasingly popular Biennial Conference in 2016. IAWJ Executive Director Joan Winship's announced:

*We are delighted to announce that at its May 2013 meeting, the IAWJ Board of Directors selected the host association and site for the IAWJ's 13th Biennial International Conference in 2016. It will be held in Washington, D.C. and hosted by the National Association of Women Judges. Dates are yet to be confirmed. It is exciting that the IAWJ will be coming back to the country of its birth. The IAWJ looks forward to working with NAWJ as we begin planning, even now, for 2016. So put this in your plans and join us in our home city of Washington!*



NAWJ is creating planning committees for the 2016 IAWJ Biennial Conference. Interested persons may serve on the following committees: Friends; Education; Silent Auction; Publicity and Public Relations; Fundraising; "Goodie Bags"; Hospitality; Tours and Entertainment; Scholarships; Opening Ceremony; Social Events; and Volunteers.

If you are interested in serving on the 2016 IAWJ Biennial Planning Committee, please notify Mary-Kathleen Todd of your interest and any volunteer preferences. Ms. Todd may be reached by email at [mtodd@nawj.org](mailto:mtodd@nawj.org)

**HON. SHIREEN AVIS FISHER**

The SENSE News Agency, an independent reporting group which is linked to the International Criminal Tribunal for the Former Yugoslavia (ICTY), posted an interesting editorial regarding the split in international criminal law called "A Proper Lesson to 'Older Brother.'" Special note was made of the small summary above the article too: "Charles Taylor's judgment rendered last week by the Special Court for Sierra Leone (SCSL) was a real lesson for its 'older brother,' the International Criminal Tribunal for the former Yugoslavia." From Judge Murnane, she shares that "the article spoke to issues regarding the split in international criminal justice decisions being rendered by the ICTY and the SCSL. Of particular interest from a "Rule of Law" perspective is the commentary that the SCSL rejected arguments that appeals should consider the national interests of contributing State Parties and the author's view that the ICTY embraces that philosophy in its decisions beginning with the Perisic judgement and thereafter. This echoes the view articulated by Judge Frederick Harhoff, ICTY judge on the Vojislav Seselj case, in the previous letter sent to members of this committee.

Of particular note in this op-ed is mention of Judge Shireen Avis-Fisher, a U.S. judge who served on the Appeals Chamber of the SCSL. She is also currently the President of the Special Court, with her term due to end in 2015. Judge Avis-Fisher has been an active and longstanding NAWJ member. The ICTY and SCSL are both currently under Presidencies from the United States.

Small excerpt:

*Enter the SCSL Appeals Chamber, five international and independent Appellate Justices including Presiding Judge George Galaga King of Sierra Leone and an American judge of no small distinction in international courts, Justice Shireen Avis Fisher, formerly of the War Crimes Chamber in the Court of Bosnia and Herzegovina. This Chamber spent at minimum 25 pages (compared to a mere few pages in the Perišić appeal) analysing at length the issue of "specific direction" as a non-requirement of Aiding and Abetting law. Here are the key passages for those who prefer to consult the direct text: paragraphs 362-385 and 466-486 of the unanimous decision, and then paragraphs 709-721 of the Concurring Opinion by the women judges, Justice Fisher, joined by Justice Renate Winter.*

To view the entire editorial visit:

[http://www.sense-agency.com/icty/a-proper-lesson-to-%E2%80%98older-brother%E2%80%99.29.html?news\\_id=15360&cat\\_id=1](http://www.sense-agency.com/icty/a-proper-lesson-to-%E2%80%98older-brother%E2%80%99.29.html?news_id=15360&cat_id=1)

# NAWJ LAUNCHES NATIONAL EFFORT TO EDUCATE PUBLIC ON THE ROLE OF JUDICIARY

BY HON. JOAN IRION, CALIFORNIA COURT OF APPEAL ASSOCIATE JUSTICE NAWJ JUDICIAL ELECTIONS COMMITTEE CHAIR



A prominent Midwest lawyer had just finished speaking to a community group about the threat to American democracy from special interest attacks on judges based on specific decisions. The lawyer was then approached by a member of the audience who said, “I hear you, but I have got to tell you that I just don’t understand what you are saying. If the judges had just asked us how we wanted them to rule, they’d still be on the court. After all, our state legislators ask us how they should vote. Why don’t the judges do the same? I just don’t understand.”

Is this an apocryphal tale? Sadly, no. Many citizens do not understand the basic role of the courts in the American tripartite system of government, or the fact that the Founding Fathers created the courts to stand apart from politics in order to uphold the Constitution and the rule of law. This lack of public knowledge threatens fair and impartial courts, which are the cornerstone of American democracy.

To address this problem, the National Association of Women Judges has developed a nonpartisan civics education project called “Informed Voters. Fair Judges.” The project is designed to educate voters about an important and co-equal branch of government — the judiciary — and to encourage citizens to protect that branch against unwarranted attacks by special interest groups and improper political interference and pressures.

The project will provide educational materials to voters about the role of judges and courts and:

- Explain to voters how their state judicial selection and election systems work.
- Inform voters that the qualities that make a good judge are fairness, impartiality, and willingness to decide cases based on the evidence presented and the law —not on political or special interest agendas or out of fear of unpopularity.
- Help educate voters that their votes will decide whether their state elects or retains judges who reflect these qualities so that there will be justice for all, not a select few.
- Apprise voters that they can fulfill their obligation to keep the courts fair and impartial by learning about a judge’s qualifications and performance record to exercise an *informed* vote at the ballot box.

The Informed Voters message will be communicated nationally and in nine pilot project states: Kansas, Tennessee, Missouri, Alaska, Florida, Iowa, Wisconsin, Washington, and California. The program will be launched at the state level through our Informed Voters state coordinating committees, which are comprised of state justice and community organizations and business and bar association leaders.

Various tools will be used to convey the Informed Voters message, including radio and film public service announcements, websites and Web page content, public service electronic advertisements, and social media messages that will be released nationally early in the 2014 state election season. Project members are also preparing speakers’ presentations, newspaper and newsletter articles, public service advertisements, and letters to newspaper editors, which will be adapted and used by the state coordinating committees to address voters in advance of their state’s 2014 election.

At the conclusion of the 2014 elections, the Informed Voters project committee will evaluate the project and will conduct limited voter polling to determine its effectiveness. With those results in hand, NAWJ will make necessary project adjustments and deploy the Informed Voters project to all states using some form of election to select or retain the state’s judiciary.

The National Association of Women Judges is joined in this nonpartisan civics education effort by the League of Women Voters, Justice at Stake, the Brennan Center for Justice, the Institute for the Advancement of the American Legal System, the National Center for State Courts, the American Constitution Society, the American Judicature Society, the American Bar Association Standing Committee on Judicial Independence and the Our Courts America Project.

Former U.S. Supreme Court Justice Sandra Day O’Connor will narrate a short film for this project. *Reprinted with permission by the Colorado Judicial Institute.*



Justice Joan Irion receiving the Justice Vaino Spencer Leadership Award at the NAWJ Annual Conference in New Orleans in October, 2013.



Judicial Elections committee members Alicia Bannon, counsel for the Brennan Center’s Democracy Program, and NAWJ Projects Committee Chair Hon. Sue Pai Yang, meeting in Ms. Bannon’s office at New York University Law School.

**Thank you to our supporters:** Mary Hotard Becnel, Diana Becton, Carol Beier, Susan Berson, Terri Bezeki, Anna Blackburne-Rigsby, Caroline Blumberg, Ann Walsh Bradley, Ann Breen-Greco, Anne Burke, Kathy Bussing, Joan Churchill, Margaret Clark, Toni Clarke, Rebecca Crotty, Martha Daughtrey, Defense Research Institute, Kelly Dermody, Patricia Dick, Dickstein Shapiro LLP, Shirley Downing, Diana Eagon, Susan Ellis, Florida Association of Women Lawyers, Florida Association of Women Lawyers-Miami Chapter, The Florida Bar, Julie Frantz, Ernestine Gray, Greenberg Traurig, LLP, Hall + Media Strategies Inc., Patricia Hamilton, Hite Fanning & Honeyman L.L.P., Martha Hodgesmith, Kellie Hogan, Marcella Holland, Tamila Ipema, Joan Irion, Teresa James, Lee Johnson, Karen Johnson-McKewan, Kansas Association of Defense Council, Kansas Bar Fund, Kansas Women Attorney Association, Tanya Kennedy, Debbie Kleven, Debbie Kleven, Kramer Sopko & Levenstein P.A., Linda Leali P.A., Amy Lemley, LexisNexis, Lief Cabraser Heinman & Bernstein, Judith McConnell, Mira Mdivani, Elaine Metlin, Philip Metlin, Marla Morse, MaryLou Muirhead, Orlanda Naranjo, Orrick Herrington & Sutcliffe LLP, Marilyn Paja, Barbara Pariente, Linda Parks, Nancy Parrish, Rachael Pirner, Annette Pitts, Malia Reddick, Reignite Group, Jackie Rokusek, Karen Romano, Janice Russell, Bea Ann Smith, Susan Saidian, Rebecca Sanders, Jonathan Shapiro, Norma Shapiro, Rekha Sharma-Crawford, Skipjack Post LLC, Bea Ann Smith, U.S. Federation for Middle East Peace, Allan VanBebber, Ariane Vuono, Lisa Walsh, Catherine Walter, Lauri Williams, Arlene Yang, Sue Pai Yang, Ann Zimmerman.

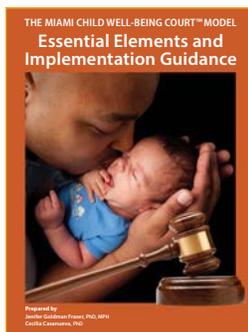
### Medical Forensic Sexual Assault Examinations: What Are They and What Can They Tell the Courts? Created by Legal Momentum National Judicial Education Program

Adult victim sexual assault trials bring with them expectations about the kind of injuries a “real” victim will have, the kind of medical evidence that will be offered, who will present it, and what medical evidence can “prove” in these cases. The findings of a medical forensic sexual assault examination (sometimes referred to as a “rape kit”) and the testimony of a sexual assault nurse examiner (SANE) can provide very useful information for the judge and the jury. However, there are important legal limitations on the scope of SANE testimony, as well as limitations as to what the examination findings can actually prove. Legal Momentum’s new curriculum provides accurate information about the medical forensic sexual assault examination, and explores some of the legal issues these cases raise.

### Raped or “Seduced”? How Language Helps Shape Our Response to Sexual Violence

Created by Legal Momentum National Judicial Education Program

In the media, in police reports and in court documents, we read about rapists who “have sex with” their victims or “foster sexual relationships” with children. Rapes “occur” as though they are natural events, rather than acts of violence to which a perpetrator subjects the victim. The Raped or “Seduced” curriculum will help you and your colleagues write and speak about sexual violence accurately without euphemizing the violence or misleading your audience. Though originally developed for judges, the curriculum has been presented successfully to multidisciplinary audiences, including attorneys, military personnel, health care professionals, probation officers, victim advocates, and law enforcement. Writing and speaking appropriately about sexual violence can be a challenge even for advocates, many of whom have also benefited from the curriculum.



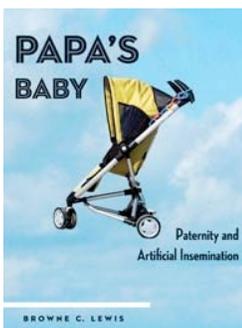
### Essential Elements and Implementation Guidance, The Miami Child Well-Being™ Court Model by Jenifer Goldman Fraser, Ph.D., MPH and Cecilia Casanueva, Ph.D.

*The Miami CWBC™* Model is anchored by three essential principles:

The needs of vulnerable children involved in dependency court will be best served through a problem-solving court approach led by a science informed judge. This approach is realized through a court team that is committed to collaboration in the interest of the child’s safety and emotional well-being. In addition to the judge, the court team includes the attorney representing the parent, the attorney for the state, the guardian ad litem (GAL) or court-appointed special advocate (CASA), child’s attorney, or both; and the child welfare caseworker.

Young children exposed to maltreatment and other harmful experiences need evidence-based clinical intervention to restore their sense of safety and trust and ameliorate early emotional and behavioral problems. Such intervention must address the child-caregiver relationship and have the potential to catalyze the parent’s insight to address risks to the child’s safety and well-being. The intervention employed in the Miami CWBC is Child-Parent Psychotherapy (CPP),<sup>13</sup> <sup>14</sup> applied to the context of court-ordered treatment.<sup>15</sup>

The judicial decision-making process is improved when on-going assessment of the child-parent relationship; the parent’s ability to protect and care for the child; and the child’s well-being is provided by the treating clinician. This is best accomplished by involving the clinician on the court team to collaborate with the other parties usually involved in court proceedings. This unusual role for the clinician in the court process is actively supported by the judge.



### Papa’s Baby: Paternity and Artificial Insemination

by Browne C. Lewis

When a child is conceived from sexual intercourse between a married, heterosexual couple, the child has a legal father and mother. Whatever may happen thereafter, the child’s parents are legally bound to provide for their child, and if they don’t, they’re held accountable by law. But what about children created by artificial insemination? When it comes to paternity, the law is full of gray areas, resulting in many cases where children have no legal fathers. In *Papa’s Baby*, Professor Browne C. Lewis, who spoke on NAWJ’s Assisted Reproductive Technology panels in New Orleans, argues that the courts should take steps to insure that all children have at least two legal parents. Additionally, state legislatures should recognize that more than one class of fathers may exist and allocate paternal responsibility based, again, upon the best interest of the child. Lewis supplements her argument with

concrete methods for dealing with different types of cases, including anonymous and non-anonymous sperm donors, married and unmarried women, and lesbian couples. In so doing, she first establishes different types of paternity, and then draws on these to create an expanded definition of paternity.

## LANDMARK SPONSORS

The National Association of Women Judges greatly appreciates the generosity of law firms, organizations and individuals whose multi-year sponsorships allows us to expand the reach of our programs.

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# NATIONAL JUDICIAL COLLEGE 50th ANNIVERSARY SYMPOSIUM SERIES

This year the National Judicial College (NJC) held a three-part symposium to celebrate its 50th anniversary. The NJC will incorporate symposium discussions and recommendations into future initiatives and also compile an educational proposal to be distributed to all participants. As a participant, NAWJ will receive a copy of the recommended educational materials and any National Judicial College proposals upon completion. (Note: Of the women on the board of the National Judicial College, who are judges, both are NAWJ members: NAWJ Past President Hon. Sophia H. Hall, Immediate Past Chair of the National Judicial College Board; and Hon. Toni E. Clarke, District Four's new Director.)

NAWJ sent a representative to each of the three meetings. Their reports follow.

## CIVILITY IN THE AMERICAN JUSTICE SYSTEM: PROMOTING PUBLIC TRUST AND CONFIDENCE

BY JUDGE SHEILA WOODS-SKIPPER, NAWJ DISTRICT 3 DIRECTOR

APRIL 7-8, 2013, PHILADELPHIA, PENNSYLVANIA



On April 7-8, 2013, I represented NAWJ at a symposium dealing with Civility and Professionalism in the justice system. The National Judicial College 50th Anniversary Celebration, Civility in the American Justice System: Promoting Public Trust and Confidence, held an exciting and interesting dialogue. Under the appropriate backdrop of the National Constitution Center, the symposium began with remarks from the President of the National Judicial College, William Dressel, who spoke on the importance of civility in the courts and its importance to a democratic society.

### GOALS

President Dressel outlined the purpose of the seminar and the roundtable discussion among judges, lawyers and other participants in the criminal justice system. The goal of the Symposia was to produce educational proposals and materials to be used to conduct programs throughout the justice system and to promote collaboration among the justice system.

### KEYNOTE ADDRESS

Retired Chief Justice Paul J. De Munitz of the Oregon Supreme Court delivered the Keynote address on the importance of Civility in the Courts. This was followed by a stimulating and thought provoking panel discussion moderated by Mark Shields, Syndicated Columnist and Political Analyst, PBS New Hour. Panelists included Judge Don Ash, Tennessee Supreme Court; Dean John T. Broderick, University of New Hampshire School of Law; Judge C. Darnell Jones, II, U.S. District Court for Eastern Pennsylvania; Joan Lukey, Esq.; Professor Amy Mahburn, Levin College of Law; and Thomas Wilkinson, Esq., President of the Pennsylvania Bar Association. A reception was then held at the National Museum of American Jewish History giving all the opportunity to network and have informal discussions regarding the opening presentation and the next steps.

### CIVILITY IN OUR JUSTICE SYSTEM

The next day a group of fifty judges, lawyers and experts met again at the National Constitution Center to discuss principles of civility. The goal was to create a product that could be utilized in the court system. We divided into small work groups to discuss civility, what it means and what role it has in our justice system. We were tasked with coming up with a workable product. We considered issues of public pressure, identified concepts and principles of civility and strategized on the best mechanisms to encourage and instill civility amongst the litigants. We brainstormed other synonyms, and principles such as respect, tact, decorum and fairness. We discussed specific principles such as patience, mentoring, candor and judgment that should apply to all parties, including judges, lawyers, litigants, and jurors. There were several speakers, including Bert Bradbeburg, Executive Director of Justice at Stake; Professor Amy Mashburn, University of Florida who spoke on Making Civility Democratic and discussed the inherent authority of the judge and the proper use of contempt powers; Michael Pope, Esq.; Thomas Spahn Esq.; and Brian Stellar Esq., a panelist who spoke about identifying concepts and work done in their courts to increase civility in the courtroom, including having their bar associations and judges adopt principles of civility that are posted in the courtroom.

The program closed with Dr. Carolyn Lukensmeyer, National Institute for Civil Discourse who discussed Civility in the 21st Century and things we should all consider as we move forward in the future. Participants shared their strategies on creating and maintaining civility. The ultimate conclusion was that as judges we should be reminded that we serve to honor, be firm but fair, and that civility is an obligation of citizenship.

Participants toured City Hall and attended an evening reception in conjunction with participants in the National Judicial College course “Current Issues in the Law”, which was hosted by the Judges of the First Judicial District of Pennsylvania (Philadelphia). It was an educationally rewarding experience and a great networking opportunity!

### THE JURY TRIAL IN THE 21ST CENTURY

BY LAURETTA HIGGINS WOLFSON  
 (PICTURED BELOW, LEFT, WITH NAWJ DISTRICT 8  
 DIRECTOR HON. ANN BREEN-GRCEO)  
 JUNE 23-25, 2013, CHICAGO, ILLINOIS



The Symposium reconvened in Chicago from June 23rd to June 25th and participants included trial lawyers, judges and jury experts from around the country. Among the organizations represented were NAWJ by member Judge Laurretta Higgins Wolfson of the Circuit Court of Cook County, Illinois; the Conference of Chief Justices by Chief Justice Thomas Kilbride of the Illinois Supreme Court; the Federal Judicial Center by Chief Judge James Holderman of the U.S. District Court for the Northern District of Illinois; the International Academy of Trial Lawyers by Herman Russomanno; the American Inns of Court by Trustee and Tennessee Supreme Court Justice William Koch, Jr; the American College of Trial Lawyers by Robert Byman; the Judicial Division of the ABA by the Honorable William J. Caprathe;

the American Board of Trial Associates by John Holcomb; the American Judicature Society by K.O. Myers and Mark Tratos; the Center for Jury Studies; National Center for State Courts by Director Paula Hannaford-Agor; the American Bar Association by Director and Chief Counsel Peter Koelling; and the National Judicial College by its President William Dressel. National Judicial College preparation materials distributed before the Symposia referenced the evolution of civil jury trials and 20th century reform efforts such as civil procedure rules, simplified evidentiary requirements, expanded discovery, summary jury trials and alternative dispute resolution. Moderated discussions included “Why Jury Trials Are Important to a Democratic Society,” “Expedited Jury Trial Concepts,” and “Judge’s Trial Management Resource Guide.”

### TRANSFORMING 21ST CENTURY JUDICIAL EDUCATION

BY JUDGE EILEEN BURLISON  
 SEPTEMBER 9-11, 2013, RENO NEVADA

The purpose of this educational endeavor was to develop a program which could be offered to judges to advance judicial education. Approximately seventy-five judicial participants from across the country, as well as NJC teachers and administrative personnel attended this meeting. We were organized into groups of eight to ten, given a topic, engaged in discussion, formulated an agreed upon response, and then shared that response with the group through a central person in charge. A record of each group response was made and will be formulated into a teaching program. The topics dealt with the significant phases each judge goes through—transitioning into judging, performance, public perception of judges, resources, education, monitoring and duration. Each topic had numerous sub-topics. The final result, when drafted, will reflect the professional opinions of experienced judges and teachers, and result in a curriculum which will be available and helpful in attaining the objectives of the symposium, Transforming 21st Century Judicial Education.

- Marcella Holland
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- Jonathan Hyde
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- Cynthia Kern
- Leila Kern
- Carol King
- Carolyn King
- Joan Dempsey Klein
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## OUTGOING PRESIDENT'S MESSAGE

### RESOURCE BOARD

The NAWJ Resource Board are leaders in their field. Resource Board members work with NAWJ members and staff to raise judicial awareness about subjects of mutual interest, offer advice regarding education projects, and provide and cultivate crucial professional and financial support for the organization as it works towards its mission.

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**Love that Jazz!** What a wonderful 2013 Annual Conference we had in New Orleans. I am sure that all of you who were able to attend are still feeling the post conference glow. We could not have been more warmly welcomed. Many Thanks to the conference chairs, Chief Justice Bernette Johnson and Judge Mary Becnel for their hard work on what was clearly a labor of love, and to all the committee chairs and members. It was just spectacular!

It has been a great honor and privilege to have the opportunity to serve as your President for the 2012-2013 term. Thanks for your teamwork and support. Our year has been both productive and thrilling.

How gratifying it is to look back at the objectives I set forth in my Installation Message and see that we fulfilled them. We served our role as conscience and challenge in support of what we stand for --a diverse judiciary that protects the rights of individuals by promoting inclusiveness and equal access to justice for all-- by the numerous Resolutions and Position Statements we issued this year in support of:

- prompt appointment and confirmation of Federal judges
- reauthorization of the Violence Against Women Act
- a Maryland bill to restrict shackling of pregnant inmates
- an investigation by California Governor Jerry Brown of reports of sterilizations of women inmates in California prisons in violation of State regulations
- examination of conditions for women in Federal prisons and reexamination of the plan to relocate women inmates from Danbury Connecticut to locations remote from family

We reached out to Tribal members. Tribal member Hilary Tompkins, Solicitor of the United States Interior Department, spoke at our Midyear. We established a collaborative relationship with the National American Indian Court Judges Association. Our Tribal Judges Outreach Subcommittee, under the leadership of Judge Arline Pacht has been vigorous in encouraging Tribal judges to join and renew membership in NAWJ. We joined the successful effort to support an amendment to VAWJ, which expanded Tribal Court jurisdiction over domestic violence occurring on Indian lands. We reached out to male judges. NAWJ Member Chief Justice John Roberts attended our Midyear reception at the Supreme Court. Three male members are serving as committee chairs for our 2014 Annual Conference in San Diego. Our New Judges Committee chaired by Hon. Jamoa Moberly has been energetic. We took positive steps in regard to membership growth by including an automatic renewal option for those who join/renew online, by increasing the grace period for members to renew, and by more regular email reminders when renewals are due.

To strengthen our ties with IAWJ, I attended an IAWJ event in Washington, D.C. at the Embassy of Peru, and the Canadian Women Judges conference in Montreal. We welcomed the IAWJ Board to our Midyear events, and their President, Justice Eusebia Munuo, spoke at both our Midyear and Annual conferences this year. Solidifying them further, we prepared and were the winning bid to host the IAWJ 2016 Biennial.

We put on spectacular human trafficking programs at our Midyear and Annual conferences, as well as in the Districts, and in partnership with the American Bar Association, with Judge Ann Breen-Greco serving as reciprocal representative between NAWJ and the ABA. Our Districts more than met their goal of presenting at least two education programs in each District. My home District (District 4), under the leadership of District Director Judge Claudia Barber put on a wealth of programs. I was able to attend events in Districts from Florida to California. Our committees have been particularly active, under the

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inspiration of Hon. Sandra Robinson in the newly appointed position of Committee Chairs Coordinator. Plans to revamp the NAWJ website are in the works with a small grant from the State Justice Institute, under the guidance of our Executive Director Marie Komisar and our Web Site Special Task Force headed by Hon. Sheri Roman.

NAWJ members have garnered awards from both NAWJ and other organizations. It was my great pleasure to be able to be present for the Bergen County Bar Association Diversity in the Profession Award to Hon. Sandra Robinson; the ABA Margaret Brent Award to a founding member and 3rd NAWJ President, Hon. Gladys Kessler; and the National Association of Women Lawyers' Arabella Babb Mansfield Award to our amica member Professor Judith Resnik. I also presided over presentation of the NAWJ 2013 conference awards: the Joan Dempsey Klein Honoree of the Year Award to Chief Justice Bernette Johnson; the Florence K. Murray Award to Professor Sally Kenney; the Mattie Belle Davis Award to Hon. Tamilla Ipema; the Vaino Spencer Leadership Award to Hon. Joan Irion; and the Norma Wikler Excellence in Service Award to Hon. Patricia Ann Hurst.

Bearing in mind the NAWJ Long Range Strategic Plan, we fulfilled all four of its Directions by:

- (1) Strengthening our programming with the addition of an international Judicial Exchange program and our exciting Voter Education Project. In addition, continued our solid programming with Women in Prison projects, Color of Justice and MentorJet projects, Immigration and Human Trafficking programs, and Administrative and Special Judges projects.
- (2) Building and enhancing collaborative relationships with numerous organizations. In addition to my own trips to represent NAWJ with numerous organizations, many of our members represented NAWJ at meetings and symposia of numerous organizations.
- (3) Increasing visibility of NAWJ with our position statements and attendance at events of other organizations, including the White House.
- (4) Strengthening NAWJ's financial picture with two successful conferences.

Thanks to our staff, supporters, board members, state chairs, committee chairs, and all our members for your involvement in making NAWJ such an extraordinary organization. I extend special thanks to my Executive Committee teammates for your friendship and support. Congratulations to our new President Judge Anna Blackburne-Rigsby. It has been a great pleasure to have you at my side this year. We are well positioned for the coming year. I look forward to another wonderful year for NAWJ under her leadership

*Joan*

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