

AJA BENCHMARK

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Midyear Meeting Held in Biloxi

Milt Nuzum

The AJA Board of Governors worked diligently on our association's business and enjoyed the gracious southern hospitality of the Beau Rivage Hotel in beautiful Biloxi, Miss., at the midyear meeting, April 18–April 20, 2002.

President Bonnie Sudderth presided with all officers in attendance. Guests included Justice Irwin Lampert, of the Provincial Court of New Brunswick, who also serves as secretary-treasurer of the Canadian Association of Provincial Court Judges. Justice Lampert gave us an interesting look at judicial service in Canada, including the function of the Canadian Judicial Compensation Commission. Justice Lampert enjoyed his visit so much that he became the newest member of AJA and will represent District I on our Board of Governors.

Larry Belskis, a judge of the Franklin County, Ohio (Columbus) Probate Court and president-elect of the National College of Probate Judges, extended greetings from our colleagues on the probate bench. Likewise, Lisa



President Bonnie Sudderth (Texas) urges AJA members to come to the 2002 Annual Conference in Maui.

Nagy-Baker, vice-president of the National Court Reporters Association, extended greetings from her colleagues.

Michael Diaz, legal counsel for the Miccosukee Nation (south Florida), and Billy Cypress, chair of the Miccosukee Nation, who also serves as its chief appellate judge, also gave an interesting presentation about the functions of U.S. tribal courts.

Committees attended to business and reported their activities at the business session. The Government Relations Office of the National Center for State Courts provided one particularly noteworthy report regarding the status of the State Justice Institute (SJI). There is a proposal in Congress to cut the funding for SJI, with a proposed appropriation of only enough funds to wind down the organization. The SJI Web site (www.statejustice.org) illustrates the myriad of projects SJI has funded to benefit courts across the United States.

Members are encouraged to contact their representatives

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Billy Cypress, chair and chief appellate judge of the Miccosukee Nation, addresses the midyear meeting.

NOTICE

Notice is hereby given pursuant to Article V, Section 1, of the bylaws of the American Judges Association that the annual meeting will be held September 8-13, 2002, at the Westin Maui in Maui, Hawaii. The annual membership meeting will be held Thursday, September 12, at 8:30 AM.

Notice is hereby given that the Annual Meeting of the American Judges Foundation will be held Thursday, September 12, at 7:00 AM at the Westin Maui in Maui, Hawaii. 

PROPOSED BYLAW AMENDMENTS FOR 2002 ANNUAL CONFERENCE American Judges Association

The intent of these proposed amendments is to combine the positions of first and second vice-president into one position, vice-president. In order to do this, the Executive Committee requested that the secretary elected at the 2002 Annual Conference in Maui serve for two years; that the two vice-president positions be elected one final time at the 2002 Annual Conference; and that the single vice-president position be elected for the 2003-04 term of office at the 2003 Annual Conference. The vote required for Executive Committee action at present is six of nine votes (two-thirds); after the 2003 Annual Conference, the vote required would be five of eight votes (more than 50 percent). Text to be added is underlined; text to be deleted is struck through.

Article VIII – Sec 1. OFFICERS.

Sec. 1. OFFICERS. The officers of this Association shall be the President, the President-Elect, a First Vice-President, a Second Vice-President, a Secretary and a Treasurer, however, effective for the 2003-2004 term of office and after, the officers of this Association shall be the President, the President-elect, a Vice-President, a Secretary and a Treasurer. The following shall be elected by the members of the Association at the General Assembly of each Annual Conference by majority vote of those present and voting at such General Assembly: a First Vice-President; a Second Vice-President; and a Secretary. ~~—provided that~~ Where there are more than two candidates for any office and a majority vote is not cast for any one candidate, the name of the candidate receiving the lowest number of votes shall be removed from the ballot and additional ballots shall be cast accordingly until a candidate receives a majority of the votes cast.

Article VIII – Sec. 1.(a)

~~(a) The President Elect, who shall become President of the Association upon the adjournment of the next succeeding Annual Conference;~~

~~A First Vice President
A Second Vice President
A Secretary~~

(a) The President-Elect shall become President of the Association upon the adjournment of the next succeeding Annual Conference.

Article VIII – Sec. 4. TERMS OF OFFICE

Sec. 4. TERMS OF OFFICE. Officers shall serve an annual term at the will of the Board of Governors beginning with the conclusion of the Conference at which elected, to the conclusion of the next succeeding Annual Conference, or until their successors are elected and qualified except the Treasurer who shall serve at the will of the Board of Governors beginning with the conclusion of the Board meeting at which elected, to the conclusion of the Board meeting provided for in Article VIII, 1(b) supra. However, only for the election at the 2002 Annual Conference, the term of office for Secretary shall be two years, notwithstanding any other provisions of these bylaws.

Article VIII – Sec. 5(c). DUTIES.

(c) First Vice-President. The First Vice-President shall:

Perform such duties as shall be specifically directed by the President and/or the Board of Governors. Effective for the term of office for 2003-2004 and after, the positions and duties of First Vice-President and Second Vice-President shall be combined into the single position of Vice-President.

(d) Second Vice-President. The Second Vice-President shall:

Have the primary responsibility for maintaining relationships with all federal, state, provincial, and local organizations of Judges eligible for membership in this Association. Serve as Chair of the House of Delegates and shall be responsible for the appointment of the delegates annually, that the delegates meet annually, that the delegates are instructed in, and carry out, their responsibilities, and are informed concerning the Association, and shall report at each meeting of the Board of Governors and Executive Committee concerning the status of these duties and the activities and concerns of the delegates. Effective for the term of office for 2003-2004 and after, the positions and duties of First Vice-President and Second Vice-President shall be combined into the single position of Vice-President.

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NCSC Publishes Latest Judicial Salaries Survey

How do judicial salaries at all levels in your state compare with others? You can find out in the latest *Survey of Judicial Salaries* (vol. 27, no. 1), compiled and published by the Knowledge and Information Service of the National Center for State Courts.

This new survey reports judicial salaries as of July 1, 2001. Highlights include the following:

- Salaries of chief justices of state supreme courts range from \$90,842 to \$170,312.
- Salaries of associate justices of state supreme courts range from \$89,381 to \$162,409.
- Salaries of judges of intermediate appellate courts range from \$91,469 to \$152,260.
- Salaries of judges of general jurisdiction trial courts range from \$82,600 to \$137,400.
- Salaries of state court administrators range from \$73,000 to \$160,000.

This survey also features updated information on judicial compensation commissions.

The *Survey of Judicial Salaries* is available online at www.ncsconline.org. For more information, or to obtain a printed copy, contact the Knowledge and Information Service at (757) 259-1530. 

Law-Related Career Opportunities Nationwide Positions

Full/ Part Time

Looking to supplement your income? National, "Specialty Finance Co." providing factoring and financing services exclusively to the legal community seeks "high profile lawyers and judges" to represent our business interests in major metropolitan areas of the country. Our most successful representatives have been current or former judges and mediators having strong interpersonal skills and solid contacts within the legal community. Excellent compensation package.

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NGSC Resources Help Courts Deal with Family Violence

Domestic violence is one of the most significant issues facing the courts today. Domestic violence filings increased by 12 percent in 38 states between 1996 and 2000, according to the National Center for State Courts' *Examining the Work of State Courts, 2001*, and the National Center's Knowledge and Information Service fielded 126 questions involving family violence between January 1 and May 7, 2002.

To help courts improve the ways they serve families in crisis, the National Center formed the Family Violence Community of Practice (CoP). The mission of this CoP, which consists of National Center staff with expertise in domestic violence, child abuse and neglect, juvenile justice, and victims' rights, is to improve the justice system's response to family violence through research, technical assistance, and education.

The Family Violence CoP provides a number of resources for courts. The quarterly *Family Violence Forum* newsletter keeps courts up-to-date not only on National Center projects but also on state court initiatives to tackle the problem of family violence. For example, the newsletter's first issue (spring 2002) started a regular "Spotlight on the Courts" feature with an article about Florida's Elder Justice Center (13th Judicial Circuit, Tampa), which won the National Association for Court Management's Justice Achievement Award in 2001. The newsletter is located online at www.ncsconline.org/WC/Publications/Res_FamVio_FVNLVol1Spring2002Pub.pdf.

A Family Violence module on the National Center's Web site (at www.ncsconline.org) also provides important information courts can use to improve their

response to family violence cases. Modules on child abuse and neglect, elder abuse, and adolescent-dating violence are planned, as well.

Other initiatives of the National Center's Family Violence CoP include regional meetings to ensure the full faith and credit of protection orders both within and between states, collaborations to address domestic violence and child maltreatment, and permanency for abused and neglected children. For more information on the Family Violence Community of

Practice, please contact Madelynn Herman, knowledge management analyst at (757) 259-1549 or by e-mail at mherman@ncsc.dni.us. 



Proposed Bylaw Amendments for 2002 Annual Conference, *continued*

Article VII – Sec. 9. EXECUTIVE COMMITTEE

The Board of Governors may delegate certain of its administrative powers as it may determine except its power to fill vacancies on the Board, to an Executive Committee to act when the Board is not in session. Any such actions taken by the Executive Committee must be by a two-thirds vote of the eligible voting members of the Executive Committee. Effective for the term of office for 2003-2004 and after, any such actions taken by the Executive Committee must be by vote of more than fifty percent of the eligible voting members

of the Executive Committee. Such Executive Committee shall consist of:

- (a) Each elected Officer of the Association as provided in Article VIII, Section 1.
- (b) Three members of the Board of Governors, who shall be elected by the Board, for a one-year term, at its first meeting following each Annual Conference.
- (c) All past presidents of the Association who remain dues-paying members, and who shall serve as non-voting, ex-officio members without recompense. 

Court Filings Reach Eight-Year High

State courts received 92 million new cases in 2000—the highest number of cases since 1992—according to the National Center for State Courts' Court Statistics Project in *Examining the Work of State Courts, 2001*, a collection and analysis of data and information relating to the work of courts from all 50 states, the District of Columbia, and Puerto Rico.

This report presents accurate, objective, and comparable data across states and provides a relative yardstick against which states can consider their performance, identify emerging trends, and measure the possible impact of legislation. Here are some highlights from this year's report:

- Civil caseloads dropped for the second consecutive year in 2000.
- Felony filings varied from a high of 1,830 in Arkansas to a low of 79 in Massachusetts.
- Growth in criminal appellate cases is noticeably greater than growth in civil appellate cases.

A companion volume, *State Court Caseload Statistics, 2001*, contains detailed information and descriptions for individuals requiring more complete information. For more information, contact Melissa Cantrell at the National Center for State Courts (757-259-1526) or e-mail mcantrell@ncsc.dni.us. bm

MARK YOUR CALENDARS!



**Eighth National
Court Technology Conference (CTC8)
October 28-30, 2003
Kansas City Convention Center, Missouri**

Learn how courts are using technology to improve operations, and how electronic filing, information systems and standards, and other technologies are changing the way courts work with the public, attorneys, and other justice professionals, at the National Center for State Courts' CTC8, the only conference devoted exclusively to court technology.

For more information, consult the CTC8 Web site at www.ctc8.net or Valerie Hansford (at vhansford@ncsc.dni.us) for more information.

Midyear Meeting Held in Biloxi, *continued*

in Congress to request that they support SJI as an important source of funds for improving the justice system.

Other noteworthy information concerned the recently enacted federal welfare reform legislation, which provides funds for mediation and divorce education programs. These funds may be useful to AJA members, and you are encouraged to seek more information.

Attending the business sessions reinforces the concept that AJA is vitally important to our judicial profession. The initiatives undertaken by AJA to support our work are amazing in their scope. They include judicial education, alternative dispute resolution, substance

abuse education, court security, domestic violence, ethnic equality, highway safety, juvenile justice, therapeutic jurisprudence, and pro se litigation. AJA's programs and publications enable us to promote membership as being valuable not only to us as individuals but also to our chosen profession.

Although membership in AJA is strong, many of our colleagues have yet to join. We encourage you to invite a colleague to join us for a free year of membership and service to our profession. The educational program at the midyear meeting was outstanding. Take advantage of the opportunities AJA provides. We hope to see you in Maui in September! bm

Supreme Court Takes Up Judicial Candidates' First Amendment Rights

The U.S. Supreme Court, in a 5-4 decision, clarified how to balance the First Amendment rights of judicial candidates with the public's right to a fair and impartial judiciary in its decision in *Republican Party of Minnesota v. White* on June 27, 2002.

"The question presented," according to Justice Scalia's majority opinion, "is whether the First Amendment permits the Minnesota Supreme Court to prohibit candidates for judicial elections . . . from announcing their views on disputed legal and political issues." The Court held that "[t]he Minnesota Supreme Courts canon of judicial conduct prohibiting ...[such views]... violates the First Amendment."

While this decision may afford much more campaign latitude for judges facing a contested election, Justice Scalia was very careful to note that in all states where judges face such elections, the canons of judicial conduct, "separately prohibit judicial candidates from making pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office—a prohibition that is not challenged [in the decision] and on which we express no view." Judicial candi-

dates should be very careful to note this distinction.

Justice Scalia observed that the Constitution makes judicial elections permissive and noted that many, including our Founding Fathers, oppose such elections. He stated, "[T]he greater power to dispense with elections altogether does not include the lesser power to conduct elections under conditions of state-imposed voter ignorance. If the State chooses to tap the energy and the legitimizing power of the democratic process, it must accord the participants in that process the First Amendment rights that attach to their roles" (citation omitted).

It is notable that four justices in dissent adopted the view pressed in an amicus brief for the Conference of Chief Justices, which urged the Court to decide the case "in a way that preserves the state's flexibility to balance First Amendment concerns against other constitutional commitments to the due process rights of litigants and the independence of the judiciary within a system of separated government powers." 

AMERICAN JUDGES ASSOCIATION Future Conferences

2002 Annual Meeting

September 8-13

Maui, Hawaii

The Westin Maui

*(\$155 single or double – golf/mountain view;
\$169 single or double – ocean view)*

2003 Midyear Meeting

May 15-17

Billings, Montana

The Sheraton Billings

(\$65-\$95 single or double, depending on room type)

2003 Annual Conference

September 14-19

Montreal, Quebec

Omni Hotel Mont-Royal

(\$220 Canadian single or double)

AJA INSIGNIA WEAR

Embroidered Patches: \$3.00 each
Membership Certificate Plaques: \$15.00 each
 With clear acrylic cover

Ties: \$22.50 each
 gray with navy stripe and logo

New Items (with Embroidered Logo)

Sweatshirts: \$25.00 each
 Navy with white AJA logo
 large extra large XX large

T-shirts: \$20.00 each
 Navy with white AJA logo
 White with navy AJA logo
 large extra large XX large

Lined Windbreakers: \$40.00 each
 Navy with white AJA logo
 large extra large XX large

Polo Shirts: \$25.00 each
 large extra large XX large

Sale!! Items with stamped logo

T-shirts: \$10.00 each
 Navy with white AJA logo
 White with navy AJA logo
 large extra large XX large

Lined Windbreakers: \$30.00 each
 Navy with white AJA logo
 large XX large

Juror Certificates: Box of 100 \$25 each

(preprinted certificates of appreciation for presentation to citizens serving as jurors in your court—not suitable for running through a laser printer)

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_____	_____	x	_____	= \$	_____
quantity	item—note color or size		cost		Total
_____	_____	x	_____	= \$	_____
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quantity	item—note color or size		cost		Total
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quantity	item—note color or size		cost		Total
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quantity	item—note color or size		cost		Total
				\$	_____
				TOTAL	

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Aloha!

The American Judges Association invites You
to its 42nd Annual Educational Conference

September 8-13, 2002

The Westin Maui

Join us for an outstanding conference this fall! Go to the AJA Web site (<http://aja.ncsc.dni.us>) for complete information on the numerous educational sessions (15.75 CLE hours will be offered), the facilities and accommodations at the beautiful Westin Maui, the planned optional tours to see many of Maui's exciting attractions, and the other activities that await you on Hawaii's Valley Island.

Keiki Kamp for Kids
Beautiful Beaches
Professor Charles Whitebread

Scuba Diving
Bike down Haleakala
Shopping in Old Lahaina

BENCHMARK

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