

# The Resource Page: Focus on Public Trust & Confidence

*Editor's Note: Almost any resource that can help a judge do a better job can help to improve public trust and confidence in the courts. Thus, it's a daunting task to prepare a list of references in this area. The Conference of Chief Justices, the Conference of State Court Administrators and the National Center for State Courts are joining forces to prepare a plan just to identify best practices from around the country - ultimately hoping both to identify such programs and to disseminate information about them. That will obviously be a worthwhile project, and, as such materials are prepared by other national groups, we will certainly tell you about them. In the meantime, we have prepared this somewhat eclectic collection of resources that might be of use to you in a variety of areas. Information on how to order publications from the American Bar Association, the American Judicature Society and the National Center for State Courts is found on page 82.*

## BIAS, FAIRNESS & EQUITY

New Mexico Supreme Court Committee to Study Racial and Ethnic Fairness and Equality in the Courts, *Final Report of the New Mexico Supreme Court Committee to Study Racial and Ethnic Fairness and Equality in the Courts*. New Mexico Supreme Court, 1999. 56 pp. Contact: Lisa Lightman, (505) 827-4624, e-mail: aocjl@nmcourts.com.

For a recent, comprehensive statewide report on the problems of racial and ethnic bias, the report issued in 1999 by a New Mexico committee chaired by New Mexico Supreme Court Justice Joseph Baca is an excellent resource. The committee, with the assistance of an outside consulting firm, conducted detailed surveys of judges, court staff, attorneys and others who routinely have involvement with the courts. It also held public hearings throughout New Mexico; collected data about the pro-

file of the workforce in the courts and in other agencies, along with data on arrests, sentencing and offender characteristics for adults and juveniles; and reviewed other studies about race and ethnic issues in New Mexico. Its report concluded that there was a picture of overall fairness and equality in the courts, although there were also many areas for improvement. The report concluded with a series of recommendations for improving racial, ethnic and cultural awareness; for improving access to representation and court-related services; and for improving the representation of racial and ethnic groups in juries and in the judicial workforce.

Lynn Hecht Schafran, Norma Winkler & Jill Crawford, *The Gender Fairness Strategies Project: Implementation Resources Directory*. National Judicial Education Program (a project of the NOW Legal Defense and Education Fund), 1998. 230 pp. \$20. Contact: NJEP, 395 Hudson Street, 5<sup>th</sup> Floor, New York, NY 10014, (212) 925-6635, e-mail: njep@nowldef.org.

This publication is the result of a State Justice Institute grant and is sponsored by five national organizations: the National Association of Women Judges, the National Judicial College, the National Center for State Courts, the American Bar Association Commission on Women in the Profession and the National Judicial Education Program (a project of the NOW Legal Defense and Education Fund). The directory provides an annotated list of actions taken and materials available to address gender bias in the courts that can be readily replicated or adapted for use in other courts.

National Judicial Education Program (a project of the NOW Legal Defense and Education Fund), *When Bias Compounds: Insuring Equal Justice for Women of Color*

*in the Courts, A Model Judicial Education Curriculum*. NJEP, 1997. 940 pp. \$80. Contact: NJEP, 395 Hudson Street, 5<sup>th</sup> Floor, New York, NY 10014, (212) 925-6635, e-mail: njep@nowldef.org.

Developed under a grant from the State Justice Institute, this is a model curriculum for judges about problems faced by women of color when interacting with the justice system. The curriculum is designed to assist judges in making sure that women of color receive equal access to the justice system. A separate unit of the curriculum discusses psychological research about how and why the human mind works to develop stereotypes; how those stereotypes may become reflexive judgments that impair fairness; and how conscious intervention can help to avoid discriminatory behavior. Another unit of the curriculum addresses gender-based violence.

## COURT AND COMMUNITY COLLABORATION

Richard Fruin, *Judicial Outreach on a Shoestring: A Working Manual*. ABA Judicial Division, 1999. 246 pp. \$19.95.

In this book, Judge Richard Fruin provides descriptions of seventeen judicial outreach programs in place around the country, ranging from town hall meetings to teen courts to judge-hosted educational radio programs. Central to the book are working papers, publicity and associated materials from the individual programs, which are included. In addition, other program ideas for judicial outreach are also described. The price is discounted to \$9.95 for ABA Judicial Division members; add \$3.95 to either price for S&H. ABA Product Code 5230048.

David Rottman, et al., *A Guide to Court and Community Collaboration*. NCSC, 1998. 107 pp. \$5.00 (S&H).

This NCSC-produced guide includes a description of six exemplar projects of court-community collaboration, in addition to a detailed discussion of how to develop such programs.

Judicial Council of California, *Dialogue: Courts Reaching Out to Their Communities: A Handbook for Creating and Enhancing Court and Community Collaboration*. Judicial Council of California, 1999. Available on the Web at <http://www.courtinfo.ca.gov/programs/community/handbook.htm>

On February 9, 1999, the Judicial Council of California unanimously approved the recommendations of the Special Task Force on Court/Community Outreach, including the release of the task force's major work product, *Dialogue*, a comprehensive "how to" resource to aid courts in court and community collaboration activities.

Courts and Community Task Force, Judicial Council of California, *Courts and Their Communities: Local Planning and the Renewal of Public Trust and Confidence*. Judicial Council of California, 1999. 254 pp. Contact: Jack Urquhart, (415) 865-7654, e-mail: [jack.urquhart@jud.ca.gov](mailto:jack.urquhart@jud.ca.gov).

This is a reprint of the binder of materials distributed at a May 1998 conference. It details a five-step planning process and its use in development of a court strategic plan for use in court and community collaboration. Information about that planning process can also be found on the Web at [http://www.courtinfo.ca.gov/programs/community/court\\_planning.htm](http://www.courtinfo.ca.gov/programs/community/court_planning.htm).

California Court and Community Collaboration Project Web Site  
<http://www.courtinfo.ca.gov/programs/community/index.htm>

This project, sponsored by the California Judicial Council, has as its stated purpose "to improve the courts' ability to maximize resources, meet increasing demands and improve public confidence." A number of resources are available at the site.

David B. Rottman, Pamela Casey & Hillery Efke, "Court and Community Collaboration: Ends and Means, *A Discussion Paper*," February 1998, available on the Web at <http://www.courtinfo.ca.gov/programs/community/endsmeans.htm>.

This paper provides a useful discussion of the benefits to be achieved from court-community collaboration.

*The Judges' Journal*, Fall 1999 Special Issue. ABA Judicial Division. \$6.50.

The Fall 1999 issue of *The Judges' Journal* is devoted to court-community outreach and collaboration. Articles cover the ethical issues involved; what is currently going on in federal and state courts; and how daytime court television programs are affecting public perceptions of the judicial system.

Roger K. Warren, "Courts and the Public: The Need for Effective Communication," *Court Manager*, Winter 1997, at 20.

American Bar Association, *Community Involvement* (an ABA Roadmap publication). \$5.

## ETHICS – JUDGES

Jeffrey M. Shaman, Steven Lubet & James J. Alfini, *Judicial Conduct and Ethics* (3<sup>rd</sup> ed.). Lexis Law Pub., 2000. \$110.

Now available, this is the third edition of what is clearly the most comprehensive work on judicial ethics. Professors Shaman, Lubet and Alfini cover the Code of Judicial Conduct and its variants as adopted around the country.

American Judicature Society, *Judicial Conduct Reporter*. Quarterly. \$28 per year.

This quarterly newsletter analyzes developments in judicial discipline, reporting current decisions around the country. Relevant books and journal articles are noted.

Cynthia Gray & Nancy Biro, *An Ethics Guide for Part-Time Lawyer Judges*. American Judicature Society, 1999. \$25.

This is designed as a self-study guide on ethics issue that confront part-time judges who also practice law. It includes sections on misuse of office; when disqualification is required; how being a part-time judge affects the lawyer's practice; serving as an arbitrator or mediator; serving as a fiduciary; business and financial activities; and political activities.

Cynthia Gray, *When Judges Speak Up: Ethics, the Public and the Media*. American Judicature Society, 1998. \$25 (video & self-study guide); \$20 (CD-ROM self-study package).

This multimedia curriculum is designed to help judges resolve the conflict between increasing demands for their observations on controversial legal issues and their commitment to maintaining public confidence in the judiciary. Included in the curriculum is a 30-minute video of four scenarios: a judge giving an interview in chambers to a local newspaper reporter, a judge giving a speech to a community group, a judge answering a reporter's questions about a supreme court opinion on the courthouse steps, and a judge making a talk-show appearance to discuss a case pending on appeal. A self-study guide is provided; an instructor's manual is also available.

Cynthia Gray, *Key Issues in Judicial Ethics*. American Judicature Society, 1996. \$35.

This is actually a set of six different papers examining judicial ethics advisory opinions on specific topics: Recommendations by Judges (#841); Political Activity by Members of a Judge's Family (#842); Organizations That Practice Invidious Discrimination (#843); A Judge's Attendance at Social Events, Bar Association Functions, Civic and Charitable Functions, and Political Gatherings (#844); Ethical Issues for New Judges (#845); and Real Estate Investments by Judges (#846). Individual papers may be ordered by number for \$7 each.

Jona Goldschmidt & Lisa Milord, *Ethical Issues in Judicial Settlement*. American Judicature Society, 1996. \$25.

This is a combination of a video and an accompanying study guide, intended to provide direction to judges to allow fair and impartial handling of settlement conferences and processes. Guidelines and accompanying commentary for handling such conferences in an ethical way are provided; a discussion guide for judicial educators is also available.

American Judicature Society, *From Advocate to Arbitrator: Pre-Bench Training for State Court Judges: A Videotaped Program for the New Judge*. AJS, 1992. \$45.

This program, designed to teach new judges how to fulfill their judicial responsibilities, consists of three videotapes and a self-study guide. Topics covered include becoming a public figure, courtroom control and handling stress.

American Judicature Society, *Judicial Ethics and the Administration of Justice: A Videotaped Instructional Program on Judicial Ethics*. AJS, 1990. \$30.

This program, covering topics such as courtroom demeanor, prejudice and bias, dealing with pro se litigants, conflict of interest and disqualification, off-the-bench conduct and supervising court personnel, consists of two videotapes. A self-study guide and instructor's manual are also included.

## ETHICS – COURT STAFF

American Judicature Society, *Justice at First Hand: A Videotape Curriculum on Ethics & Professionalism for Nonjudicial Personnel*. AJS, 1995. \$25.

Topics covered include confidentiality, political activity, favoritism, discrimination and sexual harassment. The video includes four scenarios in which actors portray situations often encountered by court employees. Each scenario is followed by a panel discussion. A one-hour videotape, instructor's manual and self-study guide are included.

American Judicature Society, *Model Code of Conduct for Nonjudicial Court Employees*. AJS, 1989.

This code covers areas such as abuse of position, confidentiality, conflict of interest, political activity and performance of duties.

## INFORMATION TECHNOLOGY

### Top 10 [or 11] Court Web Sites (announced at CTC6 Conference, Sept. 1999):

1. North Dakota Supreme Court Home Page - [www.court.state.nd.us](http://www.court.state.nd.us)
2. San Diego Superior Court Home Page - [www.sandiego.courts.ca.gov/superior/](http://www.sandiego.courts.ca.gov/superior/)
3. Ninth Judicial Circuit Court of Florida - [www.ninja9.org](http://www.ninja9.org)
4. Washtenaw County Trial Court - [www.co.washtenaw.mi.us/depts/courts/index.htm](http://www.co.washtenaw.mi.us/depts/courts/index.htm)
5. Delaware Municipal Court Website - [www.municipalcourt.org](http://www.municipalcourt.org)
6. Iowa Supreme Court - [www.judicial.state.ia.us](http://www.judicial.state.ia.us)
7. Milwaukee Municipal Court - [www.ci.mil.wi.us/citygov/court/index.html](http://www.ci.mil.wi.us/citygov/court/index.html)
8. Superior Court of California, County of Sacramento - [www.sac-court.com](http://www.sac-court.com)
9. United States Bankruptcy Court, District of Minnesota - [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov)
10. Connecticut Judicial Branch Home Page - [www.jud.state.ct.us](http://www.jud.state.ct.us)
11. Northern District of Texas Home Page - [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov)

### Links to Other Court Web Sites:

NCSC Link to Web Sites:  
<http://www.ncsc.dni.us/court/sites/courts.htm>.

The National Center for State Courts provides a fairly comprehensive listing of court Web sites.

AALL Link to Web Sites:  
[http://www.bc.edu/bc\\_org/avp/law/lawlib/aallwg/](http://www.bc.edu/bc_org/avp/law/lawlib/aallwg/)

The American Association of Law Libraries provides a link to examples of the best Web sites it could find in a variety of areas. The criteria used by its committee in picking the best sites are also provided.

National Center for State Courts, Court Technology Program listings  
<http://ncsc.dni.us/Ncsc3.htm#divisions>

The NCSC Web site provides information on the use of technology and lists of vendors.

Maricopa County, Ariz., Superior Court, *Recommendations for a Court's Web Site for Self-Represented Litigants: Using the Internet to Serve Those Who Choose to Help Themselves*. Maricopa County Superior Court, 1998. 25 pp. Contact: Bob James, (602) 506-6314.

This is a consultant's report, done under a State Justice Institute grant, on how to improve the initial Web site set up by the Maricopa County Superior Court. To see the Court's general Web site, go to <http://www.superiorcourt.maricopa.gov/>. To look at their Self-Service Center for the use of litigants, go to <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.

William T. Cotton, *Internet Access to Appellate Case Data*. Alaska Court System and Alaska Judicial Council. 16 pp. Contact: Marilyn May, (904) 264-0612.

## JUDICIAL INDEPENDENCE

American Judicature Society  
Center for Judicial Independence  
<http://www.ajs.org/independ1.html>

AJS has a collection of materials on judicial independence at this site. This includes its "Judges Under Fire" section, which details and documents attacks on judges throughout the country.

Colorado State Courts,  
Judicial Independence Resources  
<http://www.courts.state.co.us/scao/judind.htm>

Resources on judicial independence have been collected at this page on the Colorado state courts' Web site.

American Bar Association Special Committee on Judicial Independence <http://www.abanet.org/judind/What.html>

At this ABA Web site, you can find information on ABA activities related to judicial independence, as well as talking points, model speeches, a bibliography and other materials.

Archibald Cox, "The Independence of the Judiciary: History and Purposes," 21 *Dayton L. Rev.* 565 (1996).

Irving R. Kaufman, "The Essence of Judicial Independence," 80 *Columbia L. Rev.* 671 (1980).

Stephen C. Yeazell, "Good Judging and Good Judgment," *Court Review*, Fall 1998, at 8.

*The Judges' Journal*, Winter 1997 Special Issue. ABA Judicial Division. \$6.50.

American Bar Association, *Judicial Independence* (an ABA Roadmap publication). \$5.

American Bar Association, *Response to Criticism of Judges*. ABA, 1998.

Amy B. Atchison, Lawrence Tobe Liebert & Denise K. Russell, "Judicial Independence and Judicial Accountability: A Selected Bibliography," 72 *S. Cal. L. Rev.* 723 (1999).

## JUDICIAL SELECTION & RETENTION

Kevin M. Esterling & Kathleen M. Sampson, *Judicial Retention Evaluation Programs in Four States: A Report with Recommendations*. American Judicature Society, 1998. \$25.

If you are interested in setting up a fair program to evaluate judicial performance, this report is probably the best resource you could find to use as a starting point. It describes the structure and operations of statewide judicial performance evaluation programs in Alaska, Arizona, Colorado and Utah. The authors provide their own recommendations for establishing an effective judicial retention evaluation program.

American Bar Association, *Judicial Selection* (an ABA Roadmap publication). \$5.

American Bar Association, *Guidelines for Evaluation of Judicial Performance*. ABA, 1985. \$15.

## JUDICIAL SYSTEM REFORM

Robert Tobin, *Creating the Third Branch: The Unfinished Reform*. National Center for State Courts, 1999. 312 pp. \$50.

This new book by court management consultant Robert Tobin of the National Center for State Courts traces the court reform movement and looks critically at what has been accomplished and how reform might be best pursued in the future.

American Bar Association, Presidential Administration Office, *Just Solutions: Seeking Innovation and Change in the American Justice System*. ABA, 1994.

American Bar Association, Presidential Administration Office, *Just Solutions: A Program Guide to Innovative Justice System Improvements*. ABA, 1994. \$10.00.

American Bar Association, Consortium on Legal Services and the Public, *Agenda for Access: The American People and Civil Justice*. ABA, 1996. \$15.95.

American Bar Association, Division for Legal Services, *Legal Needs and Civil Justice: A Survey of Americans*. ABA, 1995. \$17.95.

David B. Wexler & Bruce J. Winick (eds.), *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence*. Carolina Academic Press, 1996. 1032 pp. \$65.

## JURY REFORM

"The Resource Page: Focus on Jury Reform," *Court Review*, Spring 1999, at 31 (available on the Web at <http://aja.ncsc.dni.us/courtrv/cr36-1/CR36-1Resource.pdf>).

We previously catalogued the best books and articles on jury reform ear-

lier this year in The Resource Page of *Court Review*. Additional materials beyond those listed here are found there.

B. Michael Dann, "'Learning Lessons' and 'Speaking Rights': Creating Educated and Democratic Juries," 68 *Ind. L.J.* 1229 (1993).

In this article, Arizona Superior Court Judge Mike Dann presents a compelling argument that the traditional legal model of judicial behavior – in which jurors must act passively throughout the trial – is contrary to overwhelming social science and education research about people, jurors included, learn best. He presents a reality-based behavior model of the juror, discusses the lessons we can learn from educators, and then discusses the implications of these lessons for jury reform.

D.C. Jury Project, *Juries for the Year 2000 and Beyond: Proposals to Improve the Jury System in Washington, D.C.* Council for Government Excellence, 1998. 112 pp.

This jury reform manual was the work product of a unique committee that looked into reforms needed to both state and federal courts in D.C. The report includes detailed references. Copies are available from the Council for Court Excellence, 1150 Connecticut Ave., N.W., Suite 620, Washington, D.C. 20036-4104, (202) 785-5917. The Council requests payment of \$5 to cover postage and handling.

Robert G. Boatright & Beth Murphy, *Behind Closed Doors: A Resource Manual to Improve Jury Deliberations*. American Judicature Society, 1999. 51 pp. \$25.

This is the manual behind the new *AJS Guide for Jury Deliberations*, which was described in the Summer 1999 issue of *Court Review*. See Robert G. Boatright & Beth Murphy, "How Judges Can Help Deliberating Juries: Using the Guide for Jury Deliberations," *Court Review*, Summer 1999, at 38 (available on the Web at <http://aja.ncsc.dni.us/courtrv/cr36-2/CR36-2Boatright.pdf>).

American Judicature Society, *Enhancing the Jury System: A Guidebook for Jury Reform*. AJS, 1999. 48 pp. \$25.

This monograph provides an overview of the jury reform efforts of the past several years in Arizona, California, Colorado, the District of Columbia and New York. It describes the work and makeup of each jurisdiction's jury reform commission and tells which of the recommended reforms have been adopted. The authors also give advice on how to start a similar process in your jurisdiction.

Robert G. Boatright, *Improving Citizen Response to Jury Summonses: A Report with Recommendations*. American Judicature Society, 1999. 144 pp. \$25.

The one thing we know is true when large groups of summoned jurors fail to report is that the jury ultimately chosen may not be fully representative of the community. This report carefully examines the available options for dealing with the problem.

National Center for State Courts, *Through the Eyes of the Juror: A Manual for Addressing Juror Stress*. NCSC, 1998. 90 pp.

This monograph presents a simple proposition – that jurors, even in routine cases, may face stress they do not face in their normal pursuits – and provides a thorough discussion of ways judges and others in the court system can reduce juror stress. Includes results of surveys of more than 800 persons summoned for jury duty and more than 800 trial judges. To order, send \$5 to cover postage and handling to NCSC, Att.: Lynn R. Grimes, P. O. Box 8798, Williamsburg, Virginia 23187-8798, or e-mail lgrimes@ncsc.dni.us.

G. Thomas Munsterman, Paula L. Hannaford & G. Marc Whitehead, *Jury Trial Innovations*. National Center for State Courts, 1997. 334 pp. \$18.

All of the proposals for jury reform are catalogued here with pros, cons and citations to cases and articles discussing each one. Topics covered include juror questioning of witnesses, juror note-taking and juror discussion of evidence during trial.

More than one hundred pages of appendices are included, providing sample preliminary jury instructions, instructions about the deliberation process and jury exit questionnaires.

American Bar Association, *The American Jury – Changes for the 21<sup>st</sup> Century* (an ABA Roadmap publication). \$5.

## MEDIA RELATIONS

American Bar Association, Division for Media Relations and Communications Services, *The Reporter's Key: Rights of Fair Trial and Free Press*. ABA, 1999. 65 pp. First copy free, \$10 per copy thereafter.

American Bar Association, Division for Media Relations and Communications Services, *Planning a Bar-Media Seminar*. ABA, 1988. 19 pp. \$3.

American Bar Association, Division for Media Relations and Communications Services, *Facts About the American Judicial System*. ABA, 1999. 35 pp. \$19.95.

American Bar Association Special Committee on Judicial Independence <http://www.abanet.org/judind/What.html>

At this ABA Web site, you can find talking points to use on judicial independence, model speeches and editorial columns, and other materials that could be used as background information when talking with the media.

## ORGANIZATIONS

American Bar Association, 750 N. Lake Shore Drive, Chicago, Illinois 60611, (312) 988-5000.

ABA Web sites:

General ABA site - [www.abanet.org](http://www.abanet.org)  
ABA Judicial Division - [www.abanet.org/judicial](http://www.abanet.org/judicial)  
ABA Office of Justice Initiatives - [www.abanet.org/justice](http://www.abanet.org/justice)  
ABA Division for Legal Services - [www.abanet.org/legalservices](http://www.abanet.org/legalservices)  
ABA Governmental Affairs Office - [www.abanet.org/legadv](http://www.abanet.org/legadv)

ABA Standing Committee on Judicial Independence - [www.abanet.org/judind/judIndephome.html](http://www.abanet.org/judind/judIndephome.html)

American Judges Association, Association Services, P. O. Box 8798, Williamsburg, Virginia 23187-8798, (757) 259-1841.  
Web: <http://aja.ncsc.dni.us/>

American Judicature Society, 180 N. Michigan Ave., Suite 600, Chicago, Illinois 60601, (312) 558-6900.  
Web: <http://www.ajs.org/>

Center for Law and Public Policy (CLASP), 1616 P Street, N.W., Suite 150, Washington, D.C. 20036, (202) 328-5140.  
Web: <http://www.clasp.org>

Center for the Study of Social Policy, 120 Eye Street, N.W., Washington, D.C. 20005, (202) 371-1565.  
Web: <http://www.clasp.org>

Citizens for Independent Courts, 1755 Massachusetts Ave., N.W., Washington, D.C. 20036, (202) 745-5466.  
Web: <http://www.faircourts.org/>

Conference of State Court Administrators (COSCA), c/o National Center for State Courts, P. O. Box 8798, Williamsburg, Virginia 23187-8798, (757) 253-2000.  
Web: <http://cosca.ncsc.dni.us/>

Council for Court Excellence, 1800 M Street, N.W., Suite 750 South, Washington, D.C. 20036, (202) 785-5917.  
Web: <http://www.courtexcellence.org/>

Legal Services Corporation, 750 First St., N.E., 10<sup>th</sup> Floor, Washington, D.C. 20002, (202) 336- 8800.  
Web: <http://www.ltsi.net/lsc/>

National Association for Court Management (NACM), c/o National Center for State Courts, P. O. Box 8798, Williamsburg, Virginia 23187-8798, (757) 259-1841.  
Web: <http://nacm.ncsc.dni.us/>

National Association for Public Interest Law, 2120 L Street, N.W., Fourth Floor, Washington, D.C. 20037, (202) 466-3686. Web: <http://www.napil.org>

National Center for State Courts, 300 Newport Avenue, P. O. Box 8798, Williamsburg, Virginia 23187-8798, (757) 259-1841.  
Web: <http://www.ncsc.dni.us>

National Center on Poverty Law, 205 W. Monroe St., Chicago, Illinois 60606, (312) 263-3830.

Public Justice Center, 500 East Lexington St., Baltimore, Maryland 21202, (410) 625-9409.  
Web: <http://www.publicjustice.org>

State Justice Institute, 1650 King St., Suite 600, Alexandria, Virginia 22314, (703) 684-6100.

Web: <http://www.statejustice.org/>  
For more information on the State Justice Institute (SJI), see Richard Van Duizend, "An Introduction to the State Justice Institute," *Court Review*, Winter 1998, at 6 (available on the Web at <http://aja.ncsc.dni.us/courtrv/cr35-4/CR35-4VanDuizend.pdf>).

## PRO SE LITIGANTS

Jona Goldschmidt, Marry Mahoney, Harvey Solomon & Joan Green, *Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers*. American Judicature Society, 1998. 113 pp. plus appendix. \$25.

This is a thorough, readable manual for helping *pro se* litigants, with an appendix of additional resources, including contact names and a bibliography. It reports the findings and recommendations of an American Judicature Society/Justice Management Institute study financially supported by the State Justice Institute.

"The Resource Page: Focus on Pro Se Litigants," *Court Review*, Summer 1998, at 35.

We previously catalogued resources on helping *pro se* litigants in the

Summer 1998 issue. Included there are Web sites for use by *pro se* litigants and an easy-to-clip set of guidelines for court staff to use on what they can – and cannot – do to assist *pro se* litigants.

Maricopa County, Ariz., Superior Court, *Self-Service Center*. Maricopa County Superior Court, 1997. 61 pp. Contact: Bob James, (602) 506-6314.

This publication, which reports on the establishment of self-service centers in Phoenix, includes an independent evaluation of their program done by an outside consultant. This Maricopa County project was aided by a grant from the State Justice Institute. You can view the Self-Service Center's Web site at <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.

## PUBLIC EDUCATION

American Bar Association, *Road Maps* publication series. \$5 each.

The *Road Maps* series consists of several different publications, designed to address general audiences, including the public, the bench and the bar. The titles of the *Road Maps* publications include: *Judicial Selection; Community Involvement; Funding the Justice System; Independence of the Judiciary; The American Jury – Changes for the 21<sup>st</sup> Century; User-Friendly Courts - Customer Service in the Courthouse*, and *Access to Justice*. Volume discounts are available for distribution at community forums, among policy makers or to state and local organizations.

American Bar Association, Division for Public Education, *Guide to Educating the Public about the Courts*. ABA, 1994. \$12.95.

American Bar Association, Division for Public Education, *Law and the Courts*. ABA, 1995. \$2.50.

American Bar Association, Division for Media Relations and Communications Services, *Facts About the American Judicial System*. ABA, 1999. 35 pp. \$19.95.

American Judicature Society, *Through My Own Eyes: A Personalized Look at the U.S. Justice System*. AJS, 1994. \$15.

This 25-minute videotape provides an overview of the U.S. justice system for immigrants and has been produced in eleven languages (Arabic, Cantonese, English, French, Haitian, Khmer, Korean, Polish, Russian, Spanish and Vietnamese). When ordering, specify the desired language. An instructor's manual is included.

American Judicature Society, *Cornerstone of Democracy: The U.S. Jury System*. AJS, 1996. \$25.

This 18-minute videotape provides an overview of the jury's role in the U.S. justice system. It includes both information about jury service and dramatized stories of citizens directly affected by the constitutionally guaranteed right to trial by jury. The video was intended for use in courthouse juror orientation, public outreach programs and civics courses.

## PUBLIC OPINION

Perceptions of the U.S. Justice System  
<http://www.abanet.org/media/perception/home.html>

The full report on the ABA's August 1998 national survey of 1,000 respondents is found at this Web site. For an overview of that data, see "An Interview with Phil Anderson and Marilyn Goldman," *Court Review*, Winter 1998, at 8 (available on the Web at <http://aja.ncsc.dni.us/courtrv/cr35-4/CR35-4Anderson.pdf>).

How the Public Views the State Courts  
<http://www.ncsc.dni.us/ptc/results/nms4.htm>

The full report on this 1999 survey sponsored by the National Center for State Courts and the Hearst Corporation is available on the Web. For an overview of the data, see the article in this issue by David Rottman and Alan Tomkins.

## PUBLIC TRUST & CONFIDENCE

### National Action Plan

<http://ncsc.dni.us/PTC/Ptc.htm>

The 51-page draft National Action Plan, prepared following the May 1999 national conference, is available at this Web site. When the draft goes into final form, you can expect that it will be posted here as well.

### National Conference on PT&C

<http://ncsc.dni.us/PTC/Ptc.htm>

For anyone who would like even more information on the May 1999 national conference than is found in this issue, it's available at this Web site. Included are briefing papers made available to the conference participants; polling data on the national survey taken in advance of the conference; tallies of votes by conference participants ranking various issues and strategies; and a complete transcript of the plenary sessions of the conference.

### HOW TO ORDER PUBLICATIONS

**American Bar Association:** 750 N. Lake Shore Drive, Chicago, Illinois 60611. To order by fax or phone with credit card: Fax (312) 988-5850; Phone 1-800-285-2221 or (312) 988-5522; or use the order form on the ABA Web site at <http://www.abanet.org/>.

**American Judicature Society:** 180 N. Michigan Ave., Suite 600, Chicago, Illinois 60601. To order by phone or fax with credit card: Fax (312) 558-9175; Phone (312) 558-6900 ext. 147.

**National Center for State Courts:** For published items, contact the NCSC Fulfillment Department, P. O. Box 580, Williston, Vermont 05495-0580. You can also order by phone at 1-888-228-NCSC or by e-mail at [ncsc.orders@aidcvt.com](mailto:ncsc.orders@aidcvt.com). For reports available without charge, contact the NCSC home office, 300 Newport Avenue, P. O. Box 8798, Williamsburg, Virginia 23187-8798, (757) 259-1841.

Kevin M. Esterling, *Judicial Independence, Public Confidence in Courts, and State-Federal Cooperation in the Midwest: A Research Report on the Midwest Regional Conference on State-Federal Judicial Relationships*. American Judicature Society, 1998. \$25.

The report title is a mouthful, so we'll simplify things here. This report summarizes the work of a regional conference of federal and state judges convened in October 1997. The conference, sponsored by AJS and funded by the State Justice Institute, included judges from the states of the Sixth, Seventh and Eighth Circuits. The conference broke into smaller discussion groups, and the suggestions of each group as to areas in which state and federal judges could cooperate to improve public trust and confidence in the courts are summarized, including public education and outreach programs. Also included is survey data of these federal and state judges regarding issues on which state and federal judges share issues of mutual concern.

Arizona Courts Association, *Annual Conference: Public Trust and Confidence*. Arizona Courts Association, 1998. 200 pp. Contact: Robert M. Wininger, (602) 542-9333, e-mail: [bwininger@supreme.sp.state.az.us](mailto:bwininger@supreme.sp.state.az.us).

These were the materials for a statewide conference of court employees, in which issues related to public trust and confidence in the courts were addressed. Topics addressed at the conference included re-engineering the courts; racial and gender bias; public education programs; specialty courts; enforcement of court orders; and jury reform.

Texas Supreme Court, Texas Office of Court Administration and State Bar of Texas, *Public Trust and Confidence in the Courts and the Legal Profession in Texas*. Texas Supreme Court, et al., 1998. 60 pp. plus app. Contact Mary Cowherd or Joseph Shields, (512) 463-1625; e-mail [joe.shields@courts.state.tx.us](mailto:joe.shields@courts.state.tx.us); or look at the report on the Web at [Http://www.courts.state.tx.us/publicinfo/publicat.htm](http://www.courts.state.tx.us/publicinfo/publicat.htm).

Report of survey of 1,215 respondents taken in Summer 1998 covering top-

ics including access to justice, judicial accountability, equality and fairness, judicial selection and other issues, plus public opinion of lawyers.

Texas Supreme Court, Texas Office of Court Administration and State Bar of Texas, *The Courts and the Legal Profession in Texas – The Insider's Perspective: A Survey of Judges, Court Personnel and Attorneys*. Texas Supreme Court, et al., 1999. 61 pp. Contact Mary Cowherd or Joseph Shields, (512) 463-1625; e-mail [joe.shields@courts.state.tx.us](mailto:joe.shields@courts.state.tx.us); or look at the report on the Web at [Http://www.courts.state.tx.us/publicinfo/publicat.htm](http://www.courts.state.tx.us/publicinfo/publicat.htm).

Report of mailed survey taken in Fall 1998 of judges and attorneys, covering many of the same topics included in the 1998 Texas survey of the general public.

American Bar Association, Office of Justice Initiatives, *1999 Summary of State and Local Justice Initiatives*.

Roger K. Warren, "Courts and the Public: The Need for Effective Communication," *Court Manager*, Winter 1997, at 20.

## TRIAL COURT PERFORMANCE STANDARDS (TCPS)

Pamela Casey, "Defining Optimal Trial Court Performance: The Trial Court Performance Standards," *Court Review*, Winter 1998, at 24.

<http://aja.ncsc.dni.us/courtrv/cr35-4/CR35-4Casey.pdf>

To the extent that public trust and confidence can be affected by judicial performance, the Trial Court Performance Standards are an excellent starting point for a thorough review of the performance of a judge, a court or a court system. The NCSC's Pam Casey gives an excellent overview of the TCPS in this article, which is available on the Web.

Trial Court Performance Standards  
<http://www.ncjrs.org/courdocs.htm>

From this Web site, you can download several publications of the Bureau of Justice Assistance covering the TCPS in detail. For an overview,

start with *Trial Court Performance Standards with Commentary*. More detailed publications are also available, including ones about the various measurement systems that can be used to measure and improve compliance with the standards.

**Trial Court Performance Standards Listserve**

An e-mail discussion listserv regarding the TCPS has been set up by the NCSC. Contact Hillery Efke at hefke@ncsc.dni.us to join.

**USER-FRIENDLY COURTS RESOURCES**

Jona Goldschmidt & Ira Pilchen, *User-Friendly Justice: Making Courts More Accessible, Easier to Understand, and Simpler to Use*. American Judicature Society, 1996. \$12.

This book contains more than 100 suggestions for improving courthouse services at minimal cost and with limited effort. The tips were submitted by judges, lawyers and court staff and have already been implemented in various places around the country.

Kathleen M. Sampson, Seth S. Anderson & Diane C. Decker, *Serving the Public: A Curriculum for Court Employees*. American Judicature Society, 1997. \$25.

This is a training manual for court employees, designed to improve service to the public. The manual reviews how court staff can analyze the needs and expectations of the

public with whom they come in contact in the workday.

Maricopa County, Ariz., Superior Court, *Self-Service Center*. Maricopa County Superior Court, 1997. 61 pp. Contact: Bob James, (602) 506-6314.

This publication, which reports on the establishment of self-service centers in Phoenix, includes an independent evaluation of their program done by an outside consultant. This Maricopa County project was aided by a grant from the State Justice Institute.

American Bar Association, *User-Friendly Courts - Customer Service in the Courthouse* (an ABA Roadmap publication). \$5.

American Bar Association, Judicial Division, *One Customer at a Time*. ABA (videotape), 1994.

American Judicature Society, *Silent Justice: Court Experiences of People Who Are Deaf or Hard of Hearing*. AJS, 1997. \$25.

This is a 22-minute, closed captioned videotape demonstrating real-life stories of people with hearing impairments who have been denied full access to the justice system. Hosted by nationally known comedienne Kathy Buckley, who is hard of hearing, it describes what can be done to ensure that those who are deaf or hard of hearing can fully participate in judicial proceedings.

William E. Hewitt, Paula Hannaford, Catherine Gill & Melissa Cantrell, *Court Interpreting Services in State and Federal Courts: Reasons and Options for Inter-Court Coordination*. National Center for State Courts, 1998. 55 pp. Contact: William E. Hewitt, (757) 253-2000.

The report of this SJI-funded study examines ways that state and federal courts may collaborate on issues involving the use of interpreters in the courts, including consideration of qualifications of interpreters, the use of technology and sharing databases of qualified interpreters.

Mary Rose Liverani, "Customer Service: A New Focus for Courts," *Law Society Journal*, March 1997, at 45 (available on the Web at [http://lawsocnsw.asn.au/resources/lcj/archive/mar1997/45\\_1.html](http://lawsocnsw.asn.au/resources/lcj/archive/mar1997/45_1.html)) (Australian journal article).

**THANKS ...**

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**AMERICAN JUDGES ASSOCIATION FUTURE CONFERENCES**

**2000 Midyear Meeting**

May 4-6  
San Juan, Puerto Rico  
Condado Plaza Hotel  
& Casino  
(\$125.00 single or double)

**2000 Annual Conference**

September 10-15  
Kansas City, Missouri  
The Westin Crown Center  
(\$134.00 single or double)

**2001 Midyear Meeting**

March 29-31  
Hot Springs, Arkansas  
Hilton Hot Springs  
Convention Center  
(\$90.00 single or double)

**2001 Annual Meeting**

September 30-October 5  
Reno, Nevada  
Silver Legacy Resort  
(Room rate to be determined)



# The Resource Page



## BOOKS

THE SUPREME COURT'S GREATEST HITS (CD-ROM). Jerry Goldman. Northwestern Univ. Press, 1999 (\$29.95).

This CD-ROM contains more than 70 hours of oral argument and oral opinion pronouncements in 50 cases decided over the past four decades. The audio is made from master recordings available at the National Archives and the CD-ROM provides annotations to all of the oral arguments so that listeners can jump from point to point. Cases include *Brandenburg v. Ohio*, *Gideon v. Wainwright*, *Gregg v. Georgia*, *Griswold v. Connecticut*, *Wisconsin v. Yoder*, *Miranda v. Arizona*, *United States v. Nixon* and *Clinton v. Jones*. If you want to preview some of the material, the audio (but without annotations) is available on the Web at <http://oyez.nwu.edu>.

RESPECTING STATE COURTS: THE INEVITABILITY OF JUDICIAL FEDERALISM. Michael E. Solimine & James L. Walker. Greenwood Publishing, 1999 (\$57.95).

In time to set the stage for the next batch of Supreme Court cases on fed-

eralism, this book offers broad-based commentary on the sharing of judicial power between the federal government and the states. The book is written by University of Cincinnati law professor Michael Solimine and Wright State University political science professor James Walker, who argue that a dual system of strong state and federal courts benefits both the development of the law and the protection of liberty.

CONSTITUTIONAL INTERPRETATION: TEXTUAL MEANING, ORIGINAL INTENT AND JUDICIAL REVIEW. Keith E. Whittington. Univ. Press of Kansas, 1999 (\$39.95). 320 pp.

CONSTITUTIONAL CONSTRUCTION: DIVIDED POWERS AND CONSTITUTIONAL MEANING. Keith E. Whittington. Harvard Univ. Press, 1999 (\$49.95). 352 pp.

If you're thinking of becoming an author, try to get this author's agent, if he has one. Keith Whittington, an assistant professor in Princeton's political science department, published his first two books within months of each other. In *Constitutional Interpretation*, he examines how courts should go about interpreting the Constitution drawing arguments from American history, political philosophy and literary theory. He concludes that interpreters should stick to the discoverable intentions of the writers. In *Constitutional Construction*, he moves away from issues of constitutional interpretation altogether, discussing instead how the Constitution guides and constrains political actors in the United States government. He discusses four case studies drawn from American history, including the impeachment of Justice Samuel Chase, the impeachment of President Andrew Johnson and the various battles between President Nixon and Congress, indicating how and why these cases set various standards for

the application of constitutional principles and tipped the balance of constitutional powers.



## USEFUL INTERNET SITES

### American Judges Association

<http://aja.ncsc.dni.us/>

Although we have been on the Web for quite some time, we haven't mentioned it before here on the Resource Page because there just wasn't enough there and what was there was often out of date. We believe we've fixed those problems and hope you'll take a look at our site. You can find the schedule for upcoming meetings and a directory of officers and board of governors members (with phone numbers and e-mail addresses). In addition, you can find the full text of all of the contents of *Court Review* beginning with the Spring 1998 issue. We will keep working to update and improve the site. Bookmark it and check back from time to time.

### Justice Information Center

<http://www.ncjrs.org/>

This U.S. Department of Justice site provides general access to information tracked by them about the justice system, including a search engine that searches more than 140,000 published and unpublished resources catalogued by DOJ from the early 1970's to the present. Click on "courts" and then "documents" to get a list of more than 100 documents available on line in full text, including the Trial Court Performance Standards, publications on drug courts and many others.

### FOCUS ON PUBLIC TRUST & CONFIDENCE

The Resource Page focuses on resources relating to public trust and confidence in the courts beginning at page 76.

## SUGGESTIONS FOR THE RESOURCE PAGE

Each issue of *Court Review* features The Resource Page, which seeks to help judges find solutions to problems they may be facing, alert them to new publications, and generally try to provide some practical information judges can use. Please let us know of resources you have found useful in your work as a judge so that we can tell others. Write to the editor, Judge Steve Leben, 100 N. Kansas Ave., Olathe, Kansas 66061, e-mail: [sleben@ix.netcom.com](mailto:sleben@ix.netcom.com).