

AJA BENCHMARK

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Free Probation Program Changes Lives

Milt Nuzum, Marietta Municipal Court, Ohio

A 23-year-old man stopped by my office and thanked me for saving his life. A couple of years ago I had sentenced him for possession of drugs and drug paraphernalia. He had started using drugs at age 16. At 21, he was arrested. When he was found guilty, I placed him on probation, and he went into the Alcohol Chemical Treatment Series (ACTS) program.

I suspect my court is like most. We have limited resources. It takes some creativity to find help for the people we deal with daily. The money we pay for treatment can help only a small percentage of those who need it. Many have treatable problems but no insurance or ability to pay for counseling. Others cannot schedule their treatment without placing their employment in jeopardy. In my community the ACTS program is helping

solve these problems. It is offered free to the participants. It is convenient. It is turning lives around.

ACTS was the creative idea of United Pentecostal pastor Rod Carpenter in 1988. Carpenter was a chaplain with an Oklahoma sheriff's office at that time. His experience with people in the criminal justice system who were dealing with drug and alcohol problems led him to develop ACTS as an adjunct to the Alcoholics Anonymous/Narcotics Anonymous programs available in his community. Carpenter said, "I wanted to take a cognitive approach to dealing with the problem—encourage these people to embrace a change in their thinking patterns."

Carpenter stressed that his program is not counseling. Rather, its focus is on educating individuals to

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Annual 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 18-23 at the Hotel Captain Cook in Anchorage, Alaska. The annual membership meeting will be held Thursday, September 22, at 8:00 a.m.

Notice is hereby given that the annual meeting of the American Judges Foundation will be held Monday, September 19, 2005, at 12:30 p.m. at the Hotel Captain Cook. bm



Reflections . . .

Eileen A. Olds, District Court Judge, Virginia, and AJA Secretary

On Judicial Security

Just after I had signed onto my computer to prepare the minutes of our recent midyear meeting, I was reminded again of how security concerns continue to plague judges and justices across this country. *"You are a lousy judge, and you should be removed from the bench"* appeared as an instant message on my computer monitor from someone screen-named "Sinkiss." All kinds of thoughts crossed my mind: Isn't it 8:56 p.m. on a Thursday night? Am I not signed onto my *home* personal computer? Why is there a litigant even thinking about me at this hour? Isn't it a shame that personal information regarding judges is up for grabs to almost anyone without permission or scrutiny?

When individuals began prying into information that is not generally for public dissemination, or that we have not made available to them, it raises suspicion and should not be ignored. Until now, "Sinkiss" had never contacted me personally. I have known of his existence for approximately two months, as he maintains a "Blogspot" (a personal diary that he chronicles on the Internet) titled "My Fight in Family Court Chesapeake Virginia" dedicated to describing his experiences within the court system. He does not know that I am aware of this.

Had this been in years past, I may not have given it much thought. Incidents such as the recent Atlanta courthouse murders and the Chicago federal judge's slain family, however, remind me that what at first glance may look like an innocent or curious act can actually end with tragic results. I am concerned about these types of encroachments into our personal lives. We all should be. We should not have to juggle safety concerns and bear the awesome responsibilities and duties of our positions while at work, in addition to dodging threats to our personal safety in our homes. That is why the AJA president Gayle Nachtigal should be applauded for publicly responding immediately after those recent horrifying events. She should also be commended for actively participating in the National Center for State Courts' summit on court security held thereafter. It is not just within the confines of our courtrooms that we must be vigilant with security issues. That, and other issues confronting the judiciary, is also why our coming together for AJA annual and midyear meetings has taken on greater significance. It is important now more than ever that judges have a forum for addressing concerns that are distinctive to them. The American Judges Association is no longer just an organization that caters to

judicial education and camaraderie; it serves as the advocate and the outlet that all judges need.

On AJA's Midyear Meeting

Now for reflections about the midyear meeting . . .

The meeting was held at the beautiful Marco Island Marriott Resort, Golf Club and Spa, Florida, May 12-14, 2005. The move from the original hotel on Florida's Sanibel Island was necessitated by lingering hurricane damage.

The Board of Governors and the Executive Committee met to form policy for the organization. In addition, the various committees made recommendations to the Board for approval. As usual, there was time allotted for food, fun, and fellowship at the American Judges Foundation Luncheon held on Friday, as well as the poolside dinner on Friday night.

An additional highlight of the meeting was the educational session regarding Equal Treatment and Access to Justice. The guest speaker was Larry T. Davis, human resources officer of the Colorado Administrative Office of the Courts. After a very thought-provoking presentation, Mr. Davis led the attendees in a frank discussion about gender, race, diversity, and access issues. Thereafter, the judge-participants began building a framework for future AJA policy statements and guidelines related to these issues.

After all the meetings and official business were conducted, there was time left to reconnect with old friends and to meet new ones. The meeting concluded with most in attendance having a renewed commitment to furthering the goals and objectives of the organization—and making plans to reconnect in Anchorage, Alaska, for the Annual Conference, September 18-23, 2005. 



Speaker Larry T. Davis and Judge Mary Celeste at the midyear meeting.

Proposed Amendments to AJA Bylaws

The Bylaws Committee, at the request of the Executive Committee, proposes the following amendments to the Bylaws of the American Judges Association (Words to be added are in bold; words to be deleted are ~~struck through~~)

Article VII BOARD OF GOVERNORS

Sec. 7. DISTRICTS.

District I: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, Quebec, Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, **Nunavut**

Rationale:

Nunavut was created April 1, 1999, as a follow-on to the Nunavut Land Claims Agreement, the largest Aboriginal land-claims settlement in Canadian history. The newest Canadian territory, Nunavut is nearly one-fifth the size of Canada. It comprises much of the Arctic area of Canada and has its own government for the approximately 29,000 Inuit and non-Inuit residents. As it is legally a territory of Canada, it should be represented in a district of the American Judges Association. Even though the territory stretches from the east coast to above the Northwest Territories, the primary population of Nunavut and its capital, Iqaluit, are located in the far northeastern part of Canada. Iqaluit is located on southeastern tip of Baffin Island, north of the province of Quebec and a little west of the Newfoundland border. Accordingly, District I is the most appropriate district to represent Nunavut.

ARTICLE VIII OFFICERS

Sec. 1. OFFICERS.

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

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 **Annual Conference General Assembly** at which elected, to the conclusion of the next succeeding Annual Conference **General Assembly**, 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.~~ If a vacancy. . . .

ARTICLE VII BOARD OF GOVERNORS

Sec. 1. TERM AND TENURE. The term of office of elected members of the Board of Governors shall be for three years, **beginning at the conclusion of the Annual Conference General Assembly at which they are elected**, and any qualified member shall serve only two successive elected terms as an elected Governor. . . .

Rationale:

The Executive Committee requested that the Bylaws be amended to clarify when the new officers take office. The proposed amendments conform with what has become practice in the last several years—the new president presiding at a Board of Governors meeting following the General Assembly meeting, and new Governors sitting at that Board meeting.

By changing the start of the office from the current “at the conclusion of the Annual Conference” to the proposed “at the conclusion of the Annual Conference General Assembly,” the new officers and governors are able to start to work immediately on problems and issues they are facing, without having to wait for a midyear Board meeting six or more months away or incurring the expense and difficulty of a specially called meeting.

In Article VIII, Section 4, the deletion of the reference to the term of office for the Secretary at the election at the 2002 Annual Conference is a house-keeping amendment, as this sentence is no longer applicable. It was inserted at the time the position of Second Vice-President was deleted, to provide for an orderly succession of officers.

Respectfully submitted,
James E. Heupel
Bylaws Chair

become aware of their circumstances and help them discover positive ways to deal with the negative stresses in their lives. He has written books containing hour-long lessons that are offered weekly over a nine-month period, before they are repeated. He developed a training-and-certification program for others who teach the ACTS program based on his curriculum. Today, he is the executive director of the program. There are 3,000 locations where ACTS is offered in all 50 states, as well as in Canada and Mexico. It received the Texas Department of Criminal Justice Governor's Award in 2003.

Carpenter observed that "ACTS was a faith-based program before anyone had ever heard of the concept." He stresses that ACTS receives no government funding. Most ACTS programs are taught in the facilities of the churches of his denomination. In my own community, if probationers object to attending ACTS because it is offered in a church, they may choose other options for their probation. Sometimes the alternatives are not as convenient for them as ACTS would have been, but the options are there.

I mentioned the young man who visited me. He shared his initial intense dislike for me. He said he resisted the education he received at ACTS. As time

went on, the information he was receiving began to change his way of thinking, and he saw that his life could be better. He said he has been drug free for many months. He has new goals in life and a bright future. My role was minimal. The ACTS curriculum provided a road map for this young man's recovery. He can take pride that he has done the hard work and taken control of his life, rather than let the drugs control it. I feel good about that.

Rod Carpenter has been appointed as the executive director of a 501(c) 3 program named Life in Focus Education (LIFE). The ACTS curriculum is being used as LIFE's drug-and-alcohol program, along with additional education programs for anger management, parenting skills, and personal financial planning using the FDIC Money Smart program and many more social-skill-oriented programs.

If you are interested in any of these ACTS programs, you can visit the Web site at lifeinfocus.org or call the organization at (314) 336-1833 and talk to Rod Carpenter or a member of his staff.

If you know of any program that you think others in our profession can use, please contact *Benchmark* and share the information with other members of AJA. 

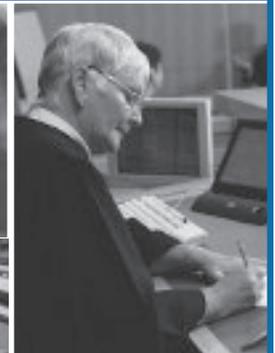


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Going, Going . . . We Need Your Donations for the AJF Silent Auction!

The American Judges Foundation will be holding its Annual Silent Auction at the 2005 AJA Annual Conference in Anchorage.

Please donate any items you think conference attendees would like, such as a gift basket of specialties from your state, small electronic items, or jewelry. You can even send a contribution check payable to AJF, with a note that it's for the Silent Auction—we'll take care of buying your contribution for you in Anchorage.

Please send your donated items, with a note indicating their estimated value, or contribution check by **August 15, 2005**, to

Shelley Rockwell

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for State Courts

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CourtTools Now Available Online

Courts looking for a cost-effective, practical way to measure their performance can turn to *CourtTools—Trial Court Performance Measures* at www.ncsconline.org. *CourtTools* streamlines the National Center for State Courts' pioneering Trial Court Performance Standards by outlining ten court performance measures and guidelines: Access and Fairness; Clearance Rates; Time to Disposition; Age of Active Pending Caseload; Trial Date Certainty; Reliability and Integrity of Case Files; Collection of Monetary Penalties; Effective Use of Jurors; Court Workforce Strength; and Cost per Case.

CourtTools also builds upon the original Standards by providing clear directions and examples of how courts can measure their performance. *CourtTools'* ten measures

- Follow the fundamental mission and vision of the courts in the areas of access and public service, prompt and efficient case administration, and fairness and equality
- Provide a necessary and important balanced perspective
- Are outcome focused
- Are feasible, practical, and manageable

CourtTools was developed by NCSC's Court Performance Community of Practice and is available online at http://www.ncsconline.org/D_Research/CourtTools/tcmp_courttools.htm. 

IN MEMORIAM

James Joseph Burtell

James Joseph Burtell, who served as AJA president in 1992 and 1993, died on June 2, 2005. He served three consecutive six-year terms as a judge on the 19th District Court in Dearborn and as a visiting judge for district courts across southeastern Michigan.

Judge Burtell also served on the staff of the Dearborn City Attorney's Office from 1962 to 1967 and as the city's deputy corporation counsel from 1967 to 1974, when he resigned to run for a position on the bench. He earned his bachelor's and law degrees from Wayne State University.

Benchmark extends condolences to Judge Burtell's family. 

New DVD Helps Courts Deal with Sexual Violence

The National Judicial Education Program (NJEP) to Promote Equality for Women and Men in the Courts, a project of Legal Momentum and the National Association of Women Judges, has released a DVD-ROM designed to provide those in the justice system the information they need to deal with sexual assault cases.

Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases is an updated version of NJEP's video curriculum on the same topic.

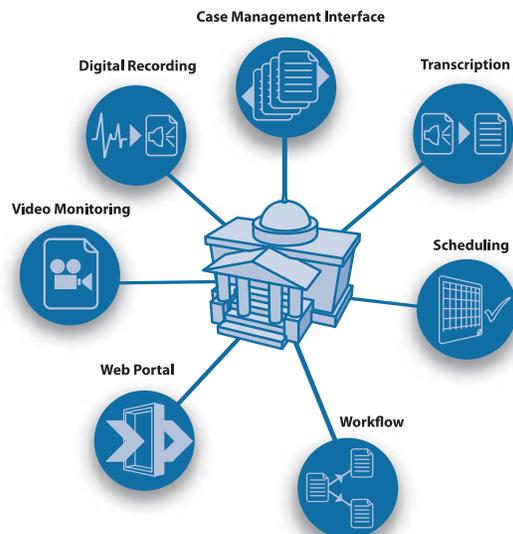
The DVD curriculum contains three video segments: Victims, Neurobiology of Trauma, and

Offenders. The Victims and Offenders segments have four components: a courtroom vignette, a discussion with an expert, a panel of judges, and a set of steps judges can take to use the curriculum in their work. The Neurobiology of Trauma explores the physical effects of a traumatic events, such as a sexual assault, on a victim's mind.

For more information (including how to order), go the NJEP's Web site at www.njep.org/usvjdvd or e-mail njep@legalmomentum.org. 

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Ohio Judge Wins AJA Membership Contest

AJA is pleased to announce that the winner of the recent Member-Get-a-Member Contest is Judge Howard Harcha of the Scioto County Court of Common Pleas in Portsmouth, Ohio. Judge Harcha will receive a free registration for the annual

conference in Anchorage, as well as \$40 in AJA logo items. Other members who participated in the contest are Audrey Ruben, Richard Kayne, David Gorbaty, John Conery, and Thomas Reck. 

AMERICAN JUDGES ASSOCIATION Future Conferences

2006 Midyear Meeting

Coeur d'Alene, Idaho
May 18-20, 2006
Coeur d'Alene Resort
\$130 deluxe room
\$160 premier room

2006 Annual Meeting

New Orleans, Louisiana
October 8-13, 2006
Hotel Monteleone
\$169 single or double

2007 Midyear Meeting

Newport, Rhode Island
April 18-20, 2007
Hotel Viking
\$169 single or double

2007 Annual Conference

Vancouver, British Columbia
September 24-29, 2007
Sheraton Vancouver Wall Centre
\$229 CN single or double

BENCHMARK

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