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## Arizona Judge Receives William H. Rehnquist Award for Judicial Excellence

### Chief Justice of United States Presents Award

Louraine Arkfeld, Presiding Judge of the Tempe Municipal Court, was presented the 10th Annual NCSC William H. Rehnquist Award for Judicial Excellence



Judge Louraine Arkfeld accepts the 2005 Rehnquist Award.

during a ceremony in the Great Hall of the U.S. Supreme Court on October 27. John Roberts presented the award to Judge Arkfeld, marking Roberts's first

official appearance as the new Chief Justice of the United States.

U.S. Attorney General Alberto Gonzales also attended the ceremony and presented NCSC's Harry L. Carrico Award for Judicial Innovation to retired Texas Chief Justice Thomas Phillips. Phillips and Gonzales served together on the Texas Supreme Court.

More than 250 people attended the dinner and awards ceremony, which is sponsored by the National Center for State Courts to honor a judge who exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics as personified by the late Chief Justice of the United States William H. Rehnquist.

(see *Arizona Judge*, page 3)

## Annual Recognition Luncheon Honors Those Who Have Supported the Mission of the NCSC

The NCSC's Annual Recognition Luncheon was held October 28 in conjunction with the William H. Rehnquist Award events in Washington, D.C.

Chief Justice of the United States John Roberts attended the luncheon and inducted the new members to the Warren E. Burger Society, which honors

individuals who have volunteered their time, talent, and support to the NCSC in exceptional ways. Other awards presented at the luncheon included the first-ever John H. Pickering Award and a special recognition for



Chief Justice of the United States John Roberts addresses the Annual Recognition Luncheon.

a law firm that has provided 20 years of support to the National Center. Indiana Chief Justice Randall Shepard, chair of the NCSC Board of Directors, hosted the event.

(see *Annual Recognition Luncheon*, page 5)

## Public Access to Court Records Final Report Released

The final report of *Public Access to Court Records: Implementing the CCJ/COSCA Guidelines* was recently released by the National Center for State Courts (NCSC) and the Justice Management Institute (JMI) and is available online at [www.courtaccess.org/modelpolicy/](http://www.courtaccess.org/modelpolicy/). This project was funded by the State Justice Institute.

This report follows an initial set of *Guidelines*, which were endorsed by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) in August 2002, and released in October 2002. Those *Guidelines* serve as a blueprint for state courts to refer to as they develop their policies governing access to court records.

The current report tracks the work that has since taken place, and provides additional language, discussion, and exemplars that address three distinct areas addressed in the 2002 *Guidelines*:

- Materials for educating litigants and the public
- Expanded considerations of the challenges of access to family court records
- Considerations of internal court policies and procedures

NCSC and JMI have been working for more than five years to address concerns and to find solutions to help state courts reach the delicate balance between ensuring privacy while providing public access to court records. To develop the *Guidelines*, NCSC and JMI, with funding from the State Justice Institute, formed an advisory committee made up of representatives from the courts, the media, and advocacy groups. A public-comment period also was included in the process.

## CTC9 Showcased New Technology and Court Innovations

More than 2,500 people attended the Ninth National Court Technology Conference (CTC9) held in Seattle in September. Hosted by the National Center for State Courts (NCSC), CTC brings together judges, court administrators, attorneys, technology professionals, and others from around the world to find solutions to improve their courts. In addition, more than 100 vendors participated in the exhibitor show, one of the largest court technology exhibitions in the world.

Planning is already underway for CTC10, which is scheduled for October 2-4, 2007 in Tampa, Florida.

CTC9 featured more than 30 educational sessions on topics from e-filing to integrated justice to how to manage a software development process. Other features included an international program sponsored by MAXIMUS that showcased the best technology from five continents and included a conference-wide reception; the CTC9 CyberCafé sponsored by LexisNexis; the Justice Integration Net, sponsored by Microsoft, which demonstrated what is

possible in justice integration; and a portable Courtroom 21, the high-tech courtroom developed by NCSC and the College of William & Mary. MAXIMUS and EDS were lead sponsors of CTC9.

Keynote speakers include:

- Sen. Slade Gorton, 9/11 Commissioner on Court Security
- Stephen Goldsmith, former mayor of Indianapolis and author of *Governing by Network*, who presented a road map for how to deliver critical public services in a newly networked world
- Microsoft's Chris Capossela, VP for Information Workers, who talked about how technology is revolutionizing the workplace and people's lives



Stephen Goldsmith delivers his keynote address at CTC9.



On the floor of the Vendor Exhibit at CTC9.

## Arizona Judge Receives William H. Rehnquist Award

(continued from page 1)

Judge Arkfeld described receiving the award as a “Tiffany’s moment,” referring to the uniqueness of someone receiving their first gift from Tiffany’s. “It’s a moment you will remember all of your life, and so I will remember all of you for bringing me this moment and sharing it with me.”

Judge Arkfeld was recognized for her “strong leadership style, accomplished judicial abilities, and her highly regarded professional ethics that have proven to make a tremendous difference for the courts in Arizona—and for the judiciary as a whole,” said Mary C. McQueen, NCSC president.

It was Judge Arkfeld’s innovative and respected leadership style that helped turn around a court plagued with problems, McQueen said. In a nomination letter, the City Council of Tempe cited Arkfeld’s work in taking over the Tempe Municipal Court, which had been mired in a crisis that resulted in the removal of the court’s previous presiding judge, as a testament to her professional ethics and integrity. “For the last 11 years, Judge Arkfeld has taken a dysfunctional court and made it one of the best limited jurisdiction courts in the State,” council members said.

Chief Justice Ruth V. McGregor of Arizona introduced Arkfeld during the ceremony, saying that in Arkfeld’s years on the Tempe bench “she has overseen the great metamorphosis of that court and its move from chaos to quality.” She described Arkfeld’s approach to her job as “holistic,” one that “focuses not on one part of the system, but on many parts of the whole.”

An example of Presiding Judge Arkfeld’s holistic approach is her emphasis on addressing the needs of Tempe’s special populations through problem-solving courts. Under her leadership, the Tempe Municipal Court established Arizona’s first limited-jurisdiction mental health court in response

to the number of seriously mentally ill offenders who lacked the services they needed to address their illnesses.

In addressing the attendees, Arkfeld said: “I don’t know how many people can say they love their work and wouldn’t trade their job for any other position but I am one of the lucky ones who can. I love being right where I am—it is my dream job—the job where I feel like I have really had the opportunity to make a difference. That you have honored me for what I love to do is the absolute icing on the cake.”

She also has been lauded for her work in court interpretation, the use of technology to improve court operations, judicial accountability and education, and improvements in the use of jurors. She served as vice chair of the American Bar Association’s American Jury Project and is currently chair of the ABA’s Judicial Division.

**Retired Texas Chief Justice Thomas Phillips** received the NCSC Harry L. Carrico Award for Judicial Innovation for his tireless work in promoting innovations in Texas’s judicial selection system, which left an imprint nationally. “Chief Justice Phillips battled for his entire tenure against a perception that money could buy justice, or at least influence it, in those states that elect judges,” said Texas Chief Justice Wallace B. Jefferson. To combat the perception, Phillips championed restrictions on judicial campaign fund raising during his first statewide race for chief justice.



From left: U.S. Attorney General Alberto Gonzales, Thomas Phillips, Chief Justice Randall Shepard of Indiana. As Texas Chief Justice, Phillips pioneered judicial campaign finance reform by voluntarily placing limits on the size of donations to his 1988 judicial campaign. Phillips is a partner with Baker Botts LLP in Austin, Texas.

## Special Issue of JSJ Discusses ADR

“Making Dispute Resolution Work” is the topic of a special issue of the National Center for State Courts’ *Justice System Journal* (vol. 26, no. 3, available now). This marks the first time that *JSJ* has focused a special issue on dispute resolution since vol. 14, no. 2 (1991), which examined court-annexed arbitration.

Articles in this issue examine a variety of aspects related to dispute resolution programs and how they function. Contributors range from academics to professionals with responsibility for administering dispute resolution programs, including one federal judge. Articles are as follows:

- “Leading Horses to Water: The Impact of an ADR ‘Confer and Report’ Rule,” by Roselle L. Wissler and Bob Dauber (Arizona State University College of Law)
- “Coercion and Self-determination in Court-Connected Mediation: All Mediations Are Voluntary, But Some Are More Voluntary than Others,” by Timothy Hedeem (Kennesaw State University, Georgia)
- “Virginia’s Judicial Settlement Conference Program,” by Geetha Ravindra (Dept. of Dispute Resolution Services, Virginia Supreme Court)
- “Scissors Cut Paper: A ‘Guildhall’ Helps Maryland’s Mediators to Sharpen Their Skills,” by Charles Pou, Jr. (dispute resolution consultant and public policy mediator, Washington, D.C.)
- “A Community of Court ADR Programs: How Court-Based ADR Programs Help Each Other Survive and Thrive,” by Gina Viola Brown (ADR consultant, Golden, Colorado)
- “ADR in Federal Court: The View from Brooklyn,” by Magistrate

(see Special Issue of *JSJ*, page 7)

# California Judicial Council Surveys Public Perceptions of Courts

Confidence in California's courts is substantially higher than it was in the early 1990s, according to a survey for the state Judicial Council conducted by the National Center for State Courts and San Francisco State University—*Trust and Confidence in the California Courts: A Survey of the Public and Attorneys*. This is the state's first survey of public opinion regarding the courts since 1992. This new survey examines overall approval and confidence in the California court system, the effect of non-demographic factors on approval and confidence (such as prior court experience and perceived barriers to using courts), and the effect of demographic factors (such as age and ethnicity).

Overall, confidence in the California courts is higher than in 1992, and both

the public and attorneys are “moderately positive” about their courts (attorneys tend to be more positive). The public is the most confident in their local courts, as opposed to the overall state court system.

Actual experience with courts, however, tends to reduce approval slightly. This is especially true with defendants in traffic court and litigants and attorneys in family and juvenile cases. Service on a jury tends to increase approval of the courts.

According to the survey, in assessing fairness, the public places a higher value on fair court procedures, rather than court outcomes. However, the opposite was true for attorneys—they value fair outcomes over fair procedures. Regarding procedural fairness, Californians rate the courts highest on

“respect and dignity” and lowest on “participation” (that is, listening carefully to what litigants have to say).

Californians rated their self-familiarity with the courts as low, but knowledge of the courts increases with exposure to newspapers, the Internet, televised trials, and the court itself. The main source for court information remains the “traditional” media: newspapers, magazines, television, and radio. Members of the public and attorneys do report high satisfaction with accessing information from the courts on the Internet.

*Trust and Confidence in the California Courts: A Survey of the Public and Attorneys* is available online at [http://www.courtinfo.ca.gov/reference/4\\_37pubtrust.htm](http://www.courtinfo.ca.gov/reference/4_37pubtrust.htm).

## Changing Lives by Changing Systems—National Judicial Leadership Summit for the Protection of Children

### Action Plan to Be Released Soon

Recognizing that court delays often result in longer than necessary stays in foster care for abused and neglected children, more than 400 court leaders and representatives of child welfare agencies from 49 states and three U.S. commonwealths held a first-of-its-kind summit in September to improve court outcomes for children. *Changing Lives by Changing Systems—The National Judicial Leadership Summit for the Protection of Children* was held September 20-23 in Bloomington, Minnesota. The team from Louisiana was unable to attend because of Hurricane Katrina.

The summit was the first step in a series of actions designed to reform the way abused and neglected children's cases proceed through the courts. Teams of participants from each state, commonwealth, and territory are developing action plans to

improve child protection procedures and programs. The action plans are being compiled into a *National Call to Action* for state courts, which will launch a collaborative reform plan between the courts and child welfare agencies at state and local levels. The *National Call to Action* is expected to be released by the first of the year.

“Participants came with a specific mission and left with a direct plan,” said Minnesota Chief Justice Kathleen Blatz, who cochaired the summit along with Lee Suskin, Vermont state court administrator. “By bringing the leadership of courts and social services to the table, we plan to make meaningful improvements for kids in each and every state.” Minnesota's judiciary is among the first in the country to spearhead a statewide, collaborative approach to child protection reform using “lead judges” and multidisciplinary teams in every county. This effort and other successful initiatives underway across the country were featured at the summit.

### Background

In May 2004, the Pew Commission on Children in Foster Care issued recommendations that call for improving court oversight of foster-care cases to reduce the delays in placing children safely and permanently in homes. These recommendations, endorsed by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA), served as a guide for the teams.

The National Center for State Courts (NCSC), CCJ, COSCA, and the National Council of Juvenile and Family Court Judges sponsored the summit. The summit was made possible by a \$400,000 grant from The Pew Charitable Trusts to NCSC, which has conducted extensive research in the area of family courts and child protection. Additional support for this project is being provided by the Annie E. Casey Foundation; the Dave Thomas Foundation for Adoption; Fostering Results; and the State Justice Institute.

## Annual Recognition Luncheon

(continued from page 1)

The Burger Society inductees include:

**Michael L. Buenger, state court administrator of the Supreme Court of Missouri.** Mr. Buenger has served on the NCSC's Board of Directors and served with distinction as vice-chair and chair of the Finance Committee. With his support, the NCSC received major corporate sponsorship for its national court technology conference in 2003. He has played a key role with a group of Missouri general counsel who work with Missouri's judicial leaders to actively support the judiciary and judicial independence, an initiative of the NCSC.

**Edward W. Madeira, Jr., senior counsel with Pepper Hamilton, LLP and an active member of the National Center's Lawyers Committee.** Mr. Madeira has supported the work of the NCSC during the last five years and provides an important link to the ABA's Standing Committee on Judicial Independence.

**Charles R. Schader, senior vice president, Worldwide Claims at American International Group, Inc. (AIG).** Mr. Schader has served on the NCSC's General Counsel Committee since 1996 and has been instrumental in establishing AIG as a top-ten all-time corporate contributor to the NCSC. Mr. Schader and AIG recently supported the National Center's application to the National Institute of Justice for a major civil-justice-research program.

In addition, **Judith S. Kaye, Chief Judge of the State of New York**, is being inducted into the Burger Society this year but was unable to attend the ceremony. During her service on the National Center's Board, Chief Judge Kaye was a tireless leader, who increased visibility and support for the NCSC not only in her home state but also on the national stage.

### John H. Pickering Award

In recognition of John H. Pickering, who was dedicated to the work of the NCSC and actively supported it both professionally and personally until his death in March, the NCSC created an award in his

name to recognize one of its Lawyers Committee members who has contributed to the NCSC in a significant way.

The first Pickering Award was presented to **Henry L. King, senior counsel with the New York City law firm of Davis, Polk and Wardwell.** Like Mr. Pickering, Mr. King was a founding member of the NCSC Lawyers Committee—a service he continues today. During his term as chair of the Lawyers Committee, committee membership increased significantly. Mr. King was inducted into the Warren E. Burger Society in 1997 and received the NCSC's Crystal Award in 2003 (presented only five times in NCSC's history). His firm was one of the first to be recognized for achieving 20 years of support to the NCSC.

John H. Pickering was a founding partner of the Washington, D.C. law firm of Wilmer Cutler & Pickering and had a distin-

guished career as an appellate lawyer and advocate for the fair administration of justice. He was renowned as a champion to advance civil rights, and he encouraged pro bono legal services for the poor and disadvantaged and fought to improve the rights of the elderly.

### 20-Year Law Firm Supporter

The Richmond law firm of **McGuire Woods** was recognized by the NCSC Board of Directors for 20 years of support and service to the National Center. Deborah Russell, a partner in the firm's Richmond office and a member of the NCSC Lawyers Committee, accepted a resolution honoring the firm. McGuire Woods joined a group of more than 30 of America's leading companies and law firms that have achieved this special distinction.



From left: Chief Justice Randall Shepard of Indiana; new Burger Society members Charles R. Schader, Edward W. Madeira, Jr., and Michael L. Buenger; U.S. Chief Justice John Roberts; and Texas attorney Charles Noteboom.

# Recommendations to Improve Court Security Developed to Present to Congress, Courts, and Law Enforcement Agencies

Creating a national incident-reporting system and pursuing enhanced funding were two of eight recommendations recently identified that are needed to strengthen the security of state courts.

The recommendations were discussed November 17 by more than 60 representatives of the courts, the National Sheriffs' Association, and local, state, and federal agencies. The meeting served as a follow-up to the April 21 *National Summit on Court Safety and Security*, which was convened after court-related tragedies in Atlanta and Chicago highlighted the need for enhanced security.

## NCSC's First Executive Director Dies

Winslow Christian, the first executive director of the National Center for State Courts and former state appeals court justice in California, died in November. He was 79.

In 1971, Justice Christian was "persuaded by two members of the original NCSC Board of Directors to take an unprecedented two-year leave from the California Court of Appeal to be the full-time acting director of the NCSC," said Larry Sipes, a former NCSC president hired by Christian. Justice Christian got the NCSC off the ground by locating an office site, securing a federal grant, and hiring its first chief administrator. He was a longtime contributor to the NCSC and was inducted into the NCSC's Warren E. Burger Society in 2002.

Justice Christian was a former Sierra County judge and district attorney who also worked as legal counsel for Bank of America. He also served as a judge for the 4th Division of the California's 1st District Court of Appeal in San Francisco.

He was the son of missionaries and spent much of his youth in Burma. He graduated from Stanford Law School and served as a deputy attorney general and worked in private practice before being elected a judge in 1958.

Participants of the follow-up meeting in Alexandria, Va., included attendees from the April summit who have continued to meet to develop draft recommendations, which will be presented to Congress, the Department of Justice, the judiciary, law enforcement, and others interested in improving security in our nation's courts.

Thomas Moyer, Chief Justice of the Ohio Supreme Court, chaired the summit and the Nov. 17 meeting, in which the following recommendations were agreed upon:

- Fostering leadership on court security

- Creating a national incident-reporting system
- Pursuing funding to help state and local jurisdictions with security efforts
- Providing to those who work in judicial branch security an agreed upon set of guidelines/checklists for court security
- Creating a clearinghouse of information, which will serve as a repository of information but should also be used to push information to registered users

(see *Court Security*, page 8)

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## Future Trends Gives Courts a Look Ahead

Courts needing an additional tool for strategic planning can turn to *Future Trends in State Courts 2005*. This year's edition is the latest in NCSC's long-running "Report on Trends in State Courts" series and features a streamlined Environmental Scan and related articles, which give courts an important look around and ahead at issues that affect their operations.

The Environmental Scan reviews global issues to answer two questions: How do these issues affect courts? What do courts need to do now to plan for the future? The Scan attempts to answer these questions in four broad areas, which are broken down into numerous subtopics, such as:

- Population Demographics—"End-of-Life Issues" and "Generation Y Comes of Age"
- Political, Social, and Justice Trends—"Judicial Selection" and "Challenges to Judicial Independence"
- Economic Conditions—"Effects of Federal Budget Policies" and "Health-Insurance Crisis"
- Technology and Science—"Identity Theft" and "Internet as News Media"

The Environmental Scan is an important planning tool because it helps courts go

beyond their current way of doing business to see how current events, or events still on the horizon, will affect their operations.

The Trends Articles build on subjects briefly touched on in the Scan, providing a more in-depth look at issues that affect courts nationwide. Articles run a gamut of topics, including court technology (for example, "Public Access and the National Landscape of Data Regulation"), court operations (for example, "The Future of Court Security and Judicial Safety"), and international justice trends (for example, "Strengthening Judicial Independence and Accountability"). Some articles take a closer look at "outside" issues that courts need to watch, such as human trafficking, elder abuse, and private judging.

This year's *Future Trends Report* also provides "Updates" on the status of cases and legislation involving same-sex marriage and electronic filing. Readers will also get a closer look at three NCSC initiatives: *CourTools*, the Global Justice XML Data Model, and distance learning.

For more information about *Future Trends in State Courts 2005*, contact NCSC's Knowledge and Information Services office at (800) 616-6164. *Future Trends* is also available online at [http://www.ncsconline.org/D\\_KIS/Trends/index.html](http://www.ncsconline.org/D_KIS/Trends/index.html).

## NCSC Releases Latest *Survey of Judicial Salaries*

Salaries of state chief justices, on average, increased by 3 percent from 1997 to 2005, while the salaries of state general jurisdiction judges increased by 3.1 percent over the same period, according to the National Center for State Courts' new *Survey of Judicial Salaries* (vol. 30, no. 1). This *Survey* reports the salaries of chief justices, associate justices, intermediate appellate court judges, general jurisdiction judges, and state court administrators as of April 1, 2005.

Thirty percent of the states reported salary changes for judges, while 20 percent reported changes for state court administrators. Salary ranges are as follows:

- Chief, Highest Court—\$97,000 to 198,567
- Associate Justice, Court of Last Resort—\$95,493 to 182,071
- Judge, Intermediate Appellate Courts—\$101,612 to 170,694
- Judge, General Jurisdiction Trial Courts—\$88,164 to 163,850

- State Court Administrators—\$82,567 to 175,728

The upward trend in judicial salaries that began in 2004 is continuing, but the average percentage increases have not returned to the levels seen before the 2001 recession.

The *Survey* not only reports salaries state by state but also provides adjusted salaries for general jurisdiction judges based on a state's annual cost of living. For example, the salary of California's general jurisdiction judges in real dollars (\$149,160) ranks 4th overall; however, when adjusted for the state's cost of living, that rank drops to 33rd (\$106,508).

A special section examines several elements of retirement pension plans for general jurisdiction judges, such as mandatory retirement age, contributions by employers and employees, and post-retirement medical insurance. For more information, contact Chantal Bromage at [cbromage@ncsc.dni.us](mailto:cbromage@ncsc.dni.us).

## Special Issue of JSJ \_\_\_\_\_

(continued from page 3)

Judge Robert M. Levy ( Eastern District of New York)

- "Mediation in the Ninth Circuit Court of Appeals," by Lisa Evans (circuit mediator, Ninth Circuit)

This issue also includes a "Legal Note" by Tom Clark (Princeton University) discussing the legal battles surrounding Roy Moore, the former chief justice of Alabama who installed a monument to the Ten Commandments in the rotunda of the state judicial building.

*Justice System Journal* is a scholarly, refereed journal dedicated to judicial administration. It is published three times each year. For more information, go to the National Center for State Courts' Web site at [www.ncsconline.org](http://www.ncsconline.org) and click on "Justice Sys. Journal" under "NCSC Products."

## President's Award Established in Memory of Dale Sipes

Dale Sipes, a longtime advocate for court improvement and friend of the National Center for State Courts (NCSC), passed away on October 10 following an extended illness.

Sipes's work as an NCSC staff attorney and consultant reached courts around the world. She was recognized for her work in caseload management and for her groundbreaking book *On Trial: The Length of Civil and Criminal Trials* (1988). One of her major contributions was helping to establish NCSC's International Program, which has since expanded to offices in eight countries.

Her commitment to improving justice also extended well beyond her affiliation with NCSC. From 1995 to 2001, she was deputy administrative director of the California Administrative Office of the

Courts, where her responsibilities ranged from Judicial Council governance and secretariat services to statewide trial court strategic planning to the court interpreters program to jury innovations to statewide research services.

Dale Sipes and her husband, Larry, were inducted into NCSC's Warren E. Burger Society in 2004 for their significant contributions and support to the work of the organization. Larry Sipes is also a past president of NCSC.

*Contributions in memory of Dale Sipes may be made to:*

**President's Award**  
National Center for State Courts  
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Williamsburg, VA 23185



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## Upcoming ICM Courses

### February

22-24

Court Performance Standards, Portland, OR  
(satisfies Phase I requirement of CEDP, CMP)

27-Mar. 1

(tentative)

Managing Court Financial Resources, Portland, OR  
(satisfies Phase I requirement of CEDP, CMP)

### March

8-10

Fundamental Issues of Caseflow Management, Denver, CO  
(satisfies Phase I requirement of CEDP, CMP)

13-15

Managing Human Resources, Denver, CO  
(satisfies Phase I requirement of CEDP, CMP)

### April

26-28

Managing Technology Projects and Technology Resources:  
Fundamentals for the Court Executive Team, Williamsburg, VA  
(satisfies Phase I requirement of CEDP, CMP)

**For more information, or to register, please call (800) 616-6206 or (757) 259-1809, or click on the NCSC Web site at [www.ncsconline.org](http://www.ncsconline.org).**

## Court Security

*(continued from page 6)*

- Addressing training and educational needs to enhance incident reporting and threat assessment
- Providing support to state and local jurisdictions to implement a security program
- Developing staffing standards

The Summit and the follow-up meeting were sponsored by the National Center for State Courts, which received a grant from the Bureau of Justice Assistance to help improve court security.

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