

**NATIONAL ASSOCIATION  
FOR COURT MANAGEMENT**

**Midyear Conference  
March 8-10, 2009  
Marriott Portland Downtown Waterfront  
Portland, Oregon**

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**EDUCATIONAL PROGRAM AND SOCIAL EVENTS**

**SUNDAY, MARCH 8**

**1:00 pm to 7:00 pm  
Registration & Conference Information**

**4:30 pm to 5:15 pm  
MSU Orientation and Information Session                      Location: Mt. Hood**

**6:00 pm to 7:30 pm  
Opening Reception    Location: Salons A-D**  
Marcus Reinkensmeyer, NACM President  
Honorable Paul De Muniz, Chief Justice, Supreme Court of Oregon

## MONDAY, MARCH 9

**7:00 am to 5:00 pm**  
**Registration & Conference Information**

**8:00 am to 5:00 pm**  
**Dr. Is In (by appointment)**

**Location: Medford**

**8:30 am to 9:00 am**  
**Welcome and Opening**

**Location: Salons G-I**

Marcus Reinkensmeyer, NACM President  
Honorable Dale Koch, Judge, Multnomah County Circuit Court

**Conference Theme and Keynote Introduction**

Suzanne Stinson, NACM President-Elect

**9:00 am to 10:00 am**

**Location: Salons G-I**

**Keynote Address**

**The Purposes and Responsibilities of the Courts: Leadership Judges and Court Managers**

Honorable Paul De Muniz, Chief Justice, Supreme Court of Oregon

**10:00 am to 10:15 am**

**Refreshment Break**

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**10:15 am to 11:45 am**

**Concurrent Showcase Workshops Round I**

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**The Framers Theory and an Independent Judiciary** (repeats at 2:00 pm)

Presenter: *Mary McQueen*

**Location: Salons A-B**

Host: David Slayton

Reporter: Pam DeVault

**Through the Looking Glass - How Can Court Administrators Make Courts More Accessible?** (repeats at 2:00 pm)

Presenter: *Marie Provine*

**Location: Eugene**

Host: Doug Stephens

Reporter: Susan Laniewski

**Inherent Powers of the Court, Separation of Powers, and Judicial Restraint Case Study** (repeats at 2:00 pm)

Presenter: *Ernest Friesen*

**Location: Salons C-D**

Host: Stephanie Hess

Reporter: Eric Hall

**Purposes and Responsibilities of Courts Workshop I (MSU #1)** (does not repeat)

Presenter: *Tom Langhorne*

**Location: Mt. Hood**

Host: Michelle Brinkman

Reporter: Sylvia Juarez

**11:45 am to 5:00 pm**

**Exhibit Show**

**Location: Salons E-F**

**11:45 am to 1:45 pm**

**Box Lunch in the Exhibit Area**

**Location: Salons E-F**

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**2:00 pm to 3:30 pm**

Concurrent Showcase Workshops Round II

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**The Framers Theory and an Independent Judiciary** (repeat of 10:15 am)

Presenter: *Mary McQueen*

**Location: Salons A-B**

Host: Elsa Anderson

**Through the Looking Glass—How Can Court Administrators Make Courts More Accessible?** (repeat of 10:15 am)

Presenter: *Marie Provine*

**Location: Eugene**

Host: Susan Laniewski

**Inherent Powers of the Court, Separation of Powers, and Judicial Restraint Case Study**

(Repeat of 10:15 am)

Presenter: *Ernest Friesen*

**Location: Salons C-D**

Host: David Wasson

**Purposes and Responsibilities of Courts Workshop II (MSU #2)** (does not repeat)

Presenter: *Tom Langhorne*

**Location: Mt. Hood**

Host: Virlynn Tinnell

Reporter: Kathleen Gross

**3:30 pm to 5:00 pm**

**Afternoon Break in Exhibit Show**

**4:30 pm to 5:00 pm**

**Prize Drawing** (must be present to win)

**Dinner on Your Own**

## **Session Descriptions Monday, March 9**

### **Keynote Address**

#### **The Purposes and Responsibilities of the Courts: Leadership Judges and Court Managers**

When the economy does down, the need for court services is likely to go up. In these perilous economic times, it is vital that courts remain open and accessible, capable of ensuring public safety, protecting society's most vulnerable citizens, and enforcing economic and property rights.

### **The Framers Theory and an Independent Judiciary**

As long as there have been courts there have been critics and defenders of their performance and arguments about their independence. Judicial selection was considered by Abraham. Opening trials to the public was argued in Rome. And after the American Revolution, George Washington said that "justice is the firmest pillar of good government" not because courts were the only forum to resolve disputes, but because courts resolve disputes impartially according to law independent from undue political influence, coercion or financial persuasion. By dividing governmental power into three separate branches, the founders sought to harness the good qualities of government by creating tension – checks and balances – among the legislative, executive, and judicial departments. This session will briefly review the experiences that influenced the development of American judicial independence, how those principles continue to influence modern concepts of justice, and the role that court administration plays in preserving judicial independence.

### **Through the Looking Glass—How Can Court Administrators Make Courts More Accessible?**

Two decades ago, the National Center for State Courts undertook a major project with two related goals: 1) Clearly specify the major values that trial courts should embrace in seeking to do justice, and 2) Develop a system for measuring court performance in achieving these ends. The NCSC appointed a study group of judges, court administrators, and an academic (me) to develop the standards and the measurement system. The first (and I would argue foremost) of the goals the study group articulated was access to justice. This seminar will revisit the access issue. Our questions will include: How can courts maximize their availability to potential litigants and the interested public? What does availability entail for court administrators? What is the relationship between access to courts and access to justice? How can court administrators measure and monitor access to courts?

### **Inherent Powers of the Court, Separation of Powers, and Judicial Restraint Case Study**

Ernest Friesen, a leader in both the creation and development of the court management profession, will present an interactive workshop dealing with the inherent powers of the court, which are powerful tools but risky means to the end of judicial resource acquisition. The inherent powers doctrine and resulting case law grows out of the separation of powers between the three coequal branches of government. When in tough times can and should court leaders resort to use of its inherent powers due to constitutional or statutory necessity? Why must trial courts be cautious in their assertion and use of inherent powers?

**Purposes and Responsibilities of Courts Workshop I (MSU #1)**

This highly interactive segment examines key historical and constitutional milestones that continue to shape contemporary judicial branch values and operations. Our discussions focus on the doctrines of “judicial review” and “separation of powers” as shaped by the Magna Carta, Articles of Confederation, U.S. Constitution, Bill of Rights, Evarts Act of 1891, and Roscoe Pounds 1906 speech, “The Causes of Popular Dissatisfaction with the Administration of Justice.”

**Purposes and Responsibilities of Courts Workshop II (MSU #2)**

**Federalism: Competing Visions between “Federalists” and “Anti-Federalists”**

How and why our founding fathers’ original debate still dominates contemporary court decision-making and, moreover, the current tension concerning the real roles courts should and do serve. Our courts’ newly emerging roles venturing into “therapeutic justice” and a host of other specialized court responsibilities are driven by this epic debate.

## TUESDAY, MARCH 10

8:00 am to 4:00 pm

Registration & Conference Information

8:30 am to 8:45 am

Opening and Introduction

Marcus Reinkensmeyer, NACM President

Location: Salons G-I

8:45 am to 9:45 am

Keynote Address

**The Changing Face of Justice in a New Century: The Challenges it Poses to State Courts and Court Management**

Honorable John T. Broderick Jr., Chief Justice, Supreme Court of New Hampshire

9:45 am to 10:00 am

Refreshment Break

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10:00 am to 11:30 am

Concurrent Showcase Workshops Round I

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**Court Governance: The Art of Balancing Independence and Accountability**

(repeats at 1:15 pm)

Presenter: *Dan Straub*

**Location: Salons A-B**

Host: Doug Stephens

Reporter: Kip Rodda

**Ensuring Impartiality and Independence: Why and How** (repeats at 1:15 pm)

Presenter: *Carl Baar*

**Location: Eugene**

Host: Warner Hassell

Reporter: Demarco Pennington

**NACM Model Code of Conduct for Court Management Professionals** (repeats at 1:15 pm)

Presenters: *Pam Harris, Peter Kiefer, David Slayton, and Karl Thoennes*

**Location: Salons C-D**

Host: Nancy H. Crean

Reporter: Stephanie Hess

**Purposes and Responsibilities of Courts Workshop III (MSU #3)** (does not repeat)

Presenter: *Tom Langhorne*

**Location: Mt. Hood**

Host: Susan Hill

Reporter: Michelle Brinkman

11:30 am to 1:15 pm

*THE PURPOSES AND RESPONSIBILITIES OF COURTS*

Lunch on Your Own

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**1:15 pm to 2:45 pm**  
Concurrent Showcase Workshops Round II

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**Court Governance: The Art of Balancing Independence and Accountability**

(repeat of 10:00 am)

Presenter: *Dan Straub*

**Location: Salons A-B**

Host: Mark Hinnen

**Ensuring Impartiality and Independence: Why and How** (repeat of 10:00 am)

Presenter: *Carl Baar*

**Location: Eugene**

Host: Matt McConville

**NACM Model Code of Conduct for Court Management Professionals** (repeat of 10:00 am)

Presenter: *Pam Harris, Peter Kiefer, David Slayton, and Karl Thoennes*

**Location: Salons C-D**

Host: Jude Del Preore

**Purposes and Responsibilities of Courts Workshop IV (MSU #4)** (does not repeat)

Presenters: *Tom Langhorne*

**Location: Mt. Hood**

Host: Peter Coolson

**2:45 pm to 3:00 pm**

**Refreshment Break**

**3:00 pm to 3:30 pm**

**Conference Closing Plenary**

**A Report on the 2008 NACM Annual, 2009 NACM Midyear and Annual, and NACM Mission and Vision**

Marcus Reinkensmeyer, NACM President

Suzanne Stinson, NACM President-Elect

Jude Del Preore, NACM Vice President

## **Session Descriptions Tuesday, March 10**

### **Keynote Address**

#### **The Changing Face of Justice in a New Century: The Challenges It Poses to State Courts and Court Management**

Chief Justice John T. Broderick Jr. will explore the needs and challenges of state courts and state court management in the early years of the 21st century and the extraordinary opportunities this new age provides. He will share his thoughts as to what change is required in order to deal effectively with the new realities on the ground. He will also discuss the likely consequences he foresees if the state court systems and their management do not adjust to the bold expectations of the 21st century.

### **Court Governance: The Art of Balancing Independence and Accountability**

For a number of reasons, courts are among the most complex organizations ever devised. Chief among them is the institutional need to maximize both judicial independence and the accountability that comes from interdependent relationships with other agencies of government and the public served by the court. Traditionally, the ability of a court to do this has been a function of its perception of the meaning and importance of these concepts. Although judicial officers must be organizationally enabled to make independent decisions, independence does not mean autonomy. Yet it is easy to compromise that independence when having to advocate and fight for “sum sufficient” to run the court. There are temptations at times to ignore accountability in this struggle. However, the Trial Court Performance standards note that, “Courts must both control their proper functions and demonstrate respect for their coequal partners in government.” Is it possible to have both independence and accountability, or can you not have one without jeopardizing the other? What is the role of court management in this equation? The Standards also tell us that, “Independence is not likely to be achieved if the trial court is unwilling or unable to manage itself.” In fact, “Because judicial independence protects individuals from the arbitrary use of government power and ensures the rule of law, it defines court management and legitimates its claim for respect.” This brief workshop aims to inspire a discussion about why and how balance might be achieved. Participants will be asked to share practical experiences of hurdles, obstacles, and successes in achieving effectiveness in this important area of court management.



## **Ensuring Impartiality and Independence: Why and How**

Over 35 years ago, Carl Baar wrote an article titled “Will Urban Trial Courts Survive the War on Crime?” In 2006, Jonathan Simon’s “Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture Fear” suggests that they have survived, but are appreciably weaker. “The war on crime,” he writes, “has been harder on judges [than] on any other category of governmental actors. It is not their neutrality and judgment that have come to be mistrusted, but neutrality and judgment themselves.” Political and economic pressures on courts are usually examined in terms of their impact on judicial independence. Simon’s analysis demands that we turn our attention to the concept of impartiality that underlies the need for independence. What does it mean? Is it even possible for an individual to be impartial? Does impartiality go beyond the state of mind of an individual judge? Can/should we ask if a court or a court system is impartial in what it does?

## **NACM Model Code of Conduct for Court Management Professionals**

Come join this panel of ethics gurus as they discuss the NACM Model Code of Conduct and how it applies to you. The presentation will feature a discussion of the Model Code, as well as scenarios that you might encounter in your own court. How would you respond? What does the model code have to say about those issues? You won’t want to miss this intriguing and entertaining presentation.

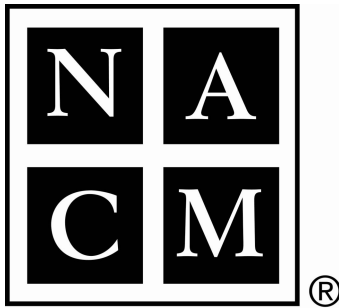
## **Purposes and Responsibilities of Courts Workshop III (MSU #3)**

Beyond “Public Confidence in the Courts”—Why Do People Obey Our Courts?

The NCSC’s 1999 and 2001 public confidence in the courts research represented remarkable research and produced compelling, relevant conclusions for courts. But it failed to examine the fundamental question of and foundational basis for the judicial branch’s *real* power and the practical ways we can measure courts’ performance. Understanding why Americans obey their courts’ orders goes to the heart of the question, “What is the real role and responsibility of our courts?”

## **Purposes and Responsibilities of Courts Workshop IV (MSU #4)**

Have courts met the compelling challenges contained in Roscoe Pound’s famous 1906 ABA speech? What are the *current* trends and challenges shaping courts’ roles and responsibilities today and in the near future? Are we up to the challenge? Why American courts may be the single most remarkable contribution to civilized society.



**NACM HOSPITALITY SUITE**

**Location: Presidential Suite Room 1619**

**NON-SMOKING**

Sunday, March 8	8:00 pm – 11:00 pm
Monday, March 9	8:00 pm – 11:00 pm
Tuesday, March 10	8:00 pm – 11:00 pm

**CONFERENCE REGISTRATION/INFORMATION**

Sunday, March 8	1:00 pm – 7:00 pm
Monday, March 9	7:00 am – 5:00 pm
Tuesday, March 10	7:30 am – 5:00 pm

**CONFERENCE STAFF:**

**Linda D. Perkins**  
*Association Manager*

**Valerie F. Hansford**  
*Conference Services Manager*

**Stacey Smith**  
*Exhibit Manager*

**Shirley Sutherland**  
*Conference & Meeting Planner*

**Mayra Miranda**  
*Conference Services Assistant*

**National Center for State Courts**  
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