

MAYOR'S COURT JUDGE • COURT OF CIVIL APPEALS JUDGE • MENTAL HEALTH COURT JUDGE • ADJUDICATOR • COURT OF COMMON PLEAS JUDGE • DISTRICT COURT JUDGE • SUPERIOR COURT DEPARTMENT JUDGE • SUPERIOR JUDGE • SUPREME COURT JUDGE • COUNTY JUDGE • COURT OF CLAIMS JUDGE • DISTRICT JUDGE • DRUG COURT JUDGE • FAMILY COURT JUDGE • CHIEF JUSTICE • COURT OF CRIMINAL APPEALS JUDGE • JUSTICE • SUPREME JUDICIAL COURT JUSTICE • DISTRICT AND SURROGATE COURT JUDGE • WATER COURT JUDGE • WORKER'S COMPENSATION JUDGE • CHANCELLOR • CIRCUIT COURT JUDGE • GENERAL SESSIONS JUDGE • MUNICIPAL COURT JUDGE • CITY AND PARISH COURT JUDGE • CITY COURT JUDGE • JUVENILE COURT DEPARTMENT JUDGE • JUVENILE COURT JUDGE • JUSTICE • SUPERIOR COURT JUDGE • JUSTICE OF THE PEACE • ASSOCIATE CHIEF JUSTICE • CIRCUIT JUDGE • JUSTICE'S COURT JUDGE • TOWN AND VILLAGE COURT JUDGE • VETERANS COURT JUDGE • YOUTH COURT JUDGE • LAND COURT DEPARTMENT JUDGE • MAGISTRATE • PRESIDING JUDGE • PROBATE COURT JUDGE • APPEALS COURT JUDGE • CHIEF JUDGE • CITY JUDGE • ASSOCIATE JUSTICE • COMMISSIONER • COUNTY COURT JUDGE • REGISTER OF WILLS • MAGISTRATE COURT JUDGE • SMALL CLAIMS COURT JUDGE • SUPREME COURT JUSTICE • SURROGATES' COURT JUDGE • TAX COURT JUDGE • ADMINISTRATIVE APPEALS JUDGE • ADMINISTRATIVE LAW JUDGE • ADMINISTRATIVE JUDGE • AGENCY CHAIR • COMMISSIONER • HEARING EXAMINER • HEARING OFFICER • REFEREE • TRIAL EXAMINER • MAYOR'S COURT JUDGE • COURT OF CIVIL APPEALS JUDGE • MENTAL HEALTH COURT JUDGE • ADJUDICATOR • COURT OF COMMON PLEAS JUDGE • DISTRICT COURT JUDGE • SUPERIOR COURT DEPARTMENT JUDGE • SUPERIOR JUDGE • SUPREME COURT JUDGE • COUNTY JUDGE • COURT OF CLAIMS JUDGE • DISTRICT JUDGE • DRUG COURT JUDGE • FAMILY COURT JUDGE • CHIEF JUSTICE • COURT OF CRIMINAL APPEALS JUDGE • JUSTICE • SUPREME JUDICIAL COURT JUSTICE • DISTRICT AND SURROGATE COURT JUDGE • WATER



JUSTICE ENGAGED

THE NATIONAL  JUDICIAL COLLEGE

Annual Report to Stakeholders, 2016

TRIBAL COURT JUDGES • GENERAL JURISDICTION • JUDICIAL WRITING • TRAFFIC ISSUES IN THE 21ST CENTURY • CIVIL MEDIATION • MANAGEMENT SKILLS FOR PRESIDING JUDGES • COMPREHENSIVE SEARCH & SEIZURE TRAINING FOR TRIAL JUDGES • FUNDAMENTALS OF EVIDENCE • LOGIC AND OPINION WRITING • WRITING FOR TRIBAL JUDGES • LOGIC AND OPINION WRITING FOR ADMINISTRATIVE LAW JUDGES • SPECIAL COURT JURISDICTION • APPELLATE SKILLS FOR TRIBAL JUDGES • ADVANCED CIVIL MEDIATION • ADVANCED TRIBAL COURT MANAGEMENT • ADMINISTRATIVE LAW: FAIR HEARING • ADVANCED ISSUES IN CASES INVOLVING CO-OCCURRING MENTAL AND SUBSTANCE ABUSE DISORDERS • LEADERSHIP FOR JUDGES • CONDUCTING THE TRIAL • CIVIL MEDIATION • DRUGGED DRIVING ESSENTIALS FOR THE JUDICIARY • CHILD CUSTODY CHALLENGES: EVIDENCE AND ORDERS • ETHICS, FAIRNESS AND SECURITY IN YOUR COURTROOM AND COMMUNITY • ADVANCED JUDICIAL WRITING • ADVANCED TRIBAL BENCH SKILLS: COMPETENCE, CONFIDENCE AND CONTROL • BEST PRACTICES IN HANDLING CASES WITH SELF-REPRESENTED LITIGANTS • DESIGNING & PRESENTING PROGRAMS EFFECTIVELY: A FACULTY DEVELOPMENT WORKSHOP • EVIDENCE IN A COURTROOM SETTING • PROCEDURAL FAIRNESS • DECISION MAKING • COURT MANAGEMENT • COURT REPORTING • JUDICIAL PERSONNEL • ADVANCED SKILLS FOR APPELLATE JUDGES • COMPLEX COMMERCIAL LITIGATION • ENHANCING JUDICIAL BENCH SKILLS • DISPUTE RESOLUTION SKILLS • DOMESTIC VIOLENCE • ADMINISTRATIVE LAW: ADVANCED • ETHICAL ISSUES IN THE LAW: A NOVEL APPROACH • TODAY'S JUSTICE: THE HISTORIC BASES • SCIENTIFIC EVIDENCE AND EXPERT TESTIMONY • DRUGS IN AMERICA TODAY: WHAT EVERY JUDGE NEEDS TO KNOW • CURRENT ISSUES IN THE LAW • SELECTED CRIMINAL EVIDENCE ISSUES: WEB-BASED • EVIDENCE CHALLENGES FOR ADMINISTRATIVE LAW JUDGES: WEB-BASED • HANDLING SMALL CLAIMS CASES EFFECTIVELY: WEB-BASED • ETHICS AND JUDGING: REACHING HIGHER GROUND: WEB-

A REMARKABLE YEAR

When I joined the Board of Trustees of The National Judicial College in 2013, enrollment in the College's traditional tuition-based courses was just showing the first signs of a rebound from historic lows during the Great Recession.

States all across the country had cut the budgets of their Courts to near-starvation levels because of the decline in tax revenues. The situation was so dire that some Courts were left to beg for paper and office supplies. Funding for judicial education disappeared entirely in some jurisdictions.

We are not back to where we were or where we should be in terms of our society's financial support for our Courts. But 2016 was a year to celebrate for the NJC. And that's just what this report does.

In terms of paid enrollment, the College experienced its highest levels in eight years and had the second-highest enrollment for in-person classes (as

opposed to online coursework). With travel budgets for most Judges still squeezed, the College responded by doubling the number of courses it taught off-site.

But the rebound in enrollment was only part of the story.

The title of this report, “Justice Engaged,” refers to the College’s enduring commitment to timely responses to emerging issues. In 2016, the *Drugs in America Today* course was revamped in response to the growing national opioid addiction crisis. After a federal report was released challenging the scientific validity of fingerprinting and other long-relied-upon forms of forensic evidence, the College retooled its evidence course accordingly.

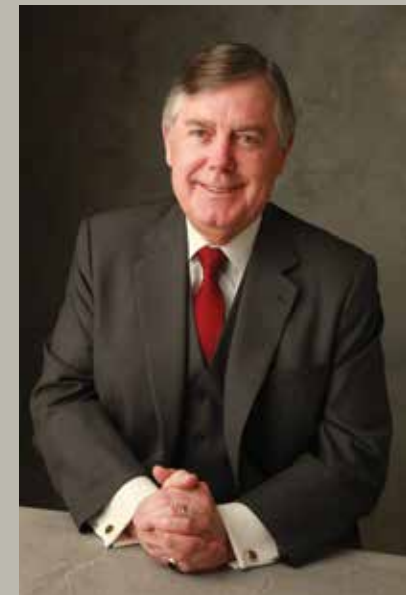
Another major NJC development in 2016 occurred when the College enhanced its ties to the American Bar Association—the NJC’s co-founder

and major donor—by offering partial scholarships to any member of the ABA’s Judicial Division. Dozens of Judges have taken advantage of the NJC’s generous offer.

It has been an honor for me to serve the NJC on its board, as its Chair and as a Donor (and thereby serve the Judiciary in this country) and to support its mission to improve the administration of justice. Congratulations to the NJC on a remarkable year. Upward and Onward in 2017 and beyond!



Wm. T. (Bill) Robinson III
Chair, NJC Board of Trustees (2016-17)





GAVEL READY

PREPARING JUDGES FOR NEW REALITIES

“Progress is impossible without change, and those who cannot change their minds cannot change anything.”

George Bernard Shaw

***Drugs in America Today* hailed as ‘opportunity to save many, many lives’**

The growing use of highly addictive pain-relieving drugs and heroin has fueled an opioid epidemic throughout the country.

Prescription and illicit-opioid overdose deaths increased to a record 33,091 in 2015 while the overall effects of substance abuse affected millions more. The influence of the problem is visible in all aspects of society, from rich to poor neighborhoods and from hospitals and clinics to prisons and, of course, courtrooms.

In 2015 the College unveiled the course *Drugs in America Today: What Every Judge Needs to Know*. The NJC presented the course in Las Vegas in 2016, and



Recovery advocate Bob Forrest and philanthropist Stacie Mathewson

40 judges attended. A grant from the Stacie Mathewson Foundation allowed 10 Northern Nevada judges to attend the course for free.

Additionally, funds from the NJC’s Senator William J. Raggio Endowment sponsored a panel discussion as part of the Las Vegas class. Participants included recovery advocate Bob Forrest, who credited the intervention of a judge with saving his life.

Drugs in America Today presents an in-depth analysis of addiction science and offers solutions for judges managing cases affected by drug use. Participants learn about basic brain chemistry and the physiological and psychological effects of specific drugs, different types of treatment options, and how to craft sentences to bring about a positive change in the drug user. The course is designed to empower judges to intervene and break the vicious cycle of abuse and recidivism while also upholding the law—offering a positive and potentially lifesaving outcome.

Carl M. Dawson, a licensed professional counselor with 36 years of practice in substance abuse and treatment who is a faculty member for the course, said judges’ willingness to learn “presents a great opportunity to save many, many lives.”

A judge commenting anonymously on the course evaluation said, “[E]very judge who interacts with individuals and drugs should have this information.”

Ahead of the game on forensics

When a national report called into question the validity of numerous disciplines of forensic evidence, the College’s scientific evidence course was already ahead of the curve.

The NJC presented a revised version of its course *Scientific Evidence and Expert Testimony* in September 2016, just six days after the President’s Council of Advisors on Science and Technology published “Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods.” The report called into question the reliability of many time-honored forensic techniques, including matching ammunition to a particular weapon or footprints to a particular pair of shoes.

David L. Faigman, a member of the NJC’s faculty since 1998, served as a senior adviser on the report, so he was easily able to adopt its findings into the NJC’s scientific evidence course. He has taught the course a dozen times. The findings allow judges to rule more confidently on the admissibility of forensic evidence and expert testimony and, more important, avoid sentencing based on potentially faulty forensics.

While many were surprised by the report’s conclusions, the College had already been teaching some of its findings for many years, according to Faigman,

chancellor and dean of the University of California Hastings College of Law.

“Even when I started teaching at the NJC in the late 1990s,” he said, “the College had been teaching judges to be aware of the limitations to the foundations of forensic science.”

Human-trafficking course tops 2,000 judges taught

Following record attendance in 2016, more than 2,000 judges have now taken the NJC’s course *Human Trafficking: What Every Judge Needs to Know* since its inception in 2012.

The College presented the course in 10 states and Puerto Rico in 2016, educating a total of 641 judges, a record number for the grant-funded program.

The course was developed as part of a collaborative, nationwide anti-human-trafficking campaign with the State Justice Institute, the Center for Public Policy Studies, the Center for Court Innovation and the NJC. Since that time, the College has presented the course more than 30 times in more than half of all states. A total of 2,162 judges have attended the course.

Judges emerge from the course with an understanding of what defines human trafficking and how to identify the prevalence of the crime and apply statutes to case studies, among related topics.

The course has been made possible primarily by funding from the State Justice Institute and the Bureau of Justice Assistance. The Maddox Foundation, NV Energy and the John Ben Snow Memorial Trust have also sponsored single courses.

Nevada Supreme Court hears oral arguments in Model Courtroom

Three justices representing the northern panel of the Nevada Supreme Court heard oral arguments in the NJC’s Model Courtroom. The hearing represented a homecoming of sorts as all three justices were alumni of the NJC.

The arguments, Sept. 14, 2016, were held as part of the Nevada Supreme Court and the Nevada Court of Appeals’ “On the Road” campaign, which featured courts traveling to Nevada communities to showcase the work of the judiciary.

The two oral arguments heard at the NJC attracted nearly 100 spectators. Justices Michael A. Cherry, Michael Douglas and Mark Gibbons heard the arguments in *Sanchez Jr. (Amadeo) v. State*, and *Comstock Residents Association v. Lyon County Board of Commissioners*.

In the *Sanchez* case, the court affirmed the judgment of the lower court, which found *Sanchez* guilty of first-degree murder with the use of a deadly weapon.



Justices Michael A. Cherry (left) and Michael L. Douglas in the NJC’s Model Courtroom

Of the four claims brought by Comstock Residents Association, the court dismissed three claims and reversed and remanded the fourth claim back to the lower court for further proceedings.

At the conclusion of the arguments, the justices took questions from those in attendance and met with NJC faculty at a luncheon.

Web-based resource center moves forward

One of the largest barriers between judges and continued judicial education is time. Judges’ workloads can be strenuous, making it difficult to travel or attend multiday educational programs.

With that in mind, the NJC has unveiled plans for a web-based resource center—a one-stop shop for the NJC’s online education programs and resources. The resource center will complement the NJC’s existing online programs while incorporating multiple new features, making a comprehensive educational platform available at the click of a button.

The NJC’s existing webcasts, web courses and online self-study courses will be housed in the web-based resource center and will continue to expand. Additionally, the College will unveil podcasts and a Judge Talk series, which will be modeled after the popular TED Talks.

A key component of the resource center will be the ability for judges to research a specific subject—say, constitutional law or forensic evidence—and find available educational programs and resources.

In 2017 the College aims to post 300 online resources under the initiative.

Judge Talks to premiere

The College unveiled plans in 2016 to launch a series of online recorded seminars patterned after the short and powerful TED Talks.

Judge Talk seminars will feature videos of judges or subject-matter experts presenting on topics of importance to judges, such as evidence, decision making and judicial ethics. The goal is to make high-quality education available to judges at their homes or offices at the click of a button.

The College surveyed thousands of judges to identify their most pressing educational needs. Based on those responses, 25 content areas have been prioritized for Judge Talks. The videos will complement the NJC's existing array of online educational resources, including webcasts, web courses and online self-study courses.

The College has been building a special studio and plans to produce 25 to 40 Judge Talks in 2017.

ABA members offered scholarships

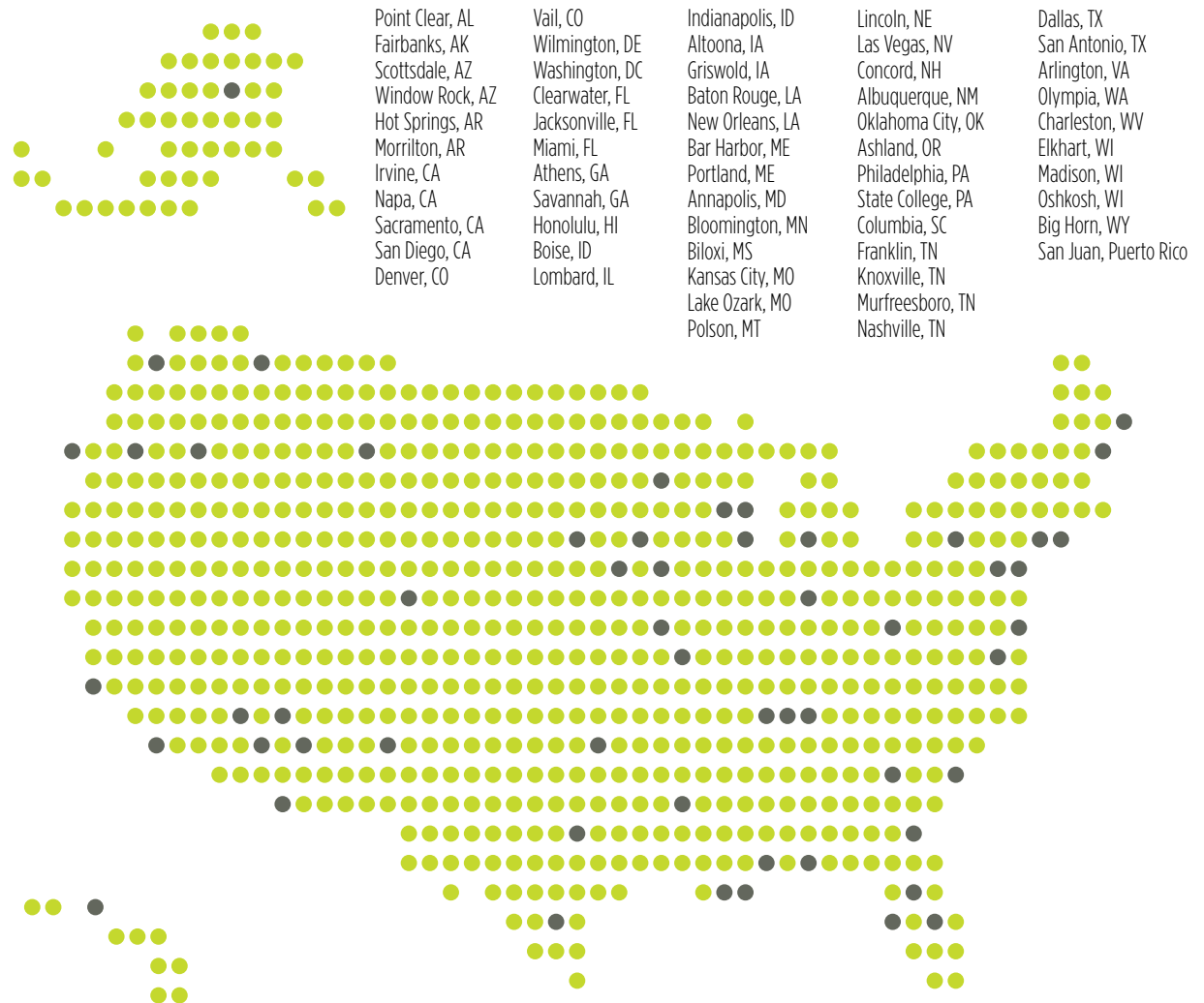
Judges who belong to the American Bar Association's Judicial Division can now get a partial scholarship to attend any NJC course.

The program, which launched in August 2016, provides Judicial Division members a \$500 scholarship; 40 judges had applied as of February 2017.

The initiative aims to help judges pay for continuing education while also bolstering enrollment at the NJC and membership in the Judicial Division. The College and ABA have been partners in judicial education since the founding of the College in 1963.

NJC hits the road

In 2016 the College doubled the number of tuition-based and custom courses it taught away from the NJC headquarters in Reno. Here's where courses were presented, in addition to the many online courses.



“The course could not have been better or more beneficial.”

Judge Tim Sulak, 353rd District Court, Austin, Texas, participated in *Financial Statements in the Courtroom*.

“This course was outstanding... At the end of the day, the participants in the litigation process MUST believe they have received procedural fairness for our system of justice to work.”

Judge Betsy F. Lambeth, 425th Judicial District Court, Williamson County, Texas, participated in *Enhancing Judicial Bench Skills*.

Innovative ethics course featured in news

One of the College’s most creative, and cultured, classes made news in 2016.

Ethical Issues in the Law: A Novel Approach is held each year in Ashland, Oregon, during the Oregon Shakespeare Festival, one of the world’s most renowned theater festivals. Course participants attend multiple plays, analyze ethical dilemmas within the plots, and discuss how the dilemmas relate to the judiciary.

For instance, after viewing the comedy “Twelfth Night,” about a young woman who disguises herself as a young man, the class discussed gender issues in the play and how judges view participants in their courtroom—either with or without bias.

The course was profiled on the front page of the *Ashland Daily Tidings* in September 2016.

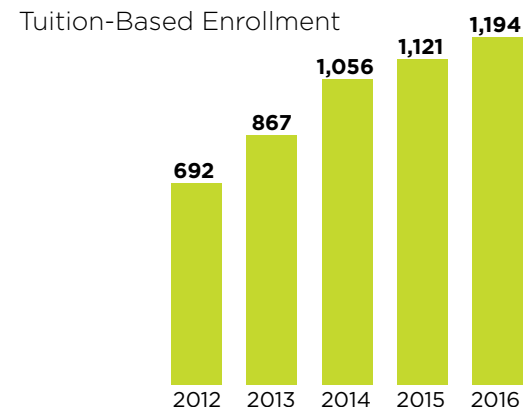
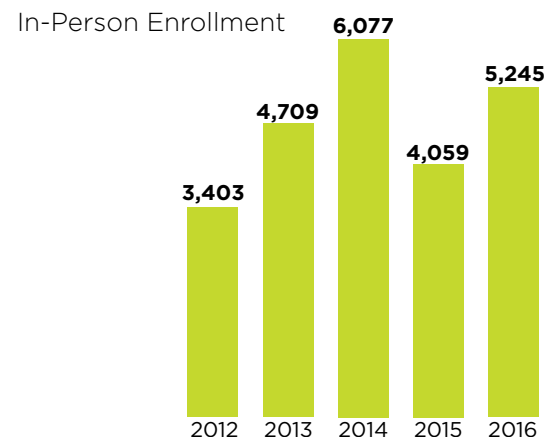
Former Ohio Supreme Court Justice Judith Ann Lanzinger has taught the course a dozen times. In the *Daily Tidings* article, she said the class presented an opportunity to “step back and really think hard about what it means to be not just a judge but a fair judge.”

Enrollment strong across all course types

2016 was an excellent year for the NJC.

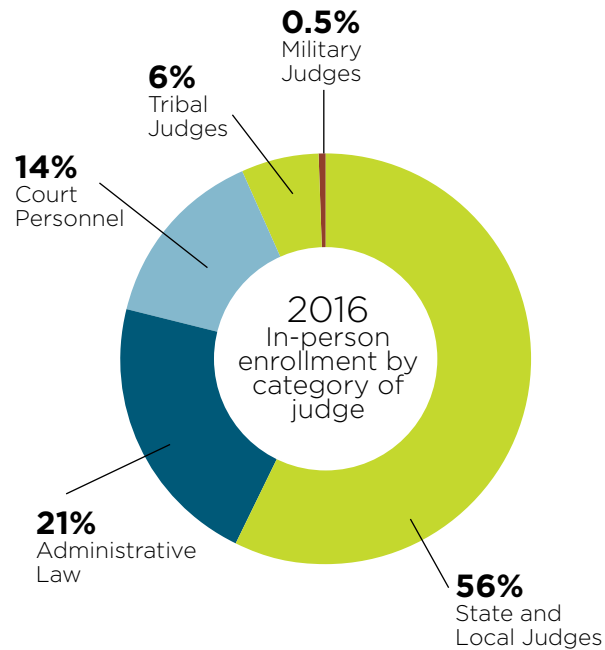
Enrollment in the College’s tuition-based courses—taught in Reno, in other cities and online—reached an eight-year high. In-person enrollment alone totaled 5,245, the second-highest in-person registration at the College.

The NJC also presents customized courses under contracts with states, agencies and tribes. Last year’s volume of such courses represented the second-highest total ever. The last three years have been the busiest in NJC’s history for custom courses.

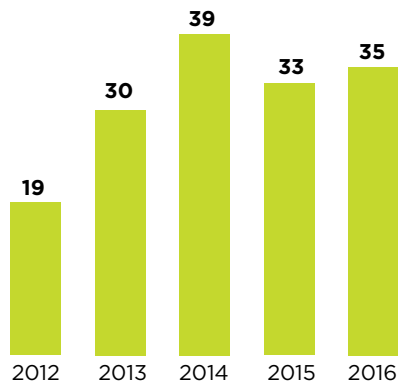


“Injustice anywhere is a threat to justice everywhere.”

Martin Luther King Jr.



Extension (Custom) Courses



Peacemaker Judge George Atwood (not pictured) of the Pechanga Band of Luiseño Mission Indians in Southern California, volunteered for three weeks in a camp kitchen at the Dakota Access Pipeline protests near the Standing Rock Sioux Indian Reservation in North Dakota.

NTJC and Tribal Judicial Institute educate hundreds in Indian Country

The College’s National Tribal Judicial Center and the Tribal Judicial Institute at the University of North Dakota educated 336 judges, court staff and tribal government officials in 2016.

The organizations have been partners since 1998, offering courses and technical assistance for judges and court personnel across Indian Country as well as annual conferences that highlight tribal justice issues.

Federal agency looks to Tribal Center for traffic safety course

The National Highway Traffic Safety Administration invited the National Tribal Judicial Center to develop and host a tribal traffic course in 2016 through a grant held by the NJC. Several Indian Country judges and professionals were part of the curriculum development. The course debuted in September 2016.

“We were especially pleased with the courses taught by the Honorable John F. Reif, Chief Justice of the Oklahoma Supreme Court, and Professor Ronald R. Hofer. The National Judicial College seemingly tailored these courses to our specific needs.”

Chief Justice Lee Bergen, Pueblo of Isleta Appellate Court, New Mexico, participated in *Appellate Skills for Tribal Courts*, July 2016.



JUSTICE MAKERS

NEWS OF THE NJC COMMUNITY

“Justice lives through those who practice it, by those who deliver it, and in those who believe in it.”

Judge William F. Dressel, NJC president, 2000–13

Alumni in the news

North Carolina Supreme Court

Justice **Michael Morgan**, a longtime faculty member, was elected to the North Carolina Supreme Court. He has taught more than 25 courses dating to 1993 with a focus on administrative law. He received the NJC’s 2014 V. Robert Payant Award for Teaching Excellence. Prior to his election, he received an endorsement from President Obama.



Nevada Supreme Court

Justice **Lidia S. Stiglich** was appointed to the Nevada Supreme Court by Gov. Brian Sandoval. Previously she served in Nevada’s Second Judicial District in Reno from 2012–2016. She attended the NJC’s flagship *General Jurisdiction* program in 2013 before joining the College’s faculty in 2014.

Kansas Court of Appeals

The Kansas Supreme Court selected Judge **Karen Arnold-Burger** to serve as chief judge of the Kansas Court of Appeals. She is an alumnus of the NJC and

has been a member of the faculty since 2000. She was first appointed to the Kansas Court of Appeals in 2011.

17th Judicial Circuit Court of Florida

Florida Circuit Court Judge and NJC faculty member **Louis H. Schiff** co-authored *Baseball and the Law: Cases and Materials*, the first baseball law casebook written specifically for law school use. The book examines legal issues in baseball, such as player salaries, franchise relocation and gambling. Schiff is an alumnus of the NJC and has served on the faculty since 2005.

Honored by the NJC

Advancement of Justice Award

The NJC presented its Advancement of Justice Award to five individuals in 2016, honoring justices **Wallace B. Jefferson** and **John D. Minton Jr.** and judge **Michael R. Barrett** along with Las Vegas attorney **Sam Lionel** and developer and philanthropist **Irwin Molasky**.

The College has presented the Advancement of Justice Award annually since 2008 to individuals and entities who strive to improve and advance justice.

Justice Jefferson (pictured above, right) served on the Supreme Court of Texas from 2001 to 2013. He made history as the first African-American justice and chief

justice. He was also elected by his peers to president of the Conference of Chief Justices. Jefferson has lectured across the country on appellate advocacy.



Chief Justice Minton has served on the Supreme Court of Kentucky since 2006. During his tenure, the Supreme Court adopted Kentucky’s first uniform rules to ensure that family and juvenile laws are applied equitably throughout the state. He also formed the



Kentucky Access to Justice Commission to improve access to civil legal aid for those who can’t afford legal representation. Minton is an alumnus of the NJC, having completed eight courses, including the *General Jurisdiction* program.

Judge Barrett has served on the United States District Court for the Southern District of Ohio since 2006. He was appointed by former President George W. Bush.

Details about Lionel and Molasky appear on page 13.

“Judges are like umpires. Umpires don’t make the rules. They apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ballgame to see the umpire.”

John Roberts

V. Robert Payant Award for Teaching Excellence

Chief Judge **Karen Arnold-Burger** of the Kansas Court of Appeals received the NJC’s 2016 V. Robert Payant Award for Teaching Excellence.

The award is presented by the College to faculty who demonstrate teaching excellence and a commitment to educating their peers. The award has been given annually since 1988 and is named after the College’s first president.

Arnold-Burger is an alumnus of the NJC, and she joined the faculty in 2000. She’s taught more than 30 classes at the College and is a member of the Faculty Council for Special Court Jurisdiction. She was selected as chief judge of the Kansas Court of Appeals in 2016 and has served on the court since 2011. Previously she served on the Overland Park Municipal Court for 20 years.



Faculty Council Award for Staff Excellence

Executive Assistant **Lonnie Shodeen** received the College’s Faculty Council Award for Staff Excellence. The NJC’s Faculty Council selects a recipient for the award annually. Shodeen has been with the College for more than 12 years.

NJC people honored by others

Former Maryland District Court Judge **Neil Edward Axel** received the 2016 Franklin N. Flaschner Award. The award honors a judge who has made significant contributions to the education of the judiciary and improved the quality of justice in courts with special and limited jurisdiction. Axel sat on the 10th District Court bench in Maryland for more than 16 years, until his retirement in 2013. He also served for 15 years on the Board of Directors of Maryland’s Judicial Institute and served on a drug treatment court and DUI court program for six years. Axel joined the NJC’s faculty in 2013, instructing on topics such as special court jurisdiction and impaired driving. The Flaschner Award is presented by the National Conference of Specialized Court Judges of the Judicial Division of the American Bar Association.

A Mississippi chancery judge and NJC faculty member, **Cynthia Brewer** was inducted as a Fellow of the Mississippi Bar Foundation. Being named a fellow is the highest honor given by the foundation. Brewer has served as a chancellor of the 11th District Chancery Court since 2007. She joined the College’s faculty in 2014, teaching the College’s flagship *General Jurisdiction* program.

Indiana Senior Judge and NJC faculty member **Barbara Arnold Harcourt** received the National Center for State Courts’ Distinguished Service Award. The award is presented annually to judges who have made significant contributions to the judiciary and to the center’s mission. Harcourt was honored for her innovative work with the center’s Institute for Court Management. She joined the NJC faculty in 1993 and has taught nearly 30 courses.

She serves as a senior judge in Indiana after retiring from 18 years with the Indiana Circuit Courts.

NJC President **Chad C. Schmucker** received the Chief Justice Richard W. Holmes Award of Merit from the American Judges Association. The award has been presented annually by the AJA since 1971 to a judge for outstanding contributions to the judiciary. The award is named in honor of one of the AJA's founding members who served as chief justice of Kansas from 1990–1995. Three NJC presidents have now received this distinction: Schmucker, V. Robert Payant and William Dressel. Schmucker retired from the NJC in 2017 after more than three years leading the College.

NJC faculty member **Steve Wise** received the National Association of Administrative Law Judiciary's Rosskopf Award for judicial professionalism and ethics. A former president of the organization, Wise serves as an administrative law judge with the Office of Administrative Hearings in the Montana Department of Labor and Industry. In addition to Montana, he has served in South Dakota and Iowa. He first attended the NJC in 1986 and joined the faculty in 1992. He has taught the College's *Administrative Law: Advanced* course more than 20 times.

Two judges receive Tribal Judicial Skills certificate in record time

Two tribal judges received their Tribal Judicial Skills certificate in record time by amassing more than 20 class credits in three years.

Crow Nation (Montana) Judge **Kari Covers Up** and Oneida Nation (Wisconsin) Judge **John E. Powless III** were honored at the NJC for their accomplishment.

Judge Covers Up has taken eight courses at the NJC

since 2014, culminating with *Writing for Tribal Judges* in June 2016. Judge Powless has taken 12 courses at the College, earning his certificate after completing *Advanced Tribal Bench Skills* in October 2016.

In memoriam

Kenneth Richard Evans

A law professor and former faculty member at the NJC, Kenneth Richard Evans, 78, passed away on December 22, 2016, following a long illness. Professor Evans joined the NJC faculty in 1975 and taught until 2001. He presented nearly 40 courses, with a focus on special court jurisdiction and search and seizure. He graduated from Stetson University College of Law before serving as a law professor at Stetson, the University of Mississippi and the New England School of Law. He also served as director of state law libraries and judicial education for the West Virginia Supreme Court of Appeals.

Vicki L. Robertson

Former Oklahoma District Judge Vicki L. Robertson passed away in December 2016. Judge Robertson, a graduate of the NJC's flagship *General Jurisdiction* program, was 67. She served on the Oklahoma County District Court for more than 15 years. She presided over many noteworthy cases, including a controversial state abortion law she struck down in 2009. She retired in 2010 and then served on the Judicial Ethics Advisory Panel.

Robert J. Miller

An alumnus of the *General Jurisdiction* program, Robert James "Bob" Miller passed away in October 2016. A man of many pursuits, he earned a master's in forestry and a Ph.D. in biology from Yale University.

He worked in academia early in his career and was later named dean of St. Mary's College in Raleigh, North Carolina. He earned his J.D. in 1985 and left academia to practice law, forming his own firm.

James Braxton Zimmermann

Former Dallas Judge James Braxton Zimmermann, who was involved in the prosecution of Jack Ruby and later taught the NJC's *General Jurisdiction* course 29 times, passed away in December 2016 at age 84.

A prosecutor and later district judge in Dallas for nearly two decades, Zimmermann first attended the NJC in 1971 and joined the faculty of the College in 1973. He taught *General Jurisdiction* every year from 1975 to 1986 and taught 35 classes overall.

“Right knows no boundaries and justice no frontiers; the brotherhood of man is not a domestic institution.”

Learned Hand

PHILANTHROPY

BUILDING AND REINFORCING THE PILLARS OF JUSTICE

“We make a living by what we get. We make a life by what we give.”

Winston S. Churchill

College honors Nevada philanthropists Lionel and Molasky

The College hosted a reception in Las Vegas to present the Advancement of Justice Award to attorney Sam Lionel and builder/designer Irwin Molasky.

The award is presented to those who have demonstrated dedication to improving justice in the judiciary.

Both Lionel and Molasky have been generous donors to the judicial college for many years. Lionel has been instrumental in the evolution of the legal profession in Nevada and recently funded the intellectual property law program at the William S. Boyd School of Law at the University of Nevada, Las Vegas. In



Attorney Sam Lionel (left) and builder/
designer Irwin Molasky

addition to honoring the benefactors, the reception raised nearly \$60,000 to support NJC programs.

Molasky has been a member of the NJC's Board of Visitors since the board's inception in 2006. His philanthropic efforts have included significant support for the Grant Sawyer Center for Justice Studies at the University of Nevada, Reno.

Lionel and Molasky also created Project REAL (Relevant Education About the Law) 10 years ago. The program prepares children to become involved, participating citizens who understand their legal and social responsibilities and rights.

Energy companies power Clark Auditorium upgrade

Two energy companies provided key gifts to enable the NJC to upgrade the College's most venerated teaching space.

Donations by NV Energy and ExxonMobil completed a fundraising initiative to overhaul audiovisual technology in the Justice Tom C. Clark Auditorium.

The auditorium—constructed in 1971 as part of the original NJC—was equipped with new touch-control panels that integrate high-definition display panels, projectors, wide-format projection screens and wireless microphones to improve the quality and ease of classroom instruction.

“We're very excited about this latest renovation,” said Joy Lyngar, NJC academic chief. “We have extraordinary faculty, and we naturally want to avail them of the best teaching equipment available.”

The auditorium is named after U.S. Supreme Court Justice Tom C. Clark, who in 1963 chaired a national committee that recommended the establishment of a national judicial college. The NJC originally opened in Boulder, Colorado, and moved to the campus of the University of Nevada, Reno, in 1964.

The College had initially secured more than \$55,000 in equipment and installation support for the \$88,000 Clark Auditorium project. Gifts by NV Energy and ExxonMobil covered the balance.

Both energy companies have been steadfast supporters of the College.

ExxonMobil has been an annual donor since 1985. Previous donations have underwritten other classroom renovations and courses as well as the College's 50th Anniversary Year conferences in 2013.

NV Energy's first gift to the College was in 1981. Over the years, the utility's gifts have underwritten classroom equipment renovations and courses as well as the Sen. William J. Raggio Endowment Fund, named for the late state senator from northern Nevada.

“While the nation is experiencing budget cuts—both federally, statewide and locally—the need to fund NJC attendance is extraordinary. Many jurisdictions are cutting services, including access to our Courts. A well-educated judiciary can mean the difference between justice served and justice denied. NJC’s contribution to the judiciary nationwide is immeasurable.”

Judge Jill M. Martinez, Metropolitan Court, Division VIII, Bernalillo County, New Mexico

Another boost from Hearst Foundation

As executive director of the billion-dollar Hearst Foundation, Paul “Dino” Dinovitz knows philanthropy.

As a former general manager of TV stations in Columbus, Kansas City and Sacramento, he also knows mistakes. Specifically, the cost of them.

Dinovitz, who used to manage his stations’ local news teams, says journalists can’t afford to be correcting errors all the time. The same applies to judges. A justice



system doesn’t work if appellate courts are continually having to reverse errors made by trial judges.

“It’s too important,” he says. “You don’t want a bad decision made because of inexperience.”

That’s one of the reasons why the Hearst Foundation, created in the 1940s by legendary newspaper publisher and philanthropist William Randolph Hearst, has supported the NJC for more than 30 years, beginning with a grant in 1986. Between 1998 and 2003, the foundation established a \$200,000 endowment at the College to provide a permanent source of scholarship funding for U.S. judges.

More recently the foundation awarded the

College \$100,000 to support scholarships focused on two courses: *Judicial Leadership*, which teaches judges how to manage all aspects of their court, including human resources; and the *Faculty Development Workshop*, in which the NJC’s many volunteer faculty learn how to teach their fellow judges more effectively.

Since 1999, more than 500 judges have attended NJC courses thanks in part to Hearst Foundation funding.

With support from the Hearst Foundation and many other organizations, the NJC will continue to be a force for a justice system that is free and independent—and as flawless as is humanly possible.

Endowment honors College’s first president

The NJC established the Hon. V. Robert Payant Endowment in 2016, honoring the College’s first president.

Payant became the NJC’s seventh dean and chief executive officer in 1990 and became the College’s first president when that position was established in 1994. He held the position for four years and served on the College’s faculty for 26 years overall.

Prior to joining the NJC, he served as Michigan’s state court administrator from 1985 until 1988. He also served as a district, circuit and probate judge in Michigan’s Upper Peninsula. He and his wife, Virginia, now live in Milwaukee.

Join in honoring President Payant

The NJC’s Board of Trustees has agreed to match, dollar for dollar, all gifts received for the Payant Endowment by the end of 2017 to a total of \$25,000.

To make a secure online gift, please visit www.judges.org/donate and write “Payant” in the comments box. Checks can also be mailed to the NJC at 1664 Virginia St., M.S. 358, Reno, NV, 89557. Please write “Payant” on the comment line.

Three presidents to leave a portion of their estates to the NJC

The NJC’s three living former presidents—V. Robert Payant, William Dressel and Chad Schmucker—have all designated a portion of their estates to the NJC.

Payant was a district, circuit and probate judge and then state court administrator in Michigan before serving as NJC president from 1990-98. Dressel was a district judge in Colorado from 1978 until becoming NJC president in 2000; he retired in December 2013. Schmucker was on the Michigan Circuit Court bench for 20 years before becoming the Michigan state court

PROFILE: TONI BOONE

Supporting unsung heroes

Environmental quality, professional and business licensing, taxes, gaming regulation, workers' and unemployment compensation, human services benefits—these are but a few of the types of hearings that administrative adjudicators conduct.

Administrative law touches nearly every aspect of society. Yet administrative law judges are virtually unknown to the public. And the budgets for education in the executive branch, where administrative adjudicators work, are limited to nonexistent.

For those reasons and more, Toni Boone advocates for and educates administrative law judges, whom she calls the “unsung heroes” of justice. She also is helping them financially, having recently created an endowment for administrative law judges to attend the NJC on scholarship.

“Administrative law judges are the face of justice to an increasing number of the population,” says Boone, who retired in 2014 after more than 30 years as an administrative law judge, the last 11 with the Office of Administrative Hearings of the

Nevada Department of Motor Vehicles in Las Vegas.

“I don’t want those judges who conduct unemployment compensation hearings, health and human services hearings, and so forth, to lose out on an educational opportunity like I had simply because their agencies couldn’t afford to send them,” she says.

Feeling burned out and isolated as an administrative hearing referee for the State of Arkansas, Boone first attended the College in 1998 for the two-week *Administrative Law: Fair Hearing* course. She said the experience literally changed her life. After learning new techniques for presiding over hearings and writing decisions, and enjoying the collegiality of meeting other judges who face similar issues, she returned to her job with a “renewed spirit and excitement,” she says.

It wasn’t long before she returned to the College as an instructor, and she has been

teaching ever since. The next course she leads will be her 85th since 2000. She currently serves as chair of the Faculty Council. She has also taken more than a dozen courses.

She has many powerful memories of her times at the NJC, such as the joys of renting a van with fellow judges and driving around Lake Tahoe, and the disbelief she shared with her peers at the College on Sept. 11, 2001.

She hopes retirement will provide more time for travel, including an extended vacation this summer to London, Normandy, Paris and Provence. She and her husband also intend to take in at least one baseball game at every Major League Baseball stadium in the country. They’ve been to nine so far.



administrator. He served as president of the NJC from January 2014 and until spring 2017.

During Schmucker’s tenure, a brochure was developed for the planned-giving campaign that shows a photo of a bench and gavel and an empty chair.

“As a judge I wondered how my judicial legacy could continue in perpetuity. I knew that, just like me, judges would connect to the image of the empty bench,” he says.

Schmucker notes that the NJC is the first place

many judges come when they begin their careers. Some eventually return as an esteemed faculty member to prepare the next generation of adjudicators.

The NJC’s planned-giving options allow donors to choose a specific area of the law they wish to support: administrative, appellate, general jurisdiction, military, special court or tribal.

If a judge prefers to provide scholarship assistance, a minimum gift of \$25,000 can establish a named scholarship endowment. An endowed gift of \$50,000 will

generate proceeds to bring a new judge to the two-week *General Jurisdiction* course.

“You don’t need great wealth to support the NJC,” says Schmucker. “By taking care of your family first in your will or bequest, then leaving a remainder of your estate to the NJC, you can create a meaningful legacy that matches your interests and circumstances.”

For more information on following the presidents’ lead, contact Development Director Jeanne Hill at (775) 327-8257 or hill@judges.org.



Former Board of Trustees Chair Matt Sweeney (shown hiking near his home in Nashville) decided to donate the cash value, about \$20,000, from a life insurance policy he no longer needed. He says he hopes others will do likewise.

"It's a challenge for an organization like ours to fund itself," he says. "Tuition does not pay for all the courses. So it's important for those of us who know the College best to step forward when they're in a position to help."

A LONG WAY FROM THE TRAILHEAD

MATT SWEENEY

In 1986 Matt Sweeney became the youngest judge in Tennessee when he was appointed to the state Circuit Court in Nashville.

After going through a brief course for new judges that was provided by the state and being assigned a mentor judge, he pulled on a robe and took his seat on the bench of the court's civil jurisdiction division.

He was 34.

"I knew I had a lot to learn," he recalls. "Having a mentor was helpful, but when somebody wants to present evidence and somebody objects, you can't go off the bench and talk to your mentor."

About a year and a half later, an emergency arose when a criminal division judge was accused of taking bribes. Sweeney was asked to change benches temporarily. He had done criminal work early in his career, but that was years in the past.

Fortunately, he had just returned from completing the NJC's flagship *General Jurisdiction* course. The comprehensive program for newly appointed judges, then four weeks long, covered both civil and criminal jurisdiction. He says it gave him confidence that he could handle anything in court, including dealing with misbehaving attorneys. After he returned to civil jurisdiction, he recalls, he ended up having to sanction an attorney, an order that was effectively affirmed on appeal.

Judge Sweeney returned to practicing law in 1990—he's now conflict counsel with Baker Donelson in Nashville—but he has stayed in touch with judges he met in *General Jurisdiction*. He has also become a major supporter of the NJC. A trustee of the College since 2011, he served as chair of the board in 2015-16.

“Having a mentor was helpful, but when somebody wants to present evidence and somebody objects, you can't go off the bench and talk to your mentor.”

Matt Sweeney



PROFILE: **DON ASH**

Early impressions had a lasting impact

Although it was more than 20 years ago, Tennessee Senior Judge Don R. Ash can still remember specific moments from the first course he took at the NJC—*General Jurisdiction*—and how it affected the rest of his career.

He remembers being inspired by the ethics lecture of Judge Michael E. Keasler and Keasler's passionate call to exceed judicial ethics standards.

Ash went on to serve nine years on the Tennessee Court of Judiciary (now the Board of Judicial Conduct), which investigates alleged misconduct by judges, and to teach judicial ethics.

A breakout group session during that first class exposed him to the policies and practices of drug

courts. Years later, when a citizen approached him about creating a drug court in the judge's district, Ash became the presiding judge of Tennessee's 16th Judicial District Drug and DUI Court. More than 200 people graduated from the court's adult recovery program during his tenure.

After his first class at the NJC, Ash also decided to pursue the College's Master of Judicial Studies, which is offered through the University of Nevada, Reno. He wrote his thesis on the need to change Tennessee divorce laws to include mediation and child support. His idea was drafted into law in 1998.

Considering how much the NJC influenced his career, it should come as no surprise that he

has taught more than 30 courses at the College since 2001. More recently he established an endowment to provide scholarships for Tennessee judges.

"The NJC helped me be a better judge and share the knowledge I learned throughout the state," he says. "This endowment is important because I want Tennessee judges to have the same opportunity I had to learn at the NJC and spread that knowledge."

Raggio Endowment helps judges, public learn from addiction experts

The College's Senator William J. Raggio Endowment brought some of the nation's top experts on addiction science together for a panel discussion in Las Vegas.

More than 50,000 Americans died from overdoses in 2015, nearly double the total from a decade ago. The NJC created the course *Drugs in America Today: What Every Judge Needs to Know* to educate judges on substance abuse and how to manage cases involving drugs.

In the second year of the course, financial support from the Raggio Endowment allowed the NJC to add a special event—a panel discussion featuring five

experts. The event was open to the public and was streamed live online.

Justice Lidia Stiglich of the Nevada Supreme Court moderated the discussion by panelists Stacie Mathewson, founder and president of Transforming Youth Recovery; Dr. Melissa Piasecki of the University of Nevada, Reno, School of Medicine; Sara Gordon of the William S. Boyd School of Law; Bob Forrest, a recovery advocate and activist working in Los Angeles; and Stephanie Woodard of the Division of Public and Behavioral Health for the State of Nevada.

Mathewson and Forrest shared heartfelt messages, as Mathewson had lost a loved one to addiction, and Forrest is a former addict.

Raggio, the longest-serving member in the history of the state senate, helped bring the NJC to Reno in 1964 and played a significant role in securing financial support for the College during his tenure in office. After his passing in 2012, Mrs. Dale Raggio launched an endowment in her husband's name.

“If you want peace,
work for justice.”

Pope Paul VI

Hail to our chiefs

As of 2016 the chief justices of 38 state supreme courts had experienced education from The National Judicial College, from either having taken a course or attended another program.

There is at least one NJC alumnus on every state supreme court. In three states—New Mexico, South Carolina and Vermont—they make up the entire court. In 10 others, all but one justice has an NJC connection. Those states are: Hawaii, Idaho, Kansas, Maine, Mississippi, Montana, New Hampshire, Nevada, South Dakota and Tennessee.

Overall, 56 percent of justices serving on state supreme courts in 2016 had studied with the NJC at some time in the past.

Alumni serving as chief justices as of 2016

Alaska: **Craig F. Stowers**
 Colorado: **Nancy E. Rice**
 Connecticut: **Chase T. Rogers**
 District of Columbia: **Eric T. Washington**
 Florida: **Jorge Labarga**
 Georgia: **Hugh P. Thompson**
 Hawaii: **Mark E. Recktenwald**
 Iowa: **Mark S. Cady**
 Idaho: **Jim Jones**
 Illinois: **Rita B. Garman**
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 Massachusetts: **Ralph D. Gants**
 Maine: **Leigh I. Saufley**
 Michigan: **Robert P. Young Jr.**
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 North Carolina: **Mark D. Martin**
 Nebraska: **Michael Heavican**

New Hampshire: **Linda S. Dalianis**
 New Jersey: **Stuart Rabner**
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 Oklahoma: **John F. Reif**
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 Wyoming: **E. James Burke**

**New York's Court of Appeals is equivalent to most states' supreme court.*

PROFILE: STEVE SMITH

From band to bench

When he first started in private practice in 1977, Steve Smith called himself an “accidental lawyer.”

Smith had originally enrolled in Abilene Christian University to study music and become a band director. The self-described “fair” French horn player did receive his music education degree, but he was encouraged by a friend to attend law school. That led to him earning a law degree from the University of Texas School of Law. He went into private practice and, ultimately, landed on the bench.

Accidental his legal career may have been, but Smith has been intentional in advancing the cause of the judiciary ever since.

He has served the past 20 years on the bench of the 361st District Court in Bryan, Texas. After studying at the NJC, he joined the College’s faculty in 2003. He just completed his service as a *General Jurisdiction* representative on the Faculty Council, and he served as the council’s chair in 2016.

His commitment to the judiciary goes beyond teaching, too. In 2016 he created an endowment to fund scholarships for Texas judges to attend the NJC.

“The judiciary is often the forgotten branch of government, yet it is so important to the freedoms that we enjoy,” he says. “I want us to have the best judges we can. An entity like the NJC helps ensure that we will have well-educated, competent and fair judges in all the courts in our country.”

Despite the demands of the bench, Smith still finds time for his musical passion. He occasionally leads worship music at his church and has conducted the Brazos Valley Symphony Orchestra on a few occasions.





A SURVIVOR, A WINNER

KIM SINATRA

Kim Sinatra has a better reason than most for being able to see the big picture.

On a September morning in 2001 she took off on a flight from Newark Liberty International Airport bound for Reno. On another plane, leaving the same airport at about the same time, were four terrorists. They seized control of the cockpit and turned the plane toward Washington, D.C. If not for a passenger revolt that led to a crash in a Pennsylvania farm field, the plane likely would have been flown into the intended target, believed to have been the Capitol or the White House.

Sinatra, a mother of three young children, had grown up in Jamestown, New York, and had worked in New York City until shortly before the 9/11 attacks. Eighteen people in her home community of Summit, New Jersey, west of Newark, died in the Twin Towers, including her next-door neighbor.

That near miss convinced her to reconsider a job offer she had earlier declined because it meant moving to Las Vegas.

Today, Kim Sinatra (no relation to Frank) is executive vice president and general counsel for the \$10 billion

Wynn Resorts, whose properties include the 4,700-room Wynn and Encore hotel towers in Las Vegas. Her sprawling office occupies a private section of the resort's ground floor.

As part of her role with Wynn, she supervises community and government affairs. Owner Steve Wynn and the company have long been generous supporters of educational causes, particularly primary and secondary schools serving vulnerable populations.

Sinatra took the cause of supporting education a step further by serving on the NJC Board of Trustees from 2010 to 2013. She also recently pledged \$25,000, matched by the College, to establish an endowment that will provide scholarships for Nevada judges to attend NJC courses.

"It's not particularly complicated," she says of her decision to create the endowment. "They asked, and it seemed to me that this was an organization doing really good work, and if I could help judges have more access to quality extra education, that's a winner all around."

“...[I]f I could help judges have more access to quality extra education, that’s a winner all around.”

Kim Sinatra

A message from the Chair-Elect

Thank you for helping The National Judicial College remain the gold standard for judicial education.

Every year more than 600 individuals and organizations contribute to this organization because they recognize that a well-educated Judiciary is essential to administering and preserving the rule of law.

Over its 53-year history the College has educated Judges of every kind, from every state and U.S. territory, and from more than 150 countries.

The Judges who attend the College come from far and wide, and so has the College's financial support.

The American Bar Association, based in Chicago, was a co-founder. The College opened its doors in 1963 in Boulder, Colorado, with funding from the W.K. Kellogg Foundation, based in Battle Creek, Michigan. A year later the NJC moved to its permanent home in Reno with support from the State of Nevada. The College's first building in Reno was paid for with a gift from the Max C. Fleischmann Foundation, founded in Santa Barbara, California.

In 2016, major philanthropic support (\$20,000 or more) came from the Hearst Foundation (San Francisco), the Laura and John Arnold Foundation (New York), ExxonMobil Corporation (Texas), and the E.L. Cord Foundation, Stacie Mathewson Foundation, and NV Energy Foundation, all based in Reno.

Advancing the rule of law through a well-educated Judiciary is important to everyone. In these pages you'll read the names of law firms and individuals from all over the country who have chosen to support the College and its mission. Last year they represented 47 states and the District of Columbia. The College's financial supporters include Judges who teach at the NJC as well as members of our Boards of Trustees and Visitors.

Our country needs a strong and independent Judiciary. Thank you for demonstrating your belief in that principle by supporting the College and encouraging others to do so.



Kim D. Hogrefe
Chair-Elect
NJC Board of Trustees



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“I was married by a judge. I should have asked for a jury.”

Groucho Marx



Goodbye, Chad

There are plenty of reasons why the NJC is going to miss Chad Schmucker.

The NJC's president will be retiring at the end of April 2017 after a little more than three years leading the College. He was a deft and dedicated chief executive, thorough with every task. Under his leadership, the NJC greatly expanded the number of courses it offered online and "on the road" in cities other than Reno. Enrollment for certain course types, such as custom courses, reached all-time highs.

All that is true and important. It's also true, and important, that he was a good guy, easy to talk to, pretense-free, one of those people you are sure is always giving it to you straight. He was, he is, trust *worthy*. A good quality to have in a judge. Not bad in a college president, either.

I met him only last fall, when I interviewed to become the College's director of communication and marketing. I liked him immediately. Maybe it was our shared Midwestern roots. I'm from Cleveland. He grew up in the small town of Jackson, Michigan, south of Lansing. He married a young woman, Joyce, from his hometown and later served 20 years as a judge in Jackson County.

Immediately before joining the NJC, he served as state court administrator in charge of all 246 trial courts in Michigan, a role in which he worked to improve the state's judicial system.

Most weeks Chad and I would meet in his office and talk for about an hour. He was really the first judge I'd

ever met, so I asked all kinds of naïve questions. Like: Do criminals sent to jail really try to take revenge on the judges who sentence them? His answer was that if they're convicted of murder, that's not much of a concern; they're going to be in prison too long. The judge may be dead by the time they get out.

Chad's go-to method for explaining how the legal system works is to imagine scenarios and then cast his listeners in unlikely, often wickedly unflattering, roles. Like: "Ed, here, is a loan shark, and he comes to me demanding money..." Or, "William, you have four arrests for DUI and your attorney wants to swing a plea bargain..."

In announcing his decision to retire, Chad, who is 62, said, "At this point in my career, my wife and I have determined that family priorities need more of my time." As always, he has his priorities in order.

My hope is that we haven't heard the last of the good judge from Jackson. I have already told him I expect him to contribute regularly to the new "Reflections from the Bench" column in our monthly newsletter, *Judicial Edge*. And if he chooses to substitute my name and those of NJC colleagues for various felons and miscreants in his explanations, well, that's a price we will happily pay.

Ed Cohen
Director of Communications/Marketing



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