

TO: ANAO  
FROM: ALLYSON K. DUNCAN,  
PRESIDENT  
RE: MINUTES  
MID-YEAR MEETING IN WASHINGTON, D.C.  
DATE: MAY 24,2023

ANAO met in Arlington, Virginia, in the D.C. area from May 22 through May 23, 2023. It was the first in-person ANAO meeting since COVID.

Prior to the meeting, Judge Cynthia Rufe organized a group to attend La Bohème at the Kennedy Center. The experience was extremely well received.

The following persons were present:

IAJ: Giacomo Oberto, Executive Secretariat

ANA0: Allyson K. Duncan

AUSTRALIA: John Bond  
Martin Burns  
Jennifer Davies  
Caroline Kirton  
Chrissa Loukas-Karlsson  
Glenn Martin  
Tony Pagone  
Michael Walton

CANADA: Robert Blair  
Clayton Conlan  
William Goodridge  
Michele Monast

ENGLAND: Simon Picken

KAZAKHSTAN: Beibit Nhrshan  
Chingiz Maishevayev

Two interpreters

PHILIPPINES: Katlyn Anne Aguilar-Bilgera  
Lynnette May Deloris-Manarang

PUERTO RICO: Elsie Ochoa D'Acosta  
Diana Perez Pabo

TAIWAN: Grace Lin Yun

USA: Nannette Jolivette Brown  
Allyson Duncan  
Leo Gordon  
Cynthia Rufe  
Karen Schreier  
Margaret Mckeown

#### PANELISTS AND OTHER PARTICIPANTS:

Michelle Childs  
Daniel Regard  
Audrey Fleissig  
Beryl Howell  
Terry Maroney and her assistant  
Kemberlee Bonnet

#### INTRODUCTIONS:

IAJ President Matos welcomed everyone and conveyed his appreciation for the in-person gathering given the challenges of coming together presented by our geographic diversity. He expressed his regret at not being able to be with us in person. He noted that ANAO is the region in which the greatest growth within the IAJ is possible. Judge Matos talked about the history of the IAJ, approaching its 70<sup>th</sup> Anniversary, in promoting judicial independence and the rule of law, and praised the efforts of the regional groups in coming together to discuss issues of mutual interest and education. President Matos expressed the hope that he would see the ANAO membership in Taiwan.

Judge Allyson Duncan welcomed the attendees, expressed her appreciation for the efforts that members made in order to attend. She articulated her hope that the meetings would be productive and rewarding. She also conveyed the welcome and best wishes of First Vice President Duro Sessa, who was unable to be present.

Jeff Apperson, Vice President for International Relations at the National Center for State Courts (NCSC), welcomed ANAO to NCSC's offices. He described his work with federal and state judiciaries for over four decades, and his role at the head of the International Association of Court Administrators (IACA). The IACA's structure is patterned after that of the IAJ. He also has a formative role in the International Institute for Justice Excellence (IIJE) based at The Hague.

## **SESSION ONE:**

### **PANEL I: JUDICIAL CIVILITY**

Clayton Conlan moderated the Panel on Judicial Civility. Judges Nannette Jolivette Brown, Chief Judge of the Eastern District of Louisiana; Michelle Childs, US Circuit Judge for the District of Columbia; and Beryl Howell, former Chief Judge of the District of Columbia, participated.

Each shared their perspectives in response to several questions about aspects of judicial civility, such as dealing with difficult lawyers and parties appearing before them, and in particular with pro se litigants. Each panel member spoke specifically about the policies and practices in his or her court. Questions were entertained from the audience.

### **PANEL II: OPTIMIZING JUDICIAL PERFORMANCE: JUDICIAL WELL-BEING AND MINDFULNESS**

Judge Karen Schreier moderated a panel composed of Professor Terry Maroney from Vanderbilt University and Justice Peter Jamadar of CAJO. Both panelists discussed the result of responses to survey questions that had been sent out earlier.

Professor Maroney discussed the various components of judicial stress and how they interact. She described the impact of stress, sadness and anxiety on judicial work and performance, concluding that efforts to ameliorate the sources of stress lead to improved work performance, better health generally and higher levels of personal satisfaction.

Justice Peter Jamadar described the impact of mindfulness on increasing productivity and well-being, improving sleep, physical health, cognitive acuity and self-awareness and emotional regulation.

Mindfulness is paying attention in a particular focused way to what is happening in the moment and observing it non-judgmentally. Peter led us through an example of breath awareness through which to enhance mindfulness.

#### THE ANAO MEETING:

1. The following judges sent their regrets: Judge Joanna Seybert from the United States, and Judge Chua Li Hung from Taiwan. Both were involved in the graduation activities of family.
2. The minutes of the meeting in Tel Aviv were moved, seconded and approved.
3. Allyson reported on action items on the agenda at the IAJ meeting in Taiwan:
  - a. A constitutional amendment clarifying that members who are in financial arrears are not entitled to vote and are not counted in a determination of a majority exists.
  - b. An application for membership from Burkina Faso, supported by the rapporteurs from the Ivory Coast and France, and coming forward with a recommendation from the Presidency Committee.
4. Statements by ANAO

Allyson reported on statements made by ANAO regarding situations of concern in Yemen and Sri Lanka.

5. She also reported on outreach efforts in the following countries, requesting assistance in establishing and following up with contacts:
  - a. India
  - b. Sri Lanka
  - c. Singapore
  - d. Joint Court of Justice (Curaçao)
6. Allyson asked for support for her proposal to nominate an Afghan Judge for the IAJ Justice Award. The proposal was moved, seconded and approved.
7. Working Group on Assistance to Judges. Judges Conlan and Rufe reported on the efforts of this Working Group. They described it as being on a brief pause, contemplating how to go forward.

## COUNTRY REPORTS

(AUSTRALIA): Judge Michael Walton reported on several matters, including the impact of its newly-elected federal government. The new Attorney General has indicated that he will implement three recommendations of a law reform commission report: (1) the establishment of a judicial complaints commission; (2) the establishment of a merit-based judicial appointments process which will emphasize diversity; (3) and the conduct of a judicial survey on diversity. The Attorney General has also decided to abolish the administrative appeals tribunal out of concern for the standard of its appointments. Finally, he has established a new judicial review mechanism.

The Association has talked to the Attorney General about the establishment of judicial associations in Pacific Island Nations, and have both his support and that of the foreign minister. The Association is proceeding toward that goal.

(CANADA): Michelle Monast and Clayton Conlan reported on legislative initiatives that will impact the judiciary, as well as issues under consideration by its judges. These include the introduction of mandatory term limits, the establishment of rules regarding judicial conduct, and addressing how the problem of funding impacts the independence of the judiciary.

(PUERTO RICO): Elsie Ochoa reported on the ongoing efforts in Puerto Rico to change the retirement plans of judges. Her Association has asked the Senate there to simply maintain the same salaries, but with adjustments for inflation. She further described discussions in the press about cases identifying judges by name, requesting specific sentences and other inappropriate actions. The Association is pursuing efforts to instruct the public on the independence of the judiciary.

(TAIWAN). (Grace Lin Yun). The Judges Association of Taiwan has elected a new governing Board. She expressed gratitude for the support the Association has received in organizing the upcoming IAJ CC meeting, and described the extent to which efforts regarding the meeting are ongoing. The registration deadline is June 30, 2023.

(UNITED STATES): Cynthia Rufe reported on ongoing attacks, both physical and otherwise, on the judiciary. Judges are under an increased financial reporting burden, requiring, for example, that any ownership changes in stock ownership be reported within a certain period of time. The problem of judicial security is paramount, with judges and their family being attacked by disgruntled litigants. The Association is seeking full funding for security systems.

The day ended with a discussion of topics to be addressed at the annual meeting. Three were proposed: generative AI, the value of forming associations of judges, and principles of judgment drafting. ANAO members are to discuss these issues, communicate about them and reach a decision after the meeting.

TUESDAY, MAY 23, 2023

## SESSION TWO:

### A. Visit to the National Museum of African American Culture and History:

In the morning, participants were offered a curated private tour of the Smithsonian's National Museum of African American Culture and History, one of the most popular tourist destinations in Washington, D.C. Curator Paul Gardullo led the group through the museum before it opened to the public.

### B. JAMS Inc., the world's largest private provider of dispute resolution services, hosted ANAO members for a luncheon. Matt York, the JAMS Director of Operations, a former deputy clerk of court in a federal district court, described the JAMS' range and availability of neutral evaluation, mediation and arbitration in its offices around the world, and expressed the organization's interest in supporting ANAO's efforts going forward.

### C. VISIT TO THE ADMINISTRATIVE OFFICE OF THE COURT AND THE FEDERAL JUDICIAL SYSTEM

Following lunch, participants visited the Administrative Office of the Courts and the Federal Judicial Center, the nuclei of the federal judiciary in the US.

ANAO was welcomed Mira Gur-Arie, the Director of the International Office of the Federal Judicial Center. She briefly described the FJC's role as the educational arm of the federal judiciary, and introduced us to Judiciaries Worldwide: <https://judiciariesworldwide,fjc.gov>, a remarkable compendium of information compiled by the FJC. The website offers an introduction to the myriad way in which judicial systems can be structures, the work of international tribunals and the field of the international rule of law generally.

### PANEL III: ACCESS TO JUSTICE FOR THE NEW AGE COURTROOM

Cynthia Rufe moderated the afternoon panel, composed of Audrey Fleissig, a District Court Judge for the Eastern District of Missouri, and Daniel Regard, the President and CEO of iDiscovery Solutions.

Judge Fleissig described the US Judicial Conference's COVID-prompted efforts regarding virtual proceedings. In 2020, CACM (the Court Administration and Case Management Committee), authorized a two-year pilot program, later extended for a year, to consider the feasibility of live streaming audio of various court proceedings. The pilot ended March 31, 2023, and the Judicial Conference is not considering how to address the issue going forward.

Judge Fleissig addressed the pros and cons of virtual hearings. She expressed concern, particularly in criminal cases, about reliance on virtual proceedings, where decisions with respect to sentencing, for example, might have been impacted by the fact that the defendant was not present. She was less concerned about reliance on broadcast or video access in civil cases, where the litigants were likely to be well-funded. She also expressed the view that virtual proceedings might affect the public's perception of the fairness of a proceeding.

Dan Regard talked about the potential of technology to facilitate proceedings and make them more efficient and cost-effective. While recognizing its limitations, he highlighted the actual successes that have occurred, providing concrete examples of best practices. But he also tied the technology aspect together to earlier themes of Judicial Civility and overall access to justice with the reminder that while technology can improve access, it should not replace it. He stressed that justice is fundamentally a human experience.

#### PANEL IV: JUDICIAL INTEGRITY

Judge Margaret McKeown from the 9<sup>th</sup> Circuit detailed the declining state of the rule of law around the world over the past few years. Drawing from World Justice Project statistics, she showed the countries that are performing the best and the worst, and discussed the characteristics shared by the each: an increasingly authoritarian executive branch, an over-reaching legislative branch, a crackdown on the internet and similar intolerance with respect to protections of freedom of speech. She illustrated these trend lines with certain specific examples: the situations in Israel, Tunisia and Poland, for instance.

The meeting ended with a reception in the Atrium of the DC District Courthouse, hosted by the Federal Judges Association.



