

Federal Judges Association
Spring Board of Directors Meeting
Zoom Video Conference Meeting—Due to COVID-19
April 11, 2021

In attendance:

Officers: Cynthia M. Rufe (president); Richard R. Clifton (president-elect), Karen E. Schreier (secretary), J. Michelle Childs (treasurer), Marilyn L. Huff (immediate past President)

Executive Committee Members: Nannette Jolivette Brown, Leo M. Gordon, Malachy Mannion, Lawrence L. Piersol, Dan A. Polster, Patti B. Saris, Patty Shwartz, Charles R. Simpson

Past Presidents: Anne Claire Williams, Lawrence L. Piersol, W. Royal Furgeson, Jr., M. Margaret McKeown, Marilyn L. Huff

At-Large Directors: Jon David Levy, Patti Saris, John J. McConnell, Jr. (1st Circuit); P. Kevin Castel, Stefan R. Underhill (2nd Circuit); Cathy Bissoon, Esther Salas, Robert D. Mariani, Mark A. Kearney (3rd Circuit); Albert Diaz, John A. Gibney, Jr. (4th Circuit); Shelly Dick, James E. Graves, Jr., Marina Garcia-Marmolejo (5th Circuit); David Jason Hale, Sean F. Cox, Aleta Trauger (6th Circuit); Sara Darrow, Tanya Walton Pratt, Sara Ellis (7th Circuit); Susan Richard Nelson, John M. Gerrard, Jane L. Kelly, Stephen Bough (8th Circuit); Mary H. Murguia, Janis L. Sammartino (9th Circuit); James O. Browning, Joel Carson, III, Joe Heaton, Julie A. Robinson (10th Circuit); Leslie Abrams Gardner, Robin S. Rosenbaum, Mary S. Scriven, W. Keith Watkins (11th Circuit); Kara Stoll (Federal Circuit); Cornelia Pillard (D.C. Circuit); Mark Barnett (Court of Int'l Trade)

Also attending:

David Carter (Chair International Rule of Law Committee)
Henry Hudson (Chair Security Committee)
Robert Lasnik (Co-chair of 2022 Quadrennial)
Megan Cruz, Grace Jan and Julianne Clark (MSP)

Excused:

Leigh May, Allison Dale Burroughs, Frederick J. Scullin, Jr., Gina Marie Groh, Bruce H. Hendricks, Debra Brown, James G. Carr, James D. Peterson, Michael McShane, Richard F. Boulware, Barry Ashe (FBA Liaison) and Rodney Sippel (Judicial Branch Liaison)

Welcome:

Judge Rufe called the meeting to order at 2:05 p.m. (EDT). Judge Rufe welcomed all the members of the Board of Directors. Roll call was taken by Judge Schreier. Judge Rufe noted that COVID-19 continues to impact all of us in our work and personal lives. She thanked MSP for their efforts in helping us pursue the mission of FJA

during these trying times. The MSP management team was then introduced: Megan Cruz, executive director; Grace Jan, meeting logistics; and Julianne Clark, membership.

Remembrances:

Judge Rufe noted that several FJA members passed since our last meeting. Royal Ferguson commemorated Judge Phillip Martinez and Judge Carter commemorated Judge Peter Hall. Judge Hall had been serving as a member of the Board of Directors of FJA at the time of his death. Judge Rufe informed us that Judge Sandra Feuerstein was killed the previous Friday by a driver, while she was crossing the street. Other FJA members who passed since our last meeting include: Juan Perez-Gimenez, Dominic J. Squatrito, Morton I. Greenberg, Terrence F. McVerry, George Ross Anderson, Jr., Walter J. Gex, III, John A. Nordberg, Kermit Edward Bye, Dee V. Benson, Emmett Ripley Cox, and William J. Castagna. A moment of silence was held in their memory.

Secretary’s Report:

Judge Schreier moved to approve the minutes from the last meeting. Judge Scriven suggested that the word “voter” should be replaced with the word “public” in the comments attributed to her on page 6 of the minutes. As amended, the motion to approve the minutes passed.

Nominating Committee Report and Election of Officers:

Judge Rufe gave the report of the Nominating Committee as follows:

President-Elect	J. Michelle Childs	District of South Carolina
Secretary	Karen E. Schreier	District of South Dakota
Treasurer	Malachy E. Mannion	Middle District of Pennsylvania

Executive Committee Members to be Elected:

Nannette Jolivette Brown	Eastern District of Louisiana
Leo M. Gordon	Court of International Trade
Dan A. Polster	Northern District of Ohio
Patti B. Saris	District of Massachusetts
Patty Shwartz	Third Circuit Court of Appeals

Judge Rufe moved and Judge Rosenbaum seconded the motion to adopt the report. The motion passed.

Judge Clifton then announced that as President, he intended to appoint the following as members of the Executive Committee:

Lawrence L. Piersol	District of South Dakota
Robin Rosenbaum	Eleventh Circuit Court of Appeals
Mary Scriven	Northern District of Florida
Charles R. Simpson, III	Western District of Kentucky

Treasurer's Report:

Judge Childs reported a balance in the treasury of \$980,843.69. The expenses to date for upgrading the website are still under the \$50,000 budgeted amount. Higher Logic will be charging annual fees of approximately \$9,270. The FJA has income exceeding expenses of approximately \$100,000 this year. We had about 70 new members, which is about average for new members.

Judge Simpson moved and Judge Gordon seconded a motion to pay the balance of the IAJ 2021 dues in the amount of 1767 Euros. The motion passed. IAJ is hosting a virtual meeting later this year and two of our members will be permitted to attend.

Judge Mannion moved and Judge Polster seconded a motion to increase the fee payable to MSP management by 3% over the fee charged last year. The motion carried.

Judge Mannion moved and Judge Rosenbaum seconded a motion to approve the expenditure of \$10,484 for additional fees related to website development. Judge Mannion noted that we have not exceeded the initial \$50,000 that we approved for website development, but we will. This amount includes fees that will be owed to Knucklepuck and Higher Logic for routine annual fees, to MSP for work they did on this project, and some add ons to replace our current web provider eGov. We have been paying eGov between \$2000 and \$3000 per year. This fee will end when we transition to the new website. The motion passed.

President's Report:

Judge Rufe noted that it has been an honor and privilege to serve as President. The last year has been challenging because of the pandemic, but many of the changes that were implemented by FJA will continue to serve us well in the future, particularly our improved ability to communicate with the members. FJA's priorities are seeking a pay increase and passage of the security bill. Judge Rufe recommends that FJA: establish an ad hoc committee to update the written and oral history of the FJA, establish a diversity and inclusion committee, expand the FJA's role with the IAJ organization, and continue collaborating with the Magistrate Judges Association and the Bankruptcy Judges Association.

Judge Rufe received a letter from David Best thanking the FJA for our continued efforts to push for passage of the Daniel Anderl Judicial Security and Privacy Act. Mr. Best and Judge Mauskopf (Director of the Administrative Office of the Courts) will speak with Congressional leaders and the staffs of Senators of Menendez and Booker soon about the importance of passing the Security Bill.

Bylaws:

Judge Schreier reported that there have been no bylaw changes during the last year. She reminded the following Circuits to conduct Board of Director elections during 2021 for three-year positions to commence January 1, 2022: First, Fifth, Sixth, Seventh, Ninth, Tenth and Eleventh.

Please also refer to the Board Book written reports and materials.

Civics and Service:

Judge Jolivette Brown reported the Civic and Service committee is starting to plan for the Quadrennial. The FJA will be sponsoring an essay/video contest at the high school level with prizes. Children have been very hard hit emotionally by the pandemic and the killing of George Floyd. The committee hopes the contest will help provide a way for the students to express their emotions and for the adults to learn from reading and reviewing the students' submissions.

Co-chair Judge Janis Sammartino encouraged us to spread the word about the contest so we have participation from a diverse population. The committee will also consider including an art and poster competition.

Please also refer to the Board Book written reports and materials.

Communications Publications:

Judge Mannion observed that the Communications committee has been busy. They have been working with Higher Logic and Knucklepuck to develop the new website for FJA, which is in the final stages. Megan Cruz provided the Board members with a brief overview of the website, highlighting the FJA sidebar, member directory, benefits resources, speech bank, security tips and circuit connection. Judge Mannion encouraged the Board members to submit photos, speeches, and other communications so the website can stay new, fresh and dynamic. He also encouraged committee chairs to provide a short description of the jurisdiction of the committee and current projects on which the committee is working. Quadrennial teasers will be included. And the Quadrennial registration will be handled through the new website. The website will also allow each Circuit to communicate to its members within that Circuit. The new website will be a significant improvement as compared to the existing website.

Please also refer to the Board Book written reports and materials.

International Rule of Law:

Judge Carter reported the 2021 International Association of Judges (IAJ) meeting that was rescheduled for Costa Rica was cancelled due to COVID-19. Now a virtual meeting is planned and the FJA will be allowed to have two delegates participate. Judge Carter raised the question of whether FJA should have a bigger role on the international stage.

Security:

Judge Hudson said that the FJA needs to stress security awareness among its members. He observed that heightened security awareness has a short shelf life. After a tragic event, everyone is concerned. But that concern diminishes with time. He suggested that a refresher on security should be included at the beginning of every

large public meeting. Judge Hudson will continue to encourage judges to reduce their public profile and to use state and federal laws to remove as much public information as possible regarding judges from public websites and records.

Please refer to the Board Book written report and materials for further detail.

Judicial Independence and Integrity:

Judges Saris and Childs gave the report. The purpose of the committee is to preserve and protect the federal judiciary. The committee is hosting two panel discussions via zoom. On May 3, 2021, David Levi, director of the Bolch Judicial Institute at Duke Law School, will be joined by Chief Justice Nathan L. Hecht, Judge Allyson K. Duncan, Suzanne Spalding, and Rodney Acker to discuss threats to judicial independence. On May 13, 2021, Hon. Jeremy Fogel (ret.), Executive Director, Berkeley Judicial Institute, will be joined by Judge Thelton Henderson (ret.), Judge D. Brooks Smith, and Dahlia Lithwick to discuss how judges have drawn upon the institutional culture of the judiciary in tough cases, especially in cases of high public interest or political significance, and how that experience has affected them. All FJA members can attend both seminars free of charge.

Judge Williams mentioned the Just the Beginning internship program as a source of vetted and diverse judicial interns. The Magistrate Judges Association and the Bankruptcy Judges Association have both funded paid interns as part of the program. Many of the interns have gone on to become law clerks, lawyers, and judges.

Please also refer to the Board Book written report and materials.

Legislation:

Judge Simpson indicated that the Legislation committee is waiting for the re-introduction of the Daniel Anderl Judicial Security and Privacy Act. The bill had broad support within Congress last year, but just ran out of time and was not passed. If anyone in FJA has good contacts on Senate Judiciary or anywhere else within Congress, let Judge Simpson know. He is building his Rolodex with contacts that can be called upon for a variety of issues.

Please also refer to the Board Book written report and materials.

Membership Development:

Judge Stephen Bough reported on behalf of Judge May that the Membership committee is made up of one person from each circuit. He encouraged all members of the Board of Directors to help recruit new members immediately after a new judge takes their oath of office and observed that local contacts have better luck at getting new judges to sign up as members.

Judge Bough noted that the current list of FJA members is included in the Board Book at page 35. We've had 24-28 recent deaths. Total membership is 1058.

Please refer to the Board Book written report and materials.

Quadrennial:

Judges Shwartz and Lasnik reported that the Quadrennial will be May 1-3, 2022, at the Omni Shoreham in Washington, DC. Judge Lasnik has been doing outreach to the Supreme Court and the White House to secure venues and speakers. The committee plans to conduct a membership poll to identify topics that are of interest to the members. Anyone interested in serving on the committee should contact Judges Shwartz or Lasnik.

Pay and Benefits:

Judge Gordon announced that the committee has prepared two more fliers that will be distributed to FJA members over the next several months. The fliers are on the topics of long-term care insurance and travel. These are in addition to the fliers that were distributed several months ago.

The committee also developed a logo to brand its communications. The logo is available to other committees as well for their use.

The committee is also looking at judicial pay. It has been 30 years since the judiciary received a pay raise. The committee has prepared a white paper that summarizes the history of judicial pay and compares the current pay of judges to other professionals in the legal field.

Judge Polster noted that this is the time when we should be seeking a pay increase. College and housing costs have risen much faster than our pay. To maintain a qualified and diversified bench, our salaries need to be increased. We need to garner the support of the Administrative Office of the Courts and the Chief Justice. Then we need to secure broader support among other entities and consider retaining a consultant. He acknowledged this may take more than one push, but we need to lead with the support of our official branch.

Judge Clifton observed that the primary purpose of FJA is to secure adequate pay and benefits for the judiciary. This will remain a priority of FJA. While we have some successful pay accomplishments in the past, there are more efforts that we need to take and to continue to push forward on.

Please refer to the Board Book written report and materials.

Senior Judges:

Judge Piersol noted that the committee gathered information from each circuit regarding their senior judge staffing formulas. Most use a 50% standard. We are prepared in the event that tightening of budgets threatens senior judges' staffing levels.

He also mentioned that several districts and circuits have adopted Trusted Advisor Plans. He has gathered several plans and has them available for judges to consider.

Please also refer to the Board Book written report and materials.

Liaison reports:

The Judicial Conference liaison, Judge Sippel, and the Federal Bar Association liaison, Judge Ashe, both submitted written reports that are included in the Board Book.

The American Bar Association liaison Judge Jolivette Brown thanked Judge McKeown for her work on the commemorating the 100th Anniversary of the adoption of the 19th Amendment and Judge Childs for her work as President of the Judicial Section of the ABA.

New Business:

Judge Rufe announced that after Jim Duff retired as Director of the Administrative Office of the Courts, the Executive Committee approved the purchase of a thank you gift for him—a Scottish hunting jacket.

Additionally, the following resolution was drafted and moved by Judge Piersol:

The Federal Judges Association, on behalf of its members and everyone within the Third Branch of our Federal Government, wishes to acknowledge the great contributions you have made to the cause of justice in our country. Those contributions include your service to the Chief Justice of the Supreme Court of the United States, legislative representation of federal judges, and twice leading the Administrative Office of the United States Courts often during challenging times. Each of those services were marked by your wise, calm, pleasant but persistent leadership, always with the best goals in mind and achieving more than seemed possible. You have elevated each position you have taken. As a token of our appreciation, our gift to you is a Scottish tweed outdoor jacket for those pleasant days in Maryland, on Sea Island, or hunting pheasants in South Dakota.

With our admiration and deep appreciation.

The motion passed unanimously.

Judge Rufe then thanked everyone and offered her assistance to the new President.

Judge Clifton thanked Judge Rufe for her enormous contribution to the organization and observed that we owe her a great deal of thanks. Serving during the time of the pandemic has been an enormous challenge. But as a result, we had more virtual meetings than we have ever had in the past. The next meeting is in person on November 6-7, 2021 in Philadelphia, Pennsylvania. Judge Clifton may extend the meeting by a day so the members of the Board of Directors can get to know each other better. Pay and benefits will be his top priority together with enactment of the Security legislation. So many of our goals as an Association are dependent on Congress. And to be successful, it is important that we can say that FJA is a private association to which virtually all federal judges belong. For this reason, we need to continue to encourage all new judges to join FJA. Judge Clifton will appoint committee members and chairs after a survey is sent to the Board members soliciting their interests.

Adjourn:

The meeting adjourned at 5:21 p.m. (EDT).