



The International Association For Court Administration

Spring 2010

Newsletter, Issue II



[Hyatt, Port of Spain, Trinidad]



[Pigeon Point, Tobago]

IACA Western Hemisphere Regional Conference
“Access to Justice in Criminal, Commercial and International Courts”
Port of Spain, Trinidad
November 1-3, 2010



In memory of the earthquake victims of Haiti, Chile and Mexico





International Association for Court Administration

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Jeffrey A. Apperson

International Association for Court Administration Newsletter Spring 2010 – Issue II

A Message from the President

* * * * *

Dear Members and Colleagues,

It has been a busy first quarter of the year for me as President of IACA.

The Executive Board of IACA has a vision – to host a conference in the Western Hemisphere (Trinidad and Tobago) and the Far East and Pacific region (Jakarta). Thanks to the efforts of the Caribbean Court of Justice and staff, the Supreme Court of Indonesia and President-Elect Richard Foster and staff, these two goals are in sight.

The Trinidad and Tobago Conference is confirmed for November 1-3, 2010 at the Hyatt Hotel in Port of Spain, Trinidad.

The conference theme is “Access to Justice in Criminal, Commercial and International Courts.” Topics will include a comparative analysis of criminal justice reform comparative analysis, access to justice in the Americas, commercial law model comparisons, approaches to court

administration, court innovations of the Americas and dispute resolution in courts. There will also be two breakout sessions – one especially for judicial issues. I have also asked President Moise of the Supreme Court of Haiti to be our special guest.

Hotel and registration information will be forthcoming. It is a beautiful location, and we will be fortunate to have such a prestigious court co-hosting the conference.

The IACA regional conference in Jakarta will be March 14-16, 2011, also with a theme of “Access to Justice.” We are indebted to the Supreme Court of Indonesia for co-hosting the conference.



[The Peace Palace, Netherlands]

I just returned from a visit to The Hague and while working at the International Criminal Court for the Former Yugoslavia, visited three possible venues for our next international conference: The Peace Palace and Old Church.

Please Join IACA!

Help us continue to grow and support the world in its efforts to develop efficient systems of justice in an increasing global environment. For more information, please go to www.iaca.ws “Join IACA.”

The plan is to schedule this conference for March/April of 2012. A planning committee is being formed, but confirmation is pending as our focus needs to be Trinidad and Jakarta.

The following is a brief outline of other IACA initiatives:

1. The International Journal for Court Administration was just published. The link is: <http://www.iaca.ws/mc/page.do?sitePageId=61382&orgId=iaca>



[Old Church, Delft, Netherlands]

2. Mexico Judicial Reform – Cathy Hiuser has been coordinating a series of visits to Baja, California to assist the state in adopting criminal justice reforms. The leadership of Attorney General Rommel Moreno Manjarrez is a tribute to the state. IACA will support reform efforts in any way possible.



[Rommel Moreno Manjarrez
Attorney General, Baja Norte]

3. We welcome two new IACA board members from Europe: **Nadja Long** - Lecturer for the European Institute for Public Administration, and **Carline Ameeralli** – Chief Deputy of Court Management and Support for the International Tribunal for the Former Yugoslavia.
4. Haiti relief – We are coordinating support activities with the international Judicial Relations Committee of the U.S. Judicial Conference, CARICOM, ILAC, and UNDP. A meeting is being scheduled for June 15 in Paris by ILAC at which we hope to be represented by John Stacey. We thank Judge Charles R. Simpson, Chair of the International Judicial Relations Committee for hosting a coordination meeting, staffed by Wanda Rubianes of the Administrative Office of the U.S. Courts. We are also in contact weekly with President Moise of the Supreme Court of Haiti. Fundraising has begun to support the long term needs of the Haitian Justice System. We have raised about \$2,000 USD thus far.
5. The Supreme Court of China, IACA, and Georgetown University are discussing entering into a partnership to educate Chinese judges on court administration



principles and institutional judicial relationships within the U.S. government.

6. We are also planning a conference for Sydney, Australia in late 2012. Richard Foster will assume the duties of President in his home country.

We thank Markus Zimmer, Philip Langbroek and Linda Wade-Bahr for their hard work on this publication.

This newsletter includes several articles that should be of interest to our members, including a description of the mission of the Caribbean Court of Justice, Jakarta information, privacy protection, case management systems development in Turkey and court management principles from the Philippines. We thank all the authors of the fine articles for their submission.

I also want to thank Julia Ricketts, Secretary of IACA, for her support of all our efforts in administering our mission. She is very creative, as evidenced by this newsletter, and keeps me organized and focused. Indeed, thanks to all of our board members for making IACA a reality with your dedication.



[Julia Ricketts - Secretary, IACA]

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THE CARIBBEAN COURT OF JUSTICE - TRANSFORMING THE FACE OF JUSTICE IN THE CARIBBEAN

By Zola Pilgrim, Public Education and Communications Officer, CCJ



[CCJ-Members of the Court Administrative Unit]

The Caribbean Court of Justice (CCJ) is a new Court, birthed out of a need for the people of the Caribbean to be the final arbitrators of their own destinies. Its mission includes performing to the highest standards, as the supreme judicial organ in the Caribbean Community...advancing the CARICOM Single Market and Economy...and as the final court of appeal....fostering the development of an indigenous Caribbean jurisprudence.

As it serves two jurisdictions, the original and the appellate, the Court is considered a unique International Court, distinct in its organizational structure and inimitable in its function. It is a modern and dynamic Court, equipped with the latest court technology innovations to facilitate swift access to justice. The implementation of special financial and administrative systems ensures that the Court operates free from political linkages or influence. These systems serve as tools for the preservation of



the independence. The Caribbean Court of Justice is an institution built on the foundations of Integrity, Customer Service, Equality, Fairness, Accountability and Independence.

The significant and phenomenal growth of international courts and tribunals throughout the world has been a consequence of emerging trends of the assimilation of borders, syncretism of cultures and the creation of single economies. This global conversation has been echoed throughout the islands of the Caribbean. Proverbial contemporary griots have interpreted into local dialects the message of integration to ensure the economic survival of the sovereign islands of the Caribbean within a post-colonial context. Evidently, new moves towards globalization must be built upon sound legal frameworks and justice systems, which cater to the creation of new jurisprudences. The vehicles for regionalism have been set in motion. Hence,

“A supreme court of high calibre has been established in the Caribbean which would be able to take account of local values and develop a modern Caribbean jurisprudence in an international context.”¹

In 1973, the Treaty of Chaguaramas established the Caribbean Community and paved the way for a single market and a deepening of regional ties. In 2001, the Revised Treaty of Chaguaramas was signed and it signaled a further move towards creating a single market and economy in the Caribbean. Member States of the Caribbean

Community (CARICOM) agreed to the establishment of a regional judicial tribunal, the Caribbean Court of Justice (CCJ), to forward the objectives of regional integration by providing a Supreme Court that would address disputes that may arise from the movement towards regionalism.

“The Court is perceived as the institutional centerpiece of the Caribbean Single Market and Economy (CSME) which aspires to the creation of a single economic space superimposed on autonomous political jurisdictions in order to approximate in fact, if not in law, a single economy from economies of many Member States”.²

The CCJ was inaugurated on April 16th 2005 and is headquartered in Port of Spain, Trinidad and Tobago. Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago are all signatories to the Agreement Establishing the Caribbean Court of Justice.

The Caribbean Court of Justice has two jurisdictions in one court. Its original jurisdiction establishes it as the Court with the exclusive jurisdiction to interpret and apply the Rules under the Revised Treaty of Chaguaramas. The Court also serves as the final appellate Court for the CARICOM member states who wish to use it as their court of last resort in lieu of the Privy Council in England. At present, while only Guyana and Barbados use the Court in its appellate jurisdiction, Belize has recently

¹ Privy Councillor Francis Jacobs: The Journal of International Economic Law 2008

² The Caribbean Court of Justice: Closing the Circle of Independence – Hon. Mr. Justice Duke Pollard



passed parliamentary Bills to implement the CCJ as its final court of appeal and other Caribbean nations have indicated that they are making similar moves.

COURT ADMINISTRATION

This new Caribbean Court has high performance standards and focuses on the use of modern design, appropriate facilities and expertise to change the face of justice in the Caribbean. Through specialized systems implemented by the Court Administrative Unit, the Court has adopted performance standards which are grouped in the following performance areas: - Access To Justice; Expedition and Timeliness; Equality, Fairness, Integrity and Promoting the Rule of Law, Independence and Accountability; Attaining and Preserving Public Trust and Confidence; and protecting the Rule of Law.

The President of the Court, heads the organization, and oversees the Court Administrative Unit and the Judges. The Court Administrative Unit provides executive support to the President and directs and coordinates administrative operations of the Court. It is made up of the Court Registry, Finance, Library Services, Information Systems, Court Security, Court Facilities and Assets Management, Public Education and Communications and Court Protocol and Information Departments. A unit manager heads each Department and each manager is a professional in his own area and is a trained Court Administrator.



[Master Christie-Anne Morris-Alleyne
Executive Court Administrator]

TOOLS OF INDEPENDENCE

“Judicial independence is of course not just a prized asset; it is an indispensable condition for the rule of law.”³

Unlike most International Courts in which judges are selected by national representation or by political appointment, the Caribbean Court of Justice is set up to ensure that there is no political interference in the selection of its judges. A Regional Judicial and Legal Service Commission (RJLSC), made up of apolitical appointees, was established to select and appoint judges of the CCJ. It comprises:

- The Court President, who is the Chairman of the Commission;
- Two persons appointed jointly by the Organization of the Eastern Caribbean States (OECS) Bar Association;

³ Hon. Mr. Justice Adrian Saunders : The Fear of Cutting the Umbilical Cord, 2010



- One chairman of the Judicial and Legal Service Commission of a Contracting Party;
- Two persons for civil society nominated jointly by the Secretary General of the Community and the Director – General of the OECS;
- Two distinguished jurists nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculty of Law of the Contracting Parties and the Chairman of the Council of Legal Education; and
- Two persons nominated jointly by the Bar of Law Associations of the Contracting Parties.

The RJLSC recruits judicial and non judicial personnel through advertisements and interviews. The President is appointed on recommendation from the RJLSC. The recommendation is subject to ratification by 75% of the members of the Caribbean Heads of Government. They however cannot substitute their own candidate.

According to the Agreement Establishing the Caribbean Court of Justice, Judges are appointed based on certain criteria. They should possess judicial experience of at least five years in a common law or civil law jurisdiction or be a teacher of law for a period of not less than fifteen years. They should also have high moral character, intellectual and analytic ability, sound judgment, integrity and understanding of people and society. The position of CCJ Judge is open to persons internationally.

TRUST FUND

The Heads of Government in the Caribbean, in a further attempt to secure the independence of the Court set up a Trust

Fund to finance the operations of the Court. A Board of Trustees whose members are not selected by politicians manages the initial capital of US\$100 million. The funding of the Court, therefore, is not subject to political interference.

MODERN COURT

The Court boasts of having the most high-tech courtroom in the region. Court Technology supports the operations of the Court and promotes transparency, accessibility and efficiency. The Court uses case management information systems to manage its case information and flow.

The CCJ has taken into account its regional jurisdiction, which consists in the main of island nations, which are separated by water. Toward this end, the Court conducts hearings using audio and video conferencing and records proceedings using audio and video digital recordings. These are uploaded to the Court's website and are also offered for sale to attorneys and litigants within 60 minutes of the close of each session. Special care has been taken to ensure access to justice of the differently-abled including those persons with sight or hearing challenges.

Although the official language of the Court is English, interpretations are also available in Dutch, French and other languages.

The Caribbean Court of Justice is a 21st century Court with modern facilities. Just five years old this year, the Court has delivered 41 judgments outnumbering those of most other final appellate courts delinking from the Privy Council in their first five years of operation.

The CCJ is a pioneer institution and an important instrument of regional integration. In all its facets, the Caribbean Court of Justice as a 21st century Court is



characterized by excellence and has led the way for the transformation of the administration of justice in the Caribbean.

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IACA REGIONAL CONFERENCE – JAKARTA

By Richard Foster
President-Elect, IACA

Richard Foster, along with the Supreme Court of Indonesia, will host the IACA Regional Conference in Jakarta, March 14 to 16, 2011.

The theme of the conference will be *Access to Justice* and will incorporate themes such as public trust & confidence; court services and the public's access to courts and implementing a Court Excellence Framework.

The organising Committee, chaired by Richard Foster includes the following:

- Leisha Lister – Executive Advisor
Family Court of Australia
- Deputy Chief Justice Supreme Court of
Indonesia Bapak Widhiatno
- Ms. Wiwiek Awiati & Ms Meissy
Sabardiah (Judicial Reform Team
Supreme Court of Indonesia - JRTO)
- Cate Sumner - Lead Advisor
Indonesia/Australia Legal Development
Facility
- Anne Wallace – Senior Lecturer,
University of Canberra
- Chris Doogan - Adjunct Professor
University of Canberra and formally the
CEO of the High Court of Australia

The opening of the conference will be held in the ceremonial room at the Supreme Court of Indonesia (Jakarta) on Monday 14 March 2009 (1-3pm) followed by afternoon

tea by invitation of the Chief Justice of Indonesia.

The conference will then take place in Bogor (1 hour from Jakarta) on Tuesday 15 & Wednesday 16 March with the official dinner scheduled for Tuesday evening.

There will be a call for papers in June 2010 and close in August 2010. The IACA Regional Committee will finalize the programme schedule and conference details in September 2010.

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Turkish E-Justice Project “UYAP”

By Ali Rıza Çam
Judge, Ministry of Justice, Turkey

What is UYAP?

The Ministry of Justice of Turkey has prepared a “National Judiciary Informatics System (UYAP)”, which is to implement a very ambitious information system between the Courts and all other institutions of the Ministry. UYAP equipped these institutions with computers and network and also gave them access to all the legislation, judicial records, and judicial data of the police and army records. It is an e-justice system as a part of the e-government, which has been developed in order to ensure fast, reliable, soundly operated and accurate judicial system⁴. UYAP not only integrated judicial units with each other but also with concerned institutions. In the trials, judges can access criminal records and birth certificate registrations online according to their authority. All cases in Turkey's courts

⁴ UYAP, www.uyap.gov.tr/english/ (accessed at 28.01.2010)



can be accessible on line by the judges, prosecutors and lawyers provided that taking online approval from the judges who deal with case. Land registries and driver registers can be retrieved instantly at the beginning of the trials⁵.

Citizen and Lawyer Portal:

Citizens can reach and examine their case information via Internet and learn the day fixed for the trial without going courts. They can be informed via web site about their cases or hearing dates. They can submit their claims to court by using their electronic signature and examine their files through internet. Lawyers can file a suit, submit any document to courts and pay case fee from his office by use of their electronic signature through internet. They can litigate a claim or dispute to court through electronic means; review his cases via electronics means; submit his petition online via UYAP⁶.

Decision Support System

In every stage of investigations, especially during the hearings, the system may suggest some proposals to the users whenever they request or may warn the users in order to prevent basic judicial errors. Notices in labels on the screen can suggest some proposals or recommend some jobs to the users whenever they want or at important situations by evaluating data files. Warnings can also be done in order to

prevent basic judicial errors. Owing to this it is expected that there can be 80 % decrease in the number of cases returned from Supreme Court because of proceeding error.

Document Management System

The Document Management System (DMS): At present, all kinds of data, Information, documents flow in documentation management system between MoJ and other units electronically. Announcements, circulars, opinions, resignation and employment letters of the personnel, in additional all sorts of communications of the Legal Jurisprudence, Administrative Jurisprudence and Justice Commissions with the Ministry are realized with the UYAP.

Electronic Signature

Since 2007, the usage of e-signature has been started and increased significantly. Since September 2007, 41669 personnel have applied for the e-signature and 35400 of them actively use it in their daily work. It was also issued a regulation that documents will no longer be circulated physically among the judicial units after 01.07.2008. The usage of electronic signature paves the way for saving from costs, time and labour force in judicial processes. At the end of 2007 all of the registry books and cartoons have been abrogated and started to keep in electronic environment.

SMS Information system

The SMS judicial information system provides an outstanding service for the citizens and lawyers which enables them to receive SMS messages containing legal

⁵ UYAP,
<http://www.uyap.gov.tr/english/index.html> (accessed at 28.01.2010)

⁶UYAP Lawyer portal,
<http://www.uyap.gov.tr/avukatport/avukat.htm> (accessed at 28.01.2010)



information such as ongoing cases, dates of court hearings, the last change in the case and suits or dept claims against them. Therefore, they can be instantly informed by SMS about any kind of legal event related to them without going to courts. SMS information system has reduced the communication costs which would otherwise be incurred in a paper-based system. Lawyers and citizens can access every kind of legal information by using their mobile phones anytime anywhere enabling utmost transparency in the judiciary. It also increases the quality of legal services by reducing the usage of sources of budget and ensuring utmost availability of getting information, preventing red tape⁷.

Awards

In Turkey, UYAP was awarded for annual e- Government rewards in 2004, 2005 and 2008 organized by TÜSİAD and Turkey Informatics Foundation. In 2008, UYAP has received a special mention in "Crystal Scales of Justice" awards which is presented by the EC and the Council of Europe. UYAP has selected as a laureate in the computer world honors program held in Washington 01.06.2009 and honored as one of the most successful five finalists in the area of e-government projects in the world. In addition it has become the only e-justice project among the finalists. SMS Information System has been awarded with the public prize of eGovernment Awards 2009.

Interoperability

The UYAP database can be connected to the databases of the other states and can form a broadened network. Achieving this goal will result in secure and swift transition of international requests such as rogatory letters, extradition matters and transfer of sentenced persons. UYAP case and document management system and word processor were designed to be independently used by other judicial systems. So, it is completely possible to import these main components to other countries.

Conclusion

UYAP has enhanced the quality of services provided to citizens and the effectiveness of justice. As a result public confidence has been achieved in justice services thanks to transparent and rapid justice, aiding stability and peace in society and growth in the economy. UYAP has transformed an old-fashioned, paper based Judiciary into a smooth functioning organization, which is assessed by some the biggest revolution in Turkish Judiciary throughout the history. UYAP is the most outstanding e-justice system in Europe in terms of number of users, capacity and magnitude of the system and many of unique features mentioned above. As John Hunter says, (Head of the IT Department of ECHR), "UYAP is probably one of the most advanced nation-wide court justice systems

⁷ <http://www.adalet.gov.tr/english/sms/>
(accessed 28.01.2010)



in the world and an excellent example of best practice for national courts”⁸.

* * * * *

Protecting Judges’ Privacy and Safety in the Internet Age

By Michael Fertik⁹ and David Thompson¹⁰

Introduction

Threats to the safety of judicial officers have never been more real. Judges, magistrates, and other judicial officers worldwide face physical threats from defendants and their families, criminal gangs, disgruntled litigants, political activists, and others. But judicial protection is also limited: most judges have little protection for themselves or their families once they leave the courtroom.

At the same time, data crimes are at an all-time high. Identity theft in the United

States increased 22% in 2009, undoubtedly sweeping in some judges just by chance. And today, criminals are increasingly turning to identity theft as a weapon of intimidation and harassment. If that weren’t scary enough, researchers recently announced that it is possible to guess over 10% of Social Security numbers based on just the victim’s date and place of birth.ⁱ

These threats have been magnified by the power of the Internet. Over the last several years, new websites have emerged that allow anyone with a web browser to find almost anybody’s address, phone number, and even credit history and buying habits—and these sites do nothing to exclude judges from their publicly-accessible databases. This information can be matched with satellite and “street view” photos of almost every location in the United States to find photos of judges’ homes. Social media and social encyclopedia sites have contributed to the proliferation of personal information about judges; well-meaning contributors have accidentally empowered identity thieves by posting judges’ dates of birth and detailed biographical information to sites like Wikipedia.

Everyone needs to take control over their personal data in order to protect themselves and their families. It is no longer enough to have an unlisted phone number; today, privacy and safety require controlling information available across many online channels.

It is time for court officers to become proactive about their safety and the safety of their families. While it is generally impossible to remove all personal information from the Internet, great strides can be made to protect the most sensitive information. Further education is required to help judicial officers recognize threats to

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(<http://www.adalet.gov.tr/duyurular/2008/kasim08/ENExpertReportUYAP.pdf>)

⁹ CEO and Founder, ReputationDefender, Inc., author of the book *Wild West 2.0* (www.WildWest2.com), and former clerk to the Hon. Judge Danny Boggs, U.S. Court of Appeals for the Sixth Circuit. michael@reputationdefender.com.

¹⁰ General Counsel, ReputationDefender, Inc., author of the book *Wild West 2.0* (www.WildWest2.com), former clerk to the Hon. Justice Antonin Scalia, Supreme Court of the United States, and former clerk to the Hon. Chief Judge Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit. david.thompson@reputationdefender.com.



their privacy and safety, as well as streamlined procedures to allow removal of sensitive personal data across many channels.

Why judicial privacy matters

In 2005, United States District Judge Joan Lefkow completed a trademark trial about the name of a group of white supremacists. Judge Lefkow ruled against the group, holding that an unrelated church in Oregon had superior rights to the racist organization's name. The leader of the white supremacist group was behind bars awaiting sentencing on a different matter; a secret recording caught him inciting a follower to murder the judge and asking if the judge's home address was known.ⁱⁱ Simultaneously, Judge Lefkow was hit with nuisance lawsuits by members of the organization, who loudly decried her decision.

One day, Judge Lefkow returned to her Chicago home to find the murdered bodies of her husband and mother. Initial speculation focused on the white supremacists. But the truth was even more frightening—the police traced several clues back to a frustrated *pro se* plaintiff in an otherwise routine medical malpractice case. The *pro se* plaintiff committed suicide before he could be arrested, but he left a note explaining that Judge Lefkow's decision dismissing his case started a downward spiral in his life. Later, DNA evidence was used to confirm his role in the slayings.ⁱⁱⁱ It is not known how or why the killer struck at Judge Lefkow's home, or how he found her home address.

The incident was a wake-up call to the judiciary. It was a tragic reminder that judges are vulnerable 24 hours a day, and

that their home and work lives are inseparable. It was also a shocking reminder that the threats to judges can come from more than just criminal gangs and organized crime—in the Lefkow case, a seemingly routine medical malpractice case appears to have led to a double murder.

Today, judges are at risk from more sources than ever before. As always, criminal defendants, gangs, and organized crime syndicates continue to threaten judges. But there is also increasing awareness that almost any dissatisfied litigant can pose a threat. It should come as no surprise to anyone who has worked in family law that divorce and child custody issues are enough to incite violence—as painfully shown in a 2006 non-fatal shooting of a family law judge in Nevada by a businessman disgruntled with the judge's handling of his divorce.^{iv} Even non-litigants can present threats today: In today's hyper-partisan political climate, extremists from both sides of the aisle, on issues from abortion to the environment to federalism, can be stoked into violence against judges who rule against their causes. No judicial officer, at any level of the system, is safe.

Other sources of dangerous data

There is room for future exploration in this field. This study focused primarily on the effect of so-called “free people finder” and “free white pages” sites on judicial privacy. But there is ample information available through other sources.

Wikipedia

Wikipedia is a free and public online encyclopedia. The most unique aspect of Wikipedia is that anybody can edit it;



anybody with something to contribute to can add new information to an entry, or even creates a new entry. The result is an incredibly broad and comprehensive directory of human knowledge. Not since Alexandria has there been such a world-changing collection of information in one place.

Each federal judge studied has an entry in Wikipedia. These entries often contain simple biographic information, as well as commentary on the judge's perceived political or social leanings. The Some Wikipedia entries about federal judges contain information about the judge's spouse and children; others delve into somewhat personal social information. First Amendment likely prohibits the government from banning articles describing judges' social preferences, but good taste stops well short of the outer boundary of the First Amendment. Wikipedia has a policy limiting the amount of personal information that can be posted about living people, but this policy is not automatically enforced; often, a problem must be brought to the attention of an administrator before even obviously invasive content is removed.

Even some seemingly innocuous information in Wikipedia can cause privacy problems. For example, a full date and place of birth is sufficient to enable identity thieves to have a 10% chance of guessing the judge's social security number; give this information to an identity thief and they're almost bound to get it right after a few guesses. The same is true of a spouse's information.

Other Social Media

The Internet has created a revolution in publishing almost as important as the original printing press. Internet inventions

like blogs, discussion forums, Twitter, and other social media allow millions of people to act as publishers and distribute their message to a broad audience. The effect on knowledge generation and distribution is powerful.

But these social media platforms also create dangerous opportunities for extremely personal or private information to be distributed to a massive audience. In the days of newspaper publication, it would have been very difficult for a political activist to distribute photos of a judge's family, or a map showing the judge's address with a "bulls-eye" on it. Today, social media has empowered extremist groups on all sides to do just that; and thanks to the power of Google, the information can be found and searched around the world. Some of this may be protected political speech; other may be unlawful incitement of violence. But without doubt it is something that judges need to be aware of in order to protect themselves and their families.

Other Data Sources

It is often possible to find even more personal information by leveraging the data found through these "people finder" and "white pages" sites.

For example, several real-estate sites—including Zillow.com—list all public real-estate transactions. It is possible to search by address and find the last date of sale of almost any house in the United States, along with the sale price and sometimes the names of the buyers and sellers.

Even other governments can be problematic. For example, many states list real property transactions on publicly-available websites. By searching for a



judge's address in such a state directory, it is often possible to find out when the house was purchased and if there are any liens or mortgages on the property. Some states will even reveal the name of the current and previous owners—useful to find out if a judge has put his or her property in trust. Other states and cities list building permits on public websites; from there, it is possible to find out if any renovations have been made, if any security systems have been installed, and more.

Paid Data Sources

The authors focused entirely on free data sources in this article. But many data sites offer “instant background checks” and other services for fees ranging from \$3.00 to \$300.00. These services purport to be able to confirm current home addresses, and dig up even more information than the free services. Many do not confirm the report purchaser's identity, nor confirm that the subject has given permission for the background check. A motivated identity thief or judicial attacker would be likely to utilize at least some of these sources for additional information.

What can judges do?

The situation today might look dire. There is a vast amount of information online that puts the safety of judges, magistrates, and other judicial officers at risk.

But not all hope is lost. A prudent strategy can help judges recover their personal privacy and security. There will never be a complete return to the “good old days” when a call to the phone company was all it took to get an unlisted number, but there can be a swing back toward reason and moderation.

Get out of “people finder” and “white pages” databases

There are dozens of sites that allow anybody with a web browser to look up the address of almost any person in the United States. The data for these sites is often pulled from a variety of public records, ranging from property records to phone registrations to voter databases. However, there are a few sites that are the most important—they provide the most information and are the most commonly used by searchers:

- Intelius
- ZabaSearch
- PeopleFinder
- PeopleFinders [sic]
- Spokeo
- WhitePages.com
- Google White Pages

Each of these sites accepts some requests for removal from their database. To protect your privacy, you should visit each site and perform an opt-out. The exact opt-out mechanism varies by site: some require faxed or mailed confirmation of your identity, and others require payment of a processing fee. Constant vigilance is required; these sites often re-populate their databases with fresh information and some re-add removed records with each update.

There are also private services that monitor your privacy and automatically remove you from dozens of sites all at once. ReputationDefender, the world's first and largest online reputation management company, offers a service of this kind called MyPrivacy. The MyPrivacy automatically finds and removes each subscriber's name from many online directories, including the directory shown in Figure 1. It does not yet remove 100% of records, but it is a start.



Monitor social media mentions

For informal social media, ranging from blogs to Wikipedia, it is important for judges to at least be aware of what is being said about them. A thick skin is required when reviewing online commentary; sadly, online discourse is generally peppered with *ad hominem* insults and language that would make even the saltiest sailors blush. A good place to start is to simply use Google or another search engine (like Yahoo! or Microsoft's Bing) to search for material that is currently available. Check both Google's main search and Google's blog search tool. Search for your name with and without quotes, your name preceded by "Judge" or "Magistrate" (e.g., "Judge Joe Smith" and "Judge Smith"), and in combination with any other relevant terms ("Judge Smith Nebraska"). Wading through this content can take a long time the first time, but it can give you a good sense of what is out there.

To look for new content being created about you, the free Google Alerts service can be a good start. The Google Alerts service sends a daily or weekly email that lists most new references to your name online. However, Google Alerts is not completely comprehensive and may miss social media mentions.

If you have a common name or simply don't have time to continually monitor social media, a commercial reputation monitoring service may be necessary. These services scan new Internet content looking for your name and provide periodic alerts of any new or troublesome content.

If problematic material is found in social media, your response will vary greatly based on what is found and where. The First Amendment probably prohibits the government from demanding that basic

information about judges be removed from sites like Wikipedia. But judges acting in their private capacity may politely request that certain personal information be removed, especially if there is a verifiable threat to a judicial officer's safety. Many site owners will happily agree if they are approached in a gentle and informative manner.

Avoid creating new records

Perhaps the most powerful thing you can do to help yourself is to staunch the flow of personal information to data broker websites. Many people unknowingly take actions every day that lead to their personal information being sold to sites that publish their name, address, and purchasing habits.

An important first step that every judicial officer should take is to start the process of separating their mail delivery from their home address. Every judge and judicial officer should use a P.O. Box, work address, or other address for their primary mail delivery. Absolutely no mail should be going to your primary residence. In too many cases, companies that send mail also sell that address to data brokers and list companies. These lists can result in your home address, buying habits, and other information being placed online. And, of course, use an unlisted phone number or (better yet) an unlisted cell phone that is billed to a family member or business entity.

Many "white pages" sites also rely on governmental public records for their data. These sources can range from voting records to political donations. To stop the flow of this data, avoid doing anything that creates a mandatory public record, or use an alternate address whenever possible. If possible, avoid creating privacy-invasive records when you buy a new home; place the home in a spouse or family member's



name, or better yet in the name of a trust (particularly if your name can't be easily inferred from the name of the trust). Some states will allow law enforcement and judicial officers to suppress their DMV and property records; investigate whether yours is such a state and do so if possible.

Avoid giving data to marketing companies whenever possible. Product "registration cards" and "warranty cards" are often nothing more than sources of marketing data for marketers. Use an alternate address on them and never provide personal details like your age or interests—or better yet, don't fill them out at all.

If you move, take advantage of the opportunity to make a fresh start. Do not submit a change-of-address card to your new address; instead, direct your mail to a P.O. Box or other alternate address. Keep all billing (heat, water, electricity, sewer, trash, etc) in a family member's name, in the name of your initials ("J. Smith"), or in the name of a business entity.

Protect yourself every day

Every day, there are small steps you can take to protect your privacy and security. For example, simply shredding your household trash can help stop identity thieves (whether targeted or not) from using old bills and other information to steal your identity. Turning off your caller ID when you place telephone calls can help reduce the number of places where your phone number is distributed. Using your own caller ID to screen inbound calls can also help protect your family from unwanted or harassing phone calls.

Whenever possible, don't use or give away your middle name or your age. If at all possible, use a business name or your first initial and last name only. There are a lot more "J Smith"s in the world than there

are "Joseph Smith"s or "Joseph Y. Smith"s. This kind of gentle data control can help prevent disparate records from being combined; it is far better that your home address not be connected to your purchasing habits, or that your phone records not be connected to your credit score.

Conclusion

A new study reveals that federal judges are not doing enough to protect their privacy. There is a vast amount of personal information available about federal judges, which can be mis-used by frustrated litigants, criminal gangs, organized crime, and political extremists. However, not all hope is lost. Simple everyday steps can help judges recover their privacy and security.

* * * * *

A NO-NONSENSE COURT MANAGEMENT

By Justice Nimfa Cuesta-Vilches
Senior Deputy Court Administrator
Supreme Court of the Philippines



While managing a court effectively is no rocket science, neither it is to be taken lightly. If you are a judge or a court official, you have been appointed exactly to the position you desired. And here are your basic duties:



1) *Remember why courts exist*

The purposes of courts are: to do individual justice in individual cases; appear to do justice (this means being present in court all the time even if no formal hearing is going on); provide a forum for the resolution of legal conflicts; protect citizens from arbitrary use of government power; make formal record of status; deter criminal behavior; and rehabilitate convicts.

2) *Know your current and actual court docket*

This entails having an honest-to-goodness data about your caseload including inherited cases, archived cases, age of cases, events in a case, cases pending for resolution and average monthly case inflow and outflow, for you obviously cannot manage what you cannot assess. Take stock, this will surely help court administrators provide remedy wherever and whenever needed.

3) *Use case-tracking to ascertain how much court intervention is needed*

Cases filed in court vary. Some have to be on an expedited or fast hearing list, for instance, restraining or protective orders while many are assigned standard classification. Still others are fitted for complex (corporate rehabilitation), multiple tracking system or even stay on holding track such as guardianship, custody and support of minor children or settlement of estate cases. It would be wise, however, to set timelines or define what a “backlog” is to a particular judicial system for case-tracking in coordination with bar associations for more realistic time standards.

4) *Apply pre-trial mechanisms and aim high for the “inverted telescope” result*

The use of ADR (alternative dispute resolution) methods such as mediation, diversion or plea-bargaining in criminal cases which are conducted in a no-fault atmosphere; the full exploit of discovery modes and affidavits as direct testimony; and agreements on various trial rules such as “one day examination of witness”, “most important witness”, or use of an expert witness are believed to contribute significantly to the reduction of cases that reach trial stage—from a 100% rate to 5% under the “inverted telescope” theory. Such also means less work for the court.

5) *Take control of the court, its proceedings and the duty-holders*

The bottom line is, it is the court not anyone else who controls the pace of litigation. All court duty-holders (court personnel, lawyers, etc.) are officers of the court. Court calendars are made firm and observed strictly allowing no or little continuances so that court users do not lose faith in the judicial system. At the same time, delay is averted.

6) *Get serious in adjudicating*

Even if court trials are daily remit, no judge or court official neglects being prepared for the cases heard on a particular day including research work and business arising from the issues.

7) *Flex your administrative, technical muscles*

A judge manages court infrastructure, equipment, technology and security. Skills are required to supervise well a host of lower court committees ranging



from the sublime to the mundane-employee grievance, performance rating, sexual harassment woes to disposal of used court properties.

8) *Draw on your tools, wellspring of resources and take charge*

Do not forget to turn to your ample reservoir of power, authority, knowledge base, expertise, trainings received, as well as child, gender, religion and cultural capacities. There are also core measures in managing your court that are available to you to gauge success – access and fairness, clearance rate, time to dispose, integrity of case files, cost of processing and the like.

9) *Be ethical and insist that your court personnel are, too*

Remind yourself and everybody else of the court's code of conduct. That somehow establishes a court culture that is not bursting with discourtesy, inefficiency, apathy, thievery and corruption.

10) *Dispense justice now*

Resolve cases promptly and see to it that decisions are implemented quickly. The role of a judge is unchanging- that of a problem solver or savior!

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From Wikipedia-

http://en.wikipedia.org/wiki/Nimfa_C._Vilches

Facebook:

<http://www.facebook.com/home.php?#/pages/Nimfa-C-Vilches/138538535266?ref=ts>

ⁱ Allesandro Acquisti and Ralph Gross, "Predicting Social Security numbers from public data," PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA (July 6, 2009), available at

<http://www.pnas.org/content/early/2009/07/02/0904891106>; Dan Vergano, "Scientists guess nearly one in ten Social Security Numbers," USATODAY, (July 6, 2009), available at

<http://content.usatoday.com/communities/sciencefair/post/2009/07/68493692/1>. In that case, the method they used was most powerful against younger people, but it is almost certain that similar problems lurk for older people.

ⁱⁱ Among many sources, see Anti-Defamation League, "Family of Federal Judge Threatened by White Supremacist Slain," (March 1, 2005), available at http://www.adl.org/learn/extremism_in_the_news/White_Supremacy/Lefko_Family_Murder_3_1_05.htm?LEARN_Cat=Extremism&LEARN_SubCat=Extremism_in_the_News.

ⁱⁱⁱ CNN, "Revenge likely motive in judge killings case," (March 11, 2005), available at <http://edition.cnn.com/2005/US/03/11/judge.bodies/index.html>.

^{iv} ABC Good Morning America, "Exclusive: Wounded Nevada Judge Speaks Out on Shooting," (June 28, 2006), available at <http://abcnews.go.com/GMA/LegalCenter/story?id=2127977&page=1>.

