

# E-SJI News

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## IMMIGRATION IN THE STATE COURTS PROJECT IDENTIFIES KEY POLICY ISSUES

During their work on a SJI-funded Strategic Initiatives Grant, the Center for Public Policy Studies (CPPS) has found that one of the biggest challenges to addressing the impacts of immigration in the state courts is a lack of agreement about the appropriate answers to very difficult policy questions. In particular, CPPS has found that the jurisdictions now participating as pilot learning sites (Maricopa County, Arizona; Miami-Dade County, Florida; Western Minnesota; Delaware; and the District and Circuit Courts in seven counties located in South-Eastern Michigan), are struggling with issues such as:

### Adjudicating cases involving undocumented/illegal immigrants

For example, should undocumented immigrants be taken into custody and potentially be removed from the U.S. by Immigration and Customs Enforcement (ICE) at any point prior to state court case disposition? Should undocumented immigrants be taken into custody and potentially be removed from the U.S. by ICE, post-sentencing, or after they have completed all or a portion of a sentence? Should child protection and juvenile cases involving undocumented family members and violence against women cases be processed any differently than cases involving lawful permanent residents and U.S. citizens?

### Assuring procedural justice

For example, to what extent should the state courts promote respect and understanding, and display neutrality, by giving all immigrants the chance to be heard and the opportunity to understand what is happening in court?

### Unintended consequences of state court actions

Should trial judges, court personnel, and attorneys understand and consider the consequences of state court decisions on immigration status? (continued on page 2)

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### Assisting the federal government in regulating immigration

Should the courts provide state court case information in formats that can be used in co-occurring or subsequent federal immigration case processing? Should they check litigant immigration status? Should they report suspected undocumented immigrants? Should they report lawful permanent resident immigrants convicted of crimes that could make them removable from the United States?

### Providing services to immigrants

Should the state courts provide lawful and undocumented immigrants state court case processing, sanctioned treatment, and other services at the same levels available to non-immigrant court users?

CPPS has learned that these are but a few of the issues surrounding immigration issues in the state courts, and the pilot sites are approaching them in various manners. The sites are tailoring their responses to both federal requirements and their specific jurisdictional needs.

## PRESIDENT NOMINATES SIX TO SERVE ON BOARD OF DIRECTORS



By law, SJI is supervised by a Board of Directors consisting of 11 members appointed by the President with the advice and consent of the Senate. Pursuant to 42 U.S.C. 10703, the President appoints 6 judges and 1 state court administrator from a list of candidates submitted to the President by the Conference of Chief Justices (CCJ). In addition, the President also appoints 4 public member positions, no more than 2 of whom can be from the same political party.

Recently, the President made the following nominations:

**Chief Justice James Hannah** – Currently serving as Chief Justice of the Arkansas Supreme Court. He was first elected as an Associate Justice in 2000 and re-elected as Chief Justice in 2004 and 2008. Prior to serving on the Arkansas Supreme Court, he served as a Chancery/Probate Judge in the 17th Judicial District from 1979 to 1999. He has also served on the CCJ Board and is currently serving as Co-Chair of the Committee on Families and Courts. In addition, he sits on the U.S. Supreme Court Judicial Conference Committee on Federal-State Jurisdiction. **(continued on page 3)**

**Daniel Becker** – Has served as State Court Administrator at the Administrative Office of the Courts for the State of Utah since 1995. In that capacity, he is responsible to the Utah Supreme Court and Utah Judicial Council for the administration of the state court system. From 1984 to 1995, Mr. Becker worked for the North Carolina AOC, serving in the positions of Deputy Director (1993-1995), Court Services Administrator (1986-1993) and Assistant to the Director (1984-1986). He also held the position of Trial Court Administrator for the 14<sup>th</sup> Judicial District of North Carolina, and Assistant Director of Operations for the Georgia AOC. Mr. Becker was the recipient of the 2006 Warren E. Burger Award for Excellence in Judicial Administration.

**Gayle A. Nachtigal** – Currently a Circuit Court Judge in Washington County, Oregon. She has been a judge since 1991, serving as Presiding Judge from 1996 to 2002. She is currently the Lead Judge on Criminal Court Assignments. Judge Nachtigal is also involved in the American Judges Association where she served as Secretary, First and Second Vice President, and President. From 1999 to 2005, Judge Nachtigal served on the board of the National Center for State Courts (NCSC), and currently serves on NCSC's Court Consulting Advisory Board.

**John Nalbandian** – Currently a partner in the Litigation Department of Taft Stettinius & Hollister LLP. He concentrates on appellate and general litigation in state and federal courts and is a member of the firm's Appellate Practice. Mr. Nalbandian has represented clients in a wide range of legal areas including antitrust, products liability, intellectual property, employment, white collar crime, and class actions. He also has extensive experience in administrative and international law. Mr. Nalbandian is a member of the Ohio, Kentucky, Virginia, and District of Columbia Bars, and Ohio State, Cincinnati, and Kentucky Bar Associations.

**Marsha J. Rabiteau** – Currently a policy consultant with Rabiteau Consulting, where she works on a number of policy, legislative, and court rules issues. Previously, she served as Associate General Counsel and consultant on legal reform for Koch Industries, Inc. Prior to Koch, Ms. Rabiteau was Vice President & Assistant General Counsel, Director of Civil Justice Policy for The Hartford Financial Services Group. From 1989 to 2001, she was Litigation Counsel and Crisis Manager for The Dow Chemical Company. She has participated as the chair or co-chair of the following organizations: Civil Justice Reform Group Operating Committee; Product Liability Advisory Council Foundation; IADC Class Action and Aggregated Torts Committee; and Federalist Society Litigation Practice Group. She is a member of the National Judicial College's Advisory Council, and a member of the Michigan and Wisconsin Bars.

**Hernán D. Vera** – Currently the President & Chief Executive Officer of Public Counsel, the nation's largest pro bono, public interest law firm. He is the first Latino leader of the 40-year-old civil rights organization, which is based in Los Angeles. Prior to joining Public Counsel in 2002, Mr. Vera was a commercial litigator with the international firm of O'Melveny & Myers LLP, where he specialized in class actions. Mr. Vera has also worked as an Education Staff Attorney for the Mexican American Legal Defense and Education Fund and clerked for the Honorable Consuelo B. Marshall, U.S. District Court Judge for the Central District of California. He makes frequent media appearances on issues relating to access to justice, civil rights, and consumer protection.

SJI will provide updates as these nominees progress through the Senate confirmation process.

# NEW MEXICO JUSTICE SYSTEM INTERPRETER RESOURCE PARTNERSHIP



In FY 2008, SJI awarded a Project Grant (SJI-08-N-173) to the New Mexico Administrative Office of the Court for the New Mexico Justice System Interpreter Resource Partnership. The partnership is currently assisting justice system agencies by providing a shared capacity for recruitment, screening, and training of interpreters in New Mexico. Through these efforts, the partnership has coordinated interpreter services across the justice system, and enhanced entry-level training and continuing education for interpreters. This has increased both the number and quality of trained interpreters in the state.

The partnership's specific objectives are to implement and maintain:

1. A registry of qualified interpreters recruited and trained based on regionally identified needs of the partnership member agencies.
2. Training and testing to qualify interpreters for work throughout the justice system, and provide a foundation for certification as court interpreters or advanced training in other specific areas of focus (i.e. juvenile justice, corrections, etc.).
3. Training for groups and agencies on the roles, responsibilities, and professional ethics expected of qualified interpreters and those who work with them.
4. Increased accountability in ensuring meaningful access by limited English-speaking persons to justice system services; consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166.

Key partners include the New Mexico State Police, the New Mexico Children, Youth, and Families Department, the University of New Mexico – Los Alamos, Dona Ana and Central New Mexico Community Colleges, and the Supreme Court/AOC. The New Mexico Translators and Interpreters Association and the Access to Justice Commission are also currently involved in the partnership.

The partnership decided to first focus on Objective #2 – training and testing to qualify interpreters for work through the justice system. The successful development of a professional recruitment and training mechanism was identified as the necessary foundation for progress towards the other three objectives. The SJI grant supported these activities for the first year of the project, including the creation of the New Mexico Center for Language Access (NMCLA) to train and produce qualified court interpreters.

The AOC was awarded a second grant in FY 2009 (SJI-09-N-157) to continue working on the partnership's objectives. During Phase II, the partnership will focus on: 1) strengthening the NMCLA; 2) developing and delivering training for all levels of justice system agency personnel and the judiciary – this training will be agency-specific, and will focus on the roles, responsibilities, and professional ethics of qualified/certified interpreters, and compliance with Title IV of the Civil Rights Act; and **(continued on page 4)**

## Board of Directors

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The State Justice Institute is a private, non-profit corporation established by Federal law in 1984 to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts. SJI is governed by a Board of Directors appointed by the President and confirmed by the Senate.



3) creating and maintaining an Interpreter Registry of Justice System Interpreters (qualified through NMCLA) for use across partner agencies and by other publicly-funded services.

The final grant [report](#) from Phase I of the project is available on SJI's website.

## SPECIAL ANNOUNCEMENTS

- Next grant and scholarship application deadline: **February 1, 2010** (2<sup>nd</sup> Quarter, FY 2010).
- The Board will meet on March 25, 2010, to make grant awards for the 2<sup>nd</sup> Quarter.
- Grant and scholarship application deadlines for the remainder of the fiscal year: **May 1, 2010** (3<sup>rd</sup> Quarter) and **August 1, 2010** (4<sup>th</sup> Quarter).
- Current and future grantees and scholarship recipients can choose to receive payments via EFT. This is a faster method of receiving payment from SJI. To participate in EFT, SJI will need a completed [SF 3881-Automated Clearing House \(ACH\)/Miscellaneous Payment Enrollment Form](#), which is available on the SJI website under the [Forms](#) tab.