



INTERNATIONAL ASSOCIATION OF  
**LGBT JUDGES**

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**ANNUAL MEETING AND ASSOCIATED EVENTS**

**AUGUST 2 - 4, 2017**

**San Francisco, The Hyatt Regency San Francisco Hotel, 5 Embarcadero Center**

**March 6, 2017 Update**

Hello,

As you can see, I am playing around with how to format the update report. Each effort leaves me convinced that graphic art is a challenge I am not equipped to conquer. (Nevertheless, I carry on.)

I hope that the winter weather has been as beautiful for you as it has been for those of us in the Washington, D.C. Metropolitan Area. This update includes are some matters that merit attention. Links to web pages appear in underlined blue text.

All the best,



## **JUDGES KIRKLAND AND KOLAKOWSKI JOIN MARCH 9 LGBT BAR CALL-IN**

Judge Steven Kirkland (TX) and our President, Judge Victoria Kolakowski will be participants, along with Judge Laura Duffy (CA), in the program of the National LGBT Bar Association. Judge Kirkland will be Moderator.

Please understand this is not intended to supplant our Association's always well attended *Pathways to the Judiciary* program presented annually at the Lavender Law Conference.



### **So You Want to be a Judge? Learn How to Navigate the Process of Getting on the Bench**

On **Thursday, March 9th, at 12:30pm PST/3:30pm EST**, the LGBT Bar will host a call-in addressing the general process of how to apply for the judiciary, pointers on how to run a campaign, as well as issues concerning branding. Hear from three prominent LGBT judges as they talk about their personal experiences, and their tips for a successful appointment!

Join us, and remember to come prepared with questions for our expert panelists!

#### **Call-in Information**

**Time:** March 9th, 12:30pm PST/3:30pm EST

**Dial-in Number:** [\(712\) 432-6333](tel:7124326333)

**Participant Code:** 187141#

**Hon. Steven Kirkland (moderator)**, *Civil District Court of Harris County, Texas* Judge Kirkland has 12 years of judicial experience, 27 years of legal experience, and over thirty years of community service to the people of Houston and Harris County, Texas. He previously served as Judge in the 215th Civil District Court and in Houston Municipal Courts. His professional career includes representing the City of Houston, international oil companies, and individual homeowners. Judge Kirkland is active in promoting recovery from drug and alcohol addiction, affordable housing, historic

preservation, and LGBT rights. His affordable housing projects have been recognized with awards by the Greater Houston Preservation Alliance and he was awarded the 2006 Government Friend of the Homeless by Coalition for the Homeless of Houston and Harris County.

**Hon. Laura Duffy**, *California Superior Court, San Diego*

Laura E. Duffy was appointed to the California Superior Court by Governor Edmund G. Brown on December 22, 2016 and was sworn in January 6, 2017. Prior to her appointment, Judge Duffy served as the United States Attorney for the Southern District of California for nearly seven years. Judge Duffy began her legal career with the United States Department of Justice in 1993. In 1997, Judge Duffy became an Assistant United States Attorney in the Southern District of California. Prior to being sworn in as U.S. Attorney, she was a Deputy Chief in the General Crimes Section of the office. From 1997-2008, Judge Duffy worked in the Narcotics Enforcement Section as an Assistant United States Attorney. Judge Duffy received her undergraduate degree in 1988 from Iowa State University and her law degree in 1993 from the Creighton University School of Law. Judge Duffy is married and has one son.

**Hon. Victoria Kolakowski**, *California Superior Court, Alameda County*

Judge Victoria Kolakowski is the first openly transgender trial judge in the United States; she was elected to the Alameda County Superior Court in November 2010. Judge Kolakowski is the President of the International Association of LGBT Judges. Prior to her election, Judge Kolakowski was an attorney for twenty-one years in Louisiana and California, serving as a solo practitioner, as an attorney in a small firm, as general counsel for a publicly traded company, as a senior government utility regulatory attorney, and as an administrative law judge for two different California state agencies. Since coming out publicly in 1989, she has been a leader in numerous local, state, and national LGBT legal, political, and spiritual organizations. She serves on the Judicial Council of California's Advisory Committee on Providing Access and Fairness. She serves as the California Council of Churches representative to the California Commission on Access to Justice. She lives in Oakland, California with her wife Cynthia Laird (news editor for the Bay Area Reporter newspaper), their Pembroke Welsh Corgi Darby, and cat Espresso.



**JUDGE HARTLE FINDS NEW APPLICATION OF HER SKILLS**

In January, Judge Barbara E. Hartle (TX) shared with me “I resigned from the City of Houston and am now Bureau Chief for the new Harris County District Attorney.” Judge Hartle had

been serving as Director and Presiding Judge City of Houston Municipal Courts. Congratulations! Although she no longer wears the hat of a “sitting judge”, in response to her inquiry, I assured her that she continues to be eligible for membership in the Association. She indicated “I am still hoping to attend Lavender Law.” The drink will be on me. Once again, congratulations Judge Hartle.



### **NO SURPRISE HERE**

Just after the last update, Judge Albert Mrozik (NJ) brought to my attention that Judge Phyllis R. Frye (TX) was featured as one of *The top 50 successful transgender Americans you should know*.



### **10. Judge Phyllis Frye**

Judge Phyllis Frye graduated from [Texas](#) A&M University with a B.S. in Civil Engineering and an M.S. in Mechanical Engineering. She was honorably discharged from the United States Army in 1972. She transitioned in 1976, and earned an M.B.A. and J.D. from the University of [Houston](#). On November 17, 2010, Houston mayor [Annise Parker](#) appointed Frye as an Associate Judge for the City of Houston Municipal Courts. The Houston City Council unanimously approved of her appointment. On April 28, 2013, Frye was presented with the Lifetime Achievement Award by the Transgender Foundation of America.

The January 12<sup>th</sup> Bilerico Report is [here](#). Congratulations, Judge Frye! The work continues.



## LAVENDER LAW PROGRAMS

The LGBT Bar Association's deadline for submission of titles, speakers and descriptions for proposed workshops to be included as part of Lavender Law this August *was* March 3<sup>rd</sup>. It is not unusual for our Association to be hustling about post-deadline to develop and submit proposals. Therefore, **it is urgent that those who have thoughts regarding programs to be presented by the Association formulate the ideas into concrete proposals.** The requirements for proposals can be found in the the LGBT Bar Association's [Request for Proposal Guidelines](#).

**Keep alert** for a separate message from me identifying to whom proposals should be directed.



## WRITING COMPETITION IS OPEN

The deadline for submission for our Student Writing Competition is April 21<sup>st</sup> at 5:00 PM Eastern Standard Time. If you need to communicate the requirements, they are [published](#) by the LGBT Bar Association, which has partnered with us to publicize and receive the submissions for consideration by our Association:

### TOPIC:

Diversity on the Bench; or  Judicial or legal ethics around LGBT Issues

**ELIGIBILITY:** Students must be enrolled in an ABA-accredited law school during the 2016-2017 academic year.

**AWARDS:** The International Association of LGBT Judges and the National LGBT Bar Association will award one applicant with a \$1,500 monetary award as well as two \$250 honorable mentions. The winner and any recipients of an honorable mention will receive complimentary registration to the 2017 Lavender Law Conference & Career Fair in Chicago. The winning entry may be posted on the American Judges Association's webpage with excerpts published in their magazine.

FORMAT: Each entry should be a scholarly piece fit for publication in a law review. Entries should follow standard note format, including Bluebook (19th edition) citation form. All entries must be submitted in English. Each entry should be no longer than 25 single-sided pages with one-inch margins and 12-point Times New Roman font, double-spaced. The page limit includes footnotes. Footnotes should be single-spaced and 10-point font. Entries containing endnotes or including appendices or supplemental material will not be considered. Published papers or papers to be published in other publications during the entirety of the competition process are ineligible. Each individual may submit only one entry and group entries will not be accepted. Entries should be the sole work of the author and should not yet have undergone significant editing by others. Editing includes any significant revision as well as technical or substantive review of citations. Informal support, such as general comments on preliminary drafts, is allowed.

All entries must be submitted electronically in either Word or PDF format. Entrants must not include their name or the name of their school on the competition paper itself. Instead, participants must submit a separate cover page indicating their name, school, permanent address, telephone number, and a statement indicating that a preemption check has been completed as of the date of submission. We reserve the right to reject any submissions that do not conform to these standards, in particular those that list any identifying information on the submission directly.

DEADLINE: Entries must be submitted before the competition closing date of April 21, 2017 at 5:00pm ET. All entries must be submitted via email to [judgescompetition@lgbtbar.org](mailto:judgescompetition@lgbtbar.org) . Please write "Judges Writing Competition" in the subject line.

If you have questions, contact Judge Kirkland, [judgestevenkirkland@gmail.com](mailto:judgestevenkirkland@gmail.com); he chairs the committee that reviews the submissions.



### **THE MEMBERSHIP YEAR**

Remember that our dues year is the Calendar Year. The [Membership Application](#) is an effective means by which to update your status and to reaffirm your continued commitment to the Association.



## CONCERNING JUDGING

Last month, the National Judicial College reported [Judges are feeling less respected](#)

The survey results are in, and we're sad to report that nearly two-thirds of judges feel that their standing with the public has deteriorated.

Earlier this month our Question of the Month debuted by asking NJC alumni if they felt the public's esteem for judges had risen, declined, or stayed the same in the past 10 years. Of the more than 1,400 judges who responded, 63 percent said they thought it had declined; less than 8 percent thought it had improved; 29 percent thought it had stayed the same.

Among the more than 200 judges who left a comment, a common refrain was that the judiciary had been tainted by politicization.

"[T]here is a growing perception that the judiciary is just another political institution that is swayed by political considerations rather than the rule of law," said Reggie B. Walton, senior federal judge of the U.S. District Court for the District of Columbia and former presiding judge of the Foreign Intelligence Surveillance Court. He blamed the perception "in large part" on the politicization of the process for selecting judges.

Judge John R. Lockett of the 13<sup>th</sup> Judicial Circuit in Alabama said the "ugly partisanship" of national politics "has also tainted the public's perception of the judiciary."

An anonymous judge stated simply, "The public now sees judges as politicians in black robes."

Whether real or only perceived, politicization of the judiciary poses a threat to judicial independence. The College will offer its course *When Justice Fails: Threats to the Independence of the Judiciary* next month in Washington, D.C. The course looks at both historical and current events, including contemporary political pressures being placed on judges, national political rhetoric, and how public perception is shaped by expensive, bitter election campaigns for judgeships. More information and to register.

Students and donors in the D.C. area are also invited to a reception and talk by University of Utah Thode Professor of Law Wayne McCormack from 5:30-7:30 p.m. on



March 27 at the Hamilton Crowne Plaza. McCormack will be speaking on current threats to judicial independence. For more information or to RSVP, email [hill@judges.org](mailto:hill@judges.org).

Among other comments left by judges who voted in the poll: Some speculated that social media and a 24-hour news cycle had contributed to an erosion of confidence in the judiciary by amplifying the behavior of a few bad apples. Others blamed the unrealistic portrayal of judges on TV shows such as *Judge Judy*. Some complained of misinformation distributed by traditional media, to which judges sometimes feel they are unable to respond due to ethical statutes.

The poll was conducted Feb. 1 via an email sent to all judges who have attended NJC courses in the past seven years.

***Here are some of the comments presented in their entirety***

*"While I do not believe that there has been a significant decline in the public's esteem of judges, I do fear that there is a growing perception that the judiciary is just another political institution that is swayed by political considerations rather than the rule of law. If that perception is permitted to flourish, due in large part to the politicization of the selection process of judges, then eventually the respect for the judiciary, which historically has outmatched the other two branches of government, will decline."*

*– Hon. Reggie B. Walton, United States District Court for the District of Columbia*

*"I believe the ugly partisanship which has tainted our national politics has tainted the public's perception of the judiciary. Too often public officials or party leaders demean the integrity of the bench by attacking judicial rulings by suggesting that they were simply the extension of a party's orthodoxy. The public's expectation of an independent and impartial judiciary diminishes as these types of attacks persist. As a result, the respect for judges as impartial arbiters of disputes has declined."*

*– Hon. John R. Lockett, 13th Judicial Circuit, Alabama*

*"I think that for the most part, the public does not view judges the way they view the legislative and executive branches of government. The public desires and expects judges to be above the 'partisan' fray. The expectation is reasonable and I hope most judges do in fact stay separated and above 'political' decision making. We should."*

*– Hon. Larry Harman, 7th Judicial Circuit, Missouri*



*“Social media continues to feed the public’s hunger for ‘fast food’ information about the judicial system, together with the other branches of government. As a result, the public is inundated with sensational headlines or hashtags and deprived of meaningful insight into the work of the judiciary. Bound by ethical rules requiring judges to avoid the political fray, the judiciary largely remains silent while rumor mongers rule the day.”*

*– Hon. Brad Newman, 2nd Judicial District Court, Montana*

*“Respect for judges has declined and their independence from political pressure is being attacked. Many factions of our society are trying to politicize the judiciary.”*

*– Hon. Gary P. Kramer (ret.), 23rd Circuit, Missouri*

*“The portrayal of judges and the judicial process on television and in the media in general has negatively distorted the public’s perception of the role of the judge in fact finding, decision making, and our resolution of cases and controversies. There is little that can be done to change the way we are portrayed. The only approach is to reach out personally or through representative entities to educate the public that what is portrayed is not an accurate reflection of the reality of our judicial demeanor, our process of fact finding, and how our decisions and rulings follow the rule of law. Judges must strive to support or personally engage in outreach, to the extent ethically allowed, to educate the public on how the majority us honorably conduct ourselves with deference to the rule of law and without personal bias in the decision making process.”*

*– Hon. Karl Grube, St. Petersburg Circuit Court, Florida.*