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ABA calls for safer state courthouses

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Heeding warnings that the administration of justice is under attack, American Bar Association delegates urged states and municipalities to beef up security at courthouses across the country.

In a unanimous vote Monday in Chicago, the policymaking House of Delegates adopted a resolution calling on legislative bodies and government agencies to provide the funds needed to ensure the safety of judges, lawyers and litigants involved in the justice system.

The resolution also urged court officials to establish security protocols tailored to meet their facilities' specific needs.

And the resolution called for programs designed to teach participants in the justice system to spot and respond to potential security threats.

Delegates voted in favor of the resolution at the request of Peter Bennett of Bennett Law Firm PA in Portland, Maine, who is the chair of the ABA Standing Committee on Judicial Independence.

"Every act of violence intrudes upon the ability of our courts to function fairly, impartially and in adherence to the rule of law," Bennett said.

He said acts of violence at state courthouses are increasing.

Fifty incidents — including shootings, bombings and arson attacks — were reported from 2000 to 2010, Bennett said.

He said 67 additional incidents occurred in 2011 alone.

And officials with the New York state courts last year discovered 5,613 firearms being brought into courthouses, he said, "leaving us to question what others escaped and made it through."

Bennett said these incidents show that the security measures called for in the resolution "are not luxuries."

"They are the cost of doing business and keeping our courts open to our communities," he said. "Communities cannot wait until a tragedy occurs to invest in adequate security measures."

The House of Delegates voted on the security resolution and other proposals on the final day of the ABA's midyear meeting, which began last week.

Resolutions did not become ABA policy unless they were adopted by the House. Some resolutions were amended before they were put to delegates for a final vote.

In addition to debating resolutions, delegates heard from speakers including Nebraska Supreme Court Chief Justice Michael G. Heavican.

He said adequate funding for state courts is needed to guarantee the legal rights of litigants as well as their physical safety.

He noted that more than 95 percent of all litigation in the United States takes place in state courts.

This litigation — including commercial disputes, criminal cases, marriage dissolutions, contract and tort claims and juvenile justice adjudications — “affects the daily lives of people across the country and the economic health of our communities,” said Heavican, the president of the Conference of Chief Justices.

“To remain vibrant, our state courts must secure the necessary funding while promoting financial accountability and transparency,” he said.

Another speaker was ABA President James R. Silkenat of Sullivan & Worcester LLP in New York.

Silkenat said the ABA is examining the paradox represented by the large number of young lawyers who are unemployed or underemployed and the large number of Americans who are denied access to justice in civil matters because they do not have a lawyer.

“We cannot afford to be a nation where the legal needs of a large portion of our citizenry are not being met,” he said.

Silkenat said the ABA is exploring how it can help meet these needs through programs that are already available.

In another vote, the House of Delegates adopted model principles aimed at helping to end child labor and forced labor. The principles set out policies to help businesses ensure they aren't unwittingly supporting such practices through dealings with suppliers.

“These principles are important because they are designed to help corporate America make a difference within their own environments and with those that they do business to guard against labor trafficking and child labor,” said Jimmy Goodman of Crowe & Dunlevy in Oklahoma City, a co-chair of the ABA Task Force on Human Trafficking.

The task force's other chair is [Laurel G. Bellows](#) of Bellows Law Group P.C., the ABA's immediate past president. She called on lawyers to look for signs that workers are being exploited by outside contractors.

Even if lawyers do not order supplies, she said, “I can tell you that the people who are cleaning your office buildings could be recruited in the most heinous of ways.”

“Slavery permeates our lives in this country and we need to be awakened to our ability to eliminate

it," she said.

In other resolutions, the House of Delegates urged governments to promote the human right to adequate food and nutrition, called for measures to prevent young people from moving from foster care to homelessness and encouraged changes to the way youth involved in the justice system are treated.

Also at the meeting, Paulette Brown of Edwards, Wildman, Palmer LLP in Morristown, N.J., was nominated ABA president-elect.

If Brown is elected by the House of Delegates at the ABA's annual meeting in August, she would serve as president in 2015-16.

Brown would be the first minority woman and the third black person to serve as president.

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