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Steve Leben

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President's Column

Steve Leben

The American Judges Association is the Voice of the Judiciary.[®] So says the United States Patent and Trademark Office, which accepted the AJA's registration of this service mark on the principal register for patents and trademarks on March 27, 2007.

This column will seek to answer two questions: What does this mean? And how did it come about?

Let's take the second question first. Many years ago, the AJA's long-range planning committee noted that one of our central purposes was to act as a national voice for judges. Later, under the leadership of then-president Gayle Nachtigal, the AJA adopted a single phrase to capture this goal and message: we began calling ourselves the Voice of the Judiciary.

During Gayle's year as our president, she issued a news release commending the president of a large national legal organization for his public statement in response to attacks that had been made on judges involved in the Terri Schiavo case. The AJA news release noted that "the mission of the AJA, as the Voice of the Judiciary, is to ensure that judges, justices, and other judicial officials remain unaffected in their role as an independent branch of government." The AJA news release was later circulated on e-mail list serves of both the AJA and a judicial group within the large national legal organization previously referenced.

One month after Gayle's news release, this other judicial group began including a tag-line on e-mails it sent to its members—the other group was now calling itself "the voice of the judiciary." It had not done so before. We were disappointed by this move. The AJA had joined in a common campaign with their organization to support judicial independence and to oppose unfair attacks on judges. In response, they had begun using our service mark. Confusion between the groups would no doubt be substantial.

With some research, we learned that many similar associations had avoided such confusion by obtaining trademark protection for similar service marks. For example, groups had obtained trademark protection for "the Voice of the Independent Funeral Home" and "the Voice of the Construction Industry." So AJA filed for protection of its service mark, the Voice of the Judiciary.

Our application was filed with the U.S. Patent and Trademark Office. After review, it was approved as to form and official notice of our application was published. After opportunity for objection, the application was approved on March 27, 2007 through another published notice and the issuance of a certificate of registration. The AJA is now the owner of a registered service mark, the Voice of the Judiciary, for use in connection

with the provision of association services promoting the interests of judges and the judiciary.

That's how the trademark registration came about. Now, for what this all means.

AJA is fully committed to serving as the Voice of the Judiciary. Perhaps more than at any time in the almost 50-year history of our association, judges and the judiciary are under attack. About a year ago, my wife received a fundraising letter from my law school classmate, U.S. Sen. Sam Brownback. He sought money to fight judiciary tyranny. He wrote that "we are now engaged in the most important political battle of our lifetimes: the battle over whether we continue to be a free, self-governing republic or a nation ruled by judicial edict." He asked my wife to sign a proclamation against judicial tyranny and, of course, to send money.

Now, I find it hard to believe that Sen. Brownback really

believed that this battle against judiciary tyranny was "the most important political battle of our lifetimes." Could it really be more important than the civil-rights movement? Even if even Sen. Brownback would concede that the civil-rights movement was a tad more significant, though, his rhetoric in fundraising typifies the fire used these days in some quarters to demonize judges.

In response, the AJA is actively working to defend courts that are both fair and accountable—free from political influence but accountable to

the Constitution and the rule of law. As a sample of AJA efforts, just in the past month I have had opinion columns defending fair courts published in the *National Law Journal* and the *Providence Journal* (in Rhode Island, site of our 2007 midyear meeting). I will be engaging in a debate this summer at a six-state bar conference with those who proposed the misguided "Jail 4 Judges" initiative last year in South Dakota. These sorts of efforts will continue.

In addition, the AJA is working on a major white paper that will outline ways judges in all courts can work to improve public perceptions of their fairness and public satisfaction with and acceptance of their rulings. Our white-paper committee is under the leadership of Kevin Burke, a Minneapolis trial judge who won the prestigious Rehnquist Award for Judicial Excellence in 2003. The paper will be presented at AJA's 2007 annual educational conference in Vancouver this September. Substantial follow-up efforts will begin immediately after the Vancouver conference.

These and many other efforts by AJA committees and leaders reflect our resolve to speak on your behalf and to earn, through words and deeds, the right to be known as the Voice of the Judiciary.[®]

