

**COURTS IN THE AFTERMATH OF SEPTEMBER 11TH
NINE-ELEVEN SUMMIT SESSIONS**

"THE AFTERMATH"

**MARRIOTT FINANCIAL CENTER
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1 SPEAKER: ...Professor of Political Science at the
2 Florida International University in Miami, Florida. Among
3 numerous accomplishments and areas of research, in your
4 materials you'll find a copy of the Judge's Journal from 1998
5 that deals specifically with courts and disasters. Rebecca is
6 the author of After the Winds, Hurricane Andrew's Impact on
7 Judicial Institutions in South Florida. So, feel free to take
8 a look at that and speak to her about it before you leave.
9 Rebecca?

10 DR. SALOKAR: Thank you, Wendy. What we're going to
11 try and do is be a little more spontaneous in this panel.
12 We've actually had a conference call and talked about some of
13 the issues that have been raised by the people who are sitting
14 here in front of you today. Before I introduce the panelists,
15 what I'd like to do is also mention Professor Steve Wasby is
16 here sitting in the back. Professor Wasby was the editor that
17 put together that special edition of the Judge's Journal. So
18 he too has some information that if you would like to seek him
19 out afterwards. Steve, would you stand up a minute? Raise
20 your hand. Some people may know him. He's a New Yorker.

21 The panel today, we have quite a range of folks.
22 Here at my left is Frank Rabbito. Frank is the Director of
23 Court Programs and Projects Divisions in the 11th Judicial
24 Circuit of Florida, which is in Miami Dade County. He has
25 worked closely on the Circuit's emergency operation plans and

1 he was personally impacted by Hurricane Andrew in 1992.

2 Next to him is Bob Dennis, Robert Dennis. He's the
3 U.S. District Court Clerk for the Western District of Oklahoma.
4 He was on the scene of the Federal Building when it was bombed
5 in 1995 and was instrumental in putting their court back into
6 full operation.

7 Next to him to his left is Judge Micki Scherer.
8 She's an Administrative Judge in New York County Supreme Court
9 Criminal Term which has trial jurisdiction over all felony
10 indictments in Manhattan. The court has 40 justices and about
11 500 non-judicial employees.

12 To her left is Judge Judy Kluger. She's an
13 Administrative Judge of the New York City Criminal Court. In
14 that capacity she supervises 75 judges and 1,600 non-judicial
15 employees working at nine locations in the city's five
16 boroughs.

17 To her left is somebody you already met this met,
18 Jack Thompson. Jack is the Administrator of District Courts of
19 Harris County Texas in Houston. He'll share his experiences in
20 a little more detail about Tropical Storm Allison and the
21 impact it had on their court.

22 This his left is David Byers. Dave is the
23 Administrative Director of the courts for the State of Arizona.
24 Arizona of course has had recent disasters with fires and
25 having to evacuate court personnel and people who are under the

1 court's supervisor.

2 Finally on the end is Faye Liosis [Ph.]. I hope I
3 said that correctly. She is the Chief of the Court Division of
4 the New York City Law Department; a 400 person division that
5 litigates personal injury cases against the city. Currently
6 the division is actually working with more than 1,500 claims
7 related to the September 11th disaster and her whole system was
8 actually relocated and operated out of different locations
9 across the city for a long period of time after 9/11.

10 What we'd like to do is ask -- I'm going to have some
11 questions that we've talked about that I'm going to throw out
12 to the panelists. We're going to have it a little more
13 spontaneous. I am going to leave ample time at the end for
14 questions. But what we'd like to do is move a little bit
15 further now from the discussion that you had this morning at
16 the plenary session and get into some of the more nitty gritty
17 details.

18 One of the things that I noticed that we talked about
19 this morning was in some sense it almost sounds military in its
20 address and that is this concept of you're almost like in a war
21 zone. Things are happening so quickly that you must have
22 controlled chaos. Judge Kluger, I'd like you to kind of start
23 if you would and tell us about that first two or three days;
24 what you had to deal with, what it felt like, the overload
25 capacity that you were working under and the kinds of decision

1 that you had to make.

2 JUDGE KLUGER: Well, as Judge Lippman mentioned this
3 morning, the first day the area was basically evacuated and we
4 soon realized we had three different areas of really
5 challenges. First was access to the area of the courts of
6 Manhattan. The Manhattan courts were in the frozen zone just a
7 short distance from the World Trade Center. Secondly, we had
8 the communication challenges. Our phones didn't work, our
9 faxes didn't work, our computers didn't work. But what allowed
10 us to begin to operate very quickly and in the Criminal Courts,
11 which are the lower courts in New York which are responsible,
12 in addition to many other things, for arraigning every
13 defendant who's arrested in the New York City area within 24
14 hours.

15 We are a court that is always open. We're open seven
16 days a week, 18 hours a day in most sites and 24 hours a day in
17 Manhattan. So, our employees know that even though there is
18 communication that the courts are closed, we in fact are always
19 open. So remarkably, we had employees who stayed over between
20 the 11th to 12th to ensure that the courts would remain open
21 and operating the next day. Employees arrived at the
22 courthouse the next day. All our key players were in fact in
23 place around the city. The prosecutors were there. The
24 defense attorneys came in. The Corrections knew that one area
25 that we needed to address was arraigning defendants, and they

1 made those defendants available to us.

2 We did it for a couple of reasons. First of all, we
3 knew it was the right thing to do. We had people in custody
4 who were in custody before the towers fell who needed to be
5 arraigned. And we knew it didn't in fact happen, but we
6 anticipated that there might be mass arrests later on in the
7 week. We needed to deal with those and be ready for those. So
8 luckily, reported crime was down significantly, arraignments
9 were down significantly during that week. But because we were
10 a court that is prepared generally for emergencies, we were
11 able to become operational very shortly after the towers fell.

12 We worked around the communications issue. We had
13 cell phones pretty much immediately through Verizon. They
14 donated cell phones. Many of us had cell phones already. We
15 had certain preparations that were already in place. We were
16 anticipating the millennium would result in perhaps some
17 disturbance or mass arrests. So, we had already had phone
18 lists and communications set up. That had assisted us
19 tremendously. Really, it was the good will and dedication of
20 our employees that allowed us to operate by the next day even
21 in lower Manhattan and around the city.

22 DR. SALOKAR: Thank you, Judge. One of the
23 interesting things about a disaster like 9/11 is that it's
24 instantaneous and you don't have any preparation. I think in
25 fact David, you had a little bit of a different situation where

1 you had fires coming towards you and you had a little bit of
2 notice I suspect. What kind of things did you do anticipating
3 the fires? What were the events that you -- what kind of
4 decisions you had to make fairly quickly?

5 MR. BYERS: Well, we did have a little bit of notice.
6 It wasn't like an earthquake, but the notice was maybe 24
7 hours. To give you an idea of what happened, you know, in
8 Arizona we had a fire, actually two fires that merged that
9 burned 732 square miles. To put that in perspective, that's
10 two and a half times the size of all of New York City. So, it
11 was a large area. Now, Arizona is a big state but it affected
12 numerous communities, forced the evacuation of 30,000 people.
13 It shut or affected the operation of 12 courts. In Arizona,
14 like a number of court systems, we operate juvenile probation.
15 We also operate adult probation and, what's kind of unique in
16 Arizona, we operate the juvenile detention center. So, we had
17 kids locked up in a juvenile jail, if you will, that had to be
18 considered.

19 So, when it became clear that these fires were going
20 to spread to communities, and it did wipe out 425 homes and
21 businesses, it looked like it was going to roar through some
22 fairly large towns of 10,000 to 20,000 people in Arizona, it
23 looked like it was inevitable, we did start to do things like
24 stage computers and equipment that we thought would be wiped
25 out in the courts. Luckily, we have a state-wide computer

1 system so we were able to back up data so that if the court
2 records were lost, at least we knew we had good electronic
3 data. We staged a bus near the juvenile detention center in a
4 prison that was located nearby in the event that we were going
5 to have to evacuate kids. Then started looking at the legal
6 issues, all of the tolling orders, the what do you do with the
7 statute of limitations, what do you do when you can't get
8 jurors into courts, et cetera.

9 So, our Chief Justice -- we have fairly decentralized
10 system in Arizona funded-wise and authority-wise. Our chief
11 issued an order that delegated the presiding judge, the Chief
12 Administrative Judge of the county where this was going, really
13 enough authority to suspend the Bill of Rights I think if we
14 look back on it. I mean you can issue any orders necessary to
15 maintain order, and she did. In fact, I'll commend to you,
16 there's a packet of orders I think and probably on the CD rom
17 that they've put -- and we'll probably come back and talk about
18 some of things because there are both the legal issues and then
19 a whole number of administrative issues that my guess is that
20 most of you will not have thought of that a real practical
21 reality of the court staff that we could talk about that we got
22 into.

23 DR. SALOKAR: Bob, did you want to add some of this
24 to the issue about right after the event? Because here you had
25 an issue where there was no preparation time. Did your event

1 parallel in some ways to New York City?

2 MR. DENNIS: Yes, it sure did. In Oklahoma City of
3 course it was instantaneous and I was in the Murrah Building
4 when it was bombed and I ran back afterwards back to the
5 courthouse and of course it had been evacuated with court
6 personnel. The damage, a lot of people don't realize how much
7 damage was done to the courthouse itself, but the ceilings, a
8 lot of the ceilings came down, the lighting fixtures and
9 heating/air conditioning ducts, and so forth. Had several
10 people injured in the courthouse itself. So, it was just mass
11 chaos.

12 But I went back to the courthouse to check on the
13 personnel to see if everybody was evacuated. We did have an
14 evacuation plan that I was told that worked very well that
15 people -- our four monitors and four wardens were in place and
16 helped people get out of the building and to use the various
17 exits to get out of the building. Outside of course was just
18 mass chaos. Most of the employees parked in the Murrah parking
19 garage, which was underneath the Murrah building, so all of
20 their cars were pretty much in the Murrah building. Then that
21 immediately became a crime scene investigation. They had it
22 taped off that evening. I went back down to the courthouse
23 with the Chief Judge after I'd go to the hospital for just
24 minor injuries during the day. I got my eyes checked and so
25 forth.

1 The Chief Judge got back in town and he called me up.
2 So, we went back down to the courthouse and got through all
3 the security lines. At that point, as you said, it looked like
4 a military compound. You had various levels. You had the
5 National Guard perimeter and then inside of that was the city
6 police perimeter. So, you had to go through all these
7 perimeters to get in. Since I was with the Chief Judge, we got
8 in fairly easily to the courthouse. But we went back to the
9 courthouse to assess the amount of damage there and to see what
10 we had because neither one of us were in the building at the
11 time of the blast.

12 The very next morning we had a massive meeting of all
13 the agents, federal agencies downtown. We met to discuss, and
14 at that point we still didn't know how much or how long we'd be
15 out of service or how much damage was done to the courthouse.
16 But we had a calling tree in place and we started the managers
17 calling people. To this day I don't know how everybody got
18 home because their cars are still in the parking garage. It
19 was several days before we actually got their cars out. One of
20 the major concerns that people left so quickly, a lot of people
21 left their purses and personal items, had their checkbooks and
22 money and so forth. Plus somehow they got home without their
23 automobiles and caught rides with other people and just had to
24 call people to come and pick them up.

25 But it was very much like in the days following, they

1 set up fences. You couldn't get into the front door of the
2 courthouse. You had to go through another building and
3 crosswalk and get down to the court clerk's office. But it was
4 like -- and it went on for weeks with the rescue effort and
5 also the recovery effort across the street. A lot of the
6 employees, you know, had talked about just remembering the
7 diesel smell of trucks and all of the military trucks and all
8 the stuff out in front of the courthouse was there for weeks.

9 DR. SALOKAR: You actually are sitting at this table
10 with a little bit of a different perspective as somebody who's
11 a litigator in charge of a large case load. I'm wondering what
12 your perception was of the way the courts worked rather than
13 your office specifically. But you asked someone who is a user,
14 if you will. What was your perception of what happened in the
15 immediate 24 or 48 hours with respect to the courts? What did
16 you see as a chief of a Torts Division?

17 MS. LIOSIS: Our office is one block literally north
18 of the Trade Center and we watched the planes hit that morning.
19 We were evacuated. Fortunately, we have borough offices, the
20 Tort Division does, and we based -- well, I was out the next
21 day but the day after we came in there with a managing attorney
22 and some of the senior executives in the Law Department. We
23 had 1,000 employees citywide, 600 of which are in Manhattan,
24 200 of which are my employees.

25 Basically from there I began planning what to do and

1 the first thing I did was to visit the Administrative Judges.
2 I started in New York County with Judge Silverman and then in
3 Brooklyn with then Judge Pesce and we discussed the situation.

4 They were extraordinarily receptive and well, they were just
5 overall terrific. They were very understanding. We had no
6 files. We were completely displaced. We were non-functional
7 for the most part, our Manhattan cases. Then I would say they
8 were very receptive throughout the whole process. We had no
9 police officers. We had no firefighters available. We had
10 many, many trials involving police and fire. We didn't ask for
11 any blanket exemptions. We determined that wasn't appropriate.

12 We did ask except for police and fire, and the courts were
13 extremely I would say receptive. But it required -- that was
14 our first reaching.

15 I guess this morning it was the same type of thing.
16 We just focused, organized, triaged, and the first concept was
17 to get to the Administrative Judges, tell them we're here,
18 we're still functioning, we're in control, even though we
19 weren't quite sure exactly what we were going to do without our
20 files, but we got it together pretty quickly I must tell you.
21 The Bar was wonderful. We got placed ultimately in 40
22 different law firms and agencies. I think quick response is
23 the way to go. We immediately -- I got my managers back, my
24 senior managers back. A lot of people were concerned. They
25 didn't want to come in. They preferred to work from home.

1 Thought it was important to get people -- the human kind of
2 contact, come back and tend, and that's what we did.

3 We had a lot of legal issues immediately. We had to
4 reach out. We had insurance issues, FEMA issues, death
5 certificates our office, we had to begin issuing. So, there
6 were many, many attorneys on our staff who were at the pier
7 from all divisions issuing the death certificates. So, it was
8 very complicated. Everything was tort related. I was
9 conferencing every day just about, working very long hours,
10 weekends. We did the whole telephone chain thing.

11 DR. SALOKAR: That raises a question about who
12 actually should be responsible for seeking tolling orders or
13 asking for tolling orders, or who is responsible actually for
14 issuing the tolling orders, as we heard a little bit earlier.
15 Frank, I know in Miami the state attorney at that time was
16 Janet Reno. Went to the Florida Supreme Court to ask for a
17 tolling order. Do you remember that story? Were you --

18 MR. RABBITO: Well actually, the Chief Justice of the
19 Supreme Court at that time, Rosemary Barkett, was in Miami
20 during Hurricane Andrew. She had family in the area. The day
21 after the storm Chief Justice Barkett was at the Miami Dade
22 County Courthouse with our Chief Judge at the time and court
23 administrator trying to assess exactly what had happened in
24 Miami Dade County.

25 We have come a long way. Preparation for us is

1 extremely important. We were prepared at the front end.
2 Anyone who lives in a coastal state that's subject to being
3 struck by a hurricane certainly understands the need for
4 preparation. You go to the supermarkets and you get your water
5 and you get your canned foods and you buy lumber, or you now
6 install your hurricane shutters. You pretty much just wait and
7 batten down until whatever is going to hit you leaves.

8 Prior to a storm, the National Hurricane Center is in
9 charge. There are people who work all around the National
10 Hurricane Center; mayors, chief judges, any governors and all
11 of their emergency preparedness personnel. But the National
12 Hurricane Center is in charge.

13 Not quite gets to your question but I think it's
14 important to make the point that what happens in the aftermath
15 of a disaster is predicated on how well you have made your own
16 individual plans, how well you have taken care of yourself and
17 your families and how well your community is able to respond to
18 the disaster itself. No one knew what Hurricane Andrew was
19 going to be like for South Florida and for South Miami Dade
20 County. The governor had gone on radio and television and said
21 that apparently South Florida missed being struck by the storm.

22 One of the reasons was no one knew that South Miami Dade
23 County, roughly a third of the county, was completely gone.
24 90,000 homes destroyed, 225,000 people homeless. Obviously,
25 some of those individuals were court employees and judges.

1 There was no way to communicate. You could not use your cell
2 phone. There was obviously no electricity and emergency
3 vehicles could not get into the area. Roads were completely
4 shut down. My home was destroyed. It took me 24 hours to
5 figure out a way to get the heck out of my neighborhood. It
6 was a rather twisted and serpentine route, but we did it.

7 So now, because we experienced such a tremendous
8 tragedy, people are deployed in different ways. We know how to
9 get in touch with all of our employees. We have their
10 emergency contact numbers. We have other family phone numbers
11 that we can call just in case they can't get to us but they can
12 get to their mother in Duluth. Okay? We'll try and call
13 Duluth and see if they heard from so and so because
14 communications are all kinds of -- they happen in all crazy
15 ways.

16 Our emergency preparedness people now have backup
17 communications. I have a picture in my office of a fire truck
18 with a ladder extended and an aerial antenna on top of it.
19 That's how radios worked in our county after Hurricane Andrew.

20 There was no way to communicate in the area because every
21 radio tower was down, gone. No police communication, no fire
22 communication.

23 When the military finally showed up and the army
24 arrived, we then began to have some structures in place so that
25 one, people could receive whatever emergency medical care they

1 needed and you could begin to deploy personnel in Hum-Vees and
2 the like to go out and try and find everybody who needed help
3 and guess what? It was everybody, 250,000.

4 So, know how to get in touch with your employees.
5 Your community needs to be prepared for the recovery locally.
6 First responders are the people who are going to be there,
7 police and fire. Now what happens in Florida and probably
8 every other state, your governor starts to deploy people as
9 close to the affected area as he or she can. It could be a she
10 in the near future somewhere. And FEMA begins to deploy people
11 in advance. The luxury of a hurricane is you know it's coming.
12 We live with this six months out of every year, although the
13 height of the hurricane season is really August and September
14 as evident by what is out in the bodies of water around the
15 country right now today.

16 So, that to me is the most significant aspect of
17 recovery is having people prepared for deployment. Who's going
18 to go into your courthouse facilities? You do not want anyone
19 just walking in there. There has to be someone or some bodies
20 designated to go into the facility and assess it. That may
21 mean having to work very closely with your police chief,
22 sheriff, whatever you call the chief law enforcement in charge
23 of your community because guess what? They will block your
24 admittance. If your building is a county building rather than
25 a court building, the county may block your access.

1 So, all of this in advance. Who are the people --
2 who's going to be responsible, who's going to make the
3 assessment? How is the assessment going to be relayed. That
4 will determine how long your courthouse or courthouses are
5 going to be closed because there's no one who's going to know
6 until someone goes in there and looks. There has to be people
7 identified at the front end who are going to go in there and
8 give the assessment. For Hurricane Andrew we closed our courts
9 for one week. One week. It was unprecedented. Florida had
10 never closed a court. Never.

11 Now, because the storm was like a weed wacker and
12 everything in its path was cut down, but anything to either
13 side was standing. You could drive across a street and have
14 destruction and on the other side not even know that a
15 hurricane had hit. My dad relocated to my house. He lived in
16 the north end of the county. When he went home he had his
17 electricity. My house was down, leveled.

18 So, I think those are some of the important points to
19 make and I've made them.

20 DR. SALOKAR: Let's go to some of these practice
21 issues a little bit and the tolling order in particular I think
22 because a couple of people have asked about that. Judge
23 Scherer, can you talk about that from the criminal perspective?
24 To what extent did you want a blanket tolling order? Did you
25 seek one? Did you do it ad hoc?

1 JUDGE SCHERER: We didn't do anything. As Judge
2 Lippman mentioned in the earlier session, the Central
3 Administration was in touch with the governor's office and
4 Judge Lippman also has attorneys on his staff who were
5 instrumental in making suggestions to the governor about what
6 statutes are needed to be dealt with.

7 On a practical basis and in my court there really
8 weren't any issues because the statute of limitations does not
9 really significantly have an impact on a felony trial. There
10 are concerns about speedy trial, but I think everybody felt
11 from the outset that there would be good cause exceptions which
12 the statute already provides for. So, I don't think that there
13 was any real concern that that was going to be a serious issue
14 in terms of litigation in the future. Actually, it was Judge
15 Kluger's court that had a more immediate problem with respect
16 to tolling statutes. I'm going to let Judge Kluger fill in.

17 JUDGE KLUGER: In addition to defendants awaiting
18 arraignment that had to be handled, in New York City, as I'm
19 sure -- in New York State, as I'm sure in many of your
20 jurisdictions, a defendant who is in custody after arraignment
21 is entitled to a probable cause determination within a certain
22 amount of time. Generally in New York it's six days. That
23 requires generally in New York a presentation by the prosecutor
24 to a Grand Jury and those presentations generally involve
25 police officers. The situation that we had where police

1 officers were re-deployed, we were basically told that no
2 police officers would be available for any testimony, not a
3 hearing, not trial, not Grand Jury for at least a month. That
4 was the original determination by the police. That changed,
5 but that's what the -- the next day, that's what we were
6 confronted with.

7 Additionally, even civilians could not access the
8 area, assuming that a civilian was a witness necessary for the
9 Grand Jury proceeding. So, the prosecutors rightfully were
10 concerned that they would be able to make their time period.
11 They requested that we give a blanket two week adjournment of
12 all those cases. After consulting with the judges we decided
13 that we felt that the cases should be heard on a case by case
14 basis and that the people held in custody, some of whom by the
15 way were held already six days because they may have been in
16 and September 11th was the day there would have been a Grand
17 Jury presentation.

18 So, by doing that, and I think this is a good lesson,
19 we told the prosecutors and we had meetings and we got everyone
20 together and we let them know our plan that we were going to
21 have all these cases called on a particular day about a week
22 after the 11th and we would go through the cases case by case.
23 That is in fact what happened. Because of that, several
24 things happened. Prosecutors reviewed their cases and some
25 defendants were released. Good cause extensions were granted

1 because there was good cause. It did put some pressure on the
2 Police Department to release those police officers to testify
3 sooner. It may not have been that day, but we had police
4 officers for the Grand Jury I think within a week or so and
5 that month period where we were told we would not have police
6 officers shrunk somewhat. Of course, we were mindful that they
7 were busy elsewhere, and rightfully so. There was the concern,
8 there was the rescue and recovery that was going on as well as
9 concern about future terrorist activities. But we found that
10 by kind of pushing everyone to start looking at the cases
11 sooner, we had activity sooner than we might have had
12 otherwise.

13 By the end of that two week period when we looked at
14 all those original cases, the great majority of them were
15 resolved. Many of the defendants were released from custody
16 and they would have been in jail two weeks longer in addition
17 to the fact that there would have been new cases that we would
18 have had to handle. So, that's how we dealt with it.

19 JUDGE SCHERER: I would only add one other thing that
20 I just thought of in terms of bench warrants. I made a
21 decision that no defendant would -- no bench warrants would be
22 issued for the arrest of defendants who failed to appear in the
23 first two weeks after the court opened. I had a meeting with
24 the judges immediately upon reopening the court. I think that
25 it wasn't certainly a problem convincing people that that was

1 an appropriate thing to do. When lawyers came back to the
2 courthouse and when defendants came into the courthouse in the
3 first instance, we had fliers to hand out to tell people where
4 their cases were going to be and what reorganization we had
5 effected. Included in that was a statement about the bench
6 warrants so that lawyers would feel that they weren't pressed
7 to find their clients and get them to the courthouse in a very
8 short period of time.

9 DR. SALOKAR: Jack, can you talk a little bit about
10 how you dealt with that with the floods and the records and to
11 what extent did you have to also seek some kind of over-arching
12 tolling order or was it an ad hoc case by case basis?

13 MR. THOMPSON: The thing that happened with us is in
14 the felony division of the courts, we have a 24 hour, seven day
15 a week operation, and the judges make sure that that never
16 stopped. Even the night of the worst part of the flooding,
17 they were in a facility that could keep continuing. It wasn't
18 necessary for any kind of tolling order. The judges decided
19 that they would not forfeit any bonds during the period and
20 that relieved some of the minds of some of the attorneys and
21 the bondsmen. But our goal was to make sure that the felony
22 process did not stop because it was said earlier how important
23 it was to the community to see that the system had some
24 continuity.

25 DR. SALOKAR: Faye, from your end, I mean now not

1 talking about the immediate aftermath but talking a little bit
2 longer in terms of as litigation goes on, I'm sure you still
3 have instances where you have difficulty finding witnesses or
4 evidence. Have you confronted any of that even a year now
5 after 9/11? Have your attorneys confronted that?

6 MS. LIOSIS: Yes. Mostly we have problems with
7 files. We had stored quite a few of them in our basement which
8 a stream we've learned runs under our building. When the sump
9 pump stopped working there was many feet of water in the
10 basement. So, we lost a lot of paper. Witnesses, not as much
11 as we would have thought. Mostly the file reconstruction
12 problem.

13 DR. SALOKAR: Have the judges pretty much dealt with
14 it on a case by case basis or have you --

15 MS. LIOSIS: Yes, the judges have been very
16 accommodating. They opened up the courts to free copying of
17 files in the courthouses and our adversaries also. Well,
18 sometimes when we've been against attorneys who also lost their
19 entire offices, so we had to rely on reconstructing files,
20 which is somewhat difficult but it really hasn't been
21 devastating.

22 DR. SALOKAR: One of the things that Judge Scherer
23 has talked about when we had our call a couple of weeks ago was
24 the importance of people and the whole human interest side of
25 it. I think I just kind of throw it out to the panel to what

1 extent did you establish some type of post traumatic stress
2 counseling, you know, advising the individual employee? I know
3 we heard a lot about communication but there's a whole panel on
4 communication over there in terms of trying to get a hold of
5 people, but I'm kind of curious what effects did you see on the
6 employees on an individual basis and how did you cope with
7 those and what would you recommend? Judge Scherer?

8 JUDGE SCHERER: Well, I'll just start by saying that
9 two of the three court officers who were lost worked in my
10 court and so I think all of us were in shock and many people
11 came to the courthouse as a way of finding out information
12 about those lost officers. It was I think several weeks before
13 we all reconciled ourselves to the fact. We look back at it
14 now and it seems almost foolish that we thought that there was
15 a possibility that people were going to come out of that
16 building. But yet when it was happening, we did. And we spoke
17 of them for many weeks after as missing, not as lost. You can
18 see I'm still upset about it. It was a very difficult thing.

19 I'm not sure that we handled the psychological aspect
20 of it immediately as well as we could have. I don't know what
21 the answer to it is. I know that we made counseling available
22 to everybody. We were very liberal about taking time to do
23 that. We had counselors at the courthouse. We had counselors
24 off site so that if people wanted to go not in the court
25 setting, that was available to them. We did our best to make

1 transportation available to people if they were going to the
2 off site location.

3 One thing that we didn't do is insist that people
4 come to group meetings and meet the counselors. Later on I was
5 talking to Judge Kluger about that recently that I thought
6 maybe we should have done that because maybe it was too
7 abstract for some people and maybe people didn't realize that
8 they needed it because they didn't have the opportunity to
9 speak with someone or find out how helpful somebody might be.
10 So, I thought maybe if we had insisted people come in groups
11 that that might have helped some people to make the decision to
12 seek counseling.

13 I still think it's important. I've spoken with court
14 officers as recently as a week ago. Well of course we just had
15 our anniversary services. I still think that it's important
16 that there are clearly people who are still in the command who
17 need help. We were very supportive of employees who wanted to
18 go to funerals, memorial services. We gave as much time as
19 anybody needed to do that. We provided transportation to
20 everybody. The court system itself had many different types of
21 memorials and prayer meetings that we supported. We had a fund
22 raising effort among the judges. Every judge made a
23 contribution to the fund that was supported by the Office of
24 Court Administration as a way of letting people feel that they
25 could make some contribution whatever it was.

1 DR. SALOKAR: Dave?

2 MR. BYERS: You know, we had this fire that went on
3 for several weeks, so on one hand it wasn't like boom,
4 something happened. But what I saw throughout the event was
5 the fatigue that set in with the leadership. It's something to
6 be aware of. You know, judges, you're not invincible. You
7 know, our presiding judge is a native of this particular
8 [inaudible], he's a Native American. The ground -- the fires
9 were burning sacred ground to them. It was the mainstay of the
10 economy of the tribe up there, the timber industry. So, it
11 takes a toll personally on the leader in charge.

12 Our probation officers were assigned 24 hour duty
13 to -- they were dispatched to work with the fire departments
14 because what happens in a fire, the local fire departments
15 fight the forest fires. They're trained to do that. Other
16 communities send fire trucks and equipment to the towns then.
17 Unfortunately, when they get a call they don't know where any
18 of the streets are. So, we put probation officers and court
19 staff on all the fire trucks to guide them through the
20 communities, when somebody had a heart attack or any kind of
21 other emergency.

22 But after several days of this, the people became
23 very fatigued. I could see that maybe the decision making
24 wasn't as coherent. They were just trying to do too much. We
25 were running a 24 hour court. I didn't mention that, but we

1 set up a court right on the fire line because the law
2 enforcement personnel didn't want to have to transport people
3 who refused to obey orders or vandals or whatever. They didn't
4 want to transport them back to where the courts were. So, we
5 just set up a court in an office and had a judge on duty 24
6 hours a day. They appreciated that immensely. The whole
7 community did. But it does take a toll when people are doing
8 shifts of eight or ten or twelve hours.

9 So, what we finally did is we dispatched new
10 probation officers and judges into the area to relieve the
11 folks who were stressed and tired because of the ongoing fire.
12 In addition, their families were being displaced. We had
13 30,000 people evacuated. Some of their homes were burned down.
14 So, you've got to I think look if something is going to go on
15 for awhile, how can you bring relief here? Secondly, those
16 people in charge do need to get sleep and eat, and it might be
17 necessary to bring in some people even at the leadership level
18 to help support them because they may not recognize the fatigue
19 that sets in.

20 JUDGE KLUGER: I just wanted to add something about
21 the aftermath in terms of the emotional impact. You know, at
22 least in New York the towers fell, but everyone was afraid that
23 something else was going to happen. So, we were dealing with
24 the high level anxiety. If you recall the anthrax scares. I
25 mean suddenly after, which was a very short time afterwards, a

1 couple of courthouses we had to close down areas because there
2 was a fear of anthrax.

3 Additionally in lower Manhattan there was the air
4 quality issue. We had been assured by the city that it was
5 safe to be down there but many of our employees were scared.
6 And just a little anecdote, I started to think am I crazy or
7 are they crazy because the Monday afterwards the elevator
8 opened and there were three employees with those triple snout
9 gas masks. So I'm saying why are they doing that? You know,
10 we were told it was safe, but there was a lot of skepticism on
11 the part of people as to the safety of the area. So --

12 JUDGE SCHERER: She's not telling you about the judge
13 who took the bench with a gas mask on.

14 JUDGE KLUGER: I tried to block that out. But it's
15 important to kind of keep the communication open with the
16 people. What we did is we sent people out in all the boroughs
17 because it didn't just affect lower Manhattan, to explain to
18 employees the new procedures we're putting in to check the mail
19 because of the concerns with anthrax, the procedures that we
20 were putting in for evacuation because again, there's things
21 that we learned and I think we will do better if we have to do
22 it, hopefully we won't, the next time. But there's an ongoing
23 trauma particularly with something like this where you just are
24 never sure when the next shoe is going to drop, and that was
25 great concern that week.

1 JUDGE SCHERER: I just want to say something about
2 evacuation, to evacuate or not to evacuate. As you know, all
3 the Administrative Judges were in Albany at the time and I
4 think the first instinct was to evacuate the building. Then we
5 met and talked about whether or not that was the best thing for
6 the people in the buildings. We were sending people out into
7 the street. We had no idea what was going on in the street,
8 whether the subways were going to be safe, whether people were
9 going to be able to get home. So then we made efforts to open
10 the buildings again and we called downstate and said anybody
11 who wants to come back into the building, if they want to sleep
12 there, we'll make arrangements for that. So, I don't know what
13 the answer to that is.

14 And we faced that, as Judge Kluger is alluding to,
15 afterwards there would be rumors from one building to the next
16 that there was a bomb scare at 60 Centre Street. All of a
17 sudden the employees at 111 Centre Street were leaving the
18 building. They were self-evacuating because they were afraid
19 and they didn't have enough information. Then the question was
20 how much information do you give the employees? We had a
21 procedure for dealing with bomb threats. It involves the court
22 officers going there and looking at the package, making some
23 decisions, calling the police. Then the police show up in
24 their uniforms. So, when do you tell your employees that
25 there's a bomb in the building? How much information do you

1 give them? How do you control -- you can't have every 20
2 minutes people leaving the building. I don't have the answers
3 but those are some --

4 JUDGE KLUGER: And all you have to see is those guys
5 in the space suits come into the building. That makes
6 everybody crazy.

7 JUDGE SCHERER: And the anthrax thing. So, talk
8 about the continued and building stress on your employees.
9 It's very, very difficult.

10 DR. SALOKAR: Bob, do you want to talk about how you
11 dealt with employees in the sort of long run --

12 MR. DENNIS: Yes, it --

13 DR. SALOKAR: -- and your own sort of dealing with
14 it?

15 MR. DENNIS: Yes. I think seven and a half years
16 after the Oklahoma City bombing you're still dealing with the
17 emotional impact of it. I can tell from time to time and the
18 anniversary of the bombing people are still affected even to
19 this day. 9/11 really impacted the employees in Oklahoma City
20 because of their experiences. One of the ladies in my office
21 lost her 14 month old daughter in the day care center. Another
22 law clerk, his son was seriously injured in the day care
23 center. So, our court was very much impacted emotionally by
24 the bombing of the Murrah building.

25 I think one thing that stands out in my mind that I

1 think I learned is you have to be very sensitive to people and
2 how they handle tragedies differently. Everybody doesn't come
3 from the same background, the same mind set. Some people have
4 to take more time to deal with it. Some people -- we were very
5 lenient on leave. Those who did not want to come back the
6 following week did not have to. We granted administrative
7 leave to stay home.

8 Fortunately, other courts had volunteered personnel,
9 so we had a lot of people coming into the court that carried on
10 business. So, those people that did show up, and most people
11 did, it was a very emotional thing for them to come back to the
12 office and to have something to do because all they saw on TV
13 was the Murrah bombing and the aftermath and all of the news
14 about that. So, it was refreshing and it was emotionally
15 uplifting for them to come back to the office and be around
16 other people who had common experiences and they could hug and
17 be a part of the family. So, for a lot of them it was
18 important to get back to the office.

19 But to be back in the office by itself and not to
20 have to sit down and do a job all day long, they couldn't do
21 it. They could sit down maybe for an hour or two at a time,
22 but they needed a break so they'd just get up and leave. So,
23 that was the importance of having other people there to help
24 fill in and help continue the work load so that the people that
25 had gone through the experience that they were going through

1 could emotionally get up and kind of unwind and walk around,
2 and so forth.

3 There was a chapel set up across the street near a
4 church, right across the street from the Murrah building, and a
5 lot of the employees would periodically go over there just for
6 a moment of contemplation. They may go in a group of two or
7 three at a time. That was very helpful in getting over the
8 crisis.

9 MR. BYERS: You know, some of the things we found in
10 addition to the emotional trauma were little things that people
11 may not think about but really concern employees, particularly
12 the lower paid court employees, if you will. I know there's
13 federal folks here and our state budget situations are much
14 different than Federal Courts and federal situations. They're
15 really under tight constraints funded locally. We were at the
16 end of a fiscal year, so you have all these locally imposed
17 rules like no overtime. They don't pay for cell phone, private
18 cell phone usage. They had rules that said if you don't use
19 your leave time by the end of the fiscal year you lose it.
20 Well, all these employees here, your last few weeks of a fiscal
21 year they're saying now wait a minute. I'm working around the
22 clock, I had a vacation planned. Am I losing my time? I'm
23 using my cell phone for communicating. Who's going to pay this
24 bill? So, one of the nice things our presiding judge did is
25 dealt with all of those. Just whether she had the authority or

1 not, she issued orders saying we're paying the cell phone
2 coverage. The county policies regarding overtime are
3 suspended. Forget about -- you're not going to lose your
4 vacation time. All those things did help employees have a
5 little bit of relief in the midst of the crisis. We didn't
6 know how we were going to pay all the bills but we did sort it
7 out afterwards. But those things did help the employees.

8 DR. SALOKAR: One of the things we keep hearing
9 coming out of this is creativity and I think that's a really
10 important message to take home. When you can plan for events--
11 I don't think you could ever plan for a 9/11 and I probably
12 don't think we can plan for Hurricane Andrew with the immense
13 devastation that takes place. But we can do this planning, but
14 at the same time you've got to have people in those right
15 places to make the creative decisions, the take charge
16 mentality, the forward march, but let's make sure and turn
17 around and make sure the troops are behind you if you will.

18 What I'd like to do now is give you the opportunity
19 to ask questions and we'll try to do this as orderly as
20 possible.

21 AUDIENCE SPEAKER: I have a question for Judge
22 Scherer. You talked about in terms of we all have formal
23 disaster plans. You spoke of yours concerning bombs, et
24 cetera. Those obviously go out the window when you have a
25 massive catastrophic problem. But within those formal plans,

1 were those referred to? What were the important portions of
2 those plans which gave you the flexibility to respond
3 appropriately, or do those just go out the window the first
4 week or ten days?

5 JUDGE SCHERER: I think they basically go out the
6 window. First of all, I think that the plan that we had in
7 effect before 9/11 I mean we had to look for it and we didn't
8 even really know where it was. You know, there had been -- I
9 don't even know why it was developed. Maybe ten years earlier
10 something happened or somebody had the good idea that we should
11 have such a plan. But it didn't necessarily relate, it didn't
12 relate at all to a situation like 9/11. It really had to do
13 with more like an emergency inside the courthouse. Nobody
14 imagined that it would be this catastrophic event outside the
15 courthouse which would basically shut us down in terms of
16 communication and being able to operate.

17 So, I think the one good thing that we had, plan or
18 no plan, was that we have a very structure in terms of who's in
19 charge. As long as you know who's in charge and who to look
20 for for the decision and who to feed the information to, then
21 you can proceed and you can deal with all of these issues that
22 are completely unanticipated. Then as you go along you begin
23 to anticipate what the next thing is going to be. I mean after
24 you've had the first bomb threat, then you know well now we
25 have to figure out what we're going to do about bomb threats.

1 So, when the second one comes you're a little more prepared and
2 you deal with as you're developing the plan and as you
3 implement it, then you can make adjustments as you go along
4 depending upon what works and what doesn't work. I think it's
5 a good idea to have a plan because it makes people feel like
6 they're doing something. But in an event like 9/11 I don't
7 think it really is all that awful.

8 DR. SALOKAR: Did anybody on the panel have a plan in
9 place that they used?

10 MR. RABBITO: Only for hurricanes. Nothing that
11 comes out of the air.

12 MR. THOMPSON: We had plans for if someone had a gun
13 in the courthouse or something like that.

14 MR. RABBITO: Civil disturbances.

15 MR. THOMPSON: We couldn't have scripted out --

16 MR. RABBITO: Ground stuff.

17 JUDGE KLUGER: But some basics like telephone numbers
18 in hard copy, which we had because we prepared for Y2K,
19 different contact people. I mean those kind of things you pull
20 out and you say I hope I updated this last month, which I'm not
21 sure we did, but we're doing a better job.

22 MR. THOMPSON: I think the thing about names and
23 telephone numbers is important. You know, I had those in the
24 computer at the office and I couldn't get back into the
25 building. Now, I have them in the nightstand next to my bed.

1 AUDIENCE SPEAKER: I am Judge [inaudible], Judge
2 Kluger's colleague. I was not at the conference at Albany. I
3 was in the courthouse at 60 Centre Street when the attack took
4 place. The plan we had in place we did follow in the sense
5 that we had the senior court office was in my room right after
6 the first plane struck. We had a marshal from the Federal
7 Court that was feeding us information in my chambers. The
8 question of whether to evacuate or not to evacuate was not an
9 easy one as people think because the question was are the
10 people in our building safer in the building or are they safer
11 on the street? The information that was coming in was of
12 course that there might be people with suitcases around who
13 might have bombs in the subway, that the subways might be under
14 attack and the next source of attack. There was --

15 AUDIENCE SPEAKER: [inaudible].

16 AUDIENCE SPEAKER: Well, but the point is that we
17 didn't know right then. You know, so the question was where
18 was the next attack going to be and was it safer for us to
19 maintain the people. When the information came out that of
20 course the courthouse, we were right adjacent, 60 Centre Street
21 was right adjacent to the Federal Court and we had been once
22 with a bomb. There was the theory that it was better to get
23 the people out.

24 Now, we have a communication problem in our building
25 because the communication system, the fire alarm system is DGS

1 city. They do not let us, to wit me, court administration get
2 on the fire alarm system and make an announcement. So, what we
3 had to do was talk to the court officers who went around
4 individually. The court officers performed a marvelous service
5 of evacuating that building without trauma in all our buildings
6 by knocking on each door and making sure everybody left because
7 like the judge sitting to my right didn't want to leave. I
8 mean, you know, she had work to do and there were people that
9 felt that way.

10 What we're talking about about the aftermath
11 emotionally, which was serious because there was the acrid
12 smells and the smoke and the soot and the lack of
13 communication. To this day now the entire area has changed
14 because it is truly a war zone. If you come to downtown to the
15 New York courthouses to this day there are stone boulders
16 around the courthouse. To come to the courthouse you have to
17 pass through federal security which was even heightened just
18 the week of the September 11th year so that dogs were sniffing
19 in the judges' cars, so that we have a real problem with
20 judicial and non-judicial personnel on emotional things that is
21 to this very day and concerns about what happens if, and how do
22 we do it.

23 JUDGE SCHERER: I was just going to make one small
24 practical suggestion. If any of you should confront any of
25 these type of problems it's a very good idea as you're going

1 along to write down what the problem was and what your solution
2 was. I was lucky because the Vira Institute did a report on
3 how the courts responded and they sent someone to the
4 courthouse about a month after 9/11 to interview us on several
5 occasions. It made us go back and think about what we had
6 done. You don't think about writing down what you're doing.
7 You're so busy making decisions. It was so helpful to -- it's
8 been so helpful to me to look back at that report and remember
9 what things were that were a problem and how we solved them.
10 So, I just suggest that to you as a way of coping in the
11 future.

12 DR. SALOKAR: Professor Wasby?

13 PROF. WASBY: A couple of things about the matter of
14 stress. One type of stress seems to me hasn't been talked
15 about enough here, more by way of a comment than a question,
16 and that's what I call dislocational stress, judges, but also
17 the staff. I'm more familiar with the Ninth Circuit situation
18 where you have staff attorneys having to work out of home and
19 not being able to see each other. Just to pick one very small
20 example, the Law Department because I happen to know someone
21 who works for the Law Department. The scatterations you have
22 talked about, it's not the immediate sort of stress but it's
23 there and it's longer term.

24 Another thing about stress, I hear a great deal of
25 sensitivity about leaves and things like that, but one of the

1 real tricky problems is a paternalistic one. What do you do
2 when you have a staff person who clearly needs help and is in
3 denial. I'm not asking for any answer. I just want to raise
4 that as part of that mix. And I'll come back to some other --

5 DR. SALOKAR: Faye, why don't you take the
6 dislocation and then we'll let --

7 MR. THOMPSON: We had 36 judges that were affected in
8 the Criminal Division that had no place to work. There was one
9 courtroom that we could use and judges don't share well. Once
10 they get on the bench -- they came up with a schedule that they
11 had it two hours a week and they had a team. Well, sometimes
12 they would go with their two hours and the other team would be
13 in the hall wanting on the bench. They would come to me and
14 say, "Get them off the bench." And you know I could not do
15 that. There was a certain amount of -- these were public
16 officials that had no office, no place to work. When we told
17 them to stay home, that didn't set well because they think I
18 have to come to work.

19 There was some anger after probably a week or so
20 wanting to blame somebody. Who do you blame for a flood? But
21 that was in the system there. We've got to blame somebody for
22 this happening to us. Finally, we were able to get a chair, a
23 folding table and four chairs and put it in a large room and
24 every court had a table and four chairs, and eventually they
25 had a telephone and a computer. That was a long ways from

1 their chambers on the 15th floor of the Criminal Justice
2 System. So, there was that dislocation. Staff felt like they
3 didn't have a place to work. There were the problems when you
4 put 150 people in a small room.

5 One of the things that happened is food seemed to be
6 the cosmic glue that held the thing together because people
7 started sharing recipes and they started bringing in food.
8 Lawyers would bring, because it was hot and there was not
9 adequate air conditioning in this facility, law firms would
10 bring ice and cold drinks and fans. So, a community spirit
11 developed.

12 DR. SALOKAR: Faye, you want to go ahead and talk
13 about dislocation?

14 MS. LIOSIS: Yeah. I would say that the procedural
15 aspects of planning are more remedial, remediable than the
16 psychological ones and I think we were rather deficient and I
17 think we still are. I think if there was a lesson that we all
18 learned from this is that it would be great if there could be
19 more focus on educating particularly professionals in the wide
20 range of reaction to the dislocation and to the stress of
21 having watched people jump out of windows, you know, at the
22 Trade Center and that some people, you know, that there were
23 just very varied reactions of whether they were able to come
24 back.

25 I think for us the dislocation wasn't so much with

1 the attorneys with the problems because once we got our U-
2 drives on CDs -- of course our backup was in our building,
3 which we learned was not the best thing to do, they were able
4 to work from home. But our support staff -- and this is where
5 the sensitivities really -- I feel what I did, because I didn't
6 want to have this situation where our support staff were coming
7 in and our attorneys were working from home because it's easier
8 for them to work from home. I think it's a very important
9 thing to keep in mind that when you have a mix of professionals
10 and non-professionals, you have to make the professionals come
11 in as well as the non-professionals. I think from that
12 perspective it's a very important morale issue. You just can't
13 have -- because they are the most important people getting you
14 back up are your non-professional staff. It's a very important
15 thing to be mindful of those considerations.

16 The psychological -- I mean the people, I mean you
17 have to be available, and the compliance and the issues went
18 from complaining about seemingly minor things. I think the
19 complaints though were more reflective of anxieties and I think
20 really it's an education of what -- you can't look at what
21 people actually say during a crisis like this. You really have
22 to be mindful of that's coming from anxiety. Instead of trying
23 to, or being judgmental and saying well, that's insignificant.
24 How can they complain about not having a printer in their home
25 when all of chaos is breaking loose? To learn how to be

1 empathic and yet firm about getting people back -- and I think
2 that's the most -- I do think it's important to get people as
3 best you can together in some type of forum, whether it's rooms
4 or meetings, regular meetings, that sort of thing.

5 MR. RABBITO: Well, that also in the sense that the
6 organization that you're working for is communicating the fact
7 that they're rebuilding and that they are going to replace and
8 that there is going to be a place for you to go back to, and
9 that to the extent practical, dislocated individuals need to be
10 involved in that process so that they know that at some point
11 they're going to get reconnected to something that's of value
12 to them. So that has to be really clear and edited every day
13 until it's done.

14 DR. SALOKAR: Let's get another question.

15 AUDIENCE SPEAKER: I'm curious about civil cases. We
16 all focus on criminal because those are the people that end up
17 in the street if they get released. We have Family Law cases
18 and people that go long distances. I'm wondering what you did
19 about civil cases. I know the judges and other people here
20 worked in Criminal Court but I'm just curious about that.

21 DR. SALOKAR: Let me just add to that question. I
22 don't know if anybody can answer this, but one of the
23 researches after Hurricane Andrew was from the Sociology
24 Department of Florida International University which found that
25 incidences of domestic violence skyrocketed in the six months

1 following Hurricane Andrew, and these were not necessarily from
2 people who were already in the system. These were from new
3 batterers. So, I'm wondering if anybody has seen a change in
4 the kind of litigation as well that goes along with this civil
5 question. The death certificates as well. I know there was
6 a --

7 JUDGE KLUGER: Yes, there was a procedure and maybe
8 Jackie can address some of this. There was a procedure put in
9 place for the issuance of death certificates that were
10 expedited and that was done off site. Also, in the first days
11 after the attack, the emergency applications were heard in a
12 courthouse outside the frozen zone. What we did in terms of
13 domestic violence cases, protective orders that needed to be
14 issued out of the Criminal Court were extended without the
15 parties being present and we just mailed the forms to the
16 relevant people. But we did establish off site spots for
17 emergency applications. I don't know if Judge Silverman has
18 some issues. She is an Administrative Judge of the Civil
19 Court.

20 AUDIENCE SPEAKER: Well of course Judge Fisher, who
21 is the Administrative Judge for the Civil Courts of the City of
22 New York with the Housing issued a thing that no defaults would
23 be taken. We of course had the governor who stayed the statute
24 of limitations in cooperation with the Corporation Counsel who
25 did have files and things like that and didn't even know when

1 their cases were on. We constructed calendars for them and
2 helped give them access to court files. Of course judges were
3 told to balance the needs of both parties in moving ahead with
4 a little bit of concern for the people who were displaced from
5 their offices and didn't have files. After all, 60 Centre
6 Street, which is Civil Term Supreme for New York, we had so
7 many lawyers that were displaced, not only the Corporation
8 Counsel but plaintiff practitioners who had lost their offices,
9 their files, or the offices were standing but they couldn't get
10 into them. So, the judges were very careful to not grant
11 defaults, to keep the calendars running but at the same time
12 for a long time we didn't have very many trials going. The
13 jurors were coming in but of course without police witnesses on
14 many of the cases. They couldn't go ahead. So, the people
15 were still very concerned about family members and didn't feel
16 ready to go to trial. The judges were being very careful not
17 to grant defaults and things like that during the aftermath.

18 DR. SALOKAR: I know this is a difficult thing. We
19 only have a couple of minutes left and it's very hard for
20 lawyers to put something into one sentence. Judges I
21 understand have it even tougher.

22 MS. LIOSIS: Whether that is -- to get back into your
23 routine in work. Even though it may seem insignificant, it's
24 very important for people to just get back to their lives and
25 establish order to chaos.

1 DR. SALOKAR: Very good. Dave?

2 MR. BYERS: I'll bring up a subject that's a little
3 awkward. Judicial independence is a concept for inside the
4 courtroom when you make your decisions. In an emergency you
5 cannot have administrative judicial independence. You can't
6 have everybody in charge. One of the things that -- we work
7 with judges and they're wonderful people but we only have
8 seconds and minutes. You can't have committees and so on.
9 There has to be an Administrative Judge or an administrator,
10 whoever is in charge. You have to contain yourself that
11 whether you like it or not, that person makes the call and
12 you'll maybe live and die by it.

13 But what's one of the things we saw, and I've heard
14 it today in several places, you've got to have a command
15 authority in this situation until it filters out, so you've got
16 to contain yourselves.

17 DR. SALOKAR: Jack?

18 MR. THOMPSON: Move your stuff out of the basement.

19 DR. SALOKAR: And that would be it, right? Judge
20 Kluger?

21 MS. KLUGER: I think to recognize that people rise to
22 the occasion by and large and if they're provided with
23 leadership, they will do that. So, give your staff and
24 employees credit in that regard and don't be afraid to make the
25 decisions that have to be made quickly on the information that

1 you have because that's the best you can do under the
2 circumstance.

3 JUDGE SCHERER: I was going to say what Judge Kluger
4 just said in terms of it's amazing what people can accomplish
5 if you ask them to and especially in a crisis. We didn't even
6 have to ask our people. I mean people came to the courthouse
7 to work without being asked on days when the court was closed.
8 It's those people who got us up and running again. So, don't
9 be afraid to ask and you'll be surprised at how well you do.

10 DR. SALOKAR: Bob?

11 MR. DENNIS: I guess the one lesson that I would say
12 would be the personnel are your most important asset and they
13 rise to the occasion and they're there to work. Keep in mind
14 there will be some that will have troubles and you need to sort
15 of be prepared to treat everybody a little differently and to
16 be able to help those people who are having difficulties
17 overcoming some tragedy and not to think everybody ought to be
18 put in one mold and everybody is supposed to behave this way,
19 but everybody will behave a little differently and be very
20 flexible in that regard and to do things and to be planning
21 things that some of the smallest things, the littlest things
22 that you as managers and judges can do is to help those people
23 overcome adversity. There's a lot of little things like
24 standing at the courthouse welcoming the employees back after
25 that. It's little things that goes a long way.

1 DR. SALOKAR: Frank?

2 MR. RABBITO: Don't be afraid of things that you have
3 no control over. Kiss your spouse, hug your children and
4 govern yourself accordingly.

5 DR. SALOKAR: Well, I hope you've taken a little bit
6 away from this morning's panel. You can always seek out these
7 people in a variety of different fora. Let's go have lunch.

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