

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

"GETTING THE WORD OUT"

MARRIOTT FINANCIAL CENTER  
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1           SPEAKER: Yes, it is working. This is Financial  
2 Center 2. The session is Getting the Word Out, Communication,  
3 Coordination and Collaboration. I'd like to introduce to you  
4 the moderator, Fred Graham. Mr. Graham is the chief anchor and  
5 managing editor for Court TV right here in Manhattan.

6           MR. GRAHAM: Thank you, Chip. Thanks all of you for  
7 being here and for allowing me to take part with the panel here  
8 in this interesting and I think important discussion. We're  
9 going to do it differently than it was done upstairs. We're  
10 not going to have opening statements here. We won't involve  
11 our panel right away, and we won't involve you because a lot of  
12 you I'm sure have input that will be helpful to us in our  
13 discussion.

14           Now, there's one thing that you picked up on very  
15 quickly upstairs I'm sure and that is for the most part the  
16 people who are on the back in these sessions are sort of in the  
17 position of because of where they're from and the role and  
18 where they perform that role. Some of you are old enough to  
19 remember the comic strip character, it was a little fellow  
20 called Joe Btfsplk who walked around and there was always a  
21 black cloud following him around just ready to rain disaster on  
22 him.

23           Most of the members of our panel have a particular --  
24 they come from a place and because of their job, unfortunately  
25 the job in that place comes equipped with a little black cloud

1 which is not so little. But it's interesting as you go down  
2 the list, and all I'm going to do is call off their names and  
3 where they're from, but the particular black cloud that each  
4 one of these has will be apparent to you all. I'll just go  
5 down the list here alphabetic.

6 Mercedes Bauermeister is the administrative director  
7 of the court's judicial branch in San Juan. Well, obviously  
8 her black cloud is hurricanes.

9 David Bookstaver, who's over here, he's the director  
10 of communications of the Unified Court System here in New York  
11 and obviously he's really got one. His of course is 9/11.

12 Ed Brekke, who is the district administrator of  
13 Superior Court of Los Angeles County, he has two little black  
14 clouds and they're not so little. We were discussing earlier  
15 Court TV in a minor way was involved in his first black cloud  
16 and that was the Rodney King riots following the trial of the  
17 officers who were accused of beating Rodney King and then were  
18 acquitted. That was in 1992. And of course, again,  
19 earthquakes.

20 Judge Jonathan Lippman, who you heard from, Chief  
21 Administrative Judge of the court system here in New York, of  
22 course 9/11 with Judge Lippman.

23 Dr. Gregory Walters, circuit executive, U.S. Court of  
24 Appeals for the Ninth Circuit out in San Francisco,  
25 earthquakes.

1           Robert Craig Waters, who is the director of public  
2 information, Florida Supreme Court, Tallahassee. He's a two-  
3 for too. Hurricanes and another disaster, Bush versus Gore,  
4 the election of the year 2000.

5           MR. WATERS: We have trouble with elections, yes.

6           MR. GRAHAM: And Mark Maggio, who is down on the end.  
7 He is the branch chief. He's a Ph.D. Federal Judicial Center,  
8 Washington, D.C., and his specialty is black clouds. He's in  
9 charge of crisis intervention for employees post disaster,  
10 whatever form the disaster may happen to take.

11           Well, I want to start off with Dave Bookstaver with a  
12 question that might not occur to some of us, but I think it's  
13 question number one for getting the story out, and Dave, it's  
14 this. You get a disaster, a biggie. How soon is the media  
15 really willing to put out the word about something that is so  
16 important to us but may not loom too large to them, and that is  
17 the operation of the courts?

18           MR. BOOKSTAVAR: I think with respect to 9/11 it took  
19 several days. Judge Lippman and I had a chat on 9/11 or 9/12  
20 about what help we'd get from the press. I gave him an honest  
21 answer and my honest answer, which is it's going to be days  
22 before we get any coverage. Luckily he understood that and  
23 accepted that. It took several days until we got any  
24 information out. I could follow by saying after several days  
25 we didn't get stories about the court system. We got something

1 on that crawl on the bottom, very little. I said to Judge  
2 Lippman we're going to get little help. We're not a priority.  
3 The most we're going to get is something on the crawl, which  
4 is our web site, 800 number, and I'll get into those issues  
5 later. But it took several days.

6 MR. GRAHAM: Anyone else here?

7 MR. WATERS: I've certainly found with hurricanes  
8 that when you have a disaster on the scale of Hurricane Andrew,  
9 the courts are not going to be a major item, particularly in  
10 the area that was impacted. Now, I deal with the media on a  
11 state-wide basis and I usually can get word out about how the  
12 courts may be affected in other parts of the state, and if we  
13 have any collateral problems that reach elsewhere. But at the  
14 very beginning with a very large crisis, you're just going to  
15 have trouble getting the media to focus.

16 I have found, however, the one thing I can do because  
17 our disasters in Florida tend to be predictable is that I can  
18 get word out in advance as much as I can, and that's one thing  
19 I try very hard to do.

20 MR. GRAHAM: Anyone else? Yes, Mercedes?

21 MS. BAUERMEISTER: In Puerto Rico what we do is pay  
22 for announcements in --

23 MR. GRAHAM: Can I hold you? Can everybody hear back  
24 there all right? Some of our speakers here are a little bit  
25 [unintelligible]. If you're not hearing, anyone who's not

1 hearing, hold your hand up and we'll -- okay. Please, so they  
2 can --

3 MS. BAUERMEISTER: Okay. What we do is get the word  
4 out about the functioning of the courts after a hurricane or a  
5 fire in a courtroom, which we had once. It's just that we pay  
6 space in the newspaper so that way we make sure that the word  
7 is out.

8 MR. GRAHAM: You're saying that you take out an ad?

9 MS. BAUERMEISTER: Yes.

10 MR. GRAHAM: Okay. So, you get a hurricane and of  
11 course your hurricanes you get a little advance notice I guess.

12 MS. BAUERMEISTER: For example, we get enough advance  
13 since they're coming out of Africa, we know that if one is  
14 coming. But after the hurricane when we make the assessment of  
15 what the court's damage has been and the Supreme Court decides  
16 they're going to close some courts and leave others open,  
17 working, we have to pay an ad [unintelligible] about that.

18 MR. GRAHAM: Just newspapers? Do you go to radio --

19 MS. BAUERMEISTER: No, we have radio spots, TV.

20 Usually it does that for free. We have a hotline number where  
21 they can call.

22 MR. GRAHAM: Before I go to Judge Lippman, let me  
23 just ask you this. What kind of timing do you try -- do you  
24 try to do it before the hurricane strikes or the first day  
25 after?

1 MS. BAUERMEISTER: The first day after.

2 MR. GRAHAM: Judge Lippman.

3 JUDGE LIPPMAN: I just want to say you can,  
4 particularly on something you don't expect to happen when there  
5 is no advanced warning, you can really let your frustration  
6 work for you because I think it's inconceivable to us who are  
7 living and dying with this, it's the most important thing in  
8 the world that the court system -- these people have tried, for  
9 instance, the 9/11 tried to destroy everything we stand for,  
10 including the principle of equal justice.

11 But what happens, as David indicates, you're trying  
12 selfishly to get the word out to the main media, the people who  
13 you expect to give your message out. When you don't get it out  
14 as readily or as clearly as you'd like, it does promote the  
15 creative juices to try and do other things, whether it be  
16 hotlines or web sites or unconventional ways to get your  
17 message across.

18 So, I think one lesson is don't chuck getting it  
19 right. Like we had a couple of instances at the beginning like  
20 say David, make sure they know the jury should come in or not  
21 come in to a particular location, and they're not focusing on  
22 it so they either don't do it or get it totally backwards. So,  
23 I think it can then promote, find the other means to get your  
24 message out.

25 MR. GRAHAM: Greg.

1 DR. WALTERS: Well, we've had a lot better luck with  
2 the legal presses and the specialty presses in dealing with  
3 those types of informational things. We have the general, we  
4 don't have any luck with if there's a big event. But you can  
5 get the legal newspapers to print the status of what's going on  
6 in our courts readily and quickly.

7 MR. GRAHAM: Before I go on to that -- yes?

8 JUDGE LIPPMAN: I'll make one other point. Also, you  
9 can use the other branches of government. What we try to do is  
10 get like Giuliani, who was holding daily press conferences, we  
11 tried to get him to put our stuff -- you know, courthouses will  
12 be open, jurors should come in, that kind of thing. That was  
13 helpful.

14 MR. GRAHAM: I want to get a little input from here  
15 because I do think that there is a difference here. Everyone  
16 up here, as I say, has got a little black cloud following them  
17 around because they are in a situation where for some reason or  
18 another these disasters tend to happen. Now, I know many of  
19 you may be from jurisdictions that are not necessarily as snake  
20 bit as that. For instance, my home where I practiced law for a  
21 number of years, Nashville, Tennessee, is not in the earthquake  
22 belt, not normally would expect to have a disaster, but it did  
23 have one, a tornado two years ago. I just wonder because I can  
24 imagine as devastating as that tornado was to areas of  
25 Nashville, I'm not sure that the courts didn't operate the next

1 day just as they always would have. The tornado skirted the  
2 edge of town but it didn't necessarily disrupt the courts.

3 Now, are any of you from a situation where you've had  
4 maybe quite an upsetting thing for your community but indeed  
5 you weren't that much affected and what you wanted to do was  
6 get out the word that you were going forward? Anybody here?  
7 Yes?

8 AUDIENCE SPEAKER: Fred, I'd just like to point  
9 [inaudible] Florida. I recall [inaudible]. So, that was very  
10 helpful [inaudible].

11 MR. BOOKSTAVER: You've got to understand they wanted  
12 to cover that. That's easy. He didn't have to call the press.  
13 They were there.

14 MR. WALTERS: There were 800 of them waiting outside  
15 my building. That's a very different kind of crisis where my  
16 building was the focus of a crisis.

17 MR. GRAHAM: But Judge Lippman has sort of implied  
18 the same thing. One thing that's changed in the last ten years  
19 is that we have 24 hour a day cable news networks. If your  
20 disaster does rise to the level of a national story, you're  
21 going to be able to get your story, but they're going to be  
22 standing there and as Judge Lippman said, all you have to do,  
23 or one way to do it is to pass the word to the person who is on  
24 TV all the time and you can really get the word out there.  
25 Yes?

1 AUDIENCE SPEAKER: [inaudible] --

2 MR. GRAHAM: Would you stand up and speak up so we  
3 can hear you?

4 AUDIENCE SPEAKER: You're talking about television  
5 [inaudible] radio [inaudible]. I filled out the questionnaire  
6 [inaudible],

7 MR. GRAHAM: Where was that?

8 AUDIENCE SPEAKER: In Indiana. [inaudible] north of  
9 Indianapolis [inaudible]. I arrived there 20 minutes after a  
10 tornado and it looked right out of a movie; trees down,  
11 emergency vehicles, traffic stopped on whole highways  
12 [inaudible]. But the local radio station [inaudible]. The  
13 emergency people [inaudible] with the children in school. The  
14 mayor [inaudible]. So, I suggest in planning the smaller  
15 communities [inaudible].

16 MR. GRAHAM: Now, this raises a question that I  
17 wonder about. Yes? Go ahead.

18 MR. BREKKE: I'd like to reinforce that comment.  
19 It's not just the smaller markets. In Los Angeles, which is a  
20 major media center, the news radio stations are the best on  
21 getting out notices for jurors, court employees, schools, et  
22 cetera.

23 MR. GRAHAM: Now, do you have an -- in advance of  
24 this, have you reached a liaison with them so that you know a  
25 number to call and they know who you are and that sort of

1 thing?

2 MR. BREKKE: Absolutely. I don't personally, but we  
3 do have a public information officer who maintains like 40 to  
4 60 contacts just amongst radio stations.

5 MR. BOOKSTAVER: I think the court systems have  
6 public information officers. I know they do. Each court  
7 system around the country -- and that plan of having a  
8 relationship with the press is terrific. It works. You know  
9 who to call here in New York, 1010 WINS, CBS, the two major  
10 news radio stations. I know people there. I know people at  
11 every newspaper, every TV station, and I will tell you if  
12 there's a disaster of any type of real magnitude, it doesn't  
13 have to be September 11th, the problem is is that the court  
14 system is not a priority unless the court system is involved.  
15 When we had a crane that fell on the court system, everybody  
16 called.

17 I think the point for court administrators here  
18 planning for the future is that if there's a major disaster,  
19 God forbid terrorism, the person at that radio station, unless  
20 the courthouse blew up, doesn't want to hear from you. There  
21 are priorities, and I think rightfully so are getting out other  
22 news; what hospitals people went to. That's the problem we  
23 confronted September 11. We were 99 on a scale of 99 issues.  
24 We were at the bottom and that's a problem. I know people and  
25 so does Greg and so does everybody who's a PIO. It's that

1 whole infrastructure, that whole system that you use day in,  
2 day out, forget it.

3           MR. GRAHAM: Now, that raises an issue I want to just  
4 throw out to the panel. Do you have a system so that okay, you  
5 put out the word, but let's say that it's ambiguous to a lot of  
6 people. They know that -- they don't know what to do if  
7 they're in a jury pool. They've gotten a summons, or they  
8 don't know if -- there's some aspect of it that's unclear to a  
9 lot of people in your communities. Do you have a system so  
10 that not only can you put out the word to the community, but  
11 there's some way the community can get back in touch with you?  
12 Yes?

13           MR. BREKKE: Specifically for jurors we have a call-  
14 in system court-wide, 54 court locations. It's an interactive  
15 telephone system. We use that not only for jurors. We ask the  
16 media to put out that 1-800-SRV-JURY so you can call and get  
17 some specific instructions for individual courthouses. It also  
18 has a system where employees and judges can access hey what are  
19 we supposed to do? Where are we supposed to go? Is the court  
20 closed? So, you can use your existing technology.

21           MR. GRAHAM: Do they get a real human when they call  
22 in or do they just get a canned message.

23           MR. BREKKE: It's a canned message that we can  
24 program remotely.

25           MR. GRAHAM: But do you think maybe there might be

1 some questions that would arise out of a disaster that you had  
2 not anticipated in your canned message?

3 MR. BREKKE: Always, always.

4 MR. GRAHAM: That's a frustration that people feel.  
5 Yes, Mercedes?

6 MS. BAUERMEISTER: We have a number, it's 759-1888  
7 where six persons are always there 24 hours a day. When this  
8 happens, they will be the first to get the latest information.  
9 If they don't know, they will take the person's number and  
10 they will call back as soon as they have --

11 MR. GRAHAM: Amazing to me that you can put up the  
12 resources to keep six people around the clock did I understand?

13 MS. BAUERMEISTER: Mm hm. [positive inflection]

14 MR. GRAHAM: Anyone out here that, again, that has  
15 had an experience here particularly with this issue of people  
16 being able to get information from the court system here?  
17 Would you stand up, please?

18 AUDIENCE SPEAKER: I'm from the Federal Court of  
19 Appeals and [inaudible]. Every courthouse has their own plan  
20 [inaudible]. [inaudible].

21 MR. GRAHAM: Yes.

22 AUDIENCE SPEAKER: Our biggest problem is that even  
23 with a phone tree [inaudible]. The problem [inaudible] central  
24 system. So, our biggest frustration [inaudible].

25 MR. BOOKSTAVER: How long did it take for you just to

1 get that out before you got it on [unintelligible].

2           AUDIENCE SPEAKER: We didn't get that out -- I  
3 remember the first time I saw it was probably Saturday  
4 afternoon [inaudible] --

5           MR. BOOKSTAVER: Four days?

6           AUDIENCE SPEAKER: And only on NBC.

7           MR. BOOKSTAVER: Right.

8           JUDGE LIPPMAN: We do have a unified system, but even  
9 within that system what we had trouble with, because of the  
10 situation in the City of New York where the places within --  
11 the frozen zone had very different situations than Queens,  
12 Brooklyn, or Staten Island, and we tried to make up a nuance  
13 message when they called in and it gets very complicated. I  
14 think what this gets into, sometimes you're better off making a  
15 decision that's not perfect operationally. You're making sort  
16 of a general simple message that applies to everybody rather  
17 than one that's so butchered up between your different  
18 locations. You know, in Queens go to this place but don't come  
19 here. Come after 3:00. The grand jurors should do something  
20 else. Then in each borough it's different.

21           I think sometimes operational decisions are driven by  
22 the extent to which you're able to get your message out in some  
23 coherent way. I think it's really something you have to  
24 balance.

25           MR. BOOKSTAVER: I think that's something we learned.

1 Judge Lippman's perspective now is after both of us went  
2 through that, which is working towards learning that. I mean  
3 if you want to talk about what we learned, that's one of the  
4 things. We had an 800 number when we finally got it -- not up  
5 and running because it was up and running right away. When we  
6 finally got the number out and we had jurors and public and  
7 employees calling it, you could only make the message so long  
8 and you've got to keep it fairly simple and you've got to --  
9 when it was updated I found that when I changed it or my deputy  
10 Mae changed it, we always said, "This message was updated  
11 on..." So, people knew (A) it was being changed, (B) it was  
12 fresh information. But you can only make the message so long.

13 DR. WALTERS: If I might, one of the big issues there  
14 is that the public really doesn't understand the nuances of the  
15 Judicial System, so when we put out a message that  
16 [unintelligible] in San Francisco was closed, the Federal  
17 District Court in San Francisco was open. So was the Federal  
18 District Court in Oakland. So, we probably generated or --

19 MR. GRAHAM: So, you're saying a lot of people didn't  
20 know that the trial courts were up and running, or still  
21 running.

22 DR. WALTERS: Right, exactly. We kind of convinced  
23 them they were.

24 MR. GRAHAM: Now, there was just a hint down here of  
25 something that I think may be important and that is what do you

1 do about, okay, so you can't in the initial stages, you just  
2 know you can't get out to the general public, but what do you  
3 do about communicating with your own personnel? Yes?

4 MR. BREKKE: Actually, that is probably the greatest  
5 challenge is finding and communicating with your own personnel.

6 It's not getting the word out, it's getting the word in. In  
7 California, only the Chief Justice can declare a state of  
8 judicial emergency and close a courthouse. [unintelligible] he  
9 can confirm it's easier to get a hold of the Chief Justice in  
10 California than it is my filing window clerk in  
11 [unintelligible]. So, you need not only phone trees. Phone  
12 trees, in my experience, never work completely. Somebody has  
13 moved. Somebody has changed their number. So, you have to  
14 have these multiple systems, phone trees, phone a friend, you  
15 have the media. But as I say, people --

16 MR. GRAHAM: It sounds a little less than certain.

17 MR. BREKKE: It is very uncertain but in a time of  
18 crisis, you do the best you can.

19 MR. GRAHAM: Pardon me, before we go on, but with  
20 your own personnel, is it not possible to have beforehand a  
21 system that's a little better organized than that?

22 MR. BREKKE: Well, like I said, we do have these  
23 emergency call-in systems. Everybody has the number.

24 MR. GRAHAM: I see.

25 MR. BREKKE: They have it in their wallet.

1 MR. GRAHAM: I got you. Okay.

2 MR. BREKKE: We have phone trees. Again, you know,  
3 in time of crisis I would not rely on [inaudible].

4 JUDGE LIPPMAN: I was just going to add similarly we  
5 found that was one of the most difficult problems. You know,  
6 we had emergency numbers but the phones don't work. The  
7 emergency numbers don't work. So, there are a couple of things  
8 that we learned from this. One, have backup numbers that you  
9 could put out. We had a number in Albany that we were having  
10 people dial because the phones were working up in Albany but  
11 they weren't working down in New York City.

12 The other thing that we've done since 9/11 as an  
13 outgrowth of this very issue of not reaching personnel, every  
14 person within the system is getting, and we're incrementally  
15 doing this, is getting a plastic card that says in case of  
16 emergency, with the numbers of their supervisors that they  
17 could call; a lot of different key people with the numbers. We  
18 have one card that they have on their desk and one card that  
19 goes in their wallet that gives them a lot of different numbers  
20 which they are able to call or e-mail addresses. Different  
21 ways that people can have on them that when an emergency comes  
22 they say oh yeah, I have that card. Let me see if I could find  
23 out because the television isn't covering it, the radio isn't  
24 covering it. What do I do? This is something we just started  
25 to implement on a state-wide basis.

1 MR. GRAHAM: Here, and then after that over here.  
2 Please stand up and say where you're from. Your name and where  
3 you're from.

4 AUDIENCE SPEAKER: [inaudible]. Judge, you talked  
5 briefly in the plenary session about the resilience of the web  
6 as a communication method. Have you thought of also if the  
7 phone doesn't work, get on the web site? It's this --

8 JUDGE LIPPMAN: Yes, that's what we did.

9 AUDIENCE SPEAKER: It's this and then you can look at  
10 that also?

11 JUDGE LIPPMAN: In the middle of the crisis what we  
12 did is we started getting our message out on the web site  
13 telling people the latest. I think a lot of people were using  
14 that as it went on with --

15 MR. BOOKSTAVER: I think there's something to be  
16 said, you know, after watching it, the election disaster in  
17 Florida and going God, I'm glad that's not me out in front of  
18 the courthouse, I did learn a little something was that my  
19 colleague used a web site, got information out. On 9/11, I'm  
20 not great with a computer, but I knew we had tools that I never  
21 thought we'd use for that, but we had the web site, he's good  
22 with a web site, reminded me we could use it. We had the 800  
23 number. So, we had stuff in place.

24 Now remember, forget the media not helping us, and I  
25 don't blame them. We didn't have phones. I mean we really had

1 a crisis, but we had the tools in place and someone outside of  
2 the immediate area up in Albany, 160 miles away, who was able  
3 to get information onto our web site. It was getting the  
4 employees or getting the public to take a look at the web site  
5 which then became the problem. But the tools were in place.  
6 We never imagined using them for that but they were there.

7 AUDIENCE SPEAKER: [inaudible] --

8 JUDGE LIPPMAN: Could I just add one -- sorry.

9 AUDIENCE SPEAKER: [inaudible] within Albany? That's  
10 where [inaudible]?

11 MR. BOOKSTAVER: In some ways it made more problems  
12 because we had to get a phone to tell the web person up there,  
13 and since then we now have -- my office has direct access to  
14 the web. In some ways it was good, in some ways it wasn't.  
15 But getting the information on the web was -- I mean the tools  
16 were there.

17 JUDGE LIPPMAN: One other thought on the phones  
18 though, which is a critical problem, running a court system  
19 without phones. What we did, which I think is something that  
20 you can plan a little bit in advance, we hadn't, but we did it  
21 on the fly. Verizon was totally broken down in the lower  
22 Manhattan area. There was a major switching station that was  
23 virtually destroyed. What we did within a matter of a couple  
24 of weeks was install a whole new internet phone system. We  
25 bought -- it cost us \$600,000 and this goes to the financial

1 issues that someone raised during the plenary session. It cost  
2 us \$600,000 to program, install, buy about certainly upwards,  
3 more than 600 phones that didn't exist, that had to be made.  
4 Once we didn't have phones, we got it all done within -- it was  
5 a separate system not on the Verizon lines. It's the new  
6 technology, internet phone. Some of you may have experience  
7 with it. It's an alternative. We had left them in place in  
8 terms of even though now most of the phones, and not all of  
9 them I might add with Verizon downtown -- most of the phones  
10 are back in place. We have left the internet phone system  
11 functioning number one, because we made the investment, but  
12 because number two, you don't know what's going to come up.  
13 It's not perfect, but what we're able to do is put that into  
14 place and then get those numbers published in the legal -- the  
15 Law Journal in New York City. Ways that we got the numbers  
16 that people used to call to call the courthouse, we replaced  
17 those with numbers on these internet phones. Again, it wasn't  
18 perfect but it was very helpful.

19           MR. WATERS: If I could just add from our experience  
20 in Florida, we have [unintelligible] cites and we have had  
21 those for quite some time. They're on servers and different  
22 locations. So, if the server in our building is taken out,  
23 I've got a backup that I have access to.

24           Also, during the heat of the 2000 election cases,  
25 because of the demand that we were getting, we employed the

1 services of a web distribution service called [unintelligible]  
2 that has servers literally all over the world. Of course, that  
3 was an unusual situation, but we were able to supply hundreds  
4 of millions of documents over these [unintelligible].

5 MR. GRAHAM: There was a question right here.

6 AUDIENCE SPEAKER: [inaudible]. I just wanted to ask  
7 [inaudible].

8 MR. GRAHAM: Yeah.

9 AUDIENCE SPEAKER: [inaudible].

10 MR. GRAHAM: Was there a question? Yes, right here.

11 AUDIENCE SPEAKER: [inaudible] with the National  
12 Archives. Just a quick comment on the phone lists and  
13 [inaudible]. I think it's important to [inaudible] a program  
14 so that [inaudible].

15 JUDGE LIPPMAN: You're absolutely right. We tried to  
16 develop a system that does that but they can't be revised  
17 regularly, but you're right on point. You do the cards. Three  
18 weeks from now the supervisor left, this one transferred, and  
19 it's irrelevant. You've got to have that flexibility.

20 DR. WALTERS: One of the complicating factors there  
21 is you're proliferating the home phone numbers of an awful lot  
22 of judges when you're doing these kind of phone trees, and I  
23 think that's something you need to be extremely careful of  
24 because you're putting out information that is probably putting  
25 them at risk much more so than any other disaster.

1 MR. GRAHAM: Have I missed anyone here? I thought I  
2 saw a hand. Yes?

3 AUDIENCE SPEAKER: I just have one comment  
4 [inaudible]. [inaudible]. Somebody who can make the decision,  
5 has the authority [inaudible]. [inaudible]. [inaudible].

6 JUDGE LIPPMAN: I think that's the best argument for  
7 a unified command structure, but even broader than that, a  
8 centralized court system that has a structure within it. The  
9 one thing -- I go back to one of the things I said at the  
10 plenary session, the one thing that was helpful to us in New  
11 York that we have by constitution a system where the power is  
12 basically concentrated under the Chief Judge and by her  
13 designation to me. Then we have Administrative Judges  
14 throughout each court. For the very reason you say, you can't  
15 run a business like that, why should you run a court system  
16 that way? There has to be people who make the decisions.  
17 Those decisions are communicated down and followed that on a  
18 particular issue one court isn't open and one closed, but it's  
19 made by a central decision maker who says okay, that makes  
20 sense, we're going to do this within in a common playing field.

21 MR. GRAHAM: I want to back track just a bit here to  
22 the point where you've had the disaster. You've held back  
23 because you just know that you're too much in the back water as  
24 far as the media is concerned for them really to go with your  
25 message, but now enough time has passed and in your judgment,

1 and you've made your plans, it's time to get the message out.

2 I want to just be specific here.

3           Someone has said that news radio is very good. We've  
4 heard about paid ads which never entered my mind that that's a  
5 good idea, but it sounds good to me. At least it works in San  
6 Juan. Anyone else here -- is there any other kind of media? I  
7 haven't heard anyone say the newspapers. Am I [unintelligible]  
8 or are they tone deaf to what's going on in the courts? Here.

9           MR. BOOKSTAVER: You want me to take that one? There  
10 came a time when we needed to get our message out when Judge  
11 Lippman said, "David, I want to see something. We've got to  
12 get this out." That time did come where we were able to do it,  
13 and I touched on it. It was not with a reporter doing a story  
14 for a newspaper or a reporter doing a live shot about the court  
15 system. It was the crawl or the anchor on TV saying for  
16 information on the court -- limited information that they were  
17 going to give, but it would get the public or a court employee  
18 to a wealth of information. It was our web site and our 800  
19 number. That we could get after three or four days.

20           MR. GRAHAM: Talk show, 24 hour TV?

21           MR. BOOKSTAVER: 24 hour TV, and all TV was 24 hours.

22           MR. GRAHAM: And all news radio?

23           MR. BOOKSTAVER: Yeah, and every -- well, every local  
24 television station was 24 hour World Trade Center at that time.

25           MR. GRAHAM: Are the newspapers a lost cause here?

1 MR. BOOKSTAVER: Lost cause.

2 JUDGE LIPPMAN: David, we got it in but --

3 MR. BOOKSTAVER: We got it in the Law Journal.

4 JUDGE LIPPMAN: No, no, even in the regular  
5 newspaper, but there's so much information. 9/11, remember  
6 what it was like? For months and months and months go find in  
7 the paper -- we did get some of it in --

8 MR. BOOKSTAVER: It was on page 62.

9 JUDGE LIPPMAN: No one could find it. We couldn't  
10 find it and we asked to put it in.

11 MR. BOOKSTAVER: I think radio, we heard our web  
12 site. It took five days. We heard call 1-800-COURTNY or their  
13 web site. We were getting -- realistically that's what we were  
14 going to get until six months later when the Law Journal and  
15 the Post or whatever said, "Gee, how did you guys do and why  
16 was there a backlog in the court system." It wasn't a positive  
17 story. We didn't get a lot of help, but realistically we were  
18 not a top priority. It was frustrating but it did force us to  
19 be more creative.

20 When I got the message out it wasn't by fax, it  
21 wasn't by press release, it was using those personal  
22 connections to call up and say at each station, "Hey listen,  
23 you got to just put this on. Jurors are showing up. We need  
24 to get this message out. Please, here's our web site. Take it  
25 down, give it to the executive producer and to make that phone

1 call." Because a piece of paper, a fax, a press release is  
2 going to go in the garbage. Those people had been up -- news  
3 people had been up for 72, 90 hours. They're not reading press  
4 releases. I'm sure they got tons of stuff coming in. It's a  
5 personal relationship and that's where it came in handy to say,  
6 "Come on, just put it on the crawl. This is important."  
7 "Okay, Dave. We'll get it done."

8 JUDGE LIPPMAN: Fred, but as time went by, your point  
9 about interviews and that kind of thing, after some months,  
10 months, we know but there's certainly -- in New York City 9/11  
11 was the story, we were able to get the broader message of  
12 what's going on for the courts doing cable TV, doing  
13 interviews. But in the immediate period they didn't want to  
14 [inaudible] --

15 MR. GRAHAM: It's obvious here that there's organs of  
16 the media that are receptive of this and some not. I mean I've  
17 got to admit next time a disaster happens, don't call Court TV  
18 because the only disaster we've ever covered was the O.J.  
19 Simpson trial. We just aren't in a position. I can see that  
20 there are many organs of the media that just aren't'.

21 Is there anyone else here on the panel that's had a  
22 different experience before we... Okay now, is there anyone  
23 out here who has anything to question or anything to add on  
24 that? Yes.

25 AUDIENCE SPEAKER: [inaudible]. Some of the

1 panelists this morning alluded to [inaudible] and  
2 administrators, cell phones, and land lines. We were intact  
3 communication wise over in New Jersey on 9/11. How would you  
4 address that specifically [inaudible], how would you address  
5 that and are you looking in the future to be able to  
6 communicate amongst one another at the time of a crisis  
7 [inaudible]?

8 DR. WALTERS: I can speak a little to that. One of  
9 the things that we've done is gone totally off site for a phone  
10 number. We put a phone number out for all of our own people in  
11 San Francisco or Pasadena that is in Phoenix. The idea is that  
12 they are less likely to be impacted. Doesn't mean we still  
13 haven't figured out the fact that the person in San Francisco  
14 is not going to have a phone to call that Phoenix number, but  
15 we at least will have an ability to have a number that we think  
16 will be up and running. That's really as good as we've been  
17 able to do it.

18 JUDGE LIPPMAN: But I think that internet stuff that  
19 I talked about, the principle is different. The reason why  
20 that can be helpful, a phone line goes between the two. If  
21 it's snipped, you'll have no phone service. The idea of the  
22 internet phone is it's a network. It can go totally outside  
23 the area. You talk about New Jersey, ours is going through  
24 Newark and around. So, it's a whole different principle that  
25 may have the potential to avoid that kind of phone line no

1 more, we can't communicate.

2 MR. BOOKSTAVER: I think it's also important to add  
3 Judge Lippman I think the next day, I don't know how he got  
4 them all, but he had every Administrative Judge that he needed  
5 in his chambers north of the city. I think what was good was  
6 rather than having a phone conversation individually, he had  
7 everyone together in front of him so that everyone could hear  
8 everything. The decisions I think were made on a much more  
9 informed basis than relying on the phone. You had to get up to  
10 his chambers but it was a productive meeting having everyone so  
11 that the Bronx could hear what Brooklyn was doing, Queens could  
12 hear what Westchester was doing. He had a big picture. I  
13 don't know how he got everybody there. The phones worked  
14 enough. Everybody was there and the decisions, many decisions  
15 were made.

16 JUDGE LIPPMAN: I think it's the collective  
17 judgements that you can make if you really have not just a  
18 phone call, but you have the leadership physically saying well,  
19 this is what happened here with anthrax. It really helps to  
20 come to judgment.

21 MR. GRAHAM: Mercedes next.

22 MS. BAUERMEISTER: Yes. Also, we have 13 judicial  
23 regions [unintelligible] has this other kind of communication,  
24 radios, that they have with the police.

25 MR. GRAHAM: So, you're saying that the security

1 system may be a good source of alternate --

2 MS. BAUERMEISTER: Yes, alternate communication. The  
3 internet is not really sometimes, or TV, an option because we  
4 won't have electricity. So, radios and this other kind of  
5 communication --

6 MR. BREKKE: If you're in an area that is subject to  
7 earthquakes, [unintelligible] get knocked out, microwave  
8 communication use by emergency response doesn't work. So, I  
9 think in those situations key people should have satellite  
10 phones. We found satellite phones will work in just about any  
11 situation. If you have cell phones that are working, they'll  
12 be overloaded.

13 MR. GRAHAM: Yes?

14 AUDIENCE SPEAKER: [inaudible comments].

15 MR. GRAHAM: Did you have a question?

16 AUDIENCE SPEAKER: [inaudible].

17 MR. GRAHAM: Go ahead and stand up and tell us --

18 AUDIENCE SPEAKER: [inaudible]. But I think what  
19 Greg had said that we're exploring [inaudible]. [inaudible]  
20 nothing is fool proof but [inaudible] our methodology of  
21 communication [inaudible] so that in the event there is another  
22 disaster which severs our data lines and severs our phone  
23 lines, we will have [inaudible] instead of an 800 number  
24 [inaudible] other circuit to see if we can [inaudible]. But on  
25 one level you're absolutely right. Nothing is going to,

1 depending on the magnitude of the disaster, al la September  
2 11th [inaudible]. You can't have it all in one building.

3           One thing that our staff [inaudible] September 11th,  
4 everybody has a little card and the judges have my home phone  
5 number [inaudible], 24 hour marshal number. So, if we have no  
6 phones, they can call the 24 hour marshal number at that point  
7 and hopefully will know what's happening in New York  
8 [inaudible]. [inaudible] which radio stations [inaudible].  
9 [inaudible].

10           MR. GRAHAM: Yes. Right back here and then here.

11           AUDIENCE SPEAKER: My name is [inaudible].  
12 [inaudible].

13           JUDGE LIPPMAN: What we did in New York, particularly  
14 through the security command, was to establish direct  
15 relationships with the major governmental entities, the major  
16 emergency offices. As I said, we could have easily tried to  
17 get by with just maintaining phone contact to the extent it was  
18 doable with the different entities. We really became a part of  
19 the city's emergency team. Our people were on site when the  
20 city was making more global decisions about what parts of the  
21 city were going to be open, what's doing with transportation,  
22 all kinds of things. So, my advice is particularly with law  
23 enforcement, emergency management teams, integrate yourself  
24 into the larger picture and don't leave the court system as a  
25 separate entity, what's doing, anything. That's not the way to

1 do this. You have to be at the heart and a part of what's  
2 going on sometimes influencing the decision, but at least  
3 knowing what's happening.

4 MR. GRAHAM: But as I understand your question, it's  
5 not -- your question as I understand it is how to have a system  
6 so that those on the outside can reach you, not the opposite.  
7 Anyone here have a -- yes?

8 MS. BAUERMEISTER: There are inherent things. I  
9 don't know what we're going to do in a different position, but  
10 there are inherent things. The courts have a coordinator that  
11 will go to the civil defense. They have kind of a bunker, and  
12 they will spend there with all the other coordinators from the  
13 executive branch, and they will stay there. So, we have a  
14 player all the time.

15 MR. GRAHAM: You have prearranged that the community  
16 knows that it's that nerve center.

17 MS. BAUERMEISTER: So, if we want to [inaudible]  
18 there, the police, so that we coordinate that we're not opening  
19 the courts and nobody from the prosecution is coming in. So,  
20 we do that, coordinate it and having this person there all the  
21 time during the hurricane.

22 MR. WATERS: We have much the same thing in Florida.  
23 We have an emergency operation center that's located outside  
24 of the city of Tallahassee. As a result of our advanced  
25 planning post 9/11 for future emergencies, we brought in law

1 enforcement agencies representing all the different levels of  
2 government and basically secured for us two places in the  
3 emergency operations center; one for me as communications  
4 officer and one for our marshal who is our state-wide security  
5 officer. They have 800 numbers coming into that emergency  
6 center. They could easily route calls that are relevant to the  
7 court to the proper people, me or the marshal or whatever. But  
8 it's very, very important to do that advanced planning with the  
9 other agencies that are involved.

10 MR. BOOKSTAVER: I think that's something that Judge  
11 Lippman said that we do it now. I think we learned from 9/11  
12 and we were not -- we are now -- now we have a court officer  
13 assigned to the Office of Emergency Management. We are part of  
14 the loop. I think we should have been more part of the loop.  
15 That was frustrating working with city government. We had  
16 officers who wanted to volunteer. We weren't part of the loop.  
17 I think if there is a next time, or I just think daily with  
18 operations with the city, we are much more involved. We're  
19 much more visible, and we have better immediate information  
20 coming in. We have a representative at the mayor's Office of  
21 Emergency Management.

22 MR. BREKKE: I think the question, we talked about  
23 communication between agencies and I think it's important.  
24 Prior to 1992 every agency had an emergency response plan, we  
25 had good -- but these were independent plans. After 1992 we

1 have a unified plan. All this communication and authority.  
2 That authority, a culmination of that is our presiding judge.  
3 He was the leadership position over these emergency responses.  
4 They worked very well in 1994. I assume they will in our next  
5 disaster.

6 MR. GRAHAM: I want to bring Mark Maggio into this.  
7 Pardon me, you do have a question?

8 AUDIENCE SPEAKER: I can wait.

9 MR. GRAHAM: Okay. Because Mark is from the Federal  
10 Judicial Center and he has a responsibility and he has a role  
11 that he can play and does play in which he is different from  
12 everyone else here I would assume. He is not part of the  
13 community which has been struck with a disaster, but he comes  
14 in to offer assistance afterwards. Explain, please.

15 MR. MAGGIO: I guess in a nutshell what I've been  
16 involved in for 16 years is crisis intervention, and it really  
17 matters with going in after the fact most of the time to help  
18 set up crisis intervention services for employees of  
19 organizations that have been impacted by crisis.

20 Having said that, I think probably one of the  
21 strongest aspects of what I do is what we call pre-incident  
22 education and pre-incident planning. It's inevitable -- and  
23 the discussion this morning has really born this out, what we  
24 have learned since, what we have learned after. We've been  
25 doing this since. Granted, it's been my experience every time

1 that when you take the message forward in advance, particularly  
2 the managers and administrators, if it's not something they've  
3 had to deal with, it's generally not on their radar for human  
4 issues, personnel issues. Those are the things that are up  
5 front and occupying a lot of their time and rightfully so.

6           But it's been said in a number of different ways this  
7 morning already, but the pre-incident planning such as you're  
8 talking about here costs very little in terms of the cleanup  
9 you would have to do afterwards absent. I would offer to you,  
10 I was talking to Bill Layman down in the administrative office  
11 in DC a few months back about their [unintelligible] planning  
12 against the [unintelligible] operations planning and I  
13 mentioned to him that I thought what they're putting together  
14 now would have a very therapeutic value for the employees. He  
15 kind of looked at me funny and said, "Gee, I never thought  
16 about it like that."

17           When Hurricane Andrew hit, worked with folks at the  
18 Pentagon, worked with [unintelligible] court after 9/11 on a  
19 variety of other types of incidents and I was happy in one  
20 respect to hear the panel this morning talk about what I would  
21 characterize as lesser incidents no less traumatic but  
22 incidents of work place violence. Having plans in place cannot  
23 be over-emphasized. All that you're talking about now, the  
24 lessons learned, the greatest sin would be people who walked  
25 away from any of this and thought well, we just haven't had

1 that magnitude of an event or we've been pretty lucky thus far,  
2 and then allowing some of this to go on the back burner. Most  
3 of us wouldn't drive cars without having automobile insurance,  
4 and we hope to God we never have to call that company on a  
5 given day.

6           But what I have seen happen over time inevitably is  
7 when people have the policies, procedures, the planning in  
8 place. If they have to use it once in the course of a 20, 25,  
9 30 year career, they will remember that time and that day down  
10 to every last detail because of the impact that it made. So,  
11 just from the psychological end of things, I would just  
12 encourage every one of you to take very seriously all that  
13 you're hearing, and I'm not assuming that you're not, and to go  
14 with an idea if you don't have things in place, you need to  
15 sure things up, do it. There's nothing like a crisis to point  
16 out where the holes are.

17           My wife and I owned a sailboat a number of years ago  
18 and I never learned more about that sailboat than I did the day  
19 we ran aground in a noreaster. But I kicked myself. There's  
20 lots of things I should have learned and should have been  
21 prepared for way in advance of that. It's an analogy I think  
22 that applies here.

23           MR. GRAHAM: Were there questions here? We're going  
24 to get back over to here but --

25           AUDIENCE SPEAKER: Good morning. My name is Kaye

1 Christian, and I'm a judge on the Superior Court of the  
2 District of Columbia and serve on the Security Committee. I  
3 certainly have learned a lot this morning [inaudible] cards for  
4 your employees was a good idea. I'm wondering have you carried  
5 that over, that number to call in an emergency, to your jurors  
6 [inaudible] and also notices to your [inaudible] and the like,  
7 and if so, how [inaudible]?

8           JUDGE LIPPMAN: I can answer that. With jurors we do  
9 put the 800 number for jurors on their summonses, and it is a  
10 focus point with which we deal with, jurors from around the  
11 state. There are different issues that can come up to confront  
12 it when again the phones are not working and every place is in  
13 a different posture in terms of jurors. But certainly having  
14 one central place, I think you'll see most of the people here  
15 have done the same thing, jurors are a special part of what we  
16 do and I think that's very helpful, although in a crisis it's  
17 not necessarily easy to get a message out on the issue of  
18 prosecutors and that kind of thing. We do have, we have a  
19 different system in relation to managers and the same kind of  
20 thing with having different numbers and people to interact with  
21 relate to the different entities that we deal with. So yes, we  
22 have been addressing that particularly with our management  
23 people who have again different things that they have to do in  
24 a crisis and different people that they have to deal with, but  
25 they're both good points.

1 MR. GRAHAM: We have a question here and one there.

2 AUDIENCE SPEAKER: I'm from Michigan. I just wanted  
3 to explain that after 9/11 [inaudible], we were able to get  
4 [inaudible]. That also includes the [inaudible].

5 MR. GRAHAM: And back here.

6 AUDIENCE SPEAKER: I'm going to shift the focus a  
7 little bit [inaudible] communications director. [inaudible]  
8 came under considerable criticism [inaudible] State Court  
9 System. So, I'm going to be on the line to be responsible for  
10 giving that information out. [inaudible] conflict going on as  
11 to getting accurate information [inaudible]. It's very  
12 critical [inaudible] access. How do we get access [inaudible]?

13 MR. BOOKSTAVER: You know, we had unfortunately a big  
14 anthrax scare in this city following 9/11. I will tell you,  
15 there were times when I got a call from the local television  
16 station about anthrax in the courthouse before anybody in the  
17 court system told me about anthrax in the courthouse. So, it  
18 took a little nudging on my part to tell our security people  
19 when this happens, I know that I'm not directly involved, but  
20 you've got to let me know. I will also say that just in  
21 general, not necessarily about bio-terrorism, that I do have  
22 really unfettered access to the decision maker, which is Judge  
23 Lippman. In 99.9% of the time, he knows. So, I think a lot  
24 has to do with being kept in the loop so that the security  
25 people, the chief administrator, chief judge, whatever it may

1 be, let the communications director know what exactly is going  
2 on. So, when the press calls or when you're trying to get  
3 information out it's quick information, that it's not delayed  
4 and that it's accurate.

5 MR. GRAHAM: Yes?

6 MS. BAUERMEISTER: I just want to go back just for a  
7 moment. Also in our plan, the communications plan, we have set  
8 up that I will call the Bar president, the Attorney General,  
9 and the superintendent of police and I'll give him the  
10 information. I mean their plan, they communicate then with  
11 their offices in each of the judicial medium. So, I don't have  
12 to worry about getting the word out to the lawyers. They're in  
13 charge of doing that.

14 MR. GRAHAM: You know, Mercedes, those hurricanes  
15 have really gotten your attention in Puerto Rico. You all are  
16 ready.

17 MR. WATERS: One thing I would just like to add about  
18 communications, it's very crucial. Our security staff are  
19 under standing orders to communicate with me promptly and give  
20 me as much as they have whenever they have it. The other thing  
21 that I do whenever we have a crisis depending on the scale of  
22 it is I will try to set up a single location where the news  
23 media can gather. That is one of the most crucial things you  
24 can do in communicating with the media. Now, there will be  
25 some crisis where that may not be possible to do, but let's

1 just field crisis that certain is. I gather the media there  
2 and I stay with them. I have communications devices, a radio  
3 cell phone, as well as a regular cell phone that I can  
4 communicate with our security staff, and I update the media  
5 regularly. I've tried to keep them in that one place so they  
6 don't wander, so they don't start interviewing people who don't  
7 know what they're talking about and I do active [inaudible].

8           JUDGE LIPPMAN: One thing I want to get back to, I  
9 think the last question about the correct medical information  
10 is something that really haunted us during the anthrax piece  
11 where the CDC was changing their view every other day, our  
12 people are panicked about who's going to touch the mail in  
13 gloves, in masks. You think it's a critical question in the  
14 middle of these emergencies. There are sometimes when no one  
15 really knows the answer and yet you're telling your people, the  
16 public certain things. The only thing I can say about it is  
17 there's no magic answers, there's no auricle, is to be very  
18 cautious and not allow yourself to be swept away by the  
19 hysteria.

20           What we did with the anthrax where we had to be  
21 dealing particularly with the mail, we were very cautious  
22 before we told them use gloves, use a certain kind of glove,  
23 use a mask, don't use a mask. We really were cautious. We got  
24 the information. We met, where David was talking about, having  
25 the decision makers together, the administrators. We talked

1 about the information we were getting from the CDC. We talked  
2 together about what our people were saying in the courthouses.  
3 This is as far as we're going to go now. We're going to  
4 recommend that yes, you do do gloves. You know, whatever it  
5 was. Yes, this is the kind of glove that we recommend. We  
6 will provide that to you. There is no evidence thus far that  
7 masks would be helpful. Whatever it was, caution, taking the  
8 available information that is not necessarily the right answer  
9 and digesting it, putting it into the context of what you're  
10 dealing with, and don't go too far. Don't be doing crazy  
11 things in the interest of well, we've got to do something.  
12 Hard information and trying to distill what you have to  
13 something that you could put out with some assurance is going  
14 to be helpful in protecting our people and also be sensible.  
15 So, it's a really hard thing to do and the issue, particularly  
16 when anthrax was going around, there were no good answers.

17 MR. GRAHAM: Yes, here and then there.

18 AUDIENCE SPEAKER: [inaudible].

19 JUDGE LIPPMAN: Yes.

20 AUDIENCE SPEAKER: Is there a person who [inaudible]?  
21 You're too afraid to [inaudible]. The other thing I want to  
22 point out is that [inaudible]. [inaudible].

23 JUDGE LIPPMAN: Anthrax -- let me add one thing. The  
24 other thing you can do, and we got this from Karen's people, to  
25 reassure people there's some types of simple things you can do.

1 They were doing this, I don't know what they call it, like a  
2 screening where people came in, tested wherever it is, and came  
3 back and we could give them a clean bill of health that your  
4 office where this mail is opened where you work is safe. They  
5 would come in -- and sometimes in the middle of the emergency  
6 it's hard to get the people who do this work because everyone  
7 in the world wants their offices [unintelligible]. I know they  
8 had the same experience and the feds were able to say it's  
9 okay, they've come in, they've done everything that they could  
10 do.

11 MR. GRAHAM: Greg --

12 AUDIENCE SPEAKER: The other thing, I think that if  
13 every [inaudible] had a public health director as part of the  
14 federal public health system, they won't only talk to federal  
15 courts and federal employees, they'll talk to anybody. We  
16 brought them into the court in the anthrax crisis to tell a  
17 number [inaudible] where we actually had the Director of Public  
18 Health there who was privy to what goes in the CDC [inaudible]  
19 inside information, and he just answered questions for hours.

20 DR. WALTERS: To me that's as essential a thing as  
21 you can do. You need to kind of educate your people right away  
22 and really quickly to turn to one source of information for all  
23 of the rumors because the courthouse in particular can be a  
24 rumor mill incredibly quickly. We've turned to the marshal  
25 service as our source of information and tried to get all the

1 secretarial pools and everybody else to just shut up and talk  
2 to the marshal.

3 MR. GRAHAM: There's a question from the back, or a  
4 statement.

5 AUDIENCE SPEAKER: I would make a statement and say  
6 to Judge Lippman I'm from Delaware [inaudible]. [inaudible].  
7 But that's how it was done [inaudible].

8 MR. GRAHAM: There was a question, yes, right here.  
9 Yes, please. Would you stand up and --

10 AUDIENCE SPEAKER: Sure. [inaudible]. To comment,  
11 one of the things [inaudible] is we were preparing our folks  
12 [inaudible]. [inaudible] most likely had to [inaudible]. So,  
13 with that in mind, [inaudible]. [inaudible] point of  
14 information is they've really been working hard even in the  
15 smallest locations to get these machines that come to your  
16 building and quickly analyze [inaudible].

17 MR. GRAHAM: Now, we're about to run out of time  
18 here, but I don't know when I've been involved in a proceeding  
19 like this that was more productive in terms of just practical  
20 experienced advice. I do want to give -- it may be -- we have  
21 a panel with so much experience here and I'm not calling on  
22 each and every one of you to hold forth here, but if any of you  
23 have something that you feel that we can benefit from, please,  
24 and starting on the end, speak up and we'll just move right  
25 down this way.

1 MR. BREKKE: Mark talked about the importance of  
2 planning and several people mentioned emergency operations  
3 committees or councils. It's very important that people that  
4 are at those emergency operation centers have authority to make  
5 decisions. In 1992, staffed by lower level people, they could  
6 not or would not make decisions. So, I think that's important.

7 The other thing in addition to plan, have drills.  
8 Think about jurors. Jurors are very important. They aren't  
9 there for your evacuation drills. How are you going to take  
10 care of your jurors? Test your emergency communications  
11 systems. Test your automated systems. We did a -- we have  
12 emergency power to every court location. We tested those on a  
13 weekend a few months ago. Not only did we find emergency power  
14 that didn't work in several locations, we couldn't get the real  
15 power back on. So, I can't over-emphasis the importance of  
16 drills and tests.

17 MR. BREKKE: If I had one key point of advice, since  
18 my area of expertise is communications, speak with a single  
19 voice. Do that with your staff, do that with the public, do  
20 that with [inaudible]. Do not get contradictory statements  
21 going out from different people. Have one person who is  
22 designated as the authority to make comments and stick to them  
23 throughout.

24 MR. MAGGIO: On the heels of that, and a crisis  
25 information is your antidote for loss of control. The more

1 information you can gather up front as accurately as you can  
2 gather it, as thoroughly as you can gather it, gather it and  
3 communicate it in a concise and clear as under stress in a  
4 crisis. People need to -- you need to tell them what you're  
5 going to tell them, then tell them to tell you what you told  
6 them. They may not have heard it like you told them. But the  
7 information is critical in terms of giving people and  
8 yourselves as administrators, as an organization, back that  
9 sense of control.

10 MS. BAUERMEISTER: Well, I hope that out of this  
11 summit meeting we can start also back working because what we  
12 have been talking about is mostly natural disasters or  
13 terrorism. But I'm also very concerned about bio-terrorism and  
14 how we're going to approach that. That has to be a different  
15 kind of plan. That's why we're putting together [inaudible].  
16 So, we have a plan for all this but maybe we have to be trying  
17 to do something else for this new challenge [inaudible].

18 JUDGE LIPPMAN: I would just emphasize I take that  
19 single voice argument from the communications perspective and  
20 put it into a management template that I don't think that you  
21 can take each location and let everyone do incredible planning  
22 and great detail and everyone is going in 16 different  
23 directions. I think it comes back to a lot of things we talked  
24 about at the plenary session today and that come out in this  
25 session. There's got to be some coherent approach within that.

1 Every courthouse may have some variation, but if you're going  
2 to do your emergency planning in a way that says everybody  
3 look, everybody is totally different, we're all going to have  
4 different priorities. We're all going to do things totally  
5 differently. I don't think from a management perspective that  
6 it works. I think you have to take a systemic approach to it  
7 and then within the particular location, the particular entity,  
8 there are going to be variations on the theme and there should  
9 be. But let's do something. Let's have a system which works  
10 in some kind of a coordinated way. I think that's crucial to  
11 approaching these emergency issues. I don't think it can be in  
12 a vacuum, each place with blinders on. I think there has to be  
13 a concerted approach together as a system.

14 MR. BOOKSTAVER: I guess mine is basically just  
15 common sense. I think Mr. Maggio put it right. You don't want  
16 to find out about your boat during a noreaster. To some  
17 extent, I did. As I said to you earlier, I never envisioned  
18 using the 800 number to get out information, much less the web.

19 I will admit that. My colleague used the web during the  
20 election disaster. But what I found, what my deputy and I  
21 found, what we all found, we had the tools in place but I was  
22 learning to use them in the noreaster.

23 So, I guess it's just common sense, which is find out  
24 what you have now. You now know, if you didn't know when you  
25 walked in here, what you'll need, what you should have, which

1 is other tools than the media. Know how to use them before the  
2 noreaster hits.

3 DR. WALTERS: I have two pieces of recommendation.  
4 The first is the simple one which is to identify a separate  
5 facility and organize yourself in a way to know where you're  
6 going to go if you lose your building. That's a key thing  
7 that's fairly easy to do.

8 The second one is much more complicated, at least in  
9 my world, and that is to solve those tricky questions of  
10 government and control before the emergency so that you're not  
11 in doubt of who's in charge, or who's making decisions, or who  
12 has to follow whose orders. In particular, who follows whose  
13 orders if that person is not around? So, the line of  
14 succession and the whole question of control and authority is I  
15 think just really pivotal to have worked out.

16 MR. GRAHAM: This has been just a wonderfully  
17 informative panel. As we close this session down, will you  
18 please join me in closing it down by giving them a warm hand.

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