

# CONFERENCE OF STATE COURT ADMINISTRATORS

## Resolution 8

### **In Support of Effective Judicial Governance and a Culture of Transparency and Accountability**

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators understand the relationship between judicial independence and accountability and recognize that accountability and transparency are critical to judicial governance and to the preservation and strengthening of an independent judiciary; and

WHEREAS, the Conferences adopted *Resolution II, In Support of Principles of Effective Judicial Governance and Accountability*, which identifies the core elements of judicial accountability for state court systems; and

WHEREAS, these core elements are critical to judicial governance to ensure courts have the capacity to manage their own affairs by virtue of being closest to the issues and in the best position to make decisions necessary for ensuring the highest level of public service; and

WHEREAS, state courts cannot achieve effective governance without the capacity to manage their own affairs and develop and implement policies and practices in certain core areas critical to administering the courts; and

WHEREAS, the Conferences have repeatedly expressed strong commitment to the pursuit of accountability and transparency in the conduct of state and local court operations and in overall judicial branch affairs; and

WHEREAS, judicial accountability can foster an environment in which other branches of government and the public understand the judiciary's role and are less likely to interfere with the judiciary's ability to govern itself; and

WHEREAS, judiciaries need performance standards and measures that provide a balanced view of court performance in terms of prompt and efficient case administration, public access and service, equity and fairness, and effective and efficient management; and

WHEREAS, well-conceived and practical court performance measures, such as the *CourTools* and the *Appellate CourTools* developed by the National Center for State Courts (NCSC), are increasingly valued not only as tools for incremental quality improvements of court programs and services, but also as the means for major policy reform and organizational transformation; and

WHEREAS, state court leaders have a duty to hold their organizations accountable to the public and their inter-branch partners by instituting a set of empirical measures and a program of ongoing assessment of court outcomes with wide publication of the results of those assessments; and

WHEREAS, court performance measurement is the evaluation of overall systems and programs, rather than individual judicial performance, and encompasses both a quantitative and qualitative assessment of court effectiveness; and

WHEREAS, it is important that state court leaders share outcome data in a public manner by publishing the results of their performance measurements so the public can make judgments about the effectiveness of state court systems; and

WHEREAS, although state court systems are working successfully in many different contexts to advance accountability and transparency, court performance measurement is one area in which state courts need to do better; and

WHEREAS, the Conference of State Court Administrators prepared a white paper entitled *Promoting a Culture of Transparency and Accountability: Court System Performance Measures*, which examined available performance measurement tools, best practices, and lessons learned;

NOW, THEREFORE, BE IT RESOLVED that to create and sustain a court culture of accountability and transparency the Conferences urge:

- Chief justices and state court administrators to assume a leadership role, regardless of their court system organizational structure, to promote and enact performance measurement systems; and
- State courts to adopt policies requiring performance measurement; and
- State courts to develop the automated capacity to collect, report, and analyze the data necessary to support performance management; and
- State courts to measure their courts' performance and publish those measures on their courts' websites, in annual reports, at budget hearings and other public meetings to improve understanding of the judicial branch; and
- State courts to use their performance results to educate the legislative and executive branches of government; and
- NCSC to serve as the clearinghouse for state performance measures and management solutions provided by the states via its website, including an implementation manual to assist state courts with performance measurements; and
- State courts to collaborate with NCSC to encourage the use of consistent methodologies necessary for comparability; and
- State courts to share their information, methodologies, and results with one another and with NCSC in an effort to learn from these shared experiences and improve performance and management; and
- NCSC and the National Association for Court Management to continue their encouragement of the use of performance measures and the publication of data in educational programs for future court leaders.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.