

Resolution 5

Emergency Preparedness in the State Courts

WHEREAS, recent disasters have demonstrated that an immediate mobilization of the justice system ? including the country?s state and territorial court systems ? is essential to support societal stability and protect individuals, families, businesses and institutions in these emergency situations; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that an operational court system capable of performing constitutionally mandated functions stands against the chaos created by an emergency and ensures that the judiciary can fulfill its mission of maintaining the rule of law, protecting individual rights, and providing for the prompt and lawful processing of those charged with crimes; and

WHEREAS, the Conferences understand that state court leadership has an obligation to prepare to meet the challenges of providing essential functions in the face of any and all emergencies, from catastrophic events that bring large scale disruption and harm to the more commonly anticipated emergencies that can disrupt court operations on a more localized basis and for a limited time only; and

WHEREAS, a White Paper, *Emergency Preparedness in the State Courts*, was developed by the Conference of State Court Administrators to identify what state court leaders should be doing now to ensure that their court systems are able to meet this responsibility in the future and to identify key policies and practices designed to promote effective emergency planning and business continuity in their jurisdictions; and

WHEREAS, the White Paper examined the leadership, planning, and funding issues surrounding emergency preparedness and the development and implementation of continuity of operations plans; and

WHEREAS, the White Paper recognizes the critical role of the Chief Justice of the state to provide leadership to highlight the importance of emergency preparedness for the judicial branch and to ensure that courts implement comprehensive statewide emergency preparedness planning; and

WHEREAS, the White Paper also recognizes the critical role of the State Court Administrator to communicate the need for emergency planning to all judicial branch personnel, to implement planning to facilitate consistent and effective responses to emergency situations, and to oversee implementation of such planning;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices: (1) endorses the *Emergency Preparedness in the State Courts* White Paper; (2) commits to take necessary steps to implement the recommendations; and (3) requests that the President of the Conference work with the President of the Conference of State Court Administrators to assign the White Paper to the appropriate committees to advance the implementation of the

recommendations; and

BE IT FURTHER RESOLVED that the Conference calls on the National Center for State Courts: (1) to provide assistance to the state courts by serving as a clearinghouse for best practices, model policies, procedures, and other information; (2) to develop specialized training programs on emergency preparedness; and (3) to consider the feasibility of serving as an emergency back-up for communications for states that are experiencing disasters and have lost communications capacity; and

BE IT FURTHER RESOLVED that the Conference encourages the Department of Homeland Security to require that state court leaders are participants on state-level committees charged with developing, adopting, and overseeing the implementation of statewide emergency plans and expenditure of statewide emergency funds; and

BE IT FURTHER RESOLVED that the Conference encourages Congress to provide direct funding to state court leadership to enable them to develop and implement emergency plans and security improvements so state courts are capable of performing their constitutional functions in emergency situations.

Adopted as proposed by the Security and Emergency Preparedness Committee of the Conference of Chief Justices on February 7, 2007.