

THE ROLE OF THE U.S. CONFERENCE OF CHIEF JUSTICES

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The Conference of Chief Justices (CCJ) was created in 1949, and incorporated as a non-profit organization in 1982. Its membership consists of the highest judicial officers of the fifty states, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of American Samoa, Guam, and the Virgin Islands. It works closely with its partner conference, the Conference of State Court Administrators (COSCA), and is staffed by the National Center for State Courts (NCSC), which provides support for all the work of CCJ and COSCA, and provides technical and training support, research, and a policy voice for all the state courts in the United States. The National Center is supported by assessments from the states themselves, foundation, corporate, law firm and individual donations, and by private and government grants. Its Board of Directors is led by the officers of CCJ and COSCA.

The overall mission of the Conference of Chief Justices is to improve the administration of justice in the states and territories of the United States. We address this mission by:

- promoting the vitality, independence and effectiveness of state judicial systems
- developing and advancing policies supporting our common interests and values
- educating leaders to become effective managers of state judicial systems

- exchanging information of value to state judicial systems
- supporting the provision of adequate resources for the operation of state courts

Historically, most state courts functioned as relatively small, independent units, dependent on local funding and without a need for strong, centralized administration. Those days have disappeared, and state courts have increasingly emerged as complex organizations requiring sophisticated management and good governance models. The ability to be efficient and effective in the administration of justice has become as much of a necessity as the ability to be fair and impartial in the resolution of disputes. In fact, we believe that there is a correlation between the decisional independence of the state courts and their institutional independence. Institutional independence includes the ability to manage resources, develop procedures, and establish policies and priorities for the essential functions of the courts: access to justice, prompt resolution of disputes, effective use of and accountability for public resources, alternatives to litigation, and a whole host of other concerns that are part of the administration of the courts. Modern court systems require the ability to secure necessary funding, provide transparency and accountability regarding the use of that funding, implement the best policies and management practices for effective operation of the courts, enjoy the flexibility to cope with a constantly and rapidly changing environment, and “speak with a single voice” to the other branches of government and to the public on issues that concern the judiciary’s status as an equal branch of government, including decisional independence.

The importance of this work cannot be over-stated. In the United States, more than ninety-five percent of all court claims are filed in state courts. Those claims encompass commercial disputes of all kinds, contract, property and torts, criminal cases, and family dissolution, child support and custody, juvenile justice and child welfare, governmental compensation claims, and a host of others that affect the daily lives of citizens and the economic health of communities.

Without fair and impartial, effectively managed, and adequately funded state courts, the rule of law in the United States would be at risk. In the context of these concerns, the Conference of Chief Justices has exercised a national leadership role.

In addition to CCJ's focus on improving the administration of justice in our states, the Conference strongly believes that the state courts require a national institutional voice to educate policy-makers, including Congress, the Department of Justice, and federal agencies that make decisions and allocate federal funds for our needs and concerns. To that end, the NCSC maintains an office and staff in Washington DC, and regularly conducts meetings with federal officials, Congressional Members and staff, and CCJ/COSCA members on issues relevant to the state courts. On occasion, CCJ has filed amicus curiae briefs in courts considering questions with institutional implications, most recently concerning Codes of Judicial Conduct and free speech protections under the federal constitution. The United States Supreme Court cited one such brief numerous times in its opinion on judicial disqualification in Caperton v. Massey Coal, 129 S.Ct. 2262 (2009).

The Conference's role in national discussions of state court issues is greatly enhanced by the relationship with COSCA, which regularly undertakes studies of reform movements in the courts and produces thought-provoking and detailed position papers. The following is a list of these papers:

"White Paper on Court Interpretation: Fundamental to Access to Justice"

"State Judicial Branch Budgets in Times of Fiscal Crisis"

"Effective Management of Family Law Cases"

"Effective Judicial Governance and Accountability"

"Promoting a Culture of Accountability and Transparency: Court System Performance Measures"

“Digital Recording: Changing Times for Making the Record”

“Safety and Accountability: State Courts and Domestic Violence”

“Emergency Preparedness in the State Courts”

“Court Leadership in Justice Information Sharing”

“Position Paper on Problem-Solving Courts”

“Access to Court Records”

“State Courts’ Responsibility to Address Issues of Racial and Ethnic Fairness”

“Self-Represented Litigation”

“The Emergence of E-Everything”

When the Conference of Chief Justices considers and endorses the policies recommended in these documents, they become blueprints for action and implementation around the country.

The Conference of Chief Justices conducts its business and undertakes its policy work through a Board of Directors with an Executive Committee, and numerous standing committees and special task forces, all supported by National Center staff. The full Conference meets twice a year, once in conjunction with COSCA, and has a third meeting of its Board.

Conference meetings are about equally divided between committee and Conference business and educational programming on a variety of high-interest subjects. Education programs range from the very practical (e.g., explanation and discussion of court performance standards and why they should be adopted) to skill development (e.g., leadership principles for court leaders) to thought-provoking (e.g., a recent program developed by the National Holocaust Museum on “How the Courts Failed

Germany”). The Conference currently maintains the following committees and task forces:

Joint CCJ/COSCA Committees:

Access, Fairness and Public Trust
Courts, Children, and Families
Court Management
Criminal Justice (and Research-based
sentencing)
Government Affairs
Meeting Planning
Problem-Solving Courts
Security and Emergency Preparedness

CCJ Committees:

Amicus Brief Review Team
Civil Justice
Education
Governance
Nominations
Past Presidents
Professionalism and Competence of the Bar
Resolutions
Tribal Relations

Task Forces:

CCJ/COSCA Task Force on Elders and the Courts
CCJ Task Force on Politics and Judicial
Selection/Judicial Salaries
Task Force on the Regulation of Foreign
Lawyers and the International
Practice of Law

In addition to its committee work, the Conference, along with the National Center, maintains liaisons and relationships with organizations and agencies throughout the American justice system. Just a representative sampling of such groups would include the National Judicial College, the National Council of Juvenile and Family Court Judges, the American Bar

Association, the National Association of Court Management, the National Association of State Judicial Educators, the State Justice Institute, and many others. The Conference and the National Center seek to be the authoritative voice for and the source of research and information about the state courts in every relevant venue throughout the country. They frequently partner with other organizations in the furtherance of national goals. One recent example is a series of Summits on child welfare and foster care issues funded by the Pew and Casey Foundations, co-sponsored by the National Council of Juvenile and Family Courts Judges and the NCSC. These programs and the work of CCJ's Committee on Courts, Families and Children, has led to significant leadership by state chief justices in child welfare and foster care reforms in a large number of the states.

Over the years, the Conference has issued policy statements and adopted resolutions in the following categories: access to justice, adult guardianship, bar admissions, case management, child support, child welfare, court administration, courts and families, criminal justice, domestic violence, drug courts/substance abuse, elders and the courts, federalism, files and fees, independence of state judicial systems, intergovernmental relations, judicial conduct, judicial selection and compensation, jury management, juvenile justice, lawyer conduct, legal education, mass torts, mental health courts, multi-jurisdictional practice, public trust and confidence, the rule of law, court security and emergency preparedness, self-represented litigants, sentencing, technology and tribal/state/federal relations. This long list reflects the scope of the Conference's work and concerns. Our national priorities with Congress and federal agencies for the last year have included seeking federal appropriations for state courts to implement federally mandated programs, to increase language access through court-based interpreters and to support the rapidly growing numbers of drug courts and other problem-solving courts throughout the nation.

I would like to highlight two final initiatives that reflect the impact and scope of the work of the Conference of Chief Justices and the National Center. The Conference has encouraged and supported engagement with extraordinary

developments in the area of evidence-based (or “research-based”) sentencing principles. Perhaps the most important recent justice reform in sentencing and corrections is the incorporation of these principles in state practice. Over the last fifteen years a voluminous body of solid research has emerged demonstrating that validated, research-based approaches to offender treatment can positively change behavior and significantly reduce recidivism. The National Center, along with the National Judicial College and the Crime and Justice Institute, has developed a Model Curriculum entitled “Evidence-Based Sentencing to Improve Public Safety and Reduce Recidivism” for use in state judicial systems throughout the country.

Another noteworthy initiative of the Conference and the National Center that may be of particular interest to European Courts is the International Framework for Court Excellence. Building on the extensive work on court performance standards for U.S. state courts (known as CourTools), the National Center has led an International Consortium in distilling and articulating universal principles for effective court systems. It identifies ten core values and seven areas of court excellence to guarantee due process and equal protection of the law to the people served by courts. Seven entities and several national court systems have joined the Consortium and adopted the Framework, most recently Brazil. Information about the Framework is available at <http://www.courtexcellence.com>.

In summary, the Conference of Chief Justices provides a forum for policy-making, problem-solving, and information-sharing across state boundaries. Because of its leadership of and support for the National Center for State Courts, the Conference has been able to develop a strong national voice, provide technical support and assistance to individual state systems, conduct significant research and development of best practices, and become a champion for the preservation of the rule of law and the democratic values that are dependent on a fair, impartial and adequately funded court system. As to this last point, one of the current preoccupations of the Conference and the Center is the development of principles and

strategies for “re-engineering” the operation, staffing, and management of state courts to permit them to deal with the funding issues arising from the current economic environment. Principles of court governance, case management, and operational re-organization are being actively discussed and shared across the country.

Finally, I would mention the benefits of collegiality in the Conference. Sometimes the leadership of a court system is a lonely job; the opportunity to engage with others in the same position permits candid, reassuring, useful conversations in a safe environment. I am consistently impressed that, although our state systems differ widely in structure, funding, culture, and methods of judicial selection and retention, we share the same fundamental values about the administration of justice.

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