



'17 *annual* REPORT

NATIONAL CENTER FOR STATE COURTS



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Trusted Leadership.
Proven Solutions.
Better Courts.

LEFT PAGE

TOP IMAGE: Chief Justice of the United States John G. Roberts, Jr. presents Judge Kim Berkeley Clark with the William H. Rehnquist Award for Judicial Excellence.

MIDDLE IMAGE: Florida Chief Justice Jorge Labarga

BOTTOM IMAGE, FROM LEFT: Adelaide Thompson, Louisiana Chief Justice Bernette Joshua Johnson, and Rachel Johnson.

RIGHT PAGE

TOP IMAGE, FROM LEFT: Christine Johnson, Alaska; David Slayton, Texas; and Sally Holewa, North Dakota.

MIDDLE IMAGE, FROM LEFT: Attorney Kim D. Hogrefe, Maryland Chief Judge Mary Ellen Barbera, and Utah Chief Justice Matthew Durrant.

BOTTOM IMAGE, FROM LEFT: Judge Jerome Abrams and Benes Aldana, President of the National Judicial College.



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NCSC President Mary C. McQueen



Ohio Chief Justice Maureen O'Connor

Message from the President and Chair

The mission and the work of the National Center for State Courts has never been more vital to our nation's justice system. Increasingly, state courts have become the epicenter of society's most pressing and challenging issues.

The country's opioid epidemic is ravaging our communities, impacting every level of court across the country. The public believes that civil justice has become a luxury that only the wealthy can afford. Many minorities feel disenfranchised by a system that disproportionately places court fines and fees on the poor.

NCSC is committed to finding solutions by providing court leaders with evidence-based research and rigorous data collection. In this Annual Report, you will learn how NCSC is responding to these pressing issues.

For example:

- *NCSC is working with the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) on a national task force to help courts identify best practices for court- and community-based interventions for people with opioid use disorders.*
- *NCSC's Civil Justice Improvements committee developed proven recommendations to address the cost and delay associated with civil justice.*
- *CCJ and COSCA's National Task Force on Fines, Fees and Bail Practices developed resources to help ensure citizens are not denied access to justice based on race, culture, or lack of economic means and to equitably assign court fines/fees.*

Each fall, NCSC conducts the State of State Courts survey. This telephone survey involves 1,000 registered voters who share their views of how well the courts serve their needs and concerns. This poll provides insight into public opinion and serves as a guide for improving court operations at all levels.

According to the 2017 survey, the state courts are still the most trusted branch of government, with 71 percent expressing confidence in the judiciary. However, there is room for improvement. For example, many of the respondents believed that judges do not understand the challenges faced by citizens who appear in court and that judges should be more engaged with their local communities. Access to justice, customer service, and the complexity of court procedures are also important issues.

These initiatives and more are supported by NCSC's dedicated staff of research analysts, attorneys, court consultants, and professionals in many different disciplines. This Annual Report highlights their work, as well as the work of NCSC's partners in the court community. We could not accomplish our work without the support and engagement of our many donors, whose names you can read at the end of this report. We are deeply grateful to them all.

Mary C. McQueen
President
National Center for State Courts

Maureen O'Connor
Chief Justice
Supreme Court of Ohio



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FRONT ROW, FROM LEFT: Stephanie Hess, Judge Jennifer Bailey, Sally Holewa, Chief Justice John Minton, Mary McQueen, Chief Justice Maureen O'Connor, Callie Dietz, Luther Battiste III

SECOND ROW, FROM LEFT: Clifford Sloan, Anne Milgram, Judge Ronald Adrine, Joseph Baxter, Judge Jerome Abrams, Dan Mozena, Randall Ebner, Michael Harrington, Judge Elizabeth Hines, Elena Baca

BACK ROW, FROM LEFT: Chief Justice Paul Reiber, Russell Brown, Judge Gary Lynch, Chief Justice Mark Cady, Judge Jimmie Edwards

NOT PICTURED: Deborah Daniels, Russell Deyo, Simon Lorne, Arthur Pepin, and Todd Smith

*Non-Board Member, Advisor

Improving Public Trust and Access to Justice

The National Center for State Courts has always listened to the public and has been committed to finding solutions to help courts improve services to the public. In 2017, we worked with judges and court administrators to help the courts respond to the opioid crisis and to reform the current system of court fines, fees, and bail practices.

Opioids and the courts

In 2017, the nation's opioid crisis claimed more than 64,000 lives with many thousands more struggling to survive their addictions. Addicts and their relatives, all of whom desperately need help, flooded courtrooms, where judges had to make decisions about whether opioid abusers should go to jail or to a treatment center, and about where their children should live while they are in one of those two places.



Indiana Chief Justice Loretta H. Rush

Recognizing the need to help find a solution, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) established the **National Judicial Opioid Task Force**, co-chaired by Indiana Chief Justice Loretta H. Rush and Tennessee State Court Administrator Deborah Taylor Tate.



New Mexico Chief Justice Judith Nakamura at the task force meeting in Arlington, VA.



Dr. Andrew Kolodny of Brandeis University and executive director and co-founder of Physicians for Responsible Opioid Prescribing (PROP) addresses members of National Judicial Opioid Task Force.

The work includes creating an online resource center, developing education materials for judges and court staff, and identifying best practices for court- and community-based interventions to help opioid abusers who find themselves in court.

“While much attention has deservedly been focused on this epidemic’s health impact, we cannot ignore the significant legal issues it also raises. It has become a recurring theme throughout our nation that this crisis is crippling our communities and overwhelming our courts,” Chief Justice Rush said.

Courts have to be part of the solution.
Indiana Chief Justice Loretta H. Rush

The National Judicial Opioid Task Force held its first meeting in Arlington, VA, in November 2017.

To learn more on OPIOIDS AND THE COURTS visit:
www.ncsc.org/opioidsandcourts



NCSC's Michelle White, right, project director for the opioid task force, with co-chairs, from left Deborah Taylor Tate and Indiana Chief Justice Loretta H. Rush.



“No one in America should be sent to jail solely because they are poor...This must change...”
Ohio Chief Justice Maureen O'Connor

Fines, fees, and bail practices

Fines and fees charged by courts sometimes create a burden for those who must pay them. Very often the poor sit in jail because they can't afford to pay court fines and fees.

CCJ, COSCA, and NCSC formed a task force whose work, guided by the belief that courts are not revenue centers, includes drafting guiding principles, preparing studies and developing tools to help courts find solutions to this problem. To date, the Task Force has developed a bench card to help judges determine defendants' ability to pay.

“No one in America should be sent to jail solely because they are poor. In too many instances, state and local officials treat the court system as an ATM for their spending priorities. This must change, and our task force is committed to taking steps to drive that change,” said Maureen O'Connor, Ohio Chief Justice and Co-Chair of the National Task Force on Fines, Fees, and Bail Practices.

To learn more on the TASK FORCE'S WORK visit:
www.ncsc.org/finesfees

Trends in State Courts 2017

NCSC's annual **Trends in State Courts** report examined “Fines, Fees, and Bail Practices: Challenges and Opportunities.” Articles in this edition covered the history of U.S. bail reform, alternatives to suspending driver's licenses for nonpayment of fines and fees, use of risk assessment rather than cash bail in New Jersey, and the work of the National Task Force on Fines, Fees and Bail Practices.

Trends' opening article, “How the Fines and Fees Issue Impacted the Missouri Courts,” described how local courts, lawmakers, and the state supreme court enacted reforms following events in Ferguson.

“Issues involving fines and fees continue to play out in a rapidly changing environment, with many competing interests at the table. Under the leadership and direction of the state supreme court, Missouri's trial courts will continue to seek the appropriate balancing of these interests, improving their own performance and fulfilling their obligations in a manner faithful to the law and accountable to those whom the courts serve,” said Karl A. W. DeMarce, Associate Circuit Judge, Scott County, Missouri



“Issues involving fines and fees continue to play out in a rapidly changing environment, with many competing interests at the table.”
Missouri Judge Karl DeMarce

The collateral impact that court fines, fees, and bail practices have on courts and society is so far-reaching, NCSC dedicated the entire edition of our annual Trends in State Courts 2017 publication to this issue. This was the first time in Trends' 25-year history that the publication has focused on one topic.

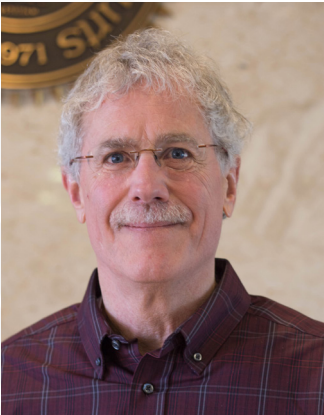
Enhancing Court Services

For more than four decades, court leaders around the world have looked to NCSC for empirical, independent research and analysis to find solutions to the challenges they face. State courts depend on reliable data to improve services to the public. NCSC provides the only comprehensive statistical picture of state courts nationwide. Our researchers and consultants work on projects ranging from sentencing initiatives to elder abuse to criminal caseloads.

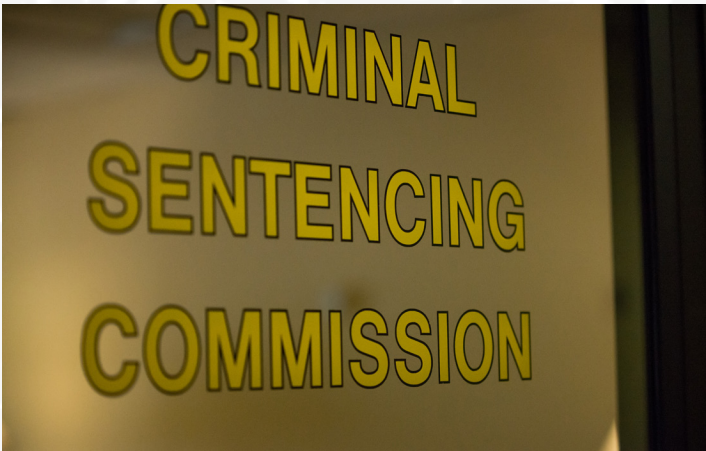
Criminal Case Management Project includes several million cases

NCSC researchers, using a massive trove of data from 98 courts in 21 states, are taking the first large-scale, empirical look at misdemeanor and felony criminal case management. The **Effective Criminal Case Management Project** is in its third year. Our researchers, in 2018, will visit eight courts that have shown the ability to effectively process criminal cases to find how they do what they do.

Brian Ostrom, Principal Court Research Consultant at NCSC said, “We lacked a clear understanding of how courts are doing in this area, so we wanted to take a deeper look. ... There’s never been a study quite like this, with this level of participation and this amount of data. ... Criminal court management is a big deal and courts can learn from each other on how to do it better.”



NCSC Principal Court Research Consultant Brian Ostrom



“There’s never been a study quite like this, with this level of participation and this amount of data.”

Brian Ostrom, NCSC Principal Court Research Consultant

Civil Justice Initiative

The **Civil Justice Improvements committee** developed 13 recommendations that address the civil justice system’s shortcomings, primarily cost and delay. The recommendations are being tested in courts across the country.

Family Justice Initiative begins first of three phases

NCSC created the **Family Justice Initiative** to evaluate and improve the way courts handle domestic relations cases. The three-year initiative, which began in the fall of 2017, is a partnership with CCJ, COSCA, the Institute for the Advancement of the Legal System, and the National Council of Juvenile and Family Court Judges. The State Justice Institute is funding the initiative, which is modeled after the Civil Justice Initiative.

The Family Justice Initiative will focus primarily on cases involving divorce, property distribution and spousal support, and the allocation of parental rights and responsibilities. Cases that originated in criminal, probate or juvenile courts will be excluded from the initiative.

The initiative involves three phases:

1. Assessing the current landscape and best practices in domestic relations
2. Extending and modifying the Civil Justice Initiative recommendations to address domestic relations cases
3. Implementing and evaluating pilot projects in four jurisdictions

Elders and the courts

NCSC’s **Center for Elders and the Courts (CEC)** led national efforts to improve the way courts handle and monitor adult guardianship and conservatorship cases. Several projects address the ability of state courts to identify, document and respond to exploitation by court-appointed conservators.

CEC worked with five states on the Conservatorship Accountability Project, which included a technology component and the development of algorithms that predict financial concerns. Findings from these projects demonstrated the dire need for modernization of the courts and the role that technology can play in preventing exploitation. Currently, CEC is calling for funding to combine real-time financial monitoring with automated alerts and a proactive court response to halt exploitation by conservators.

NCSC helps with foster care placements

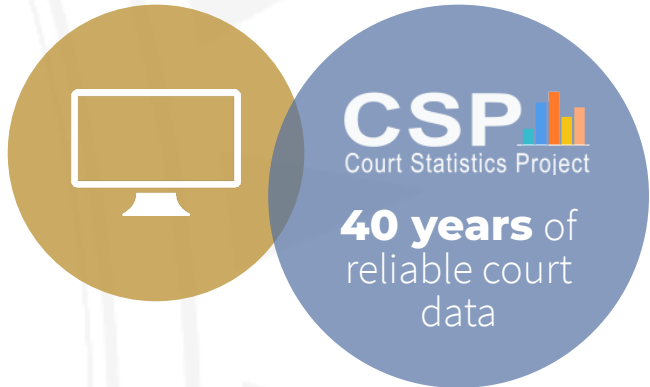
NCSC’s **Reimagining Dependency Courts** initiative allows the courts to partner with Casey Family Programs to make family placements more permanent and to reduce the overall number of children in foster care.

“With the guidance and support of the National Center for State Courts, we have been able to better identify case management tracks needed to aid our circuit court and highlight the barriers hindering case closure; therefore, enhancing timely permanency for children,” said Lynn E. Allen, Family Court Manager, Seventeenth Judicial Circuit, Florida.

Court Statistics Project

NCSC’s Court Statistics Project (CSP) remains a great place to find data about state trial and appellate caseloads at the national level. The CSP website is a valuable resource to learn about caseload trends, clearance rates, and much more. It’s also the place to find CSP’s DataViewer, where you can find state-level data and compare it to other states.

To learn more on the COURT STATISTICS PROJECT visit: www.courtstatistics.org



Court consultants worked coast to coast in 2017

NCSC’s court consultants worked on 57 new projects in 29 states – from Oregon to Florida – and one Canadian province (Alberta).

Consultants helped court officials in Cochise, Arizona, figure out how to better use a law library, which was originally designed for attorneys but is mostly used today by self-represented litigants.

“The National Center for State Courts helped us assemble a local partnership to move forward. The consultants helped us to thoughtfully assess what we had and where we might go. Today, we have a realistic plan for improvement, more staff to provide more and better services, a local partnership to expand services, and a law library in the process of renovation.”

Eric Silverberg, Court Administrator, Cochise County Superior Court, AZ

Court Consultants started 57 new projects in 29 states

Workload assessments

NCSC consultants worked with the Colorado Administrative Office of the Courts to do a weighted caseload study for court staff. NCSC staff and members of an assessment committee measured the amount of time court staff spend doing their jobs.

Jessica Brill, Court Programs Analyst, Colorado Judicial Branch, said, “When we initiated our study in 2015, we knew it was going to be a challenge. We needed to complete the study with nearly 1,500 participants on a very ambitious timeline due to legislative and budgetary pressures. [NCSC consultants] ... did a wonderful job delivering on a challenging project in a tight time frame. Their expertise was extremely helpful throughout the process. As a result of this study and their hard work, we were able to provide a more accurate picture of today’s work to our staff and customers.”

Education and Technology

A critical part of NCSC's mission involves educating court professionals and helping court leaders learn how technology improves efficiency. NCSC educators, consultants and researchers worked tirelessly in 2017 to do just that. We offered high-level educational courses, provided top-rate technological assistance, and hosted conferences and events that offered professional development and advanced the newest court technology.

Institute for Court Management's Fellows Program

NCSC's **Institute for Court Management (ICM)** teaches courts to certify court managers and other court professionals. ICM graduated 12 court administrators from the Fellows Program this past year.

ICM's four-phase professional development program includes independent court research and an improvement project equivalent to a master's degree thesis. Graduates earn the distinction of becoming Fellows of ICM and contribute to the growing scholarly literature about court administration.

Petra H. Mandigo Hulm, chief deputy clerk with the North Dakota Supreme Court, received the Award of Merit, recognized as the best court improvement project for her work, "One Size Does Not Fit All: Differential Appellate Case Management in North Dakota." Her classmates also chose her as spokesperson for the ICM Fellows Class of 2017.



Petra H. Mandigo Hulm

"The Fellows Program gave me a deep understanding of court management. I gained invaluable tools to assist my court to effectively analyze the issues it faces, and I learned how to support recommendations with evidence and sound reasoning," said Hulm.

"The ICM Fellows program allowed me this professional development, which has benefited not only me, but my court"

Linda Romero Soles, CEO, Superior Court of Merced County, CA



Amy McDowell, NCSC's education program manager, teaches ICM courses at NCSC headquarters in Williamsburg, VA.

ICM taught 2,503 people enrolled in various ICM courses

ICM also presented the **Star Award** to a Fellow who demonstrated excellence in the advancement of court administration through leadership and education. Linda Romero Soles, chief executive officer for the Superior Court of California, County of Merced, received the award at the annual conference of the National Association for Court Management (NACM).



Linda Romero Soles

Soles, who became an ICM Fellow in 2006, was honored for her efforts to help others with their professional development, stating, "In my career, I have always believed in continuous education and learning, pushing beyond my comfort zone and mentoring future court leaders. The ICM Fellows program allowed me this professional development, which has benefited not only me, but my court."



CTC 2017 attendees



CourtHack 2.0 participants

CourtHack 2.0: A great way to spend 30 hours

As its name implies, **CourtHack 2.0**, was the second 30-hour hackathon sponsored by NCSC. The event, which helps support technology advances and improve court operations, was held at the New Jersey Law Center.

"...Carrying out justice is not a black-and-white process."

Akbar Farook, CEO, Global Justice Systems

CourtHack attracted legal minds, technologists and entrepreneurs to create innovative products and services that will benefit the administration of justice.

Team Tiger, led by Global Justice Solutions CEO Akbar Farook, won the grand prize for its mobile app, eBenchCard™. The app allows judges to determine defendants' ability to pay fines and fees and provide alternative sanctions to payment in almost real-time.

"While the hackathon was a fun and enlightening experience, I learned that carrying out justice is not a black-and-white process. ... We are so happy to have won the challenge, and hope our solution meets the technology needs of courts around the nation. ... We had great mentorship provided by NCSC staff and from court executives across the country who helped us uncover core issues plaguing the justice system," said Akbar Farook, CEO, Global Justice Systems.

Courts and "Disruptive Innovation"

Innovations at many technology companies are shaping private business practices. **"Courts Disrupted,"** a paper released in 2017 by the Joint Technology Committee of NCSC, COSCA, and NACM, described how courts can leverage the concept of disruptive innovation to make justice available to a wider audience at a lower cost while preserving fairness, transparency and predictability.

If you missed CTC 2017 in Salt Lake City

Every other year, NCSC hosts the largest **Court Technology Conference (CTC)** in the world. Court leaders representing 43 states, 16 countries, and three U.S. territories attended this year's conference. CTC provides three days of education, training, networking, and an extensive court technology exhibit show.

CTC 2017 highlights included:

- Keynote speaker Mark Lanterman, a Minneapolis-based computer forensics expert, said, "The topic that keeps me up at night is the 'Internet of Things,' the concept of connecting devices with on-and-off switches to the Internet. "It seems that everything is connected to the Internet – our lights, our thermostats, our cars, our TVs – and many of them shouldn't be. Hackers can wreak havoc on all of this."
- e-Reminders – text messages and emails that courts use to notify people about court appearances – are growing in popularity and are credited for reducing failure-to-appear rates.
- Technological innovations may affect courts in many ways, including the possibility that voice recognition may replace keyboards and impact court reporters, virtual reality may allow witnesses to appear in holographic form, and artificial intelligence, drones and robotics may increase efficiency.

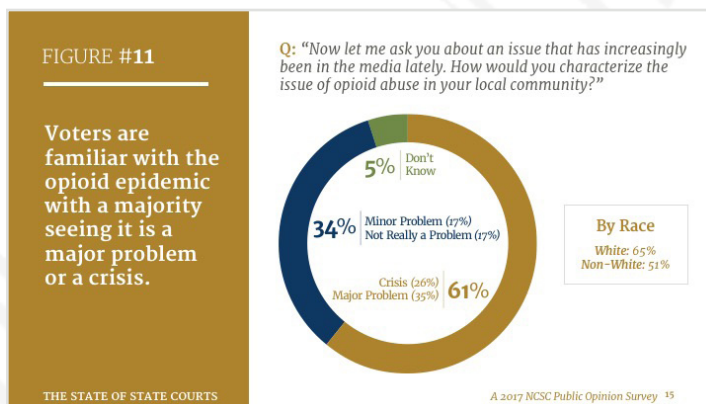


CTC 2017 Keynote Speaker Mark Lanterman



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NCSC Principal Court Technology Consultant James McMillan meets with attendees at CTC 2017.



To read more on STATE OF STATE COURTS visit:
www.ncsc.org/2017survey

To increase participation, NCSC started two new features in Connected Community this past year. They include: **Open Court**, a blog that explores newsy items and invites readers to give their input; and **Question of the Week**, which highlights popular questions received by our analysts.



92%
RECOMMENDED
CONNECTEDCOMMUNITY
TO A FRIEND

78%
SAID CONNECTED
COMMUNITY HELPS
THEM DO THEIR JOB

* Connected Community User Survey, Aug. 23 – Sept. 28, 2017



In 2017, **NCSC's Association Services** staff assisted in contracting, planning and supporting more than 25 court conferences and meetings.

- *Conference of Chief Justices (CCJ)*
- *Conference of State Court Administrators (COSCA)*
- *Council of Chief Judges of the State Courts of Appeal (CCJSCA)*
- *National Association for Court Management (NACM)*
- *American Judges Association (AJA)*
- *Joint Technology Committee (JTC)*
- *National Conference of Appellate Court Clerks (NCACC)*
- *National Association for Presiding Judges and Court Executive Officers (NAPCO)*
- *National College of Probate Judges (NCPJ)*
- *National Association of State Judicial Educators (NASJE)*
- *National Association of Women Judges (NAWJ)*
- *Conference of Court Public Information Officers (CCPIO)*
- *Judicial Family Institute (JFI)*
- *National Consortium on Racial and Ethnic Fairness in the Courts (NCREFC)*
- *Court Information Technology Officers Consortium (CITOC)*
- *Council of Language Access Coordinators*

Improving Justice Abroad

NCSC provides services to courts in emerging democracies to help them establish strong, fair, and impartial courts. NCSC is a global leader in court management and administration services. We work with justice systems worldwide to modernize court operations that help courts function more efficiently and transparently, to offer quality services that increase access to justice, and to effectively respond to community needs.

NCSC international projects

NCSC's International Division is working on 35 projects in 23 countries, including 16 countries in the Caribbean. Projects feature work with training programs on trial advocacy, judicial writing and specialized courses in the investigation and prosecution of financial crimes and violent organized crime.

Our International Division has received grant extensions in **Nicaragua** and **Honduras**, and is working with the United Nations Office for Drugs and Crime to establish a global judicial integrity network. Our division also plans to open an office in **Mexico City** in 2018.

The National Center for State Courts, in partnership with six regional chambers of commerce in Nicaragua, launched the “*Being Legal, my Business Thrives*” campaign, which is part of a program to strengthen the rule of law there. The campaign also is designed to get entrepreneurs talking about important rule-of-law topics related to unfair trade practices, new civil codes and dispute resolution.

In the African nation of **Tunisia**, NCSC and the International Legal Assistance Consortium (ILAC) are working on Tunisia's first weighted caseload study.

NCSC's International Visitors Program conducts educational programming for hundreds of international judicial leaders annually, with programs ranging from studies of a specific court administration topic to comprehensive studies of the American justice system.



NCSC worked on 35 projects in 23 countries including 16 countries in the Carribbean

In 2017, NCSC continued to strengthen the government legal aid system in **Bangladesh**. Working with 15 legal aid offices, NCSC has oriented more than 26,000 local stakeholders on their role in informing citizens in their communities about legal aid and referring them to services. As a result of our work, demand for legal aid services has more than doubled between 2012 and 2017, with 14,173 beneficiaries served in 2017.

“Our success cannot be measured monetarily, but in how we help those who are less fortunate aspire to realize their dreams of justice, security and equal opportunity

Jeff Apperson, Vice President, NCSC International



International visitors from Brazil

NCSC 2017 Highlights

Gavel to Gavel

The ABA Journal recognized NCSC's Gavel to Gavel blog, which tracks court-related state legislation, as one of the 100 best digital media for a legal audience. Gavel to Gavel was inducted into the ABA Journal's Blawg Hall of Fame, a recognition for blogs “known for their untiring ability to craft high-quality, engaging posts.”

Washington state's Limited License Legal Technician Program

Washington state's courts use Limited License Legal Technicians – paralegals with special training – to help litigants with family-law forms and procedural issues. An evaluation by NCSC and the American Bar Foundation found that the program increases access to justice without taking business away from lawyers.

Use 'carrots and sticks' to aid compliance with probation

NCSC's Center for Sentencing Initiatives produced a paper to help judges promote and enforce compliance with probation supervision. An excerpt from the paper “*An Evidence-Based Approach to Promoting and Enforcing Compliance with Conditions of Probation Supervision*,” reads: “Carrots and sticks are much more effective than sticks alone. To effect behavioral change, experts recommend using at least as many rewards (to reinforce prosocial behaviors) as sanctions (in response to violations).”

Guide to building civil case management teams

The Civil Justice Initiative's *Guide to Building Civil Case Management Teams* describes how many court workers can be trained to undertake case management responsibilities, freeing judicial officers to focus on tasks that require judicial expertise.

New course for interpreters in domestic violence and sexual assault cases

Domestic violence and sexual assault victims who don't speak English well may have a hard time navigating the justice system. NCSC produced an online course to prepare court interpreters to better help these victims. *Interpreting for Domestic Violence and Sexual Assault Cases: An Introduction* was supported by grants from the Office on Violence Against Women and the U.S. Department of Justice.

Risk and needs assessments in sentencing proceedings

NCSC's Center for Sentencing Initiatives released *Use of Risk and Needs Assessment Information in State Sentencing Proceedings*, a brief to provide judges more information about sentencing resources. The brief defines evidence-based sentencing, explains risk- and needs-assessment (RNA) instruments, and outlines how judges may appropriately use RNA information to inform sentencing decisions.

“Court Navigators” in NYC

A study conducted by researchers from NCSC and the American Bar Foundation found that New York City tenants facing eviction received “significantly better results” in court when they used “court navigators” to help them. Court navigators provide one-on-one assistance to unrepresented litigants in the city's housing and civil courts.

Peacemaking in the courts

Several state courts have been inspired by the Native tradition of peacemaking, which focuses on healing and restoration. With support from the State Justice Institute, NCSC and the Center for Court Innovation produced a new guide, *Inspired by Peacemaking: Creating Community-based Restorative Programs in State Courts*, which describes peacemaking and its benefits and provides advice for courts interested in launching their own programs.

Commercial driving issues

The Federal Motor Carrier Safety Administration awarded a \$1.4-million grant to NCSC to continue work on commercial driving issues. NCSC will work with state courts and state driver licensing agencies, conduct a major case management study on commercial driving cases, and document education, training and awareness needs. The National Association of State Judicial Educators will partner with NCSC to develop commercial driver's license curricula for state court workers.

Recognizing Court Leaders

It's impossible to summarize NCSC's achievements without recognizing many of the individuals who support our mission. To recognize those who play a vital role in strengthening and broadening NCSC's reach, we present these award recipients.



FROM LEFT: Judge Gary Lynch, David Boyd, Kay Farley, and South Dakota Chief Justice David Gilbertson attending an NCSC recognition event.

2017 Warren E. Burger Award: David Boyd

David K. Boyd, Iowa's recently retired top court administrator, received the 2017 Warren E. Burger Award.

The Burger Award recognizes an individual, other than a sitting judge, whose service, over a career or substantial period, has significantly contributed to improving the administration of the state courts. This award honors a person who demonstrates professional expertise, leadership, integrity, creativity, innovativeness, and sound judgment.

Boyd, who became the state court administrator in 2003, is past president of the Conference of State Court Administrators. The Burger Award honors the late Chief Justice of the United States, who was instrumental in founding the NCSC and its Institute for Court Management. Chief Justice Burger was a staunch supporter of the mission of NCSC to improve judicial administration through leadership and service to state courts.



Iowa State Court Administrator David Boyd

2017 Sandra Day O'Connor Award: Dana Fabe

Former Alaska Supreme Court Chief Justice Dana Fabe, the first woman to serve on Alaska's highest court, was the recipient of the 2017 Sandra Day O'Connor Award for the Advancement of Civics Education.



FROM LEFT: Former director of the Sandra Day O'Connor Project on the State of the Judiciary at Georgetown Law Meryl Chertoff, Former Alaska Chief Justice Dana Fabe, & Marjorie Rendell, senior circuit judge of the U.S. Court of Appeals for the Third Circuit.

This award honors an organization, a court, or an individual who has promoted, inspired, improved, or led an innovation or accomplishment in the field of civics education related to the justice system. She received the award in Philadelphia during the annual meeting of the Conference of Chief Justices and the Conference of State Court Administrators.

Justice Fabe was selected for her decades-long commitment to promoting, inspiring, nurturing, and leading countless efforts in civics education. One of her most notable achievements was her role in supporting and expanding the *Supreme Court LIVE* program, which brings oral arguments in actual cases to high school students in various parts of the state. In the past seven years, 55 volunteer attorneys, 63 teachers, and thousands of Alaskan students have participated in this program.

The award is named for former U.S. Supreme Court Justice Sandra Day O'Connor, who retired in 2006 and has since become a leading advocate for improving civics education in our nation.



Retired Chief Judge of the D.C. Court of Appeals Eric Washington, Former Alaska Chief Justice Dana Fabe, and NCSC President Mary McQueen.

2017 Harry L. Carrico Award: Eric T. Washington

Retired Chief Judge Eric T. Washington of the District of Columbia Court of Appeals was the recipient of the 2017 Harry L. Carrico Award.



Retired Chief Judge of the D.C. Court of Appeals Eric T. Washington.

NCSC established the award to honor the late Chief Justice Carrico, who served as a justice on the Supreme Court of Virginia for 42 years and as chief justice for 22 years until his retirement in 2003.

The award was established to honor a sitting state court chief justice or justice who has inspired, sponsored, promoted, or led an innovation of national significance in the field of judicial administration.

Kentucky Chief Justice John Minton, former chair of the NCSC Board of Directors, described Chief Judge Washington as "a national leader on access-to-justice issues. He has been as a national voice on such critical issues as expanding civil legal aid, enhancing the availability of high-quality language access services, improving services for self-represented litigants, and encouraging state court leaders to address both explicit and implicit bias within the court system."

2017 Distinguished Service Awards

NCSC annually presents a handful of *Distinguished Service Awards* to court leaders who have made significant contributions to the justice system and who have supported our mission.

Here are the 2017 recipients:

CURRENT OR FORMER STATE APPELLATE COURT JUDGE
Melanie G. May, Fourth District Court of Appeals, Florida

CURRENT OR FORMER STATE TRIAL COURT JUDGE
Douglas Beach, St. Louis County Circuit Court Division 6

STATE-LEVEL COURT ADMINISTRATOR OR EMPLOYEE
Kay M. Pedretti, director of court services, Minnesota Judicial Branch

TRIAL COURT-LEVEL COURT ADMINISTRATOR
Jeff Hall, trial court administrator, Deschutes County (Oregon) Circuit Court.

NCSC 2017 Staff Awards

STAFF EXCELLENCE AWARD recognizes an employee whose work has significantly contributed to the fulfillment of the mission of the NCSC. The recipient consistently produces a high quality of service that enhances the reputation of NCSC and earns the support and trust of all segments of the court community.

BILL RAFTERY, senior knowledge and information services analyst (*Williamsburg*)

JEANNE A. ITO AWARD acknowledges an employee who has worked at NCSC for five years or less and who exemplifies the same traits as Jeanne Ito, who developed a reputation for innovation, initiative and enthusiasm during her five years at the National Center for State Courts.

PABLO VAZQUEZ, program associate (*Arlington*)

FLORENCE MCCONNELL AWARD honors former employee Florence McConnell. This award is given to an employee whose interaction with the courts and with fellow employees creates an atmosphere of trust and respect. The recipient not only maintains a high level of professional performance but also is supportive of colleagues in their professional or personal challenges.

ANTHONY KIM, administrative specialist (*Denver*)

KATHERINE T. WILKE MEMORIAL SCHOLARSHIP goes to an employee who exhibits the qualities characteristic of Ms. Wilke, the former deputy director of Development, who held herself to high standards, both personally and professionally, during her 13 years at NCSC.

EMILY MONTALVO, multimedia production assistant (*Williamsburg*)

DALE A. SIPES MEMORIAL PRESIDENT'S AWARD named after former NCSC employee Dale Sipes, this award recognizes an individual or a team who is responsible for an extraordinary project or activity that improved service to the state courts and enhanced the reputation of the National Center for State Courts.

NORA SYDOW, senior court management consultant (*Williamsburg*)

ROBERT W. TOBIN ACHIEVEMENT AWARD recognizes excellence and achievement by staff who worked on an exceptional NCSC product. Bob Tobin was a long-time NCSC staff member who retired in 2005.

JUSTICE FOR ALL PROGRAM TEAM, International Programs (*Bangladesh*)

Celebrating Judicial Excellence

Every November, NCSC hosts judicial excellence events in Washington, D.C. to honor and to recognize court professionals who have demonstrated outstanding work and to extend appreciation to those who have supported NCSC through contributions, volunteer work, and service.

2017 William H. Rehnquist Award for Judicial Excellence: Judge Kim Berkeley Clark

Pennsylvania family court Judge Kim Berkeley Clark was the recipient of the **2017 William H. Rehnquist Award for Judicial Excellence**, the highest honor bestowed to a state court judge by the National Center for State Courts.

The Rehnquist Award honors a state court judge who demonstrates the outstanding qualities of judicial excellence, including integrity, fairness, open-mindedness, knowledge of the law, professional ethics, creativity, sound judgment, intellectual courage, and decisiveness. It also honors judges who are taking bold steps to address a variety of issues affecting their communities and highlights the judge's work to provide model programs for court systems throughout the United States.

Her work in the Court of Common Pleas of Allegheny County, has earned national recognition for transforming the way children and families who enter the court system are treated by creating a "trauma-informed" courthouse.

"Judge Clark is a spirited trailblazer," said Sharon M. Biasca, assistant administrator of the Allegheny County Court of Common Pleas, who nominated Judge Clark for the award.



Rehnquist Award recipient Judge Kim Berkeley Clark



Rehnquist Award recipient Judge Kim Berkely Clark & U.S. Chief Justice John G. Roberts, Jr.

Prior to becoming the administrative judge of the court's Family Division, Judge Clark served as the supervising judge of its juvenile court. She serves as chair of the Pennsylvania Juvenile Court Judges' Commission and as past president of the Pennsylvania Conference of State Trial Judges.

Judge Clark received the award at NCSC's Annual Judicial Excellence events in D.C., during a dinner in the Great Hall of the U.S. Supreme Court hosted by Chief Justice of the United States John G. Roberts, Jr.

The dinner brought together more than 250 court leaders, general counsel, and attorneys from around the country who support the mission of the National Center for State Courts. Chief Justice Roberts addressed the audience and presented Judge Clark the award.

The 2017 events included the William H. Rehnquist Award for Judicial Excellence dinner, A Conversation with the Chief Justices, the annual Justice Roundtable, NCSC's Recognition Luncheon, and the induction of new members to the Warren E. Burger Society.



TOP, FROM LEFT: Participants include, attorneys Jacob Heath and Karen Johnson-McKewan of Orrick, Herrington & Sutcliffe, and attorney Robert Maloney, Jr. of Lane Powell.

MIDDLE: Iowa Chief Justice Mark Cady discusses court issues with members of NCSC's General Counsel, Lawyers, and Young Lawyers committees.

BOTTOM: Kentucky Chief Justice John Minton, Jr. and Ohio Chief Justice Maureen O'Connor.

A Conversation with the Chief Justices

As part of our annual fall judicial meetings, members of NCSC's General Counsel, Lawyers and Young Lawyers committees gathered with 12 state court justices for an intimate and candid discussion of court issues at a Conversation with the Chief Justices event in D.C.

The chief justices spoke openly about their courts, and they fielded questions on topics ranging from how to resolve cases more quickly to what lawyers can do to improve relationships with judges to the importance of technology to court efficiency.

"Technology used to be the road less traveled," said one of the justices. "Technology, going forward, is the road we must travel. Unfortunately, in our state, we don't have the funding to do it."

This sentiment was shared by most chief justices, who suggested that the attorneys in the room could play a role in improving this situation by talking with their state legislators about increasing funding for court technology.

When asked what can lawyers do to help move cases more quickly, one chief justice said, "The elephant in the room is discovery."

A general counsel member suggested that courts use "discovery masters who have credibility with the courts and with the legal community." He offered that discovery masters "need to be transparent – an extension of the judge."

When the discussion turned to courtroom demeanor, most agreed they have witnessed a sense of eroding civility in the courtroom. Some suggested media portrayals of aggressive litigators have influenced a change in behavior, while others offered that many newer attorneys are not mentored as strongly as in the past. One chief justice spoke about the mentoring program that has been successful in their state in hopes that others would adopt a similar strategy.

Justice Roundtable
Cybersecurity: Threat Landscape
and Impact on Courts,
Corporations, and Individuals

Cybersecurity is one of the biggest challenges facing American government, businesses, individuals, and courts. How to define it, recognize it, and deal with it was the topic at NCSC’s 2017 Justice Roundtable in Washington, D.C.

The session brought together more than 125 chief justices, judges, members of NCSC’s General Counsel and Lawyers committees and business leaders. Former U.S. Assistant Attorney General, John Carlin, moderated the interactive discussion, led by a panel of experts representing Facebook, Merck & Co, and Paul Hastings LLP.

Carlin said terrorist groups have embraced cyberterrorism. “Just as al Qaeda took a technical innovation – aviation – to take thousands of lives, the Islamic State took a technical innovation – social media – to wreak havoc, namely crowdsourcing of terrorism. The current threat is the stealing of information to be weaponized.”

The impact on courts is far ranging. Decisions about how to define cybersecurity will have a lasting impact on freedom of expression, free speech, economic opportunity, and many rights and civil liberties enjoyed by people around the world, panelists said. Privacy interest in cybersecurity involves establishing protocols and effective oversight regarding when, why, and how government agencies may gain access to personal information that is collected, retained, used, or shared.

Facebook’s Monika Bickert, head of Product Policy & Counterterrorism, said it is nearly impossible to keep terrorists from using social media to spread their messages, but Facebook is trying to stop it.

“Five and a half years ago, when I started at Facebook, if we saw terrorist posts, we would take them down, but we didn’t have anyone assigned to do that. Now, we have 150 people combatting terrorist groups.”

Michael Holston of Merck & Co., spoke about an incident on June 27, when hackers shut down Merck’s system for two days. “Luckily, we had backups, and we were able to get the system back on one computer at a time,” he said. “...The next company may not be so lucky.”



Moderator John Carlin



Panelist Monika Bickert



Panelist Michael Holston

Justice Roundtable Panel

MODERATOR
John P. Carlin
Morrison & Foerster
Former U.S. Assistant Attorney General

PANELISTS
Monika Bickert
Head of Product Policy & Counterterrorism
Facebook
Michael J. Holston
Executive Vice President & General Counsel
Merck & Co.
Robert P. Silvers
Paul Hastings LLP

Warren E. Burger Society

Ohio Chief Justice Maureen O’Connor, president of the Conference of Chief Justices and chair of NCSC’s Board of Directors, inducted five individuals into the Warren E. Burger Society. This award honors those who have volunteered their time, talent, and support to the National Center for State Courts in exceptional ways. The Burger Society is named for the former Chief Justice of the U.S. Supreme Court, who helped found NCSC in 1971. The induction ceremony took place at a luncheon on November 16th in Washington, D.C.



The 2017 Warren E. Burger Honorees:

Daniel J. Becker, who recently retired as the Utah state court administrator, a position he held since 1995.

Michael H. Lanza, executive vice president, general counsel and chief compliance officer of Selective Insurance Company of America.

William T. “Bill” Robinson III (1945-2017), partner with Frost Brown Todd and former president of the American Bar Association.

Jean Hoefer Toal, who was the first woman to serve on the South Carolina Supreme Court and that court’s first female chief justice.

Brenda A. Williams, a long-time manager in NCSC’s Association Services Division.

FROM LEFT, Texas Attorney Charles Noteboom, Burger Society Chair; Daniel Becker; Brenda Williams; Michael Lanza; Joan Robinson (accepting for her late husband, William Robinson); and Jean Toal Eisen (accepting for her mother, Jean H. Toal, who was unable to attend.)

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Top: Randall Ebner
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Young Lawyers Committee

The *Young Lawyers Committee* MEMBERSHIP BRINGS A UNIQUE PERSPECTIVE TO THE DIALOGUE WITH STATE COURT LEADERS WHO ARE HELPING TO IMPROVE COURT OPERATIONS THROUGH THE CHANGING LANDSCAPE OF LITIGATION. LAWYERS COMMITTEE MEMBER FIRMS ARE ENCOURAGED TO MENTOR A YOUNG ATTORNEY TO SERVE ON THE YOUNG LAWYERS COMMITTEE.

Lawyers & Young Lawyers Annual Committee Meetings

The Lawyers Committee meeting featured several interesting presentations, including one by Shawwna Hoffman-Childress, the Watson legal co-leader at IBM. She spoke about artificial intelligence and the practice of law. Watson has helped a corporate legal department find \$392 million in potential savings; a juvenile court judge in Ohio summarize hundreds of pages of documents in a couple of minutes; the courts in Salt Lake City see patterns and trends; and a court in Indianapolis revise email messages so they receive more positive responses.

Young Lawyers Committee member, Micah Fincher, spoke about the generational differences in employees ranging from millenials to baby-boomers. One example he gave was acknowledging work ethics among these groups, and how understanding their differences can help lawyers and co-workers, of all ages, work effectively and efficiently together.



Micah Fincher

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FRONT ROW, FROM LEFT: Alexandra Austin, Heather Choi, Caroline Giordano, Emily Miller
BACK ROW, FROM LEFT: Brian Kiolbasa, Christopher Rojao, Matthew Pierce, Brandon Hechtman, Jacob Heath, Micah Fincher

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These generous demonstrations of support have prompted the establishment of a society that recognizes and celebrates donors who provide legacies to help the National Center for State Courts to fulfill its mission to improve the administration of justice through leadership and service to courts.



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Joan K. Cochet Memorial Scholarship



Joan K. Cochet

Joan Cochet worked at NCSC for 10 years, during which time she touched the lives of many with her gracious and generous spirit. Joan worked alongside court leaders, members of the nation’s court associations, and Fellows of the Institute for Court Management at the National Center for State Courts.

Her service represented the highest ideals of NCSC. The scholarship was named in her honor to help deserving students achieve the status of ICM Fellow – the highest level of ICM’s certification program.

The 2017 scholarship was awarded to **Rebecca M. Absey**, Clerk of District Court, Grand Forks District Court, North Dakota, and **Edwin T. Bell**, Deputy Court Administrator, Superior Court of DeKalb County, Decatur, Georgia.



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