Annual Report
National Center for State Courts
2016

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IMAGE CAPTION

Opposite page, Top, from left: Texas Chief Justice Nathan Hecht, Judge Priscilla Owen, Chief Justice of the United States John G. Roberts, Jr., and 2016 Rehnquist Award recipient Judge Marc Carter.

Middle, from left: Luther Battiste III, Annita Bridges, Donna Melby, and Judy Battiste.

Bottom, from left : Simon Lorne, Deborah Daniels, Judy Harrington, and Michael Harrington



Since 1971, the National Center for State Courts has worked to anticipate and to respond to the needs of the courts and to support the country's state judicial systems. Through its leadership and service, national perspective on court issues, and collaborative work with the Conference of Chief Justices, the Conference of State Court Administrators and other state court leaders, NCSC plays a crucial role in advancing best practices in judicial management and building public trust and confidence in the state court system. There is no other institution that has a greater impact on the nation's courts or does more to ensure the fair and effective administration of justice.

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Each November, NCSC holds several events in Washington, D.C. to recognizing court leaders and to discuss issues facing the courts. The highlight of these events is an awards dinner at the U.S. Supreme Court.



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Clifford M. Sloan Skadden, Arps, Slate, Meagher & Flom Washington, D.C.

Todd A. Smith Power Rogers & Smith Chicago, Illinois

IMAGE CAPTION

Front row, from left: Patricia Griffin, Simon Lorne, Judge Ronald Adrine, Arthur Pepin, Chief Justice John Minton, Mary McQueen, Judge Stephen Baker, and Steven Canterbury

Second row, from left: Chief Justice David Gilbertson, Judge Jerome Abrams, Callie Dietz, Stephanie Hess, Deborah Daniels, Judge Jennifer Bailey, and Dan Mozena

Third row, from left: Judge Elizabeth Hines, Chief Justice Maureen O'Connor, Judge Gary Lynch, Chief Justice Paul Reiber, Elena Baca, Michael Harrington, and Anne Milgram

Not pictured: S. Jack Balagia, Jr., Luther J. Battiste, III, Matthew L. Benefiel, Clifford M. Sloan, and Todd A. Smith

Message from the President & Chair

Courts play a central role in the communities they serve. The main streets of many cities, large and small, are built around the local courthouse. Outside of a voting booth, our courts are where the majority of citizens experience government.

While courts' main role in our democratic society is to serve as an impartial forum — they must resolve these disputes while earning and maintaining the public's trust and confidence in the justice system. It is important for citizens to understand why and how courts reached certain decisions, and it is equally important for them to see these decisions as fairly and impartially made. Courts must engage not only the legal community, but the local community, as well.

Court and community engagement has taken on a new importance in the wake of events in Ferguson, Missouri and other cities, where courts are viewed as revenue centers. Court fines and fees are being used to finance the operations of courts and other governmental entities — often at the expense of those least able to pay them. In response, the National Center for State Courts is supporting the work of the Conference of Chief Justices and the Conference of State Court Administrators National Task Force on Fines, Fees and Bail Practices to ensure that court practices provide equal justice to economically disadvantaged communities.

NCSC also sponsored *Courting Justice*, a series of listening tours held in Los Angeles, Little Rock, and Cleveland. These sessions, which were hosted by PBS broadcaster Tavis Smiley as part of his regular program, brought together judges and other court leaders for an open dialogue with stakeholders from disenfranchised communities about issues that erode trust in the judicial system. These listening sessions have proven invaluable for improving public trust and confidence in the justice system.

Improving court operations and service to the public are also crucial components to community and court engagement, and NCSC's original research and technical assistance play an important role here, as well. You can read about these and other NCSC initiatives in this **2016 Annual Report**.

Mary C. McQueen

President

National Center for State Courts

John D. Minton, Jr.

Chief Justice

Supreme Court of Kentucky





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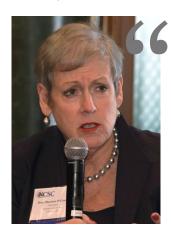


National Task Force on Fines, Fees & Bail Practices

Process examines impact on economically disadvantaged

No one in America should be sent to jail — or threatened with jail — solely because they are poor. That is the basis for the National Task Force on Fines, Fees and Bail Practices, formed in early 2016 by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA).

The National Task Force, which is comprised of state chief justices, state court administrators, academics and various other stakeholders, is co-chaired by Maureen O'Connor, Chief Justice of the Supreme Court of Ohio and by Laurie Dudgeon, Director of the Administrative Office of the Kentucky Courts.



State court leaders recognize the harmful impact that inappropriately levied fines & fees have had, particularly on minority and disadvantaged communities

Throughout 2016 the Task Force researched the ongoing impact that court fines, fees, and bail practices have on economically disadvantaged communities across the country.

The Task Force released its first series of resources intended to help state courts promote fair and efficient law enforcement and to ensure that no citizen is denied access to the justice system based on race, culture, or lack of economic resources.

"State court leaders recognize the harmful impact [that] inappropriately levied fines and fees have had, particularly on minority and disadvantaged communities. This is why the work of this task force is so vital. We are committed to taking steps to ensure justice for all," O'Connor said.

In early 2017, CCJ adopted a resolution in support of the adoption of the bench card. The resolution "encourages inclusion of the Bench Card into the judicial education curricula created by each state for new judges and for experienced judges..."

The Task Force's three working groups — access to justice and fairness; transparency, governance and structural reform; and accountability, judicial performance and qualifications and oversight — will continue to meet and develop policies and resources to help state courts.

THESE AND ADDITIONAL RESOURCES ARE NOW AVAILABLE ONLINE AT NCSC.ORG/FINESFEES

IMAGE CAPTION

Ohio Chief Justice Maureen O'Connor, co-chair of Task Force

National Task Force develops tools on Fines, Fees and Bail Practices

State courts are dynamic institutions, and the manner in which they administer justice must regularly be assessed and continually improved. Whether the demands placed on courts relate to funding, changing socioeconomic factors, or shifting public demands, judges and court leaders must be responsive to the issues facing their communities and be accountable for how they function.



Important questions have risen over the last several years concerning the imposition and enforcement of legal financial obligations and the ways courts, in coordination with their justice system partners, manage the pretrial release of individuals awaiting trial. Courts are not revenue generators, but there is a constant temptation to view them as such, and historically litigants and defendants are charged fees for using courts. The issue is made more complex because supervisory authority over many municipal courts resides with the municipality rather than the state court system, exacerbating the pressure to produce revenue.

The Task Force has drafted guiding principles, prepared studies, and developed tools and templates to help courts focus on governance, interbranch relations, performance measurement, performance management, and related concepts. Taken together these resources make clear that independence, fairness, transparency, and accountability are among the most important values to which courts can aspire.

The National Task Force on Fines, Fees and Bail Practices has created — and continues to create — various tools to assist states.

Below are several of the initial resources developed by the Task Force.

- A Brief Guide to the Work of the National Task Force on Fines, Fees and Bail Practices
- Lawful Collection of Legal Financial Obligations: A Bench Card for Judges
- Model Political Subdivision Court Registration Act
- Model Political Subdivision Court Registration Form
- Sample Language for Model Uniform Citation
- Sample Court Rule: Washington State Rule on Recording of Limited Jurisdictions' Proceedings



Poll of public perspectives of the courts—

Survey shows...

NCSC's **2016** State of the State Courts publicopinion survey — the third annual poll of public perspectives documenting how Americans see the courts — shows that public trust figures are at their highest in several years.

Additionally, nearly four in five Americans (78 percent) who report direct interaction with the courts express satisfaction in procedural fairness.

The survey also finds that there is strong public support for reform on issues related to court fines and fees, and considerable opposition to incarcerating defendants that are too poor to pay.

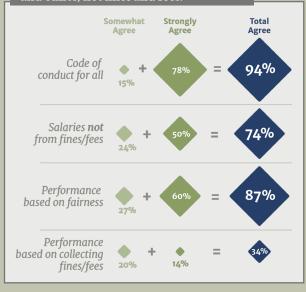
Not all the news is as positive, though. Very few Americans have a grasp of how state courts are funded, and those that are more knowledgeable report less confidence in the courts.

The telephone survey of 1,000 registered voters was conducted November 14-17, 2016.

TO SEE THE FULL SURVEY, GO TO NCSC.ORG/2016SURVEY

• • • •

Voters want judges focused on fairness and ethics, not fines and fees.





Civil Justice Initiative

Civil Justice Initiative enters pilot project phase



that has been selected to participate in the project's next phase, which is to serve as a pilot project to implement

Using technology is not optional we've got to do it

recommendations. The other jurisdictions include the courts of Maine, the **Fulton County**

(Georgia) Magistrates Court, and the Illinois 22nd Circuit Court.

The committee discovered that specific uses of technology are proven to reduce delay and improve value. One example of effective use of technology is to build more case structure into the software that notifies the court when hearings, meetings, and trial dates are approaching.

"Unquestionably, it's very evident that bringing structure — a beginning, middle and end — to each case reduces delay," Judge Bailey said, explaining that adding intermediate deadlines so the court knows if a case is ready to go to trial prevents long undiscovered delays from taking place.

The CCJ committee was established two years ago to develop guidelines and best practices for civil litigation based on evidence from state pilot projects and from other applicable research and to make recommendations as necessary in the area of caseflow management to improve the civil justice system.

"If it costs too much and takes too long, cases will no longer be entrusted to state courts. It is the court's job to assure timely and cost-effective resolution, with the appropriate staffing, monitoring and enforcement of the existing rules of civil procedure, existing case management tools, and firm and realistic trial dates," Judge Bailey said.

FOR THE FULL REPORT & RECOMMENDATIONS GO TO WWW.NCSC.ORG/CIVIL.

IMAGE CAPTION

Administrative Judge of the Circuit Civil Division in Miami, Jennifer

IMAGE CAPTION - CONFERENCE OF CHIEF JUSTICES Opposite page: NCSC's Gregory Mize and Oregon Chief Justice Thomas Balmer, committee chair

> Overall, the civil cases in the project's research dataset involved relatively modest sums. 90 percent of all judgments entered were less than \$25,000 and 75 percent were less

> > than \$5,200

Vith the help of technology, judges can pay attention to our cases in ways we've never done before," Judge Jennifer Bailey, administrative judge of the Circuit Civil Division in Miami, said of some of the findings of a two-year project of the Conference of Chief Justices' (CCJ) Civil Justice Improvements Committee, of which she was a member. "Using technology is not optional — we've got to do it," said Judge Bailey,

about using technology to reduce costs and delay in civil cases.

The committee recently published a blueprint for state courts that includes 13 recommendations that address the shortcomings of our civil justice system, most notably cost and delay.

Judge Bailey's court — the Eleventh Judicial Circuit of Florida — is one of four jurisdictions across the country

Advances in access to justice—

Systems progress

- NCSC is working with the Colorado courts to apply state-of-the-art triage concepts that have been applied in the civil justice area to domestic violence cases. This system places cases in specified tracks to receive the appropriate amount of judicial attention in order to resolve cases in a timely and fair manner.
- In partnership with the Public Welfare Foundation, NCSC is providing funding to seven states to assess their current assistance resources and create an action plan for improving access to justice. NCSC is also evaluating pilot projects to create new legal assistance roles in Utah and to create court sponsored online dispute resolution services in Utah and New York.
- NCSC is partnering with the Legal Services Corporation and Microsoft to pilot a litigant portal. NCSC is discussing a partnership with the Pew Foundation to expand portal pilots and to evaluate their ability to improve access to justice.





Photo courtesy of Public Welfare Foundation website



Two years ago, the Conference of Chief Justices selected a 23-member committee to research the civil justice process and to develop guidelines for courts to more efficiently and effectively handle civil cases. The committee worked with the assistance of the National Center for State Courts and the Institute for the Advancement of the American Legal System (IAALS). Committee members included a broad cross-section of key players in the civil litigation process, including trial and appellate court judges, trial and state court administrators, experienced civil lawyers representing the plaintiff and defense bars and legal aid, representatives of corporate legal departments, and legal academics. The committees' work concluded in 2016.



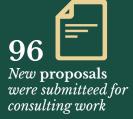


NCSC Services Make Courts More Efficient

Workload assessments inform and improve courts

By the Numbers— NCSC 2016







Provided free "Doctor Is In" consulting services on 16 different topic areas at 8 court conferences

4,367

Responded to 4,367 phone calls to Knowledge and Information Services.



State courts are frequently turning to datadriven management strategies to answer calls for heightened governmental accountability and evidence-based decision making. At the forefront of this movement is the use of workload assessment.

A well-constructed weighted
caseload system provides a
common yardstick to help ensure
that decisions about the amount
and allocation of judicial resources
are fair and transparent

By weighting different types of cases to account for variations in complexity and the need for judicial attention, workload assessment translates the number of cases that come before the court into the total amount of judicial work required to resolve them. The result is an objective, standardized measure of judicial workload for both assessing the number of judges needed to effectively and efficiently handle the work of the court and allocating judicial resources most equitably.

"A well-constructed weighted caseload system provides a common yardstick to help ensure that decisions about the amount and allocation of judicial resources are fair and transparent," said Matt Kleiman of NCSC's Research Division.

The weighted caseload approach is used by more than 30 U.S. states, and in other countries, to:

- determine how many judicial officers are needed to resolve cases effectively and efficiently (e.g. Alabama, Florida, Maryland, New Mexico, Michigan, North Carolina, and Wisconsin
- aid in the process of judicial redistricting (e.g., Kentucky and Virginia)
- understand the impact of cases involving interpreters or self-represented litigants on judicial workload (e.g., Virginia)
- examine the complex and demanding nature of child-protective-service cases (e.g., Texas)
- analyze workloads in jurisdictions undertaking major judicial-system-reform efforts (e.g., Kosovo, Serbia, Tunisia, and the West Bank)

IMAGE CAPTION

Matt Kleiman

State courts strengthen guardianship oversight

In 2016, NCSC worked with five states (Iowa, Indiana, New Mexico, Nevada, and Texas) on the Conservatorship Accountability Project, an ambitious project aimed at modernizing the system through technology and data.

The project, funded by the State Justice Institute, is based on Minnesota's automated system, *MyMNConservator*, and its team of centralized auditors. NCSC analyzed more than 1,300 audited cases from Minnesota and developed ten risk indicators that are predictive

of "concern of loss" cases (e.g., loans given by the protected person, comingling of funds, large and/or unusual expenditures made without court approval, and expenditures that are not in the protected person's best interest).



Minnesota has added the risk

indicators into their software, and NCSC will assess the predictability of the measures to refine them further. The project has tremendous potential as it will allow states who adopt this type of system to steer resources toward a subset of cases that may involve some level of exploitation.

Additionally:

- NCSC is leading a high-profile project on conservatorship fraud, partnering with the American Bar Association, the Virginia Tech Center for Gerontology, and the Minnesota Judicial Branch. The project, funded by the Office for Victims of Crime, will culminate in a national forum in 2017 that will result in recommendations for improving the detection of exploitation, court responses, the collection of data, and services for victims. Preliminary findings show that a great deal of work lies ahead to modernize guardianship/conservatorship systems.
- NCSC is a partner organization on a project led by the American Bar Association and funded by the U.S. Administration for Community Living. The project includes a demonstration grant program to establish, enhance, or expand state Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). Awards to state courts will be announced in March 2017. NCSC will offer its expertise on strategic action planning and performance measures to the project.

FOR MORE, VISIT ELDERSANDCOURTS.ORG

Tour innovative Kentucky court program without leaving your court

It's not an overstatement to say that the Kentucky courts' pretrial services program is the envy of courts around the country. The innovative program is considered such a model that court teams from several states frequently request to visit, observe, and interview those who developed the pretrial services program, according to Laurie Dudgeon, Kentucky state court administrator. But these visits are expensive, because in order for them to be beneficial, states need to send large teams that represent every aspect of the system — from judges, to prosecutors, to public defenders and more — to attain buy-in.

"We wanted to make our program easily accessible and always available for all states that want to see how it works," <u>Dudgeon</u> said. To achieve that, Kentucky turned to NCSC to develop a virtual tour of the pretrial services program. The interactive learning experience offers enhanced descriptions of the telephonic presentation of defendant information to judges making pretrial-release decisions, as well as outcome data on release success rates. The virtual tour was funded by the State Justice Institute and the Public Welfare Foundation. The virtual tour offers a "good way to share information, while saving states' travel expenses," Dudgeon said.

NCSC helped the Minnesota courts develop a framework to solidify funding for treatment courts

"The framework developed by NCSC allowed the Minnesota Judicial Branch to consider and tentatively adopt a predictable, transparent, and equitable funding mechanism to provide state funding to Minnesota's treatment courts," said Michelle Cern, state treatment court coordinator for the Minnesota Judicial Branch. "NCSC's work allowed the Judicial Branch to present a long-term funding strategy to support treatment court operations and move away from the inconsistent and unpredictable manner treatment courts have been funded historically. Adoption of the funding formula will further allow the Judicial Branch and other criminal justice system partners to plan for statewide expansion of treatment courts. Formal adoption of the funding formula is contingent upon a funding request currently pending in the Minnesota legislature."



Futurist Gary Marchant opens e-Courts 2016. Marchant is a professor at Arizona State University School of Law



The Institute for Court Management offers a wide range of professional development opportunities to judges, court executives, administrators, managers, and court staff. In addition to the Court Management Program courses, ICM provides assistance to courts that wish to create their own in-person or online courses.

ICM's Creative Learning Services designs and develops courses with an interactive, adaptive, and personalized learning approach using the most current instructional design and technology delivery methods.

Conferences & **Court Education**

Delivering knowledge, connections & innovations

ne benefit of the educational programs offered by NCSC's Institute for Court Management is that they provide students fresh perspectives on court operations.

Serpil Ergun, administrator for judicial operations and chief magistrate of the Cuyahoga County Domestic Relations Court in Cleveland, Ohio, is one of 18 students who graduated as an ICM Fellow in the Fall of 2016.

ICM's Fellows Residential Program taught Ergun to look beyond the scope of a single state. "Discovering how justice is delivered in unified judicial systems gave me a broader perspective and opened my eyes to the breadth

of ways courts function," she

"One of the most important lessons I learned is that there is no single 'right' way to operate. No system – whether a consolidated state system or a local court experimenting on its own — has a lock on perfection. "After spirited discussions with colleagues who face identical challenges, I came away with a profound appreciation for the diverse and remarkable ways courts solve problems," she said.

One of the most important lessons I learned is that there is no single 'right' way to operate

IMAGE CAPTION Serpil Ergun

Another benefit of the program for Ergun was undertaking original research. "Formulating a question, designing a methodology to derive accurate and reliable answers, and analyzing and evaluating a large volume of data is an excellent framework to develop the critical thinking needed to advance your point of view."

However, she stated that the biggest benefit of the program was "developing a network of colleagues across the world with vast knowledge and experience who are glad to share their expertise at a moment's notice."



NCSC's Connected Community

As a strategic ally for the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge, an initiative to reduce over-incarceration by helping jurisdictions create fairer and more effective justice systems, NCSC created the Courts and Jails Connected Community (www.courtsandjails. org) for those addressing the overuse of jails.

"The Connected Community facilitates information sharing about what works, implementation challenges, resources available to address specific issues, experts in specific areas, and other issues of concern to the members of the community," said project leader Pam Casey, NCSC principal court research consultant. "NCSC staff posts announcements about new research and upcoming events and maintains a library of related resources. This allows judges, court professionals, and other critical stakeholders in state and local jurisdictions to actively engage in developing and implementing solutions to the jail problem."



e-Courts improves networking for court technology staff & administrators

NCSC's conferences offer opportunities for court leaders and staff to network and learn about new ideas in administration. e-Courts is held every other year and features the most up-to-date court technology



Alfred Degrafinreid, chief administrative officer at the Office

of the Criminal Court Clerk in the Greater Nashville area, was one of 875 people from courts around the country to attend NCSC's e-Courts conference in 2016 in Las Vegas. "I was able to talk to people that have similar interests as our jurisdiction, as well as listen and learn from others who have gone down paths that we plan to implement in the future," he said.

Degrafinreid discovered, while his court was in "a very advanced place, technologically speaking," they still needed to apply specific online tools. "We were able to gain knowledge about electronic, online solutions that other jurisdictions already have in place. We can take that knowledge and use it as we implement our own electronic filings, payments, and even litigation portals in the future."

IMAGE CAPTION
Alfred Degrafinreid

1,700

Since its launch in
July 2015, more than
1,700 members are
using NCSC Connected
Community. Engaging in
nearly 450 discussions
within more than 45
separate public and
private communities,
members have shared more
than 3,500 comments
and files on a wide range
of topics of interest to
justice stakeholders.

35

Number of conferences Association Services coordinated in 2016



CourtHack encourages court technology innovation

Technological advancement is inevitable in the courts, and at the inaugural CourtHack, the brightest legal minds, technologists, and entrepreneurs gathered at the Matheson County Courthouse in Salt Lake City, Utah, to compete in a 22-hour hackathon to create pioneering technologies to improve the state courts. The Robot Lawyer team was awarded the grand cash-prize. Robot Lawyer is an interactive and friendly chat bot that quickly helps you file legal paperwork. Robot Lawyer asks you simple questions and creates the appropriate legal documents for your situation. The team also presented its innovation at e-Courts 2016 in December.

IMAGE CAPTION

CourtHack winners



PBS broadcaster Tavis Smiley moderates the panel of judges during the first Courting Justice broadcast in Los Angeles.

Photo courtesy of Earl Gibson III

Courts & Community Engagement

Judges listen to public's concerns



"Why are judges willing to take off their robes and come off the bench and engage in a conversation with the people you serve?" Smiley asked Chief Judge Eric Washington of the District

> of Columbia Court of Appeals as he opened the first show in Los Angeles.

" [A] judges' stock in trade is the public's trust and confidence that we

will protect rights and liberties and that we will resolve disputes fairly. But what we were seeing is an erosion of that trust and confidence," Washington said.

"Without engaging or trying to figure out why they believed we were somewhat complacent in this justice system that they view as unfair we could never address the problems from within. And certainly, we have an obligation to self-examine and to determine whether we can do better so communities that come before us wanting justice will feel as if we have done our job."

After Los Angeles, *Courting Justice*, went to Little Rock, Arkansas and Cleveland, Ohio. In each city, Smiley facilitated an interactive dialogue where the public had the opportunity to voice their concerns and share real-world solutions on rebuilding the public trust in our judiciary and crafting concrete reforms.

Each forum featured a panel of judges and a studio audience of active questioners. The audience included community members, litigants, community activists, law enforcement, trial court judges, public defenders, and prosecutors.

The Listening Tour is an effort of the Community Engagement in the State Courts Initiative, which is a joint project of the Conference of Chief Justices, the National Center for State Courts, the State Justice Institute, and the National Consortium on Racial and Ethnic Fairness.

In 2017, the Listening Tour transitions to the problem-identification phase of the initiative, which begins with a validation survey in which survey recipients will be asked to rank order the importance of 8-10 problems identified through the "Courting Justice" broadcasts.

FOR EPISODES, VISIT NCSC.ORG/COURTINGJUSTICE

IMAGE CAPTION - TOP

Panelists, from left: Chief Judge of the District of Columbia Court of Appeals Eric T. Washington, Judge Dan Buckley, Judge Maria Rivera, Judge Jimmie Edwards, and California Chief Justice Tani Cantil-Sakauye

MAGE CAPTION

PBS broadcast journalist Tavis Smiley

When PBS broadcast journalist Tavis Smiley learned that state court judges were becoming increasingly concerned about an erosion of public trust and confidence in the courts, he knew he had a platform that could help.

This lack of confidence in the justice system "prompted many of this country's most influential judges to call for a new openness with the communities they serve," Smiley said. The judges "reached out to me, reached out to us at PBS ... and suggested that this was the most propitious time to have this kind of conversation."

That conversation became a national Listening Tour — a series of town-hall style meetings of judges and their communities and broadcast by Smiley during his regular national airing time on PBS. This three-city series called *Courting Justice* was a part of Tavis Smiley's regular national broadcast.

Minority Engagement in the Courts—

Town Hall

The National Consortium on Racial and Ethnic Fairness's annual conference in Williamsburg, Virginia held a Town Hall meeting with more than 200 members of the public.

The Town Hall was set up to engage the communities of color in a discussion with other justice-system stakeholders, such as legal practitioners and social-service providers, about issues that contribute to the perception of unequal treatment.

This dialogue between the courts and communities of color, and historically socially marginalized groups such as the working poor, may provide insights that benefit both the court leaders and the people in the community through increased awareness of court procedures, processes, and the role of the courts in the judicial process.





Radio show host Joe Madison, right, serves as host of the Town Hall and takes questions from audience members

IMAGE CAPTION - TOWN HALL

Panelists, from left: David
Baugh, attorney, Richmond, VA;
Jonathan Stubbs, professor,
University of Richmond School
of Law, Richmond, VA; Larry
Boone, deputy chief of Norfolk,
VA Police Department; Shannon
Taylor, Commonwealth's
Attorney, Henrico County,
VA; Gloria A. Whittico, J.D.,
associate director Academic
Success, Regent University
School of Law, Norfolk, VA; and
Jimmie Edwards, judge, St.
Louis, MO



A judicial listening tour, Courting Justice, visited three cities — Los Angeles, Little Rock, and Cleveland — where judges met with community members to discuss public attitudes about the courts. The videotaped meetings were moderated by PBS host Tavis Smiley and aired on his national program. In Cleveland, Courting Justice included a local radio broadcast, in which Ohio Chief Justice Maureen O'Connor, *left*, Tavis Smiley, center, and Cleveland Municipal Judge Ron Adrine discussed local issues impacting the justice system.



NCSC took part in a conference sponsored by the Indonesian Judicial Commission titled, "The Line Between Legal Error and the Misconduct of Judges." NCSC discussed the role of state judicial conduct commissions in the United States and cases involving the doctrine of legal error.

International Justice

Improving the rule of law

For decades, NCSC has worked not only in the United States but also in more than 40 countries and provided assistance in many areas, such as strategic planning, budget formulation and execution, performance measurement, case management, information technology, ethics and integrity, policy formulation, legislative drafting, and courthouse design.

In 2016 NCSC recognized a milestone in international judicial administration during a celebration of USAID's Judicial Reform and Government Accountability (JRGA) Project in Serbia. This celebration marked the conclusion of more than five years of program activities and paid tribute to the JRGA Project's achievements and close collaboration with the Serbian justice sector.

Among the achievements made possible through the project were reforming the misdemeanor court system; introducing modern technologies and improving working conditions to increase judicial efficiency and transparency; improving the capacity of Serbia's independent agencies to ensure government accountability; and mobilizing civil-society actors to advance strategic reforms.

OTHER NCSC International projects from 2016 included:

- hosting a delegation of 20 high-school students from Trinidad and Tobago in Miami and New York City, where they learned about the judicial process and participated on juries in youth courts;
- beginning a new Demand for Justice program in Kosovo to support development of evidence-driven demand for justice, mobilize citizens and practitioners to ensure access to justice, and hold justice institutions accountable for the delivery of effective services;
- strengthening the rule of law in Nicaragua by advancing legal education, encouraging private-sector engagement, and supporting civil-society organizations to improve existing and future citizen-security programs; and
- evaluating judicial reform in Morocco and helping to determine a legal, technical, financial, and political road map to establish a Supreme Judicial Council, a National Observatory of Criminal Phenomena, and a National Center of Criminal Records.

Countries around the world have called upon NCSC's experience and expertise to help improve the efficiency, transparency, and accountability of their judiciaries and promote and improve access to justice and the rule of law worldwide.



New programs started in Costa Rica, 2 in Kosovo, Morocco, Nicaragua, Tunisia & Panama



NCSC hosted
International Guests
from 22 different
countries — Spain,
Kenya, Tajikistan,
Kyrgyzstan, South Korea,
China, Afghanistan,
Egypt, Iraq, Jordan,
Kuwait, Lebanon,
Mauritania, Morocco,
Palestinian Territories,
Saudi Arabia,
Tunisia, Zambia, Turkey,
Bangladesh, Kosovo, &
Bulgaria.

NCSC 2016 Highlights

NCSC produces forward-thinking resources to improve the administration of justice

IMPROVING COURT PROCESSES

- NCSC's new and improved version of CourtMD is an online diagnostic tool that helps court managers diagnose their court's most likely problems in a matter of minutes. Topics covered in this new version include caseflow management, records management, staff satisfaction, customer satisfaction, and enterprise management. CourtMD analyzes the answers to a series of simple questions and then assesses the likelihood that a court is suffering from a particular pain point. From there, CourtMD provides a printed summary, pointers on recommended reading, and where to go for more assistance.
- NCSC continues its commitment to improving outcomes for children who are involved with child welfare through a multi-year grant with the Casey Foundation by developing innovative and systemic approaches to handling these types of cases.

RECOGNIZING TRENDS

- NCSC published Body-Worn Cameras and the Courts, which examines the functionality of bodyworn cameras and the potential litigation issues expected to arise as that technology is increasingly used by the law-enforcement community.
- A guide on how courts can prepare for pandemic emergencies has been produced by a task force created

by the Conference of Chief Justices. Preparing for a Pandemic: An Emergency Response Benchbook and Operational Guidebook for State Court Judges and Administrators was created in response to the Ebola scare in 2014 and in preparation for any future pandemic emergencies, such as the current Zika virus. The guide serves as a model each state can use to develop its own pandemic benchbook.



■ To help state court judges resolve complex election disputes and navigate the country's election codes, a **State Election Law eBenchbook** was developed by the Election Law Program, a joint project of NCSC and William & Mary Law School. This eBenchbook launched in three states − Virginia, Colorado, and Florida. During any election season the possibility of these case types significantly increases, and judges are called upon to interpret state laws and rules

quickly under the twin pressures of tight time frames and close public scrutiny. To compound the issue, each state has its own set of election rules. The eBenchbook links to quick definitions of terms in each state's election laws; to relevant case law, advisory opinions, and regulations; and to a range of reference sources useful for rapid decision making.

- Family law and court communications were the focus of NCSC's Trends in State Courts 2016. This annual publication featured articles on sentencing reform initiatives; Maryland's Family Divisions; Alaska's use of the Web to publish legal notices; and how Michigan's performance measures improve service to the public.
- NCSC published "Courthouses of the Future: Trends, Impacts, and Guiding Principles," which provides court leaders with a framework for comprehensive court space master planning, facilities programming, and architectural design

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Trends in State Courts

ENHANCING EDUCATION

NCSC launched a podcast, Court Talk, which focuses on a hot topic that exposes the intersection between courts and current events. Topics range from the decline in law students to the affect the media has on the public's



perception of the courts to upcoming Supreme Court cases that impact state courts. Visit our website for current, future, and past episodes at www.courttalk.org.

■ NCSC released the sixth in a series of graphic novels that help educate the public about the courts. Justice Case Files

#6: The Case of No Pets Allowed tells the story of the Ruiz family, who has received an eviction notice from their landlord because they own a dog. The parents speak minimal English and rely on their teenage son, who is bilingual, for English translation. The book follows the family through the court process of fighting the eviction but not understanding the process because of language barriers. When the family realizes the courts provide interpreters, the outlook for their case improves.





Recipient of the William H. Rehnquist Award, Texas Judge Marc Carter thanks the 250 court leaders gathered for the awards dinner in the Great Hall of the U.S. Supreme Court.

Celebrating Judicial Excellence

Judge who created veterans' court in Texas receives William H. Rehnquist Award

Texas Judge Marc C. Carter received NCSC's 2016 William H. Rehnquist Award for Judicial Excellence during a dinner held at the U.S. Supreme Court hosted by Chief Justice of the United States John G. Roberts Jr.

The Rehnquist Award recognizes a state court judge who possesses integrity, fairness, open-mindedness, intellectual courage, and sound judgment. Judge Carter, of the 228th Criminal District Court in Harris County, Texas, was recognized for his innovation of and commitment to veterans' treatment courts. He created the first veterans' court in Texas, which serves as a model for veterans' treatment courts across the country.



"Judge Carter recognized that for many veterans who come to court with substance abuse problems, mental health disorders, and other issues, they need rehabilitative services, not incarceration. His commitment, compassion, and leadership for veterans treatment courts serve as a national model." NCSC President Mary C. McQueen said.

The Rehnquist Dinner is held each November as part of NCSC's Judicial Excellence events in Washington, D.C. More than 250 court leaders and representatives of the justice system attended the dinner in the Great Hall of the Supreme Court. In addition to the dinner, other events include a

range of meetings among chief justices, judges, members of NCSC's General Counsel and Lawyers committees, and court leaders from across the country.

In 2009 Judge Carter established one of the first veterans' treatment courts in the country and the first such court in Texas. He has presided over this court since its creation nearly seven years ago. Texas has the second most veterans of all states and territories, behind California.

Veterans' treatment courts increase access to mental health and addiction treatment for veterans with felony and misdemeanor offenses by diverting veterans directly into Veterans Administration treatment services. The Texas program has proven to reduce jail time, costs and recidivism, while improving mental health recovery and successful re-entry for veterans into the community, said Texas Chief Justice Nathan Hecht.

Judge Carter is a veteran, earning the rank of captain in the U.S. Army and serving as a military intelligence officer from 1981 to 1988. He participated in military intelligence operations in Europe and at one point managed approximately 250 soldiers that gathered intelligence in support of tactical units in the region. His brother, like their father, was a career Air Defense Artillery Officer. His older brother served in the U.S. Air Force. His nephew is a West Point graduate who is currently serving overseas.

IMAGE CAPTION - LEFT CENTER OF PAGE

Chief Justice of the United States John G. Roberts, Jr. presents the Rehnquist Award to Judge Marc Carter

IMAGE CAPTION - A CONVERSATION WITH THE CHIEF JUSTICES

Opposite page, Clockwise: Panel of Chief

Opposite page, Clockwise: Panel of Chief Justices who attended the Conversations; Attorney Bob Peck moderates Conversations; and Lawyers Committee member Tom Comerford, Jr.

IMAGE CAPTION - JUSTICE ROUNDTABLE

Opposite page, From top: Roundtable panelist and participants include: Judy P. Martinez; Thomas O'Brien; and Chas Rampenthal

A Conversation with the Chief Justices



Created to allow for the informal exchange of ideas between the chief justices and members of NCSC's General Counsel, Lawyers, and Young Lawyers Committees, this event continues to provide a unique opportunity to discuss current issues facing state courts. State chief justices shared their thoughts and concerns and answered questions from general counsel from America's leading corporations and lawyers from major firms.

Michael Harrington, of NCSC's General Counsel Committee, welcomed attendees and Bob Peck, former co-chair of NCSC's Lawyers Committee, served a moderator for the two-hour program. Conversation topics ranged from ways the bench and bar can work together to improve access to justice to making improvements in the judicial selection process to the role that lawyers and businesses can play in supporting the judiciary during political attacks. More than 20 chief justices and 80 members of NCSC's General Counsel, Lawyers, and Young Lawyers Committees participated in the discussion.









Justice Roundtable

MODERATOR

Andrew M. Perlman,
Dean, Suffolk University
Law School

PANELISTS
Wallace B. Jefferson,
Former Chief Justice,
Supreme Court of Texas
Appellate Counsel,
Alexander, DuBose,
Jefferson & Townsend
Austin, Texas

Judy Perry Martinez, Fellow, Advanced Leadership Initiative, Harvard University Chair, ABA Commission on the Future of Legal Services New Orleans, Louisiana

Chas Rampenthal General Counsel Legal Zoom Glendale, California The rule of law is fundamental to American society, and one critical component is ensuring that the public has meaningful access to essential legal services. Yet affordable legal services are beyond the reach of many Americans.

Technology and globalization have increased the rate at which the marketplace of legal services has been transformed to meet the needs of the people. Throughout the U.S. and the world, lawyers and (increasingly) non-lawyers are delivering legal services in new ways, both online and offline.

The 2016 Justice Roundtable focused on the issues created by the innovations that are transforming how legal services are delivered and accessed in our country today. The session brought together more than 125 chief justices, judges, members of NCSC's General Counsel and Lawyers Committees, and others representing the legal community.

Discussion topics ranged from the role that the judiciary should take in regulating these new legal services categories to the pros and cons of alternative business structures for the delivery of legal services and whether courts should allow them.

Warren E. Burger Society Members

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Warren E. Burger Society



Kentucky Chief Justice John Minton, president of the Conference of Chief Justices and chair of the National Center for State Courts' Board of Directors, inducted five individuals into the Warren E. Burger Society on November 17, 2016.

The society was formed upon the celebration of the 25th anniversary of the National Center for State Courts to honor individuals who have volunteered their time, talent, and support to NCSC in exceptional ways. It is named for the former Chief Justice of the United States who helped found NCSC in 1971.

For the first time, the *Burger Society* inducted someone posthumously. Former Arkansas Chief Justice **James Hannah**, who passed away in January 2016 at the age of 71, served as chair of the NCSC Board of Directors, president of the Conference of Chief Justices, and chair of the State Justice Institute (SJI).

Eighteen members of Chief Justice Hannah's family were present for the ceremony, along with members of the SJI Board of Directors.

NCSC WAS ALSO PLEASED TO HONOR:

- Wallace Jefferson, former Chief Justice of the Texas Supreme Court, partner with Alexander, Dubose, Jefferson & Townsend, Austin, Texas.
- Donna Melby, partner with Paul Hastings, LLP, Los Angeles, California.
- Edward Mullins, Jr, partner with Nelson, Mullins, Riley & Scarborough, LLP, Columbia, South Carolina.
- Myron T. Steele, former Chief Justice of the Delaware Supreme Court, partner with Potter, Anderson & Corroon, LLP, Dover, Delaware.

IMAGE CAPTION - BURGER SOCIETY INDUCTEES

From left: Wallace Jefferson, Donna Melby, Edward Mullins, Myron T. Steele, Pat Hannah (accepting for her husband Jim Hannah, deceased) and Chief Justice of Kentucky John Minton Jr, who hosted the ceremony

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Members of the National Center for State Courts' **General Counsel Committee** commit to heightening the visibility of our mission and to developing and implementing future NCSC programs. In addition to their financial support, each member of the committee provides important outreach to the justice, legal, and business communities.



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IMAGE CAPTION

Michael Harrington



IMAGE CAPTION
Barbara Pollack, right, with California
Chief Justice Tani Cantil-Sakauye



IMAGE CAPTION
Michael Lanza

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The National Center for State Courts' Lawyers Committee members actively participate in the development and implementation of programs and initiatives that support our mission and help build public understanding of the need for a strong and independent judiciary.

The Civil Justice Improvements initiative led by the Conference of Chief Justices and access to justice initiatives are recent focus areas for this committee.

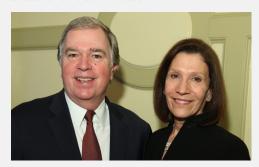


IMAGE CAPTION - COMMITTEE CO-CHAIRS
Todd Smith and Donna Melby

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Oderah Nwaeze and Duffie Powers

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IMAGE CAPTION

Top from left: Felicia Davis and Daniel
Prince; Brandon Hechtman

Bottom from left: Joseph Loveland; and David L. Brown and Judy P. Martinez

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NCSC Staff Awards

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Patricia Stanley

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Multimedia Project Manager Institute for Court Management

FLORENCE McConnell Award

Alisa Kim

Administrative Manager Court Consulting Services

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Kathryn Genthon

Senior Court Analyst, Research Division

Dale A. Sipes Memorial President's Award

Amber Britton

Senior Human Resources Specialist

ROBERT W. TOBIN ACHIEVEMENT AWARD

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Principal Court Consultant, Research Division

Greg Mize

NCSC Fellow

Shelley Spacek Miller

Court Associate, Research Division

Scott Graves

Court Associate, Research Division

Brenda Otto

Program Specialist, Research Division

IMAGE CAPTION - WARREN E. BURGER AWARD
Retired Indiana Supreme Court Executive
Director, Lilia Judson

IMAGE CAPTION - SANDRA DAY O'CONNOR AWARD

Tennessee Chief Justice Sharon Lee is presented the Sandra Day O'Connor Award by Kentucky Chief Justice John Minton, chair of NCSC Board of Directors

IMAGE CAPTION - G. THOMAS MUNSTERMAN AWARD

NCSC's Paula Hannaford, second from left, and Robert Baldwin, far right, present the Munsterman Award to the Ohio Jury Management Association

2016 Warren E. Burger Award



Retired Indiana Supreme Court Executive Director, Lilia Judson, is the 2016 recipient of the Warren E. Burger Award for Excellence in Court Administration.

Among her many achievements, Judson built a national reputation for her work in court technology and helping the Indiana courts implement electronic filing. She also developed a case numbering system for all trial courts in Indiana. Judson served as

president of the Conference of State Court Administrators and as vice chair of the National Center for State Courts Board of Directors in 2010-2011.

"Lilia Judson has served as a national role model for court leaders across the country, always introducing and supporting innovations that make our courts more effective and accessible. She led the charge on electronic filing of court records in Indiana and has dedicated her professional life to improving the administration of justice," said NCSC President Mary McQueen.

Judson, who retired in September 2016, was appointed executive director in 1998, after serving in several capacities for the Indiana Supreme Court and the Indiana Judicial Study Commission since 1976. In May 2015, the Indiana Supreme Court named Judson the interim chief administrative officer, where she helped the court move to a more efficient and transparent internal organizational structure.

2016 Sandra Day O'Connor Award



The Tennessee Supreme Court was recognized for its SCALES Project as the 2016 recipient of the Sandra Day O'Connor Award for the Advancement of Civics Education.

The SCALES Project is Supreme Court Advancing Legal Education for Students — a program that was founded by the Court in 1995

and designed to educate high school students about the legal system and the appellate court process. Through the program, the Supreme Court travels to several different locations throughout the state each year and holds court in local communities before hundreds of high school and college students. A defining feature of the program is the time dedicated by local attorneys to teach the students about the cases and how the judicial system works. Attorneys volunteer their time to work directly with teachers and students prior to the Court's visit to provide instruction on the law, the cases, and generally how the judicial system works.

Justice Minton remarked how the award selection committee was particularly impressed by the staying power of the program, which has reached more than 30,000 students in two decades.

"The fact that every Chief Justice since 1995 has supported, maintained, and participated in this program, speaks volumes about the quality of the program — and civics itself," Justice Minton said.

2016 G. Thomas Munsterman Award



The Ohio Jury Management Association (OJMA) has been selected as the recipient of the National Center for State Courts' 2016 G. Thomas Munsterman Award for Jury Innovation.

OJMA was established in 2000 as an outcome from an Ohio State Bar Foundation sponsored conference, to support the understanding and implementation of effective jury management practices in Ohio trial courts.

The overall mission of the organization is to promote and enhance jury service through excellent jury management. To fulfill its mission, OJMA has conducted an annual conference for 17 consecutive years; created and updated a *Jury Management Manual*; produced a jury orientation video; developed a Jury Notes newsletter; conducted a statewide survey of jury practices; created and maintains www.ohiojury.org; and produced a podcast.

2016 Distinguished Service Award Winners

NCSC presents six Distinguished Service awards annually to those who have made significant contributions to the court system and to the work of the NCSC. The awards recognize one person from each of the following categories: current or former state appellate judge; current of former state trial judge; state-level court administrator or employee; trial-level court administrator or employee; attorney or other individual not employed by the courts; and current or former international judge or court executive.

Current or Former State Appellate Court Judge Hon. William A. Thorne, Jr., Judge (ret.) Utah Court of Appeals

CURRENT OR FORMER STATE TRIAL COURT JUDGE

Hon. Barbara Harcourt, Senior Judge, Indiana Judicial Center

STATE-LEVEL COURT ADMINISTRATOR OR EMPLOYEE

Sherry R. Stwalley, Director of Court Services, Colorado State Court

Administrator's Office

Trial Court Level Court Administrator

Sherri R. Carter, Court Executive Officer, Los Angeles Superior Court

ATTORNEY OR OTHER INDIVIDUAL NOT EMPLOYED BY THE COURTS **Prof. Allison Winnike**, University of Houston Law Center

Joan K. Cochet Memorial Scholarship

Joan Cochet touched the lives of many with her gracious and generous spirit as a staff member at NCSC for more than 10 years.

Joan worked closely with court leaders, members of the nation's court associations, and students of the Institute for Court Management.

This scholarship, which is named in her honor, was created to help deserving students achieve the status of ICM Fellow — the highest level of ICM's certification program.

We are pleased to recognize the following individuals who made a gift to the Joan K. Cochet Memorial Scholarship in 2016

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