Judicial System Leadership Forum
BJA Focus Group: December 16-17, 2004
Executive Summary

BACKGROUND

At the request of the Bureau of Justice Assistance (BJA), the Criminal Courts Technical Assistance Project (CCTAP) at American University convened a group of 30 individuals who had been prominent in judicial system improvement activities since the ‘70’s and ‘80’s to discuss the significance of these reforms and their relevance for addressing new challenges courts will face during the 21st century. The meeting discussions focused on:

1. identifying the legacy of court improvement initiatives undertaken during the ‘70’s and ‘80’s, many of which were stimulated in large part by initiatives undertaken by the Law Enforcement Assistance Administration (LEAA) and its successor agency, the Bureau of Justice Assistance (BJA), and related lessons learned during the last half of the 20th century which need to be understood by emerging judicial system leaders; and

2. delineating the challenges which court systems are facing as they enter the first several decades of the 21st century and for which the lessons of the reform experience of the 20th century may be important in developing an effective response.

It was hoped that the meeting discussions would result in the CCTAP’s being able to advise BJA regarding the desirability of conducting a national conference and/or other national initiative(s) to address issues raised at the meeting and to recommend the next steps necessary to follow up on those issues attendees noted as warranting urgent attention

As the meeting discussion summary below reflects, attendees supported both the idea of (1) a national conference to bring attention to the critical issues facing state and local courts; and (2) other initiatives – before and after the conference -- that could begin development of collaborative discussions, working papers, and other resources to address the needs and issues presented by the court environment of the 21st century.

CONSENSUS OF ATTENDEES REGARDING PAST IMPROVEMENTS/CURRENT NEEDS

The following are the principal themes which emerged during the discussions and reflect the consensus of most of the attendees:

The initiatives generated by LEAA/BJA during the ‘70’s and ‘80’s, both in their own right and in conjunction with other national organizations and state and local reform efforts, were a major catalyst for change in the judicial system. Included among their accomplishments were development of:

- a wide range of alternative approaches for carrying out justice system functions, and
- a specialized body of knowledge and experience which applied to court operations the organizational, management and leadership tools that were being developed and used in other disciplines and in the private sector.

Specific accomplishments during this period included:

- introduction of standards of performance and accountability for the judicial process, the management of the court system, and the administration of justice generally,
- introduction and implementation of unified state court jurisdictional and organizational structures; and
- introduction of the concept and application of comprehensive justice system planning.

Many qualitative reforms of recent times (problem solving courts, for example) are being built on the foundation developed by the reforms of the ‘70’s and ‘80’s (caseflow management, differentiated case management, pretrial release options, case dispositional alternatives, etc.).

Looking at the challenges courts are currently facing, most attendees felt that, although courts had made tremendous progress since the ‘70’s, they may have plateaued, if not actually slid backwards, during the past 10-15 years in terms of institutionalizing the reforms of the ‘70’s and ‘80’s. In part, it was felt this slippage may be due to the high turnover in judges that appears to characterize the past several years and the sense that many of the new round of judges may not be familiar with past developments in court administration.

Governance, organization and accountability are the key issues and the priorities courts now need to address.

Courts also need to focus on preserving/promoting the fair administration of justice and on ensuring the quality as well as the efficiency of the justice system. Particular stress was given to:

- ensuring the adequacy/competency of counsel for indigents;
- the proper use and education of juries; and
- the need to improve the image of the justice system and to ensure both the appearance and substance of doing justice in individual cases.

Among the most immediate issues facing the state courts which commanded the greatest attention of the attendees were those relating to:

- preserving the independence of the judiciary and the integrity of and respect for the judicial
process, and, in particular, addressing the impact of legislative and other inroads on judicial independence and judicial sentencing responsibilities

• developing strong, effective leadership of the judicial system both within the court and within the court system

• promoting the development/revitalization of professional court management

• improving the public’s image of and trust in the courts and the justice system

• ensuring that the judicial system adequately serves the diversity of populations accessing court services

• continual monitoring of the judicial process to assure that it is fair, not simply efficient

• developing education and training programs that provide opportunities for judges and court administrative staff to gain a national and interdisciplinary perspective on court issues and innovations and to have interchange with other jurisdictions

• increasing the use of data as a critical tool for ensuring accountability and measuring what the court is doing and how it is doing it; and

• developing a range of internal and external relationships and partnerships – e.g., the court administrator and judge; the courthouse and other agencies; the court and public.

❖ ACTION AGENDA

➢ The action agenda outlined by the attendees for the present and immediate future focused upon adapting and institutionalizing the reforms developed under LEAA and BJA initiatives to address current issues courts need to address during the 21st century, including:

• developing a vision/blueprint for the court system through a collaborative process involving a broad range of justice system, other government and private agencies and community representatives;

• developing (and/or modifying existing) performance standards for the court system that build on the blueprint

• promoting an education and training infrastructure to promote development of judicial leadership skills and capabilities

• re-infusing the court system with a sound caseflow management framework

• providing judicial system leaders and administrators with opportunities to develop multi-disciplinary skills they can use to proactively address whatever developments/changes occur in both the justice system and the communities it serves
• compiling useful and meaningful information on a wide range of court activities that can provide accountability as well as highlight issues/problems

**ROLE OF TECHNICAL ASSISTANCE AND TRAINING**

- Underlying the meeting discussions was the identified need to revive national courts-focused TA and training resources so as to
  - provide national perspective for state and local court operations and judicial system planning;
  - promote cross fertilization among jurisdictions regarding innovative/promising practices and experiences; and
  - provide support for implementing the action agenda developed by the attendees (see above)

- Past court reform experience under LEAA and BJA has shown the value of well thought out and coordinated national technical assistance and training resources that can promote the adaptation and implementation by state and local court systems of research models and promising practices

- National scope technical assistance and training can also be an important vehicle to involve judicial leaders who have instituted promising practices and court reforms in disseminating information about their experiences around the country and stimulating peers in other jurisdictions to consider similar efforts.

**NEXT STEPS**

- Decisive action is needed to rejuvenate the orientation of courts to the reforms of the ‘70’s and ‘80’s and to adapt these reforms to current issues facing courts.

- Attendees uniformly endorsed the conduct of a national conference as an excellent vehicle for jump starting attention to the judicial reforms of the ‘70’s and ‘80’s and beginning the process of educating the current generation of judicial system leaders to these initiatives and providing them with a foundation for adapting them to the challenges courts are now facing.

- Planning for the conference should be collaborative and focus on justice system issues, not simply the courts.

- A series of white papers, assessments, documentation of promising practices, and other “think” pieces should be developed prior to the conference, to provide a springboard for its deliberations, and serve as a framework for post-conference activities.