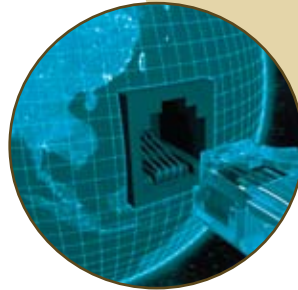


Building a Better Future

FOR OUR COURTS



ANNUAL REPORT 2008
National Center for State Courts



Mission

To promote the Rule of Law and to improve the administration of justice in the state courts and courts around the world.

Annual Report 2008

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Board of Directors 2008–2009



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Message from

the Chair of the Board of Directors and the President of the National Center for State Courts



MARGARET H. MARSHALL
Chief Justice, Supreme Judicial
Court of Massachusetts
Chair, National Center for State
Courts Board of Directors



MARY CAMPBELL MCQUEEN
President, National Center
for State Courts

It has been described as the “worst budget crisis since the Great Depression” and state budget officials have likened it to a “perfect storm.” Courts from coast to coast are being forced to compete for survival funding against important government services such as education, health care, and public safety. The delivery of justice is not a service; it is an essential government function. Times of extreme economic stress in fact underscore the essential role of courts in our society. As financial markets decline, credit tightens, and jobs are lost, people increasingly rely upon courts to protect their homes, their property, their businesses, and their families. Yet, even in the face of these increasing demands on the courts, they are not immune from a roller-coaster economy. As the public and private budgets are expected to operate with less, so are the courts.

Every day courts are taking dramatic steps to cut costs and balance budgets — reducing operating hours, implementing staff furloughs, delaying jury trials. But as funding bodies adopt a budgetary policy of politically “spreading the pain” of the economic crisis, simply requiring courts to do more with less is not a viable option. People have a constitutional right to have their cases heard and heard promptly. Constitutional rights cannot be ranked in priority between civil and criminal and family or financial. Constitutional rights cannot be viewed as personal privileges.

As state courts have evolved into modern governmental institutions they have introduced efficiency and cost-effectiveness into the administration of justice to ensure impartiality and accountability. Since 1971, the National Center for State Courts has partnered with state courts to accomplish those goals. Never before has the work of NCSC been more critical — providing technical assistance to courts facing devastating budget reductions, identifying emerging cost-cutting practices, developing cost-benefit analysis for court operations, providing state courts with a national policy voice, and designing leadership programs for state court leaders. We are educating a new generation of court leaders, providing state-of-the-art resources to court executives, and ensuring that the state judiciaries become effective partners with the legislative and executive branches of government.

Eventually all storms pass — the National Center is working to ensure that when the economic storm of the century passes that the state courts will be stronger, more effective, more transparent, and prepared to meet the future. Our 2008 *Annual Report* is a blueprint of our achievements and aspirations.

NCSC: Building a Better Future for Our Courts

Building a Stronger Presence in Our Nation's Capital



NCSC increased the presence of the state courts in Washington, D.C. in 2008 by opening the new Center House on Capitol Hill.

The National Center for State Courts (NCSC) provides leadership and service to state courts to improve the administration of the justice and public trust and confidence in the court system. An important part of that mission is keeping the courts informed about federal legislation or programs that could affect court operations — and the federal government about issues that affect the state courts. For example, in 2008 NCSC and a delegation of court leaders met with President Barack Obama's transition team to discuss the relationship between the state courts and the federal government.

NCSC also increased the presence of the state courts in our nation's capital by opening the new Center House on Capitol Hill. The new facility's location gives the state courts a consistent presence and voice among our nation's vital decision makers, which is essential to educating Congress and regulatory bodies about the courts' issues and concerns. NCSC's Government Relations staff is housed in the Center House, better positioning them to establish and maintain relationships with federal government agency staff and assist them in understanding the impact of federal policy on state courts.

The Center House also provides a venue for meetings between state and federal judges and other court and governmental officials. The Center House provides more opportunities for international educational exchanges to improve U.S. foreign relations and strengthen the rule of law around the world.

To help courts stay in front of emerging trends and healthy in times of economic downturns, in 2008 the NCSC adopted a strategic plan to guide the organization's work through 2012. This plan focuses on eight Practice Areas: Court Funding; Public Trust and Confidence; Court Technology; Judicial Independence and Accountability; Access and Fairness; High-Performance Courts; Court Security, Emergency Preparedness, and Continuity of Operations; and International Rule of Law Development. This *Annual Report* shares what NCSC accomplished in 2008 in these Practice Areas — essential work toward building a better future for the courts.



Court Funding

Although the judiciary's mission of ensuring access to justice is vital, courts are not immune to times of tightening budgets. In early 2008, when the U.S. economy was entering a downturn, the National Center for State Courts (NCSC) was already closely monitoring the national financial situation and the impact it could have on courts.

To help the courts weather current and future budgetary storms, NCSC established the **Budget Resource Center** (www.ncsconline.org/WC/Budget/home.asp). This online resource provides comprehensive information on court budgeting in one place. Features include a Google news feed; links to NCSC publications related to court budgets; an interactive map of state activities regarding budgets; and resources directed toward more specific topics (such as collecting fines and fees).

In addition to the Budget Resource Center, the NCSC has implemented a number of initiatives to help state courts through the financial downturn, including:

- surveying state court administrators and major trial court administrators to see what cuts they are making, what strategies they are taking to deal with the cuts, how the cuts are affecting court users, and if courts are taking any long-term measures to deal with the problems
- tracking eight jurisdictions — state court systems and local trial courts — on how they respond to the shortfalls to help identify the principles by which courts can be funded, and to identify the “best practices” of long-term strategies to deal with the shortfall and provide technical assistance
- developing a methodology and templates for courts to address the shortfalls from a re-engineering perspective in order to deal with the long-term problems created by systemic budget shortfalls
- working with the American Bar Association (ABA) to have a joint CCJ/ABA project on the budget crisis in state courts
- collaborating with the National Judicial College and the Institute for the Advancement of the American Legal System to fold NCSC's High-Performance Court Framework with the attendant case management portion into the initiatives listed above

Every state has its own method of funding court systems, so evaluating what's happening nationally means staying abreast of what's happening in each of the 50 states. Daniel Hall, vice president of Court Consulting Services, monitors and tracks state court budgets through a biannual survey of court personnel. He uses

Bay State's Top Jurist Says Courts Are in Crisis

The Boston Globe

“I shall be blunt: Our state courts are in crisis. A perfect storm of circumstances threatens much of what we know, or think we know, about our American system of justice.”

— MASSACHUSETTS SUPREME
JUDICIAL COURT CHIEF JUSTICE
MARGARET H. MARSHALL

Court Cuts Trigger Blunt Warnings

Stateline.org

“You can't cut courts so deep that they can't resolve disputes, because then it starts to get at the fabric of our society.”

— DANIEL HALL, VICE PRESIDENT
OF NCSC'S COURT CONSULTING
SERVICES DIVISION

Budget Cuts Hit Legal Aid for Poor

The Washington (D.C.) Times

“The courts may be facing a ‘perfect storm’ of funding shortfalls.”

— NCSC REPORT

“The National Center was invaluable in assisting our Access and Service Delivery Task Force in its efforts to identify strategies that would improve efficiency, reduce cost and make the best use of new information technologies to streamline court work and increase public services. The resulting report positioned us well with legislators and the governor as they deliberated over the state's FY 10-11 budget.”

— Sue K. Dosal, Minnesota
State Court Administrator

JURY MANAGERS' TOOLBOX

In 2008, under an award from the State Justice Institute, NCSC created the *Jury Managers' Toolbox*, an online diagnostic tool to help court administrators identify areas of potential improvement in jury operations. The *Toolbox* consists of a template court administrators can use to calculate key jury system performance measures, such as jury yield and juror utilization. Court administrators can also use information from the NCSC *State-of-the-States Survey of Jury Improvement Efforts* and the U.S. Census Bureau to compare their jury operations to similar trial courts. A fundamental premise of the *Toolbox* is that as trial courts recognize the hidden costs associated with inefficient jury operations, and are given specific guidance on how to address operational shortcomings, they will be more motivated to implement improvements.

that data to educate not only the media but also court leaders. In addition, NCSC President Mary Campbell McQueen was interviewed on National Public Radio's *Morning Edition* about tightening state budgets and how they would affect courts.

NCSC's Government Relations staff in Washington, D.C., constantly works to keep state court funding needs at the forefront of legislative action. In 2008, they worked to create a grant program to support court interpreter efforts in state courts and advocated for legislation to allow the U.S. Department of Treasury to intercept federal tax returns for payment of state court fines, fees, and restitution.

To assist with budgeting, NCSC's Knowledge and Information Services publishes the biannual *Survey of Judicial Salaries*, which provides the latest salary data for state judges and court administrators. KIS also maintains a searchable online database of this information, the Judicial Salary Resource Center.



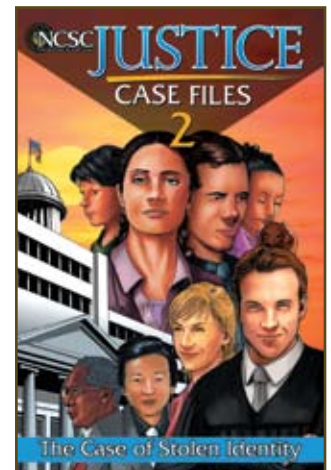
Public Trust and Confidence

Making the justice system more accessible, equitable, and understandable is at the heart of court administration. Each day, in courthouses across the country citizens are affected by the work of NCSC.

Whether it's our landmark work in protecting victims of domestic violence, improving jury service, or helping to educate the public, NCSC's commitment to the justice system helps build the public's trust and confidence in our courts.

Everyone has the right to a fair and impartial hearing when they come to court. NCSC worked with the Conference of Chief Justices to file an **amicus brief** with the U.S. Supreme Court in the case of *Caperton v. A. T. Massey Coal Company, No. 08-22*. This brief asked the Court to clarify the conditions under which the Constitution's due-process clause should prevent a state judge from presiding over a matter involving a major campaign contributor. The brief does not take sides in the case, but it does examine such issues as how judges are chosen in the United States, how judicial campaigns are funded, and the increasing importance of recusal.

To help educate the public about how the courts work, in Fall 2008 NCSC published the second in a series of graphic novels, *Justice Case Files 2: The Case of Stolen Identity*, which focuses on one of the fastest growing crimes in America, identity theft, and teaches how the courts can protect citizens who are victims. The first graphic novel, *Justice Case Files 1: The Case of Internet Piracy*, is already in



use in several school divisions and courts across the country, along with lesson plans developed by two high-school social-studies teachers.

How courts manage their jury systems and treat prospective jurors is another aspect of public trust and confidence. **NCSC's Center for Jury Studies (CJS)** has improved national jury system management for over 30 years. In 2008 NCSC cohosted, along with the Ohio Supreme Court and Ohio Judicial Conference, the first National Conference on Pattern Jury Instructions in Columbus, Ohio. CJS's work in 2008 also included projects to improve jury management in California, Nevada, Virginia, and Wisconsin.

NCSC's **Project Passport**, a national initiative designed to recognize and to enforce protection orders between states and tribes, has been adopted for use in 31 states, and several others are in the process of adapting the Project Passport model template. In 2008 the project continued to provide technical assistance and training to multidisciplinary state and tribal representatives to support their implementation and enforcement efforts. NCSC project staff began to develop several significant resources to support these efforts: (1) a Web site to serve as a national resource center on Project Passport and related issues, such as protective orders, firearms prohibitions, and data sharing, and (2) a Passport "how to" implementation manual and accompanying multidisciplinary training videos.



Court Technology

Technology can be a powerful tool for our nation's courts, increasing the efficiency and effectiveness of operations while improving both internal and external access to information. However, identifying and implementing new technology systems can be a daunting and confusing task for administrators, judges, and staff. That's why NCSC works with court systems across the country to evaluate and address their current and future technology needs.

NCSC works one-on-one with court systems to improve their use of technology — which can lead to practices other courts can use. For example, in early 2008, the NCSC, with funding from the State Justice Institute, published an **information technology (IT) strategic plan** that the Court Consulting Services Division developed for the South Dakota Unified Judicial System. In developing this plan, court leaders grappled with many significant issues, such as using technology to ensure that justice is administered fairly to all citizens. The end result was a template that any court system can use to save considerable time and money when charting a new technology path.

JUR E-BULLETIN

NCSC's weekly *Jur E-Bulletin* informs subscribers about the latest jury news from around the world. Now in its fourth year, *Jur E-Bulletin* has grown to more than 1,500 subscribers and has expanded its services to include a bulletin board for questions among jury managers.

NCSC RESEARCHERS CREDITED IN U.S. SUPREME COURT OPINION

The U.S. Supreme Court opinion in *Exxon Shipping Co. et al. v Baker et al.* cites the work of NCSC researchers Paula Hannaford-Agor, Neil LaFountain, Tom Munsterman, and Brian Ostrom in the Civil Justice Survey series. The reference is in a footnote on page 24 of the opinion. Ostrom and David Rottman are also cited on page 26 of the opinion. The BJS collaborator on the Civil Justice Survey and Court Statistics Project, Thomas Cohen, is also cited several times for his articles based on the Civil Justice Survey.

The NCSC also assisted the **Nevada Justice Courts** in Reno and Sparks with assessing their technology needs, developing requirements for new technology, evaluating vendors, and managing the contracting and implementation process for a new case management system. The new system will eliminate redundant and manual processing of documents, help the courts connect with other agencies, and conveniently provide information for the legal community and the public.

NCSC also focuses on improving the sharing of information between courts and government agencies nationwide. In 2008 the **NCSC Technology Division** began planning and promoting a series of regional meetings on the exchange of data between courts and child welfare agencies. These meetings, which will be conducted throughout the country in 2009, will increase and improve the sharing of information between parties concerned with improving the lives of children.

The regional meetings will be attended by state teams representing both courts and child welfare agencies, and the discussions will be facilitated by NCSC staff. Participants will be provided with the following information:

- Reasons why data exchange matters and how to envision future benefits
- Background on the data-exchange template and National Information Exchange Model requirements
- Assistance with business process analysis of information flows between child welfare agencies and courts
- Help in developing data requirements and assistance in planning data exchange
- Opportunities for open discussions
- Peer-to-peer consulting on data exchange

The NCSC is working with several partners on the data-exchange project, including the National Child Welfare Resource Center on Legal and Judicial Issues and local child protective services agencies.



Technology can promote the highest quality of justice by reducing costs, delays, and inconvenience while improving court accessibility, administration, and decision making. In December 2008, NCSC helped more than 500 people to explore innovations in electronic document, communications, and data systems at **E-Courts**, a three-day conference in Las Vegas, Nevada. With the theme “Getting the Job Done,” *E-Courts 2008* focused on the real-life benefits these systems provide and showed how courts can maintain their productivity, quality of justice, and customer service during challenging financial times.



Judicial Independence and Accountability

One of the most effective ways to ensure that the justice system is independent from political influence is to help the public understand why an independent judiciary is important to them. NCSC has expanded its efforts to aggressively help the courts preserve an independent judiciary and to help the public understand its importance.

NCSC expanded the services offered by *Gavel to Gavel* to include a free, online weekly legislative summary. ***Gavel to Gavel*** — www.ncsconline.org/D_research/gaveltogavel/ — was established in 2007 to monitor attacks on judicial independence, to help identify trends in legislative activity, and to provide a national overview of state legislatures as they introduce, debate, and act on bills and resolutions in seven areas affecting state courts, including salary and budget issues and judicial selection.

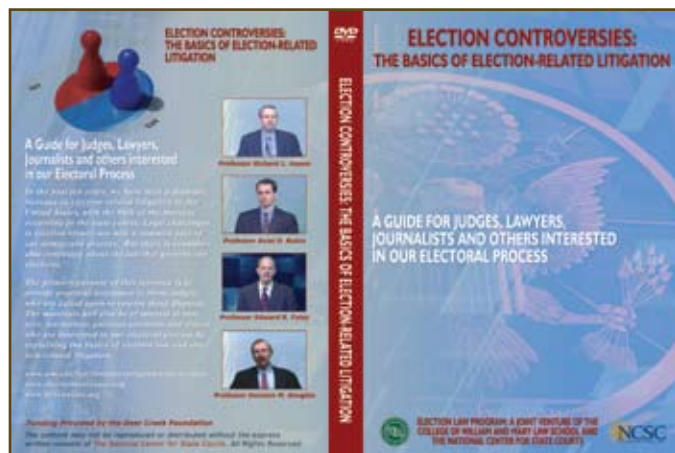
“Thank you for keeping me in the loop and providing me with those well written articles and the news updates affecting our courts. The [Gavel to Gavel] information is invaluable and has been informative to me.”

— David F. Pugh, Chief Judge,
Newport News (Virginia) Circuit Court

As part of NCSC's efforts to help the **Conference of Chief Justices** and the **Conference of State Court Administrators** have a stronger national voice on issues that impact state courts, the **NCSC and the Pew Center on the States** hosted a conference to discuss what role court leaders should play in supporting and reforming public policy that affects the administration of justice. More than 60 state supreme court chief justices and state court administrators attended the May conference in Philadelphia and identified three major areas that will require state court leadership in development of public policy: guardianship of elders, immigration, and the home-foreclosure crisis. Several states have started court initiatives in these areas.

NCSC and Harvard's Kennedy School of Government launched an **"Executive Session for State Court Leaders in the 21st Century."** Through this three-year initiative, state court leaders plan to define the challenges they face that are different from issues facing federal courts and identify solutions to ensure fair, impartial, and efficient courts. Participants in this session include chief justices of state supreme courts, state and trial court administrators, judges, law professors, and legislators.

As part of the NCSC's support of the **Election Law Center** — a collaborative project between the NCSC and the College of William & Mary Law School — an educational program was made available on DVD: ***Election Controversies: The Basics of Election-Related Litigation***. The program was developed with funding from the Deer Creek Foundation and includes video lectures, an election-law manual, articles, and a glossary. The DVD helps to improve the understanding of judges, journalists, lawyers, and others regarding election law.



The NCSC convened a **Workshop on Establishing Effective Judicial Campaign Oversight Committees**, attended by teams from 10 states. The committees encourage voluntary compliance with the relevant canons as the preferred way to run a judicial campaign. Seventeen states now have committees that educate the media, candidates, and the public on how judicial elections should be conducted.



Access and Fairness

It is the courts' duty to ensure access and due process so all citizens have recourse to the law when necessary. State courts have made great strides in improving access by, for example, improving their use of technology and streamlining their procedures. NCSC helps courts to improve their processes and procedures in many important areas related to access and fairness.

NCSC, in partnership with Self-Represented Litigation Network, maintains and updates ***Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources***. The 2008 edition of this online resource discusses numerous court programs for helping self-represented litigants, including self-help Web sites, mobile self-help centers, reduced-fee attorney programs, and simplification of rules and procedures. NCSC is also a partner of **Self-Help Support.org**, a Web site dedicated to helping those who help the self-represented in the court system.

All who appear in our courts have the right to be heard and to understand the proceedings — including those who do not speak English. NCSC helps courts improve their service to linguistic minorities through its work in **court interpretation**. Forty states are members of the Consortium for State Court Interpreter Certification, which currently provides interpretation tests in numerous languages, such as Spanish, Arabic, and Hmong. NCSC staff also examined

the provision of court interpretation services in civil cases in California and made recommendations for improvements to the Administrative Office of the Courts.

Numerous NCSC initiatives help courts to protect the most vulnerable members of society — children and the elderly. Under a grant from the Pew Charitable Trusts, NCSC works with the **National Council of Juvenile and Family Court Judges** to provide statewide child-protection expert assistance (courts can apply for this assistance online at www.ncsconline.org). The *Upward from the Summit* newsletter, a result of the National Judicial Leadership Summit on the Protection of Children (2006), keeps the judiciary informed about what courts in other states have done to improve how they care for the needs of children involved in court proceedings. NCSC is also launching, under a grant from the Retirement Research Foundation in Chicago, the **Center for Elders and the Courts**, which will serve as a primary resource for the judiciary and court management on issues related to aging, guardianship, and elder abuse.

Consistency in sentencing is another key element of fairness in the courts. NCSC conducted the first-ever comprehensive, comparative evaluation of states that use sentencing guidelines. NCSC researchers examined the sentencing guidelines in three states — Minnesota, Michigan, and Virginia. The study found that states that use guidelines have more predictability, reduced discrimination, and increased transparency in sentencing. This work was funded by the National Institute of Justice and sponsored by the Public Safety Performance Project of the Pew Charitable Trust's Center on the States.

NCSC uses other methods and outlets to spread the word on what courts nationwide are doing to improve access and fairness. The online **Access and Fairness InfoCenter** (part of the CourTopics database at www.ncsconline.org) provides links to NCSC and state resources in a number of areas, including the Americans with Disabilities Act, gender fairness, and indigent defense. Access to justice

is always an important feature of NCSC's annual *Future Trends in State Courts* report, as well. The 2008 edition discussed online document assembly, a new curriculum to help judges improve access for self-represented litigants, provision of indigent defense in West Virginia, and the use of language access centers to improve how states provide court-interpreting services.



High-Performance Courts

High-performance courts get their jobs done and done well, but how can courts determine just how well they're doing their jobs? Court performance goes beyond just "case processing" — it gets to the heart of the courts' fundamental mission of ensuring that justice is done and that all citizens will have their chance to be heard. Helping courts to assess and improve their performance is an important part of NCSC's mission.

"The NCSC had just published CourTools and we adopted the four CourTools metrics that focused on timeliness and expedition as a common set of metrics for all seven court departments. The availability of CourTools was a tremendous benefit because it saved us significant developmental work and ensured that our metrics would be consistent with national norms."

— Robert A. Mulligan, Chief Justice, Administration and Management, Administrative Office of the Trial Court of Massachusetts

NCSC continues to build upon its original Trial Court Performance Standards, which led to the *CourTools* court performance measurement system. Under a grant from the State Justice Institute, NCSC researchers proposed a unified performance measurement framework that will make it easier for courts to evaluate their performance and improve their operations. This framework uses a balanced-scorecard approach developed by the Harvard Business School and includes the input of a focus group of national experts in court performance and program-specific performance. More than 20 states are using some or all of the *CourTools* measurements.

Many states have embraced drug courts to help drug-addicted defendants turn their lives around. However, assessing the effectiveness of drug courts is a challenge, especially to justify their existence in the face of limited state resources. With support from a grant by the Bureau of Justice Assistance, NCSC examined drug-court performance measurement and published the results in *Performance of Drug Courts: The State of the Art*. This *Statewide Technical Assistance Bulletin* (June 2008) makes recommendations for improving drug-court performance measurement nationwide.

Courts need comparable data to make their own performance assessments more meaningful. NCSC's Court Statistics Project provides a national perspective on the work of all state courts and publishes it annually in their *Examining the Work of State*

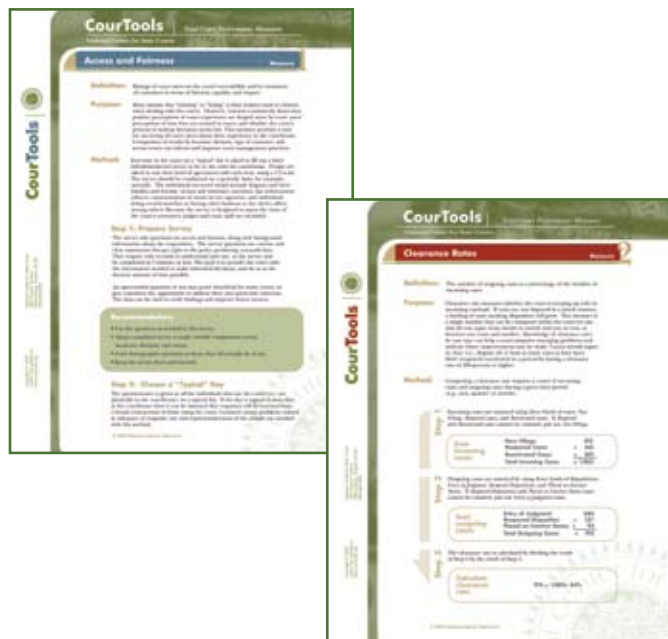
Courts and *State Court Caseload Statistics* series. NCSC also released in 2008 the latest data from the ongoing *Civil Justice Survey of State Courts*. This study, which builds upon previous surveys conducted since 1992, analyzes tort, contract, and real-property trials in 156 counties from courts in urban, suburban, and rural areas.

NCSC is dedicated to improving the performance of court professionals through education and collaboration. More than 150 registrants signed up for the cutting-edge educational programming of NCSC's Institute for Court Management (ICM) in 2008. These programs ranged from leadership institutes to seminars about designing new courthouses, reducing trial court delay, and decreasing delay in cases involving child abuse and neglect. Twenty-five court professionals from the United States, Trinidad, and Tobago completed ICM's rigorous **Court Executive Development Program** in 2008, and 140 people graduated from the **Court Management Program** as certified court managers.

ICM held 53 programs that included open enrollment and programs that were in partnership with the states, territories, and Caribbean countries. One of ICM's fastest growing areas is distance learning. In 2008, 11 courses were offered, and ICM's distance learning staff worked with a number of states and federal agencies to produce distance learning products.

“The Court Executive Development Program was an experience that I found unmatched in any other setting. It challenged me to think critically about many issues affecting today’s courts. I am grateful for having been afforded the opportunity to attain the premier credential of the profession.”

— Giuseppe M. Fazari, Assistant Criminal Division Manager, Superior Court of New Jersey, Essex Vicinage, Newark



WORKING WITH STATE COURT LEADERSHIP TO IMPROVE THE ADMINISTRATION OF JUSTICE

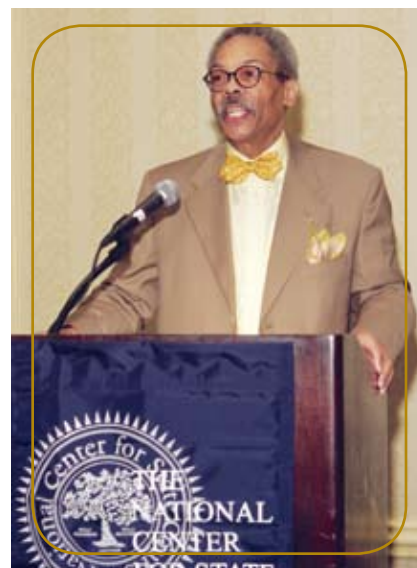
The Council of State Court Representatives, which consists of the membership of the **Conference of Chief Justices** and the **Conference of State Court Administrators**, elects the NCSC Board of Directors and provides important guidance for the organization's mission.

NCSC provides executive secretariat services to 12 other national court associations:

- American Judges Association
- Conference of Court Public Information Officers
- Council of Chief Judges of the State Courts of Appeal
- Court Information Technology Officers Consortium
- Judicial Family Institute
- National Association for Court Management
- National Association of State Judicial Educators
- National Association of Women Judges
- National College of Probate Judges
- National Conference of Appellate Court Clerks
- National Conference of Metropolitan Courts
- National Consortium on Racial and Ethnic Fairness in the Courts

NCSC also provides information and assistance about improving court performance through national conferences and a number of online and print resources:

- The **2008 Court Solutions conference** in Baltimore, September 8–10, brought together some 325 court professionals to learn about practical answers to vital questions about court operations. Court Solutions featured three educational tracks: Court Leadership and Self-Represented Litigation; Delivering Court Interpreter Services; and Survival by Service Redesign.
- NCSC worked with the National Highway and Traffic Safety Administration on ***The Court's Role in Reducing the Incidence of Impaired Driving***, an online resource (www.courtsanddwi.org) for judges and people who plan judicial education programs.
- Court performance was an important part of ***Future Trends in State Courts 2008***, which examined the Ohio courts' response to the foreclosure crisis, drug-court performance measurement, and "procedural justice" and social-science research.
- Court performance standards are an important part of NCSC's ***CourTopics*** database, an online resource of information on 130 court-related topics. This information is divided into 19 "InfoCenters" to improve organization and ease of access. *CourTopics* received nearly 2.5 million hits in 2008.



Maryland Chief Judge Robert Bell welcomes Court Solutions attendees to Baltimore.



More than 300 court professionals from across the country attended the Court Solutions conference in September 2008.



Court Security, Emergency Preparedness, and Continuity of Operations

Continuity of operations is critical to America's courts,

making the need to plan and prepare for security breaches and disasters paramount. NCSC assists courts with the planning and management of court facilities, as well as security, emergency preparedness, and continuity-of-operations plans.

"We selected the National Center because of its reputation and credibility. The consultant hit the ground running and was very positive. He kept everyone going, even when they were beginning to feel defeated. The National Center provided the essentials to get past the crisis. Nobody could have done better."

— Judith A. Cramer, Court Administrator, Superior Court of Fulton County, Atlanta, Georgia

Fulton County Courts hired the National Center for State Courts to conduct an in-depth security assessment after a judge, court reporter, and others were fatally shot in the courthouse.

NCSC's Court Services Division is particularly active in this area, providing training and assessments throughout the United States. In Arkansas, Court Services developed a curriculum for training court security officers and provided the initial training for a core group of officers. In Maricopa County, Arizona, the division created court security practices for the court tower building, reviewed the court's screening areas, reviewed security manuals, and reviewed the court-security-training program for judges, court staff, and court security officers. Extensive security assessments were also conducted for the Supreme Judicial Court in Boston, Massachusetts, for the courts in Oregon, and for the County of San Diego Sheriff's Department in California. In Los Angeles, an assessment was made of the court's Web-based security.

In November, **Court Services conducted a training program for U.S. Marshals Fellows** from Florida, Indiana, and North Carolina, providing them with an understanding of security needs from a court perspective. Training topics included:

- An orientation on NCSC and our involvement in court security
- National Association for Court Management (NACM) court security principles
- Jury and juror security issues
- Best practices in court security
- A live-run practice security assessment of the James City County Court, near Williamsburg, Virginia
- Development of state security action plans

After the success of this initial venture, future training programs are now being planned for U.S. Marshals Fellows in several additional states.



"NCSC's strategies for dealing with universal security issues led our county to complete a security assessment of our facility and practices, and ultimately has been the catalyst for many security improvements with existing facilities, as well as assisting in the court security plans at our new Criminal Justice Center."

— Todd A. Schroeder, Court Administrator, 17th Judicial Circuit, Boone & Winnebago Counties, Illinois

THE RETURN OF RUSSIAN JURIES

Shortly after the 1992 creation of the modern Russian Federation, trial by jury was reinstated after a seven-decade prohibition. As part of the new landscape of citizen participation in the administration of justice burgeoning in Russia, the first-ever Russian jurors' summit was held March 21-24 in Moscow.

The U.S. Department of Justice supported a conference of 30 former jurors; several Russian trial judges, lawyers, and central government officers; and four North American jury trial experts, including Judge Greg Mize of the NCSC Center for Jury Studies. The goal of the convocation was twofold: (1) to grasp the real face of jury trials in Russia, and (2) to bolster its vitality in the future.

Approximately 60 people attended a retreat outside Moscow for discussions and brainstorming regarding juries. Significantly, every juror and several legal professionals expressed a belief that jury trials in Russia are the best way to stand up against central government corruption or overreaching. They see juries as a backstop to their vertical, top-down legal and political culture, and former jurors affirm that in their evaluation of criminal prosecutions, they served as the consciences of their communities.



International Rule of Law Development

As the rule of law has been central to the success of American democracy, NCSC is committed to strengthening the rule of law and administration of justice in emerging democracies throughout the world. Through technical assistance and consulting services, training programs, and information dissemination, NCSC staff are carrying out this goal around the globe every day, as well as actively developing links between American court organizations and their counterparts in other nations. This exchange of expertise and information benefits everyone involved.

NCSC worked with the International Consortium for Court Excellence to develop the **International Framework for Court Excellence**, a tool for courts around the world to use in assessing the quality of their judiciaries. The framework was launched in September 2008 at an international Forum on Court Quality in Sydney, Australia, and presented to 26 Central American and Caribbean countries in Lima, Peru, in November. In 2009 the framework will be simplified, templates will be created to assist countries with implementation, and a Web site will be created and maintained by NCSC.

NCSC continues to work on the **Kosovo Justice Strengthening Project (JSP)** with a three-year, \$19.5 million contract. JSP provides assistance to the Kosovo Judicial Council by developing training curricula for the Kosovo Justice Institute and training judges, prosecutors, and court staff; working with pilot courts; creating the Kosovo Prosecutorial Council; and establishing judicial inspection and audit functions.

In Haiti, NCSC helped draft Rules of Practice for the country's 151 Justice of the Peace Courts. NCSC also drafted legislation to create a judicial council, which was adopted by the Haitian legislature.



American jury experts traveled to Moscow for a meeting that included Russian jurists, judges, and lawyers, as well as court journalist Leonid Nikitinskiy (right).

Year in Review

Additional Highlights

NCSC has been developing a set of **appellate *CourTools***. This performance management system is being tested in appellate courts in Arizona, Montana, and Oregon.

NCSC's **Court Consulting Services Division** has performed over 128 courthouse security assessments throughout the country. CCS has also been assisting state courts with the ongoing budget crisis. For example, CCS presented a report to the Minnesota Judicial Council that summarized a study of that state's budgeting challenges.

NCSC's **Knowledge and Information Service (KIS)** fielded more than 7,000 information requests in 2008. This includes NCSC Library requests and phone and e-mail requests.

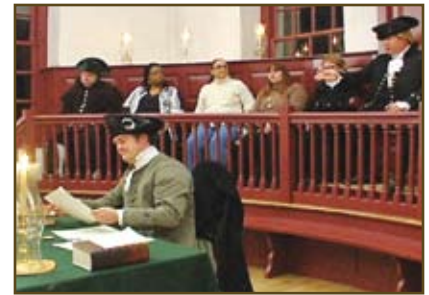


NCSC's ***Future Trends in State Courts*** series celebrated its 20th anniversary in 2008. In addition to informative articles discussing current court trends, the 2008 edition offered a

20-year perspective on six facets of court operations: Jury Systems, Caseflow Management, Judicial Selection, Judicial Compensation, State Budgets, and Technology. *Future Trends* is produced by KIS.

Instead of holding national educational programs across the country, **ICM** brought them all to Colonial Williamsburg and NCSC Headquarters. The courses now incorporate some historical insight and offer participants an opportunity to live life as it was in the 1770s — including a re-creation of an 18th-century court session.

NCSC's ***Justice System Journal*** published a special issue (vol. 29, no. 3) on "Court-Related Aspects of Capital Punishment," which provided an overview of the U.S. Supreme Court's death penalty jurisprudence and examined efforts at system reform.



NCSC and the National Judicial College are working with the **National Committee on the Impact of Immigration Cases in State and Local Courts**. This project is funded by the State Justice Institute.



Looking Ahead

The Court Technology Conference, which is scheduled for Sept. 22-24, 2009, in Denver, Colo., will bring together court professionals from around the world for three days of learning, training, and networking. CTC participants will learn how to use the latest advances in court technology in ways that help them improve court operations and better serve the public. It is the country's largest court technology conference.



NCSC will unveil a new Web site in 2009. In 2008 leadership agreed that the redesigned Web presence must offer an intuitive navigational scheme based on content rather than organizational structure, a unified and strong "brand," and efficient workflow and governance policies. The new site

will help NCSC to meet the unique informational needs of wits constituents.

The **National Conference of Metropolitan Courts** is structuring its 2009 Annual Conference (Orlando, October 28-30) around the Institute for Court Management's leadership curriculum for presiding judges and court administrators. This program, *Leading and Governing Trial Courts: Taking Charge in Tough Times*, will be led by Gordy Griller, ICM's director of Trial Court Leadership Programs.

The 2009 issue of NCSC's graphic-novel series, ***Justice Case Files*** (no. 3), will take up the topic of jury duty. This issue will guide readers through the whole jury process, from being summoned to participating in a trial, and will be accompanied by a lesson plan for teachers.

Recognizing Leaders and Contributors

It's impossible to discuss NCSC's achievements and future without mentioning and recognizing the individuals, companies, law firms, and foundations that help make it all happen. Each plays a critical role in strengthening and broadening the NCSC's reach. Through their support and commitment, the NCSC and the justice system continually improve. In the following pages, we recognize those who have made a difference in the NCSC's past and future through leadership, service, and financial support.

Each year, the NCSC hosts a series of events and programs in Washington, D.C. to honor those who have made extraordinary contributions to improving the administration of justice.

The events begin with a dinner in the Great Hall of the U.S. Supreme Court, sponsored by the NCSC and hosted by the Supreme Court. The dinner honors the recipient of the William H. Rehnquist Award for Judicial Excellence. The events that follow are the annual Justice Roundtable and NCSC's Annual Recognition Luncheon, which includes inductions into the Warren E. Burger Society.

2008 William H. Rehnquist Award for Judicial Excellence

Presiding Justice Jonathan Lippman of New York received the 2008 William H. Rehnquist Award for Judicial Excellence. The award is presented annually to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness, professional ethics, and sound judgment. More than 250 judicial, business, and bar leaders from across the United States attended the 2008 Rehnquist Award dinner and ceremony at the U.S. Supreme Court.



Former Texas Chief Justice Thomas Phillips, left, with Texas Chief Justice Wallace Jefferson, and South Carolina Chief Justice Jean Toal at the NCSC Fall Events



Chief Judge of New York Jonathan Lippman is presented the William H. Rehnquist Award by James Duff, Executive Director of the U.S. Administrative Office of the Courts.

At the time of the award, Justice Lippman was the Presiding Justice of the Appellate Division of the First Judicial Department of the New York State Supreme Court, and later was named Chief Judge of the New York State Unified Court System by Governor David Paterson.

Chief Judge Lippman was selected for his “unparalleled ability to promote and achieve reform in the state courts,” said NCSC President Mary McQueen. As Chief Administrative Judge, Chief Judge Lippman was recognized for effectively mobilizing judges and court staff to reopen 10 key court facilities and administrative offices in Manhattan following the 9–11 terrorist attacks; for being instrumental in making New York one of the leaders in problem-solving justice; for overseeing efforts to overhaul New York’s jury system; and for expanding access to justice, among many other accomplishments.

James Duff, Executive Director of the U.S. Administrative Office of the Courts, presented the award to Chief Judge Lippman, standing in for Chief Justice of the United States John G. Roberts, Jr., who could not attend because of a family emergency.



Wayne Withers, legal advisor for Emerson, and North Carolina Chief Justice Sarah Parker



From left, Hunter Barrow of Thompson & Knight, Judge Dale Koch of Multnomah County Circuit Court, Oregon, and William H. Mack of Skadden Arps Slate Meagher & Flom LLP



Larry D. Thompson, senior vice president and general counsel, PepsiCo Inc.



NBC Legal Correspondent Pete Williams speaks to audience at Recognition Luncheon.

2008 Justice Roundtable

The **Justice Roundtable** provides an opportunity for the corporate and legal communities to discuss issues of common interest with state court leaders. Roundtable discussions frequently produce research or educational projects for NCSC. Participants include state chief justices and members of the NCSC’s General Counsel Committee and Lawyers Committee, as well as the NCSC Board of Directors.

In 2008 the Roundtable addressed the issue of “Public Nuisance Litigation: Protecting the Public or Expanding Products Liability Law.” In recent years the tort of public nuisance has been used to press claims involving the manufacture and use of products that pose a threat to public health or a burden on taxpayers because of the potential cost of care. The panelists debated the expanded theory of public nuisance, the consequences of the expanded view, and the legal and policy issues involved.

Annual Recognition Luncheon

More than 125 leaders of the court and business community attended the **NCSC’s Annual Recognition Luncheon** at the Willard Inter-Continental Hotel in Washington, D.C. The luncheon recognizes those who have made significant contributions to improving the justice system. During the luncheon, six new members were inducted into the **Warren E. Burger Society** and two 20-year corporate contributors were recognized.

Pete Williams, NBC legal correspondent, addressed the audience to speak about how the media and the courts can work together to improve the public’s trust and confidence in the justice system.

RECIPIENTS OF THE WILLIAM H. REHNQUIST AWARD

- 2008 – Chief Judge Jonathan Lippman
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- 2007 – Chief Justice Christine M. Durham
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- 2005 – Judge Louraine C. Arkfeld
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- 1998 – Judge Veronica S. McBeth
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- 1997 – Judge B. Michael Dann
ARIZONA
- 1996 – Judge Vincent J. Poppiti
DELAWARE

WARREN E. BURGER 2008 AWARD



Sue K. Dosal, state court administrator of the Minnesota Judicial Branch, received NCSC’s 2008 Warren E.

Burger Award, named for the former Chief Justice of the U.S. Supreme Court who helped found NCSC in 1971. The award honors an individual whose work has made significant contributions to the improvement of state or local court operations and has application to courts nationwide.

“When Sue began her tenure with Minnesota Judicial Branch 25 years ago, there was no science of court administration,” said NCSC President Mary C. McQueen. “In fact, there were very few people called court administrators and even fewer of those were women. Sue was one of the first to take the job of court administration and elevate it to a true profession.”

General Counsel and Lawyers Committees

The General Counsel Committee and the Lawyers Committee participate actively in the development and implementation of the National Center's programs and help build public understanding of the need for a strong and independent judiciary. Implementation of electronic discovery guidelines, expanded education on the use of business courts, and creation of comprehensive civic education for the public about courts are areas of interest for these committees.

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2008 Burger Society inductees include: Justice Bobbe Bridge (ret.); Chief Judge of Maryland Robert M. Bell; Chief Justice of Massachusetts Margaret H. Marshall (presiding over ceremony); Sylvia Walbolt; Richard Godfrey; Leonora Burger (presenting awards); and Thomas Gottschalk. *Not pictured, Sue K. Dosal.*

Warren E. Burger Society

Chief Justice Margaret H. Marshall, chair of the NCSC Board of Directors and president of the Conference of Chief Justices, honored six individuals who have made extraordinary contributions of service and support to NCSC by inducting them into the Warren E. Burger Society at the Annual Recognition Luncheon. Leonora Burger, Chief Justice Burger's daughter-in-law, attended the luncheon and assisted with the presentations. The Society was formed to honor individuals who have volunteered their time, talent, and support to NCSC in an exceptional manner. This year the NCSC honored:

- Chief Judge Robert M. Bell, Court of Appeals of Maryland
- Justice Bobbe J. Bridge, Washington Supreme Court
- Sue K. Dosal, State Court Administrator, Minnesota
- Richard C. Godfrey, Kirkland & Ellis LLP
- Thomas A. Gottschalk, Kirkland & Ellis LLP
- Sylvia H. Walbolt, Esq., Carlton Fields



From left, William H. Graham of Connell Foley, LLP, Thomas Gottschalk of Kirkland & Ellis, and Curtis "Hank" Barnette of Skadden, Arps, Slate, Meagher & Flom LLP, gather at NCSC's Annual Recognition Luncheon.

Membership into the society is commemorated by a presentation of a limited-edition print of the final portrait of the late Chief Justice Warren E. Burger, who helped found NCSC in 1971. Each print is signed and numbered by artist Fran Di Giacomo. The portraits are a gift from Texas attorney Charles M. Noteboom, who commissioned the original portrait that hangs in NCSC's headquarters in Williamsburg, Virginia.



20-Year Recognition: George Frazza, NCSC Board member and Chair of the Development Committee, presents resolutions to Karan Bhatia of General Electric Corporation, left, and James Carroll of Ford Motor Corporation for their companies' 20 years of support to NCSC.

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The National Center for State Courts and our Board of Directors express our deep appreciation for the generosity that led to these gifts.

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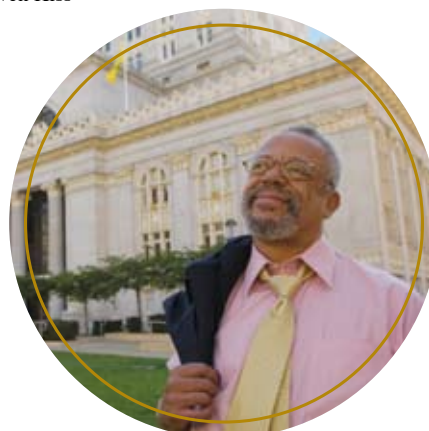
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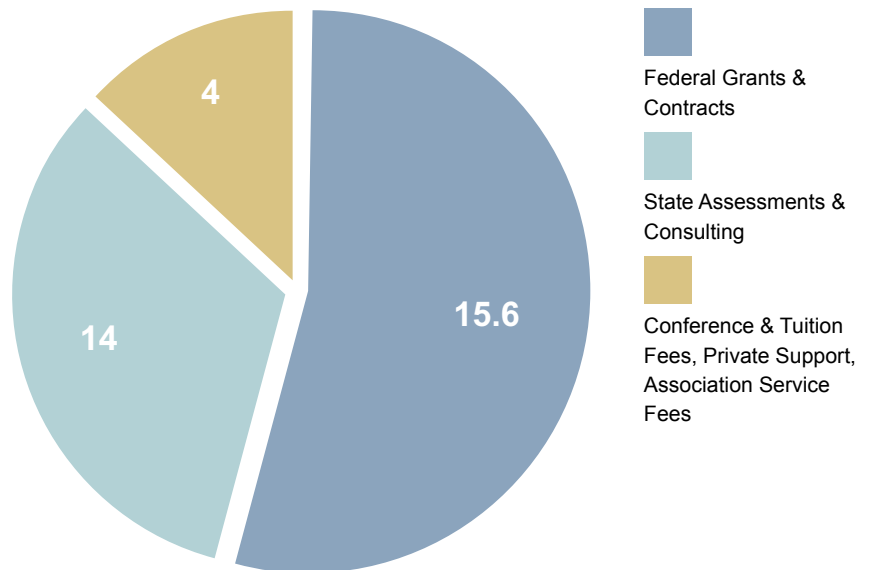
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Summary of Income and Expenses

2008 Program Income (\$ in millions)

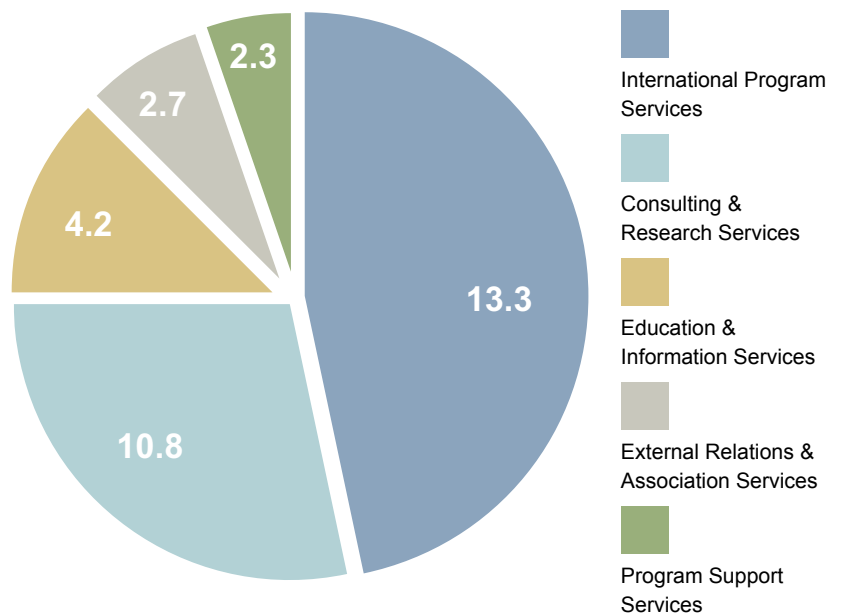


The National Center for State Courts received 47 percent of its support in 2008 from federal grants and contracts. Funds from state assessments and consulting services provided another 35 percent. Remaining funds came from conference and tuition fees, private support, and association service fees. Total income from operations in 2008 was \$33,600,000.

Program expenses include the cost of providing services to the state courts through consulting, research, education, information sharing, government relations, association services, and international programs.

The accounting firm of Raffa, P.C. audits NCSC's financial statements. A copy of the 2008 audited financial statements and auditors' reports may be obtained from NCSC's chief financial officer.

2008 Program Expenses (\$ in millions)



2008 NCSC Staff Awards

Each year NCSC presents four awards in recognition of employee excellence.

STAFF EXCELLENCE AWARD

Fred Cheesman

Senior Court Research Associate

This award is presented annually to an employee whose work has significantly contributed to the fulfillment of the mission of NCSC and enhanced the organization's reputation through demonstrated expertise, professionalism, and commitment.

JEANNE A. ITO AWARD

John Cipperly

Project Officer (Kosovo)

This award was established to honor the late Jeanne A. Ito, who in only five years with NCSC developed a reputation for innovation, initiative, enthusiasm, and the highest standards of ethical behavior.

FLORENCE MCCONNELL AWARD

Daniel R. Serda

Facilities Management Technician

This award is presented in the memory of Florence McConnell to an employee whose interaction with the courts and fellow employees creates an atmosphere of trust and respect.

DALE A. SIPES MEMORIAL PRESIDENT'S AWARD

E. Hank Heidt

Facilities Director

The Dale A. Sipes Memorial President's Award was created in 2005 by family and friends of Dale Sipes, a former NCSC staff member who passed away that year. This award recognizes an individual or a team who is responsible for an extraordinary project or activity that improved service to the statecourts and enhanced the reputation of NCSC.

ROBERT W. TOBIN ACHIEVEMENT AWARD

Dick Van Duizend

Principal Court Management Consultant

Upon Robert "Bob" Tobin's retirement, the National Center created this award to recognize the best product that NCSC has produced over the past year and is offered to an individual or a team who developed a product that represents the excellence of NCSC.

2008 NCSC

Distinguished Service Awards

Each year NCSC honors those who have made longstanding contributions to improving the justice system and have supported the organization's work.

CURRENT OR FORMER STATE APPELLATE JUDGE

The Honorable David V. Brewer
Oregon Court of Appeals

CURRENT OR FORMER STATE TRIAL JUDGE

The Honorable Elizabeth P. Hines
15th Judicial District Court, Michigan

STATE-LEVEL COURT ADMINISTRATOR OR EMPLOYEE

The Honorable Robert A. Mulligan
*Chief Justice for Administration
and Management, Massachusetts*

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David W. Slayton
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Mary V. Mentaberry
*National Council of Juvenile
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