

BRIEFS

2021 JUDICATURE EDITORIAL BOARD

JUDGE DON R. WILLETT, CHAIR

U.S. Court of Appeals for the Fifth Circuit

CHIEF JUSTICE ROBERT M. BRUTINEL

Arizona Supreme Court

JUDGE J. MICHELLE CHILDS

U.S. District Court, District of South Carolina

JUDGE BERNICE B. DONALD,

*U.S. Court of Appeals for the Sixth Circuit
(retired)*

JUSTICE CHRISTINE M. DURHAM

Utah Supreme Court (retired)

BRANDON L. GARRETT

*L. Neil Williams, Jr. Professor of Law,
Duke Law School*

DAVID W. ICHEL

*Arbitrator-Mediator-Special Master,
X-Dispute LLC (retired partner, Simpson
Thacher & Bartlett LLP)*

JACK KNIGHT

*Frederic Cleveland Professor of Law and
Political Science, Duke Law School*

MARGARET H. LEMOS

*Robert G. Seaks LL.B. '34 Professor of Law
and Senior Associate Dean for Faculty &
Research, Duke Law School*

MARIN K. LEVY

Associate Professor of Law, Duke Law School

DARRELL A.H. MILLER

*Melvin G. Shimm Professor of Law,
Duke Law School*

JUDGE ANDREW J. PECK

*Senior Counsel, DLA Piper
(former U.S. Magistrate Judge,
Southern District of New York)*

JUDGE ROBIN L. ROSENBERG

*U.S. District Court, Southern District of
Florida*

from THE NATIONAL CENTER FOR STATE COURTS



PHOTO: AN OUTDOOR GATHERING IN JULY 2021 TO CELEBRATE THE NCSC'S 50TH ANNIVERSARY (NCSC).

The NCSC marks 50 years of service to state courts

WHEN CHIEF JUSTICE WARREN BURGER CALLED FOR THE CREATION OF “A NATIONAL CENTER FOR STATE COURTS” at the first National Conference of the Judiciary in 1971, it is safe to assume that no one in attendance knew what form such a “center” would take. But they did know that it was to serve as a “central resource” to improve the operations of state courts — and that establishing such an organization to serve all the courts of the states and territories was essential to improve the administration of justice in the states. Later that year, the National Center for State Courts (NCSC) began operations in the

headquarters building of the Federal Judicial Center in Washington, D.C.

The 1971 conference itself was big news. It made the front page of *The New York Times*, no doubt thanks to the starring role given to President Richard Nixon, who delivered a keynote address in which he urged “imagination and daring” to improve the justice system.

It was also a big deal measured in both participation and dollars. The conference attracted legal luminaries from across the country. The event was chaired by former U.S. Supreme Court Justice Tom C. Clark. Also in attendance was John N. Mitchell, the

Attorney General of the United States. Historical accounts vary, with some indicating about 400 people attended and others suggesting closer to 600 participants. In inflation-adjusted dollars, the event cost nearly \$1 million, which was paid for by a grant from the U.S. Law Enforcement Assistance Administration (LEAA).

The idea was for NCSC to act as an “information clearinghouse” through which data and innovations from one state court could be used to benefit all state courts. The center was supported from the outset by other judicial groups like the Conference of Chief Justices (CCJ).

Initially, NCSC’s work was largely focused on reducing court case backlogs and delay. This task was complicated due to inconsistencies in data from the state courts. For instance, what constitutes a criminal case? Does it begin at the time of arrest? At the first hearing? Various state courts saw it differently, making comparisons about such cases across states challenging.

NCSC built on its initial work with the publication of *Justice Delayed: The Pace of Litigation in Urban Trial Courts* and the establishment of the Court Statistics Project. This was in 1978, the same year that NCSC’s headquarters building opened in Williamsburg, Va., next to the William & Mary Law School. In 1979, NCSC created its Knowledge and Information Service

The organization went beyond its information-clearinghouse mission to perform original research and provide direct technical assistance to the states, leading to improvements in caseload management, jury systems, and the adaptation of technology to court operations, to name just a few.

(KIS), marshalling the largest collection of court-administration-related materials in the world — the NCSC Library. That library flourishes to this day.

A diverse staff representing numerous disciplines such as statistics, public administration, law, and adult education began to use NCSC’s acquired data and knowledge to help courts improve their operations. The organization went beyond its information-clearinghouse mission to perform original research and provide direct technical assistance to the states, leading to improvements in caseload management, jury systems, and the adaptation of technology to court operations, to name just a few.

While NCSC’s work to improve the operations of courts continues, the

center today encompasses much more. NCSC works with national and international court associations to improve court leadership at all levels and offers educational opportunities through its Institute for Court Management (ICM). The professionalization of court administration was one of Chief Justice Burger’s passions, and ICM has helped build out a national network of court administration professionals through its flagship “Fellows” program, which has graduated over 1,300 students.

Consider the evolution of NCSC through the lens of its annual *Trends in State Courts* report. The original *Report on Trends in State Courts* was published in June 1988 at the request of the Conference of State Court Administrators (COSCA). It started as a photocopied typescript, with one topic per page and a brief list of sources. In 2021, it is a glossy, bound publication (also available online, of course), featuring lengthy peer-reviewed articles. But for all the differences, there are also similarities: A 2021 article on “Usability and Court Dispute Resolution Platforms” was presaged in the 1988 edition by an article simply titled “Alternative Dispute Resolution.”

One of the most transformative moments in the center’s history came in 1991, with the decision to form an International Programs division. Today, NCSC operates in more than 30 countries to advance justice systems and enhance justice services. ►

We want to hear from you!

ARTICLE SUBMISSIONS

Judicature explores all aspects of the administration of justice, courts, and judging. We publish articles based on empirical research as well as articles based on fact and opinion from members of the bench, the bar, and the academy. Submission guidelines may be found on our website: judicature.duke.edu.

LETTERS TO THE EDITOR

Email your letter, including your full name and title, with *Attn: Editor* in the subject line, to judicature@law.duke.edu.

JUDICIAL HONORS

We print select judicial honors, space permitting, and lists of active judges celebrating milestone anniversaries of the date of their commission. Send your submissions to judicature@law.duke.edu; high-resolution (300 dpi) photos are welcome.

THE STORIED THIRD BRANCH

The Storied Third Branch invites judges to write a tribute to another judge who has, through example or mentorship, served as an inspiration to colleagues on and off the bench. See details at judicature.duke.edu.

NCSC programs seek to expand access to justice and improve quality of services through technical assistance, training, and technology. This requires collaboration with government institutions, civil society actors, educators, researchers, and development partners in pursuit of justice for all.

In its 49th year, NCSC helped courts confront the biggest crisis in generations: The COVID-19 pandemic made routine court operations almost impossible for many months, requiring the rapid adoption of new technologies to facilitate remote hearings and keep critical cases moving through the courts. A “Rapid Response Team” of court stakeholders and NCSC staff produced an endless array of tools to help courts adapt and hosted webinars attended by tens of thousands of court professionals from across the globe.

As it moves into the future, a new visioning project is underway. Just Horizons is a 19-member committee that considers the NCSC’s future; by the end of the center’s 50th year, the committee aims to offer answers to the following questions:

- What core values do we want to preserve?
- What trends might affect courts in the next 10 to 15 years?
- What do court stakeholders consider the most important and uncertain drivers of change for courts?
- What are possible futures for courts and how might each affect core justice system values?

“It is a means to an end that we should place high priority on changes in our methods and our machinery.”

— CHIEF JUSTICE BURGER,
AT THE NCSC LAUNCH
CEREMONY IN 1971

- What actions do we take to prepare for and shape the role of courts in delivering justice in the future?

The center marked its 50th anniversary by hosting the annual CCJ and COSCA annual meeting in Williamsburg in July, an ideal moment to reflect on these words delivered by Chief Justice Burger in the same location 50 years earlier: “We must always remember that efficient administration is the tool, not the goal, of justice. Therefore, it is a means to an end that we should place high priority on changes in our methods and our machinery. The noblest legal principles will be sterile and meaningless if they cannot be made to work.”

— JESSE RUTLEDGE is vice president for external affairs and CHARLES CAMPBELL is publications specialist for the National Center for State Courts.