



American Bar Association
News Release



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Contact: Nancy Cowger Slonim
Phone: 312/988-6132
E-Mail: slonimn@staff.abanet.org
Online: <http://www.abanews.org>

300 STATE OFFICIALS LEAVE STATE COURTS SUMMIT WITH PLANS FOR ACTION TO IMPROVE RELATIONS, PROTECT COURT FUNDING

CHICAGO, MAY 15, 2009—Some 300 state government officials from around the nation agreed to plans to improve relations among all three branches of government, and to work to preserve adequate funding for courts and related government services, at a summit on the critical role of fair and impartial state courts, in Charlotte, N.C., last week.

“The delegates recognized that justice is indeed the business of all three branches of government, especially in times of state and local budgetary crisis. It is the obligation of all three equal and independent branches to cooperate in defining and providing equal justice for all,” said American Bar Association President H. Thomas Wells Jr., who convened the summit.

Sponsored by the ABA and the National Center for State Courts, “Justice is the Business of Government” convened state senators and representatives, state attorneys general and gubernatorial representatives, judges and court administrators, all with the goal of fostering improved understanding of each other’s roles in serving public needs, and the obstacles they face in fulfilling them. The delegates outlined general principles for advancing better relationships. Summit chairs Edward W. Madeira of Philadelphia and North Carolina Supreme Court Justice Mark Martin, representing the ABA, and Mary Campbell McQueen of Williamsburg, representing NCSC, urged them to reconvene in their own states to develop specific and localized plans. Delegates agreed judges should be more assertive as leaders of state government, and emphasized the importance of regular communication with colleagues in other branches, particularly regarding pending legislation that will impact the courts. They also encouraged advocacy, sometimes through judicial councils or associations, and sometimes involving constituencies such as police, prosecutors, victims and employee organizations.

Court funding is ripe for advocacy, agreed delegates, calling for dependable and predictable funding from general state revenues, not tied to court fees that increase the burden on citizens seeking justice. The delegates suggested an automatic minimum percentage of the state budget should be reserved for the judicial branch, and called for increased autonomy in managing judicial budgets.

Many delegates called for an end to partisan and non-partisan judicial elections, and supported merit selection systems to choose judges instead. Short of abandoning elections, they urged improving qualification standards for individuals who run for judicial election, creating public funding systems, establishing voluntary judicial campaign conduct committees and generally tamping down the nastiness and costliness of judicial campaigns.

Public education about government systems to foster broader understanding of the roles of all branches of government was another common theme. To enhance public understanding of judicial systems in particular, delegates encouraged judges to use less jargon in their rulings and to explain their decisions more clearly. They also acknowledged courts are not always seen as being fair, describing perceptions of fairness as the single most important factor in determining whether people have confidence in the courts. They reminded judges that courthouses can double as classrooms when judges take opportunities to teach the public about systems, procedures and the legal system while they perform their judicial duties on the bench.

Full summit information is available in an online media kit at <http://www.abavideo.org/ABA2831/>. General conclusions by delegates are among summit resources, at <http://www.abavideo.org/ABA2831/recommendations.php>, where they are posted as Recommendations for Fair, Impartial and Independent Courts.

With more than 400,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.