

CONFERENCE OF STATE COURT ADMINISTRATORS

Policy Statement

Effective Judicial Governance and Accountability

From its inception nearly a half century ago, the Conference of State Court Administrators (COSCA) has worked to promote effective judicial governance and accountable, responsive judicial branch institutions that provide the highest quality of service to the public. For state courts to achieve effective judicial governance and full accountability in the performance of their responsibilities they must have the capacity to manage their affairs and develop and implement policies and practices in certain core areas of court administration. While the courts occupy a unique position within American government that demands independence, the other branches of government and the public have the right to hold the judiciary accountable for effective management of court business.

Today we reaffirm and seek to further these principles by offering the following specific policy perspectives.

All state court systems must strive to be accountable--that is, to serve the public with maximum effectiveness and responsiveness. Failure to either achieve or demonstrate accountability sets the stage for external criticism and attacks on particular decisions of individual judges and courts, and fosters an environment in which the other branches of government are more likely to diminish the judiciary's ability to govern its own affairs, e.g., by eroding court funding or micro-managing court practice and procedure. While vigilant of our constitutional prerogatives as a separate branch of government, the judiciary must go beyond merely accepting appropriate outside review and affirmatively welcome it as the best opportunity to educate the public and the other branches about the mission, accomplishments and needs of the third branch. It is in that context that the Judiciary will best be able to articulate how excessive interference with court operations can impair the ability of the courts to provide the public with the highest level of service.

We support a national effort by COSCA and CCJ, in partnership with NCSC, to more precisely identify the core responsibilities for which courts can and should be held accountable through a declaration of basic principles of judicial accountability. This process of identifying the core elements of judicial accountability, and their dependence on self-governance, will enable state court systems to present to their citizenry and coordinate branches of government a bold vision of the judiciary's role in our society, and to set forth in clear terms the conditions necessary to providing the public with the highest level of service.

There is a great deal that the third branch can do on a day-to-day level to promote self-governance and accountability. State courts should lead the debate and shape the issues on matters of judicial governance, as opposed to responding to the initiatives of others. To the extent possible, state courts should speak coherently and with one voice on system-wide issues, work to improve institutional relationships with the other branches of government, and fully utilize the resources of NCSC in support of their efforts to promote effective judicial governance.

COSCA is committed to being a full and active partner in promoting effective judicial governance and accountability.

Originally recommended by: Policy and Liaison Committee
Original adoption date: November 30, 2001
Renewal recommended by: Policy and Liaison Committee
Renewal date: December 1, 2006
Expiration date: December 31, 2011