CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 2

In Support of the Guiding Principles for Post-Pandemic Court Technology

WHEREAS, the COVID-19 pandemic forced courts to determine how to maintain access to justice while keeping court users, the public, and court employees safe; and

WHEREAS, courts improvised in-the-moment solutions built upon existing continuity plans, and have shown remarkable creativity, resourcefulness, and willingness to embrace new technologies; and

WHEREAS, in the wake of the COVID-19 pandemic, it has become even more apparent that, through the adoption of a variety of technologies, state courts can modify court processes and employ remote services to conduct essential functions and provide greater flexibility, accessibility and efficiency for court users and court staff alike during an emergency and when normal operations resume; and

WHEREAS, state courts now have a unique opportunity to leverage creative thinking and openness to innovation by using technology to create long-term and much-needed change for the courts; and

WHEREAS, in the midst of this transformation, state courts must ensure that all parties to a dispute—regardless of race, ethnicity, gender, English proficiency, disability, socio-economic status or whether they are self-represented—have the opportunity to meaningfully participate in court processes and be heard by a neutral third party who will render a speedy and fair decision; and

WHEREAS, state court leaders should implement technological changes based upon a set of principles to guide those decisions;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge courts to ensure that the principles of due process, procedural fairness, transparency, and equal access are satisfied when adopting new technologies; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge state courts to implement technology that is designed to meet the needs of all users—including the public, judges, court staff, attorneys, self-represented litigants, community partners, and researchers—and reduce barriers to access; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge state courts to make informed technology decisions based on the needs of and feedback from a range of diverse court users; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge state courts to drive innovation, by defining what business problem the court is trying to solve before settling on a specific technology; reviewing and adjusting business processes to reduce redundancy and eliminate unnecessary steps from the perspective of court users; and to use agility and flexibility when piloting innovations; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge state courts to take a data-driven, open and transparent approach to implementing and maintaining technologies, including by collecting data to monitor and evaluate new processes and technologies to determine success and address any challenges, while also maintaining appropriate data management protocols; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge courts to adopt remote-first or remote-friendly approaches when moving court processes forward, both for court personnel and for court users; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge the National Center for State Courts and other national organizations to promulgate guidance, share resources, and provide assistance to jurisdictions working toward these goals.

Adopted as proposed by the CCJ/COSCA Post-Pandemic Planning Technology Working Group at the CCJ/COSCA Annual Meeting on July 30, 2020.