



National Association for Court Management

Supported Resolution # _____ 4 _____ Year _____ 2016 _____

- In Support of the Call to Action and Recommendations of the Civil Justice Improvements Committee to Improve Civil Justice in State Courts –

- Conference of Chief Justices Conference of State Court Administrators -

WHEREAS, civil litigation in the United States is a matter of high importance to protect access to justice, public trust and confidence, and the constitutional role of the courts; and

WHEREAS, in 2011 the Conference of Chief Justices adopted Resolution 4, In Support of State Action Plans to Reduce the Costs Associated with the Prosecution and Defense of Ordinary Civil Cases; and

WHEREAS, in 2013 the Conference of Chief Justices adopted Resolution 5, to establish a Civil Justice Improvements Committee charged with (1) developing guidelines and best practices for civil litigation based upon evidence derived from state pilot projects and from applicable research, implemented rule changes, and stakeholder input; and (2) making recommendations as necessary in the area of case flow management for the purpose of improving the civil justice system in the state courts; and

WHEREAS, the Civil Justice Improvements Committee, after undertaking two years of research, found that:

- Over the last several decades there has been a dramatic rise in self represented litigants. Now, in more than 75% of civil cases, at least one party is self-represented; and
- High-value tort and commercial contract disputes are only a small proportion of civil caseloads. Instead, the vast majority of civil cases are debt collection, landlord/tenant, mortgage foreclosure, and small claims cases involving relatively modest monetary claims; and
- For most litigants, the costs of litigating a case through trial would greatly exceed the monetary value of the case; and
- The vast majority of civil cases are disposed of without adjudication on the merits; and
- Some litigants with meritorious claims and defenses are effectively denied access to justice because it is beyond their financial means to litigate. Others, who have the resources and legal sophistication to do so, are opting for private alternatives to the civil justice system; and
- Our legal system promises the just, speedy, and inexpensive resolution of civil cases. Too often, however, it does not live up to that promise; and

WHEREAS, the Civil Justice Improvements Committee, after two years of intensive deliberations, made principled and practical recommendations to restore faith in the civil justice system by reducing cost and enhancing its fairness and efficiency; and



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WHEREAS, the Recommendations are founded on several core premises:

- The courts must take responsibility for managing civil cases, with the expected cooperation of the lawyers and the parties, from the time of filing to disposition; and
- Responsibility for ensuring that cases are moved fairly and expeditiously to disposition rests not solely with the trial judge, but with the “court,” including staff and technological resources; and
- Civil cases should be assigned immediately at filing to a case management pathway that provides the amount of judicial attention needed to resolve all disputed issues in a just, timely, and cost-effective way; and
- Effective rules, procedures, business practices, and innovative uses of technology are especially critical to ensure just, speedy, and inexpensive resolutions in uncontested cases and cases involving large asymmetries in legal expertise;

NOW, THEREFORE, BE IT RESOLVED that Conference of Chief Justices and Conference of State Court Administrators strongly endorse the Recommendations of the Civil Justice Improvements Committee as set out in the “Call to Action: Achieving Civil Justice for All”; and

BE IT FURTHER RESOLVED that Conference of Chief Justices and Conference of State Court Administrators encourage their members to consider the “Call to Action: Achieving Civil Justice for All” as a worthy guide for their own state endeavors to improve the delivery of civil justice for all; and

BE IT FURTHER RESOLVED that Conference of Chief Justices and Conference of State Court Administrators encourage each state to develop and implement a civil justice improvements plan to improve the delivery of civil justice; and

BE IT FURTHER RESOLVED that Conference of Chief Justices and Conference of State Court Administrators direct the National Center for State Courts to take all available and reasonable steps to assist court leaders who desire to implement civil justice improvements.

On _____ 10/29/16 _____ the NACM Board voted to support this resolution.