



**Governance Committee Agenda  
March 9, 2022**

- I. **Call to order**
- II. **Review February 9<sup>th</sup> minutes**
- III. **Committee Recaps**
  - a. Resolutions subcommittee
  - b. Ethics subcommittee
  - c. State of the Profession
  - d. Operations Manual Updates
  - e. Voice of the Profession Survey
- IV. **New Business**
- V. **Future Projects**
  - a. Ideas from the National Agenda – Consider National Agenda in context of the larger discussion for possible future Committee projects.
  - b. Priorities from Strategic Planning – “Association Governance” (Strategic Focus Area #4). This project calls for efforts to improve NACM leadership practices and representativeness. The Committee will need to generate some recommendations in coming months. The DEI Committee and the Board are included among the bodies responsible for implementing this project. Rick added that the Membership Committee will also need to be involved, particularly in efforts to increase engagement of the general membership in the nomination process for the Board and its officers. Transparency should be a priority.
- VI. **Dates of significance**
  - a. Annual Meeting and Conference in Milwaukee, WI - July 10-14, 2022

**VII. Adjourned**

Future meeting dates for 2021/2022 NACM year – 2<sup>nd</sup> Wednesday at 2:00p ET:  
April 13, 2022  
May 11, 2022  
June 8, 2022  
In person at Annual Conference - July 2022

**CONFERENCE OF CHIEF JUSTICES  
CONFERENCE OF STATE COURT ADMINISTRATORS**

**Resolution 1**

**Encouraging State Courts to Adopt Innovative Practices in High-Volume Dockets**

WHEREAS, as many national studies<sup>1</sup> have made clear, state courts have become dominated by cases involving traffic violations, lower-value contract cases, family motion practice, landlord/tenant disputes, and debt collection cases; and

WHEREAS, a majority of cases involve at least one self-represented litigant, with an even greater percentage of unrepresented parties in cases adjudicated on the merits; and

WHEREAS, state and local courts have admirably and decisively demonstrated their ability to adapt and improve in the face of a global pandemic; particularly in the instance of high-volume dockets, courts have embraced technology, adjusted business processes, and innovated to allow for the continued administration of justice, even while operating remotely or in hybrid settings; and

WHEREAS, even in a post-pandemic world, the ability to conduct court business electronically and to participate in virtual or in hybrid hearings brings benefits to attorneys, parties, witnesses, prospective and appointed jurors, and self-represented litigants, including saving time and resources; and

WHEREAS, regardless of the chosen platform or venue for these high-volume hearings, courts should use effective case management processes to pre-screen each case file to ensure that all required information is presented to the court in advance of the hearing; and

WHEREAS, pre-screening cases may require judicial officers to dedicate additional preparation time to review all pleadings in advance of the hearing, including review as to whether there has been adequate service of process, an answer on file, a continuance requested, an action between the parties filed in a different venue, and case type specific elements, such as adequate proof of title of debt established, and/or in the case of child support hearings where paternity has been disputed, DNA results in the file; and

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<sup>1</sup> See, e.g., P. Hannaford, S.E. Graves, and S.S. Miller, "[The Landscape of Civil Litigation in State Courts](#)," (2015), especially [Appendix I](#); The Cady Family Justice Initiative, "[Family Justice Initiative: The Landscape of Domestic Relations Cases in State Courts](#)," (2018); P. Hannaford-Agor, "[The Landscape of Civil Litigation in State Courts: Examining Debt Collection, Landlord/Tenant and Small Claims Cases](#)," (November 2019; The Pew Charitable Trusts, "[How Debt Collectors Are Transforming the Business of State Courts](#)," (May 6, 2020; and D. Robinson and S. Gibson, "[Pandemic Caseload Highlights: Trends in State court caseloads during the COVID-19 Pandemic](#)," (March 2021).

WHEREAS, pandemic-instituted changes have allowed more court users the ability to file documents electronically, apply electronic signatures on official documents, schedule appointments, receive reminders, participate remotely, electronically or telephonically pay fees, and more easily engage with justice system stakeholders like civil legal aid providers, mediators, and probation officers; and

WHEREAS, the pandemic-instituted changes above have yielded efficiencies for courts and improved experiences for self-represented litigants; and

WHEREAS, courts across the country have adopted pre-litigation or pre-hearing diversion programs, often in mortgage foreclosure, landlord/tenant, and consumer debt cases, which permit eligible cases to move through the courts efficiently by allowing litigants the appropriate time and resources, but also feature alternatives for agreements and mediation that remove many cases from court dockets, yielding faster resolution and better outcomes for all involved; and

WHEREAS, because there have been frequent changes to accommodate new technology tools and social distancing requirements, courts must continue to set court user expectations, provide clear and easy-to-find guidance for litigant participation, and maintain procedural justice principles in all high-volume dockets;

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge their members to continue pandemic-initiated reforms that have increased participation, efficiency, and engagement in high-volume dockets, so that all court users—regardless of English proficiency, disability, socio-economic status, access to and ability to use relevant technology, or whether they are self-represented—are able to meaningfully engage in the justice system and are treated with dignity; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators encourage all judicial officers to embrace their fact-finding role in all high-volume dockets, to connect parties with available, relevant resources, and to enforce substantive and procedural safeguards; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge their members to develop systems for regular monitoring and reporting of court docket data to identify changes in high volume dockets and in the effectiveness of pandemic-initiated reforms; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators support and urge the National Center for State Courts to engage in rigorous evaluation of innovative efforts, provide guidance, develop best practices, and share resources; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators encourage courts to adopt diversion programs and alternative

procedural mechanisms in high-volume dockets that increase efficiencies and improve the experience of court users.

Proposed by the CCJ Civil Justice Committee at the CCJ 2022 Midyear Meeting on January 19, 2022.

**CONFERENCE OF CHIEF JUSTICES  
CONFERENCE OF STATE COURT ADMINISTRATORS**

**Resolution 2**

**Endorsing Standards for Regulatory Reform Assessment Metrics**

WHEREAS, the Conference of Chief Justices has repeatedly acknowledged that the promise of equal access to justice is not realized for substantial majorities of Americans, and the supply of free and low-cost legal services is insufficient to meet the demand; and

WHEREAS, most low-income individuals cannot afford legal services and many middle-income individuals that are able to afford legal services do not believe that the benefit of those services outweighs their cost; and

WHEREAS, the Conference of Chief Justices has long championed the importance of meaningful access to justice for all, and in 2015, adopted Resolution 5 setting an aspirational goal of 100 percent access to effective legal assistance for essential legal needs through a continuum of meaningful and appropriate services; and

WHEREAS, the Conference of Chief Justices adopted Resolution 2 in 2020, urging its members to consider regulatory innovations to improve the accessibility, affordability, and quality of legal services while ensuring necessary and appropriate protections for the public; and

WHEREAS, state supreme courts are responsible for the regulation of legal service providers in their respective jurisdictions; and

WHEREAS, the impact of regulatory innovations on access to justice, on the legal services market, and on the effectiveness of the regulatory system should be assessed to provide guidance for future innovations; and

WHEREAS, a consistent framework of assessing the impact of regulatory innovations will permit state supreme courts to compare different approaches and inform decision-making about the costs and benefits of regulatory reform projects; and

WHEREAS, the National Center for State Courts has extensive experience in developing standards for assessing court-related performance measures; and

WHEREAS, the National Center for State Courts has published a set of conceptual standards for regulatory reform assessment metrics; and

WHEREAS, the Standards for Regulatory Reform Assessment Metrics include technical descriptions of proposed baseline measures and data elements, and identification of potential measurement issues to aid in their implementation;

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices endorses the Standards for Regulatory Reform Assessment Metrics published by the National Center for State Courts and urges its members that have implemented regulatory reform projects to employ the Standards to assess the impact of these projects on access to justice, on the legal services market, and on the effectiveness of the regulatory system.

Proposed by the CCJ Professionalism and Competence of the Bar Committee at the CCJ 2022 Midyear Conference on January 19, 2022.

**CONFERENCE OF CHIEF JUSTICES**  
**CONFERENCE OF STATE COURT ADMINISTRATORS**

**Resolution 2**

**In Support of Increased Cybersecurity Practices in State Courts**

WHEREAS, state courts handle a majority of the litigation in the United States, processing 96% of the nation’s annual litigation, or 85 million cases, on average involving hundreds of millions of records ranging from orders, judgments, indictments, warrants, and other forms of legal process; and

WHEREAS, state courts retain hundreds of billions of pieces of personally identifiable information on litigants such as names, addresses, social security numbers, unique identifiers, state identification numbers, financial histories, criminal charges, and filed documents; and

WHEREAS, over the past 50 years, state courts have moved from exclusively paper-based docket management systems to electronic case management systems that are a widely-utilized source of information on people, businesses, and government agencies; and

WHEREAS, state courts have been designated by the United States Department of Homeland Security, Cybersecurity and Infrastructure Security Agency (CISA) as an area of critical infrastructure;<sup>1</sup> and

WHEREAS, significant amounts of information retained in state court systems is provided to other state and federal authorities, often for national distribution through various other information sharing platforms; and

WHEREAS, the reliability, predictability, and finality of state court records and the ability to ensure continuity of operations of state court systems is vital to sustaining the rule of law; and

WHEREAS, state courts have been the subject of multiple cybersecurity attacks in recent years, with at least three state court systems being subject to ransomware attacks in the past 18 months; and

WHEREAS, 2020 statistics reveal that it takes up to 228 days for the average entity to detect a cybersecurity breach, 80 days to contain the breach, at a global average cost of \$3.86 million per incident;<sup>2</sup> and

WHEREAS, it is incumbent on state court leaders to take action to prepare for and protect against cybersecurity attacks;

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<sup>1</sup> [https://www.cisa.gov/sites/default/files/publications/Version\\_4.0\\_CISA\\_Guidance\\_on\\_Essential\\_Critical\\_Infrastructure\\_Workers\\_FINAL%20AUG%2018v3.pdf](https://www.cisa.gov/sites/default/files/publications/Version_4.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_FINAL%20AUG%2018v3.pdf)

<sup>2</sup> Sobers, Rob. “[98 Must-Know Data Breach Statistics for 2021](#),” Varonis, 6 Apr. 2021

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and Conference of State Court Administrators urge their members to take concrete action to address cybersecurity risks as identified in the COSCA/NACM Joint Technology Committee's September 2021 publication entitled "Cybersecurity Basics for Courts," including the following:

- 1) designate personnel within the state court system who are responsible for cybersecurity prevention, preparedness and response efforts;
- 2) prioritize investment in training and infrastructure for cyberattack prevention, response, and preparedness that includes all partner exposure;
- 3) designate a cybersecurity incident response team and cybersecurity governance body to set cybersecurity and information technology policies;
- 4) invest in cybersecurity and information technology risk assessments to determine areas for improvement;
- 5) protect equipment, facilities, systems, processes, and data to the degree possible and segment the network to limit exposure to cyberattacks;
- 6) implement multi-factor authentication for all users;
- 7) ensure that there is redundancy in backups of data and court records necessary for the operation of the courts;
- 8) participate in regular penetration testing of state court networks and systems;
- 9) ensure that cybersecurity response plans are included in the state courts' continuity of operations plans and that there is regular testing of cybersecurity response plans;
- 10) designate a staff person within the state court system to serve as a liaison to the state's designated regional office of CISA and establish a connection with the CISA regional contact;<sup>3</sup> and
- 11) participate in the free cybersecurity services offered to state and local governments through the Multi-State Information Sharing & Analysis Center (MS-ISAC); and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and Conference of State Court Administrators urge CISA to include state courts in its advisory committee on state and local government and in its planning for allocating the cybersecurity funding provided by the Bipartisan Infrastructure Law signed by President Biden in November 2021; and

BE IT FURTHERED RESOLVED, that the Conference of Chief Justices and Conference of State Court Administrators urge the National Center for State Courts (NCSC) to enhance the cybersecurity consulting and technical assistance services offered by NCSC to assist state courts in their efforts to improve cybersecurity.

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<sup>3</sup> <https://www.cisa.gov/cisa-regions>



## CONFERENCE OF CHIEF JUSTICES

### RESOLUTION 1

#### **In Support of Assisting the Resettlement of Afghanistan's Women Judges and Other Vulnerable Justice System Refugees**

WHEREAS more than 270 women in Afghanistan have lost their positions as judges following the withdrawal of United States military forces and the takeover of the government of Afghanistan by the Taliban in August 2021;<sup>1</sup> and

WHEREAS approximately 220 Afghan women judges and their families are presently hiding and living under threat of death and violent reprisals for having ruled in favor of women in cases involving family violence, divorce and custody cases, and for having sentenced men to prison in cases involving murder, assault, kidnapping and rape;<sup>2</sup> and

WHEREAS the bank accounts of Afghan women judges who have worked courageously for the last 20 years to enforce the legal and human rights of women and girls have been frozen, the personal information on those accounts including addresses have been shared online, and hundreds of defendants sentenced to prison by those same women judges have been released;<sup>3</sup> and

WHEREAS even prior to the United States military withdrawal, two women judges on the Supreme Court of Afghanistan were murdered by unidentified gunmen in Kabul in January 2021, underscoring the threat to women judges in Afghanistan who have courageously risked their lives and worked under extremely

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<sup>1</sup> David Zucchino, *Afghan Women Who Once Presided Over Abuse Cases Now Fear for Their Lives*, N.Y. Times, Published Oct. 20, 2021, Updated Oct. 22, 2021 at A1, <https://www.nytimes.com/2021/10/21/world/asia/afghan-judges-women-taliban.html>

<sup>2</sup> BBC News, Sept. 28, 2021, "Female Afghan Judges Hunted by the Murderers They Convicted." <https://www.bbc.com/news/world-asia-58709353>

<sup>3</sup> New York Times, Oct. 21, 2021, "Afghan Women Who Once Presided Over Abuse Cases Now Fear for Their Lives." <https://www.nytimes.com/2021/10/21/world/asia/afghan-judges-women-taliban.html>

dangerous conditions for the last 20 years to administer justice and uphold the rule of law;<sup>4</sup> and

WHEREAS despite the grave risk of harm that exists to Afghan women judges at this time, the vast majority of these judges have been unable to evacuate Afghanistan in order to find sanctuary and asylum in other countries because they and/or their family members lack passports or other required documentation; and

WHEREAS many international organizations and nations are working to support and safely evacuate Afghan women judges, including the governments of Greece and Poland, which have facilitated the evacuation of approximately 44 women judges and lawyers from Afghanistan since August;<sup>5</sup> and

WHEREAS many vulnerable Afghan citizens, men and women, who have worked within their country's justice system are now also subject to reprisals for their work in support of the rule of law and the fair administration of justice; and

WHEREAS the United States, through many different programs and organizations, including the Conference of Chief Justices, is committed to fostering fair, efficient, and transparent justice systems around the world in order to provide the foundation for peaceful societies governed by the rule of law; and

WHEREAS these efforts to enforce human rights, deliver equal justice and uphold the rule of law around the globe cannot possibly succeed without the courageous participation of foreign judges and their colleagues, such as the women judges of Afghanistan;

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices expresses its unqualified support and solidarity for those who worked to promote the rule of law, and most especially for the plight of Afghan women judges who are presently hiding and living under threat of death and violent reprisals; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices urges its members to cooperate and work closely with United States Department of State, where

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<sup>4</sup> Reuters, Jan. 17, 2021, "Gunmen Kill Two Female Supreme Court Judges in Afghanistan." <https://www.reuters.com/article/us-afghanistan-attack-judges/gunmen-kill-two-female-supreme-court-judges-in-afghanistan-police-idUSKBN29M076>

<sup>5</sup> Id. (Polish authorities helped 20 women and their families leave Afghanistan, and 24 female judges have been evacuated to Greece since August).

possible, to identify employment opportunities for Afghan refugees who worked in their country's justice system; and

BE IT FURTHER RESOLVED that the Conference of Chief Justices encourages the National Center for State Courts to create an Afghan Justice Sector Clearinghouse to facilitate the efforts of the United States to resettle these Afghan women judges and justice system refugees.

Adopted by the Conference of Chief Justices Board of Directors on November 3, 2021.

## How to support our colleagues in Ukraine

1 message

International Association for Court Administration <iaca@memberclicks-mail.net>

Thu, Mar 3, 2022 at 12:34 PM

Reply-To: president@iaca.ws

To: angie.vanschoick@gmail.com



International  
Association For  
Court Administration



Friends and colleagues of IACA,

As the world has its eyes on the tragic events taking place in Ukraine, I want to share a personal appeal from one of IACA's long time members, Natalia Chumack, leader of the Association for Judicial Administrators of Ukraine's Court Management Institute. In the appeal below, Natalia offers a first hand glimpse into what is happening in Ukraine and offers some ways we can help.

I know you join me in offering your heartfelt concern and support for our dear friend, Natalia, as well as her family, her colleagues, and all the people in Ukraine.

Sheryl

All the best,

*Sheryl Loesch*  
*President*

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 Natalia Chumack

Dear international professional community of court administrators!

I am Natalia Chumak and I am a leader of the Association of Judicial Administrators of Ukraine "Court Management Institute". Today the whole world knows that on 24 February 2022, Russia launched a full-scale invasion of Ukraine. Not only military facilities, but also civilian areas and objects (residential buildings, hospitals, kindergartens, etc.) are under the indiscriminate attack of the Russian forces.

The brutal and cynical war started by Russia not only threatens the sovereignty of Ukraine, but also jeopardizes the security system of the entire world. The ongoing heroic battle of Ukrainian soldiers and all Ukrainian people currently prevents the expansion of Putin's tyrannical dictatorship further into Western Europe.

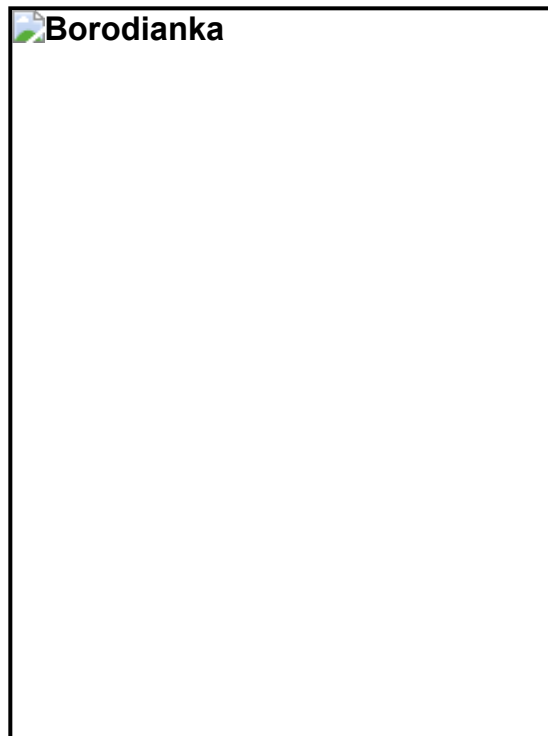
The brutal and cynical war started by Russia not only threatens the sovereignty of Ukraine, but also jeopardizes the security system of the entire world. The ongoing heroic battle of Ukrainian soldiers

and all Ukrainian people currently prevents the expansion of Putin's tyrannical dictatorship further into Western Europe.

Today, my colleagues continue to serve Ukraine. Most perform their professional duties in the courts in the realities of wartime. Someone took up arms in defense of Ukraine and its citizens. Some became a volunteer.

My friend Olena, a court administrator from Kharkiv, has endured the horrendous intense bombardment of her hometown for several days, along with her newborn granddaughter, who came into this world three days before the start of the Russian invasion.

I remain in Kyiv, fulfill my professional duties and I'm ready to help my city survive. I am writing this appeal between air raid alerts, and my family is now in my hometown near Kyiv. The name of this small defenseless town is Borodianka. He was wiped off the face of the earth by Russian tanks and planes just because he was on their way to Kiev. His name has become a symbol of the genocide of the Ukrainian people, and the whole civilized world must know about it.



We are deeply touched by that expression of the solidarity and support of Ukraine, the assistance provided to our country and the severe sanctions already imposed on the aggressor by foreign states and organizations.

We believe that our colleagues from the world are standing by us and seeking ways to help Ukraine. To facilitate this, we provide the non-exhaustive list of various actions that may help Ukrainian nation to get through these harsh times.

1. Make donations to Ukraine's Armed Forces and charities helping them. Please see the list of the verified fundraising initiatives and bank details for donations in different currencies: (<https://www.kernel.ua/support-for-ukrainian-army/>)
2. Make donations to the international organisations helping Ukrainians during the Russian aggression, in particular: (<https://www.kernel.ua/support-for-ukrainian-army/>)
3. Block and ignore all Russian propaganda media, such as Russia Today, RTR, RIA Novosti, etc.
4. Use and share only reliable sources of information. You may rely on the following official Ukrainian sources:
  - The President of Ukraine;
  - The Ministry of Defence of Ukraine;
  - The Ministry of Foreign Affairs of Ukraine;

- The Parliament of Ukraine;
  - The Cabinet Ministers of Ukraine.
5. Express your support of Ukraine to the government of your state, business partners and colleagues to intensify military and other assistance for Ukraine, as well as to facilitate imposing as severe as possible sanctions on Russia.
  6. Please, write a few words of support for our Ukrainian colleagues in these incredibly difficult days. You can post your support post on our Facebook page (<https://www.facebook.com/court.management.institute>) or send a message to my email ([chumak.icmi@gmail.com](mailto:chumak.icmi@gmail.com)).

Your help would be much appreciated in this tough time for Ukraine.  
God bless us! Glory to Ukraine!

Best Wishes  
Natalia Chumak

This email was sent to [angie.vanschoick@gmail.com](mailto:angie.vanschoick@gmail.com) by [president@iaca.ws](mailto:president@iaca.ws)

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