



## **Report of the Resolutions Subcommittee**

Submitted by Kent Pankey

**To:** Kathy Griffin, President  
**Date:** April 27, 2022  
**Members:** Kent Pankey (chair), Mark Weinberg, Courtney Whiteside

On January 25, 2022, several resolutions that had been recently adopted by the Conference of Chief Justices (CCJ) or by CCJ and the Conference of State Court Administrators (COSCA) were forwarded to the Subcommittee for its review to consider whether NACM might adopt any of them as supported resolutions or adopt original resolutions addressing similar interests or goals. The Subcommittee believes that NACM should consider adopting three supported resolutions as described below and provided separately and therefore recommends that these three drafts be posted on the Association's website for review/comment by the membership in compliance with Article X, Section 1 of the NACM Bylaws.

### ***NACM Supported Resolution 1—2022***

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

This resolution was originally adopted by CCJ at its 2022 Midyear Meeting on January 19, 2022, and designated as "Resolution 1". It had been proposed by the CCJ Civil Justice and the CCJ/COSCA Access and Fairness Committees. The resolution recognizes that less complex, high-volume case types have come to dominate many state courts' dockets and that many of these cases involve at least one party who is self-represented. The resolution also recognizes that many courts have successfully implemented innovative practices for managing such high-volume dockets, whether prompted by conditions of the pandemic or for other reasons. Because there is evidence that these innovations have increased participation, efficiency, and engagement in high-volume dockets and constitute genuine reforms, the resolution, as modified by this subcommittee, calls upon NACM members to continue such innovative practices and institute mechanisms to measure and monitor performance. The resolution also urges the National Center for State Courts to engage in rigorous evaluation of innovative efforts, provide guidance, develop best practices, and share resources.

### ***NACM Supported Resolution 2—2022***

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

This resolution was originally proposed by the COSCA/NACM Joint Technology Committee. COSCA adopted the resolution, designated “Resolution 2,” at the Conference’s 2021 Midyear Meeting, and the CCJ Board of Directors adopted it on December 22, 2021. The resolution recognizes the importance of state court operations to the nation’s system of justice and the large volume of sensitive personally identifiable information that state courts manage. From the standpoint of homeland security, state courts are considered critical infrastructure, and 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. In light of significant cybersecurity risks, the resolution, as modified by this subcommittee, now recommends that NACM members take concrete actions to address cybersecurity risks in the courts, listing a number of specific examples of such actions.

### ***NACM Supported Resolution 3—2022***

#### **Endorsing Standards for Regulatory Reform Assessment Metrics**

This resolution was originally adopted by CCJ at its 2022 Midyear Conference on January 19, 2022, and designated “Resolution 2”. It was proposed by the CCJ Professionalism and Competence of the Bar Committee. COSCA reportedly reviewed the resolution; it is our understanding that COSCA does not regularly act to adopt resolutions proposed solely by CCJ committees—in contrast to ones proposed by a joint CCJ/COSCA committee.

This resolution relates to a number of other resolutions that CCJ has adopted in the past related to access to justice. The resolution acknowledges prior recognition that there is a significant justice gap in the U.S. and that CCJ has encouraged states to explore regulatory innovations to improve the accessibility, affordability, and quality of legal services while ensuring necessary and appropriate protections for the public. In conjunction with such regulatory innovations, there is a need for meaningful assessment of their effectiveness. To that end, the National Center for State Courts has published a set of conceptual standards for regulatory reform assessment metrics. As modified by this subcommittee, this resolution says that NACM endorses the standards and urges states that have implemented applicable regulatory reforms to employ the standards as an objective mechanism for assessing the impact of such projects on access to justice, on the legal services market, and on the effectiveness of the regulatory system.