

OFFICERS CONFERENCE CALL Tuesday, September 4, 2018 – 10:00 AM ET Call-in: (800) 503-2899 – Access Code: 2591537

<u>AGENDA</u>

1. President's Report

Paul DeLosh

- a. Approval of July 20, 2018 Officer Meeting Minutes (*see* attached) Review of July 23, 2018 Business Meeting Minutes (*see* attached)
- b. Post-con reports
- c. Partnerships
 - i. CCJ/COSCA Resolutions (see attached)
 - 1. In Support of the Reauthorization of Child Abuse Prevention and Treatment Act
 - 2. In Support of the Revised Interstate Compact for the Placement of Children
 - 3. In Support of Increased Federal Funding for the State Justice Institute
 - 4. In Support of Rules Regarding Default Judgments in Debt Collection Cases
 - 5. In Support of Authorizing an Increase in the Annual State Language Access Assessment
 - 6. In Support of Improving the Justice System Response to Mental Illness
 - 7. In Support of a Review of Courthouse Cell Phone Policies
 - 8. Urging Congress to Appropriate Funds for the Elder Abuse Prevention and Prosecution Act
 - ii. NASJE
 - 1. Skill-building training
 - iii. NAWJ
 - 1. Meeting with Judge Tanya Kennedy
 - 2. #WeToo in the Legal Workplace (see attached)
 - iv. NCJFCJ
 - 1. Meeting w/Joey Hastings
 - v. NAPJ
 - 1. Meeting w/Judge Tamara Curry
- d. State Associations
- e. Appointments
 - i. JTC Roger Rand (2017-18, replace Danielle Fox)
 - ii. Municipal Court Interactive Learning Product and Website Revision Julie Dybas
 - iii. CITOC Kevin Iwerson (2018-19)
 - 1. Technology awards
- f. Open Board position

	i. Future vacanciesii. 90-day period (Will to provide)g. Format of Fall Board Meeting	
2.	President-Elect's Report a. Conference Development Committee Update	Will Simmons
3.	 Vice President's Report a. Education Committee Update b. Annual Priorities - Strategic Plan c. 2020 Social events 	T.J. BeMent
4.	Secretary/Treasurer's Report a. Treasurer Orientation b. 2021 Site selection c. SJI Grant	Kathy Griffin
5.	Immediate Past President's Report	Vicky Carlson
6.	NCSC Report	Jesse Rutledge
7.	Other Business	All
	a. Higher logic (marketing outreach) b. Zoom	

8. Executive Session

9. Adjourn

Resolution 1

In Support of the Reauthorization of Child Abuse Prevention and Treatment Act

- WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize the importance of preventing child abuse and neglect and of effectively treating and meeting the needs of victims of such abuse and neglect; and
- WHEREAS, in 2010, Congress reauthorized the Child Abuse Prevention and Treatment Act (CAPTA), a grant program to assist states in improving child protective services; and
- WHEREAS, under CAPTA grant funds are authorized for: (1) research and demonstration programs and projects; (2) programs and projects administered by state, Indian tribe, tribal organization, and public or private agencies and organizations; and (3) development and operations grants to the states; and
- WHEREAS, these grant funds assist states to prevent child abuse and neglect and to treat victims more effectively; and
- WHEREAS, CAPTA also includes a provision, "...requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings I. to obtain first-hand, a clear understanding of the situation and needs of the child; and II. to make recommendations to the court concerning the best interests of the child"; and
- WHEREAS, the guardian ad litem performs critically important functions that assist the court in making informed decisions about the best interests of the child with regard to the child's placement, services needed by the child and family members, and progress in securing a safe and permanent home for the child; and

- WHEREAS, as Congress is considering reauthorization of CAPTA, some organizations are promoting an amendment to CAPTA to either (1) add a new requirement that an attorney be appointed to provide legal representation for every child in a case involving a victim of child abuse or neglect which results in a judicial proceeding in addition to appointment of the guardian ad litem or (2) eliminate the existing guardian ad litem provision and replace it with a new requirement to appoint an attorney for every child to provide only legal representation for the child; and
- WHEREAS, such amendments may prevent courts from obtaining valuable information with respect to the best interests of children in abuse and neglect cases, preempt state law related to legal representation (an issue usually committed to state law), and result in an unfunded mandate that would negatively impact state and local budgets;
- NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the reauthorization of the Child Abuse Prevention and Treatment Act and urge Congress to retain the existing guardian ad litem provision as is; and
- BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge the Congress during its consideration of CAPTA reauthorization legislation to (1) take reasonable steps to obtain meaningful and timely input from appropriate branches and agencies of state governments with respect to issues of federalism and separation of powers that may be implicated by the legislation and (2) include a federalism assessment of the proposed legislation in every pertinent committee and conference report.

Approved as proposed by the CCJ/COSCA Joint Committee on Courts, Children, and Families at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.

Resolution 2

In Support of the Revised Interstate Compact for the Placement of Children

- WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that when a child in foster care cannot return safely home, the child deserves a placement that is best for that child; and
- WHEREAS, in our increasingly mobile society, the most appropriate placements for children may not be in the child's home state; and
- WHEREAS, the opioid epidemic is putting an unprecedented strain on the foster care system in many states resulting in delays in the interstate placement of foster children and requiring an immediate response; and
- WHEREAS, the Interstate Compact on the Placement of Children (ICPC) was initially adopted in 1960 to ensure protection of and services for children who are placed across state lines for foster care and adoption; and
- WHEREAS, in many cases problems exist with the implementation of the ICPC and the understanding of the ICPC by the judges, lawyers, and social workers involved with these cases; and
- WHEREAS, children waiting to be placed with an adoptive family, relative, or foster parent in another State frequently spend more time waiting for this to occur than children who are placed in the same State; and
- WHEREAS, the American Public Human Services Administrators (APHSA) (the ICPC Secretariat) undertook an effort to revise the ICPC taking into consideration state experiences since 1960 and input provided by a broad range of external entities, including representatives of state courts; and
- WHEREAS, as a result of this effort, a proposed revision of the ICPC is and will be considered by state legislatures for adoption and 35 states must adopt the revised ICPC before it is effective, and currently twelve states have adopted the revised ICPC; and

WHEREAS, the proposed revision of the ICPC resolves a number of the problems that have impeded expeditious interjurisdictional placements in the past by:

- Clearly defining the children covered by the ICPC;
- Clarifying that the retention of jurisdiction means the authority of the courts and judicial officers to take and decide cases;
- Adding additional circumstances in which a sending court has authority to terminate jurisdiction; and
- Clarifying financial responsibility for services; and
- WHEREAS, although the proposed revision of the ICPC offers improvements, many of the implementation details are left to an Interstate Commission that will be comprised of representatives of the ICPC member states; and
- WHEREAS, it is critical that state courts have a strong voice in the development of any rules and regulations to ensure the implementation of the proposed revision of the ICPC is effective;
- NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the proposed revision of the ICPC and urge states, territories, and the District of Columbia to adopt the proposed revision; and
- BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage state court leadership to work with the legislative and executive branches in their jurisdictions to successfully adopt the revised ICPC; and
- BE IT FURTHER RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge APHSA to include a representative from the Conference of Chief Justices and the Conference of State Court Administrators as ex officio nonvoting members on the Interstate Commission.

Approved as proposed by the CCJ/COSCA Joint Committee on Courts, Children, and Families at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.

Resolution 3

In Support of Increased Federal Funding for the State Justice Institute

- WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators consist of the chief justice and the state court administrator or equivalent officials of the 50 states, the District of Columbia, and territories that make up the United States; and
- WHEREAS, the State Justice Institute (SJI) was established by Congress in 1984, at the urging of the Conferences to ensure federal support and assistance for state court initiatives that promote national policies and interests in improving the fair and effective administration of justice; and
- WHEREAS, strong, effective state judicial systems are the backbone of the American system of justice, resolving over 98% of all litigation in this country; and
- WHEREAS, since its creation SJI has assisted state courts in implementing national policies on a host of issues including: (1) supporting a comprehensive strategy for responding to the challenges of the opioid epidemic; (2) addressing the impact of federal and state human trafficking laws; (3) improving court oversight and responses to guardianship, conservatorship, and elder abuse cases; (4) facilitating juvenile justice reform innovations; (5) reviewing fines, fees, and bail practices to ensure court processes are fair and access to justice is assured; (6) focusing on civil justice reforms to make courts more user-friendly to individuals and businesses and to fairly and promptly resolve disputes; (7) promoting court-based solutions to address the increases in self-represented litigants; (8) increasing access to courts by improving language interpreter services; and (9) reengineering to improve state court operations and use technology innovations; and
- WHEREAS, SJI assistance is, in the majority of cases, matched by the expenditure of equal or larger sums by state and local sources; and
- WHEREAS, the Conferences support the mission of SJI to promote the federal interest in improving the fair and effective administration of justice in the state courts;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators strongly urge Congress to increase funding for SJI from its FY 2018 level of \$5,121,000 to \$6,921,000. This increase provides \$1,800,000 to address the opioid epidemic including its impact on children.

Approved as proposed by the CCJ/COSCA Joint Committee on Government Affairs at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.

Resolution 4

In Support of Rules Regarding Default Judgments in Debt Collection Cases

- WHEREAS, debt collection cases comprise the majority of many state court civil dockets; and
- WHEREAS, more than one in three adults in the United States have a debt in collections, including debts arising from medical bills, automobile loans, student loans, and credit card use; and
- WHEREAS, debt collection litigation disproportionately affects the poor, elderly, disabled, and some racial minorities; and
- WHEREAS, the vast majority of debt collection cases result in default judgments that expose defendants to significant and irreparable harm apart from the amount of judgment, including reduction of their credit rating, diminished access to future credit, and current or future loss of rental housing or employment; and
- WHEREAS, defendants in debt collection cases often lack the resources to hire counsel and may not understand their rights and defenses, or know how to assert those rights and defenses; and
- WHEREAS, plaintiffs who obtain default judgments in debt collection cases often invoke powerful post-judgment collection remedies, including wage garnishments, and additional court actions that can result in civil arrest warrants; and
- WHEREAS, debt collection complaints are sometimes initiated after the statute of limitations for such actions has expired, especially where debt collection cases are brought by third-party debt buyers; and
- WHEREAS, debt collection cases are increasingly filed by third-party debt buyers that historically have often lacked the documentation necessary to support their claims; and
- WHEREAS, debt collection complaints are often served at addresses where the debtor no longer resides and therefore are never received by the debtor; and
- WHEREAS, defendants in debt collection cases often do not recognize the names of the entities filing the lawsuits against them; and

- WHEREAS, when plaintiffs file debt collection cases they frequently do not provide defendants with the information necessary to assess the validity of their claims, and often defendants do not know how to discover or otherwise access needed information; and
- WHEREAS, the Civil Justice Improvements Committee of the Conference of Chief Justices has recommended that courts devote special attention to high-volume civil dockets that are typically composed of cases involving consumer debt, landlordtenant, and other contract claims; and
- WHEREAS, the Committee specifically recommended that courts implement systems to ensure that final judgments be entered only after compliance with basic procedural requirements for notice, standing, and timeliness, and where the documentation is sufficient to support the relief sought; and
- WHEREAS, pursuant to federal law, any creditor seeking a default judgment must file an affidavit either advising the court whether the defendant is on active duty in the military or, if that is uncertain, asserting that the creditor is unable to determine the defendant's military status and detailing the steps taken by the creditor to ascertain that status; and
- WHEREAS, as a result of action taken by state courts or legislatures, California, Colorado, Delaware, Maine, Maryland, Massachusetts, Minnesota, New York, North Carolina, Oregon, and Texas require plaintiffs to file documentation demonstrating their legal entitlement to the amounts they seek to collect before entry of a default judgment in certain debt collection cases;
- NOW THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge their members to consider enacting rules requiring plaintiffs in debt collection cases to file documentation demonstrating their legal entitlement to the amounts they seek to collect before entry of any default judgment where state legislation or court rules do not currently require the filing of such documentation.

Adopted as proposed by the CCJ/COSCA Joint Committee on Access and Fairness Committee and the CC/COSCA Joint Committee on Civil Justice at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.

Resolution 5

In Support of Authorizing an Increase in the Annual State Language Access Assessment

- WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have long recognized the importance of ensuring access to justice through the availability of qualified court interpreter services for limited English proficient individuals accessing the state courts; and
- WHEREAS, in January 2013, the Consortium for Language Access in the Courts transitioned to the Language Access Services Section, the Council of Language Access Coordinators, and the Language Access Advisory Council; and
- WHEREAS, when this transition occurred, the Conferences agreed each state, the District of Columbia, and territories should contribute to the operating costs of the Language Access Services Section by paying a separate Annual State Language Access Assessment (Assessment); and

WHEREAS, the Assessment has not been increased since its inception in 2013;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators authorize the Language Access Advisory Committee to impose a 5% increase in the Assessment, effective with the 2019 Assessment.

Approved as proposed by the CCJ/COSCA Joint Committee on Language Access Advisory at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.

Resolution 6

In Support of Improving the Justice System Response to Mental Illness

- WHEREAS, the Conference of State Court Administrators adopted and the Conference of Chief Justices endorsed the 2017 COSCA policy paper, *"Decriminalization of Mental Illness: Fixing a Broken System"*; and
- WHEREAS, court leaders are urged to convene stakeholders to examine all strategies to achieve better outcomes for those with mental illness, at less cost; and
- WHEREAS, the Court Management Committee of the Conference of Chief Justices and Conference of State Court Administrators convened a working group to implement recommendations stated in the policy paper and to prioritize the development of resources that would best assist state court leaders in these efforts; and

WHEREAS, the working group has identified four areas for further action:

- Developing resources, best practices, and recommended standards in the areas of:
 - assisted outpatient treatment;
 - o competency evaluations and restoration treatment protocols;
 - civil commitment proceedings, including standards for involuntary commitment and release protocols;
 - civil interventions such as guardianships, advanced directives, and collaborative decision making to provide alternatives to civil commitments;
 - diversion opportunities at every Sequential Intercept Mapping point;
 - criminal justice sentencing assessments and evidence-based sentencing and treatment alternatives, including, but not limited to problem-solving courts; and
 - the wide array of other court proceedings that intersect with individuals with a mental illness;
- Improving caseflow management by examining civil commitment and criminal cases involving persons with mental illness to identify barriers to and opportunities for timely and effective case processing;

- Promoting education through national, regional and statewide training and education opportunities to equip state and local court leaders with knowledge, data and resources to improve the court and community response to those with mental illness; and
- Building capacity of state and national court leaders to implement reforms by documenting the problems experienced in the vast majority of states and developing research-based and politically feasible solutions.
- NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and Conference of State Court Administrators support the efforts of the working group to develop best practices and resources, improve caseflow management, promote education, and build the capacity of state courts to improve the justice system response to mental illness.

Adopted as proposed by the CCJ/COSCA Joint Committee on Court Management at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.

Resolution 7

In Support of a Review of Courthouse Cell Phone Policies

- WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have long supported the expansion of meaningful access to the justice system for all; and
- WHEREAS, in 2015 the Conferences adopted Resolution 5, which urged their members to provide leadership in achieving the aspirational goal of 100 percent access to effective assistance for essential civil legal needs; and
- WHEREAS, cell phones have become an integral part of daily life for many litigants, serving as an essential tool for communication, research, information storage, and safety; and
- WHEREAS, there is currently a wide range of policies with respect to cell phone use in courthouses, both across the country and within states; and
- WHEREAS, restrictions on cell phone use in courthouses may impose additional burdens on litigants, particularly those who are self-represented, by preventing them from:
 - Accessing and presenting evidence stored on cell phones;
 - Gathering information and conducting legal research on the Internet;
 - Communicating with individuals outside of the courthouse, for example, to coordinate appearances of "on-call" witnesses, childcare, eldercare, or transportation; or
 - Using cell phones to overcome language or accessibility barriers, for example, accessing translation services or hearing assistance applications; and
- WHEREAS, these burdens may be especially serious for those self-represented litigants who are not aware of the cell phone restrictions and who may consequently appear in court expecting to offer evidence stored on their cell phones, such as texts or photographs, and who may be unable to offer the evidence or information necessary to prevail in their cases without their cell phones; and
- WHEREAS, restrictions on cell phone use in courthouses may also limit litigants' access to innovative self-help solutions such as text messages reminding them where

and when to appear for court, informational videos, online forms, and financial calculation tools; and

- WHEREAS, courthouses may not offer adequate storage for cell phones, forcing litigants to leave their cell phones in unsecure locations outside the court or to pay a fee to a neighborhood store or office for storage; and
- WHEREAS, there are also significant security risks presented by cell phone use in courthouses, including the risk that individuals may use their cell phones to photograph or record witnesses, jurors, or prosecutors involved in trials or hearings, leading to witness intimidation or other threats to safety; and
- WHEREAS, the Conferences recognize the need to strike a careful balance between expanding meaningful access to the justice system and protecting the safety of witnesses, jurors, prosecutors, and all court personnel and court users;
- NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to carefully review and assess their policies with respect to cell phone use in courthouses, so as to appropriately balance the security risks posed by cell phone use with the needs of litigants, especially those who are self-represented.

Approved as proposed by the CCJ/COSCA Joint Committee on Access and Fairness Committee at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.

Resolution 8

Urging Congress to Appropriate Funds for the Elder Abuse Prevention and Prosecution Act

- WHEREAS, the number of persons over the age of 65 is estimated to double by 2050 to 83.7 million and this trend is likely to result in a substantial increase in court cases regarding the protection of vulnerable older persons, including guardianship, conservatorship, and elder abuse proceedings; and
- WHEREAS, the United States Senate Special Committee on Aging held a hearing on "Abuse of Power: Exploitation of Older Americans by Guardians and Others They Trust" on April 18, 2018, that included testimony detailing recent cases of financial exploitation, and indicating that financial exploitation by some guardians and conservators remains a real problem; and
- WHEREAS, on October 8, 2017, the President signed into law the Elder Abuse Prevention and Prosecution Act (S. 178) making it Public Law 115-70; and
- WHEREAS, the legislation, amends Title XX (Block Grants to States for Social Services and Elder Justice) of the Social Security Act to specify that the U. S. Department of Health and Human Services may award adult protective services demonstration grants to the highest courts of states to assess adult guardianship and conservatorship proceedings and to implement necessary changes; and
- WHEREAS, demonstration grant funds can now be used for programs to assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments; and
- WHEREAS, state court systems and individual courts have recognized the need to improve the process for considering petitions for guardianship and conservatorship of adults, and the monitoring of guardianship and conservatorship cases; and
- WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators adopted Resolution 6 on July 13, 2013, supporting the passing of

Court-Appointed Guardian Accountability and Senior Protection Act and appropriation of sufficient funds to fully implement the provision of the Act; and

- WHEREAS, funds were not appropriated for the Elder Abuse Prevention and Prosecution Act in FY 2018;
- NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge Congress to fund the adult protective services demonstration grants administered by the U. S. Department of Health and Human Services.

Approved as proposed by the CCJ/COSCA Joint Committee on Elders and the Courts at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.

PRESS RELEASE

National Association of Women Judges (NAWJ) Launches #WeToo in the Legal Workplace Initiative at Legislative Caucus on Capitol Hill

NAWJ's 13th Annual Meeting (Meeting) with the Congressional Caucus for Women's Issues addresses sexual harassment in the legal workplace



Congresswoman Debbie Dingell, Michigan 12th CD (I.), NAWJ President Honorable Tanya R. Kennedy and Congresswoman Lois Frankel, Florida 21st CD (r.)

WASHINGTON, D.C. (July 24, 2018) – On July 18, 2018, NAWJ President, Honorable Tanya R. Kennedy, New York State Supreme Court, and Congressional Women's Caucus Co-Chairs, Congresswomen Susan Brooks and Lois Frankel, hosted an audience of 50 persons, including congresswomen, judges, attorneys and staffers in a Meeting to ensure that women can thrive in healthy work environments, free of sexual harassment and intimidation. This collaborative effort served as a catalyst for the *#WeToo in the Legal Workplace* initiative.

"We have tried to find issues where we can work together, and one of those issues is sexual harassment," said Congresswoman Lois Frankel.

The Meeting was highlighted by a panel session that was moderated by Nicole Austin-Hillery, Esq., Executive Director of the Human Rights Watch's U.S. Program and featured Commissioner Chai R. Feldblum of the U.S. Equal Employment Opportunity Commission (EEOC); Susan E. Huhta, Esq. of Outten & Golden LLP; Sadina Montani, Esq. of Vedder Price; and David J. Sachar, J.D. of the Arkansas Judicial Discipline & Disability Commission.

A <u>2016 EEOC Study</u> stated that "approximately one in four women (25%) reported experiencing "sexual harassment" in the workplace." Congresswoman Susan Brooks added, "we have to eliminate sexual harassment in the workplace, and out of the workplace."

The **#WeToo** in the Legal Workplace movement and this Meeting (co-sponsored by the Women's Bar Association of the District of Columbia and the law firms of McGuireWoods and Morgan Lewis) will be the impetus for the creation of educational sessions, workshops, training programs, marketing and social media campaigns and defense funds to combat sexual harassment across the legal workplace. NAWJ President Hon. Tanya R. Kennedy stated that "NAWJ is extremely grateful to be the recipient of a \$29,000 grant from the State Justice Institute, which will assist us in our efforts to create and implement educational and training programs and, therefore, empower women to thrive in healthy work environments, free from sexual harassment and discrimination."

About NAWJ: Since its formation in 1979, <u>NAWJ</u> has inspired and led the American judiciary in achieving fairness and equality for vulnerable populations. NAWJ's mission is to promote the judicial role of protecting the rights of individuals under the rule of law through strong, committed, diverse judicial leadership; fairness and equality in the courts; and equal access to justice.

About the Congressional Caucus for Women's Issues: The Congressional Caucus for Women's Issues (CCWI) is a Congressional Member Organization (CMO) registered with the House Administration Committee; its membership includes the women Members of the House of Representatives.