

Conference of Chief Justices

Resolution 5

To Establish a Committee Charged with Developing Guidelines and Best Practices for Civil Litigation

WHEREAS, the Conference of Chief Justices represents the leadership of state and territorial judicial systems charged with ensuring that justice is administered fairly to all who come before the courts; and

WHEREAS, access to courts for all individuals is and must be a national concern; 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, Resolution 4 suggests that data collected from the various pilot projects should be collected and ultimately that a “detailed and synthesized evaluation should be shared with the courts and state rule makers to inform their efforts moving forward;” and

WHEREAS, these pilot projects are being monitored and evaluated; and

WHEREAS, guidelines and best practices that incorporate lessons learned from the pilot projects will assist state law makers and contribute to greater uniformity; and

WHEREAS, the rules and methods of procedure for 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, the Conference of Chief Justices is in a unique position to consider and recommend guidelines and best practices for civil litigation to state policy-makers around the country;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices establishes a Committee charged with (1) developing guidelines and best practices for civil litigation based upon evidence derived from state pilot projects and from other applicable research, and informed by 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.

BE IT FURTHER RESOLVED that, contingent on adequate funding, the Committee will:

- Be chaired by a Chief Justice;
- Be staffed primarily by the National Center for State Courts;
- Be comprised of a balanced group of members, including judges, attorneys who represent plaintiffs, attorneys who represent defendants, academics or researchers who work in this area, federal court representative(s), and interested individuals and organizations; and
- Present recommendations to the Conference of Chief Justices.

BE IT FURTHER RESOLVED that the National Center for State Courts is directed to work with other national partners to secure reasonable funding to support the Committee's work.

Adopted as proposed by the CCJ Civil Justice Committee at the Conference of Chief Justices 2013 Midyear Meeting on January 30, 2013.