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NATIONAL CENTER FOR STATE COURTS**

**SUBCOMMITTEE ON STATE, FOREIGN OPERATIONS,
AND RELATED PROGRAMS
COMMITTEE ON APPROPRIATIONS
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Thank you Madam Chairwoman and members of the Subcommittee for the opportunity to testify regarding judicial reform on behalf of the National Center for State Courts (NCSC). NCSC, in association with the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), is seeking your continued support for funding of judicial reform as part of rule of law programs implemented through the United States Department of State and the United States Agency for International Development (USAID). Such programs are critical to building and sustaining democracy abroad, protecting vital U.S. national interests, and fighting corruption, organized crime and terrorism.

NCSC was founded some 40 years ago at the urging of the late-Chief Justice Warren Burger to promote innovation and reform in state judiciaries across the United States and more recently around the globe. Our staff of attorneys and judicial reform specialists provides cutting edge research, education, consulting and knowledge information services that support the justice sector. In 1992, after more than 20 years of working to promote equal, efficient and effective justice in United States state courts, NCSC responded to requests from the international donor

community and formed the International Programs Division (NCSC International). NCSC International offers a comprehensive set of resources and a multidisciplinary staff for working with justice systems in developing countries. NCSC provides technical assistance, educational programs, leadership/management training, applied research and technological innovation to help justice systems worldwide strengthen and improve the rule of law.

Let me acknowledge the difficult task before you in making what are clearly difficult decisions regarding budget priorities. The controlling question is: What will the United States gain from funding rule of law programs abroad? Simply put, countries that have stable justice systems can become true democratic partners, not the source of costly conflicts and instability that impact America's global commitments.

Through a variety of programs and efforts, NCSC seeks to promote the rule of law, which is at the heart of our national system of values. NCSC International engages in broad justice sector reform programs in fragile states with weak or divided democratic institutions. These programs are part of an effort to promote political and social stability, to protect the rights of individuals, and to create conditions that foster economic prosperity. NCSC's staff has worked around the world, engaging in comprehensive rule of law projects in Africa and the Middle East, Asia, Eastern Europe and Central Asia, Latin America and the Caribbean.

In addition to implementing rule of law and judicial reform support programs, our International Visitors Education Program is an important part of our efforts to promote justice system reform and our values as a nation. Through this program we host more than 300 judges and justice system officials annually. We provide training through a combination of briefings and seminars on the U.S. justice system, continuing legal education, and special issues seminars such as judicial independence and relations with the other branches of government. NCSC's

unique state-level perspective allows us to advise countries grappling with issues not only related to federalism and decentralization but virtually every aspect of our legal system.

NCSC is currently working in, or has recently worked in, Honduras, Iraq, Lebanon, Haiti, Mexico, South Africa, Kosovo, Serbia, Mongolia, Uganda, and Bangladesh, to name a few countries. We have conducted sector-wide justice reform assessments, assisted with strategic planning and implementation, and provided support to ministries, courts, prosecutors, legal defense institutions, elementary and secondary school systems, national assemblies, and law schools. We have developed sustainable continuing legal education programs for judges and lawyers; supplied infrastructure and software improvements to courts and prosecutors; harmonized criminal procedures and coordination between police, prosecutors, and courts; introduced small-claims courts and alternative dispute resolution services; trained court administrators, lawyers, and prosecutors; implemented multi-media public awareness and access to justice initiatives; and assisted national assemblies by improving their legislative drafting processes.

NCSC utilizes a number of tools customized to provide justice system agencies with quick assistance. For example, the Center has developed an integrated, automated court case management system that is sufficiently “generic” to allow for rapid customization and implementation of case management functions on a variety of platforms. Our CourTools© performance management system has been adapted in other countries, such as Kosovo, to give local leaders a set of tools to assess performance of the court system. As a result, judges and court leaders are able to gain insight into the functioning of their courts and implement changes that improve access, timeliness, efficiency and ethics in light of objective data. Having maintained a continued presence in Kosovo since 2001, NCSC’s efforts have helped Kosovo

with the transition from international to local control; assisted in reforming and restructuring the courts and prosecutorial system to promote effective and impartial justice; and improved the efficiency of court operations both administratively and jurisdictionally.

Examples of other initiatives NCSC has implemented on behalf of U.S. Government agencies and in furtherance of US government goals include:

- From 2000-2009, NCSC, working through USAID, supported democratic governance in Mongolia. Our efforts focused on establishing a modern, accessible and effective justice system in part as a bulwark against internal and external exploitation of resources and people.
- NCSC recently implemented a USAID-funded justice sector strengthening project in South Africa directed at implementing court management reforms and providing assistance to improve the prosecution of sex-based crimes.
- NCSC is also currently implementing a five-year USAID judicial reform and government accountability project in Serbia. The objectives of the project are to strengthen the rule of law, and the independence of the judiciary and the administration of justice in Serbia; to increase public awareness of reforms in the judicial sector; and to strengthen the ability of the Serbian government, Independent Agencies, and civil society to detect and prevent corruption.
- From 1998 to 2005, NCSC worked in Mexico focusing on promoting judicial exchanges between federal judges from Mexico and those in the U.S. At the request of the Mexican government and USAID, we provided assistance in drafting a model criminal procedure code as a first step toward modernizing Mexico's justice system.
- In Bangladesh, NCSC is supporting citizens' access to justice by improving the legal framework for legal aid services, improving the legal aid services provided to the public,

increasing the public's understanding of legal aid and legal services, and further developing their ability to evaluate the performance of judges.

- NCSC is working in Uganda to improve the systems for adjudication of land disputes and the systems that administer the records of lands and property. These disputes are a major driver of conflict in Uganda, and improving the administration of land dispute resolution systems will have a significant impact on the reduction of conflict in Uganda.

NCSC and our colleague organizations share one ambition: to improve the lives of people through justice system reform in an effort to promote political stability, social harmony, and economic prosperity. We bear witness to the impact U.S.-funded rule of law programs have had abroad in strengthening justice systems.

Alexander Hamilton observed that a judiciary's legitimacy rests solely in the goodness and integrity of its judgment. The same may be said for a legal system and every other aspect of governing. This requires more than good legislators, executives or judges. It requires the entire system to be oriented towards constant innovation and improvement in the administration of justice broadly defined.

Madam Chairwoman, on behalf of NCSC, I urge that this Committee continue to support and expand efforts by the Department of State and USAID to strengthen judicial reform programs as part of an overall emphasis on rule of law. Continued investments in judicial reform as part of rule of law programs abroad will save America from costly interventions in far-away places. Above all, U.S. support for rule of law programs abroad will demonstrate our nation's on-going commitment to promoting the rights of all citizens and opening the opportunities of democracy to everyone.