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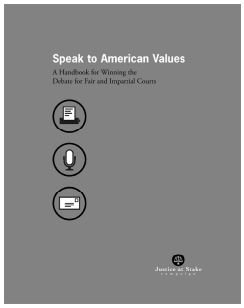
The Resource Page

NEW PUBLICATIONS

SPEAK TO AMERICAN VALUES: A HANDBOOK FOR WINNING THE DEBATE FOR FAIR AND IMPARTIAL COURTS (2006). 22 pp. http://www.justiceatstake.org

By now, we all know that the messages of politicians and political parties are carefully crafted and honed based on focus-group sessions and opinion polls. Messages have become coordinated and sophisticated—including ones being used to gain support for various causes at the expense of public support for the court system.



Justice at Stake, a nonpartisan national partnership of groups supporting fair and impartial courts, has taken on the valuable task of developing similar research and message development *in support* of the court system and its values. Their work product has been condensed into a 22-page monograph available on the web. It is a "must read" for judges at all levels.

Justice at Stake hired the Beldon Russonello & Stewart firm to conduct focus-group research and a July 2005 national survey. John Russonello was one of the key speakers at the American Judges Association's National Forum on Judicial Independence and wrote a 2004 *Court Review* article that serves as a precursor to this report: "Speak to Values: How to Promote the Courts and Blunt Attacks on the Judiciary," available at http://aja.ncsc.dni.us/courtrv/cr41-2/CR41-2Russonello.pdf. The 2005 survey is summarized in this monograph. It showed that the public has a strong belief in the courts' role in protecting individual rights by upholding the Constitution and a strong desire for fair and impartial courts that are free from political influence or pressure once judges take the bench.

Based on this research—and the admonition contained in the prior *Court Review* article to speak directly to these core values represented by the courts—Justice at Stake has developed detailed suggestions for tailoring effective messages. For example, they urge arguments for "fair and impartial courts" rather than the more theoretical call for "judicial independence."

They suggest emphasis on how courts uphold the Constitution and protect everyone's rights: the Beldon Russonello survey showed that the two most important qualities the public wants in its court system were being guardians of constitutional rights (33%) and being fair and impartial (31%). A bipartisan majority of Americans supports the court's role in protecting individual rights and providing access to justice: 84% strongly agreed that "we need strong courts that are free from political influence." And just as Roger Warren suggests in his article in this issue of *Court Review* (*see* page 4), Justice at Stake urges that courts and judges embrace the concept of accountability. Included are key talking points, model op-ed pieces, and sample letters to the editor.

The American Judges Association has joined the list of Justice at Stake partners. We encourage you to read this monograph. If you have thoughts about it, share them in a letter to the editor of *Court Review*.

USEFUL INTERNET SITES

"CourTools" for Measuring Trial-Court Performance
http://courtools.org

The National Center for State courts has released a set of trial-court performance-measurement tools called CourTools, a set of 10 trial-court performance measures. These are based on—but are intended to improve upon—the Trial Court Performance Standards issued in 1990. (For a review of those standards, take a look at Pamela Casey's 1998 *Court Review* article, "Defining Optimal Court Performance: The Trial Court Performance Standards," available at http://aja.ncsc.dni.us/courtrv/cr35-4/CR35-4Casey.pdf.)

Many courts adopted the Trial Court Performance Standards and used periodic measurement under them to justify funding requests to local-government bodies with responsibility for court funding. The new CourTools have taken many of the Trial Court Performance Standards and have integrated them with successful performance-measurement systems used in both the public and private sectors. And while the Trial Court Performance Standards were accompanied by comprehensive, but daunting, materials that could be used in applying them to individual courts or court systems, CourTools have been designed for ease of understanding and measurement.

CourTools allow for performance measurement in 10 key areas: access and fairness, clearance rates, time to disposition, age of active caseload, trial-date certainty, reliability and integrity of case files, collection of monetary penalties, effective use of jurors, court workforce strength, and cost per case. CourTools can be downloaded at the website noted above. In addition, printed copies can be obtained from the National Center for State Courts.

FOCUS ON ELECTRONIC DISCOVERY

An extensive program on electronic discovery in litigation was presented at the 2005 American Judges Association annual educational conference. Highlights of the resources noted there are found at page 40.