



STATEMENT BY

THE HONORABLE WALLACE B. JEFFERSON

CHAIRMAN OF THE BOARD

NATIONAL CENTER FOR STATE COURTS

**SUBCOMMITTEE ON STATE, FOREIGN OPERATIONS,
AND RELATED PROGRAMS
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES**

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**The Honorable Wallace B. Jefferson
Chairman of the Board
National Center for State Courts**

Thank you, Madam Chairwoman and members of the Subcommittee, for the opportunity to appear before you today to present comments on behalf of the National Center for State Courts (NCSC) in support of continued funding for democracy and rule of law programs. NCSC, in association with the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), is seeking your continued support for funding 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.

Let me begin with two brief comments. First, for those of you unfamiliar with the NCSC, we were 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 legislative and judicial reform specialists, provides cutting edge research, knowledge, and tools that support the justice sector. We are a unique institution in that no other organization anywhere brings the variety of experiences, ideas, innovation, and support to justice administration and reform. I am here to speak on behalf of NCSC and its institutional colleagues who care about and are committed to making justice accessible, fair, impartial, accountable, and effective for all people.

Second, let me acknowledge the difficult task before you in making what are clearly going to be difficult decisions regarding budget priorities. After all, the legitimate question is: What will the United States gain from funding rule of law programs abroad? Perhaps the best

answer to this is summed up in a single phrase: countries that have stable justice systems can become true democratic partners rather than be the source of costly conflicts and instability that impact America's global commitments.

Through a variety of programs and efforts, the NCSC seeks to promote the rule of law, which is at the heart of our national system of values. For example, 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 over 300 judges and justice system officials annually and 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.

In addition to maintaining core competencies in court administration and judicial reform, NCSC engages in broad justice sector interventions in fragile states with weak or divided democratic institutions, in an effort to promote political and social stability and to create conditions that foster economic prosperity. For example, the NCSC's staff has worked in Honduras, El Salvador, Afghanistan, Iraq, Haiti, Mexico, South Africa, Kosovo, and Lebanon to name a few. We have conducted sector-wide justice reform assessments (including police and security), 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; 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 judges, court administrators, lawyers, and prosecutors; and assisted national assemblies by improving their legislative drafting processes.

NCSC utilizes a number of tools that are customized to provide justice system agencies with quick assistance. For example, the Center has developed an integrated court case management system that is sufficiently “generic” to allow for rapid implementation of customization of case management functions on a variety of platforms. Our CourTools© performance management system has been adapted in other countries, such as Kosovo, in order 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 continuing presence in Kosovo since 2001, NCSC’s efforts have helped Kosovo with the transition from international to local control; reforming and restructuring the courts and prosecutorial system to promote effective and impartial justice; and improving 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:

- Working with the U.S. Department of State’s INL in Iraq, NCSC is helping to strengthen judicial independence by providing support to the High Judicial Council. Additionally, we will soon lead an intensive assessment of Iraqi courts and the criminal justice system to assist INL in planning future assistance programs.
- 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 is currently implementing 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.
- Recently the Center implemented a three year USAID-funded rule of law project in Lebanon. Our team worked closely with Lebanese judicial institutions and the bar association to strengthen judicial independence, improve court administration, enhance the quality of legal aid services for the poor, and expand training for judges and judicial candidates.
- 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.

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 once 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. We really have nothing to fear from nations where citizens have trust in the fairness, integrity and dedication of their governments to the common good. 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, the CCJ, and our other colleague organizations, I urge that this Committee continue to support and expand efforts by the Department of State and USAID to strengthen the rule of law around the world. Continued investments in 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.

Thank you for your consideration.