

## **Charter of the Special Committee on the Effects of the Economy on the Judiciary, Judicial Independence and Effectiveness**

The downturn in the State's economy has caused significant reductions in our state judiciary's budget and some curtailment of services by the judiciary. The impact is immediately demonstrated by furloughs, which require the judiciary's closing for two days a month until mid-2011. As a result, the courts are under considerable stress.

Have these cutbacks adversely affected the ability of members of our judiciary to accomplish their duties under our State's Constitution and state laws and thus affect the maintenance and preservation of our citizens' rights and obligations? Have such cutbacks been such as to seriously impinge on judicial independence and the court's effectiveness as our important third branch of government? Has public confidence in our courts been affected?

Other serious questions come to mind: We need to first know what really is the state of the judiciary under these adverse budgetary considerations. The economy's effects not only affect the judiciary but all other state government agencies and activities as well. Is the judiciary sharing the pain as much as other pressing state needs? Should it have to?

At what level are fundamental rights adversely affected, if any? Are there more delays and other restrictions that may prejudice parties in the prosecution of their cases? Does this explain in part the perceived increased emphasis on settlement of cases? Are rights and claims being mitigated as the direct result?

To what extent are judicial independence and accountability affected? Are judges able to maintain the level of independence such that decision-making is not impaired? In this environment of continuing concern for cost reductions, are our judges able to perform their duties so that their conduct and performance are not subject to undue pressures and criticism? Are the standards for judicial accountability any different now?

To the extent that the cutbacks have eroded the judiciary's operations and effectiveness, judicial independence and accountability, and the protections and rights given to our citizens under the Constitution and the law, are there ways to mitigate such adversity? Are the courts being operated as effectively and efficiently as possible, given the economy? Should there be areas where the courts should be protected from cutbacks? Is there need for more education, understanding, and support from our community and our governmental leaders? Are there other ways to improve?

AJS's primary mission deals with the improvement in the administration of our courts. The Special Committee is being created to see how our courts are doing under the circumstances, to examine the significant issues facing them, and to suggest ways to address them. Cutbacks of the magnitude affecting our judiciary are bound to affect - perhaps permanently - our courts and its ability to perform its duties, as well as our courts' customers - our citizens. AJS recognizes the significance of these cutbacks and wish to do its part to help mitigate the associated adverse impacts.