

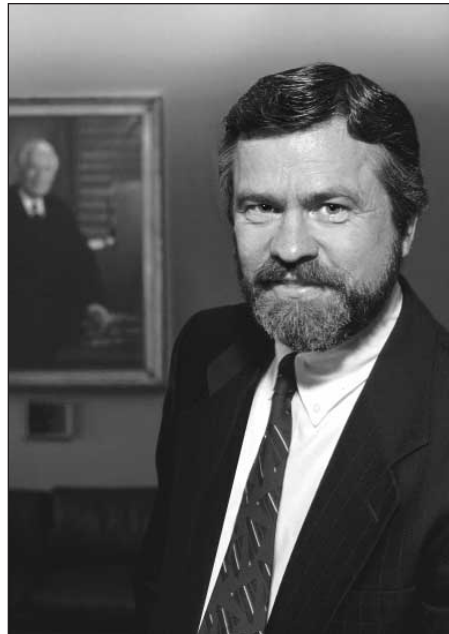
# An Interview with Roger Warren

**R**oger Warren became the president of the National Center for State Courts three years ago, leaving behind a successful career as a trial judge in California. His judicial career began as a municipal judge in Sacramento, California, where he served for six years, including one as the presiding judge. He then became a judge on the Sacramento Superior Court, where he served from 1982 to 1996, including several years of service as a presiding judge of the court or its divisions. A graduate of the University of Chicago Law School, Warren was named the California Jurist of the Year in 1995 by the California Judicial Council.

**COURT REVIEW:** *Let me start with what may be the most important — but the most difficult — question for you to answer. How is the National Center for State Courts relevant to the average judge, whether they be in California where you came from, New York, or New Hampshire, or elsewhere?*

**WARREN:** The average judge is most concerned about his or her workload and the resources available to assist the judge in processing that workload. Most judges tend to focus on what I describe as their on-the-bench activities. That is their core responsibility of deciding the issues and cases that come before them. But the effectiveness with which a judge handles his or her calendar or workload depends significantly on the effectiveness of the court as a whole. It's the way in which the court organizes the court's overall workload and the efficiency with which those various case-load streams are managed, the resources that the court has available, and the way it deploys those resources that really affect the ability of the judge to effectively handle whatever his or her assignment is. And that's, I think, where the National Center comes in. Our mission is to help the courts do their job as best as they can and to help them better serve the litigants that come before them.

That is literally the mission of the National Center, as set forth explicitly in its articles of incorporation over twenty-five years ago. So I think that the National Center has a lot of very immediate and direct relevance to any judge because we can help the court, of which the judge is a part, perform to the best of the court's ability, and that's going to significantly help all of the judges that are part of that court.



**CR:** *You came to the National Center after spending more than twenty years as a judge in California. Actually, am I wrong on twenty?*

**WARREN:** Twenty years and one day.

**CR:** *Okay. You served first as a municipal court judge and then with the Superior Court. After you got to the National Center, were there resources the National Center had caused you to say to yourself, "Gee, I wish I would have known about that while I was doing my work as a judge, because that really could have helped me."*

**WARREN:** Let me answer the question this way. After being here at the National Center for a year or so, we did a survey of three thousand folks out in the state courts, asking them some questions about the National Center, and the

principal finding from that survey was that those judges who knew about the National Center thought that it was an invaluable resource, but that very few judges knew about the National Center — as contrasted, for example, with court managers and court administrators, who were much more familiar with the work of the Center. And I think that fairly reflects the picture out there — that is, that judges that know the Center are very supportive of what it does and find great value in its work, but that most judges don't know about it.

That was what I felt when I arrived at the Center and looked back at my work in Sacramento — and realized the great variety of ways in which the National Center could have been helpful to me, could have been more helpful — because we did use the National Center at the Sacramento Superior Court.

The National Center provides a broad array of services in virtually every imaginable subject matter area and in a wide variety of ways. Take a topic like court security or court construction or case management or budgeting or court organization or training. In each of those topical areas, the National Center does research, provides technical assistance and consulting, provides education and training programs, works with other national court associations to set policy and models and standards. So there are a wide variety of ways in which the Center provides services and a broad variety of subject matter areas. I think the challenge for the National Center is to communicate more effectively to the judges working out in the courts the ways in which the Center can of assistance to them.

**CR:** *I know that you have an Internet site now. Are there other ways that you are trying to communicate that message to more judges?*

**WARREN:** We have had a web site for five years, but we just completed an Education and Technology Center here, a major remodeling project of our head-

quarters' facility in Williamsburg. As part of the Education and Technology Center, we have now established a capability of communicating through Internet technologies and video conference technologies around the world. [We] want to use this facility [as a] platform for distance learning – a worldwide capability, including all the courts in the United States. That will allow us to promote and sponsor video conference programs that will link up the resources at the National Center to judges located anywhere in the United States – ultimately, through desktop video conferencing, but currently through existing uplink and downlink satellite transmission facilities.

**CR:** *Is there a timetable for this?*

**WARREN:** We've already started. We had a grand opening ceremony for the facility [in April], and we're already in the process of discussing its use with the various states and state judicial educators – for example, participation by the Center in state judicial education programs around the country. We recently participated in a video conference ceremony with the California Judicial Council ... when they commissioned a new facility.... We hooked up with them and exchanged some messages back and forth from here in Williamsburg. So we've already started to make use of the facility. Now we are gradually converting a lot of our courseware. [Our Institute for Court Management] courses, in the current format, are basically designed to work with judges from around the country who might come to some central location for a two- or three-day educational program. [We are now] taking that curriculum and converting it to a distance-learning format, where judges can stay home and avoid the down time and costs involved in national travel and participate in the same substantive training program either at their desktop or at their courthouse.

**CR:** *That's what I meant to ask about timetable, but I didn't do a very good job. Do you have any idea when the judge sitting at his or her desktop might be able to participate in educational programming?*

**WARREN:** Oh, I think that's going to happen within a year. We are right now preparing those courses in conjunc-

tion with state judicial educator offices and others, trying to identify what the most promising subject matters might initially be. The two early courses that we're going to prepare are on caseload management and trial court performance standards – two of the subject matters that trial judges most frequently ask the National Center for information about.

**CR:** *Let me change the topic for a moment. The National Center, in conjunction with the American Bar Association and other groups, recently convened a national conference in Washington devoted to working on a national action plan to improve public trust and confidence in the courts. Could you tell us a little bit about the conference — what it was designed to achieve, and what type of people attended it?*

**WARREN:** It was attended by about five hundred participants, and they broke pretty evenly into four different groups. About a fourth of them were judges, a fourth attorneys, a fourth court administrators, and a fourth business or civic or public sector leaders. The background behind the conference is that, over the last decade or so, there have been increasing signs of public dissatisfaction with various aspects of court operations. At the same time, there's been increasing activity in the courts, especially in the trial courts, as they attempt to reach out and include the public more in the life of the local trial courts and [enhance] the public's understanding of the justice system. And this combination of public dissatisfaction and increasing outreach efforts on the part of the courts has resulted over the last decade in a number of court improvement-type projects and bench and bar outreach efforts. I felt that the time had come to try to lend a strategic focus to all of this activity and to involve the leadership of the judicial branch, that is, the chief justices and the administrative leaders of the state judiciaries, in these efforts. And so the purpose of the conference was to bring together teams from each of the states led by the leaders of the state judiciary, the chief justices and state court administrators, to a national conference that would identify the various issues affecting public trust and confidence in the justice system around the country, identify the

strategies that might be most effective to address those issues, and develop a national action plan of actions that could be taken at the national level to support the implementation of those strategies.

**CR:** *There were two separate national public opinion surveys leading up to the conference, and you have suggested previously that the ultimate report card on the courts is the level of public trust and confidence in the them. What did you take away from those two surveys about the mood of the public toward the court system today?*

**WARREN:** The public's report card on the state courts, as reflected in the two surveys, gave the courts an average grade. But the courts have high standards. An average grade isn't good enough for most of the state court leaders. The two surveys reflected a public that feels, on the one hand, that the American justice system is the best justice system in the world, that the public has more confidence in the judicial branch of government at every level than in either of the other two branches at any level, that judges are fair and honest, and that the courts do a good job at upholding the constitution and people's constitutional rights. But, on the other hand, the public also feels that the manner in which cases are handled, whether it's in civil cases or criminal cases or family and juvenile cases, is far from perfect and that there is a lot of room for improvement in the way that courts handle cases. The surveys reflected a feeling on the part of African-Americans in particular, but a majority of Americans overall, that African-Americans are not treated in the courts as well as others, that the wealthy are treated better in the courts than the poor, that most Americans cannot afford to go to court, and that one of the large obstacles to fuller participation is the cost of legal services. A large plurality of Americans feels that most courts are out of touch with the communities that they serve and that judicial decisions are influenced by political considerations and campaign contributions in judicial elections. So, overall, I would say that the mood of the American public seems quite mixed. On the one hand, the public seems to recognize what is good and valuable and important about the judi-

cial branch, but, on the other hand, [it] has serious concerns about the ways that courts operate and is demanding of some reform and improvement in the ways courts operate.

**CR:** *Do you have a sense as to the extent to which the public's impression, both positive and negative, is accurate? In other words, is the problem one simply of showing the public that things are already being done correctly, and their mood would improve further, or is it that the public accurately perceives a number of significant problems that need real work before public opinion would improve?*

**WARREN:** I think the public's perceptions are extremely accurate and right on the money. The public has always been more aware than those of us who work within the justice system of the shortcomings of the justice system. There has always been a huge gap in this country between the relative optimism of those who work within the system about its effectiveness, and [the] pessimism of those who are from outside the system. Those who are to be served by the justice system — the public — have always focused on issues of access and fairness and cost, and those inside the system have tended to focus on the lack of resources and the inefficiencies. So, I am not surprised by the survey findings, and I think the perceptions are extremely accurate. One of the interesting things about the most recent survey conducted by the National Center for State Courts is that now a majority of all Americans feel that African-Americans don't get a fair shake in the court system. Earlier surveys had indicated a great divide between the perceptions of the African-American community and those of European background... But this most recent survey shows that a majority of all Americans feel that African-Americans get the short end of the stick in court proceedings. So I think the findings are troubling and require those within the courts to look within and find the areas where significant improvements can be made.

**CR:** *You mentioned a difference between the view of insiders to the system, judges and attorneys, and the public at large. Do you think those inside the system, judges and attorneys, now agree with the public as to the unequal treatment of people in the system with respect to race?*

**WARREN:** There is an important role here for dialogue and for greater understanding on everyone's part. I thought it was noteworthy that the issue which was identified by the participants at this public trust and confidence conference as the most critical issue to be addressed by the state courts was unequal treatment in the justice system. Fully two-thirds of the participants in the conference thought that it was absolutely critical and essential that the courts address this issue, and the overwhelming majority of participants at the conference were not African-Americans and were not poor. What that [shows] is that when you bring together judges and attorneys and court administrators with members of the public, and you sit down for a day or two [and have] some thoughtful dialogue about what the real challenges are that confront the justice system, virtually everyone goes away feeling that this issue of equal treatment is just a critical one that we in the courts need to address. And when, later in the conference, we asked people who they felt were responsible to implement the various strategies that were identified at the conference and to address these issues, something like ninety percent of the participants said that it was the judiciary itself and the bar that were primarily responsible for addressing these issues. I don't know that it's necessarily true that two-thirds of all of the folks who work in the state courts around the country have yet come to believe that the issue of fairness and equal justice is overwhelmingly the most critical issue that the courts must address, but I am certain that if all of those folks could have participated in this conference and had the chance to dialogue thoughtfully about the issue, that they would have come to that same conclusion.

**CR:** *Let me follow up again with a question related to the difference in the view between judges and those in the public. It was interesting that at the conference, one of the discussion groups of participants added a possible problem area — the isolation of judges from the public and a resulting lack of perspective of public concerns by judges — to the survey list that the attendees would rate as to whether it was a significant problem — and a fair segment of the attendees, even among judges, thought that was a significant*

*problem. Before you became National Center president, as we mentioned, you spent two decades as a judge. Did you find this to be a problem either for yourself or for other judges you observed, to stay really in touch with what public concerns were?*

**WARREN:** Yes and no. The relative isolation of judges from the public is a truism for almost any judge, but I don't think that it's necessarily true that that results in a lack of perspective by all judges of the public's concerns. The Code of Judicial Conduct under which judges conduct themselves, apprehension on the part of judges [about] being confronted publicly in inappropriate ways, either by disgruntled litigants or with regard to pending litigation, what is in effect a language barrier where judges and lawyers tend to speak a language all their own that makes communication with folks who don't speak that language difficult — all of those are barriers which tend to isolate judges from the public. And yet, many judges do, nonetheless, have a fairly accurate perspective of what the public's concerns are. The challenge of bringing a full and broad perspective to the bench is not solely one of opportunity for interaction with the public. It also involves the judge's mindset and attitudes and willingness to communicate effectively with people who may have a broader perspective. There are things that judges can do to make themselves aware of the public's concerns, even if they choose, as a matter of lifestyle or for whatever reason, to isolate themselves somewhat from the public in a manner which they may not have done before they joined the bench.

**CR:** *What would be your suggestions?*

**WARREN:** Judges tend to isolate themselves not only from the public, but, to a significant extent, from almost everyone. There is a tendency on the part of judges to end up associating almost wholly with other judges or lawyers. Depending on the kind of background that the judge had as a lawyer, there is a sort of progression where, as you become a lawyer, you tend to get isolated more and more from those who are not lawyers, and then if you end up being a trial lawyer, even more so, and then if you end up becoming a trial or appellate judge, even more so — to the point where most of your

associates and those with whom you spend time, other than your immediate family, are in this closed circle within the legal profession. Yet judges are typically only a small part of the total human resources that work in a court system. Being actively involved in the work of their court alone exposes judges to the public's concerns pretty dramatically. The public walks in and out of these courthouses doing business there every day, and a wide variety of perspectives and people come in and out of the courts. It's more typically the men and women who work at the front counter and have a daily contact with people coming in and out of courthouses, rather than judges, who are interacting with the public on a regular and frequent basis. If judges are involved in the work of their court, and involved in interactions with other court staff with regard to the problems that confront the court as a whole, I think that will go a long way towards exposing judges to what the public's concerns are – beyond merely participating in jury selection and in handling the cases that may come before the judge on the bench. And then part of it is just attitudinal. It's just being conscious and aware of the fact that the nature of your profession does tend to isolate you and being actively engaged in reaching out and seeking information from other perspectives and being open to hearing things that you might not want to hear or that you wouldn't have the opportunity to be exposed to solely in your role as a judicial officer.

**CR:** *From the national conference on public trust and confidence, what is going to be the outcome of that? Is there a plan in progress? Is there some further step that will be taken?*

**WARREN:** The principal outcome of the conference, at this point, will be preparation of a national action plan, which will describe the priorities that were set at the conference and some of the main findings and decisions that were made at the conference. Then we'll seek to create a national network of conference participants, and especially of representatives of the various national bench, bar and public interest organizations, to support efforts throughout the various states to implement the recom-

mendations that came out of the conference. The conference sponsors very clearly indicated all the way along that this conference was not intended to be a one-time event, but to be a catalyst for future efforts around the country to improve the public's trust and confidence in the court system. As a result, virtually all of the national bench and bar organizations have already committed themselves to follow-up activities to implement the various recommendations coming out of this conference and to continue the energy that was evident at the conference itself.

**CR:** *In looking for effective solutions to improve public trust and confidence, the attendees at the conference chose as the number one action to take the development and dissemination of model programs or best practices, the sharing of information about effective programs developed throughout the country. What's the National Center's role in carrying out that objective, and are there other plans to improve dissemination of best practices or model programs?*

**WARREN:** That's exactly how the National Center got started, over twenty-five years ago. Then-Chief Justice Burger, at a national conference in Williamsburg in 1971, called for the creation of a national center for state courts to serve as an information clearinghouse of best practices to improve the administration of justice in the state courts. So the initial mission of the National Center was to serve as a national clearinghouse of model programs and best practices. This is definitely part of our core mission.

**CR:** *Does it surprise you then that the conference attendees, a group of pretty knowledgeable folks, would list that as the number one action step when it's something you're already working on?*

**WARREN:** No, it doesn't surprise me, because as I've said, although this is the mission of the National Center, there are many out in the courts, especially trial judges, who are unfamiliar with our resources and the work that we do. And so it's quite consistent with our own feeling that the kind of work we do is very valuable and highly valued by folks out in the courts, but that many there are unfamiliar with our work and the services that are available.

**CR:** *What other steps do you think are ones that should be put at the top of the list to take right away in improving public trust and confidence?*

**WARREN:** What struck me personally from the conference, in addition to the importance of addressing the issue of race in the justice system, was the perception that so many Americans find the courts unaffordable and feel excluded from access to the courts because of the high cost of access, especially the cost of legal services. So I would expect to see some focus on the issue of cost, and on the cost of legal services, and on the economics of the practice of law surface from this conference. In addition, the conference confirmed the belief of many in the courts that there is a significant deficit in the public's full understanding of the importance of the court system and the role of the courts. The conference participants reiterated the interest of those in the courts in reaching out to the public and helping the public better understand the important role of the courts. And then finally, I would just indicate that public trust and confidence is not only the topic of this national conference, but is also the fifth and most important of the five trial court performance standards. These standards, adopted by the chief justices, state court administrators, and many courts around the country, are standards by which any court's overall performance can be evaluated by the court itself. And whether or not the public has trust or confidence in the work of that court is one of the five important standards by which the court's performance can be evaluated. And so I think the other important message that comes out of this conference is that courts need to do a better job, can do a better job, that there is room for improvement, and that in addition to the other steps that we've talked about, that the courts need to continue to improve the way in which they do their core work, in which they handle the criminal, civil, family, and juvenile cases that come before them.

**CR:** *Let me switch for a moment back to the National Center in a more general sense. You came to the National Center three years ago?*

**WARREN:** That's right – a little

over three years ago.

**CR:** *What was it you were hoping to accomplish by moving from being a judge for twenty years to the National Center?*

**WARREN:** I wanted to try to re-energize the National Center. As a judge who had come to be very involved in seeking to improve the administration of justice, both in my community in Sacramento and in the State of California, I knew how badly the courts around the country needed the work of the National Center and could benefit from the leadership and services of the National Center. And yet, during the mid-1990's, the National Center itself had gone through a period of downsizing, had lost staff, had closed offices, and, as a result, the courts had really lost the benefit of some of the vitality that the National Center enjoyed earlier in its life. I really wanted the opportunity to see if I couldn't energize the National Center and broaden its impact on the state courts and extend the opportunities for service to the state courts that I thought the National Center could provide.

**CR:** *What have you done to address that objective?*

**WARREN:** My judgment at the outset was that, in order to accomplish that objective, the National Center itself needed a tune-up. So I started at the top and sought, first of all, to free the board of directors of the National Center from the sort of management activities that

they had become involved in, so that the board could truly take charge of the organization and govern the organization effectively – their prime responsibility as a board of directors for a not-for-profit corporation. We then initiated a strategic planning process to provide a vision and direction and strategic priorities for the organization, got the finances in order, remodeled the principal facility in Williamsburg to create the new Education and Technology Center, moved the Washington, D.C., area office to a new facility to provide expanded square footage there, added a communications capability and focus on customer services, and upgraded the National Center's human resources program. By the end of the three years that I've been at the Center, and as we approach the new millennium, I feel that the National Center is really well positioned to provide a much richer and deeper and broader array of services to the state courts. The organization has a sense of direction; it's well governed; it has a talented and effective staff; we have totally upgraded our use of technology, both internally and in providing services to customers; it's a very customer-focused organization that's reaching out and trying to identify how it can most effectively help those in the courts; it's flexible, and has the ability to communicate effectively. So I'll be very disappointed if your readers and others out in the state courts don't, over the next year or two,

come to discover a large number of ways in which the National Center can be of real value to them.

**CR:** *Are there any top priorities that you'll be focusing on in the next two or three years?*

**WARREN:** Yes, we have identified those priorities as the result of the strategic planning process that I mentioned earlier, and those priorities are very consistent with the priorities which emerged from the recent conference on public trust and confidence. Our top priority is to strengthen judicial independence, especially through support of judicial leadership and the efforts of judicial leaders. Our second priority is the whole area of courts and the public – to strengthen the public's trust and confidence in the court system. Our third priority is to make greater use of state-of-the-art technology at the National Center and in delivering services to the state courts, and to support even more effectively than we have in the past the court technology improvement efforts of those in the state courts. And then our fourth priority is to strengthen public access and fairness in the state court community. So, I think you see that the priorities that we have established at the National Center parallel very closely the priorities that the participants at this recent conference established for the state courts themselves.

**CR:** *Thank you.*

## For More Information About the National Center for State Courts

- A great deal of information can be found at the National Center's Internet site: <http://www.ncsc.dni.us>. There you can find an organizational overview of all of the National Center's divisions and programs, e-mail addresses for the Center's staff members, news items about the Center and the courts, information on the Center's publications, and listings of other Internet sites related to courts.
- To find out which National Center personnel may be the most knowledgeable in an area of interest to you, go to <http://www.ncsc.dni.us/Contacts.htm>. There you can find out which staff member is the appropriate person to contact in categories such as court technology, caseload management, court security, juries or court compliance with the Americans with Disabilities Act.
- For those who prefer regular mail to e-mail and telephone contact to cyberspace, contact the National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23185, phone (757) 253-2000, fax (757) 220-0449.