

CONFERENCE OF STATE COURT ADMINISTRATORS

Policy Statement

Federalism

The Conference of Court Administrators (COSCA) has, from its establishment forty-seven years ago, been a strong and unwavering advocate of the type of federalism that views government essentially as a partnership of federal, state, and local political units acting in a coordinated manner for the benefit of all people in the United States. With respect to our court system, this type of federalism protects and fosters state judicial independence, local autonomy, and the diversity reflected in individual states. At the same time, this type of federalism also affirms and supports the need for strong federal laws and a federal court system to ensure equality, fairness, access, and due process for all residents of the nation. Finally, this type of federalism envisions and requires meaningful cooperation between Congress and state legislators and between federal and state courts in matters of law, adjudication, and the administration of justice.

Today we reaffirm the value of this type of federalism and offer for consideration the following specific policy perspectives:

1. **State Judicial Independence and Autonomy.** We believe that proposals to remove jurisdiction from state courts to federal courts threaten state judicial independence by making the federal courts the final arbiters of state laws on these subjects. In addition, they contradict the general federalist principle enunciated in several other areas of legislation by recent congresses—the principle that the best government is that which is closest to the people and that favors giving state legislatures and state courts greater control over matters of interest within their own communities. Furthermore, such proposals would impose a costly burden on the federal system.

2. **Equality, Fairness, Access, and Due Process.** We affirm and support the federal role in ensuring equality, fairness, access and due process in our court systems. Accordingly, we support federal legislation protecting civil rights with respect to all citizens and we support the current system of concurrent jurisdiction between the federal and state court systems as the most effective means of protecting such rights.

3. **Intergovernmental Programs.** We affirm and support recent efforts by the federal government to recognize the state judiciary as a co-equal branch of state government by directing funding and other programs specifically to the judiciary.

4. **Intergovernmental Communication.** We recognize the need for continuing communication and dialogue at all levels of government. Such communication is essential to the effective and efficient administration of federal intergovernmental programs. We also welcome federal encouragement and facilitation of communication and dialogue between and among the branches of state government especially in terms of the implementation of federal intergovernmental programs.

5. **Inter-branch Collaboration.** We recognize that an increasing number of federal and state programs depend upon the active participation of the state judiciary to ensure their success. The federal government should facilitate inter-branch collaboration by requiring communication with the state judiciary by executive agencies when authorizing federal funding and, as appropriate, the active participation of the state judiciary in the planning and implementation of federal programs.

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