



RESOLUTION IN SUPPORT OF

THE NATIONAL ACADEMY OF COURT APPOINTED NEUTRALS REGARDING CEASING TO USE THE TERM “MASTER” OR “SPECIAL MASTER” AND, THE USE OF “COURT-APPOINTED NEUTRALS”

WHEREAS, members of the judiciary use and have used “court-appointed neutrals” in a broad array of roles to increase access to justice, reduce costs, avoid delay, and otherwise assist in the just and timely resolution of disputes pending before the courts at all levels;

WHEREAS, broadening the pool of individuals who have the opportunity to serve as court-appointed neutrals also serves the commitment of the National Council of Juvenile and Family Court Judges in its efforts to ensure the qualified pool of individuals with experience to become judges includes individuals who reflect the fabric of the population our Courts serve;

WHEREAS, the terms most commonly used for these neutrals – “master” or “special master” – has an historically negative connotation, and both ill-serves efforts to broaden the profession of court-appointed neutrals and ill-defines this flexible and creative tool;

WHEREAS, at least three states have taken steps to cease using the term “master” or “special master,” when using the services of “court-appointed neutrals” to reflect the appropriate role of these professionals and the Academy to which these individuals belong;

WHEREAS, in October 2022, the National Association of Women Judges unanimously adopted a resolution that (1) urges rule-makers and legislators to cease using the term “Master” or “Special Master” and substitute a term that more accurately reflects or defines the role, including “Court-Appointed Neutrals”; and, (2) supports efforts both to choose neutrals from a broader pool and to promote the consideration of using court-appointed neutrals as a best practice in matters in which these neutrals may help increase access to justice, reduce costs, avoid delay, or otherwise assist in the just and timely resolution of actions.

WHEREAS, in August 2023, the American Bar Association adopted Resolutions 516 and 517 that, among other things, call upon rule-makers and legislators to replace the term “master” or “special master” with “court-appointed neutrals” and urge state, local, territorial and tribal courts to adopt an ABA-drafted “Model Rule on Court-Appointed Neutrals” that facilitates courts’ consideration of appointing neutrals in accordance with principles and best practices adopted by the ABA.

THEREFORE, be it RESOLVED that the National Council of Juvenile and Family Court Judges

(1) urges rule-makers and legislators to replace the term “master” or “special master” with “court-appointed neutral”;

(2) supports efforts to broaden the pool of candidates and to support the development of the skills and training of those in those roles;

(3) supports efforts to promote the consideration of using “court-appointed neutrals” as a best practice in matters in which these neutrals may help increase access to justice, reduce costs, avoid delay, or otherwise assist in the just and timely resolution of actions; and,

(4) supports the principles embodied in the ABA Model Rule on Court-Appointed Neutrals and urges state, local, territorial and tribal courts to consider adopting the Model Rule to facilitate the consideration of using court-appointed neutrals where they can be of help.

Adopted as proposed by Academy of Court Appointed Neutrals, National Association of Women Judges and American Bar Association Judicial Division by the NCJFCJ Board of Directors, March 17, 2024, Cleveland, Ohio.