

CCJ Civil Justice Improvements Recommendations: Implications for Court Administration

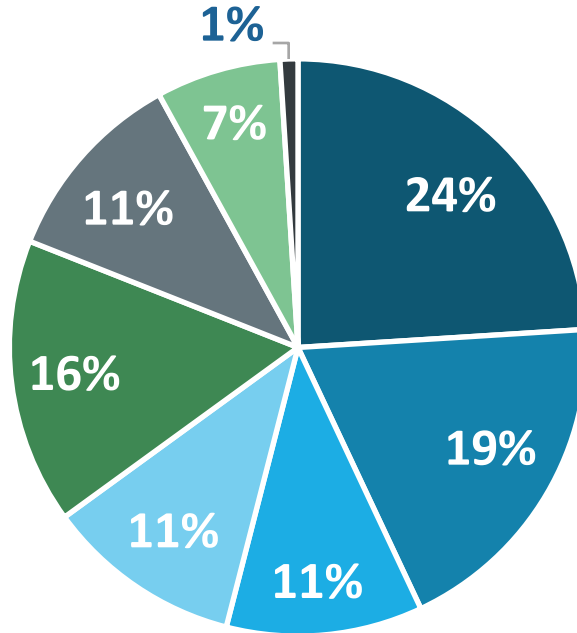
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PITTSBURGH, PENNSYLVANIA

Civil Caseload Composition

— *Landscape of Civil Litigation in State Courts (2015)*



■ Debt Collection

■ Landlord/Tenant

■ Mortgage Foreclosure

■ Other Contract

■ Small Claims

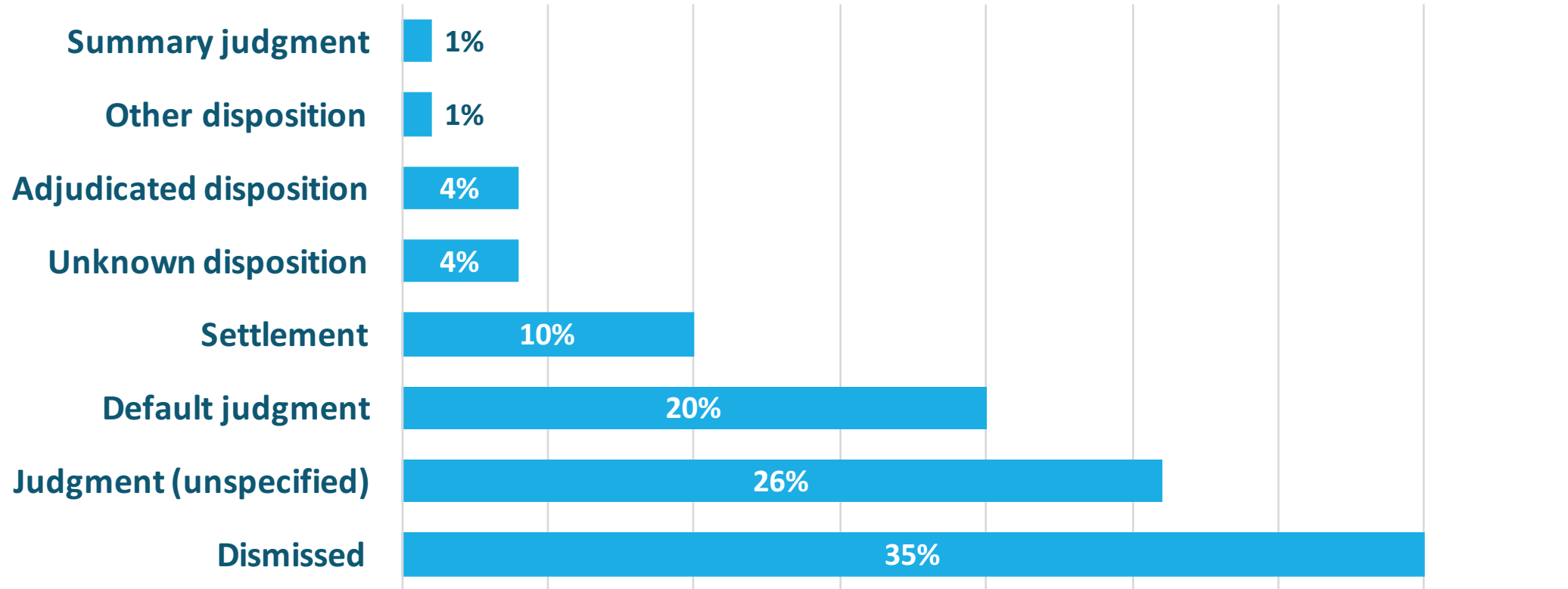
■ Other/Unknown

■ Tort

■ Real Property

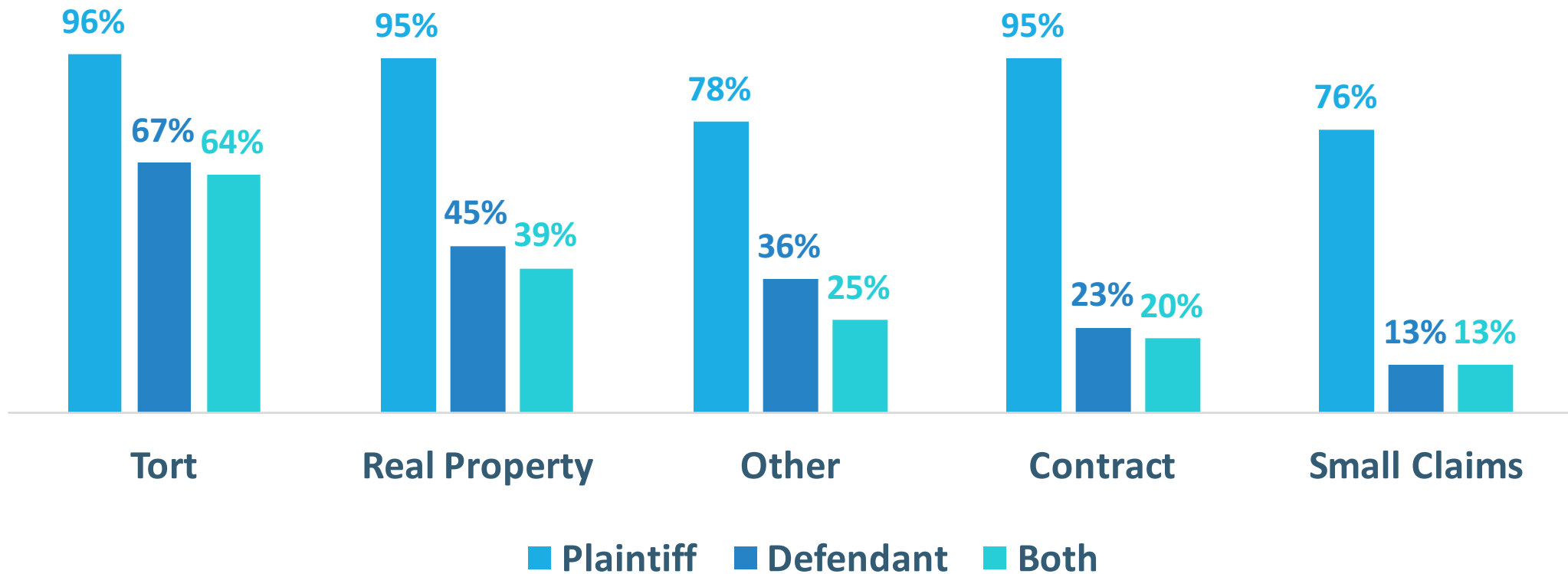
Manner of Disposition

— *Landscape of Civil Litigation in State Courts (2015)*



Attorney Representation

– *Landscape of Civil Litigation in State Courts*
(2015)



The civil dockets in our head don't match the dockets in our files.

– JENNIFER BAILEY, ADMINISTRATIVE JUDGE, CIRCUIT CIVIL DIVISION,
11TH JUDICIAL CIRCUIT OF FLORIDA

Implementing “Culture Change” in Civil Case Management

“In our efforts to create the just, speedy, and inexpensive courts of tomorrow, we cannot ignore the important role of culture in our system.”

– IAALS, *Change the Culture, Change the System* (2015)

- Ownership
- Efficiency
- Technology

Change is coming. You can be ahead of the curve or behind it. If we make the changes ourselves, we have more control over the outcomes.

– THOMAS BALMER, CHIEF JUSTICE
OREGON SUPREME COURT

An Exciting Opportunity for Court Administration

Recommendations 1 and 2

Recommendation 1: Courts must take responsibility for managing civil cases from time of filing to disposition.

- 1.1 – Communicate deadlines for key case events
- 1.2 – Enforce court rules and orders
- 1.3 – Document civil case inventory

Recommendation 2: Beginning at the time each civil case is filed, courts must match resources with the needs of each case.

The CJI Pathway Approach: Not Your Father's DCM

Recommendation 3: Courts should use a mandatory pathway assignment system to achieve right-sized case management.

- Recommendation 4: Streamlined Pathway
- Recommendation 5: Complex Pathway
- Recommendation 6: General Pathway

Streamlined Pathway Case Characteristics

Limited number of parties

Routine issues related to liability and damages

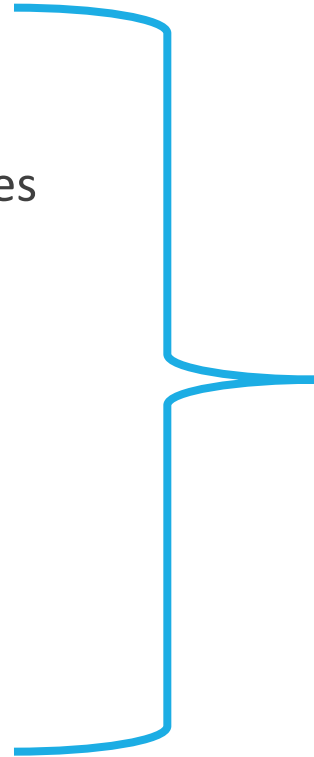
Few anticipated pretrial motions

Limited need for discovery

Few witnesses

Minimal documentary evidence

Anticipated trial length 1 to 2 days



**> 85% of
civil caseload**

Recommendation 11

Courts must devote special attention to high-volume civil dockets that are typically composed of cases involving consumer debt, landlord-tenant, and other contract claims.

- 11.1 – Ensure compliance with procedural due process
- 11.2 – Ensure litigant access to accurate, understandable information
- 11.3 – Minimize courtroom distractions, confusion
- 11.4 – Clarify roles of court and opposing counsel

Recommendation 12

Courts must manage uncontested cases to assure steady, timely progress toward resolution.

- 12.1 – Identify uncontested cases and prompt plaintiff to file motion for dismissal or final judgment.
- 12.2– Ensure that judgments for uncontested cases meet the same standards for due process and proof as contested cases.

Recommendation 13

Courts must take all necessary steps to increase convenience to litigants by simplifying the court-litigant interface and creating on-demand court assistance services.

- 13.1 – Eliminate unnecessary technical complexities
- 13.2 – Establish Internet portals and kiosks to facilitate litigant access
- 13.3 – Provide real-time assistance
- 13.4 – Promote audio and video services for hearings, case management meetings

Recommendation 7

Courts should develop civil case management teams consisting of a responsible judge supported by appropriately trained staff.

- 7.1 – Assess the degree of discretion needed to perform case management tasks
- 7.2 – Delegate administrative authority for routine case management to specially trained staff

Recommendation 10

Courts must take full advantage of technology to implement right-sized case management and achieve useful litigant-court interaction.

- 10.1 – Use technology to support team-based civil case management
- 10.2 – Establish effective business processes
- 10.3 – Use data to measure performance
- 10.4 – Inventory and analyze existing caseloads
- 10.5 – Publish measurement data to increase transparency and accountability

Next Steps:

CJI Implementation Plan

Tools and Resources @ ncsc.org/civil

Implementation Roadmap (expected early 2017)

DIY Landscape Assessment Guide

Business Practices VizTool

Functional Standards for Civil Case Automation

Automated Triage Criteria (expected early 2017)

Staffing the Civil Case Management Team (expected early 2017)

Demonstration Projects

Technical Assistance from NCSC and IAALS