



***Court Reengineering***  
***Compilation of Ideas from the States***

## REENGINEERING STRATEGIES FROM VARIOUS STATES

Centralization	Video Conferencing	Processes	Structure	E-Everything
Electronic Payables (fines, fees, restitution, etc)	Arraignments for incarcerated defendants	Statewide fine schedule for petty misdemeanors	Consolidation of judicial districts	E-file with an electronic document management system
Automated referral to collections	Detention hearings for detained juveniles	Expand the list of misdemeanors and ordinance violations that are payables	Court consolidation—single tier trial court or single tier limited jurisdiction court	Electronic workflow
Traffic citations	Child support hearings	Courtroom docket entry into the case management system to prepare sentencing and other orders with electronic signatures (e.g., in court updating)	Review jurisdiction and venue as related to centralized filing of cases and centralized issuance of orders	E-filing <ul style="list-style-type: none"> <li>• centralize/regionalize filing centers</li> <li>• Self help software</li> <li>• Electronic citation by all law enforcement</li> </ul>
Call centers	Addition simple hearings	Digital recording of court proceedings	Expand use of subordinate judicial hearing officers	Electronic signatures on orders, notices, etc.
Jury Management <ul style="list-style-type: none"> <li>• Summons</li> <li>• Qualification questionnaires</li> </ul>	Motions in civil cases that do not involve testimony		Consolidation of clerks/managers with expansion of responsibility to multiple locations.	Availability of e case files from every court at one or more call centers
Processing and Issuance of default judgment orders	Interpreters			Virtual web-based information centers providing direct access to records, etc.
Probate reports	Off-site live testimony			
Education				

## From Oregon:

### Centralization:

- Payable Processing
- Collections Processing
- Traffic Citations Processing
- Jury Management Functions
- Videoconferencing for Arraignments

### Online Transactions:

- Payments of Fines and Fees
- Discover the Time and Place of Court Hearings
- Access to Case Documents/Files
  - Minimize need for staff intervention
- Jury Management Functions
  - Enables potential jurors to complete all steps in the process up to required reporting to a courtroom for voir dire.
- Electronic filing
- Electronic service
- Electronic payment of fines and fees
- Electronic traffic citation payments
- Electronic notices
- Virtual traffic mitigation hearings
- Electronic agency order requests
- Electronic criminal charging

### Online Self-Help:

- The goal here is a process that is so intuitive that the filer can easily comply with the entire process unassisted and complete an electronic filing.

### Case Triage:

- First determine according to the issues in the case what type of processing is required: full classic due process, modified due process, problem solving approach or administrative resolution
- The court needs standardized triage protocols for determining which processing stream is the most appropriate at the beginning of the case and monitoring whether or not that processing stream remains the most appropriate during the life of the case.

### Civil Reform:

- A civil track with more lightweight processing can be expanded
  - This track offers quicker, cheaper, simpler, and more predictable outcomes by restricting the degree of legal processes allowed
  - For more complex cases, a less expensive process is also possible that limits discovery and expedites case events.
- The court may triage some cases or litigants may self-select the preferred case processing track. This idea is broader than just civil reform. It really includes in its scope all forms of civil processing, including small claims.
- The most frequently used characteristic is the value at issue.
- Other case characteristics might also be important to consider explicitly

### Unbundled Case Review:

- The key principles behind an unbundled approach to case review are (1) a formal set of processes and (2) an escalation of case review to the next higher level of roles/legal skills only as required.
- Provide an appropriate amount and degree of review while minimizing the scarcest and most valuable internal resources in the court system
- Note that this option requires standardization of business processes within the local jurisdiction.

### Redistricting and Venue:

- Administrative efficiencies through consolidation of administrative responsibilities and adjustments in the management structure below the district/regional administrator.
- Economies of scale: with the demise last year of the Court Support functions in the AOC, redistricting might allow some courts negatively affected by this change to reintroduce some district or regional support formerly provided by the AOC; a broader sharing of judges also can introduce efficiencies in case management and resolution and in the use of judicial time.
- Judicial caseloads might become more equal and staff workloads could be spread among several courts within a district in contrast to each single-court district doing all of the work.
- Standardization in local procedures and forms among courts that is harder to achieve with the current districts—a boon for those interacting with courts in more than one county.
- The potential to reexamine the sites of new courthouses within a district to enable the sharing of costs among counties and possibly to ease travel needs for some residents.
- eCourt allows a reexamination of venue; it may or may not affect district lines.
- Redistricting might allow some locations to become part-time locations, which should result in some staff savings.

### Appellate Court Normative Processes:

- Case Differentiation – Many appellate courts have concluded that inherent differences in the types of appeals that they consider, as well as the issues raised in individual cases, can have a direct impact on the amount of time and effort required by judges and staff to reach a decision. This phenomenon is commonly referred to as case ‘complexity’ although the contributing factors

include not only the difficulty of legal questions or fact profile, but also the number of the issues, volume of the trial court record, number of parties, etc. To differentiate appeals, some courts use a docketing statement or appropriate information included in the Notice of Appeal, and early screening of the case to estimate its likely degree of complexity.

- Procedural Differentiation - Procedural differentiation recognizes the differences in case complexity and seeks to ensure that judicial and staff efforts are appropriate to the case requirements. The differences in procedures often include assignment to appellate mediation or any combination of changes to record time and transcript requirements, briefing length and time requirements, limitation (or expansion) of oral argument length, reduced panel size, staffing assignments, type of opinion/order issued, etc.<sup>1</sup>

Oregon does have an appellate settlement program that primarily handles cases referred to it by the Chief Judge, although the appellate departments can also make a referral. In addition, O.R.S. 2.570 (2)(b) was amended in 2009 to allow for a department in the Court of Appeals to include only two judges unless a third judge is necessary to break a tie vote. Assignment of cases to two judges has been employed for some time by the Appellate Division of the New Jersey Superior Court. Thus far in Oregon, this provision is used only in regards to the Court of Appeals Motions Department but could be applied to appeals filed after the effective date of the legislation.

- Legal Staff Utilization – Appellate court legal staff typically consists of a combination of law clerks and central staff attorneys. The traditional model is that law clerks are recent law school graduates, employed directly by an individual judge, and work at the court for a one or two year term. Central staff attorneys, sometimes called research attorneys, are career employees who work for the court as a whole and typically perform legal research, draft case memoranda and review motions. Appellate courts have been rethinking the relative benefits of assigning various responsibilities to either law clerks or central staff attorneys.
- Appellate Jurisdiction – Appellate jurisdiction is usually enumerated in state statutes, as it is in Oregon, which identify the appellate authority of the Court of Appeals. In many states, appellate jurisdiction of the Supreme Court may be constitutional and explicitly listed in statutes or implied by omission. Undertaking a review of caseloads and appellate jurisdiction across all courts can help to determine the appropriate process and forum for various types of appeals.

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<sup>1</sup> As examples, the Third District of the California Court of Appeals and the Rhode Island Supreme Court (Rhode Island has no intermediate appellate court) identify cases for which expanded oral argument and limited briefing are appropriate. On the other hand, New Mexico and Nevada review docketing statements without oral argument on certain types of cases. Upon review, the courts may issue a summary decision.

- Technology Applications – Appellate courts across the country have taken advantage of technological advancements and innovation to improve their operation. These applications include the development of case management systems that allow for the import and export of data between the trial and appellate courts; organize case management information to permit effective, real-time monitoring of workload; prepare reports on the appellate court’s overall performance; and produce frequently issued notices, orders and other case-related documents.
- Appellate Court Performance Measures and Self-Assessment – The Oregon Court of Appeals has been a leader in this area. Over the past several years, the Oregon Court of Appeals established a set of performance objectives and a phased implementation of measures which it has used for organizational self-assessment.

Reorganized Back Office:

- Systematic automation of many low level court functions, case workflow and online self-help functions will remove much of the back office staffing requirement.
- Some of the staff will now be available to provide in-person help to self-represented litigants, where necessary, and, more importantly, to actively and comprehensively manage cases.
- Possibilities include a radical flattening of the organization chart, the reorganization of administrative staff around teams that are internally cross-trained for all tasks and not radically compartmentalized by case type.
- Likely to require new job descriptions and may also require more sophisticated skill sets and higher pay—but for a much smaller staff.

From Minnesota:

**A. Centralize payables processing.** This option consists of three sub-options.

- i. Process payments centrally. Payments for payables are sent to a central location by mail, IVR (interactive voice response or phone payments), or IWR (interactive web response or web payments) and processed on one location.
- ii. Implement Auto Assess. MNCIS automatically splits the payments to the appropriate recipient.
- iii. Implement automated referral to collections. Cases are automatically and electronically referred to a collection agency when the payer date is exceeded or when a payment plan payment is missed. No clerk action is involved in referring the case. Collected payments are automatically receipted into MNCIS.

**B. Centralize/regionalize mandated services.** This option begins with jury services. Centralize and out-source processing of jury summons. Regionalize processing of juror qualification questionnaires.

**C. Centralize probate annual reports.** Centralize the processing of probate annual reports for conservatorships and guardianships including annual accounting and well-being reports. Hire qualified staff to do the work.

**D. Increase payables.** This option consists of four sub-options.

- i. Establish a fine schedule for all petty misdemeanors that are payables to minimize or eliminate staff time in setting fine amounts.
- ii. Expand the list of misdemeanors that are payables.
- iii. Expand the list of ordinance violations that are payables.
- iv. Eliminate multiple fines (Some statutes are payable only in part and need staff intervention in order to be properly assessed thereby interfering with any economies that could be gained through automated processing. An example of this is 169A.35 sub. 2 or 3, an open bottle violation. A citation issued to a passenger is payable, but a citation issued to the driver requires a mandatory appearance.)

**E. Expand use of subordinate judicial officers.** This option consists of four sub-options.

- i. Use hearing officers for all fine mitigation hearings (payable petty misdemeanors and non-traffic misdemeanors, traffic citations, parking citations).
- ii. Centralize processing of fine mitigation services online and/or with regionally located hearing officers, using ITV where appropriate.
- iii. Use pro tem attorneys for conciliation, housing and some mental health hearings.
- iv. Regionalize referees, using ITV where appropriate.

**F. Implement traffic citation and criminal electronic filing.**

- i. Receive traffic citations from law enforcement agencies in electronic form and process them into MNCIS as digital documents and/or data.
- ii. Receive criminal complaints electronically and process them into MNCIS as digital documents and/or data.
- iii. Support electronic charging and electronic signatures as required to implement electronic filing of adult criminal cases into MNCIS.

**G. Implement civil electronic filing.** Electronically file all case initiation filings and subsequent case filings for all civil case types into MNCIS. Combined with electronic document storage and paper document scanning (where necessary), this option replaces the paper case file with the electronic case file.

**H. Implement document scanning.** All paper documents are scanned immediately after filing and attached to the MNCIS case record as an object. This creates an electronic case file.

**I. Implement in-court updates.** This option consists initially of three sub-options.

- i. Make MNCIS minute entries in the courtroom.
- ii. Produce an electronic sentence order that can be printed out in the courtroom.
- iii. Produce additional electronic orders in the courtroom where appropriate.

**J. Upgrade the wide area network (WAN) to support electronic documents statewide.** The electronic case files are available at all court locations. This extends the capability in the civil electronic filing option to access electronic case files regionally, allowing for remote case processing.

**From New Hampshire:**

Unifying the Probate Court, District Court, and Family Division

- Permits greater use of judicial resources
- Cost savings
- Certification process will be developed to assure subject matter
- Staff training
- Changes may be necessary to the courts' processing and accounting systems to combine three trial courts into one
- Expansion will improve publics' access to justice in terms of ability of the court to conduct hearings as well as the locations at which those hearings may be conducted.

Judicial Restructuring for Circuit Court

- Allows clerks more flexibility in scheduling cases for hearings
- Having judges who can sit on multiple case types will be a significant benefit to the parties who may have to travel to a central location for certain types of hearings
- The Governor and the Council will have an opportunity to make appointments to specifically to the circuit court bench
- Ensures competency of judges to hear other case types

Management Restructuring for Circuit Court

- Having clerks who will focus on nothing but management functions will eliminate the problems many clerks/registers currently face of having to serve as managers and case processors
- Clerks who supervise more employees will give them the opportunity to better assign staff as the workload changes
- Clerks who are responsible for multiple locations will necessitate having effective deputy clerks at each location
- 50% of the current clerical workforce will be able to retire in the next ten years.
- Clerks will be expected to be well versed in the work currently being done by the three different trial courts

Transfer Jurisdiction Over Speed and other "Plea by Mail" cases to the Department of Safety:

- Removes cases from the courts' jurisdiction that doesn't require a judge
- Staff would be freed to perform functions that are currently delayed because of the case processing demands of these cases
- Judges will be assigned to court dockets which appropriately require judicial attention

Establish a Circuit Court Call Center

- Alleviates burden of having to stop a particular task
- Process cases without the interruption of approximately 70% of the incoming calls



- Call center staff acts as a “live customer service” staff

#### Establish a Circuit Court Filing Center

- Promotes a more efficient and timely manner of processing those filings
- Enables staff at the location to provide greater customer service
- There will be one location for each case type
- Staff at a certain area will develop an expertise in that area and become more efficient and accurate at processing those cases

#### Establish Specialized Case Processors

- Creates efficiency by increasing attention to specific tasks involved in case processing and eliminating/decreasing attention to other critical court day tasks

#### Implement Videoconferencing and Other Practices to Reduce the Amount of Time Spent Traveling and the Cost of Travel

- Relatively simple hearings can be conducted over a videoconferencing link
- Other governmental officials can also be connected to video from their offices, thus eliminating their need for travel as well

#### Virtual Information Center/Increased Use of Web Based Information Concept:

- Provides information for self represented people
- Saves time for staff, as well as people who are considering filings in court

#### Create Direct Public Access to Court Records

##### **From New Mexico:**

- Transition to all or increased digital recording (recording court proceedings on CD rather than have the record created by a court recorder).
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- Move toward E-filing for all case types.
- Implement electronic citation usage throughout the state (by all law enforcement agencies).
- Allow for electronic payments in all transactions: fines, fees, restitution, and initiating a civil case.
- Increase use of telephone and especially video technology for activities such as statewide or court-to-court conferences, providing services by certified court interpreters, and alternative dispute resolutions.
- Increase use of technology for collections, automatic notices, and billing.
- Use electronic means to distribute communications such as updates to court dockets and schedules, notices to jurors, and announcements of special court activities.
- Eliminate signature requirements for electronic documents or permit use of electronic signatures.
- Implement a fee-based system for remote (computer) access to electronic court information, such as a user fee for Case Lookup, or free Case Lookup with a fee to download specific documents filed with the court.

- Maximize use of the Internet for jury activities (e.g., orientation, juror questionnaires, and payments to jurors).
- Use Internet court forms whenever possible, particularly in areas with a high number of self-represented litigants.
- Increase use of telephone and especially video technology for some court proceedings.
- Use video conferencing for off-site live testimony.
- Post public record documents on court website.
- Require attorneys to maintain e-mail addresses.
- Change jury practice including consideration of allowing juries in misdemeanor trials only when constitutionally required, as well as consideration of allowing only one jury trial in misdemeanor cases (either in magistrate court or in district court, but not both as is current practice).
- Enhance the use of Alternative Dispute Resolution (ADR) including: mandatory ADR in certain case types, prior to moving to trial, as well as greater availability of ADR in cases where it is not mandatory.
- Increase authority and train paralegals to assist pro se litigants with certain case types, i.e., divorces including document preparation, without being engaged in the unauthorized practice of law).
- Increase court-provided assistance to self-represented litigants (could be in-person by court staff or by computers at the courthouse, through the Internet, etc.).
- Develop case assignments by tracks with speedy processing of routine cases and more traditional processing of complex or unusual cases by developing systematic rules to decide how to assign a case to a track (sometimes called differentiated case management).
- Expand the authority of hearing officers to handle additional other case types or conduct hearings not currently authorized.
- Make process, rule and statute changes as needed so that traffic violations can be handled as administrative proceedings.
- Review the rule that allows for excusing a judge with no stated reason.
- Expand the use of problem-solving courts, i.e., drug courts, mental health courts, DUI courts, domestic violence courts, around the state.
- Review the appeals process in some case types that allows more opportunity for appeal at various court levels.
- Review the process for requiring findings of fact and conclusions of law.
- Merge municipal courts into State magistrate courts; all courts function as state courts.
- Expand the authority of judges to maximize the use of judicial resources throughout the state.
- Merge county probate courts into state courts so that all probate matters are determined in state courts.
- Allow judges in remote districts to hear cases or certain proceedings in other districts over the Internet.
- Assist courts with answers to public inquiries about cases and court processes by establishing regional call centers or a centralized call center.
- Investigate whether certain case types, or parts of cases, could be more efficiently processed in regional offices or at a centralized office, i.e. traffic centers.
- Improve collections of fines and fees in courts by changing existing assessment and collection processes, perhaps including regional or centralized collections.

- Examine probate jurisdiction for ways to make the processing for estate cases more efficient.
- Centralize training for judges, staff, and programs so that all training for the judicial system and its justice system partners are managed through one entity. This could include groups such as the contract lawyers, jury training and other areas.
- Increase Supreme Court authority for decisions on resource distribution, including financial, judicial and employee resources.
- Amend the process by which the Chief Judge of District and Metropolitan Court is selected, to include consideration of selection of the Chief Judge by the Supreme Court or Chief Justice.
- Consolidate the current 13 districts into fewer administrative regions, without changing existing district boundaries for election of judges.
- Consolidate courts within a district for administration, such as district court administration of limited jurisdiction courts (metropolitan and magistrate courts), or merging limited jurisdiction courts into a division of the district court in districts that would operate more efficiently under such an organization of the courts.
- Close courts where the services provided by existing courts can be efficiently provided by another existing court.
- Reorganize the Administrative Office of the Courts to improve and streamline delivery of services to courts.
- Try specialized case types in regional court locations; cluster courts.
- Create uniformity across all judicial districts in terms of how pro se litigants access the courts including the availability and use of forms, interpreter services, access to counsel, etc.

**From Vermont:**

- A Single Superior Court with Four Divisions
- Comparable Pay/Benefits for and Management of all Employees
- Transfer Small Claims Filing Fees to the General Fund
- Reduce Middle Management Positions in the Trial Courts
- Reduce and Transfer Court Staff in the Smallest, Underutilized Courts
- Continue to Maintain County Buildings for Judicial Services
- Improve Access to Justice through Flexible Venue Rules and Improved Assistance to Self-Represented Litigants
- Integrate Probate Court into the Trial Courts
- Require Probate Judges to be Lawyers
- Eliminate Redundant Appeals
- Consolidate Judicial Positions
- Reduce Probate Court Staff
- Eliminate the Judicial Functions of Assistant Judges