

SJI NEWSLETTER

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Chief Justice Minton Sworn In as Board Member

On April 2, 2017, Chief Justice John D. Minton, Jr., from Kentucky was sworn in by Chair Rogers to serve on the SJI Board of Directors. Chief Justice Minton was nominated by the President on July 13, 2016, and confirmed by the Senate on December 10, 2016. He was elected to the Supreme Court of Kentucky in 2006, and reelected in 2014. His fellow justices elected him as Chief Justice in 2008, 2012, and 2016. Chief Justice Minton was in private practice for 15 years before serving as a Circuit Court Judge from 1992 to 2003, and a Kentucky Court of Appeals Judge from 2003 to 2006. In 2016, He was elected by his fellow chief justices to serve as President of the Conference of Chief Justices and Chair of the National Center for State Courts Board of Directors. He holds degrees from Western Kentucky University and the University of Kentucky College of Law.



Accepting Submissions

SJI is accepting submissions from its grantees for the May and June issues of the SJI Newsletter.

Articles of fewer than 300 words are preferred, and should report on the culminating work of a grant or significant progress of a single or multi-year project.

Please send articles via e-mail to kathryn.tuck@sjj.gov

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SJI Awards Second Quarter Grants



The SJI Board of Directors met on April 3, 2017, at the Tennessee Administrative Office of the Courts in Nashville to make decisions on quarterly grant applications, and awarded a total of fourteen (14) new grants.

One Project Grant was awarded to the Center for Court Innovation (CCI) to develop a human trafficking court video tool for courts to have ready access to innovative practices to addressing this critical issue.

Nine (9) Technical Assistance (TA) Grants were approved, including: juvenile probation accountability reviews for the juvenile courts in Fairfax County, Virginia, Nashville/Davidson County, Tennessee, and Lancaster County, Nebraska; an adult probation assessment for the Summit County,

Ohio, Common Pleas Court; and the National Center for State Courts (NCSC) for an implicit bias educational program and resources. Four (4) Curriculum Adaptation & Training (CAT) Grants were approved, including guardianship and conservatorship training programs in Texas and Connecticut, and support to the American Judges Association to provide judicial education on topics relevant to state courts across the United States.

Self-Represented Litigation Network Completes Multi-State Review of Remote Appearance Practices

Earlier this year, the [Self-Represented Litigation Network](#) completed a thorough review of current court rules and practices with support from SJI.

The [Remote Appearances of Parties, Attorneys and Witnesses, A Review of Current Court Rules and Practices](#), is a follow up report to [Serving Self-Represented Litigants Remotely – A Resource Guide](#). It presents the author's conclusions about the current state of remote appearances in the United States based on his review of existing state statutes and federal, state and local court rules on the topic and discussions with knowledgeable persons throughout the country."

The analysis includes benefits and disadvantages to appearing in court remotely, presumptive norms for court appearances, types of cases and proceedings

in which remote appearances are permitted, necessary permissions, and technology standards and options.



Along with the report, two appendices were also included:

A detailed [Compendium of Statutes and Court Rules Relating to Appearances of Parties, Lawyers and Witnesses in Court Proceedings](#); and,

The [Use of Telephonic and Video Conferencing Technology in Remote Court Appearances assessment](#).

Civil Justice Improvements Committee Publishes Civil Case Management Team Guide

In July 2016, the [Conference of Chief Justices](#) (CCJ) and the [Conference of State Court Administrators](#) (COSCA) endorsed the [Report and Recommendations](#) of the CCJ Civil Justice Improvements Committee. The 13 recommendations are intended to reduce cost and delay in civil litigation and improve customer service to litigants. With SJI support, the [National Center for State Courts](#) (NCSC) and the [Institute for the Advancement of the American Legal System](#) (IAALS) are partnering on a three-year project to implement the CJI Recommendations.

Recommendation 7 proposed a radically different staffing model for civil case processing that delegates substantial responsibility for routine case management to specially trained professional staff supported by effective case technology. The civil case management team (CCMT) model enables judges to focus on tasks that require unique judicial training and expertise. The Committee has developed [A Guide to Building Civil Case Management Teams](#) (CCMT Guide). The CCMT Guide:

➤ describes case management tasks that court staff should be



Civil Justice Initiative: A Guide to Building Civil Case Management Teams

In July 2016, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) endorsed the Report and Recommendations of the CCJ Civil Justice Improvements Committee. The 13 recommendations are intended to reduce cost and delay in civil litigation and improve customer service to litigants. Specifically, the recommendations envision a civil justice system in which courts provide active and continuing oversight of civil cases proportionate to case needs.

Recommendation 7 proposes a radically different staffing model for civil case processing that delegates substantial responsibility for routine case management to specially trained professional staff supported by effective case technology. The civil case management team (CCMT) model permits judges to focus on tasks that require uniquely judicial training and expertise. CCMTs also provide additional support and oversight to civil dockets, which can be especially helpful on high-volume dockets such as debt collection, landlord/tenant, and small-claims calendars.

This *Guide to Building Civil Case Management Teams (CCMT Guide)* describes case management tasks that court staff should be trained and empowered to undertake under the supervision of one or more judicial officers. It provides a checklist of questions for courts to inventory existing staffing and technology resources. It also provides guidance about the necessary training staff will need to function effectively and recommends steps for successful implementation at different levels of the court system and across a wide variety of political and organizational settings. State and local court leaders should use the *CCMT Guide* to plan and carry out the court's transition to the CCMT model and to develop training modules for judges and court staff.

RECOMMENDATION 7

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

7.1 Courts should conduct a thorough examination of their civil case business practices to determine the degree of discretion required for each management task. These tasks should be performed by persons whose experience and skills correspond with the task requirements.

7.2 Courts should delegate administrative authority to specially trained staff to make routine case management decisions.

WHAT IS "CASE MANAGEMENT" UNDER THE CCMT MODEL?

trained and empowered to undertake under the supervision of one or more judicial officers;

- provides a checklist of questions for courts to inventory existing staffing and technology resources;
- provides guidance about the necessary training staff will need to function effectively; and

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- recommends steps for successful implementation at different levels of the court system and across a wide variety of political and organizational settings.

The CJI Implementation Plan is a multi-pronged effort that includes assistance in strategic planning for state judicial leadership; education

and technical assistance for state and local courts; evaluation of demonstration pilot projects to document the impact of best practices; and the development of practical tools and instructions on effective implementation efforts. For more information about the CJI Implementation Plan, visit the CJI [website](#), or contact the Project Director, Paula Hannaford-Agor, at phannaford@ncsc.org.

Center for Sentencing Initiatives Releases Brief on Evidence-Based Approaches to Probation



1. What are the overall goals of effective probation supervision?

Some conditions of probation are established to achieve the accountability objectives of sentencing, e.g. with regard to the offense committed or restitution for a victim. Other conditions are prescribed in order to achieve the forward-looking sentencing objectives of effectively managing and reducing the risk of re-offense. With respect to the latter conditions, the short-term goal is to promote and enforce compliance with the terms and conditions of probation while the long-term goal is to reduce risk both during and beyond the current term of probation.

2. What works to promote compliance with the terms and conditions of probation?

Many violations, especially those committed by higher risk offenders, reflect long-standing, chronic, anti-social behaviors. Research indicates that the most effective supervision strategies to promote compliance and reduce risk recognize that fact. These strategies consist of a balanced approach combining a "social worker" orientation (seeking to promote compliance through use of incentives, rewards, motivation enhancement consistent with the offender's current readiness to change, and skill-building exercises) with a "law enforcement" orientation (emphasizing accountability through the use of swift and certain sanctions in responding to violations). Research demonstrates that this balanced approach is more effective in reducing revocation and recidivism than either the "social worker" or "law enforcement" orientation alone.¹

Research also shows that to be most effective in changing offender behavior, the criminal justice system must not only sanction undesirable behaviors, but also reinforce positive or desirable behaviors. Carrots and sticks are much more effective than sticks alone. To effect behavioral change, experts recommend using at least as many rewards (to reinforce prosocial behaviors) as sanctions (in response to violations).²



With support from SJI and [The Pew Charitable Trusts](#), new brief from the National Center for State Court's [Center for Sentencing Initiatives](#) is now available: [An Evidence-Based Approach to Promoting & Enforcing Compliance with Conditions of Probation Supervision](#).

This brief outlines how judges can use an evidence-based approach to promoting and enforcing offender compliance with conditions of probation supervision. Targeted to a judicial audience, the brief summarizes the goals of effective probation supervision, what works to promote compliance with the terms and conditions of probation, and what works in sanctioning violations. It also describes the use of graduated sanctions and incentives, including administrative sanctions; the role of offender risk and needs assessment information and other specific factors that should be considered in making decisions about individual cases; and when revocation may be an appropriate response to a violation.

CSI will continue to work closely with the Conference of Chief Justices and the Conference of State Court Administrators to implement their [resolution](#) "In Support of Sentencing Practices that Promote Public Safety and Reduce Recidivism."

Indiana Supreme Court Finalizes Governance Plan

The [National Center for State Courts](#) (NCSC) submitted the final report, "Strengthening the Governance of Indiana's Courts: Planning and Implementing Change," at the end of 2016 to the Indiana Supreme Court. The report was the result of a process that began with the SJI- and DOJ/BJA-funded collaboration between NCSC and the [Harvard Kennedy School of Government](#) to support the "[Executive Session on State Court Leadership in the 21st Century](#)." The Session brought to-

gether 30 individuals collectively charged with rethinking and proposing new ways to lead in the state courts. Through its deliberations and 11 papers written by its members, a distinctive approach emerged as to the purposes and practice of leadership in the judiciary. At the Session's conclusion, NCSC and its funding partners, including SJI and the [Bureau of Justice of Assistance](#) (BJA) offered free consultation to states interested in launching pilot projects that applied the Executive Ses-

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sion's ideas and insights to their own most pressing challenges. Indiana and Massachusetts volunteered. Indiana faced the impending retirement of key court leadership. Objectives for the project included reviewing the current organization of the agencies providing support to the Chief Justice, Supreme Court, and the trial courts.

An NCSC team engaged in a two-phase process to assist Indiana in meeting its objectives. First, an assessment phase used over 20 individual interviews with Supreme Court justices, trial judges, unit managers, as well as line staff to diagnose governance needs, supplemented by extensive reviews of documentation. The organization and governance of six states identified as similar in court systems and geography to Indiana were used to generate ideas and alternatives. The assessment phase report offered potential models for the Supreme Court to consider, varying from a basic to a comprehensive roadmap for change. The Supreme Court adopted the most ambi-



tious model for reorganizing the central administrative office and establishing a new position of Chief Administrative Officer.

The second phase implemented that model, with the NCSC team and a consultant from the [Center for Applied Research](#) providing support. A transition team of key court leaders met regularly throughout the process. Guiding principles for the reorganization effort were established, work groups assigned to evaluate and consolidate areas of duplication, and job descriptions and recruitment strategies developed, notably for the new Chief Administrative Officer. The two phases were completed in 18 months. Indiana Chief Justice Rush stated, "Thanks to the excellent support and assistance of the National Center for State Courts and SJI, Indiana was able to develop a customized [governance plan](#) to strengthen our administrative processes and achieve greater efficiencies."

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The State Justice Institute is a federally-funded, non-profit corporation established by federal law in 1984 to improve the quality of justice in the state courts.

