

# SJI NEWSLETTER

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## New Report Provides Recommendations for Improving Civil Justice

### Upcoming Grant Deadlines

SJI uses [Facebook](#) and [Twitter](#) to update #SJIGrant award recipients, partners, and grant seekers. For FY 2017, grant applications are due on November 1, 2016; February 1, 2017; May 1, 2017; and, August 1, 2017.



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A recently released report, titled [Call to Action: Achieving Civil Justice for All](#), is the result of more than two years worth of research and discussion by a blue-ribbon group of legal and judicial leaders. The committee included state chief justices, trial court judges, court administrators, attorneys, and academics, and was supported by an SJI grant to the [National Center for State Courts \(NCSC\)](#) and the [Institute for the Advancement of the American Legal System \(IAALS\)](#) at the University of Denver (SJI-13-P-201). It recently received the endorsement of the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA).

“This is a call to action for state court leaders across the country,” said Chief Justice Thomas Balmer of Oregon, who chaired the committee that produced the report. “Our courts need to resolve disputes fairly—but also at lower cost and with less delay.”

The recommendations are designed to meet the challenges of contemporary civil caseloads by taking advantage of modern technologies and highly trained court staff to provide effective oversight and timely intervention to move civil cases to resolution.

The report provides a comprehensive framework that features:

- Procedural reforms implemented in a variety of state courts that have been empirically tested and shown to substantially improve civil case processing;
- A right-sized staffing model for civil case proc-

essing that delegates substantial responsibility for routine caseload management to specially trained professional staff, supported by effective case automation, permitting judges to focus on tasks that require their unique training and expertise;

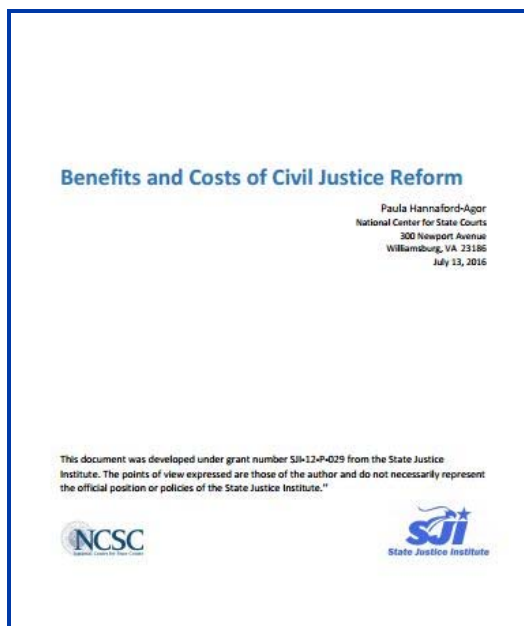
- A Pathway Approach to caseload management that assigns cases at filing based on the expected amount of court involvement needed to resolve the case, but offers sufficient flexibility for reassignment as the needs of the case change over time; and
- A renewed focus on high-volume calendars that comprise the vast majority of contemporary civil caseloads, improved access for self-represented litigants, and greater attention to uncontested cases and greater scrutiny of claims to ensure procedural fairness for litigants.

“We need a legal process that can fairly and promptly resolve disputes for all Americans,” said Mary McQueen, president of the NCSC. “These recommendations, when implemented, will enhance public confidence in our system of civil justice.”

“The civil justice system is mired in misperceptions and inefficiencies,” said IAALS Executive Director and former Colorado Supreme Court Justice Rebecca Love Kourlis.

The [full report](#) is available online. Both the NCSC and IAALS have committed to working with state courts to implement the recommendations.

## Cost/Benefit Analysis of Civil Justice Reform Across Multiple Jurisdictions



Excessive cost and delay have been a chronic complaint about the American civil justice system for more than a century. Recently, some jurisdictions have implemented procedural reforms and improved civil case automation and staffing that show significant improvements in civil case processing.

attorneys and expert witness fees. The four reform projects include: a case management system with specially trained court staff implemented in the Eleventh Judicial Circuit Court (Miami-Dade County) to manage the 2008-2009 mortgage foreclosure crisis; amendments to pleading and discovery requirements implemented on a pilot basis in New Hampshire; amendments to discovery procedures statewide in Utah; and a comprehensive expedited civil case processing track for cases under \$100,000 statewide in Texas.

The precise impact of these reforms varied from jurisdiction to jurisdiction; however, all of them ultimately had some impact on the settlement rate, time to disposition, or other key case processing measures. As settlement rates increased and settlement occurred earlier in the litigation process, litigants avoided costs associated with expensive court proceedings such as summary judgment hearings and bench or jury trials.

The [paper](#) concludes with a brief discussion on whether reduced litigation costs will result in increased litigant satisfaction, and whether litigation tasks undertaken on their behalf are worthwhile.

The NCSC report summarizes the impact of reform efforts in four jurisdictions and estimates the potential impact in terms of litigant costs for

## NACM Annual Meeting Content Now Available

With support from SJI, the [National Association for Court Management \(NACM\)](#) live-streamed educational sessions and keynote speeches from the 2016 annual meeting.

In the event you were not able to join your state court colleagues in Pittsburgh, plenary and workshop videos, recorded live from the event, are now available [online](#). NACM encourages you to share these educational sessions with others using the #NACM2016 hashtag and by forwarding the link.

NACM recorded plenary sessions, workshops, and other proceedings each day of the conference.

Over 500 attendees, vendors, and state court subject matter experts from across the country attended the annual meeting, and are great resources for follow-up. Hundreds attended keynotes and breakout sessions that were live-streamed. Where possible, presenter information is also included for your reference.



Mark your calendars—the [NACM Midyear Conference](#) will be held in Portland, Oregon, February 5-7, 2017.

## SJI Board Member Receives Inaugural Award

Retired New York Chief Judge Jonathan Lippman is the recipient of the first-ever Mary C. McQueen Award for Excellence and Leadership in Justice System Improvement, presented by the [Conference of Chief Justices \(CCJ\)](#), the [Conference of State Court Administrators \(COSCA\)](#), the [National Association for Court Management \(NACM\)](#), and the [National Association for Presiding Judges and Court Executive Officers \(NAPCO\)](#).

The award was presented to Chief Judge Lippman in July, as part of the annual joint conference of CCJ and COSCA. Named after Mary McQueen, the current NCSC President, the award recognizes an individual who has made extraordinary contributions to improving the administration of justice at the local, state, or national level. The award will be presented biennially in future, during even numbered years.

Chief Judge Lippman, who retired from the bench in December 2015, has previously been recognized for his numerous contributions to improving the justice system. He spent his entire legal career in the New York State court system, serving for 40 years in a variety of roles.



He is a former member of the CCJ Board of Directors, former President of COSCA, and former Vice Chair of the NCSC Board. He has served on the SJI Board of Directors since 2013.

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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.

