

SJI NEWSLETTER

Volume 25, No. 10

SJI Awards FY 2015 Third Quarter Grants

SJI Grantees

When Tweeting or posting to Facebook about your SJI Grant, be sure to use the hashtag #SJIGrant

You can access our latest posts via [Facebook](#) and [Twitter](#).



The SJI Board of Directors met on June 29, 2015, at the Maine Supreme Judicial Court in Portland to make decisions on quarterly grant applications and awarded a total of fifteen (15) new grants.



velop a peacemaking model in the state courts; a courthouse design project for the Mohave County Superior Court in Arizona; assistance to the Tennessee Administrative Office of the Courts for a state-wide data repository project; funding to the Missouri

Office of the State Courts Administrator to support a collection of best practices in municipal courts; a planning project for the Superior Court of Santa Barbara County, California; assistance to the 11th Judicial Circuit of Florida for its Miami-Dade Civil Courthouse P3 Effective Solution; and, case management improvement projects for the 15th Judicial Circuit Magistrate's Court in Florida and the Appellate Courts of the State of Washington.

pellate Courts of the State of Washington.

Four (4) Curriculum Adaptation & Training (CAT) Grants were approved: support to the Virginia Supreme Court to deliver a workshop via distance learning; the 10th Judicial Circuit of Florida to deliver court communications programming to personnel; and, two grants to the National Judicial College (NJC) for development of two courses, including a web version of *Taking the Bench: An Online Course for New Judges*, and an advanced water rights course, *Established Water Rights, Changing Conditions*.

In this Issue

SJI Awards 3rd Quarter Grants	1
Utah Rule 26	2
NJC Course Offerings	2
Use of Technology to Better Serve SRLs	3

The Board awarded a Strategic Initiatives Grant (SIG) to support Phase III of the [Human Trafficking and the State Courts Collaborative](#). With additional funding, the HT Collaborative will continue to provide resources, training, and technical assistance to the state courts on this critical issue.

Two (2) Project Grants were approved: the Hawaii Judiciary to complete a workload and workflow assessment of Court Operations staff; and, the North Carolina Administrative Office of the Courts to conduct the statewide Chief Justice's 2015-2017 Multi-Disciplinary Study Commission.

Eight (8) Technical Assistance (TA) Grants were approved, including: assistance to the NCSC to de-

Utah Rule 26 and the Impact on Discovery Practice



In 2011, the Utah Supreme Court enacted a robust revision to Rule 26, which governs discovery in civil cases filed in the Utah district courts. The reforms reflected three years of debate among its key stakeholders, leading to seven key components comprising the amended portions of the rules, briefly summarized as follows:

1. the cost of discovery should be proportional to what is at stake in the litigation;
2. party seeking discovery bears the burden;
3. court has authority to order the requesting party to pay some or all of the costs of discovery;
4. parties must automatically disclose the documents and physical evidence - failure to do so may result in inadmissibility of undisclosed evidence;
5. tiered discovery assignments due to complexities;

6. discovery above assigned tier must be proportional and have an approved budget; and,
7. parties may either accept a report from the opposing party's expert witness or depose the opposing party's expert witness, but not both.

The National Center for State Courts (NCSC) conducted an empirical evaluation of the short-term and long-term impacts of the Rule 26 revisions.

According to the report, Utah's district court judges, participating via focus groups, reflected positively on the impact of the Rule 26 revisions for several specific reasons:

- revisions leveled the playing field between smaller and larger law firms insofar as larger firms could no longer bury the small firms with excessive discovery requests;
- automatic disclosure requirements forced collection agencies to interact more constructively with defendants, who were disproportionately self-represented; and,
- judges expressed greater confidence in their authority to enforce the disclosure rules by excluding evidence from trial due to the explicit language in Rule 37(h) mandating exclusion.

The [full report](#) can be reviewed and downloaded from the NCSC.

SJI awarded a Strategic Initiatives Grant (SJI-13-P-201) to the NCSC to further the work accomplished in Utah and elevate its relevance to a national level through the Conference of Chief Justices (CCJ) Civil Justice Initiative. In partnership with the Institute for the Advancement of the American Legal System (IAALS), the Civil Justice Initiative is developing guidelines and best practices for civil litigation based on the best practices identified across the U.S., and other applicable methodologies. The project will also provide templates for civil rules and operational practices that can be adopted nationwide.

NJC Course Offerings Across the U.S.

Located in Reno, Nevada, The National Judicial College (NJC) has a 50 year history of offering education to judges. The NJC has received support from SJI to develop and deliver educational programming to the nation's judiciary. The NJC launched [Courses Across the Country](#) to bring is educational programs to additional locations, attract more participants, and maximize institutional professional development funds and scholarships that many judges acquire to attend. The SJI-funded foundational course, *Essential Skills for Appellate Judges*, was recently offered through this model. Additional upcoming courses include:

- *Advanced Evidence* – Big Sky, MT August 10-13/2015.
- *Enhancing Judicial Bench Skills* – Santa Fe, NM September 28 through October 1, 2015.
- *Handling Capital Cases* – New Orleans, LA November 2-5, 2015.
- *Enhancing Judicial Bench Skills* – Bar Harbor, ME May 23-26, 2016.
- *Advanced Evidence* – Scottsdale, AZ November 14 -17, 2016.

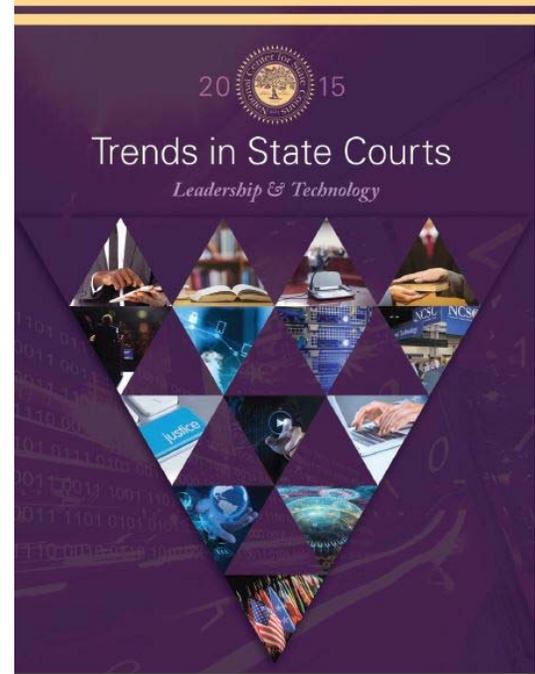
Registration for these, and all other in-person and online NJC courses can be found on the [NJC website](#).

Trends Publication Highlights the Use of Technology to Better Serve SRLs

Earlier this month, the National Center for State Courts (NCSC) released its [2015 Trends in State Courts](#). The annual publication highlighted leadership and technology featuring several articles in covering each area.

Featured in the article "[Litigant Portals Provide a New Approach to Help Self-Represented Litigants](#)," by Dr. Thomas Clarke, is mention of an SJI grant (SJI-14-P-041) to the NCSC and the [Self-Represented Litigation Network \(SRLN\)](#). This Strategic Initiatives Grant (SIG) is enabling the NCSC and the SRLN to develop technical requirements for future court customer service portals for self-represented litigants. The project also includes assessments of programs and technologies that provide remote services for self-represented litigants. Included in the evaluation are the court systems in California, Utah, Alaska, Minnesota, and Maryland, as well as a the Orange County, California, Superior Court.

Results from this project will be available later in 2015.



SJI Board of Directors

Chairman

James R. Hannah
Chief Justice
Supreme Court of Arkansas
Little Rock, AR

Vice Chairman

Daniel J. Becker
State Court Administrator
Utah AOC
Salt Lake City, UT

Secretary

Gayle A. Nachtigal
Senior Circuit Court Judge
Washington County Circuit Court
Hillsboro, OR

Treasurer

Hernan D. Vera
Principal
Bird Marella P.C.
Los Angeles, CA

Chase T. Rogers
Chief Justice
Supreme Court of Connecticut
Hartford, CT

Jonathan Lippman
Chief Judge of the State of New York
New York Court of Appeals
New York, NY

David V. Brewer
Justice
Oregon Supreme Court
Salem, OR

Wilfredo Martinez
County Judge
9th Judicial Circuit of Florida
Orlando, FL

Marsha J. Rabiteau
Executive Director
Legal Policy Strategies Group
Bloomfield, CT

John B. Nalbandian
Partner
Taft Stettinius & Hollister LLP
Cincinnati, OH

Isabel Framer
President
Language Access Consultants, LLC
Copley, OH

Jonathan D. Mattiello
Executive Director

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.

