

SJI NEWSLETTER

Volume 27, No. 12

SJI Supports National Opioid Task Force

Products and Resources

Since 2011, SJI has designated the library at the National Center for State Courts as the official repository of published work related to SJI-supported grant projects. You can search the ecollection online by using the term, State Justice Institute.



The misuse of opioids such as heroin, morphine, and prescription pain medicines is not only a devastating public health crisis, it is critically affecting the administration of justice in courthouses throughout the United States. The number of children in foster care because of parental substance abuse has nearly tripled since 2012, and drug overdose deaths are at record highs. In response to this national crisis, SJI is funding a new Conference of Chief Justices (CCJ)/Conference of State Court Administrators (COSCA) [National Opioid Task Force](#) to examine current efforts, develop solutions, and make recommendations to address the opioid epidemic's ongoing impact on the justice system.

The work plan for the judicial branch task force includes the following strategies:

- Convening representatives from state and federal government and key national organizations to share existing strategies and identify unmet needs.
- Creating partnerships with entities addressing the impact of opioids on children, with specific em-



phasis on foster care, assisting state courts in developing opioid task forces, and working with existing state task forces to make recommendations for local response efforts.

- Developing guiding principles that state courts can use for successful collaboration among treatment providers, criminal justice systems, and child welfare agencies.
- Creating a checklist of state legislation, policy, and court rules that aid or inhibit response efforts.

In this Issue

National Opioid Task Force	1
SJI Awards 4th Quarter Grants	1-2
Civil Case Management White Paper	2
<i>Inspired by Peacemaking</i> Guide Now Available	3

SJI Awards FY 2017 Fourth Quarter Grants



The SJI Board of Directors met on September 11, 2017, in Raleigh, North Carolina, to make decisions on quarterly grant applications, and awarded a total of four new grants.

A Strategic Initiatives Grant (SIG) was awarded to the [National Center for State Courts](#) (NCSC), in partnership with the [Conference of Chief Justices](#) (CCJ), the [Conference of State Court Administra-](#)

Continued on page 2

Continued from page 1

[tours](#) (COSCA) to too support the CCJ/COSCA National Opioid Task Force. The initiative will pursue short and long-term objectives that: 1) highlight the landscape of current responses and effective practices; 2) establish a mechanism to engage justice system partners in collaborative efforts; and 3) provide immediate tools for state courts in addressing the opioid crisis. A SIG was also awarded to the NCSC, the [Institute for the Advancement of the American Legal System](#) (IAALS), and the [National Council of Juvenile and Family Court Judges](#) (NCFJCJ), in partnership with the CCJ/COSCA Courts, Children, and Families Subcommittee, to assess the current landscape of domestic relations cases, and promulgate recommendations to improve proceedings, rules, and practices.



A Technical Assistance (TA) Grant was awarded to the [National Judicial College](#) (NJC), the [Center for Court Innovation](#) (CCI), and NCJFCJ to build an online judicial education self-study course on human trafficking. Additional funding and support for this project is being provided by the [Center for Human Trafficking Court Solutions](#) (CHTCS).

A Curriculum Adaptation and Training (CAT) Grant was awarded to the Missouri Office of the State Court Administrator to support statewide Institute for Court Management training programs.

The next deadline for grant applications is November 1, 2017 (FY 2018, 1st quarter).

NCSC Releases Civil Justice Initiative White Paper

A [white paper](#) is now available from the [Civil Justice Initiative](#) that explores the feasibility of using data elements that are routinely collected in court case management systems to triage cases into the most appropriate pathway for civil case processing.

The study is based on actual case complexity as measured by the degree of judicial involvement in resolving more than 500,000 fully disposed civil cases in Arizona, Missouri, and Palm Beach County, Florida. Using information collected from case pleadings (complaint and answer), the algorithms included in the final triage model assigned civil cases to the correct pathway in 93 percent of cases filed in limited jurisdiction courts/divisions and 74 percent of cases filed in general jurisdiction courts/divisions. The paper concludes with geographical and structural considerations for automated civil case triage, and implementation recommendations.

This project gained momentum when the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) endorsed the work of the CCJ Civil Justice Committee, inclusive of recommendations that called for maximizing the efficiencies of court processes to minimize civil caseload delay.



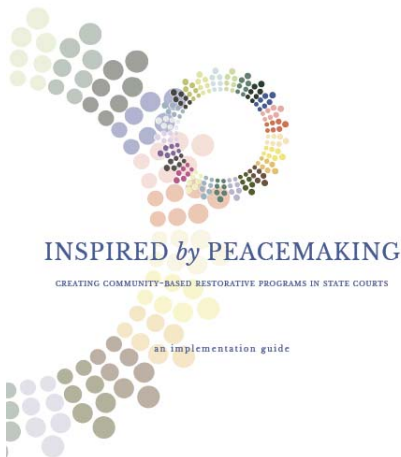
In July 2016, the Conference of Chief Justices and the Conference of State Court Administrators endorsed the [report and recommendations of the CCJ Civil Justice Improvements Committee \(CJ Committee\)](#). The 13 recommendations are intended to reduce cost and delay in civil litigation and improve customer service to litigants. The recommendations envision a civil justice system in which courts align the rules, procedures, and court resources, including judicial case management practices, with the needs and characteristics of similarly situated cases. The CJ Committee specifically advocated the use of technology to "right-size" case management at the time of filing and to monitor case progression throughout its lifetime to adjust the amount of resources allocated for case management as needed.

The dilemma for court policymakers is reliably identifying the case characteristics that best predict the need for judicial involvement so that the case can be assigned to the appropriate pathway. To inform this discussion, the National Center for State Courts (NCSC) analyzed data on a sample of disposed civil cases extracted from the case management systems (CMS) of the Arizons superior and justice courts, the Missouri circuit courts, and the Palm Beach County (FL) circuit and county courts. The analysis focused on data elements that are routinely captured in state court CMS. This paper describes the data and methods employed for these analyses; descriptive statistics about case characteristics and events related to case complexity; and recommended criteria for implementing an automated triage process for civil cases that conforms to the pathway approach recommended by the CJ Committee.

The Pathway Approach to Civil Case Management

Recommendation 3 describes a three-tiered pathway assignment system designed to achieve "right-sized" case management. The Pathway Approach differs from traditional Differentiated Case Management (DCM) in several respects. It relies on a broader array of case characteristics than case type or amount-in-controversy as the basis for the pathway assignment. It envisions that initial pathway assignment takes place at filing, rather than at a case management conference after the case is fully joined. It is also flexible, allowing cases to be reassigned to a new pathway as the case unfolds and issues arise or resolve.

State Courts Explore Peacemaking Practices and Generate Implementation Guide



Inspired by indigenous practices that focus on healing and restoration, as opposed to conventional adversarial models of justice, four state courts were selected to participate as Peacemaking Courts. Their journeys have now been incorporated in an [implementation guide](#). This project was a collaboration between the [Center for Court Innovation](#) (CCI) and the [National Center for State Courts](#) (NCSC).

Syracuse, New York; and, Cook County, Illinois. Some of the programs discussed in the guide have been inspired by Native peacemaking and employ traditional Native peacemakers in their training and implementation. They represent a sincere attempt to learn from Native American traditions to improve the resolution of controversies in state court systems. In this guide, courts are offered concrete elements necessary to continue to build bridges across their own communities and promote wellness and healing for all, including: 1) planning, case types, MOUs, referrals, and peacemaker qualifications; 2) recruitment of peacemakers, and training operations staff and peacemakers; and, 3) sustainability, long-term funding, and evaluation.

In using this guide, state courts are encouraged to be mindful of the history, traditions, and culture that underlie the concepts and their significance to their home communities. Whenever possible, people interested in learning more should reach out to neighboring Native communities as well as Native American organizations that specialize in peacemaking processes.

Courts and communities are starting to explore whether and how to use lessons from Native peacemaking to improve processes. This guide focuses on stories and findings specifically from peacemaking state courts in Red Hook, New York; Washtenaw County, Michigan;

SJI Board of Directors

Chair

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

Vice Chair

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

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

Jonathan Lippman
Chief Judge of New York (ret.)
Of Counsel
Latham @ Watkins, LLP
New York, NY

John D. Minton, Jr.
Chief Justice
Supreme Court of Kentucky
Frankfort, KY

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

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

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.

