

# E-SJI NEWS

## Congress Approves Year-Long FY 2013 Funding for SJI

On March 20, 2013, the Senate approved the *Department of Defense, Military Construction and Veteran Affairs, and Full-Year Continuing Appropriations Act, 2013* (H.R. 933). The bill provided \$5,121,000 for SJI – the same level appropriated in FY 2012. On March 21<sup>st</sup>, the House approved the bill with no changes. SJI is subject to sequestration per the *Budget Control Act of 2011* (P.L. 112-25), and rescissions included in the *Full-Year Continuing Appropriations Act, 2013*, which will result in a reduction of approximately 7 percent (\$356,912) in FY 2013.



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## Maryland Cost/Benefit Analysis of ADR will have National Implications

SJI recently awarded a grant (SJI-13-N-028) to the Maryland Judiciary, Administrative Office of the Courts (AOC), and the Maryland Mediation and Conflict Resolution Office (MACRO) to implement the final phases of their policy and program analysis of Alternative Dispute Resolution (ADR) in the state.

The goals of this project are to: 1) conduct a comprehensive cost/benefit analysis of ADR in several Maryland settings, including short and long-term costs to the Judiciary, litigants, and other public agencies; 2) assess the effectiveness of various ADR approaches and an understanding of what approaches are more effective in various settings; and 3) develop an understanding of the role of ADR in promoting access to justice. There is currently a lack of com-



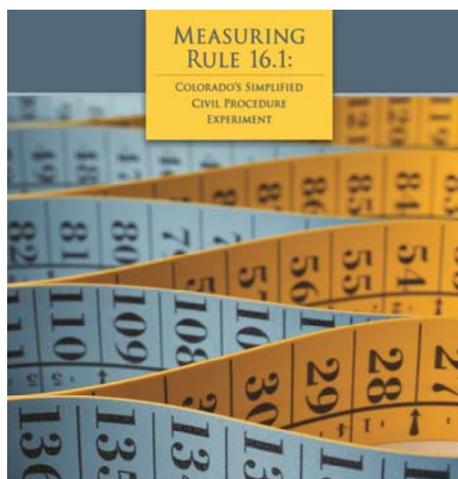
prehensive state level data on the full costs of ADR, including best practices; therefore, this project will fill a major gap by providing a model for ADR assessment. At the end of this project, there will be resources available to all state courts seeking to further examine the effectiveness of their ADR programs.

## Rule One Initiative Examines Colorado's Rule 16.1 Simplified Civil Procedure

In November 2012, the Institute for the Advancement of the American Legal System (IAALS) at the University of Denver released a *Rule One Initiative* report titled, [Measuring Rule 16.1: Colorado's Simplified Procedure Experiment](#) (SJI-12-N-127). The report is a follow-up to the IAALS 2010 publication of [Surveys of the Colorado Bench & Bar on Colorado's Simplified Pretrial Procedure for Civil Actions](#), and provides empirical answers to the question: "what has happened with Rule 16.1 in Colorado?"

In 2004, the Colorado Supreme Court issued Rule 16.1, a voluntary pretrial process for smaller dollar-volume civil cases, in an effort to provide timely and efficient resolution of these cases. Rule 16.1 now serves as the default pretrial procedure in Colorado district courts for most civil cases of less than \$100,000. Parties may elect to "opt out" and use the standard pretrial process instead of this "simplified" procedure, which replaces discovery with mandated disclosures, along with assurances of a faster route to trial. Recovery under Rule 16.1, including attorney fees but excluding costs, cannot exceed the \$100,000 limit.

The latest IAALS report documents the analysis of Rule 16.1, including its role and impact.



The value of the project is magnified by the growing interest nationally in streamlining pretrial procedures, case differentiation, and optional processes for both civil and criminal cases, although civil matters have generally been excluded from significant pretrial process improvement.

The IAALS highlighted that the analysis found the highest rate of Rule 16.1 cases occurred in consumer credit collection actions (95 percent) and other straightforward contract actions in

which damages are fixed or liquidated. In 70 percent of cases proceeding under Rule 16.1, there is no appearance by any defendant, and more than half resolve by entry of default judgment. Overall, the perception among interviewed attorneys and judges is that the cap on damages and inflexible limits on discovery have discouraged attorneys from using the procedure.

In the 30 percent of Rule 16.1 cases that were contested and therefore invoked the provisions of the procedure, there is mixed evidence on the rule's impact. Time to disposition and the county in which the case is filed were found to play a larger role than Rule 16.1. In addition, Rule 16.1 cases have not been shown to have a higher trial rate. However, Rule 16.1 is associated with a decrease in the number of motions filed. It is not possible to know whether the results would have been different if the rule was more frequently applied in actively litigated cases.

The report provides interesting insight for state courts who may be considering new methods to ensure the just, speedy, and inexpensive resolution of civil cases. The full report is available through [IAALS Rule One Initiative](#) website or the [NCSC Library eCollection](#).

**For the latest information on projects, grant application deadlines, upcoming events hosted by our grantees, and SJI updates, connect with us on [Facebook](#) and [Twitter](#).**

## Legal Momentum's NJEP Web Course Addresses Intimate Partner Sexual Abuse

The National Judicial Education Program (NJEP) course, *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, is the go-to source for information and training on a crucial, yet overlooked, aspect of domestic violence cases. This course was supported by SJI in FY 2004 and 2011 (SJI-04-N-170 and (SJI-11-E-154).

Designed for judges but useful to a wide variety of justice system professionals, the web course's 13 modules cover topics such as risk assessment and cultural defenses in domestic violence cases involving intimate partner sexual abuse. Four criminal and four civil case studies, plus interactive elements throughout, provide the learner with opportunities to apply acquired knowledge in the training modules. The course is updated as new research and information becomes available. Most

LEGAL momentum

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**National Judicial Education Program**

recently, NJEP added data from the Center for Disease Control's recently-released National Intimate Partner and Sexual Violence Survey. The Survey provides critical information on the prevalence of intimate partner sexual abuse.

The web course has proved to be highly successful, as over 13,000 learners have taken the course. It is available free of charge at [www.njep-ipsacourse.org](http://www.njep-ipsacourse.org).

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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.

