



SJI Newsletter

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COVID-19 and SJI Operating Status

SJI staff located in the Reston, Virginia office are currently operating under maximum telework flexibility for employees. During this period, SJI remains fully operational and focused on fulfilling its mission to improve the administration of justice in state courts.

Current grantees should email their required quarterly reports, final reports, requests for reimbursement, extension request letters, and any other documentation to contact@sj.gov.

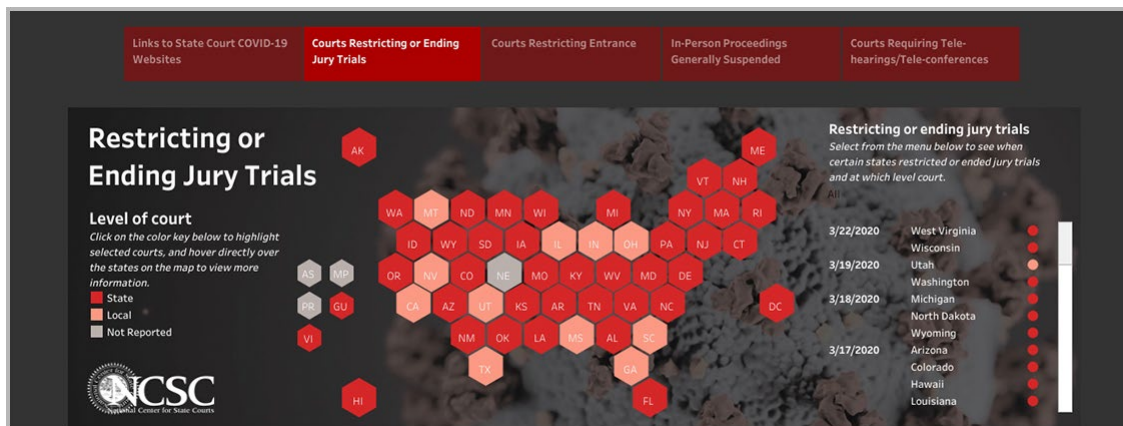
Given the impact of COVID-19 on state court operations, SJI will expedite consideration of grant extension requests.

SJI will continue to provide updated information, and thank you for your patience during this time. We appreciate your commitment to providing access to justice during these challenging times. More resources for state courts and COVID-19 are available on the National Center for State Courts (NCSC) pandemic [website](#).

CONTACT SJI:

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State Courts Take Steps to Protect the Public from the Coronavirus

Our nation's state courts are taking a host of extraordinary measures to protect their employees and the public from the coronavirus while maintaining access to justice. Court leaders are turning to their emergency preparedness plans and following directives from their state supreme courts. The [National Center for State Courts \(NCSC\)](https://www.ncsc.org) also has several resources to help courts through this public health emergency at www.ncsc.org/pandemic.

The NCSC has created a [data visualization](#) that provides an at-a-glance look at what state courts are doing, and is monitoring how state courts are dealing with the pandemic. Here's an overview of how courts are responding:

- Postponing jury trials and non-emergency hearings.
- Using video conferencing in courts that regularly employ that technology.
- Extending deadlines for litigants who owe fines and fees.
- Encouraging lawyers to use e-filing to submit documents.
- Cleaning courthouses more often and more thoroughly.

Have information to share about how your court is responding?



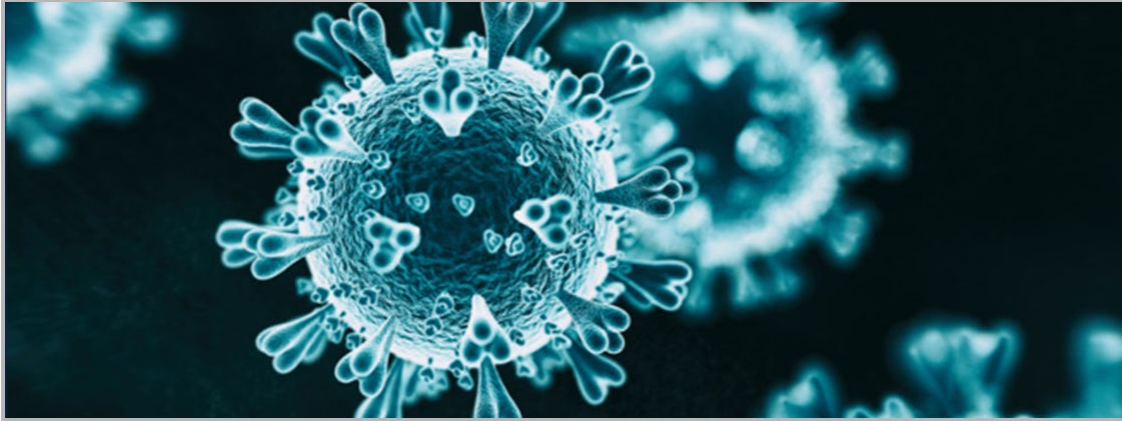
Submit it to pandemic@ncsc.org

Many states have issued directives that allow local court officials to decide how to reduce public traffic in courts. Various courts in those states have responded by postponing jury trials and other proceedings, and barring access to those who show coronavirus symptoms.

In many other states, supreme courts have ordered lower courts to take specific actions:

- Connecticut will designate one building in each of its 13 judicial districts as "["priority 1" courthouses](#), and the Hartford and Bridgeport courthouses will handle juvenile matters. Other than those who will work in those courthouses, as many court employees as possible will work from home.
- Rhode Island has [canceled court proceedings](#). Tennessee [canceled in-person hearings](#) through the end of March, as did [Arizona](#) and [Hawaii](#). Maine postponed in-person court events, with exceptions, through May 1, and [vacated warrants for unpaid fines and fees](#).
- Virginia [postponed "non-essential, non-emergency" proceedings](#) in all circuit and district courts until at least April 6. Arkansas issued a similar directive that also included appellate courts.
- Florida [suspended criminal and civil jury trials](#) until at least March 27, as well grand jury proceedings and jury selection proceedings. Colorado [postponed them](#) through April 3, and Idaho [postponed them](#) until at least April 10. North Dakota did so until April 24.
- [Minnesota](#), [New Mexico](#) and several other states are only allowing current jury trials to proceed during the next two or three weeks.
- Texas ordered [court restrictions](#) until May 8 and urged court employees to use teleconferencing and videoconferencing whenever possible.
- [In Puerto Rico](#), courts will handle "only urgent matters," such as protection orders and other efforts to protect individuals, until at least March 30.
- Alaska has told the public to stay away from courts unless "absolutely necessary."
- Oklahoma judges have been advised to reschedule all non-jury trials and hearings.

NCSC will continue to monitor what courts are doing to curb the effects of this pandemic. Check [here](#) for daily updates.



Most Judges Don't Feel Prepared to Deal With COVID-19

The [National Judicial College](#) (NJC) hosted a free [webcast](#) "The Judge's Role in Responding to a Pandemic," on March 19th. **The NJC's will hold another pandemic [webcast](#) on March 26th.**

In light of the recent coronavirus outbreak, the NJC's Question of the Month for March asked NJC alumni: "Do you feel adequately prepared to make judicial decisions involving the coronavirus or a similar public health emergency?" Of the 316 who responded, almost 6 in 10 said "no." They said they do not feel adequately prepared to deal with the potential effects of an outbreak and quarantine, such as how to weigh personal rights against public safety, how to ensure continuity of court operations, and whether to relax evidentiary rules and allow video testimony to avoid infection. Several judges cited the need for reliable information on the virus to make informed decisions.

"Our court has not provided us any information regarding contingency plans for a public health emergency, and there are confirmed cases in our state," wrote one judge (anonymously), as was most often the case. "I feel absolutely unprepared and uninformed about what to expect and am concerned about the lack of forward-focused leadership in our state and local courts."

Another pointed out that the poll question presupposes that there will be a way to test millions of people and have adequate resources to quarantine those who either test positive, or have been in contact with someone who has tested positive.

Other concerns included:

- How to manage time-sensitive hearings.
- Knowing when to issue orders to close a public event or quarantine.

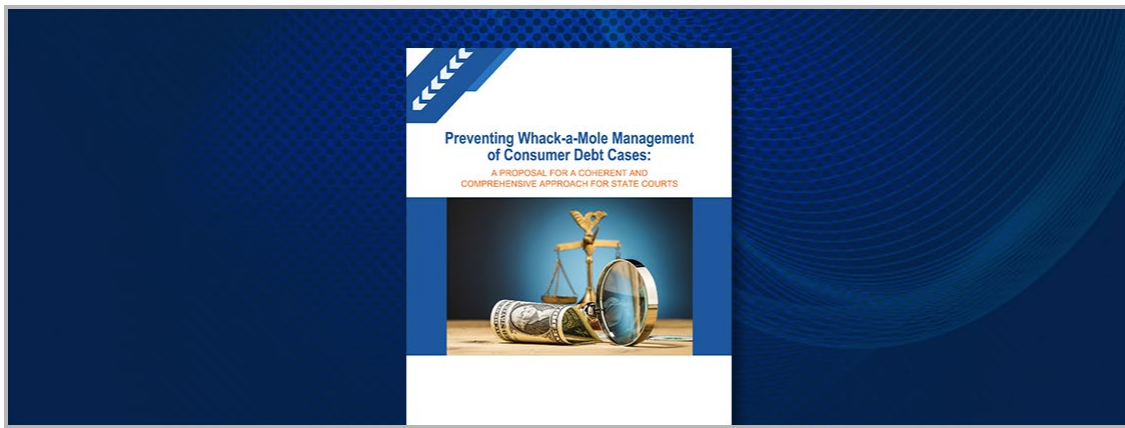
- What to do if jails become infected and how to proceed with convictions, bond release, etc.
- Vulnerable populations without access to health care who come before the court.
- The virus spreading easily among juries and court personnel who come into close contact with the public.
- Staff training

Among the 41 percent of judges who said that they *do* feel adequately prepared, the majority said video conferences and telecommunications could easily become the new status quo. Some judges said that their states are providing education, and are examining legal precedents with respect to quarantines and other related issues. Judges from Pennsylvania recommended their state's [Public Health Law Bench Book](#)—published during the SARS outbreak—as a resource for judges.

One commenter who self-identified as a Washington state Board of Industrial Insurance Appeals judge wrote, “As in other analogous circumstances (i.e., very severe weather, earthquake, threats and the like), one of the largest challenges is preparing oneself psychologically to get out of our business-as-usual entrenchment to make wise decisions recognizing extraordinary circumstances. Denial can be as much a fault as panic or overreaction.”

Another anonymous judge expressed the belief that the “proper path forward” should be “discoverable” from “existing law and judicial principles,” given enough good information about the nature and scope of the emergency.

For more information about COVID-19, pandemics generally, and continuity of operations, please visit <https://tinyurl.com/Pandemic-Benchbook> and <https://www.ncsc.org/pandemic>.



New White Paper Addresses Gap on Consumer Debt and Court Proceedings

In response to requests from state court policymakers for guidance, the [National Center for State Courts \(NCSC\)](#) and [IAALS, the Institute for the Advancement of the American Legal System](#), published a briefing paper titled, [Preventing Whack-a-Mole Management of Consumer Debt Cases](#). The paper describes problems associated with consumer debt collection cases and the impact of promising reforms implemented in New York State and elsewhere. It then proposes that such reforms be expanded to apply to all types of consumer debt collection cases and to prevent problems at each stage of litigation, including post-judgment proceedings. It is one of several briefing papers, self-assessment tools, and other resources developed under a grant from the [State Justice Institute \(SJI\)](#) (SJI-P-16-231) to implement civil justice reforms [endorsed by the Conference of Chief Justices and the Conference of State Court Administrators](#).

Americans are drowning in debt – an estimated \$4 trillion or roughly \$13,000 for every man, woman, and child in the United States – large numbers of whom struggle to repay their debts, especially debts incurred to cover routine living expenses, emergency situations, and out-of-pocket medical costs. Many then find themselves as defendants in consumer debt collection cases filed in state courts. These cases pose tremendous challenges to state courts due not only to their high volume, but also the distinctive characteristics of defendants, who are overwhelmingly unrepresented, often intimidated by court procedures, and uninformed about their substantive rights or how to assert themselves court. State and local courts rarely have sufficient resources and expertise to carefully scrutinize claims, and identify and correct errors, before a judgment is entered or post-judgment enforcement proceedings begin.

Over the past decade, state courts have identified key points in the litigation process where problems are likely to occur in consumer debt collection litigation and have begun to take steps to address those problems. But these solutions have been implemented on a piecemeal basis that focus on discrete types of consumer debt, the litigation posture of the case (contested or uncontested), the stage of litigation, or the court in which the case was filed. Although preliminary research on these solutions suggests that they can be highly effective, their impact has been limited due to the small number of courts that have implemented reforms, and the limits of the reforms themselves.

The briefing paper and other materials are available at www.ncsc.org/civil.



New Funding Opportunity for State Courts: BJA's FY 2020 COSSAP Site-Based Solicitation and Webinar

The Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) was developed as part of the Comprehensive Addiction and Recovery Act (CARA) legislation. COSSAP's purpose is to provide financial and technical assistance to states, units of local government, and Indian tribal governments to develop, implement, or expand comprehensive efforts to identify, respond to, treat, and support those impacted by illicit opioids, stimulants, and other drugs of abuse. With over \$150 million in available grant funding under this opportunity, **local and state courts are encouraged to apply!**

Please see the detailed information below regarding the solicitation and plan to participate in the informational webinar on March 31, 2020 at 2pm ET by registering via the [link](#) below. You are also encouraged to visit www.grants.gov to research and apply for additional opportunities.

About BJA's COSSAP

The Bureau of Justice Assistance's ([BJA](#)) Comprehensive Opioid Abuse Program (COAP) was developed as part of the 2016 Comprehensive Addiction and Recovery Act (CARA). Since 2017, BJA has supported innovative work in more than 300 COAP sites and demonstration projects.

In 2020, responding to upward trends in the abuse of other drugs in many American communities, COAP was renamed the Comprehensive Opioid, Stimulant, and Substance Abuse Program ([COSSAP](#)) in order to support jurisdictions' efforts to reduce the impact of opioids, stimulants, and other substances on individuals and communities, including reducing the number of overdose fatalities and mitigating the impacts on crime victims by supporting comprehensive, collaborative initiatives.

New COSSAP Site-Based Funding Opportunity

BJA is seeking applications to develop, implement, or expand comprehensive programs in response to illicit opioids, stimulants, or other substances of abuse through COSSAP.

Awards will be made in two categories for the following amounts:

- **Category 1: Local or Tribal Applications**
 - **Subcategory 1a** – An **urban area or large county** with a population greater than 500,000: **up to \$1,200,000**
 - **Subcategory 1b** – A **suburban area or medium-size county** with a population between 100,000 and 500,000: **up to \$900,000**
 - **Subcategory 1c** – A **rural area or small county** (as defined in the eligibility section) with a population of fewer than 100,000 or a federally recognized Indian tribe: **up to \$600,000**
- **Category 2: State Applications**
 - **Applications from states** on behalf of county, local, municipal, or tribal communities: **up to \$6,000,000**

Period of performance start date: October 1, 2020

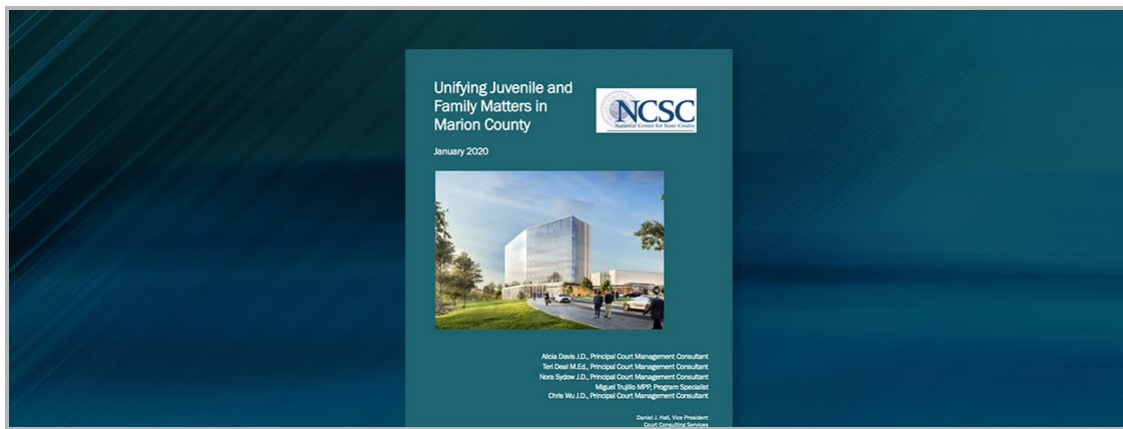
Period of performance duration: 36 months

All applications are due by 11:59 p.m., ET, on May 21, 2020.

Visit <https://bja.ojp.gov/funding/opportunities/bja-2020-17023> for solicitation information, eligibility details, and application guidelines.

COSSAP Site-Based Solicitation Webinar

Want to learn more? **BJA will be hosting a COSSAP site-based solicitation webinar on March 31, 2020, at 2:00 p.m., ET.** Register at <http://s.iir.com/COSSAP2020>.



NCSC Recommends State-of-the-Art Innovations for Family-Centered Disputes

With a new courthouse opening in Indianapolis in 2022, the [National Center for State Courts \(NCSC\)](#) is helping court officials unify paternity, domestic relations, probate, and juvenile court proceedings to create a more efficient and effective way to settle family-centered disputes.

Unifying these proceedings, which often leads to better and faster outcomes for families, is one of 36 recommendations NCSC consultants made in a [report](#) they recently presented to Marion County (Indianapolis), Indiana circuit and superior court judges and administrators.

The report comes at a time as the NCSC continues its work on the [Family Justice Initiative](#) (FJI) – a massive effort to examine ways to improve the administration of justice in family and domestic relations courts nationwide.

The report, while written for Marion County, could serve as a template for courts nationwide, said Alicia Davis, one of two NCSC consultants who presented the report in Indianapolis.

“NCSC has provided a vision for this new model, complete with concrete recommendations and research grounded in evidence-based practices from around the country,” according to a statement from Marion County’s Executive Committee judges.

NCSC recommends the county:

- Apply the “One-Family, One-Judge” concept in order to provide effective coordination of all services;
- Create “One-Family, One-Judge” case management teams, in which the same judge hears all court cases involving a family every time the family comes to court;
- Provide regular training for judges and other court employees; and
- Offer options other than litigation to resolve cases. These options could include mediation, arbitration, or other methods, such as online dispute resolution.

“NCSC’s recommendations touch upon each necessary aspect of the Family Division,” the judges said, “...with guiding principles that we can implement in light of our goal of ultimately becoming an innovative leader in family justice.”

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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.

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.

Share the News

SJI uses [Facebook](#) and [Twitter](#) to promote the work of its grantees and also shares information of interest to the entire state court community. If your organization's work complements ours, let us know and we will share.