



## SJI Newsletter

November 2018 | Volume 29, No. 2



### Update on the Family Justice Initiative

The fact that nearly half of all marriages end in divorce means that a lot of Americans end up in family courts, but many of those courts are not equipped to meet the needs of today's families, according to a [new study](#) by the [National Center for State Courts \(NCSC\)](#), the [Institute for the Advancement of the American Legal System \(IAALS\)](#) and the [National Council of Juvenile and Family Court Judges \(NCJFCJ\)](#).

The [Family Justice Initiative](#) (FJI), an ambitious, first-of-its-kind project, supported by SJI hopes to change that by making it easier and quicker for litigants to navigate family courts.

"This is an initiative that has the capacity to help courts that are struggling to assist families," said Alicia Davis, principal court management consultant. "Courts are effective in determining winners and losers, but family courts have to help families solve their problems. If we can study problem-solving strategies, we can eventually say to courts across the country, 'This is what really helps families.'"

The FJI's goal is to create better and faster experiences for litigants and less stress and more gratification for judges and other court employees.

The first phase of the three-phase initiative recently ended with the release of [a study of 10 large family courts nationwide](#). The study showed that cases - whether they are contested or uncontested - take longer than they should, and that courts don't have good enough data to make changes that will make court processes more efficient and allow court employees to more effectively help litigants. The specific finding that surprised Davis most is that contested and uncontested cases take about the same amount of time. She was least surprised that between 70 percent and 80 percent of litigants came to court without a lawyer. "That's something we've been hearing for a long time."

The second phase of the initiative, currently ongoing, will develop recommendations, with direction from Iowa Supreme Court Chief Justice Mark S. Cady, who is leading an advisory committee on the issue.

The third phase is a pilot project stage, which will test those recommendations in 4 pilot courts over a period of approximately 18 months. A handful of courts have expressed interest in being a pilot court. The pilot courts will be identified and announced early next year.



## Chief Judge Jonathan Lippman Inducted Into Burger Society

On November 15, 2018, SJJ Board member Jonathan Lippman was among five inducted into the Warren E. Burger Society. Burger Society membership is reserved for individuals who have volunteered their time, talent, and support to the [National Center for State Courts \(NCSC\)](#) in exceptional ways.

Chief Judge Lippman (ret.) is currently Of Counsel for Latham & Watkins, LLP in New York City, New York. He previously served as Chief Judge of the State of New York and Chief Judge of the New York Court of Appeals, a position he held since 2009. Chief Judge Lippman spent his entire legal career in the New York State court system, serving for 40 years in a variety of roles. He was Presiding Justice of the Appellate Division of the New York Supreme Court, First Department from 2007 to 2009; an Associate Justice of the Appellate Term for the Ninth and Tenth Judicial Districts from 2006 to 2007; a Justice of the Supreme Court, Ninth Judicial District from 2006 to 2009; and Chief Administrative Judge of all New York State Courts from 1996 to 2007. Chief Judge Lippman is a former member of the Board of Directors of the Conference of Chief Justices, former President of the Conference of State Court Administrators, and former Vice Chair of the Board of the National Center for State Courts (NCSC). He is the recipient of numerous awards and honors, including the William H. Rehnquist Award for Judicial Excellence, which the NCSC awarded to him in 2008. He was appointed to the SJJ Board of Directors in 2013.

[Conference of Chief Justices \(CCJ\)](#) President, Chief Justice Paul Reiber (VT) and NCSC President Mary McQueen presided over the ceremony. Joining Chief Judge Lippman in the celebration were his wife Amy, Chief Justice and SJI Board Chair John Minton (KY), and SJI Executive Director Jonathan Mattiello.

The Burger Society is named for the former Chief Justice of the U.S. Supreme Court, who, with the Conference of Chief Justices, helped found the NCSC in 1971. A [press release](#) is available with full details on the other recipients.

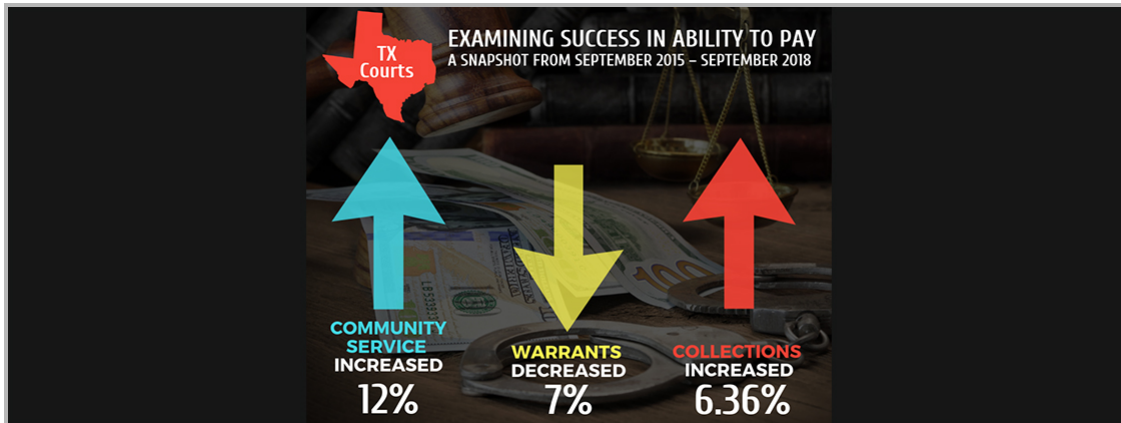


## New Guide to Improve Court Responses to Mental Illness

Justice-system involvement for those with mental illness has broad-reaching implications. For courts and communities to effectively respond to individuals with mental and behavioral health issues who are involved in the justice system requires committed stakeholders across a spectrum of services and time.

In collaboration with Arizona's [Fair Justice Subcommittee on Mental Health and the Criminal Justice System](#), this new NCSC [guide](#) details the process and lessons-learned during statewide adoption of the Conference of State Court Administrators (COSCA) [recommendations](#) to implement the Sequential Intercept Model (SIM). The Committee's goal is promoting "a more efficient and effective justice system for those individuals who come to court and are in need of behavioral health services," by using SIM as a "conceptual framework for communities to organize targeted strategies for justice-system involved individuals with behavioral health disorders." The idea behind the SIM is that appropriate responses at identified intercepts can keep an individual from continuing to penetrate the justice system. The most effective approach is to design responses that are engaged in by community collaborators early and often.

The [guide](#) was funded through an SJI grant to the Arizona Supreme Court. In addition to statewide-specific appendices, much of the information, including SIM Protocols that detail five different partner-level activity intercepts, and general suggestions for convening, collaborating, and sustaining efforts, is applicable to all courts.



## Texas Courts Revise Collection Practices

When the Texas courts revised ways for economically disadvantaged people to resolve minor offenses - such as traffic tickets - [by reviewing the defendants' ability to pay](#), they got an unexpected result: court collections jumped by nearly 7 percent.

NCSC board member and Texas Chief Justice Nathan L. Hecht has been leading this effort, along with the Texas Judicial Council. "Jailing criminal defendants who cannot pay their fines and court costs keeps them from their jobs, hurts their families, makes them dependent on society, and costs the taxpayers money. Most importantly, it is illegal under the United States Constitution," said Chief Justice Hecht. "When taxpayers have to say to criminal defendants, 'This hurts us more than it hurts you,' something is wrong."

Along with the [National Center for State Courts \(NCSC\)](#) and several other state court systems, Texas has been examining ways to appropriately penalize people who don't have the financial ability to pay court fines and fees for criminal offenses. Chief Justice Hecht is a member of the SJI-funded [National Task Force on Court Fines, Fees and Bail Practices](#), an initiative of the Conference of Chief Justices and the Conference of State Court Administrators. Identifying alternative sanctions to court fines/fees was one focus area of the Task Force.

For years, many people who were unable to pay court fines and fees ended up in jail, creating long-term consequences for the individual and costing taxpayers and the justice system more money. Many of these people, once in jail for non-payment, lost their jobs and often their driver's licenses, which created a cycle of poverty. Critics have dubbed this as "debtors' prisons."

With support from Chief Justice Hecht and others, in 2017 Texas passed legislation that, among other things, allows courts to ask defendants earlier in the court process about their ability to pay their fines/fees, and tailor the fines/fees to an amount appropriate for the defendants' situation. The legislation requires judges to conduct an inquiry at sentencing, limit warrants for arrest for non-compliance, and offer expanded options for community service. For example, once it's determined an individual is unable to afford a \$500 traffic ticket, but are able to afford \$200, payment is made and the case is resolved or community service is assigned. Before this legislation, if the individual was unable to pay the \$500, he/she often failed to pay anything and was jailed.

"Courts are collecting something rather than nothing, and the negative impacts for defendants are much lower," said David Slayton, Texas State Court Administrator. "While we have more progress to make, we are delighted to see the positive impacts from the proposals the Judicial Council made."



**National Association  
for Court Management**

## Annual Conference Proposal Submission Form

### NACM Invites Proposals for the 2019 Annual Conference

The [National Association for Court Management \(NACM\)](#) invites prospective speakers (plenary and breakout sessions) to [submit proposals](#) for consideration by Monday, December 3, 2018. Selection and notification will likely occur in January 2019.

NACM's 2019 Annual Conference runs from July 21-25, 2019, including preconference symposium and post-conference activities. The Conference is considered the premier professional development opportunity for court managers, administrators, judges, and staff. This year's theme is *Courts and Society: Creating Public Trust Through Engagement and Innovation*.

Before submitting a proposal, interested parties are encouraged to review the [Proposal Guidelines](#) and [Speaker Expectations & Tips](#) sections of the website.



### NJC to Hold National Symposium for Judges and Journalists

The National Judicial College (NJC) will hold a nonpartisan symposium, titled, *Undermining the Courts and the Media: the Consequences for American Democracy*, on Thursday, December 13, 2018 at the National Press Club in Washington, D.C.

Attendance includes a catered lunch with NPR Supreme Court correspondent Nina Totenberg, continental breakfast, refreshments throughout the day, and a full day of talks, testimonies and commentary from many of the nation's most prominent and influential figures in the judiciary and news media.

[Registration](#) is first-come, first-served, for judges, judicial officers, and journalists at a discounted rate of \$60, made possible through generous financial and in-kind support from 16 foundations, nonprofits, firms, and educational institutions.

The [current program](#), (subject to change) is available online, and includes greater detail about speakers and sessions.



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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.