

Backlog Case Management/ Technology for Urban Courts

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What We Will Cover

- Managing transition and case backlog.
- Useful management strategies to manage daily operations. (docket management)
- Increasing efficiency.
- The Canons of Judicial Conduct when dealing with aging cases.
- Why update technology?
- Where to begin?
- Who will help you?
- Using existing technology and resources.
- How long will it take?
- How will your office react to change?

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Where do I start?

Six questions to answer

1. What is the status of the court's cases?
2. How do I deal with existing cases?
3. How effective are my clerks in making the court run well?
4. How do I comply with ethical considerations and judicial conduct requirements?
5. What must I do to comply with fiduciary responsibilities?
6. How do I improve the court's image?

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What is backlog?

Criminal backlog –

- cases over 6 months old
- cases with unsatisfied fines and costs past due more than 120 days
- cases pending forfeiture of bail
- cases pending refunds of cash bonds

Civil backlog - those cases with little or no activity and over 6 months old

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What is backlog? (cont.)

Review your caseload using age of case and court activity to identify and prioritize workload

- Cases requiring the issuance of process (warrants and *capias pro fine*)
- Cases requiring settings
- Cases requiring entry of judgment
 - Deferral of Disposition
 - Driving Safety Course Dismissal
 - Motions by the Prosecutor for dismissal
- Cases for submission to the prosecutor for review
- Justice Court cases with no service of process
- Justice Court cases with answers but no trial setting
- Justice Court cases must be concluded with a judgment

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Determining the Cause of Backlog

Procedures: review; simplify; conform to law

Outdated Forms:

- Simplify or update existing forms; create new forms to standardize procedures

Capture defendant information: current address, date of birth, driver's license or personal identifiers

Training: review clerk staffing and workload; provide training and guidance

- Staff may not be confident or have not been directed to address strategic decisions

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The Cause of Backlog (Cont.)

Strategic management direction or delay

- Temporary or visiting judges are not allowed to make administrative changes (anything outside of case adjudication and disposition).

Requires management skills beyond just knowing and upholding the law

Takes additional time to identify and prioritize most major problems

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Backlog Can Occur Because of...

Inefficiency

Poor management practices

- People, Procedures, Places (where and how cases are handled)

Staff fearful of making mistakes, so no actions taken

- "We've always done it that way"

Judicial duties vs. clerical duties

Confusion between what is law and what is procedure

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Other Causes

Limited or no docket management

- Size and Frequency
- Pre-Trial
- Jury or Bench Trial
- School cases
- Bad Check cases

Bond forfeitures

Slow processing of bond refunds

Slow setting of court dates

Repeated motions for continuance

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Case Management Perception

Case loads may change dramatically depending on how you are perceived to address issues

- Parties may not want to file with “new judge”

Case loads can change because of unequal case filings by primary filers (constables, sheriffs, DPS, school districts, TPW and others)

By implementing procedures to clean up backlog, you are laying the foundation for new case filings.

- Reduces the time it takes cases to reach final disposition
- Public will perceive improved court efficiency

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Identify the Most Egregious Issues First

How old are your cases?

What efforts have been made in the past to address these issues?

What roadblocks/obstacles have previously been encountered?

- Computer sophistication, file organization, etc.

Outside resources not utilized

- Private attorneys for collection referrals
- Skip-trace locating services

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Control Strategies

Determine frequency of types of hearings depending on backlog

Be willing to change future docket schedules to manage disposition times.

- Occupational Drivers License hearings
- Schedule Civil DWOP dockets
- Timely hearings for sureties and/or statements of inability to afford payment of court costs

Periodically review aging cases for dismissal

- Help prosecutor identify old criminal cases
 - Recall old outstanding warrants
 - Enter judgment of dismissal on motion of prosecuting attorney

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Daily Processing of Cases (Using Paper Files)

Use a “basket” system to keep similar cases together.

Know which baskets must be cleared every day and be sure to do that.

- Priorities include:
 - Writs of Possession
 - Time Pay Agreements
 - Alternate Service
 - DSC and Deferred Disposition approvals
 - Civil Motions
 - Appeals
 - Post-Judgment matters
 - Bond refunds
 - Arrest Warrants
 - Bond forfeitures
 - Capias and Capias Pro Fine

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Consistent Processes

Develop consistent processes to keep cases current

When a problem is discovered, find a solution

- Supervisor and Staff meetings
 - Your clerks can be a welcome source of information, but they need to feel comfortable in sharing this information
- Meetings with legal advisors
 - County Attorney’s office
 - District Attorney’s office
- Discussions with technical support personnel
 - Some problems are more easily solved through use of technology

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Tracking Process in Reducing Backlog.

Identify ways that computer resources can measure backlog

Develop reports to assist in scheduling dockets

- Example: Justice Court cases greater than 6 months old with no service of process

Find ways to measure time from case filing to disposition

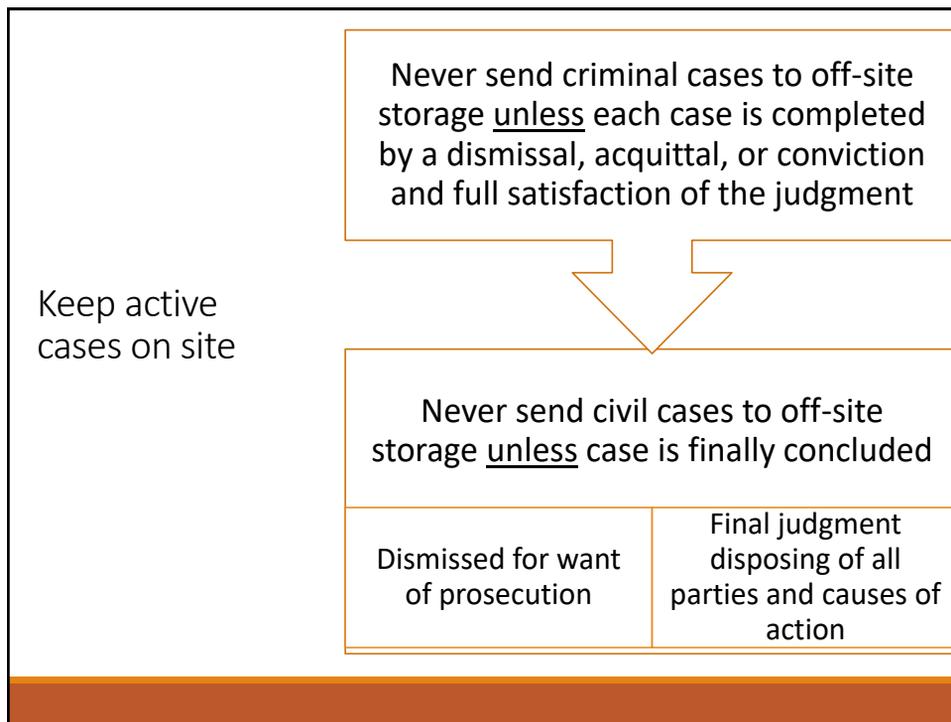
Determine data required for case management

- Future event date and last event date for all cases

Other tracking and resource tools

- Excel
- Review OCA Reports

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Procedures

Document the particular way you process cases and documents

Prepare a manual that is periodically reviewed and updated.

Be sure your procedures are not in conflict with County Auditor procedures or policies.

Review procedures with County Attorney

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Clerk Education and Training

Staff assessment

- Ability to adapt to changes in law
- Ability to adapt to technology changes
- Valuable “institutional” knowledge
- Valuable relationships with other departments
- Valuable knowledge of court practice and procedures
- Resistance to change
- Updated training and skill level

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Understand Your Case Management Software

Odyssey

Net-Data

Others (example: self-supported systems)

None

It is important that courts use computer technology

- Minimizes time and effort
- Eliminates mistakes
- Simplifies procedures
- Accounting
- Reporting capabilities (especially OCA)

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What functions performed by system

What are limitations of system

How quickly can system changes be made to accommodate law changes

How quickly can you/your clerks become proficient in new systems

How much public access to your records

Ability to meet OCA reporting requirements

Case Management Software

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Always Remember

It is your judicial duty to move cases, not to let them collect dust, mold and take up file space without action.

It is a violation of your duty and considered judicial misconduct, if you are not diligent.

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Important Judicial Canons

1. Canon 3 (Performing the Duties of Judicial Office Impartially and Diligently), (B, Adjudicative Responsibilities), (9), which reads: ***“A judge should dispose of all judicial matters promptly, efficiently and fairly.”***

2. Canon 3, (C, Administrative Responsibilities), (1), which reads: ***“A judge should diligently and promptly discharge the judge’s administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration”***

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Laws that reference JP duties

- Required Records and Other Property (Gov't Code § 27.004)
- Justice of the Peace Account (LG §112.052.)
- Penalty for Failure to Furnish County Auditor With Report; Removal (LG § 114.003.)
- Report to Commissioners Court at Regular Term by Officer Who Collects Fines, Judgments, or Jury Fees (LG § 114.044.)
- Effect of Failure to Collect Fee or Commission (LG § 154.009.)

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Technology is Your Friend



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Why Update Technology?



Reduce paper consumption



Increase efficiency



Keep up with changing law



Save money



Meet the expectations of the public

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Where to Begin

Where are you printing paper?

What are the easiest things to eliminate without shutting down the operation?

What is your goal?

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Who will help you

Your staff

Other county departments

Third party companies

Your case management software provider

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What Technology Do You Already Have?

Scanners

Computers

Case management software

PDF Editing

Fax to email

Signature Pads

Tablets

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Where Can You Find the Resources?

County warehouse

Repurposing existing assets

Technology fund purchasing

Get the most out of your case management software.

Find someone in your office with the most computer competency.

Hire a clerk with specific computing skills.

(i.e. expertise in your case management software)

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How Long Will it Take?

What is your willingness and desire to change?

Budget

Existing resources

Size of your office

Cooperation with other county departments

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How Will Your Office React to Change?

People will resist.

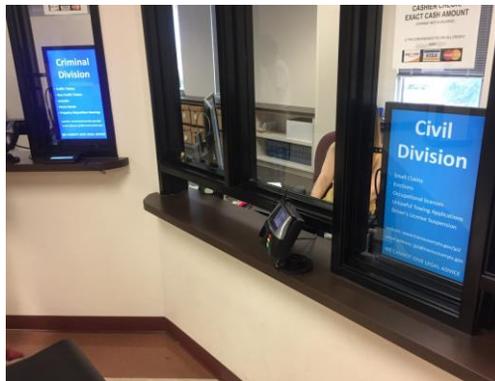
People may quit.

People will rise to the occasion.

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Travis County Precinct Two Paperless Program

- Eliminate the need to create files and print paper.
- Capture signatures electronically and email forms.



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No More Files in the Office



- Scan all case files in the office.
- Use a crutch if you need to.
- Use your case management software to approve documents electronically.
- Save staff time.
- Save your time.

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Capture
Electronic
Signatures
From Law
Enforcement

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Holding Court With No Case Files

- Electronic signatures
- Get the most out of your case management software.
- Email judgments.

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Where We Still Print Paper

Civil

- Citation with petition
- Writs- possession, execution, re-entry
- Abstract of judgment
- Default judgments
- ODLs

Criminal

Property Hearing Order

Peace Bond Subpoena

Higher Charge Warrants

Morton Forms

Jury Forms

Subpoenas for Court

Truancy- notices and petition must be sent via registered mail.

Juvenile non truancy notices– must print if under 17.

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