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## *Court Reengineering and Efficiency Workgroup 2 Update Report (January 2012)*

### **Oregon Judicial Department Court Reengineering and Efficiency Workgroup 2 Update Report - January 2012 *Summary***

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The Court Reengineering and Efficiency Workgroup (CREW), chaired by Justice Thomas Balmer, began its work in March, 2010 with an organization wide survey generating 1,400 responses from Oregon Judicial Department (OJD) staff and judges. The CREW released initial recommendations in September, 2010, identifying eight of the most promising areas for increasing efficiency and productivity within the OJD.

The CREW2 process began immediately thereafter to foster implementation of the CREW recommendations, and identify new areas for process improvement, within the OJD's reduced budget environment. The attached report summarizes the work of the CREW2 and updates implementation efforts.

Many of the recommendations to standardize business processes, increase public access, and improve outcomes with better information, will be realized with the successful implementation of Oregon eCourt.

Substantial progress on implementation of CREW recommendations include:

- Expanded use of electronic transmittal of documents and correspondence, such as submission of the trial court record and briefs to the Court of Appeals
- Increased recovery of deferred fees, coupled with the reduced use of fee waivers
- Growing use of video and audio technology to conduct court proceedings
- Deployment of several online instructional videos and forms for self-represented parties
- On-going trial court administrator and presiding judge peer exchange meetings to share best practices and accelerate change efforts
- Centralized systems for payment of fines and fees, debt management, and accounting services
- ePay online for traffic violations and debt obligations
- eTraffic citations, in partnership with Oregon State Police
- Case management consolidation for post conviction relief matters
- Uniform fine schedule for use by all circuit court violations bureau staff
- Jury management improvements, such as the use of DAS print and mail services, web based forms, and auto call out telephone systems

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## Oregon Judicial Department Court Reengineering and Efficiency Workgroup 2 Update Draft Report January 2012

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This report provides a brief update on the continuing work of the Judicial Department on the recommendations of the Court Reengineering and Efficiencies Workgroup 2 (CREW2). The CREW2, chaired by Judge Karsten Rasmussen report was presented to the Judicial Council during its March, 2011 meeting, and subsequently adopted. (See, "CREW2 Report", July 1, 2011).

The Court Reengineering and Efficiencies Workgroup (CREW) reflects the commitment of the OJD to a branch wide reengineering effort undertaken by Chief Justice Paul J. De Muniz. The original CREW identified eight promising areas for increasing efficiency and productivity within the Oregon Judicial Department in the near term. (See, "Final CREW Report", September 14, 2010).

CREW2 operates to provide an ongoing process for reengineering that will identify, examine, and evaluate potential efficiency initiatives consistent with four guiding principles.

### GUIDING PRINCIPLES:

- Promote convenience for litigants
- Reduce cost and complexity of judicial processes
  - Maintain or improve access to justice
  - Improve case predictability

A presentation to the meeting of Presiding Judges and Trial Court Administrators in early December 2011 reported on the progress made on implementation of the CREW2 recommendations. The CREW2 will reconvene following the February 2012 legislative session to assess the progress on work-to-date, and set the course for its continuing work.

The ongoing work of the CREW2 is an expression of how the process of reengineering has become part of the fabric of the Oregon Judicial Department. It is an effort to create efficiencies that will permit continuation of the timely delivery of the high quality justice services Oregonians

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rely upon in their everyday lives. This effort is ever more important as significant reductions in general fund resources result in the loss of staff and programs throughout the OJD.

The CREW2 is organized in subcommittees to focus efforts on issues from the original CREW report and the more than 1400 responses to a survey of all court staff and judges requesting concepts to be explored for potential savings and efficiencies. The CREW2 welcomes new suggestions, at any time, from OJD staff and judges, for ways to increase efficiency and improve the operations of the Oregon courts

The three CREW2 subcommittees and their fundamental focus are:

- Technology: How do we leverage technology?
- Restructure: Can we restructure the OJD in helpful ways?
- Centralization and Regionalization: Can we centralize and/or regionalize some things in useful ways?

Each proposal directed to a subcommittee for review is subjected to scrutiny based on a series of basic questions:

- Are there benefits and/or savings to be found?
- What, if any, challenges are present?
- Can those challenges be overcome?
- How will the proposal be implemented?

The body of this report is organized utilizing the subcommittee structure to reflect the recommendations previously made by the CREW2 to the Judicial Council, summarize the progress made to date, identify items of continuing effort, and also those no longer being pursued. Details concerning any of the items identified in this report are available upon request.

## TECHNOLOGY SUBCOMMITTEE

**Subcommittee Chair: Ernest Mazorol, TCA, Deschutes County**

The overarching technology initiative is the continuing effort to implement Oregon eCourt. Many of the CREW2 recommendations can be achieved most economically through implementation of Oregon eCourt. Enhancement efforts aimed at the twenty-five year old Oregon Judicial Information Network (OJIN) have been suspended to prepare for the implementation of Oregon eCourt. Individual courts determine what additional functions currently offered in OJIN to utilize.

The selection of Tyler Technologies as the Oregon eCourt vendor, and installation of Tyler's Odyssey software product, positions the OJD to modernize business practices, and enhance

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decision making. At this time, and subject to continuing legislative funding, the Oregon eCourt program schedule calls for Yamhill County Circuit Court to go live as the pilot implementation site in June 2012.

Updates regarding other recommendations considered by the Technology Subcommittee include:

## 1. Expand Video and Teleconference Use

- The goal of the OJD is to have integrated video and teleconference capability in every courtroom. The OJD network is capable of handling expanded video use. The OJD has implemented a Quality of Service (QOS) protocol on the network system to prioritize court video traffic over non-essential network traffic.
- Enhanced video and teleconference capability facilitates video arraignments, digital evidence presentation, and ADA hearing assistance devices interfaced with the court recording system.
- The individual Judicial Districts support the increased use of video and teleconference tools and have enhanced their capabilities in varying degrees as court operations funds permit or their home county provides.
- For example: In the last biennium Lane County Circuit Court purchased additional mobile video conference cart units, and now has one on each floor of the downtown courthouse and one at the satellite Juvenile Justice Center facility. Washington County Circuit Court has three mobile video carts that serve 15 courtrooms on an as needed basis. Some counties (e.g.: Jackson and Deschutes), recognizing the advantages for their own agencies (particularly Sheriffs and Corrections) and litigants, have installed videoconferencing equipment in their county's circuit court facilities in conjunction with the circuit court.

## 2. Online Self Help

- Deschutes County Circuit Court produced a series of online instructional resources for self-represented litigants in domestic relations cases. Some of these materials have statewide application, and some are Deschutes County specific. These materials are posted in a central location where they can be accessed electronically and modified for use by all the judicial districts.
- The Oregon eCourt initiative, when fully implemented, will include an array of forms and instructions for self-represented litigants in multiple case types. These forms and instructions help insure the parties show up with their cases ready to adjudicate, thus expediting court proceedings and time to disposition.

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- Online self help can be expanded to provide assistance to the public and members of the Bar regarding court processes, rule changes, etc., which today are handled via the public telephone calls to court staff.
- No other action has been taken as development funds are not available.

### 3. eCorrespondence

- Generally speaking, the use of eCorrespondence, in lieu of traditional mail service, has been universally accepted in the legal community and by the public. There is great demand for courts to more fully utilize this tool. Courts are limited today in the use of eCorrespondence. Oregon eCourt will facilitate a much wider use as some of the staff intensive duties necessary to maintain accurate email contact lists will be centralized and automated.
- Examples of eCorrespondence currently in use in some courts include: online juror questionnaires; eNotices to attorneys; emailed court records; and digital audio recordings of court proceedings uploaded to a secure server instead of transferring to compact discs.

### 4. Telephones

- Existing telephone systems provided by counties increasingly do not support court needs to conduct proceedings consistent with applicable rules.
- The OJD's Enterprise Technology Services Division (ETSD) conducted a cost benefit analysis regarding the viability of installing a statewide voice over internet protocol (VOIP) telephone system. In summary, the cost associated with installing and maintaining a statewide VOIP phone system was extensive and not feasible.

### 5. Online Transactions

- Online transactions meet the public's demand for service anytime anywhere, and free up staff resources for other work.
- ePay: The OJD online payment system for traffic violations, static debt and case payments is active as of November 2011 in one pilot court (Josephine County Circuit Court). Six other circuit courts (Clatsop, Coos, Curry, Deschutes, Umatilla, and Morrow) will begin to provide this service by the end of January or early February 2012. The remaining circuit courts are being scheduled for implementation, with full expansion to all courts expected by June 2012.
- eCitation: The eCitation project is a joint project in conjunction with the Oregon State Police (OSP). It automates the citation process from the trooper on the highway to the courthouse. The eCitation project rollout was complete in all counties as of November 20, 2011. As of January 4, 2012, OJD has processed over 5000 eCitations from OSP.

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## 6. Research and Development

- ETSD began a research and development effort. Examples of activities undertaken include: Windows 7 rollout testing, server consolidation, testing of new software products that may help with efficiencies, and iPad and iPhone use in the OJD. That effort has been placed on hold due to budget constraints.
- A subgroup of the Technology Advisory Committee (TAC), made up of technology support specialists from the trial courts and ETSD, is assigned to research and development activities. The tasks they engage in include testing of the best configuration of items identified in the previous paragraph, and whether it is a feasible product for enterprise or individual use. This group meets infrequently due to a lack of resources.

## RESTRUCTURE SUBCOMMITTEE

### Subcommittee Chair: Justice Thomas Balmer, Oregon Supreme Court

Updates regarding recommendations considered by the Restructure Subcommittee include:

#### 1. Increase the Small Claims Jurisdiction Limit

- House Bill 2710, adopted by the 2011 Legislative Assembly, increased the jurisdiction limit of small claims matters from \$7,500 to \$10,000.

#### 2. Appropriate Dispute Resolution Reforms

- The subcommittee considered a proposal to eliminate the current mandatory arbitration program, or in the alternative to reconsider the current arbitration limits and permit parties to opt out in favor of other court connected resolution methods. The subcommittee members, as a whole, did not support the elimination of court connected arbitration and determined that the Oregon State Bar was better suited to propose any desired changes and pursue the legislation necessary to implement them. The subcommittee elected not to pursue this issue further.

#### 3. Optimizing Judicial Resources

- The general theme running through the conversation on this subject is how to use existing judicial resources (including Plan B and Senior Judges) beyond the current judicial district boundaries to manage the statewide caseload. This resource could be applied to assistance on a single "docket busting" case, in emergency matters, and on every day matters to reduce backlog and delay. Listed below are several of the ideas considered and the work done to date.

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The case management capabilities that will come with the implementation of Oregon eCourt make some of these options possible, and will facilitate the ease of administering each of these options.

- A. Special assignment opportunities to improve case management include:
  - i. Complex Civil Case Program – implementation has already begun, participation is voluntary, and new UTCR Chapter 23 has been adopted to facilitate its use.
  - ii. Complex Criminal Case Program – a workgroup will be appointed to develop a program for criminal cases modeled on the civil case program referenced above.
  - iii. Settlement Program – a workgroup will be appointed to develop the program model to effectively utilize the expertise of current and retired members of the bench, creating a statewide panel of settlement judges for use across multiple case types to help resolve cases anywhere in the state.
  - iv. Post Conviction Relief – see discussion below concerning the work done to date on: “Consolidation of PCR Case Management”.
- B. Real time judicial clearing house – a workgroup will be appointed to consider the potential to manage, from a centralized location, access to available judicial resources in one or more districts, to assist in another district with the administration of certain case types and procedures (some emergency, some routine) whose volume ebbs and flows on a daily basis (e.g.: FAPA and EPPDAPA, child custody, shelter hearings, criminal arraignments, probation violations, small claims, FEDs, etc.).
- C. Judge exchange – a workgroup will be appointed to further develop the two ideas being investigated under this heading to encourage the use, across districts, of judges (including Plan B and Senior judges):
  - i. whose background and experience provide expertise in specific areas of litigation (e.g.: construction defect, fraud, medical malpractice, major criminal, etc.).
  - ii. to review caseload management and other administrative functions of the court they are asked to visit bringing their experience and perspective from a different judicial district.

#### 4. Peer Exchange: Sharing and Implementing Best Judicial Practices

- Modeled on the practice developed by the trial court administrators the presiding judges (PJs) include peer exchange on their meeting agendas. This exchange allows the

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sharing of new ideas and practices being implemented in the judicial districts and encourages discussion of how they might be integrated into other districts.

- The December 2011 PJ meeting included a presentation from the outgoing and incoming Deschutes County Circuit Court presiding judges concerning the process they used to revise their court calendaring system from an individual calendar to a master calendar in an effort to better utilize judicial resources and gain speedier case dispositions.

## 5. Redistricting

- Formal redistricting would require legislative action. The subcommittee was unable to identify advantages to redistricting that outweighed the multiple obstacles. Consensus in the workgroup was that there was not much savings to be had or value to be added. The subcommittee elected not to pursue this further.

## 6. Creation of Administrative Districts

- The ability to create consolidated administrative districts in limited circumstances by action of the Chief Justice was introduced to the 2011 Legislative Assembly in HB 3691. It did not pass. Giving the Chief Justice the flexible authority to create administrative districts in emergency situations or when unique opportunities arise, is of continuing interest.

## 7. Consolidation of PCR Case Management

- All PCR and habeas corpus cases filed in Umatilla, Malheur, and Marion counties are being heard by Plan B judges in a hearing room in the Justice Building in Salem. Attorneys are in the room. The defendant attends by video-conference. State Court Administrator staff support the scheduling, site set-up, and check-in processes. The record is made and kept by the originating court. Files are scanned and provided electronically. (Marion County also has the "Death Penalty" and "Life" PCR filings being assigned out and scheduled in the same manner.) Washington County PCR (and habeas) will likely be next in this centralized process.

## **CENTRALIZATION and REGIONALIZATION SUBCOMMITTEE**

### **Subcommittee Chair: Judge Marilyn Litzenberger, Multnomah County**

Many of the issues identified by this subcommittee are addressed in the Oregon eCourt objectives of consistent enterprise wide operational practices and data entry standards, and improving access to justice for citizens and self-represented litigants through the use of electronic data forms made available online through the OJD Web.

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Updates regarding recommendations considered by the Centralization and Regionalization Subcommittee include:

## 1. Model Online Forms for Use by Judges, Staff, and External Users

- OJD possesses the technology to provide electronic forms via the OJD Web.
- No OSCA funds exist at this time for the development, updating, or maintenance of online forms necessary because laws change.
- The Oregon eCourt Law and Policy Workgroup (LPWG), working with its Standardized Forms Subcommittee, is reviewing and updating commonly used OJD forms in anticipation of implementation of Oregon eCourt.

## 2. Centralized Jury Management Activities

- The development of a centralized jury management system is a component of the Oregon eCourt.
- An increasing number of courts are using DAS print and mail services for summons and accompanying materials resulting in savings.
- Automated call out telephone systems, to remind jurors of jury duty and to provide information on reporting for jury duty, are being used in a small number of judicial districts.
- Web based juror forms are being used in a third of the judicial districts.

## 3. Statewide Violations Bureau

- The 2011 Legislative Assembly passed legislation (HB 2712) allowing the Chief Justice to establish a Uniform Fine Schedule. A workgroup of judges, TCAs, and court staff met and proposed a series of recommendations to the Chief Justice for a Uniform Fine Schedule. The Chief Justice adopted the workgroup's recommendations and issued an order (CJO 11-095) in December 2011 establishing a fine schedule for all violation cases filed in circuit courts and handled by a staff violations bureau. The Uniform Fine Schedule authorizes the violations bureau staff to reduce the fine amount for a traffic violation under certain circumstances and specifies the types of cases that may be processed by the violations bureau staff.
- Centralized processing for violations and other court debt has been in operation for a limited number of courts for an extended period of time. The results of this centralized processing effort will provide the metrics necessary for a detailed cost benefit analysis. This analysis may be available to present to the CREW2 at its first meeting in early 2012.

## 4. Centralize Key Court Business/Support Functions

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- The centralization, or uniformity, of court business and support functions is almost universally being addressed through the configuration of the Odyssey software product as a key component of the Oregon eCourt implementation. Key developments include:
  - Standardizing case type, proceeding, and document codes for use within the Oregon eCourt suite of products, to increase efficiencies and enhance reporting capabilities.
  - Standardizing business processes for data entry and case processing within Odyssey. The exception being six areas where local flexibility is necessary to meet unique local needs: docketing and calendaring, local court work processes and timing, local reporting, local data needs, local partner integration, and local process training.
  - Working with the Oregon eCourt Law and Policy Workgroup (LPWG) on standardized forms for use in filing small claims, FEDs, domestic cases, name changes, etc., while looking at other areas for recommendations to standardize internal forms used in criminal and juvenile matters.
  - Several key questions have been forwarded to the Oregon eCourt Governance group relating to courts being able to take payments on any case from any county where money is owed by a defendant, centralization of month end reconciliation, disbursement of trust checks, and the handling of NSF checks for local courts.
  - Recommended centralized reconciliation and refund process for ePayments.

## 5. Central Debt Management Program

- Implementation of a central debt management program has resulted in 1,000 additional delinquent cases being sent to collections daily, over 300,000 stale debt cases being referred to collections in the first year of the program (2011), and an average of 3,000 debtor calls per month for payments and information being handled centrally.
- The Business and Fiscal Services Division (BFSD) is working on developing a continuous analysis of stale debt at the courts, and a pilot project to test the printing of collection notices at DAS State Printing.
- BFSD is also working with the Oregon eCourt Program Management team to develop statewide collection related jobs for the Oregon eCourt Odyssey Case Management System.

## 6. Central Accounting Program

- The Central Accounting Program will enable courts to focus their limited resources on core judicial processes without regularly diverting them to perform accounting functions.

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- This program is fully implemented in 17 circuit courts resulting in a significant efficiency gain for these processes, reduced variation in business practices, and strengthened internal controls. Further implementation of this program will require additional personnel resources.
- BFSD is currently working to prepare these courts' accounting functions for the new Oregon eCourt Financial Management System.

## 7. Central Information Technology (IT) Services

- A multiple county Eastern Region has shared IT services for several years.
- Multnomah County is now coordinating resources and technical support services with the Columbia County Circuit Court, and the 7th Judicial District which covers the circuit courts in Hood River, Wasco, Sherman, Gilliam, and Wheeler counties.
- Several smaller courts have inquired regarding regionalization of IT support services as a result of local budget reductions. ETSD is not able to expand its support to these courts given the current budget situation.

## 8. Contracted Bench Probation Monitoring

- A presentation was made at a TCA meeting by courts contracting with bench probation monitoring services. Discussion continues on whether courts can continue to provide this historically executive branch function. No other action has been taken at this time.

Please address comments and questions to Judge Karsten Rasmussen ([karsten.h.rasmussen@ojd.state.or.us](mailto:karsten.h.rasmussen@ojd.state.or.us)) or, David Factor ([david.factor@ojd.state.or.us](mailto:david.factor@ojd.state.or.us)).

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## CREW2 Membership

Chair: Hon. Karsten Rasmussen, Lane County Circuit Court

Co-Chair: Chief Justice Paul J. De Muniz, Oregon Supreme Court

### Judges

Hon. Thomas Balmer, Justice, Oregon Supreme Court

Hon. John Collins, Presiding Judge, Yamhill County Circuit Court

Hon. William Cramer, Jr., Presiding Judge, Grant and Harney County Circuit Court

Hon. Randolph L. Garrison, Presiding Judge, Douglas County Circuit Court

Hon. Daniel Harris, Jackson County Circuit Court

Hon. Marilyn Litzenberger, Multnomah County Circuit Court

Hon. Steven Maurer, Clackamas County Circuit Court

Hon. Daniel Murphy, Presiding Judge, Linn County Circuit Court

Hon. Dale Penn, Marion County Circuit Court

Hon. David Schuman, Oregon Court of Appeals

Hon. Michael Sullivan, Deschutes County Circuit Court

Hon. Kirsten Thompson, Presiding Judge, Washington County Circuit Court

### Court Administrators

Pamela Barton, Trial Court Administrator, Malheur County Circuit Court

Amy Bonkosky, Trial Court Administrator, Crook and Jefferson County Circuit Court

Kingsley Click, State Court Administrator, Oregon Judicial Department

Ernest Mazorol, Trial Court Administrator, Deschutes County Circuit Court

Bonnie Savage, Trial Court Administrator, Lincoln County Circuit Court