

Re-Engineering Oregon's State Courts: A Status Report

Introduction

Chief Justice Paul J. De Muniz initiated a re-engineering effort for the Oregon Judicial Department (OJD) in March 2010 by appointing the Court Re-engineering and Efficiency Work Group (CREW). The purpose of this effort was to identify methods to increase efficiency and productivity within OJD, achieve budget savings, and maintain or improve judicial services to the people of Oregon. In other words – as the Chief Justice titled his 2011 State of the Courts address – to find opportunity in crisis.

The CREW process has reviewed and prioritized hundreds of suggestions submitted or developed by judges and staff to accomplish these goals. Some – such as developing a system to electronically transmit the records of cases on appeal instead of shipping thousands of pages of paper – already have been implemented. Others rely on the ongoing CREW process or legislative action to study and implement potential benefits to the courts and litigants.

This re-engineering effort faces many challenges. Despite court innovations such as drug courts and “rocket dockets” to expedite case resolution, courts generally are known more for adhering to precedent than for challenging traditions and changing practices. Also, Oregon’s unified, statewide court system is balanced by the ability of circuit courts in each county to operate to best meet local needs and circumstances and the difficulty of re-allocating resources on a declining budget.

OJD has not formally quantified the existing or anticipated savings from these efforts. However, with the increased use of available technology – especially relying on the ongoing Oregon eCourt Program -- the CREW effort is producing results.

The CREW Process

The first act of the CREW was to conduct an electronic survey of all OJD judges and employees to solicit ideas to improve efficiency and productivity. That survey – conducted in March 2010 – generated 1,400 responses. The CREW reviewed, categorized, and prioritized the responses. By September, eight priority recommendations had been established for immediate follow-up:

1. **Promote e-correspondence and notices, including electronic transmission of documents.**
Court administrators and administrators were directed to review categories of internal and external communications to determine whether electronic communication could be substituted. The reviews included court scheduling notices, juror communications, and other types of documents. As part of this effort, the Oregon State Bar developed an e-mail database of all Oregon attorneys to use for court notices.

In addition, OJD has implemented a system to electronically transmit the records of cases on appeal. This is now accomplished by transmitting pdf files of documents instead of shipping boxes of paper to Salem. Also, large numbers of documents in dependency cases are transmitted to and from courts, Department of Human Services caseworkers, and Citizen Review Board volunteers.

2. **Encourage deferral, rather than waiver, of court fees.** Courts have authority to waive (forgive) or defer (postpone) collection of statutory filing and other court fees. Suggestions to the CREW proposed making fee deferral the presumption, rather than waiver. This was accomplished by Chief Justice Order in August 2010.
3. **Increase use of video and audio technology to allocate judicial resources more efficiently and reduce travel time and costs for judges, OJD staff, and others involved in litigation.** OJD is working to expand training on use of current technology, meeting with court stakeholders to discuss increased use of remote hearing technology, and standardizing its video and audio technology in courts statewide.
4. **Standardize enterprise technology and data entry processes, and provide model on-line forms for use by judges and staff.** OJD is working to provide consistent hardware and software packages throughout the department. CREW also proposed establishing consistent data entry standards for data entry and appellate court submissions, and establishing procedures for electronic filing of traffic citations.
5. **Study the costs and benefits of a centralized OJD payment system for fines, fees, and costs.** OJD has made substantial efforts to improve its processes to collect fines, restitution, and other court-ordered financial obligations. This proposal encourages a centralized 800-number to act as a supplemental system for payments made locally. *Note: One of the initial deliverables of Oregon eCourt will be a statewide, web-based payment capability.*
6. **Encourage model case management practices.** Despite a myriad of differences among Oregon's 27 judicial districts – including size, case types, and bench/bar culture – the CREW suggested that individual districts review their case management practices, and that OJD review national best practices for case management and provide experienced trial court judges and court administrators the opportunity to act as peer mentors.
7. **Trial Court Administrators should meet regularly to share best practices.** Quarterly meetings of trial court administrators have been initiated to provide a structured forum to discuss and share case management and other management practices.
8. **Evaluate phone systems options (including Voice-Over-Internet-Protocol) for local and statewide service.** Many circuit courts use phone systems provided in county courthouses, many of which are outdated and/or costly. The CREW suggested a large-scale review of the costs and benefits of a statewide phone system alternative.

CREW 2: The Next Phase

The next phase of the CREW process served to oversee implementation of the original CREW recommendations, review structural changes within OJD, and provide a process for ongoing reviews of efficiencies and re-engineering efforts.

In order to be pursued through the CREW process, proposals must be consistent with four guiding principles:

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

The CREW2 started meeting in November 2010, and formed subcommittees to develop and review proposals relating to Technology, Restructure, and Centralization/Regionalization of services. The following proposals are among those that have been forwarded for additional action by the Chief Justice and the OJD Judicial Council.

Technology

The Technology Subcommittee fleshed out and carried forward several proposals from the original CREW, including e-correspondence, expanding use of video- and tele-conferencing, creating an online payment capability, and reviewing telephone systems.

It also developed new proposals to encourage providing audio copies of court proceedings by digital attachment instead of transferring to CD's, and consolidating and moving online all self-help resources for litigants who are not represented by attorneys.

Restructure

The Restructure Subcommittee proposed to consider increasing the jurisdiction limit of Small Claims cases from the current \$7,500 to \$10,000. *Note: This change is being considered as part of the civil court fee re-structuring in 2011 House Bill 2710.*

The subcommittee considered several proposals to improve the efficient use of judicial resources, including special assignment courts (for complex criminal cases such as homicide or racketeering) and establishing a statewide panel of judges to promote case settlement. It also recommended exploring a real-time judicial clearinghouse, so judges statewide could be more available to assist other courts, a judicial exchange to expand expertise in various case types, and methods to expand availability of retired "Plan B" judges.

The subcommittee also reviewed consolidating existing judicial districts. It rejected that proposal, primarily because it could not identify actual savings produced by redistricting, and noted that engagement with local stakeholders (county commissioners, law enforcement, attorneys) would suffer if districts were expanded. The subcommittee did support Chief Justice authority to create “administrative districts” which, if used sparingly and effectively, could address potential emergencies such as county consolidations or severe budget reductions.

Finally, the subcommittee recommended pursuing consolidation of post-conviction relief cases in some manner. These cases – where state inmates challenge the adequacy of their legal counsel at trial – primarily are filed and heard in counties where state correctional facilities are located. Various models to regionalize or centralize this docket could produce efficiencies because of the specialized legal knowledge required.

Centralization/Regionalization

This subcommittee reviewed several concepts to expand the scope of a range of services – from model on-line forms used by internal and external users, to centralizing some business functions, centralizing jury management, regionalizing criminal arraignments or trials by specific case types. The subcommittee also reviewed contracting out bench probation services, but felt that this either should be done by court staff or eliminated as a service since it is not a core function of the courts.

Higher priority areas for additional work including centralizing printing of jury summonses and other jury management activities, and developing a single, statewide standard for court violations bureaus. Regionalizing or centralizing accounting, payments, and other business functions needs additional study but might produce significant cost savings. Model forms will take a substantial amount of work and buy-in from judges, but would enhance consistency of judicial orders and reduce costs from individualizing forms.

Next Steps

The CREW2 recommendations are being reviewed by the Chief Justice and the Judicial Council. Their decisions – as well as legislative and budget actions by the 2011 Legislative Assembly – will guide the progress of these recommendations.