

JUDICIAL SYSTEM PLANNING RECOMMENDATIONS

A multitude of forces, internal and external, influence the ability of the judicial system to operate effectively and to ensure that those who seek access to the courts are provided equal access to fair and timely resolution of disputes. External forces affecting the courts include population declines in certain areas and population shifts from one area to another; an aging population; a more racially and ethnically diverse population; the emerging interest in and success of specialty courts, such as juvenile and adult drug courts; emerging technologies; and the expectation by citizens and policy-makers that courts will operate both efficiently and effectively in providing timely resolution of disputes. Internal forces affecting the judicial system include policies and procedures that compromise the system's ability to effectively provide judicial services; administrative practices or arrangements that contribute to confused and inconsistent implementation of system policies and procedures; and a lack of clarity and commitment concerning the system's need to operate as a whole rather than as a collection of independent parts.

To effectively identify and respond to present and future demands, the judicial system must consider ways of reorganizing its institutional resources and methods of improving its operation to ensure that the public's trust and confidence in an independent judiciary are well-served.

The following segments make several recommendations concerning actions to be taken or continued to successfully implement change within the judiciary. The Judicial Planning Committee is aware there are initiatives in existence or under consideration in some of the identified areas. These recommendations are, nevertheless, intended to underscore the importance of taking appropriate measures to manage change within the judiciary.

I. Public Trust and Confidence

The public's well-founded knowledge and accurate perception of the judicial system is essential to the continued vitality and efficacy of an independent judiciary. The Committee makes the following recommendations:

1. The judicial system should establish a speaker's bureau through which judges and court personnel can routinely provide information to the public concerning the operation of the courts and the role of an independent judiciary in a democratic society.
2. The judicial system should develop readily available general information about the courts and court operations.
3. The judicial system should develop methods to appropriately assist self-represented litigants who seek access to the judicial process.
4. The majority of citizen court experiences are in municipal court and those experiences contribute to the public's perception of and trust and confidence in the judiciary. Therefore, the judicial system should ensure that municipal courts, as a part of the unified judicial system, provide fair and effective resolution of their cases.

II. Use of Technology

Shifting and declining populations and the allocation of judicial resources underscore the importance of technological assistance in providing adequate judicial services. Technology can serve as a critical tool in support of the fair, timely, and just resolution of disputes. The Committee makes the following recommendations:

1. The judicial system should enhance its Unified Court Information System to ensure access to current, accurate, and complete case information.
2. The judicial system should expand the Unified Court Information System to all counties in the state and extend availability of the system to municipal courts.
3. The judicial system should, through the Joint Procedure Committee or other committees as appropriate, develop procedures for electronic filing of court documents, both at the Supreme Court and trial court levels.
4. The judicial system should ensure public access to all case scheduling information and court documents.

III. Dispute Resolution

Alternative methods of resolving disputes can serve an important role in ensuring that those involved in disputes are afforded appropriate mechanisms for the timely, cost-effective, and humane disposition of their cases. The Committee makes the following recommendations:

1. The judicial system should investigate and implement appropriate alternative, therapeutic justice programs, such as juvenile and adult drug courts.
2. The judicial system should investigate the possibility of providing community-based dispute resolution programs.
3. The judicial system should consider the utility of different dispute resolution processes to address the unique demands represented by an aging population.
4. The judicial system should investigate and coordinate methods of marshaling community resources in support of dispute resolution programs.
5. The judicial system should monitor and evaluate the effectiveness of recently adopted court rules providing for mediation services.
6. The judicial system should provide aggressive case management and screening to identify cases appropriate for mediation and to move all cases to disposition without undue delay.

IV. Administrative and Operational Support Structure

- A. The administrative and operational support structure of the judicial system must ensure the system's ability to respond effectively to changing demands for judicial services and must ensure that adequate resources are available and adequately allocated to provide timely, fair, humane, and affordable resolution of disputes. The Committee makes the following recommendations:

1. The judicial system should constantly measure judicial workload and system performance and increase efficiency in providing judicial services consistent with the fair, timely, and humane resolution of disputes.
 2. The judicial system should support efforts to ensure the availability of court facilities conducive to the fair, timely, and humane resolution of disputes.
 3. The judicial system should ensure municipal courts, as integral parts of the unified judicial system, are sufficiently supported and administered to provide fair and timely services and resolution of cases.
- B. The administrative organization of the judicial system should reflect a commitment to effective and efficient provision of judicial services while preserving the constitutional authority of the Chief Justice. An appropriate administrative organization should maximize the skills, authority, and responsibility of administrative support personnel; maximize the ability of judges to provide adequate and timely judicial services; and minimize organizational and procedural differences based on rural and urban locations. An appropriate administrative organization should support the development of broad and consistent policies and procedures for the orderly administration of the trial courts. The Committee makes the following recommendations:
1. The present Council of Presiding Judges should be replaced by a Council consisting of approximately nine members. The Chief Justice should serve as chair of the Council. Other members would include one justice of the Supreme Court, the presiding judge of each administrative unit, one judge elected at large from each administrative unit, and at least one lawyer. The State Court Administrator should participate in Council activities in the manner designated by the Chief Justice. Council responsibilities would include developing policies and procedures governing the administration and operation of the district and juvenile court system. Consideration of broader responsibilities for the Council should take place on a periodic basis.
 2. The state should be divided into three administrative units for purposes of assuring implementation of administrative policies and procedures developed by the Council. A presiding judge would be selected for each administrative district. Present judicial districts for purposes of judge election should be retained. The administrative units would consist of the following judicial districts:
 - Unit 1: the Northeast and Northeast Central judicial districts.
 - Unit 2: the Southeast and East Central judicial districts.
 - Unit 3: the South Central, Southwest, and Northwest judicial districts.
 3. One trained trial court administrator should be employed for each administrative unit. Each administrator should be hired, after consultation with the presiding judge of the unit, by the state court administrator and should be supervised by the state court administrator.

4. Trial court administrators and administrative staff should have responsibility in all areas of administrative practice and procedure within the respective administrative units.
 5. Trial court administrators should ensure compliance with personnel policies and compliance with administrative policies and procedures adopted by the Council and policies and procedures adopted by the judges within the administrative unit which are not inconsistent with Council policies and procedures.
 6. Trial court administrators should have supervisory responsibility for all trial court personnel, including state-employed clerks of court. Some of that responsibility could be delegated to local administrative assistants.
- C. The committee structure of the judicial system should be evaluated and reorganized to ensure appropriate divisions of responsibilities and methods of reporting. The Committee makes the following recommendations:
1. The current Rule on Procedural Rules, Administrative Rules and Administrative Orders should be evaluated to determine its continued vitality and whether its procedural requirements are relevant and appropriate. Notwithstanding paragraphs 3, 4, and 5, all current committees should be reviewed to determine whether committees could be combined or dissolved.
 2. The Board of Law Examiners, Judicial Conduct Commission, and Disciplinary Board should continue under the auspices of the Supreme Court.
 3. All committees associated with the development of trial court administrative policies and procedures should be established under the Council and report all proposals and recommendations to the Council. Membership of the committees would be determined by the Chief Justice, as chair of the Council, after consultation with the Council. These committees include the Caseflow Management Committee, Court Services Administration Committee, Jury Standards Committee, Juvenile Drug Court Advisory Committee, Juvenile Policy Board, Committee on Trial Court Legal Research, Committee on Trial Court Operations, and the UCIS Advisory Committee.
 4. Joint bench-bar committees and other committees responsible for specialized areas of inquiry other than trial court administration should continue under the Supreme Court. Membership of the committees would be determined as currently provided under applicable rules, orders, or policies. These committees include the Joint Procedure Committee, Joint Committee on Alternative Dispute Resolution, Joint Committee on Attorney Standards, Commission on Cameras in the Courtroom, Joint Committee on Civil Legal Services for the Poor, Court Technology Committee, Gender Fairness Implementation Committee, Commission on Judicial Education, Committee on Tribal and State Court Affairs, Judicial Planning Committee, Judiciary Standards Committee, Legal Counsel for Indigents Commission, Personnel Advisory Board, and the Public Trust and Confidence Implementation Committee.
 5. The Judicial Conference should be retained as a forum for discussion of issues affecting the judiciary and for educational programs. The Judicial Conference should retain the following committees: the Judicial Ethics Advisory Committee, the Committee on Legislation, and the Committee on Judicial Compensation.

6. The judicial system should consider adopting a rule governing the role and responsibilities of the Judicial Conference.