RECOMMENDATIONS FOR THE DEVELOPMENT OF A CIVIL CASE TRACKING SYSTEM IN THE FOURTH JUDICIAL DISTRICT COURT MISSOULA, MONTANA

TECHNICAL ASSISTANCE REPORT

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RECOMMENDATIONS FOR THE DEVELOPMENT
OF A CIVIL CASE TRACKING SYSTEM IN
THE FOURTH JUDICIAL DISTRICT COURT
MISSOULA, MONTANA

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I. INTRODUCTION

In the Spring of 1986, Richard Vandiver, newly appointed Court Operations Officer for the Fourth Judicial District Court in Missoula, Montana, requested BJA's Adjudication Technical Assistance Project (ATAP) of The EMT Group, Inc. to assist the Court in implementing a recently awarded Justice Assistance Act (JAA) Court Delay Reduction Block Grant. Since Mr. Vandiver was the first trial court administrator to serve in Montana, he was particularly concerned in determining how the Court could best utilize the newly created position of Court Operations Officer to manage the workload of the court and to conduct the court delay reduction effort. The ATAP assigned Dennis Howard, Trial Court Administrator in Golden, Colorado, to conduct a "problem definition" visit to meet with Mr. Vandiver and the judges of the Court to discuss the Court's management concerns and to determine more specifically the nature of technical assistance required. The results of Mr. Howard's study were documented in a September 1986 ATAP report.

Among the recommendations of that report was that the Court give specific attention to developing adequate criminal and civil case tracking systems. At the time of Mr. Howard's visit, the criminal case delay reduction program was already underway. Subsequent second year continuation funding of the delay reduction program permitted the Court to expand the program to civil cases as well. To assist the Court in implementing the civil case delay reduction program, Mr. Vandiver requested follow-up assistance from the ATAP to suggest the information elements and functions which the civil case tracking system might include. Of specific concern to Mr. Vandiver was the need to review the civil case filing information presently maintained by the Court and to determine what additional information if any, would be desirable for the management and tracking of civil cases.

The ATAP assigned two consultants to provide this follow-on assistance: William Bohn, State Court Administrator for North Dakota, whose system for trial court case management reporting was deemed relevant to the concerns of the Fourth Judicial District Court; and Gordon Allison, Trial Court Administrator for the Maricopa County (Phoenix), Arizona Superior Court, where a comprehensive civil case tracking system had been operating for some years. The consultants conducted a site visit to Missoula on February 9 - 11, 1987, at which time they met with the judges and various court and
clerk's office staff, reviewed civil case filing information and, on February 11, met with the local Court Delay Reduction Advisory Committee to discuss their recommendations for implementing the civil case tracking system.

Sections II and III of this report summarize the consultants' observations, based on their site study, and recommendations for implementing the civil case tracking program. Section IV addresses, specifically, the role of automation in the Court's case tracking programs, an issue raised during the consultants' site interview.
II. SUMMARY FINDINGS RELATING TO THE COURT'S CURRENT CIVIL CASE MANAGEMENT INFORMATION AND INFORMATION NEEDS

At a minimum, the Court must know what its inventory of pending cases amounts to, and the status of those cases in terms of their stage of processing. The Court must also have the ability to measure the time intervals which occur between major events in the processing of each case, to know how cases are disposed of and, with this information, to develop the capability to manage its caseload on a daily basis. To accomplish these objectives, some automation is essential.

A summary of the consultants' principal findings and observations regarding the court's present information system needs is presented below. Recommendations to meet these needs are presented in Section III.

A. Existing Systems

1. The Clerk of Court's Office has not been computerized.

The Clerk of District Court's office operates with manual systems that have not been computerized. The Register of Actions Book is maintained at the clerk's counter and an index of plaintiffs and defendants is maintained manually. The clerk uses open-shelf filing for the case records. The child support accounting system is manual. The one computer terminal that is available is used by the Clerk of District Court to provide a random selection of judges for assignment of cases upon their filing with the clerk.
2. The Civil Case History Form required by the State Court Administrator is manually completed.

The Supreme Court civil case history system consists of a form that is filled out by hand and sent to the State Court Administrator when a new case is filed and another copy is completed and sent when a case is terminated. This civil case history does not provide a method by which various events can be identified as a case moves through the District Court. A copy of the civil case history form is included in each of the case files. The state reporting system does not provide a case tracking or aging report to the District Court.

3. Three separate case scheduling points are utilized.

It appears there are three separate scheduling points at which cases are followed and scheduled for the respective judges. The three secretaries to the judges perform the scheduling function for the four judges. There is no consolidated or coordinated scheduling office that is operated by either the Court Operations Officer or the Clerk of Court. Information on the status of the calendar must be obtained from one of the secretaries.

B. Management Needs Identified

1. The court must have current information on civil case volume, type and status.

There is a definite need for the judicial district to generate information on the number and types of civil cases that are filed in the District and to know the status of those cases as they move through the system. Case status information would include the judge to whom the case is assigned, the age of the case in the system, and the status of the case on any given date. At the present time, it is not easily possible for anyone in the district to prepare a complete list of cases by age or by judge and to know the status of those cases in any logical format. The judges' secretaries maintain card files on the cases, but it would be difficult to bring those three sets of data together since each secretary uses a slightly different format and posts information in a different way.
2. **There is a need for better coordination of civil caseflow through the court system.**

There is a need for better coordination on the flow of civil cases through the system since it appears that the case, once assigned to a specific judge, is under the control of that judge until the case is disposed of. There should be more uniform unification and systematic case management by the Court rather than the current separate "systems" for handling cases assigned.

3. **There is need for a computerized accounting system for child support payments.**

There is need for a computerized accounting system for the child support payments that flow into and out of the Clerk of Court's office. The present manual system is somewhat cumbersome due to the large number of ledger cards and the difficulty in balancing out at the close of each day.
III. RECOMMENDATIONS

Based upon the findings summarized in Section II regarding civil case management needs in the Missoula County District Court, the following recommendations are submitted to assist the District Court in tracking civil cases as they move through the system.

1. **A user group should be established to guide the establishment of the civil case inventory and tracking systems.**

   It is recommended that the Court Operations Officer establish a user group that would meet periodically for the purpose of providing input and reaction to proposals for establishing a civil case inventory and tracking system. This user group should be kept relatively small, and would consist of, but not be limited to, the following:
   
   (1) Court operations officer (chairman)
   (2) Clerk of District Court
   (3) Representative from county attorney's office
   (4) Member of the bar
   (5) Computer specialist from University of Montana
   (6) District judge (optional) or judicial secretary

2. **A needs analysis regarding necessary civil case tracking system information should be performed.**

   A needs analysis must be performed outlining the essential information which must be collected and maintained in order to track and manage the civil cases. It may be possible that the user group could prepare its own needs analysis or it may be necessary to have someone from the University or from an outside organization prepare the needs analysis. It is recommended that the needs analysis be relatively short but complete enough so that a clear justification is made for either a manual or computerized system for tracking civil cases. The user group can assist in the
development of the needs analysis which should include flow diagrams and data dictionaries for clarification.

3. **A plan for the implementation of the case tracking system should be developed.**

The needs analysis may show that it would be appropriate to develop a manual recordkeeping system initially, for the tracking of civil cases in the district. If such is the case, there would need to be an implementation plan to see that the appropriate case cards are designed and prepared and that people are trained to use them. A decision must also be made as to whether or not the case cards would be maintained in the Clerk's Office, by the respective secretaries, or by the Court Operations Officer. Likewise, the needs analysis may demonstrate that a computerized system with case tracking capability can be utilized in the district. If such is the case, it will be necessary to decide upon the hardware and the software that will accomplish the case tracking.

Consideration should also be given to the evolutionary phase-in of an automated system and the various milestones and steps that must be performed, such as the training of the individuals involved, determining who will enter the data, produce and distribute the reports, etc.

Should a computerized case tracking system be the option selected, the user committee should give serious consideration to some of the software that is already available on the market to perform case tracking functions. Some options to be explored include the software that has been developed by the National Center for State Courts for trial court case management, by the NEC Corporation of New Mexico which has developed a software package that is available for purchase, and by a privately-owned firm in Michigan which has developed the "Corts" system that also does case tracking and other case administrative functions for courts in Michigan. Consideration might also be given to the experience of California courts with the use of "bar codes", a new technology that greatly
increases the accuracy of case data input and allows the electronic reading of computerized case numbers and events. The system is reputed to be inexpensive and almost 100% accurate. Other software might also be available from local trial courts which have developed effective case tracking programs. SEARCH Group, Inc, may be able to assist the Court in identifying such programs.

4. Presentations should be made to potential system users and other interested parties regarding the proposed civil case tracking system.

Once the proposed case tracking system is completely documented, then separate non-technical presentations should be made to the following parties to obtain their input and to ensure that they understand the results that will be achieved:

   1) District Judges
   2) Representatives of the Missoula County Bar
   3) Clerk of court and staff and judges secretaries

At some point, following the above presentations, a joint presentation may be appropriate.

5. Development of the needs analysis and case tracking system should be coordinated with the State Court Administrator's Office.

Conduct of the needs analysis and development of the civil case tracking system should be coordinated with the State Court Administrator's Office and that office's information needs. Once the District Court is able to track its own civil cases with accuracy, it may not be necessary that the individual civil case history document be forwarded to the State Court Administrator's office. With the agreement of the State Court Administrator, it may be possible to send monthly reports to the state office which would summarize filings, dispositions, and types of cases for the period. Should the State Court Administrator also need individual case event history, that would probably also be available. At some point, the State Court Administrator may want to have an aging of the civil cases
prepared so that there might be developed some statewide time standards proposed for case processing.

6. **Consideration should be given to consolidating the civil case calendaring function in the District Court.**

At the present time, the calendaring of cases is done by the three judges' secretaries separately. A consolidated calendaring function would assist in the scheduling of cases and use of courtrooms as well as promote better utilization of the district judges' time.

7. **A computerized accounting system in the clerk's office should be implemented for child support cases.**

The present accounting system for child support payments is manual in nature and could easily be updated with some of the hardware and software that is presently on the market. Essentially, child support accounting is an accounts receivable process for which generic software is available. The hardware costs would be relatively low, and, in fact, the hardware may be already available.

Software for the accounting of child support payments would be available for IBM compatible computers from either the Administrative Office of the Courts of Kansas or the Administrative Office of the Courts of Missouri. Both of these states have operating systems for child support payment accounting and have expressed a willingness to make their software available to other court systems.
IV. ROLE OF AUTOMATION IN THE COURT'S CASE MANAGEMENT SYSTEM

A. General Comments

Courts at all levels are experiencing problems in obtaining adequate funding at a level that courts require. This difficulty applies to both appellate and trial court levels. State legislatures are scrutinizing the State Supreme Court budgets and the State Supreme Courts are examining the budget of local trial courts.

What arguments can the judicial system make to command additional resources when placed in competition for these resources with other state and county agencies? To support budget requests, many Supreme Courts are having to be able to show to the State Legislatures their workload increases and levels of pending work that would require additional resources. Increased case filings and the impact of new legislation are basic factors upon which the courts must build their arguments for adequate resources. They must convince the funding bodies of the old adage: "if you want the service, you have to provide the funds" since courts can only go just so far with existing time and resources.

Courts must be as prepared in making their argument for adequate funding as the attorney must be in arguing a case in the courtroom. The court's preparation requires the ability to answer any question, at any time, about workload, resources and the direction the court is moving in providing judicial services. To meet the requirements of the state legislature or the local executive branch, as well as the general public, courts need information about the activity of the court and how that activity has undergone or will undergo change. Courts are competing with other departments of government for the same shrinking dollars.

To meet this need, the court needs to accurately depict its workload, the number of cases filed, the number of cases pending, and those cases which have been terminated, and how and when this termination has occurred. This picture of court activity must be presented uniformly and consistently through all divisions of the court. The court, therefore, needs to define what is meant by a "case" and how cases are categorized and
how they are disposed of. The definitions must be universal for the entire system and used uniformly by the trial divisions and the clerk's office.

The easiest way to accomplish these objectives in today's environment is through use of a small personal computer or mini-computer. This technology has advantages over manual records in that it provides greater likelihood of consistency and can provide immediate reports of current activity as well as an historical record system.

B. Suggested Case Management Functions which Automation can Perform

Automation can be a tool to the court, serving the same function as the copy machine did in relation to carbon paper. The following are just some of the functions a well-designed automated system could perform in Missoula:

1. Docketing
   - Prepare all of the Clerk's Office dockets through a computer, rather than books.
   - provide an index of all cases
   - provide a judgment docket if needed

2. Calendarizing each judge's cases
   - Scheduling and rescheduling of cases
   - Indicate parties and counsel
   - Provide printed lists for posting
   - Provide information on the judges' available time

3. Minute Entries or Notices
   - Send parties notices of matters set for hearing or trial, continued, etc.
   - Send out results of hearings, advise counsel of time limits, and provide other notice to counsel as needed,
   - Send Notices to the Jail, Prosecutor's Office and others in the criminal justice system
4. Exhibits
   - Indexing
   - Information on check outs and returns

   The system can also eliminate the loss of exhibits, provide accountability for those of value, and monitor times for storage or destruction.

5. Accounting
   - Fines, fees and reimbursements,
   - Trust, accounts, bonds,
   - Child support payments,

   The system can also assist in transmittals to the county treasurer and to the state, and provide a basis for an auditor to track transactions.

6. Word Processing
   - provide for all of the court’s typing functions expeditiously at some saving in labor and errors

   The amount of work that can be done through automation is limited only by the imagination of the staff that is providing the services and is administering the court.

   Small personal computers today have large storage capacities, high speed capabilities, can be tied together to communicate with each other, can provide printed material easily with professional typeset quality, and can furnish graphic representations of statistics -- all at a relatively low investment and with an incremental method of expansion.

   The executive and legislative branches will usually be sympathetic to a judicial system that wants to spend funds to perform work in a more efficient manner as opposed to simply adding personnel. Personnel costs are recurring; the expenditure for equipment is usually a one time event.
It is obvious that change may meet with anxiety by those effected. In addition, there may be those who are satisfied with the present way of doing business and can see no reason for change. Still others, may think that the expense is too much, may not want a computer looking over their shoulder and appearing to keep track of the work they do. All of these obstacles can be overcome by examining the advantages of computer capabilities over other alternatives in terms of providing the Court with an adequate capability to manage and track its caseload.