

Innovative Trial Techniques

New Approaches Result in Cost Savings

By Suzanne M. Darling



As funding for the judicial branch of government continues to shrink, courts are being forced to think creatively to address declining revenues and staff. One leader in this imaginative thinking is the 9th Circuit Court in Kalamazoo.

The 9th Circuit has implemented various innovative programmatic, technological, and cooperative approaches to address its budget reductions, all in an effort to ensure the fair and equal application of the rule of law, provide efficient access to justice, and continue to be a good steward of the taxpayers' money.

The 9th Circuit's vision statement is to "be a leader among Michigan courts in the provision of justice, innovative programming, financial efficiency, service to people and protection of the public's safety."¹

The court's mission statement includes the following guiding principles and values:

- To serve the public and foster a friendly accessible environment, treating all individuals with dignity, respect, honesty and fairness.

FAST FACTS:

- As funding for the judicial branch of government continues to shrink, courts are being forced to think creatively to address declining revenues and staff.
- The 9th Circuit Court in Kalamazoo has implemented many innovative approaches to address its budget reductions, including the Family Law Assistance Clinic, court-appointed attorney training, specialty courts, and performance measures.

- To operate with a pro-active, innovative and progressive approach to program development and implementation, remaining open to suggestions for improvement.
- To respect the interests of the taxpayers and our funding unit by continuously seeking greater efficiencies for improved service

in coordination with elected officials, county departments and other units of government.

- To provide the least restrictive alternative for offenders consistent with public safety while seeking to maximize restorative and therapeutic justice.²

With these statements in mind, the 9th Circuit has developed or worked in conjunction with other entities to establish numerous programs to help the court operate more efficiently and assist litigants, attorneys, and the community as a whole.

Family Law Assistance Clinic

The Family Law Assistance Clinic is a collaborative effort of the 9th Circuit and the Kalamazoo County Bar Association. The clinic was developed to meet the needs of individuals who represent themselves in domestic relations matters, and began providing services in May 2010.

The clinic is staffed by volunteer family law attorneys who are available the first, third, and fourth Wednesdays of each month to answer individuals' questions about family law issues. No appointment is necessary, and clients are seen on a first-come, first-served basis between 9 a.m. and noon. As an incentive for attorneys to volunteer their time to the clinic, the court provides a parking space close to the courthouse for the month in which they volunteer.

Some of the issues addressed at the clinic include divorce, visitation and parenting time, custody, personal protection, child support, and the clarification of forms. Although the volunteer attorneys are able to help most individuals, they sometimes recommend that an individual retain an attorney for legal advice.

The clinic has been well received by both attorneys and clients. Initially, it was offered twice monthly but has expanded to

three times a month at the request of the volunteer attorneys. The need to expand the clinic became apparent when the demand exceeded the amount of time available. In 2010, 16 attorneys donated their time to advise more than 100 clients. In 2011, 22 attorneys donated their time and counseled more than 397 clients—more than triple the previous year's number.

The clinic recognizes that as people continue to face economic difficulties, more individuals are attempting to represent themselves in legal matters. As a result, the clinic addresses the needs of these pro se litigants to obtain legal advice—advice that court staff is unable to offer.

Collection Plan

The 9th Circuit has adopted a collection plan that conveys a judicial and administrative commitment to collect court-ordered sanctions. The plan clearly defines the responsibilities for court-ordered sanctions.

The court adopted the plan to establish and adhere to collection policies and procedures, set collection goals, and monitor performance. The court's case management system provides court staff the tools needed to respond immediately to nonpayment and nonappearance, and gives staff a range of effective sanctions for noncompliance. Collection methods include payment plans, orders to remit prisoner funds, wage assignments, and tax intercepts.

The 9th Circuit promotes the collection of court-ordered sanctions as a means to increase revenue and ensure compliance with court judgments. The enforcement of the imposition of a fine is as important to the integrity of the court as the enforcement of any other type of sentence or judgment. The collection of court-ordered sanctions is also an effective deterrent for criminal activity and holds individuals accountable for the crimes that are committed.

File Transfer Protocol and Electronic Transcript Submission

The 9th Circuit and local transcriptionists have streamlined the process for transcripts of court proceedings by creating a file transfer protocol (FTP) website that allows the electronic transfer of audio-video files from the court to transcriptionists. The court



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collaborated with Kalamazoo County’s Information Systems Department to implement this system.

As the court receives transcript requests, transcriptionists obtain a copy of the courtroom audio-video record via the FTP website without leaving their offices. Once a transcript is completed, the transcriptionist electronically files it with the court in a searchable portable document format (PDF). Because the transcript is a PDF, there is no need for court staff to scan it into the court’s case management system, thereby drastically reducing staff time and increasing overall efficiency. The process has resulted in a written policy on transcripts of court proceedings and an instructional and informational meeting to explain the system to transcriptionists.

Interactive Video Technology Expansion

The 9th Circuit continues to expand the use of interactive video technology conferencing. Every courtroom and hearing room is equipped with videoconferencing capabilities. Private attorney conference rooms are also equipped for videoconferencing so attorneys can communicate confidentially with clients. Attorneys in civil cases may also appear by video. The court’s technology unit arranges all videoconferences, often contacting the remote site before being on the record to make sure all systems are working correctly.

Videoconferencing has many benefits. First, security risks are reduced for in-custody individuals because there is no need to transport inmates. Second, it is a tremendous cost-savings method that benefits both county and state government as well as attorneys and taxpayers. Examples of costs savings include the following:

- The Michigan Department of Corrections (MDOC) and the local jail can reduce the number of prisoner transports. The MDOC, in an effort to enhance public safety and re-

duce transportation costs, has encouraged courts to use videoconferencing in appropriate circumstances, which reduces the number of times an inmate is transported to and from court for hearings. In fact, the 9th Circuit is now processing all writs through the Central Records Section of the MDOC.

- Attorneys and citizens can appear by video and reduce their travel expenses. For example, the 9th Circuit has held a sentencing with an individual in Las Vegas and witnesses have appeared by video from Canada, Virginia, and Tennessee.
- Families can communicate with their children while they are placed at a treatment facility.
- Crime lab personnel can appear by video and present crime weapons, documents, or other forensic evidence with the use of digital evidence presentation equipment, thereby reducing travel expenses.

In 2011, videoconferencing in the 9th Circuit resulted in cost savings to taxpayers of approximately \$68,000.

Court-Appointed Attorneys

The 9th Circuit conducts a court-appointed attorney training each quarter. All meetings are recorded so attorneys can view the trainings at their convenience. The court sends lawyers to Criminal Defense Attorneys of Michigan conferences and the Hillman Advocacy Program. These attorneys are then required to present at the next quarterly training.

All court-appointed attorneys are allowed agency access to the 9th Circuit’s Odyssey case management system, which permits them to view all public documents that have been scanned into the system. The court has also installed WiFi at the Michigan Avenue courthouse so attorneys can access the Internet to assist them in representing their clients. Attorneys can easily communicate with their offices and conduct research without leaving the courthouse.

Enhancements like these were implemented so court-appointed attorneys can more effectively serve the clients they represent.

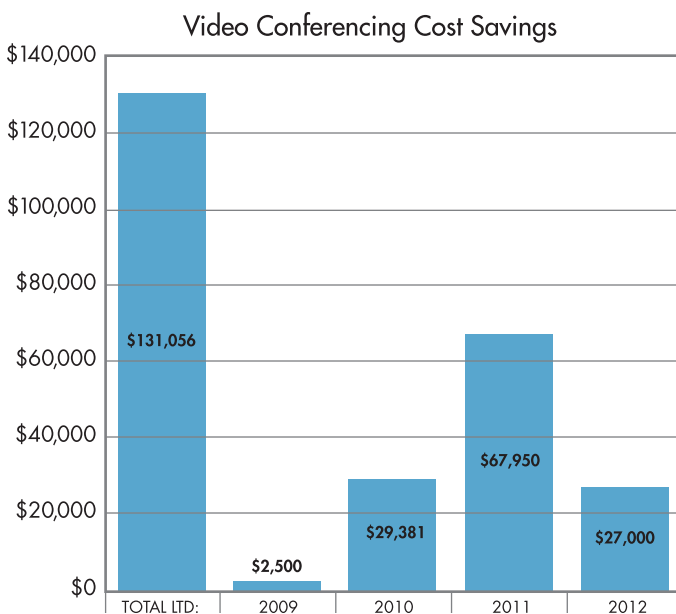
ON-TRAC Residential Treatment Program

Developed in 2009, the ON-TRAC Residential Treatment Program is designed to allow youths needing out-of-home placement to receive treatment and rehabilitation in Kalamazoo County instead of being sent out of county.

ON-TRAC stands for:

- Thinking for a change;
- Respect for self and others;
- A+ attitude and accountability; and
- Courage to make better choices.

The ON-TRAC program is an evidence-based, cognitive behavioral program that provides a healthy and helpful environment



for youths. The therapeutic environment promotes their physical, psychological, and educational growth and development. ON-TRAC's structured, secure detention program offers targeted interventions, activities, education, and skill-building opportunities to promote change and offer the chance to successfully re-enter the community and return home. Typically, the program requires a four- to seven-month placement period. Each resident assigned to the unit is under the direction of a treatment team and required to satisfactorily complete goals set forth in the individual treatment plan. The treatment program requires residents to complete an intensive cognitive-behavioral curriculum designed to address their risk thinking, feelings, and actions that resulted in criminal behavior and substance abuse. The Kalamazoo County Juvenile Home was also designed with a unit specifically for the ON-TRAC program, and a director was hired to supervise the unit.

The program has resulted in cost savings to the state and county by reducing out-of-state placements. In addition, families are better able to participate in treatment because the youths remain in Kalamazoo.

Specialty Courts

The 9th Circuit has an adult women's drug treatment court, which began in 1992, and an adult men's drug treatment court, which began in 1997. There is also a juvenile drug treatment court.

The drug treatment courts are a collaborative effort of the 9th Circuit Court and the 8th District Court. District Judge Robert C. Kropf presides over the men's drug treatment court, while District Judge Anne E. Blatchford presides over the women's drug treatment court. Probate Judge Curtis J. Bell and Circuit Judge Pamela L. Lightvoet both preside over the juvenile drug treatment court.

In addition to these adult and juvenile drug court programs, the family dependency treatment court was launched in 2009. This court is devoted to child abuse and neglect cases involving substance abuse by the child's parents or other caregivers.

In 2011, the State Court Administrative Office reported that four years after admission to any type of drug court, participants showed a 48 percent reduction in new drug or alcohol convictions compared to individuals with similar demographics and criminal histories who did not participate in a drug court program.³ These statistics demonstrate that drug treatment courts can reduce future drug or alcohol use.

Drug court participants also showed a 44 percent reduction in new convictions of any kind four years after admission compared to individuals who did not participate in a drug court program.⁴ This indicates that drug court programs can significantly curb all types of criminal recidivism and not just drug- or alcohol-related crimes.

Additionally, the 9th Circuit works in partnership with the Kalamazoo Regional Educational Services Administration and the Department of Human Services, Community Mental Health and Substance Abuse Services Early Intervention Program in a program called "Infants in Foster Care." The program is a collaborative approach to managing foster care cases, and targets children

from birth to age four. The goal is to establish permanency for these children more rapidly than the current system. Parents in the program receive intensive services to address their parenting skills, mental health issues, substance abuse problems, and other risk factors.

Performance Measures

The 9th Circuit strives to maintain a commitment from the bench and court administration to consult with internal and external stakeholders as needed for input and assistance and to continuously update the court's website as a way to communicate current practices with attorneys, parties, and the general public.

The court also communicates its performance measures by way of a dashboard on the court's website, comparing the amount of restitution collected to the amount disbursed.

In addition to the measures discussed in this article, the court continues to explore innovative methods to provide services to the community and protect the public. Projects currently in process include e-filing, electronic workflow of court documents, after-hours electronic transmittal of orders to the Department of Human Services, electronic submission of caseworker reports from the Department of Human Services and other agencies, imaging and workflow of Friend of the Court documents, and security improvements to court facilities in cooperation with county administration, the sheriff, other courts, and the Office of the Prosecuting Attorney.

Conclusion

Despite budgetary and staffing constraints, the 9th Circuit Court has embraced innovative ideas, resulting in an opportunity for the court to transform and improve not only for itself, but also for practicing attorneys, litigants, and the public. ■



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FOOTNOTES

1. Kalamazoo County Government, *Ninth Judicial Circuit Court: Vision and Mission Statements* <<http://www.kalcounty.com/courts/mission.htm>> (accessed October 8, 2012).
2. *Id.*
3. Michigan Supreme Court State Court Administrative Office, *Michigan Drug Court Recidivism Rates 2011*, p 2, available at <<http://courts.michigan.gov/Administration/SCAO/Resources/Documents/Publications/Reports/RecidivismReport2011.pdf>> (accessed October 8, 2012).
4. *Id.*