



OFFICE OF COURT ADMINISTRATION

Best Practices to Address Backlog due to inability for courts to operate during closure and in-person hearings.

The following recommendations have been compiled with judges, court administrators and clerk's input. It is intended to provide "Best Practice" solutions as courts begin efforts to address the backlog created by the pandemic.

Recommendations Include:

- **Show Cause Hearings**- Schedule show cause hearings for all cases with no future hearing dates or that have had a hearing and no final order has been entered.
- **Jury Trials**- Increase scheduled jury trials to address the cases that are ready, providing for additional cases as ready for those that may settle before trial so jury panels are not utilized.
- **Virtual and hybrid hearings**- Continued use of the zoom hearings platform when available and appropriate.
- **Dedicated Dockets for Virtual Hearings**- Dedicate a docket that is specific to all virtual.
- **Judges**- Utilization of senior judges and/or visiting judges.
- **Scheduling Orders** - Adopting scheduling orders in criminal and civil cases is key to prompt action to an appropriate case conclusion.
- **Prioritizing**- cases that can be resolved by agreement, best utilization of designated court space including regularly scheduled hearings, jury trials and any virtual proceedings for things that do not require in-court appearances.
- **Dismissal Dockets**-Appropriate use of dismissal dockets to clear cases that are not progressing due to agreement being announced but no final order being entered or lack of engagement by parties. Increase frequency of dismissal dockets to monthly for all case categories.
- **Increased Court Hours for Hearings to be scheduled**- Providing additional time for hearings by increasing hours available.
- **Dedicated Dockets for Similar Type Cases/Hearings**- Where possible, group similar hearings onto the same day/docket. Example- Family Agreed Docket Day where judge will only hear agreed final prove-up hearings on family cases with hearings scheduled and set every 5 – 10 min. This may require multiple days dedicated to the category or extended hours for the court.
- **Limit Length of Contested Hearings**- by setting practical time limits for anticipated testimony and arguments, requiring parties to provide written motions requesting extended time and outlining the reasons to exceed the standard settings.
- **Mediation**- Utilize mediation for cases that have requested a large amount of the courts time for hearings. This may prompt settlements and agreements.
- **Proposed Final Orders and Exhibits**- Require parties to submit and exchange proposed final orders in an established timeline by the court, but at minimum 5 days before final hearing/trial. This could help prompt settlement discussions/agreements and would help the court reporter/court/clerk staff better prepare and manage the hearing.
- **Criminal Cases**- If plea offer is agreed on, allocate resources for the plea to be taken immediately or as soon as possible. This will move the case and alleviate jail overcrowding.
- **Communicate**- Communication is key to successful buy-in for all court staff involved. Be mindful that extended hours will require Courthouse security, possible clerk involvement and attorneys.