



*Supported Resolution 1—2022*

**Encouraging State Courts to Adopt Innovative Practices in High-Volume Dockets**

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

WHEREAS, as many national studies<sup>1</sup> have made clear, state courts have become dominated by cases involving traffic violations, lower-value contract cases, family motion practice, landlord/tenant disputes, and debt collection cases; and

WHEREAS, a majority of cases involve at least one self-represented litigant, with an even greater percentage of unrepresented parties in cases adjudicated on the merits; and

WHEREAS, state and local courts have admirably and decisively demonstrated their ability to adapt and improve in the face of a global pandemic; particularly in the instance of high-volume dockets, courts have embraced technology, adjusted business processes, and innovated to allow for the continued administration of justice, even while operating remotely or in hybrid settings; and

WHEREAS, even in a post-pandemic world, the ability to conduct court business electronically and to participate in virtual or in hybrid hearings brings benefits to attorneys, parties, witnesses, prospective and appointed jurors, and self-represented litigants, including saving time and resources; and

WHEREAS, regardless of the chosen platform or venue for these high-volume hearings, courts should use effective case management processes to pre-screen each case file to ensure that all required information is presented to the court in advance of the hearing; and

WHEREAS, pre-screening cases may require judicial officers to dedicate additional preparation time to review all pleadings in advance of the hearing, including review as to whether there has been adequate service of process, an answer on file, a continuance requested, an action between the parties filed in a different venue, and case type specific elements, such as adequate proof of title of debt established, and/or in the case of child support hearings where paternity has been disputed, DNA results in the file; and

WHEREAS, pandemic-instituted changes have allowed more court users the ability to file documents electronically, apply electronic signatures on official documents, schedule appointments, receive reminders, participate remotely, electronically or telephonically pay fees, and more easily engage with justice system stakeholders like civil legal aid providers, mediators, and probation officers; and

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<sup>1</sup> See, e.g., P. Hannaford, S.E. Graves, and S.S. Miller, "[The Landscape of Civil Litigation in State Courts](#)," (2015), especially [Appendix I](#); The Cady Family Justice Initiative, "[Family Justice Initiative: The Landscape of Domestic Relations Cases in State Courts](#)," (2018); P. Hannaford-Agor, "[The Landscape of Civil Litigation in State Courts: Examining Debt Collection, Landlord/Tenant and Small Claims Cases](#)," (November 2019); The Pew Charitable Trusts, "[How Debt Collectors Are Transforming the Business of State Courts](#)," (May 6, 2020); and D. Robinson and S. Gibson, "[Pandemic Caseload Highlights: Trends in State court caseloads during the COVID-19 Pandemic](#)," (March 2021).

WHEREAS, the pandemic-instituted changes above have yielded efficiencies for courts and improved experiences for self-represented litigants; and

WHEREAS, courts across the country have adopted pre-litigation or pre-hearing diversion programs, often in mortgage foreclosure, landlord/tenant, and consumer debt cases, which permit eligible cases to move through the courts efficiently by allowing litigants the appropriate time and resources, but also feature alternatives for agreements and mediation that remove many cases from court dockets, yielding faster resolution and better outcomes for all involved; and

WHEREAS, because there have been frequent changes to accommodate new technology tools and social distancing requirements, courts must continue to set court user expectations, provide clear and easy-to-find guidance for litigant participation, and maintain procedural justice principles in all high-volume dockets;

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge their members to continue pandemic-initiated reforms that have increased participation, efficiency, and engagement in high-volume dockets, so that all court users—regardless of English proficiency, disability, socio-economic status, access to and ability to use relevant technology, or whether they are self-represented—are able to meaningfully engage in the justice system and are treated with dignity; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators encourage all judicial officers to embrace their fact-finding role in all high-volume dockets, to connect parties with available, relevant resources, and to enforce substantive and procedural safeguards; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge their members to develop systems for regular monitoring and reporting of court docket data to identify changes in high volume dockets and in the effectiveness of pandemic-initiated reforms; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators support and urge the National Center for State Courts to engage in rigorous evaluation of innovative efforts, provide guidance, develop best practices, and share resources; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators encourage courts to adopt diversion programs and alternative procedural mechanisms in high-volume dockets that increase efficiencies and improve the experience of court users.

Adopted as proposed by the CCJ Civil Justice and CCJ/COSCA Access and Fairness Committee at the CCJ 2022 Midyear Meeting on January 19, 2022.

**On November 8, 2022, the NACM Board voted to support this resolution.**