

# On With the Show: Resuming and Clearing Civil Cases

Darby Gaffigan  
Assistant Chief Clerk  
Harris County Justice Court  
Precinct 8, Place 1  
713-274-6580  
darby\_Gaffigan@jp.hctx.net

1

## Agenda

- Identifying the Problem
- Best Practices and Ideas for Getting Things Moving

*You will fill in your worksheet as we go along to help you bring back ideas for your court.*

2

## Identifying the Problem

3

## What Has Caused Case Backlogs?

- Court closures and limitations due to Covid.
- Big influxes of cases at the end of each year.
- What else?

***Group Discussion / Worksheet #1: What has caused any backlogs in your court? What is most affected (type of case, a certain process, etc.)?***

4

# Getting Things Moving

5

## Take Notes on Your Worksheet!

As we discuss different best practices and ideas, take notes under #2 on your worksheet about anything that you might want to try in your court.

6

# Communication, Organization, & Planning

7

## Communication

- Talk to your judge about possible practices/ideas you think might help – it is up to them.
- Make sure anyone who will be involved is looped in and part of the process (clerks, constables/sheriffs, other offices you work with, etc.).
- Remain available to the public and communicate hours/policies to keep things running smoothly.

8

## Notices

- Send notices out 45-60 days prior (not just for trials that require 45-day notice, but other settings too)
- Gives parties time to file a continuance, settle, dismiss, etc. so the court can fill that docket with other ppl and maximize each docket.

9

## Continuance Policy

Parties will ask for a continuance because they've reached a settlement and are waiting to get documents on file.

- Don't immediately set for a new date, wait about 3-4 months to see if anything comes in.
- If don't get anything – put on a DWOP docket. That will usually result in them showing up, retaining the case, and submitting an agreed judgment.
- Avoids clogging up a docket with stuff that isn't going to proceed.

10

## Organization & Planning

- Plan for busy times and things that can be predicted.
- Don't let clearing one backlog create another –continue to process new things.
  - Plan for who does what when (ex: counter duty, calls, mail, processing new filings, etc.)
  - Have deadlines, guidelines, prioritization

11

## Manage Dockets Strategically

12

## Managing Dockets

- Being strategic helps with efficiency: less people, less transitions, focusing on one type of case/attorney, etc.
- First step: run reports to see what has been filed, what's lingering, what's pending a court date, which attorneys have lots of cases, etc.
- Having this data will help you be more strategic!

13

## Consider Docket Size and Method

- If social distancing is required, you will need more frequent dockets (when in-person) to make up for the smaller size.
- Don't schedule too many or too few cases on a docket – use your time wisely.
- Schedule virtual and in-person dockets separately.

14

## Group by Case Type

- **Start with older cases**
- **Categorize by type and prioritize**
  - Ex (from highest to lowest priority): evictions – debt claim judge trials – small claim judge trials – civil pretrials – civil defaults – civil DWOPS.
  - Prioritize pre-trials where all parties are involved.
  - ***What are the highest priorities in your court?***

15

## Group by Parties

- **Attorney only dockets**
  - If one attorney has multiple cases, group those together.
- **Self-represented litigant dockets**
  - Can give one procedural explanation to whole group at beginning.
  - Avoids confusion from watching attorneys.
- **Truancy dockets**
  - Coordinate with prosecutor (file motions to dismiss ahead of time, etc.)
  - If one school has multiple cases, group those together.
- ***Any other examples?***

16



## Use Pre-Trial to Your Advantage

17

### Pre-Trial

- Opportunity for parties to settle – more likely if they are brought together.
  - Can settle on own or through mediation, which can potentially happen right then during the pre-trial (more info on mediation on next slide)
- Opportunity to take care of issues that could take up more time/delay the case later.
- Pre-trials are very useful! Even though it means an extra setting, they really do help clear dockets!
- *Notice of Pretrial Conference & Docket Control Order* – **grab these from your handouts!**

18

## Mediation

- Can schedule at pretrial and/or right before trial (and then only proceed to trial if they don't settle).
- Harris County options
  - Online – Modria – facilitated by DRC in Harris.
  - In person – DRC
- Check to see what your county has and if there are any state-wide resources you could use!
- Benefits of mediation
  - Less stuff for courts to hear.
  - Gives parties control of their destiny.
  - Allows for creative solutions (even if not part of agreed judgment and part of separate contract instead).

19

Make Use of Available  
Resources: Technology,  
Bench Exchange, Etc.

20

## Virtual Hearings

- How can virtual hearings continue to be useful for clearing dockets even after the pandemic?

21

## Bench Exchanges

- If another judge has some extra time or more familiarity with a certain type of case, a bench exchange might be a good way to clear some cases.
- With virtual hearings, that judge could be anywhere in the state.
- TJCTC has a Bench Exchange Program to connect judges around the state so they can help each other clear backlogs (see next slide).

22

## More Info on TJCTC's Website

- <https://www.tjctc.org/tjctc-resources/virtualbenchexchange.html>
  - Information on TJCTC's Bench Exchange Program
  - Virtual Hearings Self-Paced Module: Provides an overview of how to proceed with online hearings and provides valuable resources.

23

## Other Resources

- National Center for State Courts Tool to help identify, measure, and reduce backlogs.
  - [https://www.ncsc.org/\\_data/assets/pdf\\_file/0027/71856/CTC2021-Backlog.pdf](https://www.ncsc.org/_data/assets/pdf_file/0027/71856/CTC2021-Backlog.pdf)
  - For more information, contact Nora Sydow: [nsydow@ncsc.org](mailto:nsydow@ncsc.org)
- Resources specifically for rural courts – Rural Justice Collaborative
  - <https://www.ruraljusticecollaborative.org/>

24

## Group Discussion / Worksheet

#2: What did you note down for best practices and ideas that were discussed that you might want to try in your court?

#3: What other best practices (that have not already been discussed) have you implemented in your court and/or do you have any other ideas of things to try?

25

Thank You!

26