

# Next Generation Court Technology Standards

## Phase 1

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### Court Business Process Model

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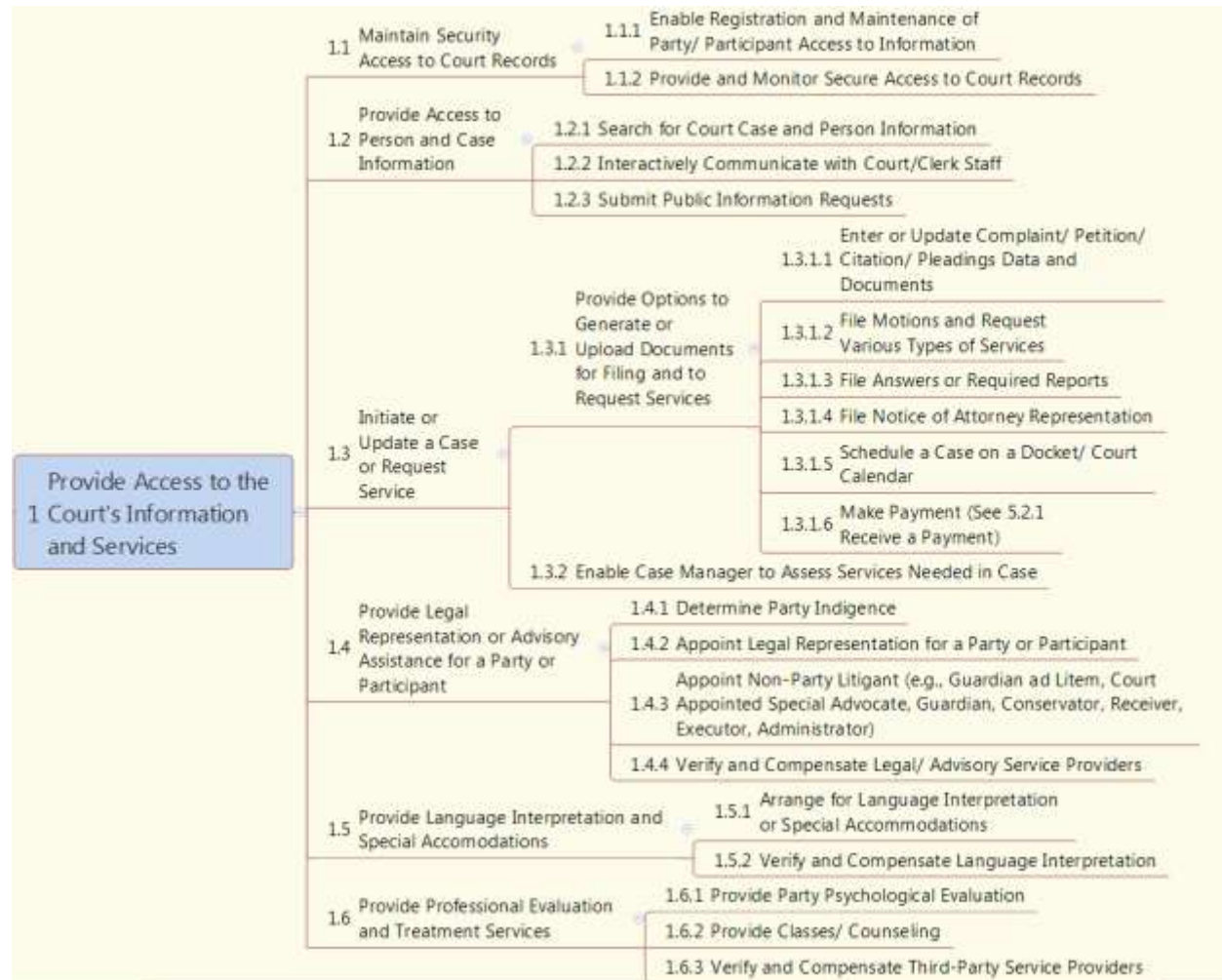
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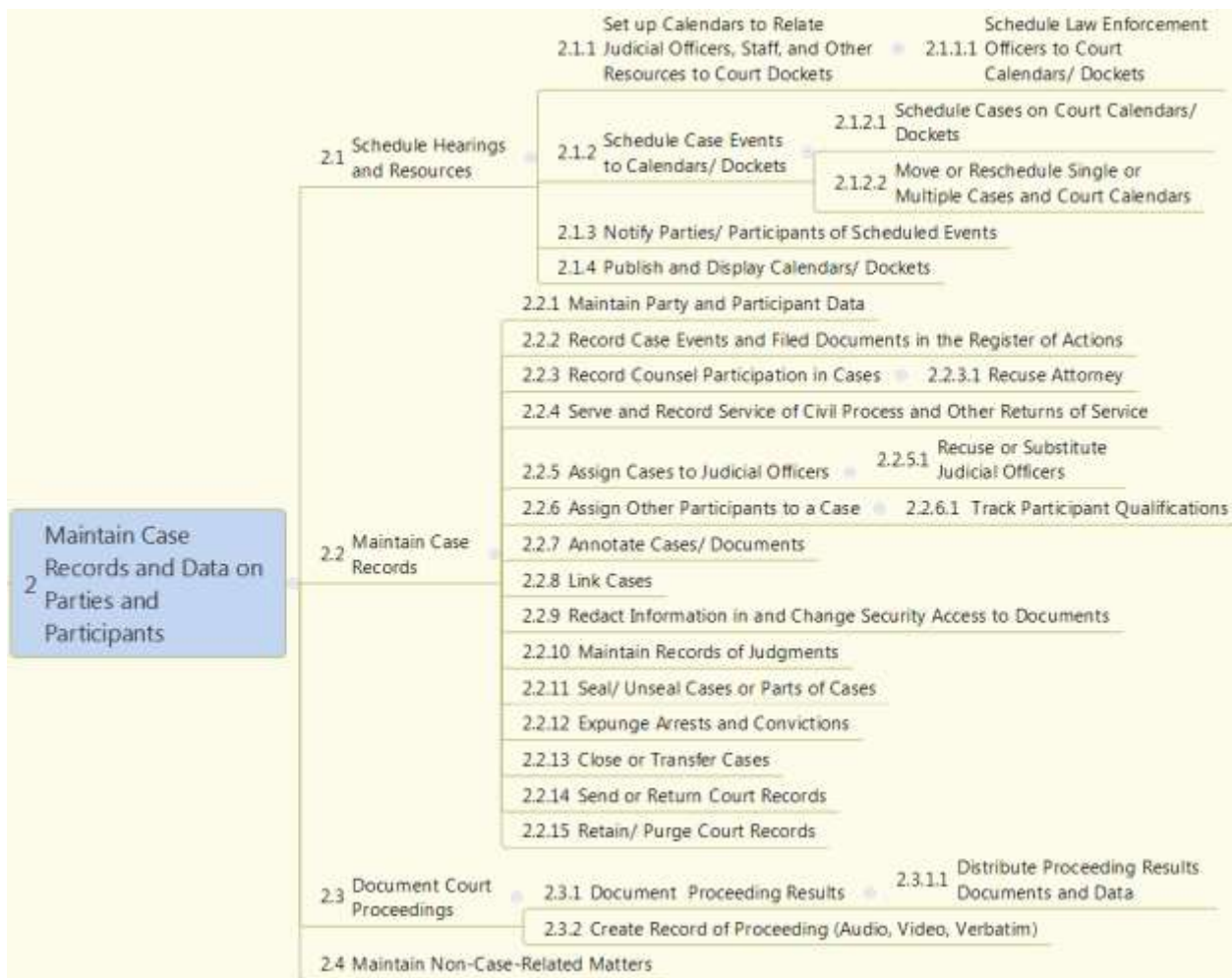
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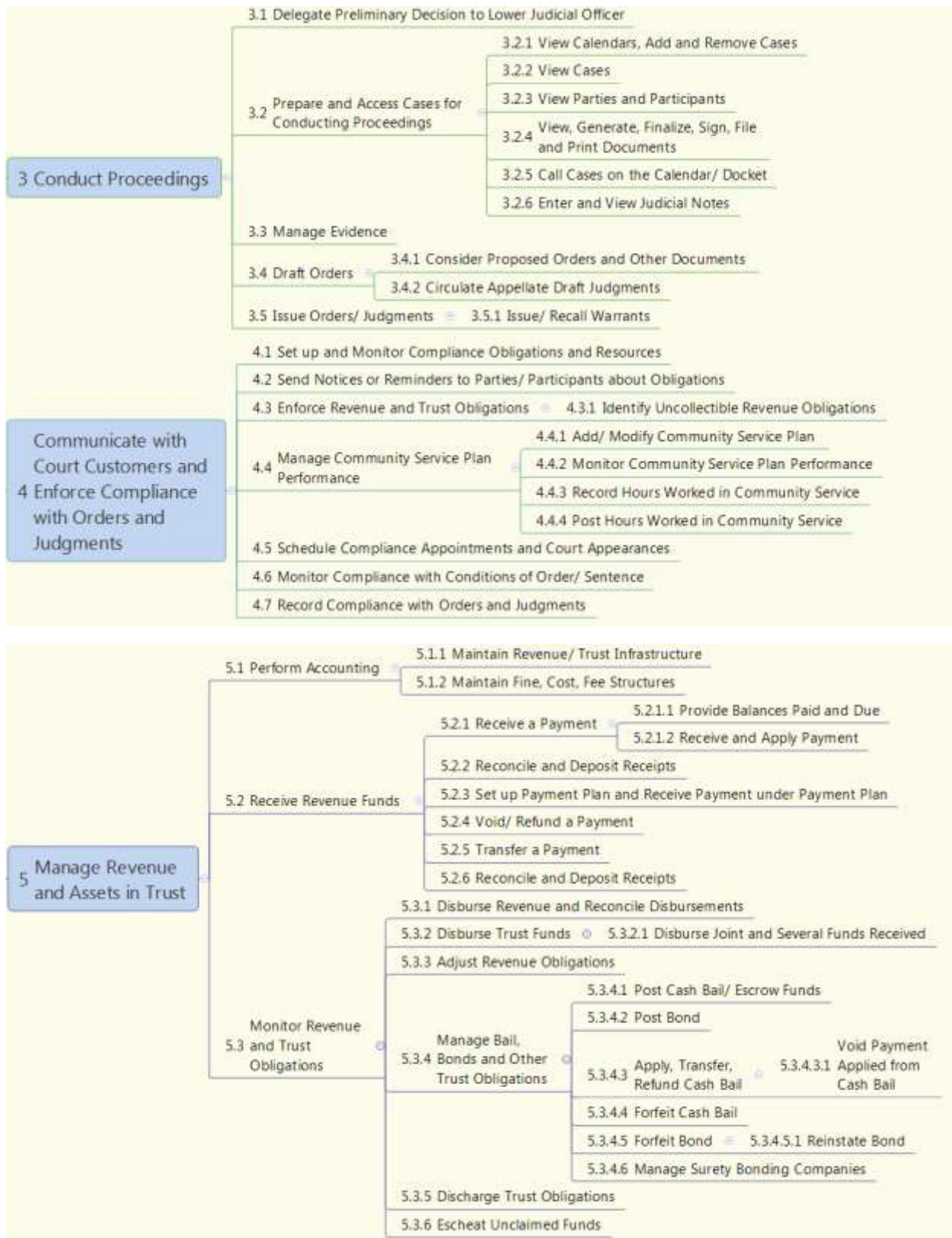
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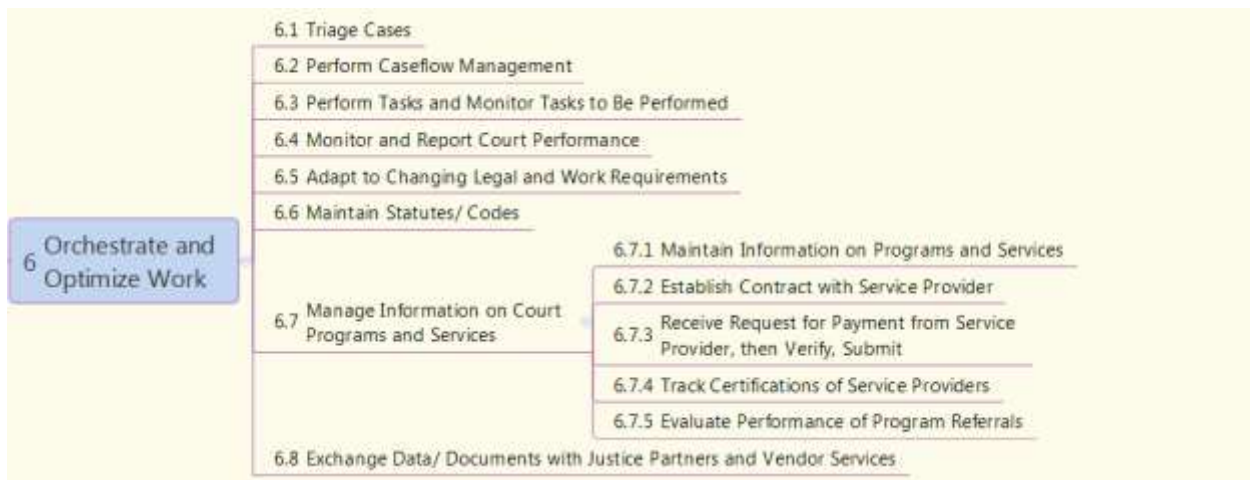
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## A. BUSINESS CAPABILITY MODEL MIND MAP











## **B. BUSINESS CAPABILITY MODEL CAPABILITY DESCRIPTIONS**

### **1 PROVIDE ACCESS TO THE COURT'S INFORMATION AND SERVICES**

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#### **Business Capability Description:**

The court, or the clerk on behalf of the court, provides access to its Information in case records and to services offered to litigants, participants and the public, both face-to-face and electronically.

#### **1.1 MAINTAIN SECURITY ACCESS TO COURT RECORDS**

##### **Business Capability Description:**

Court/clerk supervisory staff maintains case record access security by authorizing access according to role (e.g., party, participant) through registration, and to the public by designating certain records as publicly-accessible. Supervisory staff also monitors access to court records when needed, to track updates to and deletions from a case record.

##### **1.1.1 Enable Registration and Maintenance of Party/ Participant Access to Information**

##### **Business Capability Description:**

The court/clerk (local or state level) enables registration of parties and participants to access court records and maintains registration information.

##### **1.1.2 Provide and Monitor Secure Access to Court Records**

##### **Business Capability Description:**

Court/clerk supervisory staff (through system administration) maintains case record access security rules for employees and third parties (including litigants and the public) by assigning individual and group roles with profiles of access rights. Roles relate to identity, job duties (i.e., purpose for access) and case types.

Court/clerk supervisory staff ensures integrity of case records by tracking access to records when needed (i.e., to verify updates to and deletions from the case record by identified users), and by tracking temporary or permanent staff conflicts of interest.

#### **1.2 PROVIDE ACCESS TO PERSON AND CASE INFORMATION**

##### **Business Capability Description:**

Court customers (parties, participants, the public) search court records for cases and party information.

Court staff searches for persons (including organizations) and cases when initiating a new case. They also search for property that is directly or indirectly the subject of the case.

Court staff provides document access to parties generally without restriction, and to the public with restrictions established by state and local rules.

### **1.2.1 Search for Court Case and Person Information**

#### **Business Capability Description:**

The court/clerk enables court customers to search court records for case information and person/organization information related to cases based on their role in the case, if any,, e.g., summary information, scheduled hearing dates, documents, account balances, jury information.

(This capability refers to modalities such as a public portal and telephone interactive voice response.)

### **1.2.2 Interactively Communicate with Court/Clerk Staff**

#### **Business Capability Description:**

Court or clerk staff is able to interactively communicate with a litigant, attorney or member of the public.

### **1.2.3 Submit Public Information Requests**

#### **Business Capability Description:**

Members of the public and the media submit public information requests for court information.

## **1.3 INITIATE OR UPDATE A CASE OR REQUEST SERVICE**

#### **Business Capability Description**

Court staff or a user (party, participant and the public) initiates or updates a case. A user requests service from the court (e.g., create an account, file a motion, request deferral or diversion, request compliance dismissal, enter a plea, file a pleading, record attorney representation, request a hearing, make a payment).

When a party or participant requests service, a case manager assesses the services needed to resolve a case.

### **1.3.1 Provide Options to Generate/Upload Documents for Filing and to Request Services**

#### **Business Capability Description:**

The court/clerk enables a party to initiate or update a case.

The court/clerk enables a party/ participant to request service from the court (e.g., create an account, file a motion, request deferral or diversion, request compliance dismissal, enter a plea, file a pleading, record attorney representation, request a hearing, make a payment).

#### ***1.3.1.1 Enter or Update Complaint/Petition/Citation/Pleadings Data and Documents***

##### **Business Capability Description:**

The court/clerk enables a party/ participant to enter data and generate or upload documents to file a complaint, petition, or citation, or to amend the pleadings in a case, in order to submit information to the court/clerk to initiate or update a case.

#### ***1.3.1.2 File Motions and Request Various Types of Services***

##### **Business Capability Description:**

The court/clerk enables a party/ participant to file motions and request other types of services, e.g., continuance, deferred prosecution (diversion), deferred sentencing or deferred judgment, compliance dismissal, assertion or waiver of speedy trial, assertion or waiver of jury trial, stay of execution.

#### **1.3.1.3 *File Answers or Required Reports***

Business Capability Description:

Parties or their representatives file an answer or other responsive pleadings, or reports required by the court.

#### **1.3.1.4 *File Notice of Attorney Representation***

Business Capability Description:

Parties or their attorney file an appearance of representation, or parties take the status of self-represented.

#### **1.3.1.5 *Schedule a Case on a Docket/ Court Calendar***

Business Capability Description:

Litigants or their attorneys have the ability to schedule a case on a docket/ court calendar, in cooperation with opposing counsel or according to rules established by the court.

#### **1.3.1.6 *Make a Payment***

Business Capability Description:

Clerk staff accept payments related to cases (e.g., filing fees, fines, restitution) and for services provided (e.g., copy fees, transcript fees).

#### **1.3.2 *Enable Case Manager to Assess Services Needed in Case***

Business Capability Description:

A litigant requests, or the court mandates assessment and delivery of, services as a part of case resolution, e.g., parenting evaluation, protection order, diversion, addiction treatment, counseling, classes, teen court, mediation, guardianship, conservatorship, shelter.

A case manager (staff of court or justice partner) assesses the needs presented by a party or case participant, and makes a recommendation or prepares a case plan for the type and amount of services needed to move the case toward resolution, or to promote compliance with the court's order (either pre-adjudication or post-adjudication, e.g., protection order, pre-trial services, probation). Also see "Communicate with Court Customers and Enforce Compliance with Orders and Judgments."

### **1.4 *PROVIDE LEGAL REPRESENTATION OR ADVISORY ASSISTANCE FOR A PARTY OR PARTICIPANT***

Business Capability Description:

The court orders legal representation or advisory assistance of a party or participation by third parties as required.

#### **1.4.1 *Determine Party Indigence***

Business Capability Description:

The clerk enters and tracks indigent status of a party. For parties determined to be indigent, the clerk updates the party record in a case as of that date, and files or associates a copy of the supporting affidavit or certificate with a Register of Actions entry of that event.

#### **1.4.2 Appoint Legal Representation for a Party or Participant**

Business Capability Description:

A court appoints legal representation for parties (e.g., criminal defendants, juvenile respondents) and participants (e.g., adults or children in need of assistance, parents of a juvenile respondent) who are unable to hire private legal counsel.

If the indigent defender has a potential conflict of interest, the court appoints conflict counsel.

#### **1.4.3 Appoint Non-Party Litigant (e.g., GAL, Court Appointed Special Advocate, Guardian, Conservator, Receiver, Executor, Administrator)**

Business Capability Description:

Courts appoint a variety of non-party litigants to represent specific interests in a case.

The court may appoint a guardian ad litem (GAL) and/or Court Appointed Special Advocate (CASA) to look out for the best interests of protected persons (primarily juvenile, family and probate cases).

The court appoints a guardian and/or conservator to handle the personal and/or financial affairs of an adult or child under protection of the court.

The court appoints a receiver to file with the Court a detailed report and inventory of all property, real or personal, of the subject matter under receivership.

The court appoints an executor or an administrator to manage distribution of testate or intestate estates.

#### **1.4.4 Verify and Compensate Legal/ Advisory Services Providers**

Business Capability Description:

When a court is responsible for compensating legal/ advisory service providers (e.g., indigent counsel, GAL, CASA), the court verifies delivery of the service.

### **1.5 PROVIDE LANGUAGE INTERPRETATION AND SPECIAL ACCOMMODATIONS**

Business Capability Description:

A judge, court/ clerk employee or the court customer may identify the need for a language interpreter, and a party or participant may request special accommodations (i.e., for a disability).

Courts arrange for in-house or out-sourced language interpretation services for parties and participants who are unable to communicate sufficiently to interact with the court, and arrange for the interpretation services to be delivered.

Courts also arrange to accommodate special needs.

## **1.6 PROVIDE PROFESSIONAL EVALUATION AND TREATMENT SERVICES**

### **Business Capability Description:**

A court may provide in-house psychological services for forensic evaluations in a variety of circumstances, though it may outsource such services.

The same applies to providing victim services (e.g., counseling, restitution), parental counseling, family counseling, problem-solving court counseling, education in juvenile detention, and treatment for drug, domestic violence and sex offenses.

### **1.6.1 Provide Party Psychological Evaluation**

#### **Business Capability Description:**

Whether conducted in-house or by a third party, the court obtains a forensic psychological evaluation of a party in a variety of circumstances, e.g. fitness of a criminal defendant to stand trial, sanity, parental fitness in child custody cases, children's status in abuse and neglect cases.

### **1.6.2 Provide Classes/ Counseling**

#### **Business Capability Description:**

Whether provided in-house or by a third party, the court orders classes and counseling on various subjects for party and/or participant. Such services may include victim services (e.g., counseling, restitution), parental counseling, family counseling, problem-solving court counseling, education in juvenile detention, and treatment for drug, domestic violence and sex offenses.

## **2 MAINTAIN CASE RECORDS AND DATA ON PARTIES AND PARTICIPANTS**

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### **Business Capability Description:**

Court/clerk staff maintains information about cases.

## **2.1 SCHEDULE HEARINGS AND RESOURCES**

### **Business Capability Description:**

Courts set up calendars to hear case events, and schedule events and resources to perform the work of the court.

### **2.1.1 Set up Calendars to Relate Judicial Officers, Staff, and Other Resources to Court Dockets**

#### **Business Capability Description:**

The court sets up calendars for the kinds of court proceedings it manages, and assigns judicial officers and staff to court dockets and the capacity of each docket. Other resources include juries, court reporters and interpreters.

#### **2.1.1.1 *Schedule Law Enforcement Officers to Court Calendars/ Dockets***

#### **Business Capability Description:**

Courts accommodate the schedules of law enforcement officers and their departments (as schedules change from time to time) when scheduling cases to court calendars/ dockets.

### **2.1.2 Schedule Case Events to Calendars/ Dockets**

Business Capability Description:

Courts schedule case events to court calendars/ dockets, coordinating their courtroom resources with the needs of a variety of proceedings (e.g., multi-day proceedings, juries, jury courtrooms, courtroom clerks, interpreters, court reporters, equipment), following a set of rules for adding cases based on judicial resources and calendar/ session capacity.

#### **2.1.2.1 *Schedule Cases on Court Calendars/ Dockets***

Business Capability Description:

Courts schedule case events on court calendars/ dockets, coordinating their courtroom resources with the needs of a variety of proceedings (e.g., multi-day proceedings, juries, jury courtrooms, courtroom clerks, interpreters, court reporters, equipment), following a set of rules for adding cases based on judicial resources and calendar/ docket capacity.

#### **2.1.2.2 *Move or Reschedule Single or Multiple Cases and Court Calendars***

Business Capability Description:

Courts reschedule single or multiple cases and entire calendar calls or move them to a different courtroom or judicial assignment.

### **2.1.3 Notify Parties/Participants of Scheduled Events**

Business Capability Description:

Courts notify parties and participants (e.g., law enforcement officers, probation and pretrial services officers, parents of juveniles, heirs in probate, interpreters) of court events.

### **2.1.4 Publish and Display Calendars/ Dockets**

Business Capability Description:

Courts publish and publicly display calendars of court calendars/ dockets, showing proceedings in cases to be conducted at a given date/ time.

## **2.2 MAINTAIN CASE RECORDS**

Business Capability Description:

Court/clerk staff maintains information about cases.

### **2.2.1 Search for Court Case and Person Information**

Business Capability Description:

Court/clerk staff and judges search for case information and person/organization information related to cases when initiating a new case or updating an existing case. They also search for property that is directly or indirectly the subject of the case.

### 2.2.2 Maintain Party and Participant Data

#### Business Capability Description:

Court/ clerk staff enters and updates information for individual and organizational parties, including addresses, demographics, contact info, interpreter needed, organizational affiliation, and the status of parties (i.e., party is active in the case, party is dismissed from the case, case is dismissed -- used to determine what notices must be sent to active parties).

Participant information includes the judge assigned to the case, attorneys appearing in the case, and other participants.

Parties and participants may be a person or an organization such as a business entity, including type of organization, addresses, contact persons and their roles.

Personal and real property may be named as a party in a case.

### 2.2.3 Record Case Events and Filed Documents in the Register of Actions

#### Business Capability Description:

The clerk records the history of case events in the Register of Actions (ROA), which contains several kinds of entries for a case: (a) events which occur in the case (minute entries), (b) filed documents, (c) court appearances.

The clerk attaches an electronic copy of a filed document to a related ROA entry.

### 2.2.4 Record Counsel Participation in Cases

#### Business Capability Description:

A court/clerk records counsel participation in cases, i.e., litigant self-representation, full legal representation (including retained or appointed), and limited scope legal representation for certain parts of a case.

The case records link attorneys to law firms and track disassociation of an attorney from a firm.

The case records show attorney participation at individual proceedings (i.e., stand-ins).

#### 2.2.4.1 *Recuse Attorney*

#### Business Capability Description:

The court/clerk records and tracks identified potential conflicts of interest between attorneys and other attorneys and law firms, and between attorneys and litigants.

### 2.2.5 Serve and Record Service of Civil Process and Other Returns of Service

#### Business Capability Description:

Clerk staff serves legal notice by mail (per statute or local rule), and records returns of personal service of civil process and other returns, e.g., summonses, subpoenas, writs, search warrants, arrest warrants, body attachments, levies of property seized in execution of a judgment.

Parties serve other parties and transmit notice of service to the clerk for recording.

Some returns of service require additional processing.

#### **2.2.6 Assign Cases to Judicial Officers**

A case may be assigned to a judicial officer at case initiation or later when case management is needed (i.e., after an answer is filed or a plea is entered).

A case may be assigned simultaneously to a general jurisdiction court judge and to a limited jurisdiction court judicial officer.

Whether a court assigns cases to judicial officers randomly or by some formula related to courtroom, docket, case type or adjudication process type (e.g., triage, weighting), the court maintains equality of workload among judicial officers handling a certain type of case or proceeding within a given functional unit, i.e., judicial officers in each unit carry an equal distribution of incoming caseload without regard to how quickly or how slowly they dispose of cases.

##### **2.2.6.1 Recuse or Substitute Judicial Officers**

Business Capability Description:

Courts maintain and track potential conflicts of interest between judicial officers and attorneys, and between judicial officers and litigants. A judicial conflict of interest may result in a judicial officer recusing himself or herself.

A court assigns or reassigns cases to judicial officers according to substitution of judge court rule or when a judicial officer recuses himself or herself. Assignment affects workload calculations of judicial officers for maintaining equality of judicial workload.

#### **2.2.7 Assign Other Participants to a Case**

Business Capability Description:

The presiding judge in a case may assign or appoint other participants to a case (e.g., interpreter, court reporter, mediator, arbitrator, guardian ad litem (GAL), a court-appointed special advocate (CASA), a fitness-for-trial psychological evaluator).

Outside agencies may assign other participants to cases, such as case workers or victim advocates.

Parties may designate other people as participants in a case, such as expert witnesses and parents of a juvenile.

The clerk of court records other participants in the case record.

##### **2.2.7.1 Track Participant Certifications**

Business Capability Description:

The court maintains lists of qualified professionals (e.g., interpreters (certified or not as required by state law), qualified attorneys for appointment as indigent counsel, legal document preparers, mental health professionals, qualified mediators, qualified arbitrators, approved family evaluators, licensed treatment service providers).

#### **2.2.8 Annotate Cases/ Documents**

Business Capability Description:



Judicial officers and clerks make notes about cases and documents which are not part of the public court record.

Notes made by clerks for other clerks or for judicial officers are visible only to the clerks and judicial officers.

Notes made by judicial officers are generally confidential as part of the decision-making process and are visible only to the judicial officer who made the note, and to specified judicial officers and authorized staff, though in some states a judicial officer's notes may be obtained by attorneys in a case.

#### **2.2.9 Link Cases**

Business Capability Description:

A court identifies related cases for reference or administrative purposes, i.e., see what other cases a party or participant is involved in as background information, identify additional cases for scheduling hearings at the same time.

#### **2.2.10 Redact Information in and Change Security Access to Documents**

Business Capability Description:

A judicial officer may direct clerk staff to redact information in filed documents, to protect confidential information contained in the documents, even though neither the court nor the clerk is required to review documents or exhibits for compliance with statutory or court rules on confidential information.

A judicial officer may direct staff to change security access to certain court records.

#### **2.2.11 Maintain Records of Judgments**

Business Capability Description:

Courts make and clerks enter findings, verdicts, orders and judgments.

The clerk of court records entry of money and other judgments against a party, and satisfaction of such judgments.

When a foreign civil judgment is filed, the clerk assigns an appropriate civil case number.

The clerk enters a revival of a civil judgment if the judgment is renewed before its statute of limitations runs.

#### **2.2.12 Seal/ Unseal Cases or Parts of Cases**

Business Capability Description:

All or parts of the record of certain cases may be sealed by court order in order to restrict access to the case record which is otherwise unrestricted to the public.

A judge may order an entire case to be sealed.

Alternatively, a judge may order documents or portions of a case to be sealed, e.g., confidential personal information, HIPAA-protected data, child custody- or sex offense-related information, a genetic test finding in a child support or child welfare case that a putative father is not the actual father of a child, trade secrets.

A judge may allow access to an otherwise restricted case based on a party's or participant's role in a case, e.g., court/clerk staff, service providers such as non-attorney GAL, Court Appointed Special Advocate, psychologist.

Conversely, a judge may order the unsealing of cases or parts of the record.

#### **2.2.13 Expunge Arrests and Convictions**

Business Capability Description:

If expunction is allowed under state law, a judicial officer may order an arrest or a conviction in a case to be expunged under state law which allows removal of certain arrests or convictions from a person's criminal record.

#### **2.2.14 Close or Transfer Cases**

Business Capability Description:

The clerk administratively closes cases when closing conditions of a particular case type are met, or when cases are transferred out of the jurisdiction or to another court in the same jurisdiction, and reports case closures.

#### **2.2.15 Send or Return Court Records**

Business Capability Description:

Clerk staff sends the original case record, or a certified copy of it, for purposes of appeal, transfer out of the jurisdiction on a change of venue or change of place of trial or writ of mandamus, or for archival. The receiving court may return the case record.

#### **2.2.16 Retain/ Purge Court Records**

Business Capability Description:

The clerk of court retains and purges court records based on record retention rules, and on rules for return of trial exhibits.

### **2.3 DOCUMENT COURT PROCEEDINGS**

Business Capability Description:

Courts record attendance, party and participant statements, and events which occur at proceedings, either in summary or verbatim written form, and/or in audio/ video format.

Courts record results of proceedings in summary written form (e.g., minute entries) or through orders issued which are made part of the case record and distributed to parties and participants.

#### **2.3.1 Document Proceeding Results**

Business Capability Description:

Courtroom clerks prepare a minute entry which describes (a) who was in attendance at a court proceeding, (b) the purpose of the proceeding, (c) statements made by parties and participants, and (d) the results of the court proceeding.

#### **2.3.1.1 *Distribute Proceeding Results Documents and Data***

Business Capability Description:

Court clerks distribute orders and notices issued by the court to parties and to participants who are identified to receive results, and data reflecting the proceeding results, using the method specified in the account registration.

#### **2.3.2 *Create Record of Proceeding (Audio, Video, Verbatim)***

Business Capability Description:

Courts create a record of proceedings, including who was in attendance and what parties and participants said, in some format: (1) an audio recording, (2) a video recording, (3) a verbatim record of proceedings produced by a court reporter, Stenomask or speech recognition technology.

### **2.4 *MAINTAIN NON-CASE-RELATED MATTERS***

Business Capability Description:

The clerk of court maintains records of non-case-related matters, e.g., wills deposited, business permits, administrative orders, passports, marriage licenses, bail bondsman information, process server applications, receiving state Interstate Compact requests.

## **3 *CONDUCT PROCEEDINGS***

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Business Capability Description:

Courts conduct proceedings to facilitate resolution of cases.

### **3.1 *DELEGATE PRELIMINARY DECISION TO LOWER JUDICIAL OFFICER***

Business Capability Description:

Judges refer cases to limited-authority judicial officers (e.g., magistrates, commissioners, referees), and to extra-judicial officers (e.g., mediators, arbitrators, special masters) to assist litigants in reaching resolution through mediation or conciliation, or to render a recommended judicial decision.

A case manager monitors decision deadlines for timeliness. The judge reviews the preliminary decision and approves or modifies it.

### **3.2 *PREPARE AND ACCESS CASES FOR CONDUCTING PROCEEDINGS***

Business Capability Description:

Judicial officers, assisted by courtroom staff, prepare for and manage proceedings by viewing the case record and the reason for the proceeding, viewing the list of cases and attorneys scheduled to appear, and having parties and participants check in at the beginning.

In the course of the proceeding, the judicial officer views calendars (and may add and remove cases), views cases, views party and participant information, views documents (and may manipulate them in

various ways, including generating drafts, finalizing, signing and filing them), calls cases on the calendar/ docket, and may enter judicial officer notes on the case.

### **3.2.1 View Calendars, Add and Remove Cases**

#### **Business Capability Description:**

The judicial officer views the current and other calendars/ dockets which display the number and types of hearings on the calendar, either to prepare for or conduct a calendar/ docket.

The judicial officer may search calendars for events, parties or attorneys.

The judicial officer may add cases to or remove cases from the calendar.

### **3.2.2 View Cases**

#### **Business Capability Description:**

The judicial officer views cases scheduled on the calendar, and may select cases for viewing further information by criteria, e.g., type, party name, attorney name, sentencing information, in-custody, outstanding warrants, balances due, prior settings.

The judicial officer may view related/ linked cases.

### **3.2.3 View Parties and Participants**

#### **Business Capability Description:**

The judicial officer may view information about parties, e.g., aliases, case history for one or more courts.

The judicial officer may view information about participants in a case, e.g., attorneys, victims, witnesses, executors, trustees, receivers, court appointed special advocates, service providers, interpreters, court reporters.

### **3.2.4 View, Generate, Finalize, Sign, File and Print Documents**

#### **Business Capability Description:**

The judicial officer may view documents associated with a case, conduct keyword searches of documents, change the view of a document (zoom, shrink, rotate, flip the document), filter the document list by date range, description, document type or event type.

The judicial officer may generate or receive draft documents, then finalize, sign and file documents.

The judicial officer may print documents in a case on demand.

### **3.2.5 Call Cases on the Calendar/ Docket**

#### **Business Capability Description:**

The judicial officer may call cases on the calendar/ docket in a variety of orders, e.g., alphabetically, by attorney, by police officer, by case number, or by time of arrival in court.

The judicial officer may add a case to the calendar, remove the case, move a case to another calendar, or group cases on calendar, including hearing all cases of a party in the course of a calendar session.

The judicial officer may keep track of attendance of parties at the proceeding.  
The judicial officer must have a means to know that a calendar session is complete.

The judicial officer must have a means to issue a summons or warrant for people who failed to appear.

### **3.2.6 Enter and View Judicial Notes**

Business Capability Description:

The judicial officer may add, edit, view and delete confidential judicial case notes. The judicial notes may be attached to a calendar, hearing, case, document or party.

The judicial officer may delegate permission related to judicial notes to a third party.

## **3.3 MANAGE EVIDENCE**

Business Capability Description:

Courts receive documents and other kinds of evidence during court proceedings, record receipt (offer) and, for some, admission into evidence, and maintain chain of custody information for evidence submitted.

After the case is resolved, the clerk notifies exhibit owners to claim their exhibits, and may destroy them after sufficient notice was given, if the case is not appealed.

The court's evidence manager may move evidence items individually or in bulk while managing them.

## **3.4 DRAFT ORDERS AND PREPARE FOR NEXT EVENT IN A CASE**

Business Capability Description:

A judicial officer prepares orders in cases or may receive draft orders from attorneys.

A judicial officer must have a means to be able to set dates for continuances and for motions and decisions under advisement.

### **3.4.1 Consider Proposed Orders and Other Documents**

Business Capability Description:

A judicial officer may receive and consider proposed orders and other documents (e.g., jury instructions, briefs).

### **3.4.2 Circulate Appellate Draft Judgments**

Business Capability Description:

Appellate court judges circulate draft judgments to other members of the court before the decision is finalized.

## **3.5 ISSUE ORDERS/ JUDGMENTS**

Business Capability Description:

A judicial officer facilitates resolution of cases by entry of interim orders resolving issues or final orders resolving the entire case.

Judicial officers sign orders/ judgments that they have approved, and some documents are countersigned by parties and attorneys.

Judicial officers may sign orders in bulk as prepared by the clerk or by a lower judicial officer.

After signing, the clerk issues the order/ judgment.

### **3.5.1 Issue/ Recall Warrants**

Business Capability Description:

Courts issue warrants to compel appearance of persons at court or property for investigation, at the request of the prosecutor (e.g., investigative warrant, search warrant) or on the court's own initiative (e.g., bench warrant in non-confidential case). After issuance, warrants are communicated to law enforcement who executes them.

A warrant may be confidential when issued, but it is made public after it is served.

Courts quash/ recall warrants at the request of the prosecutor or on the court's own initiative. If a warrant needs correction, it is quashed and a new warrant issued.

## **4 COMMUNICATE WITH COURT CUSTOMERS AND ENFORCE COMPLIANCE WITH ORDERS AND JUDGMENTS**

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Business Capability Description:

The court monitors compliance with court orders and judgments and uses resources to enforce compliance.

Compliance obligations include revenue and trust obligations, community service, keeping of appointments and court appearances, and conditions of orders/ sentence.

The court sends notice or messages to notify or remind parties of their obligations.

The court records compliance with orders and judgments.

### **4.1 SET UP AND MONITOR COMPLIANCE WITH ORDERS AND JUDGMENTS**

Business Capability Description:

Clerks, sometimes in cooperation with prosecution or probation departments, monitor compliance with pre-judgment deferrals and diversions, and with post-judgment orders (including court debt collection and problem-solving court conditions), in order to bring non-compliance to the attention of the court.

A pretrial services department monitors compliance with pretrial release conditions, and bring non-compliance to the attention of the court.

Court/ clerk staff, in cooperation with the prosecution, monitors warrant age and status, as the increasing age of a warrant may make execution less likely.

#### **4.2 SEND NOTICES OR REMINDERS TO PARTIES/ PARTICIPANTS ABOUT OBLIGATIONS**

Business Capability Description:

Case managers send notices or reminders to parties/ participants about their obligations and deadlines under court orders using methods they have authorized in their account registration, e.g., voice, email or text messaging – the default is by mail.

#### **4.3 ENFORCE REVENUE AND TRUST OBLIGATIONS**

Business Capability Description:

Clerk staff monitors revenue accounts receivable and unpaid trust obligations such as restitution, and ensures that delinquent accounts are assigned to a collection process.

##### **4.3.1.1 *Identify Uncollectible Revenue Obligations***

Business Capability Description:

Clerk staff identifies accounts that are uncollectible and segregates these accounts from accounts actively being collected. Obligations are still owing and may be received later.

#### **4.4 MANAGE COMMUNITY SERVICE PLAN PERFORMANCE**

Business Capability Description:

The court may require participation in a community service plan and monitor performance. Court staff or justice partner staff perform monitoring of performance.

The court records hours worked in community service.

##### **4.4.1 Add/ Modify Community Service Plan**

Business Capability Description:

The judicial officer creates an obligation for a defendant to perform community service in connection with one or more cases, and may modify the order from time to time.

##### **4.4.2 Monitor Community Service Plan Performance**

Business Capability Description:

Court/ clerk staff or justice partner staff arranges for locations for a defendant to perform community service, and monitors a defendant's performance under a community service plan.

##### **4.4.3 Record Hours Worked in a Community Service Plan**

Business Capability Description:

Court/ clerk staff records hours that a defendant worked performing community service.

#### **4.4.4 Record Hours Worked under a Community Service Plan**

##### **Business Capability Description:**

Court/clerk staff or justice partner staff records hours worked under a community service plan against the defendant's obligations, and communicates with the defendant and the community service provider to verify work performed.

#### **4.5 SCHEDULE COMPLIANCE APPOINTMENTS AND COURT APPEARANCES**

##### **Business Capabilities Description:**

Case managers schedule appointments and court appearances for parties to attend in compliance with court orders.

#### **4.6 MONITOR COMPLIANCE WITH OBLIGATIONS OF ORDER/ SENTENCE/ JUDGMENT**

##### **Business Capabilities Description:**

Case managers (court/clerk staff and justice partner staff) log their contacts with parties/ participants who are ordered to perform obligations, track case status, and enter program/ service case notes. (Courts generally do not independently monitor compliance with civil judgments but enforce judgments when a judgment holder requests such service.)

If a party/ participant ordered to comply with obligations fails to comply, the case manager schedules and notices the party for a show cause hearing.

#### **4.7 RECORD COMPLIANCE WITH ORDERS AND JUDGMENTS**

##### **Business Capability Description:**

Case managers record proof of compliance to satisfy orders and judgments.

### **5 MANAGE REVENUE AND ASSETS IN TRUST**

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##### **Business Capability Description:**

Clerks maintain financial records of two kinds of funds: (1) revenue earned by the court and expenditures incurred in the performance of the clerk's function, and (2) assets in trust for litigants, e.g., bail, bonds, escrow, restitution, child support, funds of a ward's estate, distributed as required by statute, rule or order.

#### **5.1 PERFORM ACCOUNTING**

##### **Business Capability Description:**

Clerk staff performs double-entry accounting; applies funds received to correct accounts (either revenue or trust); calculates costs, fees, and fines (and off-setting credits) in accordance with statutes, rules and good accounting practice; conducts enforcement of court debt, including tracking third-party collections and income tax refund intercepts; and disburses funds appropriately.



### 5.1.1 Maintain Revenue/ Trust Infrastructure

#### Business Capability Description:

Clerks maintain financial records of revenue earned by the court and expenditures incurred in the performance of the clerk's function, separated from amounts received in trust for others (i.e., held by the Clerk of Court in a trust or agency capacity), and distributed as required by statute, rule or order.

### 5.1.2 Maintain Fine, Cost, Fee Structures

#### Business Capability Description:

Court/clerk staff maintains tables of fines, costs and fees, and the business rules used for assessing fines, costs and fees for particular situations, e.g., the existence or non-existence of a plea, guilt or acquittal in a case, other rules.

## 5.2 RECEIVE REVENUE FUNDS

#### Business Capability Description:

Clerk staff accepts revenue payments related to cases (e.g., filing fees, costs, fees) and for services provided (e.g., copies). A court also creates legal financial obligations by sentencing defendants to pay fines and costs (based on statutorily-imposed amounts or on judicial discretion).

Clerk staff reconciles revenue cash on hand with records of money receipted – over the counter, and electronically, and deposit the funds.

### 5.2.1 Receive a Payment

#### Business Capability Description:

Clerks look up balances paid and due when a payment is tendered, and apply the payment to the account.

#### 5.2.1.1 *Provide Balances Paid and Due*

#### Business Capability Description:

The party/ participant making a payment, or the clerk receiving the payment, accesses active case balances, and also a payment history of all debits and credits on a case in chronological sequence. Information is accessible for a selected case or all active cases.

#### 5.2.1.2 *Receive and Apply Payment*

#### Business Capability Description:

Clerks accept payments on financial obligations related to cases (e.g., filing fees, costs, fees), and for other services (e.g., copies), and reconcile cash on hand with records of money receipted – over the counter, interactive voice response (IVR), and online.

The clerk verifies acceptability of non-cash payments (e.g., credit card authorization code, check validation).

The clerk provides a receipt for payment.

### **5.2.2 Set up Payment Plan and Receive Payment under Payment Plan**

#### **Business Capability Description:**

A clerk sets up a payment plan for one or more cases of the defendant, or adds a case to a payment plan.

Terms of a payment plan include extending payment plan dates, establishing the order in which cases on a plan are paid, and conditions for canceling a payment plan.

A clerk receives payments under a payment plan.

### **5.2.3 Void/ Refund a Payment**

#### **Business Capability Description:**

A clerk may void a payment with permission of a supervisor or appointing authority, and enter a reason for the void.

A clerk may refund a payment wholly or partially, and back the payment out from distribution.

### **5.2.4 Transfer a Payment**

#### **Business Capability Description:**

A clerk may transfer a payment wholly or partially from one case to another, and provide a reason for the transfer.

Where a case is transferred to another jurisdiction (e.g., municipal to juvenile, district to circuit, trial court to appellate court), payments and obligations are transferred with the case.

### **5.2.5 Reconcile and Deposit Receipts**

#### **Business Capability Description:**

Clerks organize the receipt of payments into batches. Periodically or at the end of each day, clerks reconcile the records of transactions with money received to prepare a bank deposit.

## **5.3 MONITOR REVENUE AND TRUST OBLIGATIONS**

#### **Business Capability Description:**

Clerks monitor and report the status of revenue and trust obligations, and adjust and disburse funds when events occur.

### **5.3.1 Disburse Revenue and Reconcile Disbursements**

#### **Business Capability Description:**

Clerk staff disburses funds to a variety of accounts of governmental units using distribution patterns required by statute; and they reconcile amounts that should be disbursed with the amounts actually disbursed.

### **5.3.2 Disburse Trust Funds**

#### **Business Capability Description:**

Clerk staff disburses funds received in trust to recipients as ordered by the court.

#### **5.3.2.1 Disburse Joint and Several Funds Received**

Business Capability Description:

Clerk staff calculates distributions due under joint and several liability as ordered by the court, and disburses funds received in trust to recipients.

#### **5.3.3 Adjust Revenue Obligations**

Business Capability Description:

A judicial officer may order an adjustment of fines, costs or fees, to be reflected in accounts receivable; or may convert a financial obligation (payment of a fine) to community (work) service, or to time served in jail (at a certain daily rate); or may waive costs or fees when a party is found by the court to be indigent.

Clerk staff monitors receipt of revenue on continuing obligations ordered by the court (such as monthly accruing probation fees and assessment fees), as well as on judgments.

State law may allow calculation of interest accrual on judgments.

#### **5.3.4 Manage Bail, Bonds and Other Trust Obligations**

Business Capability Description:

Clerk staff record bail and bond activity (including forfeiture of bonds), and adjust, refund and transfer bail or bonds (e.g., surety, property).

Clerk staff records funds held in trust in civil cases (e.g., court registry funds, trust funds).

##### **5.3.4.1 Post Cash Bail/ Escrow Funds**

Business Capability Description:

The clerk receives money according to the type of trust obligation it represents (e.g., cash bail, funds in escrow), records who posted it, and records the conditions of the bail or other trust obligation.

##### **5.3.4.2 Post Bond**

Business Capability Description:

The clerk receives a bond (e.g., surety, property), records information about the surety/ property, and records the conditions of the bond/ trust obligation.

##### **5.3.4.3 Apply, Transfer, Refund Cash Bail**

Business Capability Description:

The clerk identifies eligible cases and the amount to be applied for cash bail received.

The clerk may transfer cash bail wholly or partially from one case to another.

The clerk may refund cash bail wholly or partially upon order of the court.

Upon order of the court or by agreement of the defendant, the clerk may apply cash bail to pay a defendant's fines, costs or court fees.

#### 5.3.4.3.1 Void Payment Applied from Cash Bail

##### Business Capability Description:

The clerk upon order by the court may void a payment that has been applied from a cash bail or escrow account, restoring active cash bail on the case.

#### 5.3.4.4 *Forfeit Cash Bail*

##### Business Capability Description:

The clerk may forfeit cash bail for defendant's failure to comply with conditions including failure to appear, upon order of the court. The clerk gives notice of the forfeiture to the defendant.

#### 5.3.4.5 *Forfeit Bond*

##### Business Capability Description:

The clerk may forfeit a defendant's bond upon order of the court for failure to comply with conditions including failure to appear.

Whether a surety or property bond forfeiture is added as a civil case or added as an element of the criminal case, the clerk gives notice to the surety or property owner and the defendant. The bond forfeiture may be dismissed when a defendant appears in court, shows compliance or otherwise resolves the underlying criminal case.

#### 5.3.4.5.1 Reinstate Bond

##### Business Capability Description:

The clerk may reinstate a surety or property bond upon order of the court.

#### 5.3.4.6 *Manage Surety Bonding Companies*

##### Business Capability Description:

Clerks track the amount of surety bonds that a bonding company and its insurer underwrite, and track the status of bail bonding companies based on licensing requirements, discharge of surety, and forfeitures of bonds when defendants violate their surety bond obligations.

#### 5.3.5 Disburse Trust Obligations

##### Business Capability Description:

The judicial officer may release the defendant from bond conditions, release the surety from its obligations, and order the clerk to return cash bail.

The judicial officer may release funds held in trust in civil cases (e.g., court registry funds, trust funds).

#### 5.3.6 Escheat Unclaimed Funds

##### Business Capability Description:

Clerks turn over unclaimed property to the state after a period of time set by statute.

## 6 ORCHESTRATE AND OPTIMIZE WORK

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### Business Capability Description:

The court/clerk operation allocates case-related tasks to staff in the most efficient way possible, establishes case resolution pathways to most efficiently resolve cases, monitors and reports court performance, adapts to a changing business environment, keeps statutes and codes up to date, manages court programs and services, exchanges data and documents with justice partners, and allocates work to case managers.

### 6.1 TRIAGE CASES

#### Business Capability Description:

Judicial officers and other case managers perform case triage after each court event to evaluate placement of cases in different management tracks based on case issues and other characteristics.

### 6.2 PERFORM CASEFLOW MANAGEMENT

#### Business Capability Description:

Judicial officers and other case managers track the volume and timeliness of responding to workload tasks which are assigned to individuals and groups.

Judicial officers and other case managers use caseflow management principles (including monitoring compliance of individual cases with case management track deadlines), to evaluate caseflow management performance and bring a case to its most efficient, effective and just resolution. For an individual case they track the “state” (status) of the case and of its parties, and use the case state to guide or determine the action they take in the case.

For aggregate court performance management they use CourTool performance measures and other measures based on standards, and take corrective action as needed. Also see "Monitor and Report Court Performance" business capability.

### 6.3 PERFORM TASKS AND MONITOR TASKS TO BE PERFORMED

#### Business Capability Description:

Judicial officers and other case managers (court/clerk staff and justice partner staff) receive tasks triggered by external case events (e.g., litigant filing a pleading or motion, return of service is filed), internal case events (e.g., a judicial officer signing an order, the clerk issuing the order), and temporal events (e.g., a deadline approaching or passing). After such events, they perform their respective tasks which may include reviewing and taking action on documents routed to their attention concerning a case, party or participant.

Judicial officers and other case managers, by performing tasks, may transfer immediate or time-triggered tasks to others who will perform the next task in the process.

Judicial officers and other case managers are reminded to check the status of whether a case event has occurred or not, and notify other staff or a judicial officer of particular situations which require action.

Monitoring how quickly tasks are performed helps ensure prompt action, and too long a delay in performing a task may escalate the task to higher authority. Case managers identify task bottlenecks and reallocate staff dynamically based on workload and applicable time frames.

Case managers assess whether scheduling activities and use of resources are effective.

#### **6.4 MONITOR AND REPORT COURT PERFORMANCE**

Business Capability Description:

Court administration and clerk staff monitor and report state-mandated activity statistics and disposition data, including revenue received and caseload management performance, for internal management and public information.

#### **6.5 ADAPT TO CHANGING LEGAL AND WORK REQUIREMENTS**

Business Capability Description:

Judicial officers, court administration and clerk staff adapt to changing legal and work requirements, and optimize case resolution and overall court performance.

#### **6.6 MAINTAIN STATUTES/ CODES**

Business Capability Description:

Court or clerk staff maintains statutes and codes that are in effect currently and as of any given date, to enable knowing what the law was as of that date.

#### **6.7 MANAGE COURT PROGRAMS AND SERVICES**

Business Capability Description:

Case managers (court or justice partner staff) maintain information on programs and services, track certifications, and evaluate performance of program referrals.

##### **6.7.1 Maintain Information on Programs and Services**

Business Capability Description:

Court and clerk staff maintain information on agencies and third-party service providers that provide programs and services based on court order. Such programs and services include community service, seminars, counseling, neighborhood mediation, and teen court.

##### **6.7.2 Establish Contract with Service Provider**

Business Capability Description:

Court administration contracts with service providers for a variety of ongoing services: interpreters, indigent/ conflict counsel, psychological evaluation, language interpretation, court reporters, transcripts

for indigent parties, expert witnesses in indigent cases, IT service providers, providers of miscellaneous goods and services. Court administration manages performance of contractors and approves payment when an invoice is submitted.

#### **6.7.3 Receive Request for Payment from Service Provider, then Verify, Submit**

Business Capability Description:

Contract service providers invoice the court for services provided. Court staff verifies that the service was provided, and may verify payments against contractual and statutory caps, verify rates billed by area, and verify expenses claimed, e.g., mileage, parking.

When service delivery and other aspects are verified, court staff authorizes payment.

#### **6.7.4 Track Certifications of Service Providers**

Business Capability Description:

Court and clerk staff maintain information on continuing certification by service providers, e.g., interpreters, counselors, mediators.

#### **6.7.5 Evaluate Performance of Program Referrals**

Business Capability Description:

Court and clerk staff maintain information on parties referred to programs or services, including numbers of people referred, successful completion of the program or service, noncompliance with or termination from the program or service, and demographic information.

### **6.8 EXCHANGE DATA/ DOCUMENTS WITH JUSTICE PARTNERS AND VENDOR SERVICES**

Business Capability Description:

Court and clerk staff exchange data and documents with justice partners. Such exchanges may be automated.

Examples of Interfaces:

- 1) Bar Association Interface (State)
- 2) Cash Drawer Interface (Vendor Service)
- 3) Child Support Collection Unit Interface (County/ State)
- 4) Collection Agency Interface (Vendor Service)
- 5) Computer Aided Dispatch (CAD) Interface (City/ County)
- 6) Conservatorship Accountability Auditor Interface (State)
- 7) Court Reporting Interface (Vendor Service)
- 8) Credit Card/ Debit/ Electronic Check Payment Interface (Vendor Service)
- 9) Criminal History Repository Interface (State)
- 10) Department of Human Services Interface (State)
- 11) Department of Motor Vehicles Interface (State)
- 12) E-Citations Interface (City/ County/ State Law Enforcement)
- 13) Email System Interface
- 14) E-Signatures Interface

- 15) Financial Interface (City/ County)
- 16) GIS Address Validation Interface (City/ State)
- 17) Insurance Database Interface (State)
- 18) Interactive Voice Response (IVR)/ Dialer Interface (Vendor Service)
- 19) Jail/ Detention Management System Interface (City/ County)
- 20) Jury Management System Interface (Vendor Service)
- 21) Lobby Management Interface (Vendor Service)
- 22) Mailing/ Notices Provider Interface (Vendor Service)
- 23) Other Courts in the Jurisdiction Interface
- 24) Probation/ Pretrial Services Management System Interface (City/ County)
- 25) Prosecutor Case Management System Interface (City/ County)
- 26) Public Defender Case Management System Interface (County/ State)
- 27) Public Portal Chat Interface (Vendor Service)
- 28) Records Management System (RMS) Interface (City/ County)
- 29) Red Light Camera Interface (Vendor Service)
- 30) Skip Tracing Interface (Vendor Service)
- 31) Video Hearing System Interface (Vendor Service)