



ONLINE CASE RESOLUTION (OCR) Access to Justice

Pilot Project – Civil Traffic Infractions

April 2020

BACKGROUND

In June 2019, the Florida Supreme Court approved a pilot project for online dispute resolution and charged the Online Dispute Resolution Workgroup with overseeing its implementation. The Workgroup developed the *Online Dispute Resolution Pilot Project Plan for Florida's Trial Courts* which recommended the establishment of a pilot of ODR in small claims cases, civil traffic infraction cases, and dissolution of marriage cases that do not involve children. The Workgroup identified six participating judicial circuits, selected the vendors that will provide ODR services, and secured funding from the Trial Court Budget Commission.

- Third Judicial Circuit – Small Claims
- Fifth Judicial Circuit – Small Claims
- Ninth Judicial Circuit – Small Claims
- Tenth Judicial Circuit – Dissolution of Marriage
- Eleventh Judicial Circuit – Civil Traffic Infractions
- Seventeenth Judicial Circuit – Dissolution of Marriage

ONLINE DISPUTE RESOLUTION

Online Dispute Resolution (ODR) involves litigants and, in some instances, court personnel in resolving disputes using a web-based platform designed to lead participants through a series of steps toward the goal of case resolution. The steps include posing standardized questions, providing an opportunity for response, allowing parties to make and accept case negotiation offers with or without the assistance of a third party neutral, and, in some instances, automatic generation of a settlement agreement. ODR has been identified as a viable point of access to the courts for selected case types and its use is expanding rapidly across state courts. ODR is expected to provide an innovative way for litigants to resolve cases while preserving time and resources.

There is a national movement happening around this topic as well and the National Center for State Courts and the Pew Charitable Trusts have entered a partnership to study the use of ODR in the state courts. Florida has been identified as a state that will receive technical assistance in the form of front-end support in pilot design and implementation.

Eleventh Judicial Circuit

By embracing today's technology, the Eleventh Judicial Circuit is committed to the idea that the ODR approach will increase the public's access to justice in a fair and efficient manner. The Circuit was chosen to participate in the ODR pilot phase for civil traffic infraction cases. Currently, Miami-Dade County Traffic Court has over 19,000 potential cases eligible for online resolution using a newly developed Online Case Resolution (OCR) process. Online case resolution of eligible traffic citations can be resolved from any smartphone, computer or tablet at any time, "opening the courthouse doors" beyond traditional business hours and address challenges present in traditional court appearances such as in-person appearances, length of time to case resolution, and those associated costs.

Civil Traffic Infractions

Civil traffic infractions constitute numerous case types, which include both moving and non-moving violations. Currently, when a law enforcement officer issues a citation for a civil traffic infraction, the recipient of the citation (defendant) is presented with the option of admitting guilt and paying a penalty, electing to attend driver improvement school to reduce the number of points assessed, or requesting that the case be set for a hearing before the court. If a hearing is requested, the case is calendared for a hearing before a Civil Traffic Infraction Hearing Officer (CTIHO) or judge. Once a court date is requested, the individual is given the option to enter a plea of guilty, not guilty, or no contest. If the defendant pleads not guilty, the issue will be set for pre-trial hearing and a notice of court appearance will be mailed. If the defendant pleads guilty or no contest, they can make requests for actions including extension of payment deadline, reconsideration of the number of points assessed to the license, and permission to attend driver improvement school. In consideration of these requests, the CTIHO evaluates the defendant's driving record and, where appropriate, makes offers based on the request and subsequently makes a ruling. Pursuant to rule 6.630(d), Fla. Rules of Judicial Admin., a CTIHO shall have the power to accept pleas from defendants, hear and rule upon motions, decide whether a defendant has committed an infraction, and adjudicate or withhold adjudication in the same manner as a county court judge.

The Workgroup agreed that the activities performed in person by a CTIHO could be offered in an ~~ODR~~ OCR platform where individuals could interact with the CTIHO. Of the numerous case types that constitute a civil traffic infraction, the Circuit has selected to offer OCR in proof of compliance cases. This means that individuals cited for a proof of compliance violation who request a court hearing, upon receiving a notice of court appearance, will be offered the opportunity to utilize an online case resolution platform.

The eligible case criteria for proof of compliance cases are:

- Expired registration
- No registration certificate
- Expired Driver License
- Driver License not carried
- No Proof of Insurance

A sample case-flow for a civil traffic infraction case in the OCR platform may involve the following steps:

- Check eligibility in OCR platform by entering case number
- Complete registration with OCR vendor
- Upload compliance documents (i.e. valid driver's license, vehicle registration certificate, proof of insurance)
- If documentation is rejected, correct identified issue and/or re-submit

The deadline to upload compliance documents or correct any rejection issues is at least (5) days prior to the scheduled court hearing. If not submitted timely, the individual **must** appear remotely via a video/telephone hearing on the date and time indicated on the notice of court appearance. Upon

review by the CTIHO, in the OCR platform, if the documentation submitted by the individual is valid, a judgement of dismissal is entered by the CTIHO.

Approved Vendor for Miami-Dade County

Court Innovations, the developer of the Matterhorn Online Dispute Resolution (ODR) Platform, is working with the Eleventh Judicial Circuit of Florida in the configuration and deployment of OCR case flows for civil traffic infractions. The Matterhorn Platform provides the public online resolution services from a smartphone, computer, or tablet anytime, anywhere. Matterhorn has been used by court customers throughout the United States since 2014 for case types ranging from traffic to civil cases, including small claims and family.