

October 30, 2018

Online Dispute Resolution: Letter of Intent

The Texas Office of Court Administration (“OCA”), The Pew Charitable Trusts (“Pew”), and the National Center of State Courts (“NCSC”) intend to pilot Online Dispute Resolution (“ODR”) tools in collaboration with courts in one or more counties in Texas.

The Possibilities of ODR

Initial evidence suggests that court-annexed Online Dispute Resolution (“ODR”) tools can be implemented in a way that helps improve individual access to the courts, increases efficiency and transparency by improving traditional court processes, and ensures fairness for all court users.

Technical Assistance

Texas has been chosen by Pew and NCSC as one of the states they plan on providing limited technical assistance to, which includes at least three visits and unlimited consultation by phone and email to assist with launching an ODR pilot.

Texas may be eligible for additional technical assistance if it is chosen by Pew and NCSC as one of the five states to receive full technical assistance as a demonstration pilot project. Full technical assistance includes an outcome evaluation by an independent evaluator. This decision will be based on a state’s ability to launch and evaluate ODR by December 2020.

Description of the Partners

OCA: The Office for Court Administration of Texas Courts is a state agency in the Judicial Branch that operates under the direction of the Texas Supreme Court and the Chief Justice and is governed primarily by Chapter 72 of the Texas Government Code. OCA provides resources and information for the efficient administration of the Judicial Branch of Texas.

Texas Courts: Courts in several counties in Texas have expressed interest in receiving technical assistance from Pew and NCSC to launch ODR tools in at least one case type.

Pew: The Pew Charitable Trusts has initiated a Civil Legal System Modernization project to elevate national attention on the civil legal system, and to evaluate and help expand the national adoption of online dispute resolution and other technologies.

NCSC: The National Center for State Courts is a nonprofit organization that is nationally recognized as having extensive expertise on innovative court management and operational initiatives, innovative court technology, and innovative and effective civil justice policies and procedures. Pew and the NCSC are working together to identify state and local courts that have the desire, capacity, and commitment to develop ODR systems; to provide technical assistance on the topics of effective community engagement, business practices, governance, technology platforms, and performance measurement; and to develop tools and resources based on the experiences of these courts with which other state and local courts can learn.

Commitments

OCA

OCA will engage leaders in interested courts in Texas that are in a position to successfully implement ODR in ways that improve the fair and efficient administration of justice.

Determine Readiness

OCA will identify local courts who meet standards for readiness that NCSC and Pew have identified.

Determine Standards

OCA may provide standard operating procedures for local ODR projects based on their agency functions working with the judiciary that may be applicable to the local ODR project.

Provide Technology

OCA will financially support technology for the local ODR project pilots and will create a platform for other counties to adopt a centralized platform if a successful model emerges.

Modify Court Processes

To the extent that court procedures and other business processes need to be modified to facilitate implementation of ODR project, OCA will seek to secure temporary pilot rule changes to provide flexibility for local courts.

Advise Court Partners on Data Sharing

OCA will partner with NCSC and Pew to ensure that data is made available for evaluation purpose, working with local courts on protocols for collecting and providing data to NCSC and Pew.

NCSC

NCSC will provide expert technical assistance to design, develop, and launch ODR pilots. Specifically, NCSC will provide pilot courts with expert technical assistance as needed on stakeholder and end-user community engagement, review of business practices for cases eligible for the ODR project, technology procurement and evaluation, development of appropriate performance measures to assess the feasibility, effectiveness, and sustainability of the ODR program, and ongoing program assessment to identify and correct weaknesses as they arise.

Pew

Pew will partner with an independent evaluator to evaluate the impact that ODR has on partner courts and the people they serve: the economic impacts of court ODR to courts and court users, as well as its role in case duration, procedural fairness, and case outcomes. In addition to supporting technical assistance and evaluation, Pew will partner with NCSC to convene stakeholders to ensure the success of the pilot and to elevate the national conversation concerning the modernization of the civil legal system.

Courts

In exchange for technical assistance from Pew and NCSC and financial support from OCA, courts will launch ODR projects that fit standards issued by the OCA. Courts will also work with NCSC to

streamline business and court processes. If selected to receive full technical assistance, courts will collect and share data with NCSC and Pew to support process and outcome evaluations.

This Letter reflects a non-contractual understanding of the parties and an expression of their mutual interest in pursuing collaborative opportunities to advance their respective missions. The parties do not have the right, power or authority to create any express or implied obligation for or on behalf of the other party.

[SIGNATURES]



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1/15/19

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