

WEBEX: A NEW TOOL FOR MANAGING A GROWING DOCKET

The growing docket

New cases continue to be filed at an ever-rising rate in Lake County. As a result, the general division courts continue to seek ways to manage the growing caseload more efficiently, with the same number of personnel, while meeting the Supreme Court guidelines for the length of time it should take to terminate various kinds of cases.

For instance, the following chart shows how new civil cases and foreclosure filings have been rising rapidly in recent years:

Year	New Foreclosures & Civil Cases Filed	New Foreclosures Filed	New Civil Cases Filed
2003	2,551	784	1,767
2004	2,544	862	1,682
2005	2,793	916	1,877
2006	2,970	1,141	1,829
2007	3,850	1,382	2,468
2008 (est.)	4,168	1,664	2,504

These record-setting increases in the filing of new foreclosure cases and civil cases cannot be explained by the recent minor increases in population. In 2000, Lake County's population was 227,511, and in 2006, it was estimated to be 232,892. This represents a population increase of only 2.4% over six years (or, 0.4% per year on average).¹ Since the population of Lake County is more or less stable, it is unreasonable to look to additional taxpayer funds as the main source to pay for the management of the increasing caseload. Instead, in order to increase the court's capacity to manage these cases, the general division has relied upon user fees, paid by those who file these cases. The fees are used to maintain special project funds for the acquisition and maintenance of new technology, including computer software and hardware systems, and to pay for a foreclosure magistrate and the magistrate's staff.

¹ See, <http://quickfacts.census.gov/qfd/states/39/39085.html>

WebEx: the newest software solution

New software solutions – such as case management software, jury management software, document imaging, and electronic filing and electronic serving software – are constantly being evaluated and added in order to manage the expanding docket.

One of the newest additions to the common pleas courts' software "toolbox" is an internet and phone conferencing system called "WebEx." I am currently testing this system in my court. No other court in this state is using anything comparable to this tool. Using the WebEx system, the court will be able to conduct Case Management Conferences (CMCs) over the internet and by phone, saving the parties and the attorneys travel time to and from the court, and providing the court and the parties with access to a recorded copy of the conference. It is estimated that by conducting CMCs at the close of the pleadings, the court will reduce the case management timeline by 2-3 months on the fastest-growing and largest single area of the docket – civil cases.

Previously, after a civil complaint was filed, I would have my staff wait approximately four months to do anything with the file in order to allow all of the parties to be served, and to allow the defendants sufficient time to respond to the complaint. A hearing notice would then be issued by regular U.S. mail, setting a pretrial date and a trial date. The pretrial typically would be scheduled to occur approximately six months after the filing of the complaint. The trial would also be scheduled at that time to begin approximately eight months after the filing of the complaint. The dates for the pretrial conferences and the trials would be set without any consultation with counsel or with any *pro se* parties. Of course, inevitable scheduling conflicts would result in the attorneys making numerous requests to change the date of the pretrial or the trial or both.

Unfortunately, even when pretrial conferences went forward as scheduled, many of the pretrial conferences revealed that – notwithstanding having had at least 6 months since the filing of the complaint – the parties had not begun the discovery process in earnest. As a result, the trial date would often have to be postponed, needlessly consuming valuable time and space on the court's schedule.

Beginning with certain selected civil cases filed in my court in May 2008, I intend to conduct CMCs immediately upon the closing of the pleadings. Many of those CMCs will be conducted using the WebEx teleconferencing system. During the CMC, the court

and counsel (and any *pro se* parties) will establish firm dates for all aspects of the case. In this way, I will be able to accelerate the management of new civil cases. In order to implement this change, I have altered the language in the Order of Procedure that is filed whenever a civil case is assigned to my court. The new language, pertaining to the CMCs, will read as follows:

“EMAIL ADDRESSES

{¶2} In order to facilitate online communication between the court and the parties, and in keeping with Rule 11 of the Ohio Rules of Civil Procedure, if the signature block on the complaint does not already include all current email addresses for the attorneys for the plaintiffs and for each *pro se* plaintiff, then each attorney and each *pro se* plaintiff must notify the court of his or her email address within 28 days after the filing of the complaint. Similarly, all answers or other responses to the complaint must include a current email address for each defense attorney and each *pro se* defendant. If a third-party complaint is filed, then those responding to the third-party complaint must include a current email address for each third-party defense attorney and each *pro se* third-party defendant. Notice of a current or changed email address must be given to the court by filing the notice with the Lake County Clerk of Courts and sending an email to commonpleasiv@lakecountyohio.gov.

“CASE MANAGEMENT CONFERENCES

{¶3} Shortly after each party has filed an answer, or has otherwise responded to the complaint, the court will schedule a case management conference (CMC) which will be conducted by using either: (a) the court’s ordinary telephonic conference call system, or (b) the telephonic and internet conference call service provided by WebEx. The scheduling notice will designate how the court will conduct the CMC.

{¶4} If the court’s scheduling notice designates that the CMC will be conducted using the court’s ordinary telephonic conference call system, then the court will initiate the conference calls.

{¶5} If the CMC is scheduled to be conducted using the WebEx service, then counsel and all *pro se* parties must respond to the emailed notice by clicking on the “accept” button. In addition, each person will have to initiate their participation in the WebEx conference. This is done by clicking on the link in the email notice and connecting to the

WebEx internet conference call online via the internet at the appointed time. Once the internet connection has been made, then the participant should telephone (800) 699-3239 to participate in the audio portion of the CMC. It is also possible for participants who do not have internet access at the time of the CMC to participate in the CMC solely by telephone by calling the 800 number. However, those attempting to participate solely in the audio portion will still need to know the meeting identification number. When prompted to enter their participant identification number, simply press the # symbol on the telephone.

{¶6} If you have any problems connecting to a scheduled WebEx CMC, or the training recording, please call WebEx support at (866) 229-3239. WebEx technical support is available to participants free of charge, 24 hours a day, and 7 days a week.

{¶7} If the court's hearing notice designates that the WebEx service will be used for the CMC, then each party will pay a fee of \$25.00 through the court's PayPal account to cover the cost of the WebEx service for the CMC. The court's PayPal account is accessed by using the PayPal button on the WebEx login screen for the CMC. The court's PayPal account accepts MasterCard, Visa, and American Express credit cards for payment.

{¶8} For a WebEx CMC, the login information (meeting ID number and password) will appear on the court's email notification. As noted above, participants can join the internet meeting by clicking on the link in the email notification of the CMC. Prior to clicking on the link, participants should make a note of the meeting date and time, the meeting ID number, and the meeting password.

{¶9} During the CMC, the court and counsel will: (a) discuss the complexity of the case, the relationship of the case to other pending cases, and whether additional pleadings are likely to be filed (e.g., a third-party complaint); (b) set discovery cut-off dates for written discovery, depositions, exchange of expert witness reports, and expert depositions; (c) set cut-off dates for all dispositive motions and responsive briefs; (d) establish firm dates for the initial pretrial conference, final pretrial conference, and trial; and (e) discuss whether the case is amenable to mediation or arbitration. Once the dates have been set at the CMC, the court will not grant any continuances of the pretrials or trial, except in the most dire of circumstances.

{¶10} After the CMC has concluded, the court may send to each participant a link which can be used to access a recorded copy of the meeting. The recorded copy of the CMC may or may not be downloadable, as the court sees fit. This feature will be particularly useful or appropriate for any participant who was able to attend the CMC by telephone only.”

Other uses of WebEx

Once the court has fully implemented the use of WebEx software to conduct CMCs, it will also begin to use it for pretrial conferences and final pretrial conferences in appropriate cases.

In addition to using WebEx to conduct CMCs, pretrial conferences, and final pretrial conferences, the court and the Lake County IT Department are considering using the WebEx conferencing system as an efficient training tool for conducting either synchronous or asynchronous training sessions for software upgrades or new software systems used by county personnel. This particular in-house use of the WebEx software is included at no additional cost in the WebEx license which has already been purchased. Similarly, orientation seminars can be prepared for newly-hired county employees, and the orientation seminars can be presented for self-paced instruction via WebEx as many times as necessary. These seminars can include job descriptions, procedures, chain of command, tips and tricks for performing the job properly, instructions on who to contact for help, and other similar information to help new employees go up the learning curve as quickly as possible.

Much consideration went into the decision to purchase a WebEx license for the common pleas courts. I want to thank Eric Folkman, CIO of the Lake County Information Technology Office, for his tireless investigation of the alternatives, and for his recommendation that WebEx will serve Lake County well as the next software tool to be added to the court’s software toolbox.