

CASEFLOW MANAGEMENT

Interactive Dialogue With Family Court Leaders About What Is Working Well and Strategies For Improvement

Standard 2.1 Case Management and Delay Reduction

statement of general principles:

- **(a) Elimination of all unnecessary delays**
 - Trial courts should be guided by the general principle that from the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, preparation, and court events is unacceptable and should be eliminated.
- **(b) Court responsible for the pace of litigation**
 - To enable the just and efficient resolution of cases, the court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and, once achieved, maintaining a current docket.

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Standard 5.30. Family court matters

- **(f) Unique role of a family court**
 - (8)Manage cases more efficiently and effectively to avoid conflicting orders;
 - (9)Take an active role in promoting completion of cases in a timely manner;

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Standard 10.17
Trial court performance standards

1. Access to Justice
- ➡ 2. Expedition & Timeliness
- ➡ 3. Equality, Fairness & Integrity
4. Independence/Accountability
- ➡ 5. Public Trust & Confidence

All of these standards relate to Caseflow Management, in particular...

Standard 10.17(b)(2)(A) – The trial court establishes and complies with recognized guidelines for timely case processing... keeping current with its incoming caseload

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CRC 5.83

(5) For dissolution, legal separation, and nullity cases initially filed on or 42 after January 1, 2012, the goals of any family centered case resolution 43 process should be to finalize dispositions as follows:

(A) At least 20 percent are disposed within 6 months from the date the petition was filed;

(B) At least 75 percent are disposed within 12 months from the date the petition was filed; and

(C) At least 90 percent are disposed within 18 months from the date the petition was filed.

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**Caseflow Management:
A Goal-Oriented Process**

- Equal Treatment of All Litigants by the Court
- Timely Dispositions Consistent with the Circumstances of Individual Cases
- Enhancement of the Quality of the Litigation Process
- Public Confidence in the Court as an Institution

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Lessons Learned in Caseflow Management

- Court delay *cannot* be solely ascribed to court size, caseload, case mix, or trial rate.
- Adding court resources and more judges doesn't *necessarily* reduce delay.
- Procedural and rule changes without judicial commitment are *not sufficient* to improve case management.
- To avoid delay, court leaders must have a long-term commitment to *actively manage* the pace of litigation.

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Planning for Successful Caseflow Management

- ◆ Develop a vision of the future
- ◆ Develop a mission and goals statement
- ◆ Establish objectives
- ◆ Set performance targets and indicators
- ◆ Formulate implementation plans and strategies for ACCOUNTABILITY

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Court Supervision of Case Progress

Four Axioms

1. Lawyers settle cases, not judges
2. Lawyers settle cases when prepared
3. Lawyers prepare for significant events
4. Decision makers decide when they have sufficient information to act

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Supervision of Case Progress

- ◆ Early court control
- ◆ Continuous court control
- ◆ On a short schedule
- ◆ Create the expectation and the reality that events will happen when scheduled

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Standards and Goals

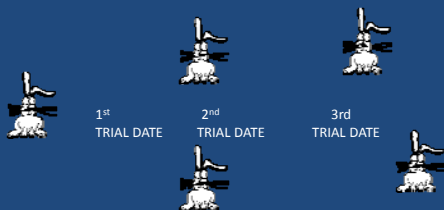
- ◆ For system as a whole
- ◆ For individual cases
- ◆ For intermediate steps in the system
- ◆ For interim progress in individual cases



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Control Continuances



THESE CONTINUANCES AFFECT ...

Files	Transportation
Computer Entries	Loss of Time
Forms/Order	Litigant
Scheduling	Judge
Attorneys	Staff

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Proven Techniques

- ◆ Monitor receipt of responsive pleading
- ◆ Case differentiation for track assignment and management
- ◆ Early case scheduling conferences
- ◆ Trial date selected after all settlement options explored
- ◆ A systematic method for 'no progress' dismissals (OSC Calendars)

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Whether it is Caseflow or any other management issue...

You can't manage what you can't measure

Effective management information can have a profound positive impact on managing change


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Using CourTools to Support Effective Caseflow Management

See www.CourTools.org ...

- Clearance Rates
- Time to Disposition
- Age of Active Pending Caseload
- Trial Date Certainty

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Differentiated Case Management

Definition

The process of developing and following, for each case, a schedule of events that achieves its earliest disposition consistent with fairness and due process.

GOALS

- Timely disposition consistent with the needs of individual cases
- Improved use of judicial resources

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Why Not Treat All Cases Alike?

- ◆ Cases are different; not all cases fit neatly into one schedule
- ◆ Some cases may be slowed to pace of all, while others are pushed more quickly than justice requires
- ◆ Cases needing a judge's attention may not get it, while cases not needing it may be brought before the judge

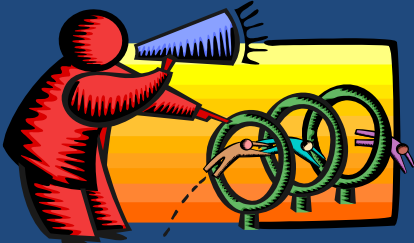
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Elements of Differentiated Case Management

- ◆ Early case screening for complexity based on established criteria
- ◆ Assignment of cases to unique processing tracks based on screening assessment
- ◆ Differential court management procedures for each track
- ◆ Variety of case assignment systems best suited to each track

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LET'S HEAR FROM YOU!



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**TRACKING & MONITORING CASE
PROGRESS**

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**BEST PRACTICES & LESSONS
LEARNED ON EFFECTIVE STATUS
CONFERENCES AND OTHER
HEARINGS**

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**ARE YOU DOING PROCESS
REENGINEERING TO REALLOCATE
SELF-HELP AND OTHER
RESOURCES?
WHAT IS WORKING FOR YOUR
COURT?**

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**WHAT IS WORKING FOR YOU IN
SETTLING CASES EARLY IN THE
PROCESS (REPRESENTED AND
SELF-REPRESENTED)?**

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**TIPS, BEST PRACTICES, OR
LESSONS LEARNED ABOUT
EFFECTIVE JUDICIAL CASE
MANAGEMENT**

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**WHAT ARE YOU DOING TO ASSESS
SUCCESS IN YOUR CASEFLOW
MANAGEMENT SYSTEM?**

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