

CASEFLOW MANAGEMENT

INTRODUCTION: What This Core Competency Is and Why It Is Important

Caseflow management is the process by which courts move cases from filing to closure. This includes all pre-trial phases, trials, and increasingly, events that follow disposition to ensure the integrity of court orders and timely completion of post-disposition case activity.

Effective caseflow management makes justice possible not only in individual cases but also across judicial systems and courts, both trial and appellate. Effective caseflow helps ensure that every litigant receives procedural due process and equal protection. The quality of justice is enhanced when judicial administration is organized around the requirements of effective caseflow and trial management.

Crucial issues that impact the effective movement of cases from filing to closure include:

- Court system and trial court organization and authority relationships, including the management of judges by judges;
- The identification, development, selection, and succession of chief judges and court managers, chief judge/court manager executive leadership teams, and the best use of these and other multi-disciplinary executive teams;
- Allocation of court resources: judges, managerial, technical and administrative staff; budgets; technology; and courthouses, courtrooms, and other facilities across courts, court divisions, case types, and particular types of hearings;
- Application of court technology and the court's research, data, and analytic capability; and
- Coordination with the judiciary's justice system partners.

Caseflow management is the process by which courts convert their "inputs" (cases) into "outputs" (dispositions). This conversion process, caseflow management, determines how well courts achieve their most fundamental and substantive objectives and purposes. Properly understood, caseflow management is the absolute heart of court management.

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CURRICULUM GUIDELINES SUMMARY

What Court Leaders Need to Know and Be Able to Do

Working as a court executive leadership team, professional court managers and the judge(s) who head court systems and appellate and trial courts facilitate caseflow management. The six areas of needed personal and technical knowledge, skills, and abilities (KSAs) are:

- Court Purposes and Vision
- Fundamentals
- Leadership Teams and System-Wide Effectiveness
- Change and Project Management
- Technology
- Personal Intervention

Court Purposes and Vision

Caseflow management is a justice not an efficiency driven activity. Caseflow management makes possible equal access, individual justice in individual cases, equal protection, and due process-- the appearance of individual justice in individual justice--predictability and regularity in case processing. Justice delayed is justice denied because unnecessary delay destroys the purposes of courts. The reasons are straightforward.

Excessive, unregulated time from filing to disposition and from court event to court event does not impact the parties equally. Consequently, once cases are filed, impartial and independent courts and judges must take and maintain control over case progress by managing the time from filing to disposition and from event to event. Related, in a witness dependant adversarial system, undue delay inevitably leads to the loss of memory. When memory is lost, litigants and their advocates can neither remember nor find the facts. When the facts are lost or forgotten, justice is impossible. The objective of caseflow management is not faster and faster and more and more, it is justice.

And moving cases from filing to disposition is the most basic thing courts do. This is what every other court work process supports. Consequently, court leaders must conceive, communicate, and implement vision concerning effective and efficient case processing. Effective court and justice system leadership means organizing and managing the court, its resources, and workflows around caseflow management. Justice and the courts' enduring purposes and responsibilities are served by vision and action concerning caseflow management.

Fundamentals

Understanding the relationship between the purposes of courts and effective caseflow and trial management is a fundamental as are time standards, alternative case scheduling and assignment systems, and case management techniques, including differentiated case management (DCM) and alternative dispute resolution (ADR). While there are underlying caseflow principles, differing case types have differing case processing steps and dynamics. Competent court leaders, both judges and court managers, understand the general principles, all case types, and how the principles apply to each case type. They keep current with the successes and failures of other courts and know how to leverage external resources, current research, and others' experience to case and trial management in their own court.

Leadership Teams and System-Wide Effectiveness

Caseflow management is a team sport that requires an effective court executive leadership team that includes the judge(s) in charge and court managers. Effective case processing is a cooperative effort of judges and court staff and public and private litigants and lawyers, as well as law enforcement, social

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services, health, detention, and correctional organizations. As court managers and judges in charge work together to improve case processing and jointly lead their court and justice system, they must understand that while caseload management requires early and continuous court control of individual cases, the courts are dependent on others who have independent and distinct responsibilities in an interdependent justice system. Competent caseload management leadership requires recognition of the need for both interdependence and independence throughout the court and the justice system.

Change and Project Management

Effective caseload is a moving target. While the underlying purposes and case processing principles are constants, so are change and projects to bring about improvements. Techniques and programs that once were innovative and effective do not work forever and require constant monitoring. Caseload management competency means skillful and continuous evaluation and problem identification. Court leaders must oversee the evaluation of caseload management problems through qualitative information and quantitative data and statistical analysis. Once problems are identified and solutions are crafted and communicated, court leaders must successfully initiate and manage change.

Technology

Application of technology to caseload is critical. Tying information technology to caseload management involves creating and maintaining records; supporting court management of pre-trial, trial and post-dispositional events, conferences and hearings; monitoring case progress; flagging cases for staff and judge attention; tracking trends; and providing needed management information and statistics. To oversee the application of technology to caseload, court leaders must understand both technology's potential to improve case processing and its limitations. Leading and managing what one does not understand at all is problematic at best.

Personal Intervention

Effective leadership of caseload cannot be passive. Neither day-to-day routines nor required change are self-executing. Complex and interdependent processes carried out by people, departments, and organizations with independent responsibilities demand skilled and credible leadership. To effectively lead the court, court leaders, especially the judge(s) in charge, must take responsibility for caseload management and skillfully communicate with and manage others. To do this, personal intervention is mandatory.

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CURRICULUM GUIDELINES:

REQUIRED KNOWLEDGE, SKILL, AND ABILITY

COURT PURPOSES AND VISION

CASEFLOW MANAGEMENT FUNDAMENTALS

LEADERSHIP TEAMS AND SYSTEM-WIDE EFFECTIVENESS

CHANGE AND PROJECT MANAGEMENT

TECHNOLOGY

PERSONAL INTERVENTION

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COURT PURPOSES AND VISION

Court leaders must understand court purposes and promote vision and action throughout the court and justice community organized around the impact caseflow management has on justice. Acceptable court performance is impossible without effective caseflow management.

- Knowledge of the Purposes and Responsibilities of the Courts Curriculum Guidelines and how to apply them to caseflow management;
- Knowledge of the Trial Court Performance Standards, particularly the Expedition and Timeliness and Equality, Fairness, and Integrity Standards;
- Knowledge of the inherent powers of the court, which give courts the authority to set and enforce rules, including rules designed to improve case processing;
- Knowledge of the adversarial system and the values it supports;
- Knowledge of judicial and court manager ethics and their relevance to day-to-day caseflow management;
- Knowledge of the independent responsibilities of the three branches of government and how interactions among the branches impact funding of caseflow management, timely pretrial, trial, and post-disposition case processing, and the enforcement of court orders.
- Ability to conceive, build, communicate, and implement a clear vision and sense of purpose for the court and the justice system that incorporates caseflow and trial management;
- Skill in developing, communicating, and using caseflow and trial management goals that flow from a court- and justice system-wide vision and mission;
- Ability to translate vision into effective public communications, promotional material, procedural memoranda, and court rules to inform the public and the justice community about how caseflow management improves the quality of justice.

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FUNDAMENTALS

Fundamentals include the relationship between the purposes of courts and effective caseflow and trial management, leadership, time standards, alternative case scheduling and assignment systems, and case management techniques, including differentiated case management (DCM) and alternative dispute resolution (ADR).

- Ability to link the broad purposes of courts to the goals of accessible, equal, fair, prompt, and economical resolution of disputes and effective caseflow and trial management;
- Knowledge of how the organization, jurisdiction, and funding of courts impact day-to-day caseflow management;
- Knowledge of how core management functions impact caseflow management including human resources, budget and finance, information technology, records, and facilities;
- Knowledge of case processing time standards and other caseflow management performance indicators;
- Skill in tying time standards to the number and types of cases that must be processed to meet time to disposition goals for all case types -- by year, month, week, day, and judicial division, team and judge;
- Knowledge of basic caseflow axioms and principles such as early and continuous judicial control and how they produce timely and fair dispositions through staff and lawyer preparation and meaningful events;
- Knowledge of all case processing steps, sequences, and dynamics for all case types, including how lawyers, their clients, and *pro se* litigants make decisions concerning filing, case processing, and settlement; and the economics of the practice of law for criminal, civil, domestic relations, juvenile, traffic, administrative, and appellate cases;
- Knowledge of alternative case assignment and scheduling systems and how to set up and manage daily court calendars by judge, type of case and hearing, day of the week, and time of the day;
- Knowledge of differentiated case management (DCM) and its application to all case types;
- Knowledge of alternative dispute resolution (ADR) and how to integrate ADR into the court's case management system(s);
- Knowledge of psychological factors that impact case processing and scheduling, and active judicial management of pre-trial conferences, trials, and post-dispositional activity;
- Ability to learn from others CFM successes and failures, to keep current with research findings about effective CFM and the causes and cures for delay, and to leverage available external resources to improve caseflow management.

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LEADERSHIP TEAMS AND SYSTEM-WIDE EFFECTIVENESS

Court managers and the judge(s) in charge of the court (including the judges who head specialized court divisions) must work together to improve case processing and jointly lead the court and justice system. Understanding that while caseload management requires early and continuous court control of individual cases, system-wide caseload effectiveness is a cooperative effort of public and private litigants and lawyers, law enforcement, social services, health, detention and correctional organizations, and judges and court staff.

Ability to create and maintain a court executive leadership team that effectively addresses caseload management;

- Ability to develop effective CFM teams consisting of judges, court staff, and others throughout the court and the justice system;
- Knowledge of differing leadership styles and skills and how to build caseload management executive teams around judges and court managers with diverse administrative experiences, interests, and capabilities;
- Knowledge of the agencies and individuals, both inside and outside the court, with whom the court must work successfully to bring about effective CFM and their independent CFM responsibilities and objectives;
- Skill in establishing and maintaining effective working relationships and finding the right balance between oversight of others with independent case management responsibilities, delegating authority to them, and micro-management;
- Ability to help court officials and others understand their roles in the larger justice system and how they affect others, and to tie CFM to system-wide benefits, costs, and consequences;
- Skill and political acumen when working with funding authorities and the executive branch to improve case processing;
- Skill in allocating available resources and in preparing, presenting, lobbying, and negotiating realistic budgets to improve caseload management;
- Knowledge of how to ensure the integrity of judicial orders, particularly processes that enhance revenue (fee and fine) collection;
- Ability to maintain effective partnerships among courts, the public and private bar, community groups, and the executive and legislative branches, without a loss of either the required tension between the branches or the adversarial system.

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<p>CHANGE AND PROJECT MANAGEMENT</p>

Courts must skillfully and continuously evaluate caseflow with qualitative information and data and statistics, identify problems, and successfully build support for implementing and managing change.

- Ability to forecast and anticipate societal and justice system changes and trends that will impact filings and case processing;
- Knowledge of data needed for both continuous systemic evaluation and day-to-day caseflow management, and how to acquire and analyze needed data;
- Skill in using statistics and objective data as well as anecdotal information when assessing CFM, drawing appropriate conclusions, and differentiating between causes and effects when identifying and diagnosing CFM problems and challenges;
- Knowledge of basic strategic planning techniques including how to use statistics to draw appropriate conclusions about the current status and the future of the court's caseflow and trial management system;
- Ability to use data to inform and, as appropriate, to influence judges and others about what is and is not working, and to persuade the bench, staff, and justice system partners, when appropriate, of the need to make changes and the feasibility of proposed solutions;
- Skill in mediation, conflict resolution, and creative problem solving when addressing caseflow management challenges and needed change;
- Ability to stimulate action and funding support through appropriate comparisons and analyses, and to present data for maximum CFM impact, education, and information;
- Knowledge of the change process, how to plan change, and how to apply sound project management principles and techniques to caseflow management;
- Skill in managing CFM projects personally and through others, including those under and outside direct court control and supervision;
- Ability to conceptualize, to gain funding, and to oversee court construction, court renovation, and office and office furniture upgrades which enhance caseflow management;
- Skill in bringing about continuous evaluation with the understanding that caseflow problems are never solved once and for all.

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TECHNOLOGY

Technology supports caseflow management through creation and maintenance of records concerning case processing and schedules, structuring management of pre-trial, trial, and post-dispositional events, conferences, and hearings; monitoring case progress; flagging cases for staff and judge attention; enabling verbatim records of court proceedings; and providing needed management information and statistics.

- Knowledge of the caseflow functions to which technology can be applied and which caseflow problems can and cannot be solved through technology;
- Ability to translate user information and experience into effective caseflow technology applications and systems and to prepare succinct and focused caseflow functional requirements;
- Knowledge of the case management functional standards being developed by the National Consortium on Court Automation Standards through NACM and the Conference of State Court Administrators;
- Ability to distinguish between fads and unstable hardware and software and reliable caseflow technology;
- Ability to lead technical people supporting caseflow management, whether in-house, central judicial (e.g., administrative office), executive branch, or outsourced and contractual;
- Ability to evaluate contractor responses to caseflow technology RFIs (Requests for Information) and RFPs (Requests for Proposals) and to get the right answers to the right questions before signing a contract;
- Knowledge of the uses and misuses of the Internet and web pages for caseflow management;
- Knowledge of telecommunication options and their practical impacts on caseflow management;
- Skill in conveying the reasons for changes and technical information to insiders and outsiders, including higher judicial authorities, funding authorities and those who actually process and manage cases;
- Knowledge of alternative methods to produce verbatim records of court hearings, and their potential to expedite trial and appellate processes;
- Knowledge of technology to store, index and access archival and active court records;
- Ability to convince funding authorities of the need for caseflow technology applications based on cost-benefit or other analysis, and to complete funded projects on time and within budget;
- Ability to stay current with the state of art and to update the court's application of hardware and software, to caseflow management and to respect the fact that today's technology innovation is inevitability tomorrow's tired solution.

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<h3>PERSONAL INTERVENTION</h3>

Court leaders need to personally intervene, communicate, and negotiate to bring about just and efficient case processing for all case types from filing to closure and court event to court event.

- Ability to think strategically about caseload challenges and to act proactively to address them by intervening at the right time with the right people;
- Ability to inspire the trust and cooperation that is absolutely necessary to improve caseload management;
- Ability to assess the needs, demands, desires, skills, and performance of individual judges and to implement caseload plans and programs that are understood and supported by the judges;
- Ability to model desired behaviors, particularly listening and teamwork with judges, court staff, and justice system caseload partners;
- Ability to communicate CFM issues and goals clearly and concisely, both orally and in writing;
- Knowledge of the print and electronic media and what they need to cover court processes, cases, and decisions fairly and effectively without interfering with the process itself;
- Skill in gaining positive media coverage of exemplary CFM projects and achievements, and rewarding reporters for positive CFM coverage;
- Ability to make decisions, to act decisively, and to exert leadership with respect to caseload management.