

SCHOOL of PUBLIC AFFAIRS
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Fundamental Principles of Effective Caseload Management

Texas Task Force on Indigent Defense

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Judge John T. Parnham

BJA/AU Criminal Courts
Technical Assistance Project

What is Caseflow Management?

- Coordination of court processes and resources to move cases timely from filing to disposition regardless of the type of disposition*

* ABA. *Caseflow Management in the Trial Court*. 1973 and 1987

The Goal

- Maximize the possibility of achieving a just result in each case as expeditiously as possible.
- Create a predictable system of case processing that sets expectations for the parties and the public and helps assure that the court provides on-going supervision of the case process to ensure the efficient, timely, and fair disposition of each case.

Mission of the Court (and Justice System)

- To *Do* justice

and

- To *Appear To Do* Justice

Achieving “Justice” MEANS

- Result must be just
 - and*
- Process must be just
 - predictable
 - opportunity for each party to adequately prepare
 - time entailed for disposition is reasonably needed to prepare – and no more

Caseflow Management: Fundamental Premises

- Court's Responsibility to Manage the Case Process
 - each judge must take responsibility
 - all the judges need to work together to operate a predictable system for processing cases

Caseflow Management: Fundamental Premises (cont.)

- Requires “coordination of court processes and resources”
 - court can’t do it alone; collegial process is essential
 - all of the other agencies involved in the case disposition process need to work together to ensure that the case processing system is predictable, fair and “timely”

Caseflow Management: Fundamental Premises (cont.)

- “Timely”: Definition (ABA Standard 2.50: Caseflow Management and Delay):

“ any time other than reasonably required for pleadings, discovery and court events is unacceptable and should be eliminated.”

Caseflow Management: Court's Management Role

- Court's management role:
 - manage *events* in the court process: ensure that each event scheduled meaningfully contributes to case disposition;
 - ensure all events scheduled are, in fact, conducted (e.g, not “continued” unless absolutely necessary)

Caseflow Management: Court's Management Role (cont.)

- Court's management role (cont.):
 - Manage *time* between events
 - Long enough to allow lawyers to prepare
 - Short enough to encourage preparation and not simply delay

Caseflow Management: Other Benefits

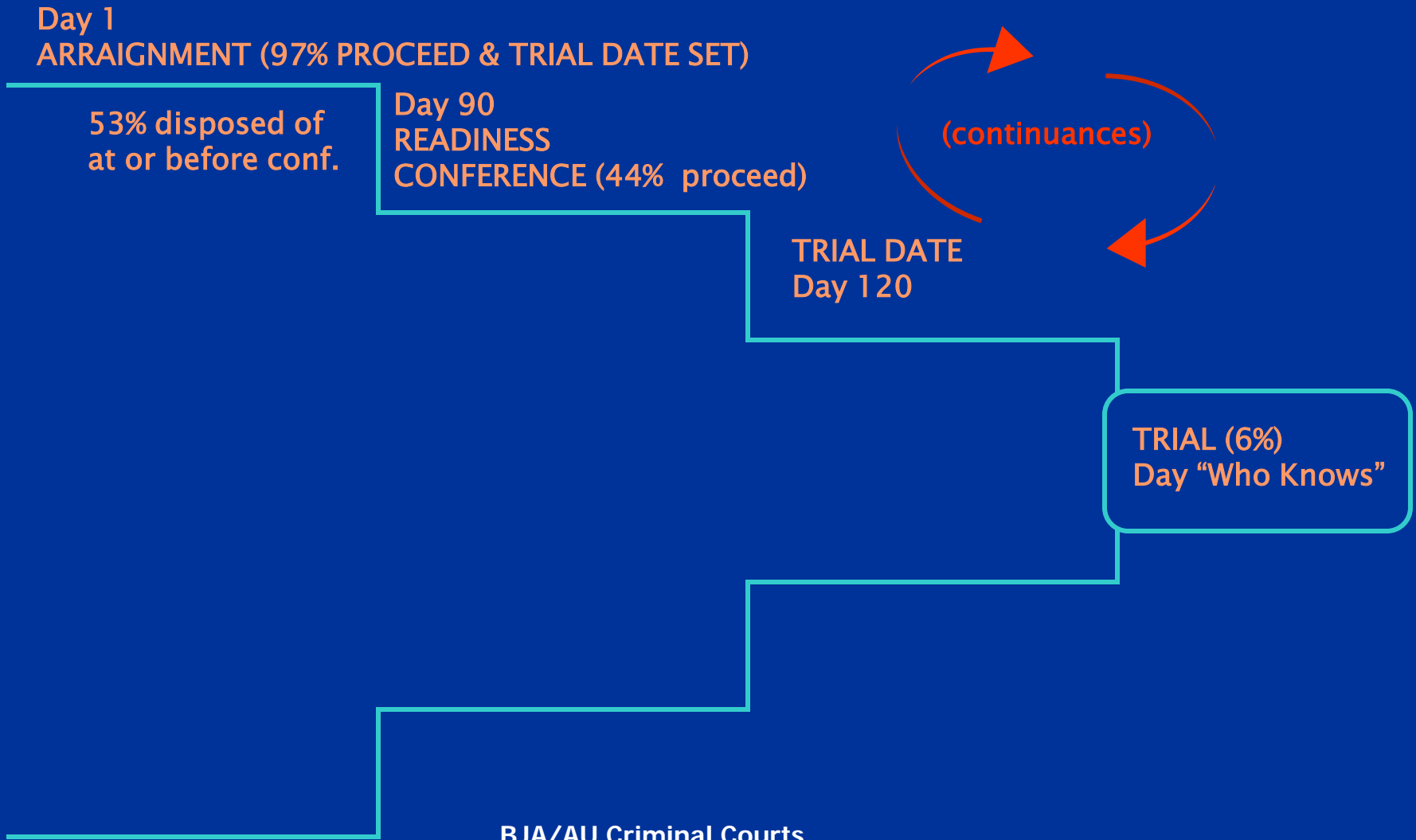
In Addition to a Greater Likelihood of Achieving Justice, Efficient Caseflow Management Promotes:

- more efficient use of time and other resources of:
 - Court
 - Litigants and witnesses; and
 - Other agencies involved in the case disposition process
- reduced pretrial detention and associated jail costs

Caseflow Management: Other Benefits (cont.)

- Efficient Caseflow Management Promotes:
 - Increased system accountability
 - Enhanced Public Confidence in the Court and Justice System

Reverse Telescope



IMPLEMENTING A CASEFLOW MANAGEMENT PROGRAM: Key Elements

- Judicial Leadership
- Collaborative Process Among All Criminal Justice Agencies
- Judicial Management of Case Process
 - Creation of *meaningful* case events AND managing time between events
 - Times must be long enough to *allow* preparation but short enough to *encourage* preparation
 - Ensure certainty that events will occur as scheduled
- On-going monitoring of case process

IMPLEMENTING A CASEFLOW MANAGEMENT PROGRAM: Key Elements (cont.)

- Early and Continuous Judicial Supervision of Case Progress: what's needed
 - ensuring defense counsel are appointed at the defendant's initial appearance (*Rothgery*);
 - ensuring timely discovery is exchanged
 - ensuring priority scheduling of cases involving detained defendants
- Assurance of Credible Hearing/Trial Dates and Control of Continuances

IMPLEMENTING A CASEFLOW MANAGEMENT PROGRAM: Key Elements (cont.)

- Time Standards and Goals
- Continuing Consultation with the Bar and Agencies Involved in the Criminal Justice Process to identify problems that may affect the case process
- Information System to Support Caseflow Management

INFORMATION NEEDED TO MONITOR THE CASEFLOW

- What information is needed to monitor the caseflow?

Active Caseload:

- Number and type of cases
- Age (in days)
- Stage in the process
- Which cases involve detained defendants?
- Frequency and reasons for continuances

INFORMATION NEEDED TO MONITOR THE CASEFLOW (cont.)

- What information is needed to monitor the caseload?

Disposed Caseload:

- Age at Disposition for all cases
- Age at Disposition for cases involving detained defendants
- Method of Disposition
- Number of annual case dispositions compared with number of annual filings by case type

Mechanisms For Implementing Effective Caseflow Management Practices

- Differentiated Case Management (DCM)
 - **Premise: cases are not alike in terms of the processing events and timeframes required for their just disposition**
 - Establishment of different case processing tracks, with different events and timeframes, to reflect the case processing needs of each case
 - Problem solving dockets for drug, mental health, domestic relations and other special cases, are subsets of a DCM system, with special events and timeframes tailored to the supervision and management needs of the cases involved

Mechanisms For Implementing Effective Caseflow Management Practices (cont.)

- **Case Management Conferences**
 - Early meeting with the parties to identify issues relevant to the appropriate case processing events and timeframes necessary to achieve a fair and timely disposition of each case;
 - Agreed upon events and timeframes documented in a Case Management Order
- **Established Policy Regarding Continuances Consistently Adhered to**
- **Assurance of Credible Hearing/Trial Dates**
- **Established Time Standards and Goals**

Mechanisms For Implementing Effective Caseflow Management Practices (cont.)

- Ongoing Information System to Monitor the Case Process To Ensure Goals achieved and promptly identify problems developing
- Continuing Consultation with the Bar and Criminal Justice Agencies

Systemic Benefits of Effective Criminal Caseflow Management

- Coordination of the processes and resources, within the court and system wide, to move cases timely from filing to disposition regardless of the type of disposition*
- Timely and final resolution of disputes among parties
- Certainty & Predictability of the case disposition process for all parties involved

Systemic Benefits of Effective Criminal Caseflow Management (cont.)

- Efficient use of the time and resources of both the court and other agencies and parties involved in the case disposition process
- Both the *appearance* of justice as well as a just result
- Enhanced public confidence and respect for the judicial process

BJA Criminal Courts Technical Assistance Project, American University

- Availability of Additional Technical Assistance To Address Caseflow Management and Related Issues:

BJA Criminal Courts Technical Assistance Project

School of Public Affairs, American University

202/885-2875 – justice@american.edu