Differentiated Case Management:

What Is It? How Effective Has it Been?

Traditionally, most courts have applied the same procedures and time frames to all cases, regardless of their individual characteristics. In most instances, these procedures and time frames have been designed to accommodate the exceptional cases—not the ordinary cases which compose the bulk of most courts’ dockets. Even in those cases in which all parties agreed that few, if any, issues needed to be resolved, they were subject to the same events and deadlines as cases involving multiple parties, extensive discovery, and pretrial motions.

The fact that all cases do not make the same demands upon court resources—and should not be processed alike—is a premise that most people accept intuitively but is one that has not been broadly applied to case management until recently. During the past several years, a new procedure, differentiated case management or DCM, has been used by judges and court managers.

What is DCM? DCM is a technique that courts can use to tailor case processing procedures and time frames to the public policy priorities and management needs of the individual cases filed.

DCM combines both old and new approaches to case management in a way that is unique and more effective. It builds upon the broad caseload distinctions that have been traditionally used—such as civil and criminal, felony and misdemeanor, etc.—and also relies on accepted case delay-reduction principles, including development of meaningful case processing time frames, scheduling certainty, and ongoing case monitoring.

DCM, however, adds the following new concepts to court administration:

- the development of case management systems that take into account the fact that all classes of cases within a court’s jurisdiction do not present the same degree of management complexity and, therefore, should not be subject to the same processing procedures and time frames;
- acknowledgment that judicial system resources cannot—and should not—be allocated equally to all cases filed, but rather that they need to be allocated in a manner that reflects the appropriate level of court intervention based on individual case need;
- a shift from the traditional first-in/first-

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out case-disposition approach to one that provides multiple pathways by which cases can exit the ju-
dicial system; and
• a recognition that, for certain classes of cases and litigants—such as cases involving substance abus-
ers, domestic violence, terminally ill litigants, etc.—early judicial intervention is extremely im-
portant.

The essence of a DCM program, therefore, is a case management system that reflects the individual manage-
ment and supervision needs of the cases filed, but does not blindly apply the same procedures, events, and time
frames to all cases, and does not require cases to wait for disposition simply on the basis of the chronological
order of their filing. Some cases can be disposed of rel-
atively promptly, with few intervening events and time
delays. Others require more extensive judicial supervi-
sion and preparation time.

A DCM system therefore permits cases to proceed
through the adjudicative process in a manner and time
frame consistent with their management and “process-
ing,” needs (number of parties, expert witnesses, defen-
dant eligibility for treatment or other rehabilitation prog-
noses, etc.); the degree of preparation required (extent
of discovery, need for expert testimony, etc.); and other
factors (prosecution priorities, age, and physical condi-
tion of parties, etc.) relevant to the pace with which in-
dividual cases should be handled. A DCM system fo-
cuses only on those events that meaningfully contribute
to the case supervision and disposition process and sched-
ules them within time frames that allow the parties to
obtain the information needed to proceed to the next
step of the process.

In July 1987, the Bureau of Justice Assistance (BJA)
of the U.S. Department of Justice instituted a demon-
stration program to pilot test the application of DCM
techniques to criminal and civil caseloads in state trial
courts. In 1988, six pilot DCM projects were imple-
mented, four criminal and two civil. In 1989, BJA
launched four additional projects designed to apply the
DCM concept specifically to the management of drug
cases and to achieve early treatment intervention where
appropriate.

Although most of the BJA demonstration jurisdictions
initially focused their DCM programs on only one seg-
ment of the caseload (e.g., criminal, civil, drug, etc.),
most of the courts subsequently expanded (or are in the
process of expanding) the DCM program to other seg-
ments of their dockets. Although the specific operational
characteristics of the DCM projects differ, they all apply
fundamental DCM case management principles:
• creation of multiple tracks for case processing, each
with different procedures and time frames, designed
to reflect the range of management, supervision, and
preparation requirements of the cases filed;
• early case screening (shortly after filing) and clas-
sification according to case processing complexity
and priority;
• assignment of each case to an appropriate track;
• continuous monitoring of the progress of each case,
with track reassessment if necessary, to ensure that
the case proceeds in a manner consistent with the
degree of preparation and court supervision re-
quired; and
• ongoing communication among agencies involved
in the case management and disposition process to
ensure that the support services essential to the jus-
tice system work together in a coordinated manner.

This article presents the perspectives of six judges in-
volved with the implementation of the BJA-sponsored
DCM demonstration programs in their respective courts.

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Differentiated Case Management Help for Courts

Everyone who specializes in court administration
knows that all cases do not require the same court
resources. Only in the past five years, however,
have the differences in cases become the basis for
a more efficient approach called “differentiated case
management,” or DCM. From the 10 courts in
which the Bureau of Justice Assistance (BJA)
launched a DCM demonstration program in 1987,
the approach continues to spread across the nation.

When a court implements DCM, it analyzes its
caseload to highlight the patterns discovered in ac-
tual case experience and how disposition can be ex-
pedited for each type of case. Very shortly after fil-
ing (often less than 10 days), the parties meet and
decide in which pattern (called “track”) the case

belongs. Events in a case that contribute to its res-
olution are scheduled well in advance and moni-
tored to ensure they are held as planned. Events
that make no such contribution are eliminated from
the schedule; events that are needed to promote dispo-
sition are added.

Cases are no longer handled on a first-in, first-
out basis. The results? Time-saving efficiency. More
scheduling certainty. Fewer continuances. Fewer
unnecessary events. Better-prepared attorneys and
judges. Increased productivity. Greater respect for
the judicial process. An enhanced quality of justice.
Your courts can begin testing each case the right
way, not the same way. Call the BJA Clearinghouse
at 800-688-4252 to learn more about how.