

A handbook for courts

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Caseflow Management, The Heart of Court Management in the New Millennium, **by** David C. Steelman, with John Goerd and James McMillan. National Center for State Courts. 2000. **288** pages.

C *aseflow Management, The Heart of Court Management in the New Millennium*

is a book that should rest on the shelves of every court administrator and chief judge. In fact, it might be a good idea to have two copies in each office so that one is available for loan.

When Tom Henderson took on responsibility for the National Center for State Courts' publications program several years ago, he had two specific objectives: He wanted to document the past 30 years of

changes in the structure of state courts and he wanted to document the past 30 years of experience with reducing delay in state trial courts.

Caseflow Management accomplishes this second goal.

Steelman and his colleagues have created a manual on caseflow management, bringing together in one place the fundamental precepts of caseflow management, the research on the topic, and practical guidelines for conducting caseflow management improvement projects in trial courts.

He has demonstrated that we have indeed learned a great deal in 30 years.

The introduction documents the history of efforts to reduce the time required to dispose of cases in trial courts and makes the case that caseflow management lies at the heart of court management. Part One of the book presents the basic concepts.

Chapter One sets forth the basic principles of caseflow management-early court intervention and continuous court control of case progress, differentiated case management, meaningful pretrial court events and realistic pretrial schedules, firm and credible

trial dates, management of the trial itself, management of court events after initial disposition, and special considerations for rural trial courts. Chapter

Two discusses the application of these basic principles to civil, criminal, and traffic case dockets while Chapter Three discusses their application to family and probate case dockets (family cases are divided into juvenile delinquency, child protection, divorce, and domestic violence).

Part Two of the book deals with elements of successful caseload management programs. Chapter Four addresses the basic management conditions for success—leadership, commitment to a shared vision, adequate communication, and a learning environment. Chapter Five deals with setting time standards, establishing other caseload management goals and policies (including backlog reduction and continuance policies), monitoring and measuring actual performance, and creating accountability.

The remainder of the book addresses program implementation.

Chapter Six deals with caseload management reports, court technology to assist in caseload management, case assignment systems (individual versus master calendar systems and various types of hybrids), creating court calendars, alternative dispute resolution programs, and dealing with self-represented litigants. Chapter Nine is a guide to planning a caseload management initiative. An Epilogue addresses two abiding questions: Why do so many trial courts not use the proven techniques? Why are many courts unable to sustain initially successful caseload management efforts over time?

Included as appendices are the National Association for Court Management "Core Competency" Caseload Management Curriculum Guidelines, excerpts from the Trial Court Performance Standards relating to caseload management, a suggestion from Ingo Keilitz to create a single measure for a court's success in timely disposition of cases (which he calls a "caseload timeliness and efficiency

index"), sample caseload management reports, and a 20-page bibliography of books, studies, reports, and articles. The book has a good index making it easy to find references to topics of interest. Steelman and his colleagues summarize the research findings on every topic they address; research results are spread throughout the book.

Real life stories

Like any reference book designed to cover a wide area, the book typically covers a topic in 3-4 pages. Often this provides only the most basic information. However, Steelman has countered the broad-brush sweep by including dozens of individual case studies. He has included set-aside text boxes every 3 or 4 pages identifying a specific project or program that has successfully used the case management technique described in that section.

These real life stories serve several purposes. First, they make the reading much more interesting and "hands-on." They also provide insight into how one court handled the topic under discussion, serving as a confirmation that this technique has worked in practice. Finally, they serve as an easy reference for courts that are beginning to apply a caseload management principle to link with a court that has implemented it successfully.

Very few judges, administrators, or court staff will read this book from cover to cover. Despite the authors' many efforts to make the substantive content easily accessible, the book works best as a basic reference. We found in reading the book that we identified many short sections that we will want to bring to the attention of a particular judge or court. Julia's copy is full of yellow "stickie" notes to "refer Judge X to this chapter" or "try this in Y court."

A perfect place to start

Caseload Management is not a call to arms to reduce court delay. It contains some sobering cautions about what is realistic. The book is rather a handbook for courts that already

want to resolve cases more quickly. Some court administrators and judges are motivated to improve caseload: they get frustrated with the unnecessary delays in the system; legislators and constituents demand a change; or, as is true in New Mexico, judicial performance evaluations rate the judge, in part, on efficient caseload management.

Once you have an interested audience, the challenge has been how to get appropriate resources to develop and implement a caseload management plan. This book is the perfect place to start. But it will not be sufficient in itself to meet the needs of most courts. The general descriptions of principles, the application of those principles to particular case types, and the examples of applications in specific courts are at a high level of generality.

The summaries of research findings suffer in the same way. They do not get down to the level of detail needed to apply them to specific situations.

For instance, the summary of research findings on the effectiveness of alternative dispute resolution does not consistently distinguish the results for different types of cases. Court administrators need to know the results of mediation for child custody, for child support, and for property settlement in domestic relations cases. They need to know the findings for small claims, for motor vehicle tort cases, for medical and legal malpractice. For the most part, the summary lumps all case types together. Most courts desiring to develop caseload management strategies will need more assistance than just reading this book—from judges and staff who receive in depth training on caseload management from the Institute for Court Management, the National Judicial College, or the Justice Management Institute, or from court consultants who have applied these techniques elsewhere.

A few shortcomings

The book has a few additional shortcomings. It does not mention caseload management in appellate

courts. Appellate courts have the same delay problems as trial courts. Some are much faster than others, for reasons other than caseload and resources. There are a number of excellent studies on appellate caseflow management that could have been included by Steelman and his colleagues.

The section on automated case management information systems is not particularly helpful. It does not address the issues of most concern to trial courts: how do I go about obtaining an adequate case management system? Should I buy or build? It does not mention the functionality standards for trial court case management information systems. The first of those standards-for civil cases has now been approved by NACM and COSCA. It is accessible through the National Center's website (www.ncsc.dni.us).

Finally, although the topic is addressed twice, *Caseflow Management* does not adequately explore the obstacle that most courts attempting to reduce delay encounter-how to achieve faster disposition times while simultaneously dealing with a serious case backlog. The two conditions-slow disposition times and serious backlog-usually occur together. And courts need very clear examples of how to slay both dragons at the same time.

Nevertheless *Caseflow Management* is an important addition to the literature about courts. We hope that the National Center will consider revising or supplementing it every five years or so. If not, the innovative concept to provide up-to-date examples of successful case management plans will be lost. v

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