
How to Conduct a Caseflow Management Review

A Guide for Practitioners

By
Barry Mahoney

with
Holly C. Bakke
Antoinette Bonacci-Miller
Nancy C. Maron
Maureen Solomon



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Errata Sheet
How to Conduct a Caseflow Management Review: A Guide for Practitioners

<u>PAGE</u>	<u>FOR</u>	<u>READ</u>
2, column 1, lines 31-33	The CMR process focuses on a variety of issues related to leadership in the court.	The CMR process focuses on a variety of issues related to leadership in the court <i>environment</i> .
2, column 2, lines 10-11	The CMR examines a court's posture with respect to goals: what time standards with respect to caseflow management performance have been adopted (if any), . . .	The CMR examines a court's posture with respect to goals: what time standards <i>and other goals</i> with respect to caseflow management performance have been adopted (if any), . . .
5, column 1, lines 7-9	How these issues are resolved in a particular court will depend on the circumstances . . .	How these issues are resolved <i>with respect to a prospective caseflow management review</i> in a particular court will depend on the circumstances . . .
5, column 2, lines 7-12	The authors of this guide have organized CMR teams in a variety of ways: using only National Center for State Courts staff members or using a mix of NCSC staff members, independent consultants, and senior staff members in state court administrators' (SCAO) offices.	The authors of this guide have organized CMR teams in a variety of ways: using only National Center for State Courts staff members; <i>using a mix of NCSC staff members and independent consultants; and blending NCSC staff members, independent consultants, and senior staff members in state court administrators' offices.</i>
6, column 1, line 17	In the court, this can be a very tricky issue--	In the court environment, this can be a very tricky issue--
13, column 1, line 1	. . . learn first hand about the court learn first hand about the court <i>environment</i> . . .
13, column 2, lines 25-30	If the CMR focused on the general jurisdiction court (or upper court) in a two-tier system in which the lower court handled preliminary proceedings in felony cases, the CMR team would interview judges, prosecutors, and defense lawyers practicing in the court (or courts) handling the preliminary stages.	If the CMR focused on the general jurisdiction court (or " <i>upper court</i> ") in a two-tier system in which the lower court handled preliminary proceedings in felony cases, <i>the interviewees would include</i> judges, prosecutors, and defense lawyers practicing in the court (or courts) handling the preliminary stages.
31 (Appendix B), line 1	CRIMINAL CASE DATA COLLECTION FORM	<i>CIVIL</i> CASE DATA COLLECTION FORM

To be included with

How to Conduct a Caseflow Management Review: A Guide for Practitioners

PREFACE AND ACKNOWLEDGMENTS

The concept of a caseflow management review (CMR) was developed during the 1987-89 period, when the authors were involved in analyzing the caseflow management systems of a number of urban trial courts. Those sets of analyses had two main purposes: (1) to document the caseflow management operations of courts that had histories of managing their caseloads successfully, in a fashion that would be useful to others; and (2) for courts that clearly had significant problems of delay, to provide an overview of the situation and an assessment that could help spur planning and action aimed at remedying the problems. The theoretical foundations for the caseflow management review process had been established through previous National Center for State Courts' research on caseflow management and delay reduction--in particular, in *Changing Times in Trial Courts*, and 18-court study published by NCSC in 1988.¹ The *Changing Times* book identified and briefly described ten common elements of successful programs, and these elements provide the core framework for the CMR process. That process had been developed and refined over the past several years during the course of the National Center's Urban Court Caseflow Management Improvement Project.

The idea of preparing a "how-to" guide that could be used by court system leaders and other practitioners to help conduct caseflow management reviews should be credited to Dick Van Duizend, the Deputy Director of the State Justice Institute. Dick had seen several of the caseflow management review work products prepared by the authors and their colleagues, and recommended that the CMR process be described in a published document that would be widely available. The result of his recommendation is this guide, which is intended for use both by persons who might be involved in conducting a caseflow management review and by court leaders who might be interested in having such a review conducted in their own court.

Over the past several years, the guide has gone through a number of evolutionary stages. In its earliest form, it consisted simply of a set of question--now, many revisions later, incorporated in Appendices A and D--that we used to help guide the authors and their colleagues in assessing the effectiveness of caseflow management policies and procedures in courts they were studying. The current version, set forth in the pages that follow, is a much more detailed description of the process and its rationale, and it includes several appendices that should be helpful in conducting a CMR. As further experience is gained in conducting such reviews, we anticipate changes in the instruments used and in the description of the process.

¹Barry Mahoney et al, *Changing Times in Trial Courts* (Williamsburg: National Center for State Courts, 1988).

It should be noted that one early product of the CMR process is *Courts That Succeed*,² a book published by NCSC in 1990 that presents profiles of six successful courts, developed through the analytic process described in this guide. Other products have included a number of CMR memoranda and reports, prepared for court leaders in the courts that have participated in the National Center's Urban Court Caseflow Management Improvement Project funded initially by the Bureau of Justice Assistance, U.S. Department of Justice (1987-90) and, more recently (1989-92), by the State Justice Institute.

All of the authors of this guide have been actively involved in developing the CMR process, in conducting caseflow management reviews in connection with NCSC projects funded by BJA and SJI, and in helping to write and/or edit portions of the guide. Development of the CMR process (and ultimately of this guide) has also been assisted by a number of other persons including John Martin, David Steelman, Todd Clear, Gil Austin, Steve Bouch, Fred Miller, Bill Hewitt, and Geoff Gallas. We are, of course, especially appreciative of the wonderful cooperation we received from the judges, staff and other practitioners in the courts in which we have conducted caseflow management reviews over the past five years. In this connection, particular thanks goes to the court administrators and their deputies who welcomed us to their courts, facilitated the conduct of the caseflow management reviews, and provided constructive comments on our initial work products. They include Kent Batty, the late Terry Kuykendall, Sally Mamo, George Gish, Judy Cramer, Gordon Griller, Mike Planet, Claudia Olney, Sandy Ogilvie, Greg Baler, Guy Willetts, John Clarke, Mike O'Brien, Carol Hatcher, Joe Davis, Dennis Murphy, Janet Adams, and Don Dickenson. Valuable comments and editorial suggestions on drafts of the manuscript have been provided by Geoff Gallas, Sally Hillsman, Alex Aikman, and Fred Miller, as well as by all of the co-authors. Renee Markis provided administrative support on all aspects of the project, including typing numerous drafts of the guide, with great skill and patience.

For me, the experience of working with colleagues to develop and refine the caseflow management review process, and seeing the process applied to help catalyze constructive action in over a dozen courts, has been very rewarding. I am enormously grateful for the help of everyone who has contributed to the development of the CMR process and to the preparation of the guide. At the same time, of course, they are in no way chargeable with responsibility for defects in the guide, or for errors of omission or commission; that responsibility is mine.

Barry Mahoney

Denver, Colorado
July 1992

² William E. Hewitt, Geoff Gallas, and Barry Mahoney, *Courts That Succeed* (Williamsburg: National Center for State Courts, 1990).

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FOREWORD

Courts continue to be inundated with a growing number of cases, and levels of staffing and funding have often not kept pace with this growing public demand for court services. Court managers have found it increasingly difficult to maximize available resources, process cases efficiently, and maintain public confidence in the courts' ability to administer justice. One tool that aids court managers in addressing this problem is caseload management. Judges and administrators have realized that active management is essential if cases are to be disposed of justly, but with minimum delay.

The recognition of caseload management as an essential judicial administration tool has gained widespread acceptance. Section 2.54 of the ABA *Standards Relating to Trial Courts*, 1992 edition, calls for each court to have a program to reduce and prevent delay. The NCSC *Trial Court Performance Standards* (1990) call for the trial court to establish and comply with recognized guidelines for timely case processing while, at the same time, keeping current with its incoming caseload. Courts that can effectively manage their pending caseloads and process cases in a simple and orderly manner greatly facilitate the administration of justice.

The judicial system is responsible for effectively managing its workload, for disposing of court business without delay, and for effectively delivering quality service to the public. To ensure that a court satisfies these responsibilities, achieves its goals and objectives, and continually strives to make improvements in its ongoing operations, a court must be conscious of its caseload management performance.

This guide is designed to assist a court in conducting its own caseload management review. The guide outlines a review process that will produce valuable information for the court and for other interested parties on the strengths and weaknesses of the court's caseload management activities, policies, and procedures. That information will enable the court to immediately begin improving its capacity to manage its business effectively.

This guide will be a valuable resource to judges, court administrators and clerks, and any other persons, agencies, or institutions that may have an interest in planning and implementing a review of a court's caseload management policies and procedures. Though the principles of caseload management may seem self-evident, they have been developed over the past two decades through careful and exhaustive analysis and application. The experience and qualifications of those who participated in the development of this publication under the auspices of the National Center for State Courts and the State Justice Institute represent an invaluable resource of expertise. This guide offers a resource that has never before been available.

A comprehensive outline of the caseload management review process is presented to the practitioner. The principles, techniques, and the practical suggestions that are offered have relevance to any court undertaking a caseload management review, regardless of court size, structure, resources, operations, and environment.

A well-planned and implemented caseload management review will improve case-processing times and will increase the likelihood that courts will be able to handle their growing workloads. Courts must always strive not only to meet the changing needs of the public but also to better themselves by seeking new ways to improve. This guide is an opportunity to make immediate improvements in court efficiency and in the administration of justice. I am confident that you will find this guide to be an immediate tool for moving your court to a new level of effectiveness and performance. For court managers everywhere, that opportunity is one that should not be missed.

Jim Thomas
Denver, Colorado
August 1993

INTRODUCTION

A caseload management review (CMR) is an examination of how a court manages its cases and its overall caseload. Members of a CMR team look at what a court does to manage cases, how it does it, and what the results are in terms of fair and expeditious resolution of cases. The CMR involves an assessment of the court's caseload management policies and procedures in relation to its structure, resources, operations, and environment. A CMR typically has three main purposes: (1) to describe the current situation with respect to caseloads and case processing in the court, paying particular attention to data on case-processing times and pending caseloads; (2) to assess the effectiveness of the court's structure and operational procedures in relation to key areas of caseload management; and (3) through identification of strengths, weaknesses, and key problem areas, to lay the foundation for development of an action plan aimed at improving the court's capacity to handle its caseload effectively.

This guide is designed to be used by a wide range of persons who may be interested in how to conduct a caseload management review. They include not only persons who might themselves be involved in conducting a CMR (for example, as part of a CMR team), but also persons who might be interested in the organization and results of such a review (for example, trial court chief judges and court administrators, state court administrators, legislators, and others with funding responsibilities). The chief aim of the authors is to provide useful suggestions for how to undertake a review that will (a) present a fair picture of the court's current situation and its caseload management capabilities and (b) provide the basis for sound caseload management improvement efforts.

Conceptually, the principles underlying a CMR should be applicable to any type of court--a general or limited jurisdiction trial court in an urban or rural area, or an appellate court. And, while the scope of the inquiry and the specific questions addressed will vary depending on the nature of the caseloads being studied, the basic approach can be used to focus on all or a portion of a court's business.

In practice, the CMR approach has been used principally to study the operations of civil and criminal divisions of urban general jurisdiction trial courts. It was initially developed by staff and consultants at the National Center for State Courts, working with trial court leaders and staff in several state court administrators' offices.¹ This guide maintains the focus on general jurisdiction trial court operations, but the approach, techniques, and instruments presented here can be adapted for use in many other types of courts. The guide is designed for use in a wide variety of situations. For example, it can be used as a tool for self-assessment by trial court leaders, or as a guide for operational reviews by outside consultants or state court administrators' offices.

The guide is organized into four main sections. Section I outlines some basic premises about courts and caseload management that underlie the CMR methodology. Section II discusses key threshold issues that court leaders and others involved in planning a caseload management review need to address before undertaking a CMR. Section III covers the mechanics of the CMR--what kinds of information should be collected and approaches to obtaining and analyzing the data. It also includes a section on how court leaders and others can use the guide's Self-assessment Questionnaire (see Appendix C). Section IV focuses on the products of a CMR--a memorandum or report summarizing the main findings and an action plan for improving court operations. There are also four appendices that reproduce instruments used in the CMR process: (A) a questionnaire on court structure, resources, and operations; (B) forms for collection of case-specific data from court records; (C) the Self-assessment Questionnaire; and (D) examples of interview schedules.

1. The caseload management review process has been developed over several years as an integral part of technical assistance projects conducted pursuant to grants to the National Center from the Bureau of Justice Assistance, U.S. Department of Justice (Grant No. 87-DD-CX-0002), and the State Justice Institute (Grant No. SJI-88-08G-B-079 and Grant No. SJI-90-08H-B-050).

SECTION 1.

Foundations of the Caseflow Management Review: Some Working Premises About Effective Caseflow Management

In subsequent sections of the guide, we outline the basic steps involved in conducting a caseflow management review in a general jurisdiction court. Before turning to those practical suggestions, however, we briefly review some premises about courts and caseflow management that underlie the guide.

A. The Centrality of Caseflow Management

In our view, the importance to courts of effective caseflow management cannot be overstated. The primary task of courts is to resolve the matters that come before them, and to do so justly, promptly, and economically. Effective caseflow management--i.e., management that uses available resources in the best fashion to facilitate the just, prompt, and economical resolution of disputes--is, or should be, the central focus of court administration.

The fact that good caseflow management can make a major difference in a court's ability to handle its caseload effectively has been amply demonstrated in recent years. There are now numerous examples of trial courts that, through effective caseflow management, have markedly reduced case-processing times and pending caseloads.¹ Equally important, there are also a number of examples of courts whose effectiveness in caseflow management has enabled them to maintain an expeditious pace of litigation in the face of sharply rising caseloads.²

An important corollary to the concept of the centrality of caseflow management in the courts is the

principle that caseflow management is fundamentally the responsibility of the court. Management of the caseload is not something that can be left to lawyers or other institutions. Exercise of this responsibility requires the court--and its leaders--to take a leadership role in designing and implementing sound systems for caseflow management.

Fixing responsibility for caseflow management on the court does not imply that other actors involved in case processing have no roles or responsibilities. Clearly they do--especially in criminal cases, where the prosecutor's office has a critical role--but it is the court, in its role of neutral, that must take the responsibility for managing its business.

B. The Diversity of Viable Models

One of the striking findings from recent empirical research on caseflow management and delay reduction is that there is no single model of a successful delay reduction program or caseflow management system. Successful courts are organized in many different ways, use a variety of calendaring or case assignment systems, employ a wide range of management approaches and techniques, and differ considerably in the emphasis they place on trying to facilitate settlements. Alternative dispute resolution programs are an important part of some effective civil caseflow management systems, but not all. Some of the successful courts have modern computerized information systems that regularly produce virtually all of the data

1. In the 1970s, the leading example was the Detroit Recorder's Court. Its successes, and the approach and techniques used in the court, are described in Barry Mahoney et al., *Changing Times in Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988), pp. 135-142, and David W. Neubauer et al., *Managing the Pace of Justice: An Evaluation of LEAA's Court Delay Reduction Programs* (Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1981), pp. 330-369. More recently, the Wayne County Circuit Court has had remarkable success in reducing civil case backlogs and delays. See Douglas K. Somerlot, Maureen Solomon, and Barry Mahoney, "Straightening Out Delay in Civil Litigation: How Wayne County Took Its Program from Among the Worst in the Nation to One of the Best," *Judges' Journal*, vol. 28, no. 4 (fall 1989); also K. Kent Batty et al., *Toward Excellence in Caseflow Management: The Experience of the Circuit Court in Wayne County, Michigan* (Williamsburg, Va.: National Center for State Courts,

1991). There have also been remarkable recent successes on the civil side in a number of California courts (see, e.g., Geneva Kay Loveland and Alexander B. Aikman, ". . . For the People: California's Efforts to Reduce Delay in Civil Litigation," *State Court Journal*, vol. 15, no. 3 [summer 1991]) and on the criminal side in Philadelphia (see Joan Jacoby, *An Evaluation of the Expedited Drug Case Management Program* [Washington, D.C.: The Jefferson Institute, 1991]).

2. See, for example, the descriptions of successful ongoing programs in Detroit Recorder's Court (since the mid-1970s), Phoenix, Dayton, Wichita, and Fairfax County, Va., in William E. Hewitt, Geoff Gallas, and Barry Mahoney, *Courts That Succeed: Six Profiles of Successful Courts* (Williamsburg, Va.: National Center for State Courts, 1990).

3. Mahoney et al., *Changing Times in Trial Courts*, p. 197.

needed to monitor caseload status and identify problems, while other make do with rudimentary manual systems. The degree of involvement of the practicing bar, the roles of the prosecutor and public defender, and the nature and extent of the participation of state-level leaders all vary markedly across successful courts.

The point of noting this diversity is simply to emphasize that there are a large number of viable models of courts that manage their caseload effectively. However, there are some common threads that run through the successful programs. Perhaps most important, the successful caseflow management programs are relatively comprehensive--rather than seeking a "one-injection miracle cure,"⁴ the courts that succeed at caseflow management incorporate a number of different components into their systems and refine and maintain their systems through hard work.

C. Common Elements of Successful Programs

Despite the diversity in specific techniques and approaches used in the successful courts, these courts--and their caseflow management programs--share some common elements. In this guide, we focus on ten of these elements, using them as a basic framework for the design of a caseflow management review process that is intended to be comprehensive in scope.⁵ The key elements are:

1. *Leadership*. In studies of corporate innovation and excellence, as well as of courts that succeed in managing their caseloads, leadership emerges as a critically important factor. fn6 The CMR process focuses on a variety of issues related to leadership in the court. Attention is paid not only to the leadership skills and abilities of the top leaders in the court (e.g., chief judge, court administrator) but also to the leadership skills of others in key positions in the court and in related agencies and institutions. Our concern

is not so much with leadership qualities in the abstract as with the actual behavior of persons in leadership positions with respect to critical aspects of caseflow management.

2. *Goals*. Meaningful goals--especially time standards that can shape expectations regarding the maximum length of time appropriate for particular types of cases--are integral to effective caseflow management systems. The CMR examines a court's posture with respect to goals: what time standards with respect to caseflow management performance have been adopted (if any), what role they have in the court's ongoing operations, and to what extent the court succeeds in achieving its goals.

3. *Information*. Court leaders who are seriously interested in court improvements will put a high premium on ensuring that timely and accurate information is available, both for case-level decision making and for overall system management. The CMR examines the completeness, accuracy, and timeliness of the information that is available to court decision makers and managers, paying particular attention to how information is actually *used* in the court.

4. *Communications*. One of the clear lessons from research and experimentation in court delay reduction is that good communications and broad consultation--within the court (including both judges and staff), between the trial court and state-level leaders, and with the private bar and key institutional actors such as the prosecutor and public defender--are essential if a program is to succeed. The CMR assesses the openness of the communication channels and the ways in which they are used by the court's leaders and other system actors.

5. *Caseflow Management Procedures*. Much has been learned over the past 15 years about the relative merits of different approaches to the mechan-

4. *Ibid*; see also Maurice Rosenberg, "Court Congestion: Status, Causes, and Proposed Remedies," in Harry W. Jones (ed.), *The Courts, the Public, and the Law Explosion* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1965). Reviewing the available evidence as of 1965, Rosenberg was emphatic in rejecting the "one-injection miracle cure" notion, noting that only a few of the supposed "delay antidotes" that had gained currency at that time had worked even to a modest effect, and that some had been shown to be counterproductive. He observed presciently that "progress in coping with the old problem of court delay will have

to come from marshaling relief measures in groups" (pp. 55-56).

5. The framework, and the descriptions of the specific elements, is drawn directly from the concluding chapter of Mahoney et al., *Changing Times in Trial Courts* (chapter 9, "Policy Implications of the Study"), pp. 197-205.

6. See, e.g., Thomas J. Peters and Robert H. Waterman, Jr., *In Search of Excellence* (New York: Warner Books, 1982), p. 26.

ics of caseload management--i.e., the operational procedures and techniques that are used by the court, alone and with other institutions, to manage its caseload.⁷ The CMR examines these aspects of court operations, assessing the extent to which they effectively incorporate basic concepts of sound caseload management, such as early court control, case differentiation, ongoing monitoring, structured processes to ensure early discovery and negotiation between prepared lawyers, and assurance that trials will be held on the scheduled date.

6. *Judicial Commitment.* Although the degree of judicial commitment to delay reduction or prevention is difficult to measure, it is clear that such commitment is a key element in successful courts. The CMR assesses the extent of this commitment across the court's complement of judges, paying particular attention to what judges actually do to help ensure effective caseload management.

7. *Administrative Staff Involvement.* While the commitment of judges is critical, the judges of a busy court cannot make a delay reduction or delay prevention program work by themselves. The involvement of court staff members at all levels--from the court administrator through the secretaries and courtroom clerks who handle day-to-day administrative duties for the judges--is essential. The CMR gauges the extent to which nonjudicial staff members are aware of the court's case-processing goals and are actively involved in achieving them. Court staff members are the persons most familiar with the details of ongoing court operations, and attention to detail is critical in the implementation of caseload management and delay reduction programs.

8. *Education and Training.* If courts are to manage their caseloads successfully, both the judges and the court staff need to know why and how to do it. Since the whole notion of caseload management is of

Urban Trial Courts (Williamsburg, Va.: National Center for State Courts, 1991).

relatively recent vintage, this is not an area in which there is a great deal of knowledge and experience in most courts. Education and training are essential to familiarize judges, staff members, and members of the bar with the purposes and fundamental concepts of caseload management and with the specific details and techniques essential to effective caseload management in the court on a day-to-day basis. The CMR examines the extent to which the education and training functions are conducted effectively in the court.

9. *Mechanisms for Accountability.* If caseloads are to be managed in courts, someone must be responsible for their management. The court's goals and its information-processing capacity are especially important with respect to accountability. To hold individuals accountable, it is important to have clear roles and lines of responsibility; persons must know what they are expected to achieve, and it is essential to have information on their effectiveness in achieving the goals. Beyond that, someone in authority must actually look at the information and be able to acknowledge good performance and impose sanctions for poor performance.

10. *Backlog Reduction/Inventory Control.* In courts that have a serious problem of delay, there will almost certainly be a backlog--i.e., a large number of pending cases that cannot be dealt with in an acceptable period of time. When a court is functioning well and delay is not a problem, control of the inventory of pending cases should still be an important concern. The CMR pays particular attention to the court's inventory of pending cases and to its capacity for managing that pending caseload--including the ability to reduce it to a manageable level.

7. See especially Maureen Solomon and Douglas K. Somerlot, *Caseload Management in the Trial Court: Now and for the Future* (Chicago: American Bar Association, 1987); also Mahoney et al., *Changing Times in Trial Courts*; Ernest C. Friesen, "Cures for Court Congestion," *Judges' Journal*, vol. 23, no. 1 (winter 1984); Thomas Church, Jr., et al., *Justice Delayed: The Pace of Litigation in Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1978); John A. Goerd et al., *Reexamining the Pace of Litigation in 39*

SECTION II.

Planning a Caseflow Management Review: Threshold Issues

The success of a caseflow management review will depend in good measure on the initial planning done by the court and the team that will undertake the review. This section of the guide discusses six key sets of threshold issues that should be addressed by court leaders, consultants, or others involved in planning a CMR. How these issues are resolved in a particular court will depend on the circumstances (in particular, the views of the court's leaders regarding the importance of caseflow management and the potential utility of a CMR) and the resources available to support the review. It should be noted that this section is written from the perspective of an outside team. Court leaders wishing to undertake an internal self-assessment should make appropriate modifications.

A. Scope of the Review

A court may wish to review its total caseflow system, which in some trial courts may include the handling of civil, criminal, domestic relations, juvenile, and other types of cases. More likely (especially in large multijudge courts), the court's leaders and others interested in a CMR will want to focus on the work of a particular division or unit, such as a civil division or a criminal division. The size of the court and the scope of the proposed review obviously have major implications for the organization of the project: the larger the court and the more types of caseloads to be studied, the more information will be required.

The depth of the review is a related issue. It is possible to obtain and analyze useful information on the basis of a limited perusal of statistics, documents, and interviews with a small number of practitioners. However, the products of a CMR are more likely to be useful if the CMR team has an opportunity for on-site observation, interviews with a wide range of practitioners (including, at a minimum, judges, court staff members, and practicing lawyers), and in-depth analysis of relevant constitutional provisions, statutes, court rules, procedures manuals, management infor-

mation reports, and the like. The accessibility of data--especially data on case-processing times and pending caseloads--is especially critical. If case-processing times are not readily available, they will have to be collected from court records.

B. The CMR Team

The authors of this guide have organized CMR teams in a variety of ways: using only National Center for State Courts staff members or using a mix of NCSC staff members, independent consultants, and senior staff members in state court administrators' (SCAO) offices. SCAO staff also can conduct such reviews without any outside assistance, perhaps in concert with judges or staff from the trial court itself. It is also possible for trial court leaders to organize an internal review by judges and staff, without involving consultants or SCAO staff.

While there are many ways to organize a CMR team, we note that there are some distinct advantages to including one or more outsiders in the review process. Knowledgeable outside consultants, not involved in local or intrastate political conflicts, can bring an objective perspective that draws upon experience in assessing caseflow management systems in a variety of contexts. Outsiders are likely to ask questions about aspects of a system that those working within a court may take for granted or be reluctant to question; frequently, such questions help focus attention on places where it is needed.

As the heading of this subsection indicates, we contemplate the formation of a CMR *team*--two or more individuals (teams have consisted of as many as six) who will have roles in the review process. While several of the authors of this guide have performed solo court studies, there are distinct advantages to a team approach. Particularly in a large court, the CMR process can be time-consuming and labor-intensive. When two or more persons are organized as a team, tasks can be assigned to different persons, work can proceed on parallel tracks, and a shorter time frame

for completion of the CMR is possible. Beyond that, the team approach enables the use of persons with expert knowledge in particular areas as team members, provides for a range of perspectives, and encourages the exchange of information and ideas.

It is helpful for all team members to have substantial knowledge and experience in caseload management in a variety of courts, and it is essential that at least one person--most likely the leader of the CMR team--have such expertise.

C. The Audience for the CMR

One key issue to be addressed before undertaking the caseload management review involves the audience for the products of the CMR. Who will receive the CMR Memorandum or report? To whom does the CMR team report?

In the court, this can be a very tricky issue--especially if the subject of the review is a trial court but the source of funding for the CMR is external (for example, a state court administrator's office, legislative committee, or federal funding agency). Even if the trial court itself is arranging for the CMR, questions of audience and reporting relationships can be difficult. For example, should the CMR memo/report go initially to the chief judge, the trial court administrator, or both? What other policymakers or practitioners within the court and in other institutions or agencies are likely to receive copies? If questions about particular issues arise during the the CMR process, to whom should the CMR team turn for authoritative responses?

Our general approach has been to regard the trial court leadership team--usually, the chief judge and the trial court administrator--as the primary *client*, even when the CMR has been funded by sources outside the trial court. For a CMR to be useful to the trial court and to other interested parties, the cooperation and buy-in of these key court leaders is essential. They have a strong interest in the results of the CMR, they are the persons in the best position to have an overview of the court's organization and of its strengths and weaknesses, and they generally will be able to

facilitate data collection within the court and in other agencies.

Before a CMR is undertaken, questions about clearance to examine court records and documents, plans for interviews with judges and other practitioners, and expectations regarding the preparation and distribution of any memos, reports, or other work products of the CMR should be discussed in some detail with the court's leaders. Others with stakes in the conduct and work products of the CMR--including external funding sources and leaders of other agencies whose personnel may be interviewed as part of the CMR process--should have an opportunity to be involved in these discussions. To the extent possible, the ground rules for the CMR should be clear to everyone before any data collection begins. It may be desirable to distribute a short memo to all persons who will be contacted during the CMR process explaining the purposes of the review and the process that will be followed.

D. Logistics

Collection of the data needed for a caseload management review can be a complex and time-consuming process, one that requires cooperation from a number of different individuals in the court and its ancillary agencies. As discussed more fully in Section III of this guide, there ordinarily are two main stages of data collection: (1) initial collection of descriptive information about the court from a variety of sources and (2) on-site interviews, observation, and (sometimes) supplementary collection of data from court records.

For both stages of data collection, it will be helpful for the court to designate a single individual as the liaison with the CMR team. This person should be knowledgeable about the full range of court operations. He or she will be responsible for completing the questionnaire, obtaining copies of relevant documents (e.g., annual reports, organization charts, court rules, monthly management information reports, operation manuals, and previous studies of the court), and arranging interviews with judges, court staff members, and other practitioners.

It will also be helpful for the CMR team to have its own *point person*. This could be either the leader of the CMR team or the team leader's designee. The point person will be responsible for conveying requests to the court's liaison, organizing the CMR team's files on court operations, making copies of key documents for CMR team members, and making arrangements (through the court's liaison) for on-site interviews and observation by members of the CMR team. The point person should be knowledgeable about caseload management issues and should be in regular contact with the entire team.

E. Confidentiality Protocols

For interviews with practitioners to yield full and complete responses concerning the problems, strengths, and weaknesses of a court, it is often important that they be conducted confidentially. Our general practice has been to assure all practitioners that anything said in a CMR interview will be treated as "not for attribution," although the substance of what is said in an interview may be discussed in a memorandum, report, or oral briefing without identification of the source. As with other aspects of the CMR process, ground rules concerning the interview process and the use of information and opinions acquired through the interviews should be established before conducting any interviews.

SECTION III.

Data Collection and Analysis

A wide range of factors can affect a court's capacity to manage its caseload effectively. These factors include the following:

- size and nature of the caseload
- resources available to the court--for example, the number of judges and staff, number of courtrooms, and availability of computer support
- organization/structure of the court
- the court's operational practices and procedures
- the capabilities and operational practices and procedures of the institutions and individuals who are involved in the day-to-day business of the court, but who are subject to little or no direct control by the court's leaders--for example, prosecutors, public defenders, members of the private bar, independently elected county clerks who provide courtroom staff and clerical support services, court reporters, insurance companies, sheriffs and other local correctional officials, state corrections departments, the police, and state and local budgetary authorities
- the perceptions, attitudes, philosophies, expectations, and patterns of behavior that exist in the jurisdiction with respect to the processing of cases--what Thomas Church and his colleagues characterized as the "local legal culture."¹

The extent to which these factors can be examined in-depth will depend in large part upon the size of the court and the resources available. Operationally, the review process has two main stages of data collection: (1) a "preparation" or pre-site-visit stage, in which descriptive information about the court is collected from a number of key sources, and (2) a site-visit stage that includes interviews, observation, and

in some instances supplementary collection of data from court records and other sources. The usefulness of the site visit can, of course, be substantially enhanced by good preparation and problem identification before the start of formal interviewing. Three general types of information are needed for effective preparation for site visits: (a) information about the court's organizational structure, resources, and operations; (b) data on workloads and case-processing times; and (c) a list of the names of judges and other key actors, showing their position, office location, and phone number.

A. Documentation of Court Structure, Resources, and Operations

This component of the CMR involves gathering background information on the court to help focus questions at on-site interviews and to provide a context for analyzing data on case-processing times. While there are a number of ways to collect relevant information, we have found it helpful to use a structured questionnaire (see Appendix A). The questionnaire seeks information in seven main areas:

- *court structure and jurisdiction*--geographic areas and population, types of cases handled, assignment of judges to divisions or departments, and the type of calendaring (case assignment) system in the court or the division under study
- *court personnel*--number of judges and other court personnel, methods of selecting judges and chief or presiding judges, and duration of terms of judicial office
- *legal framework*--constitutional provisions, statutes, appellate court decisions, court rules, internal policy directives, and other legal materials that may affect caseload management.
- *case-processing goals and standards*--state and local case-processing time standards; other goals of the court with respect to caseload management
- *management information and statistical reports*--any reports or data that provide information

1. Church et al., *Justice Delayed*, pp. 53-62, 79-84; see also Thomas W. Church, Jr., "The 'Old and the New' Conventional Wisdom of Court Delay," *Justice System Journal*, vol. 7 (1982), pp. 395-401.

on filings, dispositions, pending caseloads, case-processing times, trial rates, and continuance rates, preferably for at least the preceding five years

- *caseflow policies and procedures*--charts or diagrams of the caseflow process, estimates of the usual time between events in the main categories of cases, general information about the development and implementation of caseflow management policies and procedures over the past five to ten years

- *history and environment*--copies of any previous studies of the court or of case processing in the jurisdiction, information about other (noncourt) organizations and individuals who play key roles in the caseflow process, budget information, identification of current issues and points of disagreement between key policymakers and practitioners with respect to caseflow management in the jurisdiction

To the extent possible, this information should be collected and reviewed before visiting the court. The court's liaison should have primary responsibility for completing the questionnaire and providing copies of documents and reports, but it is likely that this person will require assistance from key court leaders in answering some of the questions. In any event, the completed questionnaire should be reviewed by the court's leaders before being returned to the CMR team.

One member of the CMR team should be assigned responsibility for reviewing the questionnaire and attached documents. Copies of the completed questionnaire and of relevant documents should be made for all CMR team members and, if possible, a previsit memorandum should be prepared, summarizing key points and highlighting issues on which team members should focus during interviews.

B. Information on Workloads and Case-processing Times

The questionnaire sent to the court contains several questions concerning workloads and case-processing times (Appendix A, questions 21-23). The usefulness of the responses to these questions will depend on the quality and completeness of the management information reports the court attaches to the

questionnaire. Sometimes, however, these reports will not provide enough reliable information to describe the court's current situation and recent caseflow trends. In this situation, it is probably necessary to do some special data collection--i.e., examine court records and perhaps take special samples of pending cases and disposed cases. The objective is to paint a picture of the court's business and operating efficiency, focusing on at least the following dimensions of performance.

1. *Pending caseloads*. Operationally, information on pending caseloads is of great importance in assessing the effectiveness of a court's caseflow management system. Good information on pending caseloads provides a picture of the current workload, organized by major case type and, within each case type, by age and case status; indicates how many cases (and which ones) are exceeding the court's time standards; and enables court managers to flag cases that need attention.

If a court does not routinely produce this type of information, the CMR team should seek to develop information that provides at least a general sense of the size and makeup of the pending caseload. While a complete inventory may ultimately be desirable, it will not be feasible to conduct such an inventory during a CMR. However, a general picture can usually be obtained through sampling techniques. Because courts vary widely in the way they organize their case files and other records, no single approach will be applicable to all courts. For purposes of the CMR, the objective is not to present a 100 percent accurate picture of the total pending caseload; rather, it is to develop a reliable sense of the size, age, and status of the caseload, broken down by major case types--thus enabling a focus on problems with respect both to particular types of cases and to the total system.

2. *Age of cases at disposition*. By definition, information on cases that have reached disposition is historical information. Nevertheless, it can be extremely valuable for a caseflow management review, for three main reasons:

- It enables an assessment of the court's recent

performance in relation to case-processing time standards.

- It provides baseline data on case-processing times, against which the success of future efforts can be measured.
- When broken down by case type, type of disposition, and stage of the process at which disposition is reached, it enables construction of a "fall-out chart" that shows the time required for different types of cases and the stage of the process at which disposition occurs. It can also help identify the types of cases most likely to require a trial or other significant allocation of system resources. With such information in hand, courts can develop "differential case management systems" that make more effective use of available resources.²

Relatively few courts have good information on the age of cases at disposition. However, in conducting national-scope studies of case-processing times, the National Center has developed a standard method for taking a "snapshot" of disposed cases using samples of approximately 500 cases, and this method can be adapted for purposes of a caseload management review. Data collection forms used by the NCSC can be found in Appendix B.

3. *Continuance rates.* One measure of the effectiveness of a court's caseload management system is the percentage of events that take place on the date scheduled. For example, assume that a court has scheduled ten cases to start trial in a particular week. If six of the cases result in a trial but four trials are rescheduled for a later date, the court's trial date continuance rate for that week would be 40 percent. Continuance rates can be calculated for particular events (e.g., trials, motion hearings, pretrial conferences); for a day, week, month, or year; and for individual judges or for the court as a whole. Some courts regularly collect data on continuances and produce reports on continuance rates, but most do not. Information needed to calculate continuance rates can, however,

be easily obtained from an analysis of daily docket sheets or court calendars.

4. *System rates.* Analysis of a few key pieces of aggregate data can help put other types of information into a broader context. Most courts have at least some of the relevant data elements readily at hand, and the others can usually be obtained without great difficulty. This category of information includes monthly and annual data on the following, preferably broken down by major case type:

- filings
- dispositions
- number of trials started/completed
 - jury trials
 - bench trials
- length of trials (range/average or median)

Analysis of this type of aggregate data can be most useful when the information is available for a period of several years. The analysis can then focus on trends and can take account of other information to help identify emerging problems and assess the effectiveness of resource utilization.

C. The Self-assessment Questionnaire

One of the features of this guide is a Self-assessment Questionnaire designed to be used in one of two ways: (1) as a standalone instrument, enabling court leaders to undertake a "quick and dirty" assessment of their caseload management system, without any involvement of outside consultants, and (2) as an adjunct to the CMR process, to give both court leaders and members of the CMR team a preview of practitioners' assessments of the court's performance with respect to key elements of caseload management, thus helping to focus on-site interviews and data analysis.

The Self-assessment Questionnaire is contained in Appendix C (Form C-1), along with a scoring sheet (Form C-2) and a form that facilitates a graphic presentation of the results (Form C-3). The questionnaire contains 65 questions, each focused on actions or attitudes that reflect the court's level of performance in relation to one of the ten key elements of successful programs discussed in Section IC of this guide. Each question is scaled, allowing responses

2. See Holly Bakke and Maureen Solomon, "Case Differentiation: An Approach to Individualized Case Management," *Judicature*, vol. 73, no. 1 (June-July 1989), pp. 17-21.

between 1 and 5, and there are at least five different questions relating to each of the ten key elements.

Once a questionnaire has been completed, it can be self-scored, using Form C-2, and the respondent's assessment of the court's performance with respect to the key elements of caseflow management can be plotted as a graph on Form C-3. As a self-assessment tool, independent of the broader caseflow management review process, the instrument can be used in several ways. For example:

- Court leaders (e.g., chief judge and/or court administrator) can complete the instrument themselves, using it to identify strengths and highlight problem areas.
- Court leaders, in addition to completing and scoring the questionnaire themselves, can ask others in the court (e.g., other judges, key staff members) to complete the instrument. The more individuals involved in the process, the greater the likelihood of getting an accurate picture of strengths and weaknesses and of finding out where the perceptions of judges and staff diverge from those of the leaders. It can be very useful for individuals to compare the results of their assessments, noting areas where there is consensus on problems that need to be addressed and discussing the reasons why their responses to some questions may differ.

While the Self-assessment Questionnaire can be useful as a standalone diagnostic instrument, it can be even more valuable as a part of the broader caseflow management review process. Judges and staff could complete the questionnaires as part of the preparation for the site visit. If CMR team members can review the responses to the questionnaire before conducting on-site interviews, they should be able to focus the interviews much more effectively. Additionally, of course, the results provide a database that will be very helpful in the team's analysis of caseflow management in the court.

Finally, even if no one in the court completes the Self-assessment Questionnaire, it can still be a very useful tool for the CMR process. The CMR team can use it to help shape questions for on-site interviews and to help assess the court's performance in relation to the key elements of effective caseflow management.

D. Interviews with Practitioners

On-site interviewing is a crucial part of the CMR process. To conduct interviews effectively, every member of the CMR team should be familiar with the background materials collected in advance of the site visit--i.e., the descriptive information about the court's organizational structure and its resources and operating procedures, the quantitative data on workloads and case-processing times, and responses to the Self-assessment Questionnaire. These materials provide a context for the on-site interviews, and should suggest topics to be covered in particular interviews. In general, interviews should be organized so that respondents are asked only about matters in which either (a) they are the best source of the information being sought or (b) there is a reasonable expectation that they will have the information.

The number and mix of practitioners to be interviewed should be addressed at an early stage in the CMR process. It relates to the scope and objectives of the review and to the resources available to support the work of the CMR team. In some instances--especially if there has been broad response to the Self-assessment Questionnaire--a relatively small number of interviews may be sufficient, but in other instances extensive interviewing may be desirable.

There is no single right way to organize on-site interviewing of practitioners. The size of the team may vary, and the interviewing may be conducted in a few days or spread over multiple visits conducted over several weeks. In general, the larger the CMR team, the stronger the argument for concentrating the on-site interviewing and observation in a single visit during which each team member conducts a series of interviews. The smaller the team, the stronger the argument for repeat visits, which gives CMR team members an opportunity to ask follow-up questions and conduct additional interviews that take account of information acquired in the initial round.

Regardless of the size of the CMR team or the number of site visits planned, it will be important to plan each round of interviews with care. The interviews will generally have two main objectives: (1) to

learn firsthand about the court, the interorganizational and interpersonal dynamics that affect caseload management, and the details of case processing at each stage of the process and (2) to elicit practitioners' perceptions of what should happen and what in fact does happen and to ascertain their views about the strengths and weaknesses of the current system, the most pressing problems, and the court's performance with respect to key elements of effective caseload management. To achieve both sets of objectives, interviews should be conducted with a fairly wide range of practitioners. To illustrate, the following is a list showing the positions of persons interviewed for a caseload management review conducted for the criminal division of a large urban trial court (53 judges) that uses a master calendar for criminal cases:

- chief judge of the court
- presiding judge, criminal division
- trial court administrator
- deputy trial court administrator (criminal)
- clerk of court
- deputy clerk of court--information services
- deputy clerk of court--personnel
- chief clerk for master calendar courtroom
- 1 trial judge, civil division (formerly presiding judge in criminal division)
- 5 trial judges, criminal division
- 2 courtroom clerks, criminal division trial courtrooms
- district attorney
- chief deputy district attorney, trial department
- deputy district attorney assigned to master calendar courtroom
- 2 deputy district attorneys handling trials
- public defender
- chief deputy public defender
- 2 deputy public defenders handling trials
- 2 private criminal defense lawyers
- chief probation officer
- probation officer who prepares presentence reports
- jail administrator

In this court, the CMR team consisted of five persons, and it was possible to schedule all of the 30 interviews in the space of a two-and-one-half-day period. Interviews usually were conducted by a single member of the team, but sometimes by two persons. Each team member was assigned one or more areas of primary responsibility (e.g., court leadership, prosecution, defense services, trial judges, support services, information) and conducted or participated in the majority of the interviews in those areas. The same team member was subsequently responsible for preparing a memorandum summarizing principal themes that emerged from the interviews in that area. These memos, together with summaries of the CMR team members' notes of each interview, became the primary materials used in preparing the CMR Memorandum sent to court leaders.

In other courts, practitioners holding different institutional positions would be interviewed. For example, if the CMR focused on the civil division of a court that used an individual calendar system, the CMR team would interview practicing lawyers from both plaintiff and defense firms of varying sizes and give considerable attention to the roles of courtroom support staff. If the CMR focused on the general jurisdiction court (or upper court) in a two-tier system in which the lower court handled preliminary proceedings in felony cases, the CMR team would interview judges, prosecutors, and defense lawyers practicing in the court (or courts) handling the preliminary stages.

Examples of interview schedules--i.e., lists of questions that can be used in interviews with practitioners as part of the CMR process--are contained in Appendix D. These interview schedules are meant to be illustrative; almost invariably, it will be necessary to modify them for use in a particular jurisdiction, taking into account key problems and issues specific to the jurisdiction. They are essentially menus of questions, which CMR team members can use as a starting point for shaping questions appropriate for particular individuals in the court system under review. Care should be taken to use questions that focus on the interviewees' areas of knowledge and expertise.

Interviews may range in length from ten minutes to over an hour, with the interviews of persons in leadership positions (e.g., court administrator, chief judge) generally taking the longest time because these individuals tend to be knowledgeable about the full range of issues to be covered in the CMR. We have usually sought to complete interviews with judges and other key practitioners in 40 to 50 minutes. That is often not enough time to cover every potentially relevant topic in-depth, but it is enough time to discuss key points--especially if the interviewer has developed, in advance, a set of top-priority questions. If necessary, a follow-up interview can be scheduled to make sure that the initial interview does not run on too long.

Interviews should be scheduled by the court's liaison person, working with the CMR team leader or the team's point person. Ordinarily, four interviews per day is about as many as a single team member can handle. Interviews should be spaced far enough apart so that each team member has time to prepare for each interview.

The interviewer should make notes during each interview, and--of the utmost importance--the interview notes should be turned into a typed summary very quickly. If possible, CMR team members should prepare summaries during the site visit; in any event, the summaries should be completed and sent to the team leader within a week after the site visit.

During the site visit, CMR team members should meet several times: before interviewing begins, to review the background materials that have been collected and to discuss areas that should receive particular attention in the interviews; at the conclusion of each day, to share information and impressions; and after all interviews have been completed, to discuss themes that have emerged and to make plans for analyzing the information that they have gathered.

E. Observation

On-site observation of court proceedings and other activities is a natural corollary to on-site interviewing of practitioners and can be a valuable part of the CMR process. Given the constraints of time and

other resources, team members will probably not be able to devote extensive time to systematic observation, but there are some aspects of court operations that are particularly good candidates for observation as part of a CMR. They include:

1. Proceedings in high-volume courtrooms
 - clarity of proceedings to observers/participants
 - practices with respect to continuances and setting of next court appearance date
 - access of defense counsel to prisoners/clients
 - capacity to resolve disputes immediately
2. Recordkeeping
 - speed/accuracy of data entry
 - organization of case files and other records; ease of retrieval
3. Calendar practice
 - How many cases are on the daily calendars of judges? What types of cases? At what stage(s) of the process?
 - What happens to the cases on these calendars?
 - How are case schedules set, monitored, and enforced?
4. Security
 - in the courthouse
 - in individual courtrooms
 - prisoner transportation and holding facilities

Initial discussions with court leaders are likely to lead to the identification of other aspects of court operations that warrant observation, and additional subjects will probably be identified through the on-site interviews.

SECTION IV.

Work Products

A well-conducted caseload management review should have two major work products: (1) a memorandum or report summarizing the main findings and containing specific recommendations for caseload management improvement and (2) an action plan, developed by the court's leaders, for improving court operations. This section discusses both of these work products.

A. The CMR Memorandum

The CMR team leader has primary responsibility for preparation of a memorandum or report that presents the main findings and principal recommendations developed through the review process. As with other aspects of the process, there is no one best way of organizing the data and no single format for presenting the results of the analysis.

The CMR team will collect a large amount of material during the review. It is the team leader's job to organize that material into a succinct document that presents a fair picture of the current situation in the court with respect to caseloads and case-processing times, assesses the court's structure and operational procedures in relation to key elements of effective caseload management, and provides recommendations for action. Other members of the CMR team will also participate in the drafting process--at a minimum by providing summaries of every interview; in some instances, by preparing memos on particular aspects of the caseload system (e.g., court leadership, the court's goals with respect to caseload management, information, communications, caseload management policies and procedures) that can be the basis for a draft of a portion of the CMR Memorandum that will be sent to court leaders.

The CMR Memorandum should be the product of careful analysis of all of the collected data. The length of such a memo may vary widely--from as short as 10 single-spaced pages to as long as 30 pages, sometimes with supplemental material included in appendices. The following outline of a completed

CMR Memorandum provides a structure for both the analysis of the data and the presentation of findings and recommendations:

Introduction. A brief summary (one to two paragraphs) of the purposes of the CMR, what was done by the CMR team, and the organization of the memorandum or report.

Executive Summary (may be combined with Introduction). A short summary of the principal findings and recommendations. This section should, of course, be written last.

Section I: Overview of the Current Situation. This section should provide a short summary of the court's organizational structure and of aggregate data on filings and dispositions, to provide a context for the discussion that follows. The main focus should be on presentation of data on pending caseloads and case-processing times, using tables, charts, and graphs as appropriate. Particular attention should be given to the following:

- *trends in pending caseload size and age--e.g.,* has the total size of the pending caseload been increasing or decreasing? Are there more or fewer old cases in the inventory of pending cases? Are there clear explanations, from the interviews or other sources, of reasons for particular trends?

- *composition of the current pending caseload--e.g.,* what is the age breakdown, by increment (for example, criminal cases pending 0-60 days, 61-120 days, 120-180 days, over 180 days)? To what extent do pending cases exceed the court's case-processing time standards, the American Bar Association's time standards, or both?¹

1. The American Bar Association's standards on court delay reduction are incorporated in the ABA's *Standards Relating to Trial Courts*, 2nd ed. (1992), Sections 2.50-2.56. Standard 2.52(a) sets forth recommended time standards that, in civil cases call for 90 percent of all cases to be settled, tried, or otherwise brought to conclusion within 12 months of the date of case filing; 98 percent within 18 months; and the remainder in 24 months, except when exceptional circumstances exist. Section 2.52(e) provides that 90 percent of all felony cases be adjudicated or otherwise concluded within 120 days from the date of arrest; 98 percent within 180 days; and 100 percent within 1 year. The standards were initially developed by the National Conference of State Trial Judges and were adopted the ABA House of Delegates in 1984. They were endorsed again in 1992, when the ABA House of Delegates approved the second edition of the *Standards Relating to Trial Courts*.

- analysis of data on disposed cases--e.g., median, 75th percentile, and 90th percentile case-processing times from recent samples of disposed cases; comparison of these times with (a) case-processing times in this court in previous years, (b) case-processing times in other courts, and (c) the court's own case-processing time standards, the ABA's time standards, or both.

Section II: Analysis of Court Operations in Relation to Key Elements of Effective Caseflow Management.

This section presents the results of the CMR team's analysis of court performance in relation to each of the ten elements of effective caseflow management discussed above in Section IC of this guide (Leadership, Goals, Information, etc.). If court leaders and other practitioners have completed the Self-assessment Questionnaire, the questionnaire responses can provide a start for this part of the analysis. If not, the CMR team members can use the questionnaire as an aid to their own analysis. Information and opinions elicited in on-site interviews should be especially helpful in preparing this section of the CMR Memorandum. The memorandum should draw upon all of these sources, summarizing main themes and key points with respect to each of the ten elements. Strengths and weaknesses in each area should be identified.

Section III: Special Problems. While the ten elements covered in Section IC provide a sound framework for assessing the court's caseflow management system, there will often be some special problems or issues that do not fit easily into the ten-element approach. Those problems and issues can be discussed in this section of the memorandum.

Section IV: Conclusions and Recommendations. This section draws upon the materials presented in the preceding three sections of the CMR Memorandum. This is the place to identify key problems, highlight important strengths and weaknesses, and recommend specific actions to improve the court's caseflow management system. The recommendations should

flow directly from the analysis in the preceding sections and should focus particularly on what the court can do, both long-term and short-term, to improve its operation and performance. Depending on the circumstances, the CMR team may also make recommendations directed to other actors (e.g., prosecutors, defense bar, state court administrator's office, state legislature), but the primary emphasis should be on what the court itself should do.

Appendices. In some situations, especially if it is likely that the CMR Memorandum may receive relatively wide circulation, it may be desirable to include additional descriptive information and quantitative data in appendices following the main text.

Before a CMR Memorandum is submitted in final form to the court's leaders (or to any other persons or institutions), a complete draft should be provided to the court leaders for review. Procedures for circulating and obtaining comments on the draft should have been discussed before the review and, in any event, should be discussed before circulation of the draft CMR Memorandum. Ordinarily, it will be the team leader's responsibility to circulate the draft, obtain comments, and take account of the comments in making final revisions. A final version of the CMR Memorandum should be prepared and sent to the court leaders shortly after the feedback and planning session described below. In some instances it may be appropriate to include the outline of the action plan developed at the feedback session as an appendix.

B. The Action Plan

Development of an action plan is an essential element of the CMR process, needed to ensure that the momentum developed during the process--and the inclination to act upon ideas and recommendations that emerged during the review--is not lost. Once the draft CMR Memorandum has been sent to the court's leaders, a feedback and planning session should be scheduled. This session provides an opportunity for the court's leaders to meet with the CMR team leader and, optimally, with other members of the CMR team.

The session has two main purposes: (1) to review the contents of the draft CMR Memorandum, with opportunity for the court's leaders to ask questions and suggest revisions, and (2) to begin developing an action plan for improving caseload management in the court, using the draft CMR Memorandum as a foundation.

The action-planning part of the feedback session should focus on three main topics:

1. *Goals*. What are the court's current goals with respect to caseload management? To what extent, and how, should they be modified in light of what has been learned through the CMR process? If there are no goals, what process should be initiated to develop them? What should the court's goals be with respect to the following:

- case-processing times
- size and age of pending caseload
- date certainty for trials and other scheduled events

2. *Tasks and Time Frames*. Taking account of the current situation (including problems, strengths, and weaknesses) identified through the caseload management review, what tasks does the court need to do to achieve its goals? By when, realistically, can each task be completed?

3. *Responsibility*. What kind of team or task force would be most useful to help with planning and action? Who within the court will have responsibility for each of the tasks to be undertaken? Who will have overall responsibility for monitoring and ensuring completion of the tasks?

If the court's leaders, working with the CMR team, can address these issues in the feedback session, they will have the basic outline of an action plan. The plan will, of course, have to be fleshed out in subsequent meetings, and it will almost certainly be modified in some respects as other policymakers and practitioners become involved in planning and implementation, but the general direction can be set at the feedback session.

As this brief discussion indicates, the CMR Memorandum is intended to be an action document, not one that gathers dust on a shelf. If the CMR team

has done its work well, both the review process and the CMR Memorandum itself will help the court improve its capacity to manage its business effectively.

Appendix A

Questionnaire: Descriptive Information About the Court

Full name and address of the court: _____

Name, title, and phone number of court official responding to this questionnaire:

Name, title, and phone number of court staff person who will act as liaison during the review:

A. Court Structure and Jurisdiction

1. Geographical area served by the court: _____

List counties and major cities: _____

Population of the jurisdiction: _____

2. Does the court have any branch locations?

a. Yes

b. No

If yes, where? _____

3. Division or department under review (if not the entire court):

4. Types of cases handled by the division or department under review (please circle):

a. Felonies

g. General civil

b. Misdemeanors

h. Small claims

c. Criminal appeals

i. Landlord/tenant

d. Juvenile delinquency

j. Civil appeals

e. Domestic relations/family

k. Administrative agency appeals

f. Probate

l. Other

5. If criminal cases are included, are there criminal limited jurisdiction courts in your court's geographic area?

a. Yes (describe in comments space)

b. No

Comments: _____

6. Is the court organized into divisions that handle particular types of cases?
- a. Yes (describe, indicating number of judges assigned to each division, who makes the assignment to a division, and the usual duration of the assignment).

b. No--every judge handles every type of case.

7. Types of calendaring systems used by the court or division under study (circle all that apply and briefly describe system[s] in use):

a. Individual b. Master c. Mixed

Describe: _____

B. Personnel

8. Number of authorized judges on the court or division under study

Full-time: _____ Part-time: _____

Describe: _____ Part-time arrangements: _____

9. Number of other judicial officers on the court or division under study (e.g., commissioners, masters, referees)

Full-time: _____ Part-time: _____ FTE: _____

Comments: _____

10. Number of nonjudicial staff employed by the court

Court administrator	_____
Clerk of court	_____
Courtroom/division clerks	_____
Court reporters	_____
Bailiffs	_____
Secretaries	_____
Case coordinators/assignment clerks	_____
File/records clerks	_____
Other clerks	_____
Probation officers	_____
Law clerks	_____
Other (specify)	_____

Total _____ FTE _____

11. List other nonjudicial staff that are assigned by other agencies, indicating both their function(s) and the agency assigning them to the court:

12. Number and type of support staff assigned to each trial judge

Courtroom clerk(s)	_____
Secretary	_____
Court reporter	_____
Bailiff/marshall	_____
Law clerk(s)	_____
Case coordinator/assignment clerk	_____
Other (specify) _____	_____

Comments: _____

13. Does the court have any court organization charts that indicate names and/or titles of incumbents of positions?

a. Yes (copy attached) b. No

14. How are judges selected for a position on the court?

a. Election b. Appointment

Comments: _____

15. What is the full term of office of a judge on the court?

16. How is the chief or presiding judge of the court selected, and what is the duration of the term?

17. How is the chief or presiding judge *of the division* selected, and what is the duration of the term?

18. What person or persons have principal responsibility for overall management of the caseload of the court or the division?

C. Legal Framework Affecting Caseflow Management

19. Indicate whether any of the following can significantly affect caseflow management in the court. If yes, provide a copy and/or citation to the relevant material (use additional pages if necessary).

	Can Affect (Yes/No)	Copy Attached	Citations
a. Constitutional provisions	_____	_____	_____
b. Statutory provisions	_____	_____	_____
c. Appellate court decisions	_____	_____	_____
d. Rules of statewide application	_____	_____	_____
e. Local court rules	_____	_____	_____
f. Internal policy directives	_____	_____	_____
g. Written agreements between the court and other institutions/agencies	_____	_____	_____
h. Other	_____	_____	_____

D. Case-processing Goals and Standards

20. Does the state have any case-processing time standards or goals that provide guidance with respect to the time expected to be taken from inception of a case until disposition?

- a. Yes (describe/attach) b. No

Comments/description of standard(s): _____

21. Apart from any state-level standards, does the court itself have any case-processing time standards or goals?

- a. Yes (describe) b. No

Comments/description of standard(s): _____

22. Apart from case-processing time standards, does the court have any other specific goals with respect to management of individual cases or its overall caseload?

- a. Yes (describe) b. No

Comments/description of standard(s): _____

E. Management Information and Statistical Reports

23. Indicate whether the court has any management information reports or statistical data in the following categories. If YES, please attach a copy of the relevant reports or data summary.

	Available?		Copy Attached?
a. Total annual filings--past five years	Y	N	_____
b. Total annual dispositions past five years	Y	N	_____
c. Pending caseloads	Y	N	_____
d. Time to disposition of cases	Y	N	_____
e. Jury trials as a percentage of total dispositions	Y	N	_____
f. Trials started on first scheduled date as a percentage of total trials scheduled	Y	N	_____
g. Other (indicate key areas)	Y	N	_____
	Y	N	_____
	Y	N	_____
	Y	N	_____

24. What are the principal management information reports routinely provided to the chief judge, trial court administrator, and/or other person(s) with responsibility for caseload management in the court or division? (List each such report, by name, and indicate frequency of issuance of the report and person responsible for preparation of the report. Attach copies if possible.)

Name of Report	Frequency of Report	Preparer	Copy Attached?
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. What are the principal management information reports provided to the judges of the court, to assist them in managing their own dockets and/or to help give them an overview of the court's overall situation with respect to caseload? (List each report and indicate frequency of issuance of the report and person responsible for its preparation. Attach copies if possible.)

Name of Report	Frequency of Report	Preparer	Copy Attached?
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

F. Caseflow Policies and Procedures

26. Indicate the key events of the caseflow process for the principal types of cases handled by the court or division. Note the time provided by rule or directive for the period between key events. If possible, estimate the "usual" time between events for these cases. Prepare a flowchart on a separate sheet and attach it to this questionnaire or list the sequence of events in the space below.

27. At what points during the process does the court take control of case scheduling, and how is this done?

28. What, if any, court-annexed dispute resolution mechanisms are available? Circle all that apply:

- a. Civil cases--Mediation
- b. Civil cases--Arbitration
- c. Civil cases--Early neutral evaluation
- d. Criminal cases--Pretrial diversion
- e. Other: _____

29. How are caseflow management policies developed? Describe the process.

30. To what extent do caseflow management policies and procedures vary depending upon (a) the type of case and (b) the judge or other person responsible for handling the case at a particular stage? Describe.

G. History and Environment

- 31. Have there been any previous studies of the court or of case processing in the jurisdiction?
 - a. Yes (describe)
 - b. No

Comments/titles of studies (Note: Attach copies of prior studies, if possible):

- 32. What organizations, institutions, or individuals *other than the court* play a major role in case processing in the jurisdiction? (List in order of importance, and indicate the name and position of individuals in each organization that have key roles in shaping that organization's policies and practices with respect to caseload management.)

- 33. Are there any current delay reduction initiatives in the court, or have there been any in the recent past?
 - a. Yes (describe in comments section)
 - b. No

Comments/descriptions of past and/or present initiatives:

- 34. At the present time, what are the principal issues or points of disagreement between the court's leaders and members of the bar with respect to caseload management in the jurisdiction?

- 35. In what ways do budgetary issues most severely affect the court's capacity for effective caseload management? Describe briefly, and attach any relevant materials.

- 36. Additional comments:

Appendix B

Court Record Data Collection: Disposed Cases

This appendix contains two forms: one for collecting data on criminal cases that have reached disposition (Form B-1), one for collecting data on civil cases (Form B-2). The forms are generic, based on forms actually used to collect data from court records in studies of case-processing times conducted by the National Center for State Courts. In some courts, it may be possible to use the forms as is; in others, it may be necessary or desirable to make some modifications in nomenclature, case events, lists of case categories, or other aspects.

For discussion of methodological issues to be addressed in conducting case record data analysis from files of cases that have reached disposition, including pretesting the forms, selecting cases to be included in a sample, ensuring consistency in coding, and checking for accuracy in data entry and computer-based analysis, see Barry Mahoney et al., *Changing Times in Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988), Appendix A, "Methodology of the Study," esp. pp. 220-223.

CRIMINAL CASE DATA COLLECTION FORM
(Form B-1)

1. Site identification number..... (1-2)
2. Case identification number..... (3-5)
3. Sample type: (CIRCLE ONE)
- General 1 (6)
- Trial 2
4. Court case number: (WRITE BELOW)

5. Defendant's name: (WRITE BELOW)

6. Total number of defendants..... (7-12)
7. Most serious charge in information: (CIRCLE ONE)
- Homicide 01 (9-10)
- Rape..... 02
- Robbery..... 03
- Assault 04
- Drug-related crime 05
- Weapons possession 06
- Burglary, breaking and entering, trespass 07
- Theft, stolen property 08
- DWI 09
- Other (PLEASE SPECIFY)..... 10

8. Number of counts/charges against this defendant (11-12)
9. Date of arrest..... (13-18)
- Month Day Year
10. Date lower court complaint filed..... (19-24)
- Month Day Year
11. Date indictment or information filed (25-30)
- Month Day Year
12. Date of arraignment on indictment or information..... (31-36)
- Month Day Year
13. First scheduled trial date (37-42)
- Month Day Year

14. Number of scheduled court appearances..... (43-44)
Month Day Year
15. Was a bench warrant ever issued because defendant failed to appear? (CIRCLE ONE) (45)
Yes 1
No 2
Don't know 3
16. Date trial started..... (46-51)
Month Day Year
17. Number of days on trial (52-53)
18. Type of disposition: (CIRCLE ONE) (1-2)
- Case dismissed/nolle prosequi 01
 - Diversion..... 02
 - Plea of guilty 03
 - Guilty verdict/judgment after jury trial 04
 - Guilty verdict/judgment after nonjury trial 05
 - Acquittal/not guilty verdict after jury trial 06
 - Acquittal/not guilty verdict after nonjury trial 07
 - Other (PLEASE SPECIFY)..... 08
-

19. Date of disposition (3-8)
Month Day Year

20. Most serious charge at conviction: (CIRCLE ONE)
- Homicide 01 (9-10)
 - Rape..... 02
 - Robbery..... 03
 - Assault 04
 - Drug-related crime 05
 - Weapons possession 06
 - Burglary, breaking and entering, trespass 07
 - Theft, stolen property 08
 - DWI 09
 - Other (PLEASE SPECIFY)..... 10
-

Not applicable 99

21. Custody status immediately prior to disposition: (CIRCLE ONE)

- Bail or ROR 1 (11)
- In custody 2
- Don't know 8

22. Attorney at disposition: (CIRCLE ONE)

- Public defender 1 (12)
- Private attorney 2
- Not represented 4
- Don't know 8

23. Date of sentencing (3-18)
Month Day Year

24. Sentence imposed

- Fine 1 2 8 9 (19)
- Restitution 1 2 8 9 (20)
- Probation 1 2 8 9 (21)
- Jail/prison--Maximum of 12 months 1 2 8 9 (22)
- Jail/prison--Over 12 months 1 2 8 9 (23)
- Suspended sentence 1 2 8 9 (24)
- Other (PLEASE SPECIFY)..... 1 2 8 9 (25)

Coder's initials _____

CRIMINAL CASE DATA COLLECTION FORM

(Form B-2)

Record 1

(Col. Nos.)

1. Site identification number (1-2)
2. Case identification number (3-5)
3. Sample type: (CIRCLE ONE)
- General 1 (6)
- Trial 2
4. Court case number: (WRITE BELOW)
-
5. Name of first plaintiff: (WRITE BELOW)
-
6. Date complaint filed (7-12)
- Month Day Year
7. Nature of case: (CIRCLE ONE)
- Automobile accident 01 (13-14)
- Professional malpractice 02
- Product liability 03
- Other personal injury/property damage 04
- Contract/commercial 05
- Mortgage foreclosure 07
- Real property/condemnation 08
- Appeal 06
- Other (PLEASE SPECIFY) 09
-
8. Number of plaintiffs (15-16)
9. Number of defendants (17-18)
10. Date trial readiness document filed (19-24)
- Month Day Year
11. First scheduled trial date (25-30)
- Month Day Year
12. Total number of scheduled trial dates (31-32)
13. Date of last pretrial conference (33-38)
- Month Day Year
14. Date trial started (29-44)
- Month Day Year
-

15. Number of court days spent in trial (45-46)

16. Manner of disposition: (CIRCLE ONE)

Default judgment for plaintiff 01 (47)

Dismissal--failure to prosecute 02

Dismissal for other reasons 03

Acceptance of arbitration award 04

Bench trial 05

Jury trial 06

Other (PLEASE SPECIFY)..... 07

Don't know 08

Settled 09

17. Date of verdict, dismissal, or other disposition event (48-53)

Month Day Year

18. Date of entry of judgment (54-59)

Month Day Year

Coder's initials _____

Appendix C

Trial Court Self-assessment Questionnaire and Scoring Forms

By

Barry Mahoney

Maureen Solomon

Antoinette Bonacci-Miller

Holly C. Bakke

This questionnaire and the accompanying forms are products of the Urban Court Caseflow Management Improvement Project of the National Center for State Courts, funded by grant No. SJI-90-08H-B-050 made to the National Center by the State Justice Institute.

Trial Court Self-assessment Questionnaire

(Form C-1)

- Instructions: 1. Score the court on each question. If you are uncertain, use your best estimate. If you are assessing caseload management in a division of the court, make appropriate modifications in the wording of the questions.
2. After completing this form, transfer your scores to the scoring sheet (Form C-2). After doing the computations on Form B, plot the results on the assessment graph (Form C-3).

1. The court has adopted time standards that establish expected outside limits on case-processing time from filing to disposition, for major categories of cases.

1	2	3	4	5
No standards or guidelines		Informal guidelines exist		Yes--written standards have been adopted and published

2. Judges who have responsibility for all or part of the caseload regularly receive management information reports that enable them to know the number of pending cases for which they are responsible, the distribution of these cases by age since filing, and status of each case.

1	2	3	4	5
No		Some information provided regularly		Yes--all of this information is regularly provided (at least monthly)

3. When new caseload management programs or procedures are being considered, the court's leaders consult with leaders of other organizations that may be affected (e.g., bar, sheriff, prosecutor, public defender).

1	2	3	4	5
No		Sometimes		Yes, as a standard policy

4. The court counts every case as pending from the date that it is initially filed (or, in criminal cases in which the defendant has been arrested, from the date of the arrest).

1	2	3	4	5
No		Some categories of cases		Yes

5. The chief judge (or the presiding or administrative judge of the division) has endorsed the court's (or the ABA's) case-processing time standards.

1	2	3	4	5
No		Quiet support, within the court		Yes, publicly and emphatically

6. There is a commonly shared commitment, on the part of the judges, to the principle that the court has responsibility for ensuring expeditious case processing.

1	2	3	4	5
No shared commitment		Some judges are committed		Virtually all judges are committed

7. Members of the judges' support staffs (courtroom clerk, judges' secretaries, bailiffs, etc.) are knowledgeable about caseload management principles and techniques, and use them in helping to manage caseloads and individual cases.

1	2	3	4	5
No		Some		Yes--virtually all are knowledgeable and use the principles and techniques

8. The court regularly conducts training on caseload management principles and techniques for judges and staff.

1	2	3	4	5
No training		Some training; conducted irregularly		Yes

9. The court has established, and uses, a system evaluating the effectiveness of judges in handling the portions of the court's total caseload for which they have responsibility.

1	2	3	4	5
No		Some criteria exist		Yes

10. The court has few or no cases pending for more than the maximum length of time established by its own case-processing time standards or, alternatively, the ABA case-processing time standards.

1	2	3	4	5
Don't know	Many cases are older than the court's (or ABA's) time standards	About 30% are older	10-15% are over the standards	No cases or only a few are over the standards

11. There are published policies and procedures governing the caseload process, readily available to judges, the court's staff, and bar members.

1	2	3	4	5
No		Exist for some areas		Yes, cover all major caseload issues/areas

12. The chief judge plays a leading role in initiating caseload management improvements in the court.

1	2	3	4	5
No		Sometimes		Yes

13. The judges are aware of the court's case-processing time standards.

1	2	3	4	5
No standards exist		Some are aware		Yes--all judges

14. Trial judges have, or can readily obtain, all information necessary to enable them to know about the status of a case, its prior history in the court, and related cases involving the same parties.

1	2	3	4	5
No		Some information usually available		Yes

15. Potentially protracted or complicated cases are identified early for special attention.

1	2	3	4	5
No		Sometimes		Yes, systematically

16. Consultation between judges and administrative staff about caseload management policies and procedures occurs.

1	2	3	4	5
Rarely or never		Occasionally, mainly when there are problems		Regularly

17. The chief judge (or the presiding or administrative judge of the division) regularly disseminates information on caseload status, trends, and problems.

1	2	3	4	5
No		Sometimes		Yes

18. Assess the difficulty of an attorney obtaining a continuance of a trial date or date for an evidentiary hearing.

1	2	3	4	5
Easily obtained upon request or stipulation		Attorney must show cause, but request is usually granted		Can be obtained only on written request/motion and showing of substantial cause

19. Judicial support staff notify the judges of cases that have been pending for long periods of time and cases in which there have been repeated continuances.

1	2	3	4	5
No		Some		Yes

20. Judges attend national or in-state seminars on caseload management and related topics.

1	2	3	4	5
No		Some judges attend, no standard court policy sessions periodically		Yes--all judges are expected to attend such

21. Judges who do an effective job of managing the caseloads for which they are responsible are publicly recognized for their good performance.

1	2	3	4	5
No		Sometimes		Yes

22. The court disposes of at least as many cases as are filed each year, in each general category of cases.

1	2	3	4	5
No--filings consistently exceed dispositions		Some years, in some categories of cases		Yes, consistently

23. The court's staff at all levels are aware of the court's case-processing time standards and other caseload management goals.

1	2	3	4	5
There are no goals or standards		Some are aware	Top staff are aware	Yes

24. The court's recordkeeping system (including management information reports, whether automated or manual):

1	2	3	4	5
Impedes effective caseload management	Is not helpful	Has some helpful features	Is helpful	Greatly facilitates effective caseload management

25. Assess the structure and frequency of communications between the court's leaders and the bar concerning caseload management policies and practices.

1	2	3	4	5
No mechanisms; infrequent consultation	No mechanisms; occasional informal consultation	Consultation as requested by court or bar leaders	Formal mechanisms; occasional consultation	Formal mechanisms; frequent consultation

26. Judges' commitment to effective caseload management is demonstrated by their actions in holding lawyers to schedules, limiting continuances to situations in which good cause is shown, and allowing continuances only for short intervals.

1	2	3	4	5
Generally, no		Inconsistent		Generally, yes

27. The system of scheduling cases for trials and evidentiary hearings provides attorneys and the court with certainty that a case will be reached on the scheduled date.

1	2	3	4	5
Rarely	Less than half the time	50-70% of the time	70-90% of the time	90-100% of the time

28. The court has a central staff unit that regularly monitors the caseload, identifies problems (e.g., pending caseload increasing; certain cases taking unduly long), and provides recommendations for action to the chief judge or other judge with administrative responsibility.

1	2	3	4	5
No		Some central staff monitoring; occasional recommendations		Yes

29. The court has time standards/guidelines governing the time interval between each major stage in the litigation process.

1	2	3	4	5
No		Guidelines cover some but not all intervals		Yes

30. The court has a standard orientation program for new judges and new staff members, in which the court's policies and expectations regarding caseload management are covered thoroughly.

1	2	3	4	5
No		Some orientation		Yes, thorough orientation

31. The court has established, and uses, a system for evaluating the effectiveness of staff members in performing their duties with respect to caseload management.

1	2	3	4	5
No		Some criteria exist		Yes

32. Judges who have responsibility for portions of the court's caseload periodically review the age and status of cases for which they are responsible.

1	2	3	4	5
Never		Occasionally		Yes, at least once a month

33. The chief judge (or the presiding or administrative judge of the division) is widely regarded--by judges, staff, and others--as actively committed to reducing delays and implementing effective caseload management procedures.

1	2	3	4	5
No		Mixed perceptions		Yes

34. The court's caseload management goals, and its performance in relation to the goals, are subjects of regular communication with the bar and media.

1	2	3	4	5
No		Sporadic communication		Yes

35. The court regularly produces reports that show trends in filings, dispositions, pending caseloads, and case-processing times.

1	2	3	4	5
No		Some trend analysis		Yes--regular analysis of trends in all of these areas

36. The judges discuss the status of the caseload and other caseload management issues at regularly held judges' meetings.

1	2	3	4	5
No		Sometimes		Yes

37. Consultation with attorneys, by a judge or court staff member, occurs early in a case, to set deadlines for completion of stages of the case.

1	2	3	4	5
No	Only if requested by attorney	Sometimes	Mainly in complex cases	Yes, in all cases

38. The judges recognize the need to monitor the pace of litigation and are actively committed to seeing the court meet standards for expeditious case processing.

1	2	3	4	5
No		Some judges recognize the need		Yes

39. Judges' support staffs provide help in achieving the court's goals (e.g., in contacts with attorneys, including scheduling cases for court dates).

1	2	3	4	5
No		Some		Yes

40. The court regularly conducts training sessions for practicing lawyers (especially young lawyers) to familiarize them with the court's caseload management policies, procedures, and expectations.

1	2	3	4	5
No		Some training, conducted irregularly		Yes

41. Judges who have administrative responsibility (e.g., chief judge; presiding judge of civil or criminal division) meet with the judges in their divisions to review the status of pending caseloads and discuss ways of dealing with common problems.

1	2	3	4	5
No		Occasionally		Yes, at least once a month

42. The court regularly produces management information reports that enable judges and staff to assess the court's progress in relation to its caseload management goals.

1	2	3	4	5
No		Information available on some goals		Yes

43. Mechanisms for obtaining the suggestions of court staff about caseload management problems and potential improvements exist and are used by the court's leaders.

1	2	3	4	5
No		Occasionally		Yes, regularly

44. Attorneys are ready to proceed on the scheduled trial date or evidentiary hearing date.

1	2	3	4	5
Rarely	Less than half the time	50-70% of the time	70-90% of the time	90-100% of the time

45. Judges whose performance in managing the caseloads for which they are responsible is below acceptable standards are provided with assistance and receive negative sanctions if their performance does not improve.

1	2	3	4	5
No		Sometimes		Yes

46. The court follows established procedures to identify inactive cases and bring them to disposition.

1	2	3	4	5
No		Occasional reviews and purges of inactive cases		Yes--regular reviews are done and "purge" procedures are followed

47. The trial court administrator (or, within a division, the senior staff person for the division) is widely regarded--by judges, staff, and others--as knowledgeable about caseload management principles and practices, familiar with the court's caseload situation, and effective in recommending and implementing policy changes.

1	2	3	4	5
No		Mixed perceptions		Yes

48. The time required to complete case processing is generally within the time standards adopted by the court (or, if no standards have been adopted by the court, does not exceed the ABA case-processing time standards).

1	2	3	4	5
Don't know	Many cases over standards	Fair performance in relation to standards	Good performance; some improvement desirable	Yes--the court is consistently within the standards

49. Techniques for avoiding or minimizing attorney schedule conflicts are part of the scheduling system, and attorneys' schedules are accommodated to the extent reasonably possible.

1	2	3	4	5
Attorney schedule conflicts are a major problem		Some techniques are used; system could be improved on some goals		Techniques are used and work well; no improvement needed

50. The court has adopted formal policies and procedures with respect to most or all areas of caseload management, and these policies are followed/enforced.

1	2	3	4	5
Few or no areas are covered by formal policies	Some formal policies; rarely enforced	Some formal policies; inconsistent enforcement	Most areas have formal policies; enforcement needs some improvement is consistent	Most areas covered by formal policies; enforcement

51. Senior staff members regularly meet with judges in leadership positions to discuss caseload status and develop plans for addressing specific problems.

1	2	3	4	5
No		Occasionally		Yes

52. Judges who have administrative responsibility review information on the performance of judges in their divisions with respect to caseload management, give public recognition to those who are doing an outstanding job, and meet with those whose performance is subpar to discuss needed improvements.

1	2	3	4	5
No		Sometimes		Yes

53. The court has adopted goals for the frequency with which trials start on the scheduled date.

1	2	3	4	5
No		Informal expectations exist		Yes

54. Key management information reports are widely distributed to judges and staff, and include short written analyses that highlight problems and issues.

1	2	3	4	5
No		Limited distribution, little analysis		Yes

55. The court provides information about its caseload management goals and about its performance in relation to these goals to the media on a regular basis.

1	2	3	4	5
No		Occasionally		Yes, regularly

56. Simple cases that may be amenable to swift disposition are identified at an early stage for special processing.

1	2	3	4	5
Never	Rarely	Sometimes; mainly if counsel requests	Some categories	Yes, routinely of cases

57. Court staff members attend national or in-state seminars on caseload management and related topics.

1	2	3	4	5
No		Some staff members have such training		Yes--virtually all staff members periodically receive such training

58. The court has established goals for the maximum size of its pending caseload(s), and has developed plans for reducing its caseload to that number (or, if the current caseload is at an acceptable size, for ensuring that the caseload does not exceed the goal that has been set).

1	2	3	4	5
No		Some goals exist; status of plans unclear		Yes

59. The chief judge and trial court administrator regularly meet to review caseload status, discuss policy and operational problems affecting caseload management, and develop specific policies and plans.

1	2	3	4	5
Rarely or never		Irregularly		Yes--at least once a week

60. How frequently are cases that have been scheduled for trial or evidentiary hearing continued because there are more ready cases than can be reached on the scheduled date?

1	2	3	4	5
Very frequently	Frequently	Occasionally	Rarely	Never

61. Staff members who do an effective job of managing caseloads for which they are responsible are publicly recognized by the court's leaders for their good performance.

1	2	3	4	5
No		Sometimes		Yes

62. Discussions between judges with administrative responsibility and senior staff members in the court, concerning caseload management policies and procedures, occur:

1	2	3	4	5
Rarely		Occasionally		Regularly, and whenever needed

63. Every pending case on the court's docket has a "next action" date scheduled.

1	2	3	4	5
Most cases do not have next action dates scheduled	Approximately 10-20% of cases have no next action date scheduled	Approximately 20-40% of cases have no next action date scheduled	Almost all cases have a next action date scheduled	Yes

64. Trial judges conduct a trial management conference with trial counsel, 5 to 21 days before the scheduled trial date, to resolve pending motions, determine what issues of law and fact are in dispute, and establish "ground rules" with respect to voir dire, witness scheduling, use of exhibits, and other issues likely to arise at trial.

1	2	3	4	5
No	Rarely	Some judges, in some cases	Most judges, in most cases	Yes, all judges, in all except very simple cases

65. The following caseload management information is readily available and regularly used: (Y = Yes; N = No)

<u>Available</u>	<u>Used</u>	<u>Information</u>
_____	_____	Number of pending cases, by case type
_____	_____	Age of pending cases (frequency distribution, within age categories)
_____	_____	Change in number and age of pending cases since last report or since previous year
_____	_____	Age of pending caseload compared to time standards
_____	_____	Age of cases at disposition, by case type
_____	_____	Percentage of trials starting on first scheduled trial date
_____	_____	Number of continuances of scheduled events in each case
_____	_____	Reasons for each continuance
_____	_____	Number and proportion of dispositions by type of disposition
_____	_____	Annual filings and dispositions, by case type

To score this question, add the number of Y's in the "Available" and "Used" columns, and divide the total (_____) by 4. RESULT: _____

Caseflow Management Review

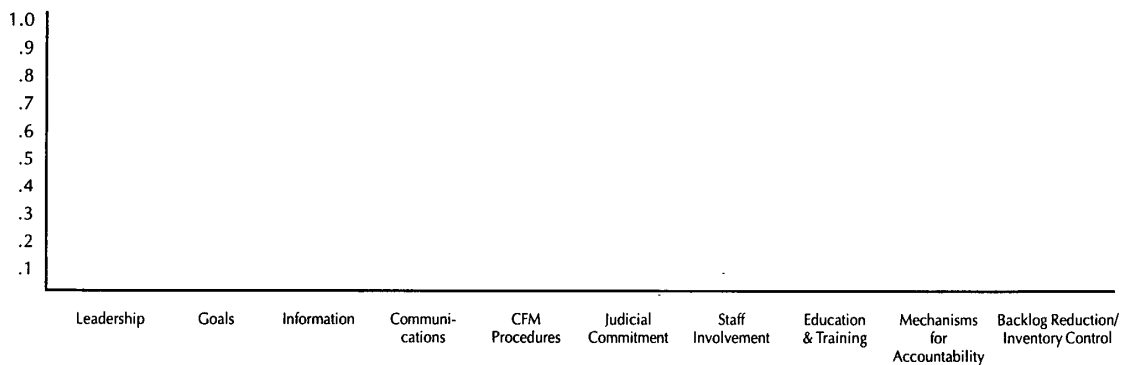
Questionnaire Scoring Sheet (Form C-2)

Instructions: Record the score for each question in the appropriate space below.

Leadership	Goals	Information	Communications	Caseflow Management Procedures
5.	1.	2.	3.	4.
12.	13.	14.	11.	15.
17.	23.	24.	16.	27.
33.	29.	35.	25.	37.
41.	34.	42.	36.	44.
47.	48.	54.	43.	49.
52.	53.	65.	55.	56.
59.			62.	60.
				63.
				64.
TOTAL = _____ Out of 40 possible, Divide total by 40: _____ (SCORE)	TOTAL = _____ Out of 35 possible, Divide total by 35: _____ (SCORE)	TOTAL = _____ Out of 35 possible, Divide total by 35: _____ (SCORE)	TOTAL = _____ Out of 40 possible, Divide total by 40: _____ (SCORE)	TOTAL = _____ Out of 50 possible, Divide total by 50: _____ (SCORE)
Judicial Commitment	Staff Involvement	Educational Training	Mechanisms for Accountability	Backlog Reduction/ Inventory Control
6.	7.	8.	9.	10.
18.	19.	20.	21.	22.
26.	28.	30.	31.	32.
38.	39.	40.	45.	46.
50.	51.	57.	61.	58.
TOTAL = _____ Out of 25 possible, Divide total by 25: _____ (SCORE)	TOTAL = _____ Out of 25 possible, Divide total by 25: _____ (SCORE)	TOTAL = _____ Out of 25 possible, Divide total by 25: _____ (SCORE)	TOTAL = _____ Out of 25 possible, Divide total by 25: _____ (SCORE)	TOTAL = _____ Out of 25 possible, Divide total by 25: _____ (SCORE)

Caseflow Management Review: Graph of Self-assessment Questionnaire Results (Form C-3)

Instructions: Using the scores recorded on Form C-2, plot the final score for each dimension on the graph below.



Appendix D

Illustrative Interview Schedules for Conducting a Caseflow Management Review

This appendix contains three examples of interview schedules used by CMR team members in interviewing practitioners. All three schedules are intended to be illustrative, not all-encompassing. They suggest types of questions that should be useful for two broad purposes: (1) obtaining information on what actually happens in the court and related institutions, with respect to key aspects of caseflow management, and (2) eliciting practitioners' opinions and perspectives on the situation in the court and on key issues.

The first interview schedule (Schedule D-1) focuses on civil case processing and is designed primarily for interviewing a judge handling principally (or exclusively) civil cases. The questions on this interview schedule seek an overview of the court and its problems plus information and opinions on court operations in relation to each of the ten common elements of successful programs. Many of the questions focus on details of operational practices and procedures--information that is often easier to get through interviews than through written documents or questionnaires. For the most part, the questions are open-ended, inviting the respondent to discuss the general area and their own practices.

The second interview schedule (Schedule D-2) focuses on criminal case processing, practices, and procedures. It is designed for use in interviewing a judge, prosecutor, or defense lawyer in a two-tier system--i.e., a system in which the initial stages of a felony case are handled in a limited jurisdiction court, with cases moving to a general jurisdiction trial court after the filing of an information or an indictment. Schedule D-2 does not include the "overview" questions and has only a few questions dealing with aspects of caseflow management other than practices and procedures. However, a comprehensive criminal-case-processing interview schedule would adopt many of the questions from Schedule D-1, rephrasing some of

them to address criminal rather than civil caseflow management.

The third interview schedule (Schedule D-3) is designed for interviewing a court staff member who works directly with a trial judge in a court that has an individual calendar system. To some extent the questions on this schedule duplicate those on Schedule D-1, reflecting the fact that persons who have different roles and functions may be aware of different facts about court operations and may have different perspectives on aspects of the process.

In practice, it will rarely be possible to ask all of the questions on any of the three schedules (much less a combined interview schedule) in a single 40-to-50-minute interview, and few practitioners will be able to answer all of the questions. It will almost always be necessary to modify these interview schedules, both to meet the particular circumstances of a jurisdiction and to highlight questions that are most relevant for the person being interviewed. Often, it will be useful to cover the same ground with several different practitioners to learn the extent to which practices vary within the court and to get a sense of the range of perspectives on key issues. In general, however, care should be taken to ensure that the questions focus on areas of an interviewee's knowledge and expertise.

Judges, attorneys, and courtroom staff are not, of course, the only persons who should be interviewed in a caseflow management review. Other members of the court staff, including the court administrator, senior staff members who work closely with the court administrator, staff in the clerk's office, and practitioners in other agencies (e.g., police, sheriff's office) can be very helpful interview respondents. Interview schedules for them will need to be developed, perhaps using some of the questions in the interview schedules that follow, but focusing particularly on aspects of case processing about which they are likely to be knowledgeable.

Schedule D-1: Questions for a trial judge who handles principally civil cases

Overview

1. What, in your opinion, are the most serious problems or issues currently facing this court (or division)?
 - ♦ Are there any particular problems we should be aware of with respect to:
 - ♦ facilities
 - ♦ number of judges
 - ♦ salaries
 - ♦ court employees
 - ♦ other staff
 - ♦ volume of business
 - ♦ delays
 - ♦ In general, how adequate do you believe the court's resources are for handling its caseload?
 - ♦ Specifically, what resource enhancements do you believe would be most important for helping to reduce delay and improve caseflow management? Why?
2. To what extent is delay in civil cases a problem in the court?
 - ♦ What would be considered an "old" case?
 - ♦ What is the general policy or attitude in the court about moving older cases?
3. Has the court undertaken any programs specifically aimed at reducing delay in recent years? If so,
 - ♦ What were the objectives?
 - ♦ What changes did the program involve?
 - ♦ How successful do you think it was? Why?
4. Aside from a specific delay reduction program, have there been any other significant changes in the way the court handles civil cases over the past several years?
5. How does the calendaring/case assignment system work? (Describe.)
 - ♦ At what point do you as a judge typically have responsibility for management of the case?

Practices and Procedures

6. Does the court (or division) have any standard operating procedures that govern caseflow management?
 - ♦ If so, what are the key elements of the system?
7. Who controls the pace of litigation in the court?
 - ♦ How?
 - ♦ What do you believe is the court's role with respect to management of the pretrial process?
8. Does the court have any screening procedures that enable different treatment for different types of cases?
 - ♦ What types of case differentiation take place (e.g., special handling of complex litigation, short or "routine" matters, equity matters)

- How do these procedures work? Who is responsible for the screening?
 - How well do these procedures work
9. From the standpoint of effective caseload management, what are the key events in a case, from inception to disposition, and when do they typically take place? Consider:
- service of parties
 - filing of answer
 - initial status/scheduling conference
 - motions regarding pleadings
 - completion of discovery
 - pretrial conference
 - trial management conference
 - trial
10. How are pretrial motions handled?
- Are briefs or motion papers required?
 - Are in-person hearings required?
 - What are the roles of judges and staff in deciding motions?
11. What alternative dispute resolution mechanisms are used by the court?
- What ADR mechanisms, in what types of cases?
 - When are cases referred to ADR? By whom?
 - Who is responsible for managing cases referred to ADR, to ensure timely resolution?
 - How successful is the court's use of ADR?
12. How does trial scheduling work in your court?
- When--at what stage in the case, and how far before the anticipated trial date--is a case set for trial?
 - Who sets the trial date? On the basis of what information?
 - How many trials will typically be scheduled for the same week (or day)?
 - How and when are determinations made regarding readiness and trial length?
 - What happens when too many cases are ready for trial on the same day or during the same week?
 - If a scheduled trial must be continued because the court (or judge) has too many other trials scheduled for the day or week, what will be the length of the continuance?
13. What kinds of cases are most likely to result in trials?
14. How long do trials take?
- range
 - most common length of trials

15. What role does the court play in seeking to encourage settlement in civil cases?

- When and how is this done?

16. What practices are followed in conducting pretrial conferences (PTCs)?

- When are pretrial conferences held, in relation to the trial date?
- What are the purposes of the pretrial conferences?
- What preparations are lawyers expected to have made prior to the PTC?
- How effective do you believe the PTCs are:
 - in encouraging settlement?
 - in preparing the case for trial?

Goals and Information

17. What goals or standards has the court adopted with respect to:

- maximum period from filing to disposition?
- trial date certainty?
- size and age of pending caseload?

18. If goals have been adopted,

- To what extent does the court seem to be effective in achieving the goals?
- How do you know? What information about effectiveness in relation to goals is provided to the judges?
- What are the principal problems impeding effectiveness in achieving the goals?

19. If no case-processing time goals have been adopted by the court, or by the state,

- How long do you think it should take, at the most, to complete the handling of a "routine" civil tort case?
(For example, a typical "slip and fall" or motor vehicle personal injury action that might involve substantial injuries but not the complexities of a major medical malpractice or products liability case).
- How long do you think it should take to complete the handling of a complex professional malpractice or products liability case?

(Note: In answering this question, assume that the court has no problem of a backlog of pending cases and has reasonably adequate resources.)

20. What caseload management information reports are provided to the judges?

- What reports are most useful? Why?
- How frequently are these reports provided?
- What information would you like to receive, that you do not currently receive?

21. In general, how timely and accurate is the information on caseloads that is provided to judges?

Leadership, Judicial Commitment

22. How are important policies made in the court?

- role of chief judge/presiding judge
- role of trial court administrator/clerk of court
- roles of judges--individually; through committees
- roles of other key actors

23. Who are the court's key leaders?

- What are their views with respect to court delay and caseload management?
- How are the leaders' views communicated to others in the court? What do the leaders do to implement key policies?

Communications, Staff Involvement, Education and Training

24. What roles do other agencies and organizations play in shaping policies and practices with respect to caseload management?

- local bar (including different elements of the bar)
- state court administrator's office
- state appellate courts
- legislature
- county government
- others

25. What mechanisms are used for internal communications in the court?

- To what extent, and how, is information about caseloads and case-processing time disseminated in the court?
- To what extent is such information discussed in meetings of judges and/or staff?

26. Who are the key staff members, and what are their functions?

- In the court as a whole?
- In your chambers and courtroom?

27. What does the court do to help educate judges and staff about caseload management goals and issues, and to train them in specific techniques?

Accountability; Backlog Reduction/Inventory Control

28. Who in the court is ultimately responsible for the court's performance with respect to caseflow management?

- What mechanisms for accountability exist?
- How effectively do they work?
- What rewards are there for outstanding performance? What negative sanctions for poor performance?

29. To what extent does the court currently have a backlog problem?

- What is meant by *backlog*?
- What would be a manageable number of pending cases for the court? For individual judges?
- What do you think needs to be done to achieve (or maintain) a manageable caseload?

Schedule D-2: Questions for a trial judge, prosecutor, or defense lawyer concerning criminal case processing, practices, and procedures in a jurisdiction with a "two-tier" court structure.

1. What happens, operationally, from the time a defendant is first arrested, through the filing of an indictment or information? What are the key events, and when do they take place? Who is responsible for ensuring timely completion of each event? Consider:
 - arrest
 - initial charging at police station
 - check for prior criminal record information
 - preparation of police reports concerning the offense(s)
 - screening by prosecutor, to determine what charge(s) will be filed
 - filing of formal charge(s) against the defendant
 - retention of a lawyer by defendant or assignment of a lawyer to represent the defendant
 - interview by pretrial services agency
 - urine testing or other screening for possible substance abuse problems
 - initial court appearance; setting of conditions regarding pretrial release
 - defense counsel's initial interview of defendant
 - lab tests--for narcotics, firearms, etc.
 - exchange of discovery information
 - What is provided, to whom?
 - Under what conditions?
 - When?
 - preliminary hearing
 - presentation of case to grand jury
 - filing of indictment or information

2. What goals, standards, or policies exist with respect to the period from arrest to the filing of an indictment or information?
 - maximum period from arrest to filing
 - maximum period from arrest to initial court appearance
 - timing/criteria for prosecutorial review of police charges
 - timing criteria for appointment of defense counsel
 - timing/criteria for disclosure of prosecutor's file to defense

3. What stages of the arrest to upper-court-filing process, if any, take longer than is desirable? What events are "delayed"?
 - Are there particular types of cases that are especially prone to delay?
 - What are the reasons for the delays?
 - What could be done to make the process work more effectively?

4. Who--what institutions and/or individuals--are responsible for effective functioning of the process from arrest to upper-court filing?
5. What information is available to assess the effectiveness of this process?
 - What reports or other data? Who prepares?
 - Who receives the information? How is it used?
6. What is the role of the general jurisdiction trial court with respect to general supervision of the handling of felony charge cases in the lower court, prior to the filing of an indictment or information?
7. What happens, operationally, from the time an indictment or information is filed through completion of the case? Consider:
 - filing of the indictment or information
 - arraignment
 - pretrial release; conditions/supervision
 - changes of defense lawyer
 - exchange of discovery
 - discussions between defense and prosecutor concerning possible plea
 - filing and decision on pretrial motions
 - motions not requiring an evidentiary hearing
 - motions requiring an evidentiary hearing
 - status/scheduling conference
 - pretrial conference
 - trial
 - presentence investigation; filing of PSI report
 - sentence
8. What goals or standards exist with respect to the handling of felony cases by the general jurisdiction trial court? Consider:
 - maximum period from arrest to disposition
 - maximum period from filing of information or indictment to disposition
 - trial date certainty
 - size and age of pending caseload
9. If goals have been adopted,
 - How effective is the court in achieving the goals?
 - How do you know? What information is disseminated on the court's performance in relation to its goals?

10. What stages of the upper-court process take longer than desirable, and in what types of cases?
 - Are there particular types of cases that are especially prone to delay? What types, and why?
 - What could be done to make the process work more effectively?

11. What information is available to assess the effectiveness of the court's caseflow management system?
 - information on size and age of pending caseload
 - other information/reports
 - Who receives what information?
 - How is the information used?

12. How do discussions/negotiations about pleas, sentences, and other dispositions work in the court? (Describe.)

13. How adequate is the range of sentencing options in the court?
 - What are the principal problems or issues with respect to sentencing?
 - How do these problems affect caseflow management?

14. What mechanisms exist for exchanging information and shaping criminal justice policy affecting the courts and other agencies in the jurisdiction?

15. Who--what individuals, in what institutions or agencies--are the persons most influential in shaping policy and practice with respect to caseflow management in the jurisdiction from arrest to disposition?

Schedule D-3: Questions for a courtroom clerk or judge's administrative aide in a court using an individual calendar system

1. How do cases reach this courtroom? (Describe the process of case assignment and routing of files and case papers, to the extent known.)
2. How is the work of the courtroom and judge's chambers organized?
 - What are the principal tasks that need to be addressed on a regular basis?
 - Who are the members of the "courtroom/chambers team"? Consider:
 - judge
 - courtroom clerk
 - judge's administrative aide/secretary
 - bailiff
 - law clerk
 - marshal/deputy sheriff
 - court reporter
 - other
 - Who does what? What members of the team are responsible for what specific tasks?
 - How is the workweek organized? (If possible, describe allocation of tasks by major time blocks.)
3. What are the principal goals of the court as a whole with respect to caseload management?
4. What are the goals with respect to management of the cases assigned to this judge or courtroom?
 - case-processing times
 - size/age of caseload
 - firm trial dates
 - other possible goals
5. Who on the courtroom/chambers team has primary responsibility for managing the cases?
 - How is this responsibility exercised? What functions or tasks?
 - What other persons have responsibility for caseload or caseload management? Handling what specific tasks?
6. What information is available to the judge and other members of the team, to help manage caseloads and individual cases?
 - What management information reports are available?
 - What management information reports are used? Why are these reports especially useful?
 - How frequently are key reports provided to judges and staff?
 - How accurate is the information in the reports?
 - What information would you like to have that is not currently available?

7. How adequate is the information available on individual cases appearing on a daily calendar?
- Do the judge and staff have accurate information on:
 - the previous events and rulings in the case?
 - previous or currently pending cases involving one or more of the parties, if relevant?
 - the names, addresses, and phone numbers of parties and lawyers?
 - What information on individual cases would you like to have that is not currently available?
8. How frequently does the judge meet with other members of the courtroom/chambers team?
- Individually/as a group?
 - To what extent are policies with respect to caseflow management discussed at such meetings?
9. What are the principal policies and procedures in this courtroom with respect to caseflow management?
- How are these policies and procedures established? How are they communicated to staff and lawyers?
 - Is there a procedures manual or a set of written guidelines?
10. At what point, in the history of a case, does the judge or a member of the courtroom/chambers staff first meet with the lawyers or parties in a case?
- Who is involved?
 - What is sought to be accomplished at this first meeting?
11. How are case events scheduled? What are the roles of:
- judges
 - lawyers
 - courtroom clerk
 - other administrative staff
12. How are pretrial motions handled?
- How are they scheduled?
 - To what extent are briefs or motion papers required?
 - What are the roles of judges and staff in deciding motions?
13. How does trial scheduling work in this courtroom?
- When--at what stage in the case, and how far below the anticipated trial date--is a case set for trial?
 - Who sets the trial date? On the basis on what information?
 - How many trials will typically be set for the same day or week?
 - What happens when too many cases are ready for trial on the same day or during the same week?
 - To what extent do members of the judge's staff communicate with the lawyers prior to trial regarding trial readiness or related issues?
14. What types of cases are most likely to result in trials in this courtroom?

15. How long do trials take?
 - range
 - most common length

16. To what extent, and for what purposes, are pretrial conferences held in this court?
 - When are pretrial conferences held in relation to trial dates?
 - What are the purposes of the pretrial conferences?
 - What role, if any, does staff have in preparing for, or following up on, the pretrial conferences?

17. What will a typical daily calendar look like?
 - How many cases or other matters will be on it?
 - How will this vary from day to day?
 - How many trials are scheduled?
 - per day
 - per week

18. What are the policies in this courtroom with respect to continuances?
 - trial dates
 - other scheduled events

19. What is the procedure for requesting continuances?

20. How frequently, and under what circumstances, are continuances granted?

21. When a trial or other event is continued, what is the typical length of the continuance?

22. What education and training is provided to members of the courtroom/chambers team with respect to caseflow management?
 - What workshops or seminars have you attended?
 - What other types of training have you or others had?
 - What kind of training would be most useful to you, in your job, with respect to caseflow management?

23. What recognition or rewards do staff members receive for good performance with respect to management of cases and caseloads?
 - What are the indicators of good performance?

24. What are your perceptions with respect to the court's current performance in the areas of caseflow management?
 - What are the major strengths?
 - What areas need improvement?
 - What suggestions do you have for improved caseflow management?