

# From filing to finalisation: Caseflow management

## Principles of caseflow management

### What is caseflow management?

Caseflow management is the coordination of court processes and resources to move cases in a timely way from filing to conclusion.

### What is caseflow management aiming to do?

Effective caseflow management aims to:

1. Minimise delays
2. Make best use of time and resources

### Why is effective caseflow management important?

Effective caseflow management practices can help to:

- Ensure equal treatment of all litigants by the Court
- Ensure timely conclusion of cases consistent with the circumstances of the case
- Improve the quality of the litigation process
- Maintain public confidence in the Court as an institution

### Development of this caseflow management system

Based primarily on a US model, The Australian Federal Court uses an individual docket system and has established an 18 month goal for finalising cases. The docket system assists the Court to take control of cases. Under the system, a case will ordinarily stay with an allocated 'docket' judge from filing till conclusion. Judges handle cases from beginning to end to avoid the need to re-visit issues whenever the case comes before the Court. Judicial ownership of cases ensures delays and expenses are minimized during the pre-hearing stages and encourages the parties to seek an early resolution of their disputes. This ensures that only cases that need to go to hearing are actually heard, reducing costs and completion times for parties.

### Principles of caseflow management

This caseflow management system is based on principles originating in the US that have been successfully applied in many courts throughout the world. These principles are summarised below:

#### Principle 1 – Judicial Commitment

**Ongoing judicial commitment and leadership is essential for the caseflow management system to work**

Judges have a central role in caseload management. Initial and ongoing leadership by a key judge or judges is required to initiate and sustain any change to caseload management practices.

## **Principle 2 – Court Control of Cases**

### **A court should take control of cases to continuously monitor progress and direct them towards finalization**

To ensure that the pace of litigation is not controlled by lawyers and litigants, and that cases are finalised in an efficient and timely manner, courts try to ensure that events are scheduled within short and well defined time limits. Events should occur when they are scheduled to occur, with a clear enforcement process. Parties need to be certain that trials or other hearings will occur when scheduled so that they are prepared to run their case or they settle the case before hearing. Adjournments are generally only allowed in a scheduled trial where something unforeseen or exceptional has happened. This ensures that parties are prepared for hearings and know that they will go ahead. The aim is for the Court to deal with as many cases as it can in the time available, without over-scheduling.

## **Principle 3 – Goals, Standards and Monitoring for Performance**

### **A caseload management system requires clear qualitative and quantitative standards and goals and an effective monitoring and information system**

Court performance can be judged by reference to a range of standards and goals. These include:

1. How long it should take to complete a case;
2. How long should be allowed between major case events; and
3. How many cases should be dealt with over a year.

Courts need systems that help judges and staff to monitor cases as they progress through the Court. Information systems should produce reports that help judges manage their caseloads and to see whether they are meeting the Court's time standards.

## **Principle 4 – Planning**

### **A court needs to plan when implementing a new caseload management system and/or changes to current caseload management processes**

Careful attention should be paid to planning new caseload management processes and modifying these to meet new challenges and requirements. Good planning ensures that the system better manages the progress of cases from filing to completion.

## **Principle 5 – Adapting to Change**

### **A court should continually monitor and adapt to change**

Courts need to monitor caseload management practices to ensure they continue to work well, and make changes where necessary. What was once innovative and highly effective may not

work indefinitely because of changes such as: changes in technology, changes in Government funding or policy, creation of new courts, changes to legislation and/or the jurisdiction of the court.

### **Principle 6 – Consultation, Education and Training of Users**

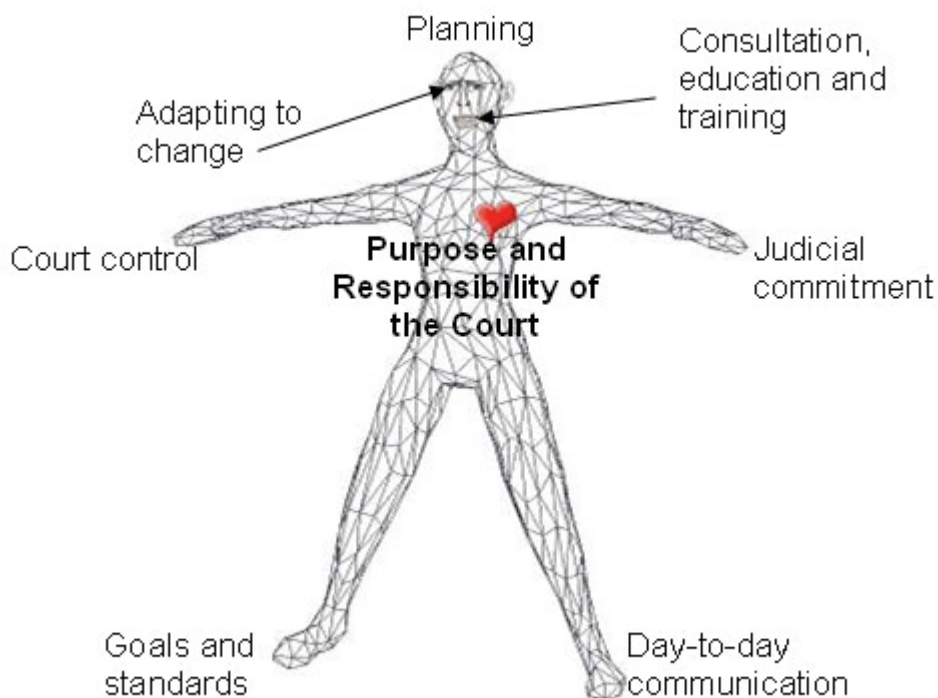
**Implementing change in the caseload management system requires consultation, education and training of judges, staff, the legal profession, and other users of the Court**

Judges and court staff should be consulted to ensure they support and understand any new system. Along with legal professionals it is important that they are also trained/educated to ensure they understand the system and know how to use it.

### **Principle 7 – Day-to-day Communication between Users**

**Managing the day-to-day flow of cases from filing to finalization requires good communication between judges, staff, the legal profession, and other users of the Court**

It is important that there is communication and exchange of information between judges and staff. This helps to identify problems and difficulties, and also to provide feedback to staff about the importance of their contribution to meeting the performance targets of the court such as time standards for completion of cases. For the same reasons and in the same way, there also needs to be good communication with the legal profession and other users of the Court. Principles of caseload management diagram : an easy way to remember the principles



### **The heart: Purpose and Responsibility of the Court**

At the heart of the Court, the reason for the Court's existence, is the purpose and responsibility of the Court. We can think of this as the IDEAL, each element of which is crucial for maintaining public confidence in the Court:

**I** ndependence and impartiality  
**D** ecision making to resolve disputes  
**E** fficient management of cases  
**A** ccountability to Parliament and the Public  
**L** aw – decisions made according to law

**Head: Planning**

The head is the seat of planning as it requires careful thinking.

**Eyes: Adapting to change**

Adapting to changes requires us to keep an eye out (or an ear to the ground) for what is changing around us and what is likely to change in the future

**Mouth: Consultation, education and training**

Consultation education and training require good communication, thus the mouth.

**The hands: Court control and Judicial commitment:**

Both of these require judges particularly to take an active 'hands on' role to make caseload management effective.

**Right foot: Goals and standards:**

The Court needs to 'kick goals' in meeting timeframes and standards.

**Left foot: Day-to-day communication**

Without day-to-day communication the system will only limp along