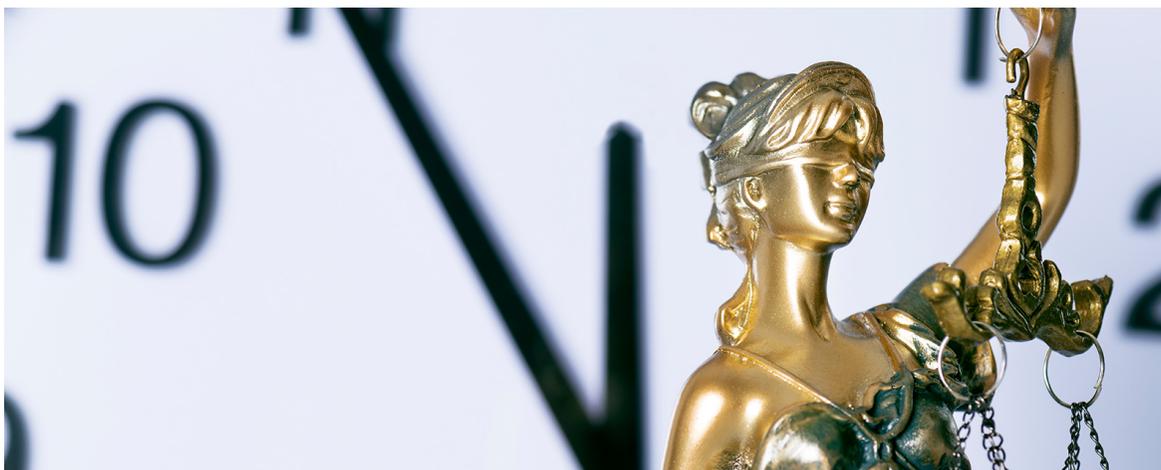




COURT MANAGER



Effective Case Management: Striking the Balance Between Efficiency and Quality

by CECILIA LOW-WEINER, ED SPILLANE & BRIAN OSTROM

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Editor's Note: The paper featured in this article comes from a special issue of *Criminal Justice Policy Review*, commissioned by the Data Collaborative for Justice. The Data Collaborative for Justice (DCJ) at John Jay College of Criminal Justice, funded by Arnold Ventures, seeks to raise important questions and share critical research about frequent interactions between community members and the criminal justice system. This encompasses enforcement and supervision in the *community*, the adjudication of cases in

the *courts*, and the use of *confinement* in jails and prisons. DCJ's work ensures that communities, and the governments that serve them, have the necessary information to develop and implement evidence-based policies, practices, and programs. To learn more about DCJ, visit www.datacollaborativeforjustice.org. To access the full paper summarized in this article, email mjp@jjay.cuny.edu

Constitutional protections, such as the Sixth Amendment, mandate the speedy resolution of legal matters. This principle is reflected in state laws and court performance standards. However, increased speed does not always ensure that justice is served. Therefore, judges and other court managers must strike the balance between efficiency and timeliness and individualized justice, fairness, and quality. Although research and continued education efforts have gone into addressing this balance in practice, delays in court processing continue to plague courts across the country and remain a difficult issue to address. Using Ostrom, Hanson, and Kleiman's study *Improving the Pace of Criminal Case Processing in State Trial Courts*, this article seeks to bring clarity to aspects case management that increase efficiency and effectiveness in case resolution and make suggestions for how they can be implemented in state trial courts.¹

In Terms of Case Composition, Are All Courts Created Equal?

Seeking to understand what makes the difference between courts with faster case-processing times and those with slower times to resolution, Ostrom, Hanson, and Kleiman used a sample of felony and misdemeanor cases in seven courts in Colorado to see how composition of criminal caseloads influenced the duration of the case. The authors found that each of the seven courts were more similar than different regarding caseload mix, particularly for felonies. This means that each court's docket had a similar composition of person-related cases, drug cases, and so on. This finding suggests that variation in court-processing times is not associated with caseload composition.

The Principle of Proportionality

After finding consistency among the seven courts regarding caseload composition, the authors set out to determine whether the courts were adhering to the principle of proportionality in case processing. The principle of proportionality states that each case should receive individual attention in direct proportion to the attention the case warrants.² While the primary principle of court management ensures that individual attention is given to each case, the principle of proportional treatment takes a judge's entire caseload into account and suggests that cases be examined in relation to each other. This ensures that cases that require more individualized attention, usually those that are more serious in nature or complex, receive more time. With respect to felony cases, homicide cases took the longest time to resolve, followed by crimes against the person, property crimes, and drug crimes. For misdemeanor cases, crimes against the person and driving under the influence cases took the most time, with property and drug crimes tending to be resolved more quickly. The authors concluded that the principle of proportionality was practiced in each court, with more serious cases having a longer time to resolution than those less serious cases.

What Really Makes the Difference Between Fast and Slow Case Processing?

Even with consistency in caseload composition and use of proportional treatment in case processing in each of the seven courts, the authors found that the absolute times to case resolution were different. For instance, the median time for person-related felony cases was 149 days in one county and 276 in another. These findings suggested that the basis for tighter time frames for case resolution in some courts over others came down to more-efficient case-processing practices, rather than differences in caseload composition or failure to apply the principle of proportionality.

The National Conference of State Trial Judges of the Judicial Division of the American Bar Association outlined a general principle of caseload management (section 2.50), in 1985:

From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and, once achieved, maintaining a current docket.³

This principle still applies today while the caseloads, responsibilities, and resource constraints for judges have changed. These changes have necessitated both a revisiting of the general principle of caseload management as a guiding principle and the development of new case-processing practices and model time standards.

Case-Processing Techniques and Model Time Standards

In *Elements of Judicial Excellence*, the National Center for State Courts (NCSC) developed a framework to support continued education and professional development of state trial court judges. One of the three elements of judicial excellence, as proposed by this framework, is the judges' role as a leader of the court process. This element entails managing the case and court process, building respect and understanding, and facilitating resolution.⁴ Through surveys, interviews, and focus groups with judges, this project found that judges emphasized the importance of effective time management and organization in managing case and court processing. The techniques described included thorough case preparation, schedule and calendar keeping, and communication and reinforcement of deadlines with all stakeholders. In addition to these case-processing techniques, NCSC has released model time standards for case resolution.⁵

Felony Cases:

75% within 90 days

90% within 180 days

98% within 365 days

Misdemeanor Cases:

75% within 60 days

90% within 90 days

98% within 180 days

In examining court processing within the seven courts involved in the study, the authors found that none of the courts met the time standards for both felonies and misdemeanors. While the current model time standards may be more aspirational than realistic for some courts, the utility of using these established time standards as a point of comparison for court leadership to assess caseload management performance and to identify areas that need improvement is unquestionable. Without a point of comparison, or a benchmark, it is near impossible to assess a court's performance.

Implementing Best Practices

This study, along with previous studies on the subject, has established the importance of a judge's role in caseload management—one in which the judge must commit to manage and control the flow of cases through the court with the aim of timely resolution and individual justice. The authors suggest that this goal is achieved through a combination of creating goals and expectations for each stage of case processing from filing through resolution; communicating these expectations with all parties; and taking

the responsibility of holding parties accountable to timelines through reinforcement of demands and control over delays. Specifically, the authors suggest the following ways judges can achieve efficient and effective case processing:

1. Judges should set the tone for case processing through consistent judicial oversight that encourages cases to move from filing to resolution without delays by assigning dates to events and requiring that counsel meet deadlines for case preparation.
2. Expectations for deadlines, preparation, and outcomes for all proceedings should be explicitly communicated to all parties. Firm and clear scheduling practices gain credibility when a judge works with the parties to select mutually agreeable hearing dates within established time frames.
3. Judges must control continuances. While ensuring sufficient time for all parties to prepare for deadlines and maintaining reasonable case progress, a judge should affirm that continuances will not be granted due to parties being unprepared.

In conjunction with the judge's role in ensuring the timely processing of cases through court management, there is also a growing interest in standards of court performance. Time standards provide a framework for courts to strive toward, and measure themselves against, that balances concerns of quality and timeliness. Efficiency in the court means that the court can administer justice in a manner that encourages individual fairness and prompt resolution. The benefits of having an efficient court process are numerous; chief among them are enhanced management of resources, reduction of delays, and increased public accountability.

Continuing Research and Education Are Critical

The oft-quoted "justice delayed is justice denied" resonates with many; however, it is also possible that justice too swiftly decided is not justice at all. Timeliness does not constitute efficient practice if each parties' rights have not been carefully considered. Large caseloads combined with time and resource constraints create challenges for judges to resolve cases expeditiously while also focusing on individualized justice for each case. While continued research is needed, courts can begin to tackle this issue by measuring themselves against established case-processing time standards, examining gaps in performance and areas for improvement, and encouraging continuing education for judges and other court managers on case management strategies for effective organization, communication, and case resolution.

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