

# Training Programme for Judicial Officers from Sri Lanka

## Session-12

# Court and Case Management

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## Why Management (Court and Case)?

1. The judicial process wrapped in a mystery inside an enigma what with its **baffling legalese, lottery techniques, habitual somnolencies, extensive proclivities, multi-decked inconsistencies, tyranny of technicalities and interference in everything** with a touch of authoritarian **incompetency.**" (Justice Krishna Iyer)

- **Judiciary is in management crisis!**

2. Members of the judiciary find themselves facing the fact that they are no longer working as they did previously in a **'sheltered realm of public respect'**. Courts are increasingly being regarded as part of the **service sector**, no longer surrounded by an **aura of infallibility**, but subject to the same scrutiny as other state bodies. (Federal Supreme Court Judge Hans Wiprächtiger)

## What is management?

- F.W. Taylor - “Art of knowing **what you want to do** and then seeing that it is **done in the best and cheapest way**”.
- Henry Fayol – “To Manage is to forecast, to *plan*, to *organise*, to *command*, to *co-ordinate* and to *control*”.
- Peter F. Drucker – “Management is work and as such it has its own skills, its own tools and its own techniques”.
- “**Management is the art of getting things done *through* and *with* people**”.

## **Management: Components**

- Planning
- Organising
- Directing/commanding
- Co-ordination
- Controlling

Judge, A Manager?

Yes

S/he is *process, resource and outcome*  
manager!

## What is Case Management?

“Case management is a comprehensive system of management of **time and events** in a law-suit as it proceeds through the justice system, **from initiation to resolution**. The two essential components of case-management system are the setting of **a time table** for predetermined events and suspension of the progress of the law-suit through its **time-table**”.

## What is Court Management?

Court Management means the administration of the courts, i.e. the “administrative activity that creates and maintains the resources and personnel required for arriving at court judgments and rulings.” (Regina Kiener)

## Importance of Court Management

“Courts, as major institutions *providing services*, and as the most important **supervisory body**, need a *professional, efficient administration*. This does not happen without management, but this in no way means that the independence of judges is compromised, *just the opposite*. It produces better *working conditions* for the judges and means that they can better fulfil their *core duty*, namely to adjudicate.”

## Elements of Good Court Management

- Setting **out goals** (operational targets, priorities)
- Devising **viable path** for anticipated output (procedural, structural, functional innovations)
- Suitable **co-ordination** and a proper **division of labour**
- Motivation and promotion (subordinates)
- Budgetary and resource planning
- **Performance accountability** (dissemination of information to the public)

## Court Management: Scope

1. Strategic basis
2. Client-friendly
3. Job satisfaction
4. Management structures
5. Management support and responsibility for court administration
6. Steering instruments (Stakeholders participation)
7. Caseload management
8. Court controlling (Litigants, Lawyers, prosecutor Public and Staff)
9. Quality management

A story!

**“If there is a path, I will find it.  
If there is no path, I will make it.”**

-Alexander