

CASE MANAGEMENT & COURT MANAGEMENT

- Roshan Dalvi

**Geese fly long distances in V formation,
taking turns to lead**

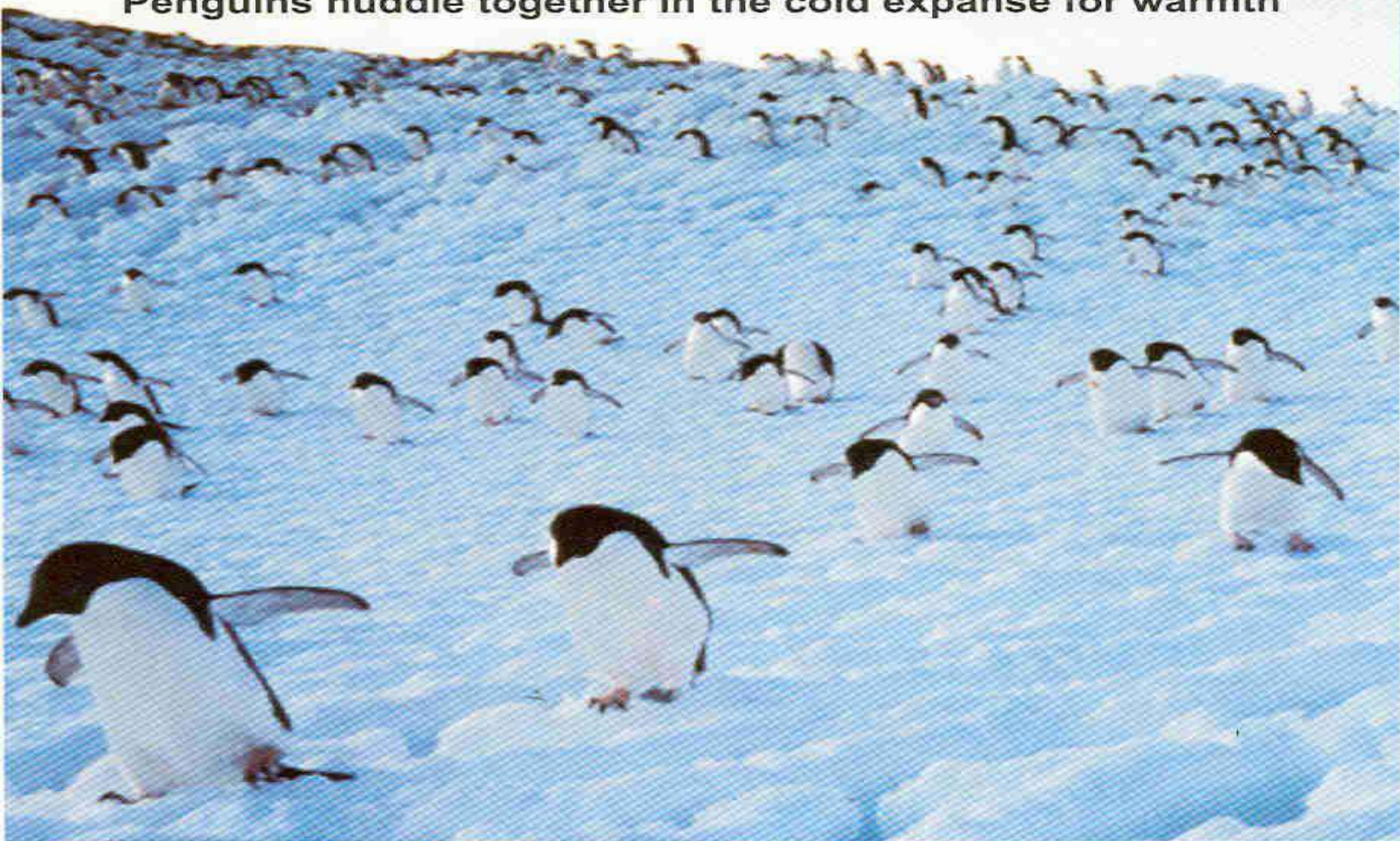


LEADERSHIP

A PROCESS WHICH CAN BE SHARED



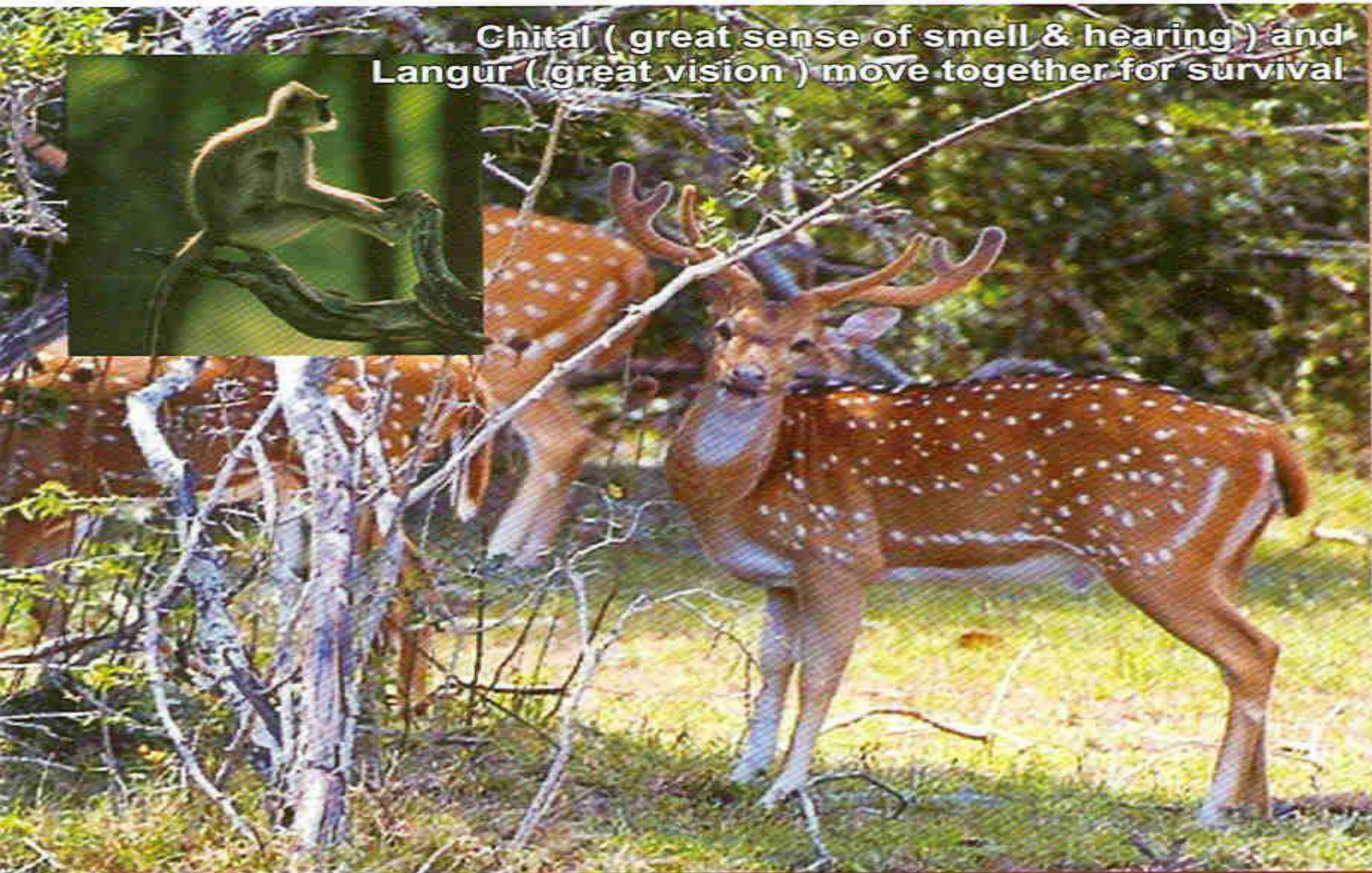
Penguins huddle together in the cold expanse for warmth



**BEYOND PURPOSE
TEAMS OFFER
A SENSE OF WELL-BEING**



Chital (great sense of smell & hearing) and
Langur (great vision) move together for survival



COMPLEMENTING IS TEAMWORK



Bees, defined roles and structured life style.



**STRUCTURES AND SYSTEMS
A GREAT FOUNDATION**



Eagles hunt in pairs,
hence seldom loose their prey.



T. E. A. M.
TOGETHER EACH ACHIEVES MORE

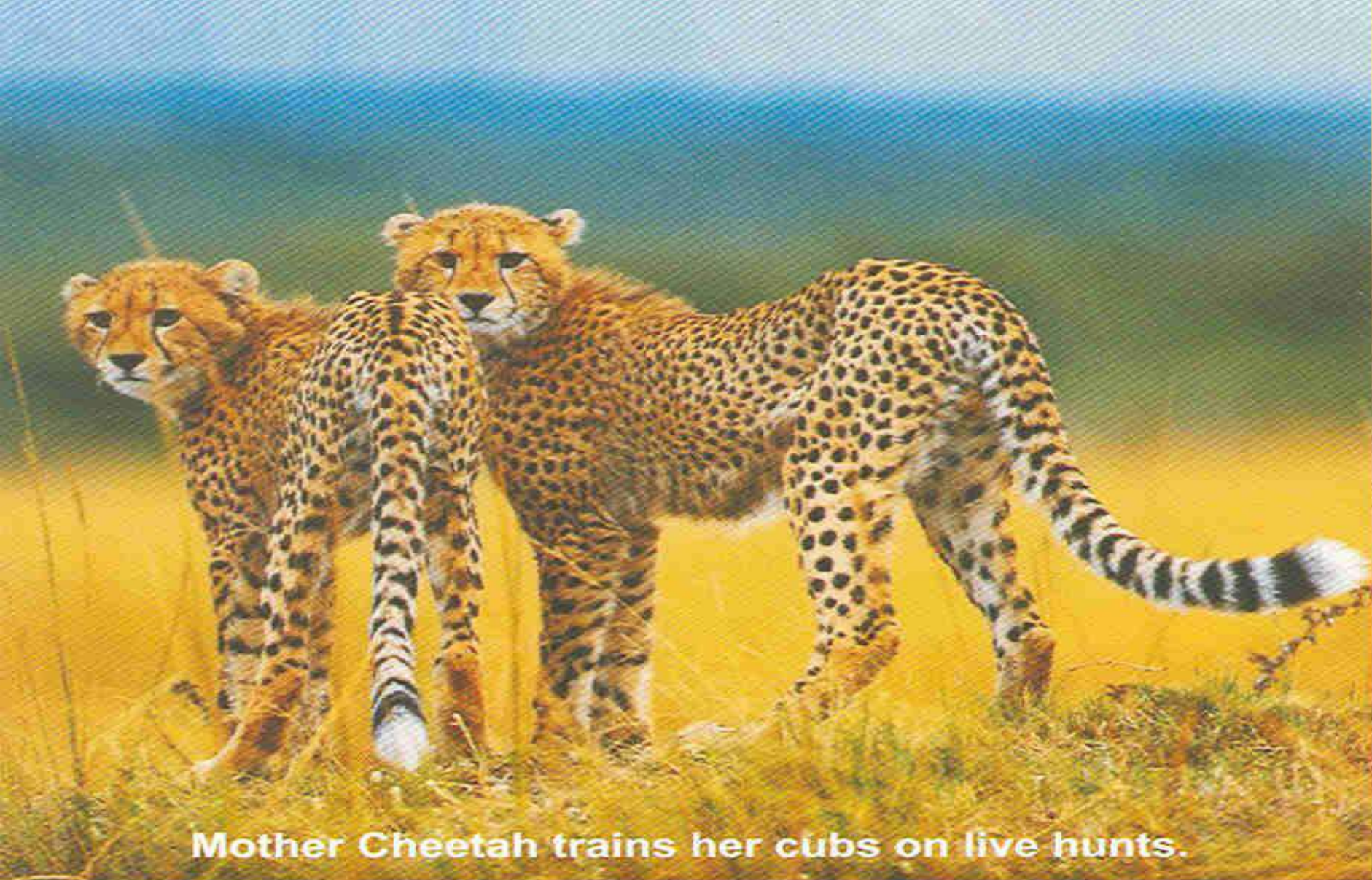




**Though each ant is tiny
they can perform huge tasks as a community.**

**ROLE CLARITY
AND EFFECTIVE DELEGATION**

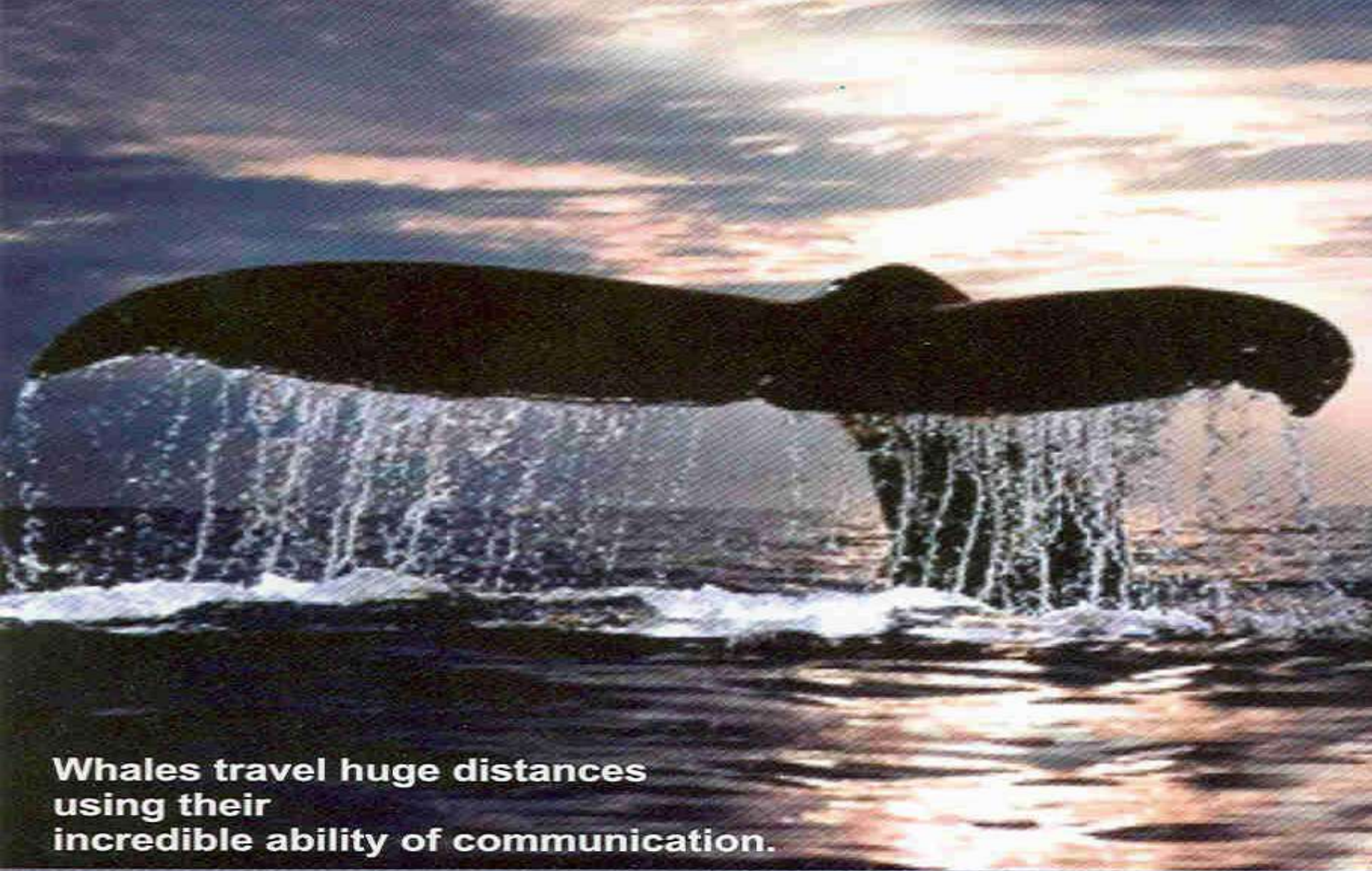




Mother Cheetah trains her cubs on live hunts.

MENTORING
AND EXPERIENTIAL LEARNING





**Whales travel huge distances
using their
incredible ability of communication.**

TUNING-IN BRIDGES DISTANCES



For a playful community of monkeys, work is exciting



FUN AT WORK



**Wild dogs, their planned way of attacking
makes them a very powerful pack.**



**PLANNING, STRATEGY
AND EXECUTION**



TEAMWORK



THE FOUNDATION OF OUR SUCCESS!

MANAGEMENT

- Elements of management

- Planning
- Organising
- Directing
- Co-ordinating
- Controlling

As propounded by the Management Guru, Peter Drucker

The best way to predict the future
is to create it

- Peter Drucker

MANAGEMENT IN THE JUDICIARY – MODEL COURT

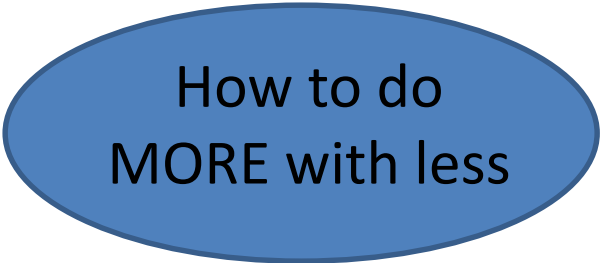
- Non-value added items – big rocks
- Core competence – specialist Judges/court managers
- Time Management – 80/20 rule/ time frame
- Procedural simplification – codes / rules /moon story
- Paradigm shift – CBI
- De-centralization – Service / Law clerks
- Latest first – Frivolous suits / false defences / snake story
- Sharing best practices – emulating the habits of the most successful persons
- Systemic challenges - Circle of control, influence & concern
- Single (what) / double (why) loop thinking – Goal vs. Task / change task to reach goal / painter, singer story
- Performance related promotions - PRP
- Judicial Social Service – CSR / Legal aid & Legal services
- Continuous education – The National Centre for State Courts, US
- TEAM – Lawyers and Judges / Leadership training

Think Globally Act Locally

WHAT IS CASE MANAGEMENT?

Practitioners and Judges becoming better at what they do – i. e.,

Achieving the same end with less resources and in less time.



How to do
MORE with less

- Lord Justice Woolf,
Master of the Rolls, UK

To be a success in any thing –

Be Daring Be First Be Different

CASE MANAGEMENT - for what?

- Improving efficiency
- Reducing delays
- Cutting costs

Judges who think they are too busy to manage cases are really too busy not to. Indeed, the busiest Judges with the heaviest dockets are the ones most in need of sound case management practices.

- William Schwarzer

CASE MANAGEMENT IN U.K.

Aspects under the Lord Woolf Report:

- Length of time for litigation
- Fast-Track and Multi-Track
- Fixed time-table
- Controlling Inspection
- Exchanging witness statements
- Summary procedure for all suits below 10K

CASE MANAGEMENT IN U.K. (Contd...)

Aspects under the Lord Woolf Report:

- Defining important issues
- Time-table deadline
- ADR
- Judicial Team
- Interest & Costs

AREAS OF CASE MANAGEMENT

- Length of time for each step
- Defining issues in dispute
- Listing cases
- Pre-trial Conference
- Setting a time-table deadline

No case is inherently complex or protracted.

Cases are made complex or protracted by inefficient practices

- Chief Judge, Alfred Marrah, Federal Court, USA

Lord Woolf Report

Basic Features

- Procedural simplicity for expedition
- Control by Judges as soon as defence filed

Peculiar to England

- Costs
- Expert witnesses
- Unlimited Legal Aid

Lord Woolf Report - Applicability

England

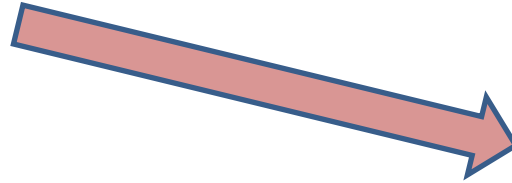
- Simple Rules
- Defence
- Exchanging Witness statements
- Small claims / Fast Track / Multi Track
- Specialist Judges
- Fixed Fees either for one stage or as a whole
- ADR – A M C
- Capping of costs

India

- Amendment to CPC / HC Rules
- WS / Affidavit-in-Reply
- Affidavit of examination-in-Chief
- Summary suits / Fast Track / Others
- Civil / Criminal Judges
- Original / Appellate Sides
- Package Deal
- ADR – A M C & Lok Adalat
- Imposing realistic costs

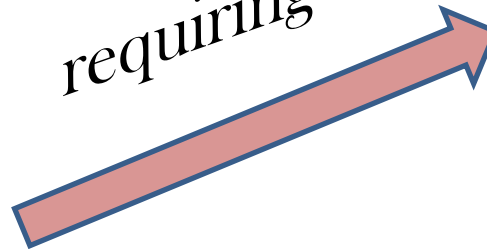
Ambit of Case Management

- Procedural



Infrastructure

requiring



Sensitivity

- Substantive

Human mind is like a parachute;
It works only when it is open

STAGES OF CASE MANAGEMENT

- P^laint
- S^ervice
- Iⁿterim Applications
- A^d-Iⁿterim relief
- R^et^urnable date
- R^ejection of P^laint
- C^ourt C^ommissioners
- O^ral applications

STAGES OF CASE MANAGEMENT (Contd...)

- Disposal of Suits
- Written Statement
- Original documents
- Preliminary Decree
- Issues
- Admissions
- Evidence
- Compilation

STAGES OF CASE MANAGEMENT (Contd...)

- Arguments
- Judgment
- Judgment on Arguments
- Costs
- ADR
- Summary Suits

*Successful people do not do different things,
They do things differently.*

ASPECTS OF COURT MANAGEMENT

- ❖ Scrutiny
- ❖ Technicalities
- ❖ Directions
- ❖ Certified Copies
- ❖ Group matters
- ❖ New Suits
- ❖ Case tracking
- ❖ Expedition Orders

ASPECTS OF COURT MANAGEMENT (Contd...)

- ❖ Discharge of Suits on Board
- ❖ Classification of Suits
- ❖ Registrar's Powers
- ❖ Facilitation Counter
- ❖ Amendment of Statutes regarding notice – s.80, s.527, s.164

The golden rule is :-

Jam Yesterday Jam Tomorrow,
but NEVER jam today.

CPC Amendments- 2016

- S. 35 - Actual Costs
- O5 R1 - WS in 120 days
- O7 R 2 A – Interest details
- O8 R1 – WS in 120 days
- O8 R3A – Denials with reasons
- O11 R1 (4) – Disclosure with pleading+30 days
- O11 R2 - Interrogatories
- O11 R 3 – Inspection within 30 + 30 days
- O11 R 4 - Admissions & Denials within 15 days with reasons for denials on affidavit
- Costs for undue denials
- Order on admitted documents, including waiver of proof & rejection of documents
- O11 R 5 – Production of documents within 7 / 15 days
- O11 R 6 – Electronic records proved by printout

CPC Amendments 2016 (cont ...)

- O13A – Summary Judgment
- O15 – Omitted
- O 15A – Case Management hearing
- Time limits
- Powers of court
- Consequences of non-compliance
- O18 R2 – Written arguments
- O18 R4 – Affidavit of evidence of all witnesses together;
 - any affidavit may be withdrawn
- O19 R4 – Court to control evidence & exclude evidence
- O19 R5 – Court may redact or reject evidence if inadmissible
- O19 R6 – Affidavit of evidence in prescribed format
- O20 R1 – Judgment within 90 days

REQUIREMENTS FOR EFFECTIVE MANAGEMENT

- ⇒ Amendment to Orders in the CPC by the High Courts (CPC)
- ⇒ High Court Practice Directions (HCPD)
- ⇒ Judicial Training (JT)
- ⇒ Precedents
- ⇒ Court Administration (CA)

Courts sitting with one eye open on law and
one eye closed on society – Justice Krishna Iyer

The best 10 two-letter words –

If it is to be,
It is up to me.