

# CASE MANAGEMENT & COURT MANAGEMENT

- Roshan Dalvi

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



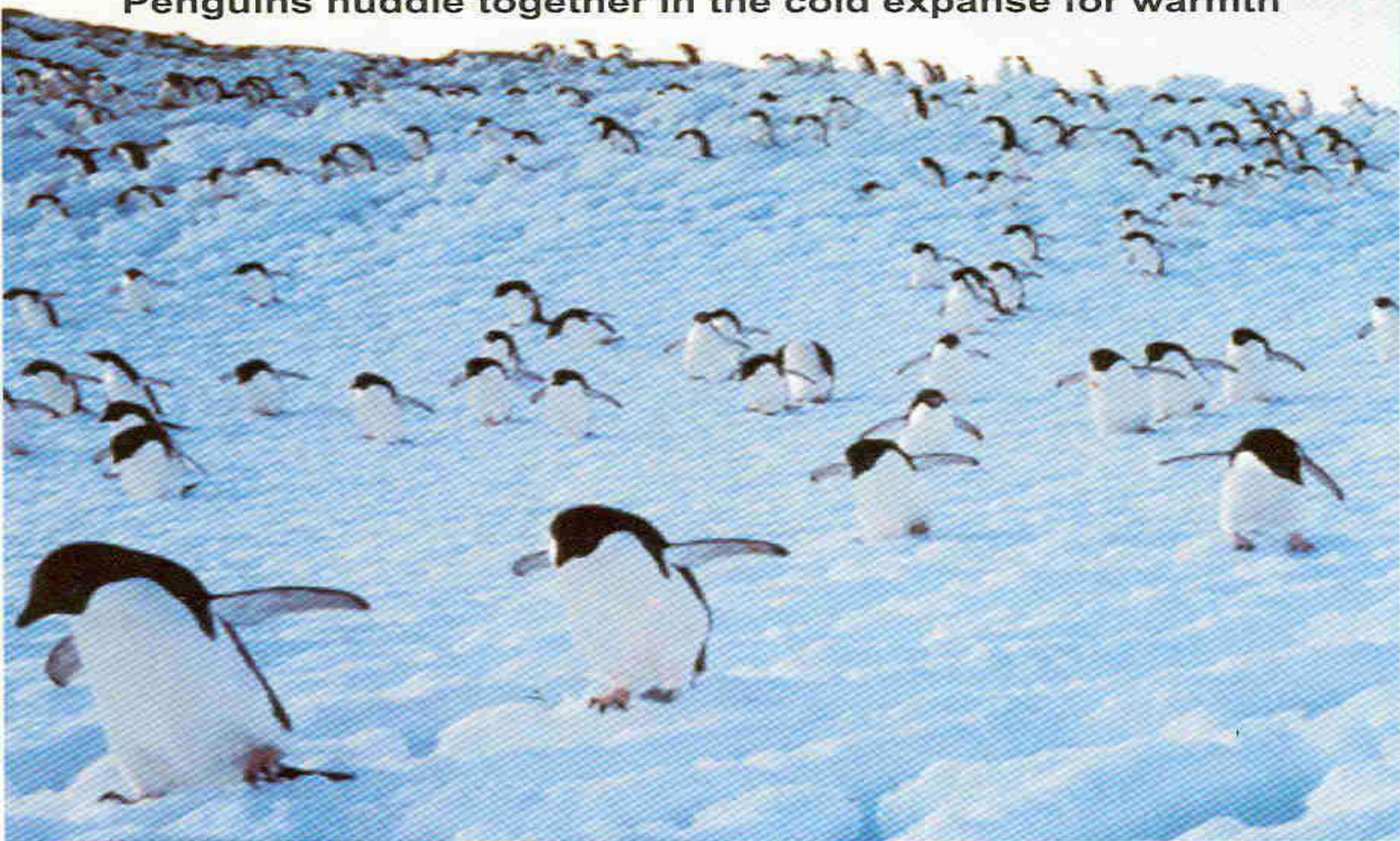
**LEADERSHIP**

**A PROCESS WHICH CAN BE SHARED**





Penguins huddle together in the cold expanse for warmth

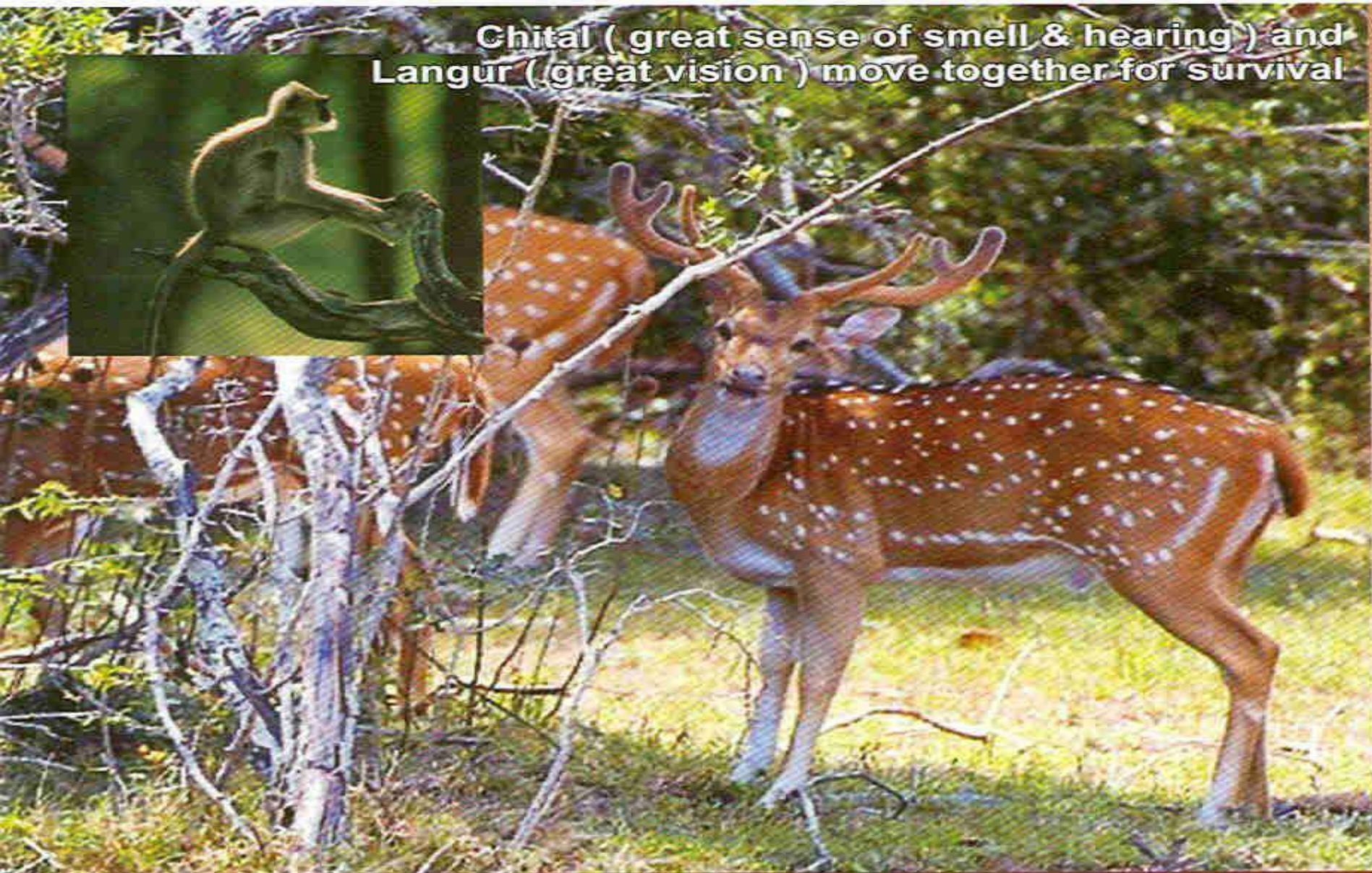


**BEYOND PURPOSE  
TEAMS OFFER  
A SENSE OF WELL-BEING**





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**





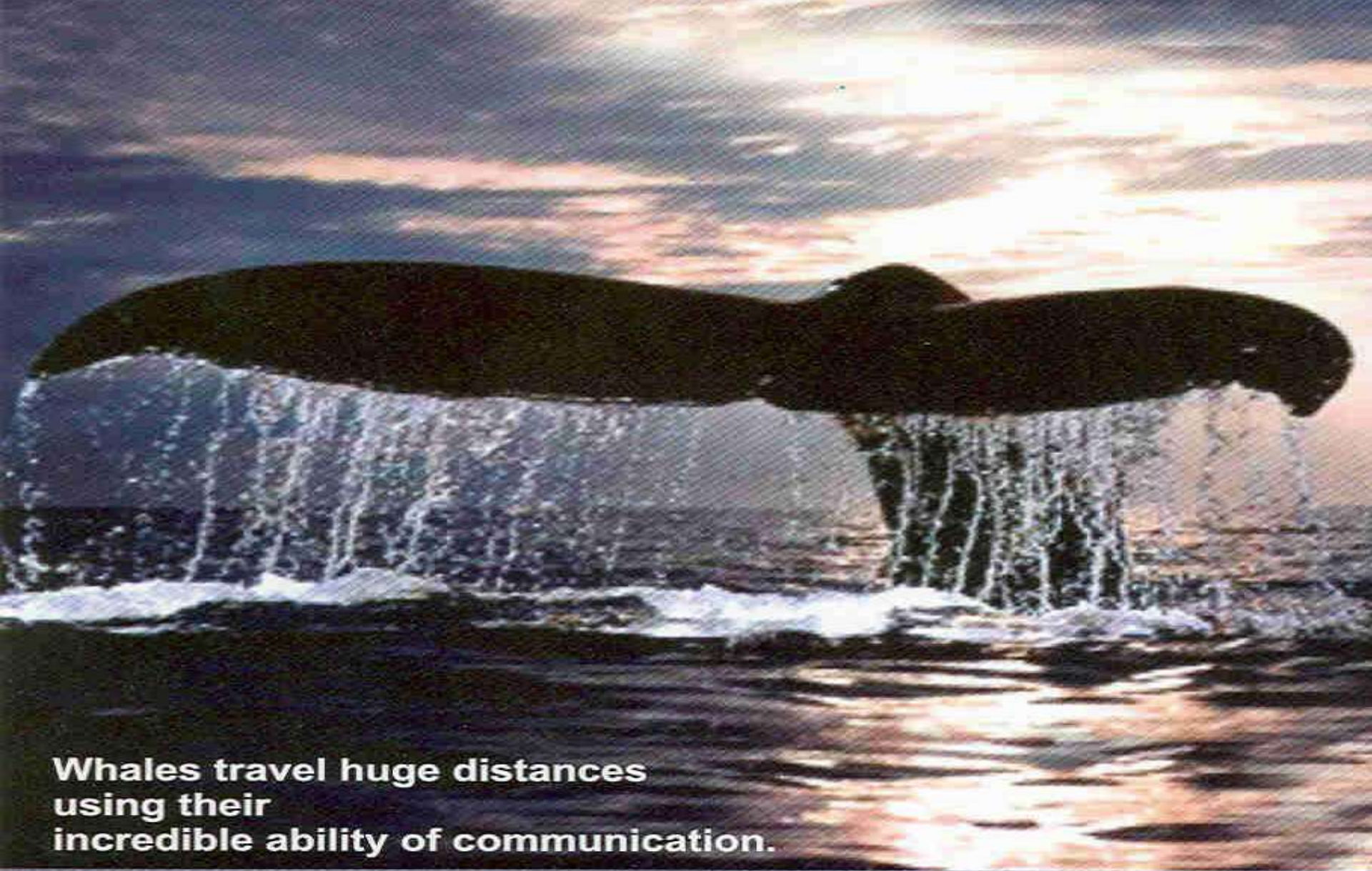


Mother Cheetah trains her cubs on live hunts.

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 (Grassroots MBA)

- Non-value added items – big rocks
- Core competence – specialist Judges & Lawyers/court managers
- Time Management – 80/20 rule/ time frame
- Procedural simplification – codes / rules /moon story / Edison
- Paradigm shift – CBI / Swiss / blind man / 2 pots / sitarist / vase
- De-centralization – Service / Law clerks
- Latest first – Frivolous suits / false defenses / snake story
- Package Deal – making money by doing good

Management is doing things right;  
Leadership is doing the right things.  
- Peter Drucker



# MANAGEMENT IN THE JUDICIARY – MODEL COURT (Contd...)

- Sharing best practices – emulating the habits of the most successful / Avoid waste; find waste
- Blamestorming – To identify problem areas
- Systemic challenges - Circle of control, influence & concern
- Single (what) / double (why) loop thinking –  
Goal vs.Task/change task to reach goal/OODA loop, painter, singer story
- Performance related promotions/payments - PRP
- Judicial Social Service – CSR / Legal aid & Legal services
- Continuous education – National Centre for State Courts, US
- TEAM – Lawyers and Judges / Leadership training

If you change the way you look at things,  
the things you look at change. – Wayne Dyer



# 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

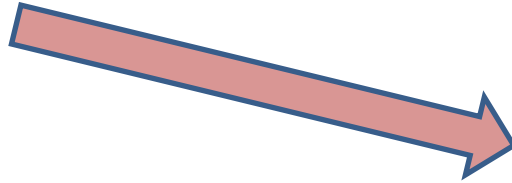
Judges who think they are too busy to manage cases are really too busy not to. Indeed, the busiest Judges with the heaviest dockets are the ones most in need of sound case management practices.

- William Schwarzer



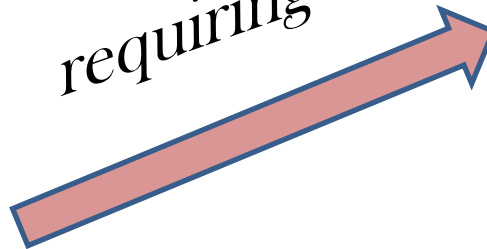
# Ambit of Case Management

- Procedural



Infrastructure

*requiring*



Sensitivity

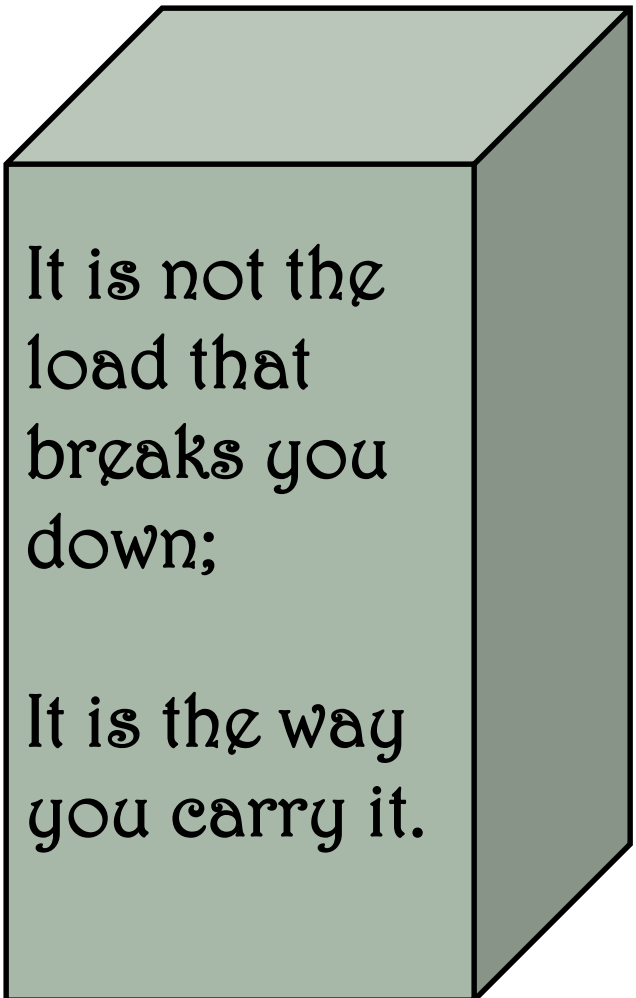
- Substantive

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



# STAGES OF CASE MANAGEMENT

- Plead
- Service
- Interim Applications
- Ad-Interim relief
- One defence
- Rejection of Plead
- Court Commissioners
- Oral applications





# STAGES OF CASE MANAGEMENT (Contd...)

- Original documents
- Preliminary Decree
- Admissions
- Issues
- Evidence
- Compilation

*When it is obvious that goals cannot be reached,  
Don't adjust the goals;  
Adjust the action steps.*

*-Confucius*



# STAGES OF CASE MANAGEMENT (Contd...)

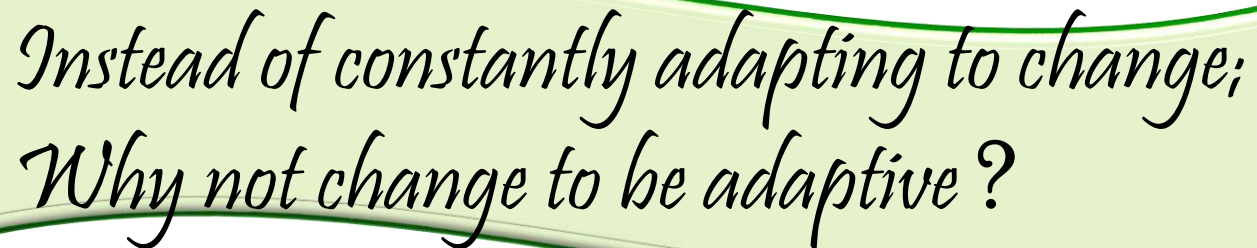
- Arguments
- Judgment (oral & reserved)
- Summary Judgments (on Arguments )
- Costs
- ADR
- Summary Suits

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



# CM STRATEGY

- Endeavour to dispose off / complete all proceedings filed at one time when all parties are represented and heard on merits
- Endeavour to dispose off / complete the main proceeding at the first available opportunity when all parties are represented and heard on merits



*Instead of constantly adapting to change;  
Why not change to be adaptive?*

# ASPECTS OF COURT MANAGEMENT

- ❖ Scrutiny
- ❖ Technicalities
- ❖ Directions
- ❖ Certified Copies
- ❖ Group matters
- ❖ New Suits
- ❖ Case tracking
- ❖ Expedition Orders
- ❖ Bench book/handbook / propositions of Law
- ❖ Teaching basic law in schools & colleges

**If we do not  
let the world  
teach us,  
It teaches us  
a lesson.**



# ASPECTS OF COURT MANAGEMENT (Contd...)

- ❖ Discharge of Suits on Board / website
- ❖ Assignment period / part heard matters
- ❖ Classification of Suits
- ❖ Registrar's Powers
- ❖ Facilitation Counter
- ❖ Flexi vacations

The golden rule is :-

Jam Yesterday .... Jam Tomorrow,  
but NEVER jam today.

# UNIQUE TRIAL PRACTICE

Sir Norman Macleod CJ, Bombay High Court 1919-1926

As a trial Judge, he would ask the Plaintiff if what is stated in the plaint is correct. When he would answer “Yes”, the Judge would call upon the Defendant’s counsel to cross examine the Plaintiff.

In some cases, he dispensed with addresses & delivered his judgement.

P.B. Vatcha in his book recounted the practice and wrote that on most occasions Sir Norman was correct in his judgements !

The best way is always through.  
Robert Frost



# U.S. PRECEDENT PRACTICE

- Restatement of the Law
  - Every 10-15 years
  - On every topic
  - No case of the period prior to the restatement can be cited  
( Comment of Jurist Fali Nariman – SC, a Judgment factory )

**The formulation of a problem is far more essential than its solution. – Albert Einstein**

- Rocket Docket
  - Fast track
  - To ram frivolous cases through discovery and get them to trial ( Rule 83.19 – John Grisham in The Litigators )

# ICT – Best Court Systems

- Red Crest Electronic Case Management System
  - The timeliness Project in Australia – one e-file for all operable by username & password
- Sentencing Information System in Australia
  - To see decided cases (not to interfere with judicial discretion)

**If you win, you can lead.**

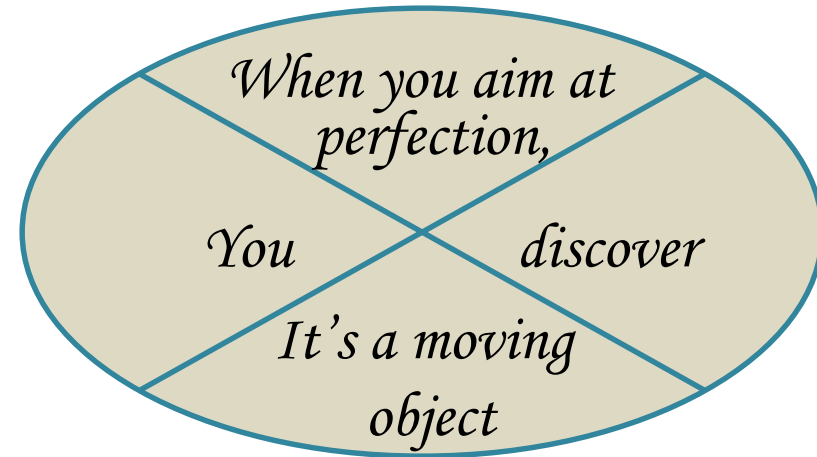
**If you lose, you can guide.**

- The Integrated Electronic Litigation System (IELS or E-lit)
  - Replaced the e-filing system in Singapore



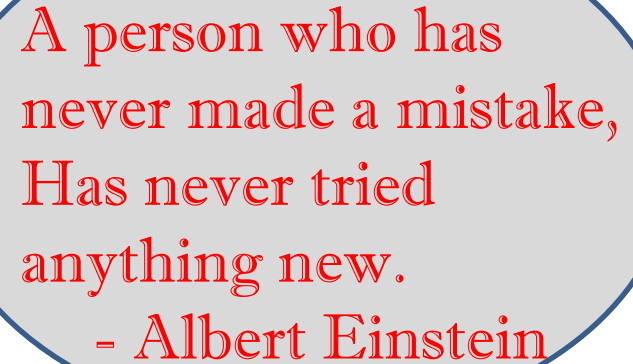
# CPC Amendments- 2016

- S. 35 - Actual Costs
- O5 R1 - WS in 120 days
- O7 R2A – 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 R3 – Inspection within 30 + 30 days
- O11 R4 - 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 R5 – Production of documents within 7 / 15 days
- O11 R6 – Electronic records proved by printout



# CPC Amendments 2016 (contd...)

- O13A – Summary Judgment
- O15 – Omitted
- O15A – 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



A person who has  
never made a mistake,  
Has never tried  
anything new.  
- Albert Einstein



# REQUIREMENTS FOR EFFECTIVE MANAGEMENT

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

You cannot do today's job

With yesterday's methods

**And be in business tomorrow**

The best 10 two-letter words –

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