

CASE MANAGEMENT & COURT MANAGEMENT

- Roshan Dalvi

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



LEADERSHIP

A PROCESS WHICH CAN BE SHARED



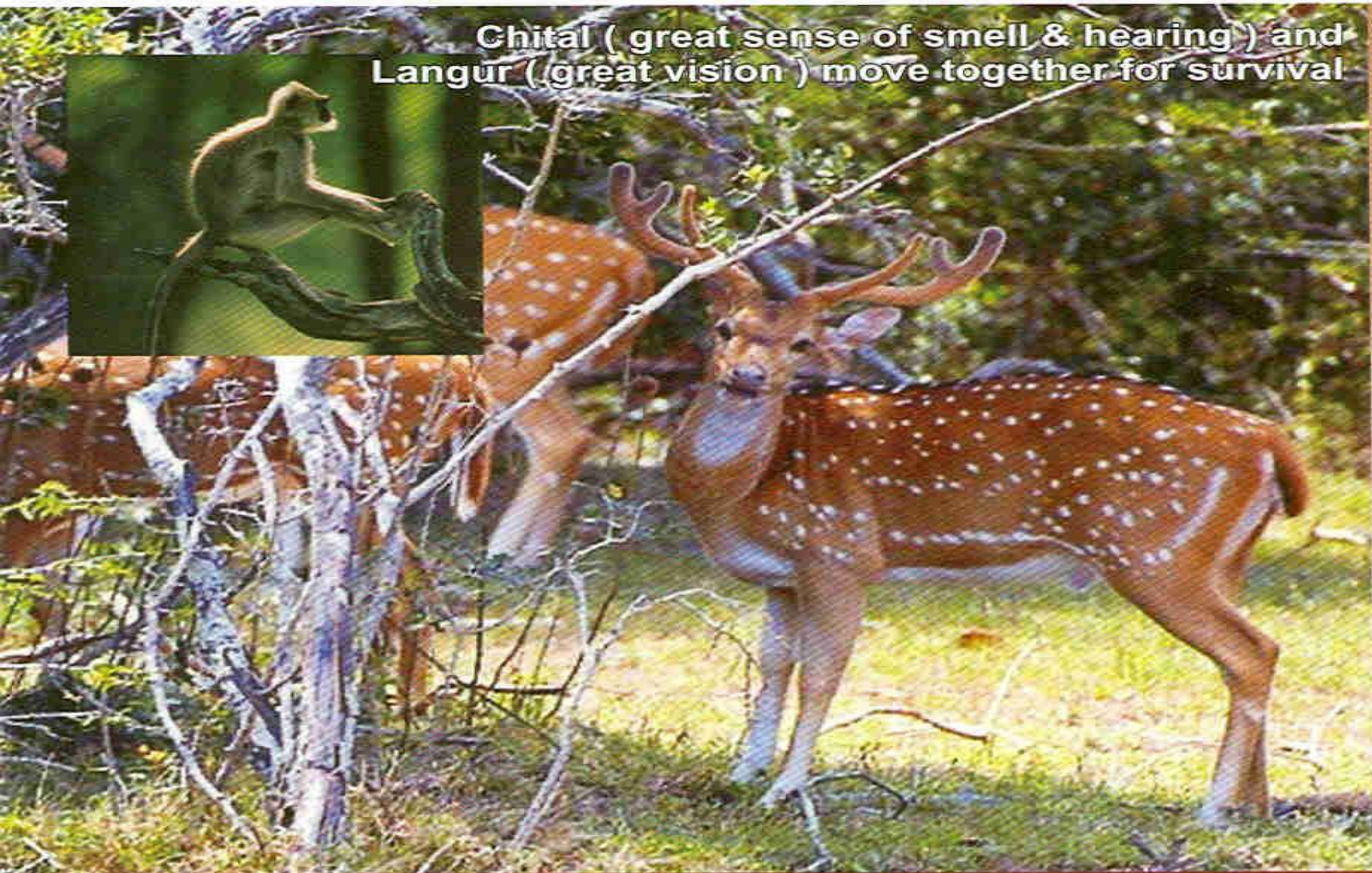
Penguins huddle together in the cold expanse for warmth



**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

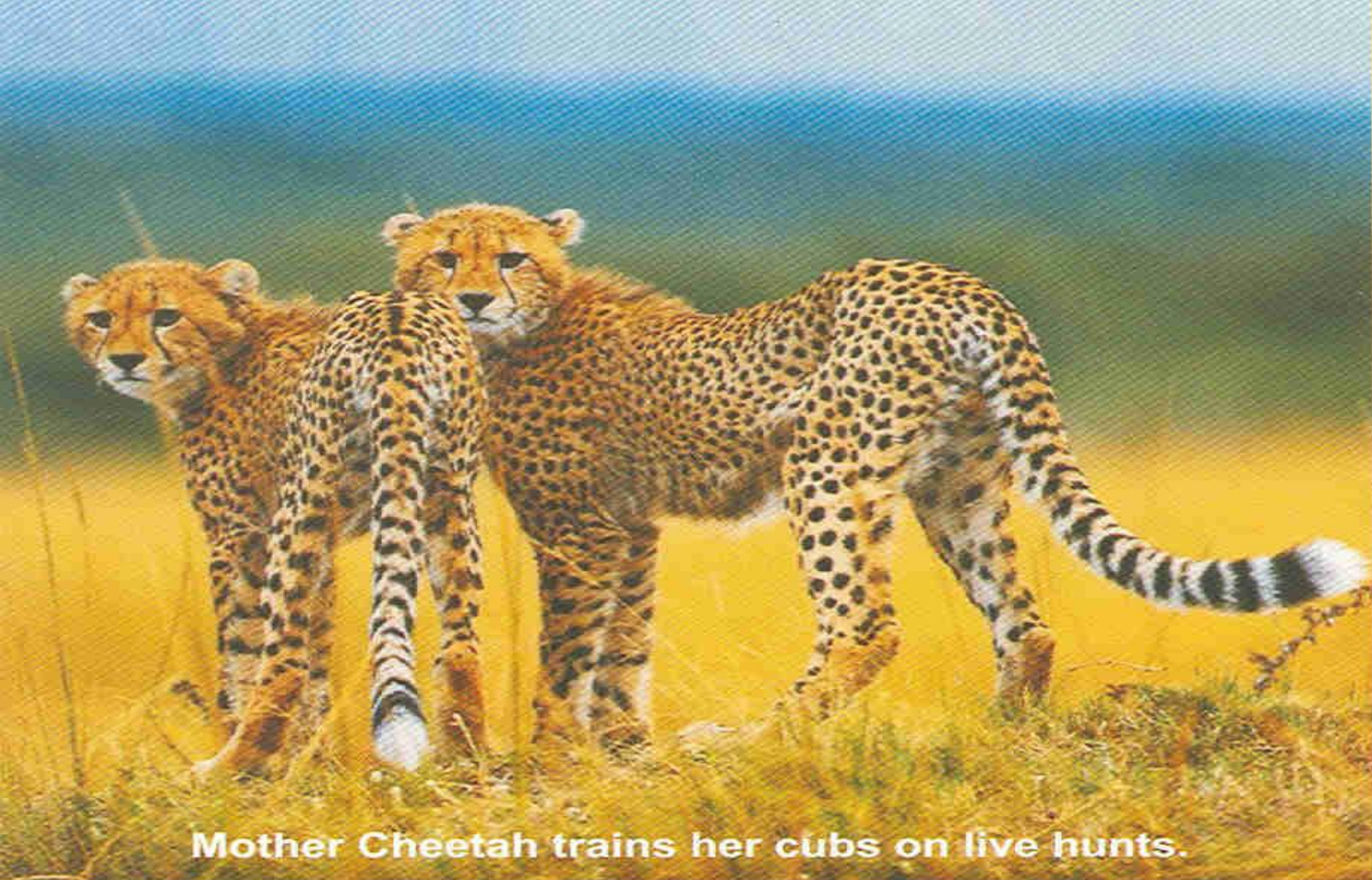




**Though each ant is tiny
they can perform huge tasks as a community.**

**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

BEGINNINGS IN THE UK

Practice Directions of Lord Chief Justice Mathew Taylor in 1995 – Shorter and Flexible Trial Schemes Civil Procedure Rules of the Ministry of Justice

- ❑ Judges to assert control; Attorneys to reduce delay and costs
- ❑ Courts to limit discovery, oral submissions, examination, cross examination, reading of documents and judgments
- ❑ Checklist for ADR

Law is an instrument of social change

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.

- Lord Justice Woolf,
Master of the Rolls, UK



How to do
MORE with less

If our business methods were antiquated as our legal methods, we should be a bankrupt country. There is need for a comprehensive inquiry into the roots of our procedure – Lord Devlin

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:

(incorporated in the Civil Procedure Act, 1997)

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

**All great detectives spot the trail
using an entirely different point of view**

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

Aspects under the Lord Woolf Report:

- Defining important issues
- Time-table deadline
- ADR
- Judicial Team – Training Judges & Lawyers
- Interest & Costs
- IT kiosks in courts
- Permanent advice centers in larger courts
- Evening & Weekend courts

Most geniuses prosper not by de-constructing intricate complexities,
But by exploiting unrecognized simplicities

AREAS OF CASE MANAGEMENT

- Length of time for each step
- Key issues
- Listing cases
- Pre-trial Conference (CM Conference)
- Setting a time-table deadline - preparatory hearing

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 defense filed

Peculiar to England

- Costs
- Expert witnesses
- Unlimited Legal Aid

It is not the strongest species that survives, nor the most intelligent, but the one most responsive to change.

-Charles Darwin

Lord Woolf Report - Applicability

England

- Simple Rules
- Defense
- 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

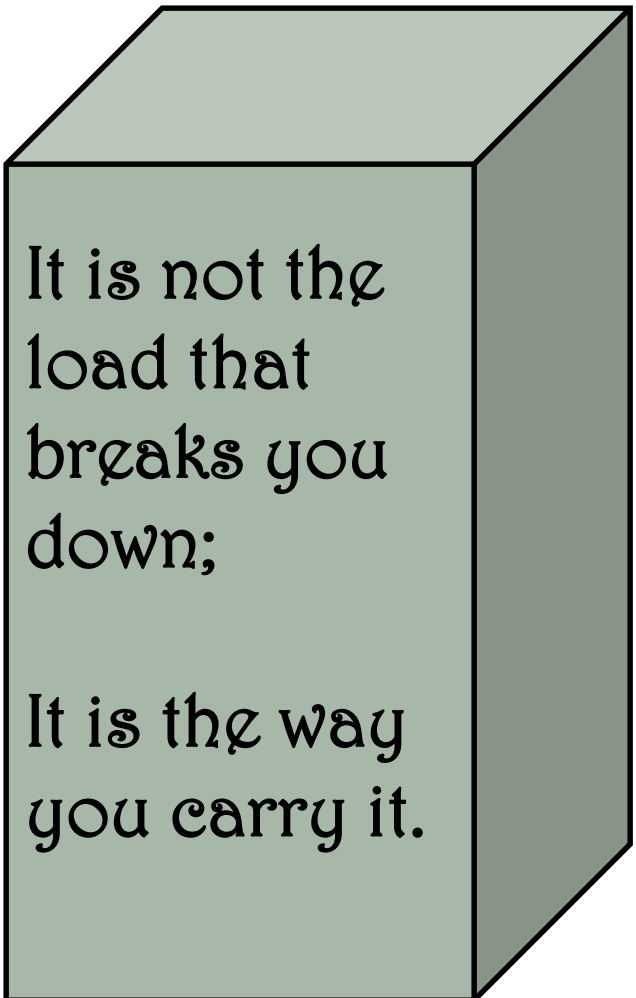
India

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

**The secret of success is being a good thief;
Emulating the habits of the most successful practitioners**

STAGES OF CASE MANAGEMENT

- P^laint
- S^ervice
- A^d-Iⁿterim relief
- Iⁿterim Applications
- Oⁿe defense
- A^dmissions
- I^ssues
- E^vidence
- C^ourt Commissioners



STAGES OF CASE MANAGEMENT (Contd...)

- Rejection of plaint
- Oral applications
- Original documents
- Preliminary Decree
- Compilation

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

-Confucius

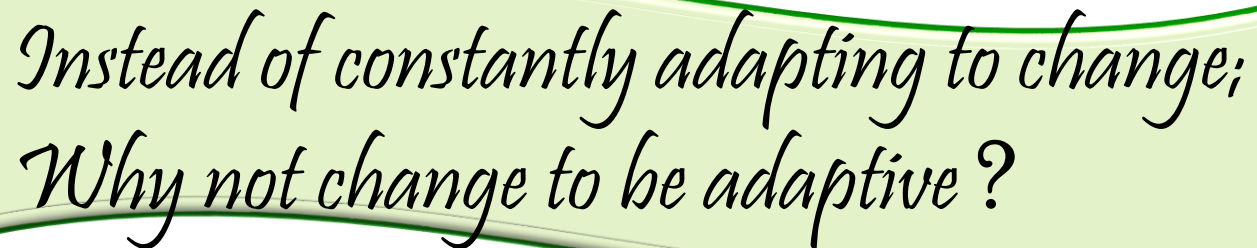
STAGES OF CASE MANAGEMENT (Contd...)

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

Case Management is an art which must be compulsorily cultured under the adversary system – Justice Krishna Iyer

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

Tomorrow's Court system must become at once a sentinel, monitor, mentor and ombudsman of the New World Legal Order
- Justice Krishna Iyer

ASPECTS OF COURT MANAGEMENT (Contd...)

- ❖ Discharge of Suits on Board / website
- ❖ Assignment period / part heard matters
- ❖ Classification of Suits
- ❖ Registrar's Powers – enhanced to dismissal, ex parte decree, settlements
- ❖ Facilitation Counter
- ❖ Flexi vacations

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

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 & motion study
- 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

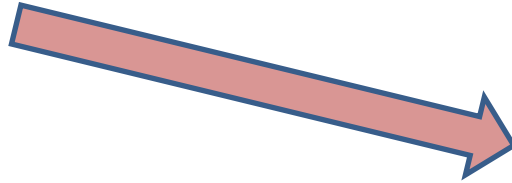
MANAGEMENT IN THE JUDICIARY – MODEL COURT (Contd...)

- 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
- 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

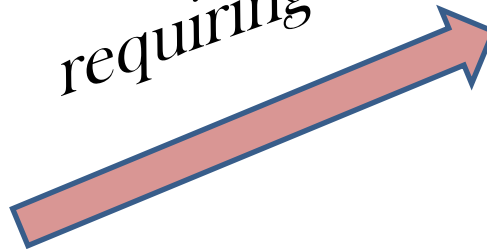
Ambit of Case Management

- Procedural



Infrastructure

requiring



Sensitivity

- Substantive

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

The best 10 two-letter words –

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