

CASE MANAGEMENT & COURT MANAGEMENT

- Roshan Dalvi

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

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?

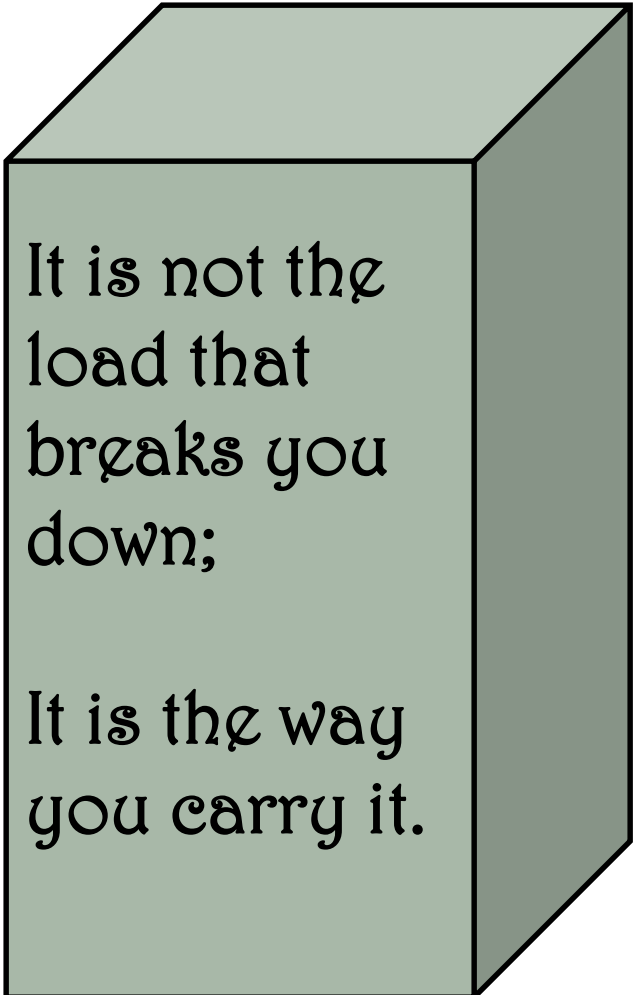
- Improving efficiency
- Reducing delays
- Cutting costs

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

STAGES OF CASE MANAGEMENT

- **Plaint**
- **Service**
- **Ad-Interim relief**
- **Interim Applications**
- **One defense**
- **Admissions**
- **Issues**
- **Evidence**
- **Court Commissioners**



It is not the
load that
breaks you
down;

It is the way
you carry it.

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

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

The best 10 two-letter words –

If it is to be,

It is up to me.