

USING CASE MANAGEMENT PLANS TO EXPEDITE COURT PROCESSING

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Procedural Justice

- Fairness
- Transparency
- Voice
- Impartiality

Tom R. Tyler, Yale University

Local Legal Culture

“Local legal culture...refer[s] to the practitioner attitudes and norms governing case handling and participant behavior in a criminal court.”

Local courthouse norms

- Time to disposition
- Mode of disposition
- Sentences imposed in criminal cases

Church, T W. (1986). Examining Local Legal Culture, Practitioner Attitudes in Four Criminal Courts. *National Institute of Justice*. 1985(3) 451. (Detroit, Pittsburgh, Bronx, Miami)

Most common complaints about the justice system

- It takes too long
- It costs too much
- Not fair to minorities or the poor
- Judges may be politically biased
- Still the branch with the highest public approval

National and State Surveys

<http://www.ncsc.org/Topics/Court-Community/Public-Trust-and-Confidence/Resource-Guide/2017-State-of-State-Courts-Survey.aspx>

Local Legal Culture

Performance Factors

- Size of court
- Case type
- Judge/caseload ratio
- Assignment and docketing system ✓
- Trial practice
- Strength of case management ✓
- Time to disposition ✓✓

Caseflow management is the court supervision of the progress of all cases filed in that court.

Systems Approach – Results

- Accountability for performance
- Regularity and predictability
- Consistent case management
- Reduction of backlog

Effective caseload management ensures

- Procedural justice = equal treatment of all litigants by the court;
- Timely disposition consistent with the circumstances of the individual case;
- Enhancement of the quality of litigation; and
- Public confidence in the court as an institution

(David Steelman)

Written Case Management Plan

- I. Purpose
- II. Authority and responsibility for case management
- III. Case tracks by severity and complexity
- IV. Procedural events and expectations
- V. Policies and procedures
 - Bail, pretrial release and supervision
 - Assignment of counsel
 - Evidence
 - Continuances/postponements

Statement of Purpose

- Appropriate case assignment and scheduling of court events;
- Early resolution of cases when possible;
- Expedited disposition of cases for incarcerated defendants;
- Judicial supervision consistent with the complexity of the case;
- Firm, credible dates for trials and other court events; and
- Efficient, effective use of judicial system resources.

Authority and responsibility for case management

- Leadership for policies and procedures
- Case Level – Judges and clerk of court
- Reporting requirements – Administration
 - ✓ Cases
 - ✓ Pretrial Decisions
 - ✓ Events
 - ✓ Sanctions
 - ✓ Outcomes & Causes

Reporting requirements

Cases		
Active Pending Cases - adjudicating active traffic and misdemeanor cases is the core of what we do	1.1	Pending Inventory
	1.2	Age of Active Pending Cases
Disposed Cases - assessing our work on completed cases helps us manage our active cases	1.3	Clearance Rate - Filings & Dispositions
	1.4	Detail Filings & Dispositions
	1.5	Time to Disposition

Reporting requirements

Pretrial Decisions

Bail - The primary way we ensure court appearances

2.1

[Bail Ordered and Revoked](#)

Pretrial Detention - A way we ensure court appearances and community safety

2.2

[Defendants in Jail](#)

Pretrial Diversion - An alternative early outcome that may result in clearing a defendant's record

2.3

[Defendants Diverted](#)

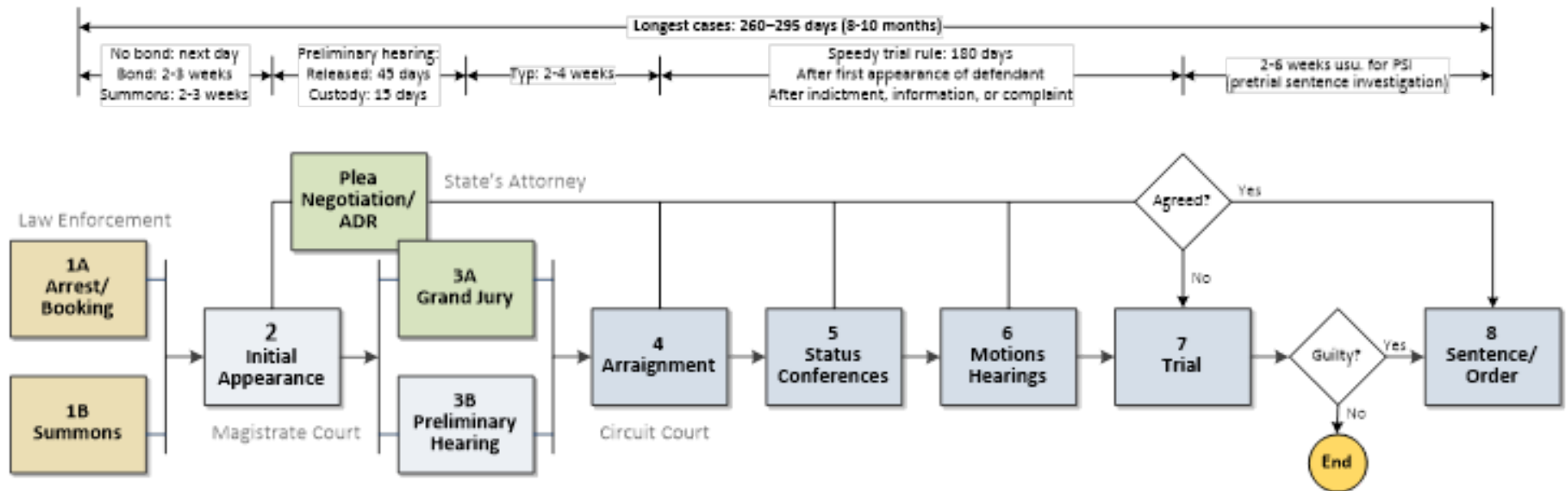
Procedural events and expectations

Track	Casetypes or Highest Charge Types	Expected Case Duration and Notes
Track 1 Jury Trial Players, District Court Appeals, and Reopened Cases	<ol style="list-style-type: none">1. Misdemeanors2. Felonies with District Court jurisdiction3. Administrative Violations of Probation	90 days to sentencing; track defined at filing.
Track 2 Non-Violent Felony Cases	Non-violent felony charge(s); qualifying charges to be identified.	120 days to sentencing; track defined at filing by highest charge. Cases downgraded to a misdemeanor remain Track 2.

Procedural events and expectations

Track	Casetypes or Highest Charge Types	Expected Case Duration and Notes
Track 3 Violent Felony Cases	Violent felony charge = highest charge; qualifying charges to be identified.	150 days to sentencing; track defined at filing by highest charge. Cases downgraded to a non-violent charge will be changed to Track 2 cases.
Track 4 Complex Cases	Homicide, multi-victim, multi-defendant; qualifying charges and conditions to be identified.	180 days; custom managed; track defined at filing; or after filing by SAO recommendation or court review. Cases will remain Track 4 regardless of charging decisions by SAO.

Procedural events and expectations



Procedural events and expectations

Track 1 – Presumptive Probation (F5&6)

Event	Timing
Case Initiation	Grand jury indictment Preliminary hearing finding of probable cause Waiver
Arraignment	Within [x] days of case initiation in custody Within [x] days of case initiation out of custody
Discovery	No later than [x] days prior to the trial date
Status Conference	No later than [x] days after arraignment
Pre-Trial Conference	No later than [x] days prior to the trial date
Trial	Within [x] days of arraignment
Sentencing (if guilty)	Within [x] days of entry of guilty finding

Policies and procedures (examples)

Trial Postponements

No motion for the postponement or continuance of the trial date for any case should be considered, unless made in the following manner:

- a) Five or More Days Prior to Trial.*
- b) Less Than Five Days Prior to Trial.*

Policies and procedures (examples)

Diversion and Special Court Eligibility Criteria

Specialty Court and Diversion Programs	Cost to Defendant	18 years old	Voluntary	Charge: distribution of controlled substance	Drug or alcohol related felony	Sex offender registration required	Not a violent offense per SDCL § 22-1-2(9)	No prior violent convictions	Fewer than 7 DUI convictions	Risk assess: addicted to drugs or alcohol	Prosecutor legal screening	No exclusion for co-occurring disorder	Residency restrictions – supervision locality	Substantially impacted by abuse/dependency	Non-violent, no meth, no DUI cases	Zero or limited criminal history
Drug Court Circuit Court	\$17 2/ mo	X	X	X	-	X	X	-	P	X	X	P	X	-	-	-
DUI Court Circuit Court	TBD	X	X	-	X	-	-	X	-	-	X	-	X	X	-	-

DISCUSSION WITH PANELISTS

Hon. Robert C.I. McBurney, Chief Judge, Fulton
County Superior Court

Hon. Paul N. Sens, Administrative Judge, Municipal
& Traffic Court of New Orleans



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SafetyAndJusticeChallenge.org