

Visualizing Momentum

A Tool for Robust Case Management

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Roadmap

- ✓ The Civil Justice Improvements (CJI) Committee
- ✓ Genesis of the Case Management Visualization Tool (VizTool)
- ✓ The Legal Design Process
- ✓ The VizTool Now
- ✓ Where we are going

The Civil Justice Improvements Committee

CCJ Resolution 5: To Establish a Committee Charged with Developing Guidelines and Best Practices in Civil Litigation

“NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices establishes a Committee charged with (1) developing guidelines and best practices for civil litigation based upon evidence derived from state pilot projects and from other applicable research, and informed by implemented rule changes and stakeholder input; and (2) making recommendations as necessary in the area of case flow management for the purpose of improving the civil justice system in the state courts.”

The Civil Justice Improvements Committee

- **Composition:** Representation from State Supreme Courts, Court Administrators, General Counsel, Plaintiff & Defense Counsel, Trial Judge, Academics
- **Structure:** Two subcommittees, Court Operations and Court Rules
- **Work:** Plenary meetings, conference calls, etc.

Subcommittee Breakdown & Areas of Focus

Court Rules Subcommittee

- Pathway-specific rules
- Discovery
- Case Management

Court Operations Subcommittee

- Caseflow management
- Pathway-specific operation issues
- Technology

Committee Recommendation Themes

- Courts *must* take responsibility
- Use of technology/automation
- Right-sized and robust case management

Use of Technology and Automation

- “E-everything”
- Remote access solutions
- Case processing support (business rules and processes)

Team-based Case Management

Courts should develop civil case management teams consisting of a responsible judge supported by appropriately trained staff.

The Case Management Team

- **Technology:** Tracks deadlines, populates orders, sends notice
- **Administrative:** Undertake simple case management decisions (e.g., requirements attached), sets conferences, tees-up routine orders
- **Specialists/Case Managers:** Use subjective analysis, makes recommendations and/or drafts orders, review for legal sufficiency
- **Judges:** Rule on legal issues, ensure momentum and party compliance

Implementation: Moving to Reality

- State-specific efforts (AZ & NC)
- Pilot projects and evaluation
- VizTool

Case Management VizTool

A Event	B Case State	C Yes/No	D Elapsed Time	E Technology Use/Capability			H Action Item	I Human Review	J Why?	K Wouldn't it be Cool If?	L Interface (Who Consumes Internal?)	M Cor
				Relationship	Data Cluster	Searchable Words						
Complaint filed Triage Protocol		X	X	Are there related cases?					Accurate count of	ID pro se's/pro se	Clerk, court	
Required complaint attachments		X					Generate Compliance: Order Deadline	Validity identifiers	make sure requirements are met	searchable pdf, attachment beyond pdfs	HR1, HR2, Judge	
Summons issued for named defendant(s)		X	X	Report			Generate Compliance (Deadline-x days)		has service been initiated	PSIP, process service direct link	Tech, HR1	
Service on defendants (return)		X	X						calculate response	response deadline calculation, PSIP,	Tech, HR1, HR2	
Dismissal for non service									inattention	dismissal once	Tech, HR1	
Affidavit of diligent search		X					Generate Compliance		prerequisite for	affidavit tied to	Tech, HR2	
Publication		X		Notice, related doc			Generate Compliance		know parties,	response deadline	Tech, HR1, HR2	
Returned Service		X							know parties,	response deadline	Tech, HR1, HR2	
Motions for Default		X	X	Hearing Date/Submissions			Generate Compliance		Capture case progression, enter	PSIP, issue of next deadline/calendar	Tech, HR1 (compliance), HR2	ord
Motion for Default Judgement		X		Hearing Date/Submissions			Generate Compliance		Capture case progression, enter	PSIP, issue of next deadline/calendar	Tech, HR1 (compliance), HR2	ord
Required Default Attachments		X					Generate Compliance	X				
Motion to Quash Service		X		continual					higher level to	data for party	HR2, Judge	
Required Attachments		X					Generate Compliance	X			HR2, Judge	
Motion to Dismiss		X		continual					(Resolve pleading	data for party	Tech, HR2, Judge	
Jurisdiction/Venue/Forum non conviens		X		continual					(stops case)		Judge	
Required Attachments		X					Generate Compliance					
Any other grounds (substantive)		X		continual					(Resolve pleading	data for party	Tech, HR2, Judge	
Amended Complaint		X	X			Amended			triggers response	between original	Tech, HR2, Judge	
Answer		X	X						Pass #2, know if	ADR services	Tech, HR2, Judge	
Counter Claim		X		Dismiss and beyond					for responses and	above		
Cross Claim		X		Dismiss and beyond					for responses and	above		
3rd Party Claim		X		Review at Summons and beyond					Calendar deadlines	See service req'ts		
Affirmative Defense		X	X						for responses and	above		
Reply		X							Pleadings totally		TECH	
Motion to Strike Affirmative Defense		X		Hearing Date/Order					Calendar hearing,		HR2, Judge	
Case at issue		X					Alert					

A Design Approach to Legal Services

What does it mean to use design to be more user-friendly and intuitive?

A focus on 3 central metrics

- **Usability:** Can we make the courts – and our case management tools – more navigable, intuitive, and easy to use for both lay people and professionals?
- **Usefulness:** Can we make the court experience and case management tools that are more valuable to litigants and court professionals – that serve their needs and goals?
- **Engagement:** How can we engage lay people and court professionals to want to spend time and resources understanding how a case works, and in working on how to make it better?

A Design Approach to Case Management

Courts can be more process-driven and more visual in how they conceive of case management, and this will result in a clearer view of both the status quo and ways forward.

Our Vision for the Tool

- **More visual** so that it's easy to understand, in a more at-a-glance way, what's going on with case management
- **More process-driven**, to lay out the content into discrete stages and events that make the journey of a case more comprehensible
- **Role-specific**, to show clearly how different members of the team and participants in the case interact, and who is responsible for what
- **Interactive**, to let court professionals filter and search the maps, as well as customize them to their own court

VizTool Targets

- Our target users:
 - Court professionals, including judges, clerks, administrative staff, IT professionals, and others
- Our target use cases:
 - To work together as a team to review our default case management process maps, and see what could be different about their current practices
 - To customize their own case management process maps, setting business rules and policies
 - To guide relationship with vendors and developers of new mechanisms that automate parts of the process, or to simplify/remove steps in the process

The VizTool Preview

Access the VizTool at <http://www.ncsc.org/civil>

Next Steps

- Feedback
- Upload design edits
- Final launch!

Thank You!

QUESTIONS OR COMMENTS?

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