

CASEFLOW MANAGEMENT RESOURCES GUIDE FOR CALIFORNIA JUDGES

ABRIDGED EDITION

Compiled by Judge Michael Mattice,
Superior Court of California, County of Solano

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“Justice delayed is justice denied.”
(Attributed to William E. Gladstone)

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INTRODUCTION: Defining Caseflow Management; Using this Guide

Caseflow management (or "case flow management" or "CFM") is the set of processes whereby courts convert their caseloads of newly-filed and pending matters into closed cases, and the monitoring and pragmatic study of those processes. Effective CFM permits efficiency and resource conservation, and minimizes times from filing to closure, while preserving or improving the quality of adjudication. Legal authority for CFM in California is shown in Part A, *infra*. Principles of CFM, which apply in all fields of law, are summarized in the next paragraph of this Introduction, and are described briefly in early chapters in all of Greacen's manuals on *Developing Effective Practices* as listed in Part B herein, in Steelman's *Improving Caseflow Management: A Brief Guide* in Part F, and more thoroughly in Part F, Steelman's description of CFM as *The Heart of Court Management in the New Millennium*, with CFM principles detailed in Chapter 1. This Guide has two indexes: INDEX 1, the "Law Fields" and "Specific Issues" Index of Subject Matter, starting on page 16; and INDEX 2, the "General Index" starting on page 25.

The CFM principles used as the main selection criteria for this Guide are: (1) judicial rather than litigant control over case schedules and progress; (2) create, maintain and enforce expectations that events will occur when scheduled; (3) create opportunities and incentives for early case resolution and disposition; (4) create maximum predictability of court procedures and outcomes; (5) find opportunities to improve efficiency; (6) handle different types of cases differently ("differentiated case management"); and (7) set case processing goals and then use court data to monitor compliance with them. Greacen's "*Developing...*" manuals (Part B herein) suggest these are the most fundamental CFM principles. Steelman and other authors cited herein suggest additional principles.

The compiler of this GUIDE welcomes all comments and suggestions.

¹ Last revised 7/17/2017. The California Judicial Council and its staff, CJER, the California Judges' Association, the National Judicial College, the IAALS, the NCSC, ABOTA, and the NYU School of Law Civil Jury Project are all hereby authorized to reproduce, electronically distribute, or otherwise use this document in any way that supports judicial education and the efficient administration of justice.

PART A: Authority for CFM in California Trial Courts

Calif. *Code of Judicial Ethics*, Canon 3B(8) (duties including to "dispose of all judicial matters fairly, promptly and efficiently").

Calif. *Code of Civil Procedure* ("CCP"):

- §§ 128 subd. (a) and 187 (judicial powers to control litigation processes).
- §§ 177; 177.5; 178 (judicial powers to enforce court orders, sanctions, contempt).
- § 437c, (summary judgment and summary adjudication of dispositive issues generally).
- § 437c, subd. (t), (summary adjudication of "legal issue or a claim ... that does not completely dispose of a cause of action, affirmative defense, or issue of duty ... [if] the motion will ... [promote] ... judicial economy by decreasing trial time or significantly increasing the likelihood of settlement," upon pre-motion stipulation and court approval).
- §§ 583.110-583.430 (dismissal for delay in prosecution).
- § 583.130 (public policy that plaintiff must diligently prosecute, and "all parties shall cooperate in bringing the action to trial or other disposition").
- §§ 630.01-630.11 (voluntary expedited jury trials, or "EJTs").
- §§ 630.20-630.30 (mandatory EJTs in limited civil cases).
- § 1775, subd. (f) (daily cost of maintaining a civil judicial department [as of 1993]).

Calif. *Evidence Code*, § 765 (duties of judges to control examination of witnesses).

Calif. *Family Code*:

- § 2032, subd. (d) (fee and costs allocation control in complex or substantial cases).
- § 2450 (discretion to impose, and purpose of "family centered case resolution").
- § 2451 (matters included within "family centered case resolution plan").

Calif. *Government Code*, §§ 68607-68608 (CFM mandatory in all cases except juvenile, probate, and family law).

Calif. *Penal Code*:

- § 1044 (duties of judges in criminal trials).
- § 1050 (setting for trial; criminal case precedence; continuances).
- § 1050.5 (sanctions for noncompliance with Pen. Code § 1050 notice requirements).

Calif. *Probate Code*:

- § 800 (in all probate cases, court has full powers of superior court, including CCP § 128).
- § 1000 (CCP and civil rules of practice apply when Probate Code is silent).
- § 4520(b) (in power of attorney probate cases, court has full powers of superior court).
- §§ 12200-12206 (time for closing estate, status report, sanctions).
- § 17001 (in trust cases in probate, court has full powers of superior court).
- § 17206 (broad powers to handle petitions re internal affairs of a trust).

Calif. *Welfare & Institutions Code*:

- § 334 (hearing deadline)
- §§ 352, 354 (continuances)
- § 657 (hearing deadline)
- § 660.5 (Expedited Youth Accountability Program)
- § 680 (expeditious and effective ascertainment of facts re jurisdiction and minor's welfare)
- § 682 (continuances)

Calif. *Rules of Court*:

- § 3.110 (civil case service time rules).

- §§ 3.400-3.403 (complex civil case management).
- §§ 3.700-3.771 (civil case management).
- §§ 3.800-3.898 (civil case ADR).
- §§ 3.1545 and 3.1549-3.1553 (expedited jury trial ("EJT"), in general).
- §§ 3.1546 (mandatory EJTs as per CCP §§ 630.20-630.30).
- §§ 3.1547 (voluntary EJTs as per CCP §§ 630.01-630.11).
- §§ 4.110-4.115 (criminal case management).
- § 5.74(b)(2) (no demurrers or summary judgment/adjudication motions in family law)
- § 5.83 (family law case management)
- §§ 5.670; 5.672; 5.680; 5.686; 5.708; 5.710; 5.715; 5.720; 5.722 (hearing deadlines, continuances and review hearings in juvenile dependency cases)
- §§ 5.752; 5.774; 5.776; 5.782; 5.810; 5.812 (hearing deadlines, continuances and review hearings in juvenile delinquency cases)

Calif. *Standards of Judicial Administration*:

- Standard 2.1 (case management and delay reduction—statement of general principles).
- Standard 2.2 (trial court case disposition time goals for cases in all areas of law).

California Crane School, Inc. v. National Commission for Certification of Crane Operators (2014) 226 Cal.App.4th 12, 17-22 (affirms pretrial order limiting length of a civil jury trial, and an in-trial order denying rebuttal opportunity as "late", consistent with pretrial order).

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Cottle v. Superior Court (1992) 3 Cal.App.4th 1367, 1376-1379 (judicial powers to control litigation processes, limitations on powers, application to complex cases).

Elkins v. Superior Court (2007) 41 Cal.4th 1337, 1351-1354 (judicial powers to control litigation processes, limitations on powers, application to family law cases).

Hernandez v. Superior Court (2003) 112 Cal.App.4th 285, 295-302 (judicial powers to control litigation processes, limitations on powers, application to civil discovery).

In re Marriage of Georgiou and Leslie (2013) 218 Cal.App.4th 561, 568-569 (affirms summary adjudication of statute of limitations issue in family law action), but see Calif. *Rules of Court* § 5.74(b) (amended effective 1/1/2014, to bar use of summary adjudication motions in family law actions).

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PART D:

[Omitted from this abridged edition as it contains proprietary information.]

PART E:

[Omitted from this abridged edition as it contains proprietary information.]

PART F: National Center for State Courts ("NCSC")

USE NOTE: If web addresses *infra* stop working, go to www.ncsc.org or to <http://nstc.sirsi.net/uhtbin/cgisirsi/CNjrbHwzKg/0/0/49> and search. Some of these links work faster if the web address is simply blocked and copied into your browser's address window.

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[Indexes follow on next page.]

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INDEX 1: "Law Fields" and "Specific Issues" Index of Subject Matter (Civil; Complex Civil; Criminal; Family; Juvenile; Probate; Self- Represented Litigants; Technology; Trials)

USE NOTE: References A through G are to the foregoing Parts of this resources guide.

CIVIL (See also, "COMPLEX CIVIL", below in this INDEX 1):

Age of cases, *F*: NCSC, *Caseflow Management Resource Guide*; *F*: NCSC, *CourTools®* web site

Alternative dispute resolution (ADR), *B*: Judicial Council, AOC, *Evaluation of the Early Mediation Pilot Programs*; *G*: Brazil, *Early Neutral Evaluation*; *G*: DeBenedictis, *Early Airing of Legal Issues Encouraged in an OC Court [Early Legal Assessment]*; *G*: Shestowsky, *The Psychology of Procedural Preference [etc.]*. See also, Settling cases, below

Authority for CFM, see Part A, above

Case management conferences - conduct, *A*: Calif. *Rules of Court*: §§ 3.700-3.771 (civil case management, see especially 3.722, 3.727, 3.728, 3.750, 3.762); §§ 4.110-4.115 (criminal case management, see especially 4.112);

Case management conferences – timing, *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 2");

Caseflow management – CIVIL, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapter One

Caseflow management – cost of, *F*: Steelman, *Reducing Court Work Volume through Caseflow Management*; *F*: Steelman, *We Don't Have Enough Resources to Reduce Court Delay! [etc.]*

Caseflow management – in general, see resources listed in Introduction (CFM principles listed); also *F*: Mahoney, et al., *How to Conduct a Caseflow Management Review [etc.]*; *F*: NCSC, *Key Events in the Evolution of State Court Caseflow Management*; *F*: Sammon, *Fundamental Issues of Caseflow Management*; *F*: Steelman, *Improving Caseflow Management: A Brief Guide*; *F*: Steelman, et al., *Caseflow Management: The Heart of Court Management [etc.]*; *G*: Dressel, *Court Organization and Effective Caseflow Management: Time to Redefine*; *G*: IAALS, *21st Century Civil Justice System: A Roadmap for Reform [etc.]*; *G*: Knowlton, et al., *Working Smarter Not Harder [etc.]*; *G*: National Judicial College, *Caseflow Management Summit Report*; *G*: National Judicial College, *Fair, Timely, Economical Justice: Achieving Justice [etc.]*. SEE ALSO THE FOLLOWING SUBJECTS IN INDEX 2, BELOW: Age of cases; Authority for CFM; Caseflow management – cost of; Clearance rate; Continuances; Effective practices; Interpreters; Paperless courts; Principles of caseflow management; Self-represented litigants; Settling cases; Time to disposition; Trials (3 sub-sets of entries); Work volume.

Civility, *A*: State Bar of Calif., *California Attorney Guidelines of Civility and Professionalism*; *G*: American Board of Trial Advocacy (ABOTA), *Civility Matters*; *G*: Evans, et al., *Be civil, and help save our profession*; *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 4").

Complex civil, see COMPLEX CIVIL title in this INDEX 1, below.

Concurrent expert testimony, see Expert testimony and Juxtaposed expert testimony, both below in this INDEX 1.

Continuances, *F*: Steelman, D., *Model Continuance Policy*

Costs of civil litigation, *F*: Hannaford-Agor, *Benefits and Costs of Civil Justice Reform*; *F*: Hannaford-Agor, *Estimating the Cost of Civil Litigation*; *F*: Hannaford-Agor, *Measuring the Cost of Civil Litigation* [etc.]

Court resources crisis, *F*: Steelman, D., *We Don't Have Enough Resources to Reduce Court Delay!* [etc.]

Delay reduction and time standards, *A*: Calif. *Standards of Judicial Administration*, Standards 2.1 and 2.2

Discovery dispute management, *A*: *Clement v. Allegre*

Effective practices, *G*: Brostoff, *Putting Effective Judicial Case Management Into Play*; *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases*

Expert testimony, *G*: Civil Jury Project at NYU School of Law, *Fact Sheet: Back-to-Back Experts*; *G*: Diamond, S.S., *How Jurors Deal With Expert Testimony and How Judges Can Help*; *G*: Edmond, G., *Merton and the Hot Tub* [etc.]; *G*: Thompson, R., *Concurrent Expert Evidence: Hot Tubbing in America?* [etc.]. See also, Juxtaposed expert testimony [JET], immediately below in this INDEX 1.

Futures Commission recommendations, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapter One—Civil Recommendations.

Juxtaposed expert testimony [JET], *G*: Brown, *Juxtaposed Expert Testimony: A New Way* [etc.]; *G*: Brown, *Juxtaposed Expert Testimony* [JET] [etc.]

Principles of caseflow management, see resources listed in INTRODUCTION, page 1, above (CFM principles listed); also *F*: Zorza, *Spreading and Adopting Best Practices for Court-Based Programs for the Self-Represented.*; *G*: Conference of Chief Justices, Civil Justice Improvements (CJI) Committee, *Call to Action*: [etc.]; *G*: IAALS, *21st Century Civil Justice System: A Roadmap for Reform* [etc.]; *G*: Knowlton, et al., *Working Smarter Not Harder* [etc.]; *G*: Self-Represented Litigation Network, *Principles of Caseflow Management for Access to Justice*. See also, Caseflow management in general, in INDEX 2, below.

Reducing court work volume, *F*: Steelman, D., *Reducing Court Work Volume through Caseflow Management*

Self-represented litigants, see SELF-REPRESENTED LITIGANTS title in this INDEX 1, below.

Settling cases, *A*: Calif. *Code of Civil Procedure*, § 437c, subd. (t); *B*: Judicial Council, AOC, *Evaluation of the Early Mediation Pilot Programs*; *G*: Karnow, *Timing Settlement*; *G*: Kloczko, Attorney Groups Volunteer to Help Settle Case Backlog in LA; *G*: Robinson, *An Empirical Study of Settlement Conference Nuts and Bolts* [etc.]; *G*: Robinson, *Opening Pandora's Box: An Empirical Exploration of Judicial Settlement*; *G*: Robinson, *Settlement: An Empirical*

Documentation of Judicial Settlement Conferences; G: Robinson, Settlement Conference Judge: Legal Lion or Problem Solving Lamb [etc.]. See also, Alternative dispute resolution (ADR), above.

Stipulations, G: Susman, Trial by Agreement: Agreements for Opposing Counsel; G: Susman, et al., Trial by Agreement: How Trial Lawyers Hold the Key [etc.]

Trial, see TRIALS title in this INDEX 1, below.

COMPLEX CIVIL (See also, "CIVIL", above in this INDEX 1):

Authority for CFM, see Part A, above

Best practices, G: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases*; see also, Effective practices, below

Caseflow management – CIVIL COMPLEX, B: Commission on the Future of California’s Court System (“Futures Commission”), *Report to the Chief Justice*, Chapter One

Complex civil litigation, A: California AOC, *Deskbook on the Management of Complex Civil Litigation*; G: Knowlton, N.A. and R.P. Holme, *Working Smarter Not Harder: How Excellent Judges Manage Cases*; G: National Judicial College, *Resource Guide for Managing Complex Litigation*

Delay reduction and time standards, A: Calif. *Standards of Judicial Administration*, Standards 2.1 and 2.2

Effective practices, G: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases*

Futures Commission recommendations, B: Commission on the Future of California’s Court System (“Futures Commission”), *Report to the Chief Justice*, Chapter One—Civil Recommendations, Recommendation No. 1.3 (Complex Case Management).

Juxtaposed expert testimony [JET], G: Brown, *Juxtaposed Expert Testimony: A New Way [etc.]*; G: Brown, *Juxtaposed Expert Testimony [JET] [etc.]*

Principles of caseflow management, see this item listed under Civil, above in this INDEX 1. See also, Caseflow management in general, in INDEX 2, below.

Trial, see sub-title TRIALS, below in this INDEX 1.

CRIMINAL:

Age of cases, F: NCSC, *Caseflow Management Resource Guide*; F: NCSC, *CourTools®* web site

Age of cases, E: Greacen et al., *Felony Hearing and Trial Date Certainty Study*;

Authority for CFM, see Part A, above

Case packaging (coordinating multiple criminal cases), *B*: Garofalo, *The Impact of Coordinating Multiple Criminal Cases...Orange County [etc.]*

Caseflow management – cost of, *F*: Steelman, *Reducing Court Work Volume through Caseflow Management*; *F*: Steelman, *We Don't Have Enough Resources to Reduce Court Delay! [etc.]*

Caseflow management – CRIMINAL, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapter Two

Caseflow management – in general, see resources listed in Introduction (CFM principles listed); also *F*: Mahoney, et al., *How to Conduct a Caseflow Management Review [etc.]*; *F*: NCSC, *Key Events in the Evolution of State Court Caseflow Management*; *F*: Sammon, *Fundamental Issues of Caseflow Management*; *F*: Steelman, *Improving Caseflow Management: A Brief Guide*; *F*: Steelman, et al., *Caseflow Management: The Heart of Court Management [etc.]*; *G*: Dressel, *Court Organization and Effective Caseflow Management: Time to Redefine*; *G*: IAALS, *21st Century Civil Justice System: A Roadmap for Reform [etc.]*; *G*: Knowlton, et al., *Working Smarter Not Harder [etc.]*; *G*: National Judicial College, *Caseflow Management Summit Report*; *G*: National Judicial College, *Fair, Timely, Economical Justice: Achieving Justice [etc.]*; *G*: Solomon, *Conducting A Felony Caseflow Management Review: A Practical Guide*; *G*: Solomon, *Improving Criminal Caseflow*. SEE ALSO THE FOLLOWING SUBJECTS IN THIS INDEX 2: Age of cases; Authority for CFM; Caseflow management – cost of; Clearance rate; Continuances; Effective practices; Interpreters; Paperless courts; Principles of caseflow management; Self-represented litigants; Settling cases; Time to disposition; Trials (3 sub-sets of entries); Work volume.

Civility, *A*: State Bar of Calif., *California Attorney Guidelines of Civility and Professionalism*; *G*: American Board of Trial Advocacy (ABOTA), *Civility Matters*; *G*: Evans, et al., *Be civil, and help save our profession*; *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 4").

Clearance rate, *G*: Greacen, *Issues in Criminal Case-Flow Measurement*.

Community Courts, *G*: Lantigua-Williams, J., *When Prison is Not the Answer [etc.]*

Continuances, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Recommendation 2.1, "Reduce Continuances in Criminal Cases;" *F*: Steelman, *Model Continuance Policy*; *G*: Miller, *How Do Court Continuances Influence the Time Children Spend in Foster Care?*

Court resources crisis, *F*: Steelman, D., *We Don't Have Enough Resources to Reduce Court Delay! [etc.]*

Delay reduction and time standards, *A*: Calif. *Standards of Judicial Administration*, Standards 2.1 and 2.2

Effective practices, *B*: Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management: Report [etc.]*;

Efficiency (etc.), *F*: Ostrom, B. and R. Hanson, *Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts* [including Alameda, Sacramento]

Failures to appear, *G*: Bornstein, et al., *Reducing Courts' Failure to Appear Rate [etc.]*

Futures Commission recommendations, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapter Two—Criminal/Traffic Recommendations.

Plea bargaining, *A*: *People v. Clancey*; *C*: Mader et al., *Can This Criminal Case Be Settled?* *F*: Steelman, *Elements of a Successful "Plea Cut-Off" Policy for Criminal Cases*.

Principles of caseflow management, see resources listed in INTRODUCTION, page 1, above (CFM principles listed). See also, Caseflow management in general, in INDEX 2, below.

Reducing court work volume, *F*: Steelman, D., *Reducing Court Work Volume through Caseflow Management*

Settling cases, *A*: *People v. Clancey*; *C*: Mader, et al., *Can This Criminal Case Be Settled?*; *G*: Karnow, *Timing Settlement*; See also, Plea bargaining, above.

Trial, see sub-title TRIALS, below in this INDEX 1.

FAMILY LAW (See also, "CIVIL", above in this INDEX 1):

Access to justice, *G*: Salem, et al. *A Survey of Beliefs and Priorities about Access to Justice of Family Law [etc.]*

Authority for CFM, see Part *A*, above

Case management conferences – timing, *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 2");

Caseflow management – FAMILY, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapter Three; *B*: Elkins Family Law Task Force, *Final Report [etc.]*;

Civility, *A*: State Bar of Calif., *California Attorney Guidelines of Civility and Professionalism*; *G*: Evans, et al., *Be civil, and help save our profession*; *G*: American Board of Trial Advocacy (ABOTA), *Civility Matters*; *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 4").

Concurrent expert testimony, see Expert testimony and Juxtaposed expert testimony, both below in this INDEX 1.

Continuances, *F*: Steelman, D., *Model Continuance Policy*

Costs of litigation, *F*: Hannaford-Agor, *Benefits and Costs of Civil Justice Reform*; *F*: Hannaford-Agor, *Estimating the Cost of Civil Litigation*; *F*: Hannaford-Agor, *Measuring the Cost of Civil Litigation [etc.]*

Court resources crisis, *F*: Steelman, D., *We Don't Have Enough Resources to Reduce Court Delay! [etc.]*

Delay reduction and time standards, *A*: Calif. *Standards of Judicial Administration*, Standards 2.1 and 2.2

Differentiated caseflow management, *B*: Greacen Associates, LLC, *Developing Effective Practices in Family Caseflow Management* ("Principle 6");

Discovery dispute management, *A*: *Clement v. Allegre*

Effective practices, *B*: Elkins Family Law Task Force, *Final Report [etc.]*; *B*: Greacen et al., *Developing Effective Practices in Family Caseflow Management*; *G*: Brostoff, *Putting Effective Judicial Case Management Into Play*

Expert testimony, *G*: Civil Jury Project at NYU School of Law, *Fact Sheet: Back-to-Back Experts*; *G*: Diamond, S.S., *How Jurors Deal With Expert Testimony and How Judges Can Help*; *G*: Edmond, G., *Merton and the Hot Tub [etc.]*; *G*: Thompson, R., *Concurrent Expert Evidence: Hot Tubbing in America? [etc.]*. See also, Juxtaposed expert testimony [JET], below in the FAMILY LAW title of this INDEX 1.

Family law CFM, *B*: American Institutes for Research, *Unified Family Court Evaluation Literature Review*; *B*: Greacen et al., *Developing Effective Practices in Family Caseflow Management*; *F*: Goerdt, J., *Divorce Courts: Case Management Procedures, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions*. SEE ALSO THE FOLLOWING SUBJECTS: Principles of caseflow management; Self-represented litigants

Futures Commission recommendations, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapters One—Civil Recommendations, Recommendation No. 1.2 (Self-Represented Litigants); and Three—Family/Juvenile Recommendations.

Juxtaposed expert testimony [JET], *G*: Brown, *Juxtaposed Expert Testimony: A New Way [etc.]*; *G*: Brown, *Juxtaposed Expert Testimony [JET] [etc.]*

Principles of caseflow management, see resources listed in INTRODUCTION, page 1, above (CFM principles listed); also *F*: Zorza, *Spreading and Adopting Best Practices for Court-Based Programs for the Self-Represented*; *G*: Conference of Chief Justices, Civil Justice Improvements (CJI) Committee, *Call to Action: [etc.]*; *G*: IAALS, *21st Century Civil Justice System: A Roadmap for Reform [etc.]*; *G*: Knowlton, et al., *Working Smarter Not Harder [etc.]*; *G*: Self-Represented Litigation Network, *Principles of Caseflow Management for Access to Justice*. See also, Caseflow management in general, in INDEX 2, below.

Reducing court work volume, *F*: Steelman, D., *Reducing Court Work Volume through Caseflow Management*

Self-represented litigants, see SELF-REPRESENTED LITIGANTS title in this INDEX 1, below.

Settlement conferences, *G*: Kloczko, J., *LA Superior Court Begins Voluntary Settlement Conferences for Family Law Cases*. See also, "Settling cases" immediately below in this INDEX 1.

Settling cases, *G*: Robinson, *An Empirical Study of Settlement Conference Nuts and Bolts [etc.]*; *G*: Robinson, *Opening Pandora's Box: An Empirical Exploration of Judicial Settlement*; *G*: Robinson, *Settlement: An Empirical Documentation of Judicial Settlement Conferences*; *G*: Robinson, *Settlement Conference Judge: Legal Lion or Problem Solving Lamb [etc.]*. See also, Alternative dispute resolution (ADR).

Stipulations, *G*: Martin, *Seven Stipulations to Streamline Your Hearing [etc.—Family Law]*; *G*: Susman, *Trial by Agreement: Agreements for Opposing Counsel*;

Triage, *F*: Salem, P., D. Kulak and R.M. Deutsch, *Triaging Family Court Services [etc.]*

Trial, see sub-title TRIALS, below in this INDEX 1.

JUVENILE:

Authority for CFM, see Part A, above

Civility, *A*: State Bar of Calif., *California Attorney Guidelines of Civility and Professionalism*; *G*: American Board of Trial Advocacy (ABOTA), *Civility Matters*; *G*: Evans, et al., *Be civil, and help save our profession*; *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 4").

Continuances, *F*: Steelman, D., *Model Continuance Policy*; *G*: Miller, *How Do Court Continuances Influence the Time Children Spend in Foster Care?*

Effective practices, *B*: Greacen et al., *Developing Effective Practices in Juvenile Delinquency Caseload Management*;

Futures Commission recommendations, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapter Three—Family/Juvenile Recommendations.

PROBATE (See also, "CIVIL", above in this INDEX 1):

Authority for CFM, see Part A, above

Case management conferences – timing, *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 2");

Civility, *A*: State Bar of Calif., *California Attorney Guidelines of Civility and Professionalism*; *G*: American Board of Trial Advocacy (ABOTA), *Civility Matters*; *G*: Evans, et al., *Be civil, and help save our profession*; *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 4").

Continuances, *F*: Steelman, D., *Model Continuance Policy*

Costs of litigation, *F*: Hannaford-Agor, *Benefits and Costs of Civil Justice Reform*; *F*: Hannaford-Agor, *Estimating the Cost of Civil Litigation*; *F*: Hannaford-Agor, *Measuring the Cost of Civil Litigation* [etc.]

Court resources crisis, *F*: Steelman, D., *We Don't Have Enough Resources to Reduce Court Delay! [etc.]*

Delay reduction and time standards, *A*: Calif. *Standards of Judicial Administration*, Standards 2.1 and 2.2

Discovery dispute management, *A*: *Clement v. Allegre*

Efficiency (etc.), *F*: Steelman, D., *Improving Protective Probate Processes: An Assessment* [etc.]

Reducing court work volume, *F*: Steelman, D., *Reducing Court Work Volume through Caseflow Management*

Self-represented litigants, see SELF-REPRESENTED LITIGANTS title in this INDEX 1, below.

Trial, see TRIALS title in this INDEX 1, below.

SELF-REPRESENTED LITIGANTS:

Access to courts and improving access, *F*: Herman, M., *Increasing Access to Justice for the Self-Represented Through Web Technologies*; *G*: Institute for the Advancement of the American Legal System (IAALS), *Court Compass: Mapping the Future of User Access Through Technology*; *G*: Legal Services Corporation, *Report of the Summit on the Use of Technology to Expand Access to Justice*; *G*: Salem, et al., *A Survey of Beliefs and Priorities about Access to Justice of Family Law* [etc.]; *G*: Self-Represented Litigation Network (SRLN), *Report: Resource Guide on Serving Self-Represented Litigants Remotely*. See also entry "Portals for web access" in this sub-title, below.

Best practices, *B*: State Justice Institute and California Judicial Council, CFCC, *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers*; *F*: Center on Court Access to Justice for All [NCSC], *Caseflow Management and Access Services*; *F*: NCSC, *Best Practices in Court-Based Programs for the Self-Represented* [etc.—two articles "2006" and "2008"]; *F*: Zorza, *Spreading and Adopting Best Practices for Court-Based Programs for the Self-Represented*;

Communication, *B*: Greacen Associates, LLC, *Effectiveness of Courtroom Communication in Hearings Involving Two Self-Represented Litigants* [etc.]; *B*: State Justice Institute et al., *Handling Cases Involving Self-Represented Litigants: A Benchguide* [etc.]

Efficiency, *G*: Juhas et al., *Self-Represented Cases—15 Techniques for Saving Time in Tough Times*

Futures Commission recommendations, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapters One—Civil Recommendations, Recommendation No. 1.2 (Self-Represented Litigants).

Portals for web access, *F*: Clarke, T.M., Ph.D., *Building a Litigant Portal: Business and Technical Requirements*; *G*: Self-Represented Litigation Network (SRLN), *Report: Resource Guide on Serving Self-Represented Litigants Remotely*; *G*: TurboCourt, *How To Solve 5 Challenges Facing California Courts* [etc.]

Principles of CFM, see resources listed in INTRODUCTION, page 1, above (CFM principles listed); also *F*: Zorza, *Spreading and Adopting Best Practices for Court-Based Programs for the Self-Represented*; *G*: Conference of Chief Justices, Civil Justice Improvements (CJI) Committee, *Call to Action*: [etc.]; *G*: IAALS, *21st Century Civil Justice System: A Roadmap for Reform* [etc.]; *G*: Knowlton, et al., *Working Smarter Not Harder* [etc.]; *G*: Self-Represented Litigation Network, *Principles of Caseflow Management for Access to Justice*. See also, Caseflow management in general, in INDEX 2, below.

Research on the self-represented litigant experience, *G*: Knowlton, N.A., et al., *Cases Without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*

Settlement conferences, *G*: Kloczko, J., *LA Superior Court Begins Voluntary Settlement Conferences for Family Law Cases*

Triage, *F*: Salem, P., D. Kulak and R.M. Deutsch, *Triaging Family Court Services [etc.]*

TECHNOLOGY:

Access to courts and improving access, *F*: Herman, M., *Increasing Access to Justice for the Self-Represented Through Web Technologies*; *G*: Institute for the Advancement of the American Legal System (IAALS), *Court Compass: Mapping the Future of User Access Through Technology*; *G*: Legal Services Corporation, *Report of the Summit on the Use of Technology to Expand Access to Justice*; *G*: Self-Represented Litigation Network (SRLN), *Report: Resource Guide on Serving Self-Represented Litigants Remotely*

Artificial intelligence (AI) applications in legal research, *G*: IBM, *ROSS and Watson Tackle the Law*

Court resources crisis, *F*: Steelman, D., *We Don't Have Enough Resources to Reduce Court Delay! [etc.]*

E-filing, *F*: Matthias, *E-Filing Expansion in State, Local and Federal Courts*

Futures Commission recommendations, *B*: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapter Five—Technology Recommendations.

Interactive technology, *F*: Herman, *Increasing Access to Justice for the Self-Represented Through Web Technologies*; *F*: McMillan, et al., *Using Technology to Improve Customer Service—Trends 2007*; *F*: Clarke, *Building a Litigant Portal: Business and Technical Requirements*; *G*: TurboCourt, *How To Solve 5 Challenges Facing California Courts [etc.]*. See also, Remote access to services, immediately below.

Remote access to services, *G*: Self-Represented Litigation Network (SRLN), *Report: Resource Guide on Serving Self-Represented Litigants Remotely*

Superior Court web sites, *B*: Superior Court, Los Angeles, *Tools for Litigators*; *B*: Superior Court, Riverside, *Customer Service Enhancements Implemented for the Public*; *B*: Superior Court, San Diego, *San Diego County Webform Project [etc.]*

Technology adoption, *G*: Sandman, J., *The Technology Revolution, Lawyers, and Courts [etc.]*

Technology as a "disruptive innovation," *F*: Joint Technology Committee (JTC) Resource Bulletin, *Courts Disrupted* (2017), Williamsburg, VA: NCSC.

Technology trends, *F*: NCSC, *Trends in State Courts: Leadership & Technology* (2015)

User friendliness, *F*: Clarke, J.A. et al., *Usability Is Free: Improving Efficiency [etc.]*;

TRIALS:

Calendaring, *D*: Buckley, *Civil Case Management Conferences*; *F*: NCSC Information Service-1998, *Smart Calendaring*

Cell phone interference, *G*: Ward, A.F. et al., *Brain Drain: The Mere Presence of One's Own Smartphone Reduces Available Cognitive Capacity*

Concurrent expert testimony, see Expert testimony and Juxtaposed expert testimony, both below in this INDEX 1.

Continuances, *F*: Steelman, D., *Model Continuance Policy*

Exhibits, *C*: White, et al., *How (Not) To Handle Exhibits*

Expedited, *A*: CCP §§ 630.01-630.30; *A*: Calif. *Rules of Court* §§ 3.1545-3.1553; *F*: NCSC, *California's Expedited Jury Trial Program: Awaiting a Verdict*; *F*: NCSC, *Short, Summary & Expedited: The Evolution of Civil Jury Trials*

Expert testimony, *G*: Civil Jury Project at NYU School of Law, *Fact Sheet: Back-to-Back Experts*; *G*: Diamond, S.S., *How Jurors Deal With Expert Testimony and How Judges Can Help*; *G*: Edmond, G., *Merton and the Hot Tub* [etc.]; *G*: Thompson, R., *Concurrent Expert Evidence: Hot Tubbing in America?* [etc.]. See also, Juxtaposed expert testimony [JET], below in INDEX 2.

Jurors' neurobiological processes, *G*: Ward, A.F. et al., *Brain Drain: The Mere Presence of One's Own Smartphone Reduces Available Cognitive Capacity*

Length, *A*: Calif. *Code of Civil Procedure*, § 437c, subd. (t); *A*: CCP §§ 630.01-630.30; *A*: *California Crane School, Inc. v. National Commission for Certification* [etc.]; *F*: NCSC, *Short, Summary & Expedited: The Evolution of Civil Jury Trials*; *F*: Sipes, et al., *On Trial: The Length of Civil and Criminal Trials*; *G*: American Bar Association, *Principles for Juries & Jury Trials* ("Principle 12") [etc.]; *G*: Brown, *Juxtaposed Expert Testimony* [etc.]; *G*: Civil Jury Project at NYU School of Law, *Fact Sheet: Limiting Length of Trials*; *G*: Imwinkelried, et al., *Document Summaries in Court*; *G*: Kabateck, B. et al., *Just Try It!* [;]; *G*: Kloczko, *Time limits, jury sensitivity discussed to shorten trials*; *G*: Martin, *Seven Stipulations to Streamline Your Hearing* [etc.—Family Law]; *G*: Mattice, *Can We Shorten This Trial?*; *G*: Mattice, *Just Try It – Efficiently!* [;]; *G*: Robinson, et al., *Saving the Civil Jury Trial*; *G*: Robinson, *The Death of the Civil Jury Trial*; *G*: Susman, *Trial by Agreement: Agreements for Opposing Counsel*; *G*: Susman, et al., *Trial by Agreement: How Trial Lawyers Hold the Key* [etc.]

Stipulations, *G*: Susman, *Trial by Agreement: Agreements for Opposing Counsel*; *G*: Susman, et al., *Trial by Agreement: How Trial Lawyers Hold the Key* [etc.]

INDEX 2: General Index

USE NOTE: References *A* through *G* are to the foregoing Parts of this resources guide.

Access to courts and improving access, *F*: Herman, *Increasing Access to Justice for the Self-Represented Through Web Technologies*; *G*: Institute for the Advancement of the American Legal System (IAALS), *Court Compass: Mapping the Future of User Access Through Technology*; *G*: Legal Services Corporation, *Report of the Summit on the Use of Technology to Expand Access to Justice*; *G*: Salem, et al., *A Survey of Beliefs and Priorities about Access*

to Justice of Family Law [etc.]; G: Self-Represented Litigation Network (SRLN), Report: Resource Guide on Serving Self-Represented Litigants Remotely; G: TurboCourt, How To Solve 5 Challenges Facing California Courts [etc.]. See also entry "Portals for web access" under title "Self-Represented Litigants" in INDEX-1, above.

Age of cases, F: NCSC, Caseflow Management Resource Guide; F: NCSC, CourTools® web site

Alternative dispute resolution (ADR), B: Judicial Council, AOC, Evaluation of the Early Mediation Pilot Programs; G: Brazil, Early Neutral Evaluation; G: DeBenedictis, Early Airing of Legal Issues Encouraged in an OC Court [Early Legal Assessment]; G: Shestowsky, The Psychology of Procedural Preference [etc.]. See also, Settling cases, below.

Artificial intelligence (AI) applications in legal research, G: IBM, ROSS and Watson Tackle the Law

Attorneys and CFM, G: Brostoff, T., New Rules Should Foster New Legal Culture; G: Duryee, Hon. L., How Lawyers Can Help Courts Run Effectively. See also, "Civility" in this INDEX 2, below.

Authority for CFM, see all of Part A, above.

Best practices, F: Center on Court Access to Justice for All [NCSC], Caseflow Management and Access Services; F: NCSC, Best Practices in Court-Based Programs for the Self-Represented [etc.—two articles "2006" and "2008"]; F: Zorza, Spreading and Adopting Best Practices for Court-Based Programs for the Self-Represented; G: Knowlton, et al., Working Smarter Not Harder: How Excellent Judges Manage Cases. See also, Effective practices, in INDEX 2, below.

Case management conferences – conduct, A: Calif. Rules of Court: §§ 3.700-3.771 (civil case management, see especially 3.722, 3.727, 3.728, 3.750, 3.762); §§ 4.110-4.115 (criminal case management, see especially 4.112); See also, Family law, below.

Case management conferences – timing, G: Knowlton, et al., Working Smarter Not Harder: How Excellent Judges Manage Cases ("Theme 2");

Case packaging (coordinating multiple criminal cases), B: Garofalo, The Impact of Coordinating Multiple Criminal Cases...Orange County [etc.]

Caseflow management – cost of, F: Steelman, D., Reducing Court Work Volume through Caseflow Management; F: Steelman, D., We Don't Have Enough Resources to Reduce Court Delay! [etc.]

Caseflow management – in general, see resources listed in Introduction (CFM principles listed); also F: Mahoney, et al., How to Conduct a Caseflow Management Review [etc.]; F: NCSC, Key Events in the Evolution of State Court Caseflow Management; F: Sammon, Fundamental Issues of Caseflow Management; F: Steelman, Improving Caseflow Management: A Brief Guide; F: Steelman, et al., Caseflow Management: The Heart of Court Management [etc.]; G: Dressel, Court Organization and Effective Caseflow Management: Time to Redefine; G: IAALS, 21st Century Civil Justice System: A Roadmap for Reform [etc.]; G: Knowlton, et al., Working Smarter Not Harder [etc.]; G: National Judicial College, Caseflow Management Summit Report; G: National Judicial College, Fair, Timely, Economical Justice: Achieving Justice [etc.]; G: Solomon, Conducting A Felony Caseflow Management Review: A Practical Guide; G: Solomon, Improving Criminal Caseflow. SEE ALSO THE

FOLLOWING SUBJECTS IN THIS INDEX 2: Age of cases; Authority for CFM; Caseflow management – cost of; Clearance rate; Continuances; Effective practices; Interpreters; Paperless courts; Principles of caseflow management; Self-represented litigants; Settling cases; Time to disposition; Trials (3 sub-sets of entries); Work volume.

Caseload data, see Data, below

Cell phone interference, *G*: Ward, A.F. et al., *Brain Drain: The Mere Presence of One's Own Smartphone Reduces Available Cognitive Capacity*

Civility, *A*: State Bar of Calif., *California Attorney Guidelines of Civility and Professionalism*; *G*: American Board of Trial Advocacy (ABOTA), *Civility Matters*; *G*: Evans, et al., *Be civil, and help save our profession*; *G*: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases* ("Theme 4").

Clearance rate, *G*: Greacen, *Issues in Criminal Case-Flow Measurement*. See also, Data, below

Community Courts, *G*: Lantigua-Williams, J., *When Prison is Not the Answer [etc.]*

Complex civil litigation, *A*: California AOC, *Deskbook on the Management of Complex Civil Litigation*; *G*: Knowlton, N.A. and R.P. Holme, *Working Smarter Not Harder: How Excellent Judges Manage Cases*; *G*: National Judicial College, *Resource Guide for Managing Complex Litigation*. See also sub-title COMPLEX CIVIL in INDEX 1, above.

Concurrent expert testimony, see Expert testimony and Juxtaposed expert testimony, both below in this INDEX 2.

Continuances, *F*: Steelman, *Model Continuance Policy*; *G*: Jacoby, et al., *Some Costs of Continuances: A Multi-Jurisdictional Study*; *G*: Miller, *How Do Court Continuances Influence the Time Children Spend in Foster Care?*

Costs of litigation, *F*: Hannaford-Agor, *Benefits and Costs of Civil Justice Reform*; *F*: Hannaford-Agor, *Estimating the Cost of Civil Litigation*; *F*: Hannaford-Agor, *Measuring the Cost of Civil Litigation [etc.]*

Court resources crisis, *F*: Steelman, D., *We Don't Have Enough Resources to Reduce Court Delay! [etc.]*

Customer service efficiency, *B*: Superior Court, Riverside, *Customer Service Enhancements Implemented for the Public*

Data, *B*: California Courts, *2013 Court Statistics Report*; *F*: NCSC, *CourTools®*; NCSC, *State Court Guide to Statistical Reporting*, ver. 1.3; NCSC et al., *Court Statistics Project*. See also, Clearance rate, above

Delay reduction and time standards, *A*: Calif. *Standards of Judicial Administration*, Standards 2.1 and 2.2

Differentiated caseflow management, *G*: Salem, et al., *A Survey of Beliefs and Priorities about Access to Justice of Family Law: The Search for a Multidisciplinary Perspective*.

Discovery dispute management, *A*: *Clement v. Allegre*

Document Management, *G*: Imwinkelried, E.J., et al., *Document Summaries in Court*;

Early mediation, see Alternative dispute resolution, above

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