

**CASEFLOW MANAGEMENT  
RESOURCES GUIDE FOR  
CALIFORNIA JUDGES  
ABRIDGED EDITION**

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

© 2018

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

# CASEFLOW MANAGEMENT RESOURCES GUIDE FOR CALIFORNIA JUDGES

© 2018 by Judge Michael Mattice, Superior Court of California, County of Solano<sup>1</sup>

## **TABLE OF CONTENTS**

INTRODUCTION: Defining Caseflow Management; Using this Guide . . . . .	1
PART A: Authority for CFM in California Trial Courts . . . . .	2
PART B: California Judicial Council, and Courts—For Public Use . . . . .	4
PART C: California Judges Association (“CJA”) . . . . .	5
PART D: [Omitted from this abridged version; contains proprietary information]. . .	6
PART E: [Omitted from this abridged version; contains proprietary information] . . .	6
PART F: National Center for State Courts (“NCSC”) . . . . .	6
PART G: Other Resources and Publications . . . . .	11
INDEX 1: “Law Fields and Specific Issues” Index: Civil; Complex; Criminal; Family; Juvenile; Probate; Self-Represented Litigants; Technology; Trials . . . . .	19
INDEX 2: General Index . . . . .	31

## **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 three 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 19; and INDEX 2, the “General Index” starting on page 31.

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 three “*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.

---

<sup>1</sup> Last revised 7/18/2018. The California Judicial Council and its staff, CJER, the California Judges’ Association, the IAALS, the National Judicial College, the NCSC, and the NYU Civil Jury Project are all hereby authorized to reproduce, electronically distribute, or otherwise use this document in any way any of them sees fit to support judicial education and to further 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 of case and summary adjudication of claims or defenses).
- § 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 in limited civil cases).
- §§ 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).
- See also, Standards 2.10-2.11 (interpreters); 10.17 (trial court performance standards).

*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).

*Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1281-1291 (courts’ expectations re effective meeting and conferring among counsel, in order to manage discovery disputes).

*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).

*People v. Clancey* (2013) 56 Cal.4th 562 (limitations on judicial powers in plea bargaining).

*Seykora v. Superior Court* (1991) 232 Cal.App.3d 1075, 1080 (fn. 3), and *People v. Tabb* (1991) 228 Cal.App.3d 1300, 1310 (CCP § 177.5 sanctions apply in criminal cases).

*Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th 953, 967 (judicial powers to control litigation processes, limitations on powers, application to asbestosis liability theories).

State Bar of Calif., *California Attorney Guidelines of Civility and Professionalism* (2007). <http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Ethics/Attorney-Civility-and-Professionalism>, select link (live here) [Attorney Guidelines of Civility and Professionalism \(Civility Toolbox\)](#).

Calif. AOC, *Deskbook on the Management of Complex Civil Litigation* (2012), Danvers, MA: Matthew Bender & Company, Inc. (LexisNexis), ISBN's: 978-0-8205-4391-8 (print version), 978-1-5791-1190-8 (e-book version). (Ideas for "complex" cases per CRC Rule 3.400; many of the ideas can also be used in other "big" cases. Available from LexisNexis at no cost to California judges; contact Andrew Watry, Esq., [Andrew.Watry@lexisnexis.com](mailto:Andrew.Watry@lexisnexis.com) or (415) 908-3268, or [cal.custquest@bender.com](mailto:cal.custquest@bender.com) or (800) 424-0651, ext. 3268.)

## **PART B: California Judicial Council, and Courts—For Public Use**

American Institutes for Research, *Unified Family Court Evaluation Literature Review* (2002), prepared for the California Judicial Council, Center for Families, Children and the Courts ("CFCC"). <http://www.courts.ca.gov/documents/ufclitreview.pdf>

California Courts, *2017 Court Statistics Report: Statewide Caseload Trends, 2006-2007 Through 2015-2016*. Annual report of statistical information and trends in all California courts, with older volumes back to 1998. <http://www.courts.ca.gov/13421.htm>

Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice* (2017). Includes many suggestions for "...practical ways to more effectively adjudicate cases, achieve greater fiscal stability for the branch, and use technology to enhance the public's access to its courts," many of which are immediately functional CFM techniques that are available today, in Civil, Criminal/Traffic, Family/Juvenile, Fiscal/Court Administration, and Technology fields. <http://www.courts.ca.gov/futurescommission.htm>

Elkins Family Law Task Force, *Final Report and Recommendations* ("Elkins Report," 2010). Includes many suggestions for "efficient and effective procedures" in family law cases, "to help ensure justice, fairness, due process, and safety." [www.courts.ca.gov/documents/elkins-finalreport.pdf](http://www.courts.ca.gov/documents/elkins-finalreport.pdf)

Garofalo, C., *The Impact of Coordinating Multiple Criminal Cases in the Multiple Court Sites of the Orange County [California] Superior Court* (2011), Institute for Court Management, Court Executive Development Program, Williamsburg, VA: NCSC. (Article on "case packaging.") <http://www.ncsc.org/~media/files/pdf/education%20and%20careers/cedp%20papers/2011/coordinating%20multiple%20criminal%20cases%20in%20multiple%20court%20sites.ashx>

Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management* (Rev. Ed. 2012), a manual prepared for the California Judicial Council. <http://www.courts.ca.gov/documents/ocr-crim-caseflow.pdf>, or <http://www.courts.ca.gov/7804.htm> and select from list.

Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management: Standard Criminal Caseflow Management Reports* (7th Draft, 2007), a manual prepared for the California Judicial Council. <http://www.courts.ca.gov/documents/ocr-crim-standReports.pdf>, or <http://www.courts.ca.gov/7804.htm> and select from list.

Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management: Report on Project Workshops and Recommendations* (2005), prepared for the California Judicial Council. <http://www.courts.ca.gov/documents/feltrial-rfp-supfinalreport.pdf>

Greacen Associates, LLC, *Developing Effective Practices in Family Caseflow Management* (2005), a manual prepared for the California Judicial Council and CFCC. [http://www.courts.ca.gov/partners/documents/FL\\_Caseflow\\_Mgmt\\_Manual.pdf](http://www.courts.ca.gov/partners/documents/FL_Caseflow_Mgmt_Manual.pdf)

Greacen Associates, LLC, *Developing Effective Practices in Juvenile Delinquency Caseflow Management* (2006), a manual prepared for the California Judicial Council, CFCC.  
<http://www.courts.ca.gov/documents/DevelopingEffective--JDCM.pdf>

Greacen Associates, LLC, *Effectiveness of Courtroom Communication in Hearings Involving Two Self-Represented Litigants: An Exploratory Study* (2008), prepared on behalf of the Self-Represented Litigation Network. © National Center for State Courts.  
<http://www.courts.ca.gov/partners/documents/effectiveness.pdf>

Judicial Council of California, Administrative Office of the Courts, *Evaluation of the Early Mediation Pilot Programs* (2004), report pursuant to CCP § 1742 (Stats. 1999, Chap. 67, Sec. 4 (A.B. 1105)). <http://www.courts.ca.gov/documents/empprept.pdf>

Juhas, Hon. M., Chase, D., Ph.D., Farole, D., and Greacen, J., *Beyond the Bench XXII: Family Law Resource Guidelines* (2013), <http://www.courts.ca.gov/24137.htm> (at bottom of page).

*Marital Settlement Agreement, California Courts draft form.* Useful draft for courts to use in referring self-represented litigants toward resources to encourage case resolution.  
[www.courts.ca.gov/partners/documents/marital\\_settlement\\_agreement.doc](http://www.courts.ca.gov/partners/documents/marital_settlement_agreement.doc)

National Center for State Courts, *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys* (2005), commissioned on behalf of the Judicial Council of California.  
[http://www.courts.ca.gov/xbcr/cc/4\\_37pubtrust1.pdf](http://www.courts.ca.gov/xbcr/cc/4_37pubtrust1.pdf)

State Justice Institute and California Judicial Council, CFCC, *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers* (2007), Washington, DC: National Legal Aid & Defender Assoc. (NLADA).  
[http://www.courts.ca.gov/documents/benchguide\\_self\\_rep\\_litigants.pdf](http://www.courts.ca.gov/documents/benchguide_self_rep_litigants.pdf)

Superior Court, Los Angeles, *Tools for Litigators* web site. Resources and forms for judicial officers and attorneys, including model protective orders and Voluntary Efficient Litigation Stipulations ("VELS program"). <http://www.lacourt.org/division/civil/CI0037.aspx>

Superior Court, San Diego, *San Diego County Webform Project – a no cost solution* (2014). Describes interactive internet webform for advising Civil and Family Law courts when parties have stipulated so as to moot a hearing, or agreed to continue it, early enough to avoid unnecessary judicial and staff work. [http://www.courts.ca.gov/documents/SanDiego-FormNotifications-ProblemDescription\\_ikc.pdf](http://www.courts.ca.gov/documents/SanDiego-FormNotifications-ProblemDescription_ikc.pdf). For examples, see [Notification of Continuance Request / Settlement](#), or search exactly that term at [www.sandiego.courts.ca.gov](http://www.sandiego.courts.ca.gov).

## **PART C: California Judges Association ("CJA")**

Mader, Hon. K. and Hon. H. Goldberg, *Can This Criminal Case Be Settled?* (2012), in *The Bench* (Vol. 52 No. 1, Spring 2012), pp. 7-8, Sacramento, CA: CJA; follow contact instructions at <http://www.caljudges.org/bench.asp>.

White, Hon. K.M. and Hon. D.P. Maguire, *How (Not) To Handle Exhibits*, (2014), in *The Bench* (Vol. 54 No. 1, Winter 2014, pp. 20-21, Sacramento, CA: CJA; follow contact instructions at <http://www.caljudges.org/bench.asp>. Also in *Daily Journal* (S.F.), May 23, 2013 (Editorial ID: 929107), p. 5, <https://www.dailyjournal.com/articles/321406>, ("Search" tab; then the Editorial ID number in the "ALL the words" box is the only entry needed to find the article).

## **PART D:**

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

## **PART E:**

[Omitted from this abridged version 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](http://www.ncsc.org) or to <http://nscsirsirsi.net/uhtbin/cgiisirsirsi/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.

Center on Court Access to Justice for All [NCSC], *Caseflow Management and Access Services*, web site about using CFM to enhance access for self-represented litigants.

<http://www.ncsc.org/microsites/access-to-justice/home/Topics/Caseflow-Management-and-Access-Services.aspx>

Church, T., A. Carlson, J-L. Lee and T. Tan, *Justice Delayed: The Pace of Litigation in Urban Trial Courts* (1978), Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/0>. Executive summary: <https://www.ncjrs.gov/pdffiles1/Digitization/51949NCJRS.pdf>

Clarke, J.A. and B.D. Borys, *Usability Is Free: Improving Efficiency by Making the Court More User Friendly* (2011; Los Angeles Superior Court), Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/1844/rec/6>

Clarke, T.M., Ph.D., *Building a Litigant Portal: Business and Technical Requirements* (2015), Williamsburg, VA: NCSC, in association with State Justice Institute.

<http://ncsc.contentdm.oclc.org/cdm/singleitem/collection/accessfair/id/375/rec/1>

Conference of Chief Justices. See entries under this title in Part G, below.

Dodge, H. and K. Pankey, *Case Processing Time Standards in State Courts, 2002-03* (2003), Knowledge and Information Services, NCSC, Williamsburg, VA.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/985>

Flango, V.E., *Problem-Solving Courts Under a Different Lens* (2007), in C.R. Flango, C. Campbell, and N. Kauder, *Future Trends in State Courts 2007*, pp. 41-45, Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/980/rec/3>

Garofalo, C., *The Impact of Coordinating Multiple Criminal Cases in the Multiple Court Sites of the Orange County [California] Superior Court* (2011), see complete entry in Part B, above.

Goerdts, J., *Divorce Courts: Case Management Procedures, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions* (1992), Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/famct/id/4>

Goerdts, J., C. Lomvardias and G. Gallas, *Reexamining the Pace of Litigation in 39 Urban Trial Courts* (1991), Williamsburg, VA: NCSC, in association with U.S. Dept. of Justice, Bureau of Justice Assistance.

<https://www.ncjrs.gov/pdffiles1/Digitization/134609NCJRS.pdf>

Greacen, J., *The Court Administrator's Perspective: Performance Measurement—A Success Story in New Jersey* (2007), in C.R. Flango, C. Campbell, and N. Kauder (eds.), *Future Trends in State Courts 2007*, pp. 93-100, Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/980/rec/3>

Griller, G., D. Steelman, L. Webster, E. Friess and O. Sudoma, *Innovations and Efficiency Study: City of Phoenix Justice System* (2012), Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/1995>

Hall, D. and L. Suskin, *Reengineering Lessons from the Field* (2010), Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1625>

Hannaford-Agor, P., *Benefits and Costs of Civil Justice Reform* (2016), Williamsburg, VA: NCSC. <http://nsc.sirsi.net/uhtbin/cgisirsi/?ps=IuuBBFzRGI/0/69670011/9>; or

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/civil/id/136>.

Hannaford-Agor, P. and N.L. Waters, *Estimating the Cost of Civil Litigation* (2013), in *Caseload Highlights*, Vol. 20, No. 1, Jan. 2013, pp. 1-8. Williamsburg, VA: NCSC.

[http://www.courtstatistics.org/~media/Microsites/Files/CSP/DATA%20PDF/CSPH\\_online2.ashx](http://www.courtstatistics.org/~media/Microsites/Files/CSP/DATA%20PDF/CSPH_online2.ashx).

See related charts "Hours Expended by Attorneys, Paralegals and Expert Witnesses...",

[http://www.ncsc.org/~media/Microsites/Files/CSP/DATA%20PDF/csph\\_2013\\_tablesv1.ashx](http://www.ncsc.org/~media/Microsites/Files/CSP/DATA%20PDF/csph_2013_tablesv1.ashx)

Hannaford-Agor, P., *Measuring the Cost of Civil Litigation: Findings from a Survey of Trial Lawyers* (2013), in *ABOTA's Voir Dire*, Spring, 2013, pp. 22-28; Williamsburg, VA: NCSC.

[www.ncsc.org/~media/Microsites/Files/Civil%20Justice/Measuring%20the%20cost%20of%20civil%20litigation.ashx](http://www.ncsc.org/~media/Microsites/Files/Civil%20Justice/Measuring%20the%20cost%20of%20civil%20litigation.ashx)

Herman, M., *Increasing Access to Justice for the Self-Represented Through Web Technologies* (2007), in C.R. Flango, C. Campbell and N. Kauder (eds.), *Future Trends in State Courts 2007*, pp. 29-33, Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/980/rec/3>; or

[http://www.srln.org/system/files/attachments/Increasing Access to Justice for the Self-Represented Through Web Technologies.pdf](http://www.srln.org/system/files/attachments/Increasing%20Access%20to%20Justice%20for%20the%20Self-Represented%20Through%20Web%20Technologies.pdf)

Hewitt, W., G. Gallas and B. Mahoney, *Courts That Succeed: Six Profiles of Successful Courts* (1990), Williamsburg, VA: NCSC. ISBN: 0-89656-102-X.

<http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/10/rec/17>

Joint Technology Committee (JTC) Resource Bulletin, *Courts Disrupted* (2017), Williamsburg, VA: NCSC. [www.ncsc.org/About-us/Committees/Joint-Technology-Committee/Publications-and-Webinars.aspx](http://www.ncsc.org/About-us/Committees/Joint-Technology-Committee/Publications-and-Webinars.aspx), select Bulletin of choice, or

[http://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/Courts%20Disrupted\\_final\\_5-9-2017.ashx](http://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/Courts%20Disrupted_final_5-9-2017.ashx)

Joint Technology Committee (JTC) Resource Bulletin, *ODR [Online Dispute Resolution] for Courts* (Ver. 2.0, 2017), Williamsburg, VA: NCSC. <http://www.ncsc.org/About-us/Committees/Joint-Technology-Committee/Publications-and-Webinars.aspx>, select Bulletin of choice, or

[www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/2017-12-18%20ODR%20for%20courts%20v2%20final.ashx](http://www.ncsc.org/~media/Files/PDF/About%20Us/Committees/JTC/JTC%20Resource%20Bulletins/2017-12-18%20ODR%20for%20courts%20v2%20final.ashx)

///



Joint Technology Committee (JTC) Resource Bulletin, *Responding to a Cyberattack* (2016), Williamsburg, VA: NCSC. <http://www.ncsc.org/About-us/Committees/Joint-Technology-Committee/Publications-and-Webinars.aspx>, select Bulletin of choice, or [www.ncsc.org/~media/files/pdf/about%20us/committees/jtc/jtc%20resource%20bulletins/responding%20to%20cyber%20attack%202-26-2016%20final.ashx](http://www.ncsc.org/~media/files/pdf/about%20us/committees/jtc/jtc%20resource%20bulletins/responding%20to%20cyber%20attack%202-26-2016%20final.ashx)

Mahoney, B., A. Aikman, P. Casey, V. Flango, G. Gallas, T. Henderson, J. Ito, D. Steelman and S. Weller, *Changing Times in Trial Courts: Caseflow Management and Delay Reduction in Urban Trial Courts* (1988), Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/7>

Mahoney, B., H. Bakke, A. Bonacci-Miller, N.C. Maron and M. Solomon, *How to Conduct a Caseflow Management Review: A Guide for Practitioners* (1994), Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/60>

Matthias, J.T., *E-Filing Expansion in State, Local and Federal Courts 2007* (2007), in C.R. Flango, C. Campbell and N. Kauder (eds.), *Future Trends in State Courts 2007*, pp. 23-25, Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/980/rec/3>

McMillan, J.E., *Using Technology to Improve Customer Service—Trends 2007* (2007), in C.R. Flango, C. Campbell and N. Kauder (eds.), *Future Trends in State Courts 2007*, pp. 23-25, Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/980/rec/3>

Mize, Hon. G.E., P. Hannaford-Agor and N.L. Waters Ph.D., *The State-Of-The-States Survey of Jury Improvement Efforts: A Compendium Report* (2007), Williamsburg, VA: NCSC Center for Jury Studies. <http://www.ncsc-jurystudies.org/~media/Microsites/Files/CJS/SOS/SOSCompendiumFinal.ashx>

NCSC, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes and Issues for Exploration* (2006), Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/accessfair/id/329/rec/3>

NCSC, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources* (2008), Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/accessfair/id/328/rec/4>

NCSC, *California's Expedited Jury Trial Program: Awaiting a Verdict*, in *Short, Summary & Expedited: The Evolution of Civil Jury Trials* (2012), pp. 68-81 (.PDF pp. 74/96-87/96). [www.ncsc.org/SJT/](http://www.ncsc.org/SJT/)

NCSC, *Caseflow Management Resource Guide*, a well-organized list of articles and publications in multiple disciplines of law: <http://www.ncsc.org/Topics/Court-Management/Caseflow-Management/Resource-Guide.aspx>

NCSC, *CourTools®* web site: <http://www.courttools.org/>

NCSC, *Key Events in the Evolution of State Court Caseflow Management* (2010), <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1281>

NCSC, *Short, Summary & Expedited: The Evolution of Civil Jury Trials* (2012), Williamsburg, VA: NCSC.

<http://www.ncsc.org/~media/Files/PDF/Information%20and%20Resources/Civil%20cover%20sheets/ShortSummaryExpedited-online%20rev.ashx>

NCSC, *State Court Guide to Statistical Reporting, ver. 1.3* (2009).

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1472>.

NCSC, *Trends in State Courts: Leadership & Technology* (2015), Williamsburg, VA: NCSC. Numerous articles concerning technology.

<http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/2117/rec/8>

NCSC and Conference of State Court Administrators, *Court Statistics Project* web site:

<http://www.courtstatistics.org/>

NCSC and Justice at Stake, *Funding Justice: Strategies and Messages for Restoring Court Funding* (2012), [http://www.ncsc.org/information-and-resources/budget-resource-center/analysis\\_strategy/funding-justice.aspx](http://www.ncsc.org/information-and-resources/budget-resource-center/analysis_strategy/funding-justice.aspx), select "Download the Report."

NCSC Information Service-1998, *Smart Calendaring*, in Report on Trends in the State Courts, 1997-1998 Ed. (1998), pp. 11-12 (.PDF pp. 21/70-22/70), Williamsburg, VA: NCSC.

<http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/430>

Ostrom, B. and R. Hanson, *Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts* (1999), (includes Alameda and Sacramento courts), Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/409>

Sammon, M., *Fundamental Issues of Caseflow Management* (2008), Institute for Court Management, an e-Learning web course. <https://courses.ncsc.org/course/caseflow>

Sipes, D., M. Oram, M. Thornton, D. Valluzzi and R. Duizend, *On Trial: The Length of Civil and Criminal Trials* (1988), Williamsburg, VA: NCSC. ISBN: 0896560864.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/40>

Steelman, D., with J. Goerdts and J. McMillan, *Caseflow Management: The Heart of Court Management in the New Millennium* (Rev. Ed., 2004), Williamsburg, VA: NCSC. ISBN: 0896562352.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1498>

Steelman, D., *Elements of a Successful "Plea Cut-Off" Policy for Criminal Cases* (2008), Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1253>

Steelman, D., *Improving Caseflow Management: A Brief Guide* (Rev. Ed., 2008), Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1022>

Steelman, D., *Improving Protective Probate Processes: An Assessment of Guardianship and Conservatorship Procedures in the Probate and Mental Health Department of the Maricopa County Superior Court* (2011), Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/spcts/id/226>

Steelman, D., *Model Continuance Policy* (2009), Williamsburg, VA: NCSC.

<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1484>

Steelman, D., *Reducing Court Work Volume through Caseflow Management* (2009), Williamsburg, VA: NCSC.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1485>

Steelman, D., *We Don't Have Enough Resources to Reduce Court Delay!: Caseflow Management as a Tool to Provide High Quality Justice that is Affordable as well as Prompt* (2011) Williamsburg, VA: NCSC.  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1932>

Waters, N.L., Ph.D., *Does Jury Size Matter? A Review of the Literature* (2004), Williamsburg, VA: NCSC. <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/juries/id/68>

Zorza, R., *Spreading and Adopting Best Practices for Court-Based Programs for the Self-Represented* (2007), in C.R. Flango, C. Campbell and N. Kauder (eds.), *Future Trends in State Courts 2007*, pp. 81-83, Williamsburg, VA: NCSC.  
<http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/ctadmin/id/980/rec/3>

## **PART G: Other Resources and Publications**

AbacusNext, *Cybersecurity 101: How Law Firms Can Prevent and Respond to Ransomware Attacks* (2017), in ABA Journal Weekly Newsletter, Dec. 1, 2017, Chicago, IL: ABA. (Brief, well-footnoted description of ransomware issue; useful for other entities beyond law firms.)  
[https://www.abacusnext.com/sites/default/files/abacusnext-whitepaper-cybersecurity\\_101.pdf](https://www.abacusnext.com/sites/default/files/abacusnext-whitepaper-cybersecurity_101.pdf)

Ambrogi, R., *The Legal Profession's Resistance to Evidence in Addressing Access to Justice* (2017). <http://abovethelaw.com/2017/04/the-legal-professions-resistance-to-evidence-in-addressing-access-to-justice/>

American Bar Association, *Principles for Juries & Jury Trials* ("Principle 12" re "Conducting a Jury Trial") (Rev. 2016), Chicago, IL: ABA.  
[www.americanbar.org/groups/judicial/american\\_jury.html](http://www.americanbar.org/groups/judicial/american_jury.html), under "Jury Principles" select "Download the Principles" (2016 version), and/or "Download the Principles with Commentary" (2005 version)

American Board of Trial Advocacy (ABOTA), *Civility Matters* (2015), Dallas, TX: ABOTA Foundation. <https://www.abota.org/index.cfm?pg=ProfEthicsCivility>, select "download" link [Civility Matters Magazine: Why Civility and Why Now?](https://www.abota.org/index.cfm?pg=ProfEthicsCivility)

Bornstein, B.H., A.J. Tomkins and E.M. Neeley, *Reducing Courts' Failure to Appear Rate: A Procedural Justice Approach* (2011), Rockville, MD: National Criminal Justice Reference Service (NCJRS) NJC 234370. <https://www.ncjrs.gov/pdffiles1/nij/grants/234370.pdf>

Brazil, Hon. W.D., *Early Neutral Evaluation* (2012), ISBN 978-1-61438-314-7. Chicago, IL, American Bar Association.

Brostoff, T., *Case Management: It's In Your Own Interest* (2016), in Bloomberg BNA News, March 2, 2016. <http://www.bna.com/case-managementits-own-n57982068045/>

Brostoff, T., *New Rules Should Foster New Legal Culture* (2016), in Bloomberg BNA News, March 2, 2016. <http://www.bna.com/new-rules-foster-n57982068048/>

Brostoff, T., *Putting Effective Judicial Case Management Into Play* (2016), in Bloomberg BNA News, March 2, 2016. <http://www.bna.com/putting-effective-judicial-n57982068046/>

Brown, Hon. R.S., *Juxtaposed Expert Testimony: A New Way to Hear from the Experts* (2012), in Forum, Vol. 42, No. 6, Nov./Dec. 2012, pp. 12-15, Sacramento, CA: CAOC. <http://jet-trials.org/>, select "Juxtaposed Expert Testimony," or see <http://jet-trials.org/juxtaposed-expert-testimony-2/>

Civil Jury Project at NYU School of Law, *Fact Sheet: Back-to-Back Experts* (2016), at Project's web site <http://civiljuryproject.law.nyu.edu/>, select "Research", then "Trial Innovations." <http://civiljuryproject.law.nyu.edu/wp-content/uploads/2016/10/Exh-2-Back-to-Back-Experts-Fact-Sheet-4.10.16.pdf>

Civil Jury Project at NYU School of Law, *Fact Sheet: Limiting Length of Trials* (2016), at Project's web site <http://civiljuryproject.law.nyu.edu/>, select "Research", then "Trial Innovations." <http://civiljuryproject.law.nyu.edu/wp-content/uploads/2016/10/Exh.-2-Juror-Fact-Sheet-Time-Limits.pdf>

Conference of Chief Justices, *Caseflow Management* [resources list], in *Conference of Chief Justices Library* <http://ccj.ncsc.org/Civil/Resources/Library.aspx>, find sub-title "Caseflow Management," select links of interest.

Conference of Chief Justices, Civil Justice Improvements (CJI) Committee, *Call to Action: Achieving Civil Justice for All* (2016), Williamsburg, VA: NCSC. (Includes CFM principles.) <http://www.ncsc.org/~media/microsites/files/civil-justice/ncsc-cji-executivesummary-web.ashx>, and <http://www.ncsc.org/~media/microsites/files/civil-justice/ncsc-cji-report-web.ashx>; or <http://iaals.du.edu/sites/default/files/documents/publications/cji-report.pdf>.

DeBenedictis, D.J., *Early Airing of Legal Issues Encouraged in an OC Court* (2014), in Daily Journal (S.F.), Jan. 28, 2014, (Editorial ID: 933269), p. 1. <http://www.dailyjournal.com/subscriber/SubMain.cfm> ("Search" tab, enter Editorial ID no.)

Deloitte Access Economics, *Digital Government Transformation* (2015). In Australia, phone transactions with government cost about 16 times what online ones cost; postal transactions about 32 times; and face-to-face about 42 times. Study commissioned by Adobe Systems, Sydney, Australia. <https://www2.deloitte.com/au/en/pages/economics/articles/digital-government-transformation.html>, or <https://www2.deloitte.com/content/dam/Deloitte/au/Documents/Economics/deloitte-au-economics-digital-government-transformation-230715.pdf>

Diamond, S.S., *How Jurors Deal With Expert Testimony and How Judges Can Help* (2008), in Journal of Law and Policy, Vol. 16, Issue 1, Article 4, pp. 47-67, Brooklyn, NY: Brooklyn Law School. <http://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1164&context=jlpl>

Duryee, Hon. L., *How Lawyers Can Help Courts Run Effectively* (2014), in Daily Journal (S.F.), Apr. 25, 2014 (Editorial ID: 934801), Verdicts & Settlements p. 2. <http://www.dailyjournal.com/subscriber/SubMain.cfm> ("Search" tab, enter Editorial ID no.)

Dressel, Hon. W.F., *Court Organization and Effective Caseflow Management: Time to Redefine* (2010), National Judicial College in association with U.S. Dept. of Justice, Bureau of Justice Assistance. <http://www.judges.org/pdf/Time%20to%20Redefine.pdf>

Edmond, G., *Merton and the Hot Tub: Scientific Conventions and Expert Evidence in Australian Civil Procedure* (2009) 72 *Law and Contemporary Problems* 159-190 (Winter 2009), Durham, NC: Duke University School of Law. (Critical evaluation of concurrent expert testimony.) <http://scholarship.law.duke.edu/lcp/vol72/iss1/9>

Evans, J.R., S. Klevens and S.Y. Badawi, *Be Civil, and Help Save our Profession* (2014), in *Daily Journal* (S.F.) Aug. 22, 2014 (Editorial ID: 936806), p. 1.  
<http://www.dailyjournal.com/subscriber/SubMain.cfm> ("Search" tab, enter Editorial ID no.)

Gramckow, H.P. and V. Nussenblatt, *Caseflow Management: Key Principles and the Systems to Support Them* (2013) World Bank, Justice Reform Practice Group, Washington, DC.  
<https://openknowledge.worldbank.org/bitstream/handle/10986/16676/811210NWP0Case0Box0379828B00PUBLIC0.pdf?sequence=1&isAllowed=y>

Greacen, J.M., *Issues in Criminal Case-Flow Measurement* (2006), in *Judges Journal*, Vol. 45 No. 2, Winter 2006, pp. 38-40, 47, Chicago, IL: ABA.  
[http://www.americanbar.org/content/dam/aba/publications/judges\\_journal/2006win\\_jj.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/judges_journal/2006win_jj.authcheckdam.pdf)

Hannaford-Agor, P., *Jury System Management in the 21st Century: A Perfect Storm of Fiscal Necessity and Technological Opportunity*, (2016), in *The Improvement of the Administration of Justice* (2016), pp. 505-518. American Bar Assoc., Chicago, IL, ISBN 9781634254908. Describes nexus among vanishing jury trials, diminishing court resources, jury management technology, jurors, and the web. [www.ShopABA.org](http://www.ShopABA.org).

Hawken, A., Ph.D., *HOPE for Probation: How Hawaii Improved Behavior with High-Probability, Low-Severity Sanctions* (2010), in *The Journal of Global Drug Policy and Practice*, Vol. 4, No. 3, Fall 2010. <http://www.globaldrugpolicy.org/previous.html> and search for title; or [www.globaldrugpolicy.org/Issues/Vol%204%20Issue%203/Hope%20for%20Probation.pdf](http://www.globaldrugpolicy.org/Issues/Vol%204%20Issue%203/Hope%20for%20Probation.pdf)

Hoffman, R.B. and B. Mahoney, *Managing Caseflow in State Intermediate Appellate Courts: What Mechanisms, Practices, and Procedures Can Work to Reduce Delay?* (2002), in *Indiana Law Review*, Vol. 35, pp. 467-555, Indianapolis, IN: Indiana University, Robert H. McKinney School of Law. <https://mckinneylaw.iu.edu/ilr/pdf/vol35p467.pdf>

Holmquist, J.P., *Does Jury Size Still Matter? An Open Question* (2010), in *The Jury Expert*, Vol. 22, Issue 3, May 2010, pp. 51-59, Hunt Valley, MD: American Society of Trial Consultants. <http://www.thejuryexpert.com/2010/05/does-jury-size-still-matter-an-open-question/>; or [www.thejuryexpert.com/full-issue-download-archive/](http://www.thejuryexpert.com/full-issue-download-archive/)

Howe, W.J. III, and J.E. Hall, *Oregon's Informal Domestic Relations Trial [IDRT]: A New Tool to Efficiently and Fairly Manage Family Court Trials* (2017), in *Family Court Review*, Vol. 55, Issue 1, Jan. 2017, pp. 70-83, © John Wiley & Sons.  
<http://onlinelibrary.wiley.com/doi/10.1111/fcre.12263/full>, or for easier reading, <http://onlinelibrary.wiley.com/doi/10.1111/fcre.12263/epdf>

Howe, W.J. III, and Hon. J. Muniz, *Oregon's Unified Family Court is Doing More with Less Resources* (2013), in *Unified Family Court Connection*, 13th Issue, Summer, 2013, pp. 5-6, Baltimore, MD: University of Baltimore, School of Law. See especially, discussion on Informal Domestic Relations Trials (IDRTs)  
<http://law.ubalt.edu/centers/cfcc/pdfs/ufcconnectionssummer2013.pdf#page=5>; see also, IAALS discussion on IDRTs with many useful links, at <http://iaals.du.edu/blog/oregon-domestic-relations-trial-pilot-and-iaals-resource-center-model-discussed-family-court>

IBM, *ROSS and Watson Tackle the Law* (2016), in IBM Watson Blog, Jan. 14, 2016. Artificial intelligence applied to legal research by the team of ROSS Intelligence and IBM's Watson project. <https://www.ibm.com/blogs/watson/2016/01/ross-and-watson-tackle-the-law/>

Imwinkelried, E.J., M.A. Mendez and B.S. Gaal, *Document Summaries in Court* (2012), in California Lawyer (5/15/2012), vol. 67, pp. 37-39, San Francisco, CA: State Bar of Calif.; or <https://www.dailyjournal.com/mcle.cfm?ref=article&eid=922107&evid=1&qVersionID=376&qTypeID=7&qSPCTypeID=17&qcatid=20>; (MCLE credit); or <http://law.stanford.edu/wp-content/uploads/sites/default/files/publication/270513/doc/slspublic/Document%20Summaries%20in%20Court.pdf>; or <https://law.stanford.edu/>, find "Publications" under "Research".

Institute for the Advancement of the American Legal System (IAALS), *21st Century Civil Justice System: A Roadmap for Reform, Civil Caseflow Management Guidelines* (2009), Denver, CO: IAALS. <http://iaals.du.edu/library/publications/a-roadmap-for-reform-civil-caseflow-management-guidelines>, or [http://iaals.du.edu/images/wygwam/documents/publications/Civil\\_Caseflow\\_Management\\_Guidelines2009.pdf](http://iaals.du.edu/images/wygwam/documents/publications/Civil_Caseflow_Management_Guidelines2009.pdf)

Institute for the Advancement of the American Legal System (IAALS), *Cases Without Counsel Project* (continually updated), Denver, CO: IAALS. Research, recommendations, toolkit. <http://iaals.du.edu/honoring-families/projects/ensuring-access-family-justice-system/cases-without-counsel>. Toolkit includes *Resources for Court Communities*, a compilation of about 50 resources with links. <http://iaals.du.edu/honoring-families/projects/ensuring-access-family-justice-system/cases-without-counsel/toolkit-0>

Institute for the Advancement of the American Legal System (IAALS), *Court Compass: Mapping the Future of User Access Through Technology* (2017), Denver, CO: IAALS. [http://iaals.du.edu/sites/default/files/documents/publications/court\\_compass\\_mapping\\_the\\_future.pdf](http://iaals.du.edu/sites/default/files/documents/publications/court_compass_mapping_the_future.pdf)

Jacoby, J.E., C.R. Link and E.C. Ratledge, *Some Costs of Continuances: A Multi-Jurisdictional Study* (1986), Washington, D.C., Jefferson Institute for Justice Studies, for U.S. Dept. of Justice, National Institute of Justice (NCJRS). (Studies 4 courts including Ventura County, CA.) <https://www.ncjrs.gov/pdffiles1/Digitization/103304NCJRS.pdf>

Juhas, Hon. M.A., Hon. M. McKnight, Hon. L.D. Zelon and R. Zorza, *Self-Represented Cases—15 Techniques for Saving Time in Tough Times* (2010), in Judges' Journal, Vol. 49 No.1, Winter 2010, pp. 18-19, Chicago, IL: ABA. [http://www.americanbar.org/content/dam/aba/publications/judges\\_journal/2010win\\_jj.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/judges_journal/2010win_jj.authcheckdam.pdf)

Kabateck, B. and D. Scott, *Just Try It!* (2013), in Forum, Vol. 43, No. 6, Nov./Dec. 2013, pp. 12-15, Sacramento, CA: CAOC. <https://www.caoc.org/index.cfm?pg=ArtIndex13>, find by month and volume number.

Karnow, Hon. C.E.A., *Complexity in Litigation: A Differential Diagnosis* (2015), in Univ. of Penna. Journal of Business Law, Vol. 18 No. 1, 2015, Philadelphia, PA. (Practical options to manage complex litigation.) <http://scholarship.law.upenn.edu/jbl/vol18/iss1/2/>

Karnow, Hon. C.E.A., *Timing Settlement* (2011), unpublished, Selected Works of Curtis E.A. Karnow, [http://works.bepress.com/curtis\\_karnow/](http://works.bepress.com/curtis_karnow/) and search; or [http://works.bepress.com/cgi/viewcontent.cgi?article=1006&context=curtis\\_karnow](http://works.bepress.com/cgi/viewcontent.cgi?article=1006&context=curtis_karnow)

Kauffman, B.K.T. and N.A. Knowlton, *Redefining Case Management* (2018), Institute for the Advancement of the American Legal System (IAALS), Denver, CO: Denver University, Sturm College of Law.

[http://iaals.du.edu/sites/default/files/documents/publications/redefining\\_case\\_management.pdf](http://iaals.du.edu/sites/default/files/documents/publications/redefining_case_management.pdf)

Kloczko, J., *Attorney Groups Volunteer to Help Settle Case Backlog in LA* (2017), in Daily Journal (S.F.), Apr. 26, 2017, (Editorial ID: 956467), p. 1.

<http://www.dailyjournal.com/subscriber/SubMain.cfm> ("Search" tab, insert the ID number only).

Kloczko, J., *LA Superior Court Begins Voluntary Settlement Conferences for Family Law Cases* (2017), in Daily Journal (S.F.), Apr. 21, 2017, (Editorial ID: 956289), p. 1.

<http://www.dailyjournal.com/subscriber/SubMain.cfm> ("Search" tab, insert the ID number only).

Kloczko, J., *Time Limits, Jury Sensitivity Discussed to Shorten Trials* (2016), in Daily Journal (S.F.), Oct. 17, 2016 (Editorial ID: 951603), p. 1.

<http://www.dailyjournal.com/subscriber/SubMain.cfm> ("Search" tab, insert the ID number only).

Knowlton, N.A., L. Cornett, C.D. Gerety and J.L. Drobinske, *Cases Without Counsel: Research on Experiences of Self-Representation in U.S. Family Court* (2016), Institute for the Advancement of the American Legal System (IAALS), Denver, CO.

<http://iaals.du.edu/honoring-families/publications/cases-without-counsel-research-experiences-self-representation-us>. See also, associated *Recommendations*.

<http://iaals.du.edu/honoring-families/publications/cases-without-counsel-our-recommendations-after-listening-litigants>.

Knowlton, N.A. and R.P. Holme, *Working Smarter Not Harder: How Excellent Judges Manage Cases* (2014), Institute for the Advancement of the American Legal System (IAALS), Denver, CO, in conjunction with the American College of Trial Lawyers.

[http://iaals.du.edu/images/wygwam/documents/publications/Working\\_Smarter\\_Not\\_Harder.pdf](http://iaals.du.edu/images/wygwam/documents/publications/Working_Smarter_Not_Harder.pdf); or <http://iaals.du.edu/workingsmarter>.

Koelling, P.M., *Caseflow Management* (2016), in *The Improvement of the Administration of Justice* (2016), pp. 397-424. Amer. Bar Assoc., Chicago, IL, ISBN 9781634254908. History and theoretical development of caseflow management. [www.ShopABA.org](http://www.ShopABA.org).

Lantigua-Williams, J., *When Prison is Not the Answer: At the Orange County [CA] Community Court, social services are combined with criminal justice* (2016), Washington, D.C., The Atlantic 6/19/2016. <http://www.theatlantic.com/politics/archive/2016/06/when-prison-is-not-the-answer/487703/>

Legal Services Corporation, *Report of the Summit on the Use of Technology to Expand Access to Justice* (2013), Legal Services Corporation (LSC), Washington, DC.

[http://www.courts.ca.gov/documents/BTB\\_23\\_5D\\_1.pdf](http://www.courts.ca.gov/documents/BTB_23_5D_1.pdf)

///

Lemley, M.A., J. Kendall and C. Martin, *Rush to Judgment? Trial Length and Outcomes in Patent Cases* (2013), in *AIPLA Quarterly Journal*, Vol 41, No. 2, Spring, 2013, pp. 169-204, American Intellectual Property Law Association (AIPLA), Arlington, VA. Study of 624 patent trials either by jury (466) or by court (158) concludes (p. 187) "... trial length seems to have no effect on outcomes at all. [Emphasis added.]" <http://ssrn.com/abstract=2217690>, or [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2217690](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2217690).

Martin, L.K., *Seven Stipulations to Streamline Your Hearing—Without Compromising Your Client* (2013), in *ACFLS Family Law Specialist*, Summer 2013, No. 2, pp. 44-45, Sacramento, CA, California Association of Certified Family Law Specialists.  
[https://www.acfls.org/?page=archived\\_newsletters](https://www.acfls.org/?page=archived_newsletters)

Mattice, Hon. M., *Can We Shorten This Trial?* (2014), in *California Litigation*, Vol. 27, No. 1, Spring 2014, pp. 24-27, San Francisco, CA: Litigation Section, State Bar of California.  
<http://litigation.calbar.ca.gov/Publications/CaliforniaLitigation.aspx#v27n1>; also available at <https://www.manatt.com/Manatt/media/Documents/Articles/Cal-Lit-27-1-2014-screen1.pdf?ext=.pdf> (pp. 24-27)

Mattice, Hon. M., *How to Shorten Trials, a Reading List* (2018), on New York University School of Law's *Civil Jury Project* web site. <http://civiljuryproject.law.nyu.edu/>, select "Resources," then the link "How to Shorten Trials, a Reading List."

Mattice, Hon. M., *Just Try It – Efficiently!* (2014), in *Forum*, Vol. 44, No. 5, Sep./Oct. 2014, pp. 28-29, Sacramento, CA: CAOC. <https://www.caoc.org/index.cfm?pg=ArtIndex14>, find by month and volume number.

Miller, M.G., Ph.D., *How Do Court Continuances Influence the Time Children Spend in Foster Care?* (2004), Olympia, WA: Washington State Institute for Public Policy.  
<http://www.wsipp.wa.gov/rptfiles/04-03-3901.pdf>

Monek, F., *Court Delay: Some Causes and Remedies* (1982), Dean's Address to the International Academy of Trial Lawyers, Minneapolis, MN: IATL.  
[http://www.iatl.net/files/public/82\\_court\\_i4a.pdf](http://www.iatl.net/files/public/82_court_i4a.pdf)

Nakamura, Hon. K.H., *Six Happy Jurors, Parts 1 and 2* (2012), in *Daily Journal* (S.F.), Nov. 15, 2012 (Editorial ID: 925845), p. 7, and Nov. 16, 2012 (Editorial ID: 925863), p. 4.  
<http://www.dailyjournal.com/subscriber/SubMain.cfm> ("Search" tab); also in *Orange County Lawyer*, Vol. 54 No. 11, November 2012, p. 20. <http://www.ocbar.org/OCLawyer.aspx>

National Judicial College, *Caseflow Management Summit Report: The Caseflow Management Consortium, a 21st Century Idea to Achieve Sustainability* (2009), National Judicial College in association with U.S. Dept. of Justice, Bureau of Justice Assistance, Reno, NV.  
<http://www.judges.org/pdf/caseflow-cons-benefits0813.pdf>

National Judicial College, *Fair, Timely, Economical Justice: Achieving Justice Through Effective Caseflow Management* (2009), National Judicial College in association with U.S. Dept. of Justice, Bureau of Justice Assistance, Reno, NV.  
<http://www.judges.org/pdf/caseflowman-book1209.pdf>, or [https://www.bja.gov/publications/njc\\_caseflowmanagement.pdf](https://www.bja.gov/publications/njc_caseflowmanagement.pdf)

///



National Judicial College, *Resource Guide for Managing Complex Litigation* (2010), ISBN-13: 978-0-9788287-6-9; ISBN-10: 0-9788287-6-3. Reno, NV, National Judicial College. [http://www.judges.org/resources/#\\_pubs](http://www.judges.org/resources/#_pubs), select "BOOKS" at bottom of page, then select link "*Resource Guide for Managing Complex Litigation*," or <http://www.judges.org/wp-content/uploads/Resource-Guide-for-Managing-Complex-Litigation.pdf>

Robinson, M.P., Jr., and B. Broillet, *Saving the Civil Jury Trial* (2016), in Daily Journal, Oct. 28, 2016 (Editorial ID: 951826), p. 1. [www.dailyjournal.com/subscriber/SubMain.cfm](http://www.dailyjournal.com/subscriber/SubMain.cfm) ("Search" tab, insert the ID number only).

Robinson, M.P., Jr., *The Death of the Civil Jury Trial* (2014), in Daily Journal (S.F.), May 8, 2014 (Editorial ID: 935067), p. 1. [www.dailyjournal.com/subscriber/SubMain.cfm](http://www.dailyjournal.com/subscriber/SubMain.cfm) ("Search" tab, insert the ID number only); or <http://saveourjuries.org/>, select same-titled tab.

Robinson, P.R., *An Empirical Study of Settlement Conference Nuts and Bolts: Settlement Judges Facilitating Communication, Compromise and Fear*, ExpressO, (2010). [http://works.bepress.com/peter\\_robinson/](http://works.bepress.com/peter_robinson/), or [http://works.bepress.com/peter\\_robinson/2](http://works.bepress.com/peter_robinson/2)

Robinson, P.R., *Opening Pandora's Box: An Empirical Exploration of Judicial Settlement*, ExpressO (2011, in press). [http://works.bepress.com/peter\\_robinson/](http://works.bepress.com/peter_robinson/) and search, or [http://works.bepress.com/peter\\_robinson/3](http://works.bepress.com/peter_robinson/3)

Robinson, P.R., *Settlement: An Empirical Documentation of Judicial Settlement Conferences Practices and Techniques*, ExpressO, (2009). [http://works.bepress.com/peter\\_robinson/](http://works.bepress.com/peter_robinson/) and search, or [http://works.bepress.com/peter\\_robinson/1](http://works.bepress.com/peter_robinson/1)

Robinson, P.R., *Settlement Conference Judge: Legal Lion or Problem Solving Lamb: An Empirical Documentation of Judicial Settlement Conference Practices & Techniques*, (2009), 33 Am. J. Trial Advoc. 113. Can be opened or saved from bottom bar of browser, at [http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=peter\\_robinson](http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=peter_robinson)

Salem, P. and M. Saini, *A Survey of Beliefs and Priorities about Access to Justice of Family Law: The Search for a Multidisciplinary Perspective*, (2017). Includes differential CFM and other approaches as means to improve access. 17.3 Cardozo Journal of Conflict Resolution, <http://cardozojcr.com/volume-17-3>; or AFCC's Family Court Review, Vol. 55 No. 1, January 2017 120-138, <http://onlinelibrary.wiley.com/doi/10.1111/fcre.2017.55.issue-1/issuetoc>.

Salem, P., D. Kulak and R.M. Deutsch, *Triaging Family Court Services: The Connecticut Judicial Branch's Family Civil Intake Screen* (2007), 27 Pace L. Rev. 741, pp. 741-783. White Plains, NY. <http://digitalcommons.pace.edu/plr/vol27/iss4/9>

Sandman, J., *The Technology Revolution, Lawyers, and Courts: Why So Slow? And How Can We Accelerate Change?* Opening keynote address presented at the Stanford Law School's Codex FutureLaw Conference (2016, published on 5/31/2016). He is introduced at 8:00. <https://www.youtube.com/watch?v=iNyfrBFEE8M&feature=youtu.be>

Schiller, Hon. B.M., *Streamlining Civil Jury Trials* (2018), in "Jury Matters" (newsletter of the Civil Jury Project at NYU School of Law), Vol. 3, Issue 1, Jan., 2018, p. 4. <http://files.constantcontact.com/6bee8079601/7174c62c-ccc5-40d1-95be-b6ee8130aca4.pdf>; or <http://civiljuryproject.law.nyu.edu/>, select "Resources," then "Newsletters."

Schmucker, Hon. C., *5 Pitfalls of Poor Caseflow Management* (2015), in "The Judicial Edge" newsletter, Reno, NV, National Judicial College. [www.judges.org/5-pitfalls-of-poor-caseflow-management/](http://www.judges.org/5-pitfalls-of-poor-caseflow-management/)

Self-Represented Litigation Network (SRLN), *Principles of Caseflow Management for Access to Justice* (2011), © NCSC, Williamsburg, VA: NCSC. [www.probono.net/va/search/attachment.198437](http://www.probono.net/va/search/attachment.198437)

Self-Represented Litigation Network (SRLN), *Report: Resource Guide on Serving Self-Represented Litigants Remotely* (2016), c/o New Venture Fund, Washington, DC. [www.srln.org/node/997/report-resource-guide-serving-self-represented-litigants-remotely-srln-2016](http://www.srln.org/node/997/report-resource-guide-serving-self-represented-litigants-remotely-srln-2016)

Shestowsky, D., Ph.D., *The Psychology of Procedural Preference: How Litigants Evaluate Legal Procedures Ex Ante*, (2014), 99 Iowa Law Rev. (no.2); U.C. Davis Legal Studies Research Paper no. 363, Davis, CA, Univ. of California, Davis. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2378622##](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2378622##)

Solomon, M., *Conducting A Felony Caseflow Management Review: A Practical Guide* (2010), Washington D.C., American University, for U.S. Dept. of Justice, Bureau of Justice Assistance. [https://www.bja.gov/Publications/AU\\_FelonyCaseflow.pdf](https://www.bja.gov/Publications/AU_FelonyCaseflow.pdf), or [http://www.ojp.usdoj.gov/BJA/pdf/AU\\_FelonyCaseflow.pdf](http://www.ojp.usdoj.gov/BJA/pdf/AU_FelonyCaseflow.pdf), or [http://permanent.access.gpo.gov/gpo1618/AU\\_FelonyCaseflow.pdf](http://permanent.access.gpo.gov/gpo1618/AU_FelonyCaseflow.pdf)

Solomon, M., *Criminal Caseflow Management: Principles And Their Application In The Courtroom* (2012), Washington D.C., American University, for U.S. Dept. of Justice, Bureau of Justice Assistance. Select "3912.pdf" or "View/Open" at <http://jpo.wrlc.org/handle/11204/1485>.

Solomon, M., *Improving Criminal Caseflow* (2008), Washington D.C., American University, for U.S. Dept. of Justice, Bureau of Justice Assistance. <http://jpo.wrlc.org/bitstream/handle/11204/2864/2444.pdf?sequence=1>; or <http://www.springfieldmo.gov/taskforce/safejustice/pdfs/criminalCaseflow2008.pdf>.

Susman, S.D., *Trial by Agreement: Agreements for Opposing Counsel* (web site with multiple document models and articles, re trial and pretrial; Texas law and federal rules (FRCP; FRE) but easily adaptable for use in California). <http://trialbyagreement.com/>

Susman, S.D. and T.M. Melsheimer, *Trial by Agreement: How Trial Lawyers Hold the Key to Improving Jury Trials in Civil Cases* (2013), Dallas, TX, American Board of Trial Advocacy; reproduced with permission in Conference of Chief Justices Library. <http://ccj.ncsc.org/Civil/Resources/Library.aspx>, find sub-title "Trial", select link [Trial by Agreement: How Trial Lawyers Hold the Key to Improving Jury Trials in Civil Cases \(2013\)](#).

Thompson, R., *Concurrent Expert Evidence: Hot Tubbing in America? Experts Jump In* (2016), in National Law Review, August 31, 2016, Western Springs, IL. <https://www.natlawreview.com/article/concurrent-expert-evidence-hot-tubbing-america-experts-jump>

TurboCourt, *How To Solve 5 Challenges Facing California Courts When Serving Self-Represented Filers* (2015), Belmont, CA. <http://info.turbocourt.com/5-challenges-facing-courts-whitepaper/>. See also, TurboCourt *Training Videos*, primarily for the use of self-

represented litigants but also includes two demonstration videos specifically about general civil filings in Orange County, CA. <http://info.turbocourt.com/resources/training/>

Ward, A.F., K. Duke, A. Gneezy and M.W. Bos, *Brain Drain: The Mere Presence of One's Own Smartphone Reduces Available Cognitive Capacity* (2017), in *Journal of the Association for Consumer Research*, April 2017, Vol. 2, No. 2, Chicago, IL, University of Chicago Press, Journals Division. <http://www.journals.uchicago.edu/doi/pdfplus/10.1086/691462>, or <http://www.journals.uchicago.edu/toc/jacr/current>, select *Brain Drain [etc.]*.

Zouhary, Hon. J., *Ten Commandments for Effective Case Management* (2013), in *The Federal Lawyer*, March 2013, pp. 38-40. Arlington, VA, Federal Bar Association. <http://www.fedbar.org/Federal-Lawyer-Magazine/2013/March/Focus-On/Focus-On-Ten-Commandments-for-Effective-Case-Management.pdf>

## **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, *G*: Kauffman, et al., *Redefining Case Management*;

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: Kauffman, et al., Redefining Case Management; 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: Schmucker, 5 Pitfalls of Poor Caseflow Management. 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 (7 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, 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*

Early legal assessment, *G: DeBenedictis, Early Airing of Legal Issues Encouraged in an OC Court; see also, Alternative dispute resolution, above*

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.*

Jury management, G: Hannaford-Agor, P., *Jury System Management in the 21st Century: A Perfect Storm [etc.]*

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

Online dispute resolution (ODR), F: Joint Technology Committee (JTC) Resource Bulletin, *ODR [Online Dispute Resolution] for Courts*

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, *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.

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

Case Management, G: Karnow, Hon. C.E.A., *Complexity in Litigation: A Differential Diagnosis*; G: Kauffman, et al., *Redefining Case Management*;

Caseflow management – COMPLEX CIVIL, B: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*, Chapter One; G: Kauffman, et al., *Redefining Case Management*;

Complex civil litigation, A: California AOC, *Deskbook on the Management of Complex Civil Litigation*; G: Karnow, Hon. C.E.A., *Complexity in Litigation: A Differential Diagnosis*;

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).

Judicial powers to control litigation processes, limitations on powers, application to complex cases, A: *Cottle v. Superior Court*; A: *Hernandez v. Superior Court*; A: *Rutherford v. Owens-Illinois, Inc.*; .

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.

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 sub-title TRIALS, below in this INDEX 1.

## **CRIMINAL:**

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

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; B: Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management* (Rev. Ed. 2012); B: Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management: Standard Criminal Caseflow Management Reports*

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: Kauffman, et al., *Redefining Case Management*; 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: Schmucker, *5 Pitfalls of Poor Caseflow Management*; 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 (7 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.]*

Data, B: Greacen et al., *Developing Effective Practices in Criminal Caseflow Management: Standard Criminal Caseflow Management Reports*;

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

Effective practices, B: Greacen et al., *Developing Effective Practices in Criminal Caseflow Management*; 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*.

Jury management, G: Hannaford-Agor, P., *Jury System Management in the 21st Century: A Perfect Storm [etc.]*

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, 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.]; G: Schmucker, 5 Pitfalls of Poor Caseflow Management.*

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, 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, *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*: Goerdts, 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.

Informal family law trials, *G*: Howe, et al., *Oregon's Informal Domestic Relations Trial [etc.]*; *G*: Howe, et al., *Oregon's Unified Family Court is Doing More with Less Resources*

Judicial powers to control litigation processes, limitations on powers, application to family law cases, *A*: *Elkins v. Superior Court*.

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

Marital settlement agreement form, *B*: *Marital Settlement Agreement, California Courts draft form*;

Online dispute resolution (ODR), *F*: Joint Technology Committee (JTC) Resource Bulletin, *ODR [Online Dispute Resolution] for Courts*

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, *B*: Marital Settlement Agreement, California Courts draft form; *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, *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 Caseflow 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, *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, *Improving Protective Probate Processes: An Assessment [etc.]*

Reducing court work volume, *F*: Steelman, *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 Self-Represented Litigants sub-index, below. See also these entries in the Technology sub-index, below: E-filing; Online dispute resolution (ODR); Paperless courts; Remote interpreting; Superior court web sites; and User friendliness.

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*; *G*: Institute for the Advancement of the American Legal System (IAALS), *Cases Without Counsel Project*

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).

Informal family law trials, *G*: Howe, et al., *Oregon's Informal Domestic Relations Trial [etc.]*; *G*: Howe, et al., *Oregon's Unified Family Court is Doing More with Less Resources*

Online dispute resolution (ODR), *F*: Joint Technology Committee (JTC) Resource Bulletin, *ODR [Online Dispute Resolution] for Courts*

Paperless courts, *G*: TurboCourt, *How To Solve 5 Challenges Facing California Courts When Serving Self-Represented Filers*

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*

Technology adoption, *G*: Ambrogi, R., *The Legal Profession's Resistance to Evidence in Addressing Access to Justice*; *G*: Sandman, J., *The Technology Revolution, Lawyers, and Courts [etc.]*;

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*. See also these titles below in this Technology sub-index: E-filing; Online dispute resolution (ODR); Paperless courts; Remote interpreting; Superior court web sites; and User friendliness.

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

Costs and benefits of digitizing citizen-government transactions, *G*: Deloitte Access Economics, *Digital Government Transformation*

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

Cyberattack, *F*: Joint Technology Committee (JTC) Resource Bulletin, *Responding to a Cyberattack*; *G*: AbacusNext, *Cybersecurity 101: How Law Firms Can Prevent and Respond to Ransomware Attacks*

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 in this Technology sub-index.

Jury management, *G*: Hannaford-Agor, P., *Jury System Management in the 21st Century: A Perfect Storm of Fiscal Necessity and Technological Opportunity*

Online dispute resolution (ODR), *F*: Joint Technology Committee (JTC) Resource Bulletin, *ODR [Online Dispute Resolution] for Courts*

Paperless courts, *G*: TurboCourt, *How To Solve 5 Challenges Facing California Courts When Serving Self-Represented Filers*

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

Security, *F*: Joint Technology Committee (JTC) Resource Bulletin, *Responding to a Cyberattack*; *G*: AbacusNext, *Cybersecurity 101: How Law Firms Can Prevent and Respond to Ransomware Attacks*

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*: Ambrogi, R., *The Legal Profession's Resistance to Evidence in Addressing Access to Justice*; *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 as a resources and money saver, *G*: Deloitte, *G*: Deloitte Access Economics, *Digital Government Transformation*

Technology trends, *F*: NCSC, *Trends in State Courts: Leadership & Technology (2015)*; *G*: Gramckow, et al., *Caseflow Management: Key Principles and the Systems to Support Them*

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

///

## **TRIALS:**

Calendaring, 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, *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, *Concurrent Expert Evidence: Hot Tubbing in America? [etc.]*. See also, Juxtaposed expert testimony [JET], below in INDEX 2.

Informal family law trials, G: Howe, et al., *Oregon's Informal Domestic Relations Trial [etc.]*; G: Howe, et al., *Oregon's Unified Family Court is Doing More with Less Resources*

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

Jury management, G: Hannaford-Agor, P., *Jury System Management in the 21st Century: A Perfect Storm of Fiscal Necessity and Technological Opportunity*

Jury size, F: Waters, N.L., Ph.D., *Does Jury Size Matter? A Review of the Literature*; G: Holmquist, J.P., *Does Jury Size Still Matter? An Open Question*.

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: Lemley, et al., *Rush to Judgment? Trial Length and Outcomes [etc.]*; G: Martin, *Seven Stipulations to Streamline Your Hearing [etc.—Family Law]*; G: Mattice, *How to Shorten Trials, a Reading List*; 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: Schiller, *Streamlining Civil Jury Trials*; G: Susman, *Trial by Agreement: Agreements for Opposing Counsel*; G: Susman, et al., *Trial by Agreement: How Trial Lawyers Hold the Key [etc.]*

Number of jurors, see "Jury size" above in this Trials sub-index

Self-represented litigants, see SELF-REPRESENTED LITIGANTS sub-title in INDEX 1, 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.]*

## **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*: Kauffman, et al., *Redefining Case Management*; *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, 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: Kauffman, et al., Redefining Case Management; G: Knowlton, et al., Working Smarter Not Harder [etc.]*; *G: Koelling, P.M., Caseflow Management; G: National Judicial College, Caseflow Management Summit Report; G: National Judicial College, Fair, Timely, Economical Justice: Achieving Justice [etc.]*; *G: Schmucker, 5 Pitfalls of Poor Caseflow Management; 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 (7 sub-sets of entries); Work volume.

Caseflow management in intermediate appellate courts, *G: Hoffman, et al., Managing Caseflow in State Intermediate Appellate Courts [etc.]*

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: Karnow, Hon. C.E.A., Complexity in Litigation: A Differential Diagnosis; 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 and benefits of digitizing citizen-government transactions, G: Deloitte Access Economics, *Digital Government Transformation*

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, *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*

Cyberattack, F: Joint Technology Committee (JTC) Resource Bulletin, *Responding to a Cyberattack*; G: AbacusNext, *Cybersecurity 101: How Law Firms Can Prevent and Respond to Ransomware Attacks*

Data, B: California Courts, *2017 Court Statistics Report*; B: Greacen et al., *Developing Effective Practices in Criminal Caseflow Management: Standard Criminal Caseflow Management Reports*; 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 legal assessment, G: DeBenedictis, *Early Airing of Legal Issues Encouraged in an OC Court*; see also, Alternative dispute resolution, above.

Early mediation, see Alternative dispute resolution, above

Early neutral evaluation, see Alternative dispute resolution, above

Effective practices, B: Greacen et al., *Developing Effective Practices in Criminal Caseflow Management*; B: Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management: Report [etc.]*; B: Greacen et al., *Developing Effective Practices in Family Caseflow Management*; B: Greacen et al., *Developing Effective Practices in Juvenile Delinquency Caseflow Management*; B: State Justice Institute and California AOC CFCC, *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers*; F: NCSC, *Best Practices in Court-Based Programs for the Self-Represented [etc.]*; G: Brostoff, *Putting Effective Judicial Case Management Into Play*; G: Karnow, *Complexity in Litigation: A Differential Diagnosis*; G: Kauffman, et al., *Redefining Case Management*; G: Knowlton, et al., *Working Smarter Not Harder: How Excellent Judges Manage Cases*

Exhibits at trial, C: White, et al., *How (Not) To Handle Exhibits*; G: Imwinkelried, E.J., et al., *Document Summaries in Court*; G: Martin, *Seven Stipulations to Streamline Your Hearing [etc.—Family Law]*;

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, *Concurrent Expert Evidence: Hot Tubbing in America? [etc.]*. See also, Juxtaposed expert testimony [JET], below in this Index 2.

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

Family law, 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*; G: Kloczko, J., *LA Superior Court Begins Voluntary Settlement Conferences for Family Law Cases*. See also, Informal family law trials, below; Principles of caseflow management, below; Self-represented litigants, below

Funding the court, F: NCSC and Justice at Stake, *Funding Justice: Strategies and Messages for Restoring Court Funding*

Futures Commission recommendations, B: Commission on the Future of California's Court System ("Futures Commission"), *Report to the Chief Justice*

Informal family law trials, G: Howe, et al., *Oregon's Informal Domestic Relations Trial [etc.]*; G: Howe, et al., *Oregon's Unified Family Court is Doing More with Less Resources*

In general, see Caseflow management in general, above in this 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*

Jury improvement efforts nationwide, F: Mize, et al., *The State-Of-The-States Survey of Jury Improvement Efforts [Etc.]*

Jury management, G: Hannaford-Agor, P., *Jury System Management in the 21st Century: A Perfect Storm of Fiscal Necessity and Technological Opportunity*

Jury size, F: Waters, N.L., Ph.D., *Does Jury Size Matter? A Review of the Literature*; G: Holmquist, J.P., *Does Jury Size Still Matter? An Open Question*.

Juvenile law, B: Greacen et al., *Developing Effective Practices in Juvenile Delinquency Caseflow Management*

Juxtaposed expert testimony [JET], G: Brown, *Juxtaposed Expert Testimony: A New Way [etc.]*; G: Brown, *Juxtaposed Expert Testimony [JET] [etc.]*. See also, Expert testimony, above in this Index 2.

Legal authority for caseflow management, see all of Part A, above

Marital settlement agreement form, B: *Marital Settlement Agreement, California Courts draft form*;

Number of jurors, F: Waters, N.L., Ph.D., *Does Jury Size Matter? A Review of the Literature*; G: Holmquist, J.P., *Does Jury Size Still Matter? An Open Question*.

Online dispute resolution (ODR), *F*: Joint Technology Committee (JTC) Resource Bulletin, *ODR [Online Dispute Resolution] for Courts*

Paperless courts, *G*: TurboCourt, *How To Solve 5 Challenges Facing California Courts [etc.]*

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*. See also, Settling cases, below.

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*: Gramckow, et al., *Caseflow Management: Key Principles and the Systems to Support Them*; *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, above in this INDEX 2.

Probate, *F*: Steelman, *Improving Protective Probate Processes: An Assessment [etc.]*

Probation, *G*: Hawken, *HOPE for Probation: How Hawaii Improved Behavior [etc.]*

Recidivism, *G*: Hawken, *HOPE for Probation: How Hawaii Improved Behavior [etc.]*

Security, *F*: Joint Technology Committee (JTC) Resource Bulletin, *Responding to a Cyberattack*; *G*: AbacusNext, *Cybersecurity 101: How Law Firms Can Prevent and Respond to Ransomware Attacks*

Self-represented litigants, *B*: Greacen Associates, LLC, *Effectiveness of Courtroom Communication in Hearings Involving Two Self-Represented Litigants [etc.]*; *B*: Marital Settlement Agreement, California Courts draft form; *B*: State Justice Institute et al., *Handling Cases Involving Self-Represented Litigants [etc.]*; *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.]*; *F*: Zorza, *Spreading and Adopting Best Practices for Court-Based Programs for the Self-Represented*; *G*: Institute for the Advancement of the American Legal System (IAALS), *Cases Without Counsel Project*; *G*: Juhas et al., *Self-Represented Cases—15 Techniques for Saving Time in Tough Times*; *G*: Self-Represented Litigation Network, *Principles of Caseflow Management for Access to Justice*; *G*: TurboCourt, *How To Solve 5 Challenges Facing California Courts [etc.]*. See also, SELF-REPRESENTED LITIGANTS sub-title in INDEX 1, above.

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

Settling cases, *A*: Calif. Code of Civil Procedure, § 437c, subd. (t); *B*: Judicial Council, AOC, *Evaluation of the Early Mediation Pilot Programs*; *B*: Marital Settlement Agreement, California Courts draft form; *C*: Mader, et al., *Can This Criminal Case Be Settled?*; *G*: Karnow, *Timing Settlement*; *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); Plea bargaining, above.

Stipulations, *B: Marital Settlement Agreement, California Courts draft form*; *G: Martin, L.K., Seven Stipulations to Streamline Your Hearing [etc.]*; *G: Susman, Trial by Agreement: Agreements for Opposing Counsel*; *G: Susman, et al., Trial by Agreement: How Trial Lawyers Hold the Key [etc.]*

Summary adjudication, *A: California Code of Civil Procedure ("CCP"), § 437c (two entries, i.e. for dispositive issues and for non-dispositive ones)*; *A: Calif. Rules of Court § 5.74(b)(2).*

Technology, see individual subjects under sub-title TECHNOLOGY in INDEX 1, above.

Time to disposition, *A: Calif. Standards of Judicial Administration*; *F: Dodge et al., Case Processing Time Standards in State Courts 2002-03*

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

Trials – Calendaring, *F: NCSC Information Service-1998, Smart Calendaring*

Trials – Continuances, *F: Steelman, Model Continuance Policy*

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

Trials – Expedited, *A: CCP §§ 630.01-630.10*; *A: Calif. Rules of Court §§ 3.1545-3.1552*; *F: NCSC, California's Expedited Jury Trial Program: Awaiting a Verdict*

Trials – Family law, *G: Howe, et al., Oregon's Informal Domestic Relations Trial [etc.]*; *G: Howe, et al., Oregon's Unified Family Court is Doing More with Less Resources*

Trials – Length, *A: Calif. Code of Civil Procedure, § 437c, subd. (t)*; *A: California Crane School, Inc. v. National Commission for Certification of Crane Operators*; *F: Sipes, et al., On Trial: The Length of Civil and Criminal Trials*; *G: Brown, Juxtaposed Expert Testimony [etc.]*; *G: Imwinkelried, E.J., et al., Document Summaries in Court*; *G: Kabateck, B. and D. Scott, Just Try It![]*; *G: Kloczko, J., Time limits, jury sensitivity discussed to shorten trials*; *G: Lemley, et al., Rush to Judgment? Trial Length and Outcomes [etc.]*; *G: Martin, Seven Stipulations to Streamline Your Hearing [etc.—Family Law]*; *G: Mattice, Can We Shorten This Trial?*; *G: Mattice, How to Shorten Trials, a Reading List*; *G: Mattice, Just Try It – Efficiently![]*; *G: Robinson, M.P., Jr., and B. Broillet, Saving the Civil Jury Trial*; *G: Robinson, M.P. The Death of the Civil Jury Trial*; *G: Schiller, Streamlining Civil Jury Trials*; *G: Susman, S.D., Trial by Agreement: Agreements for Opposing Counsel*; *G: Susman, et al., Trial by Agreement: How Trial Lawyers Hold the Key [etc.]*

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

Unified family courts, *B: American Institutes for Research, Unified Family Court Evaluation Literature Review*

Work volume, *F: Steelman, Reducing Court Work Volume through Caseflow Management*