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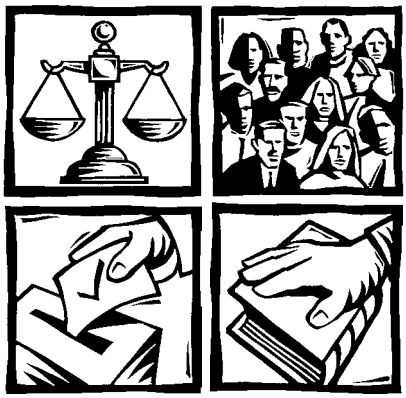
CASE TRACKING AND MANAGEMENT GUIDE



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ABOUT THIS PUBLICATION

This manual provides practical guidance on successful case tracking and management (CTM) improvement projects. Using this manual, rule of law officers can make better-informed decisions about CTM system improvement interventions, oversee the design of programs that achieve results, and ensure and plan—to the extent possible—for long-term sustainability that would enable these programs to enhance the rule of law.

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ACKNOWLEDGMENTS

National Center for State Courts
Founded in 1971 by U.S. Chief Justice Warren E. Burger, the National Center for State Courts (NCSC) is a non-profit organization that promotes justice through leadership and service to the state courts. Through numerous programs and divisions, the NCSC is committed to improving the administration of justice in the United States and abroad.

NCSC's International Programs division works to improve the administration of justice and the rule of law worldwide. Staff provide technical assistance and consulting services to courts outside the United States and coordinate educational programs as well as an international visitors program.

Many people contributed to the development and preparation of the *Case Tracking and Management Guide*. All deserve and have the thanks of Richard Van Duizend, executive director of the International Programs division, Madeleine Loontjens Crohn, and NCSC; these include Carlos G. Gregorio and Steven H. Urist, who conducted the careful and thorough initial research and helped structure the conceptual framework of lessons learned; and Eve E. Epstein, who applied her superb editing skills to transform the rough drafts into a polished product.

Madeleine Loontjens Crohn, principal project director at NCSC, has overseen the development of this guide from its inception. Madeleine has led numerous international rule of law projects, worldwide, over the past 8 years at the NCSC. A graduate of the University of Paris, she holds a degree in comparative law and has headed justice reforms organizations in the United States over the past 30 years.

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CASE TRACKING AND MANAGEMENT GUIDE

CONTENTS

EXECUTIVE SUMMARY **1**

I. INTRODUCTION **3**

A. The Purpose of the Manual 3
B. Why and How the Manual Was Developed 3
C. Scope of the Manual 4
D. Organization of the Manual 4

II. THE IMPORTANCE OF COURT INFORMATION SYSTEMS IN A DEMOCRATIC ENVIRONMENT **5**

III. FUNCTIONS OF CTM SYSTEMS **9**

A. Controlling Forms 9
B. Establishing Record Control 10
C. Case Processing and Record Updating 11
D. Scheduling Case Events 13
E. Controlling and Storing Final Records 15
F. Reporting Management Information 15

IV. ANALYZING AND EVALUATING REQUESTS FOR CTM ASSISTANCE **19**

A. Determining the Merits and Relevance of a Request for Upgrading a CTM System 19
B. Assessing the Current CTM System and the Context 20
C. Understanding the Costs of CTM System Improvement Projects 23

V. PLANNING AND IMPLEMENTING CTM SYSTEM IMPROVEMENT PROJECTS **25**

A. Building a Consensus Work Plan 25
B. Upgrading a Manual CTM System 26
C. Planning and Implementing an Automated CTM System 27

VI. KEY FACTORS IN SUCCESSFUL AUTOMATED CTM SYSTEM IMPROVEMENT PROJECTS **31**

A. Assessing Commitment, Management, and Leadership 31
B. Setting the Stage 31

GLOSSARY OF COMMON COURT MANAGEMENT TERMS

EXECUTIVE SUMMARY

Case tracking and management (CTM) systems are critical to the effectiveness and efficiency of judiciaries. They bring transparency to a court's operations, reducing the opportunities for corruption and ensuring accountability. The challenge for USAID democracy officers and local stakeholders is to design and implement an intervention that is responsive to well-defined local needs and priorities, feasible, affordable initially, and sustainable. This manual provides guidance in meeting that challenge. It draws on a growing body of experience in CTM system improvement initiatives that has generated important information about how to do the job well—and what pitfalls to avoid.

Successful CTM improvement projects depend upon the following:

- An accurate assessment of how, and how well, the existing system performs basic CTM functions
- An adequate up-front investment in defining the status quo and identifying priority problems and opportunities
- A clear, logical relationship between the desired objectives and the proposed improvements
- A judicious and cost effective use of expert consultants from initial assessment through design, implementation, and follow-up
- An understanding that automation, while often an appropriate response to improve high-volume operations, does not in and of itself fix fundamental system deficiencies
- Extensive consultation with judicial system leaders, as well as system implementers, ensuring consensus on what the desired changes are and how they will occur
- An accurate determination of all system improvement costs, both initial and recurrent, and a reasonable assurance that sufficient funding and other resources will be available

This manual provides practical guidance in all these areas and contains basic technical information. The guide also encourages the use of experts for tasks that require more in-depth technical knowledge and skills, and it assists democracy officers in managing this assistance by outlining the scope of these tasks. In addition, it points out when automation may be appropriate and when it may not be. The manual provides a structure for communicating with judicial system officials and for making decisions with partners—first at the assessment and planning stages and then throughout implementation. Finally, it highlights the environmental factors, outside the system itself, that affect the impact of CTM improvements. Using this manual, rule of law officers can make better-informed decisions about CTM system improvement interventions, oversee the design of programs that achieve results, and ensure and plan—to the extent possible—for long-term sustainability that would enable these programs to enhance the rule of law.

I. INTRODUCTION

A. The Purpose of the Manual

The purpose of this manual is to guide USAID rule of law (ROL) officers in designing and implementing initiatives that support the development or improvement of court management information systems. These initiatives can be critical components of ROL strategies to promote democracy. Without reliable data, courts cannot deliver timely justice, control or monitor their own operations, or explain their operations to citizens. The lack of information on court operations makes citizens suspicious about the fairness, transparency, and integrity of the rule of law. Closed, secretive justice systems create the perception—and often the reality—of favoritism, malfeasance, and denial of basic rights. Thus, the introduction of high-quality court management information systems affects not only efficiency, but also effectiveness. It can have a significant impact on central ROL issues, such as human rights, access to justice, transparency, and development of democratic institutions and society.

There are many assistance interventions that can improve the rule of law. The nature of the local environment and its unique complex of challenges and opportunities, the development status of national and local justice institutions, the size and nature of the constituency for reform, and the elements of the mission's democracy and governance (DG) portfolio are among the many issues that influence USAID's decisions about where to invest. This manual does not provide a structure for making these determinations. Rather, it assumes that a preliminary commitment has been made to consider or focus on court management information systems. It offers insight towards finalizing the decision, and suggests what questions to ask and how to prepare to implement a court management system improvement project.

Within this context, the manual provides guidance on the following:

- How important a fair, transparent, and effective court administration is to the establishment of democratic institutions and a strong judicial system
- How courts operate and benefit from a good management information system (MIS)
- How to decide what kind of project makes the most sense
- How to make maximum use of court MIS consultant services so that they meet the needs of the host country and the USAID ROL program

B. Why and How the Manual Was Developed

Recognizing the fundamental importance of court MISs to improving the rule of law, USAID and other donors have provided financial and technical assistance to support the development or improvement of these systems. For over 15 years, beginning in the Latin America/Caribbean (LAC) region, USAID has fostered improved MISs in courts and other justice institutions. To determine how these experiences can inform future assistance programs, USAID tasked the National Center for State Courts (NCSC) to conduct a comparative review of the results of these investments. NCSC staff and consultants, drawing on their own experience in building and improving court management information systems in the United States, conducted site visits to Bolivia, Costa Rica, Ecuador, and El Salvador and also reviewed similar projects in Egypt, Tanzania, and countries in Eastern and Central Europe.

C. Scope of the Manual

Court MISs have three principal components. The following table shows the types of information and the purposes of each component. While all three components are important, the case tracking and management (CTM) component has the highest relevance to the public and to the rule of law. Therefore, we have chosen to focus this manual only on CTM systems.

D. Organization of the Manual

Section II explains why court MISs are important to a democratic environment. It describes the strengths that such systems add to justice and the rule of law as well as the negative consequences of the failure to have court information systems in place. It will assist ROL officers in explaining to host-country officials the inherent relationship between improving court administration and the rule of law in general.

Section III describes the six functions of a CTM system in the context of how courts operate, pointing out how the establishment of these functions improves the administration of justice. Section IV provides guidance on how to analyze and evaluate local requests for CTM assistance, with considerable attention to the question of whether or not automation is an appropriate response. It also highlights the need to understand the initial and recurrent costs associated with CTM system improvements.

Section V provides guidance on how to plan and implement CTM system improvement projects. Since such projects generally require contractor assistance, it also defines the key elements that should comprise the contractor's scope of work.

Section VI identifies key factors in the success of automation projects, highlighting and suggesting strategies and approaches to ensure that such projects are successful.

Component	Types of Information	Purposes
Case Tracking and Management System	Data on individual cases, and various steps in case progress	To provide judges with a complete record of a case and assist their decision-making and case control. To spin off statistical and management information and to generate calendars of events, forms and notices, lists of court judgments, and other outputs from cases.
Legal Research	Statutory codes, judicial opinions, scholarly treatises	To provide judges and legal assistants access by personal computer or by printed volume to legal information relevant to judicial decisions and to improve quality and consistency in decisions
Administrative Support	- Appropriations and budget - Expenditures, accounting, and accounts payable - Revenue accounting and accounts receivable - Payroll - Personnel information	To assist courts in managing their internal administration, if they have this authority. Many courts are headed in the direction of administrative self-sufficiency as an aspect of judicial independence but are a long way from achieving this goal. However, almost all courts collect some money, such as filing fees, and need a cash accounting system.

II. IMPORTANCE OF COURT INFORMATION SYSTEMS IN A DEMOCRATIC ENVIRONMENT

There are differences among the world's legal systems, but most share some fundamental values. These include a respect for the rule of law, the necessity of judicial independence, the protection of judicial system integrity, the access to and transparency of justice systems, a fairness in protecting procedural and substantive rights, and an equality before the law. In any system, the judiciary is—or should be—the ultimate guardian of legal values and human rights against arbitrary power. In a democratic environment, the judiciary is ultimately accountable to the people for the integrity, fairness, and openness of the courts and for the efficient use of public resources.

Without accurate and open information on court operations and decisions, there is no way to ascertain if the courts have fulfilled their democratic responsibilities. Information permits a court system to apply the rule of law and assess its progress towards goals of justice and public service. Information permits the public to see the strengths and weaknesses of the courts. Without it, the public has no confidence in judicial institutions or representatives, and there is little chance for democratic reform.

Therefore, viewed in the broad context of a democratic judicial system, a CTM system constitutes a bedrock of justice. It is not simply a mechanistic process that stands alone. It is essential to the effective administration of justice, the protection of human rights, the openness required of democratic institutions, and the integrity of the court system. The following are examples of how a well-functioning CTM system contributes to improving the administration of justice and the rule of law:

Preserving a comprehensive case record. A CTM system ensures initial control of a case and continues to document every action and decision associated with the case, resulting in a comprehensive case record. The *Trial Court Performance Standards*[1], widely accepted in U.S. courts, illustrates the close connection between CTM systems and records management and how both affect fairness, transparency, and accountability in court systems.

Locating case records. Because records may affect the rights and duties of individuals for generations, their preservation over time are vital. Record systems must ensure that the location of court records is always known, whether the case is active and in frequent circulation, or in archive status. Inaccuracy, obscurity, loss of court records, or untimely availability of such records seriously compromises the court's integrity and subverts the judicial process.

Preventing subversion of the judicial process by destroying or hiding a record. This problem is endemic in corrupt judicial systems. In countries that cling to antiquated methods of creating and storing case records, accountability is non-existent, compromising the whole justice system. With a good CTM system, it is extremely hard to cover up missing records or to disguise responsibility for their absence. Each case record is uniquely identified, assigned a file location, tracked in a register, and periodically scheduled as an aspect of case management.

[1] Issued in 1990, the standards were prepared by NCSC under the direction of a commission of prominent judges, administrators, and scholars. The project was financially supported by the Bureau of Justice Assistance of the U.S. Department of Justice.

When case records are identified as missing, some official is held accountable. If the number and nature of missing records suggest deliberate loss, there is a trail that assists in identifying the culprit.

Eliminating discrimination against the poor. In some countries, monetary bribes are routinely paid to move a case from one step in the judicial process to the next. The result is that cases brought by poor people are likely to languish in the system. This type of discrimination goes undetected, or at least undocumented, without a good CTM system. A CTM system generates the orderly movement of cases through the judicial process and seeks explanations for case delay.

Establishing jurisdiction. A case can be delayed or simply blocked by failure to serve process, notifying the person being charged or served. This failure is particularly damaging at the outset of a case because it prevents the court from establishing its jurisdiction over the parties.[2] In countries where the bribing of process servers is common, the incidence of non-service may be unusually high, effectively preventing action on the case and doing a great injustice. A good CTM system can identify cases where the defendants have not been served, the number and types of cases where the notice has been returned because of inability to locate the party to be served, and, where abuses exist, the probable culprits.

Preserving legal rights. The need for complete and accurate records persists through the progress of a case. Events and filings must be tracked and documents entered into the case file. Loss, misfiling, or alteration of a document can have an adverse effect on important legal rights. For example, as a result of a lost file in a criminal case, a defendant may remain in jail for long periods or avoid, at least for some time, judgment and imposition of a penal sanction. In a civil case, a lost file may seriously jeopardize a basic right such as land ownership. A failure to detect case papers that call for immediate or short-term judicial action may leave vulnerable persons unprotected, such as children in an abusive environment. A judge cannot protect rights of which he or she is unaware. A good CTM system tracks events and filings cumulatively, recognizes their interrelationships, and prevents cases from languishing at the expense of individuals seeking justice.

Facilitating appellate review. The essential role of a judge is to render fair decisions that comply with the law. The case record enables a determination of whether a judge has met this responsibility. This record is the basis for appellate review and correction of error. Information that is unclear, incomplete, or inaccurate defeats corrective justice. A good CTM system provides the complete, comprehensive record required for appellate review.

Facilitating enforcement. Legal proceedings typically end with an order or judgment by a judge. This is the beginning of an enforcement process. A major weakness of some courts is their reluctance or inability to enforce their judgments. Sometimes, enforcement is beyond their power, but often it is not. When enforcement is within the court's authority, a good CTM system can track whether an enforcement action has been filed, a judgment or fine paid, or a penal sanction imposed.

Increasing openness and accountability. A good CTM system permits chief judges and

[2] To bring parties before it, a court must have jurisdiction (authority) over the subject matter of a newly filed case as well as over the parties. The initiator of a case explicitly accepts the court's jurisdiction over his or her person or organization. Other parties must be brought under court jurisdiction by serving them with a document that compels their participation and provides notice that describes the complaint or charge.

outside observers to see patterns of action. For example, it can help identify which judges are unconscionably slow, perhaps suggesting the need for new resources or systemic change. It can also help examine the decisions of judges in the same court for inexplicable disparities that might indicate unfairness to certain individuals or groups. Such activities can help eradicate public suspicion, often justified, that the judiciary heeds to needs of a particular stratum of society rather than adhering to the rule of law for all. While many courts are unaccustomed to public scrutiny, a self-aware court uses information to assess itself and to seek solutions and public support.

Clearly, a good CTM system can have a substantial impact on the rule of law, well beyond the narrow—though important—confines of court management itself. With this understanding, ROL officers can engage local justice system officials in evaluating programming options and setting meaningful goals and objectives for court management system improvements as part of larger ROL programs.

III. FUNCTIONS OF CTM SYSTEMS

The core of a CTM system is comprised of records pertaining to the movement of cases through the court system. Courts vary in terms of the nature of their legal system, level of sophistication, size and volume, and number of subsystems, but their CTM systems have similar needs and purposes and can be assessed using common indicators.

This section describes six functions of a CTM system: controlling forms; establishing record control; case processing and record updating; scheduling case events; controlling and storing final records; and reporting management information. These functions transcend distinctions between civil and criminal cases and between civil law and common law systems. When in place, either manually or through automation, they can spotlight, and in many instances, help correct common system problems including

- Poor quality of the existing database
- Absence of uniform procedures, consistent forms, and clear definitions of data to be collected
- Lack of control of case records and security
- Obsolete, redundant codes or regulations on how to process cases
- Inability to generate useful statistics regarding the operation of the court or the inaccuracy of existing statistics

A. Controlling Forms

CTM systems and each step in the court process are driven by paper documents, whether generated manually or automatically. For example, a case is initiated by a paper charging someone with a crime or calling for some form of civil relief. The case ends with a written disposition or judgment, and there is generally a flow of paper filings between case initiation and case end. Some documents are generated internally by the court, such as notices to parties, schedules of court events, and judgments. Others originate outside the court, normally drafted by attorneys. All documents, regardless of source, enter the CTM system.

The purpose of the forms control function is to ensure adequacy and uniformity of data. For example, if a document submitted by an attorney is not on a standard form or prepared according to some common methodology, it may omit critical information or clerks may have to analyze the document to determine how it should be processed. This often leads to error and delay.

Forms are often prescribed by the court and specified in rules of procedure. They may be in general use by all courts in a region, province, or country, or may vary from court to court.

Indicators of a Good Forms Control System

- Data categories and elements are clearly defined.
- Data categories and elements are coherent and consistent throughout the court database.
- Data elements are compatible with related information systems, such as those of police, prosecution, and corrections agencies.
- The system controls the quality, completeness, and format of forms coming into the court and generated by the court.

Usually, rules of procedure in a country or region are similar enough so that the content of the forms is fairly common, even if formats are different. The problem in many poorly administered court systems is that there is no control of form design within an individual court or within the courts of a province or country. The resulting lack of common data elements and formats undermines the cohesion of the court information base. This situation not only limits the integrity and utility of a manual system but also defeats computerization.

B. Establishing Record Control

Record control has five components: (1) case identification; (2) case registration; (3) case indexing; (4) file folder creation; and (5) file folder location.

1. Case Identification

The way the court handles the initiation of the case filing process establishes the framework for record control. Each case is assigned a unique numerical identifier at the time of case initiation. A court may have separate numbering systems for criminal, civil, and juvenile cases, assigning numbers consecutively within each case type. Case numbers often start with a lettered identifier of case type, followed by case numbers sequentially within year. For example, "Crim-98-201" would indicate the 201st criminal case initiated in 1998. In a system where each court in a region wants its cases to have unique numerical identifiers, a numerical court identifier can be added. Without such an identifier, transfers of cases between courts can result in loss of records and impede the development of comparative information on courts.[3]

[3] Both case identification and indexing are complicated where there are companion or related cases and many parties. Case identification may require cross-referencing separate cases arising from a common incident.

2. Case Registration

The case register, also called the docket book, provides a chronological record of all case actions and filings. Following case identification, a deputy clerk or deputy registrar records new cases by number, the date of filing, and the names of all parties. There may be separate docket books for civil and criminal cases. These books remain with the court. As shown in Sub-section C below, keeping the register accurate and up to date as the case moves forward is critical to efficient case processing.

3. Case Indexing

Cases must be indexed alphabetically by the name of the parties (including all parties). Many inquiries about cases are by name of party, so the chronological index provided by the register alone does not suffice. The case index is alphabetical and provides cross-references between the parties' names and the case number. In systems where files are referred to specific clerks, the index may also contain the clerk's name. Unlike the register, the index does not document a chronological record of case events. It requires updating only when parties are added to or dropped from cases.

4. File Folder Creation

At the time of case identification and registration, a file folder is created to contain all the current and future documents pertaining to a case. It bears the identifiers assigned at indexing as well as the names of the parties. It may be color-coded to help clerks quickly identify certain types of files, such as civil and criminal. Within the folder, the papers are generally arranged by the date they were filed. *Because the folder contains the papers that a judge must have, its completeness and preservation are crucial to the integrity of the case process.* Certain bulky items, such as evidence exhibits,

may be stored separately but should be cross-referenced to the case number and file folder. Some courts microfilm all incoming papers so that a case record can be reconstructed if a file folder is lost. Even courts with electronic records cannot reproduce the full text of documents. In the future, imaging technology, which captures the full text, may eliminate this problem. However, no automated system can rectify internal weaknesses in the file control function.

5. File Folder Location

When the file folder is created and filled with the initial case papers, it is transferred to the active files and typically located on open shelves or in cabinets, arranged by case number within year. Files are also divided by type of case, such as civil, criminal, and juvenile. In some systems, the file folders are assigned to individual clerks rather than a central repository. There must be a procedure to keep track of folders which are removed from this location by a judge, attorney, or clerk. This may be a sign-out sheet indicating the temporary location of the case folder, and many courts insert a temporary folder in the assigned location to receive new paper filings while the original case folder is at the temporary location. Otherwise, new filings can pile up and get lost.

File folder location is critical, because the absence of a file folder makes it impossible for the judge to proceed with the case or for any party or member of the public to see if justice is being done.[4] In poorly maintained record systems, folders may be strewn about the storage area or taken to the offices of judges and lawyers with no record that they are out of their assigned location. Without shelves or cabinets for storage, the files may simply be piled in some rough order on tables or the floor. Even when shelves or cabinets are available, cases may be missing or filed out of order. If records are properly numbered and indexed, it is easier to locate out-of-place records and return them to their proper location. Some clerks run routine record checks to ensure that records are in place.

Indicators of a Good Record Control System

- Each case has a unique numerical identifier.
- Cases are numbered within year, not consecutively over a multi-year period.
- The index provides cross-references to the names of all parties.
- Cases are housed in folders or other adequate containers and stored in an orderly manner.
- New cases papers are placed timely and accurately in the folder.
- There is a system for tracking folders that are temporarily out of place.
- The rate of record loss or misplacement is low.

C. Case Processing and Record Updating

Courts often lose control of cases as they move through the system. The key to judicial control over cases is the existence of an accurate mechanism for up-to-date tracking of the status and progress of individual cases. Although most courts record most of the information necessary for this kind of tracking, they do not do so in a

[4] Case files of some juvenile or family records are sometimes closed to the public, but other records should normally be open to inspection upon request, subject to some type of security.

Figure 1: Register

Case Title: **Jones v Smith**

Case Number: **Civ-98-666**

Plaintiffs (s)	Address/Phone Number
_____	_____
	_____
	_____
Defendant(s)	Address/Phone Number
_____	_____
	_____
	_____

Attorneys:

Plaintiff	**Defendants**
_____	_____

Case Actions

Date	**Action**
___	Initial filing
___	Return of Service
___	Responsive Pleading

Judicial Actions

Judgments and Orders	**Judge**	**Date**
_____	_____	____
_____	_____	____

way that facilitates strong case management because the information is too scattered. What is needed is an easily accessible, chronological record of all actions and paper filings in a given case. This record is the case register, initiated when the first case event occurs (e.g., filing of a civil suit or criminal complaint). It is essential in bringing cases to a just and expeditious resolution not only because it reveals the status and progress of each case, but also because it contains information that helps detect delay.

Courts organize their registers in different ways. In some courts, the register is a very wide spreadsheet-type ledger that has one line per case. Basic case identifying information appears at the far left. A deputy clerk or deputy registrar then records actions and filings in the register chronologically for each case. For example, when a motion is filed, the clerk records an entry for the motion in the register and subsequently records any order resulting from the motion on the same line. This kind of register provides the full history of a case all in one place.

Other courts have a register with a page for each day, recording all actions for all cases that occurred on that day. This kind of system requires the clerk to re-enter the case number and other indices (such as names of the parties and judges assigned) each time there is a new entry for the case. This makes it very difficult to determine the history of an individual case, requiring the examination of the register page by page to find the entries pertaining to that case.

Still other courts organize their register with a separate page for each case that has been filed, with the clerk recording the actions and filings for the case on that page in the order in which they occurred. Figure 1 is a simplified illustration of such a register for a civil case. Many registers capture more data. For example, criminal registers may contain more personal data on the defendant, including jail status, and may use different terminology.

This kind of system provides a ready chronological overview, so long as the entries fit on one page. However, for security reasons, registers are bound rather than looseleaf volumes. Thus, once the page for a case is filled up, the clerk must start a new page later in the same book or in another book. Although preferable to the procedure of providing a page for each day, this method still makes review of the status of the case quite cumbersome. Sometimes, the clerk assigned to the case has to be consulted because only he or she can locate the relevant docket books.

Indicators of a Good Case Process/Record Updating System

- There is an accessible register of all events and filings for each case.
- The register is accurate and up to date.

One way to increase the availability of case information is to record filing and action information in the case file itself, usually on a sheet attached to the inside cover or on a form printed on the file jacket. This provides a ready overview of what has occurred, together with the motions, briefs, memoranda, and orders that permit the judge to verify any questionable entries and understand the substance of the case. Joining such a docket with the case file works well as long as the file can be located readily, is up to date, and is promptly returned by the judge.

Regardless of method, timeliness and accuracy of the data are critical. Whether the system is manual or automated, delay in entering events and filings, or missing or inaccurate entries, can lead to an erroneous action by a judge, attorney, or clerk. Generally, entries should be posted within 24 hours.

D. Scheduling Case Events

Courts need a good scheduling or calendar system to manage the flow of cases through the system. The scheduling of court events is a central aspect of case management. In some justice systems, the tradition has been to leave the timing of case events to the lawyers, with judges intervening only if asked. As part of most judicial reform programs, this tradition changes, with judges and court managers assuming responsibility for moving cases through the system. Cases have varying levels of complexity and move through the system at various paces. Some courts distinguish among complex, average, and simple cases and manage each type of case differently. In the United States, this is known as “differentiated case management” and is an indication that a court is trying to make effective use of its resources.

Regardless of system sophistication, all court systems must schedule events and generate information about those events, most of which

are some form of court hearing. Civil law systems tend to have fewer hearings than Anglo-American systems because they rely more on written documentation and less on oral evidence and arguments, but they still need a scheduling system. Under-scheduling leads to poor utilization of court resources and results in delays. Over-scheduling leads to re-scheduling and other inefficiencies. Scheduling problems combine with other types of problems (e.g., lack of control over the lawyers, missing records, failures of persons to appear, and faulty notification) to leave cases churning within the system for considerable periods of time without closure.

In the United States, the schedule of court hearings (Figure 2) is generally called a calendar. The daily calendar is filed and retained for a short period of time as a record of court activity. Occasionally, judges use the calendar to record their orders pertaining to the listed cases, making the calendar a source of input to the case register. More typically, the courts' orders are recorded on a separate document and placed in the file folder after being entered in the case register.

In addition to announcing court events, the calendar defines judicial assignments and allocation of courtrooms. The judicial assignment process can be a major issue in assuring a fair justice system. The process needs to be random, so that parties do not shop around for judges. "Judge shopping" can be particularly fatal to public trust in a court system where bribery is rife. In Anglo-American systems, assignment of a judge to a case may not occur until the legal dispute officially exists (e.g., the individual charged or being sued responds). Moreover, some U.S. courts assign different judges to handle the case at different points in its progress. This has been found to hinder case management. In civil law systems, judges are more likely to be assigned at the time of case initiation for the duration of the case.

Figure 2: Schedule of Court Hearings

Civil Calendar
Date: May 3

Courtroom: 5 **Judge:** Crane
Time: Morning session (9-12)

Case	Time	Proceeding	Lawyers
Civ-98-10 Ames v Doe	9:00 a.m.	Motion to Dismiss	Brown Carr
Civ 98-201 Garcia v Diaz	9:30 a.m.	Motion to Compel Discovery	Corrado Flores
Civ 99-14 Kowski v Dolan	9:45 a.m.	Motion for Summary Judgment	Dempsey Herman

Indicators of a Good Scheduling System

- It enables the court to move cases effectively to disposition according to time standards and procedures developed in consultation with attorneys.
- It avoids re-scheduling of the same event.
- It is joined with a timely and effective notification system.
- It stimulates efficient use of time by judges, attorneys, and the parties.

Indicators of a Good Case Closure System

- There is a comprehensive, timely case closing routine.
- There is a system for storing and archiving records.
- The system makes court judgments available and enforceable.

E. Controlling and Storing Final Records

The conclusion of a case is a unique and final process. It has implications for timely justice as well as for statistics, case management, and records management. When case disposition occurs, it is recorded in the register and remains there as a data element for inclusion in case management reports. It may also be entered into a special book for recording judgments. Title searchers and financial institutions use such records. Criminal judgments may be transmitted to a criminal justice record system. Even if a case is closed, there may be continuing enforcement actions to ensure respect for court judgments.

The final entry in the case register indicates where the file folder is stored in an area for closed cases, often retaining the original case identifier assigned at intake. Thus, if the case is reopened, it returns to active status without re-indexing or renumbering.

Most systems have a final step, the archiving of closed cases after a period of several years. Archiving can be done by microfilming and then destroying the paper record, or by storing the file folder in a central storage area for historical records. The latter method is less expensive but requires more space.

Because case closures are labor-intensive and detract from concentration on the active cases, closing routines are often of low priority. There may be some legitimate delays, such as waiting to see if an appeal is filed within the legal time limit. However, failure to separate the closed cases and process them out of the system leads to confusion with the active cases, statistical aberrations, and the failure to record judgment information essential to criminal justice agencies, businesses, and other parties.

F. Reporting Management Information

Good court management requires a capacity to understand and act upon management information. The problem in many courts is that they see statistics as a burden rather than a management tool. Statistics tend to be collected at some central point in a region or country and used to produce reports that have little management significance and are usually out of date by the time they appear. Statistics are not an automatic byproduct of most systems, but the result of a separate process based on forms sent out to courts by some planning or statistical unit in the highest court of a region or country. The categories of information may meet some planning need at the regional or national level but have little utility to the courts that are

Figure 3: Caseload report

	Criminal	Civil	Family	Total
Cases pending at beginning of period				
Cases filed during period				
Cases disposed during period				
Cases pending at end of period				
Clearance Ratio (cases disposed, % of filings)				

reporting case statistics. The absence of useful management information leaves individual courts with no data on which to assess their operations, much less to set measurable goals and objectives. Even worse, the public is left without any knowledge of court operations or has no reason for faith in the courts.

Although a case tracking system is the basic building block of an effective CTM system, it does not suffice.

Judges and the public must know not only if justice is done in individual cases, but also whether the judicial system as a whole functions in the interest of justice. Some CTM systems are weak in generating information that provides indicators of performance and the aggregate data necessary for a court to manage its caseload effectively. The better CTM systems produce reports that extract information from individual case files to present a picture of how the court operates as an organization. Manual systems—even those that are relatively good—require laborious extraction from records and generally make it very difficult to aggregate information for management reports. Reporting is one area where automation is a tremendous asset, provided the data within the system are accurate, reliable, and up to date.

There are several basic management reports that most CTM systems generate. The first is the caseload report (Figure 3) that tells managers if they are staying abreast of their work or falling behind. Any court should have some version of this report, with accurate and timely information. Courts may report more detail, such as the nature of dispositions (e.g., dismissal, settlement, acceptance of guilt, and trial) or more detailed class types.

At the very least, the number of dispositions should match the number of filings. If not, a backlog accrues, and case delay increases.

The second basic management report (Figure 4) informs managers about the size of the pending workload and helps them identify cases that are languishing in the system.

More sophisticated versions of this report provide information by case type or identify the categories of cases that are accumulating.

Indicators of a Good Management Reporting System

- Reports facilitate the management of case movement.
- Reports facilitate the identification of patterns that need to be changed.
- Reports encourage and affect justice system reforms.

Figure 4: Pending Caseload Report

Case Age	Number of Cases	% of Pending Cases
Less that 7 months		
7-12 months		
13-18 months		
19-24 months		
More than 2 years		

List of cases more than 2 years old

Case number	Case Title	Assigned Judge
_____	_____	_____
_____	_____	_____
_____	_____	_____

The third report, essential to caseflow management, documents the average and median times from filing to disposition.

This kind of report generally requires an automated system because of the logistical difficulties in extracting such information manually.

IV. ANALYZING AND EVALUATING REQUESTS FOR CTM ASSISTANCE

Section III described the functions of a good CTM system and the indicators of effective system components. Worldwide, including in the United States, few courts can match the model. The advent of information technology has not changed the need for a sound underlying CTM system structure. A good manual system is the foundation for effective improvement. Automation cannot compensate for the absence of such a foundation. Indeed, automating without such a foundation has proven to be a very poor investment.

This section guides ROL officers in screening initial CTM assistance requests, conducting pre-implementation assessment, and defining financial investment requirements. These three steps enable the ROL officer to make an informed decision on whether to support a CTM assistance project.

A. Determining the Merits and Relevance of a Request for Upgrading a CTM System

Requests for funds to upgrade a CTM system, whether manual or automated, must make a case for support. There are a number of threshold issues that determine whether a request warrants further consideration. The ROL officer's initial role is to screen the request in terms of these issues.

1. Documentation of the Need for the Improvement Project

Whether generated by local justice system officials or donors, assistance requests may be stated in general terms without a clear definition of the problem being addressed. Typically, the request will cite some generic problems found in most poorly designed manual systems, such as case backlog, and it will state a general need for upgrading. This provides no basis on which to act. What is needed is clarification of the perceived problem and its relationship to the proposed project. For example, is the backlog due primarily to the inability to track cases or to the legal procedures required by the country's civil code? Typically, outside expert assistance may prove to be a good investment, as experts can help the stakeholders articulate the need for the project.

2. Relevance to the Objectives of the ROL Program

A request may be clear but irrelevant to the reform objectives of the ROL program. It may fail to establish the connection between the desired CTM system improvements and the protection of individual rights, transparency, fairness and integrity of the justice system, and other reform objectives. An example is a request for personal computers for judges without articulating exactly how the provision of these computers will contribute to achieving the objectives.

3. Authority to Make the Request

Those interested in upgrading a CTM system may not have the authority to speak for the courts. Knowledge of the authority structure of the local court system is essential. Evaluating the request requires determining who has the authority to speak for the courts, whether leadership for reform exists in the courts or in another justice system institution[5], and whether the highest authorities within the court system

[5] In many countries, improvements to case tracking and statistics began in the prosecutor's office because that institution had more power than the judiciary. Courts then emulated the improvements made by the prosecutor.

still need the permission of officials outside the judiciary in order to proceed.

4. Appropriateness of the Scope

The request may be too broad—so sweeping that it is impractical on its face—or too narrow—so limited and atypical that the proposed project has no significance. For example, it may pertain to every subject matter of a court or only to one issue, such as criminal cases. It may pertain to a specific court or to the court system for a region or country. Case volume can serve as a rough measure of how many people will benefit from the proposed improvements. It can also determine the need for electronic data processing, with higher volume meriting automation.

B. Assessing the Current CTM System and the Context

For requests that pass the initial screening, a comprehensive assessment should precede any investment in system improvement. The assessment has two related purposes. The first is an objective analysis of the context in which the new CTM system will be introduced. The second is to determine whether the CTM system requires major improvements and, if so, the nature of these improvements. If the request is for upgrading a manual system without computerization, the analysis is not terribly complex. If the request is for computerization, the analysis must consider two special issues. The first is whether the defects in the existing system are so fundamental that the existing manual system needs upgrading prior to automation. Computerizing a defective manual system simply freezes the defects, increases the cost of system operation, and creates an aura of undeserved credibility. The second is whether computerization will address the real problems within the system.

Typically, an expert contractor performs the assessment. Because creating a good CTM system requires that the system win wide support by responding to the needs of justice system leaders, lower rank officials more involved in implementation, personnel with administrative responsibilities, and citizens, the scope of work should require consultations between the consultant and the stakeholders. It should include at least three basic tasks:

1. Task 1

Gather all existing statutes, rules, manuals, forms, data-gathering instruments, reports, and relevant information on staff capacity and organization. The contractor should go beyond strictly judicial functions and gather manuals, forms, and procedures for related functions such as personnel and accounting. This task provides a broad picture of the environmental opportunities and barriers in terms of human resources, organizational characteristics and relationships, legislation and procedures, and functional maturity.

2. Task 2

Observe actual operating procedures and interview judges and staff at all levels to identify problems, needs, and interest in change.

3. Task 3

Analyze all information gathered to assess not only the conditions of the judicial system, but also the stage of development of the judicial organization because the level of maturity is critical to the organization's ability to absorb change. In some contexts, developing or strengthening some of the internal organizational structures must precede managerial and technological judicial changes. The analysis can be time-consuming, often taking several months in large, complex systems or where key information is hard to find, but in other systems it may be completed relatively quickly. In any case, it is essential, as a

haphazard analysis will only result in flawed decisions about whether to invest and how to invest.

The contractor should be responsible for determining the following:

a. *Whether data input to the court is standardized, well formatted, legally sufficient, and responsive to the needs of data users*

The contractor's job is to determine the extent to which the forms control system reflects the indicators described in Section III. The contractor should also determine whether the forms are legally sufficient and whether they are responsive to users' needs. If the users feel they are not, there is a need to review the scope and content of the database.

b. *The nature of court outputs and whether their content and dissemination reflect the needs of internal and external users*

Court outputs include reports on court operations (e.g., caseload inventory and age, filing and disposition statistics, and sometimes average elapsed time from filing to disposition) and on the daily business of the court (e.g., notices to parties and attorneys, warrants issued from the bench, court calendars, and orders and judgments). The contractor should assess outputs in terms of their usefulness, accuracy, completeness, and responsiveness to user needs, and also determine if some necessary outputs are missing. Implicit in the contractor's job is identifying internal and external user groups and assessing the flow of information within the court and externally. Internal users generally include persons handling court operations at the point of public contact and those with managerial and administrative responsibilities for operations. External users include criminal justice agencies, other courts within the judiciary, and others. Orders and judgments require particular attention. The contractor should assess and document the process for recording them as well as their availability. This includes determining whether judges' notes and written opinions are part of the record and, if so, how they are entered into the case record. The legal requirements for a judge's signature also will affect automation. The assessment also includes determining if the court reports judgments to agencies which rely on them and the extent to which the judgment enforcement process is reflected in the CTM system.

c. *Whether individual case information is aggregated and recorded so as to provide a case history for tracking purposes*

Section III described the indicators of good record control and case tracking. These should be the focus of the contractor's assessment. It is particularly important to determine whether information is so scattered among various books and documents that conversion to electronic form will be difficult.

d. *The court's control of records and whether the records are complete and readily available*

Section III described the indicators of good record control, case processing and record updating, and closure routines. The contractor should assess current operations in terms of these indicators.

e. *Resources available to the court for creation and maintenance of an improved information system*

A court's ability to upgrade a CTM system successfully depends on its existing resources in terms of staff expertise, equipment, facilities, and money. These factors should be the subject of the contractor's assessment. Resource issues common to both manual and computerized CTM system improvement projects include the

following: (1) funding to sustain the improvement effort, especially for competent support personnel and for adequate space and equipment; (2) facility condition and/or location; (3) the court's management system and its ability to manage change; and (4) the current use of technology other than computers, such as fax and microfilming.

f. Resource constraints related to automated CTM system improvement

Automation projects require careful analysis of three special factors that, alone or in combination, often challenge the success of these projects: (1) experience with computers or telecommunications within the system or in companies or public agencies readily available to the court facility; (2) technological expertise of the staff or available through other government agencies; and (3) electrical power in the facility and other relevant infrastructure issues. Many projects have suffered seriously from failure to identify these kinds of problems in advance.

g. Other constraints

Some crippling constraints will inhibit the use of automation and even the improvement of a manual system. The contractor needs to identify these early to determine if they can be removed, ameliorated, or circumvented. Examples include

- Limits and obstacles caused by statutes and rules of procedure (such as a historical prohibition on fax filing or requirements for maintaining records that have no modern significance)
- Cultural barriers that make any improvement difficult but particularly transition from a traditional paper medium to an electronic medium (with serious implications for training)
- Organizational barriers that defeat coherent case management and information exchange, such as a multiplicity of quasi-autonomous units in the same court
- Obsolete, inefficient, or redundant procedures that cause delay but are firmly entrenched in the system
- Any limitations on the court's authority to make changes and the attitude of the legislature toward reform

h. Revenue collection processes

Courts often collect fines, restitution, filing fees, child support, and money paid into trust accounts managed by the court. Most of these payments are made to comply with a court order or judgment and have to be reflected in individual case records. The contractor should assess the procedures and the information system for collecting and disseminating court-collected money and the link, if any, between this system and individual case records.

i. Whether automation is an appropriate immediate response

In general, automation is suitable to high-volume functions and can result in significant gains in efficiency. The contractor should advise the ROL officer as to whether automation is feasible, given the depth and scope of problems in the CTM system, or whether there should be a non-automated project to reform the existing system first. The contractor should state the reasons for his or her conclusion and also outline a preliminary work plan for either type of intervention. For automated projects, the contractor should spell out implementation options, with different costs and different levels of services. In describing the options, the contractor should relate each option to the priority issues arising from the analysis and

suggest the relative costs and benefits. Typical options include the following:

- Mainframe versus personal computers
- Different ways of funding the system
- Purchase versus lease of equipment
- Phasing options to reduce cost and complexity

The work plan will provide the basis for the consensus planning process and the system improvement projects described in Section V.

C. Understanding the Costs of CTM System Improvement Projects

The cost of the project—and of maintaining system improvements in the long run—is a central consideration in deciding to approve a request. In the past, many projects, especially those involving automation, have suffered from a failure to understand the nature and size of the costs. Total costs far exceeded estimated budgets, and justice systems ended up with systems that they could not afford to maintain. A report on U.S. government and business software projects[6] documented expenditures of $81 billion on cancelled projects and $59 billion on cost overruns. Only one-sixth of the projects were completed on time. One-third were cancelled outright, and over half were characterized as "challenged." Of the latter two groups, the average project ran 189 percent over budget, was 221 percent behind schedule, and contained only 61 percent of the originally specified features. Inadequate cost estimation was a major factor in these failures.

Therefore, before proceeding with CTM system improvement projects, it is critical that both ROL officers and local justice system counterparts understand the initial and ongoing investment requirements. However, these individuals rarely have the skills, knowledge, and experience to identify and estimate these kinds of costs accurately. Thus, the ROL officer should contract for qualified expert assistance. The consultant should work on site and in close collaboration with the stakeholders to develop the cost estimate as well as explore its implications for continuing justice system financing. This will provide both USAID and the local stakeholders with advance warning of the cost magnitude and facilitate more informed decisions about whether and how to proceed.

Basic initial costs include organizational and system analysis, system planning and design, software development or procurement and hardware procurement (for automated systems), facility preparation and equipment installation (for automated systems), hiring new staff with new skills, training people to manage the system, training people to use the system, and training people to maintain the system (for automated systems). There may also be related costs associated with revising procedures or regulations to enable the establishment of new CTM system functions. With careful thinking and expert assistance, it is relatively straightforward to estimate initial costs.

However, it is easy to under-estimate software development costs. If objectives are unclear or the initial analysis does not document the existing system fully and accurately, the software development process can be both long and complicated, resulting in ballooning costs. Recurrent costs in CTM system improvement projects are substantial, particularly those that involve automation. In collaboration with the expert consultant, the ROL officer can play a major role in exploring these costs with local justice system officials, helping them understand

[6] The Standish Group, "Chaos," 1995.

the financial commitment and deciding whether or not they have sufficient resources to make the commitment. Recurrent costs are not limited to maintenance and periodic equipment replacement, though these are substantial in themselves. They also include such items as replacing technology staff often lured to more lucrative private sector positions, training additional or replacement staff, revising and upgrading the entire system itself as information needs change, refining software and forms, and retraining all staff in response to system revisions and upgrades. This is an ongoing process with continuous financial impact. No information system is static. The inadequacy of funding, or the unwillingness of justice systems to allocate funds for these purposes, has been a major cause of failure in past projects. The importance of attending to recurrent costs before the project begins is a major lesson learned.

V. PLANNING AND IMPLEMENTING CTM SYSTEM IMPROVEMENT PROJECTS

Based on the contractor's recommendations resulting from the analysis, the ROL officer may decide to upgrade a manual CTM system as a prelude to automation or as an end in itself, or to go straight to automation. This section provides guidance in planning and implementing both kinds of projects and in engaging contractor assistance following completion of the three steps described in Section IV. It focuses primarily on the scopes of work and procedural elements of CTM system improvement projects. Section VI introduces other important strategies, approaches, and components that must be part of implementation to maximize the chances for success.

A. Building a Consensus Work Plan

Rarely can a court make all the changes it desires; this makes priority setting an important leadership role. Court leaders should state what they expect to achieve from automation. The ROL officer should ensure that project planning reflects the leadership's goals and objectives and that leaders participate in the planning process.

At the same time, the support of justice system officials at all levels—before the project begins—is critical to the success of any CTM system improvement initiative, whether manual or automated. Therefore, they must be involved in work planning, and part of the contractor's job should be to collaborate with them in the planning process. This will avoid top-down designs that give precedence to the information needs of high level officials and policy makers and neglect the information needs of court personnel and judges at the local level. Most court systems are autocratic, not democratic. The prevailing attitude often is that whatever the supreme court or judicial council or ministry of justice dictates is what will be done. However, implementing significant organizational change requires the cooperation of those who perform the work, not just their bosses.

The contractor's scope of work should contain four tasks leading to a consensus work plan. These tasks provide an opportunity to validate the earlier analysis and refine it in consultation with court officials, particularly those involved in implementing the court's daily operations.

1. Task 1

Conduct a series of workshops with high level organizational officials to discuss in detail the findings from the analysis and develop a consensus on the scope of the suggested changes. These changes should be grounded in a framework of clear and simple objectives such as the following:

- Enabling the court to track a case from start to end
- Enabling the court to exercise control of interim events and to identify points of delay
- Enabling the court to maintain control of files
- Enabling the court to obtain management reports that accurately depict the court's control of its caseload and case handling, identify cases that require action, and assist the court in allocating resources
- Improving user satisfaction with the quality and usefulness of information and the ease of input and retrieval

- Providing the data elements needed by the supreme court, judicial council, or ministry of justice

This leads to defining the desired operational benefits associated with these objectives. Among the benefits the leadership might seek are the following:

- Reduction of repetitive tasks
- Improvement in the quality of data
- Increased information accessibility
- Increased organizational integration
- Improved statistics and operations monitoring
- Increased effectiveness by performing tasks and functions impossible in a manual system

Typically, these benefits are greater when associated with automating high-volume activities.

During the workshops, the contractor should secure permission to consult with lower level officials (Task 2). It is important to respect the chain of command.

2. Task 2

Meet with the operational staff who will assist with any procedural changes. Since they will be doing the work, their cooperation and involvement in planning and design are essential to project success.

3. Task 3

Consolidate the results of all consultations into a document that the host country can adopt as its official work plan outline. This outline then becomes the official guide for system development.

4. Task 4

Following adoption of the work plan outline, develop the detailed work plan in close consultation with the appropriate middle and top management of each affected organization. The work plan should include a requirements analysis that sets forth the specifications for software and hardware. Pilot specifications should anticipate that the system may be replicated nationwide. At the very least, this should entail consideration of data commonality and forms design. Depending on the country's level of technological sophistication, it might also entail consideration of hardware and software compatibility and the use of local area and wide area networks.

Deliberations during Tasks 1 and 2 may suggest the need to collect additional information on a specific activity, such as case initiation or case closing. The contractor should work closely with stakeholders in analyzing this information and ensure that the analysis is reflected in the products of Tasks 3 and 4.

B. Upgrading a Manual CTM System

Generally, USAID engages a contractor to improve the manual CTM system. Reflecting the consensus work plan, the scope of work should specify the operational objectives (e.g., enabling the court to track a case from start to end) as well as the contractor's tasks. These tasks are specific to the target improvement objective but generally include some aspects of in-depth functional analysis, procedural design, training, ongoing consultation and technical assistance, and monitoring change after initiation.

The contractor should be mindful that manual improvements might lay the groundwork for future automation. Therefore, the ROL officer

should structure the scope of work not only to address the defects documented in the initial assessment, but also to provide guidance at an appropriate point on whether automation is feasible after some improvements and, if so, how to achieve it. If the system is not ready, the contractor should state the reasons why. An improved manual system is a worthy achievement in itself and may be the best that can be done under the circumstances.

A contractor who believes that the system is ready for automation should propose a strategy to achieve it. Sub-section C below describes the basic elements of an automation work plan, but the contractor working on manual system improvement can provide additional detail on the following in order to inform the strategy:

- Whether the reality of the manual system reflects official regulations and procedures
- The key user groups and their data needs and desired outputs
- The quality of the database and options for converting it to electronic form
- The quality of forms and other inputs
- What portions of the manual system should be considered as priorities for automation
- Options for management of the implementation effort by the court

C. Planning and Implementing an Automated CTM System

This section guides the ROL officer in developing a scope of work and monitoring contractor performance. The ROL officer does not have to master technology to do this well. *Failure of automation projects results more often from non-technical causes than from hardware and software problems.* As illustrated below, the reasons for failure are not complex:

- A common major mistake is the belief, belied by experience, that computers are the solution for poor operations and management. Automation alone will not solve problems such as court delay or the difficulty in finding case files or records.
- Projects have been launched without adequate preliminary analysis. Computerizing an inadequate manual CTM system will only result in an inadequate automated system.
- Overly ambitious projects have generally floundered because there was no preliminary pilot testing of individual modules or of a comprehensive package at one location.
- Fascination with expensive, impractical, and fancy technological innovations has increased costs and sacrificed practicality for marginally useful gimmicks.
- The time frames have not allowed for the vagaries of implementation and have been too condensed. Project events rarely proceed as expected because automation occurs in the real world where conditions are never ideal. User specifications may prove vague and imperfect, and political and financial considerations may temporarily overwhelm technology.
- Project directors fail to appreciate the difficulties of implementing a system in a busy court. Implementation occurs in the midst of a court with ongoing daily obligations that take precedence over

the new system, so that the system must be developed as a parallel activity. The conversion of existing records of active cases to electronic form must take place without disrupting ongoing court business.

- Projects can fall apart for lack of local technical support for maintenance.

The activities described in Section IV, combined with the consensus work planning process described above, help prevent the occurrence of these problems.

The scope of work can be organized around the six stages of the project: (1) acquisition of hardware and acquisition and modification of software; (2) project management; (3) facility preparation and installation; (4) training; (5) transition from manual operations to automation; and (6) operation, performance monitoring, and maintenance. These stages are not always entirely sequential. For example, training in some topics may occur before facility preparation and installation of equipment. Experts can assist in providing the appropriate technical language.

In addition to the tasks associated with each stage, the scope of work should employ pilot tests within a long-term regional or nationwide replication strategy. Small demonstration projects have a better chance for success than overly ambitious, system-wide efforts. However, all too often, the project stops at the pilots, with little impact on the judicial system as a whole. To promote expansion, the pilots need to ensure consistency and continuity. For example, if cases pass through several courts (e.g., if the initial proceedings in a criminal case are before a limited jurisdiction court, but the trial portion is before a higher court), or if several types of cases are involved, it will be difficult to assess the results. These difficulties may arise from procedural variations among levels of the court system or types of cases, such as juvenile and adult. If the reform applies to only one phase of the case, such as the court of first jurisdiction, problems will surface when the case is transferred to another court that does not compile information in the same way.

The scopes should also require tracking of cases through the first appellate level. In civil law systems, this is where the more seriously contested cases reach final disposition. In many countries, there is no managerial connection between the first-instance court and the appellate court. Thus, unless the process is treated as a whole for tracking purposes, it will not be possible to determine when cases end.

It is also important each component of the system be developed in conjunction with host-country nationals and review the design with persons affected by it.

- Test the system and make adjustments as necessary. Discuss them with the staff and determine them in cooperation with those charged with implementation.

- Develop a procedures manual and document the automated system thoroughly.

- Evaluate the system and review findings with staff.

1. Stage 1: Acquisition of Hardware and Acquisition and Modification of Software

The scope of work for this stage should specify the type of help that the contractor must provide in acquisitions. This assistance might take the form of translating the functional requirements into specifications for a request for bids, evaluating responses, and assisting in contracting with the supplier. If the contractor is offering a proprietary software package, its role

in acquisition diminishes. However, some modification will inevitably be needed to tailor the software to the language, terms, and process being used by the courts. Thus, the contractor must explain how the needed modifications will be defined, who will make the changes, how the modified software will be tested, and how the accompanying manuals will be updated to reflect the change. In addition, the ROL officer should ensure that whatever hardware or software is acquired can be maintained locally and is compatible with any systems with which it must interact.

2. Stage 2: Project Management

Project management begins in the planning stage but starts in earnest when the hardware and software acquisition is scheduled and equipment installation is imminent. The scope of work should require the contractor to prepare a detailed implementation plan that includes (1) facility preparation; (2) training for the new system; (3) the proposed scheme of conversion; (4) the start-up procedures for system inauguration; (5) the contractor's role in the operation of the new system; (6) developing the overall system policies and procedures; and (7) system security.

3. Stage 3: Facility Preparation and Installation

The scope of work cannot assume an adequate facility and, therefore, should require readying the facility for an electronic system. Minimally, this includes adequate electric power, heating, ventilation, and air-conditioning systems; cabling for peripheral devices (often problematic in old buildings or under outdated building codes); telephone and telecommunications; lighting; and flooring. Other issues that may require attention are reduction of radio frequency interference or fire hazards. Because installing equipment and testing software often reveal weaknesses that have to be resolved, the scope of work should fix responsibility not only for initial installation, but also for correcting malfunctions.

4. Stage 4: Training

Training has been a weak spot in implementation. It is critical to building confidence and overcoming the inevitable resistance to change from reliance on paper processing.

The scope of work needs to fix responsibility for training and address four key issues. The first is who receives training and what kind of training they need. For example, supervisors must know the whole system and serve as in-house experts and trainers. Line staff, on the other hand, may need to know only the part of the system on which they work. For high-level users, such as judges, training can be at a less detailed level. The second issue is who provides the training. The contractor is usually involved, but it may be beneficial to have other training providers, local institutions, or other vendors familiar with some part of the system. This will help assure the future availability of local system support. The third issue is documentation of the system and the production of training guides. These are important training devices that will facilitate ongoing training as well as cross-training. Finally, training should precede implementation, and contractor representatives should remain available to system staff in the first stages of implementation.

5. Stage 5: Transition from Manual Operations to Automation

The day of actual transition to the new system is the most vigorous test of the planning effort. The success of the transition depends on extensive preparation activities to input and convert data. The detailed work plan will spell out these activities in detail. The scope of work should specify the contractor's responsibilities for the

pre-launch period and provide for some sort of pre-testing to avoid embarrassing breakdowns. It should also require the contractor to specify the method for converting existing files. Basically, there are three conversion options: (1) convert only cases filed after start-up; (2) convert all pending and newly filed cases; and (3) convert different parts of the system sequentially (e.g., first criminal, then civil).

6. Stage 6: Operation, Performance Monitoring, and Maintenance

The contractor's job does not stop with installation and start-up. The scope of work should require the contractor's on-site presence for a few months to solve problems, establish monitoring procedures, and check system security. It should also require the contractor to propose a maintenance plan that will go into effect after the contractor leaves. This plan may include periodic contractor inputs. Finally, the scope of work should provide for a smooth transition and turnover of responsibility to justice system staff.

VI. KEY FACTORS IN SUCCESSFUL AUTOMATED CTM SYSTEM IMPROVEMENT PROJECTS

Technical soundness of the preliminary system analysis and the scope of work for implementation do not alone guarantee the success of an automation initiative. The ROL officer needs to attend to several other issues as well. This section describes strategies and approaches that will increase the potential for success.

A. Assessing Commitment, Management, and Leadership

The ROL officer has to ascertain whether the court has the necessary commitment, management, and leadership to execute the project and to collaborate successfully with the contractor. Ideal conditions include the following:

- **Support of the authority structure.** The highest authority in the court system as well as the leadership in the pilot court support the project and have communicated this support throughout the system
- **Delegation.** Those in authority have formally designated the person(s) responsible for dealing with the contractor and managing the implementation.
- **Consensus.** Court leaders have set the project goals and objectives. There is substantial agreement within the system on the scope of the project and what it is supposed to achieve.
- **Court control.** Court officials will retain control over the system as opposed to turning it over to technicians. There is a committee that can make policy decisions on behalf of the court during the course of the project and can monitor project progress.
- **Input of user groups.** User groups have met and set specifications for the project.
- **Formation of a technical group.** Court personnel at the project working level are designated to work with the contractor on the technological aspects.

B. Setting the Stage

It takes time and work to build a good foundation for CTM system improvement projects. The ROL officer can play an important role in establishing this foundation. The success of the consensus work planning process and the ultimate implementation plan depend to a large extent on sufficient preliminary attention to a number of issues that set the stage for success. These issues include the following:

1. Addressing Fears

There should be preliminary discussions regarding which groups, both internal and external, will support the planned changes and which will not. There is always resistance to change, often based on fear, and strategies to combat this resistance are essential. In CTM system improvement projects, the fears are generally associated with loss of power, meaning that clerks will be the most threatened group. Information is power, and in most systems clerks control that information single-handedly. System changes will require them to share that power. Judges and clerks must be convinced that the new system is a benefit that will help them do their work, rather than a

burden and a threat. There should be a frank and participatory dialogue about likely changes in relationships and responsibilities, potential fears related to perceived inadequacies, and the level of work associated with implementing the changes.

2. Addressing Procedural Flaws Prior to Implementation

Procedural flaws become institutionalized in the new system unless they are identified and addressed prior to implementation. People in the system are generally aware of its flaws and should participate in the analysis. Ideally, procedural reforms should be initiated, if not completed, prior to project implementation.

3. Addressing Management Weaknesses

Few countries outside of North America are familiar with or have adopted the concept of bringing professional managers (court administrators) into courts. Tracking cases, developing new systems and more efficient procedures, and analyzing data—critical components of CTM system improvements—are new functions that go beyond traditional clerical activities and are often unfamiliar to judicial officers. This potential gap between needed expertise and available human resources can hinder the success of improvement projects. It is important to fix management responsibilities clearly, without causing backlash among judges.

4. Developing Consensus on Realistic Expectations

Key to this consensus is an assessment of the information, equipment, personnel, and space needed to carry out the changes. This assessment may reveal that the scope of the envisioned reform is too extensive, that expectations are too high, or that future resources will be insufficient to sustain the reform. If the scope must be scaled back, this must happen before work planning and implementation begin. This underlines the importance of the cost estimation process described in Section IV.

GLOSSARY OF COMMON COURT MANAGEMENT TERMS

Archived cases	Records of completed cases that have been held for the required retention period and can be transferred into a repository for dead records or microfilmed and destroyed
Backlog	The accumulation of cases when filings exceed dispositions over a long period
Calendar	Schedule of court hearings that indicates the judge and court room. If newly filed cases are immediately assigned to one judge for case duration, the process is referred to as an *individual calendar system.* If different judges handle the cases at different points in a case and may be assigned for trial to any one of a group of judges, the process is referred to as a *master calendar system*. There are hybrid versions.
Case delay	Failure of a case to reach the point of disposition or some interim point within established time standards
Caseflow management	Proactive court monitoring and scheduling of cases to expedite case disposition within specified time periods
Case file	A container, often a folder, for holding papers pertaining to a particular case
Case tracking	Easily following in one court book the progress of a case as it moves from filing to disposition. The court record is usually called a register of actions or a docket.
Clearance rates	The ratio of dispositions to filings with any ratio below 1.0 indicating an accumulation of cases
Closed cases	Cases that are no longer active in the system because they have been brought to completion by a disposition; normally placed in an area for closed files
Disposition	The action by which a case is officially closed—most commonly by voluntary or involuntary dismissal or by entry of a court order or judgment
Filing	Can be the act of submitting a case paper or can refer to any paper officially received for inclusion in the case file; most often used to describe initial case papers
Records management	Control of case files: specifically storage, storage space, record security, condition of records, and successful retrieval of case files
Register (docket)	A book that chronologically records court actions and receipt of case a papers pertaining to one case
Time standards	Normative time frames for moving each type of case to disposition

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