

# CASEFLOW MANAGEMENT RESOURCES FOR CALIFORNIA JUDGES

© 2013 by Judge Michael Mattice, Superior Court of California, County of Solano<sup>1</sup>

USERS' GUIDE: Caseflow management ("CFM") is the process whereby courts convert their caseloads of newly-filed and pending matters into closed cases, and the pragmatic study of that process. Effective CFM enables efficiency and resource conservation, and minimizes the time from filing to closure, while preserving or improving the quality of adjudication. Legal authority for CFM is shown in Part A, *infra*. Principles of CFM, which apply in all fields of law, are described briefly in early chapters in all of Greacen's three manuals on *Developing Effective Practices* as listed in Parts B and E, 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.<sup>2</sup> The other listed materials focus on applying CFM principles in specific areas. An Index of Subject Matter starts on page 10.

## **PART A: AUTHORITY FOR CFM IN TRIAL COURTS**

Calif. *Code of Judicial Ethics*, Canon 3B(8) (duties of judges as to cases assigned to them).

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, subd's (f) and (s) (summary adjudication of, respectively, either *dispositive* issues or claims or affirmative defenses; or *non-dispositive* ones (upon stipulation) to promote judicial economy by reducing trial time or increasing settlement likelihood).
- §§ 630.01-630.10 (expedited jury trial ("EJT"))
- § 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/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).

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<sup>1</sup> Last revised 11/19/2013. This document, with live hyperlinks, appears in the Serranus Judicial Education Toolkit for Criminal Assignments ("Courtroom Management/Caseflow Management" near bottom of page). <http://serranus.courtinfo.ca.gov/education/documents/cfm-bibliography-mattice.pdf> The California Judicial Council and AOC, and the California Judges' Association are all hereby authorized to reproduce or otherwise use this document in any way any of them sees fit to promote judicial education and to further the efficient administration of justice.

<sup>2</sup> The CFM principles used as the main selection criteria for this resources 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 ("differential case management"); and (7) set case processing goals and use court data to monitor compliance with them. Greacen's three "*Developing...*" manuals (Parts B and E herein) suggest these are the most fundamental CFM principles; other authors cited herein suggest additional principles.

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*, §§ 12200-12206 (time for closing estate, status report, sanctions).

Calif. *Rules of Court*:

- § 3.110 (civil case service time rules).
- §§ 3.700-3.771 (civil case management).
- §§ 3.800-3.898 (civil case ADR).
- §§ 3.1545-3.1552 (expedited jury trial ("EJT")).
- §§ 4.110-4.115 (criminal case management).
- § 5.83 (family law case management).
- §§ 5.670-5.672, 5.680(d), 5.686, 5.710, 5.715, 5.720 (juvenile case management).

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

*In re Marriage of Georgiou and Leslie* (2013) 218 Cal.App.4th 561, 568-569 (summary adjudication motion in family law action), but see Calif. *Rules of Court* § 5.74(b) (summary judgment motion not available in family law action).

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

*People v. Seykora* (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).

Calif. *Standards of Judicial Administration* §§ 2.1-2.2 (case management; time goals); 2.20 (trial management). See also, §§ 2.10-2.11 (interpreters); Title 3 (civil cases); Title 4 (criminal cases); Title 5 (family law cases); § 10.17 (performance standards).

Calif. AOC, *Deskbook on the Management of Complex Civil Litigation* (2012), Danvers, MA: Matthew Bender & Company, Inc. (LexisNexis), ISBN: 978-0-8205-4391-8. (Ideas for "complex" cases per CRC Rule 3.400, and for 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-AOC, FOR PUBLIC USE**

American Institutes for Research, *Unified Family Court Evaluation Literature Review* (2002), prepared for the California AOC, Center for Families, Children and the Courts (CFCC).

<http://www.courts.ca.gov/documents/ufclitreview.pdf>

California Courts, *2012 Court Statistics Report: Statewide Caseload Trends, 2001-2002 Through 2010-2011*. Annual report of statistical information and trends in all California courts, in two parts (introduction, full report). <http://www.courts.ca.gov/12941.htm>

Greacen Associates, LLC, *Developing Effective Practices in Family Caseflow Management* (2005), a manual prepared for the California AOC, 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 AOC, CFCC.  
<http://www.courts.ca.gov/documents/DevelopingEffective--JDCM.pdf>

Judicial Council of California, Administrative Office of the Courts (AOC), *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>

National Center for State Courts, *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys* (2005), commissioned by the AOC 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 AOC CFCC, *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers* (2007), Washington, DC: National Legal Aid & Defender Association (NLADA).  
<http://www.nlada.org/DMS/Documents/1176151729.08/CA%20pro%20se%20Benchbook.pdf>

### **PART C: CALIFORNIA JUDGES ASSOCIATION ("CJA")**

Mader, K. and H. Goldberg, *Can This Criminal Case Be Settled?* (2012), in *The Bench* (Vol. 52 No. 1, Spring 2012), pp. 7-8, San Francisco, CA: CJA.  
<http://www.caljudges.org/files/members/pdf/MaderGoldberg.pdf>

### **PART D: SERRANUS—AOC/CJER COURSES**

Bertoli, Hon. J.G. and Hon. B.J. DeMeo, *Tips & Techniques for Improving Efficiencies for Noncriminal Calendars* (6/18-20/2012), Cow County Institute.  
<http://serranus.courtinfo.ca.gov/education/courses/documents/cow-jun12-03-tipsnoncrim.pdf>

*CJER, Difficult Custody Cases [Compiled by CJER]* (2010), a CJER-compiled chart from materials provided by Duryee, Hon. L. and Lund, M., Ph.D., in *CJER Primary Assignment Orientations—Family Law Orientation Materials*, Feb. 1-5, 2010.  
[http://serranus.courtinfo.ca.gov/education/courses/documents/je-feb10-fam-09\\_difficult.pdf](http://serranus.courtinfo.ca.gov/education/courses/documents/je-feb10-fam-09_difficult.pdf)

Crandall, Hon. C.S., *Proactive Civil Case Management Techniques and What They Can Mean for You* (11/3/2011), Trial Court Judicial Attorneys Institute.  
[http://serranus.courtinfo.ca.gov/education/media/6732\\_video.htm](http://serranus.courtinfo.ca.gov/education/media/6732_video.htm)

Duryee, Hon. L., *High Conflict Personalities* (6/17-19/2013), Cow County Institute. (Lists and discusses personality characteristics and useful judicial tactics.)  
<http://serranus.courtinfo.ca.gov/education/courses/documents/cow-jun13-07-conflict.pdf>

Duryee, Hon. L., *High Conflict Personality Checklist* (2013), in *Qualifying Ethics (5th Cycle) QE5 Core Course Participant Manual*, p. 35, San Francisco, CA: AOC/CJER. (Lists personality characteristics and useful judicial tactics.)

Duryee, Hon. L. and Hon. A.C. Hill, *How to Settle Any Case and Look Like a Pro* (3/12/2008), Great Minds Series, AOC-TV Online Video.  
[http://serranus.courtinfo.ca.gov/education/media/6174\\_video.htm](http://serranus.courtinfo.ca.gov/education/media/6174_video.htm)

Duryee, Hon. L. and Hon. M.G. Virga, *Seal the Deal! [Settlement Techniques]*, (3/21/2013), Civil Law Institute.  
[http://serranus.courtinfo.ca.gov/education/courses/documents/cli-mar13-10\\_seal.pdf](http://serranus.courtinfo.ca.gov/education/courses/documents/cli-mar13-10_seal.pdf)

Eriksson-Embree, K., *Interpreters in California Courts* (2013), Interactive Judicial Article [and Quiz] (10/2013). [http://serranus.courtinfo.ca.gov/education/ricc/10ricc\\_2013oct.htm](http://serranus.courtinfo.ca.gov/education/ricc/10ricc_2013oct.htm)

Karnow, Hon. C. and Hon. R. Trapp, *Expediting Jury Trials and Pretrial Procedures in General Civil Cases* (3/20/2013), Civil Law Institute.  
[http://serranus.courtinfo.ca.gov/education/courses/documents/cli-mar13-02\\_expediting.pdf](http://serranus.courtinfo.ca.gov/education/courses/documents/cli-mar13-02_expediting.pdf)

Lucky, Hon. L.J., IV, *Paperless Courts: Eye to the Future* (6/17-19/2013), Cow County Institute. <http://serranus.courtinfo.ca.gov/education/courses/documents/cow-jun13-08-paperless.pdf>, or <http://bit.ly/cowcounty2013>

Mattice, Hon. M. and Hon. P. Pennypacker, *Saving Costs Through Case Flow Management* (2/8/2012), Criminal Institute.  
[http://serranus.courtinfo.ca.gov/education/courses/documents/crim-feb12-post08\\_costs.pdf](http://serranus.courtinfo.ca.gov/education/courses/documents/crim-feb12-post08_costs.pdf)

Mattice, Hon. M. and Hon. P. Pennypacker, *The Pleasures of CaseFlow Management* (5/24/2011), Cow County Institute.  
<http://serranus.courtinfo.ca.gov/education/courses/documents/cow-may11-16-pleasures.pdf>

Pennypacker, Hon. P., *Settling Criminal Cases* (8/2012), Ten-Minute Mentor Series Video.  
<http://serranus.courtinfo.ca.gov/education/media/mentor/tm-6808-pennypacker.htm>

Pennypacker, Hon. P. and Hon. A.D. Rosenfield, *Tips & Techniques for Improving Efficiencies for Criminal Calendars* (6/19/2012), Cow County Institute.  
[http://serranus.courtinfo.ca.gov/education/media/6789\\_video.htm](http://serranus.courtinfo.ca.gov/education/media/6789_video.htm)

Williams, Hon. A.H. III, *Settlement: Ten Tips in Ten Minutes* (9/2007), Ten-Minute Mentor Series Video. <http://serranus.courtinfo.ca.gov/education/media/mentor/tm-6198-williams10.htm>

## **PART E: SERRANUS—CASEFLOW MANAGEMENT REFERENCES**

*Caseflow Management* reference page. Information and tools concerning clearance rate; time to disposition; age of active pending caseload; data quality and case file integrity; link to NCSC's Court Statistics Project systems; other references.  
<http://serranus.courtinfo.ca.gov/programs/courtresearch/casemgt.htm#cr>

*Court Interpreters Program* reference page. Information and tools concerning Video Remote Interpreting (VRI) and other resources.  
<http://serranus.courtinfo.ca.gov/programs/interpreters/cip-vri.htm>

Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management* (Rev. Ed. 2012), a manual prepared for the California AOC.  
<http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/ocr-crim-caseflow.pdf>

Greacen Associates, LLC, *Developing Effective Practices in Criminal Caseflow Management: Standard Criminal Caseflow Management Reports* (7th Draft, 2007), a manual prepared for the California AOC. <http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/ocr-crim-standReports.pdf>

Greacen, J.M. and F.G. Miller, *Felony Hearing and Trial Date Certainty Study*, (Oct. 2011), AOC Court Programs and Services Division. <http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/ocr-crim-trialC.pdf>

Office of Court Research, *Data Reports* page: Data collections and reports including case aging, trials, filings, dispositions and clearance rates for 10 years, plus annual and quarterly tracking reports. <http://serranus.courtinfo.ca.gov/programs/courtresearch/data.htm>

### **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://nstc.sirsi.net/uhtbin/cgiirsi/CNjrbHwzKg/0/0/49> and search.

Center on Court Access to Justice for All [NCSC], *Caseflow Management and Access Services*, web site on 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>

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), 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>

Goerdt, 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>

Goerdt, 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>

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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. 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.aspx](http://www.courtstatistics.org/~media/Microsites/Files/CSP/DATA%20PDF/CSPH_online2.aspx). See related charts "Hours Expended by Attorneys, Paralegals and Expert Witnesses...,"

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

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>

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>

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.aspx>

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/ref/collection/accessfair/id/90>

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*, <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1281>

NCSC, *State Court Guide to Statistical Reporting, ver. 1.3* (2009).  
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1472>.

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 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>

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**

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>

Brown, Hon. R.F., *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.

Brown, Hon. R.F., *Juxtaposed Expert Testimony [JET]: A Proposal to Benefit California's Judicial System* (2012), <http://jet-trials.org/>, select "Juxtaposed Expert Testimony" or see <http://jet-trials.org/juxtaposed-expert-testimony-2/>

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>

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)

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*, Fall 2010 issue, Vol. 4, No. 3. <http://www.globaldrugpolicy.org/previous.html> and search, 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)

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)

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)

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)

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/) and search, 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. [http://works.bepress.com/peter\\_robinson/](http://works.bepress.com/peter_robinson/) and search, or  
[http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=peter\\_robinson](http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=peter_robinson)

Self-Represented Litigation Network, *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)

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.  
[http://www.ojp.usdoj.gov/BJA/pdf/AU\\_FelonyCaseflow.pdf](http://www.ojp.usdoj.gov/BJA/pdf/AU_FelonyCaseflow.pdf)

Solomon, M., *Improving Criminal Caseflow* (2008), Washington D.C., American University, for U.S. Dept. of Justice, Bureau of Justice Assistance.  
<http://www1.spa.american.edu/justice/documents/2406.pdf>

White, Hon. K.M. and Hon. D.P. Maguire, *How (Not) To Handle Exhibits*, in Daily Journal (S.F.), May 23, 2013 (Editorial ID: 929107), p. 5.  
<http://www.dailyjournal.com/subscriber/SubMain.cfm>. ("Search" tab).

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