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Managing Your Docket Effectively and Efficiently

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There is increased sensitivity that excessive delay in litigation is undesirable. It is not justice, if one has to wait too long to conclude an administrative adjudication. Justice delayed is justice denied, but at the same time, justice expedited may also be justice denied. Speed is not necessarily an indication that efficiency or effectiveness has been achieved. Speed may stem from a disregard for the rights of some or all the parties before the administrative agency.

Have you ever heard of the "Goldilocks theory of administrative adjudicatory due process?" It can't be too slow, and it can't be too fast. It must be just right. We live in interesting times and must acknowledge that, in many administrative agencies, we do not have the resources for providing a Mercedes level of due process. Yet, each litigant deserves that "process which is due." We are human and we strive to achieve that balance of "just rightness" required in the Goldilocks theory of administrative adjudication due process.

I assume that each of you strives to do the best you can, always looking to improve your effectiveness. There is no single best way, each of us must review and adapt principles and practices to our personal working style and the cases that come before us. Some have computer-generated notices out of a central office while others prepare their own notices. Some have highly complex factual issues, with extensive discovery, numerous exhibits, expert witnesses, and long records, others have 'quick and dirty' factual hearings. This outline of suggestions has been developed from the Court Delay Reduction Standards and Caseflow Management literature. It is hoped this article will inspire you to give a number of these practices a try. Copies of some of those Standards and a useful Bibliography are appended to this article to help you manage your work more effectively.

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I have been fortunate to have worked with leading people in the court management field for over 25 years. In addition to my Juris Doctor I have a Master's in Public Administration, where I focused on applying the knowledge, skills, and attitudes of that profession to court management. I have served in three different state agencies as an administrative law judge where I learned the good and bad of each agency's case-processing procedures and applied the principles and standards of modern court management to managing my administrative adjudicative case responsibilities. The practical tips that follow this introduction are based on many studies and confirmed by my personal experience.

Achieving and maintaining a current docket requires many things including: understanding of caseload management, planning, establishment of goals and objectives, hard work, leadership, and commitment. It is essential to first understand the present system, its strengths and weaknesses. Then you must visualize the system that would be ideal, compare the gap, between the two, and establish measurable objectives to move towards the ideal. A schedule must be developed to meet those objectives, as well as a strategy to meet the schedule, and perseverance. Effective case management begins by establishing case-processing time standards for the overall disposition of each individual case and all cases.

Each significant event that occurs in a case should be defined in a time-based case-management information system. Establish a deadline for each stage of the case. For each deadline established, each case should be monitored by the number of days between events. Manual or computerized reports should be designed to identity cases that do not meet the time requirements. (See Chart on page 54). If a case does not meet time standards look at it and analyze at which stage delay occurred and why. Compare it to those that meet time standards. What was different?

Analyze everything you do in terms of effective and efficient hearings. Think about how these principles and techniques can be applied to processing your cases. Adopt or adapt some of these

principles and practices that will allow you to be a more effective administrative law judge and you will enjoy your work more.

Focus on organizing work to work smarter, more efficiently, more effectively without having to work harder or longer hours to keep up with the ever-increasing work load. Conversations with administrative law judges across the country demonstrate that we all face a common situation: more work, fewer support staff, fewer resources, and less time to do our work. An essential function of our work is moving cases from when the appeal is filed to when the final decision is issued.

Setting standards and goals is ineffective unless accompanied by a system to check performance and compare performance to the standards. The ability to monitor both individual case progress and the success in meeting disposition standards is essential to sustain an effective case management system.

If you see value in applying the principles and practices that you learn and follow-up reading, I recommend you talk to your supervisor about allowing you to experiment with some of these principles, techniques or forms that will help you. Begin by reading some of the materials in the attached bibliography. Particularly useful articles to start with are highlighted by an *. (See pages 63-74)

Decision-making in the due-process context will only be as good as the attention one pays to it. Improve decision-making by establishing and using efficient procedures, defining the relevant issues, listening carefully to witnesses, arriving at tentative hypotheses, placing evidence into proper categories, testing tentative hypotheses with the evidence as it comes into the record, weighing the competent and relevant evidence, deciding credibility, making a tentative conclusion of law, keeping current with substantive law, testing tentative conclusions by reviewing the law and the evidence to determine if those tentative conclusions are supported in the record and are correct.

Everything we do leads to the final decision-making step; everything we do influences the quality of the decisions we make. As

Administrative Law Judges our function is to make decisions. We hope to help you in thinking through approaches and tools that will help process cases more effectively and efficiently.

It is important to learn what those who interact with us think about: how our case processing system works, our conduct of hearings, and decision writing. Simple forms can be used to capture customer-satisfaction ratings. Use a basic questionnaire for self-evaluation to help see yourself as others perceive you. A basic survey instrument is attached (see page 75). Total Quality Management surveys can and have been applied to administrative adjudication. I highly recommend the article by Chief Judge Edwin L. Felter in XV J.N.A.A.L.J.5 (1995) to learn how Total Quality Management works in administrative adjudication. I also recommend the article on Administrative Adjudication by Chief Judge Julian Mann XV J.N.A.A.L.J.151 (1995) to understand how North Carolina's Office of Administrative Hearings is striving for efficiency in administrative litigation by comparing its work with the ABA Standards Relating to Trial Courts.

Tom Church, Jr. of the National Center for State Courts conducted a major study with the National Conference of Metropolitan Courts in the late 1970s, *Justice Delayed: The Pace of Litigation in Urban Trial Courts.* The study drew the following conclusions:

1. Trial court delay is not inevitable;
2. State trial courts process cases at widely varying speeds with widely varying numbers of dispositions per judge;
3. The time from commencement to disposition is three times longer in some courts than in others; in some courts the number of dispositions per judge is three times greater than in others;
4. The pace of criminal and civil litigation is not significantly affected by court size, individual judge caseloads, or the percentage of cases that go to trial;
5. The pace of criminal and civil litigation is more the result of "local legal culture" than court structure, procedures, caseload, or backlog; and,
6. The most promising technique for reducing delay is

management of case processing by the court from commencement to disposition.

In 1980, the National Center published *Managing to Reduce Delay* espousing the following philosophy:

> We can see that a committed court, utilizing case management techniques, can control the pace of litigation and improve case processing times . . . The speed of case disposition is largely determined by the established expectations, practices and informal rules and behavior shared by judges and attorneys, rather than by court size, case load or trial rate. A court improves its chances of significantly affecting case processing by adopting standards and policies which reflect an understanding of this local legal culture . . . Case management may be total, encompassing filing of the matter to disposition by plea, settlement, dismissal or trial; or may be confined to one or more critical stages in the movement of cases. Whatever the scope, case management requires the court to ensure that the pending case load progresses according to court-prescribed time standards through pleadings, discovery and motions to disposition . .
>
> The objectives of total case management are to reduce overall case processing time, subject the litigation process to court supervision from commencement to termination, and increase the court's disposition rate. Case management commences with the determination that the Court shall control case load. Once this determination has been made, the Court next specifies the number of months within which lawsuits should be concluded. The Court further specifies the maximum permissible period for completion of each major step in a lawsuit.

The principles for managing cases more effectively and efficiently fall

into four categories: attitude on reducing delay; what to do about delay at the pre-hearing stage; what to do about delay at the hearing stage; and, finally, what to do about delay at the post-hearing stage. (This last stage includes tips on using technology in processing decisions.)

ATTITUDE ON REDUCING DELAY

1. Studies of litigation delay show that a key element is the "local legal culture." If the lawyers and judges have always done it a certain way and it has always taken this long, it will continue to take that long. The expectations of the judges and lawyers as to how long a case will take are extremely important. Lawyers will respond to the "local legal environment" you establish in your cases. To improve you must raise your own expectations and goals. You must set goals, objectives, and expectations as to how long each stage of the adjudicatory process should take. Setting goals and objectives is essential to successfully implement change. The process of setting goals and objectives accomplishes three things. First, it forces those designing or proposing change to articulate the purpose of the effort. Second, it provides a basis for identifying the resources and time needed to implement the change. Finally, and perhaps most importantly, it provides the basis for evaluating the success of the program or procedure.

2. Adopt and maintain a mentality or consciousness of moving cases expeditiously. Is the present situation ideal or can you improve it? Remember work expands to fill the time available. If a shorter time limit is set, the work can be finished. If a longer time limit is set, the work will slow down. Encourage all decision makers to infuse this attitude in the lawyers and support staff.

3. Simplify procedures, develop good habits, routines, forms, and checklists to insure you are not leaving anything out that is required by due process. Adapt others habits, routines, forms, and checklists to your specific needs and abilities.

4. To avoid the problem of denying justice by going too fast, review the requirements of *Goldberg v. Kelly* to see that your hearings

deliver DUE PROCESS.

A. timely and adequate notice,
B. confrontation of adverse witnesses,
C. oral presentation of arguments;
D. oral presentation of evidence;
E. cross-examination of adverse witnesses;
F. disclosure to the claimant of opposing evidence;
G. right to retain an attorney;
H. determination on the record of the hearing;
I. a statement of the reasons for the determination and an indication of the evidence relied on; and
J. an impartial decision-maker.

5. Analyze each stage of the cases heard. List the dates (in order to count how many days between each event) of: agency decision, when appeal is filed, when file is forwarded from the agency to the hearing unit, when you personally receive the file, when the notice is served, when the initial pre-hearing or settlement conference is held, or when the hearing is scheduled, when the record is closed, when the decision is written, and when the final decision is filed. Analyze how long it should take if everything moves as fast as the law requires.

6. The administrative law judge must establish and enforce "time goals" for each "significant event" or stage of a case. Impose reasonable limits for each stage of a case. You can adjust them for a particular or exceptional case. Look at differentiated case management to process different types of cases differently. Time limits for each type of case should be established. Develop procedures and forms for early identification of cases so appropriate cases can be given special attention where appropriate. Focus on the goal to be achieved.

7. These time expectations should be distributed to the agencies, attorneys who appear, and the litigants. The number of days should be easily calculated by reference to each previous case event. Establish reasonable time intervals for each stage of your cases. Compare the time requirements of the applicable law,

regulations or expectations of the agency for each stage with the actual days elapsed in your cases.

8. Set personal "time goals," i.e. standards and goals for how long it is going to take for processing each stage of a case. Judges do not like reporting on themselves to others, so establish a system of reporting to yourself. If your personal standards are higher than your agency or supervisors, and you achieve them, your evaluation will be that you exceed expectations.

9. Keep track of how long things take, analyze at which stage or stages delays occur, analyze all delays, discover what caused the delay, who caused the delay, and then figure out if and how delay can be eliminated or reduced. Keep statistics, compare new approaches with the past. Evaluate what you do.

10. Learn from experience. Always evaluate what you do, what works, what needs improvement, and has failed. Once deadlines are established do not - do not - use them as a new source of delay. If something should be accomplished sooner or faster, do not slow it down for that case to make the deadline. Do it and beat the deadline whenever possible.

11. Talk to others about how they handle delay. Look for new ways to improve what you do and how you can do it more effectively and efficiently. Communicate with your supervisor or the Chief Administrative Law Judge to see how your experiences can benefit the whole system.

12. Read court-delay reduction literature, besides keeping up with developments in your substantive field of law, administrative procedure, and the law of evidence.

13. Attend seminars, find a mentor, brainstorm with colleagues about efficient and effective case management they have tried. Adapt proven techniques to your own environment. However, never let speed concerns be an excuse for poor quality. It is most important that you devote your time to achieve: fair treatment of

all litigants; timely disposition consistent with the circumstances of the individual case; enhancement of quality of litigation; and increased public trust and confidence in Administrative Adjudication.

PRE-HEARING STAGE

1. Take control of the case as early as possible. As soon as a case is assigned to you, YOU are responsible for moving that case expeditiously. My practice may be helpful on this, I review each of the cases on my docket as the case files come in. I look at each case in relationship to the various regions of the state that I cover. My area is more than the southern half of Illinois. I group my cases so that I can conduct two, three or four cases on one trip to a region of the state. I set my cases and prepare my own notices for a courthouse in the county in which the petitioner has its business.

2. Prepare the case before the hearing. Cull out key information the first time the file is reviewed to save unnecessary repetitive work later. If there is a jurisdictional problem, take care of it first. Save the parties and yourself wasted time and effort. If the appeal is untimely, dismiss it immediately. Determine what the key issues are in advance. Keep the focus on what is relevant to the issues in this particular case.

3. Screen the case and set it for appropriate treatment as soon as possible. Set a scheduling conference, mediation, or a pre-hearing conference, or hearing as soon as you decide the appropriate treatment. Depending on the complexity of the case, one may need: an early scheduling conference to arrange for discovery deadlines, a status conference, a trial management conference to schedule the hearing and marking exhibits and handling motions, or a settlement or mediation conference.

4. Ensure that the notice tells the parties what is expected.

5. Know the case better than the parties. That way you can clarify

any confusion on the record. Obviously, one cannot rely on anything in the file if the evidence on the matter is not admitted and does not become part of the official record.

6. Never continue or adjourn a case without "good cause." If a case must be continued always set it to a specific date, or if it must be indefinitely, ensure the next action or status date is certain. Set the new date as soon as possible. Continuances are one of the major causes of delay and controlling unnecessary continuances is one of the easiest to ways to reduce delay.

7. Make a complete record. Do not carry on any *ex parte* communications except for as permitted scheduling or procedural matters. Always make a record that those conversations took place and summarize the action.

HEARING STAGE

1. Prepare and use an opening statement that clearly, concisely, and consistently explains what the case is about, an overview of what will happen, and the statutory authority. The parties think their case is the most important you have. Provide them full attention and respect. Explain the legal issues in understandable language and the procedures to insure the parties understand that they will receive Due Process from you.

2. Place the parties and witnesses at ease. Their opinion of the entire justice system may well depend on how they are treated in this administrative adjudication.

3. Ignore personalities, friendships, possible bias for or against a party, even if the party, attorney, or witness is obnoxious. Never allow those kinds of things to influence a decision. We are human, and sometimes may want to get back at someone who has made us angry, but as professionals we must put aside personal feelings and decide solely on the law and the evidence in the record.

4. It is important to take notes. Not verbatim, although at times a short quotation is critical to a decision. Most of the time my hearing notes include key words or phrases. Using abbreviations saves time. Notes focus your attention and save time in reaching and writing the decision. Taking notes should not distract your attention from what is being said. If taking notes is a distraction, find another way, because we must remain focused on the evidence as it applies to the issues. Watch how evidence conflicts with or supports other evidence. One may need to listen to the tape-recorded testimony or wait to read the transcript, but this may produce delay and impede efficiency. I have found sometimes I have to replay a tape. Jot down the tape number, side, and counter location of the tape recorder for any crucial evidence, so you can find it quickly. Periodically note in the margin of your notes the counter number, and at least each time when a new witness begins.

5. Knowing what the case is about before the hearing begins is crucial in order to ask pointed questions to clarify things. Once the record is closed there is no opportunity to answer unasked questions. One must be aware of what may be a prior inconsistent statement or how evidence conflicts with or supports other evidence.

6. Listen carefully. There are ten steps to follow to be more effective listeners.

   A. Be interested in what is said.

   B. Judge content not delivery. Ignore grammar, syntax, and personality. The responsibility to understand is ours. We may and often must ask questions to clarify the record.

   C. Do not get excited or emotional. Withhold evaluation until comprehension is complete.

   D. Listen for ideas. Focus on the central ideas and principles. Discriminate between fact and wish, idea and example,

evidence and argument. Note each relevant fact; screen out the irrelevant. One can master this, but only with effort.

E. Take notes as appropriate. The key to notes is the interpretation of what is said not just the repetition of what is said. Volume and value of notes is inversely related. Salient points, or key words should be noted and remembered. Try to operate without waiting for a transcript. The longer you wait for a transcript the more time it will take to refresh your memory of the evidence. It takes longer to make decisions, because you have to relisten to too much of the tape or spend too much time waiting for and reading the transcript and by then you have forgotten things and have to reread the record.

F. Listening is hard work. Poor listeners do not work at it enough.

G. Resist distractions, daydreams, or emotionalism that results in confusion.

H. Exercise the mind. Develop an appetite for hearing a variety of presentations. Being aware of our weaknesses helps us become better listeners.

I. Keep your mind open. Identify and rationalize emotional deafness. Be aware of red flags that upset or distract you.

J. Capitalize on thought speed. People think four times faster than people speak. Work at slowing thinking speed by using thought speed to your advantage. Constantly apply that extra thinking time to what is being said. (Taking notes slows your thinking down and focuses you on applying the words to the issues). Mentally summarize what is being said. Analyze how what you hear "fits" with what has been said. Weigh speakers' evidence or credibility by mentally questioning: “Is it accurate?” “Is it coming from an unbiased source?” “Is this the full picture or is something

being left out?" "How does this fit with everything else?" Listen between the lines for changing volume, tone of voice, facial expression, gestures, body language and prior statements. Work at thinking and analyzing what is heard. Such listening greatly helps making credibility determinations.

7. Handle all exhibits carefully. Make sure exhibits are marked clearly for identification. Make sure the proper foundation is laid for each exhibit.

8. Anticipate objections that may come up and be ready to rule on objections. Control the presentation of evidence to keep out irrelevant or merely cumulative evidence that clutters the record.

9. Make a good and complete record to avoid remand. The decision must be based solely on the evidence that is in the record, the applicable statutory law, the rules, court decisions, and agency precedent.

POST-HEARING STAGE

This is the stage over which the administrative law judge has the most control. Once the record is closed you should dispose of the case as efficiently and effectively as you can.

1. Strive hard in the search for truth. The best is expected, but be realistic. Accept the possibility that you may be wrong (or reversed even when you are right). None of us is omniscient. Do not wait for perfection. Decide and move to the next case

2. Be open to continuing growth - intellectually learning. Be prepared to overrule your own prior opinion. Embrace criticism (even though you may not always accept it) as an aid in judicial growth.

3. Decision-making in the administrative adjudicatory context is

similar to other problem-solving.

A. Define the problem - Define the issues clearly. Write the issues out in several ways to see them from different angles. Accept the way the opposing parties state the issue, as an aid, BUT the administrative law judge must state the issue of the case in his or her own words, so that the administrative law judge understands precisely what must be decided and which evidence is relevant to deciding each issue.

B. Get the facts. This is the key. Collect and evaluate all relevant evidence so that you will be able to find the facts on each issue.

C. Find the correct law. One may have to choose between several alternate theories of law to reach a result by comparing their relevance to the facts as determined and, if relevant, their relative value in deciding the case. Weigh the general rule to be applied in the future as well as what is best in this particular case.

D. Test tentative Decisions. Arrive at an initial tentative disposition, then test and retest it to decide whether it should prevail. The most objective of decision-makers always risk that the initially acquired 'hunch' will prevail over a later and more correct view.

Psychologists tell us that the process of judging seldom begins with a premise from which a conclusion is subsequently worked out, rather a conclusion is more or less vaguely formed. Then one tries to find premises to support that initial conclusion. If one cannot find satisfactory premises, one finds arguments to link the conclusion with premises and then rejects and seeks another. How often when writing a decision to support your conclusion have you been unable to write it? You have to go back and change your conclusion to square with the evidence in your

written thought process.

The actual judging process is applying rules and principles to the facts. One starts with the statute, a rule or a principle of an earlier case as the major premise, employing facts as minor premises, and then come to judgment by the process of pure reasoning.

E. Listen with full consciousness to all the evidence, follow as carefully as possible all the arguments, wait until you 'feel' one way or the other before making a decision. When the conclusion is clear, we have already forgotten most of the steps preceding its attainment. But then we must go back through the analytical steps so that the reader (agency head, parties, reviewing court, etc.) can trace these thought processes to understand and agree with the written decision.

F. If necessary (or if possible in our high-volume agencies) incubate the problem. Sleep on it, discuss it with colleagues (if there are any, or if there is time). Take the case under advisement and brood over it and wait for a "hunch."

4. Write tentative findings of facts as soon as possible while everything is fresh. Make tentative conclusions of law. Write a draft decision, putting on paper key findings of fact and the thought process. The longer one delays in this step, the harder and more time-consuming the decision-making stage is. One must go back and reread the record because memory fades. Make sure the decision is rational, understandable, and concise. Explain to the losing party that the evidence they presented and their argument was understood but that the statute, rules, or court decisions require a different conclusion than the one for which they hoped.

5. Do you understand the decision? Of course you do. But read it to see if it makes sense to the non-lawyer parties, the agency bureaucrats, those who will make similar decisions in the future, the attorneys, and the judge or justices who may review

the case on judicial review. Does it really say what you think it says? Reread it for ambiguity. Rewrite it to make sure all of the findings and conclusions are supported by the record. Edit it until it is clear, but do not wait until it is perfect. One must move on. Find a trusted colleague and ask her or him to read it and discuss it with her or him.

6. Use technology to aid effective and efficient writing.

Some of the things that work for me in keeping up with the high volume demands for productivity with no staff support are: Technology helps us work as quickly and efficiently as possible without sacrificing due process or quality. This process permitted me to handle high volume - 8 hearings a day, five days a week, every week. I had to develop a process with my personal computer because at that time the state did not provide computers. Now they do and my system was adapted and improved.

Develop form language- Common expressions and usages - develop a stock of idioms. Develop concise statements of form language that you use regularly - once you have developed an especially good phrase or paragraph that allows your reader to visualize what you are saying, save it so you can easily call it up next time it is appropriate. That way you do not have to spend time re-editing the same language each time. Once you have your commas in the right place of a sentence, re-use the sentence from your computer library.

Outline the elements of the sections of laws that come up regularly. Look at the evidence on each side of each element. Make your decision and write.

Set up form decisions for various types of cases you hear. The thesis sentence or topic sentence of a paragraph follows the essential outline of what your case must cover in the: introduction, statement of issues, findings of fact, the law, and ties the following paragraph where you tie the findings to that

statement of the law.

The transition sentence will be similar even though the specifics of each case will change, names, dates, specific type of behavior, and which way the evidence indicates.

Ask someone else who's writing abilities you value to help you polish your stock language and then lock it in by saving it with a name in your computer file index so you can find it quickly. Of course, you must always be ready to edit that paragraph when appropriate.

Once you have developed a clear concise, statement of the issues that come up regularly, continue using them in the various combinations that are in your case.

Summaries of the evidence will have some common elements. This only gives you your first rough draft, you must edit. Be careful to not repeat yourself.

Encourage attorneys appearing before you to file proposed Findings of Fact and Conclusions of Law on disk.

Use scanners or accept filings by Win-Fax to save keyboarding time to add language to your reports, orders, or decisions.

I have created a library of common statutory paragraphs that I use regularly - any time a new one is needed, I keyboard it once and add it to my electronic library - I have also created a similar library of rules - and key Supreme or Appellate Court precedents that address common conclusions of law needed.

I also keep my past decisions on a disk, and when I have concluded a hearing and have gone through the analysis - outline - and have decided that the case I have just finished is similar to one of my earlier ones, I will pull up the earlier one, as my model or format for the new decision.

I prepare all my own notices for a hearing, and once the caption has been prepared, I pull up the notice and electronically cut and paste or copy the caption into an earlier similar case that will address the same issues, similar facts, and points of law. I can add from my libraries of statutes, rules, and precedent cases.

This is efficient and effective use of my time and the language that I have already polished.

Use the features of your word processing software such as: abbreviations, spell-check, find and replace, thesaurus, and Grammatik.

SAMPLE TIME BASED CASE MANAGEMENT SHEET

decision	appeal	File Rec'd	File Assn'd	Notice Sent	Pre-hearing	hearing	Record Closed	decision Sent
960116	960201	960215	960222	960315		969416	960515	960603
960118	960205	960215	960222	960315	960415	960516	960516	960605
960122	960210	960220	960227	960315		960418	960418	960623
960130	960330	960410	960417					960426

At the Illinois Department of Children and Family Services computer programmers helped me prepare a series of reports that converted dates as I enter in my computer to the date of the year and automatically produce reports showing the number of days elapsed between each stage of the process. I have found this very useful.

To develop an effective management information system one must:

1. Identify the goals and objectives of the caseflow system.
2. Think of the system as an information system, not a reporting system.
3. Include *ad hoc* inquiry capabilities in your planning so that unanticipated requests for information can be addressed.
4. Keep the number generated to a minimum. Present appropriate information, in an appropriate format, in the

appropriate amount, at the appropriate time.

5. Report only the information necessary to get the point across and to get the recipient's attention.
6. If a report requires a lot of information, provide a summary and highlight the most important data.
7. Where appropriate, provide comparative statistics to place current data in perspective.
8. Define the terms and measures used within the report. For example, define filing or disposition.
9. Prepare a brief analysis to accompany the statistics. The analysis should provide the recipient with the purpose of the report, highlights of current and comparative data, and a description of how the information can or should be applied.

Checklist for Administrative Adjudication

1. **Exhibit Lists:** Please prepare an index of exhibits which you expect to offer, using the attached form. Provide two copies for the Court and a copy for opposing counsel. (There is no requirement to offer your exhibits in sequence.)

2. **Exhibits:** Affix labels to your exhibits before trial. Plaintiffs exhibits are marked in numerical sequence; defendant's exhibits in alphabetical sequence. If there are more than twenty-six exhibits for the Defendant, mark them "AA," "BB," etc. Keep in mind exhibits that may be grouped together for easy reference.

3. **Copies of Exhibits:** It is expected that a copy of each exhibit will be provided to opposing counsel and that you will have an additional copy of each exhibit for the Court. To expedite trial, each exhibit to be offered should be viewed by opposing counsel prior to pretrial and a determination made whether an objection will be lodged and the basis of objection. It is not anticipated that there will be interruptions of the trial for review of exhibits.

4. **Witnesses:** Please provide the Court with two copies of a list of your witnesses. One copy will be given to the Court Reporter to avoid asking the spelling of the witness' names. It is the obligation of counsel

to have their witnesses available to prevent any delay in the presentation of testimony or running out of witnesses before 5:00 p.m. on any trial day. If counsel has a problem in this regard, it should be promptly brought to the Court's attention.

5. **Terminology:** It will be very helpful to have a glossary of any unusual or technical terminology provided to the Court Reporter prior to trial.

6. **Written Curriculum Vitae:** In trials to the Court, a written curriculum vitae, marked as an exhibit, will usually suffice for the qualifications of expert witnesses.

7. **Depositions:** If you are going to use deposition testimony, you should advise opposing counsel of your proposed offer by page and line reference to enable the preparation of objections and the offer of additional portions. Written objections and evidentiary grounds must be filed with the Court at the pretrial conference. You are also required to provide a person (co-counsel or someone else) to read the answers.

8. **Audio-Visual Equipment:** If you intend to use any special equipment, such as videotapes, movies, slides or tape recorders, you are requested to make the appropriate arrangements prior to the date of the trial and to advise the Law Clerk/Court Officer.

9. **Pretrial Motions:** All motions must be set for hearing prior to trial. No pretrial motions will be heard on the morning of trial.

10. **Settlement Conferences:** If counsel feel that an additional settlement conference will assist in resolving the case, they should contact the Court to obtain a date. Please do not waste your time or the Court's time if the settlement conference will have no value. In certain instances the Court may schedule such a conference on its own initiative.

11. **Expert Witnesses:** Counsel will furnish opposing counsel with a final report of experts anticipated to testify or a complete summary of their testimony at the pretrial conference.

12. **Adjournments:** Requests for adjournment of trial are not received favorably. However, on the slight possibility that you will have such a request, the reason for the adjournment must be stated and must be approved by opposing counsel *and* for the second and subsequent adjournments must be approved by the parties as well as counsel. Otherwise, bring the request on by motion timely filed and noticed. Adjournments must be to a date certain.

13. **Stipulations:** Stipulations should be placed on the record before the opening statement by plaintiffs counsel. This is especially helpful so the Court is aware of what issues have been resolved and is prepared to anticipate questions of relevancy.

14. **Diagrams:** If you intend to use diagrams it is preferred that they be prepared before trial or placed on the board or in the courtroom during recesses to best utilize available time.

15. **Final Argument:** Final Argument should be based on the fact that the Administrative Law Judge has listened to the evidence, and should be commensurate with the length of the trial and complexity of the issues. Argument should be succinct and to the point.

Court Delay Reduction Standards

Now Sections 2.50 - 2.55 of the ABA/JAD *Standards Relating to Trial Courts* (1992)

2.50 Caseflow Management and Delay Reduction: General Principle. From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events, is unacceptable and should be eliminated. To enable just and efficient resolution of cases, the court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment is essential to reducing delay and, once achieved, maintaining a current docket.

2.51 Case Management. Essential elements which the trial court should use to manage its cases are:

(a) Court supervision and control of the movement of all cases from the time of filing of the first document invoking court jurisdiction through final disposition.

(b) Promulgation and monitoring of time and clearance standards for the overall disposition of cases.

(c) By rules, conferences or other techniques, establishment of times for conclusion of the critical steps in the litigation process, including the discovery phase.

(d) Procedures for early identification of cases that may be protracted, and for giving them special administrative attention where appropriate.

(e) Adoption of a trial-setting policy which schedules a sufficient number of cases to ensure efficient use of judge time while minimizing resettings caused by over scheduling.

(f) Commencement of trials on the original date scheduled with adequate advance notice.

(g) A firm, consistent policy for minimizing continuances [which requires that no continuance or extension of the date for holding or completing any court event be granted without first setting a new and certain date for the event].

2.52 Standards of Timely Disposition. The following time standards should be adopted and compliance monitored.

(a) General civil - 90% of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing; 98% within 18 months of such, filing; and the remainder within 24 months of such filing except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.

(b) Summary civil - Proceedings using summary hearing procedures, as in small claims, landlord-tenant, and replevin actions, should be

concluded within 30 days from filing.

(c) Domestic relations - 90% of all domestic relations matters should be settled, tried, or otherwise concluded within 3 months of the date of case filing; 98% within 6 months, and 100% within 1 year.

(d) Judgment entry - 90% of all judgment entries in general civil, summary civil, or domestic relations cases shall be filed with the court within 14 days of the rendering of the court's decision; 98% within 21 days of such decision and the remainder within 28 days of such decision except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.

(e) Criminal

(i) Felony - 90% of all felony cases should be adjudicated or otherwise concluded within 120 days from the date of arrest; 98% within 180 days and 100% within one year.

(ii)Misdemeanor - 90% of all misdemeanors, infractions and other nonfelony cases should be adjudicated or otherwise concluded within 30 days from the date of arrest or citation and 100% within 90 days.

Modification approved by the National Conference of State Trial Judges and the Judicial Administration Division. adopted pursuant to Section 1.32 American Bar Association *Standards Relating to Court Organization, 1990 Edition.*

2.54 Court Delay Reduction Program. Each court should have a program to reduce and prevent delay.

(a) Essential ingredients of the program are:

(i) A strong continuing judicial commitment to delay

reduction, expressed in written goals and objectives to guide court operations.

(ii) A published case management plan detailing the delay reduction techniques, ultimate time standards, and a transition program for reaching those standards where there is a backlog problem.

(iii) A system to furnish prompt and reliable information concerning the status of cases and case processing.

(b) The program should be enhanced by:

(i) Bar support and lawyer cooperation.

(ii) Adequate resources.

(iii) Use of special expertise.

(iv) Consideration of alternative methods of dispute resolution which should facilitate an earlier termination of actions.

(c) Where unacceptable delay exists, there should be a published transition program designed to achieve these time standards. The transition program should include:

(i) Assessment of the current caseload including backlog identification.

(ii) Analysis of productivity.

(iii) A conscious effort to use internal resource.

(iv) Use of special expertise.

(v) Revision of rules and practices to implement the

transition program.

(vi) A scheduled termination of the transition program with interim goals ultimately resulting in full implementation of Section 2.52 time standards.

2.55 Firm Enforcement. The court should firmly and uniformly enforce its caseflow management and delay reduction procedures.

(a) Continuance of a hearing or trial should be granted only by a judge for good cause shown. Extension of time for compliance with deadlines not involving a court hearing should be permitted only on a showing to the court that the extension will not interrupt the schedule movement of the case.

(b) Requests for continuances and extensions, and their disposition, should be recorded in the file of the case. Where continuances and extensions are requested with excessive frequency or insubstantial grounds, the court should adopt one or a combination of the following procedures:

(i) Cross-referencing all requests for continuances and extensions by the name of the lawyer requesting them.

(ii) Requiring that requests for continuances and stipulations for extensions be endorsed in writing by the litigants as well as the lawyer.

(iii) Summoning lawyers who persistently request continuances and extensions to warn them of the possibility of sanctions and to encourage them to make necessary adjustment in management of their practice. Where such measures fail, restrictions may properly be imposed on the number of cases in which the lawyer may participate at any one time.

(c) When a judge is persistently and unreasonably

indulgent in granting continuances or extensions, the chief judge should take appropriate corrective action.

Trial Management Standards

1. Judicial trial management -- general principle: the trial judge has the responsibility to manage the trial proceedings. The judge shall be prepared to preside and take appropriate action to ensure that all parties are prepared to proceed, the trial commences as scheduled, all parties have a fair opportunity to present evidence, and the trial proceeds to conclusion without unnecessary interruption.

2. The trial judge and trial counsel should participate in a trial management conference before trial.

3. After consultation with counsel the judge shall set reasonable time limits.

4. The trial judge shall arrange the court's docket to start trial as scheduled and provide parties the number of hours set each day for the trial.

5. The judge shall ensure that once trial has begun, momentum is maintained.

6. The judge shall control voir dire.

7. The judge's ultimate responsibility to ensure a fair trial shall govern any decision to intervene.

8. Judges shall maintain appropriate decorum and formality of trial proceedings.

9. Judges should be receptive to using technology in managing the trial and the presentation of evidence.

BIBLIOGRAPHY ON CASE MANAGEMENT FOR ADMINISTRATIVE LAW JUDGES

BY EDWARD J. SCHOENBAUM

Alliegro, S., B. Bright, J. Chacko, C. Cooper, G. Gish, D. Lawrence, J. Rutigliano, and L. Torkelson. Beyond Delay Reduction: Using Differentiated Case Management." First of a series of three articles in *The Court Manager.* SJI Courts Technical Assistance Project Report No. 3-006.

American Bar Association Action Commission to Reduce Court Costs and Delay *Attacking Litigation Costs and Delay* (American Bar Association: Chicago) (1984).

* American Bar Association, Judicial Division, National Conference of State Trial Judges *Litigation Control: The Trial Judge's Key to Avoiding Delay* (American Bar Association: Chicago) (85 pages) (1996).

Arnold, J., Cooper, et al. "Differentiated Case Management: What Is It? How Effective Has It Been? " 33 *Judges Journal* 2 (1994).

* Bakke, Holly, and Maureen Solomon. "Case Differentiation: An Approach to Individualized Case Management." 73 *Judicature* 1, June-July (1989).

Bardige, Stephen I. "Imaging Technology: Moving to a Paperless Court" 32 *The Judges Journal* 52 American Bar Association: Chicago (1993).

Batty, Kent J., Robert J. Columbo Jr., Richard C. Kaufman, Terry R. Kuykendall, Sally A. Mamo, Helen White, with Maureen Solomon, Barry Mahoney, and Carol Friesen. "Toward Excellence in Management: The Experience in the Circuit Court Wayne County Michigan" *A Guide by and for Practitioners*. National Center for State Courts (1991).

Cashman, Victoria S. "Local and National Initiatives Point the Way: The Emerging Electronic Connections for Courts" 32 *The Judges Journal* 61 American Bar Association: Chicago (1993).

Chapper, Joy and Roger A. Hanson. "Taking the Delay out of Criminal Appeals: Three Jurisdictions Take Three Different Approaches" 27 *The Judges Journal* 6 (1988).

Chapper, Joy and Roger A. Hanson. "The Attorney-Time Savings/Litigant Cost Savings Hypothesis: Does Time Equal Money?" 8 *The Justice System Journal* 258 (1983).

Church, Thomas, Jr. *Justice Delayed: The Pace of Litigation in Urban Trial Courts* (The National Center for State Courts: Williamsburg) (1978).

* Connolly, Paul R. J., and Saundra Smith. "How Vermont is Achieving a Delay Free Docket: The Link Between Judicial Productivity and Case Management." 23 *The Judges Journal* 36 (1984).

Cooper, Caroline, Maureen Solomon, and Holly Bakke. *Guide for Implementing a DCM Program: Applying DCM Principles to the Criminal and Civil Caseflow Process in General Jurisdiction Courts*, (The American University) (1992).

Cooper, Caroline, Maureen Solomon, Holly Bakke, and Thomas Lane. *BJA Differentiated Case Management Demonstration Program: Overview and Program Summaries*. Bureau of Justice Assistance. (February 1992).

Cooper, Caroline *Trial Court Management Series - Executive Summary,* U.S. Department of Justice, Law Enforcement Assistance Administration: Washington (1979).

Cotter, B. Paul Jr. "Trial by Technology: What's New in Litigation Tools" 29 *The Judges Journal* 8 (American Bar Association: Chicago) (1990).

Cramer, Judith A. "Can Participatory Management Be Useful in Courts" 27 *The Judges Journal* 27 (1988).

Davis, Honorable Legrome D. *Review of the Felony Case Process in the Baltimore City Circuit Court and Recommendations for Expediting Disposition.* Courts Technical Assistance Project. Report No. 3-002. (July 1991).

Davis, William E. and Alexander Aikman "Gridlock! California's New Effort to Break the Legal Jam" 30 *The Judges Journal* 14 (American Bar Association: Chicago) (1991).

* Dodge, Douglas C. "How You Can Tell if Your Court is Well Run" 25 *The Judges Journal* 6 (1986).

Differentiated Case Management Program Brief. U.S. Department of Justice, Office of Justice Programs. (February, 1993).

Discovery Guidelines Reducing Cost and Delay, National Conference of State Trial Judges Court Delay Reduction Committee, (American Bar Association: Chicago) (1997).

* The Rand Report & Federal Court ADR," Vol 3 No. 4 *Dispute Resolution Magazine*, Summer 1997, ABA Section of Dispute Resolution, Washington, D.C. (1997) (28 pages).

Doerfer, Gordon L. "Why Judicial Case Management Pays Off at Trials" 29 *The Judges Journal* 12 American Bar Association: Chicago (1990).

Dressel, William F. and Charles E. Patterson. "Strategy for a Perfect Trial: Ways to Present and Manage a Case Effectively" 29 *The Judges Journal* 16 (American Bar Association: Chicago) (1990).

Facts & Trends The Institute for Civil Justice Newsletter, Rand, Santa Monica, (May 1997) (32 pages).

* Felter, Edwin L. Jr. "Administrative Adjudication Total Quality Management: The Only Way to Reduce Costs and Delays Without Sacrificing Due Process" 15 *Journal of the National Association of Administrative Law Judges,* 5 (1995).

Flanders, S. *Case Management and Court Management in United States District Courts* (1977).

Freedman, Helen E. "How-to Primer for Small Claims Court Judges" 28 *The Judges Journal* 36 (1989).

* Friesen, Ernest C. "Cures for Court Congestion" 23 *The Judges Journal* 4 (American Bar Association: Chicago Winter) (1984).

* Friesen, Ernest, M. Geiger, J. Jordan, and A. Sulmonetti, *Justice in Felony Courts: Prescription to Control Delay* 7 Whittier Law Review 2 (1979).

Friesen, Ernest C. "The Trial Management Conference" 29 *The Judges Journal* 4, (American Bar Association: Chicago) (1990).

* Gage, Hilda "How to Reduce the Docket: What One Judge Can Do" 21 *The Judges Journal* 398, American Bar Association: Chicago Winter (1982).

Goerdt, John, C. Lomvardis, G. Gallas, and B. Mahoney *Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts* 1987 (1989).

* Goerdt, John, C. Lomvardis, and G. Gallas *Reexamining the Pace of Litigation in 39 Urban Trial Courts* (1991).

* Goerdt, John, B. Ostrom, D. Rottman, et al. *Litigation Dimensions: Torts and Contracts in Large Urban Courts* (Special Issue, 19 *State Court Journal* (1995).

Grant, Sarah Dickinson. "Attacking Appellate Delay with Technology: One Court's Experience" 32 *The Judges Journal* 14 (American Bar Association: Chicago) (1993).

Grossman, Joel B.; Herbert Kritzer, Kristin Bumiller, and Stephen Dougal "Measuring the Pace of Civil Litigation in Federal and State Trial Courts." 65 *Judicature* 86-113 (1981).

"Guidelines and Recommendations Relating to Computer Support for Judges" 32 *The Judges Journal* 84 (American Bar Association: Chicago) (1993).

Hanson, Roger A., and Susan Keilitz "Arbitration and Case Processing Time: Lessons from Fulton County." 1991. *The Justice System Journal.* Vol. 14, No. 2. pp. 203-28.

Haynes, Jack P. "Why Did This Court Need a Think Tank" 27 *The Judges Journal* 34 (1988).

* Hewitt, W.E., G. Gallas, and B. Mahoney *Courts That Succeed: Six Profiles of Successful Courts.* Williamsburg (1990).

Institute for Court Management & the American Bar Association. *Evaluation of Telephone Conferencing in Civil and Criminal Court Cases.* (December, 1983).

Institute for Law and Social Research. *Guide to Court Scheduling: A Framework for Criminal and Civil Courts.* (1976).

* Jordan, Daniel R.E.. "Opening the Floodgates of Decision-Making at the Missouri Administrative Hearing Commission" 15 *Journal of the National Association of Administrative Law Judges* 99 Springfield, Illinois (1995).

The Judicial Conference of the United States, *The Civil Justice Reform Act of 1990 Final Report: Alternative Proposals for Reduction of Cost and Delay Assessment of Principles, Guidelines & Techniques,* Washington, D.C., (May 1997), (47 pages).

Kakalik, James S, *et al., Just, Speedy, and Inexpensive? An Evaluation of Judicial Case Management Under the Civil Justice Reform Act* The Institute for Civil Justice, Rand, Santa Monica, (1996) (44 pages).

Keilitz, Susan, Roger A. Hanson, and Henry W.K. Daley. "Civil Motion Practice: Lessons from Four Courts for Judges and Lawyers" 33 *The Judges Journal* 3 (American Bar Association: Chicago) (1994).

Klein, Fannie - Editor, *The Improvement of the Administration of Justice* 6th Edition, (Judicial Administration Division - American Bar Association: Chicago) (1981).

Klein, Richard B. "What Computer Support Should a Judge Have? An Update on Proposed Standards" 32 *The Judges Journal* 20 (American Bar Association: Chicago) (1993).

Lambros, Thomas D. *The Summary Jury Trial and Other Alternative Methods of Dispute Resolution,* a report to the Judicial Conference of the United States Committee on the Operation of the Jury System. 103 F.R.D. 472 (1984).

* Lawyers Conference Task Force on Reduction of Litigation Cost and Delay *Defeating Delay: Developing and Implementing a Court Delay Reduction Program* (American Bar Association: Chicago) (1986).

Leflar, Robert *Internal Operating Procedures of Appellate Courts* (American Bar Foundation: Chicago) (1986).

Levitt, Herbert D. "A Simple Solution to Judicial Gridlock: Thwacking Away the Backlog Blues" 27 *The Judges Journal* 32 (1988).

Lieber, Eve. "Maximum Case Management With Minimum Judge Time" 25 *The Judges Journal* 14 (1986).

Lipscher, Robert D. "Court Rules Have Limits: How New Jersey's Speedy Trial Program Is Meeting With Success." *The Judges' Journal.* pp 37, 55 (winter 1984).

* Mahoney, Barry, John Goerdt, Hon. Kenneth Rohrs, and Douglas Somerlot, "A National Agenda for Prompt and Affordable Justice in the 21st Century."

* Mahoney, Barry, 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).

* Mahoney, Barry, H. Bakke, A. Bonacci-Miller, N. Maron, and M. Solomon. *How to Conduct a Caseflow Management Review: A Guide for Practitioners.* (1994).

* Mahoney, Barry, C. Friesen, E. Friesen, R.D. Lefever, M. Solomon,, and D. Somerlot *Planning and Conducting a Workshop on Reducing Delay in Felony Cases, Volume One: Guidebook for Trainers (1991).*

* Mahoney, Barry, V. Robert Payant, Richard M. Silver, and Linda K. Ridge. "Manage Trials More Effectively" 29 *The Judges Journal* 34 American Bar Association: Chicago (1990).

* Mahoney, Barry, and Sipes, Larry "Zeroing in on Court Delay: The Powerful Tools of Time Standards and Management Information" *Court Management Journal* 8 Institute for Court Management, Denver (1985).

* Mahoney, Barry, Larry Sipes, and J. Ito. *Implementing Delay Reduction and Delay Prevention Programs in Urban Trial Courts: Preliminary Findings from Current Research* (1985).

* Mann, Julian III. "Striving for Efficiency in Administrative Litigation: North Carolina's Office of Administrative Hearings" XV Journal of the National Association of Administrative Law Judges 151 (1995).

* McConnell, Edward B. "Court Management: The Judge's Role and Responsibility" 15 *Justice System Journal,* 710 (1992).

McConnell, Edward B. "Managing Courts: What Does the Future Hold" 30 *The Judges Journal* 8 (American Bar Association: Chicago) (1991).

* McLemore, Doyal E. Jr. "Appellate Delay Reduction: An Organized Approach" 33 *The Judges Journal* 28 (American Bar Association: Chicago) (1994).

Ment, A. "An Overview of Case Management: Connecticut's Experience" in Working Group on a Courts Commission, Fourth report: Case Management Conference Proceedings (Dublin, Ireland) (1997).

Michels, M. Janice, "Case Management Techniques Work" *The Justice System Journal.* Vol. 18, pp. 75-83 (1995).

Miller, Frederick G. "Trial Delay Reduction: Case Processing in Maricopa County." *State Court Journal.* 20 (1983 summer).

Mullins, Morell E. *Manual for Administrative Law Judges* Administrative Conference of the United States Washington, D.C. (1993).

National Center for State Courts. *Caseflow Management Principles and Practices: How to Succeed in Justice* (videotape with instructor's manual and user's guide) Williamsburg (1991).

National Center for State Courts. *Changing Times in Trial Courts: Caseflow Management and Delay Reduction in Urban Trial Courts*. Williamsburg, (1988).

* National Conference of State Trial Judges *Court Delay Reduction Standards* (American Bar Association: Chicago) (1985).

Neubauer, D., M. Lipetz, M. Luskin, and J. Ryan *Managing the Pace of Justice: An Evaluation of LEAA's Court Delay-Reduction Programs* (1981).

O'Reilly, Anne. "On-call Translators: AT&T's Language Line" 32 *The Judges Journal* 38 (American Bar Association: Chicago) (1993).

* Pieras, Jaime, Jr. "Judicial Economy and Efficiency Through the Initial Scheduling Conference: The Method" 35 *Catholic University Law Review* 943 (1986).

Planet, M., et al., "Screening and Tracking Civil Cases: A New Approach to Managing Caseloads in the District of Columbia," 8 *Justice System Journal* 338 (1983).

"Proposed ABA Appellate Court Technology Standards" 32 *The Judges Journal* 18 (American Bar Association: Chicago) (1993).

* Rader, Randall R. "Evaluate Your Own Performance on the Bench: Here's How" 30 *The Judges Journal* 33 (American Bar Association: Chicago) (1991).

Rippey, Charles P. "Computer-Assisted Decision Writing" 33 *The Judges Journal* 36, (American Bar Association: Chicago) (1994).

Rodger, Frederick B. "Develop an Accelerated Docket for Domestic Violence Cases" 31 *The Judges Journal* 2 (American Bar Association: Chicago) (1990).

* Rodger, Frederick B. "Modernizing Trial Techniques" 29 *The Judges Journal* 2 (American Bar Association: Chicago) (1990).

* Rodger, Frederick B. "The Rural Judge Can Always be Found: Judicial Orders by Fax and Phone" 32 *The Judges Journal* 34 (American Bar Association: Chicago) (1993).

Rosetti, R. "Special Case Tracks," 33 *Judges Journal* 34 (1994).

Rottman, D. and W. Hewitt *Trial Court Structure and Performance: A Contemporary Reappraisal* (1996).

Rubin, Alvin B. "The Managed Calendar: Some Pragmatic Suggestions About Achieving the Just, Speedy, and Inexpensive Determination of Civil Cases in Federal Courts." *The Justice System Journal* 135 (1979).

* Ryan, John P.; Marcia Lipetz, Mary Lee Luskin, and David Neubauer "Analyzing Court Delay Reduction Programs: Why Do Some Succeed?" 65 *Judicature* 58 (1981).

Saari, David J. *American Court Management: Theories and Practices* (Quorum Books: Westport) (1982).

* Schwartz, Howard, and Robert C. Broomfield "Delay: How Kansas and Phoenix are Making it Disappear." 23 *The Judges' Journal* 22 (Winter, 1984).

Shaw, Chris. "Automation at Its Best: How Los Angeles's Municipal Court Did It" 32 *The Judges Journal* 48 (American Bar Association: Chicago) (1993).

Short, Ernest H. and Charles Doolittle *Trial Court Management Series - Records Management* U.S. Department of Justice, Law Enforcement Assistance Administration: Washington, (1979).

Sipes, Larry J.; Alan M. Carlson; Teresa Tan, Alexander Aikman, and Robert W.Page Jr., *Managing to Reduce Delay* The National Center for State Courts: Williamsburg (1980).

* Solomon, Maureen and Douglas K. Somerlot *Caseflow Management in the Trial Court: Now and For the Future* Lawyers Conference Task Force on Reduction of Litigation Cost and Delay (American Bar Association: Chicago) (1987).

Standards Relating to Court Delay Reduction ABA Standards Relating to Trial Courts Sections 2.50 through 2.56 Adopted August 1984. (ABA House of Delegates: Chicago) (1985).

* Steinstra, Donna, et al. Report to the Judicial Conference Committee on Court Administration and Case Management, *A Study of the Five Demonstration Programs Established under the Civil Justice Reform Act of 1990*, The Federal Judicial Center, January 24, 1997, Washington, D.C.

Symposium Issue on Misdemeanor Courts 6 *The Justice System Journal* 1, Institute for Court Management: Denver (1981).

Taylor, Honorable Ronald J. *Preliminary Recommendations Regarding the Application of Differentiated Case Management Principles to the Caseload in the Circuit Court of Palm Beach County, Florida.* Courts Technical Assistance Project. Report No. 3-012. (September 1991).

Tobin, Robert and Cheryl Newton *Trial Court Management Series - Financial Management* U.S. Department of Justice, Law Enforcement Assistance Administration: Washington (1979).

Tobin, Robert and Cheryl Newton *Trial Court Management Series - Personnel Management* U.S. Department of Justice, Law Enforcement Assistance Administration: Washington (1979).

* Torkelsen, Linda. "Differentiated Civil Case Management: A Bench/Bar Partnership." *Court Manager.* (Winter, 1991).

Weiss, Lara A., and James H. Weaver. "ATMs Bring the Court to You" 32 *The Judges Journal* 56 (American Bar Association: Chicago) (1993).

Zeliff, Harry J. "Hurry Up and Wait: A Nuts and Bolts Approach to Avoiding Wasted Time in Trial" 28 *The Judges Journal* 18 (1989).

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____ f. courtesy to counsel

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____ h. familiarity with the file and adequate preparation

____ i. ability to preside, control firm but fair manner

____ j. attentiveness to the proceedings

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