

Case Management: Objectives

- Provide just and timely resolution
- Eliminate or reduce undue delay
- Eliminate unnecessary expense
- Meet the different needs of each case
- Make litigation procedures predictable
- Sustain and enhance public confidence

Court's Duties at the Case Conference

- Consider issues
 - Identify contested and uncontested issues
 - Explore methods to resolve contested issues
 - Narrow or resolve outstanding issues
 - Consider consolidation of suits

- Create a schedule
 - Get parties' agreement where can



Contents of Sample Trial Questionnaire

- Questions regarding evidence, including:
 - Affidavits
 - Witnesses not present at trial
 - Expert reports
 - Exhibits
- Questions regarding procedure, including:
 - Amendments to pleadings
 - Production of documents



Trial Conference

- Must be convened at least 30 days before, to:
 - Plan time of trial
 - Grant leave to amend pleadings
 - Make orders relating to expert reports
 - Make orders re: receiving exhibits in evidence
 - Orders re: admission of statements without calling of witness and production of copy of statement where original unavailable
 - Orders re: giving of evidence on basis of affidavit evidence

Breach of Order

- Party or advocate who willfully fails or omits to comply with Order 11: court may order costs against defaulting party



Efficiency: Managing Court Appearances

- Pre-trial education via clerk, lawyer, or pro se help desk
 - What documents are needed?
- Strict instruction from judge on what must be brought for next appearance
- Publish case schedule weekly via newspaper, online, etc.



Efficiency: Encouraging Pro Bono

- Place cases with pro bono attorneys at top of docket
- Recognition ceremony
- Posting attorney names in courthouse



Improving Access: United States



Need for Pro Se Services

- Low-income households have one civil legal need per year
- 50% of low-income Americans who seek legal assistance do not receive it



Improving Access - Pro Se: At the Courthouse

- Court forms with instructions
- Instructional pamphlets, brochures, and videos
- Self-service centers & kiosks for automated document assembly and video instruction
- Self-service centers with assistance by family court staff
- Legal clinics for pro se litigants operated by the private bar and by legal services providers
- Court and legal service assisted pro se programs with panels of attorneys

Improving Access - Pro Se: Online/Electronic Resources

- Court forms with instructions posted online
- Legal self-help software programs
- Web-based, email legal advice services
- Online form preparation
- Online subscription newsletters
- Online intake screening tools for law firms
- Legal advice hotlines (non-profit & fee-per-call)
- Online mediation and other forms of alternative dispute resolution



Improving Access - Pro Se: At the Courthouse

Which of these can work now in Kenya?

Forms with
instructions

Pro se
programs

Pamphlets,
brochures,
& videos

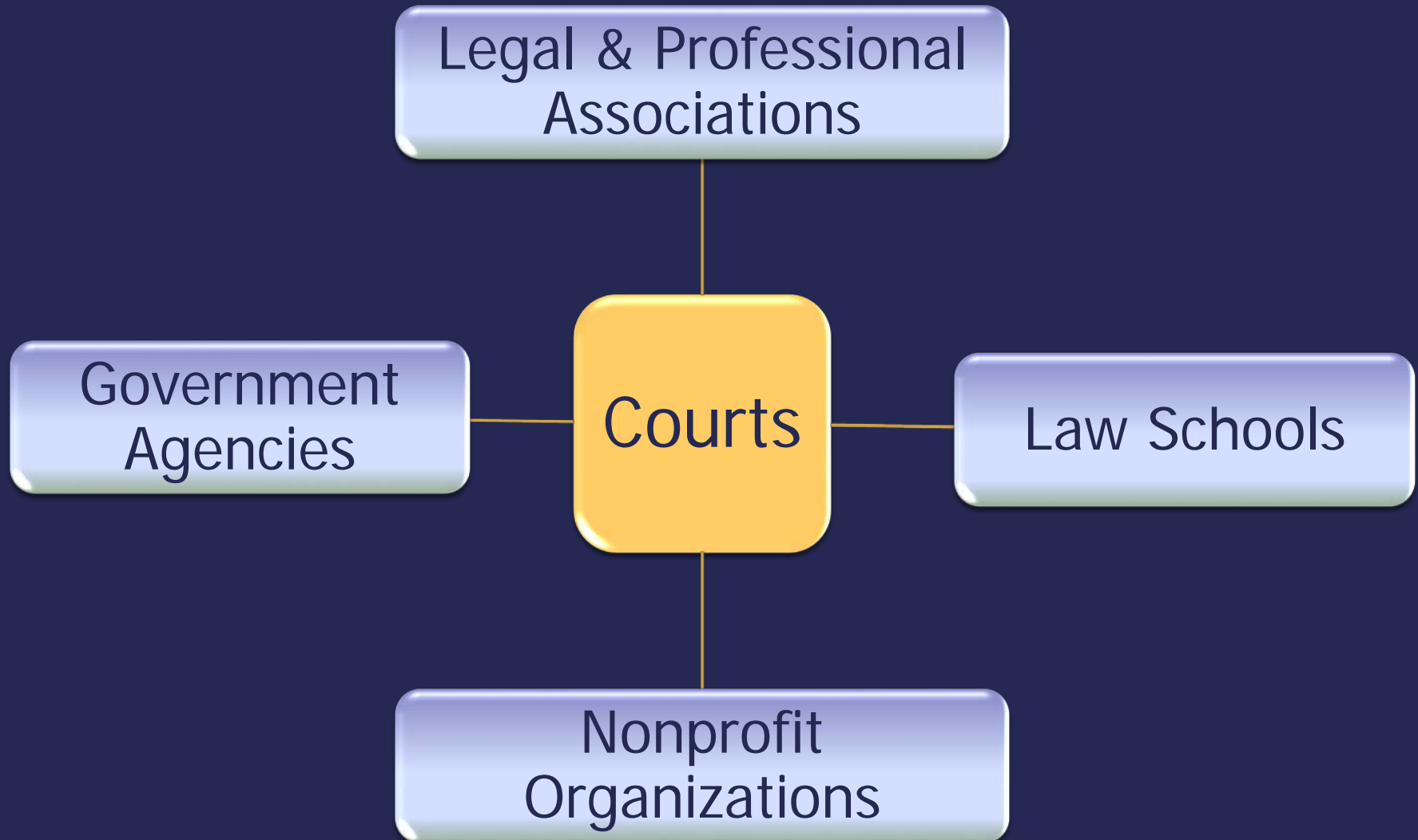
Self-service
centers &
kiosks

Legal clinics

Collaborating with Other Legal Entities



Collaboration: Improving Access to the Courts



What Can You Do?

- Manage Cases Efficiently
- Improve Pro Se Services
- Create Pro Bono Culture
- Collaborate with Other Legal Entities
- Improve Public Perception



What Can You Do?

- Set time limits/deadlines & reduce number of appearances
- Adopt and enforce pretrial rules
- Manage cases efficiently
 - Create court user groups; make user groups operational
 - Conduct education seminars for judges and lawyers at courthouse
 - Publish and circulate court schedule
 - Consider if judicial training should be mandatory



What Can You Do?

- Pro Se Services
 - Put up posters
 - Create brochures
 - Expand role of registrar
 - Train paralegals to help
 - Use volunteer lawyers
 - Use law student volunteers



What Can You Do?

- Create Pro Bono Culture
 - Create voluntary pro bono programs for bar associations and law schools
 - Make pro bono a requirement to practice before court
 - Recognize pro bono lawyers in award ceremony



What Can You Do?

- Collaborate with Other Legal Entities
 - Create joint education programs
 - Get assistance from law schools
 - Attend bar association programs
 - Create stakeholder (look at other slide)
 - Open Court Day, Judicial Marches



What Can You Do?

- Improve Public Perception
 - Speak at law schools and universities
 - Judge Moot Court competitions
 - Attend Bar Association events
 - Attend conferences for appellate, trial, bankruptcy, and magistrate judges
 - Create positive press

