

Advanced Family Law for District Court Judges

Principles of Effective Individual Case Management

Managing Family Financial Cases
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Introduction

Learning Objectives

As a result of attending this course, participants will:

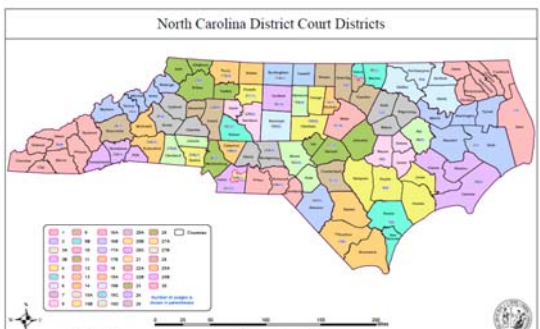
1. Explore the history of case management in the U.S. and North Carolina and its relevance to the judiciary.
2. Review and discuss the relevant principles and practices of case management for family cases.
3. Assess North Carolina family case outcomes and measures.
4. Identify best practices and their application to family financial cases.
5. Develop an action plan for my court's family cases.

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Introduction

North Carolina District Court Districts



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Introduction

Agenda

1. History of Case Management
2. Principles And Practices
3. Family Financial Cases in North Carolina
4. Case and Docket Management

Action Plan

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Introduction

Dissatisfaction with the administration of justice is as old as law. Not to go outside of our own legal system, discontent has an ancient and unbroken pedigree.

Roscoe Pound: "The Causes of Popular Dissatisfaction with the Administration of Justice," Presented at the annual convention of the American Bar Association in 1906

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History of Case Management

Origins of Case Management

Pre 1970 in US Courts

- ❖ Disorganized
- ❖ Unprofessional
- ❖ Poorly managed
- ❖ Case scheduling left to attorneys
- ❖ Growing delays in handling of cases

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Origins of Case Management

1970 to current day

- ❖ Operation as branch of government
- ❖ Chief Justice Warren Burger
- ❖ American Bar Association interest, research
- ❖ Court responsibility for managing cases
- ❖ Concept of procedural justice formalized
- ❖ Court performance standards and measures
- ❖ Accountability, accessibility, transparency

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Case Management in North Carolina Family Courts

1994 – NC Commission for the Future of Justice and the Courts

1996 – Futures Commission Report
Without Favor, Denial or Delay—A Court System for the 21st Century

1999 – North Carolina Family Courts in Three Judicial Districts

2000 – Family Court Advisory Committee
Unified Family Court Program Model

2019 – Family Court Advisory Commission (FCAC)

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Case management is the court supervision of the progress of all cases filed in that court.



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Effective caseflow management ensures

- Equal treatment of all litigants by the court;
- Timely disposition consistent with the circumstances of the individual case;
- Enhancement of the quality of litigation; and
- Public confidence in the court as an institution.

(David Steelman)



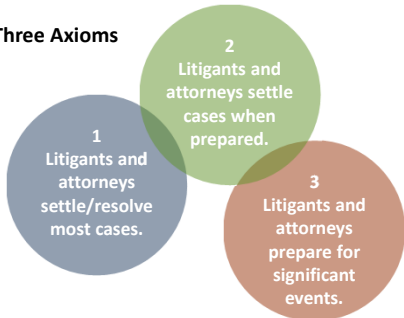
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Five Principles

1. Early control
2. Continuous control
3. On a short schedule
4. Be fair and neutral
5. Create the expectation and reality that events happen when scheduled

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Three Axioms



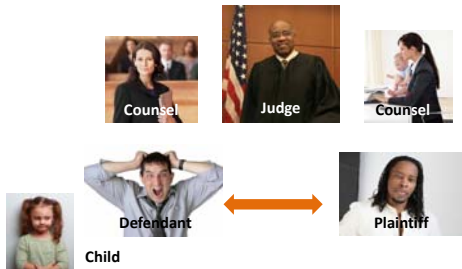
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Systems Approach – Results

- Accountability for performance
- Regularity and predictability
- Consistent case management
- Reduction of backlog

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Advocacy and Dispute Resolution




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Dispute Resolution Alternatives

- Litigation
- Mediation
- Settlement
- Special master
- Parent coordination
- Case/neutral evaluation
- Cooperative practice
- Facilitation
- Multi-door program
- Negotiation

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Principles and Practices 

Best Practices Group Exercise

| Futures Commission Recommendations | FCD | Non FCD |
|--|-----|---------|
| Establish a specialized "Family Court" with jurisdiction over all [family and juvenile disputes in the same family]; | | |
| Mediation or alternative dispute resolution for all family cases; | | |
| Provide mediators, judges and other decision-makers with specialized training in family and juvenile law and psychology; | | |
| Make available the full range of the family court's services, regardless of economic wealth; and | | |
| Resolve all cases as soon as possible, but no later than one year after filing. | | |

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Principles and Practices 

Best Practices Group Exercise

| No | Best Practices | FCD | Non FCD |
|----|--|-----|---------|
| 1 | Judicial Leadership | | |
| 2 | One Judge (or Judge Team)/One Family | | |
| 3 | New Local Rules | | |
| 4 | Time Standards for Events in All Cases | | |
| 5 | Active Case Management by the Court | | |
| 6 | Maximum Use of Alternative Dispute Resolution (ADR) | | |
| 7 | Focus on Customer Service | | |
| 8 | Additional Court and Community Services | | |
| 9 | Specially Trained Judges and Staff | | |
| 10 | Collaborative Local Family Court Advisory Committee (FCAC) | | |

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Family Financial Cases in North Carolina

Case Types

- Child support (non IV-D) cases
- Alimony
- Equitable distribution or contracts relating to support or property
- Guardianship and trusts

Which case types are composed of interlocutory orders and contested disputes? Which take the longest?

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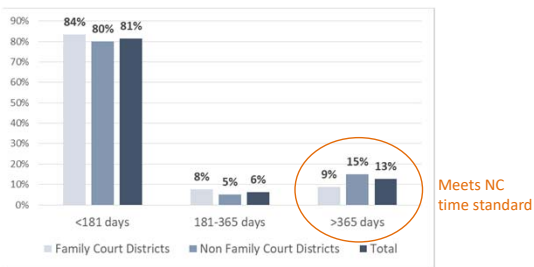
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Family Case Filings and Dispositions FY 2019

| Districts | Filings | Ratio | Dispositions | Clearance Rate |
|----------------------------|----------------|-------------|----------------|----------------|
| Family Court Districts | 55,875 | 39% | 57,257 | 102% |
| Non Family Court Districts | 89,143 | 61% | 93,287 | 105% |
| Total Family Cases | 145,018 | 100% | 150,544 | 104% |

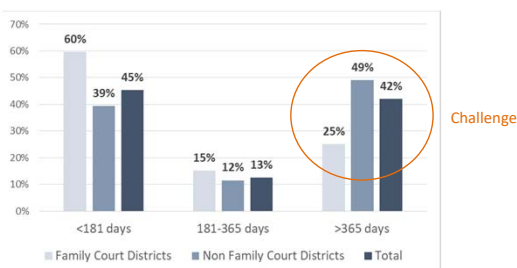
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Age of Disposed Family Cases FY 2019



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Age of Pending Family Cases 6/30/2019



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Family Case Filings and Dispositions – Median Age

| Districts | Median Age Disposed FY 2019 | Median Age Pending 6/30/19 |
|----------------------------|-----------------------------|----------------------------|
| Family Court Districts | 56 days | 118 days |
| Non Family Court Districts | 49 days | 347 days |
| Total Family Cases | 52 days | 229 days |

Family cases over two (2) years old = 8% statewide

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Tools and Techniques for Family Financial Cases

- Scheduling orders
- Interlocutory orders – temporary resolution
- Alternative dispute resolution – mediation
- Court and community services and programs (Do these help with family financial cases?)

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Group Exercise – Application of Best Practices



- 1 Judicial Leadership**
Who are the judicial leaders in your court? What is their role?
- 2 One Judge/One Family**
Is every court doing this? If not, is this an assignment/coordination problem?
- 3 New Local Rules**
Are these really only needed, if best practice no. 2 is implemented?
Would these help to establish court expectations for attorneys?
- 4 Time standards for events in all cases**
Is this more than just time to disposition? If so, how can you make these events predictable and responsive to the needs of each case?

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Group Exercise – Application of Best Practices

5 Active case management by the court

- Elimination of backlog – how does court tackle this?
- Early court intervention – consider using scheduling orders?
- Continuous court calendaring – what does this mean?
- Continuance policies – what should these include?
- Date and time certain hearings and trials – is this possible?
- Monitor docket – do I get good information about my cases?

6 Maximum Use of Alternative Dispute Resolution

- Do you put a schedule on when mediation must be undertaken?

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Group Exercise – Application of Best Practices

7 Focus on community service

- Is every court doing this? If not, is this an assignment/coordination problem?

8 New Local Rules

- Are these really only needed, if best practice no. 2 is implemented?
- Would these help to establish court expectations for attorneys?

9 Specially trained judges and staff

- How much training do you think is needed? Would your court benefit?

10 Local family court advisory committee (FCAC)

- What are the benefits? What role for the bar association?

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Questions?

Fill out the action plan!

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