



ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

**CREATING
EFFECTIVE CIVIL
CASE MANAGEMENT
TEAMS**

Civil Justice Initiative Pilot Project
(CJIPP)



Case Management (Verb):

Court action to monitor and progress cases, from filing to disposition to post-disposition, to assure that each case is resolved fairly, justly, cost-effectively and without undue delay



Case Management (Noun):

The systemic effort by courts to assure effective movement of cases with the goal of elimination of strategic process distortion by imposing unnecessary cost and delay on the other side.

WHY DON'T JUDGES CASE MANAGE?

**Lack of definition
or
misunderstanding
of case
management**

**Lack of
support: time,
staff and
technology**

**Institutional
inertia: “Local
Court Culture”**

**Cross-incentives:
elections, bar
polls/popularity,
attorneys fees,
ambition**

**Judicial
independence/
not my job**

**Lack of
awareness of
case
management**

CASE MANAGEMENT

TRADITIONAL DEFERENTIAL CASE MANAGEMENT

Reliance on litigants to progress the case to resolution - requiring only the obligation to provide a hearing date or trial upon request, at the convenience of the court, and in the absence of such a request, allows continued inactivity

REACTIVE CASE MANAGEMENT

The court routinely gets involved upon a request for enforcement or ruling by a party or notice for trial, and additionally recognizes an obligation to act when there is a period of inactivity in the case or the case is aged beyond the judge's tolerance level

PROACTIVE CASE MANAGEMENT

Provides consistent momentum through a court-supervised case management plan designed from the outset to ensure effective progress through case stages, with a defined anticipated resolution deadline, whether by trial or settlement, without unnecessary delay between events.

DELAYS

INATTENTIVE DELAY

- Nobody is paying attention to the case, to compliance with orders and rule deadlines or time standards until a client complains or performance measures are reviewed

INSTITUTIONAL DELAY

- Delays due to available resources or practical coordination
- Hearing time, trial dates, or other resolution mechanisms are not available within a meaningful time frame
- Lawyers/parties won't agree on scheduling dates
- Prerequisite events are not timely accomplished, like discovery, in order to use the time set by the court

INTENTIONAL DELAY

- Strategic or tactical exploitation of rules, procedures, and limited court resources to delay a case or
- The intentional delay by choice due to a related case, appeal, or for settlement

WHAT IT IS AND IS NOT



**CASE
MANAGEMENT IS:**

A **COURT** FUNCTION



**CASE
MANAGEMENT IS:**

A **SYSTEMATIC
SOLUTION** TO COST AND
DELAY



**CASE
MANAGEMENT IS
NOT:**

AN INDIVIDUAL JUDGE
FUNCTION - JUSTICE SHOULD
NOT DEPEND ON WHO YOU
DRAW IN BLIND FILE



**CASE
MANAGEMENT IS
NOT:**

COMPROMISED BY INDIVIDUAL
JUDICIAL PHILOSOPHY, WORK
ETHIC, STAFFING CHOICES OR
ROTATION

WHAT IS THE NEED FOR CASE MANAGEMENT?

**REDUCES COST AND
DELAY IN CIVIL
LITIGATION**

**PROVIDES ACTIVE AND
CONTINUING OVERSIGHT
OF CIVIL CASES**

**CASE MANAGEMENT
PROPORTIONATE TO
CASE NEEDS**

**PERMITS JUDGES TO FOCUS
ON TASKS THAT REQUIRE
JUDICIAL TRAINING AND
EXPERTISE**

DATA GROUPS



15 JUDICIAL SECTIONS



22,000 TOTAL CASES



**1,467 AVERAGE CASES
PER JUDICIAL SECTION**

**CONTROL
GROUP
PROFILE**



4 JUDICIAL SECTIONS



5,868 TOTAL CASES



**1,467 AVERAGE CASES
PER JUDICIAL SECTION**

CJIPP PROFILE



ALL CASE TYPES:

56.2%

**CJIPP CASES CLOSURE RATE -
HIGHER PERCENTAGE OF
CONTESTED**

40.7%

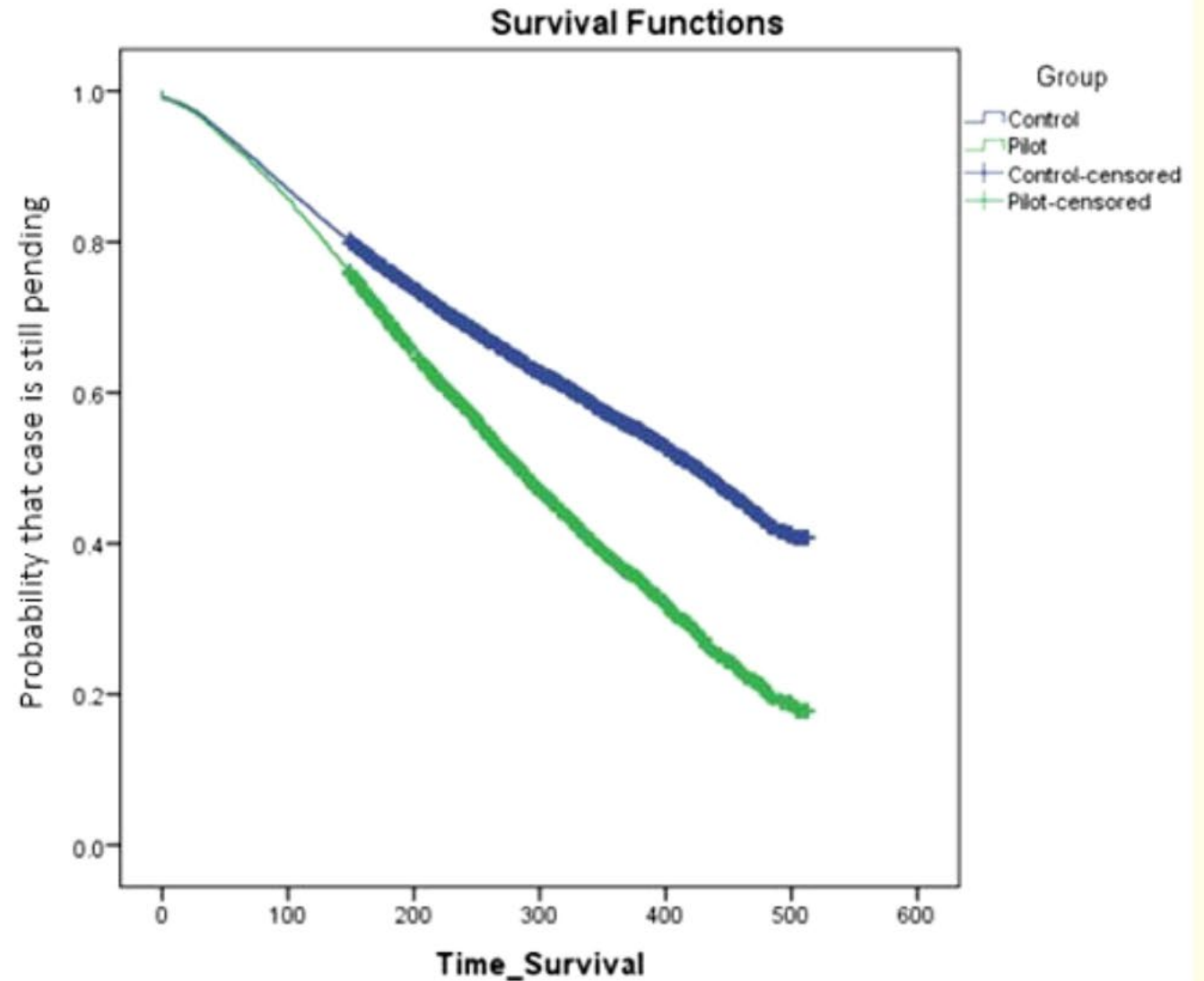
CONTROL GROUP CLOSURE RATE

50%

CJIPP CASES: CLOSED AT
9 MONTHS V. CONTROL
14 MONTHS <5 MONTHS>

50%

UNCONTESTED CJIPP CASES:
6 MONTHS V. CONTROL
11 MONTHS <5 MONTHS>



**PENDING CASELOAD
WITHIN TIME STANDARDS**

8%

CJIPP GROUP

21%

CONTROL GROUP

CJIPP

91%

CLOSURE RATE

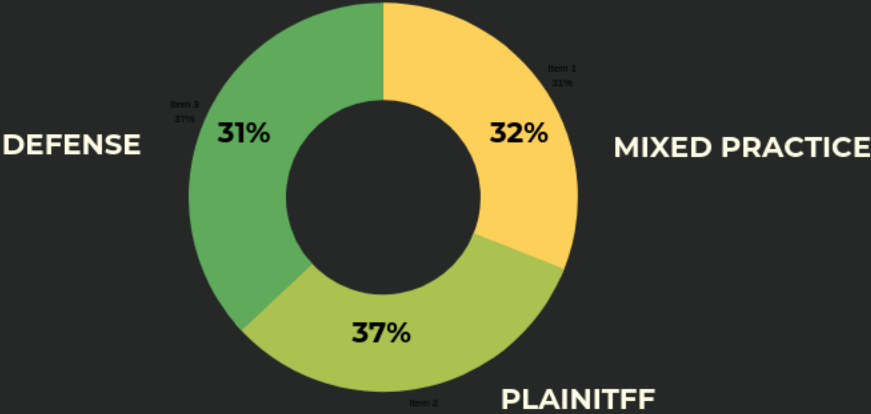
CONTROL GROUP

76%

CLOSURE RATE

ATTORNEY SURVEY RESULTS

RESPONDENT CHARACTERISTICS



YEARS IN PRACTICE



78%
MORE THAN 10
YEARS



13%
6 TO 10 YEARS



9%
2 TO 5 YEARS



CLEAR EXPECTATION
PROVIDED FOR
MEETING
KEY DEADLINES



DEADLINES WERE
REASONABLE



EARLY STRUCTURE OF
CASES AND CASE
MANAGEMENT PLAN
BETTER APPROACH



COURT SHOULD
CONTROL THE PACE OF
LITIGATION

WHAT WE DID: CIVIL JUSTICE INITIATIVE PILOT PROJECT

1

ORGANIZATIONAL
RESTRUCTURE

2

DEVELOP
COMPREHENSIVE
PLAN

3

IMPLEMENTATION

1

ORGANIZATIONAL RESTRUCTURE

STEP 1:

ANALYZE EXISTING CASELOAD AND
OPERATIONAL STRUCTURE

STEP 2:

CONDUCT THOROUGH ASSESSMENT OF CORE
RESPONSIBILITIES OF COURT POSITIONS

STEP 3:

RESTRUCTURE CORE RESPONSIBILITIES TO
INCLUDE CASE MANAGEMENT TASKS

STEP 4:

DESIGN AND IMPLEMENT TIER OF CASE
MANAGEMENT RESPONSIBILITY BASED ON
ASSIGNED TASKS

ANALYZE EXISTING CASELOAD



**PENDING
CASES**



**RULES OF
CIVIL PROCEDURE**



**COMMON
TRENDS**

**1
YEAR**

**TIME TO
DISPOSITION
OF MOST CIVIL
CASES**

DELAYS

Unserved Parties

No Responsive Pleading Filed

No Defaults

Non Compliance

Pending Motions

Pending Discovery

Pending Trial Date

Continuances

TIER OF CASE MANAGEMENT RESPONSIBILITY

The CCMT Model consists of distinct tiers of responsibility over civil case management



JUDGES

Inhabit the topmost tier, performing tasks that require unique skills and legal expertise such as, conducting trial and hearings, entering court orders

SKILLED TIER

Require more specialized legal knowledge and training than required for administrative positions. Review case issues, make recommendations, draft case management order, develop case management plan, review substantive/dispositive motions, highlight legal issues for judicial review

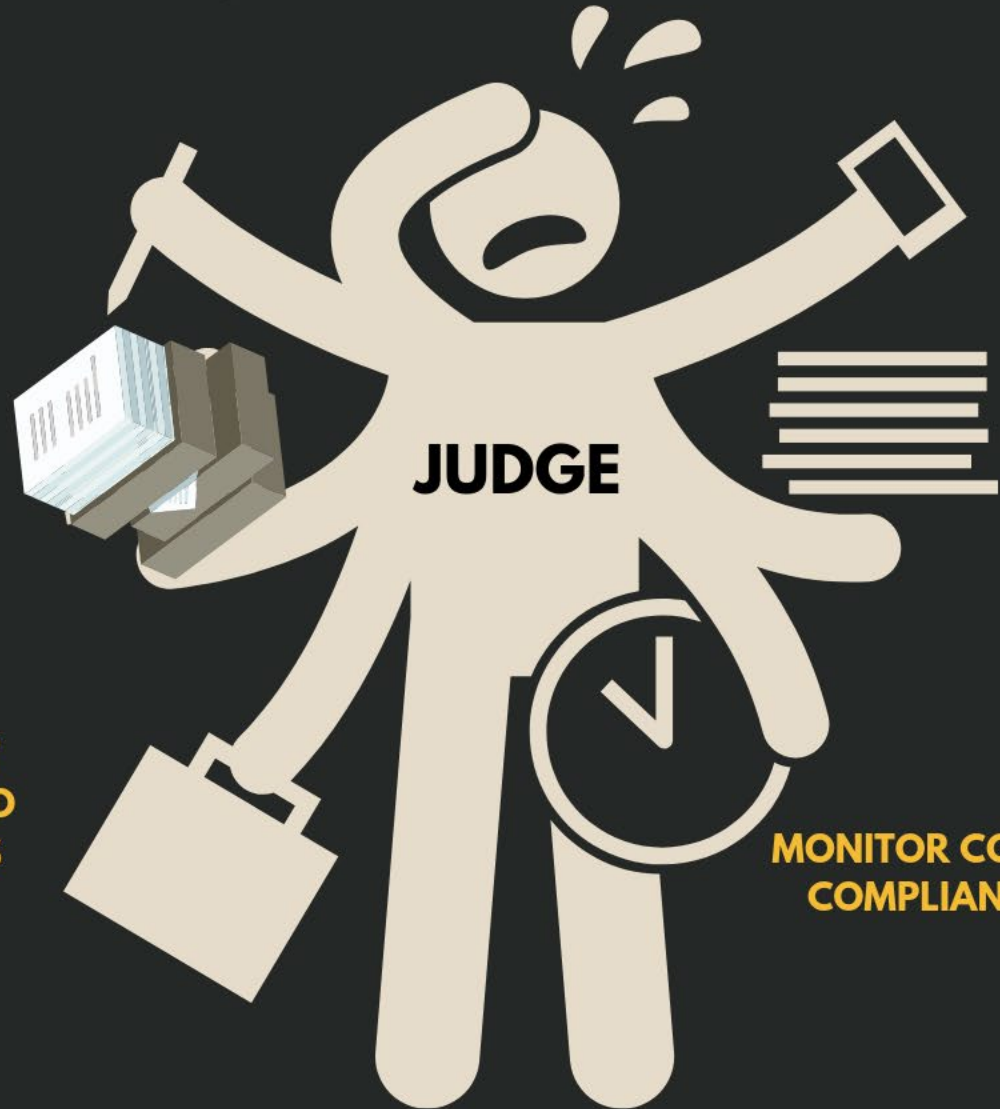
ADMINISTRATIVE POSITIONS

Judicial Assistants, Bailiffs, Secretaries, Clerk. Schedule cases for trial, monitor court compliance, ensure judges have complete information for hearings, communicate with lawyers and parties, prepare court order for signature

REALITY:

ENTER COURT
ORDERS

CONDUCT
TRIALS AND
HEARINGS



JUDGE

SCHEDULE
HEARINGS

REVIEW
SUBSTANTIVE/
DISPOSTIVE
MOTIONS

MONITOR COURT
COMPLIANCE

2

DEVELOP COMPREHENSIVE PLAN

STEP 1:

IDENTIFY POLICIES AND BUSINESS PRACTICES FOR CASE TYPES OR CASE CHARACTERISTICS

STEP 2:

SPECIFY THE SCOPE OF RESPONSIBILITY FOR EACH TIER

STEP 3:

DEVELOP CURRICULUM FOR JUDICIAL AND STAFF TRAINING

STEP 4:

IDENTIFY TECHNOLOGY TOOLS TO SUPPORT YOUR COMPREHENSIVE PLAN

ELEVENTH JUDICIAL CIRCUIT COMPREHENSIVE PLAN

STREAMLINED

- AUTO NEGLIGENCE
- CONDOMINIUM
- CONSTRUCTION LIEN
- CONTRACT & INDEBTEDNESS
- DECLARATORY JUDGMENT
- INJUNCTIVE RELIEF
- PERSONAL INJURY PROTECTION
- FORECLOSURES
- REPLEVIN

85.9%

STANDARD

- CIVIL FORFEITURE
- COMM PREMISES LIABILITY
- DISCRIMINATION
- LIBEL/SLANDER
- NEGLIGENT SECURITY

6.0%

COMPLEX

- ANTITRUST/TRADE REGULATION
- BUSINESS TORTS
- BUSINESS TRANSACTIONS
- EMINENT DOMAIN
- MEDICAL MALPRACTICE
- PROFESSIONAL MALPRACTICE
- PRODUCT LIABILITY

3.0%

5.0% PATHWAY VARIES

DADE COUNTY
COURTHOUSE

ELEVENTH JUDICIAL CIRCUIT COMPREHENSIVE PLAN

ORDERS

ORDER TO SERVE DEFENDANTS
ORDER TO FILE RESPONSIVE PLEADING
ORDER TO TAKE ACTION/ELIGIBILITY FOR DEFAULT
ORDER FOR JUDICIAL DEFAULT
ORDER ON MOTION FOR EXTENSION OF TIME
ORDER SETTING FINAL HEARING
ORDER TO FILE
ORDER TO SHOW CAUSE
CASE MANAGEMENT CONFERENCE ORDER

DELAYS

UNSERVED PARTIES
NO RESPONSIVE PLEADING FILED
NO DEFAULTS
NON COMPLIANCE
PENDING MOTIONS
PENDING DISCOVERY
PENDING TRIAL DATE
CONTINUANCES



ELEVENTH JUDICIAL CIRCUIT COMPREHENSIVE PLAN



PHASE 1:
INTAKE



PHASE 2:
SERVICE



PHASE 3:
**RESPONSIVE
PLEADING**



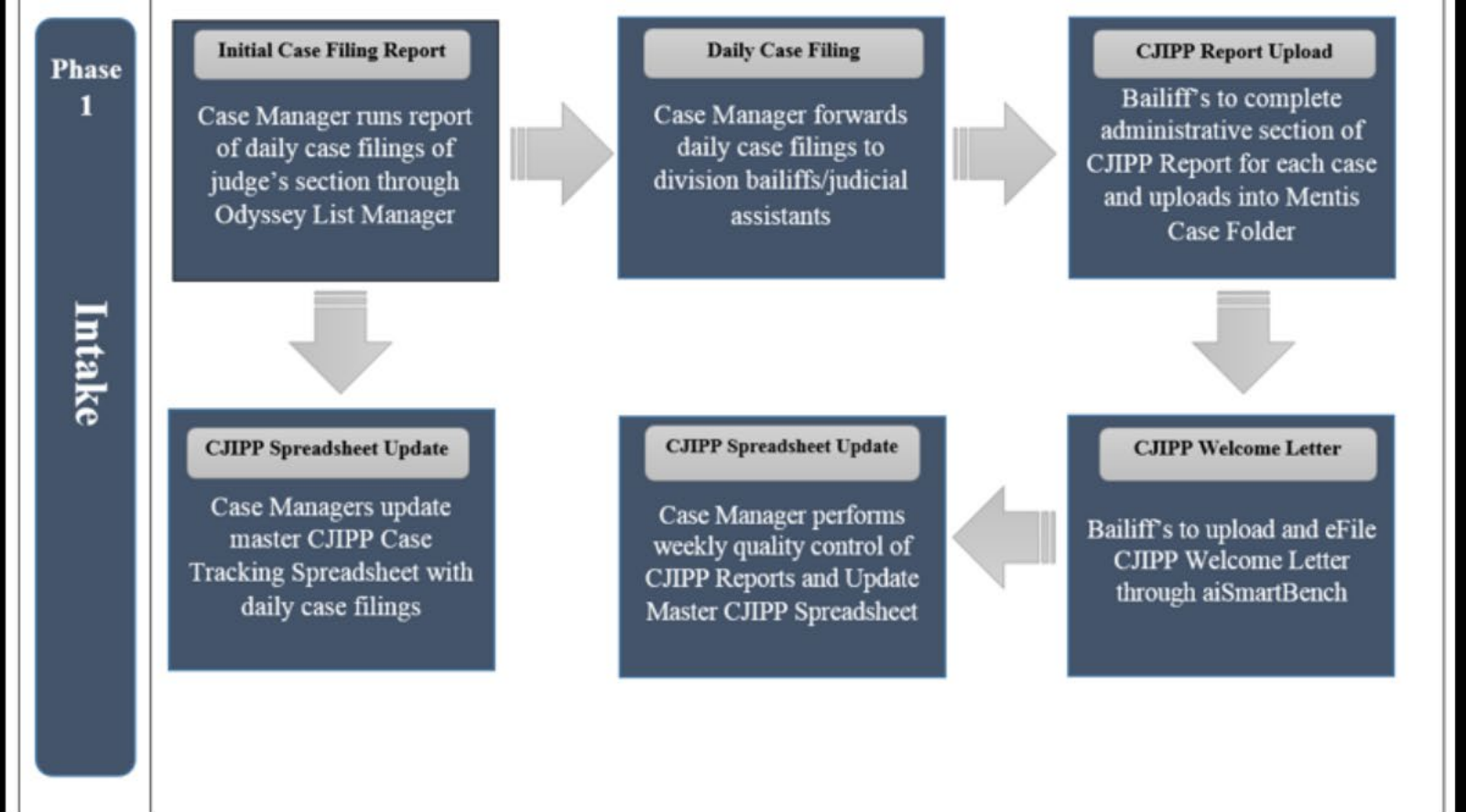
PHASE 4:
**CASE
MANAGEMENT
CONFERENCE**



PHASE 5:
DISPOSITION

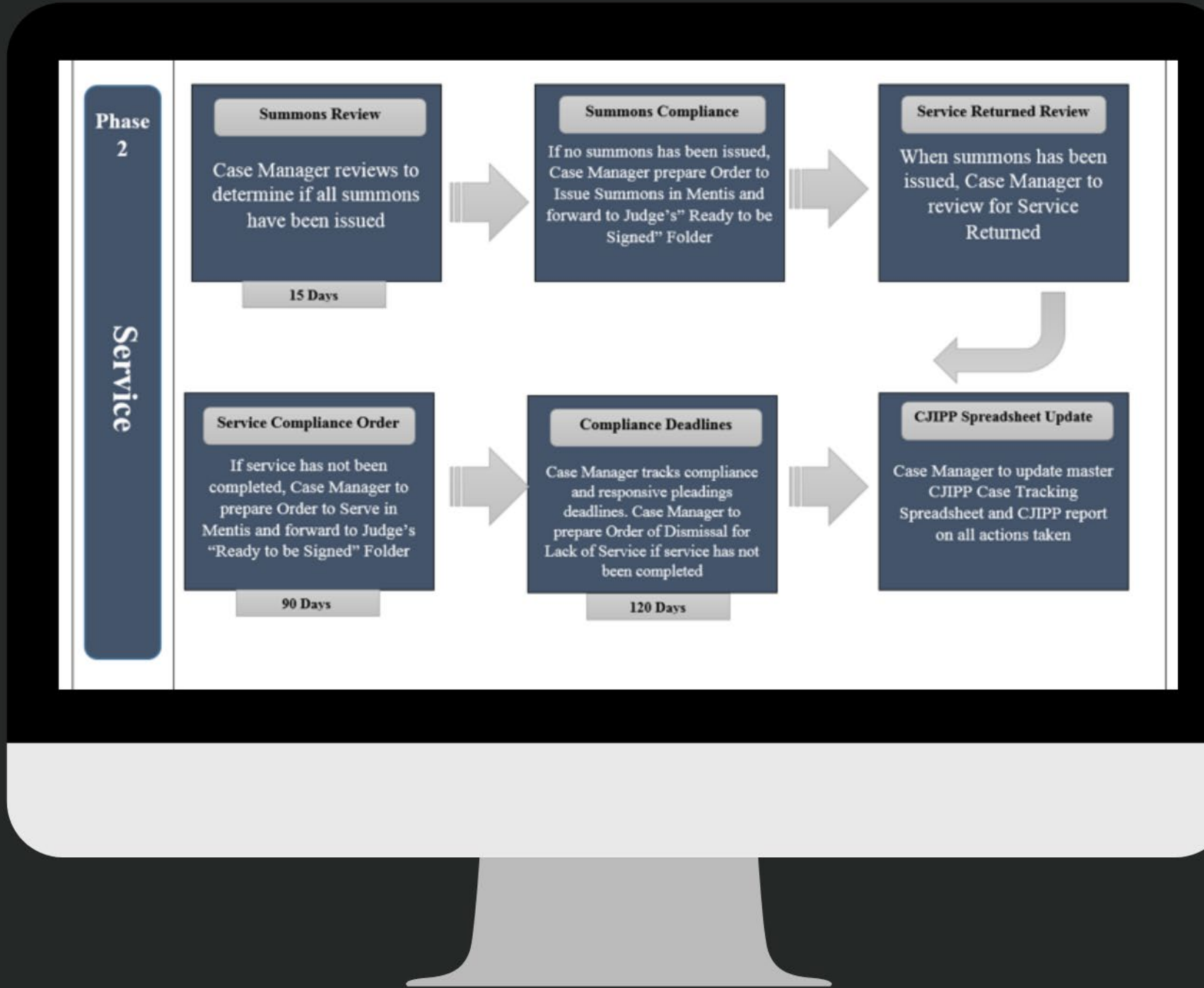
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COMPREHENSIVE PLAN

PHASE 1: INTAKE



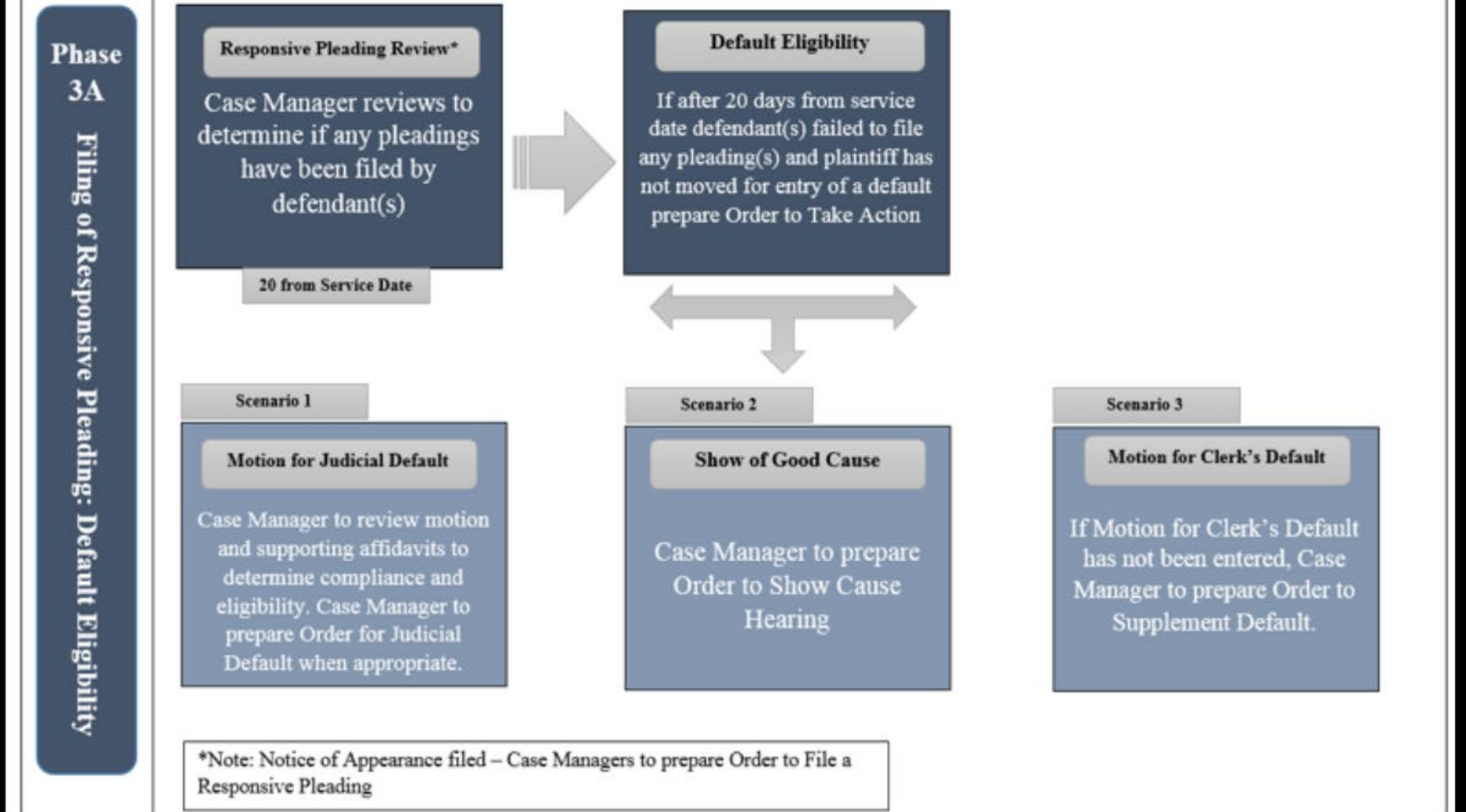
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PHASE 2:
SERVICE



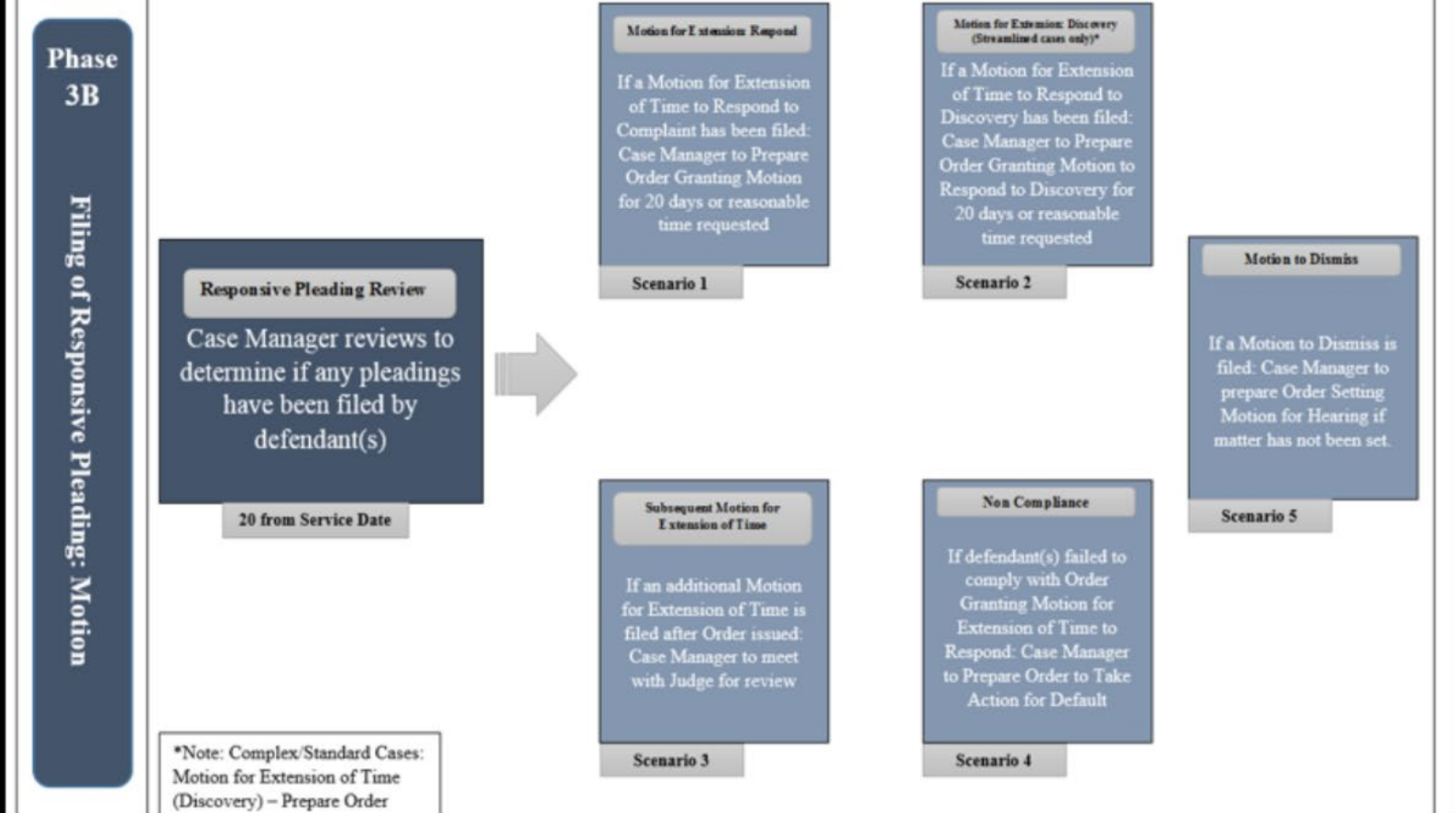
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COMPREHENSIVE PLAN

**PHASE 3A:
FILING OF
RESPONSIVE PLEADING -
DEFAULT ELIGIBILITY**



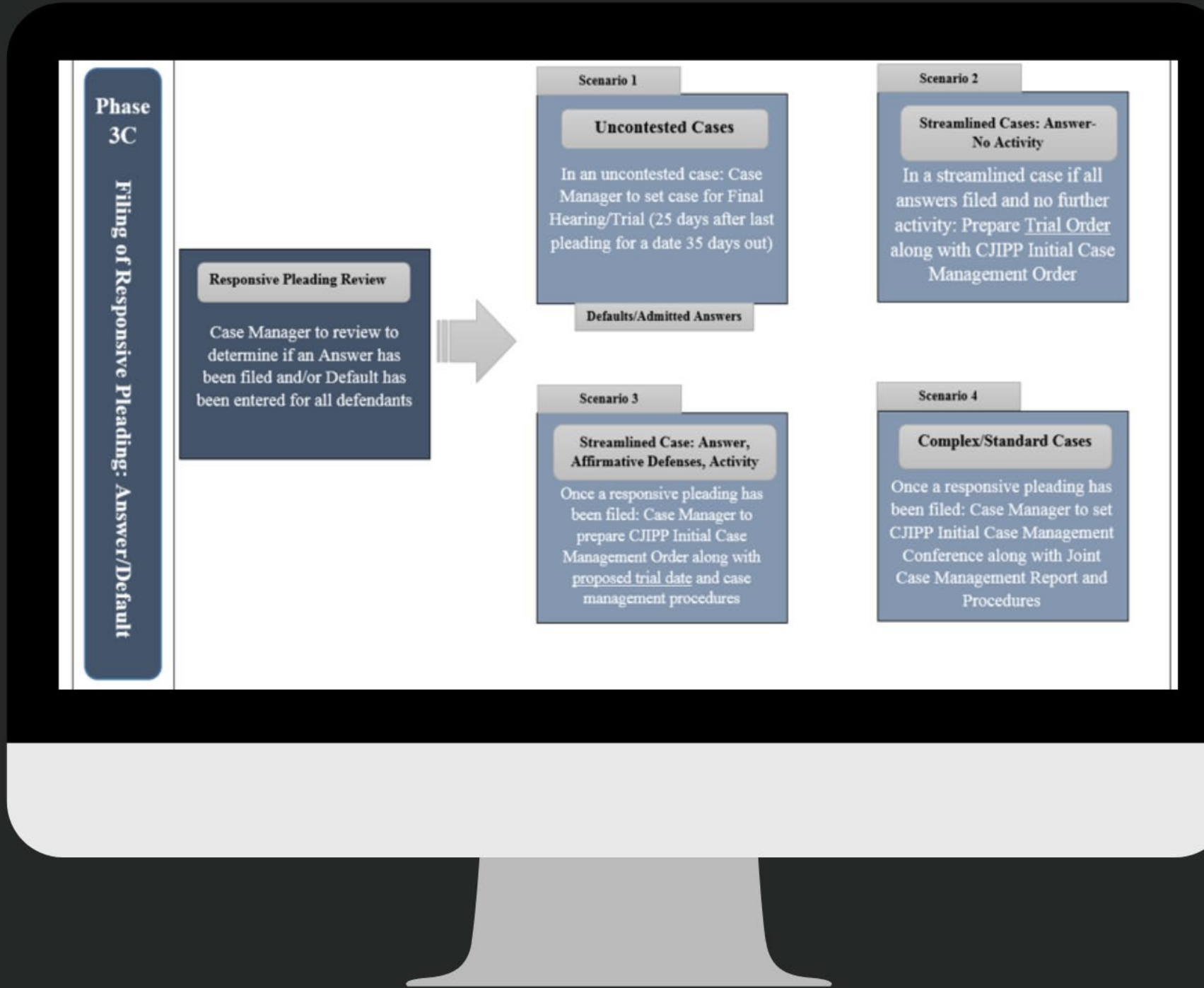
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PHASE 3B: FILING OF RESPONSIVE PLEADING - MOTION



ELEVENTH JUDICIAL CIRCUIT COMPREHENSIVE PLAN

PHASE 3C: FILING OF RESPONSIVE PLEADING - ANSWER/DEFAULT



ELEVENTH JUDICIAL CIRCUIT COMPREHENSIVE PLAN

PHASE 4A: ISSUING INITIAL CASE MANAGEMENT ORDER

Phase 4A

Issuing Initial Case Management Order

Review Cases to determine eligibility for Initial Case Management Order (ICMO)

- Case Manager to review to determine if an Answer has been filed.
- Determine track assignment based on case type.
- Issue ICMO based on track assignment.

If track assignment is:

Streamlined

1. Responsive pleading filed
2. Issue Initial Case Management Order following time guidelines.
3. Schedule Initial Case Management Conference.
4. Set for trial when case is at issue based on ICMO.

If track assignment is:

Complex/Standard Cases

1. Responsive pleading filed
2. Schedule Initial Case Management Conference.
3. Joint case management report submitted by parties.
4. Issue Initial Case Management Order based on agreed submission.
5. Set for trial when case is at issue based on ICMO.

If track assignment is:

Foreclosure

1. Responsive pleading filed
2. Issue Initial Case Management Order following time guidelines.
4. Set for trial when case is at issue based on ICMO.

If track assignment is:

Auto Negligence

1. Responsive pleading filed
2. Issue Initial Case Management Order following time guidelines.
3. Schedule Initial Case Management Conference.
4. Set for trial when case is at issue based on ICMO.

ELEVENTH JUDICIAL CIRCUIT COMPREHENSIVE PLAN

PHASE 4B: CASE MONITORING

Phase 4B

Case Monitoring Phase

Civil Forfeiture

Review for complaint 45 days after filing.
If no complaint is filed, prepare an order to show cause why case should not be dismissed and set on motion calendar.
If filed, review for answer after 20 days. Treat case as streamlined.

Replevin

Prejudgment Writ of Replevin:
1. Set on Motion Calendar ASAP;
or
2. Have Judge review or deny ex parte based on submission.
Defendant Motion to Dissolve: Set for immediate hearing

Contract & Indebtedness

Make sure contract is attached. If contract is not attached, send out notice to supplement filing within 10 days (Rule 1.130).

Insurance

First party insurance cases with only a Notice of Appearance Filed but no responsive pleading, issue an order directing them to file a responsive pleading or case will be defaulted.

Bond Estreature

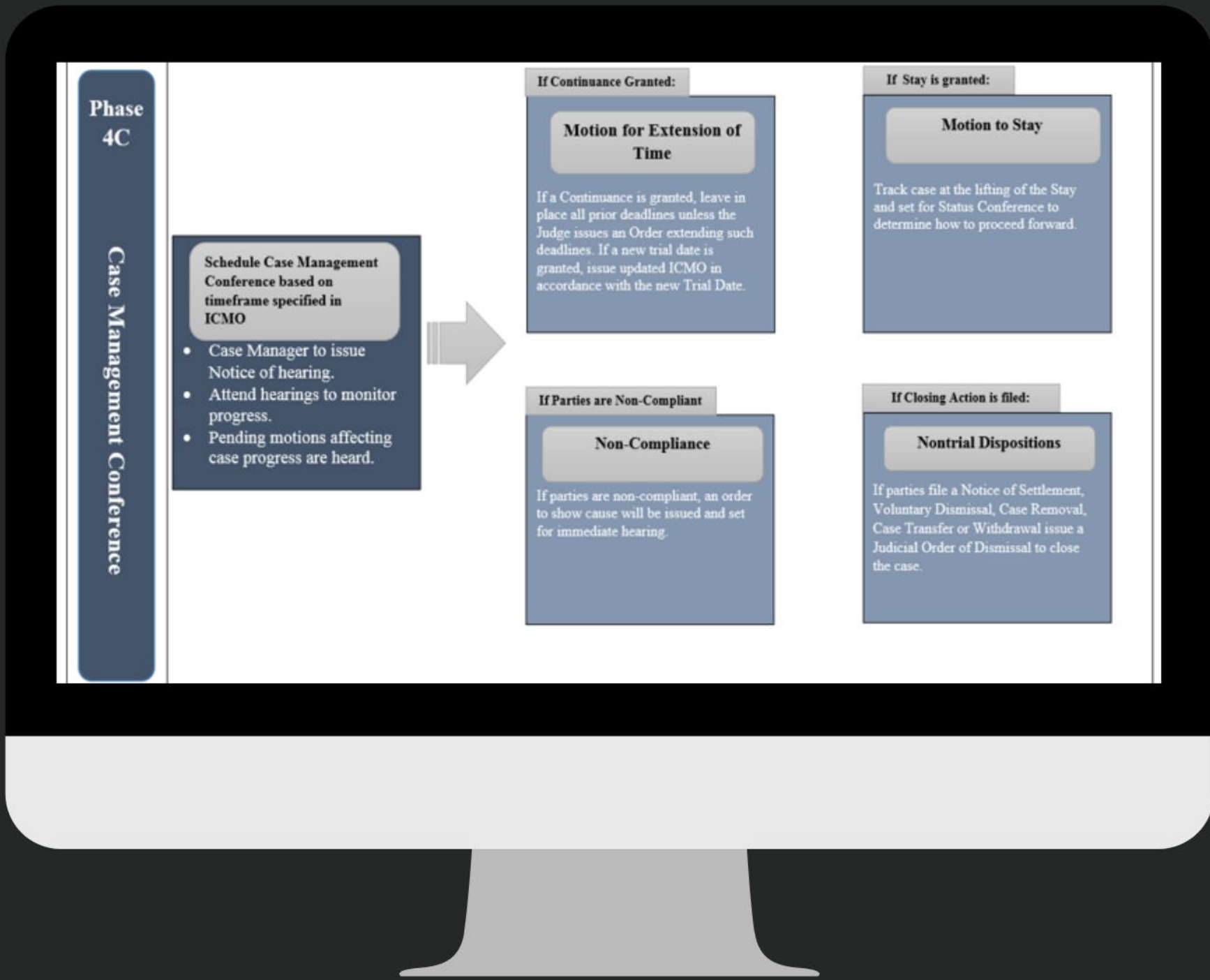
No Case Management Plan needed.
Set for final hearing 60 days after filing. This should result in an order that will close the case.
Review and make sure the case is closed.

Foreclosure

Send out Foreclosure ICMO in all cases. Schedule trials for Foreclosures within 90 days. Trial notice goes out once case is at issue, at least 35 days prior to trial.

ELEVENTH JUDICIAL CIRCUIT COMPREHENSIVE PLAN

PHASE 4C: CASE MANAGEMENT CONFERENCE



CASE MANAGEMENT TEAM

JUDGE



JUDGE

- Perform tasks that require unique skills and legal expertise
- Rule on pending motions

**CASE
MANAGER**

- Review Case Issues
- Make Recommendations
- Draft Case management plan
- Review Substantive and dispositive motions
- Highlight Legal Issues

BAILIFF



**CASE
MANAGER**



**JUDICIAL
ASSISTANT**

- Schedule Cases for Trial
- Monitor Court Compliance
- Prepare documents for hearings
- Communicate with lawyers and parties
- Prepare Court Orders

BAILIFF

- Intake of Cases
- Initial Track/Pathway Assignment
- Assemble documents for hearings
- Provide security to Judge
- Prepare courtroom for hearings

**JUDICIAL
ASSISTANT**



ELEVENTH JUDICIAL CIRCUIT
COMPREHENSIVE PLAN

CASE MANAGEMENT
TEAMS WORKFLOW

Phase	Resources (Input)	Staff	Duties(Output)	Outcome
Intake	Odyssey List Manager	Case Manager	<ul style="list-style-type: none"> Perform daily query for pilot project divisions to identify filed cases 	<ul style="list-style-type: none"> Prevents backlog of case loads
	Microsoft Outlook	Bailiff/Case Manager	<ul style="list-style-type: none"> Email daily case filings from Odyssey List Manager to pilot project divisions 	<ul style="list-style-type: none"> Provides accountability
	CJIPP Report	Bailiff/Judicial Assistant and Case Manager	<ul style="list-style-type: none"> Upload CJIPP template to individual case folders in Mentis Complete Triage Content <ul style="list-style-type: none"> Number of Parties Number of Counts Relief Requested Jury Demand Identify case track assignment <ul style="list-style-type: none"> Streamlined Complex Standard Varies 	<ul style="list-style-type: none"> Initiates proactive case management Provides initial case frame and overview Lays case management foundation
	Mentis aiSmartBench	Bailiff/Judicial Assistant and Case Manager	<ul style="list-style-type: none"> Review complaint and attached supporting documents Prepare Order to Transfer (if applicable) Identify and Prepare Order for cases that should be closed 	<ul style="list-style-type: none"> Ensures accurate assignment of cases Early screening and identification of cases ready for disposition Identify abandoned cases
	CJIPP Case Tracking Excel Spreadsheet	Case Manager	<ul style="list-style-type: none"> Identify completed CJIPP Reports Update case overview and triage content Track disposition of cases 	<ul style="list-style-type: none"> Provides quality control Ensures readiness of cases for next phase



IMPLEMENTATION

STEP 1:
FINALIZE ALL TRAINING

STEP 2:
ENSURE ALL STAFF MEMBERS ARE AWARE OF
RESPONSIBILITIES AND TASKS

STEP 3:
ENSURE NECESSARY DEPARTMENTS ARE
AWARE OF NEW POLICIES AND PROCEDURES

WHAT WORKED FOR US

Having an introductory meeting prior to project implementation to provide an overview of the purpose and importance of the project

Sharing statistics with Judge and Judicial Staff of case progression was a motivating factor for judicial offices:

- Number of Cases Set for Trial: Control Group vs. CJIPP
- Closure Statistics: Control Group vs. CJIPP

Providing additional training on technology and procedures to interested staff

Cultivating a better relationship with Judge which led to a better relationship with the staff

Developing a relationship with the Clerk as well as Judicial Staff

- SETTING BEHAVIORAL EXPECTATIONS MAKE A BIG DIFFERENCE WITHOUT MUCH EFFORT
- CONSISTENCY ACROSS SECTIONS MAKES A DIFFERENCE
- IT IS A HEAVY LIFT TO GET JUDICIAL CONSISTENCY, BUT WELL WORTH IT
- LAWYERS SQUAWKED BUT ADJUSTED QUICKLY AND LIKED IT
- CLIENT INVOLVEMENT SHOULD BE USED JUDICIOUSLY

WHAT WE LEARNED

WHAT WENT SOUTH:



TIPS

COMMUNICATION

COMMUNICATE IMMEDIATE GOALS AND OBJECTIVES WITH ALL AFFECTED COURT STAFF

ENGAGE

ENGAGE STAFF AND OTHER DEPARTMENTS IN THE PROCESS

PROJECT MANAGEMENT

SCHEDULE PERIODIC MEETINGS TO DISCUSS PROGRESS AND CHALLENGES

FLEXIBILITY

BE OPEN TO STAFF AND PUBLIC INPUT, CRITICISMS AND CONCERNS

