

An unmanageable case-management quandary

Law



An unmanageable Case-Management Quandary Courts are having a hard time in managing the number of cases filed. Judges are in a state of perplexity because of this predicament that is very hard to solve. The number of cases has become a crisis producing backlogs and new barriers to justice. The reformers are calling for more resources and judges (Ambrogid & Zimmerman, 2012). In the past 7 years, the number of cases filled has doubled. The initial case disposition being 700 cases monthly, the number has dropped to 100 criminal cases and 400 civil cases being disposed monthly. Initially, cases were disposed after a maximum period of one month but backlog has resulted to a case staying in court for 2-3 months. There is a need to change the way judges are managing their cases because it is clear that they are uncertain about how to reduce backlog.

According to a report by Great Britain (2011), even before opening of the court door, there are more cases going into court thanks to settlement or negotiation of cases out of court by litigants themselves. Litigants in person are individuals without legal representation by solicitors or barristers but have a right of audience. Litigants in person bringing their cases to court are less prepared because they do not have knowledge of the documents required by the judges. The judges end up starting of case hearing without all the relevant documents. In addition, litigants in person do not have an idea of the evidence required for presentation in court and the witness reports are poorly prepared. This makes the judge to steer off the case and assist the litigant in person, increasing the time taken to dispose a case. The longer the time taken to dispose a case the longer the queue thus creation of a backlog. The courts should avoid such cases without help from people with legal knowledge. The court should appoint Pro bono lawyers to represent

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people who cannot afford to hire lawyers or hire more staff to assist them.

This will increase the number of cases disposed monthly.

Efficient justice administration is dependent on many factors (Abioye, 2014).

Abioye (2014) considers the registry, modern technology and availability of material and resources, quality of judges and dedicated lawyers as the factors required to reduce backlogs in court. The court's staff should be competent when it comes to record keeping. The court should increase number of staff in order to improve record keeping and hasten the speed of file recovery for case hearing, to avoid delay. Introduction of modern methods of file storage and recovery will help a lot. In addition, the six judges in court should be more dedicated. A single judge should see one case through because it takes time for a different judge to familiarize with a case in progress. Lawyers should also avoid wasting the court's time.

From the court's statistical report, there is a need to change the way judges are managing their cases because it is clear that they are uncertain about how to reduce backlog. Shamir & Shamir (2013) state the adverse effects of delay in court, which include costs incurred waiting for compensation, impaired witness recollections and little time allotted to judges for scrutiny of cases. The court's current collection of statistical reports entails recording number of cases disposed in a month. They should also collect statistics for number of cases disposed by each judge monthly. It is important to know the incompetent judges and when assessment of judges individual, they will tend to work harder.

Reference

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