

APPENDIX A

**A Day in the
Life of a Judge:
Descriptions of
Judicial Tasks Under
Each Pathway**

The CJI Committee Recommendations call upon courts to address contemporary realities in the civil justice system. They offer a blueprint for restoring function and faith in a system that is too important to lose. The Recommendations call for a “right sizing” of court resources. Right sizing aligns rules, procedures, and court personnel with the needs and characteristics of similarly situated cases. As a result, cases get the amount of process needed—no more, no less. With right sizing, judges tailor their oversight to the specific needs of cases. Administrators align court resources to case requirements—coordinating the roles of judges, staff, and infrastructure.

The Recommendations are founded on several core premises:

- The court, not lawyers or the parties, must control the pace of litigation.
- The “court” is not solely the trial judge. The term “court” encompasses the entire judicial branch including its staff and technological resources.
- Civil cases should be triaged immediately at filing to determine the amount of judicial attention needed to resolve all disputed issues in a just, timely, and cost-effective way.
- Based on the initial assessment, cases should be assigned to a pathway with procedural rules that provide a presumptively sufficient process to meet the needs of the case.
- Effective rules, procedures, and business practices are especially critical to ensure just, speedy, and inexpensive resolutions in uncontested cases and cases involving large asymmetries in legal expertise.

To help judges understand better how right sizing would work daily in the courthouse, this appendix features a web link that demonstrates what court processes would look like with right sizing. The link takes readers through a typical judicial workday under the recommended pathway approach.

The web-link portrays a civil justice system in which civil case automation plays a large role in supporting teams of court personnel as they triage cases to experienced court staff and/or judicial officers to address the needs of each case. Routine case activity such as scheduling and monitoring compliance with deadlines are automated, permitting specially trained court staff to perform basic case management responsibilities under the guidance of legally trained case managers. This in turn frees up the judge to focus on truly judicial tasks such ruling on dispositive motions and conducting evidentiary hearings.

As you will see, the web link shows a calendar entry, the related judicial task, and a brief discussion on “How to Get Here” and “Why It’s Better.” The “How to Get Here” section, in particular, addresses implementation in a broad sense. Additional implementation guidance is being developed and will be available on the CJI [microsite](#) in early 2017.

To get started, click on this web link:

<http://www.ncsc.org/civil-day-in-the-life>

Notes

Acknowledgement: The CJI Committee’s Court Operations Subcommittee (chaired by Judge Jennifer Bailey) inspired the production of this digital resource. Besides Judge Bailey, Professor Margaret Hagan (Stanford University) and Shelley Spacek Miller (NCSC) made significant contributions to this endeavor.