

# Part 9B: Scheduling and Calendaring

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Calendaring and Scheduling are one area of court case management systems that suffer from a lack of focus and imagination in applying automation technology. While other industries have made great strides in very similar areas such as manufacturing supply chains and airline capacity planning (and don't say that those are simpler problems than court scheduling), courts have by-in-large decided just to throw staff at the problem. *In this post we will share some of our ideas on the subject.*

## **Complexity Measurement and Projection**

First, while the event being assigned to a “bucket” will have a default value (either a counter time amount) all of the case scheduling systems that we have seen treat each of these events the same without regard to the complexity of the case.

Co-author of this series, James McMillan along with Judge Carolyn Temin of

Pennsylvania, published an article in the Spring, 2011 edition of the American Bar Association's Judge's Journal (membership required) titled *Dynamic Case Weighting: Using the Data We Have to Manage the Courts*. In that article the authors argue that measures of case complexity can be derived from the case management system data. The Following factors were identified (data items prefaced with the asterisk (\*) are very often contained in CCMS):

### Complexity Factors in Criminal Cases

- \*Number and seriousness of charges

- \*Number of criminal charges combined in one indictment or joined to be tried together
- \*Number of defendants

- Criminal history of a defendant

- \*Number of documents submitted in evidence

- \*Number of witnesses

- \*Witness availability

- \*Number of exhibits submitted

- \*Jurisdictional issues

- \*Court/jurisdiction case time history

- \*Interpreter required

- \*Document translation required

- \*Multiple-judges involved

- \*Jury trial

- \*Courtroom availability

- \*Self-represented defendants

- \*Systemic problems (resources unavailable)

- \*Novel legal issues

- \*Expert witnesses
- \*Number of expert witnesses
- \*Number of issues requiring expert testimony

Complexity Factors in Civil Cases (in addition to above)

- \*Amount in dispute
- \*Subject matter
- Number of relationships between defendants, victims, and witnesses
- Complexity of relationships between parties and others
- \*Party history
- \*Counsel history
- Party financial capability

And so we believe that it is feasible to correlate even just a few of the easy-to-obtain data points with the amount of hearing/trial time to be consumed in order to be able to create data-supported projections and a more accurate automated scheduling system.

### **Participant Oriented Scheduling**

The success of the automated participant scheduler implemented in the Travis County I-Jury system has taught us that, if we provide self-service online scheduling access, jurors will take advantage of it and significantly improve attendance rates and save time and the costs related to getting prospective jurors to the courthouse.

So why not allow attorneys to have electronic access to the calendar and request scheduling of hearings via a web page or mobile app, subject to customary rules of getting agreement of the opposing party? Court staff spend a lot of time talking to attorneys on the phone setting hearing dates and getting routine orders signed setting hearings.

Taking it a step further, if we can do a better projection of time needed for a hearing based on the type of hearing and the issues involved, the CCMS will even check the other participating attorney's schedule in the court (and elsewhere if connected – see syndication below), and suggest alternative dates. Another possibility is to use an online services approach similar to [Doodle.com](https://doodle.com) with access to the attorney's shared schedules that also provide e-mail alerts and schedule prioritization voting and comment capability. In turn the system could rank the alternatives suggested, and when all have voted (or not, if the participant did not respond in time), the hearing date and time would be scheduled.

We understand that there will be skepticism about the possibilities of such a system because of “complexities.” But we believe that the combination of, internet connectivity, smart time projections, and the opportunity to rank alternatives, that a future system can deliver a solution for the majority of scheduling activities that produces at least as good a result, and with a lot less human effort.

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## Syndication

In a 2011 CTB article, [The Future is Not Paper – Part 4](#), the concept of court schedule syndication was presented. The concept in computer terms can be thought of as either an API (application programming interface) that “pushes” a query or as a notice RSS (real simple syndication) feed that populates a mailbox. In other words, the courts provide an Internet “service that can be consumed by programs. So by looking on your smartphone, you could see what the court has scheduled for that day and, even better, filter what you want to see. Information is power and this could provide detailed access to what and when events are scheduled to occur.

And would it not be great if, say, law enforcement officer schedules would syndicate (with appropriate security controls) with the courts, so that prosecutors could know officer's schedules, and officer time would not be wasted sitting in a courtroom? For an officer committed to testifying in several courtrooms within a short period of time, the officer's “feed” could advise subscribing prosecutors of the officer's current status, location and time of arrival.

Last, as the tragic events that occurred in Wilmington, Delaware on February 12, 2013, showed, scheduling can affect safety for the public and the court security staff. Fewer People in line at the

courthouse can reduce risk by presenting a less attractive target. And again, effective scheduling by courts can save money on courthouse facilities (for example reductions in the size of courtrooms and waiting areas), the need for fewer parking spaces, and improve the lives of case participants by reducing wasted waiting time.