

# Contents

List of Figures and Tables	xi
Acknowledgments	xiii
Overview	1
<i>Vision of the New Court Process</i>	
<i>Courts as though Litigants Mattered</i>	
<i>The Court Response</i>	
<i>Financial Problems</i>	
<i>Remedies</i>	
<i>Plan of This Book</i>	
 <b>PART I. ALIGNING IMAGE WITH REALITY</b>	
1 Why Courts Need to Be Redesigned	19
<i>The Challenge: Burgeoning Caseloads</i>	
<i>Countertrends</i>	
<i>Financial Crisis: Engine for Change</i>	
2 What Courts Actually Do	27
<i>Courts Settle Traffic Cases</i>	
<i>Criminal Cases</i>	
<i>Civil Cases</i>	
 <b>PART II. TRIAGE AND THE FOUR CASE-PROCESSING TRACKS</b>	
3 Triage: Separating Cases by Processing Required	35
<i>The Need for Triage</i>	
<i>Four Adjudicatory Processes</i>	
<i>The Adversary Process and Courts Are Intertwined</i>	
<i>Routine Cases: The Dispositional Process</i>	
<i>The Problem-Solving Process</i>	

*Triage by Issue*

*Triage and Processing Tracks*

Appendix to Chapter 3. Functional Equivalents to  
Triage: Historical Strategies

**4 The Adversary Process**

54

*The Adversary Process Should Be Reserved for Trials*

*Decreasing Trials*

*Triage: Trial Worthiness*

*Role of the Judge: Umpire*

*Court Staff*

*Facilities*

*Court Performance*

*Proposed Remedies*

Appendix to Chapter 4. The Decreasing Number  
of Jury and Bench Trials

**5 The Dispositional Process**

70

*Criminal Processing*

*Civil Cases*

*Triage*

*Role of the Judge: Adjudicator*

*Court Staff*

*Facilities*

*Court Performance*

*Implications*

**6 The Administrative Process**

85

*Purpose*

*Caseload*

*Triage*

*Role of the Judge: Administrator*

*Alternatives*

Appendix to Chapter 6. Substituting Court Jurisdiction  
with Administrative Jurisdiction: An Example

**7 The Problem-Solving Process**

96

*Specialized Problem-Solving Courts*

*Unified Family Courts*

*Workload*

*Role of the Judge: Problem Solver*

*Court Staff*

*Facilities*

*Triage*

*Can Specialized Problem-Solving Courts Be Reconciled  
with Court Reform?*

*Are Triage and Coordination the Answer?*

## **8 Implications of the Problem-Solving Approach for Court Reform**

127

*Two Separate Processes: The Legal Model and the Medical Model*

*Medical Model in Corrections*

*Medical Model versus Legal Model in Courts*

*Treatment Focus*

*Why the Two Processes Must Be Kept Separate*

*Mainstreaming Problem-Solving Principles*

*Is Treatment a Court Responsibility?*

## **PART III. MAKING THE REIMAGINED COURT A REALITY**

### **9 Case-Triage Strategies in Action**

143

*Reducing Jurisdiction*

*Increasing Litigant Choice*

*Streamlining Processes*

*Optimizing Scarce Resources*

*Implications for Judicial and Court Staff Selection, Education,  
and Training*

*Putting It All Together*

### **10 Implementing the Vision of a Modern Court**

153

*The Worldview of the Modern Court*

*Suggestions for Reform*

*Barriers to Implementation*

*Getting There from Here*

**Notes**

167

**Bibliography**

193

**Index**

209