



**CASE FLOW MANAGEMENT**  
**PRESENTATION MADE BY THE HON. LADY**  
**JUSTICE IMMACULATE BUSINGYE**  
**BYARUHANGA**

INDUCTION/ ORIENTATION TRAINING FOR NEWLY APPOINTED ACTING  
REGISTRARS 2024

AT COLLINE HOTEL, MUKONO



# CONTENTS

- 1) Background
- 2) Key players in court case management
- 3) Elements of court case management
- 4) Conveyor belt of court case management in Civil Cases in Superior Courts.
- 5) Taxation of costs
- 6) Conclusion

# BACKGROUND

- ▶ The term ‘*case management*’ simply put, is the process through which a case passes from the date it is commenced (filing) to the final disposition of the case.
- ▶ Case management involves organizing and coordinating various aspects of the case including pre-trial procedural matters, timelines and deadlines, evidence disclosure and court appearances (trial).
- ▶ A proper case management system ensures that there is efficient and effective progression of a case through the judicial system. In other jurisdictions, case management can be referred to as *case tracking*, *case control*, *court management* or *control* among others.

# CONTINUATION FROM BACKGROUND

- The Judiciary of Uganda has taken strides to ensure proper case management by designing and implementing an online case management system called Court Case Administration System, popularly referred to as CCAS. This system was built to automate the case management process by facilitating the registration of cases and retrieval of case information, however, this system was only open to the Judiciary staff.
- Most recently, the Judiciary launched the Electronic Court Case Management Information System (ECCMIS). This system is an improved version of CCAS because it allows litigants to file their cases online and track the progress of their case, all in the comfort of their offices and homes, e-payment, and receipt of notifications among others. This system automates and tracks all aspects of a case life cycle from the initial stage of filing all through to disposition, taxation, execution and appeal depending on each individual case.



# **ROLE OF AN EFFECTIVE COURT CASE MANAGEMENT SYSTEM**

A proper and effective case management system is fundamental to ensure the dispensation of justice by ensuring that the Court, its Judicial Officers and staff accomplish their designated roles.

# ROLE OF REGISTRARS IN CASE MANAGEMENT

A Registrar is in charge of the day to day administration of the court and record keeping in the court they are posted in. Registrars hold a very essential role in the process of case management because they are responsible for supervising the case management system and ensuring that no cases falls within the cracks. Some of these roles include;

- The establishment and maintenance of a Registry.
- Ensuring the proper storage of court documents and archives.
- Ensuring the proper storage of court proceedings.
- Most importantly, proper supervision and management of court staff

# BENEFITS OF PROPER CASE MANAGEMENT

- A proper case management system ensures that all court users are treated fairly and equally.
- Timely disposition of cases; proper case management ensures that a case file is properly organized before the file proceeds to trial. This in turn ensures that there are reduced chances of wasting court's time.
- Provision of sufficient time to a case for its disposal, all while avoiding wastage of court's time.
- Curbing corruption



# CONTINUATION

- Enhanced public trust in the Courts of Law and accountability
- A proper case management system should facilitate non-trial settlements (Encourage Alternative dispute resolution), which in turn would reduce the cost of litigation.
- Curbing Undue delay in court proceedings
- Improved attendance of court by parties and their witnesses
- Certainty of hearing
- Monitoring of case loads



# UNDUE DELAY

- One of the Judiciary's biggest challenge is case **backlog**. Most times, improper case management breeds case backlog. *'To be tried without Undue delay'* relates to the time by which a trial should commence but also the time by which it should end.
- Undue delay is an abuse of court process, one that hinders the access to substantive justice. One of the indicators of an improper case management system is case backlog. **(Section 17 (2) (a) and 33 of the Judicature Act, and Section 98 of the Civil Procedure Act**



# CONTINUATION

- ▶ This right of speedy trial was in my view designed to prevent oppressive protracted pre-trial and trial remand periods, reduce anxiety and concern and possible trial anxiety and concern and possible trial prejudice. (**Zvikomborero Chadambuka (Essex Human Rights Review, Vol. 9, No.1 June, 2012), “Serious Offences and the Right to Trial Within a Reasonable Time)**
- ▶ Some cases stay hibernated in the system without ever taking of. It is necessary that as a Judicial Officer, you conduct regular ‘weeding out’, so as prevent case hibernation and ultimately backlog.



# KEY PLAYERS IN CASE MANAGEMENT

- ▶ There are several players in case management and these include the litigants, Advocates, **Registrars**, Registry staff and Judges. These are known as Resources of Dispute Resolution (RDR). All the players determine the pace at which the case shall progress.



# ELEMENTS OF CASE MANAGEMENT

## 1) PROCEDURAL PLANNING

Case management involves setting out a clear work plan and timetable for the case. This involves admission of pleadings, filing deadlines, hearings and trial dates. The court must ensure that all the parties involved in a case are aware of the necessary steps and prepare accordingly.

# Cont.

## 2) DOCUMENT AND EVIDENCE MANAGEMENT

- ❑ Case management includes organization and management of case documents, evidence and exhibits. This is very crucial at all stages of case management including preparation and forwarding of the record of appeal.
- ❑ As a judicial officer, you should ensure that documents follow each other in the traditional way. Hearing proceedings should come after plea taking, sentencing proceedings after conviction and trial.
- ❑ Locus proceedings should come after court hearing proceedings. A written statement of defence should come after the plea, affidavit in reply after the application etc.



# Cont.

## 3) CASE CONFERENCES

- ❑ Case management often involves conferences between the parties such as scheduling conferences, pre-taxation conferences, summons for directions hearings among others, all which enable the Judicial officer to resolve any interlocutory issues such as the list of witnesses, list of documents, agreed facts, need for discovery among others interrogatories, expert witnesses required if any etc. **(See Order XI A and Order 18 of the Civil Procedure (Amendment) Rules)**



## Cont.

### **4) PRE-TRIAL PREPARATION**

- ❑ This process involves preparing the case for trial including identifying and addressing any legal or procedural issues that may arise.
- ❑ It may also involve discussions about the possibility of settlement. Read through the file and establish whether it qualifies for alternative dispute resolution before it proceeds for trial.



# CONTINUATION

- ❑ For criminal cases, consider the time for plea bargain. Visit the prison and find out the accused persons interested in plea bargain.
- ❑ For Civil Cases, read through the attachments carefully and find out if there is need to apply the provisions of section 6 of the Arbitration and Conciliation Act. If there is an arbitration clause, the parties must first comply with the arbitration process before court intervenes.



# CONTINUATION

## 5) CASE DIRECTIONS

- ❑ The court may issue directions during the case management process. These instructions are given by the court to the parties involved, setting out the steps that need to be taken and the documents that need to be provided to court.
- ❑ Some of these documents include scheduling memoranda, trial bundles and witness statements. These directions are intended to ensure that the case proceeds in an organized manner and that all the necessary tasks are completed within specified time frames.

# CONTINUATION

## 6) TIMELY RESOLUTION

- ❑ Case management aims to promote timely resolution of cases by setting realistic deadlines, avoiding unnecessary delays and facilitating efficient court processes.
- ❑ This helps ensure that justice is not delayed. As a Judicial Official, it is very important to give short adjournment, so as to ensure that a case remains current in one's mind so as to prevent a case from dragging on.
- ❑ Never adjourn sine die. This means that never adjourn a case *without fixing a date on which to continue*.



# CONTINUATION

## **CASE MONITORING**

- Throughout the case management process, the court may monitor the progress of the case, review compliance with case directions and address any issues that may arise. This helps ensure that the case stays on track and progresses smoothly.

# CONTINUATION

## 8) CASE STOCKTAKING AND WEEDING OUT

This process involves finding out which cases were filed, when they were filed, disposed or pending and their length of time spent in court. It can also be defined as the physical verification of the cases in the court's inventory. When stocktaking, certain key pointers should always be at the back of a Judicial officer's mind or the court clerk and these include;



# CONTINUATION

- Number of cases registered
- Filing dates
- Follow up on dates
- Whether all the pleadings have been filed
- Rate of adjournments
- Pending cases
- Completed files



# **CONVEYOR BELT OF COURT CASE MANAGEMENT IN CIVIL CASES IN SUPERIOR COURTS**

- Case flow relates to the movement of cases from the time they are registered to disposal. What happens in between is management of the cases. It is critical in my view that the flow of cases through the conveyor belt of case management must be fast with minimal blockages.
- Ordinarily cases get stuck at this point thus affecting the operations of the courts as well. Court case management in civil cases involves the following;

# CONTINUATION

- ❑ Filing and registering of the case. In the ECCMIS system, the in charge admits the document in the system and the system automatically gives the case a file number. At first we had draft numbers but this is no longer the case as parties now get permanent numbers.
- ❑ Extraction and service of summons. (Order 5 of the Civil Procedure Rules)



# CONTINUATION

- ❑ Filing of defence proceedings within fifteen days after service of summons (Order 8 of the Civil Procedure Rules)
- ❑ Filing of interlocutory applications such as temporary injunction, interim orders, applications for amendment of pleadings (Order 6 of the Civil Procedure Rules)
- ❑ Extraction of summons for direction within 28 days from the last reply. Order XIA rule 1 (2) of the Civil Procedure (Amendment) Rules, 2019.



# CONTINUATION

- ❑ Holding a scheduling conference (Order 12 of the Civil Procedure Rules) and marking of exhibits. This is the process where the parties to a suit appear before the judicial officer to sort out points of agreement and disagreement, appropriate dispute resolution methods among others.
- ❑ The Civil Procedure (Amendment) Rules, 2019 require that at least 7 days before the scheduling date, the parties/ counsel must exchange scheduling notes and trial bundles so as to ease the process of scheduling and marking of exhibits.



# CONTINUATION

- ❑ Filing of witness statements (schedule 2 of the Civil Procedure (Amendment) Rules, 2019). It is important to note that a witness statement ought not to be commissioned since the same is an examination in chief and it is taken on oath. However, the statement must be signed by the witness on each page. Secondly, a witness statement should be filed on the same day. This concludes the pre-trial proceedings.
- ❑ The case proceeds for trial. As earlier stated, if the pre-trial proceedings and directions are adhered to by all the parties, the trial shall progress smoothly and expeditiously.

# CONTINUATION

- ❑ The trial process involves the cross examination and re-examination of witnesses, visiting locus in quo where necessary (particularly in land matters), making of oral submissions or filing of written submissions and writing and delivery of a Ruling or a Judgment.
- ❑ It is advisable that a judicial officer writes and delivers their Ruling or Judgment within a month or two from the date of filing of the last submissions so as to avoid dragging the case. This is in accordance with the Judicial Code of Conduct principle of competence and diligence which was extracted from the Bangalore Principles of Judicial Conduct. You could also look at the Commentary on the Bangalore Principles, 2007 by the UN.



# CONTINUATION

- ❑ During the above mentioned procedure, court clerks are entrusted with the responsibility of ensuring proper storage of court documents and pleadings most especially the physical court files.
- ❑ With the birth of ECCMIS, the judiciary has gone paperless which means that we now have E-files. This prevents occurrences of lost documents and pleadings. Furthermore, ECCMIS creates E-files through merging documents.



# TAXATION OF COSTS

- ❑ A court case can only be considered concluded, once the taxation of costs is done. Costs are defined by the **Advocates Act** as including fees, charges, disbursements, expenses and remuneration. A bill of costs includes costs which are basically the lawyers' fees and the disbursements which the fees of the client or litigators.

# CONTINUATION

- ❑ This part of the presentation is very important because, it is the sole role of Registrars to tax bills of costs in the High Court, Court of Appeal and the Supreme Court. this why Registrars are known as the '*taxing officers*' in the courts of record. (Section 80 of the Advocates Act, Rule 109 of the Judicature (Court of Appeal) Rules and Rule 105 of the Judicature (Supreme Court) Rules.)
- ❑ It is trite that costs are awarded at the discretion of court (**see Section 27 of the Civil Procedure Act Cap 71**), however, ***costs follow the suit***. This means that the successful party is entitled to costs at the discretion of court unless for a good reason.

# CONTINUATION

- ❑ Briefly, the law regulating the taxation of costs in the High Court and subordinate courts is the Advocates (Remuneration and Taxation Costs) Rules SI 7 of 2018. It is important to note that all the cases that were filed before 2018 are regulated by the Advocates (Remuneration and Taxation of costs) Regulations Statutory Instrument No. 267 - 4 which was amended and the amendment shall apply to cases that were filed after the amendment commenced.



# CONTINUATION

- ❑ It is a known principle of the law that, *the law shall not operate retrospectively*. Taxation of costs is commenced after the successful party files their bill of costs and the same is concluded after the bill of costs is taxed and a certificate of taxation is issued.





# CONCLUSION

- ❑ Case management is an essential aspect of the legal process, particularly in complex cases or those with multiple parties and causes of action. It ensures that cases are managed effectively, resources allocated efficiently and the rights of all parties are protected.
- ❑ It is always important to note that specific procedures and practices of case management may vary depending on the jurisdiction and nature of the case. The type of case management in a civil suit is different from the case management in a miscellaneous application or Cause, originating summons or even an appeal.
- ❑ The paramount point to remember is irrespective of the way a suit is instituted, proper case management ensures a fair and timely disposal of court cases.



**THANK YOU FOR LISTENING TO ME**

FOR GOD AND MY COUNTRY