Differentiated Use of Electronic Case Management Systems

By Erwin J. Rooze[1]

Abstract

ICT is used to support and automate case management practices of courts. This use of ICT is here referred to as electronic case management systems. These systems can be applied at different levels of sophistication, on different types of caseflows and with different components. This article introduces the term "differentiated electronic case management systems", since the development and deployment of these electronic systems differs widely in level of sophistication and provided functionality and since these systems are capable of supporting the contingent use of differentiated case management. An overview of functionality of electronic case management systems found in research is given, using a distinction in four components. The lens of the contingency theory is used to discuss what relevance the different types of caseflows, components and levels of sophistication have for the differentiated use and development of electronic case management systems. Also discussed is what courts can do to harvest potential benefits of electronic case management systems.

Introduction

In this article the notion of an electronic case management system is defined and its key management aspects, its functions and perceived benefits are explained. Electronic case management systems automate and support the case management within courts. Perceived benefits are an enhanced efficiency, access to justice, timeliness, transparency and accountability. These systems can however be applied at different levels of sophistication with different benefits.

Electronic case management systems can even in one court be implemented at different levels of sophistication. In this article three levels will be used: basic, medium and advanced. Different caseflows may also use different functional components of electronic case management systems. That makes it important to find reasons behind these differences. Some lessons learned became available in an international qualitative research held between 2006 and 2008 after electronic case management systems, which covered a large number of European countries and Australia.

This article reflects on the findings in this research from broader theoretical concepts and proposes to apply contingency theory to case management and the application of ICT for case management. Court administrators should be aware of contingencies, understand the possible benefits of modern ICT and use this knowledge to help drive developments towards the differentiated use of electronic case management systems.

Case management

Case management is one of the main management activities in use within courts. The other main management effort is court management. While case management is connected to the primary processes[2] in courts, and in our definition includes court administration and other processes that are directly related to case processing, the court management is connected to the secondary processes in courts and involves activities like strategy making, human resource management, research and development, ICT, finance, and maintenance of the build environment.

Case management is aimed at improving the primary processes of courts, which is processing filed cases to adjudication. Case management has originally been developed in the United States of America[3] and other countries have adopted it. Many countries share the fact that it has explicitly been introduced as a concept to battle performance problems by introducing management concepts. Although differences in specific goals and implementation can be found, the shared

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2 This distinction between primary and secondary processes is derived from Porter (1985): *Competitive Advantage: Creating and Sustaining Superior Performance*. New York: Free Press.

3 See for instance the Australian Law Reform Commission (2009): *Judicial and Case Management*. Adversarial background paper: http://www.austlii.edu.au/au/other/alrc/publications/bp/3/management.html.

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performance morality is that cases should be resolved fairly and as promptly and economically as is reasonable in the circumstances of the case. That is important to society and for the reputation of the courts. Thus, the definition of case management used here is "Case management is the effort by courts (using any measure like administrative, managerial or introducing regulation) to handle cases in such a manner that they are resolved fairly and as promptly and economically as is reasonable in the circumstances of the case."

A number of notions are connected to the goals of fairness, promptness and economical behavior. The fairness part can be found within the notion of procedural justice. The promptness and economics part of case management can be found within the notion of the efficiency of justice. The efficiency of justice was an important reason to develop the concept of case (flow) management in the United States[4] and also has been identified as an important issue in the EU[5]. By efficiency of justice is meant here that justice is done at reasonable costs to the parties and the court and within a reasonable time, that is without an abnormal delay that can be attributed to a court.

Procedural justice concerns the fairness, consistency and the transparency of the processes by which progress in a case is made. It means that fair procedures should guarantee that comparable cases are treated alike, parties are given adequate notice and the opportunity to express themselves, that the interests of all parties are taken into account and processes in court are transparent, without secrecy or deception. This concept can be approached from a philosophical viewpoint[6], and a social psychological viewpoint[7]. Seen from the last viewpoint it is clear that when people find unexplained variations they tend to regard them as unfair, while upholding fair procedures tends to legitimize authority and helps to ensure voluntary compliance with the rules[8].

Components of case management

Electronic case management systems provide support and automation of the practices of case management. In order to support or automate case management, it is necessary to understand what the components of case management as a management effort are. Important is the notion of making progress in cases, from the moment a case starts when an initiating document is filed, until its lifecycle within a court ends when the case closes for any reason and is archived. A typical process in court consists of at least these generic subprocesses[9]: (a) receive documents; (b) administrative preparation; (c) content preparation; (d) court decision-making; (e) content elaboration; (f) administrative completion; (g) send and archive. A number of services can be created within electronic case management systems to support or automate these generic subprocesses.

All of these subprocesses have a logistical aspect, since both a file and person(s) need to be present. Some of these subprocesses are purely administrative and performed by administrators and some are the domain of legal clerks and judges, who pay more attention to the contents of the case. All activities performed in the case need to be compliant with laws and rules of procedure, and breaking them could lead to a mistrial. From this description and analysis of case management in courts on a high level of analysis, the following four components emerge[10]:

1. administrative management;
2. logistics management;
3. procedural management;
4. content management.

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4 See Saari (1982): American Court Management: Theories and practices - Chapter 4. Westport: Quorum, Gist (1995): *Differentiated case management*. Washington D.C.: US Department of Justice, Steelman (2008): *Improving Caseflow Management: a brief guide*, NCSC online.

5 In the European Union a specific program was launched, see CEPEJ (2006): *European Judicial Systems*, European Commission for the Efficiency of Justice.

6 See Rawls (1999): *A Theory of Justice*, revised edition. Oxford: Oxford University Press.

7 See Thibaut et. al. (1974): *Procedural justice as fairness*. Stanford Law Review.

8 See Lind & Tyler (1988): *The social psychology of procedural justice*. New York: Plenum.

9 See Rooze et al. (2007): *eCase Management: An international study in judicial organizations*. The Hague: Netherlands Council for the Judiciary.

10 See Rooze et al. (2007): footnote nr. 9.

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The first component of case management is *administrative management proper*. It starts with the recording of the initiation of a case and ideally continues to document every action and decision associated with the case, resulting in a comprehensive case record. Administrative systems must ensure that the location of court files and records are always known, whether the case is active and in frequent circulation, or in archive status. When enforcement is within the court's authority, good administrative management ensures that the system can track whether an enforcement action has been filed, a judgment or fine paid, or a penal sanction imposed.

The second component of case management is *logistics management*. In general, logistics management guides the flow of the case through the overall process from receiving a new case until its disposition, archiving and enforcement. During its flow a case is passed on between people with subsequent tasks. Without adequate logistics this flow has many unnecessary waiting stacks and the efficiency of justice is in peril. Within logistic management the people, documents, time and rooms need to be allocated to activities and events. Especially the document logistics within a court are huge, since the case file needs to remain complete and available for judges and staff working on the case.

The third component of case management is *procedural management*. Obeying procedures is of high importance within courts since the relevant procedural requirements are stated by law. Procedural management ensures that the progress made in a case meets these requirements. This includes checking when an initiating document is filed whether a court has the right jurisdiction, checking if the parties act within the time limits if an (electronic) signature needs to be placed on documents and is present, if a court fee has to be paid and has been paid and if the case is filed within the time limits set by law. Other procedures are to protect the rights of the parties, and it is important for courts that these procedures are under control.

The last component of case management is *content management*. A number of tactics can be used by judges to effectively manage cases from a content perspective. One of those tactics is the creation of tracks for specific caseflows. Another tactic used within justice content management is to use standard text blocks in new documents. The benefits are an increase in the efficiency of work and a more uniform decision of judges in similar cases, which can contribute to a perception of procedural justice. Justice content management even can get as far as complete automation of text, for instance in money claim procedures when the defendant decides not to use the right of defense and the decision of the court can in large part be automated within the content management component of electronic case management systems.

Differentiated case management

Differentiated case management is a refinement of the concept of caseflow management. Caseflow management[11] introduces more control over progress in a case by the court and typically involves a number of regulations like setting a standards schedule for events and a timetable to case processing. The introduction of this concept is commonly attributed to Maureen Solomon[12]. At the time it was introduced, courts in the US needed to find answers to diminish backlog, battle inefficient work and improve services, and the answer was to rely less on the pace set by lawyers and create active control over case progress in the hands of the court. Another typical measure is to assign the case to a judge (acting as a “case manager”) within the court who is responsible for handling it for the duration of the case.

The concept of differentiated case management adds the logic of contingency, or the dominant logic that "No single formula for caseflow works in every courthouse in every caseflow. There is no best way to manage cases in a specific setting. Contingency theory applies to case-flow management."[13] Contingency theory within management science originates in the work of Lawrence and Lorsch[14], and postulates that the structure of a (unit of an) organization is

11 See Solomon, M. & D. Somerlot (1987): *Caseflow Management in the Trial Court: Now and For the Future*. Chicago: American Bar Association.

12 See for instance Saari (1982), footnote nr. 4, page 71.

13 Quote from Saari (1982), footnote nr. 4, page 76.

14 See Lawrence & Lorsch (1967): *Differentiation and integration in complex organizations*, Administrative Science Quarterly, vol. 12, pp. 1-30.

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dependent on the specific external conditions. They defined differentiation as the state of segmentation of the organizational systems into subsystems, each of which tends to develop particular attributes[15] in relation to the requirements posed by its relevant external environment. Later Galbraith[16] stated a number of key assumptions underlying contingency theory: (a) there is no one best way to organize; (b) any way of organizing is not equally effective. Scott[17] added a third assumption, namely that the best way to organize depends on the nature of the environment to which the organization relates.

Within many courts different organizational units can be found that match different areas of law like civil law, commercial law, criminal law and administrative law. These different kinds of law clearly differ in their relevant environment. While units of commercial law deal with the business world, units of criminal law deal with the security world of police and prosecution. Within these different subsystems a number of case types can again be treated differently by the court since they have to meet different requirements in order to reach a fair, timely and economical disposition of cases that satisfies the needs of society. When these case types are again differentiated into different tracks, it is common to refer to this as differentiated case management.[18]

Especially in the United States differentiated case management has been a focus of development by the central government.[19] Differentiated case management aims to optimize the use of resources by allowing different tracks. A track is a combination of a policy and a standard schedule of events for dealing with a case. Another organizational measure typical of differentiated case management is to introduce a thorough assessment of cases whenever they are filed, in order to clear administrative issues and define what track it must follow. Differentiation in case management leads to further optimization because the needs of cases can be better served and cases that can move fast are not obstructed by a waiting stock of slower moving cases.

Levels of electronic support for case management in courts

Electronic case management systems can be applied at different levels of sophistication. The focus on the basic level is to provide a reliable electronic case administration, resulting in control over case files and records, improved data exchange and reliable management information. At this basic level data is read from official documents and fed into records of databases. This data is read downstream in case processing to generate a schedule of events, work lists and to inform other officials.

The medium level of sophistication in electronic case management systems supports the court tactics to improve the flow of cases. It involves a range of activities in case (flow) management like support to apply standard schedules for a case type and an individual case specific schedule with milestones that demarcate when an activity can start and has to finish. This is important both from the perspective of efficiency of justice and procedural justice and can be achieved when different sources of data as on case numbers, calendars and involved court officials are intertwined. This creates the opportunity to create dedicated personal listings and notifications, which judges, clerks and administrators use to work within the schedule and finish before milestones.

The advanced level of sophistication is reached when the system can handle case files and documents in digital form. At the entry of this level, communication with the court is by electronic means like e-mail or by using forms on the internet websites. This level can culminate into an electronic court (e-court) if all work within the court is done paperless. An electronic court can internally process received digital documents through all phases of the process within the electronic case management system and archive finished cases in a digital archive.

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15 The attributes in the study of Lawrence and Lorsch were (a) degree of structure; (b) interpersonal orientation; (c) time orientation; and (d) goal orientation.

16 See Galbraith, J.R. (1973): *Organization design*. Reading: Addison-Wesley.

17 See Scott, W.R. (2003): *Organizations: Rational, natural and open systems*. New Jersey: Upper Saddle River (4th Ed.).

18 See for instance Gist (1995): footnote nr. 4.

19 By the US Department of Justice for more than 15 years, see Gist (1995), footnote nr. 4.

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Level of sophistication	Management area	Description of typical effort
ADVANCED	Content management	*Case content automation*: automation of life-cycle of documents, improved analytic aids for judges and improved text editing, multimedia logging.
	Procedure management	*Case handling automation*: elimination of duplicate activities and integration of checks into smart documents/forms
	Logistics management	*Caseflow automation*: predefined workflows transport digital files to persons
MEDIUM	Content management	*Case content support*: electronic documents are inserted with case data and standard text blocks are available
	Procedure management	*Case handling checkpoints*: intake of documents and collection of court fees is improved, notifications are made and scheduled automatically and signals on milestones are planned
	Logistics management	*Caseflow support*: scheduling and allocation of capacity are combined, people receive forms, lists and signals that help to prepare forthcoming events
BASIC	Administrative management	*Case administration systems*: registration and recording of documents, events and results

Table 1: Description of levels of sophistication in electronic case management systems

Functionality found within electronic case management

In this paragraph a summary of functionality is listed that was found in research[20]. The intention is not to be complete. The functionality is grouped using the four functional components of case management.

The logistics management includes the following blocks of functionality:

- *Milestone planning:* Concerns the creation of a time schedule that includes important events and milestones, such as the maximum date for the filing of a document, a hearing or a court session. Depending on how the procedure progresses, the milestones can be reset.
- *Capacity allocation:* A good scheduling and calendar system is connected and makes it possible to allocate capacity (people and court rooms) to a case.
- *Workflow management:* Delivers an action needed and/or the case documents to the right user and checks whether the activities are done in time and within quality boundaries.
- *Tracking and tracing:* Information on the exact location of case files, the progress made in a case and what track a case has entered.

The content management aspect includes:

- *Logging facilities:* Recording of all actions and statements made in a case. If necessary (depending on the procedure and case type), these actions include audio and video recordings of events.

[20] See Rooze et al. (2007), footnote nr. 9.

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- *(Dynamic) templates:* The production of official documents is facilitated by the dynamic selection of a template and standardized texts blocks.
- *Digital archiving:* The digital documents received and produced in a case are stored in a digital repository in compliance with the relevant laws on archiving.

The procedure management aspect includes:

- *Procedural checkpoints:* Checks to guarantee that formal actions in a case like the payment of court fees are taken. Checkpoints are based on formal requirements found in law, court rules or case law. Building these into electronic case management systems improves procedural justice.
- *Milestone signaling:* A milestone is a specific date and time before which a defined action has to be completed by any party or the court. The electronic case management system needs to be able to check if a required action has been performed, and can send a notification to the person responsible for the action.
- *Automatic actions:* The system can carry out a number of simple and repetitive administrative activities. A simple action is to automatically send out a notification. A more complex action is for instance to render a decision anonymous before being posted on the internet as case law.

The administrative management includes:

- *Record creation and update:* At the time of case registration, an electronic file is created that shall contain all the current and future data and documents pertaining to a case. It bears the identifier of the case, date of creation, the names and addresses of the parties and all other data. It should be easily accessible and chronologically record of actions and filings in a given case.
- *Case progress:* A good overview of the time elapsed and insight in the current status of the case (e.g. waiting for action by parties).
- *List making*: Lists of past events in a case, of court orders and judgments, or a daily calendar.
- *Archiving record data*: When case disposition occurs, it is recorded in the register. The final entry in the case record indicates where the file folder is stored as a closed or archived cases. The data of the electronic case record will be digitally archived as well.
- *Management Reports*: Good court management requires a capacity to understand and act upon management information. There are several basic management reports that can be generated like the produced caseload report, the pending workload report and a report on the amount of time needed to reach milestones and disposition. These reports can be made on a case type or unit basis.

Electronic systems for (differentiated) case management

Above the argument was set forth that the logic of differentiated case management can be found in the contingency theory. Different areas of law (like criminal law and civil law) need another caseflow management structure in process and organization. An important assumption of this article is that following contingency theory this different structure leads to a different need of functionality in supporting systems and ability to develop systems on the medium and advanced level of sophistication. This results in a differentiated development and use of electronic case management systems.

Following contingency theory the relevant environment in (differentiated) case management will be the local judicial system.[21] A relevant question is if more universal types of environments can be discerned that would lead to a different structure of systems. A differentiation in types of caseflow would be based on certain commonalities in how cases are treated, and would be close to the concept of tracks. Three dimensions are relevant to identify such commonalities: (I) the number of cases; (II) the complexity of cases[22]; and (III) the judicial attention needed[23]. In the literature a differentiation

21 Gist (1995) states that the design of tracks within a differentiated case management depends on the circumstances of a local judicial system, such as the range of case processing characteristics and requirements presented by the caseload.

22 For the first two dimensions see Rooze (2007) footnote nr. 9 and Mak (2008): *Balancing territoriality and Functionality*, International Journal for Court Administration, 2nd issue.

23 For the third dimension see Gist (1995), footnote nr. 4.

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into three typical “tracks” within differentiated case management surfaces.[24] These tracks are used indifferent from type of court or area of law and provide a solid base for proposing three types of caseflow:

- Mass caseflow: case types with a large numbers of cases of a low complexity. These cases do not necessarily need the attention and involvement of a judge;
- Complex caseflow: case types with a small number of cases of a high complexity. These cases require special and even specialized[25] attention;
- Regular caseflow: all other caseflows, but in general the case types with a medium number of cases of a medium complexity. Cases in these flows do need attention, but are not exceptional.

Examples of case types within mass caseflow are traffic violations and small payment orders. A further differentiation into tracks can be made, for instance a fast track for non-disputed payment orders. Examples of case types in the complex caseflow are intellectual capital disputes and international crimes involving software technology.

The research[26] showed that some European countries in their efforts to use court technologies have made a jump on the mass caseflow from the basic level of sophistication to the advanced level of sophistication, with a heavy dependence on logistic management functionality. On the complex caseflow a strong development in the content management functionality could be detected, with a lot of effort in development from the judges themselves. Case types within the regular caseflow have been heavily influenced by efforts of caseflow management in order to reach a higher degree of procedural management leading to a situation wherein courts are "in control". The regular caseflows showed the slowest development in applying electronic case management systems. Fast development only showed when new systems are developed for all of the judiciary at once, for instance in Western Australia.

	Basic level	Medium level	Advanced level
Mass flow	Administra-tive Management	Logistics management	
Complex flow		Content management	
Regular flow		Procedural management	

Table 2: Typical speed of adoption of higher levels of sophistication in electronic case management systems

The notion of differentiated electronic case management is proposed since the development and deployment of these systems is differentiated and the latest (advanced) technology supports the specific concept of differentiated case management. More precisely, the term is used for the following reasons:

- The level of sophistication of use of electronic case management within specific courts and national judiciaries is differentiated, to a large degree reflecting types of caseflows;
- The support or automation offered by electronic case management systems is tailored to the needs of specific types of caseflows, and these needs differ among types of caseflows, resulting in a differentiated use of functionality available in electronic case management;
- Advanced electronic case management systems make it easier to create the arrangements necessary for differentiated case management;
- The main benefits that can be achieved by applying electronic case management systems are different across different types of caseflows.

To elaborate on the last bullet point, the main benefits achievable in the mass caseflow result from logistics functionality while the main benefits in the complex flow result from content management functionality. The reason is another

24 Steelman (2008) uses three types of tracks: expedited track, standard track and complex track, pp 19-20; Gist (1995) uses three basic types of tracks: simple track, standard track and complex tracks. The Australian Law Review Commission (1996) uses three types: direct track, normal track and complex track. HCMS (2009) uses a different set of tracks in the money claim procedure: small claims, fast track and multiple track.

25 See Mak (2008), footnote nr. 22, page 6.

26 See Rooze (2007), footnote nr. 9.

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distribution of work and time consumption over administration, legal case preparation, court sessions and writing court documents. While in the mass caseflow most of the time of the court consumed is by administrators, the large majority of time spent by the court on cases in a complex caseflow is from legal clerks and judges. From the perspective of the efficiency of justice, this means that the benefits need to be gained in a totally different kind of work: administrative work versus knowledge work. This leads to a differentiated approach to structure and support of flows of cases, and this may lead to a different return on investment ratios of electronic case management systems over these types of caseflows. Since in a mass caseflow a lot of the documents are relatively simple and can be standardized, the administrative work can be automated and courts can reach out for the advanced type of electronic case management systems and introduce the e-court.

Benefits of a differentiated use of electronic case management systems

Information and communication technology (ICT) changes the world profoundly in many ways. All kinds of benefits have been attributed to the use of ICT-systems in judiciaries. As early as in the publication of Gallas and Gallas[27] technology is mentioned as an important change factor since it can have effects on the nature of litigation and effects on the quality of court services. The use of ICT certainly is considered a key element in improving the administration of justice[28]. Another benefit claimed for is a promotion of democracy[29]. However, the discussion of benefits is here narrowed down to two concepts that are of primary importance to case management by judiciaries: (a) the efficiency of justice; and (b) procedural justice.

As discussed, procedural justice concerns the fairness, consistency and the transparency of the court processes. Well developed and implemented electronic case management systems make it possible for a court to stick more closely to a published standard schedule and timetable, since the court can track cases better, control the use of resources and notify and inform all on what has been decided and what is to be expected. Benefits of developing to the advanced level are that automatic checkpoints on procedural aspects can be introduced and advanced use of content management functionality may benefit the consistency and transparency of court decisions.

As discussed earlier, by efficiency of justice is meant that justice is done timely and at reasonable costs to the parties and the court. Case delays are an important source of inefficiency and should be reduced by applying electronic case management systems, since it is possible to send notifications to those involved in society, send signals to judge(s) and clerk(s) on upcoming milestones, detect in advance the buildup of a waiting stack and allocate resources to avoid or reduce it. Handling the mass flows can be made far more efficient by applying electronic case management systems on the advanced level. Both the intake and internal processing of these cases have been completely automated, only needing time of clerk and judge when the defendant responds. This means that a considerable amount of human resources in the court can handle other caseflows, and the quality, efficiency and procedural justice aspects in other caseflows can be enhanced. Examples of these systems in Europe are those dealing with small money claims in England and Austria[30].

The efficiency of justice can also be enhanced in the complex flow on the advanced level of sophistication, that is when documents are digital and content management systems are used. Since these cases are complex from a legal point of view and contain a lot of pages and/or court sessions, it becomes better possible to have a complete and up-to-date case file, instant access to material, and make retrievable cross references in the material. The experience in the Netherlands (a continental law country) and Western Australia (a common law country) indicates that the time needed for judges to analyze material is typically cut in halve. This amounts to a sharp increase in efficiency in large and complex cases.

27 See Gallas and Gallas (1991) : *Court Management Past, Present and Future: A Comment on Lawson and Howard*. The Justice System Journal, vol.15 (2): pp. 605-616.

28 See Reiling (2009): *Technology for justice: How IT can support judicial reform*. Leiden: Leiden University Press, and USAID (2001): *Case Tracking and Management Guide*. Center for Democracy and Governance.

29 See USAID (2001), footnote nr. 28.

30 The system in England is called ‘Money Claim Online’ and in Austria it is called ‘Mahnverfahren’.

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In general, applying the medium level of sophistication in electronic case management systems makes it possible to exercise greater control over progress of cases. The benefits sought after are an increased ability to handle rising numbers of cases while avoiding a buildup of backlog. The basic case administration is in such good shape that new services can be added for the users of courts. Internet services that provide timely information and the ability to use advanced web forms can result in a feeling of more procedural justice. The use of advanced web forms can reduce the amount of mistakes made in legal documents by people who correspond with a court, and make it possible to automate a part of the checks needed by administrators, which amounts to enhanced uniformity and efficiency. A good example in this area is Singapore.

Advanced electronic case management systems make it possible for courts to work digitally and practically paperless, since they create adequate logistics of digital files between people. Technologies are used like document management systems, workflow systems and records management systems, which are also available combined under the name of enterprise content management systems. Applying these standard or tailored systems makes it possible as well to introduce a more structured approach into the content management component of electronic case management. For instance, structured forms can be made available, the completeness of required data can be checked and archiving can be automated. An extra benefit is that the digital availability of documents makes it possible to enhance the access to justice, by providing an on-line access for society to files and information. Secured access to files over the internet by judges creates the benefit to work independent of location, which is effective for all judiciaries but most efficient for judiciaries in scarcely populated areas when huge traveling distances need to be crossed. This can for instance be found in Western Australia.

A note of caution on benefits of IT is appropriate. The medium and advanced levels of electronic case management systems have not been widely developed yet but they will probably be widely developed in the next decades. A recent study by Reiling concluded that the discourse about IT tends to be optimistic but is not solidly founded in empirical proof[31]. Publicly available empirical study into the support by IT of judicial processes is scarce. Velicogna[32] found many failing ICT-project in the Justice area in Europa. Both Reiling and Velicogna however state that overall the impact of IT on court administration has been positive.

Conclusions

In essence, basic electronic case management systems have had a positive effect on courts by providing a reliable administration that made it better possible to track cases, introduce process improvements based on facts, communicate better with other authorities and be better accountable to society. At present, advanced electronic case management systems will be implemented in more and more courts and make it possible to support differentiated case management and introduce the electronic court.

International research reported in this article has lead to the conclusion that the development and deployment of electronic case management systems is differentiated, especially in Europe. The advanced level of sophistication is predominantly used for mass caseflows, and in some countries has evolved into e-courts already. Based on first experiences it is believed that the use of electronic case management systems on the advanced level of sophistication will lead to large benefits in the efficiency of justice and procedural justice. Expected is that the use of electronic case management systems will remain differentiated in the near future, since the needs within different areas of law, case types and tracks within caseflows are not the same. This contingency leads to different requirement for electronic case management systems and different benefits that can be harvested.

Court administrators should be aware of this contingency and be ready to approach the issue of developing and implementing electronic case management systems from a functional perspective mainly based on a differentiation in types of caseflows. However, this should be counterbalanced by adopting a financial perspective that focuses on re-use of functionality and integration of electronic systems. This article proposes an integrated model of functionality on multiple

31 See Reiling (2009), footnote nr. 28, page 273.

32 See Velicogna M. (2007): *Justice Systems and ICT, what can be learned from Europe?* Utrecht Law Review, vol. 3(1), pp. 129-147.

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levels of sophistication that is fundamental to all electronic case management systems. The identified building blocks of functionality can be used within all areas of law and all case types and their tracks. This model can help to identify a contingent differentiation but also a financially viable integration of functionality and systems. Court administrators should be aware of the possibilities and help drive developments beyond electronic case administration that advance the rule of law.

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