OVERVIEW PAPER

INDIVIDUAL CALENDAR SYSTEM

OF CASE MANAGEMENT

A PILOT PROJECT

Mr. Justice John C. Bouck

28 March 1995

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OVERVIEW PAPER

INDIVIDUAL CALENDAR SYSTEM

OF CASE MANAGEMENT

A PILOT PROJECT

PART I - INTRODUCTION

1. HISTORY AND PURPOSE OF THE PILOT PROJECT

At the annual meeting of the judges in May of 1994, Chief Justice Esson and the judges of the court approved the design of an Individual Calendar System of Case Management (the ICS) Pilot Project.

This paper attempts to describe how the ICS Pilot Project will function if it is put into operation.

An early trial date and certainty of trial on that date are the main objectives of the ICS. If those objectives are not met, then the Pilot Project will fail. If they are achieved, then it is likely the ICS will become the model for the future.

2. THE NEED FOR CHANGE

Five groups of people criticize our present system of processing civil litigation. They are: members of the bar, judges, litigants, court registry personnel and taxpayers as represented by their political servants.

a) Complaints from the Bar

Generally speaking, the bar has three principal areas of discontent. First, is the lengthy wait that often occurs on a pre-trial motion in getting a hearing before a judge. Second, is the difficulty of reserving a trial date by telephone. Third, is the uncertainty that a trial will actually commence on the date reserved.

b) Complaints from the Judges

From the point of view of many judges, the existing system contains five major flaws.

First, judges must sit and listen to lengthy and unlimited oral arguments on many pre-trial motions and trials that frequently are unfocussed, disorganized and incomplete. They are expected to

act as the assigned stenographer for counsel and copy down in longhand the points that counsel attempt to make.

Second, on most motions and trials, judges know little in advance about the nature of the issues in dispute before they commence. Judges are then exposed to a steep learning curve as the argument or evidence is presented. This results in too many reserved judgments and too many orders for written argument following a trial.

Third, too many cases do not finish within the time estimates given by counsel. This causes a number of split trials. The judge will often lose to memory some of the evidence and significant features of the trial as it occurred in a piece meal basis over a number of months or even years. The final decision is less satisfactory than if the case proceeded without interruption.

Fourth, when judges finish a trial earlier than anticipated they all have other office work to complete. Because there are too many pre-trial motions and too many trials chasing too few judges, trial judges are quickly transferred to other sitting assignments. They are then denied the opportunity of completing their unfinished office work. A degree of frustration and resentment sometimes develops. Judges are torn between their individual preference to

keep up with their office work and their general duty to hear motions and try cases assigned to them by others.

Fifth, because of the luck of the draw on the assignment of most cases, judges often spend months trying disputes of the same nature with little break in the routine. Challenging and interesting trials are few and far between.

Many of the routine actions should never get to trial. The answer to the claim or the defence is either obvious from the beginning or the amount involved does not justify the expense. But since the system is unable to manage them before trial and encourage settlements, they must be tried at great cost to the parties, the taxpayers and other litigants waiting for a trial date.

c) Complaints from Litigants

Litigants do not like the enormous expense of civil litigation. In particular, they are unhappy about having to pay counsel while they sit and wait for hours or maybe even days before getting a hearing on a pre-trial motion. They do not like to wait years for a trial date because the longer a case remains untried the more expensive it becomes. They do not like to have the trial "bumped" on the date set because of excessive overbooking. They do

not like to pay counsel a fee for preparing for trial on two or even three separate occasions. They do not like to have an imperfect trial which must then be rectified in the Court of Appeal.

d) Complaints from Court Registry Personnel

Court Registry personnel act as a kind of buffer between counsel, in person litigants, and the judges. They hear complaints from all sides. Counsel and litigants are in constant search of judges to hear and decide their motions and actions. They complain to Court Registry staff when their needs are not satisfied. Judges are always looking for a few minutes off the bench to complete unfinished office work. They sometimes resent being pulled away from what they believe are more important matters in their offices in order to hear and decide pre-trial motions that are of less importance. One week out of four that is now allowed to judges to complete their office work is no longer enough. Hence, judges tend to grumble about their plight to Court Registry staff.

In addition, the present system of case management is unable to keep track of the number of proceedings in the system so that Court Registry administrative personnel can plan ahead for future needs.

e) Complaints from Taxpayers

Politicians are the servants of the people who pay the taxes that maintain the justice system. In years gone by, an increase in litigation usually resulted in politicians appointing more judges. Politicians are now less sympathetic to the demand for new judges just because there is more litigation. New judges mean an increase in the cost of funding the justice system. Eventually more judges translate into the cost of bigger and better courthouses.

All of this means an increase in taxes. Politicians know that raising taxes for more judges and bigger and better courthouses is not an easy sell. They react to the demands of the justice system by placing a budgetary limit on its operations. Hence, judges and lawyers must invent more efficient ways of processing civil cases. Otherwise, the public will lose respect for the system of justice and the rule of law. Because judges and lawyers are the trustees of that system, they must take the major responsibility for its operation.

The ICS holds the promise of eliminating or substantially reducing all of the reasons for these complaints.

3. THE BRITISH COLUMBIA MASTER CALENDAR SYSTEM OF CASE MANAGEMENT

a) Introduction - B.C. Rules Modelled after the English Rules of 1883

Today, the court operates under a Master Calendar System of case management (the MCS). It meshes with the underlying theme of the 1883 English Rules of Civil Procedure. Those rules are the model for the present B.C. Rules of Court (1977). The English 1883 rules gave litigants the right to control the pace of litigation. They presupposed that the law was relatively stable and most trials would only last 1 to 3 days. A one week trial was looked upon as a very long trial.

Nowadays, many trials last weeks and months. A few take over a year to complete. A 1 to 3 day trial is considered to be a short trial. One week trials are common.

b) Lack of Judicial Control Over Case Flow

British Columbia MCS judges have little if any say in accelerating the pace of litigation. Cases may languish untried for many years in the MCS. The MCS has no way of tracking them. No one has any real idea as to how many cases are in a backlog waiting to get a trial date. No one knows how many cases in the

backlog have settled or died from neglect but the file still remains alive.

No one judge is responsible for the management of an action in over 95% of MCS civil cases. The action proceeds through the system from the date of its commencement until it is tried or settled according to the whims and desires of the parties. One MCS judge may hear one pre-trial motion another the next. Counsel must try and educate each judge about the nature of the action and the issues in dispute. Only by chance will one of those judges be the trial judge.

Parties may apply for a trial date at their leisure. They may reserve as much court time as they believe is necessary to present their case. If Counsel exceed their estimated length of trial time they get additional time as a matter of right. Counsel may argue orally as long as they want on pre-trial motions and at the end of a trial. Valuable court time gets eaten up inefficiently.

c) Lack of Trial Judge Knowledge About the Case Prior to Trial

Usually the MCS trial judge will know little or nothing about the action before the trial begins. Pleadings filed one year before at the time of the application for trial are often out of

date. At the commencement of the trial, counsel seldom provide a written trial brief setting out the essential facts in dispute, a statement of the issues, a summary of the law that applies and the nature of the remedy sought. Oral openings usually are incomplete and perfunctory. Educating the judge about the issues and the law is saved for unlimited oral argument at the end of the trial.

There are two reasons why this happens. One relates to pre-trial preparation. The other to the lack of judicial involvement at the pre-trial state.

Firstly, since the present rules and MCS system allows the parties to control the pace of litigation, it also allows them to control the pace of *preparation*. Thus, serious trial preparation by the parties often starts just a few days or weeks before the trial date and continues on during the course of the trial. By then, the parties usually are dug into their respective positions and settlement becomes difficult.

Secondly, the MCS tries to see that a judge is always sitting in a courtroom, except where he or she has time off the Rota to write judgments. Apart from a very small number of cases, no one judge or group of judges are given the necessary time to manage an action. The MCS calendar controls their sitting time. MCS judges cannot commit themselves to sit on pre-trial conference or decide

motions in various actions because the MCS calendar compels them to be elsewhere.

If judges could manage their own time, it is probable they could guide the parties to earlier settlements. That would save the parties and the system the cost of an expensive trial. Those cases that could not settle would likely be reduced in length by case management techniques. They are designed to compel early preparation by the parties and distill the case down to the essential issues.

d) Time For an MCS Action to Get a Trial Date

The MCS measures its success in getting a case to trial by calculating the time between the application for trial and the date the trial commences. That is now one year. But that time period yields a misleading figure for two reasons. First, before one of the parties applied for a trial date, the case may have languished in the system for 4 or 5 years. Thus, the MCS only disposed of the action some 5 to 6 years after it began.

Second, when the trial date arrives, the MCS may still "bump" it for another 6 months to a year if there are no judges available. They are "bumped" because the one year trial waiting list is

overbooked by about 1000%. That amount of overbooking occurs in order to ensure that all available trial judges occupy a courtroom.

Estimates of the number of cases bumped each month in the Vancouver Registry vary from 5% to 30%. No accurate figure is available. In many instances, when the parties discover the chance of them getting on for trial is remote, they agree to an adjournment. That kind of a case is classified as an "adjournment" and not a "bump".

e) Assignment of Judges to Try MCS Cases

There are a limited number of MCS judges assigned to try civil cases. There are more actions applying for a trial date than there are judges available to hear them. A recent check at the Vancouver Registry discovered that litigants in about 200 cases in a particular month wanted a trial date but could not get one.

The MCS rations the number of actions that receive a trial date. This is a policy decision. Litigants may only apply for a trial date in the month that is no more than 1 year away from the time of the application. Some think that awarding a trial date more than 1 year after the time of application might bring the system into disrepute. They believe the parties might agree to fix

a trial date 2 to 3 years after the date of the application even though earlier dates are available.

Overbooking of trials exists for two reasons. First, to make sure that all available judges are sitting in a courtroom every day the court house is open. Second, to try and squeeze onto the trial list the maximum number of trials because of the backlog of cases waiting to get on for trial.

f) Conclusion

The MCS worked reasonably well in B.C. up to the mid 1970's. It then began falling behind in its ability to hear and decide civil matters in a timely fashion. Short of adding about 10 more judges and continuing to do so into the future, it is doubtful the existing rules and the MCS will ever pass the test of customer satisfaction.

Arguably, the modern day complexity of the law and the length of time it takes to conduct a trial are circumstances never contemplated by the authors of the 1883 English Rules. They did not anticipate the avalanche of legislation that would be enacted in the future. Nor did they envision the recent concept of searching for perfect justice that seems to pervade many higher court rulings.

Because the B.C. Rules (1977) inherited the same theme from the English Rules of 1883, the B.C. Rules are no longer a suitable model. We must try and find a new one.

PART II

4. THE INDIVIDUAL CALENDAR SYSTEM OF CASE MANAGEMENT

a) Introduction

The ICS is a relatively new and modern way of processing cases. It started within the U.S. federal trial courts and spread into the U.S. state trial courts. Many U.S. state trial courts have switched from an ICS to an MCS. Few have switched back to the MCS. Where that occurred, it seems to have been caused by a local design flaw in that particular ICS rather than any fundamental fault in the ICS itself.

b) Cases Assigned to Individual Judges at the Time of Filing

Under the ICS, an action is assigned to an ICS judge on the date it is commenced, or shortly thereafter. That assigned judge hears all the pre-trial motions. In most instances, he or she is

also the trial judge. *The court controls the pace of preparation and the pace of the litigation, not the parties.*

c) Case Schedule

Every ICS case is subject to a Case Schedule. At any one time the progress of every case in the system is known. The Case Schedule sets dates when certain pre-trial matters must be completed. Within those specified time limits parties must either settle or face a trial. Often the court sets the trial date when the plaintiff commences the action. Counsel must file explanatory briefs at significant stages in the process. Witness names must be revealed well before trial. Parties may depose expert and lay witnesses. Surprise is eliminated. Through this pre-trial process the issues are refined and the length of trial shortened. By participating in or supervising these events, the ICS judge becomes educated about the nature of the case well before the trial starts. In other words, *the court also controls the quality of preparation.*

d) ICS Judges Work in Teams

To be effective, ICS judges should work in teams of 6 to 8 judges. This group of judges assumes responsibility for the processing of cases assigned to each ICS judge within that team. Only about 10% to 20% of cases require judicial management. In

most circumstances, the ICS rules establish a self-generating process with little need for judicial involvement.

Each ICS judge carries an inventory of about 300-400 cases. Their progress is the individual responsibility of that judge. He or she must either attempt to get a settlement with the concurrence of the parties or try the case within the time set by the Case Schedule. Consequently, the ICS judge has a far greater personal interest in disposing of ICS cases than does a judge who is doing MCS work. An MCS judge has no direct responsibility for the progress of any action, except for the few that are assigned in exceptional circumstances.

There are two major statistical tests applied to the ICS. One is the length of time it takes to get on for trial after commencement of the action. The other is the efficiency of meeting the scheduled trial date at least 98% of the time. Under the ICS, *the court controls the length of litigation.*

By way of contrast, the MCS does not track the length of time it takes from commencement of the action to the date of trial. Nor does it know how many cases are tried on the first scheduled trial date. The governing statistical figure applied to the MCS is the number of hours that judges occupy courtrooms.

e) Judicial Assistants

A Judicial Assistant is assigned to every two ICS judges for day-to-day management purposes. He or she keeps in telephone contact with counsel to assure the smooth and uninterrupted flow of cases through the system. Each ICS judge carries an inventory of around 300 cases. These are constantly replenished as parties settle or try one action while others commence a new one.

f) Trial Date Assignment and Trial Date Certainty

In contrast to the MCS, the success of the ICS is judged by two tests. The first is the time it takes to get to trial *after the date of the commencement of the action*, not after the date of the application for a trial date. When assessing court efficiency, the time period used by most U.S. court administrators is the time from commencement of the proceedings until trial. American Bar Association standards set the ideal interval at 12 months.

King County Superior Court in Washington State runs both an MCS and an ICS. Under the MCS there is little if any Case Management. As a result, 2 to 3 times more cases come to trial in the MCS than in the ICS.

The present proposal is to meet a trial date in all civil actions 18 months after the commencement of the action. In family law matters, the assigned trial date will be 12 months after the commencement of proceedings.

The second test the ICS must meet is trial date certainty. This means the court must provide a judge to try a case on the set date. Again, in the King County Superior Court, Seattle, Wa., both the MCS and the ICS promise to meet a trial date that is set at 18 months after the proceeding is commenced. Neither system rations the number of cases that can be set for trial. The MCS meets that assigned trial date about 50% of the time. The ICS meets the assigned trial date 98% of the time.

5. SUMMARY OF PROPOSED ICS RULES

Following is a digest of the proposed ICS rules. Where they are inconsistent with the existing B.C. rules, the ICS rules will prevail.

These rules are not unique to any common law jurisdiction. Rather, they represent samples of General and Local Rules from the U.S. Federal Court of Northern California (San Francisco), the U.S. Federal Court for Western Washington (Seattle and Tacoma) and the King County Superior Court for the State of Washington (Seattle).

Lawyers and judges within those jurisdictions have been working with these rules for a number of years. Discussions with lawyers in Seattle and judges in Seattle and San Francisco confirm that the rules are an efficient and necessary means of fairly and efficiently disposing of civil litigation in a timely fashion.

We did not adopt every U.S. rule. Those we did include were modified to try and meet existing B.C. practice without too much disruption. Nonetheless, the ICS rules are a significant departure from the way B.C. lawyers and judges now conduct civil litigation. Omitting too many U.S. rules would mean endangering the success of the ICS Pilot Project. There does not appear to be any half-way house between the MCS and the ICS. It is one or the other.

Under the ICS, parties and their lawyers will be subject to a much stricter regime of procedure since *the pace of litigation will be set by the court.* In return, the parties will get two substantial benefits. One is an earlier trial date than is now generally available under the MCS - 18 months from the time the writ is filed in civil actions. The other is the promise that the ICS will meet that trial date in at least 98% of the cases.

PART III - CASE SCHEDULES

6. COMMENCEMENT OF THE PROCEEDING - THE COVER SHEET

At the time of filing a writ or petition, the plaintiff must complete a "Cover Sheet" describing the nature of the claim and where applicable the approximate monetary amount involved.

Court administrators will use the cover sheet as a means of fairly distributing the workload among the ICS judges. On the basis of the Cover Sheet, the Registry will weight each proceeding from complex and difficult to simple and straightforward.

A computer program will then assign the case at random to an ICS judge. Each ICS judge will carry an equal share of complex and less difficult cases.

7. CASE SCHEDULE

Shortly after the commencement of the proceeding, the Registrar will send the plaintiff a Case Schedule. For example, see the form attached as Schedule 1 - Form #2 - Case Schedule - New Civil Action - Rule 5 (a).

Counsel or the parties will receive similar Case Schedule Forms for:

a) Some existing proceedings that are set for trial 12 months away.

b) Divorce and Family Relations Act matters.

c) Civil Petitions.

d) Small Claims Appeals.

The Case Schedule for New Civil Actions fixes the trial date at approximately 18 months after the start of the action. Counsel do not have to apply for a trial date. The ICS judge must approve any change in the trial date.

Failure by any party or lawyer to comply with the Case Schedule may result in an order being made against the defaulting party or lawyer for any one or more of the following remedies:

a) costs payable by that party to the non-defaulting party;

b) a fine payable by the lawyer for the defaulting party to the court;

c) imposition of terms on the defaulting party such as dismissal of the action, striking out the defence or limiting the right to call certain evidence.

8. CONFIRMATION OF SERVICE OF THE WRIT

The case Schedule requires the plaintiff to serve the writ within 6 weeks after filing. The plaintiff must then file an affidavit of service and a document called "Confirmation of Service."

9. CONFIRMATION OF JOINDER OF PARTIES - STATUS REPORT

Forty-six weeks after filing the writ, the parties must file a report with the court confirming that they do not intend to add any additional parties or join any additional claims or defences. In addition, they will give the court an estimate of the length of court time required for trial of the action.

If the parties cannot agree to all of the above, they must attend a Status Conference. Before appearing at the Status Conference, they must file and serve a Status Report.

10. STATUS CONFERENCES

A judge may call for a Status or Pre-trial Conference at any time during the course of the action. Its purpose is to discover the details of the dispute between the parties, the possibilities of settlement, any changes in the trial time estimate and what amount of additional case management may be necessary.

11. PRE-TRIAL MOTIONS

ICS judges will decide all motions on the basis of written material. Besides the Notice of Motion and affidavits, each party must file and serve a Document Book and a written Brief.

A Document Book should contain the Notice of Motion and affidavit material relied upon by the parties. Briefs must describe in numbered paragraphs, the facts arising from the affidavits, a statement of the issues, an analysis of the law, and an outline of the remedy sought. Briefs must be no more than 12 pages in length on interlocutory motions and 24 pages on summary judgment applications.

The motion rules are designed so that counsel need not appear to present oral argument. This will dispense with the necessity of standing by for hours at the courthouse waiting to be heard.

Any party may request the right to present oral argument. If granted, the ICS judge will usually restrict its length to no more than 10 to 20 minutes per side. An ICS judge may agree to hear the oral argument by conference telephone in lieu of counsel attending at the courthouse.

Parties may bring emergency motions, such as injunction applications, at any date or time by way of an initial request in writing to the ICS judge. If the assigned ICS judge is not available, the court will assign another ICS judge. Depending upon the nature of the application, the ICS judge may dispose of the motion through an oral hearing or by ordering written briefs, or both.

12. DISCLOSURE OF POSSIBLE PRIMARY WITNESSES

Twenty weeks before trial, each party must advise the other party of the names, addresses and phone numbers of the witnesses they intend to call. The list must include a brief precis on the nature of the evidence that each witness will give.

> E.G., Dr. Smith, 900 West Broadway, Tel #772-9810; neurologist. Evidence relating to the neurological malfunction in the plaintiff's right leg.

13. DISCLOSURE OF POSSIBLE REPLY AND REBUTTAL WITNESSES

Sixteen weeks before trial, each party must supply the other party with a similar list of possible reply and rebuttal witnesses.

Failure of any party to list the name of a witness may result in the ICS judge disallowing that party the right to call the witness at trial.

14. DEPOSITION OF WITNESSES

By consent of the parties any party may examine for discovery any expert or lay witness before trial by way of deposition.

15. DISCOVERY CUTOFF DATE

Twelve weeks before the trial, the parties must complete all discoveries of the parties.

16. EXCHANGE OF EXHIBIT LISTS

Eight weeks before the trial, each party must file and deliver a list of documents that the party proposes to offer in evidence together with a statement setting out the evidentiary purpose of the exhibit.

E.G., Document: Agreement between the plaintiff and the defendant dated 23 June 1993.

Purpose: to prove the amount of the debt owing by the defendant.

17. SUMMARY JUDGMENT APPLICATIONS - RULE 18/18A

Seven weeks before trial is the last time the parties may apply for summary judgment.

18. PRELIMINARY TRIAL BRIEFS

Six weeks before trial, the parties must file and deliver Preliminary Trial Briefs in the prescribed form.

19. PRE-TRIAL CONFERENCE

Five weeks before the trial, the parties must attend a pre-trial conference.

20. FINAL TRIAL BRIEFS

Three weeks before the trial date, the parties must file and deliver final Trial Briefs. They are designed to accommodate any issues arising after receipt of the preliminary trial brief from the other side and the holding of the pre-trial conference.

21. SETTLEMENT CONFERENCE

Two weeks before the trial, either party may apply for a settlement conference. If allowed, it will usually proceed before another ICS judge who will not be the trial judge.

22. APPLICATIONS TO ADJOURN OR ADVANCE THE TRIAL DATE

ICS judges will only advance a trial date or put one over for no more than 30 days from the original trial date, except in unusual circumstances.

23. CONSENT ORDERS

Apart from a consent order amending pleadings, prior to the Confirmation of Joinder of Parties, most other kinds of consent orders are abolished in ICS proceedings. That means the parties cannot agree to adjourn or dispense with any of the steps set out in the Case Schedule.

24. CHANGE OF ICS JUDGE

Each side to a proceeding will have the right to apply, on one occasion only, in order to change the assignment of the assigned ICS judge to another ICS judge. A party must apply before the

assigned ICS assigned trial judge makes a discretionary ruling. The court will then refer the proceeding to the ICS Assignment Committee for assignment to another ICS judge.

25. RESTRICTIONS ON EVIDENCE AND ARGUMENT AT TRIAL

The trial judge will have the right to restrict the length of examination in chief and cross-examination and to restrict the length of any oral or written argument.

PART IV

ASSIGNMENT OF JUDGES AND LENGTH OF PROJECT

26. ASSIGNMENT OF JUDGES TO THE ICS

The basic plan is to assign 8 volunteer Vancouver judges to the ICS Pilot Project. That means the court will take these 8 Vancouver judges from the MCS. ICS cases will not begin generating any volume of work for these 8 ICS volunteer judges until about 4 to 5 months after the first cases are assigned. The first trial of ICS family law actions will not likely occur until about 12 months after they are filed. Trials of new civil ICS actions will likely commence 18 months after they are filed.

Therefore, the 8 volunteer ICS judges will continue accepting MCS cases until they have a full inventory of ICS cases.

27. INITIAL ASSIGNMENT OF MCS CASES TO ICS JUDGES

To gain experience with the ICS rules during the break-in period, but still meet the necessity of trying MCS cases and hearing MCS motions, the ICS judges will:

a) assume responsibility for an inventory of those actions set down for trial one year earlier under the MCS;

b) apply modified ICS procedures to those MCS cases having trial dates 12 months away;

c) receive a gradual reduction in hearing MCS trials as they take over the management and trials of those actions assigned to trial one year earlier;

d) receive a gradual reduction in hearing MCS chambers applications as they assume responsibility for deciding motions on the assigned ICS and MCS actions.

28. IMPLEMENTATION

If the Chief Justice and judges approve the idea of an ICS Pilot Project at their meeting in May 1995, then a substantial amount of work still lies ahead. The draft ICS rules will need refinement. Research must be done on the kind of computer programs necessary to make the system function. Court Registry procedures will need modifications. Court Registry personnel will require some retraining.

The 8 ICS volunteer judges eventually will need the help of about 4 Judicial Assistants and 2 Law Clerks. That staff can be phased in during the project start-up.

The Bar must be consulted. Together with the judges we must develop educational programs for the legal profession.

For the success of the project we will need to commit judicial resources at the initial stage of planning and implementation. We will also require financial assistance from the provincial government.

29. LENGTH OF PROJECT

The time it will take to get the project underway depends upon a number of factors. They include the degree of investment by the judiciary in human resources and the degree of investment by the province in financial resources. Assuming these are forthcoming, following is an estimated timetable:

	Event	Date
1.	Approval of Project	5 May 1995
2.	Start-up	1 January 1996
3.	Fully Operational	1 July 1997
4.	Three Year Test Period Ends	1 July 2000

Unless circumstances change, the ICS will take care of about 12% of the cases from 1 July 1997 until 1 July 2000. The remaining 78% of the Vancouver civil cases will continue to operate under the MCS. Other provincial judicial centres will remain under the MCS. On or before 1 July 2000, we should know whether the court ought to convert all or part of its practices to the ICS or abandon the idea completely.

30. CONCLUSION

Four significant features seem to make the ICS work better than the MCS for litigants, lawyers and judges. The MCS cannot duplicate them since it does not allow a judge time away from sitting to manage the progress of other actions. Arguably, these four features produce a better end product because under the ICS the court controls:

1. The length of litigation.
2. The pace of litigation.
3. The pace of preparation.
4. The quality of preparation.

No doubt, unanticipated problems will occur during the initial operation of the ICS Pilot Project. Those should be offset by corresponding successes. Only time will tell.

If we do nothing, our existing procedures will continue to aggravate and disappoint many people. They were designed in another country to meet the problems of another era. We now know there are better ways of running a civil justice system.

The ICS holds the promise of satisfying most of those who are discontent.

Mr. Justice John C. Bouck

28 March 1995

SCHEDULE

1. Form #2 - Case Schedule - New Civil Actions

   [ICD Rule 5 (a)]

FORM #2

[Style of Proceedings]

CASE SCHEDULE

NEW CIVIL ACTIONS

[ICD Rule 5 (a)]

	Event	**Weeks After Issuance of Writ**
1.	Filing of writ	0
2.	File assigned to ICD judge	4
3.	Confirmation of service	6
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