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Recommended Citation

Vsindilok, Natacha, A comparison of the case flow management and case tracking systems of the Central Administrative Court of Thailand with those of the Federal Court of Australia, with reference to practice in the USA, M.Court.Mgmt. thesis, Faculty of Law, 2004. <http://ro.uow.edu.au/theses/412>

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**A Comparison of the Case Flow Management
and Case Tracking Systems of
the Central Administrative Court of Thailand
with those of the Federal Court of Australia,
with Reference to Practice in the USA**

Natacha Vsindilok, BA, MA

**A thesis submitted in fulfilment of
the requirements for the award of the degree
Masters of Court Management**

**Faculty of Law
University of Wollongong
2004**

This thesis is dedicated to
my father Jitti Vsindilok
for inspiring me
to continuously seek knowledge

Certification

I, Natacha Vsindilok, declare that this thesis, submitted in fulfilment of the requirements for the award of Master of Court Management, in the Faculty of Law, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. The document has not been submitted for qualifications at any other academic institution.

Natacha Vsindilok

29 March 2005

GLOSSARY

(Cth)	: Commonwealth Jurisdiction (Australia)
(Imp)	: British Imperial Parliament
AAT Act	: Administrative Appeals Tribunal Act 1975 (Cth)
AAT	: Administrative Appeals Tribunal
ACAS	: Administrative Case Administration System (the original case tracking system of Thailand)
ACP Act	: Act on Establishment of Administrative Courts and Administrative Court Procedure B.E. 2542 (1999)
ACSP	: Administrative Case System Programme (the new case tracking system of Thailand) (Phase 1)
ACSSP	: Administrative Case Support System Programme (Phase 2)
ADJR Act	: Administrative Decision (Judicial Review) Act 1977 (Cth)
Administrative Court	: The Administrative Court of Thailand
ADR	: Alternative (or Assisted) Dispute Resolution
ART	: Administrative Review Tribunal
CAC	: The Central Administrative Court
Case judge	: A judge in charge of a case
Case judge's case official	: A case official assigned to assist a judge in charge of a case
CASETRACK	: New automated case tracking system of the Federal Court of Australia
CFM	: Case Flow Management

Chief Justice	: The Chief Justice of the Central Administrative Court of Thailand
Chief Justices	: The Chief Justices of the Central Administrative Court and the Regional Administrative Courts of Thailand
Conclusive judge	: A judge who makes a conclusion
Conclusive judge's case official:	A case official assigned to assist a judge who makes a conclusion
CTS	: Case Tracking System
DCM	: Differentiated Case Management
Directive on Performance and Assessment	Directive for the Performance and Assessment of Works of the Judges of the Courts of First Instance
Executive case official	: The Secretary General and the Deputy Secretary General
Executive judge	: The President of the Supreme Administrative Court, the Chief Justice and the Deputy Chief Justices of the Central Administrative Court
FEDCAMS	: Previous automated case tracking system of the Federal Court
Federal Court	: The Federal Court of Australia
High-ranking court official	: High level management staff and other specialists (e.g. IT and CTS)
IDS	: Individual Docket System
JCAJ	: Judicial Commission of Administrative Judges (Thailand)
NACM	: National Association for Court Management (USA)
Non-executive case official:	All case officials of various ranks who work for judges of the CAC
Non-executive judges	: All other judges including senior judges of a division

OAC	: The Office of the Administrative Court
Rule on Administrative Court Procedure	: Rule of the General Assembly of Judges of the Supreme Administrative Court on Administrative Court Procedure B.E. 2543 (2000)
SAC	: The Supreme Administrative Court
The Constitution	: The Constitution of the Kingdom of Thailand B.E.2542 (1997)
The Court	: Referring to the overall structure of the Administrative Court as well as its processes and procedures
The Courts	: Referring to the Regional Court, Central Administrative Court and Supreme Administrative Court collectively

ABSTRACT

Case flow management (CFM) is recognised as an essential component for the success of the overall management in contemporary courts. Case flow management programmes are adopted and implemented in many courts and tribunals across many nations to improve the courts' supervision of time and events from the beginning of cases to their finalisation. The case tracking system (CTS) is the most common tool in an automated case flow management system, providing crucial information to trace and track cases. The Administrative Court of Thailand and the Office of the Administrative Courts employ two such systems to promote overall court management. They are keen to improve and adjust the case tracking system, which is the main tool the Administrative Court's judges and executive judges employ in supervising case progress and enhancing the courts' overall capacity.

The central aim of this thesis is to make a contribution to the improvement of the case flow and case tracking systems of the Administrative Court. With this goal in sight, the thesis examines various aspects of the two systems in three stages. The first stage is the investigation of general principles, objectives and practices from United States of America perspective and a comparison of general principles, objectives and practices between those of the Federal Court of Australia (representing common law and adversarial systems) and the Thai Administrative Court (representing civil law and inquisitorial systems). The comparative study between the two courts includes the historical background of the establishment of these courts and their case flow management and case tracking systems.

The implementation of the case flow management and case tracking systems of the Administrative Court is analysed from the perspectives of three groups of users: judges, case officials and parties to cases. Interviews were conducted with selected judges and high-ranking court officials on various aspects of court policy and practice. Methodologically, I view the interviews as a primary source of data. The opinions of non-executive judges and case officials on various issues of the Court's case flow and case management systems were sought by questionnaire. The questionnaires were also distributed to parties who have experienced the Court's case management in order to gain the perspectives of an external group. Consequently, the actual implementation of the Court's policies in the two systems and the perceptions of the efficiency and achievements of such systems are explored in a practical way. A review of the literature

was conducted and interviews undertaken with selected experts in court and case management in the Federal Court. The aim of these theoretical and comparative stages was to provide a thorough understanding of the Administrative Court and its case flow management and case tracking systems.

Finally, the thesis attempts to identify the shortcomings of the case flow management and case tracking systems which emerge from the results of the two earlier stages of this study. Recommendations are then made to improve the functioning of the two systems in various areas. It is suggested that the effectiveness of the CFM can be developed in specific ways in the following areas: (i) timestandards for case flow management; (ii) timestandards for case finalisation; (iii) standards for monthly judicial output; (iv) investigation of the scope of the use of alternative dispute resolution (ADR) by judges and case officials and the establishment of a 'Settlement Division' for dealing with the suitable administrative cases; (v) adoption and adjustment of differentiated case management (DCM) techniques; and (vi) 'Administrative Case System Programme (ACSP) Improvement Plan'.

Suggested core measures to achieve the overall objectives of the implementation of the case flow management systems are to: (i) provide education to the public and encourage and increase parties' accountability, (ii) implement and enforce the suggested timestandards for case flow management and the suggested timestandards on case finalisation, (iii) enhance judicial knowledge by a 'peer group educating system', (iv) refine the case allocation system by employing an adjusted DCM technique and a nominating system, (v) standardise the judges' managerial role by enforcing suggested timestandards and by forming a research group to develop models for judge's writing styles for judgements, orders and statements, (vi) develop and execute a formal and practical plan for the improvement of the case tracking system (as suggested in the 'ACSP Improvement Plan' and other IT systems, (vii) revise and lay down the functioning of the 'Censor Division', (viii) enhance the knowledge of the Court's IT officers, and (ix) provide continuity and high standard for case officials' seminars and training programmes.

To assess improvement in the overall court performance and its case flow management, the proposals for an 'Administrative Court Performance Measurement Scheme' (developed from the Trial Court Performance Standard) and an 'Administrative Court Case Flow Management Improvement Project' are developed.

ACKNOWLEDGEMENTS

My thesis would not have been completed without the support granted by many individuals and institutions. Firstly, I wish to express my gratitude to my first supervisor, Dr Rick Mohr, who patiently supervised and strongly supported me in all stages of my study. Although he could not continue in that role with me until I finished my thesis, he introduced the expert and generous scholar, Professor Helen Gamble, to guide me to my destination. I deeply appreciate their benevolence and will keep it in my heart.

I am greatly indebted to the Office of the Administrative Court for its scholarship, for granting me leave for carrying out this work, and for allowing access to the judges and the case officials of the Central Administrative Court and the Office of the Administrative Courts. I extend my gratitude for the active cooperation of all participants in the research, particularly Assoc. Prof. Dr. Vorapot Visrutpich, Chief Justice, Dr. Ruthai Hongsi, Deputy Chief Justice, Dr. Charnchai Sawangsagdi, a former Secretary General and Ms Kanchanaratt Leevirojana, a Deputy Secretary General, as well as other judges and high-ranking court officials who provided invaluable materials for this research. Special mention should be made of Mr Wuttichai Sangsumran, Mr Chatchavan Chanchai, Mr Amnat Sripoonsuk and Ms Piyada Chitchumnong who have not only offered useful information for this research, but also bestowed many helpful services while I was doing research in both Thailand and Australia. Many thanks to my colleagues who with great seriousness and attention to detail answered my long and academic questionnaires. To those others who for reasons of privacy cannot be named, your help is no less appreciated and I thank you very much.

I extend my gratitude to other judges and colleagues who did not officially participate in this research but who were greatly helpful in various ways. I wish to express my gratitude to Deputy Chief Justice, Assoc. Prof. Dr. Vishnu Varunyou, who has always supported me from the time that I worked as his case official in Thailand. Thanks to Ms Porntip Tongdee, the Acting Secretary General, head of my department, for being supportive and

accommodating while I was researching in Thailand. Special thanks to my best friends, Sumanee, Kidngarm, Pimjit, Siriwan, Chaicharn, Wilawan and Sujet for their kind assistance and to Chatchanan Leeratermpong who strongly supported me at the early stage of my study. There are many other people not mentioned by name who have very much supported me. I wish to thank them all here.

While I was continuing my research in Australia, there were many participants and friends that I would like to thank. These include John Mathieson and David Beling who offered me valuable information and sources for the study of the Federal Court. Particular acknowledgement is given to Warwick Gullet, Ruth Walker and Karina Adil, my best Australian friends who have generously proof read and edited my work and along with Maliwan, Apichart, Porntip, Mary Ann, Gabriel, Luigi, and my last-minute friend, Ian, help me not feel alone when I was far from my home town.

Finally, I wish to express a huge thanks to my mother, Varaphan Vsindilok and all of my sisters who have supported and encouraged me to complete this thesis. Especially, my father, Jutti Vsindilok, who continues to inspire me to seek knowledge.

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