CASE MANAGEMENT AND ITS APPLICATION TO THE MODEL CIVIL LITIGATION FOR PECUNIARY CLAIMS UNDER RECENT CZECH PROCEDURAL LAW*

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Abstract: The article deals with case management in civil litigation and its implications for the Czech model civil litigation for pecuniary claims. After the introduction, it provides an overview of the principles of case management and of case management instruments mainly from the perspective of the Model European Rules of Civil Procedure, English Civil Procedure Rules, Civil Litigation Management Manual, and Model Time Standards for State Trial Courts (last two from the United States). The findings are then applied to the Czech model civil litigation for pecuniary claims which is developed based on empirical data gather from the Czech judges and courts, taking into account the legal framework of the current Civil Procedure Code and comparative conclusions. In the final part, amendments to recent law and practice (primarily *de lege lata*, eventually *de lege ferenda*) in the Czech Republic are suggested with a focus on the implementation of key instruments of case management to Czech law and practice with the potential of reducing costs and expediting the litigation. In the opinion of the author, the suggested implementation of case management instruments and principles into civil procedure is possible even within current legal framework of the Czech Republic.

Keywords: civil procedure; case management; management of litigation; model civil litigation for pecuniary claims; proportionality; reducing costs; reducing delays; Czech Civil Procedural Law; Czech Civil Procedure Code; efficiency; independence

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1. INTRODUCTION

The modern jurisprudence as well as legal practice has considered (at least since Franz Klein)[1] it necessary to have the civil procedure focused on the aim of speedy

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[1] Franz Klein was an Austrian minister of justice. He is also considered the father of the Zivilprozessordnung that was enacted in the end of the 19th century; this statutory legislation is still in force in Austria (with

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and less costly litigation. The tools to provide for these aims are, besides others, also the case management powers of the court who shall act actively in a civil proceeding and cannot remain just a mere umpire to the parties.[2] Case management is traditionally considered either as material or formal case management.[3] The former refers to the powers of a court which enables it to accurately and truthfully clarify and find out within the procedure what are the factual merits of a case (facts), the latter refers to the powers of a court which enables it to manage a particular case in a way that the proceedings are speedy and saving costs. The material case management is carried out by a court mainly through explanatory duty, interrogatory duty, and court's duty to instruct the parties.[4] Formal case management is particularly evident in the duty of a court to ensure that the resolution of the case is expedited by setting the time and place of the hearings and setting limits (time limits and other limits) to the procedural actions of parties in general.

The reforms of civil procedural law in Europe from the recent era has focused primarily on formal case management, calling it only case management (while requiring a court to also remain active within the sphere of clarification of facts of a particular case).[5] Case management in this article is therefore understood in a broad modern concept as **the power of the court to promote speedy and low-cost (efficient) resolution of the case by actively regulating the civil proceedings**.[6] The approach places emphasis not only on the just resolution of the case but also aims to achieve the resolution of the case efficiently.[7] This approach became the hallmark of any civil procedural law reform and is sometimes even considered as a new philosophy of civil procedure, the so called "philosophy of case management".[8] The approach has its imprint for example in model statutory legislation such as the Model European Rules of Civil Procedure, but it

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many amendments), and it used to be until middle of 20th century the Civil Procedure Code in the late Czechoslovakia.

2 See TURNER, R. 'Actively': The Word that Changed the Civil Courts. In: DWYER, D. (ed.). *Civil Procedure Rules Ten Years On*. Oxford: Oxford University Press, 2009; see also MACKOVÁ, A. Nihil sub sole novi? (K reformě britského soudnictví) [Nihil sub sole novi? (On the British justice reform)]. *Právní rozhledy* [Legal Proceedings]. 1996, Vol. 4, No. 12, pp. 583–584.

3 See HORA, V. *Československé civilní právo procesní* [Czechoslovak civil procedural law]. *Vol. I–III*. Prague: Wolters Kluwer ČR, 2010, Vol. II, p. 244.

4 See LAVICKÁ, P. Komparativní pohled na materiální vedení řízení s důrazem na vymezení poučovací povinnosti [Comparative View on the Material Conduction of Civil Proceedings with Impact on Court's Duty to Instruct]. *Časopis pro právní vědu a praxi* [Journal for Legal Science and Practice]. 2017, Vol. 25, No. 2, pp. 275–284.

5 Among these reforms can be named the English reform of civil procedure (Woolf and Jackson reform), enacting (and amending) the English Civil Procedure Rules, see Part 3 and Part 26. Also see the ELI/UNIDROIT Model European Rules of Civil Procedure, Rule 5 and especially Part III – Case Management, Rule 47 and the following rules.

6 See also RHEE, C. H. van. Case management in Europe: modern approach to civil litigation. *International Journal of Procedural Law*. 2018, No. 1, Vol. 8, pp. 65–84.

7 See also MENÉTREY, S. Cost Efficiency as a Guiding Principle in Civil Justice. In: HESS, B. – WOO, M. – CADIET, L. –MENÉTREY, S. – VALLINES GARCÍA, E. (eds.). *Comparative Procedural Law and Justice* [online]. 2024, Part III, Chapter 4 [cit. 2025-03-26]. Available at: www.cplj.org/publications/3-4-cost-efficiency-as-a-guiding-principle-in-civil-justice.

8 See CADIET, L. Case management judiciaire et déformalisation de la procédure [Judicial case management and deformalisation of procedure]. *Revue française d'administration publique* [French Journal of Public Administration] [online]. 2008, No. 1, pp. 133–150 [cit. 2025-03-26]. Available at: https://droit.cairn.info/revue-francaise-d-administration-publique-2008-1-page-133?lang=fr.

has been also reflected in various non-legislative rules or recommendations such as the Civil Litigation Management Manual in the United States[9] (originally the Manual for Litigation Management and Cost and Delay Reduction)[10] or Model Time Standards.[11]

The introduction to case management is followed by a chapter which is focused on the principles of case management (especially the proportionality of the dispute resolution process) and case management instruments. As case management is dependent on the model of civil litigation,[12] the model civil litigation for pecuniary claims in the Czech Republic is further presented, designing the model from empirical research done by the author[13] amongst Czech judges[14] and from several courts,[15] from selected statistical data of the Ministry of Justice of the Czech Republic,[16] and from the limits of the legislation with a normative assessment of the findings. Finally, the principles of case management and case management instruments are then applied to the model civil litigation and various recommendations as for the change of attitude within the current Czech legal framework are provided (*de lege lata* implementation of the conclusions and eventually *de lege ferenda* amendments).

2. THE PRINCIPLES OF CASE MANAGEMENT AND CASE MANAGEMENT INSTRUMENTS

The key principle of case management is the principle of proportionality of the dispute resolution process.[17] To determine whether the dispute resolution process is proportionate (or not) the court must take into account the nature (and the value, especially in case of pecuniary claims),[18] importance, and complexity of a case as well as the nature of parties involved.[19] It is also crucial that a single case is not treated wholly independently and indifferently of other cases within the court but the said court needs *"to give effect to its general management duty in all proceedings with due regard for*

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9 See Federal Judicial Center. *Civil Litigation Management Manual: Judicial Conference of the United States, Committee on Court Administration and Case Management*. 3rd ed. Washington: The Judicial Conference of the United States, 2022.

10 See Federal Judicial Center. *Manual for Litigation Management and Cost and Delay Reduction*. Washington: Federal Judicial Center, 1992.

11 See DUIZEND, R. et al. *Model Time Standards for State Trial Courts*. Washington: National Center for State Courts, 2011.

12 See p. 92 in BADO, K. – GALIČ, A. – GONÇALVES DE CASTRO MENDES, A. – HUBER, S. – MULLENIX, L. – NOWAK, J. T. – NYLUND, A. – VALLINES, E. Structure of Civil Litigation. In: *Comparative Procedural Law and Justice* [online]. 2024, Part VI [cit. 2025-03-26]. Available at: https://www.cplj.org/publications.

13 With help of other members of the research team, as mentioned in footnote No. 1.

14 Data from questionnaire surveys focusing on pecuniary cases completed by 78 Czech judges during 2024.

15 It was a probe to the case resolution in typical and optimal civil cases for pecuniary claims, selected by the presidents of the courts or the commissioned judges, done at District Court for Prague 2, District Court Prague-east, District Court in Děčín and Municipal Court in Prague during summer and autumn of 2024.

16 Especially the macro data on the time for resolution of the cases.

17 See Rule 5 of the Model European Rules of Civil Procedure. See also Section 1.1(2)(c) of the English Civil Procedure Rules.

18 See Section 1.1(2)(c)(i) of the English Civil Procedure Rules.

19 See Rule 5(2) of the Model European Rules of Civil Procedure.

proper administration of justice".[20] The last principle takes account of the need to reflect the opportunity costs, since resources are allocated to one case, the (same) resources are not allocated to another (e.g., the time when the judge is dealing with one case cannot be used in another case). Additionally, as for the costs, the court should save expenses when dealing with the case and such expenses should be proportionate to the nature (and the value, especially in case of pecuniary claims), importance, and complexity of the case.[21] Case management thus also includes costs management.[22] What is more, there may be a fast track or simplified procedural regime for less valuable, less important, or less complex claims.[23] Last but not least, the proportionality of the dispute resolution process requires to consider alternative dispute resolution methods where it is appropriate.

Since case management is not an end in itself, its proper implementation aims to promote an expeditious case resolution process while minimizing costs. The instruments of case management are therefore used differentially (the principle of proportionality) and are to reduce uncertainty. In other words, the instruments should allow the parties (and the court) to have a predictable and transparent process (for dealing with the specific case) that they can rely on and adhere to.[24] The reduction of uncertainty – achieved through case management, including costs management – focuses on addressing the fundamental issues of law and facts efficiently, which should take priority, as well as on ensuring a level playing field.[25]

As a starting point, crucial is the general duty of the parties to provide *"claims, defences, factual allegations and offers of evidence as early and completely as possible"*,[26] as the parties are required to cooperate with the court[27] (and even amongst each other).[28] However, even if the parties do fail this duty, the court must also engage in case management as early as possible, in the initial phase of the proceedings.[29] The courts are vested with various case management instruments, these have to be applied differentially based on the nature (value), importance, and complexity of the case and the parties involved. Using new European soft law, the Model European Rules of Civil Procedure,[30]

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20 Ibid. In English Civil Procedure Rules, the principle is expressly stated in this way: *"allotting to it (the case) an appropriate share of the court's resources, while taking into account the need to allot resources to other cases"*.

21 See Rule 8 of the Model European Rules of Civil Procedure and also Section 1.1(2)(b) of the English Civil Procedure Rules.

22 See MENÉTREY, *c. d.*, p. 34.

23 See for example Part 28 of English Civil Procedure Rules or Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.

24 Similar conclusions see page 37 of KUHL, C. B. – HIGHBERGER, W. F. A Unified Theory of Civil Case Management. *Judicature*. 2023, Vol. 107, No. 1, pp. 35–46.

25 Ibid., p. 38.

26 See Rule 47 of the Model European Rules of Civil Procedure.

27 See for example section 101 of the Czech Civil Procedure Code.

28 The cooperation between the parties is empathised especially by the Model European Rules of Civil Procedure, also the cooperation of the parties (and their lawyers) with the court is required and even a new conception of civil procedure is distinguished: the cooperative model of civil procedure (see RHEE, C. H. van. Case Management and Co-operation in the Model European Rules of Civil Procedure. *Journal of International and Comparative Law.* 2022, Vol. 9, No. 2, pp. 1–15).

29 Same conclusion on page 111 in BADO – GALIČ – GONÇALVES DE CASTRO MENDES – HUBER – MULLENIX – NOWAK – NYLUND – VALLINES, *c. d*.

30 See especially Rule 49 of the Model European Rules of Civil Procedure.

case management instruments (or means) include *inter alia*: (i) encouragement of alternative dispute resolution methods and encouragement of settlements, (ii) scheduling case management conferences, (iii) setting time tables for procedural actions of the parties (and the court), and (iv) limiting the length and number of future submissions.[31] When taking into account the practice in the United States, the core instruments of civil case management are the pretrial conference and also the scheduling order.[32] Similarly, the key case management instrument in the Czech law is the preparatory hearing.[33] Additionally, for example, English Civil Procedure Rules provide cost budgeting, cost management orders, and cost capping,[34] to have the costs controlled beforehand.

As for the Model Time Standards in the United States, in case of civil cases (excluding summary civil matters such as small claims) 90 percent of cases shall be disposed of within 365 days (75 percent within 180 days)[35] and service of process shall be completed in 98 percent of cases within 60 days, the responsive pleadings shall be filed or default judgments issued within 90 days.[36] In case of the summary civil matters, the time standards are substantially shorter allotting 90 days in 90 percent of cases (and 75 percent of cases in 60 days).[37] Also, the service of process shall be completed in 98 percent of cases within 30 days, the responsive pleadings shall be filed or default judgments issued within 60 days.[38]

3. THE MODEL CIVIL LITIGATION AND APPLICATION OF CASE MANAGEMENT

In comparative law, various models of civil litigation can be distinguished, however, the so-called apex hearing model remains in civil law countries as the leading one.[39] In apex hearing model the civil proceeding is concentrated in *"a single principal ('apex') hearing, during which the arguments and the evidence are presented orally to the judge"*.[40] Also the Czech legal system provides for a single hearing, after which the case is to be adjudicated as a general rule, if possible.[41] The preparatory phase of the

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31 Ibid.: several key means of case management were selected.

32 See page 15 in Judicial Conference of the United States, Committee on Court Administration and Case Management, *c. d.*; the scheduling order is regulated by the Rule 16 of the Federal Rules of Civil Procedure (it includes various items related to the discovery, however, it is not limited by discovery, also it may include for example dates of pretrial conference and trial, deadline for ADR, deadline for specific phases of the procedure, limits and deadlines for pretrial materials etc.).

33 See section 114c of the Czech Civil Procedure Code.

34 See Part 3 of the English Civil Procedure Rules and also Practice Direction 3D and 3E.

35 See DUIZEND, *c. d.*, p. 12.

36 Ibid., p. 15.

37 Ibid., p. 17.

38 Ibid., p. 18.

39 See page 66 in BADO – GALIČ – GONÇALVES DE CASTRO MENDES – HUBER – MULLENIX – NOWAK – NYLUND – VALLINES, *c. d*. On the other hand, the non-apex model is also common, but it is a heteronomous category as the authors of the above-mentioned articles assume.

40 Ibid.

41 See section 114a(1) of the Czech Civil Procedure Code (the hearing shall be prepared in a way that the matter can be decided, as a rule, after a single hearing).

Czech civil proceedings may be written or oral, including a possibility to hold a preparatory hearing when the nature of the case allows (such as in case of pecuniary claims).[42]

Based on a survey amongst Czech judges, the core instrument of case management i.e., preparatory hearing is "a dead instrument" as it is no longer used (which was confirmed by overwhelming majority of judges in the questionnaire survey and also by the probes into the civil litigation good practices amongst selected Czech courts). Therefore, the management powers of the court are very limited as there is no dedicated phase of the procedure (or space so to speak) where the court can transparently and towards the litigants predictively set a plan for the management of the dispute. The focal point in civil procedure, allowing the management of the dispute, is therefore the (beginning) of the first hearing. This hearing shall be, however, the only one as required (as a rule) by Czech Civil Procedure Code. Consequently, as the data from the survey amongst Czech judges shows, in a majority of the civil cases there are factually two hearings (this is not the case in specific types of civil lawsuits, such as commercial disputes where usually two or three hearings take place, or, on the other hand, small claims or consumer disputes with one or even not a single hearing).

Taking into consideration these empirical findings, the Czech model actually deviates from the apex hearing model (as there are two hearings most often) or is in principle the apex hearing model with unacknowledged preparatory hearing. Based on the purpose of the Czech Civil Procedure Code and taking into account the consideration of case management to have the case managed as early as possible, the model civil litigation shall be the apex hearing model with preparatory hearing (this applies especially to the civil and commercial cases, whereas in cases of small claims and consumer claims, there should be only one hearing, or no hearing at all, without preparatory hearing).[43]

Furthermore, the empirical data gathered from the questionnaire survey amongst the judges show that an average civil case lasts for 11 to 12 months in principle (the commercial case tends to last for 12 month, whereas the small claims and consumer cases usually lasts for only 5 to 7 months).[44] When comparing these typical or standard times of disposition with the case, the outcome is close to the Model Time Standards from the United States as the Czech time frames of the disposition of the case do not substantially deviate from the US model with exception of the small claims and consumer cases which last nearly twice as long compared to the Model Time Standards used in the United States.

As for other empirical findings from the questionnaire survey amongst Czech judges, when there is a need to have an expert opinion, it requires quite a long time for the opinion to be delivered by the expert. If the expert opinion is given in the fields of transportation, economy, or analysis of handwriting, it takes from 3 up to 6 months to completion

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[42] See section of the 114c of the Czech Civil Procedure Code.

[43] These suggestions are a normative assessment that is positioned as a recommendation or recommended norm, the suggestions hold "on average" for model civil litigation which was designed; if a particular case deviates from the model, then based on the principle of proportionality, the number of hearings or whether to hold the preparatory hearing or not etc. may deviate from the model.

[44] It was also confirmed by the probes to the resolution of cases on selected courts as well as by the data from the Ministry of Justice.

in an average civil or commercial case, and even 6 months at least if the case falls within the field of the construction industry or healthcare. When it comes to small claims and consumer cases, expert opinions are not common. In such cases, expert opinions in fields of transportation, economy, and analysis of handwriting require in principle, 1 up to 3 months, whereas expert opinions from the construction industry and healthcare require from 3 up to 6 months (as they are dealing with less difficult and demanding issues).

Taking into consideration these empirical findings and their comparison with the US Model Time Standards, the Czech model deviates principally only in case of small claims and consumer claims as these are disposed faster in US when comparing the time standard (the time standard is twice as short than the disposition time in the Czech Republic). Based on the purpose of the Czech Civil Procedure Code and taking into account the considerations of case management, the model civil litigation should be aiming to preserve the maximum of a 12-month length (maximum) in civil and commercial cases as a "golden standard", but in case of small claims and consumer cases the model civil litigation should aim at a maximum of 5-months (all with ever present pressure on shortening the time of disposition with the case). The important consideration the court should address is the expert opinion which often adds significant time to the proceedings. Therefore, an expert opinion should be commissioned as early as possible in the proceedings. Additionally, to fulfil the 12 months effectively (in model civil litigation), when taking into account the service of process and the statements of the parties (approximately 40 days), and also statutory duties and service of process after the public oral pronouncement of the judgment (approximately 40 days), and the possibility to wait for an expert opinion (or revision expert opinion even), then the time frame for preparatory hearing and principal hearing (potentially adjourned) in the model litigation shall be approximately 120 days (after the initial approximately 40 days). If an expert opinion is involved, this timeframe may be even extended by an additional approximately 120 days (for civil and commercial cases).[45]

As it might be questionable whether the mere introduction of the time limit itself (without a sanction related to it) might provide a tool for the acceleration of litigation and whether it might be a potential threat to judicial independence, it is crucial to mention that it is not a panacea, but it might help to the efficiency of the civil procedure. Moreover, the efficiency is not in principle in collision with the principle of independence (in other words, independence can be guaranteed even within efficient litigation). Introducing a recommended or standard time limit for disposition of the case, but exclusively for the model civil litigation as mentioned above, the time limit might be observed only to the extent that a particular case is parallel to the model civil litigation, if not, the adequate time limit may be proportionately different. The mere existence of the time limit (as set based on empirical findings) might serve as a tool to set expectations of the subjects of the litigation. As the time required to dispose with the case may rightfully differ in a particular case, therefore any introduction of sanctions related to

[45] These suggested time standards only hold "on average" for model civil litigation as suggested (these are normative suggestions); if a particular case deviates from the model, then based on the principle of proportionality the disposition times also might differ.

non-compliance with the suggested time limits is not adequate and it is not advisable to introduce a sanction related to the time limits. Additionally, the court is not in any way harmed in its independence as the time limit is a recommendation only for the model litigation as mentioned above (not as a rule in itself), without sanction, not interfering with the duty of the court to try and decide the case independently. The time limit itself is not an end in itself, rather it is a recommendation within the complexity of various recommendations to make the litigation more efficient (speeding up the litigation and saving costs), directly pointing out the proportionate time in case of the model litigation (within current legal and factual situation).

4. SUGGESTED AMENDMENTS OF RECENT LAW AND PRACTICE IN THE CZECH REPUBLIC (*DE LEGE LATA* AND *DE LEGE FERENDA* PROPOSALS)

The modern considerations of the principles of case management and possible case management instruments impose substantial pressure on a civil proceeding and its practice to be more efficient. The change (or at least channelling) of the attitude even within the application of the current civil procedural law (Czech Civil Procedure Code) is desirable and possible as the suggestions presented in this paper are mainly *de lege lata* suggestions (some of the suggestions might serve also as *de lege ferenda* proposals as enacting a new robust law concentrating on case management might be also advisable).

Based on the above-mentioned analysis, the suggested model of civil litigation is the **apex hearing** model with a **preparatory hearing** where the court shall be active in managing the case from the very beginning of a particular proceedings focusing on the preparatory hearing (the court's activity should not only be limited to the principal hearing).[46] Based on the analysis of the instruments and principles of case management, it is suggested that during the preparatory hearing (or even before it when the court has all initial written submissions of the parties) the court may issue a planning order in which the court suggests any possibility of alternative dispute resolution and settlement of the dispute. In such a plan of procedure (planning order),[47] the court also sets suggested time limits and a suggested scope to the statements and defences of the parties, sets the date of hearings, the length of hearings, and a preparatory hearing when it is held (and where appropriate the court determines in advance a whole time plan for dates and places of the adjourned hearings in the planning order). The court may also ask for an expert opinion or suggest the questions to be asked of an expert or the time frame

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[46] The Czech Civil Procedure Code (without specific sanction) sets a rule to have a case in principle tried and decided in a single hearing, with possibility of a preparatory hearing [see section 114a(1) and section § 114c (1) of the Czech Civil Procedure Code].

[47] A general basis (not a specific one) for this plan of the procedure can be found especially in section 114a(2) [see mainly the letter g)] and section § 114c(3) of the Czech Civil Procedure Code. Additionally, Act No. 179/2024 Sb., on collective civil procedure is the first Czech statute law distinguishing expressly such a plan of civil procedure (see section 44 of Act No. 179/2024 Sb.), but for collective civil procedure.

dedicated for an expert opinion etc. Furthermore, within the plan of the procedure, the court is recommended to have a suggested budget[48] in place and expressly informs the parties about the budget of the whole procedure and of individual steps (also, it is recommended that the court informs the parties about the cost budget in relation to the value of the claim in case of pecuniary claims). It is also suggested that the court prepares this plan early in the proceedings based on the principle of proportionality (nature, value, importance, and complexity of the case). The court further directs the parties in a transparent and predictive way while observing the duty to save costs and the time limits of approximately 12 months in case of civil and commercial case and 5 months in case of small claims and consumer claims. These recommended time limits are based on empirical findings and they hold only for the model litigation (but they may deviate in a particular case). Their mere existence might set the expectations of the subjects involved in litigation and they should not be followed by any sanction. Additionally, it is suggested that case management is focused on the early phase of the proceedings, especially around maximum 20–40 days after the start of the proceedings (especially in civil and commercial pecuniary cases) and on the preparatory hearing, which is to take place at the beginning of the 120 days period after the initial 40 days period.

5. CONCLUSION

Case management is a modern philosophy of civil procedure with the goal of speedy and less costly litigation, having its indelible imprint e.g., in the latest European soft law – the Model European Rules of Civil Procedure. The article thus analysed the principles and instruments of case management and applied it to the suggested civil litigation model in the Czech Republic, using empirical date from questionnaire survey amongst Czech judges and courts. The results of the research showed that the preparatory hearing is "a dead instrument", but in the eyes of the author has great potential and capacity as for the planning of the case and therefore, it shall be used *de lege lata* regularly. The Czech model civil litigation (for pecuniary claims) *de lege lata* shall be the apex hearing model with a preparatory hearing. Also, a planning order (including a plan of the procedure) is suggested by the author to be issued by the court when the court has all initial written submissions of the parties (or during the preparatory hearing the latest), as it may set a level playing field and expectations of the parties. Additionally, as case management includes also costs management, the court should plan these costs by cost budgeting and engage the parties to be aware of the proportionality of the costs especially to the value of their claim. It is vital to emphasize that the court should actively manage the case and require parties' cooperation from the very beginning of the proceedings to have planned the proceedings thoroughly and diligently as early as possible (it is recommended *de lege lata* that the court prepare a plan of the procedure as suggested). As a "golden rule" the civil and commercial cases should not last more

[48] Despite the calculated budgets of the parties (especially once they are represented by an attorney) the costs management should lay principally in the hands of the court as it is another tool within case management.

than 12 months, case management should concentrate especially on the initial phase of the proceedings. Additionally, an expert opinion has a significant relevance for eventual delays as it takes in civil and commercial matters approximately 3 to 6 months to have it produced, so it should be commissioned as soon as possible. In the opinion of the author, all of these above-mentioned case management suggestions are possible within current legal framework of the Czech Republic (moreover, an introduction of more robust basis for case management is advisable in future amendments of the law).

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