

Recommendations on Resolving Civil Disputes

December 2011

Respectfully Submitted by the Office of the State Courts Administrator
on behalf of the
Commission on Trial Court Performance and Accountability

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Executive Summary

Proviso language in the 2011 General Appropriations Act provides: “[f]rom the funds in Specific Appropriation 2986, the Office of State Courts Administrator will make recommendations by January 2, 2012, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee on resolving civil disputes in a timely manner and reducing legal costs to the state court system through the use of financial and other incentives.”

The Commission on Trial Court Performance and Trial Court Budget Commission, along with input from the trial courts, developed recommendations based on nationally recognized court management techniques. The recommendations include:

- **Recommendation 1 – Differentiated Case Management:** A modernized approach to processing cases that provides a system of tracking, based on the degree of complexity of each case. Track assignments would allow cases of similar complexity to flow towards the most efficient use of resources. Therefore, “simple” cases, or those cases not requiring substantial judicial intervention, would move to disposition quickly, allowing more judicial resources to focus on “complex” cases. In turn, those complex cases would also move to disposition efficiently, with more judicial focus.

Recommendation 2 – Performance Indicators: Court management tools used to determine whether court resources are being used efficiently, identify programs and policies that are successful, and focus on areas where improvements can be made. Three nationally recognized performance indicators are recommended, including Time to Disposition, Age of Pending Cases, and Calendar Clearance Rates. Although these measures are based on data that is currently captured in clerks of court case maintenance systems, at varying degrees, certain new reporting requirements would need to be implemented to ensure this information is available to judges and case managers daily and that accurate measurement can occur. Upon the implementation of the data reporting model, certain benchmarks/goals would be determined.

- **Recommendation 3 – Additional Case Management Resources:** In order to implement differentiated case management, additional staff resources

would be required. A staffing model of one case manager per two civil judges per circuit would allow for a level of professional case management support, necessary to implement proactive case management initiatives such as early screening and classification of civil cases, facilitation of pretrial discovery and case management plans/orders, and the scheduling of case management conferences in problematic cases to resolve issues contributing to case delay. Additionally, in order to reliably evaluate and monitor data at the circuit level, it is recommended that each circuit be provided one database analyst. Finally, training would need to be provided to staff, the judiciary, and the bar in order to implement differentiated case management. It is anticipated that three one-time training workshops, conducted at the statewide or regional level, would accomplish these training needs.

- **Recommendation 4 – Reserve Fund to Promote Flexibility and Creativity:** While DCM will provide a base level set of resources that can be incorporated by each circuit civil court, it is recommended that a reserve fund be established that would allow the circuits to apply for alternative or supplemental financial assistance in the creation and implementation of technology ideas that would directly promote the resolution of civil disputes in a timely manner and at reduced costs to the justice system, in order to accommodate the unique needs and circumstances of the various circuits in Florida. Circuits would be allowed the flexibility to address specific needs such as development of performance dashboards which may require application development not currently available from existing case maintenance/management systems. Reserve fund moneys could also be used to develop public/private partnerships in order to maximize results. The ability to obtain supplemental resources through this fund would be particularly beneficial to smaller circuits as it would allow those circuits the opportunity to rise to the technological levels of some larger circuits.

In regards to implementing these recommendations, if approved by the Legislature, consideration should be given to certain issues, such as adequate time for 1) hiring and training of case managers and data analysts, 2) development of the data reporting system, and 3) collection of the necessary data in order to provide meaningful, accurate performance measurement. As such, an 18-month timeline has been established that represents the development and implementation cycle based on a July 2012 start date.

Introduction

At the conclusion of the 2011 Legislative Session, the Office of the State Courts Administrator was directed, via proviso language in the General Appropriations Act, to submit recommendations by January 2, 2012, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee on resolving civil disputes in a timely manner and reducing legal costs to the state court system through the use of financial and other incentives.

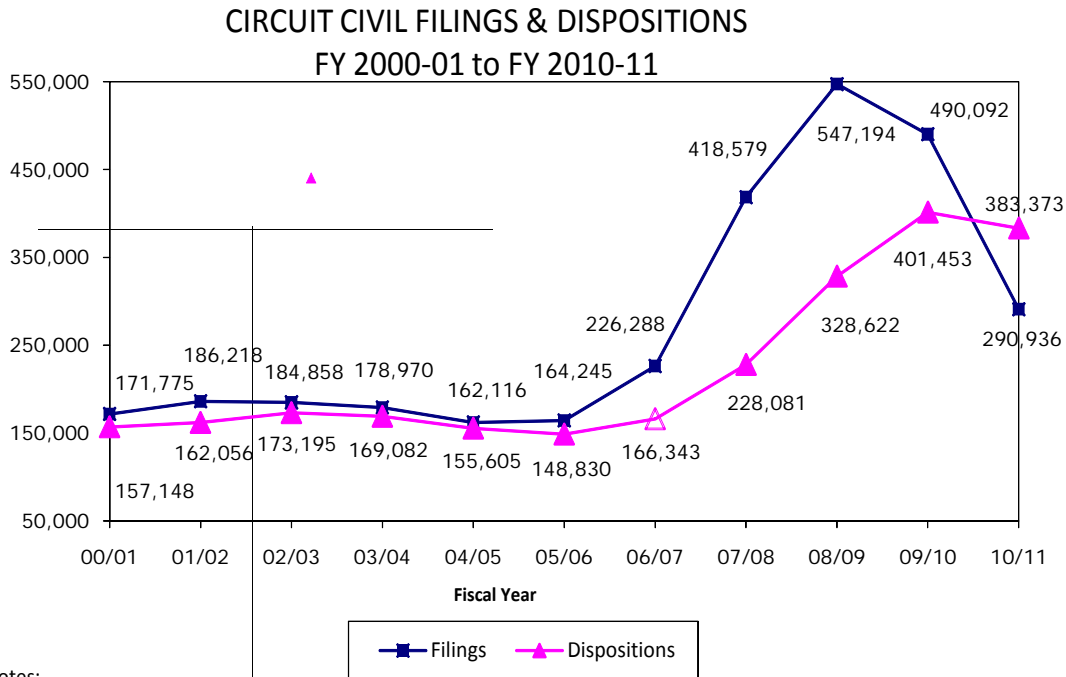
As defined by Florida's Trial Courts Statistical Reference Guide, the circuit civil division of the trial courts includes four categories of civil cases: professional malpractice and product liability, auto and other negligence, contracts, and other circuit civil. Other circuit civil includes declaratory judgments, injunctions, administrative agency appeals, bond estreatures, replevins, habeus corpus proceedings, forfeitures, interpleaders, and other similar events. The circuit civil division does not include family or probate cases. Civil cases such as small claims and traffic infractions generally fall under the county civil division.

Cause of Delay/Cost in Civil Courts

Statistics suggest that civil courts throughout the nation are experiencing a meteoric rise in civil filings, specifically in contract cases. According to an analysis of 2008 state court caseloads, "[t]he same recession that is applying pressure to the courts through tightening budgets also appears to be driving up caseloads. Nowhere is this more apparent than in the civil arena, where state courts reported 1.3 million more cases in 2008 than in the previous years." Additionally, nationwide civil caseloads have increased by an average of over five percent in each of the three most recent years [2007, 2006, 2005] and at that current rate of pace, trends continue, civil caseloads may soon outnumber criminal caseloads.¹

In Florida, as throughout the nation, the number of filings in circuit civil has substantially increased since FY 2005-06. From FY 2005-06 to FY 2009-10, there has been a 198% increase in circuit civil filings in Florida trial courts.

¹ R. LaFountain, R. Schauffler, S. Strickland, C. Bromage, S. Givson & A. Mason, *Examining the Work of State Courts: An Analysis of 2008 State Court Caseloads*, (National Center for State Courts 2010).



Notes:

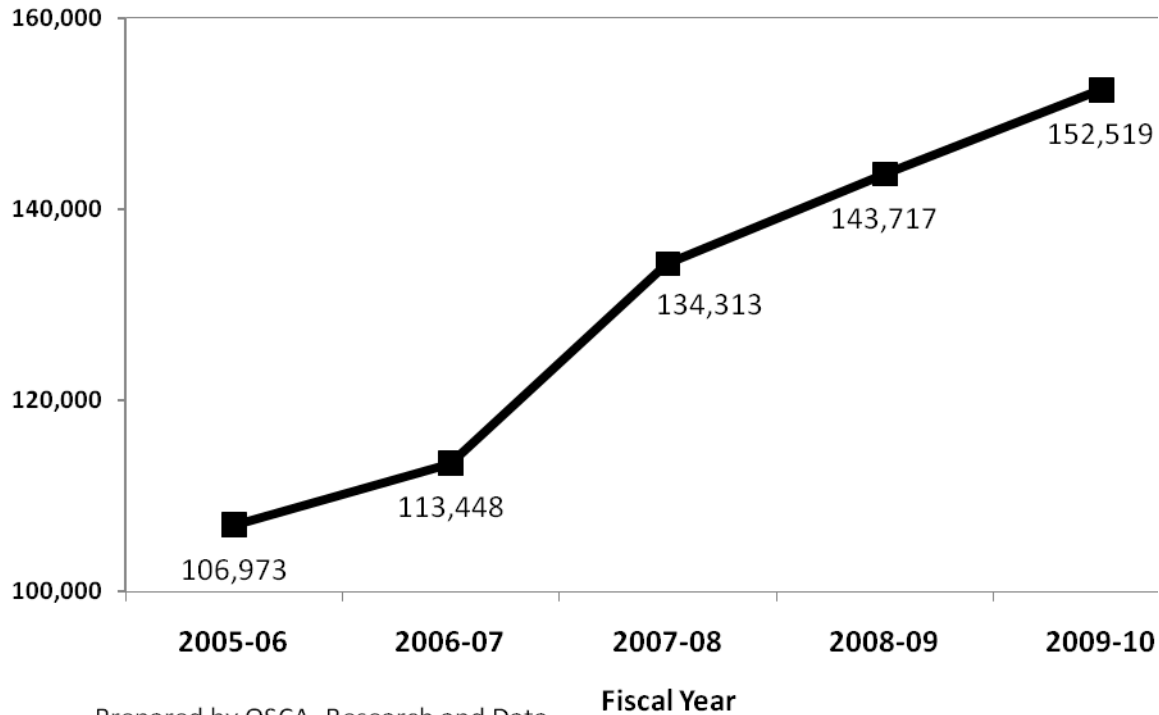
FY 2006-07 to FY 2009-10 circuit civil filings increase driven by real property/mortgage foreclosure.
FY 2010-11 data was extracted from a dynamic data set and may be amended at a later date.

A significant portion of the increase is attributable to a rise in real property/mortgage foreclosure filings; however, all other circuit civil filings have also increased 43% since FY 2005-06. And although real property/mortgage foreclosure filings decreased in FY 2010-11, due mostly to bank/lender issues, it is anticipated that these filings will again substantially increase as the banks/lenders address their backlog of defaults.

Year	Circuit Court Judgeships	Real Prop/Mortgage Foreclosure Filings	All Other Circuit Civil Filings	Total # Circuit Civil Filings
05-06	564	57,272	106,973	164,245
06-07	599	112,840	113,448	226,288
07-08	599	284,266	134,313	418,579
08-09	599	403,477	143,717	547,194
09-10	599	337,573	152,519	490,092

Data obtained from the Trial Court Statistical Reference Guide at http://www.flcourts.org/gen_public/stats/reference_guide.shtml and Historical State Judgeships at http://www.flcourts.org/gen_public/stats/bin/LAJudgeships6-11.pdf.

**Circuit Civil Filings, Excluding Real Property/Mortgage
Foreclosure Filings
FY2005-06 to FY 2009-10**



Since the rise in civil filings, no permanent additional resources have been provided to the state courts system. In fact, overall funding levels for the state courts system decreased by \$45 million in FY 2008-09 and as a result, judicial support resources were reduced in several areas of the court system. Resources, such as case managers, magistrates, and law clerks, which provide judges with needed support to maintain caseloads, and which were at inadequate levels prior to the economic decline, were reduced beginning in FY 2008-09, while civil filings continued to increase.

The Foreclosure and Economic Recovery Initiative, provided by the Legislature for FY 2010-11, supplied the court system with temporary additional resources, such as senior judges, magistrates, and case managers, to focus specifically on the foreclosure backlog. The backlog, which numbered 462,339 cases on June 30, 2010, was reduced to 260,815 cases by the one year mark of the initiative. While this temporary injection of resources proved to be helpful in the interim for addressing specific needs as it relates to foreclosure cases, such efforts do not

provide for long-term strategies that will address full scale operations, thereby increasing timeliness and reducing costs in all areas of the civil division.

Generally speaking, there are four necessary components to improving the quality and efficiency of decision making in complex cases. These include: 1) specialized case management procedures, 2) technology, 3) support staff, and 4) training necessary to develop specialized expertise among judges. While the supreme court adopted several specialized case management procedures for complex civil cases via rules of civil procedure in 2008, additional techniques, such as differentiated case management (DCM), are necessary to more effectively manage the range of civil cases. As for technology, support staff, and training, the court system has been unable to implement these components due to a lack of adequate funding.

Specialized Case Management Procedures for Complex Civil Litigation

The state courts system has long been concerned that the increasing complexity of civil disputes and the demands placed upon judicial resources give rise to increased costs and the ability to efficiently and effectively process civil litigation. In 2006, the supreme court established the Task Force on the Management of Cases Involving Complex Litigation (Task Force) to study and examine the efficient and effective management of complex litigation and the resolution of discovery and other pre-trial matters in litigation. In April 2008, the Task Force submitted its report² to the supreme court. In turn, the supreme court adopted a new Rule of Civil Procedure, rule 1.201, specifically designed to govern the case management of complex civil litigation. The new rule 1.201 defines “complex litigation” and identifies the criteria to be considered by trial courts in deciding whether a case merits handling as complex; it also establishes the procedures for raising and deciding the issue. The rule is tailored specifically to allow the parties and trial courts to identify, early in the litigation process, those cases needing proactive judicial involvement, the early setting of a trial date, and a specific schedule to which the parties must adhere for the completion of pretrial tasks. The goal is to encourage trial courts to manage their dockets and provide for uniform case management statewide so as to prevent a situation in which cases requiring more judicial labor create a docketing “logjam.”

² Supreme Court of Florida’s Task Force on the Management of Cases Involving Complex Litigation, Report and Recommendations, (April 30, 2008).

Technology

In regards to technology needs, it is widely known that Florida's court system currently lacks a uniform case management system. It has been noted that without a uniform statewide judicial case management system, the courts will continue to be hindered in their ability to manage their cases in a meaningful way³. To address this issue, the Florida court system has embarked on an initiative, commonly referred to as the Trial Court Information Management Solution (TIMS) project.

Begun in 2010, the purpose of TIMS is to develop a plan for designing a statewide, automated solution for addressing two major trial court functions: case processing and performance monitoring. Court technology is required by statute to be funded by county government. While county clerks are working to incorporate appropriate technology to capture, store, and process court records in an electronic format, the current funding scheme hampers statewide statistical analysis, impedes supreme court oversight, and contributes to case processing inefficiency. TIMS will endeavor to serve as the backbone of a statewide integrated data system, bringing together information from a variety of systems to elicit uniform and comparable data from across the state that will help inform the policy decisions of the supreme court and its appointed committees for the management of the entire court system and that will assist with monitoring trial court performance measures. In doing so, TIMS will support the efforts of judges, court staff, court administrators, and others on the front line by providing them with the information they need to process cases proficiently, which in turn, will help the courts better meet the needs of the people who enter them.

Support Staff and Training

For the remaining two components, support staff and training, the following report provides recommendations for implementation of these resources during FY 12-13 in support of innovative techniques to increase timeliness and reduce legal costs in the civil division. Recommendations, focusing on long-term solutions designed to address ongoing efficiency and effectiveness, provide a discussion of how the court system may address civil delays through the implementation of DCM, additional case management resources for both courts

³ Office of Program Policy Analysis and Government Accountability, Report No. 09-06: Judicial Case Management Practices Vary Throughout State; Better Case Data Needed (2009).

and clerks of court, performance indicators and the possibility of reserve funding to promote flexibility and creativity among the circuits. Taken together, the court system believes these measures address legislative concerns of resolving civil disputes in a timely manner as identified in the 2011 General Appropriations Act.

Recommendation 1 – Differentiated Case Management

Every case that is processed through the court system imposes a unique set of demands on court resources. Currently, the courts are facing increasing volume and diversity of criminal and civil dockets. As such, with the broad range of case types and case processing requirements presented, a system of case management that addresses not only the uniqueness of each case, but the most efficient use of resources is vital. Differentiated case management is a fairly new modernized approach to processing cases that provides a structured system for the management of cases that, through early intervention and ongoing control of the progress of cases, including time for preparation, meaningful pretrial events, and firm and credible trial dates, provides for the timely resolution of civil matters.

According to the Bureau for Justice Assistance, DCM allows the court “to tailor the case management process to the requirements of individual cases, in accordance with the timeframe and judicial system resources required.”⁴ In turn, cases are moved through the judicial system as expeditiously as possible.

Early and continuous judicial supervision of case progress has been demonstrated widely to be the cornerstone of effective case management and necessary for timely and just dispositions and is a key component of DCM.⁵ Generally, DCM provides for multiple case processing tracks, each of which corresponds to the complexity of a case. For example, tracks may categorize cases as simple, standard, or complex. Cases assigned to the simple track would generally not require a trial. Cases assigned to a standard or complex track may require a trial. Those cases on the simple track would require less judicial intervention and would quickly move to disposition. The cases on the complex track would require more judicial handling. Since resources can be diverted away from the fast-moving “simple” cases, more resources are available for the complex cases. With more resources available to focus on complex cases, the time to disposition for those cases may also be shortened. Case managers play an integral role in this process, as reviewers of the initial filing to determine which track a case should be assigned.

Increased Timeliness

⁴ Bureau of Justice Assistance, *Differentiated Case Management Fact Sheet*, (November 1995).

⁵ M. Solomon, *Improving Criminal Caseflow*, (American University, July 2008).

Inherently, the various tracks represent specific pathways through the court system that lead to disposition. Each track would offer a specific set of court proceedings pertinent to the complexity level of that track, designed for the quickest, most fair resolution of that case. Proceedings that do not contribute to the resolution of the case would be avoided, again using resources in the most efficient and effective manner. The utilization of case managers would allow the monitoring of individual cases to ensure that each case stays within track procedures and timeframes. In addition, case managers would identify unanticipated problems that may warrant track reassignment.

In turn, there would be significantly greater scheduling certainty; more efficient coordination of parties, resources, and tasks; earlier discovery and other information exchanges among attorneys; and early availability of information needed for accurate case scheduling. With greater scheduling certainty and the reliability of track procedures, fewer continuances and delays may result. Overall, the effect should be an increase in the resolution of civil disputes in a timelier manner.

Reduced Costs

DCM allows for the more efficient use of resources. By utilizing case managers early in the process, cases are assigned to the appropriate track, eliminating non-essential proceedings for certain cases. Resources are maximized and judges are able to focus more of their time on complex cases. This streamlined approach results in reduced disposition times, greater judicial productivity, fewer continuances, and lower witness costs, thereby reduced costs to both the litigants and the judiciary.

Recommendation 2 – Performance Indicators

The state courts system recognizes that effective performance indicators are necessary tools to determine whether court resources are being used efficiently, identify programs and policies that are successful, and focus on areas where improvement can be made. With that said, performance indicators should be weighed carefully, noting issues beyond the court's control may often adversely affect the measurement. As a management tool, when selecting measures, consideration should be given to ensure that the measures are:

- Relevant to the mission of the organization and to the organization's priorities;
- Clearly defined to provide validity and reliability;
- Accurate reflections of what is happening in the system and how the system is performing; and
- Useful to whoever can act on the outcomes to improve performance.

Additional considerations include that:

- The data is easy to obtain and accessible;
- A tracking/reporting system exists that is easy to access and use so that the burden to obtain the information is minimized;
- The courts can exercise reasonable control/influence over performance related to that measure; and
- The measure is fair and allows for the ability to improve.

The following are suggested performance measures for the implementation of a DCM system in the civil division, based upon validated national court performance measures⁶ and meet the criteria above:

- *Time to Disposition* - This measure is a fundamental management tool that assesses the length of time it takes a court to process cases and is determined by the percentage of cases disposed or otherwise resolved within established time frames. If the measure is reviewed regularly, the court can observe trends as they develop.
- *Age of Pending Cases* – This measure is defined as the age of the active cases that are pending before the court. Age of pending cases is measured as the

⁶ National Center for State Courts, *CourTools Performance Measures* (2003). (See Appendix A).

number of days from filing until the time of measurement. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this allows the court to see which cases potentially require court action. Examining the age of pending cases makes clear, for example, the number and type of cases drawing near or about to surpass the court's case processing time standards. Once the age spectrum of cases is determined, the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

- *Calendar Clearance Rate* - The clearance rate measures whether the court is keeping up with its incoming caseload. The rate is determined by dividing the total number of cases disposed by the total number of cases filed during a specific time period. For example, if a court received 1,000 new cases a month and disposed of 900 cases during the same month, the clearance rate for that month is 90 percent. There are many factors that affect a court's clearance rate, including the number of filings, judicial assignment practices, case management resources and practices, trial rates, as well as reporting errors. Clearance rates can be compared on an annual basis to assess the impact of new policies and the effectiveness of caseload management.

It is important to note that several factors outside of the court's control may influence the length of time it takes for a case to reach disposition. For instance, related disposition cases, such as pending rule cases or statewide moratoriums, may require a case to become inactive. Plaintiff or defense actions may delay court proceedings. Court resource issues may also affect disposition rates. Although DCM provides a streamlined approach to case management, these external factors may still hinder court efficiency.

Efforts to collect data for these performance measures would represent significant changes in current reporting requirements. Therefore, in providing these recommendations, every effort has been made to place the data collection process in the context of existing reporting requirements so that the impact to the clerks of court is minimized. The data for the proposed measures are currently captured, to varying degrees, in the clerks of court case maintenance systems. It is an expectation of these recommendations that upon implementation these measures and underlying case information would be available to judges and case managers daily. This will allow those involved to monitor cases closely and make continual adjustments as needed to the case processing flow that are the hallmark of a successful quality program.

For reporting context, Rule 2.250(b), Florida Rules of Judicial Administration, requires that the clerk of court report, on a quarterly basis, pending cases outside of time standards along with the current status (active or inactive) of civil cases. However, in order to be effective for its stated purpose, data for this recommendation would have to be submitted, at least, daily. Thus, this data collection effort more closely falls under Rule 2.245(a), Florida Rules of Judicial Administration, which states that “[t]he clerks of the circuit court shall report the activity of all cases before all courts within the clerk’s jurisdiction to the supreme court in the manner and on the forms established by the office of the state courts administrator and approved by order of the court.” It is important to note that the clerks may need additional resources in order to implement performance measures reporting to the scope and level necessary to carry out these recommendations.

The development of a statewide data collection and reporting mechanism is a challenging task. There are few staff resources available to develop, deploy and maintain such a system. Additionally, the flow of data may also be an issue. Developing a system that can be used within the operating environments of the 20 different circuits would require that any application be customized for at least some of the circuits before usable data could be obtained. It is recommended that a single, central repository be built at the state level. Counties and/or circuits could transfer the data to the repository daily. This repository would serve at the central site that all circuits may access for reports and related data. The use of a single repository would minimize the need to develop and coordinate individualized databases and reporting services for each of the 20 circuits.

Due to the restraints of the current data collection process and in order to accurately track the performance indicators, the state courts system recommends allowing for the implementation of the recommendations to occur before a determination is made of appropriate benchmarks for the performance indicators. This would provide the opportunity for the data model to be fully developed and allow for meaningful performance measurement.

Recommendation 3 – Additional Case Management Resources

Additional staff resources would be required to implement DCM. The DCM staffing model is a team based model in which case managers are provided to support judges in developing and implementing proactive case management initiatives. Case management functions would include early screening and classification of civil cases, facilitation of pretrial discovery and case management plans/orders and scheduling case management conferences in problematic cases to resolve issues contributing to case delay.

In order to implement differentiated case management in all judicial circuits, a uniform staffing model threshold was developed based on a 2:1 ratio of civil trial judges to one case manager using the actual number of civil judges (as annually reported in the Judicial Needs Application submitted by each circuit). This ratio is lower than the 1:1 ratio that has been found to be optimal in effective Criminal and Family Differentiated Case Management models. This level of professional case management support is, however, expected to provide the minimum increased management support to civil trial judges necessary to produce the planned performance improvement results.

The staffing model also incorporates one database analyst per circuit to develop performance measurement and reliable evaluation and monitoring data in collaboration with clerks of court information technology departments. It is critical that each circuit have adequate funding for one database analyst to coordinate the reliable reporting of court performance measures with clerk case management information technology staff and with the Office of the State Courts Administrator statistical analysis staff to ensure accurate and timely reporting of performance measures to the Legislature.

It is also anticipated that training will be necessary for the judiciary, existing court staff, and newly hired case managers on case classification and early screening of cases and performance measure reporting. Additionally, training on DCM for members of the Bar may be necessary. It is estimated that three one-time training workshops may be conducted at the statewide or regional level during the first year to accomplish these training needs. As such, it is estimated that additional expense funds in the amount of \$200,000 be provided to conduct these three training workshops.

Recommendation 4 – Reserve Fund to Promote Flexibility and Creativity

Circuit courts in the state of Florida, much like the populace as a whole, are substantially diverse and represent an array of communities from the small rural town to the large multicultural urban city. Thus, each circuit court is unique in their needs and circumstances. While DCM will provide a base level set of resources that can be incorporated by each circuit civil court, it is suggested that a reserve fund be established that would allow the circuits to apply for alternative or supplemental financial assistance in the creation and implementation of technology ideas that would directly promote the resolution of civil disputes in a timely manner and at reduced costs to the justice system.

Under this fund, circuits could submit a plan for integrating technology innovations such as enhanced judge based case management systems. Circuits would be allowed the flexibility to address specific needs such as development of performance dashboards which may require application development not currently available from existing case maintenance/management systems. Reserve fund moneys could also be used to develop public/private partnerships in order to maximize results. The ability to obtain supplemental resources through this fund would be particularly beneficial to smaller circuits as it would allow those circuits the opportunity to rise to the technological levels of some larger circuits.

Reserve funds, if adopted, would be administered through the state courts system. In order to access the reserve fund, a circuit must demonstrate how it intends to use the requested funds to achieve improved efficiency under the criteria listed below. The intent of the criteria is to allow both the high performing circuits and circuits that are struggling to achieve performance goals equal opportunity to access the fund. Requests for reserve monies would be made in writing to the chair of the Trial Court Budget Commission. The criteria would include:

1. Interest and readiness – Demonstration of ground work already done in implementing an innovation initiative.
2. Demonstration that no other difficult pilot programs or major transitions are underway that would conflict with an innovation initiative.
3. Technology component – Demonstration of how technology will be utilized to improve efficiency under the proposed innovation initiative.

4. Performance Measure – Demonstration of how the innovation initiative will improve performance and how the circuit intends to measure improvement.
5. Cost/Benefit Analysis – A narrative of how the plan reduces costs of case processing for litigants and results in significant reduction in the time to disposition of cases.
6. Demonstration that a particular innovation initiative has the potential to be replicated statewide.

A complete chart of the court's anticipated estimated funding requirements is provided in Appendix B. It should be noted that this chart does not include additional funds that may be necessary for the clerks of court to implement the data collection and reporting system as proposed under this report.

Considerations

In September 2011, as part of the FY 2012-13 Legislative Budget Request (LBR), the state courts system filed an issue for additional appropriations for case management, general magistrates, and law clerks, utilizing the official funding methodologies, as approved by the Trial Court Budget Commission, in order to provide the trial courts with an adequate level of adjudicatory support in all court divisions. Specifically, for case management, the trial courts requested a total of 144 case managers statewide as calculated under the existing methodology for case management which is based on a ratio of one FTE case manager position per every 5,500 applicable filings. Of this total LBR amount, it is estimated that 32 case managers may be assigned to the circuit civil division. However, in order to fully implement the recommendations outlined in this report to institute DCM in circuit civil division, a total of 77 case managers would be required, based on the 2:1 ratio of circuit civil judges to case managers. Therefore, in consideration of this recommendation, additional case managers are being requested as part of the FY 2012-13 Supplemental LBR which, if funded, would allow full implementation of DCM in the circuit civil divisions.

If DCM in circuit civil is approved by the Legislature, certain issues should be considered in regards to the implementation of the plan. Upon the effective date, time considerations would need to be given to allow for: 1) hiring and training of case managers and data analysts, 2) development of the data reporting system, and 3) collection of the necessary data. It is anticipated that there would be a lag in the collection of data from actual implementation. In consideration of this, a development and implementation cycle of at least 18 months is recommended. The following timeline represents the development and implementation cycle based on an anticipated July 2012 start date.

Activity	Time Frame
Application and system development	July 2012 – December 2012
Circuit court administration staff recruitment	July 2012 – December 2012
Application and system development	January 2013 – March 2013
First report to Legislature	January 2014

Effective DCM systems require information systems to support the flow of case processing. Courts need a case management information system that facilitates tracking individual case progress, provides up-to-date information on the condition of each judge's caseload and calendars, and allows measurement of system performance against the standards and goals. Currently, Florida trial courts represent a wide assortment of technology for case management. Generally speaking, clerks of court provide case maintenance technology in the 67 counties. While some systems do provide the information necessary for judicial case management, not all systems are equipped to do so. Some circuits, through court administration, provide some judicial case management technology; however, this is not the case in all circuits.

In an effort to provide uniformity among all circuits, in August 2010, Chief Justice Charles T. Canady signed an administrative order directing the Supreme Court appointed Commission on Trial Court Performance and Accountability to move forward in the development of recommendations regarding the standardized information that needs to be accessed and tracked by judges, case managers, and other staff in order to move cases efficiently and effectively through the trial court process including standardized caseload and workload information needed at the circuit and statewide reporting levels essential for performance monitoring and resource management.

As a result of this directive, the Commission has embarked on a complex, multi-year project commonly referred to as the Trial Court Integrated Management Solution (TIMS) project (see http://www.flcourts.org/gen_public/court-services/TIMS.shtml). Begun in 2010, the purpose of TIMS is to develop a plan for designing a statewide, automated solution for addressing two major trial court functions: case processing and performance monitoring. In concept, TIMS will support the efforts of judges, court staff, court administrators, clerks, and others on the front line by providing them with the information they need to process cases fluently and adeptly which, in turn, will help the courts better meet the needs of the people who enter them. Additionally, TIMS, which will serve as the backbone of a statewide integrated data system, will elicit uniform and comparable data from across the state that will help inform the policy decisions of the supreme court and its appointed committees for the management of the entire court system and that will assist with monitoring trial court performance measures.

Currently, TIMS project team members are working to design a comprehensive conceptual data model and technological framework for TIMS for the circuit civil division as well as all other court divisions. In consideration of the recommendations outlined in this report for resolving civil disputes, TIMS project team members have anticipated designing this framework to allow for the subset of the entities and data elements defined under the TIMS Conceptual Data Model to be readily adapted to the recommendations for civil DCM. Therefore, should the Legislature approve funding in support of these civil DCM recommendations, certain extensions to the design of TIMS data model can be made to provide for more in-depth tracking of differentiated case management practices and outcomes. Therefore, in the long-term, should TIMS become implemented in future years, more improved performance monitoring may be achieved for the civil division as TIMS will provide for the capturing of more accurate, uniform, and comparable data across all circuits.

Conclusion

Since the economic decline, the state courts system has faced several challenges including budget cuts, staff resource reductions, and a substantial increase in civil court filings, all the while maintaining a commitment to justice that is accessible, fair, effective, responsive, and accountable. The court system renews the commitment to uphold the law and apply rules and procedures consistently and in a timely manner, through the efficient use of public resources, in a way that promotes accountability. The swift resolution of justice, especially in the civil arena, is vital to the growth and welfare of the state of Florida as businesses are attracted to states with efficient justice systems.

The Florida Judicial Branch recommends options, including proven methods to improve efficiencies in the courts, that include differentiated case management, performance monitoring, funds that allow for creativity and flexibility in the circuit courts, with adequate resources to implement these recommendations. These options would assist Florida's trial courts in achieving the fundamental goal of reaching a just result in each case by providing processes that encourage early resolution and improved caseflow management of circuit civil cases, without hindering the protection of rights and liberties.

We thank the Legislature for the opportunity to provide these recommendations and look forward to a continued partnership in providing a means to increase the efficiency and effectiveness of the court system.

Appendix A – Courtools



CourTools

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185
800-466-3003

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CourTools

Trial Court Performance Measures

National Center for State Courts

Time to Disposition

Measure **3**

Definition: The percentage of cases disposed or otherwise resolved within established time frames.

Purpose: This measure, used in conjunction with *Measure 2 Clearance Rates* and *Measure 4 Age of Active Pending Caseload*, is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing. When the underlying data conform to the *State Court Guide to Statistical Reporting*, the measure takes into account periods of inactivity beyond the court control (e.g., absconded defendants, cases suspended pending decision on an appeal) and provides a framework for meaningful measurement across all case types.

The case processing time standards published by the American Bar Association (ABA) and those published by the Conference of State Court Administrators (COSCA) provide a starting point for determining guidelines. Many states and individual courts have adopted their own guidelines, and certain case types (e.g., juvenile) have been the focus of more detailed guidelines by a variety of organizations. Courts should take note of existing guidelines and rules of court in their jurisdiction when developing their own guidelines for each case type.

COSCA Case Processing Standards

Civil

- Non-Jury Trial – 100% within 12 months
- Jury Trial – 100% within 18 months

Criminal

- Felony – 100% within 180 days
- Misdemeanor – 100% within 90 days

Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
 - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
 - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

Domestic

- Uncontested – 100% within 3 months
- Contested – 100% within 6 months

ABA Case Processing Standards

Civil

- 90% within 12 months
- 98% within 18 months
- 100% within 24 months

Criminal

- Felony
 - 90% within 120 days
 - 98% within 180 days
 - 100% within 1 year
- Misdemeanor
 - 90% within 30 days
 - 100% within 90 days

Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
 - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
 - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

Domestic

- 90% within 3 months
- 98% within 6 months
- 100% within 1 year

Source: National Center for State Courts Web site, www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf.

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Method: This measure should be reviewed on a regular (e.g., monthly, quarterly, annual) basis. If reviewed regularly, the court can observe trends as they develop, then aggregate the data for annual reporting.

For each case type, the first task is to compile a list of all cases that were disposed or otherwise resolved during the reporting period. For the purpose of this measure, "disposed or otherwise resolved" is defined as having had an *Entry of Judgment*. If the data for the measure are not available in automated form, and data collection requires manual review of case files, then the measure will likely need to be taken on an annual basis. Sampling is an option in courts where case volumes are high.

Sampling

This measure should be calculated for all cases disposed or otherwise resolved during the reporting period. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires: a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling where only the first case is randomly selected and then every *n*th case from a list is selected for the sample, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3000/300=10$).

Which Cases Are Included?

There are two kinds of cases for which the time to disposition can be computed. The first are typical cases that move through the system without interruption. When these cases are disposed or otherwise resolved by *Entry of Judgment* during the reporting period, they should be counted. The filing dates for these cases will vary, but what qualifies them for inclusion is the fact that the disposition dates all fall within the reporting period (e.g., the calendar year).

The second kind are cases that had their progress interrupted and underwent a period of inactivity, but were *Reopened* or *Reactivated* by the court and disposed of during the reporting period. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes and is disposed. Another example is a criminal case in which the defendant absconds after the case was filed. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case resumes and is disposed.

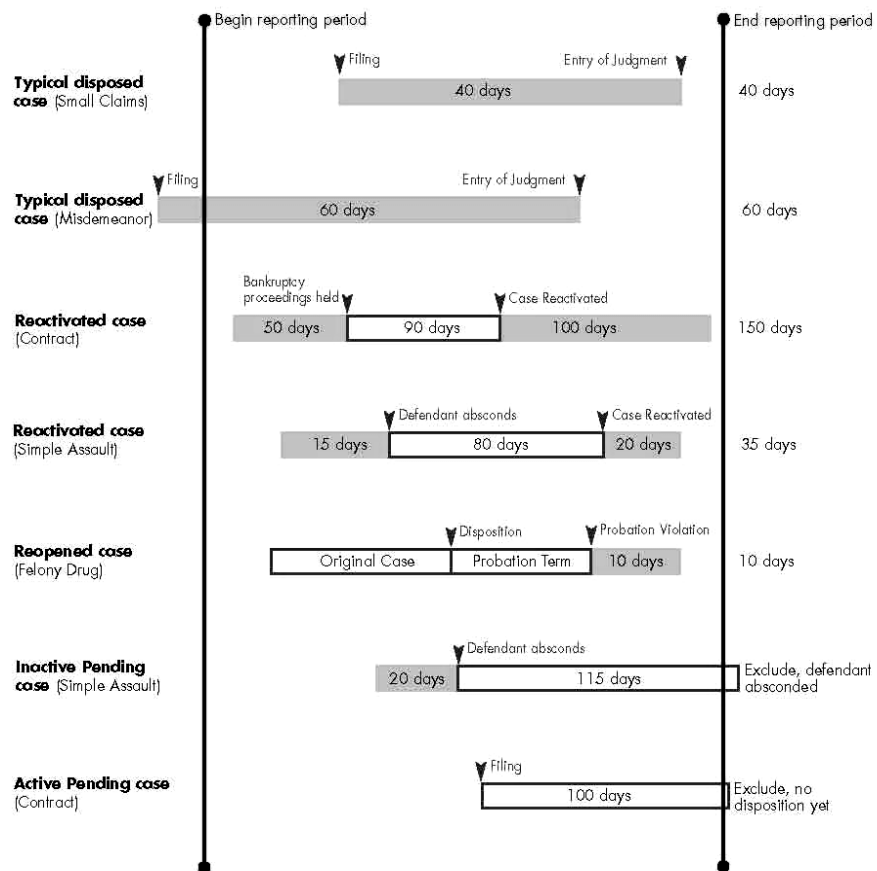
Cases in which judgment was previously entered but which have been *Reopened* due to a request to modify or enforce existing judgments are also included. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case. In juvenile cases, a case might be reopened due to violation of probation, or due to failure of parents to comply with a court order. When these *Reopened* cases are disposed during the reporting period, they should be included in this measure. In all these examples, the time that is counted starts when the case is reopened, not with the date of the original filing.

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Cases that are in an official period of inactivity at the end of the reporting period should *not* be included in this measure. As this type of case is considered to be among the court's *Inactive Pending* cases at the end of the reporting period (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this), they should be excluded from the analysis. *Active Pending* cases are excluded from analysis, since no disposition has been reached.

Time Calculation Examples



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Trial Court Performance Measures

Time to Disposition

Measure 3

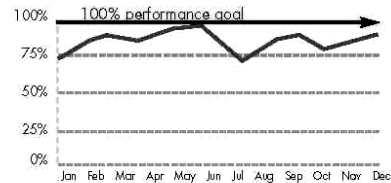
Analysis and Interpretation

Superior Court

Division	Percentage of Cases Disposed				Number of Days	
	180 days		365 days		Mean	Median
Criminal	70%	98%	97%	100%	170	121
Civil	82%	na	95%	90%	151	93
Domestic	90%	98%	92%	100%	158	105

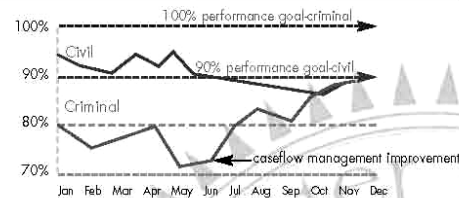
This table summarizes time to disposition in one court across three case types. The court is almost meeting its 365-day standard in criminal cases, exceeding its 365-day standard in civil cases, and lagging behind in domestic cases. The court should examine criminal caseload management in the first 180 days, the period in which the court is furthest from its goal.

Time to Disposition in Felony Cases-100% at 365-Day Time Standard



This court has adopted the ABA standard for felony cases. The court was steadily improving, and nearly met this goal in June, but in the months following, time to disposition increased. The court needs to examine what happened in July and October to determine the source of the periodic drops in performance.

Comparing Time to Disposition in Civil and Criminal Cases (using a 365-Day Time Standard)



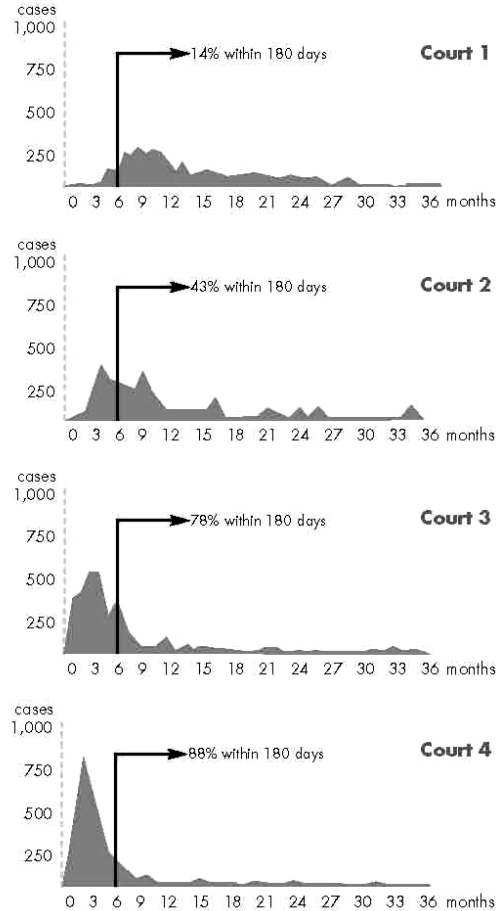
Increases in the criminal caseload caused the court to shift judicial officers from civil to criminal cases and initiate caseload management improvements in June. Time to disposition for criminal cases did improve, but not without an increase in time to disposition for civil cases.



The graphics here show one way to display time to disposition data for felony cases in four courts. The data show that the vast majority of cases are resolved within six months in the two faster courts, compared to about eighteen months in the two slower courts. The profile of felony case time to disposition in different courts may vary due to the seriousness of the case mix, charging and pleading practices, and the manner of disposition. Of course, differences in time to disposition will also result from variation in court case management practices. Documenting differences in case processing time among courts is the first step in analyzing the reasons for those differences.

For all types of cases, time to disposition is a basic court management tool. Compiling data on the timing of key case events, consistent definition of terms, and distinguishing between active and inactive cases are basic ingredients to understanding and improving caseload management.

Percent of Felony Cases Disposed Within 36 Months...



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Trial Court Performance Measures



Terms You Need to Know

Active Pending: A count of cases that, at the end of the reporting period, are awaiting disposition.

Entry of Judgment: A count of cases for which an original entry of judgment—the court's final determination of the rights and obligations of the parties to a case—has been filed. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

Mean: The average value of a set of numbers, equal to the sum of all values divided by the number of values.

Median: The middle value in a distribution of numbers. Half of the values will be above this point, half will be below.

Percentile: A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged 120 days represent the 90th percentile of a court's pending caseload, it means that 90% of those cases are aged 120 days or less. Spreadsheet and statistical software can calculate percentile ranking of data.

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court's active pending caseload.

Random Sample: A sample chosen that minimizes bias in the selection process. A random sample of case files is typically generated by a computer or selected from a random number table. Systematic samples require a randomly selected starting point, then the taking of every *n*th case, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3,000 \div 300 = 10$).

Reactivated: A count of cases that had previously been placed in an Inactive Pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Reopened: A count of cases in which judgments have previously been entered but which have been restored to the court's pending caseload due to the filing of a request to modify or enforce the existing judgment.

Reopened Disposition: A count of cases that were disposed of by a modification to and/or enforcement of the original judgment of the court.

Time Standards: An acknowledged measure of comparison, measured as the time (in days) it takes to process a case, from filing to disposition. A time standard is expressed in terms of the percentage of cases that should be resolved within a certain time frame (e.g., 98% within 180 days).



CourTools

Developed by the NCSC Court Performance Community of Practice.
Project Directors: Brian J. Ostrom and Daniel J. Hall
Series Editor: Richard Y. Schallert
Senior Contributors: William E. Hewitt and Irigo Keltz
Information Design: Neal B. Kauder
Design and Layout: Graphics 3



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Trial Court Performance Measures

National Center for State Courts

Age of Active Pending Caseload

Measure 4



CourTools

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185
800-468-3063

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Definition: The age of the active cases that are pending before the court, measured as the number of days from filing until the time of measurement.

Purpose: Cases filed but not yet disposed make up the court's pending caseload. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this pool of cases potentially requires court action. Examining the age of pending cases makes clear, for example, the number and type of cases drawing near or about to surpass the court's case processing time standards. Once the age spectrum of cases is determined, the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

Method: For each case type being analyzed, the court should produce a report that calculates the time, in days, from filing of the case until the date established for the reporting period being examined (e.g., last day of the month, last day of the year). A report, similar to the one below, can be used to display the age of pending cases in time periods relevant to the court. Success in achieving a particular case processing time goal is easily monitored by referring to the Cumulative Percent column. In the example below, 85 percent of the General Civil cases are being disposed in 540 days or less, close to meeting the court's goal of resolving 90 percent within this timeframe.


Age of Active Pending Caseloads

General Civil				Felony			
Age (days)	Number of Cases	Percent	Cumulative Percent	Age (days)	Number of Cases	Percent	Cumulative Percent
0-90	344	18%	18%	0-60	438	21%	21%
91-180	410	21%	39%	61-120	559	26%	47%
181-270	245	13%	52%	121-180	785	37%	84%
271-365	267	14%	66%	181-240	82	4%	88%
366-450	189	10%	76%	241-300	92	4%	92%
451-540	168	9%	85%	301-365	123	6%	98%
541-630	90	5%	90%	over 365	32	2%	100%
631-730	124	6%	96%				
over 730	76	4%	100%				
Total	1,913			Total	2,111		

Approaches the court's goal of resolving 90% of cases within 18 months.

This measure should be used in conjunction with *Measure 2 Clearance Rates* and *Measure 3 Time to Disposition* to get an accurate picture of how a court is managing its caseload. For example, a court may have a high clearance rate, and score well on Measure 2, yet still be building up an inventory of older cases (evaluated by using Measure 4). This measure differs from *Measure 3 Time to Disposition* in that the cases being analyzed here have not reached a disposition in the court.

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To use this measure accurately, a court must be able to identify and count cases that have been *Placed on Inactive Status*. These are cases that have ceased movement toward a disposition as the result of events beyond the court's control (e.g., a defendant who absconds, the initiation of bankruptcy proceedings, etc.). The ability of a court to track its pending cases will also allow the court to return an *Inactive* case to *Active* status if the case has been *Reactivated*. At the time of measurement, the court should remove *Inactive* cases from the pending inventory because these cases are not directly comparable to *Active* cases and will exaggerate the age of the pending caseload.

This measure should be taken on a regular (e.g., monthly, quarterly, or annual) basis. The measure can be used to report age of the pending caseload for any case type. (Primary case types are defined in the *State Court Guide to Statistical Reporting*.)

Sampling

This measure should be calculated for all cases in the Active Pending inventory. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires: a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling where only the first case is randomly selected and then every *n*th case from a list is selected for the sample, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3000/300=10$).

Which Cases Are Included?

Only *Active Pending* cases are included in this measure, and other cases should be excluded. Rules for counting, as defined in the *State Court Guide to Statistical Reporting*, are summarized below and illustrated in the figure.

The most straightforward cases to count are those that are moving through the system without interruption and are active and pending at the time of measurement.

A second category are cases that had their progress interrupted and underwent a period of inactivity but were *Reactivated* by the court prior to the time of measurement. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, and case is *Reactivated*.

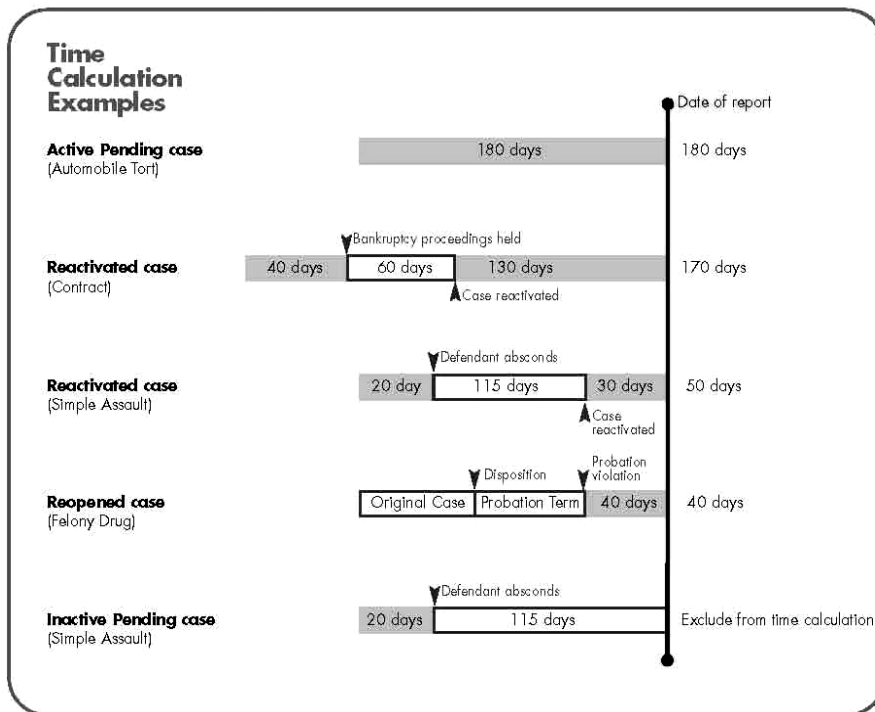
Trial Court Performance Measures



Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case is *Reactivated*.

A third category are cases in which judgment was previously entered, but which have been *Reopened* due to a request to modify or enforce existing judgments. These cases have been restored to the court's *Active Pending* caseload. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case.

A fourth category are cases that should not be included in this measure. These are cases that are in an official period of inactivity at the date of report. As these cases are considered to be among the court's *Inactive Pending* cases (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this) they should be excluded from the analysis.



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Age of Active Pending Caseload

Measure 4

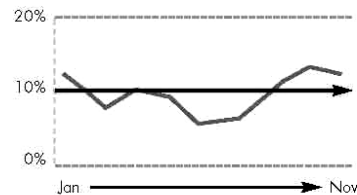
Analysis and Interpretation

The data collected for this measure allow the court to look at cases that are exceeding its time standards. *Measure 3 Time to Disposition* asks, "What percentage of our cases are being processed within our time standards?" *Measure 4* asks, "What percentage of our cases exceed our time standards?" A court may be handling its current caseload, but at the same time have old cases that are lingering on. The top graph indicates that this court is managing its caseload effectively, and at the 180-day mark, the court is close to its goal of having no more than 10 percent of its active cases pending beyond 180 days.

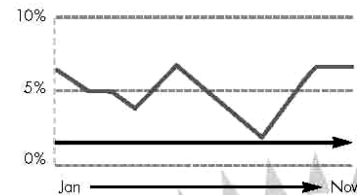
The bottom graph indicates, however, that the court is having a harder time meeting its standard at the 365-day mark. The red line indicates the goal is to have no more than 2 percent of its active caseload pending at 365 days from time of filing. The court is unable to meet this standard.

Identifying specific cases and analyzing their status (e.g., by location, by judge, by type of proceeding) will allow the court to know whether the active pending cases are being appropriately managed. In this example, the court has extracted descriptive information on cases pending beyond 365 days to begin its case-level analysis.

Percent of Cases Pending Beyond 180 days



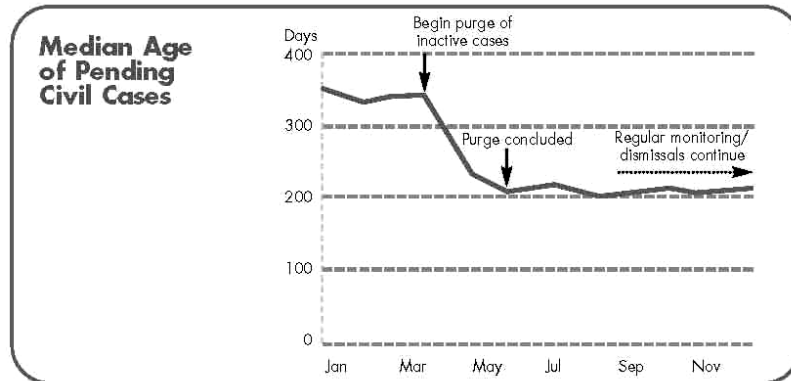
Percent of Cases Pending Beyond 365 days



Focusing on the cases that exceed 365 days...

Case Numbers	Case Type	Age-Days	Next Action	Location	Judge
SCF-136	Murder	536	Jury Trial	Scott	Jones
SCF-468	Drug-Sale	382	Motion Hearing	Collon	Smith
SCF-771	Fraud	439	Bench Trial	Jersey	Kearn

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Analysis of the age of the *Active Pending* caseload over time can be used to determine whether caseload management practices are having their intended effects. This figure shows how a court's decision to undertake an intensive program to identify and dispose of stagnant civil cases has caused a noticeable drop in the median age of its pending civil caseload. These stagnant cases appeared to be active cases, but examination of the files and communication with parties revealed the cases had either settled out of court or were no longer being pursued.

Who Sets Time Standards?

The Conference of State Court Administrators (COSCA) and the American Bar Association (ABA) have offered specific time standards for case processing. The question of whether these standards are attainable is an empirical one that remains largely unanswered. Time standards are expressed as the percentage of cases that should be resolved within a certain elapsed period. For example, the ABA offers the following standards:

Civil cases

90% within 12 months
98% within 18 months
100% within 24 months

Domestic cases

90% within 3 months
98% within 6 months
100% within 12 months

Felony cases

90% within 120 days
98% within 180 days
100% within 1 year

Juvenile cases

Detention & shelter: 100% within 24 hours
Adjudicatory or transfer (Detention or shelter): 100% within 15 days
Adjudicatory or transfer (Not in Detention or shelter): 100% within 30 days

Source: National Center for State Courts Web site, www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf.

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Terms You Need to Know

Active Pending: A count of cases that, at the end of the reporting period, are awaiting disposition.

Inactive Pending: A count of cases that, at the end of the reporting period, have been administratively classified as inactive. Such circumstances may be defined by statewide court administrative rule or order.

Percentile: A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged 120 days are in the 90th percentile of a court's pending caseload, it means that 90% of those cases are aged 120 days or less. Spreadsheet and statistical software can calculate percentile ranking of data. The percentiles a court selects should be chosen based on its own state or local time standards or those suggested by the Conference of State Court Administrators (COSCA) or the American Bar Association (ABA).

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court's *Active Pending* caseload.

Random Sample: A sample chosen that minimizes bias in the selection process. A random sample of case files is typically generated by a computer or selected from a random number table. Systematic samples require a randomly selected starting point, then the taking of every *n*th case, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3,000 \div 300 = 10$).

Reactivated: A count of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Reopened: A count of cases in which judgments have previously been entered but which have been restored to the court's pending caseload due to the filing of a request to modify or enforce the existing judgments.

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Developed by the NCSC Court
Performance Community of Practice.
Project Directors: Brian J. Ottom and Daniel J. Hall
Series Editor: Richard Y. Schauffer
Senior Contributors: William E. Hawill and Irigo Kallitz
Information Design: Neal B. Kander
Design and Layout: Graphics 3



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Clearance Rates

Measure

2**CourTools**

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185
800-466-3063

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Definition: The number of outgoing cases as a percentage of the number of incoming cases.

Purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for any and all case types, from month to month and year to year, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements may be made. Courts should aspire to clear (i.e., dispose of) at least as many cases as have been filed/reopened/reactivated in a period by having a clearance rate of 100 percent or higher.

Method: Computing a clearance rate requires a count of incoming cases and outgoing cases during a given time period (e.g., year, quarter, or month).

Step 1

Incoming cases are summed using three kinds of cases: *New Filings*, *Reopened cases*, and *Reactivated cases*. If *Reopened* and *Reactivated* cases cannot be counted, just use *New Filings*.

Sum incoming cases	New Filings	812
	Reopened Cases	+ 162
	Reactivated Cases	+ 109
	Total Incoming Cases	= 1,083

Step 2

Outgoing cases are summed by using three kinds of dispositions: *Entry of Judgment*, *Reopened Dispositions*, and *Placed on Inactive Status*. If *Reopened Dispositions* and *Placed on Inactive Status* cases cannot be counted, just use *Entry of Judgment* cases.

Sum outgoing cases	Entry of Judgment	684
	Reopened Disposition	+ 137
	Placed on Inactive Status	+ 92
	Total Outgoing Cases	= 913

Step 3

The clearance rate is calculated by dividing the result of Step 2 by the result of Step 1.

Calculate clearance rate	913 ÷ 1,083 = 84%
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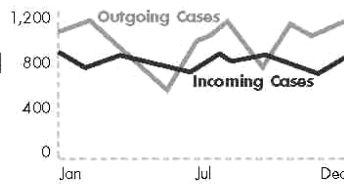
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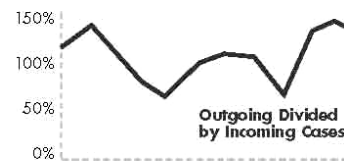
Analysis and Interpretation

The process...

Plot incoming and outgoing cases over time



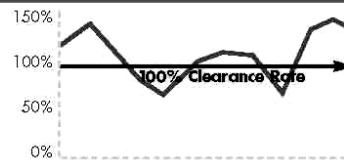
Calculate a clearance rate



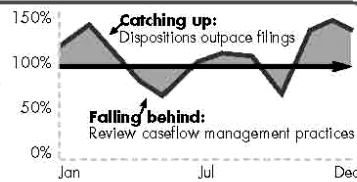
	Outgoing	Incoming	Clearance Rate
Apr	855	843	= 101%
May	734	825	= 89%
June	635	774	= 82%
July	1,016	965	= 105%

partial data shown

Set a clearance rate goal



Monitor, analyze, take action



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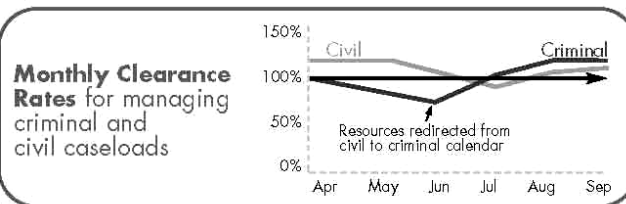
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Clearance Rates

Measure

2

This chart shows clearance rates for two case types (Civil and Criminal) for six months. The Civil clearance rate was above the target level of 100 percent at the beginning of this period. However, the Criminal clearance rate was falling significantly below the target level. The court implemented new caseload management practices and redirected resources from the Civil calendar to the Criminal calendar to improve Criminal case processing. The chart shows that the Criminal clearance rate improved. By the end of the six-month period, the clearance rates for the two case types were in balance. Clearance rate data allow the court to see whether its caseload management changes had the desired effect.



Further analysis shows how clearance rates can be compared on an annual basis to assess the impact of new policies. For example, highlighting districts that reach a clearance rate target allows court managers to assess the effectiveness of caseload management practices across court divisions, court locations, or courtroom by courtroom.

Annual Clearance Rates for assessing comparative performance

	Criminal Cases	Above 100%	Civil Cases	Above 100%
District 1	87%		103%	X
District 2	105%	X	92%	
District 3	93%		102%	X
District 4	90%		101%	X
District 5	107%	X	83%	

Three years of data provides a more representative picture of clearance rate trends by smoothing yearly fluctuations.

3-Year Clearance Rates for analyzing trends

	2002	2003	2004	3-Year Average
District 3	105%	114%	99%	106%
District 2	106%	100%	101%	102%
District 1	100%	99%	97%	99%
District 4	99%	98%	95%	97%
District 5	96%	90%	89%	91%

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Trial Court Performance Measures



Terms You Need to Know

Entry of Judgment: A count of cases for which an original entry of judgment—the court's final determination of the rights and obligations of the parties to a case—has been filed. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

New Filing: A count of cases that have been filed with the court for the first time.

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court's active pending caseload.

Reactivated: A count of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Reopened: A count of cases in which judgments have previously been entered but which have been restored to the court's pending caseload due to the filing of a request to modify or enforce the existing judgments. When a Reopened Case is disposed of, report the disposition as a Reopened Disposition.

Reopened Disposition: A count of cases that were disposed of by a modification to, and/or enforcement of, the original judgment of the court. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

For a full discussion of these definitions, see the *State Court Guide to Statistical Reporting*, available at: www.ncsconline.org/d_research/statistical_reporting.

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Appendix B – Funding Estimate

Circuit	Circuit Civil Judicial Assignment ¹	Case Manager FTE Need (1 Case Manager For Every 2 Circuit Civil Judges)	Data Base Analyst FTE Need ²	Total Staffing Need	Salaries & Benefits Case Manager (Court Program Specialist II)	Salaries & Benefits Data Base Analyst	FTE Expense	FTE Expense Non-Recurring	Training Expense Non-Recurring	Other Data Processing (ODP) for Creativity and Innovation	IIR Services	TOTAL
1	5.20	3	1	4	162,450	75,321	4,996	9,436			896	253,099
2	4.20	2	1	3	108,300	75,321	3,747	7,077			672	195,117
3	1.88	1	1	2	54,150	75,321	2,498	4,718			448	137,135
4	10.20	5	1	6	270,750	75,321	7,494	14,154			1,344	369,063
5	6.66	3	1	4	162,450	75,321	4,996	9,436			896	253,099
6	11.50	6	1	7	324,900	75,321	8,743	16,513			1,568	427,045
7	6.00	3	1	4	162,450	75,321	4,996	9,436			896	253,099
8	2.90	1	1	2	54,150	75,321	2,498	4,718			448	137,135
9	10.50	5	1	6	270,750	75,321	7,494	14,154			1,344	369,063
10	6.50	3	1	4	162,450	75,321	4,996	9,436			896	253,099
11	24.35	12	1	13	649,800	75,321	16,237	30,667			2,912	774,937
12	4.80	2	1	3	108,300	75,321	3,747	7,077			672	195,117
13	11.75	6	1	7	324,900	75,321	8,743	16,513			1,568	427,045
14	2.92	1	1	2	54,150	75,321	2,498	4,718			448	137,135
15	12.00	6	1	7	324,900	75,321	8,743	16,513			1,568	427,045
16	1.41	1	1	2	54,150	75,321	2,498	4,718			448	137,135
17	16.50	8	1	9	433,200	75,321	11,241	21,231			2,016	543,009
18	5.15	3	1	4	162,450	75,321	4,996	9,436			896	253,099
19	3.93	2	1	3	108,300	75,321	3,747	7,077			672	195,117
20	8.27	4	1	5	216,600	75,321	6,245	11,795			1,120	311,081
Training									200,000			200,000
Reserve										100,000		100,000
Total	156.62	77	20	97	4,169,550	1,506,420	121,153	228,823	200,000	100,000	21,728	6,347,674

¹ Circuit Civil Judicial Assignment data was self-reported via the Judicial Needs Application completed during the FY 2012-13 certification process.

² One Data Base Analyst FTE per circuit.

*Totals may not be exact due to rounding.