

CourTools



Trial Court Performance Measures

TMQ

Clearance Rates

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Measure 2

Clearance Rates

Definition

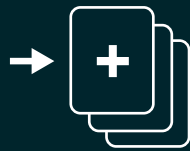
The number of outgoing cases as a percentage of the number of incoming cases.

Purpose

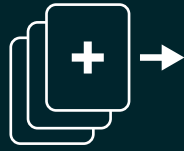
Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for any and all case types, from month to month and 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 and outgoing cases for each case type during a given time period (e.g., month, quarter, or year).



Step 1: Sum incoming cases



Step 2: Sum outgoing cases



Step 3: Calculate clearance rate

Measuring Incoming and Outgoing Cases

Courts can measure incoming and outgoing cases in different ways based on the case status, reporting period, case type, and measurement frequency.

First, define how incoming and outgoing cases will be measured. Incoming cases can include only original filings, or it can include original filings, reopened or reactivated cases, new petition filings, or other case statuses. Outgoing cases can include only first dispositions, or it can include first dispositions, reopened dispositions, inactivated cases, final dispositions, closed cases, or other case statuses.

In addition, specify the reporting period and case types for measurement. Reporting periods can be monthly, quarterly, or annually. Case types can include criminal, civil, family, and other broad categories. Subcategories of case type may be preferred. For instance, criminal misdemeanors and criminal felonies can be measured separately. Defining the reporting periods and case types ensures that the data collected will be reliable and comparable over time.

Lastly, decide the measurement frequency. Data collection and analysis should occur at regular intervals, such as within a set number of days from the end of the reporting period. A measurement frequency of 30 days after the reporting period, for instance, means that clearance rates for January will be produced by the end of February. In some instances, measures can be produced in real-time with automated calculations.

Calculating Clearance Rates Using the National Open Court Data Standards (NODS)

The National Open Court Data Standards (NODS) data elements may be helpful for collecting the data needed to calculate the CourTools performance measures. The NODS data elements that can be used to calculate Clearance Rates include Primary Case Category, Case Initial Filing Date, Filing Type, Disposition Date (see below), Case Disposition Category, and Case Status.

- **Primary Case Category** can be used to calculate a clearance rate for each case type.
- **Case Initial Filing Date and Filing Type** can be used to sum incoming cases by identifying new, reopened, and reactivated cases within a reporting period.
- **Disposition Date, Case Disposition Category, and Case Status** can be used to sum outgoing cases by identifying cases with a judgment, reopened disposition, and inactive status within a reporting period.

Disposition Date vs. Case Closed Date

NODS standards include two closely related concepts:

- **Disposition Date:** date of the entry of judgment or other disposition on the primary petition or complaint.
- **Case Closed Date:** date upon which the final dispositional event for the case occurred (judgment or dismissal of last party) and additional court action would require a new petition to be filed.

In most cases, the disposition date and the case closed date will be the same. However, there are some exceptions where the **Case Closed Date** is preferable to the **Disposition Date**:

- In criminal and traffic cases, the disposition date is captured at the charge level. The date the last charge is disposed is the case closed date.
- Dependency cases may have multiple disposed dates (such as for the initial petition and termination of parental rights). The closed date will be the date that the child has achieved permanency through return home, adoption, or guardianship. The closed date may also be the date the child “ages out.” When there is no petition pending, the case status should be 'disposed & set for review' until the case is closed and the court no longer has oversight of the case.
- Guardianship/conservatorship cases may remain open for long periods of time after the disposition date. The case status should be 'disposed & set for review' until the case is closed and the court no longer has oversight of the case.

Step 1: Sum incoming cases

Incoming cases are summed using New Filings, Reopened cases, and Reactivated cases. Just use **New Filings** if **Reopened** and **Reactivated** cases cannot be counted as incoming cases. *Do not include Reopened and Reactivated cases if Reopened Dispositions and Inactivated cases cannot be counted as outgoing cases.*

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

Step 2: Sum outgoing cases

Outgoing cases are summed using **Entry of Judgment**, **Reopened Disposition**, and **Placed on Inactive Status**. Just use Entry of Judgment cases if Reopened Dispositions and Inactive Status cannot be counted as outgoing cases. *Do not include Reopened Dispositions and Inactivated cases if Reopened and Reactivated cases cannot be counted as incoming cases.*

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

Step 3: Calculate clearance rate

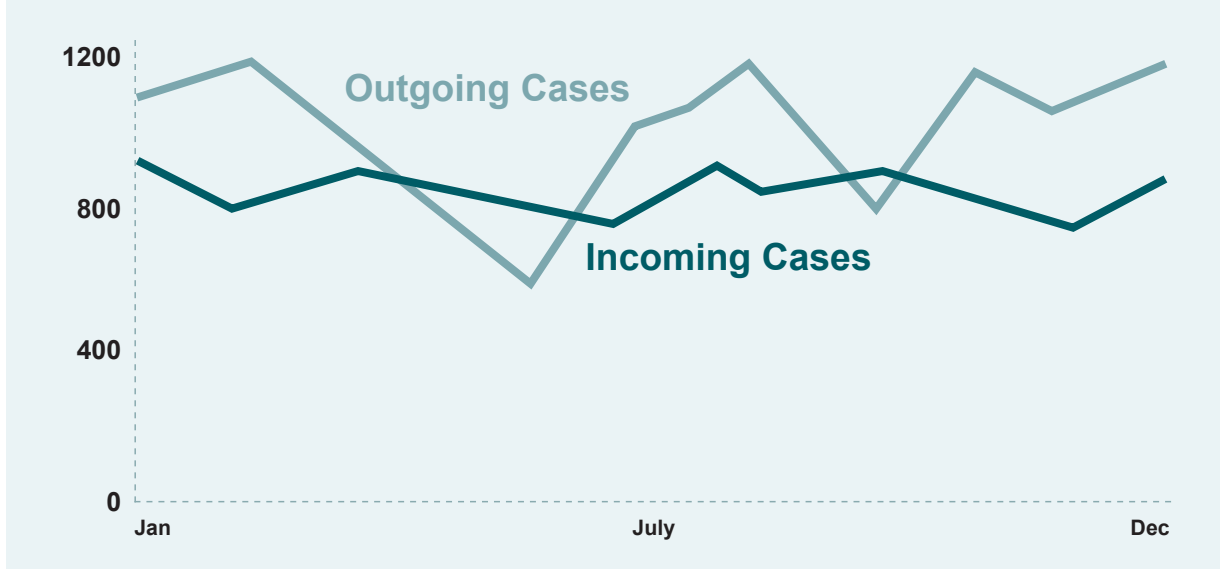
The clearance rate is calculated by dividing the result of Step 2 by the result of Step 1.

Calculate clearance rate	$913 \div 1,083 = 84\%$
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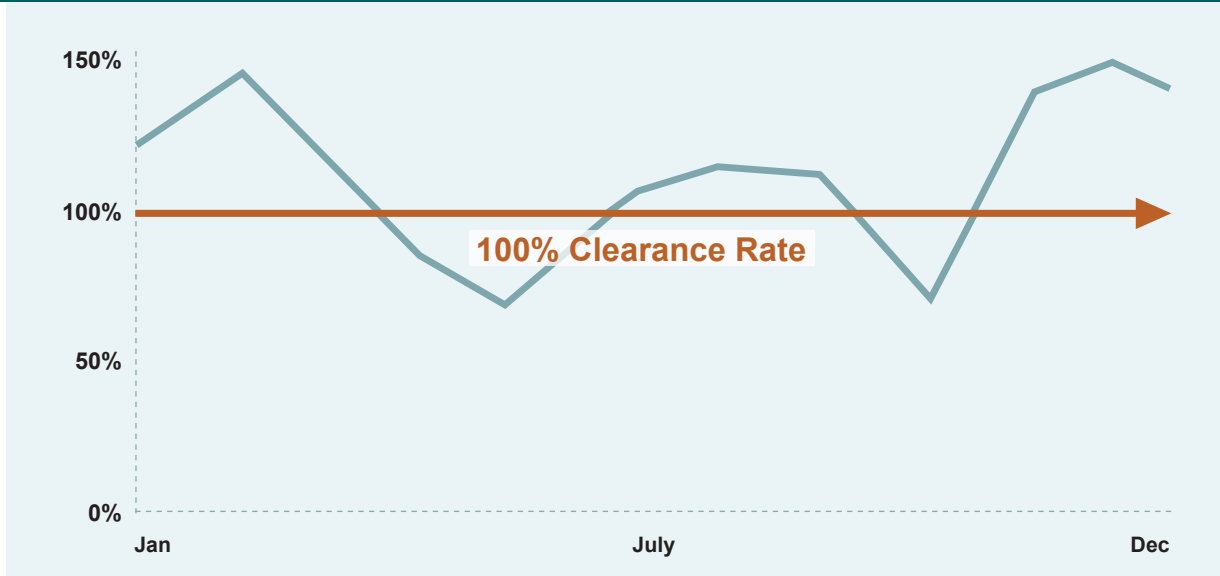
Analysis and Interpretation

Courts can track their incoming and outgoing cases and clearance rates over time (e.g., monthly, quarterly, annually) by plotting them on a graph. To calculate the clearance rate each month, divide outgoing by incoming cases. Compare the calculated clearance rates to the goal of 100%.

Incoming and Outgoing Cases (Monthly)

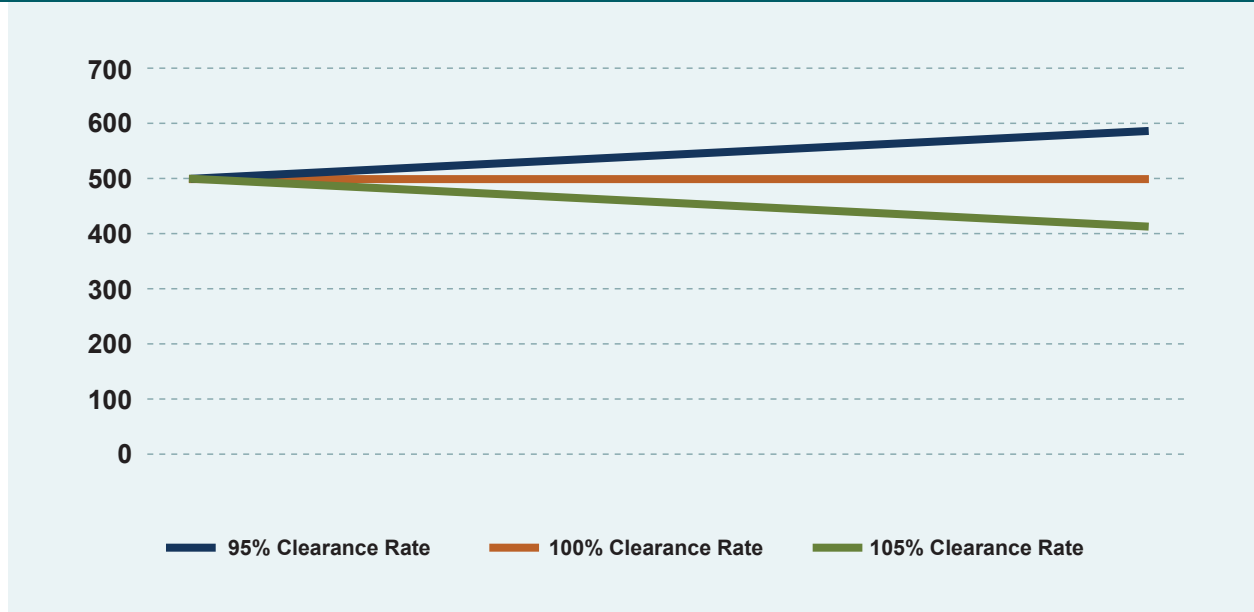


Calculated Clearance Rates (Monthly)



When clearance rates are consistently below 100%, caseloads will grow. The graph below demonstrates how monthly clearance rates of 95% (blue), 100% (orange), and 105% (green) affect pending caseloads. In this hypothetical example, a monthly clearance rate of 95% means that nearly 100 more cases will be added to the pending caseload over the course of one year.

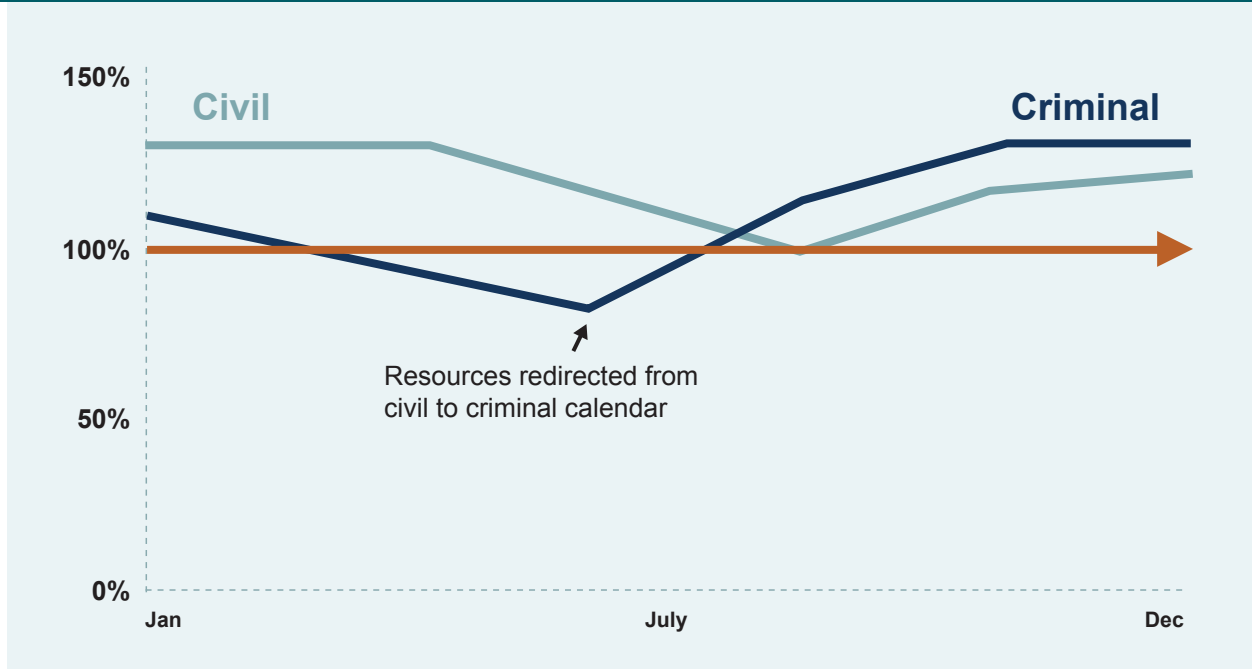
Example of Clearance Rate Impacts on Pending Caseload



Actual clearance rates will rarely be the same across months, as in this example. Monitoring monthly trends provides for regular performance management. Yearly clearance rates provide a summary measure for the last 12 months and can be used to track longer-term trends. For instance, a clearance rate of 98% last year may be the highest clearance rate over the last 5 years, signaling improvement. Yet, the caseload has grown.

The chart below 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.

Monthly Clearance Rates for Managing Criminal and Civil Caseloads



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 caseflow 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%	✓
District 2	105%	✓	92%	
District 3	93%		102%	✓
District 4	90%		101%	✓
District 5	107%	✓	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

	Year 1	Year 2	Year 3	3-Year Average
District 1	105%	114%	99%	106%
District 2	106%	100%	101%	102%
District 3	100%	99%	97%	99%
District 4	99%	98%	95%	97%
District 5	69%	90%	89%	91%

Terms You Need to Know

Disposed/Closed

A count of cases that were originally disposed of after all initial parties/issues have been resolved.

Disposed & Set for Review

A count of cases that were originally disposed of after all initial parties/issues have been resolved but in which post-disposition filings are expected to be entered.

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 [here](#).



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