

Age of Active Pending Caseload

Measure **4**

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 court's caseload has been pending for 540 days or less.

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		

Shows that 85% of the court's active pending cases are less than or equal to 540 days old.

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.



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.



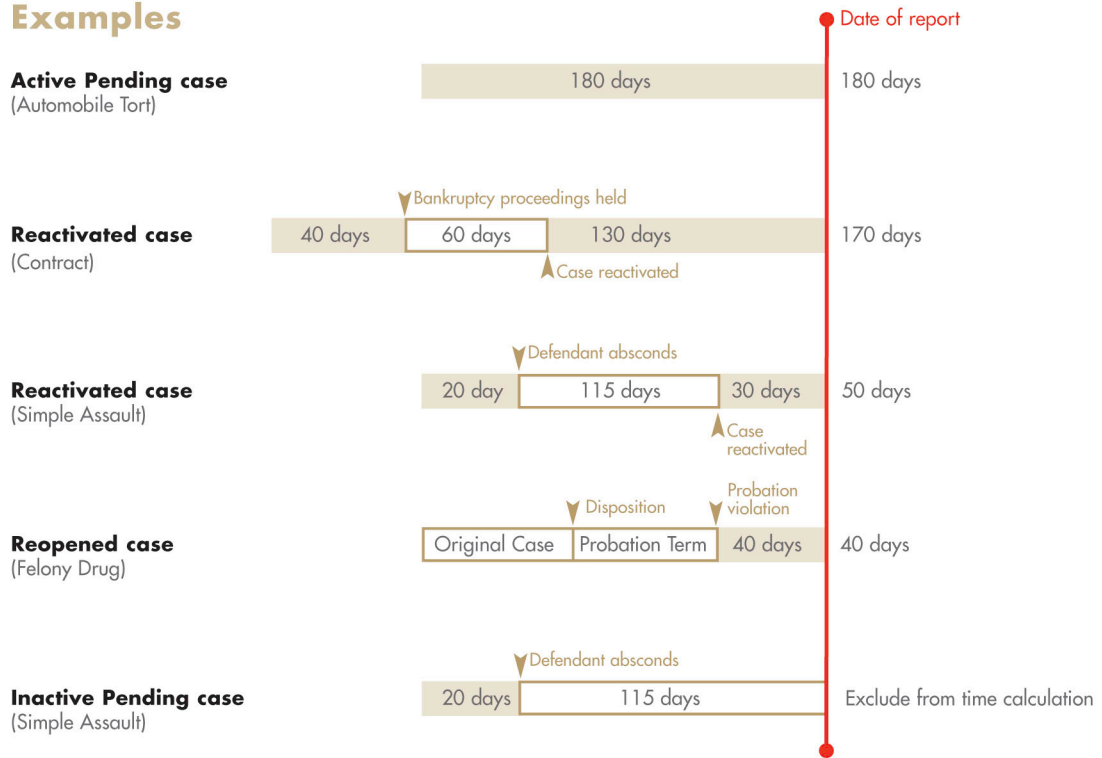


Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant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

Time Calculation Examples





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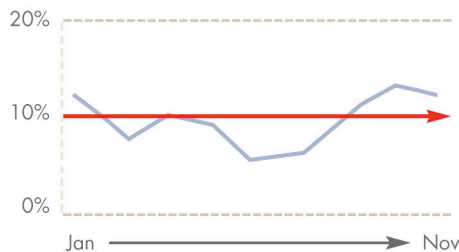
Analysis and Interpretation

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.

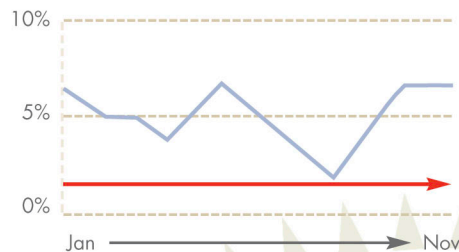
The bottom graph indicates, however, that the court is having a harder time meeting its standard at the 365-day mark. The red line indicates the goal is to have no more than 2 percent of its active caseload pending at 365 days from time of filing. The court is unable to meet this standard.

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



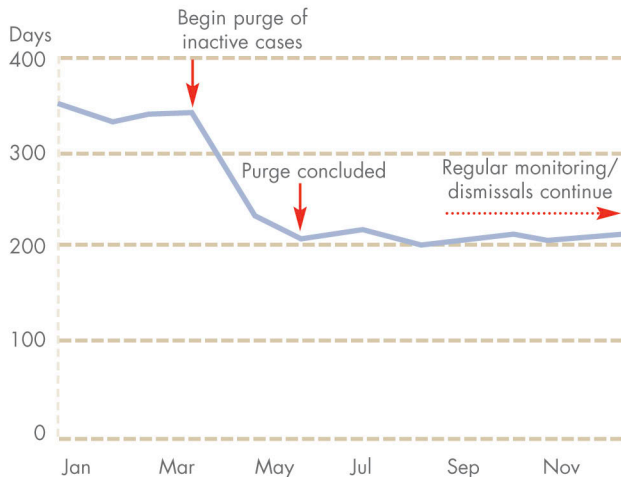
Percent of Cases Pending Beyond 365 days



Focusing on the cases that exceed 365 days...

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

Median Age of Pending Civil Cases



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.

Model Time Standards

The National Center for State Courts (NCSC) revised state court time standards by engaging state court practitioners in a two-year collaboration grounded in empirical performance data from state courts. The Model Time Standards for State Trial Courts were approved by the American Bar Association (ABA) as well as the Conference of State Court Administrators (COSCA), the Conference of Chief Justices (CCJ), and the National Association for Court Management (NACM). The following are examples of the revised time standards:

General Civil cases

75% within 180 days
90% within 365 days
98% within 540 days

Divorce cases

75% within 120 days
90% within 180 days
98% within 365 days

Felony cases

75% within 90 days
90% within 180 days
98% within 365 days

Delinquency & Status Offense cases

For youth in detention:

75% within 30 days
90% within 45 days
98% within 90 days

For youth not in detention:

75% within 60 days
90% within 90 days
98% within 150 days



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.

