

Analysis of Early Case Management Intervention in Divorce Cases

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ABSTRACT

The Circuit Court for Howard County is a general jurisdiction trial court in Maryland. Complex civil litigation, serious criminal cases, domestic and juvenile cases are heard by the Circuit Court. Similarly to other Maryland trial courts, Howard County strives to complete cases in an efficient and timely manner. However, some case types have been identified as needing more intervention in order to dispose within the time standard goal's of the court.

Specifically this court struggles with domestic cases. The case time standard goal for domestic cases is 90% completed within one year. Howard County has yet to reach that goal. With the added complication of increasing case loads, this court identified domestic cases as a priority for improvement. According to the available literature, a number of methods can be used to combat the delay this court experiences in domestic cases. One such method is early and continuous case intervention. In order to determine if this method of counteracting unnecessary delay would be beneficial to this court, a pilot program of early and continuous intervention in absolute divorces was instituted on January 1, 2009.

In order to examine whether the pilot program was effective at reducing delay, data was collected from the first six months of the program and compared to a control data group from the first six months of the year 2008. The data gathered and identified characteristics of Howard County divorces and measured closure rates and time to disposition. The control data and the pilot program data were compared to ensure that the basic characteristics of the divorces were similar. Then, closure rates were examined and the characteristics that effected closure rates were examined.

The data collected yielded the following findings:

- ▮ Divorce filings increased by 11% from the first six months of 2008 compared to the same period for 2009
- ▮ The control data from 2008 had a similar percentage of cases with children when compared to 2009 (47% vs. 48%);
- ▮ The court had a minimum number of contested property trials or high conflict divorce cases each year;
- ▮ Fewer cases had two attorneys in 2009 than in 2008;
- ▮ The court closed 23% more cases in 2009 when compared to 2008;
- ▮ Clearance rates increased from 77% in 2008 to 85% in 2009;
- ▮ Time to disposition decreased from 128 days in 2008 to 116 in 2009;
- ▮ Disposition types were consistent in both 2008 and 2009 cases;
- ▮ More cases with children closed within the study period in 2009 than in 2008;
- ▮ The effect of the early and continuous intervention on property trials and high conflict cases could not be measured;
- ▮ Cases with self-represented litigants closed sooner;
- ▮ More court events were held in 2009 under the early and continuous intervention study;
- ▮ The additional events were absorbed into existing schedules without extended days or overtime; and
- ▮ Custody, Annulment and limited divorces have similar case characteristics.

In conclusion, under the new procedures of early and continuous intervention, more absolute divorce cases were closed. Cases with children or with two attorneys took

longer to close and cases with children were more difficult to identify. Therefore, improved identification of these cases is a goal for the future. Although the new procedures were more resource intensive, the court was able to absorb the additional work. With these conclusions, the court can now plan the permanent adoption of the early and continuous intervention procedures in absolute divorce cases and look to an expansion of the procedures into custody, annulment and limited divorce case types.

INTRODUCTION

The Circuit Court for Howard County, Maryland is a general jurisdiction trial court hearing criminal, civil non-domestic, civil domestic and juvenile cases. According to the U.S. Census Bureau, Howard County's population is estimated at 274,995 as of July, 2008.¹ Howard County contains approximately 5% of Maryland's total population (5,633,597). The Circuit Court has five judges and three masters.² This paper focuses on the effect of early case management intervention in divorce cases filed in the Circuit Court.

During Fiscal Year 2007, the Circuit Court had 7,910 cases opened or reopened. Of that amount, 32% were family cases.³ Processing of all cases begins at the Clerk's Office with an initial filing and then proceeds in accordance with a Differentiated Case Management (DCM) plan that covers the case type.

Howard County Circuit Court has undergone quite a few changes over the past three years. With the establishment of a Calendar and Caseflow Management Office (CCMO) within Court Administration, the Court began to thoroughly examine where improvements to caseflow needed to be made. During the last three years, Court Administration with the assistance of CCMO has simultaneously:

- ▮ Assumed assignment responsibilities;
- ▮ Established case manager positions;
- ▮ Changed the case calendaring system; and

¹ U.S. Census Bureau

² Masters hear domestic cases and are empowered to make recommendations which are reviewed by a Judge.

³ Family cases in this context do not include juvenile. They consist of marriage dissolution, child support, custody, visitation, alimony, name change, guardianship, and paternity.

- III Completed Differentiated Case Management Plans for each case category (criminal, civil non-domestic, juvenile and civil-domestic).

The first significant change through CCMO was the assumption of assignment duties in each case type. As those duties were being transferred from the Clerk's Office, a unit separate from Court Administration and overseen by an elected official, the Court moved from an individual calendaring model to a master calendar model modified to retain a few characteristics of individual calendaring.

The new system, instituted in 2007, grouped cases into a master calendar unless case characteristics suggested they should be individually assigned. Cases can be individually assigned by the administrative judge if they contain complex issues such as:

- III Use of multiple experts (medical malpractice, complex divorce, murder or rape cases) and/or
- III Need for multiple evaluations (mental health, substance abuse, custody or not criminally responsible).

Approximately three weeks from trial, the events in the master calendar are parsed out into a weekly hybrid calendar that preliminarily assigns cases to a specific judge. (See Appendix A.) This weekly hybrid calendar is color coded so that cases are distinguished as specially assigned, designated, or unassigned. Specially assigned cases are assigned to an individual judge for the duration of the case. Designated cases are not specially assigned, but need to be heard by a specific judge because they involve prior rulings of that judge. Unassigned cases can be heard by any judge and can be moved between available judges up until the morning of the event. Final changes are made to the hybrid calendar as cases settle or drop out for other reasons. The weekly hybrid calendars can

be accessed by each judge's chambers. The judge's chambers receive the weekly hybrid calendar two to three weeks in advance so that law clerks and judges can prepare. In summary, the court uses a master calendar with some individual calendar assignments. Hybrid calendars are then used closer to trial so that the judges can prepare for cases within their rotation. Judges are assigned to rotations of long civil, short civil or criminal.

Another change that came with CCMO is the creation of case management positions. Previously, the Clerk's Office employees focused only on scheduling. There was no staff to regularly examine how the cases were progressing through the system. With the establishment of CCMO, a civil case manager and eventually a criminal case manager were hired. These staff, in addition to handling all scheduling matters, examine open case reports and dockets in order to improve the movement of cases. The civil case manager handles civil non-domestic. Domestic cases are overseen by the Family Law Office.

The path that cases travel in the court system is mapped in accordance with a Differentiated Case Management Plan. The Administrative Office of the Courts through the direction of Maryland's Chief Justice and the Court of Appeals (Maryland's highest court), has mandated the development of DCM plans for each of Maryland's twenty-four jurisdictions. The role of the State offices however is limited. Each jurisdiction must develop their own DCM plans which must be in accordance with Maryland's case time standards,⁴ but other than approval of the final draft, the State has no other role. Jurisdictions are free to adjust their plans to their practices. Howard County's Civil DCM plan was completed in 2006, the Domestic DCM plan in early 2007, the Juvenile and Criminal DCM plans in 2008.

⁴ Criminal cases – 180 days; Civil cases – 18 months; Domestic cases – 12 months.

Each DCM plan differs with the complexity of the case category. Specific procedural detail also differs between plans. As a consequence of the complexity of domestic proceedings, implementation of that DCM plan is a continual effort. The Family Law Office is kept quite busy. Their responsibilities include:

- ▮ Scheduling and conducting scheduling conferences;
- ▮ Organizing facilitation and mediation services;
- ▮ Overseeing self-help programs;
- ▮ Organizing parenting seminars and parenting coordinators;
- ▮ Arranging custody evaluations;
- ▮ Overseeing the appointment of child counsel; and
- ▮ Preparation of orders for services.

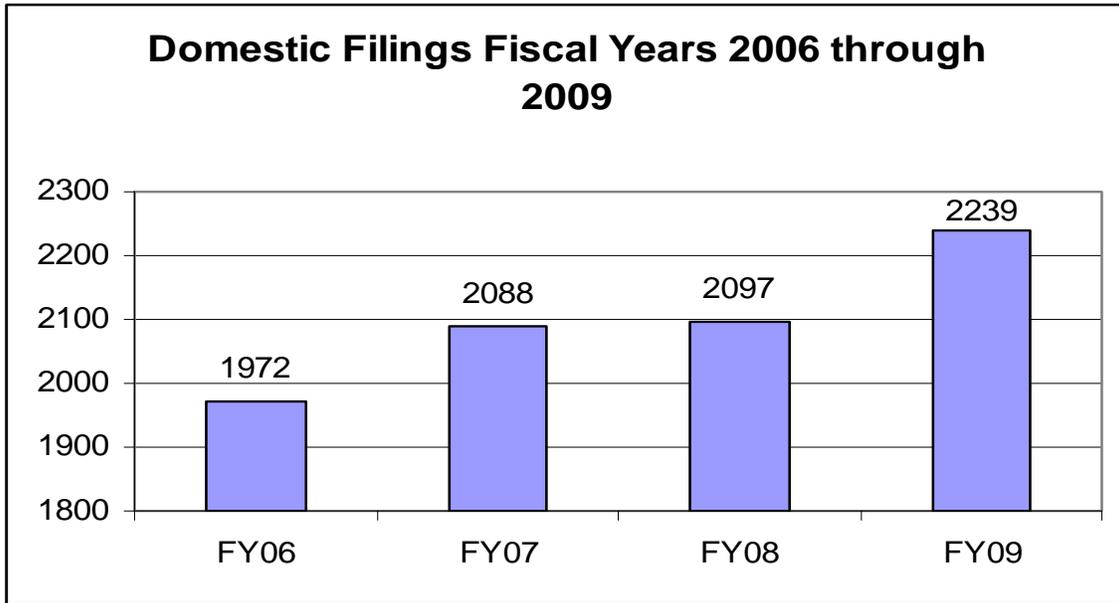
The Family Law Office also reviews cases after default⁵ or after answer to schedule an event in the case. These activities consume all available time for the Family staff.

Review of open case reports and analysis of cases as they flow through the system has not been done on a consistent basis for this category of cases. Also there is little detail on the management of cases early in the process in the Domestic DCM.

Domestic cases can be resource intensive. In Howard County, the domestic filings are on an upward trend. Thus, management of the cases is imperative.

⁵ A default can be entered if a party is served but has not answered in the time allotted.

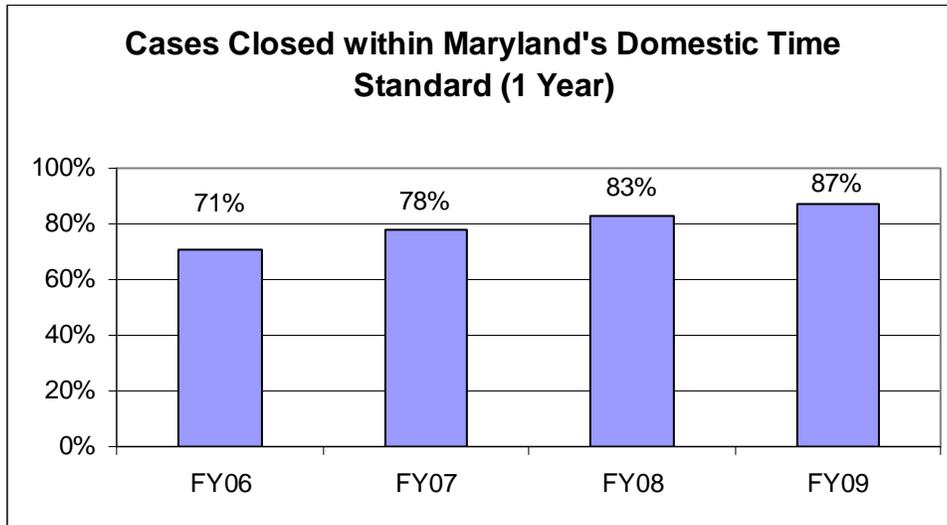
Figure 1



By adding filings by self-represented litigants to the mix, domestic cases need extra attention to prevent cases from becoming stagnant or lost in the system.

Historically, Howard County Circuit Court has not done well in achieving compliance with the case time standards for domestic cases. Maryland case time standards for domestic cases are 90% of cases closed within 12 months and 98% closed within 24 months. An assessment is held annually to measure compliance with case time standards for each case category. Although Howard County is improving there is still much improvement needed. When compared to the remaining 23 Maryland jurisdictions, Howard County ranked 22 in its compliance in Fiscal Year 2008.

Figure 2



Case time standards issues, however, do not fully reflect the situation. Case time standards are measured against cases that are closed. Open case reports show that a number of cases remain open and stagnant and are already over the time standards. These cases have not been counted against the Court in its annual case assessment report because they are not yet closed. However, these cases are counted against the Court once they are closed.

Examination of the open cases demonstrates that many cases have gotten lost at very early stages and many do not have a court date scheduled. If an unrepresented party does not know how to proceed after service, the case can sit indefinitely. The Family Law Office does not review the cases until after the answer or default is filed, so if the case does not proceed to that stage, there is no review and no formal mechanism in place to manage the case. For improvements to be made, procedures need to exist that do not exceed available resources while tracking cases not currently being tracked by the existing procedures.

In order to begin addressing this identified problem, a new procedure of early and continuous case intervention was proposed. The new procedure would begin case management activity upon filing. The Court would not wait until the filing of the answer or default. Also, the key to moving the cases forward would also be the setting of the first court event for each case at filing and a subsequent setting at each court event thereafter. No case should appear on an open case report without an event scheduled. The first event scheduled would be a Family Scheduling Conference. This is a ten minute event with the Family Law Coordinator that checks the status of the case; identifies outstanding issues; and maps out the procedural process for the case. If, at that time, service has not been perfected, an additional scheduling conference or status hearing is set. Status hearings are set on Wednesdays in order to take advantage of the Family Law Assistance program where voluntary attorneys can provide direction to self-represented litigants. Even though service may not be perfected, all parties receive notice (first class mail) and the Family Law Coordinator will meet with whoever chooses to attend the conference. In some cases, both parties will attend and service can be perfected at the conference. If only the Plaintiff attends, they will be referred to the Family Law Assistance program to discuss any service problems.

If service has been perfected, the parties discuss needed services such as mediation, parenting education, child's best interest attorney, custody or other evaluation. Either a settlement conference or a pendente lite hearing may be scheduled. Pendente lite hearings are court events that resolve certain contested issues on a temporary basis pending the final merits of the hearing or trial. Contested issues that may receive a temporary ruling include custody, visitation, child support, use and possession or

alimony. As this early intervention is a brand new approach and potentially time consuming for the Family Law Office, a pilot application was determined to be the best way forward. Absolute divorce cases are the largest portion of the family caseload. Maryland law allows either a limited or absolute divorce. A limited divorce is not a full divorce but parties can get court rulings on custody, use and possession, child support and alimony. Parties are not allowed to remarry if they receive a limited divorce. An absolute divorce is a full divorce that ends a marriage and allows parties to remarry. All absolute divorces require a hearing in order for a divorce to be granted and they are easily identified for inclusion.

The goals of this project are to determine if the early and continuous case management intervention in absolute divorce cases improves the processing of these cases; whether the procedures should be continued; and whether the procedures should be expanded to other case types. This paper explores the major concepts of case management and the theoretical underpinnings of the new procedures. After a thorough review of the existing literature, the analysis section will examine six months of filings for a time period prior to the new procedure compared to a six month period after the implementation of the new procedure.

REVIEW OF LITERATURE

While the day-to-day work of the court system may be the “orderly processing of disputes formally presented for resolution”,⁶ the bigger question is why this is our work? The theories of the purposes of courts have been discussed from the time our Founder’s created the Declaration of Independence to the present day. An often repeated list of these purposes was penned by Ernest Friesen, a major contributor to the developments in case management. Mr. Friesen’s list includes:

- ▮ Individual justice in individual cases;
- ▮ Appearance of individual justice in individual cases;
- ▮ Provision of a forum for the resolution of legal disputes;
- ▮ Protection of individuals against the arbitrary use of governmental power; and
- ▮ Public and accessible formal record of legal status.⁷

In addition to these articulated purposes, supporting the principles of equal protection and due process of law is an essential role of courts. “Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection, and to ensure due process of law.”⁸ The job of an individual court is to support these purposes and thereby enhance the justice system as a whole.

How do individual courts serve these purposes? One important step is to acknowledge delay and its negative role in the operation of our courts. With individual

⁶ Friesen, Ernest. *Internal Organization and Procedures of the Courts*. National Center for State Courts, 1978, page 15.

⁷ Griller, Gordon M., Stott, E. Keith, Jr., *The Improvement of the Administration of Justice, 7th Ed.* American Bar Association, 2002, page 39.

⁸ National Center for State Courts, *Core Competency Curriculum Guidelines: What Court Leaders Need to Know and Be Able to Do*, 2003, page 7.

justice and the appearance of individual justice as primary purposes of courts, delay and its effect on justice should be examined.

“The probability of establishing the truth diminishes with the passage of time because memories fade, witnesses and documents become unavailable, and the vigor with which lawyers prepare their cases may be eroded by numerous unproductive court appearances. Thus timeliness is a critical element of a court’s ability to render justice.”⁹

Delay also keeps litigants lives in an unstable position, may increase costs of litigation, increases backlog, and interferes with proper communication between the court, lawyers and their clients.¹⁰

“Delay haunts the administration of justice. It postpones the rectification of wrong and the vindication of the unjustly accused. It crowds the dockets of the courts, increasing the costs for all litigants, pressuring judges to take shortcuts, interfering with the prompt and deliberate disposition of those causes in which all parties are diligent and prepared for trial, and overhanging the entire process with the pall of disorganization and insolubility...The most erratic gear in the justice machinery is at the place of fact finding, and possibilities for error multiply rapidly as time elapses between the original fact and its judicial determination...If we do not get the facts right, there is little chance for the judgment to be right.”¹¹

Even though delay has been identified in such strong terms as a detriment to justice, decades later courts have continued to struggle with the concept. There are still those in the justice system, who do not see delay as a negative,¹² however, they are becoming more in the minority.¹³ Delay affects everyone in the justice system.

Translating those effects into the bigger “judiciary” picture reveals ramifications that

⁹ Griller, 112.

¹⁰ *Ibid.*

¹¹ Goerd, John A., Lomvardias, Chris, Gallas, Geoff, Mahoney, Barry. *Examining Court Delay, The Pace of Litigation in 26 Urban Trial Courts, 1987*. Williamsburg, VA: National Center for State Courts, 1989, page 3.

¹² Church, Thomas, Jr., Carlson, Alan M., Lee, Jo-Lynne, Tan, Teresa, Chantry, Kenneth, Sipes, Larry., *Justice Delayed: The Pace of Litigation in Urban Trial Courts*. National Center for State Courts, 1978, page 57.

¹³ Steelman, David C., *Improving Caseload Management: A Brief Guide*. National Center for State Courts, 2008, page 1.

affect all of our society. As cases are delayed, more administrative and judicial time is spent reviewing pending caseloads. Carrying large backlogs makes more administrative work - which costs more money - which translates into higher budgets (or at least the request for higher budgets) for the state or local government. Higher costs affect everyone. If the workload increases without additional budgeted funds, then the effect on society comes through overcrowded jails, backlogs and long wait times for simple court actions. This reduces the public's trust and confidence in the court system.

With the firm notion that delay interferes with the administration of justice, the next tasks are to look at the barriers to improvement and then ask how to counteract the institutionalized delay that pervades the system. There is a strong resistance to delay reduction in the court system. Judges are under a great deal of pressure to approve and/or accept delay.¹⁴ While there are many causes of delay, judges must constantly determine if the postponements are due to sincere emergencies, lack of preparation, or strategic posturing.¹⁵ They must then balance the interests of justice in the individual case.¹⁶ Also, although the idea may clash with the independence of judicial decisions, many judges do not want to antagonize the bar by excessive denials of requests for postponements.¹⁷

Evidence has been gathered that shows that the local legal culture is a barrier to the pace of litigation.¹⁸ Legal communities may be accustomed to fast pace courts or

¹⁴ Aikman, Alexander, *The Art and Practice of Court Administration*. Taylor & Francis Group, 2007, page 354.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Church, 55.

those where litigation can take years.¹⁹ Comparison of state and federal courts in the same city demonstrated similar delay and timing issues even though caseloads, judges, procedures and case management practices differed.²⁰ “The speed of case disposition is largely determined by the established expectations, practices and informal rules of behavior shared by judges and attorneys, rather than by court size, caseload or trial rate.”²¹

In order to counteract the delay that is prevalent in many court systems, practices have been identified that support shorter case processing times. Surprisingly, judicial resources are not often statistically identified as the cure for delay.²² Even though this is a perceived issue by many judges and administrators, unless a court has demonstrably reached a “saturation point” in filings as compared to judicial resources, additional judges will not fix long case processing times.²³ The identified supporters of efficient case processing are:

⌚ Early court control over scheduling;²⁴

⌚ Time standards for case processing;²⁵

⌚ Firm trial dates;²⁶

⌚ Early resolution of pretrial motions;²⁷

⌚ Effective caseflow;²⁸ and

¹⁹ Ibid, 55-57.

²⁰ Ibid, 55.

²¹ Sipes, Larry L., Carlson, Alan M., Tan, Teresa, Aikman, Alexander B., Page, Robert W., Jr., *Managing to Reduce Delay*. National Center for State Courts, 1980, page 5.

²² Goerd, et al., xiv.

²³ Ibid, xv.

²⁴ Ibid, xiv and 39.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid, xv.

Commitment²⁹ /Effective leadership.³⁰

“The most important predictor of shorter case processing times” is the presence of early and continuous court control over cases.³¹ In a study of twenty-six urban trial courts in 1987, early court control was present in the majority of faster courts and in none of the eleven slowest courts.³² Early control over cases is also within the control of both judges and court staff.³³ This control is necessarily exercised by the court and not the case participants.³⁴ Whether triggered by the case management system or by staff, the control must be supported by the judicial officers and done consistently for all cases. “Courts that are committed to expeditious case processing are likely to take charge of cases earlier...”³⁵

What is early and continuous control? What does it involve? Early control begins at initiation or filing.³⁶ The continuous control involves re-examination of the case at various stages, scheduling orders and predictable involvement of the court in the process.

“Early court control in case progress involves such things as collecting case information at case initiation; scheduling hearing or conference dates; and issuing case management orders that govern case progress to trial or disposition by non-trial means. The objectives of early intervention are to make the point of case resolution happen as early in the case process as is reasonable...”³⁷

Reasonable is the key word. Delay cannot be completely avoided. The goal is to reduce unreasonable delay. “From the commencement of litigation to its resolution, . . .

²⁹ Ibid. Sipes, et al., 25.

³⁰ Steelman, 3.

³¹ Goerd, et al., xiv.

³² Ibid, 33.

³³ Ibid, 41.

³⁴ Steelman, 7; Steelman, David C., Goerd, John A., McMillan, James E., *Caseflow Management, The Heart of Court Management in the New Millennium*. National Center for State Courts, 2004.

³⁵ Goerd, et al., 41.

³⁶ Steelman, et al., 3.

³⁷ Steelman 8.

any elapsed time other than reasonably required for pleadings, discovery and court events, is unacceptable and should be eliminated.”³⁸ In that respect, some propose to use the term “court supervision” rather than court control.³⁹ This term recognizes the need for attorneys’ investment in the process.

In addition to early and continuous involvement in case processing, courts need to establish time standards for the expected length of a case based on the characteristics of the case category.⁴⁰ Case time standards establish a starting point for the design of case management procedures. Once a court has established the amount of time a case should take, then the court can work back and determine where the case should be at certain milestones. Time standards should be both in compliance with rules and statutes and generally accepted by the bench. Established time standards:

- ▮ Define the outer limits of delay;
- ▮ Provide a mechanism for measuring the courts case management system; and
- ▮ Provide a basis for case management decisions on cases.⁴¹

The American Bar Association has produced recommended case time standards for criminal and civil cases.⁴² Some states use them and some have modified the standards to fit any unique attributes of their jurisdictions. Just having standards is not the full picture. Reassessment of compliance with the standards on a regular basis reminds courts of the work that must be done and it allows courts to see what areas need improvements. Time standards support motivation of judges, administrators and case

³⁸ American Bar Association (ABA), *Standards Relating to Trial Courts, 1992 Edition*, Section 2.5.

³⁹ Solomon, Maureen, Somerlot, Douglas K., *Caseflow Management in the Trial Court: Now and for the Future*. American Bar Association, 1987, page 12.

⁴⁰ Goerd, et al., 15.

⁴¹ Solomon, et al., 17.

⁴² Griller, et al., 114.

participants; allow for measurement of the pace of court proceedings; provide a goal for management plans; and can assist in the development of a useful information system.⁴³

Finally if a court uses case time standards in an efficient manner, the standards can “highlight the level of its judicial and non-judicial personnel needs.”⁴⁴

Firm trial dates create predictability in case management. Courts that make multiple attempts at firm trial dates but have a reputation of not reaching them, create a culture of supporting unprepared case participants. If however, case participants expect to go to trial on the first date set, they will prepare prior to trial, thus increasing the likelihood of settlement which saves court resources.⁴⁵ Those saved resources include, judge time, administrative time (scheduling and oversight), and costs such as juror costs.⁴⁶

In order to support the setting of firm trial dates, a court must (1) dispose of as many cases as possible prior to the setting of trial; (2) determine a realistic level of cases to set on the calendar; (3) establish a firm postponement policy; and (4) establish a contingency plan with backup judges.⁴⁷ Early disposition occurs with early ruling on motions, the setting of meaningful court pretrial events, and support of alternative dispute methods (settlement conferences, mediation, facilitation, etc.).⁴⁸ Realistic calendar setting is a little more difficult. There is no magic formula to determine how many cases should be set. A balance must be determined that does not set too little and lead to excessive down time for judges, but on the other hand does not over schedule and

⁴³ Steelman, et al., 73.

⁴⁴ Ibid.

⁴⁵ Ibid, 7.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

diminish firm trial dates.⁴⁹ Historical data can be examined but if a court is going through an improvement process, that historical data may not apply. Setting the correct number of trials takes some trial and error and continual reanalysis.⁵⁰

Postponement policies are vital to good case management. These policies, if adhered to, support eradication of unreasonable delay. The more a case is postponed, the more resources that are used to track it thereafter and the farther out the case, the longer is its time to disposition. Contrastingly, a firm postponement policy supports firm trial dates and the ability to set the correct number of cases on the calendar.⁵¹

Finally the use of backup judges supports the scheduling policy. No matter the amount of analysis, trial schedules are notoriously unpredictable.⁵² Having a contingency plan for multiple cases ready for trial or cases that extend beyond time estimates maintains the predictability of the system which in turn allows the local legal culture to support preparation.⁵³ Cooperation between judges is essential in this process. Having another judge designated as backup can be done in multiple ways. An administrative judge with a smaller docket can act in this capacity. Also, having judges work together and having a policy to determine if a judge is available to help an overburdened docket can support a backup policy.⁵⁴

All of these previously mention supporters of efficient case processing are elements of effective caseload management.

“Caseload management is the coordinated management by the court of the processes and resources necessary to move each case from filing to disposition,

⁴⁹ Ibid.

⁵⁰ Ibid, 9.

⁵¹ Ibid, 10.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

whether that disposition ultimately is by settlement, guilty plea, dismissal, trial, or other method.”⁵⁵

Components of an effective caseflow management system include:

- ▮ Judicial leadership in the support of caseflow management policies;
- ▮ Consultation between the court, bar and related agency partners;
- ▮ Court supervision of case progress;
- ▮ Time standards;
- ▮ Effective case information system;
- ▮ Credible scheduling system; and
- ▮ Court control of postponements.⁵⁶

Obviously, elements of delay prevention and effective caseflow management overlap. Qualities of good courts are not mutually exclusive. Having goals, a plan for achieving those goals and a system of continuous review are characteristics of any successful system.

A new concept of the last few decades that contributes to a strong system is Differentiated Case Management (DCM).⁵⁷ “DCM is an approach to court supervision of case progress that explicitly acknowledges that cases vary significantly in both the resources (court and attorney) and time required to reach a just disposition.”⁵⁸ DCM plans set different case processing goals for cases depending on their complexity. This allows simple cases to proceed quickly and more complex cases to receive extra attention

⁵⁵ Griller, et al., 111.

⁵⁶ Ibid, 113.

⁵⁷ Ibid, 118.

⁵⁸ Ibid.

and planning. DCM plans require early identification so that cases are on the correct plan.⁵⁹

Finally, commitment and leadership support both an effective caseflow system and subsequently support the reduction of delay. “Once an effective program has been designed, the energy of the court’s leadership must be directed toward garnering acceptance and commitment by the majority of the bench.”⁶⁰

The preceding principles can be applied to all case types (criminal, juvenile, civil-domestic and civil-non domestic) with some variation. Domestic cases provide some unique challenges to caseflow management. The tension between resolving uncertainty for children and allowing enough diagnostic and other services to be rendered mandates a careful analysis of the speed with which these cases should flow through the system.⁶¹ Also, it is becoming more common for at least one party in a divorce case to be self-represented.⁶² Finally, a wide range of complexity exists with divorces. They can be uncontested, mildly contested, with or without children, with or without property, with substance abuse or mental health issues, and/or exceedingly complex with a combination of issues.⁶³ The concept of personal relationships, difficult remedies and continuous jurisdiction also distinguish family cases from civil non-domestic cases.⁶⁴

National research has shown that courts with time standards and court control over scheduling experience a faster time to disposition in divorce cases.⁶⁵ In order to maximize caseflow in divorce cases, several techniques are recommended:

⁵⁹ Ibid, 119.

⁶⁰ Ibid, 113.

⁶¹ Steelman, et al., 43.

⁶² Ibid, 49.

⁶³ Ibid.

⁶⁴ Griller, et al., 343, 344.

⁶⁵ Steelman, et al., 50.

- ⚖️ Recognize emotional issues;
- ⚖️ Adopt and follow time standards;
- ⚖️ Adopt appropriate measures for self-represented litigants;
- ⚖️ Exercise control over the scheduling of case events;
- ⚖️ Develop simplified procedures to expedite uncontested cases;
- ⚖️ Screen cases early for assignment to DCM tracks;
- ⚖️ Give careful attention in divorce decrees to property, custody, visitation and support questions; and
- ⚖️ Give management attention to contested post disposition matters.⁶⁶

Self-represented litigants can be a significant concern in family cases. If the court does not have a method of reviewing case progress, a self-represented litigant may have their case sit for an extended period of time if the way forward is unknown to them. Delays can come from (1) Service and proof of service problems; (2) Inadequate pleadings; and (3) Unprepared participants.⁶⁷ Close monitoring of these cases, pretrial hearings and conference, and promotion of Alternative Dispute Resolution (ADR) can all be used to assist with this population.⁶⁸

Reviewing the preceding literature has focused Howard County Circuit Court on the methods available to improve divorce case processing. This Court uses DCM plans, has a postponement policy, has case time standards, and has developed a successful calendaring method. However, early and continuous case management intervention has not been applied to family cases. Implementing procedures for this intervention on a

⁶⁶ Ibid, 50, 51.

⁶⁷ Ibid, 122.

⁶⁸ Ibid, 123.

pilot basis will allow the Court to measure its success and determine whether the procedures should be expanded.

METHODS

By reviewing the literature on delay, the Court was able to fully grasp the importance of timeliness as a priority. The literature outlines the causes of delay and the methods to counteract delay. Early and continuous intervention in court cases is one such method that the Court chose to implement.

The main source of data for this project was collected from case files and the Judiciary's case management system. Early intervention procedures were implemented on January 3, 2009. Therefore, the sample under the new procedures consisted of all absolute divorce cases filed from January through June, 2009. The control or comparison sample consisted of all absolute divorce cases filed from January through June, 2008, a time period prior to the new procedures. In order to use an exact comparison of these cases, the data collected was examined as of the end of each calendar year. Data for the 2009 cases was last updated as of December 31, 2009 and the data for the 2008 cases was examined with results up to December 31, 2008.

The first step in the data collection process was to determine what data elements would be collected and why. Consideration was not given to the accessibility of the data elements as the level of accessibility could provide insight into needed improvements in the case management system. The court needed to take a close look at its absolute divorce cases; determine their identifying characteristics; and compare 2008 and 2009 characteristics. By analyzing the characteristics of absolute divorce cases, the court can determine where to place resources to address the greatest need. The court may also be

able to identify the characteristics of those cases that potentially do not respond to the new early intervention. Data elements that would assist in capturing this information include:

Table 1

CASE CHARACTERISTICS
Disposition type
Number of attorneys
Children
Contested property trials
High Conflict
Use of Examiner

In order to measure the effectiveness of the new procedures, data elements needed to be captured that supported the measurement of case age, time to disposition, and clearance rates. These measurements can be compared for the 2008 and 2009 divorces to determine if any improvements exist. The elements supporting these measurements include:

Table 2

EFFECTIVENESS
Case filing date
Case closure date
Case status

Even though new procedures may show improvements in case processing, if the burden on the court is too excessive, it may not be an effective use of the courts time to implement the new procedures. In order to examine the burden on the court, the details of court events for each of the divorces in the project were captured. To measure the effect of the early intervention procedures, the following data was captured with respect to every event scheduled in each case:

Table 3

EVENT CHARACTERISTICS
Type of event
Date held
Length of event
Hearing officer

Data Collection Form

The most straight forward data collection tool for the project was a spreadsheet that could be sorted and filtered to assist with data analysis. Using a spreadsheet also allowed for others to assist with the project without needing advanced software knowledge. It also allowed for unlimited expansion depending on the number of cases and number of events recorded; and allowed for color coding of data that could indicated work yet to be done. Identical spreadsheets were used for 2008 and 2009 cases. See Appendix B for data collection instruments.

In order to determine whether the data collection instrument was designed correctly and would accurately record data, it was pre-tested with the first ten cases for

each year's sample. Several interesting problems came up and required some changes to the data collection procedures. First, the court realized that several terms would need to be defined so that similar data was captured in each case. Legal representation, children, property and high conflict all needed either parameters or definitions associated with them. It was decided that legal representation of a party would be captured if a party was represented at any time in the case. The presence of children of the parties would only be recorded if the children were minors at the time of filing. Property would only be indicated if a contested property trial took place. High conflict was the most difficult area to define. After consulting with the Family Law Coordinator, it was decided that high conflict would include:

- ▮ Any case in which a custody evaluation was ordered;
- ▮ Any case with a contested trial, the parties have minor children and any evaluation is ordered; and
- ▮ Any case with a contested trial, where the parties have minor children; and five or more events were scheduled, including an emergency.

With these definitions in mind, data collection was easier and more consistent.

The second issue for data collection involved court events. Staff were confused about which events to include and the procedure for cases with many events. The original data collection form included space for four events per case. However, several cases had more than four events. The form was modified to include five potential events and the data collector was told to highlight any case with more than five events so that the events could be added by the form's creator. The data collectors were also instructed

to only record events that were held. Postponed or vacated events were not to be included in the data collection form.

Sample Size

When determining a sample size for the project, the court wanted to maximize the number of cases sampled in order to get a more complete picture of the court's performance. The court determined the sample for 2009 needed to include cases for the first six months because these cases needed an additional six months to reach some form of resolution that could be compared to the prior year. Therefore absolute divorces filed in the first six months of 2009 would be compared to absolute divorces filed in the first six months of 2008. At first, a sample size of 300 cases per year was discussed. When 2008 was examined however, the court noted that 423 absolute divorce cases were filed during the first six months. It was then determined that the court would study the full universe resulting in a 100% sample size for both 2008 cases and 2009 cases. Also, this approach removed the need to determine a method of choosing a sample number of cases within the universe. Therefore, 423 absolute divorce cases from 2008 were compared to 470 absolute divorce cases from 2009.

Data Collection

Data was collected by three staff including this author, who is project manager and Director of Calendar and Caseflow Management, Melanie Merson, Administrative Assistant to the Court Administrator, and Carolyn Leveque, Calendar and Caseflow Management Support Staff. This author initially populated the data collection form with case numbers, case names, and date filed for each of the cases in the study. A separate worksheet was used for each year. This information was obtained by running a

“Domestic Case Filings” report in Maryland’s case management system, Uniform Court System (UCS), the statewide case management system. The report was saved as a PDF document; copied into an Excel spreadsheet; and sorted by case type to isolate absolute divorce cases. Cases were originally entered into the data collection form in chronological order.

Support staff entered additional data that was available in UCS. For each case she entered: date case was closed, if applicable; case disposition method (dismissal by court/parties, 2-507b rule dismissal, judgment, consolidation, transfer); case status (open/active, closed/inactive, open/inactive, reopen/active); number of attorneys (zero, one or two); use of an examiner (a specially appointed attorney who is authorized to take divorce testimony); and events (type, date, length, and hearing officer).

This author then populated any remaining information that could be obtained from UCS or could be extrapolated from known information. For example, one report from UCS can indicate every case in which a custody evaluation was ordered. Those cases are defined as high conflict. The high conflict element can be marked with a “yes” without further research. UCS also indicates whether a case is sent to an examiner. Cases are only sent to an examiner if there are no contested issues. Therefore, all cases sent to an examiner have no contested property issues and are not high conflict. Likewise, cases that have uncontested divorce hearings and have never had a custody evaluation do not have contested property trials nor are they high conflict. Property and high conflict can then be marked with a “no” for all of these cases. Also, if there is a child support order then the parties have minor children. Yes and No codes can be entered into the spreadsheet in accordance with this information.

After the data collectors exhausted all methods of retrieving information from the case management system, the remaining data had to be completed through a manual file search. The main data that needed to be collected manually was whether the parties had minor children at the time of filing. This information is not contained in any field in the case management system nor is it recorded in docket entries or on the case jackets. The presence of minor children can only be retrieved by deduction or a manual file review. This author and support staff completed the data collection for the remaining categories of minor children, contested property trials and high conflict case types.

Data collection took a period of several months to complete as the work had to be done in conjunction with regular job duties. Data for 893 absolute divorce cases covering the first six months of 2008 and 2009 was collected. The majority of UCS data was collected between September and November, 2009. Manual file reviews took place in November and December, 2009. At the end of December, the data was reviewed and updates were provided to those cases that had closed after the majority of data had been collected.

Manual file review took less than one minute per file. With two data collectors, one person recorded information while the second person retrieved the information from the file. The data collectors stood in the rows of files in the Clerk's Office and pulled files one at a time from the shelf. This author retrieved the information due to her familiarity with the case files and sources of the required information. Support staff recorded information and took turns at file review.

Coding of the data in the spreadsheets was kept as simple as possible. Dates were placed in the date format. Data for the elements of children, property, high conflict and

examiner were coded with a “Y” or “N”. Attorney appearances were recorded as “0”, “1” or “2”. Dispositions were recorded as one word (judgment, dismissal, 2-507, consolidation, transfer). Case status was recorded with abbreviation such as OA (open/active), CI (closed/inactive), OI (open/inactive), and RA (reopen/active). Cases are generally OA or CI. A case may be OI if the case is stayed, which may occur due to bankruptcy, military service or collaborative law efforts. Cases are RA if they have been reopened after closure. Data in RA cases was only recorded through the first closure.

Events were coded similarly to the coding used to set up the event in UCS. The following codes were used:

Table 4

EVENT	CODE
Family Scheduling Conference	SCHE
Pendente Lite Hearing	PEND
Motion Hearing	MOTN
Settlement Conference	SETT
Emergency Hearing	EMER
Divorce Hearing	DIHR
Uncontested Divorce Hearing	UNCD
Default Hearing	DEFA
Settlement on the Record	SOTR
Status Hearing	STAT

Facilitation	FAC
Modification	MOD
Contempt	CTMP

Hearing officers were coded by their initials (DOL, LRG, LAB, RSB, TJM, EP, MMK, WVT, DMS, DB, RJK, AS, DWD, DWM, KOF, BKH, JPM, and LM). Time estimates are recorded in minutes, hours, quarters or days. Quarters are 15 minute blocks of time and are used for combinations of hours and minutes in UCS. For example, UCS does not record one and one-half hours as 1.5 hours. Instead, UCS only uses six quarters (6Q).

As Project Manager, this author performed all statistical analyses using the spreadsheet functions and a calculator. The spreadsheet could sort cases by any element and then the entries were totaled. The spreadsheet could apply statistical functions such as Average, Median, and Mode. All other results were completed with a calculator. This author's educational background includes a Bachelor's Degree in Pure and Applied Mathematics which allowed for a greater ease in statistical analysis.

Data collection was a successful process overall. The most time consuming/labor intensive portion was the manual data collection. Therefore, detecting the presence of minor children in a case is not something that the system historically tracks.

FINDINGS

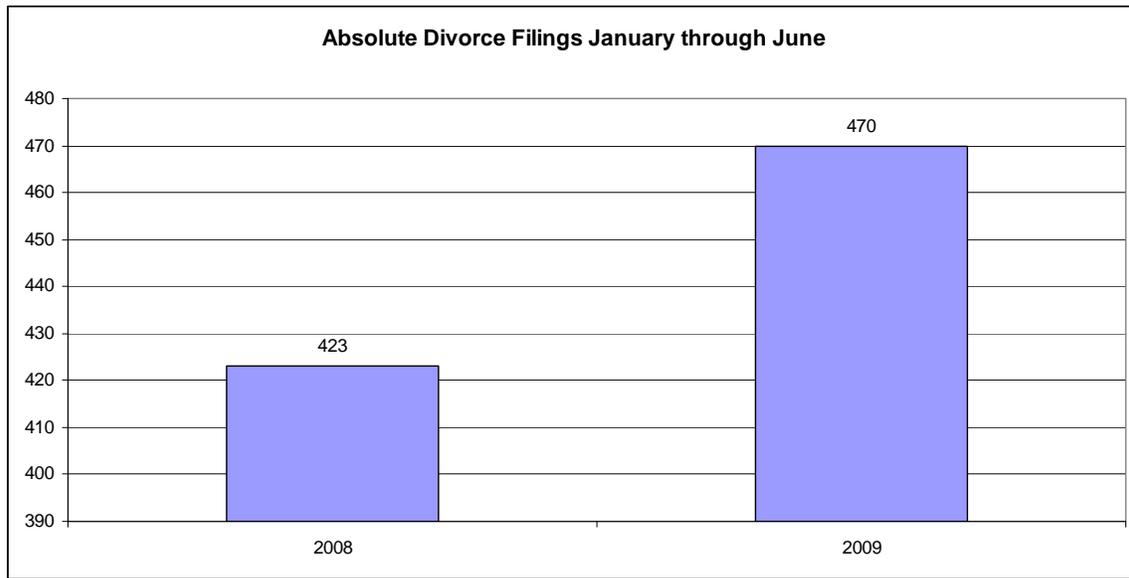
The first data examined under this project dealt with the identification of the characteristics of Howard County Circuit Court's absolute divorce cases. Identifying these characteristics can assist the court in allocation and the creation of resources that more specifically address its population.

Case Characteristics

The court chose to look at certain characteristics of divorce cases during data collection. It was important to look at characteristics that affected the resources consumed by a case and the time required for case processing. The court was also able to determine if the 2008 and 2009 cases had similar characteristics that would allow outcomes to be compared.

By choosing a sample size that consisted of all absolute divorce cases filed in a six month period the court noted an upward trend in filings. The court experienced an 11% increase in filings of absolute divorce cases during the first six months of 2009 compared to the first six months of 2008. Therefore, not only did the court add early intervention procedures during this time period, but the court did so for more cases.

Figure 3



The presence of minor children at the time of filing is important because those cases can be reopened at any time to examine modifications of child support or custody. Cases with children can also have various custody, substance abuse or mental health evaluations. The data showed that 47% of absolute divorce cases had minor children in 2008 and 48% of absolute divorce cases had minor children in 2009.

Figure 4

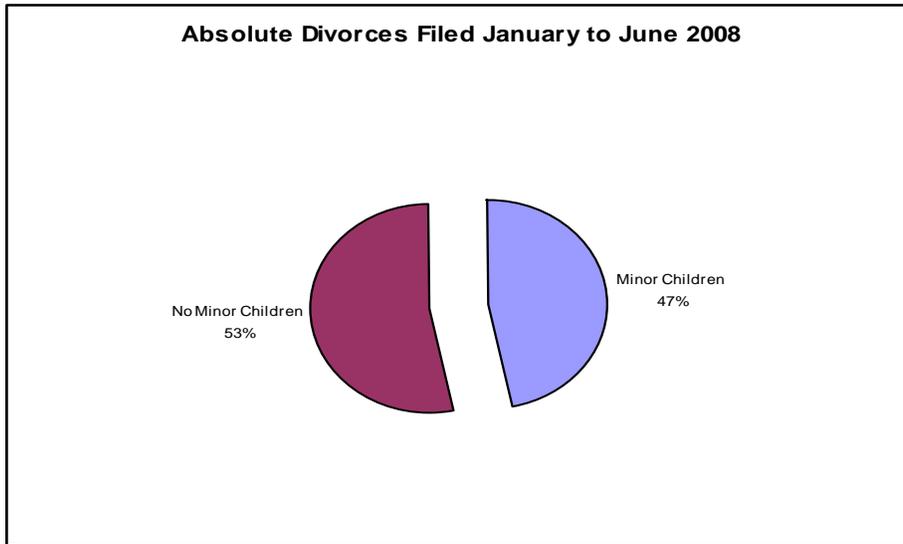
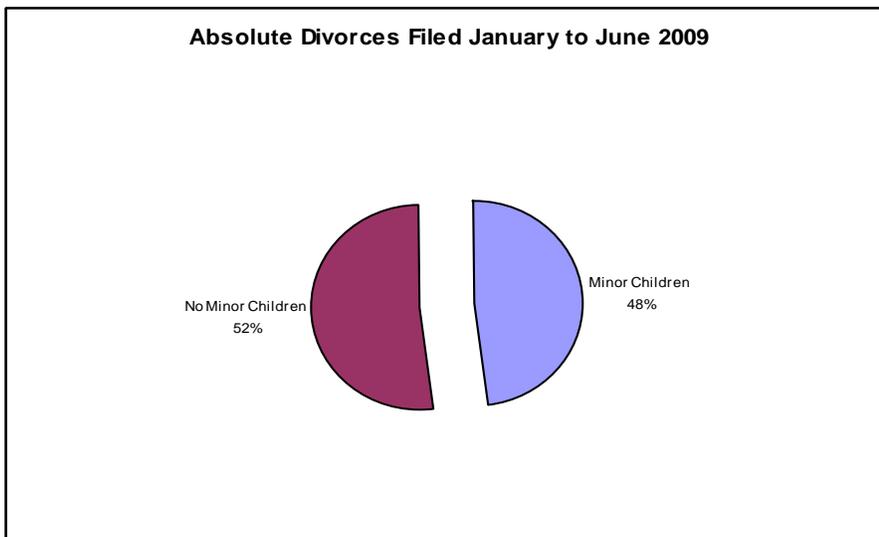


Figure 5



Contested property trials are also resource intensive proceedings. It was easier to capture contested property trials in the 2008 cases as more time had passed. Even though there were cases in 2009 that were recorded as “UNKN” or unknown in this category, the big surprise was that few absolute divorce cases are actually having contested property

trials. In 2008, only nine cases had these trials. Nine cases represented 2% of the filings. For 2009, one case was identified as having a contested trial, but 28 other cases had not reached the point whereby the court could identify whether a contested property trial would occur.

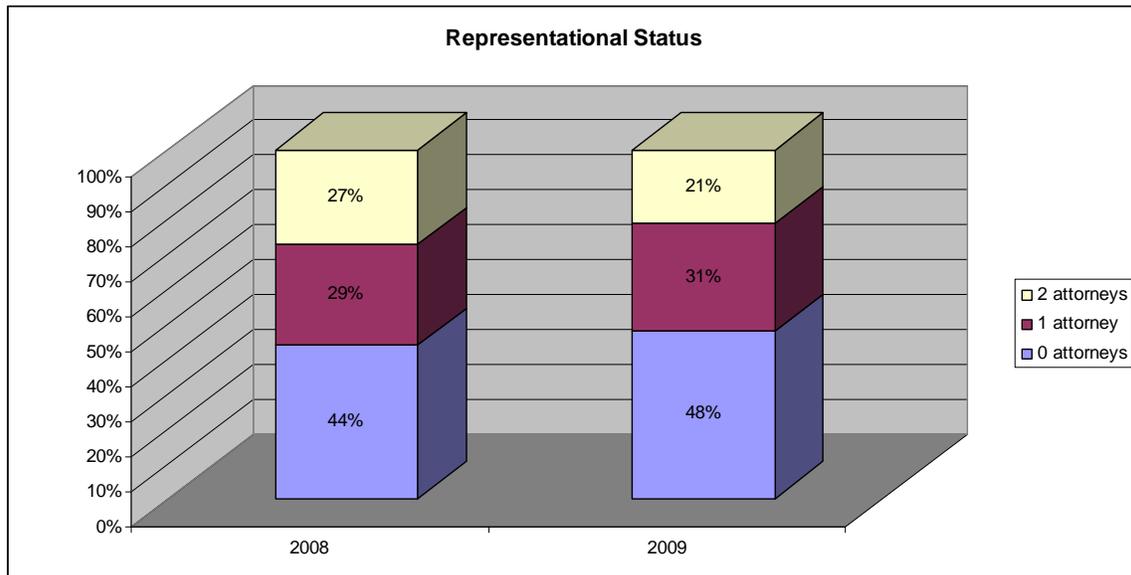
High conflict cases are resource intensive and also have the potential of reopening because they involve children. In 2008, six cases (1%) were identified as high conflict. In 2009, two cases were identified as definitely high conflict and an additional eight were “UNKN” as they were not closed. Therefore, cases that were considered either high conflict or that ended in contested property trials were minimal.

On the other hand cases that are heard by an examiner, (a specially appointed attorney who is authorized to take divorce testimony in their private offices) are not resource intensive. They do however leave the court’s control briefly when sent to the examiner’s office and may be difficult to track if they are returned from the examiner without testimony having been taken. Of the 423 cases in 2008, 250 cases went to an examiner (229 within the study period and 21 cases afterward). Of the 470 cases in 2009, 122 cases went to an examiner within the study period, resulting in 51% fewer cases. There is a potential for more cases to proceed to an examiner in the 2009 as 69 are not yet closed. Regardless of the number that continues to go to an examiner of the remaining 69 open cases, it is clear that significantly fewer cases left the court’s control in 2009 and were instead managed through the new court processes.

Representational status did differ slightly over the two years of the study. Fewer cases involved two attorneys in 2009 (21% versus 27% in 2008). Representational status is depicted in the chart below. This difference could be attributed to the fact that cases

resolved earlier with the new processes and cases closed before parties were imbedded into the litigation process. For a more thorough examination of representational status, the court would need to examine representation status at different stages of the divorce litigation process.

Figure 6



In summary, the case characteristics from 2008 are generally similar to the case characteristics from 2009. The court had additional cases filed; equivalent percentages of cases with children; minimal cases that were high conflict or that ended with contested property trials; and a higher number of self-represented in the cases from 2009.

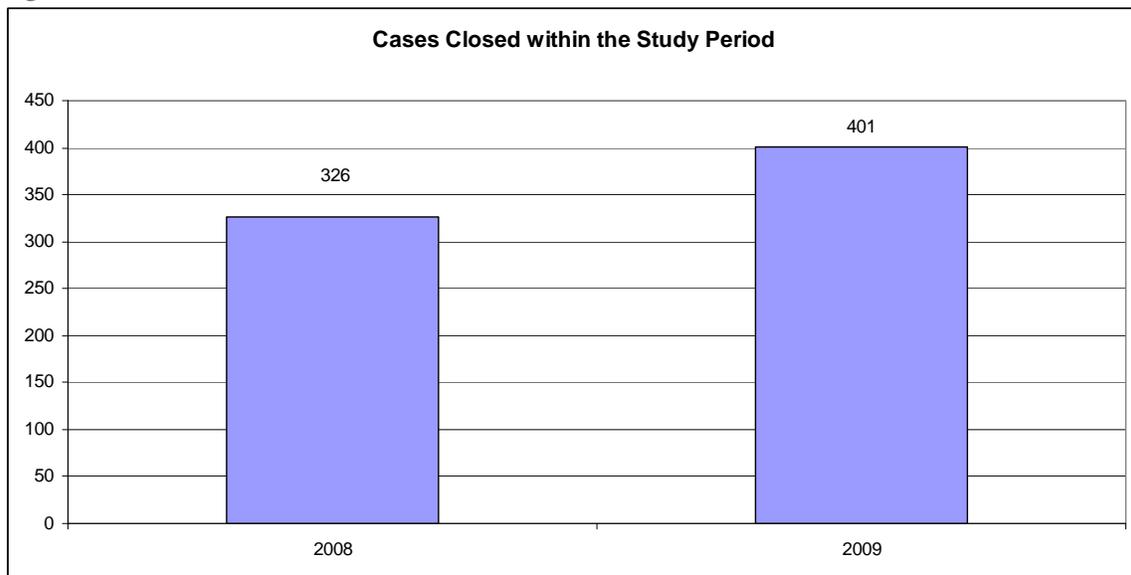
Comparison of 2008 and 2009 Cases

In order to analyze the affect that early intervention had on absolute divorce cases filed during the first six months of 2009, the court needed to compare the outcomes for these cases with the outcomes for the cases filed during the first six months of 2008. The

court also examined the case characteristics of those cases that closed in order to see if different characteristics led to different outcomes.

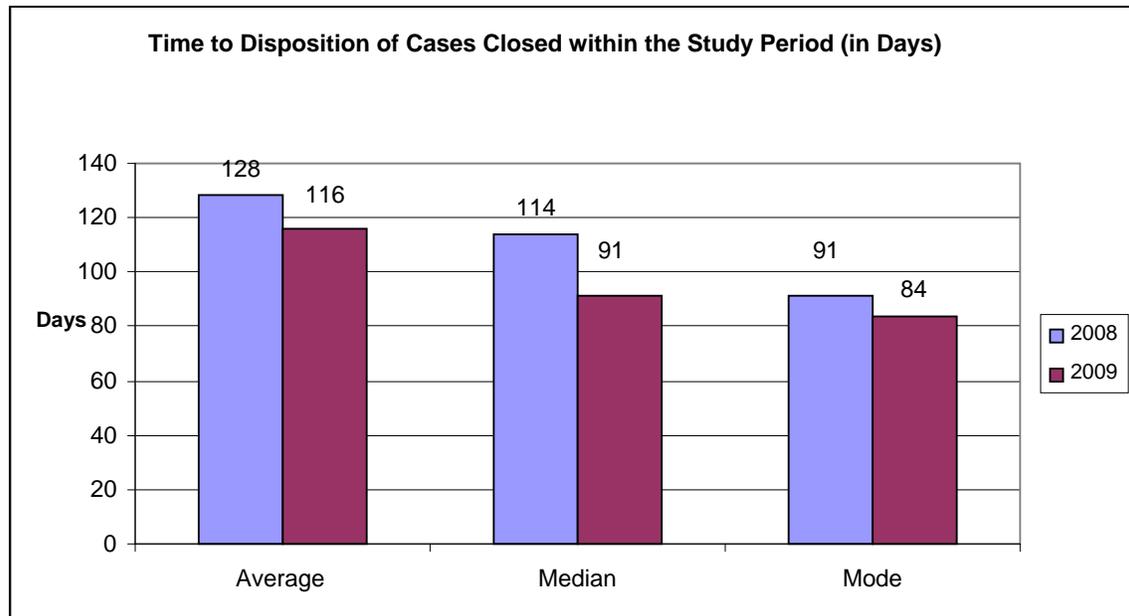
The court closed 23% more cases in 2009 under the new procedures than it did in 2008. Of the 470 cases from 2009, 401 were closed by the December 31, 2009 end date for the study for an 85% clearance rate. Of the 423 cases from 2008, 326 were closed by the December 31, 2008 deadline for a 77% clearance rate.

Figure 7



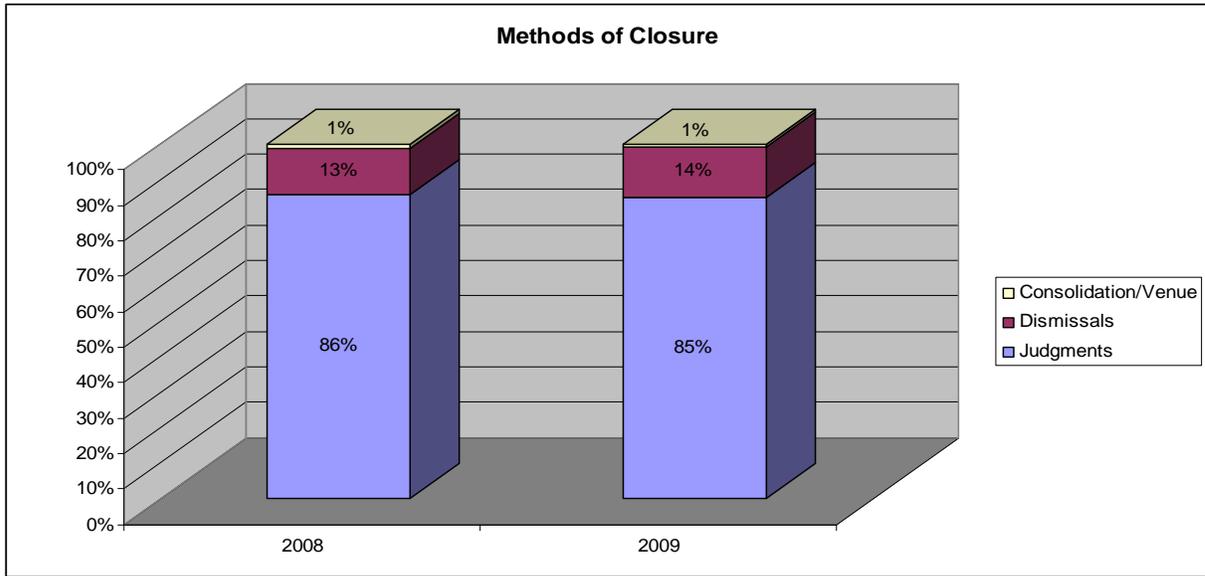
The average time to disposition for the 2008 cases closed by December 31, 2008 was 128 days while the time to disposition for the 2009 cases closed by December 31, 2009 decreased to 116 days. Likewise, the median decreased from 114 days to 91 days and the mode decreased from 91 to 84 days in 2009 cases.

Figure 8



The method by which the cases closed remained the same. For the 2008 cases, 86% concluded with Judgments of Absolute Divorce. Similarly, for the 2009 cases, 85% concluded with Judgments. The remaining cases concluded because of dismissals, consolidations and changes of venue. The only difference in closure methods was the type of dismissal. In 2008 more cases were dismissed for failure of service rather than through any other method such as voluntary or a more formal judge dismissal. However, in 2009 fewer cases were dismissed for lack of service and more were dismissed by parties or judges.

Figure 9



This data demonstrates that the cases are closing with the same outcomes regardless of the case management procedures, but again, more are closing on a sooner date.

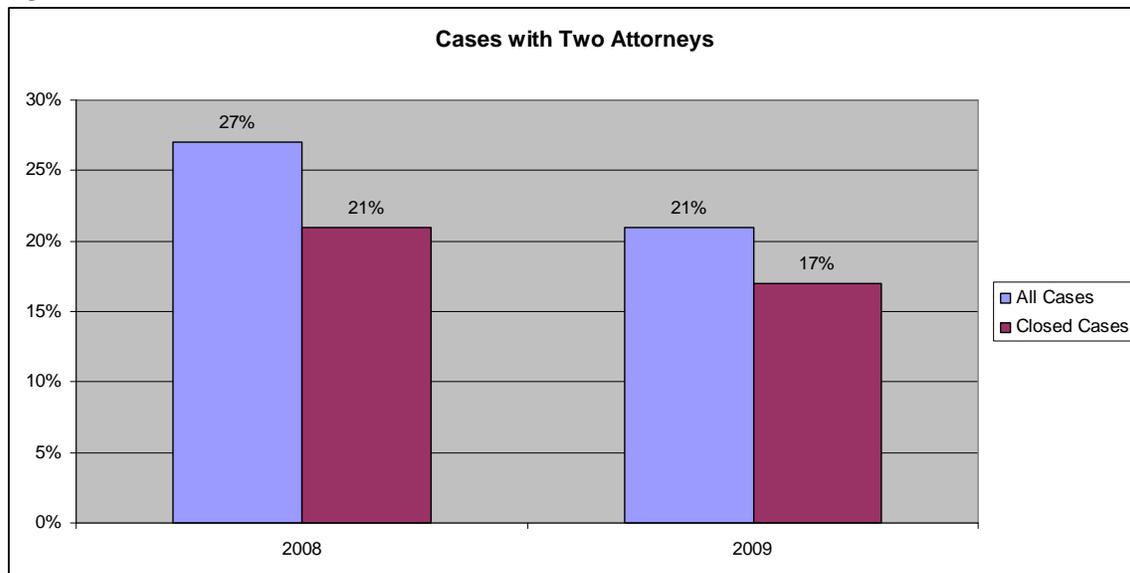
With respect to the existence of minor children at the time of filing, of the 2008 cases closed by the end of the study period (12/31/08), 42% had minor children. As stated earlier, the full population of 2008 cases had a higher percentage of 47% with minor children. This distinction tells us that the 2008 procedures did not work as well for cases with minor children than cases without minor children. In other words, more cases with minor children remained open after the study period than represented in the full population.

The 2009 cases showed some improvement in this area. Specifically, 46% of the closed cases had minor children at the time of filing. The general population of 2009 cases had this percentage at 48%. This improvement demonstrates that the new procedures are assisting the court in processing absolute divorces with minor children in a slightly more efficient manner.

The effect of the new procedures on high conflict and contested property trials is not measurable. The most significant finding is that the court had so few of these cases that they represented only 2% or less of the filings. Also because a portion of cases opened in the first six months of 2009 had not yet closed, the court will have to wait another six months to one year to get an accurate picture of the contested property trials for those cases.

Another interesting area to examine is representation and whether representation levels affect the speed with which a case closes and whether the new procedures affect the closure speed in the same way. In both 2008 and 2009, more cases closed if both or one party was self-represented (see Figure 10.) However, with the new procedures, the court seemed to slightly close the gap from 2008 to 2009 with cases that had two attorneys. In the 2008 cases 27% had two attorneys, but only 21% of the cases that closed within the study period had two attorneys (6% less). In the 2009 cases, 21% of all cases had two attorneys, with 17% of the closed cases having two attorneys (4% less).

Figure 10

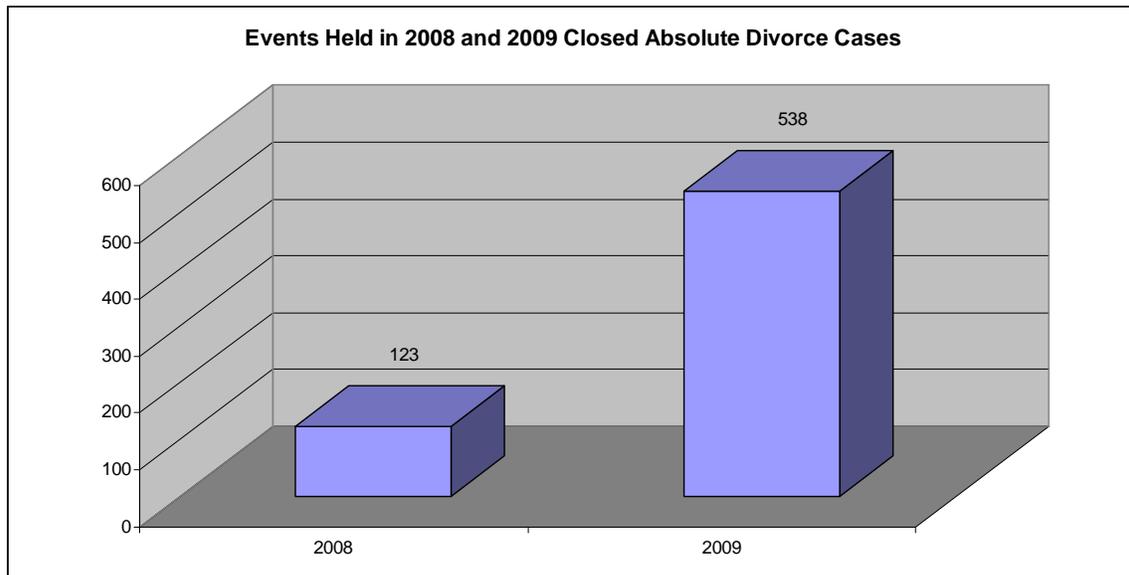


Resources

While it is clear that the court closed 23% more cases with the new early intervention procedures, the burden on the court of doing so needs to be examined. The use of resources can be tied to the number and characteristics of the events held for the absolute divorce cases. For each case studied in this project, the court tracked the number, type and scheduled length of each event and the hearing officer. This project looked at events for all cases in the study that closed within the study period, 326 for 2008 cases and 401 for 2009 cases (see Figure 11.)

Overall 415 more events were held in the 2009. While this sounds dramatic, the court needs to look further at the types of events and the resources required.

Figure 11



The number of events increased by 337%. The events break down as follows:

Table 5

EVENT	2008	2009
Family Scheduling Conf.	33	232
Uncontested Divorces	26	175
Divorce Hearings	25	46
Settlement Con.	20	36
Status Conferences	1	34
Pendente Lite Hearings	6	10
Motions Hearings	4	3
Contempt	2	1
Emergency Hearings	0	1
Settlement on the Rec.	2	0
Default	1	0
Modifications	1	0
Facilitation	2	0
TOTAL	123	538

The largest increases in events are for Family Scheduling Conferences and Uncontested Divorce Hearings. However, each event takes a different amount of time. This project looked at the time scheduled for an event. Events have standard time estimates and if the event is predicted to take longer, the longer time estimate is used. These time estimates are not the actual time the events took because some took more or less than the time allotted. Looking at the amount of time events took to complete for the 2008 and 2009 cases, demonstrates an increase in the time, this is not as dramatic as it first appears when looking at the number of events. This result is because of the fact that Family Scheduling Conferences are scheduled for ten minutes each. And Uncontested Divorces are scheduled for 30 minutes (see Table 6.)

Table 6

EVENT	2008	2009
Family Scheduling Conf.	5.5	38.67
Uncontested Divorces	13	87.5
Divorce Hearings	29	59.75
Settlement Con.	20	36
Status Conferences	0.08	2.83
Pendente Lite Hearings	17	30
Motions Hearings	3	1.5
Contempt	1	0.5
Emergency Hearings	0	6
Settlement on the Rec.	0.75	0
Default	0.5	0
Modifications	2	0
Facilitation	0	0
TOTAL in hours	91.83	262.75

In hours, the scheduled time for events increased by 186% (see Table 6 above.)

In order to further examine the resource use from the new procedure, the court examined the hearing officer for each event and correlated the officer with the increases in hours scheduled. Overall the new procedures used 171 hours of additional hearing officer time. The majority of that time, 57% of the 171 hours, was conducted by the masters. This is due to the procedure of allowing litigants to have an uncontested divorce hearing the same day as their scheduling conference if everything is in order and they wish to proceed immediately. Although these events are scheduled for 30 minutes, they typically take 15 minutes or less.

Table 7

HEARING OFFICER	2008 hours	2009 hours	Increase in hours	% of Total Increase
Judges	38.5	62.83	24.33	14%
Staff	5.5	38.67	33.17	20%
Masters	27.83	125.25	97.42	57%
Sett. Judges	20	36	16	9%
Totals	91.83	262.75	170.92	100%

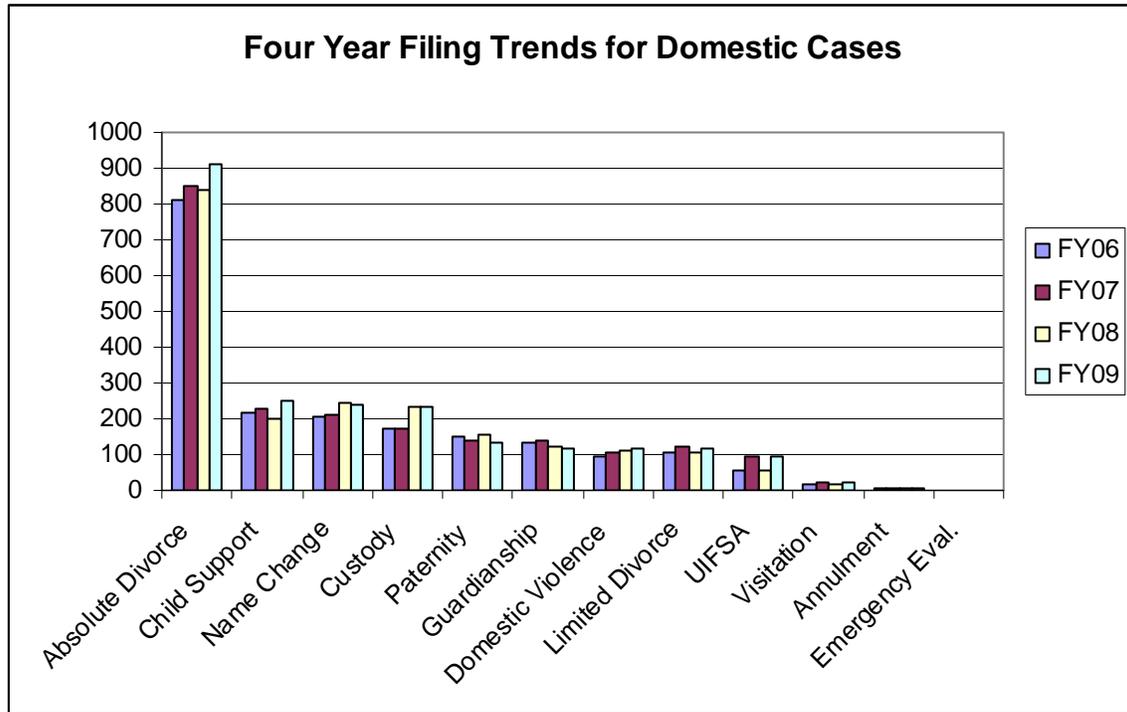
The court considers six hours of bench time as a full day. Therefore, the data shows that the Judges conducted approximately four additional days of court; the masters conducted an extra 16 days of court; and staff conducted an additional five and a half days of court. The master and staff time was all conducted on Fridays. The three masters alternate Fridays and take any uncontested divorces that come from the family scheduling conferences. The masters either fit the uncontested hearings between other hearings or use time when they are not scheduled to be on the bench at all. No overtime or extended days were needed to absorb the increase in hearings.

The settlement judges are visiting judges paid by the State. They conducted 16 additional settlement conferences. However, the court was able to absorb the additional settlement conferences at no cost because they were scheduled during time slots that were empty due to cancellations.

Adding Other Domestic Case Types

Absolute divorces are not the only domestic case type that could benefit from early intervention. For example, limited divorces, custody and visitation cases are subject to case time standards and encounter the same delay factors as absolute divorces. Other domestic case types have different characteristics that may not conform to the new procedures, such as name change and child support. Fiscal year 2008 and 2009 filings for domestic cases are as follows:

Figure 12



Based on number of filings, child support, name change and custody cases have the next highest filings. However, differing characteristics of these cases affect their suitability for early intervention techniques. Child support, along with paternity and Uniform Interstate Family Support Act (UIFSA) cases are managed by specialized staff who examine the cases on a very minute level. Name change cases are different because they do not usually require any court events to close the case. They are largely administrative in nature. They still require tracking, but status conferences have proven sufficient enough to keep them moving.

Custody cases, however, have more similarities to divorce. They can have scheduling conferences and other events such as settlement conferences and pendent lite hearings. They require service, answer or default and a court order. Custody cases differ from absolute divorces in that they do not always require an uncontested hearing and they do not have the multiple other issues a divorce can have (property, alimony, grounds,

etc.). Visitation, annulment and limited divorce cases likewise fall into this category of similar hearings and procedural requirements, but fewer issues to contest.

Guardianship, domestic violence and emergency evaluations are not similar to divorces. They require a limited number of court events and have a short span of open case time.

Therefore, custody, annulment and limited divorce cases would benefit from early intervention procedures and because they do not always require uncontested hearings, they would have less of an impact on master and judge time than the absolute divorces. The impact would be on staff time related to family scheduling conferences.

CONCLUSIONS AND RECOMMENDATIONS

Overall the early case intervention in absolute divorce cases was a success. The review of this pilot project provided good information for the court on the makeup of the absolute divorce cases and the likelihood of success for other similar case types. The review also identified the increase in event time spent by differing hearing officers. Finally, the data collection process identified areas of weakness in the case management system.

Conclusion 1. Increased Number of Cases Closed

Increasing the number of cases closed by 23% is very supportive of the new procedures. In addition to closing more, the court closed the cases earlier. This allows for more time spent on more resource intensive cases and cases that do not move forward on their own. It also frees up staff time that is better applied to the early intervention procedures. Finally, the case filing trends show that more domestic cases are being filed.

The court must become more efficient at processing cases in order to keep up with the increased demand.

Recommendation

Make early and continuous intervention procedures a permanent addition to the processing of absolute divorce cases. The pilot program has proven successful and should be permanently written into the Domestic Differentiated Case Management Plan

Conclusion 2. Cases with Children Take Longer to Close

The findings from the pilot project reveal that cases without children closed faster than cases with children. Identifying these cases at the beginning of the process could give the court extra notice that these cases must be followed closely.

Conclusion 3. Cases with Children are More Difficult to Identify

Whether parties have minor children at the time of filing is very difficult to determine. There is no consistent coding in the case management system that tells the court that the parties have minor children. The data collection process was manual for the majority of cases in the study. Pulling almost 900 cases should not be required for this essential piece of information. With the new early intervention procedures the court could identify this characteristic at the family scheduling conference, but its method of tracking could be difficult.

Conclusion 4. Cases with Two Attorneys Take Longer to Close

The findings from the pilot project reveal that cases with one or two self-represented litigants closed faster than cases with two attorneys. Whether this is because these cases are more complex and require full representation; whether this is because multiple attorneys slow down the court process; or whether multiple attorneys result from

parties becoming imbedded into their positions and more litigious as litigation extends is an unknown. Given our adversarial system, more time may be needed to resolve all issues when both sides fully use their rights to examine witnesses and submit evidence. However, identifying these cases and promoting their movement towards resolution is essential.

Recommendation

Identify cases with minor children and with multiple attorneys. Identifying cases that take longer to proceed through the system and providing a regular system of checks to make sure they comply with the case time standards and the differentiated case management plan can assist with case closure. Minor children can be identified at the family scheduling conference and multiple attorneys can be identified by regular review of open case reports.

Conclusion 5. Early and Continuous Intervention is more Resource

Intensive

Additional events are held in order to intervene in cases at an earlier stage. However, the additional events need to be examined in the correct context. Filings increased by 11%. Therefore, some increased court time is to be expected. Also the increase in court time for judges, masters, and retired settlement conference judges was absorbed into their existing work hours. Howard County's judges and masters have portions of their dockets that can accommodate additional short events. Although they are busier, the court has been able to get the work done. The most impact has been on the Family Law Coordinator's office. They have held 199 additional Family Scheduling Conferences. Although the time it takes to hold these events has been measured, the

court has not identified the preparation time for these events. It is too early to tell if the increase in time at the beginning of a case is saving time during the life of the case. The assumption is that by closing cases earlier and having a younger case age, more time is available for other duties and the increased caseload resulting from the upward filing trend.

Conclusion 6. Similar Case Types May Benefit From Early Intervention

Certain domestic case types have similar processing requirements that may lend them to early intervention procedures. Custody, annulment, limited divorce and visitation cases have similar service requirements, similar staff and similar events. They are also filed less often than absolute divorces, so adding them into the mix has a different burden. During 2009, 376 custody, annulment, limited divorce and visitation cases were filed compared to the 909 divorce cases filed the same fiscal year. Also the event impact would not be as dramatic, because uncontested hearings are not required for these types of cases.

Recommendation

Expand early and continuous intervention procedures to custody, annulment, and limited divorce and visitation cases. This will apply the benefits of the new procedures to as many similar cases as possible and further the court's goals of processing cases in a timely and expeditious manner while improving access to the court system.

Conclusion 7. Full Data Was Not Available for Open Cases

Divorce cases that were open at the end of the study period had incomplete data. If a divorce case was still open, there was no way to determine if the case would end in a contested trial or if high conflict identifiers would emerge.

Recommendation

Further study should be done in approximately six months to one year to assess progress. Certain information could not be finalized due to the timing of this study. In six months all 2009 cases in the study would have had at least one year to resolve. Final information on high conflict cases and contested property trials would be available at this later date and the court could determine if these cases needed to be handled differently.

Appendix A

Court's Hybrid Calendar
January 25 - 29, 2010

	25-Jan	26-Jan	27-Jan	28-Jan	29-Jan
DOL CIVIL (DESG)		9:00 C-06-67373 MOTN 1.50 C-09-76764 MOTN 0.50 C-08-73235 STAT 0.08 C-09-79129 STAT 0.08 C-08-75669 DIHR 0.50 LEAVE DOL DUTY-BU 0.00	9:00 C-08-72423 HEAR 2.00 C-09-78433 DIHR 0.50 DOL DUTY-BU CR1 3.16	9:00 C-08-72423 HEAR 2.00 8:45 K-09-49557 CRN/ 6.00 9:00 C-04-58882 STAT 0.08 LEAVE-PM DOL DUTY-BU CR1 2.00	9:00 C-09-77195 STAT 0.08 C-07-71619 MEX 1.00 C-09-77946 DIHR 1.00 C-09-78792 DIHR 0.50 LEAVE-PM DOL DUTY-BU CR1 2.58
LRG P-CRIM	8:45 am Criminal (9 crjt) LRG DUTY-E CR3 0.00	8:45 am Criminal (9 crjt) LRG DUTY-E CR3 0.00	8:45 am Criminal (9 crjt) 1:30pm VOPs (4) LRG DUTY-E CR3 0.00	8:45 am Criminal (1 pcon.....) C-09-79361 DIHR 0.50 11:00 C-10-80946 DVPO 1.00 LRG DUTY-E CR3 0.50	8:45 am Criminal LRG DUTY-E CR3 0.00
LAB S-CRIM	9:00 C-08-73340 DIHR 1.00 C-09-78135 DIHR 1.00 1:30pm Crim Sett Conf LEAVE RJK DUTY-E CR1 2.00	LEAVE LAB DUTY-E CR2 0.00	LEAVE LAB DUTY-E CR2 0.00	LEAVE DMS DUTY-E CR2 0.00	LEAVE LAB DUTY-E CR2 0.00
RSB CIVIL		9:00 C-07-70287 HEAR 3.00 LEAVE-PM RSB CR4 0.00	8:45 CRIMINAL CRN/ 9:00 C-09-76790 CIVI 3.00 LEAVE-PM RSB CR4 3.00	8:45 am Criminal (1motn) 9:00 C-09-77231 MOTN 0.50 C-09-79463 MOTN 1.50 RSB CR4 2.00	9:00 C-07-68365 CIVI 6.00 RSB CR4 6.00
TJM CIVIL	9:00 C-02-53101 CTMP 3.00 CRJT State v. Ruffin TJM CR2 3.00	9:00 C-07-71202 CTR 6.00 TJM CR6 6.00	9:00 C-09-76128 MOTN 0.50 C-09-79112 DIHR 0.50 1:30 C-09-80678 HEAR 0.25 C-09-78944 UNCD 0.50 TJM CR6 1.25	9:00 C-09-80394 GUAR 0.50 TJM CR2 0.50	8:45 K-09-49610 CRMO 1.00 C-09-76666 DIHR 3.00 TJM CR6 3.00
VJI			MOCK TRIALS (2) 0.00	MOCK TRIALS (2) 0.00	0.00
Standby			C-09-79165 UNCD 0.50 0.00	0.50	0.00
Masters Dockets	MMK Domestic CR 7 WVT Domestic CR 5 EP Support MHR	MMK Domestic CR 7 WVT Juvenile CR 5	MMK Domestic CR 7 WVT CINA/Dom CR 5 EP Juvenile MHR	MMK Juvenile CR 5 WVT Domestic CR 7 EP Support MHR	MMK Domestic CR 7 WVT Dom/UNCD CR 5 EP Support MHR
ADR Dockets	SETT Kane Rm 416A	SETT Kane Rm 416A	SETT Sundt Rm 416A CONF Telephone Paige M.	SETT Kane Rm 416A CONF Fac Confs CR8	CONF Family Law Rm 416A

Leave
Criminal Cases
Specially Assigned
Received from Standby
Transfer from Another CE

Likely to Drop Off
Standby
Multi-Day Trial
Designated
R.O.W.

Recusal Involved
Postponed Day Of
Interpreter
Out-Of-State Witnesses
w/in 3 mos of CTS expiration

DUTY-BU: duty backup
DUTY-E: duty events
DUTY-P: duty paperwork

3/29/2010 2:19 PM

Appendix B

CASE NUMBER	CASE NAME	DATE FILED	DATE CLOSED	DISPOSITION	STATUS	REPRE	CHILD	AC	PROPERTY	HIGH	CON	EXAMINER	EVENT1				EVENT2			
													Type	Date	Length	hrs/Officer	Type	Date	Length	hrs/Officer
13C09075800	Freeman vs Freeman	1/5/2009	3/18/2009	Judgment	Ci	0	y	n	n	n	y									
13C09075808	Bowes vs Bowes	1/5/2009	4/9/2009	Judgment	Ci	2	y	n	n	n	y									
13C09075809	Haitz vs Haitz	1/5/2009	3/24/2009	Judgment	Ci	1	n	n	n	n	y	fam sch	3/6/2009	5m	lm	uncontest	3/6/2009		ep	
13C09075810	Kingston vs Kingston	1/5/2009	12/18/2009	Judgment	Ci	2	n	n	n	n		fam sch	3/13/2009	5m	lm	settle	6/8/2009		kof	
13C09075811	Sreeram vs Sreeram	1/5/2009	11/19/2009	Judgment	Ci	2	y	n	n	n		fam sch	5/29/2009	5m	lm	settle	8/26/2009		ans	
13C09075813	Dukes vs Dukes	1/5/2009	3/13/2009	Judgment	Ci	2	y	n	n	n		fam sch	3/13/2009	5m	lm	uncontest	3/13/2009		ep	
13C09075814	Fung vs Su	1/6/2009	2/18/2009	Judgment	Ci	1	y	n	n	n	y									
13C09075819	Labow vs Labow	1/6/2009	5/20/2009	Judgment	Ci	1	n	n	n	n		uncontes	5/1/2009		wvt	fam sch	5/1/2009	5m	lm	
13C09075822	English vs English	1/6/2009	1/30/2009	Judgment	Ci	0	y	n	n	n	y									
13C09075823	Anderson Vs Anderson	1/6/2009	9/1/2009	2507b	Ci	0	n	n	n	n										
13C09075824	Whitford vs Whitford	1/6/2009	3/17/2009	Judgment	Ci	0	n	n	n	n	y									
13C09075835	Wahlang vs Kota	1/7/2009	8/31/2009	Judgment	Ci	1	y	n	n	n		fam sch	3/13/2009	5m	lm	settle	4/29/2009		kof	
13C09075847	Homans vs Homans	1/7/2009	4/8/2009	Judgment	Ci	1	n	n	n	n		fam sch	3/13/2009	1h	lm	div hrg	3/18/2009		wvt	
13C09075851	Tessmer vs Tessmer	1/8/2009	9/14/2009	Judgment	Ci	0	n	n	n	n	y	fam sch	3/13/2009	5m	lm	status	7/8/2009	5m	ep	
13C09075852	McNulty vs McNulty	1/8/2009	9/29/2009	dismissal	Ci	0	n	n	n	n	y	status	9/9/2009	5m	lm	status	7/8/2009		ep	
13C09075853	Brown vs Brown	1/8/2009	3/24/2009	Judgment	Ci	0	n	n	n	n	y	fam sch	3/6/2009	5m	lm	uncontest	3/6/2009		ep	
13C09075860	Harris vs Lean	1/8/2009	3/18/2009	Judgment	Ci	2	n	n	n	n	y									
13C09075861	Hatton vs Hatton	1/8/2009	2/23/2009	dismissal	Ci	1	y	n	n	n										
13C09075862	Oslund vs Oslund	1/8/2009	3/25/2009	Judgment	Ci	1	y	n	n	n	y									
13C09075864	Holsinger vs Holsinger	1/9/2009	10/26/2009	Judgment	Ci	0	y	n	n	n		fam sch	3/13/2009	5m	lm	status	5/13/2009		ep	
13C09075873	Candanedo vs Candanedo	1/9/2009	5/1/2009	Judgment	OA	0	n	n	n	n										
13C09075874	Sasso Breland vs Breland	1/9/2009	5/11/2009	Judgment	Ci	1	y	n	n	n		fam sch	3/13/2009	5m	lm	pendente	4/17/2009		wvt	
13C09075874	Rubin vs Rubin	1/9/2009	7/31/2009	Judgment	Ci	2	n	n	n	n		fam sch	5/8/2009	5m	lm	settle	6/22/2009		kof	
13C09075875	Walrath vs Walrath	1/9/2009	3/19/2009	Judgment	Ci	1	y	n	n	n		fam sch	3/13/2009	5m	lm	uncontest	3/13/2009		tjm	
13C09075886	Mikusi vs Hutchinson	1/12/2009	3/23/2009	Judgment	Ci	0	n	n	n	n	y									
13C09075887	Alouf vs Ross	1/12/2009	2/24/2009	Judgment	Ci	1	n	n	n	n	y									
13C09075889	Warthen vs Warthen	1/12/2009	4/3/2009	Judgment	Ci	2	n	n	n	n		fam sch	3/13/2009	5m	lm	uncontest	3/13/2009		ep	
13C09075910	Boehler vs Boehler	1/12/2009	11/16/2009	Judgment	Ci	1	y	n	n	n	y	fam sch	3/13/2009	5m	lm	settle	4/27/2009		kof	
13C09075912	Reynolds vs Reynolds	1/13/2009	11/16/2009	Judgment	Ci	1	y	n	n	n	y	fam sch	3/13/2009	5m	lm	settle	4/27/2009		kof	
13C09075912	Nayar vs Sahni	1/13/2009	9/1/2009	Judgment	Ci	1	y	n	n	n		div hrg	8/26/2009	30m	tjm					
13C09075914	Kapnolas vs Kapnolas	1/13/2009	3/18/2009	Judgment	Ci	0	n	n	n	n		fam sch	3/13/2009	5m	lm	uncontest	3/13/2009		tjm	
13C09075926	Joyner vs Joyner	1/14/2009	4/9/2009	Judgment	Ci	2	n	n	n	n		uncontest	3/20/2009		ep	fam sch	3/20/2009	5m	lm	
13C09075927	Bessier vs Bessier	1/14/2009	6/16/2009	Judgment	Ci	2	n	n	n	n		fam sch	3/6/2009	5m	lm	settle	5/26/2009		tan	
13C09075934	Robinson vs Campbell	1/14/2009	4/9/2009	Judgment	Ci	1	n	n	n	n	y									
13C09075935	Jatta vs Crabill	1/14/2009	4/9/2009	Judgment	Ci	0	n	n	n	n		uncontest	3/30/2009		ep	fam sch	3/20/2009	5m	lm	
13C09075941	Brooks Vs Brooks	1/15/2009	12/23/2009	Judgment	Ci	0	n	n	n	n		fam sch	3/20/2009	5m	lm	status	7/18/2009		ep	
13C09075950	Stellabuto vs Stellabuto	1/16/2009	9/25/2009	consent	Ci	2	y	n	n	n		fam sch	5/1/2009	5m	lm	status	9/22/2009	30m	dol	
13C09075951	McCoy vs McCoy	1/16/2009	4/29/2009	Judgment	Ci	0	n	n	n	n		fam sch	3/20/2009	5m	lm	status	4/29/2009		ep	
13C09075955	Parks vs Miller Parks	1/16/2009	4/2/2009	Judgment	Ci	0	n	n	n	n	y									
13C09075966	Boessen vs Erece Boessen	1/20/2009	4/9/2009	Judgment	Ci	0	n	n	n	n	y									
13C09075991	Hebron vs Bellamy	1/21/2009	4/8/2009	Judgment	Ci	0	y	n	n	n		fam sch	3/20/2009	5m	lm					
13C09076000	Kenealy vs Kenealy	1/21/2009	4/9/2009	Judgment	Ci	0	n	n	n	n		uncontest	3/20/2009		ep	fam sch	3/20/2009	5m	lm	
13C09076007	McCorkle vs McCorkle	1/22/2009	7/16/2009	Judgment	Ci	2	y	n	n	n		fam sch	3/27/2009	5m	lm	uncontest	7/8/2009		lrg	
13C09076019	Rodriguez vs Proot	1/22/2009	11/16/2009	Judgment	Ci	2	n	n	n	n		fam sch	3/27/2009	5m	lm	settle	9/14/2009		kof	
13C09076044	Beck vs Beck	1/26/2009	3/27/2009	Judgment	Ci	1	y	n	n	n		uncontest	3/27/2009		rsb	fam sch	3/27/2009	5m	lm	
13C09076049	Brew vs Brew	1/26/2009	12/3/2009	Judgment	Ci	2	y	n	n	n		fam sch	3/27/2009	5m	lm	settle	6/10/2009		ans	
13C09076050	Mccarthy vs Hensel	1/26/2009	3/18/2009	Judgment	Ci	1	y	n	n	n	y									
13C09076058	Rogers vs Rogers	1/26/2009	4/7/2009	Change venue	Ci	2	y	n	n	n										
13C09076070	Gildard vs Gildard	1/27/2009	3/26/2009	Judgment	Ci	0	n	n	n	n	y									
13C09076075	Fletcher vs Redmond	1/27/2009	3/30/2009	Judgment	Ci	0	n	n	n	n		uncontest	3/27/2009		rsb	fam sch	3/27/2009	5m	lm	
13C09076084	Rusch vs Rusch	1/28/2009	3/27/2009	Judgment	Ci	1	n	n	n	n		uncontest	3/27/2009		rsb	fam sch	3/27/2009	5m	lm	
13C09076085	Moren vs Moren	1/28/2009	4/14/2009	Judgment	Ci	1	n	n	n	n	y									
13C09076091	Austin Hansberry vs Hansb	1/28/2009	5/29/2009	dismissal	Ci	1	n	n	n	n										
13C09076092	Joung vs Joung	1/29/2009	9/8/2009	Judgment	Ci	1	y	n	n	n	y									
13C09076097	Eisentraut vs Eisentraut	1/29/2009	4/9/2009	Judgment	Ci	1	y	n	n	n		uncontest	3/26/2009	30m	rsb					
13C09076100	Oglesby vs Oglesby	1/29/2009	3/31/2009	Judgment	Ci	0	y	n	n	n		uncontest	3/27/2009		rsb	fam sch	3/27/2009	5m	lm	

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