

# Timely Justice in Criminal Cases: *What the Data Tells Us*

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## The Effective Criminal Case Management Project

The results of the extensive data collection, analysis, and policy recommendations that flow from that analysis are published in several reports. These reports, along with tools for court management, an interactive data dashboard, and a cost of delay calculator, are accessible at the **ECCM** web site: [www.ncsc.org/eccm](http://www.ncsc.org/eccm).

### Project Overview

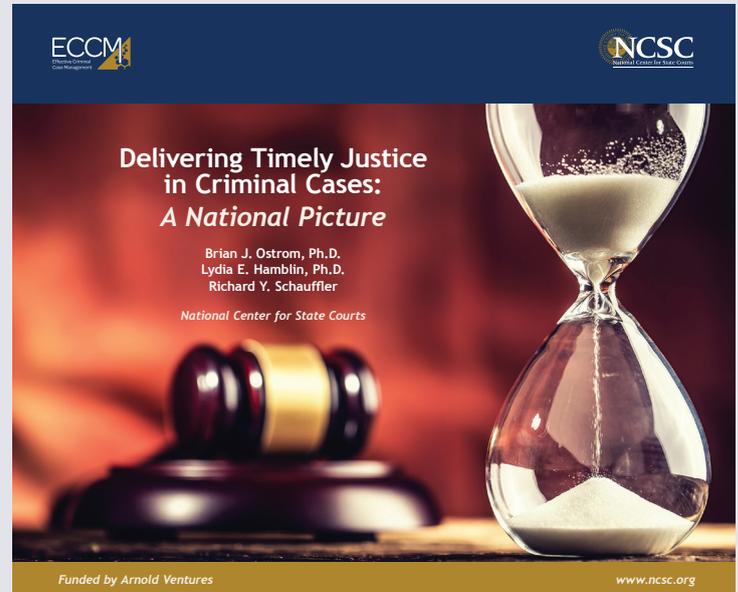
- **Delivering Timely Justice in Criminal Cases: *A National Picture*** provides a visual summary of the study and its findings.
- **Effective Criminal Case Management (ECCM): *Project Overview*** describes the purpose, design, and products of the project.

### Results

- **Success in Criminal Caseflow Management: *Lessons from the Field*** describes the elements of effective caseflow management based on close interaction with seven courts that share success in managing problems of delay.
- **Timely Justice in Criminal Cases: *What the Data Tells Us*** (this document) documents the data collection and provides a detailed analysis of the factors most directly shaping criminal case-processing time.
- **Criminal Case Management Basics: *Data Elements, Performance Measures, and Data Presentation Strategies*** supplies a step-by-step guide to collecting, analyzing, and presenting data on key indicators for effective management of criminal cases.
- **ECCM Site Summaries** display visual summaries of the criminal caseload data provided by each site in a set of infographics on felony and misdemeanor case processing useful for cross-court comparison.

### Data-Driven Tools

- **ECCM Interactive Database** provides access to **ECCM** data for felony and misdemeanor cases and allows users to interact with the data.
- **ECCM Cost of Delay Calculator** invites users to compute a simple estimate revealing how quickly and significantly the costs of delay across the court and its criminal justice partners accumulate.
- **ECCM Caseflow Management Maturity Model** is a self-assessment instrument for determining the level of implementation of caseflow management principles and practices by a court.



## Acknowledgments

Assembling and analyzing the largest set of criminal case data ever collected was a three-year marathon. To bring this project to the finish line required the cooperation and collaboration of many people working in the state courts, as well as big team of NCSC researchers.

First and foremost, we offer our thanks to the many state court administrators, court managers and staff, and judges who worked together with us to provide detailed, case-level data and to share their insights on effective caseflow management.

The project benefited greatly from the pioneers in this field, including NCSC’s David Steelman, William Hewitt, John Greacen, Barry Mahoney, Tom Church, and John Goerd. Earlier research on felony cases funded by the National Institute of Justice with Roger Hanson allowed us to grapple with the issues of timely justice in a smaller set of nine courts. Our prior work with Fred Miller of the California Judicial Council on criminal caseflow management in that state was also especially beneficial. Many court managers and judges with whom we have had the pleasure of working with over the years also provided inspiration and insight; in particular we would like to thank Bob Wessels down in Texas and Judge Kevin Burke up in Minnesota for their contributions.

We express special thanks to the support of the criminal justice staff at Arnold Ventures who provided encouragement and funding to think big as we developed this project. Their commitment to achieving fairness and improving justice in our criminal justice system helped shape the design of our work. We extend a special acknowledgment to Kristin Bechtel.

The multi-year process of working closely with court staff in 91 jurisdictions meant many NCSC staff were actively involved in project conception, design, and data collection, cleaning, and analysis. While some are no longer at the NCSC, we want to thank the many people who were along for the ECCM ride and absolutely critical for its success. These include Ms. Erika Bailey, Dr. Scott Graves, Dr. Matthew Kleiman, Mr. Tracey Johnson, Mr. Neil LaFountain, Ms. Cynthia Lee, J.D., Mr. Nial Raaen, Ms. Shannon Roth, Dr. Allison Trochesset, and Ms. Brittney Via. Dr. Miranda Galvin provided thoughtful help and guidance on the analytical methods used in the report. This publication benefited greatly from the design and layout of Mr. Neal Kauder and VisualResearch. We are uncommonly grateful to the many helping hands.

## Executive Summary

The Effective Criminal Case Management (ECCM) project was designed to discover effective practices in the state courts for resolving felony and misdemeanor cases. After collecting a standardized set of case-level data from 1.2 million felony and misdemeanor cases from over 136 courts in 21 states, ECCM project staff analyzed the data to determine the factors most directly shaping criminal case-processing time. ECCM staff examined variables related to court structure (e.g., single-tiered vs. two-tiered), court organization (e.g., type of calendar), and case characteristics (e.g., seriousness of offense, number of continuances) to determine their influence on the timeliness of case processing. Results indicate that court structure and organizational features have minimal effect on timeliness. However, court caseflow management practices, in particular limiting the number of hearings and continuances per disposition and effectively managing the duration between scheduled court events, are the key to timely case outcomes.

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## Introduction

Criminal cases are the most publicly visible matters that courts handle. Because of constitutional and statutory speedy trial rules, time standards and caseflow management techniques were first created for criminal cases. Despite decades of attention, delay in criminal case processing remains an ongoing problem for state courts. Few other problems command as much attention from judges, attorneys, and the public; nevertheless, understanding of the factors that drive delay remains incomplete. Until now, insufficient comparative information has been available to fully examine patterns and variables to uncover the determinants of timely criminal case processing.

**ECCM** was designed to address this perennial problem by taking a detailed, empirical look at what currently shapes the variation in felony and misdemeanor case-processing time in today's state courts. The first step was to compile the largest case-level data set ever assembled on the details of criminal caseflow. The data indicate several compelling findings that should help judges and court administrators understand what does and does not matter in improving criminal case timeliness in the 2020s.

### Caseflow Management:

Caseflow Management is the set of actions a court takes to control the legal process by scheduling, arranging, and conducting key procedural events. The manner in which a court carries out its choices defines the nature of the legal process for the parties and their attorneys.

## Timeliness and Due Process

**ECCM** analyzed criminal cases in terms of time to disposition, a widely understood and measurable outcome. Many judges and practicing attorneys express concern about the emphasis on compliance with time goals at the possible expense of due process. Compliance with time guidelines or goals should certainly not be the primary objective. Time guidelines are often misconstrued as “requirements,” when in fact they provide a marker to assess whether cases are moving faster or slower, allowing the court to determine where potential problems might lie. Good case management is about ensuring that parties have adequate preparation time while working to eliminate unnecessary delay between events and ensuring that events are productive. Less wasted courtroom time and greater predictability should have collateral benefits for prosecution and defense in a well-managed system.

Timeliness in the context of effective caseflow management signals a much broader responsibility of the courts: to ensure that each person's constitutional right of due process is honored in the process of seeking justice in individual cases. From this perspective, timeliness is a vital indicator of the health of a court and should provide comfort to those who fear that an emphasis on timely disposition of criminal cases is at the expense of “doing justice.” Prior to getting into results, we examine the current approach to assessing timeliness in criminal cases.

## Coming to Terms with Timeliness

What is the right balance between expedition and quality justice? Since their first formal articulation, time standards have served as an attempt to address this question. After having adopted speedy trial rules for criminal cases in 1968, the American Bar Association adopted time standards for other case types as well in 1976, amending them in 1984 and again in 1992. The Conference of State Court Administrators promulgated national time standards for cases in state courts in 1983. Together, the National Center for State Courts (NCSC), the American Bar Association, and the National Association for Court Management, with endorsement from the Conference of Chief Justices and the Conference of State Court Administrators, put forth a new set of *Model Time Standards for State Trial Courts* in 2011.<sup>1</sup>

For criminal cases, the time standards are clearly ambitious. As shown below, the *Model Time Standards* provide for an initial time period within which 75 percent of the filed cases should be resolved, a second time period within which 90 percent of the filed cases should be resolved, and a third time period within which 98 percent of filed cases should be resolved. The 98 percent benchmark is meant to fix the maximum time that should be taken to decide and finalize all but the most highly complex cases.

### Model Time Standards

Felony Dispositions	Misdemeanor Dispositions
75% within 90 days	75% within 60 days
90% within 180 days	90% within 90 days
98% within 365 days	98% within 180 days

The time standards are designed as goals toward which courts should strive and therefore provide a measure for assessing the effectiveness of local courts in the area of expedition and timeliness.

1 *Model Time Standards for State Trial Courts*. Available at: [https://www.ncsc.org/\\_data/assets/pdf\\_file/0032/18977/model-time-standards-for-state-trial-courts.pdf](https://www.ncsc.org/_data/assets/pdf_file/0032/18977/model-time-standards-for-state-trial-courts.pdf)

### Time Standard Design: Aspiration and Reality

The results of the ECCM project show that no court can consistently meet the aspirational timeframes defined by the *Model Time Standards*. The good news is that ECCM has gathered the data to allow time standards to be redefined based on the actual performance of the state courts. All previous efforts to establish timeframes lacked valid information on actual case-processing time to inform the setting of realistic time standards, leading to unrealistic goals. Management studies indicate that standards that can never be achieved do not serve a purpose and can eventually become an excuse for not seeking to meet any standards at all. The result is that failure to meet the goals becomes excusable, acceptable, and in fact expected.<sup>2</sup>

Court leaders and attorneys who do not believe in the achievability of timeliness will simply stop trying, both individually and collectively. The difference between high standards and unrealistic standards is that the high standards are in fact achievable. High standards that cannot be attained undermine the desired results.<sup>3</sup>

### The ECCM Approach to Assessing Timeliness

This project does not propose a revised set of criminal case time standards. Rather, it investigates the question of why some courts are more timely than others and in the process provides empirical evidence useful in ongoing discussions about the design of achievable, high performance time standards. The ECCM approach draws on the structure of the *Model Time Standards*, while using actual time to disposition to sort participating courts into groups based on measured case-processing time. For felony cases, we use a modified version of the 365-day *Model Time Standard* and distinguish three case-processing time groups:

#### Felony Time Groups

Category	Description	Definition
Time Group 1	More Timely	Court resolves more than 90% of felony cases within 365 days
Time Group 2	Midrange	Court resolves between 80% and 90% of felony cases within 365 days
Time Group 3	Less Timely	Court resolves less than 80% of felony cases within 365 days

The *More Timely* category relaxes the *Model Time Standard* goal of 98% within 365 days to include courts meeting a solid performance level of 90%, a challenging though attainable goal for a high-performing court. The *Midrange* category is the set of courts that are within close range of the overall average of all participating courts in terms of felony case-processing time (83% within 365 days). The *Less Timely* category contains the set of courts where fewer than 80% of felony cases are resolved within 365 days; these courts may benefit most from the results of this study.

For misdemeanor cases, we use four case-processing time categories, due to wider variation among courts in time to disposition and the extent to which most courts fail to achieve the *Model Time Standards* goals. For misdemeanor cases, we use a modified version of the 180-day *Model Time Standard*:

#### Misdemeanor Time Groups

Category	Description	Definition
Time Group 1	More Timely	Court resolves more than 90% of misdemeanor cases within 180 days
Time Group 2	Timely	Court resolves between 80% and 90% of misdemeanor cases within 180 days
Time Group 3	Midrange	Court resolves between 70% and 80% of misdemeanor cases within 180 days
Time Group 4	Less Timely	Court resolves less than 70% of felony cases within 180 days

Few courts meet even the relaxed goal of 90% of misdemeanor cases within 180 days and no court approaches the *Model Time Standard* goal of 98%. As above, the *Midrange* category contains the courts that are within a few percentage points of the overall average for all courts providing misdemeanor data (77% within 180 days).

<sup>2</sup> “Are High Expectations Hurting Your Team?” at <https://hbr.org/2019/01/are-your-high-expectations-hurting-your-team>

<sup>3</sup> Lunenburg, Fred C. 2011. *Goal-Setting Theory of Motivation*. 15 International Journal of Management, Business, and Administration. 1. “The key point is that a goal must be difficult as well as specific for it to raise performance. However, there is a limit to this effect. Although organization members will work hard to reach challenging goals, they will only do so when the goals are within their capability.” (p. 3).

## Major Project Findings

### *Millions of criminal cases resolved each year, many outside national time standards*

- Over 18 million criminal cases—5 million felony and 13 million misdemeanor—are resolved each year in US state courts. Putting these numbers in context implies 40 felony cases and 100 misdemeanor cases are resolved each minute of every day around the country.
- The average time to disposition is 256 days for a felony case and 193 days for a misdemeanor.
- No court in the study meets the current national time standards. Current national time standards indicate that 98% of felony cases should be resolved within 365 days. On average, **ECCM** courts resolve 83% of felony cases within 365 days. The Model Time Standards call for 98% of misdemeanor cases to be resolved within 180 days. **ECCM** courts resolved only 77% of misdemeanors within 180 days.

### *All Courts Do the Same Work, But Some are More Timely than Others*

- Across all courts, there are no significant differences in the composition of felony caseloads or manner in which cases are resolved. Likewise, there is consistency in the composition of misdemeanor cases and their manner of disposition, though to a lesser degree than felony cases.
- Despite broad similarity across all courts in the mix of case types and the way cases are resolved, some courts consistently resolve the same caseload with tighter timeframes than other courts.
- The courts can readily be sorted into groups based on differences in their timeliness.

### *What Accounts for Differences in Timeliness?*

- The primary drivers of case-processing time are the number of continuances per case and the number of hearings per case.
- *More Timely* courts better maintain control over scheduling and reduce both the number of continuances as well as the time a continuance or an additional hearing is allowed to add to the schedule.

### *What Does Not Explain Differences in Timeliness?*

- There is no evidence of any connection between the timeliness of criminal case processing and any particular type of court organization, including size of court, method of judicial selection, type of calendar, filings per judge, length of presiding judge term, or the availability of case management reports.
- Differences in court structure play a small but surprising role in overall average timeliness, with single-tiered courts being least timely and two-tiered courts with direct felony filing in the upper court and all misdemeanors resolved in the lower court being most timely. However, the independent effect of court structure disappears when factors related to case management are considered.
- Regarding the mix of case types, courts handle the same types of cases in the same proportion.
- For manner of disposition, timely courts have the same proportion of trials and pleas. Notably, timely courts dismiss fewer cases than the slowest courts.
- The *More Timely* courts are faster across all case types and all manners of disposition.

### *Timeliness Is Determined by the Court's Policies and Practices*

- Any court that practices effective caseload management can achieve timely outcomes.
- What works in successful courts can be generalized to other courts.

## Analysis Plan

More than 5 million felony cases and 13 million misdemeanor cases were resolved in state trial courts in 2016.<sup>4</sup> Significant court resources are directed at processing this large and rising volume of criminal cases; however, many courts still experience considerable congestion and delay. National initiatives designed to support more efficient case resolution must also appreciate that state courts operate within a wide range of different structures, organizational practices, and judge and staff workload levels. Despite the variation, **ECCM** finds that all courts can benefit from using a common set of case management practices to resolve criminal cases in an efficient and timely way.

The purpose of this report is to develop a greater understanding of what criminal caseloads look like across state courts and how they are being resolved. This involves taking a close look at the similarities and differences in felony and misdemeanor case-processing times among the 91 courts participating in **ECCM**, as well as determining which of the jurisdictions approach a desired pace of litigation using the *Model Time Standards* as a guide.

We also examine the extent to which differences in the pace of litigation are shaped by court structure and resources, caseload characteristics, and court case management practices, if at all. The point of this exercise is to disentangle and clarify the drivers of timeliness that are within the court’s control.

A well-rounded data approach was used to include three levels of analysis: court and community factors, local organization and practice, and case-level characteristics.

This study provides the most in-depth look ever undertaken at a wide variety of structural, organizational, and case-specific factors and their relationship to effective criminal caseload management. The three levels of analysis were examined descriptively, in the aggregate and between groups of courts that vary in terms of the pace of litigation. A predictive model was also developed and tested to identify which factors were reliable predictors of timeliness in felony and misdemeanor criminal cases. The three levels of analysis are described in more detail below.

### Factors Examined in the Analysis



Court & Community Factors	Local Organization & Practice	Case Characteristics
Court Structure	Court Administration	Time to Disposition
Method of Judicial Selection	Judicial Staffing	Case Identifiers
Term of Judicial Assignment	Caseload Policies	Key Procedural Event Dates
Population of Jurisdiction	Case Assignment	Seriousness of Charge
Total Felony Caseload	Leadership Selection	Manner of Disposition
Total Misdemeanor Caseload	Information Sharing	Defendant Legal Status
Caseload per Judge	Prosecution and Defense	Number of Court Hearings

Nationally, the average time to disposition is 256 days for felony cases and 193 days for misdemeanor cases, with considerable variation among courts.

**ECCM Findings**



**~18,000,000**  
Cases Resolved Per Year



**~5,000,000**  
Felonies  
~2,400 Per Hour



**~13,000,000**  
Misdemeanors  
~6,000 Per Hour

<sup>4</sup> Total estimate based on data compiled by NCSC as part of the Effective Criminal Case Management Project.

## Findings: Court and Community Factors

Summary information about the court and broader context of each site was collected. This information included state, court level, population of the jurisdiction, number of judges, total felony and misdemeanor cases disposed by court, and court structure.

### Participating Courts

Ninety-one courts from 21 states provided case-level data for the study. States were geographically diverse and included mostly larger courts for greatest comparability. Nearly all jurisdictions were within the 300 most populous counties in the nation.<sup>5</sup> Population size per site ranged from approximately 33,000 to 4,500,000 and totaled over 66 million, representing 21% of the national population at the time of data collection.

21 States Contributed ECCM Data  
136 Courts, 91 Jurisdictions



### Court Structure

A common way to describe state court structure is to distinguish between single-tiered courts (also called unified courts) that resolve all types of cases in a single court level and two-tiered courts that divide the work of the court between general jurisdiction and limited jurisdiction court levels. However, it is necessary to make additional distinctions to understand important differences in how criminal cases are handled that can impact timeliness. ECCM identified four alternative court structures that help clarify the wide variety of paths felony and misdemeanor cases can take within the 21 participating states.

Overview of ECCM Courts

	Alaska	Arkansas	Arizona	California	Colorado	Florida	Iowa	Illinois	Kentucky	Massachusetts	Michigan	Minnesota	Missouri	New York	Oregon	Pennsylvania	Texas	Utah	Virginia	Washington	Wisconsin
ECCM Structure	2	2	4	1	2	4	1	1	2	2	2	1	1	2	4	3	2	4	2	4	1
Number of Localities	5	3	5	3	7	2	2	1	3	6	3	5	7	5	6	15	2	4	1	3	2
Number of Courts	10	6	7	3	14	4	2	1	6	6	3	5	7	10	6	30	2	8	1	3	2
General Jurisdiction	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●		●	●	●	●
Limited Jurisdiction	●	●	●		●	●			●	●				●		●	●	●			
Felony Case Data	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●		●	●	●	●
Misdemeanor Case Data	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●			●

5 Eight (9%) jurisdictions had lower ranks, but all counties were within the top 1,500 by population size in 2015.

## ECCM State Court Structures

**Legend:** → Felony Cases → Misdemeanor Cases 🏠 Lower Court 🏛️ Upper Court

Comparing state court structures is complicated due to unique features of process among states and even levels of court within the same state. To simplify the complexities of state court structure and process, consider only the entry and exit points for felonies and misdemeanors. In other words, which court level(s) has jurisdiction to handle filed felonies or misdemeanors, and which court level(s) typically dispose those cases? These simple diagrams show potential entry and exit points for criminal cases, underscoring the numerous permutations and emphasizing the variability of the state courts.

ECCM Structure	Number of Jurisdictions	Court Type	Court Description	States	Court Structure
1	20	Single-Tier Courts	Single-tiered court or Two-tiered court with exclusive felony and misdemeanor jurisdiction in the upper court.	California Indiana Illinois Minnesota	
				Missouri Wisconsin	
2	35	Traditional Two-Tier Courts	Traditional two-tiered court with felony bindover and some/minimal felonies resolved in lower court. Misdemeanors filed and resolved in lower court.	Arkansas Massachusetts Michigan Texas Virginia	
				Alaska Colorado Kentucky New York	
3	15	Modified Two-Tier Courts	Two-tiered court with felony bindover and misdemeanor cases resolved in both upper and lower court.	Pennsylvania	
4	21	Two-Tier Courts – Variable Direct Filing	Two-tiered court with exclusive felony jurisdiction in upper court and misdemeanor jurisdiction in lower court or direct felony filing in upper court and misdemeanor jurisdiction in lower court or exclusive felony jurisdiction in upper court and misdemeanors filed and resolved in both upper and lower court.	Florida Oregon	
				Arizona Washington	
				Utah	
<b>Total</b>	<b>91</b>	Note: count by jurisdiction (e.g., county, city), not by court since some two-tiered systems had 2-3 courts per jurisdiction.			

- A small difference exists in the overall average for case-processing time across court structures, with the lowest time in two-tiered courts in which the general jurisdiction court handles felonies and the lower jurisdiction court handles misdemeanors (**ECCM Structure 4**) and, surprisingly, with the highest time in single-tiered courts (**ECCM Structure 1**).
- While the two-tiered structures referred to above create the opportunity for more timely case processing through more efficient processes, it is active caseload management that makes the biggest difference.
- For that reason, the most timely courts are found among all state court structures. While these courts do not share a common structure, they share a common attribute: effective caseload management guided by court leadership.

## Findings: Local Organization and Practice

Considerable attention has been paid over the years to the wide variety of organizational factors potentially shaping judicial administration and management of criminal caseflow. Meeting the overall time goals for criminal cases is challenging because effective outcomes require the involvement of multiple justice system partners, including the public defender's office, the prosecutor's office, and pretrial services. All agencies must work together to achieve fair and timely resolution of criminal cases while meeting their institutional responsibilities. Consequently, a survey was sent to each participating site, focused on organizational characteristics and local practices of each court.

### *Case Assignment and Type of Calendar*

The courts were evenly split in whether they have a separate division for handling felony cases or if all judges handle felony cases as part of a general jurisdiction docket. There is some speculation in the literature that a specialized docket may achieve greater efficiencies in case processing as judges are able to focus solely on one type of case. However, no correlation was found between case assignment practice and felony case processing time.

An individual calendar system is one in which each case is randomly assigned at filing (or shortly thereafter) to an individual judge who will be responsible for assigned cases through the entire life of the case. This places responsibility for case management directly with the assigned judge. Master calendars involve the assignment of judges to preside over particular court events, rather than managing cases throughout their life cycle. In a master calendar system judges may be assigned to specific event dockets (arraignment, pre-trials, trials) or rotated through all event types. There are also hybrid calendars that employ variations on these two types.

While judges and administrators can be very adamant in their calendar preferences, there was no indication from the data that the type of judicial calendars is relevant to timeliness in felony case processing. A majority of the responding courts reported individual calendar systems, with a slightly smaller number having hybrid systems, and only a handful reporting that they use a true master calendar.

## *Judicial Selection and Terms*

The various methods for selecting chief or presiding judges include appointment, peer vote, or a nominating commission with terms in the **ECCM** study courts ranging from one to five years. For courts in the study with a separate felony division, the chief judges are chosen by appointment or peer vote and serve terms from one to five years, or indefinite. As one of the key questions is how courts sustain an effective caseflow culture, it follows that stability in leadership might be a factor. This would suggest that longer leadership terms for presiding and criminal division chief judges might be a characteristic of successful courts. However, there was no discernable correlation between length of term for chief or presiding judges and the overall pace of litigation. In addition, the method of selection, which included seniority, election by peers, or selection by a higher court, did not appear to have an impact.

### *Administrative and Clerical Support Characteristics*

Court administration and clerks' office staff provide important case management support functions, including updating case management systems, scheduling and calendaring, and records management. The manner in which court support services are structured and the services provided differ between states and levels of courts. The clerk function, which typically focuses on management of court case records, is provided in many states by an elected executive branch official. In others, this function is appointed and may be combined with court administration. This latter arrangement is more typical in lower jurisdiction courts. Courts with both elected and appointed clerk positions were in the study group.

The extent and scope of responsibility of court administrative personnel vary as well. One of the key functions in case management is the scheduling and calendaring of cases. In some of the participating courts presiding judges take a very active role in case assignment and scheduling, while others have delegated the day-to-day responsibility to administrative or clerk's office personnel. All courts in the study group, with the exception of Fairfax, Virginia, employ court administrators. The study did not find any correlation related to various administrative characteristics, including the type of selection (elected versus appointed), position responsible for scheduling and calendaring, or the length of service of the clerk or administrator.

## Caseflow Policy and Procedure

To make the progress of criminal cases from filing to resolution more predictable and reliable, judges must adhere to a clearly articulated continuance policy. Past research suggests that effective courts create the expectation that events will occur as scheduled, knowing that participants will not appear or be prepared at a scheduled hearing if the certainty of their case being called is in doubt. This means that the court should provide advance notice in the event of judicial absence and monitor lawyer schedules when setting hearing dates to avoid the need for continuances due to appearance conflicts. Most participating courts report that hearings are set following judge and/or staff consultation with counsel.

Of course, even the most effective calendar practices cannot and, in fairness, should not eliminate all continuances. Yet continuances can be kept to a minimum by firm adherence to enforcement standards, under which continuances are granted only when good cause is shown and requests for continuances and extensions are in writing and are recorded in the court's case management information system. The survey results show considerable variation within and among courts with respect to continuance policy. Regardless, analysis found no correlation between reported practices and actual case processing time.

## Information Sharing and Stakeholder Coordination

Management information reports are essential to day-to-day caseflow management because they provide the information by which judges and court managers can measure their actual performance against expectations and identify problems that need attention. If used effectively, they allow courts to actually manage caseflow.

The survey results show wide variety in the provision of individual judge reports and bench-wide case reports. While many courts say they provide such reports at least monthly, many others provide case management information only on request or not at all. The literature suggests that relationships with criminal justice partners are essential to successful implementation of caseflow management principles and practices and is therefore considered a key requirement to success. Survey results show regular discussions of case management issues are not the norm, with meetings among court staff and justice partners said to be occasional in most courts. However, the majority of courts have established a "criminal justice council" to facilitate and encourage communication and collaboration. There was no correlation found between reported information sharing practices and felony case processing time.

## Findings: Case-Level Data and Time Groups

Case-level information was collected on all felony and misdemeanor cases disposed within a one-year time frame. Caseload volumes varied across the participating sites, measured as total number of dispositions per site. Total number of dispositions for the study was **311,807 felonies** and **888,813 misdemeanors**.

Courts that agreed to participate received a standard data request that focused on case characteristics, key case events, defendant status (e.g., custody, representation), and case outcomes (*Criminal Caseflow Management Basics*). NCSC applied standard selection criteria to all cases, excluding non-criminal charges (e.g., civil infractions, ordinance violations) and restricting each sample to one year of dispositions. Through iterative communication with each site, NCSC ensured the requested data elements were properly interpreted for the data extracted from the site's case management system (See *Technical Note* for summary of data reporting).

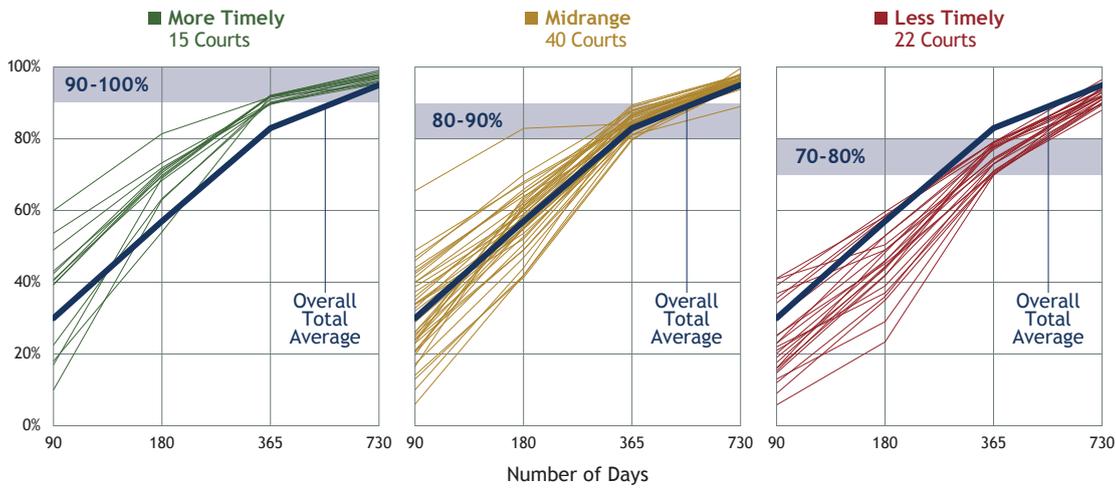
### Key Elements of Successful Caseflow Management:

**Count cases correctly.** Determining how cases are counted is such a fundamental issue that it may be taken for granted in some courts. However, the way a court defines a "case" can dramatically change the "caseload" count. Factors that affect how courts count criminal cases include: the number of defendants, the number of counts (or charges), and the timing of incidents (for example, a string of related robberies) before the defendant is arrested. **ECCM** used the nationally recommended definition of a criminal case: all charges against a single defendant arising from a single incident.

Some courts were able to extract and report case-level data using the **ECCM** definition, with all charges of a single incident flattened into a single case and separated for multiple defendants. Many courts reported charge-level information which repeated the same characteristics for each charge in a case. NCSC applied standard flattening rules to aggregate the data into a single case per defendant based on the most serious charge at filing and disposition.

There is no correlation between timeliness of criminal case processing and the size or organizational characteristics of the court, including size of court, method of judicial selection, type of calendar, filings per judge, length of presiding judge term, or the availability of case management reports.

**Time Standards: Percentage of Felony Cases Resolved at 90, 180, 365 and 730 Days**



**Time Groups**

To examine how timeliness related to other key factors of case processing and local practice, case-processing Time Groups were formed. Groupings drew on the *Model Time Standards for State Trial Courts* to assess case-processing time using a standard metric.

Grouping were designed around actual court performance. For felonies, Time Groups were made based on the percentage of cases that were disposed within 365 days (benchmarked at 90% or better, 80-90%, and less than 80%). For misdemeanors, the same logic was applied to cases that were disposed at 180 days (benchmarked at 90% or better, 80-90%, 70-80%, and less than 70%).

**Model Time Standards**

Felony Dispositions	Misdemeanor Dispositions
75% within 90 days	75% within 60 days
90% within 180 days	90% within 90 days
98% within 365 days	98% within 180 days

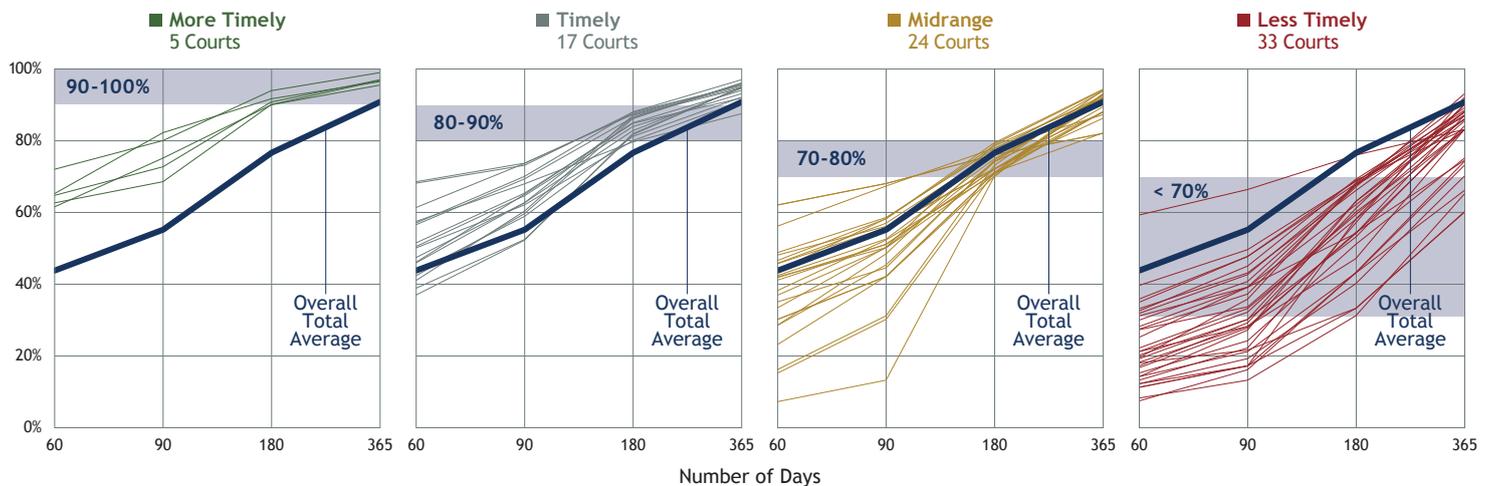
**Felony Time Groups**

Court Time Group	% Felonies Disposed	N Courts
More Timely	≥ 90% at 365 days	15
Midrange	80-90% at 365 days	40
Less Timely	< 80% at 365 days	22
<b>TOTAL</b>		<b>77</b>

Courts were grouped based on performance against time standards using their total time from filing to disposition to measure all case time (i.e., two-tiered systems included all case time from filing in the limited jurisdiction to disposition in the general jurisdiction court). Sites were excluded if they were unable to represent the full life of a case. This included any instance where a court was unable to provide one leg of a case (time missing in limited or general jurisdiction) or where one level of court provided data (e.g., general jurisdiction) but the other level of court was not a study participant (e.g., a limited jurisdiction court that holds preliminary hearings/enters pleas).

The graphic at the top of this page illustrates the formation of each of the Time Groups, indicating the share of felony cases resolved at 90, 180, 365, and 730 days for all participating courts. The courts in each Time Group are shown to cluster at the 365 day mark. Faster courts tended to also have a higher proportion of felonies resolved at 180 days than the other two groups. However, by 735 days, all three Time Groups had above 90% of felony cases resolved.

### Time Standards: Percentage of Misdemeanor Cases Resolved at 60, 90, 180, and 365 Days



Four Time Groups were developed for misdemeanor cases because of the wider variation in case-processing time when compared to the *Model Time Standards*. Few courts were in the *More Timely* category, with about three-quarters of the participating courts resolving less than 80% of misdemeanor cases within 180 days.

Misdemeanor Time Groups		
Court Time Group	% Misdemeanors Disposed	N Courts
More Timely	≥ 90% at 180 days	5
Timely	80-90% at 180 days	17
Midrange	70-80% at 180 days	24
Less Timely	< 70% at 180 days	33
<b>TOTAL</b>		<b>79</b>

No court in the study met the current national time standards. On average, ECCM courts resolved 83% of felony cases within 365 days and 77% of misdemeanors within 180 days.

**ECCM Findings**

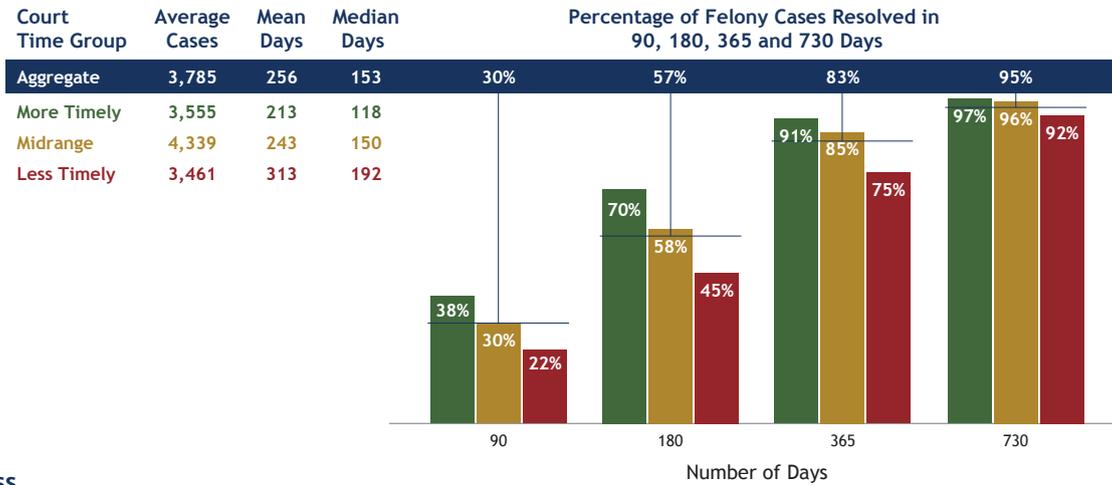
### Timeliness

Timeliness was defined as the total number of days between the filing date and disposition date for a case. In multi-tier systems where felonies are originally filed in the lower court and bound over to the upper court, the total time across court levels was calculated to find the total case time. In cases where multiple charges were filed and disposed on different days, the earliest charge filing date and the latest charge disposition date were used to represent the total court processing time for that case.

#### Key Elements of Successful Caseflow Management:

**Exercise early and continuous control.** The court should set the tone for criminal case processing by insisting that cases move expeditiously from arrest and initial arraignment or bail hearing through plea or trial to sentencing and resolution of any post-sentence matters in the trial court. To ensure that dates are always assigned to events in every case, the court should consider a case-scheduling order early in every case. If both prosecution and defense lawyers have early access to the evidence in a case, the court can schedule case events at short intervals and insist that counsel meet deadlines for case preparation.

### Total Time to Disposition for Felony Cases



### Felony Timeliness

Overall, felony cases took an average of 256 days from filing to disposition. The median, or time point at which 50% of cases were disposed, was 153 days. At one year, an average of 83% of felonies were disposed across all sites. The court with the lowest proportion of felonies resolved within a year was 75%; the highest proportion was 91%. Above is a breakdown of the same statistics by Time Group.

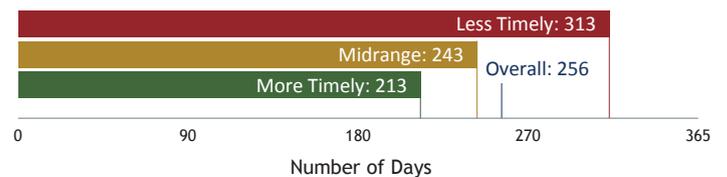
The graphics make clear that *More Timely* courts identify cases that are ready for early resolution and move to dispose these cases in the first six months. This conserves time and resources for the remaining cases that require greater attention from the court and allows more than 90% of felony cases to be resolved within 365 days. In contrast, *Less Timely* courts fail to monitor case progress while creating opportunities for negotiation and settlement, resulting in drift and delay.

One way to see more clearly how courts vary in practice is to examine the distribution of case-processing times and to compare typical profiles for courts in the different Time Groups.

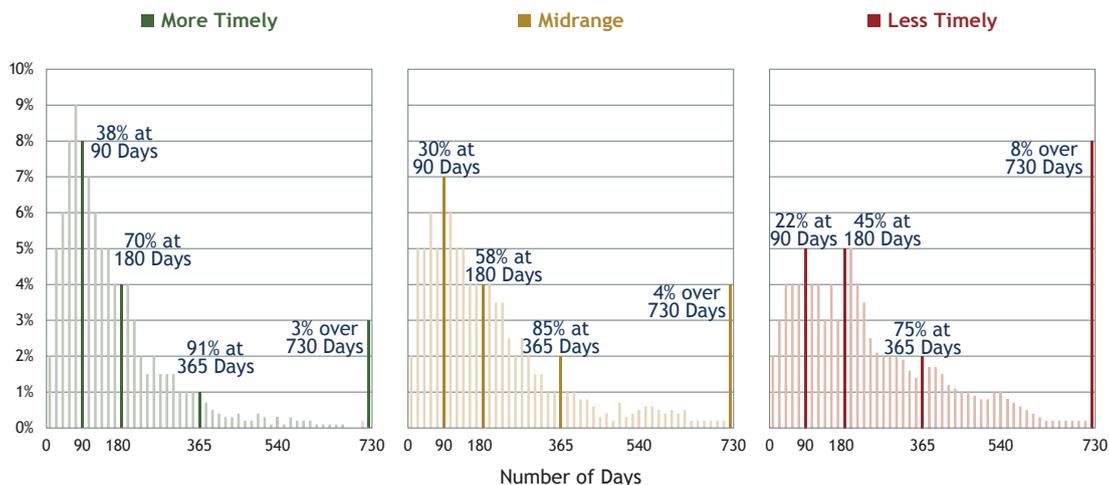
Time Group and overall averages were plotted along a timeline for visual comparison as well.

Most notable is the peak in the distribution of the *More Timely* court prior to the six month mark, a less pronounced peak occurring later in the timeline for the *Midrange* court, and the essentially flat distribution for the *Less Timely* court.

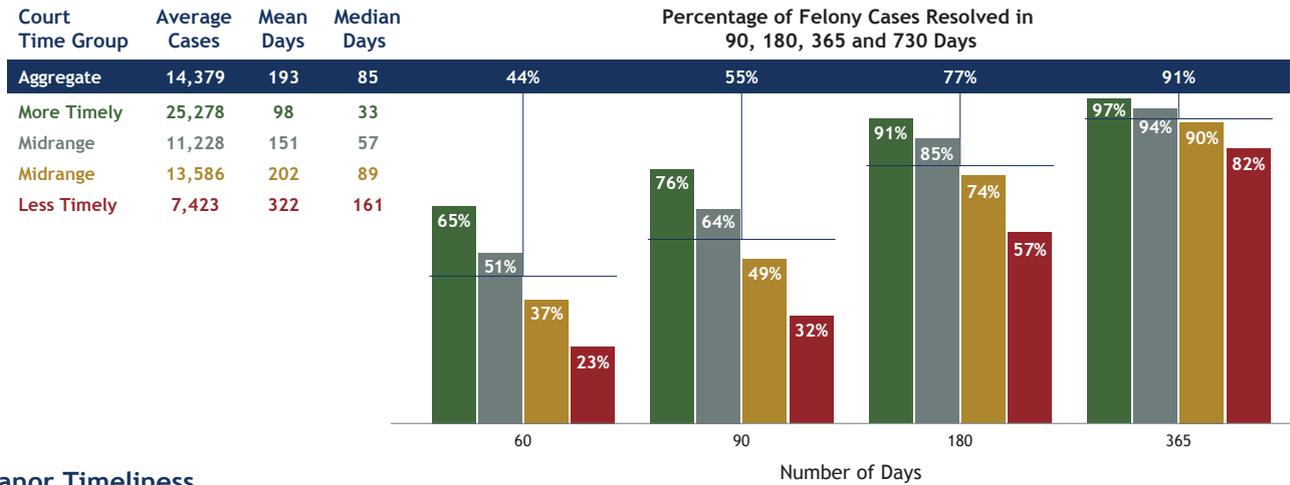
### Felony Case Average Time to Disposition by Time Group



### Percentage of Felony Cases Resolved Within 2 Years



### Total Time to Disposition for Misdemeanor Cases



### Misdemeanor Timeliness

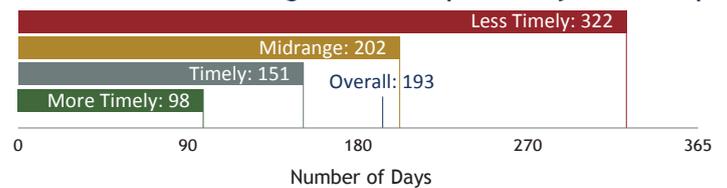
Overall, misdemeanor cases took an average of 193 days from filing to disposition. The median was 85 days. At six months (180 days), an average of 77% of misdemeanors were disposed across all sites. The lowest proportion of misdemeanors resolved within six months was 57%; the highest proportion was 91%. Below is a breakdown of the same statistics by Time Group.

Typical profiles were developed for courts in the different Time Groups showing the distribution of misdemeanor case-processing times.

In comparing the distributions, the most obvious difference is the early resolution of a sizeable proportion of misdemeanor cases in the *More Timely* courts. Fair and early resolution can occur when there is an effective system for identifying cases and defendants that will benefit from this process. An expedited procedure is more common for less complex cases that generally do not involve victims and have fairly predictable sentence outcomes. The process of case differentiation allows judges, prosecution, and defense to devote more time to more serious matters while being aware of overall case processing time goals. In the *Less Timely* courts, there is minimal evidence of early and continuing attention to managing case progress.

Time Group and overall averages were plotted along a timeline for visual comparison as well.

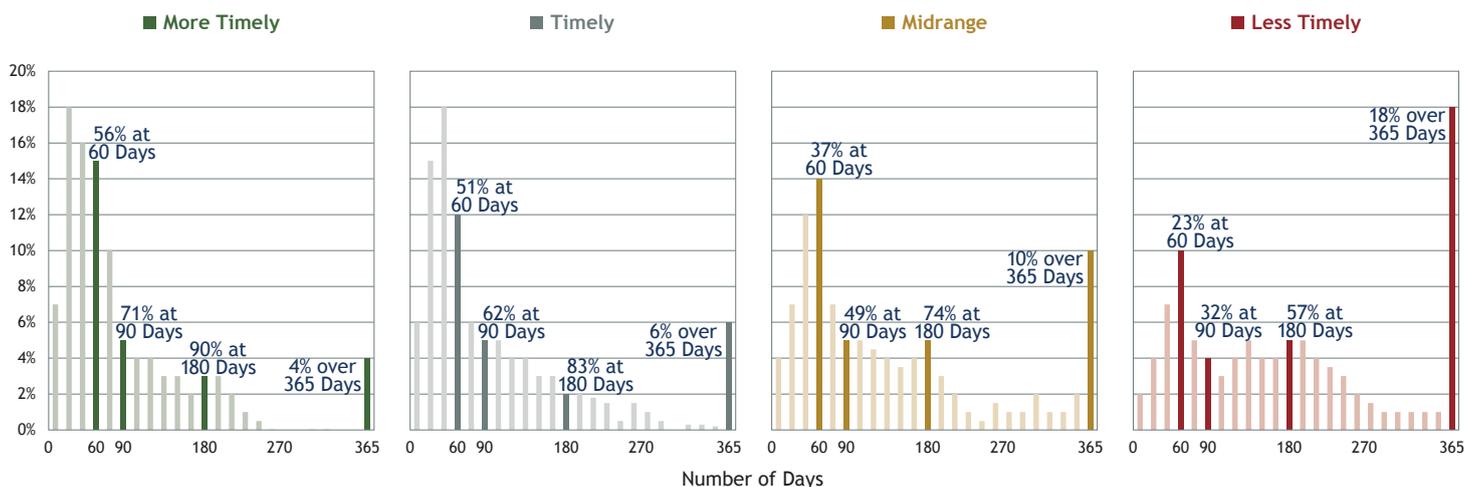
### Misdemeanor Case Average Time to Disposition by Time Group



### Key Elements of Successful Caseload Management:

**Use time standards.** The ability to link time standards to the number and type of criminal cases that must be processed is the key to meeting time to disposition goals. The time standards provide the necessary reference point and objective that all parties – law enforcement, prosecution, defense, and the court – are seeking to meet or exceed.

### Percentage of Misdemeanor Cases Resolved Within 2 Years



## Findings: Case Processing Characteristics

One important question is the extent to which court performance may be affected by the characteristics of cases filed in a particular court. Court leaders have argued that the ability of their courts to meet time guidelines is related to the uniqueness of their jurisdiction, citing, for example, a greater proportion of complex cases or higher rates of jury trials. Data collected during the study allow for comparison of a variety of case characteristics among Time Groups, including case mix, number of hearings, number of continuances, charge reduction, and manner of disposition, to determine if these claims hold true.

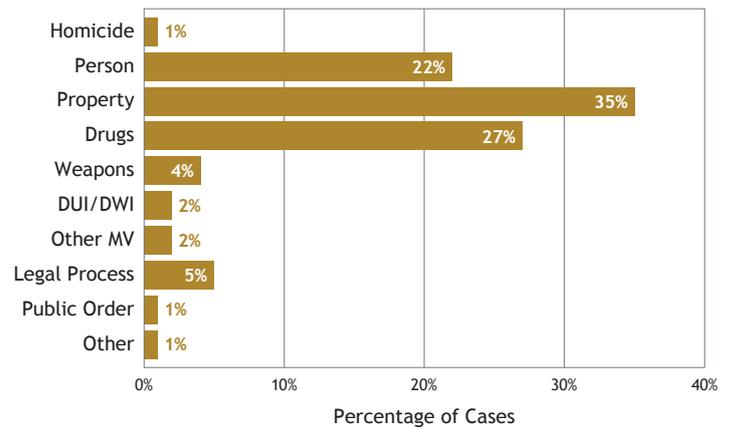
### Case Types

Standard case types were developed for felonies and misdemeanors to allow for comparison across courts. Data received ranged from detailed statute descriptions to pre-coded data already maintained by a court's case management system. All case type categories were standardized across courts, with input from each site to ensure accurate recoding when necessary. Once all data were uniformly coded, some of the case type categories were collapsed based on small proportions of cases.

In multi-charge cases, the most serious charge at filing and most serious charge at disposition were captured as elements of interest. Charge seriousness was determined by charge degree and case type. For instance, felony charges always outranked misdemeanor charges, and two charges of the same degree were prioritized by case type. A hierarchy of case types was formed to determine most serious charge.

**Felony Case Composition**

~5,000,000 Cases



### Key Elements of Successful Caseflow Management:

**Establish case types.** Choose categories that permit clear understanding of the types of criminal cases entering the court. ECCM used the following standardized case type categories, listed in descending order of seriousness:

**Homicide:** Cases involving murder, negligent manslaughter, vehicular homicide, and others as defined by state and local statute.

**Domestic Violence:** A person offense committed against another person with whom the defendant had a domestic relationship.

**Person:** A person-related offense that is not homicide or domestic violence (e.g., rape, assault, robbery, kidnapping, sex offenses, incest, menacing, child abuse).

**Property:** A property-related offense (e.g., burglary, larceny, theft, tampering, auto theft, arson, forgery, fraud, bribery, trespass, cruelty to animals).

**Drugs:** Drug-related offenses involving manufacture, distribution, sale, use, or possession of a controlled substance.

**Weapons:** Offenses involving violation of regulations/statutes regarding carrying, using, or possessing a weapon, or offenses in which a weapon was used in commission of a criminal act.

**DUI/DWI:** Cases involving driving or operating machinery while under the influence of alcohol or other controlled substances.

**Other Motor Vehicle:** Vehicle-related offenses that were non-DUI (e.g., reckless driving, other non-DUI charges, driving on a suspended license, habitual traffic).

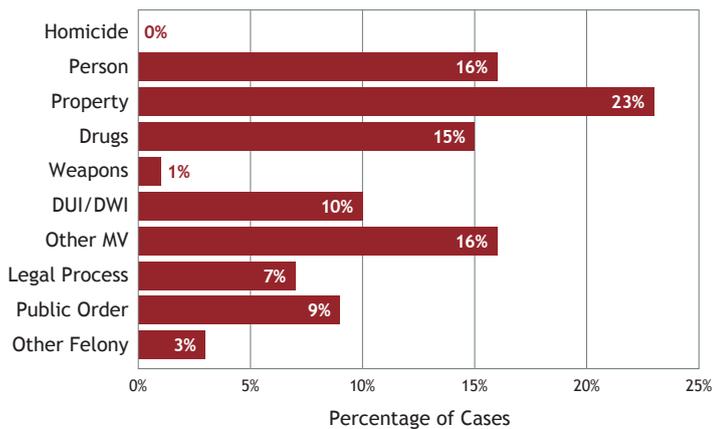
**Violations of the Legal Process:** Offenses involving obstruction of justice or disruption of the legal process (e.g., perjury, impersonation, obstruction of public justice, bail violation, protection order violation, escape, fugitive from justice).

**Public Order:** Offenses which generally threaten public welfare (e.g., violations of liquor laws, disorderly conduct, vagrancy, prostitution, criminal mischief, gambling, public peace and order, curfew, fare evasion, wildlife or natural resources offenses).

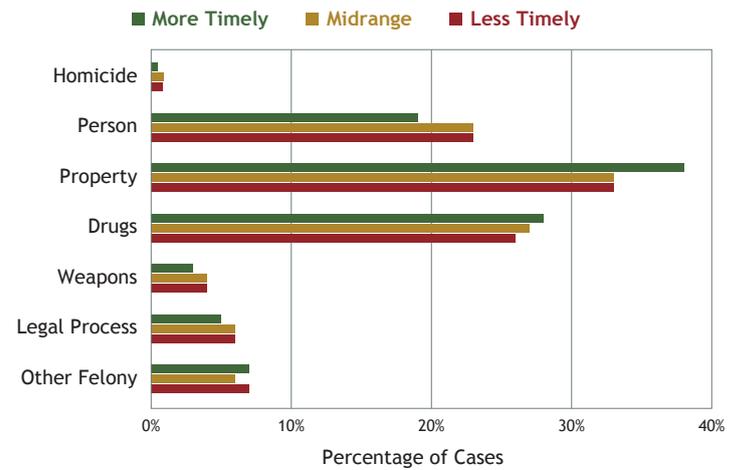
**Other:** The other category included felony or misdemeanor charges that did not fit into one of the categories defined above (e.g., abuse of public office, habitual criminal).

### Misdemeanor Case Composition

~13,000,000 Cases



### Felony Case Composition by Court Time Group



### Felony Case Types

For greater focus on the relationship between case type and timeliness, smaller case type categories were collapsed. The final set of felony case type categories were:

1. Homicide
2. Person (Person, Domestic Violence)
3. Property
4. Drug
5. Weapons
6. Violations of Legal Process
7. Other (DUI/DWI, Other Motor Vehicle, Public Order, Other)

Overall, the greatest portion of felony cases were property-related, followed by drug and person-related cases.

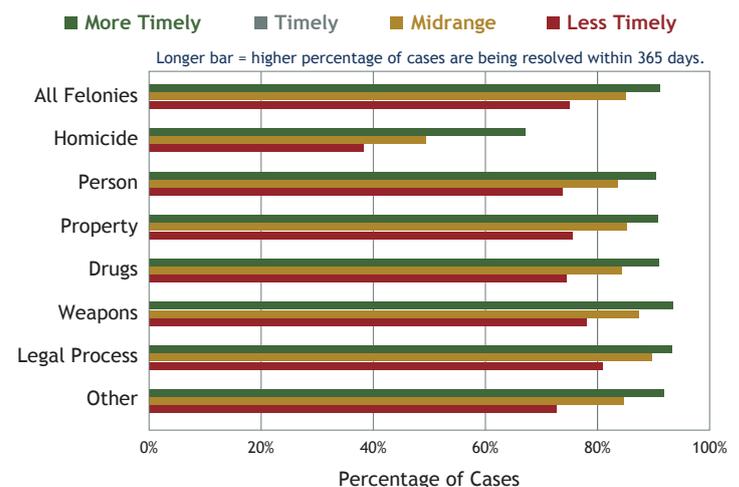
It has long been recognized that individual cases vary in the time they take and that there is often an observable difference in complexity among categories of cases. For instance, homicide matters typically involve greater preparation time by both sides and may involve substantial testimonial and forensic evidence. Less serious cases, such as public order and motor vehicle offenses, are typically less complex. One of the potential factors that could cause certain courts to be faster is a mix of cases that leans towards less complex cases. The following graphic illustrates the case mix by general case categories across the three Time Groups. As it turns out, felony case composition is quite similar across the Time Groups, and there are no statistically significant differences in the composition of caseloads:

To further investigate the difference in timeliness between Time Groups, their performance on the 365-day time standard was tested across the case types as well. The *More Timely* group consistently outperformed the other groups across all case types, followed by the *Midrange* group and lastly the *Less Timely* group.

While all the courts have similar felony caseloads with similar case type proportions, some courts consistently resolve the full range of felony cases more expeditiously. This finding refutes the conventional wisdom that *More Timely* courts have easier caseloads.

**ECCM Findings**

### Percentage of Felony Cases Disposed Within 365 Days



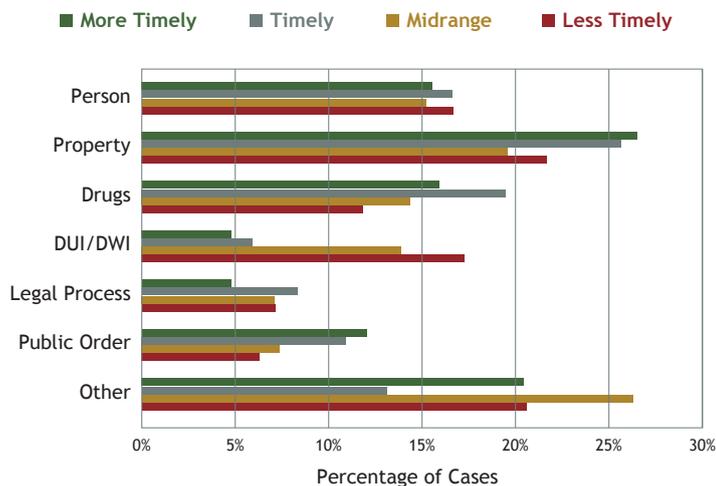
## Misdemeanor Case Types

The final set of misdemeanor case type categories were:

1. Person (Misdemeanor Homicide, Domestic Violence, Person)
2. Property
3. Drug
4. DUI/DWI
5. Violations of Legal Process
6. Public Order
7. Other (Weapons, Other Motor Vehicle, Other)

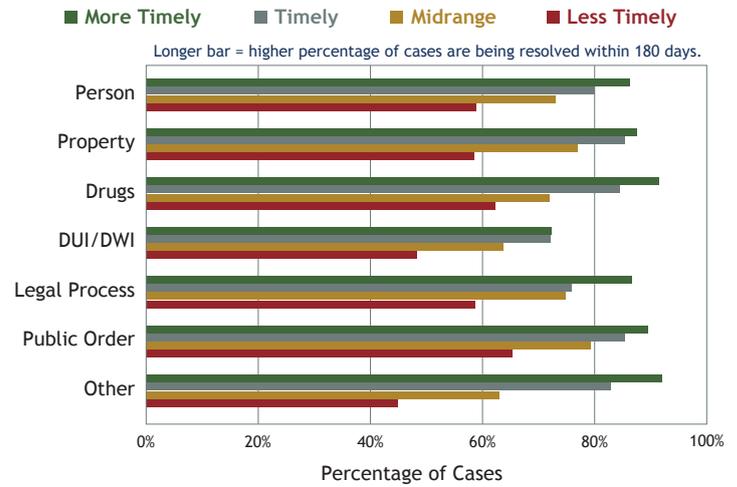
Misdemeanor case type distributions were not as clean and consistent as felony across sites. Property cases were still the most common for almost all groups, except for the *Midrange* group, which had a higher percent of cases in the *Other* category. The two slower Time Groups (*Midrange*, *Less Timely*) also reported more DUI/DWI misdemeanor cases than the faster Time Groups.

Misdemeanor Case Composition by Court Time Group



Time Group performance was tested against the misdemeanor 180-day time standard to investigate any differences within and between groups by case composition. Again, the fastest group (*More Timely*) consistently outperformed the other Time Groups across case types, though tied with the second group (*Timely*) on DUI/DWI cases. *More Timely* courts were above the overall average for each case type category. Similar to the felony Time Group findings, the misdemeanor Time Groups displayed a stepped pattern in timeliness across each case type, the *More Timely* courts are faster for all types of misdemeanor cases and the *Less Timely* courts are slower for all case types.

## Percentage of Misdemeanor Cases Disposed Within 180 Days



There is consistency in the composition of misdemeanor cases among courts, though to a lesser degree than felony cases, and the *More Timely* group proved to be faster across all case types. **ECCM Findings**

## Intermediate Case Events

While courts must allow adequate time to accomplish necessary tasks, events should also be scheduled sufficiently soon to maintain awareness that the court wants reasonable case progress. Attention to the timing between key intermediate events helps ensure that attorneys retain a sense of urgency about case preparation and case progress.

### Key Elements of Successful Caseload Management:

**Track time between events.** To focus on case progress and ensure that no case is overlooked, courts should monitor the progress of criminal cases through key intermediate stages from filing to disposition. Many judges and court managers do this on a day-to-day basis when they track, for example, the date of the last court event, whether the current scheduled event has been continued from a previous date, and the date of the next court event. To support this effort, the *Model Time Standards* include intermediate court events for *time to first appearance* and, for felony cases in a two-tiered structure, *time to bindover* (or arraignment in the upper court). Time goals for intermediate stages give the court criteria for monitoring case progress and allow for the early identification of cases that may need further management attention to reach fair outcomes in a timely manner.

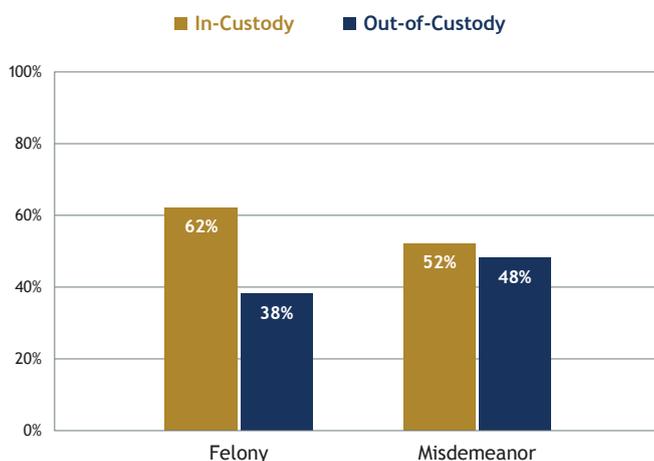
## First Appearance

First appearance before a judge or judicial officer is an important early milestone in all criminal cases. Fair and expeditious handling of criminal cases begins with timely first appearance where the defendant is arraigned on the charges, indigency and eligibility for pretrial release is determined, counsel is assigned, and early discovery is exchanged. First appearance may also be the first opportunity to discuss plea options. Prompt first appearance encourages earlier case intervention by justice partners, including prosecution, defense, pretrial services, and other community services or programming.

## Custody Status

Defendants in custody after arrest should appear in timely fashion for judicial review and determination of eligibility for release. Intermediate time standards suggest a benchmark of 24-72 hours from time of arrest to first appearance, unless otherwise specified by state and local statute. Earlier appearance reduces the number of days a defendant may be held pretrial if they are eligible for release and protects the public by ensuring judicial oversight for defendants who may pose a risk to public safety.

Custody Status at Initial Appearance



Very few courts<sup>6</sup> were able to provide sufficient data on pretrial detention/release (Pretrial Release Decision Date; Pretrial Custody Status; Number of Days Held in Pretrial Detention). This data is often maintained by another justice partner such as the Department of Corrections or Pretrial Services.

However, some<sup>7</sup> were able to indicate whether the case was initiated by arrest or summons (e.g., citation, ticket, warrant), which was used as a proxy for custody status at case initiation. Because the individual may have been taken into custody at a later point in the pretrial process (e.g., felony summons would include an arrest warrant) this serves as an imperfect proxy for the earliest point in the case. Taken into consideration for timing to first appearance, it serves to distinguish those cases with a defendant currently in custody and examine the length of their wait to first appearance. Sixty-two percent of felony and 52% of misdemeanor cases were initiated with a defendant in custody.

## Felony Custody Status

There was insufficient data to further analyze felony first appearance by custody status at initiation. Instead, the table below presents time to first appearance for all felonies regardless of custody status. Half of felony cases hold first appearance within 48 hours. Judging by the mean and median, it is likely that many cases were in fact summons or warrant cases upon filing.

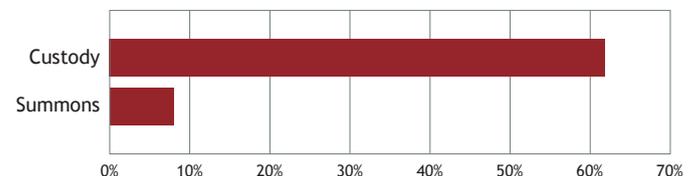
Felony Case Time to Initial Appearance

≤ 48 Hours	50%
Average Days	43.2
Median Days	11.6

## Misdemeanor Custody Status

Initial appearance for misdemeanors was separated by custody and summons case initiation. Overall, defendants in custody were much more likely to have a first appearance within 48 hours compared to those initiated by a summons.

Misdemeanor Case Time To Initial Appearance: % Within 48 Hours



<sup>6</sup> Only four courts provided information on pretrial custody status.

<sup>7</sup> Between 26-50% of courts in the sample were able to provide complete data on whether the case was initiated as a summons/citation versus an arrest.

## Bindover

Time to bindover is another key case event that marks the point at which a criminal case within a two-tiered court system is transferred to the general jurisdiction where it is resolved. Limited jurisdiction courts typically handle preliminary case events such as first appearance, arraignment, pretrial release, and determination of indigency. In some court systems they may also have jurisdiction to dismiss a case or accept a plea without bindover to the general jurisdiction court.

Intermediate time standards suggest 98% of cases should be arraigned or indicted on the information within 60 days. This includes the initial hearing by the general jurisdiction court following bindover in two-tiered systems. About two-thirds of courts met this standard (66%), with the average just above the standard and the median at about 6 weeks.

### Felony Case Time to Bindover

≤ 60 Days	66%
Average Days	66.3
Median Days	43.1

## Number of Case Events

Criminal case processing involves a range of case events, including standard procedural events such as first appearance, arraignment, and bail review, but may also involve a varying number of additional court appearances for preliminary hearings, pretrial conferences, trial readiness, and trial. Each event is intended to be productive to case progression and promote due process for the defendant. Given wide variety in the names courts use for similar court events, **ECCM** adopted the generic term of “hearing” for all court events scheduled and held, with the exception of trials.

### Event Categories:

**Hearings scheduled:** Court hearings set for a future date. Hearings are before a judge or judicial officer.

**Hearings held:** Court hearings that were called and attended by all required parties.

**Continuances:** A court hearing that was continued to another date due to lack of time to fully resolve a case issue in one hearing, or a court hearing that was postponed due to lack of preparation or appearance.

### Trial dates scheduled:

A jury or bench trial date that is set in the future, regardless of whether the trial was held or not.

### Key Elements of Successful Caseload Management:

**Make each court event meaningful.** A basic tenet of criminal caseload management is that court scheduling of case events should ensure that no case is unreasonably interrupted in its procedural process and that defendant rights are preserved. For management of case progress to be effective, the court should promote preparation for court events by the lawyers. Cases settle or reach a timely disposition when lawyers are prepared.

Preparation is enhanced by creating the expectation that court events are meaningful. That is, the court should communicate to all participants the purpose, deadlines, and possible outcomes of all proceedings so all events can occur as scheduled and contribute substantially to the resolution of the case. This requires careful exercise of judicial control.

**Set firm trial dates.** A court’s ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. Credible trial dates require a firm and consistently applied policy to limit the number of trial date continuances. If continuance practices are too lenient, attorneys are less likely to be properly prepared on the trial date, which increases the likelihood of a breakdown in the trial calendar.

## Felony Case Events

Case events for felonies were counted based on the level of court in which they were disposed. If a felony was disposed in the general jurisdiction of a two-tiered system, all events for the total case were counted in the general jurisdiction row. Single-tiered systems are counted on the general jurisdiction row as well. Cases ending in general jurisdiction court have greater event counts overall, which is logical given that many felonies in two-tiered systems are bound over for disposition unless the state allows for dismissals or pleas to be entered in the limited jurisdiction court.

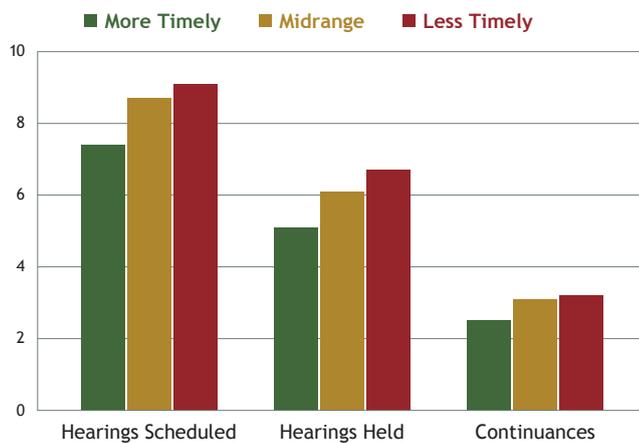
Average Number of Felony Case Events

Level of Court Disposition	Hearings Scheduled	Hearings Held	Continuances	Number of Trial Dates Set Per Trial Held
Limited Jurisdiction	3.9	3.4	0.9	1.2
General Jurisdiction*	8.6	5.9	3.0	3.4

\* For two-tiered systems, includes total number of events from any level of court.

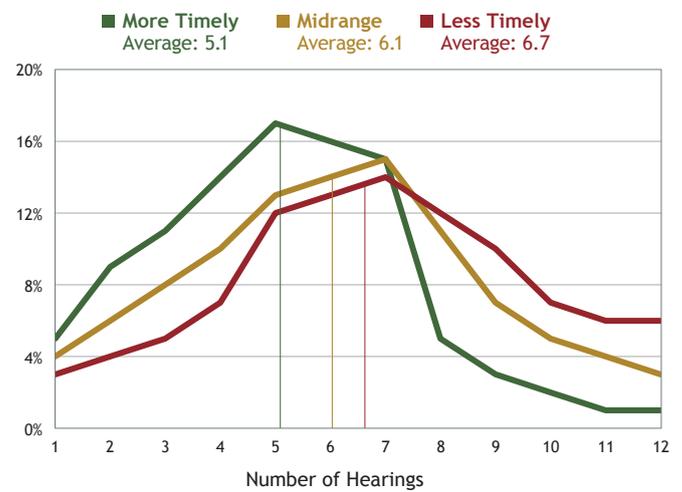
The *More Timely* felony group had fewer hearings scheduled and held compared to the other Time Groups, while continuances were more of an issue in the *Less Timely* group by an average of 0.7 additional continuances per felony case. While that may seem like a small average, time and cost accumulates over large caseloads when hearings are pushed out or extended. (*ECCM Cost of Delay Calculator*)

Average Number of Felony Case Events by Court Time Group

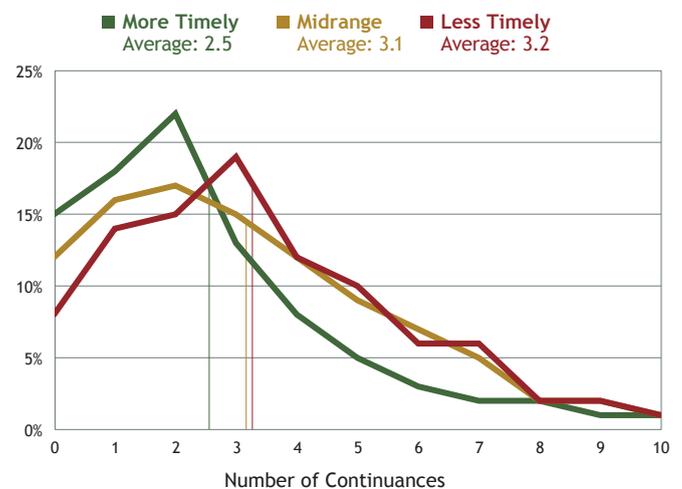


The number of hearings held and continuances per disposition were examined between Time Groups by focusing on the distribution of the event counts for select courts in each group. There was a steep peak and decline in the *More Timely* group for both hearings held and continuances compared to the other groups, providing evidence that faster courts tend to process felonies with fewer events and tighter control over continuances, despite having similar caseloads.

Felony Hearings Held per Disposition by Court Time Group



Felony Continuances per Disposition by Court Time Group



Faster courts benefit from more effective felony caseload management to control the number of hearings held per disposition and the average number of continuances per disposition.

ECCM Findings

### Misdemeanor Case Events

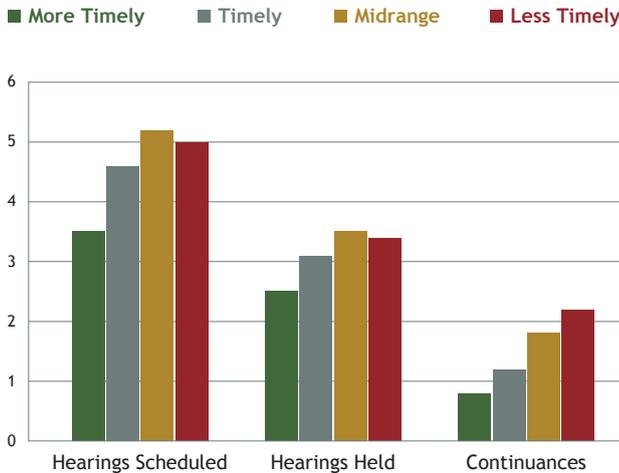
As most misdemeanors are resolved in the limited jurisdiction court, with a small subset being bound over in certain court structures, all misdemeanor events were counted together without dividing by jurisdiction.

Average Number of Misdemeanor Case Events

Hearings Scheduled	Hearings Held	Continuances	Number of Trial Dates Set Per Trial Held
4.8	3.1	1.8	2.2

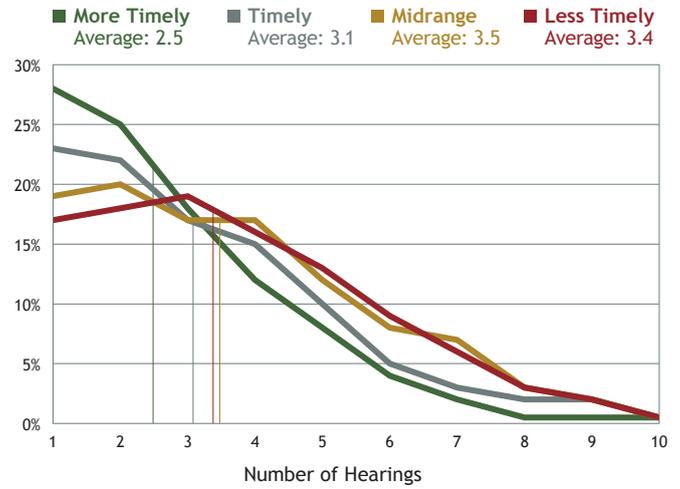
Misdemeanor Time Group findings for event counts were pronounced, with the *More Timely* group having the least number of events across the board.

Average Number of Misdemeanor Case Events by Court Time Group

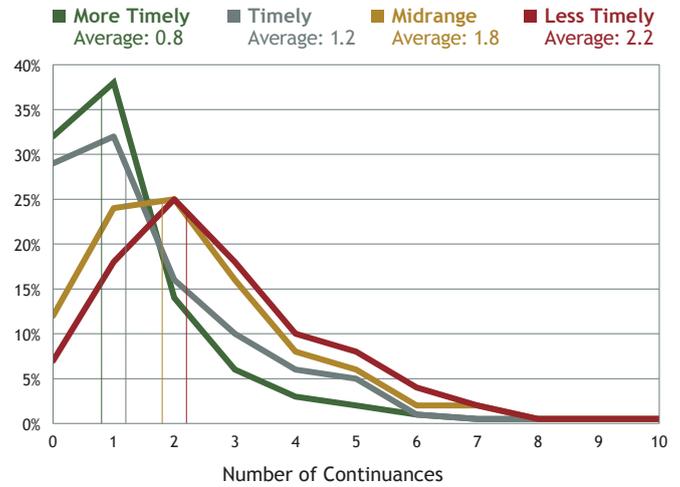


Distributions of event counts by representative courts in each misdemeanor Time Group followed a similar pattern seen in the felony distributions. Faster groups peaked at fewer events and dropped off more drastically compared to less efficient groups.

### Misdemeanor Hearings Held per Disposition by Court Time Group



### Misdemeanor Continuances per Disposition by Court Time Group



Faster courts benefit from more effective misdemeanor caseflow management to control the number of hearings held per disposition and the average number of continuances per disposition.

ECCM Findings

#### Key Elements of Successful Caseflow Management:

**Hold the right number of court events.** Time to disposition does not directly reflect when the system's resources are being used well or being wasted. To assess this issue, courts should examine the number of court hearings scheduled per disposition and determine if there is evidence of redundant and unnecessary work. Scheduling more hearings than necessary slows down the process, consumes court resources, and causes judges and attorneys to prepare for the unneeded event.

**Reduce continued events.** Another key to using court resources effectively is reducing the excessive use of continuances. While hearings can be continued for good cause, continuance practices that are too lenient fail to encourage attorneys to be prepared. Courts should establish a clear, short set of legitimate reasons for requesting a continuance, and all judges should adhere to this policy consistently. Courts should monitor the number of continuances granted over the life of a case. Additional benefit can be derived from tracking whether the court, prosecution, or defense requested continuances.

## Charge Modifications

Sentencing outcomes (e.g., length and type of sentence, conditions imposed) are guided by the type and severity of the conviction charge(s) and may be attenuated by charge reduction or amplified by a charge increase. In addition, charge reductions may impact case-processing time, though the direction of change varies. For example, time may increase if ongoing plea negotiations lengthen the process, or time may decrease if initial case evaluation by defense counsel prompts the prosecution to accept an early plea to a reduced charge.

### Key Elements of Successful Caseload Management:

**Monitor charge modifications and dismissals.** Clarity on criminal case processing is enhanced by understanding the nature and frequency of charge modifications. Reductions in the seriousness of a case can occur for numerous reasons (e.g., insufficient evidence, plea deals, prosecutorial discretion) and are important to track due to their potential impact on case outcomes. Charges may also be increased in severity, typically due to adding more serious charges to a case or enhancement of an established charge through further discovery (e.g., lab test results, surveillance footage, use of lethal weapon). The court gains insight into prosecutorial charging practices by monitoring the frequency of dismissal of individual charges or all charges in a case.

Charge modification was defined as a change in severity of the most serious charge in a case from filing to disposition. It was measured by flattening on the most serious charge at filing and disposition separately and observing whether the charge at disposition was more or less severe (by degree/class, case type) than the most serious charge at filing. Dismissal rates are also reported with this element.

### Felony Charge Modifications

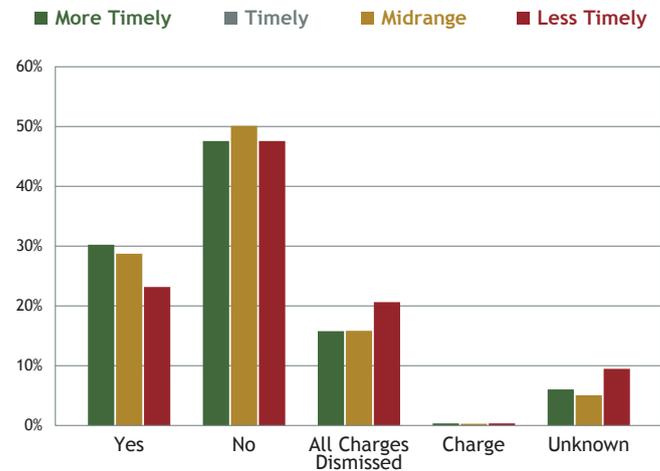
Charge reduction was consistent across felony Time Groups, with slightly fewer reductions in the *Less Timely* group, though the difference was not statistically significant.

Overall, about 27% of all felony cases were resolved with a charge reduction, with no significant difference among courts in the percentage of cases receiving a charge reduction.

ECCM Findings



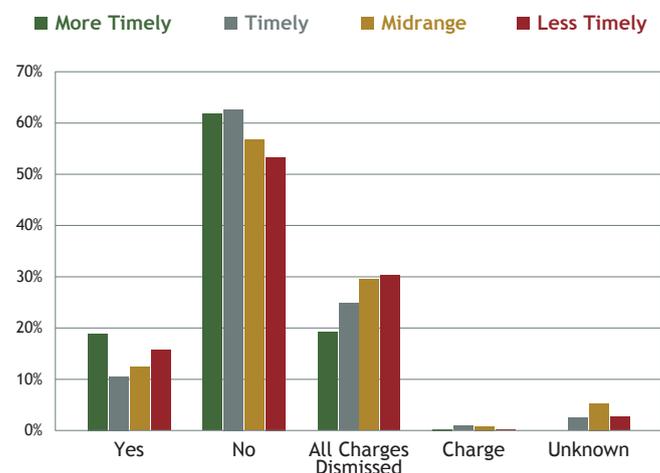
### Felony Charge Reduction by Court Time Group



### Misdemeanor Charge Modifications

Overall, about 14% of all misdemeanor cases had at least one charge reduction, and only 0.5% resolved with a charge increase. Among misdemeanor Time Groups there were small differences in some charge reduction categories,<sup>8</sup> but overall the groups were similar.

### Misdemeanor Charge Reduction by Court Time Group



Misdemeanor cases are less likely to be resolved with a charge reduction (14%), as compared to felony cases (27%).

ECCM Findings



<sup>8</sup> No statistical differences were found between misdemeanor Time Groups on charge reduction (Yes). The *Less Timely* Time Group had significantly fewer cases without a charge reduction (No) than the *More Timely* Time Group, and significantly fewer cases with a charge increase than both the *More Timely* and *Midrange* Time Groups, though only by less than one percent.

## Manner of Disposition

The manner of disposition is another factor impacting case-processing time, and it is expected that there will be considerable variation among cases based on the way they are resolved, such as plea, dismissal or trial.

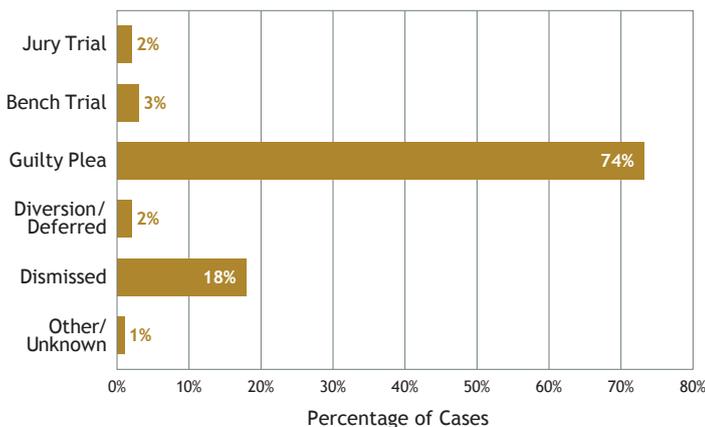
### Key Elements of Successful Caseflow Management:

**Count dispositions correctly.** The way that a court defines how and when a case is disposed is an important issue when monitoring compliance with disposition time standards. For criminal cases, disposition date is captured at the charge level. The date the last charge is disposed is the disposition date for the case.

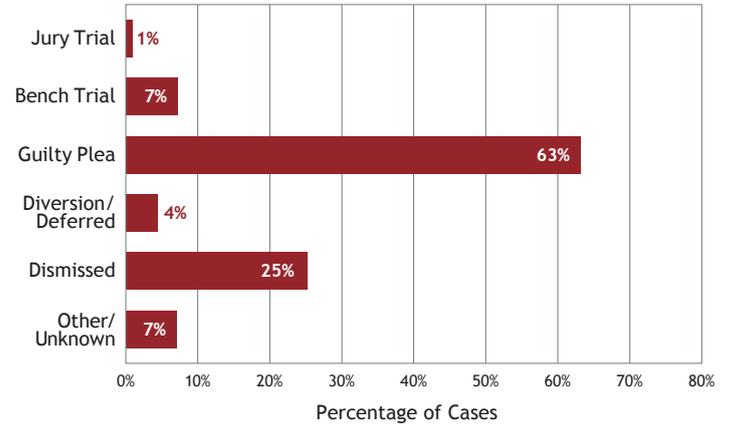
Standard categories for manner of disposition were developed to uniformly compare across courts. In cases that were diverted, the diversion date was used as the date of disposition for the relevant charge, even if there was a later disposition date on the charge. In one example, a defendant entered a diversion program and the case was subsequently dismissed upon successful completion of the program. In this instance, the manner of disposition was recorded as Diversion, and the date of disposition was the entry date into the diversion program. A hierarchy was used to determine which category would be applied to those cases with multiple manners of disposition:

1. Jury trial (including incomplete trials)
2. Bench/non-jury trial (including incomplete trials)
3. Guilty plea
4. Diversion (including entry to drug court or other problem-solving court)
5. Dismissal/nolle prosequi
6. Other (including bindover/transfer)

### Felony Manner of Disposition



### Misdemeanor Manner of Disposition



Overall, the greatest proportion of both felony and misdemeanor cases were resolved by guilty plea (73% of felonies, 63% of misdemeanors), followed by dismissal of all charges (16% of felonies, 25% of misdemeanors).

**ECCM Findings**

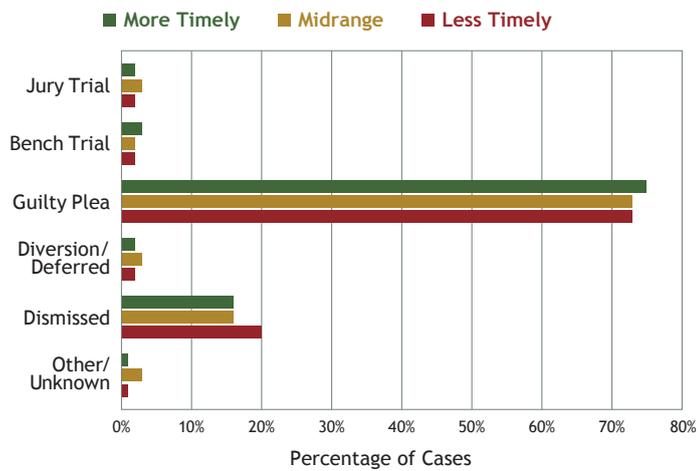


### Felony Manner of Disposition

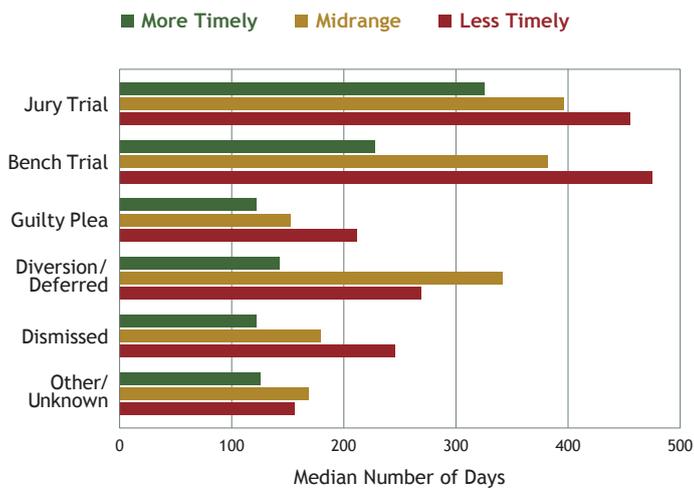
Manner of disposition was examined among Time Groups to determine whether there were any differences in methods used to resolve cases. One perspective is that more expeditious courts simply have a higher plea rate, and a higher proportion of guilty pleas compared with trials might contribute to more timely resolution. However, no significant differences were found between felony Time Groups on any of the manner of disposition categories.

For best comparability, the median was used to compare timeliness of case processing by manner of disposition across Time Groups. Median was chosen rather than mean (average) due to the mean's susceptibility to extreme values. For instance, if a small number of cases languish for many years, they inflate the mean value to a higher number that is not representative of most cases. The median, however, is more robust to a small number of extreme values and instead reflects the time in which half of the total sample was disposed. The *More Timely* group reliably outperformed the other groups across all manner of disposition categories.

### Felony Manner of Disposition by Court Time Group



### Felony Manner of Disposition by Median Days



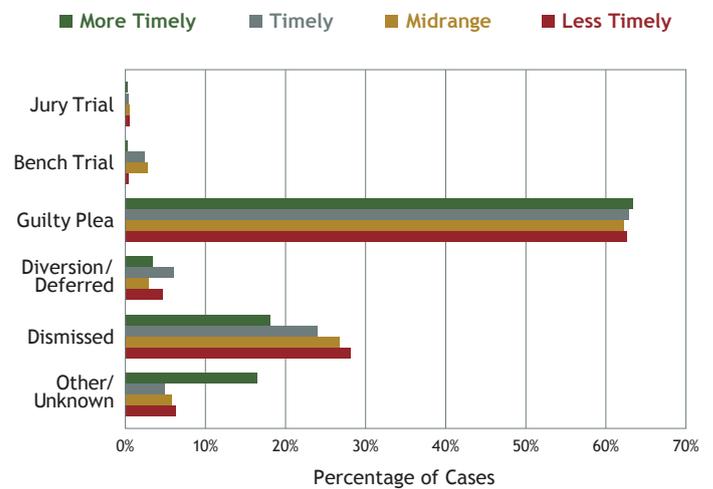
The proportion of felony cases resolved by trial, plea, and dismissal was similar across all courts, with *More Timely* courts being faster for all manners of disposition.

ECCM Findings

### Misdemeanor Manner of Disposition

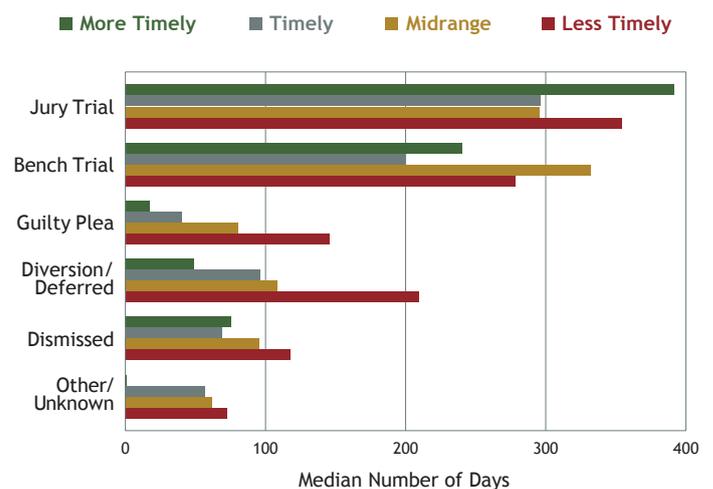
Manner of disposition categories were also similar between Time Groups for misdemeanor cases. Though some percentage values have wider ranges (e.g., dismissed 28% vs. 18%), there was no statistical evidence of a substantive difference between groups across all manner categories.

### Misdemeanor Manner of Disposition by Court Time Group



There was no difference between Time Groups in timeliness across manner of disposition categories except for Guilty Plea – the *More Timely* misdemeanor group was significantly faster than the other groups in handling pleas.

### Misdemeanor Manner of Disposition by Median Days



The proportion of misdemeanor cases resolved by trial, plea, and dismissal was similar across all courts.

ECCM Findings

## Jury Trial Outcomes

Jury trial rates are low for criminal cases nationwide, with about 2% of felony cases and less than 1% of misdemeanor cases going to trial. For cases resolved at trial or just prior to the start of trial, the figure below shows trial outcomes. About two-thirds of felony trials and three-quarters of misdemeanor trials end in conviction. The data also show that for felony jury trials over 30% end in acquittal or dismissal, and for misdemeanor cases just over 20% are resolved this way. Cases classified as dismissals are cases where the jury has been selected and the case is then resolved through dismissal prior to the start of trial.

Jury Trial	Jury Trial Outcome			
	Conviction	Acquittal	Dismissal	Other
Felony	68%	27%	4%	1%
Misdemeanor	77%	19%	3%	1%

## Summary of Case Processing Characteristics

### All Courts Do the Same Work. Some Are More Timely than Others.

- Across all courts, there are no significant differences in the composition of felony caseloads or the manner in which cases are resolved. Likewise, there is consistency in the composition of misdemeanor cases and their manner of disposition, although to a lesser degree than felony cases.
- Despite broad similarity across all courts in the mix of case types and the way cases are resolved, some courts consistently resolve the same caseload with tighter timeframes than other courts.

## Predictors of Timeliness

The previous sections of this report laid out a snapshot of criminal cases across state courts, examining each element of interest (e.g., case type) individually. For greater understanding of what really drives timeliness in criminal cases, one powerful tool is a predictive model. Rather than examining trends of individual factors, a predictive model considers all relevant factors simultaneously and estimates their ability to explain variation in case-processing time. While descriptives provide a landscape of what is, a predictive model estimates what matters.

How cases are processed is affected both by their characteristics as well as by where those cases are processed.<sup>9,10</sup> To understand how place affects case duration, a multi-level regression model was adopted. Multi-level regression allows for the consideration of both case-level (e.g., offense type) and court-level factors (court and community characteristics, local organization and practice) that affect the total duration of criminal case processing.<sup>11</sup> This approach recognizes that timeliness is shaped both by the organizational dynamics of the particular court the case is heard in and the characteristics of the case itself.

## Model Design

All levels of factors were considered and estimated for predictive power. The dependent variable (what is being predicted) was total days from filing to disposition. Independent variables (the predictors) were estimated together in an iterative series of model configurations to determine which factors significantly predicted time to disposition and to what degree they could explain timeliness.<sup>12</sup>

Models were developed for felony and misdemeanor cases separately using a bottom-up approach.<sup>13</sup> First, the amount of variation in case-processing time that was attributable to each court was estimated. Next, case-level characteristics such as the number of hearings and manner of disposition were added to the estimated models. In the third stage of model building, a variety of court characteristics, including the Time Group to which the court belonged, the structure of the court, relative workload, and population size, were examined.<sup>14</sup>

Importantly, the same factors reviewed in the descriptive sections of this report are also discussed in the following sections but in the context of predictive power. Therefore, some factors that were/were not important to timeliness in the previous sections may/may not be important as predictive factors.

9 Ostrom, Brian and Roger Hanson. 1999. *Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts*. National Center for State Courts.

10 This means that cases processed in one court will look more similar to each other than to cases processed in different courts. This is referred to as “clustered” or “nested” observations. Clustered observations create a violation of the traditional ordinary least squares regression assumption requiring observations to be independent of one another. Specifically, there are likely between-court differences that would not be included in the model (“unobserved heterogeneity”). Adopting a multilevel model is one way to account for this heterogeneity.

11 Based on initial analyses, we excluded cases in the 99th percentile of total duration (“trimming”). This reduced the impact that cases with very long durations had on our estimates.

12 Only courts that met certain criteria for data completeness were included in the models. Felony model included 10 states, 50 courts; misdemeanor model included 10 states, 47 courts.

13 Luke, Douglas A. 2020. *Multilevel Modeling. Quantitative Applications in the Social Sciences*. 2e. Thousand Oaks: Sage.

14 Our final model was a random-intercept model selected through consideration of model fit statistics, the amount of explained variation, and the added substantive value of the model; Rabe-Hesketh, Sophia, and Anders Skrondal. 2012. *Multilevel and Longitudinal Modeling Using Stata*. 3e. College Station, TX: Stata Press.

## Court-level Results

Overall, court and community factors were not drivers of timeliness in case processing. Caseload per judge, court structure, and local population did not predict any variation in days to disposition. More than one-half of participating courts completed the organizational survey which captured local and organizational practice.<sup>15</sup> Drawing on this representative sample, there was no significant predictive power between local and organizational factors (e.g., judicial staffing) and time to disposition.

More positively, these results mean that any court can succeed in terms of effective caseload management. Success is not linked to any particular organizational design or structure.

There is no evidence of any connection between the timeliness of criminal case processing and any particular type of court organization, including size of court, method of judicial selection, type of calendar, number of filings per judge, length of presiding judge term, or availability of case management reports.

Results from the case level analysis show there is no independent effect of court structure related to the timeliness of case processing. While two-tiered courts in which the general jurisdiction court handles felonies and the lower jurisdiction court handles misdemeanors create the opportunity for more timely case processing through more efficient processes, it is active caseload management that makes the biggest difference.

ECCM Findings



## Case-level Characteristics

This analysis confirms some well-known facts (homicide cases take longer, trials take longer) and debunks others (cases with multiple charges do not take longer) for both felony and misdemeanor cases. In addition, characteristics of the case, including case type and manner of disposition, have a largely similar impact across courts. While they are an important source of variation in case processing time, these case characteristics do not explain why some courts are faster than others.

The most important predictors of case-processing time were hearings held and continuances.

While additional continuances or hearings per disposition increase time in all courts, they do so differently, with faster groups adding fewer days to case time with each hearing and continuance and slower groups accumulating substantial time for each hearing and continuance added to a case.

### Felony Court-level Characteristics

To interpret the predictive model, a referent or typical case is used to compare the magnitude of days added or saved due to different factors in the model. For the felony model, the *typical* case was established as a person-related case resolved by guilty plea with no charge reductions, involving three hearings and no continuances. Varying these attributes, such as by changing the manner of disposition to trial or adding continuances, shows the effect of each change on case-processing time.

Overall, the final model predicted this typical felony case would dispose in 135 days. Of course, key characteristics (e.g., case type, number of continuances) are distinguishing factors that contribute to longer or shorter times to disposition for felonies. The model provides coefficients, or estimates in days, of how each factor contributes to case-processing time, predicting more or fewer days for total time to disposition.

Compared to person-related cases, homicide cases were predicted to add almost four months (110 days) to case duration. Other case types were predicted to add much less time, up to about two weeks, except for legal process cases (e.g., violation of protection order) which were predicted to be about two weeks shorter, all else held equal. Cases resolved via trial take the longest to conclude, adding 108 days, followed by pleas, dismissals (reducing time by 23 days), and those resolved through other manners, such as diversion. The number of charges was not a significant predictor of timeliness (i.e., cases with more charges were resolved in the same timeframes as cases with fewer charges).

<sup>15</sup> Forty-eight courts responded regarding felony cases only.

Conventional wisdom holds that as the number of charges increases, time to process the case should also increase, due to greater case complexity. This was not supported by the felony model in this study, likely due to case consolidation practices in which multiple charges against an individual are handled together. The underlying driver is case type, based on the most serious charge, rather than number of charges. Charge reduction was predictive of a small amount of time saved on case duration, potentially linked to plea agreements or new discovery that would mitigate the charge.

**Predicted Days by Significant Case Characteristics, Felony Cases**

Felony Case Characteristics	Predicted Change in Days to Disposition
<b>Case Type</b>	
Person	Reference Group
Homicide	110
Property	1
Drugs	10
Weapons	14
Legal Process	-14
Other Felony	18
<b>Manner of Disposition</b>	
Guilty Plea	Reference Group
Trial	108
Dismissal	-23
Other	-36
<b>Charges</b>	
Each Charge	0
Charge Reduction	-4
<b>Case Events</b>	
Each Continuance	21
Each Hearing Held	14

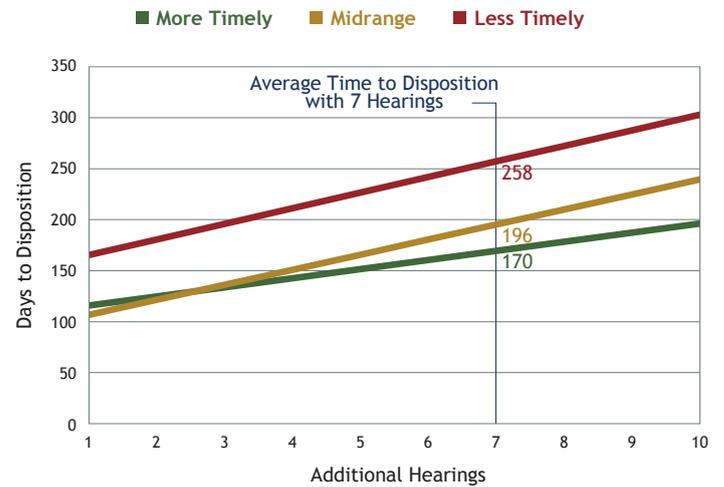
**Predicted Days per Additional Hearing and Continuance, Felony Cases**

Additional Days Predicted for...	All Felonies	Court Time Group		
		More Timely	Mid-range	Less Timely
Each Continuance	21	12	19	35
Each Hearing	14	9	15	18

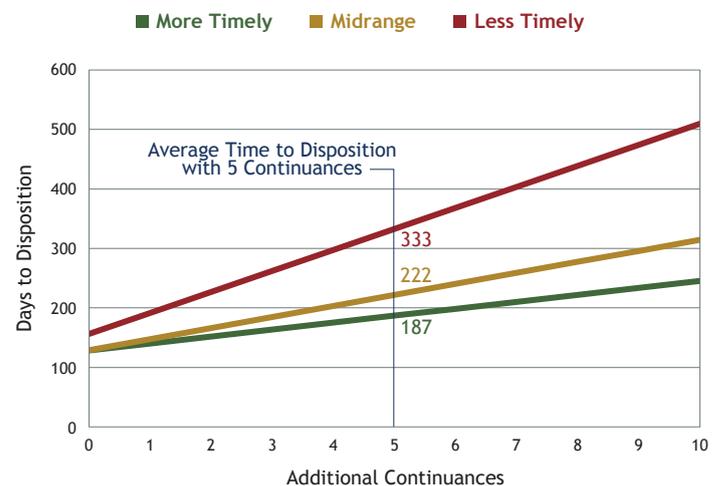
Number of hearings and number of continuances were the most influential factors in case duration: each continuance increased case duration by three weeks, while each hearing increased duration by two weeks. However, these effects varied significantly by court and were directly influenced by Time Group membership. Faster courts accrued a smaller average number of days for each continuance and hearing, while slower courts had steeper increases in time due to each.

For example, if the *typical case* (about 135 days to resolve with zero continuances) is adjusted to one with 5 continuances, it will not only take longer to resolve, the length of time will vary significantly by group. In the *More Timely* group, this case will now take about 190 days, about 225 days in the *Midrange* group, and about 335 days in the *Less Timely* group. This information helps clarify the source of impediments in case processing and shows that delay often occurs in smaller increments rather than in large blocks of time. While the average number of days added by each additional hearing or continuance may be relatively small, they can accumulate significantly over time. As shown in the two graphs below, these differences compound as the number of hearings and continuances increase.

**Felony Case Processing Time per Additional Hearing by Court Time Group**



**Felony Case Processing Time per Additional Continuance by Court Time Group**



### Misdemeanor Court-level Characteristics

The misdemeanor model also used a referent or *typical* case to interpret the direction and magnitude of predicted days per factor. The typical case set as the referent was again a person-related case resolved as a guilty plea with no charge reductions, involving two hearings and zero continuances. This typical misdemeanor case was predicted to dispose in about 80 days.

Interestingly, all misdemeanor case types typically take longer on average than person-related cases to be resolved, with property and DUI cases taking about a month longer. Like felony cases, misdemeanor case-processing time was significantly affected by the manner of disposition. However, dismissals emerged as the manner with the longest disposition, followed by trials, pleas, then other manners such as diversion. One possible explanation is that misdemeanor cases are more prone to fall between the cracks and be left without a scheduled next hearing date. After some period of time, the case reemerges and is set for (administrative) dismissal. There is some support for this view, as many of the misdemeanor cases that take the longest time to be resolved end in dismissal.

Predicted Days by Significant Case Characteristics, Misdemeanor Cases

Misdemeanor Case Characteristics	Predicted Change in Days to Disposition
<b>Case Type</b>	
Person	<i>Reference Group</i>
Property	30
Drugs	17
DUI	27
Legal Process	18
Public Order	13
Other Misdemeanor	67
<b>Manner of Disposition</b>	
Guilty Plea	<i>Reference Group</i>
Trial	11
Dismissal	91
Other	-40
<b>Charges</b>	
Each Charge	0
Charge Reduction	-9
<b>Case Events</b>	
Each Continuance	21
Each Hearing Held	17

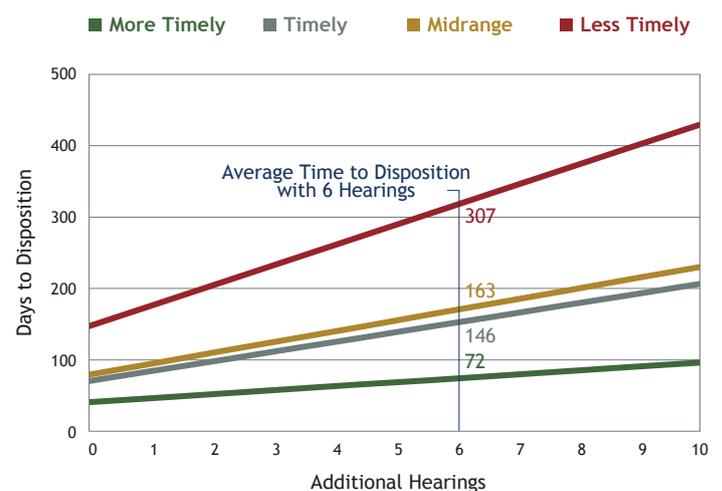
Predicted Days per Additional Hearing and Continuance, Misdemeanor Cases

Additional Days Predicted for...	All Felonies	Court Time Group			
		More Timely	Timely	Mid-range	Less Timely
Each Continuance	21	0	19	37	29
Each Hearing	17	6	15	17	31

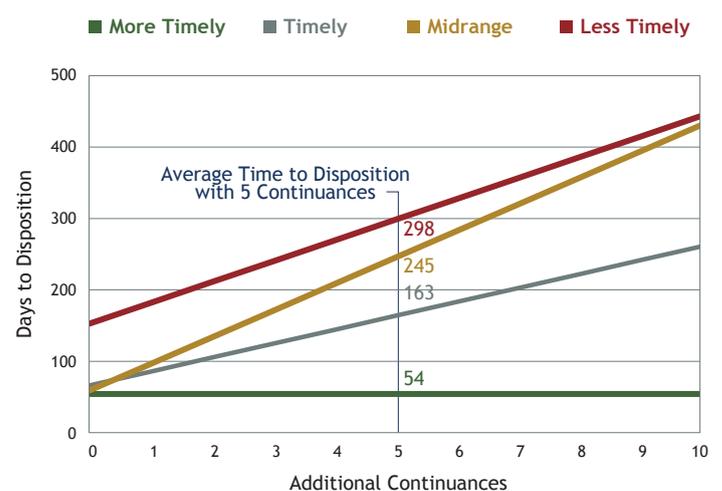
The average misdemeanor case-processing time across the **ECCM** courts shows that there is a wider range in misdemeanor case-processing times overall among courts than was seen for felonies. That is, court work processes and culture related to misdemeanor case processing practices show more variation than in felonies. Courts appear to have less consistent caseflow management practices for misdemeanor cases.

Differences in case characteristics among the mix of cases heard in the different Time Groups accounts for some of the variation in time. This fits with the earlier observation that the level of consistency in the composition of misdemeanor cases and their manner of disposition is less than is seen for felony cases. There is some difference among the Time Groups in terms of timeliness because some groups have a slightly higher proportion of cases, such as DUI, that take longer than average to resolve. However, the most important factors that shape differences in timeliness among the Time Groups are the number of hearings and the number of continuances.

Misdemeanor Case Processing Time per Additional Hearing by Court Time Group



Misdemeanor Case Processing Time per Additional Continuance by Court Time Group



As with felony cases, the number of hearings per disposition and the number of continuances per disposition have a major impact on misdemeanor case-processing time: each continuance increased case duration by three weeks, while each hearing increased duration by over two weeks. Again, the time varies widely among Time Groups. The exception is the *More Timely* group, where the number of continuances is not significantly related to case duration but each additional hearing is associated with a 6-day increase in duration. The anomalous finding related to continuances is likely due to the small number of courts in this group and the fact that few continuances are granted. However, for the remaining Time Groups, each continuance increases case duration by 19 to 37 days and each hearing adds 15 to 31 days. The cumulative effect of continuances and hearings by Time Group are illustrated in the graphs below. Again, as hearings and continuances are added to a case, the accumulation is higher in the slower Time Groups.

For example, if the typical misdemeanor case is changed to one resolved in six hearings, the estimated time to disposition rises to about 75 days in the *More Timely* group, 150 days in the *Timely* group, 165 days in the *Midrange* group, and 310 days in the *Less Timely* group. The graphic makes clear that incremental change in the number of hearings (and number of continuances) can have substantial impact on case processing time.

### Summary of Predictive Model

#### What Accounts for Differences in Timeliness?

- The primary drivers of case-processing time are the number of continuances per case and the number of hearings per case.
- *More Timely* courts better maintain control over scheduling and reduce both the number of continuances and the time a continuance or an additional hearing is allowed to add to the schedule.

### Technical Note: Case-Level Data Reporting

*Of the 34 requested case-level data elements, some were more available than others across courts. This figure shows the degree to which each element was reported to NCSC by percent of known values or valid entries for each reported case. Data elements at the top of the list reported 76-100% complete data across all cases. At the bottom of the list, data elements reported up to 25% valid responses, or were missing altogether.*

*Grouped this way, themes appear among the elements that fall within a similar range. The most well-reported elements identified the case (case number, jurisdiction), the severity of charges (degree and case type at filing/disposition), and the start and end of the case (filing/disposition date, result of disposition).*

%	ECCM Data Element
76-100% Known Values	Case Number
	Charge Reduction
	Degree of Most Serious Charge at Disposition
	Degree of Most Deviouss Charge at Filing
	Disposition Date
	Filing Date
	Jurisdiction
	Number of Days in Inactive Status
	Result of Disposition
	Charge Reduction
	Type of Most Serious Charge at Disposition
	Type of Most Serious Charge at Filing
51-75%	Arrestment Date
	Manner of Disposition
	Number of Court Hearings Scheduled
	Number of Pretrial Conferences Held
	Number of Trial Dates Scheduled
	Sentencing Date
26-50%	Total Number of Felony Charges at Filing
	Total Number of Misdemeanor Charges at Filing
	Arrest / Citation Date
	First Appearance Date
	Number of Failures to Appear
0-25%	Summons / Citation Indicator
	Type of Counsel at Disposition
	Bond / Bail Amount
	Court Appointment of Counsel Date
	Exchange of Discovery Date
	Final Pretrial Conference Date
	Multiple Defendants Involved
	Number of Days Held in Pretrial Detention Prior to Disposition
	Preliminary Hearing Date or Grand Jury Date
	Pretrial Custody Status
Pretrial Release Decision Date	

*The least available data elements (or those with the most missing/invalid values) were around pretrial custody (custody status, decision for pretrial release, bond/bail amount, days in pretrial detention), interim event dates (court appointment of counsel, preliminary hearing, pretrial release hearing, exchange of discovery, final pretrial conference), and whether multiple defendants were involved.*

*Common reasons were identified for missing data values or inability to extract a data element:*

**Data entry:** Element is not recorded in the CMS or is recorded inconsistently.

**Data format:** Element is recorded in a format difficult to extract at case level (e.g., text fields).

**Data ownership:** Element is created and maintained by an agency outside of the court (e.g., Department of Corrections).

*Data flattening corrected some of the missing value issues, as only the most serious charges and its characteristics were used to represent the total case.*

## Conclusions and Recommendations

Timeliness is fundamental to American justice. The U.S. Constitution contains the explicit individual right to a speedy trial. The extent to which this provision of the Sixth Amendment is meaningful in practice is found in the capacity of courts to resolve cases expeditiously. If they cannot, then the right is frustrated.

### *Courts Need Good Data to Reduce Delay.*

To understand the extent to which courts have the ability to handle criminal cases in a timely manner, courts need information about why some cases are resolved more quickly than others and why some courts are more expeditious than others. Without that knowledge, efforts to improve court timeliness are left to intuition and opinion.

### *The Number of Continuances per Disposition and Hearings per Disposition Drive Case-processing Time.*

The fact that a parsimonious set of factors account for a considerable amount of variation in how long it takes cases to be resolved resonates well with basic principles of modern caseflow management: provide early and continuing attention to case progress, set realistic schedules, and control continuances. Judges, attorneys, and court staff interested in improving their court's performance should find hope in the results that a considerable portion of the variation in case-processing time is under court control.

### *Continuances Waste Court Resources and Lead to Delay.*

Judge, attorney, and court staff productivity is lowered through unnecessary work caused by continuances. If a case is ready for trial and then continued, much of the work spent on preparation (e.g., reviewing files, assembling evidence, bringing in jurors and witnesses) by the judge, court staff, prosecutor and defense counsel will have to be redone at a future time. Delay has a direct effect on time and resources for all criminal justice actors.

Therefore, to the extent that continuances are liberally granted and backlogs grow, the resource pool is drained unnecessarily and the productivity of the court, prosecution, and defense decline. Time used to prepare cases for the second and third time before a scheduled court hearing is actually conducted means other case activities that could or should be performed must either be abbreviated or dropped.<sup>16</sup>

### *Caseflow Management Can Be Improved by Controlling Short Delays.*

ECCM results show that delay occurs in small increments that can be improved without major changes. Reducing the overall average number of continuances per disposition by one will significantly improve timeliness. If this change is coupled with an average reduction of about one week in the time until the next court appearance is held, a slower court can considerably improve time to disposition.

### *Meaningful Events Encourage Preparation.*

Purposeful scheduling encourages the prosecutor and the defense counsel to be fully prepared for each court hearing, making court events meaningful in their contribution to case resolution. If that goal is met, experienced attorneys should be able to quickly and accurately evaluate each case to determine the level of attention and the number of events required to reach appropriate resolution. Given that the vast majority of criminal cases are resolved by plea or by other non-trial means, criminal case management should focus on ways to provide meaningful plea discussions between prosecution and defense counsel at an early stage in the proceedings. If both sides are prepared, prosecutors should be ready to make realistic plea offers, and defense counsel, in turn, should be able to effectively negotiate, balancing the best interests and constitutional rights of their clients. Such practice by defense counsel works to resolve cases using only the number of hearings required to achieve the best outcome for their client.

### *Trial Date Certainty Requires Setting Clear Expectations.*

Judges should set trial dates in consultation with counsel to carefully consider necessary preparation time and their future schedule to avoid conflicts; bar members need to be convinced not to agree to a trial date they are not prepared to meet; the court should commit to having a judge available to try a the case on the scheduled date; and requests for trial continuances should rarely be granted.

### *National Time Standards Should Be Reevaluated Based on These Data.*

Courts aiming for success with caseflow management know what they are trying to accomplish because they have goals reflected in case-processing time standards they have adopted. Time standards or guidelines should neither be so stringent as to be unattainable nor set at a relaxed level that simply reflects what can easily be accomplished. Rather, the standards should be based on what is reasonable for the public to expect for the prompt and fair resolution of most cases. Given that no court meets the timeframes set forth in the *Model Time Standards*, it is time to revisit the issue. Data from the ECCM courts provide a solid foundation for the determination of realistic criminal case time standards.

<sup>16</sup> Of course, continuances also affect jurors, victims, and witnesses. Court appearances are costly in terms of time and other expenses related to employment, travel, and special arrangements. Delay and a lack of predictability in the process erodes public trust in the criminal justice system and hampers willingness to participate.

## Appendix: Detailed Local Organization & Practice

IN = Indefinite  
NA = Not Applicable  
PJ = At Pleasure of Presiding Judge

State	Alaska					Arizona				California		Colorado						Florida		Illinois	Iowa		Kentucky			
	Anchorage	Fairbanks	Juneau	Kenai	Palmer	Maricopa	Pinal	Yavapai	Yuma	Orange	Santa Barbara	Adams	Arapahoe	Boulder	Douglas	El Paso	Jefferson	Larimer	Alachua	West Palm Beach	Lake	Cedar Rapids	Polk	Fayette		
<b>Case Assignment and Calendar</b>																										
<b>Method of Handling Felony Cases</b>																										
Separate Felony Division	●					●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
All Judges Handle Felony Cases		●	●	●	●												●							●		
<b>Type of Calendaring System</b>																										
Individual Calendar	●		●	●		●	●	●	●			●	●	●	●	●	●	●	●	●						
Master Calendar						●																●				
Hybrid		●			●					●	●										●		●	●		
<b>Leadership Selection Methods</b>																										
<b>Method of Selection for Chief or Presiding Judge</b>																										
Appointed	●	●	●	●	●	●	●	●	●			●	●	●	●	●	●	●	●	●		●	●			
Court Selection or Peer Vote										●	●										●	●		●		
Nominating Commission																			●							
Duration of Term	1	1	1	1	1	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	
<b>Method of Selection for Chief of Criminal Division</b>																										
Appointed	●					●	●	●		●	●		●					●	●	●				●		
Court Selection or Peer Vote																									●	
Duration of Term in Years	1					3-5	4	PJ		2	2		PJ			2				2	2				2	
No Chief/Presiding Judge		●	●	●	●				●			●		●	●	●	●	●	●			●	●			
<b>Court Administration</b>																										
<b>Method of Selection for Court Clerk</b>																										
Appointed	●	●	●	●	●					●	●	●	●	●	●	●	●	●	●	●		●	●		●	
Elected						●	●	●	●												●	●		●		
Court Employee																					●	●				
Duration of Term in Years	IN	IN	IN	IN	IN	4	4	4	4	IN		IN	IN	IN	IN	IN	IN	IN	IN	IN	4	4	4	IN	IN	6
Years of Current Clerk	6	14	12	14	<1	19	3	5	3	2	4	2	<1	26	15	7		13	7	16	13	<1	24	1	5	
<b>Court Administrator</b>																										
Has Court Administrator	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Years of Current Court Administrator						5	3	4	1	2	4	4	12	15	12		13	7	2	10		24	2	15		
<b>Caseflow Policies and Procedures</b>																										
<b>Dates for Hearing Typically Set By:</b>																										
Judge Based on Calendar						●			●	●	●		●				●			●						
Judge/Staff in Consultation	●	●	●	●	●		●	●		●	●		●	●	●	●	●	●	●	●	●		●	●		
Court Administrator/Coordinator																						●	●			
<b>Practice for Granting Continuances</b>																										
Freely Granted	●	●	●	●	●			●	●	●	●	●	●	●	●	●	●	●	●	●						
Counsel Agreement							●		●	●	●	●	●	●	●	●	●	●	●	●			●	●		
Cause Required						●			●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	

## Appendix: Detailed Local Organization & Practice

IN = Indefinite  
 NA = Not Applicable  
 PJ = At Pleasure of Presiding Judge

State	Minnesota	Oregon	Pennsylvania										Utah	Virginia	Washington		Wisconsin							
	Anoka	Ramsey	Multnomah	Allegheny	Berks	Chester	Dauphin	Delaware	Erie	Lancaster	Lehigh	Luzerne	Montgomery	Northampton	Philadelphia	Westmoreland	York	Salt Lake City	Fairfax	King	Pierce	Spokane	Dane	Milwaukee

### Case Assignment and Calendar

#### Method of Handling Felony Cases

Separate Felony Division		●						●	●		●	●					●		●	●	●	●	●	●
All Judges Handle Felony Cases	●		●	●	●	●	●			●			●	●	●	●		●	●					

#### Type of Calendaring System

Individual Calendar				●	●	●		●			●	●	●	●		●								
Master Calendar			●																●					
Hybrid	●	●					●		●	●					●		●		●	●		●	●	●

### Leadership Selection Methods

#### Method of Selection for Chief or Presiding Judge

Appointed			●												●									●
Court Selection or Peer Vote		●		●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●
Nominating Commission	●																							
Duration of Term	2-4	2	2	5	5	5	5	5	5	5	5	5	5	5	3	5	5	2	2	2	2	2	IN	2

#### Method of Selection for Chief of Criminal Division

Appointed			●	●				●	●		●	●	●	●		●				●	●	●	●	●
Court Selection or Peer Vote		●									●		●	●							●			
Duration of Term in Years		2	2	5				PJ	PJ		5		1.5	PJ	3		3			1	1	1	PJ	2
No Chief/Presiding Judge	●				●	●	●			●						●		●						

### Court Administration

#### Method of Selection for Court Clerk

Appointed	●	●		●				●			●		●	●		●				●	●		●	●
Elected					●	●	●		●	●	●		●			●	●					●	●	●
Court Employee			●											●										
Duration of Term in Years			IN	IN	4	4	4	IN	4	4	4		4	IN	4	4	IN	8	IN		4	4	4	4
Years of Current Clerk	4	4	2	2	28	4	9	10	2	2	24	NA	9	>20	NA	4	13	9	26	17	15	3	10	19

#### Court Administrator

Has Court Administrator	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●
Years of Current Court Administrator	4	3	2	1	11	8	4	20	IN	23	1	5	17	3	4	3	4	7		18	1	2	2	3

### Caseflow Policies and Procedures

#### Dates for Hearing Typically Set By:

Judge Based on Calendar				●	●		●	●	●	●					●		●			●	●		●	●
Judge/Staff in Consultation			●								●	●		●	●				●	●				
Court Administrator/Coordinator	●	●				●						●				●								

#### Practice for Granting Continuances

Freely Granted			●	●	●	●					●		●	●		●			●	●	●			●
Counsel Agreement	●			●	●	●			●	●			●	●		●			●	●	●			●
Cause Required		●	●	●	●	●		●	●	●	●	●	●	●		●		●	●	●	●	●	●	●



## Appendix: Detailed Local Organization & Practice

	Minnesota		Oregon	Pennsylvania										Utah	Virginia	Washington		Wisconsin								
	Anoka	Ramsey	Multnomah	Allegheny	Berks	Chester	Dauphin	Delaware	Erie	Lancaster	Lehigh	Luzerne	Montgomery	Northampton	Philadelphia	Westmoreland	York	Salt Lake City	Fairfax	King	Pierce	Spokane	Dane	Milwaukee		
<b>Information Sharing</b>																										
<b>Individual Case Reports Provided</b>																										
At Least Monthly		●		●	●			●			●				●			●		●	●	●	●	●	●	
Quarterly/Annually	●								●																	
On Request						●	●				●	●				●	●									
Not Produced			●							●			●					●	●							
<b>Bench-Wide Case Report Provided</b>																										
At Least Monthly				●				●			●	●	●	●			●		●	●				●	●	
Quarterly/Annually	●	●	●		●													●		●	●					
On Request						●			●		●											●	●	●	●	
Not Produced							●			●																
<b>Stakeholder Coordination</b>																										
<b>Frequency that Court Leaders Discuss Issues of Caseflow Management with Court Administrator and Court Clerks</b>																										
Regularly								●									●		●	●			●	●	●	
Occasionally	●	●	●	●			●			●	●	●	●	●	●	●	●		●						●	
Almost Never					●	●			●		●											●				
<b>Frequency that Court Leaders Discuss Issues of Caseflow Management with Judges, Prosecutors, and Defense Counsel</b>																										
Regularly			●	●				●									●		●	●			●	●	●	
Occasionally	●	●			●		●		●	●	●	●	●	●	●	●	●		●				●	●	●	
Almost Never						●																				
Has Criminal Justice Council			●	●	●	●	●	●			●	●	●	●	●	●	●		●	●	●	●	●	●	●	
<b>Indigent Defense</b>																										
<b>Indigent Defense Structure</b>																										
Public Defender	●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●	●
Other												●					●									
<b>Defense Case Assignment Method</b>																										
Horizontal											●															
Vertical		●	●	●		●			●	●	●		●	●	●	●			●	●	●	●	●	●	●	
Vertical After Preliminary Hearing	●				●		●	●								●	●									
<b>Prosecution</b>																										
<b>Prosecution Screening Process</b>																										
Separate Unit				●					●	●				●			●	●								
Attorneys Rotate								●								●										
Attorney Assigned	●	●	●	●		●	●			●		●		●				●	●	●	●	●	●	●	●	
No Screening											●															
<b>Prosecutorial Plea Authority</b>																										
Attorney Assigned		●		●		●		●		●	●	●	●	●	●	●	●		●	●	●			●	●	
Supervising Attorney	●	●	●	●		●		●		●	●		●	●	●	●	●	●	●	●	●	●	●	●	●	
<b>Prosecutor Case Assignment Method</b>																										
Horizontal				●					●													●	●	●	●	
Vertical	●			●	●	●		●		●	●	●	●	●	●	●	●	●	●	●	●				●	
Vertical After Preliminary Hearing		●	●				●			●						●	●					●	●	●	●	

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