

### Time to Disposition

### Measure 3

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

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

Time standards to ensure timely justice have existed for over 40 years. The National Center for State Courts (NCSC), in conjunction with the Conference of State Court Administrators (COSCA) and Conference of Chief Justices (CCJ), revised previous national standards, engaging practitioners in a two-year collaboration informed by empirical performance data from state courts. These standards were approved by CCJ, COSCA, the American Bar Association (ABA), and the National Association for Court Management (NACM). Courts should take note of these revised standards, as well as any additional standards specific to their jurisdiction.

#### Model Time Standards for State Trial Courts

<b>Criminal</b>		<b>Juvenile</b>	
Felony	75% within 90 days 90% within 180 days 98% within 365 days	Delinquency & Status Offense	For youth in detention: 75% within 30 days 90% within 45 days 98% within 90 days For youth not in detention: 75% within 60 days 90% within 90 days 98% within 150 days
Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days	Neglect & Abuse	Adjudicatory Hearing 98% within 90 days of removal Permanency Hearing 75% within 270 days of removal 98% within 360 days of removal
Traffic & Local Ordinance	75% within 30 days 90% within 60 days 98% within 90 days	Termination of Parental Rights	90% within 120 days after the filing of a termination petition 98% within 180 days after the filing of a termination petition
Habeas corpus/Post-conviction proceedings (following a criminal conviction)	98% within 180 days	<b>Probate</b>	
<b>Civil</b>		Administration of Estates	75% within 360 days 90% within 540 days 98% within 720 days
General Civil	75% within 180 days 90% within 365 days 98% within 540 days	Guardianship/Conservator of Incapacitated Adults	98% within 90 days
Summary Matters	75% within 60 days 90% within 90 days 98% within 180 days	Civil Commitment	98% within 15 days
<b>Family</b>			
Dissolution/Divorce/ Allocation of Parental Responsibility	75% within 120 days 90% within 180 days 98% within 365 days		
Post Judgment Motions	98% within 180 days		
Protection Orders	90% within 10 days 98% within 30 days		

Source: National Center for State Courts Web site, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1836>



## Method:

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

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

## Sampling

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

## Which Cases Are Included?

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

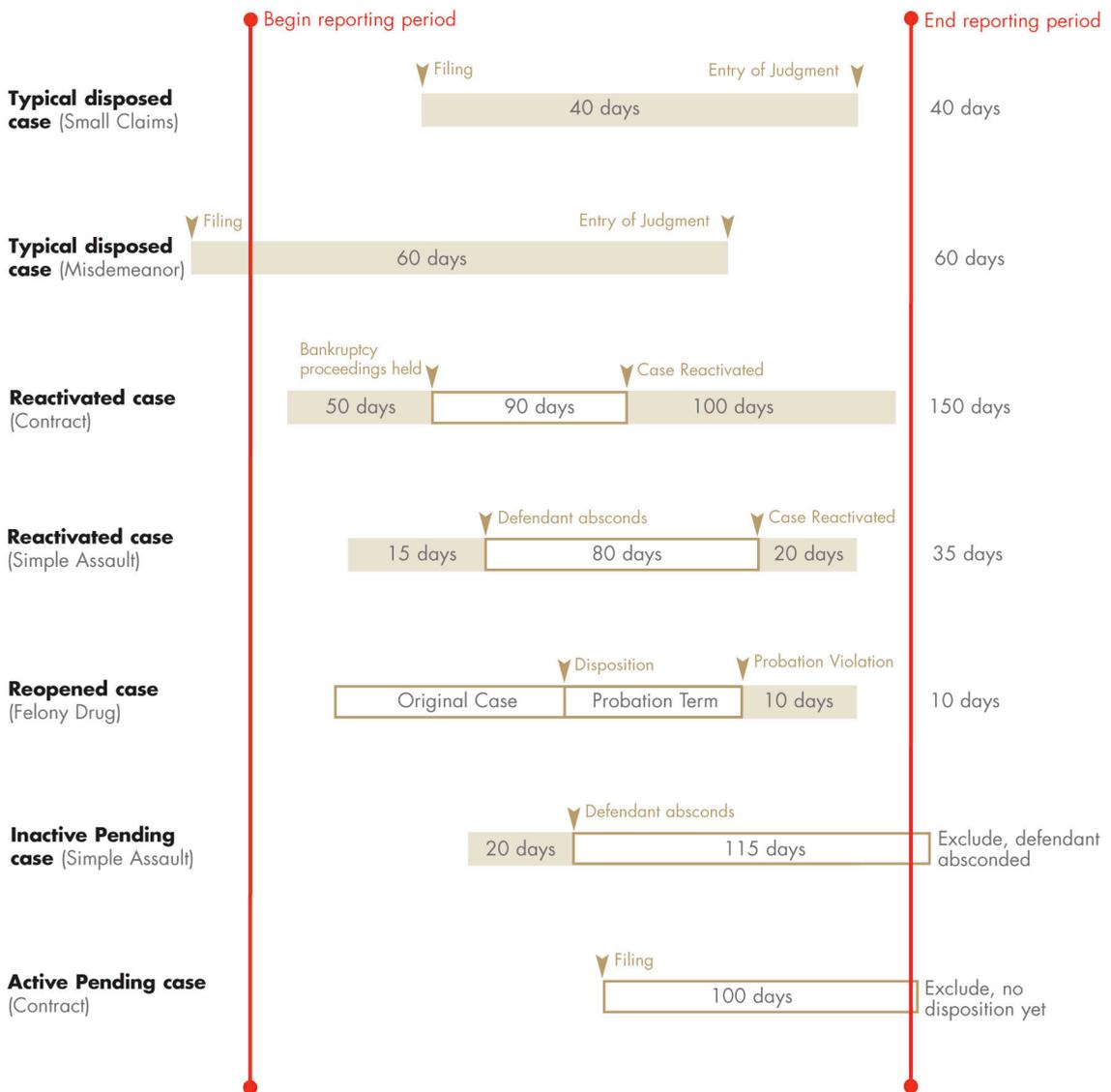
The second kind are cases that had their progress interrupted and underwent a period of inactivity, but were *Reopened* or *Reactivated* by the court and disposed of during the reporting period. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy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

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



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

### Time Calculation Examples





# Time to Disposition

Measure **3**

## Analysis and Interpretation

### Superior Court

	Percentage of Cases Disposed				Number of Days	
	180 days		365 days		Mean	Median
	Current	Goal	Current	Goal		
Criminal-Felony	70%	90%	97%	98%	170	121
Civil-General	82%	75%	95%	90%	151	93
Family-Divorce	90%	90%	92%	98%	158	105

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

### Time to Disposition in Felony Cases- 98% at 365-Day Time Standard



The court has adopted the new Model Time Standards and was steadily improving, meeting this goal in June. In the months that followed, however, time to disposition increased. The court needs to examine what happened, especially in July and October, to determine and source of the decline in performance.

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

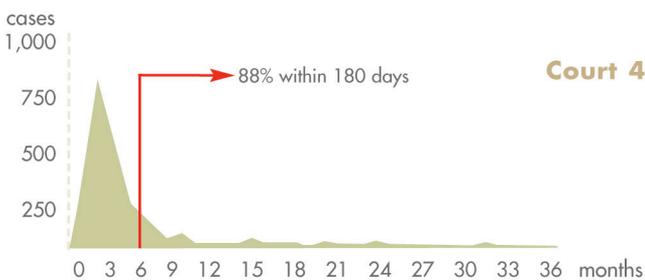
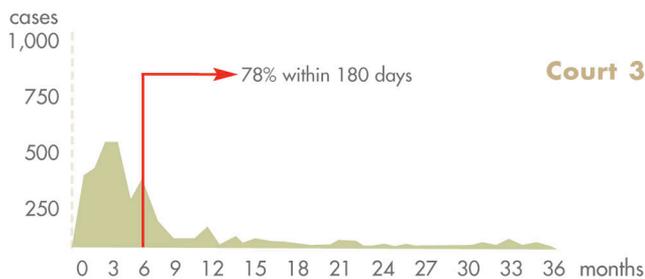
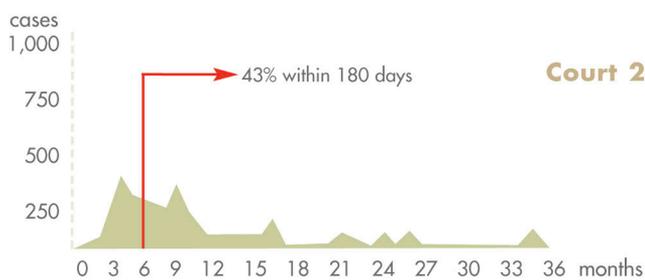
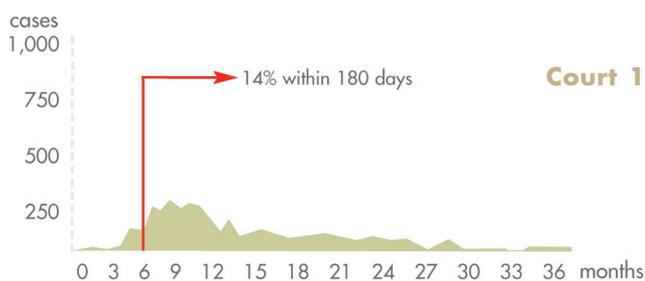


Increases in the criminal caseload caused the court to shift judicial officers from civil to criminal cases and initiate caseflow management improvements in June. Time to disposition for criminal cases improved, but not without a corresponding decline in time to disposition performance in civil.

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

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

### Percent of Felony Cases Disposed Within 36 Months...





## Terms You Need to Know

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

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

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

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

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

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

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

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

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

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

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

