

Montgomery County Circuit Court Research Bulletin FY2013 Case Processing Performance - Civil

Case Processing Performance - Overview

In Fiscal Year 2013 (FY13), Montgomery County Circuit Court processed 5,763 civil cases that are eligible for the annual statewide case assessment analysis. The civil case time standard developed by the Maryland Judiciary is for 98% of the terminations in original civil cases to occur within 548 days from the filing of the petition. Table 1 summarizes the number of original civil case terminations, as well as the case processing performance by termination status for FY04-FY13. While the Maryland Judiciary excluded foreclosures from the statewide civil case assessment analysis in FY11 and FY12, those cases are included below to maintain analytical consistency. Despite large fluctuations in the number of terminations, the court's civil case processing performance has been consistently within the range of 94% and 96% for the past 10 fiscal years.

Table 1 Number of Civil Case Terminations and Case Processing Performance, FY04-FY13

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	3,415	198	3,271	96%	173	144	4%	774
FY05	6,022	206	5,742	95%	173	280	5%	898
FY06	5,545	209	5,283	95%	174	262	5%	915
FY07	6,320	222	5,936	94%	173	384	6%	978
FY08**	7,243	213	485	95%	176	24	5%	952
FY09	7,746	226	7,425	96%	205	321	4%	716
FY10	10,079	241	9,670	96%	222	409	4%	699
FY11†	10,534	260	9,925	94%	234	609	6%	684
FY12†	6,381	227	5,996	94%	195	385	6%	718
FY13	5,763	217	5,476	95%	189	287	5%	749

Maryland civil case time standard and goal: 584 days (18 months) and 98% within-standard terminations

* ACT = Average Case Time, in days.

** The FY08 case processing performance is based on a random sample 509 cases while in other years the performance was calculated based on the data that included all eligible case terminations.

† The FY11 and FY12 case processing performance is based on data that includes foreclosures though they were excluded from the statewide case assessment.

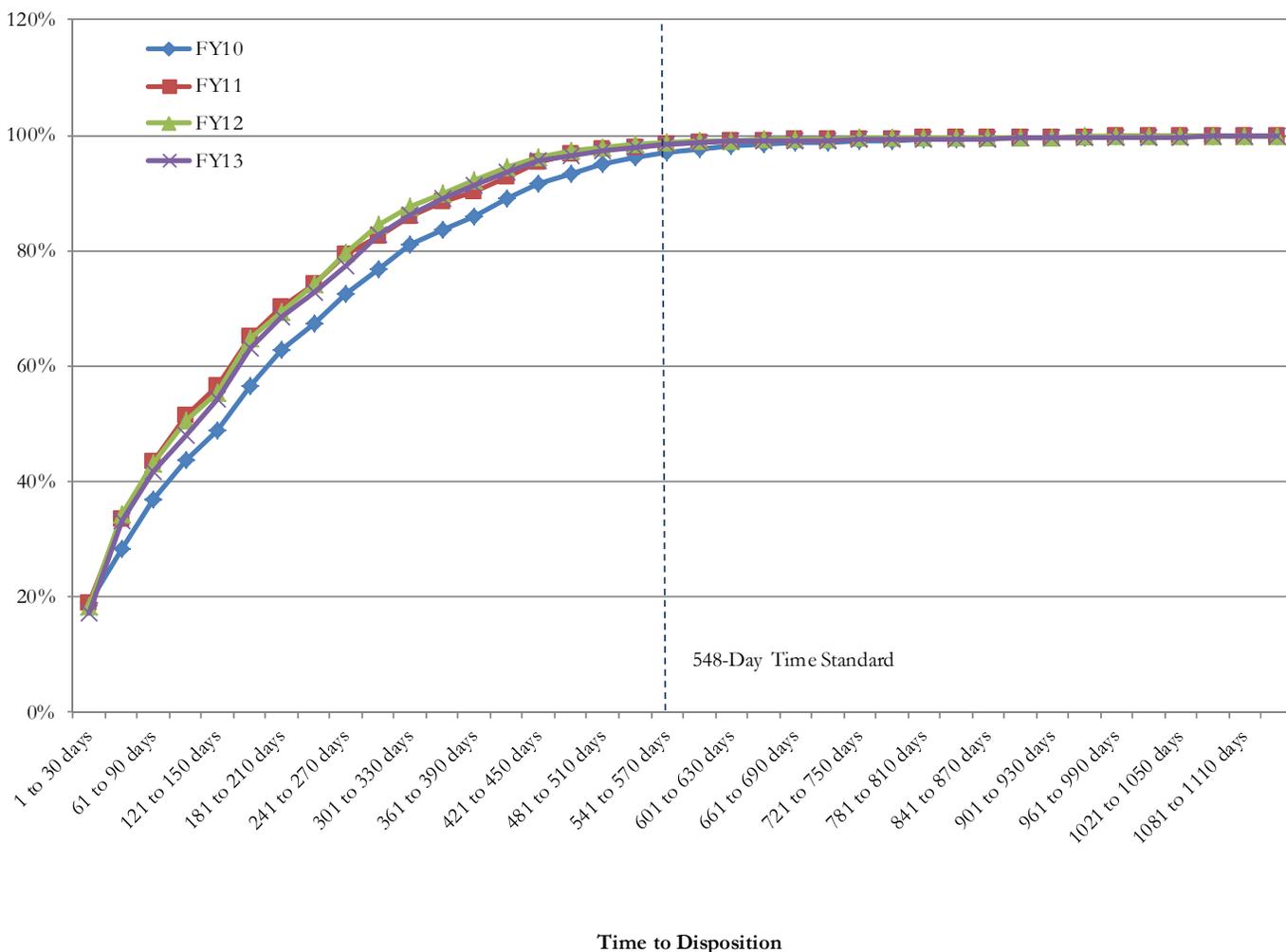
When foreclosures are excluded from the analysis, 98% of civil cases closed within the 548-day time standard in FY11 through FY13, meeting the statewide civil performance goal. In fact, the civil non-foreclosure case processing performance has increased from 92% in FY08 to 97% in FY10. The observed improved performance among these cases may be in part attributed to the revised civil differentiated case management (DCM) plan implemented in July 2010.¹

¹ For additional information about the DCM plans including detailed descriptions of the DCM tracks, please visit the court's website at <http://www.montgomerycountymd.gov/circuitcourt/attorneys/dcm.html>.

Civil Termination Profiles

Figure 1 displays termination profiles for non-foreclosure civil terminations between FY10 and FY13. Ideally, the termination profile for a particular fiscal year would have a high arch indicating prompt resolution and have all cases close by the 548-day civil time standard. The court's improved non-foreclosure case processing performance for the past three fiscal years is noticeable when compared to the FY10 termination profile. A lower percentage of non-foreclosure cases closed earlier in the case process in FY10 compared to the past three fiscal years. As a result, 98% of non-foreclosure cases closed by the 540th day in FY11, FY12, and FY13, whereas in FY10 98% of non-foreclosure civil cases closed by the 630th day, a difference of ninety days. A closer look at the link between non-foreclosure civil performance and the revised civil DCM plan will be discussed in the track analysis section.

Figure 1 Non-Foreclosure, Civil Termination Profiles, FY10-FY13



Case Terminations by Differentiated Case Management (DCM) Track

Table 2 Civil Case Terminations by Termination Status and DCM Track (Excluding Foreclosures), FY13

DCM Track (Description)	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track N (Non-Litigation)	639	15%	24	639	100%	16%	24	0	0%	0%	---
Track 0 (No Discovery)	1,266	30%	108	1,251	99%	30%	100	15	1%	18%	743
Track 2 (1/2 to 1 day trial)	1,271	30%	199	1,251	98%	30%	188	20	2%	24%	884
Track 3 (1 to 2 day trial)	803	19%	280	779	97%	19%	266	24	3%	29%	744
Track 4 (4 or more days trial or intensive motions)	168	4%	322	146	87%	4%	258	22	13%	27%	745
Tracks 5 & 6 (B&T†)	52	1%	267	52	100%	1%	267	0	0%	0%	---
Tracks 7 & 8 (ASTAR†)	5	<1%	464	4	80%	<1%	420	1	20%	1%	643
Total	4,204	100%	167	4,122	98%	100%	154	82	2%	100%	777

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations

† B&T = Business and Technology; ASTAR = Advanced Science and Technology Adjudication Resource. There were no civil case terminations assigned to Track 7 in FY13.

Note: Percentages do not always add to 100% due to rounding.

Currently, the court has nine DCM tracks under its civil DCM plan. Table 2 shows the number of case terminations, the percent of cases closed within the 548-day time standard and the average case time by termination status and by DCM track. For simplicity purposes, cases assigned to a Business and Technology track (Tracks 5 and 6) and those assigned to an Advanced Science and Technology Adjudication Resource track (ASTAR, Tracks 7 and 8) are combined in Table 2, respectively.

The case processing performance of cases assigned to Tracks N (non-litigation cases), 0 (cases with no discovery), and 2 (cases with 1/2 to 1 day of trial), as well as those in Tracks 5 and 6 (B&T cases), met or exceeded the statewide performance goal of closing 98% of cases within the 548-day time standard, which is similar to the past three fiscal years. The performance of cases assigned to Track 3 (i.e., those with a 1 to 2 day trial estimate) is 97%, nearly meeting the goal. The percent of over-standard cases by DCM track (“% of OST”) indicates that cases assigned to Track 3 or Track 4 (i.e., complex cases with 4 or more days of trial estimated or with intensive motions) are over-represented among the 82 over-standard cases. While cases assigned to Tracks 3 and 4 occupy 19% and 4% of the overall terminations, respectively, their representation among over-standard cases are much greater at 29% for Track 3 cases and 27% for Track 4 cases. In particular, the performance of Track 4 cases is concerning given its decline from 92% in FY12 to 87% in FY13. It is important to note that Track 4 performance in FY13 is noticeably above the performance obtained in FY10 (67%) and FY11 (78%).

The court’s case processing performance of business and technology cases contrasts that of Track 4 and ASTAR (i.e., Tracks 7 and 8) cases. Specifically, 100% of business and technology cases closed within the time standard compared to 87% for Track 4 cases and 80% of ASTAR cases. Given the level of case complexity among these cases, additional resources may be warranted to explore the observed difference between Track 4 and business and technology cases, as well as the decline in case processing performance among Track 4 cases.

Case Terminations by Trial Postponements

Of the 4,204 non-foreclosure civil cases closed during FY13, 205 cases (5%) had at least one trial postponement. Of these, 84% closed within-standard (85% in FY12, 88% in FY11, and 77% in FY10). In contrast, 99% of the non-foreclosure civil terminations without trial postponements (including those that do not require trials) closed within the time standard. Thus, having a trial postponement appears to have a noticeable impact on the likelihood of a case closing over-standard. The improved processing performance of cases with trial postponements since FY10 is likely due in part to the setting of trial dates well within the guidelines under the revised DCM plan.

Case Terminations by Trial Postponements, Continued

The court granted a total 251 trial postponements in the 205 postponed, civil non-foreclosure that closed during FY13, averaging 1.2 trial postponements per case. Among the postponed cases, 83% have one trial postponement, which is comparable to FY12 (82%), and another 12% have two trial postponements. In FY13, 70% of over-standard civil case terminations that have trial postponements are postponed only once.

The most frequently cited trial postponement reasons among the 205 postponed cases include: “Calendar Conflicts – Party Needs To Get Affairs in Order” (22% all postponements; 15% postponements in over-standard cases); “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (21% all postponements, 23% postponements in over-standard cases); and “Illness, Medical Emergency Or Death” (15% all postponements; 21% postponements in over-standard cases). As a good practice it appears that the court should continue to assess whether MD Rule 2-508 related to “continuance” is being rigorously applied.

Next Steps

- ◆ Determine whether additional analyses are warranted to understand the impact of several procedural changes on case processing performance that were implemented in July 2010 as part of the revised civil DCM plan. Future analyses should include examining the length of time to reach key court events (such as the scheduling hearing, pre-trial, trial, and disposition) as defined by the DCM guidelines, as well as comparing case processing performance among cases where a civil settlement conference was held versus not held.
- ◆ Determine the usefulness of analyzing civil performance against newly developed model time standards for state trial courts. These time standards provide an overall standard as well as several intermediate time standards by which a court can examine its performance. Prior to measuring the court’s performance against these time standards, the technical requirements need to be defined in order to accurately capture the data used to inform these new measures.
- ◆ Continue to examine the case processing of foreclosure cases to identify factors that contributed to the decline in foreclosure case processing and, if appropriate, develop possible procedures to increase the efficiency of foreclosure case processing. Given recent the increase in foreclosure filings, the development of such processes/procedures may be of interest.
- ◆ Determine the usefulness of additional analyses examining the performance of civil Track 4 cases compared to other complex cases such as those assigned to the business and technology as well as ASTAR tracks. This analysis should explore whether there are certain factors among these complex cases that contribute to a case closing over the defined time standard.

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