

Montgomery County Circuit Court Research Brief

Analysis of Montgomery County Circuit Court’s “To Be Assigned” (TBA) Docket

OCTOBER 2015

Montgomery County Circuit Court maintains a “To Be Assigned” (TBA) docket because the number of cases requiring a hearing or trial exceeds the calendar space for the available judges and magistrates. Cases placed on the TBA docket are limited to certain civil and family events (as identified by the court’s Assignment Office). It is important that cases placed on the TBA docket are reached in a timely manner. An uncontrolled TBA docket may result in additional costs and delay for parties. Accordingly, Montgomery County Circuit Court closely monitors and manages its TBA docket. The present analysis reports the number and percentage of cases placed on the TBA docket and those “reached” by month between July 2014 and June 2015 (FY2015). This analysis also discusses the average number of cases per business day during the reporting period.¹

A TBA case is considered “reached” when it is assigned to a judicial officer, and the scheduled event is held or is postponed by a party (or parties), or when the case has been removed from the TBA docket prior to or on the scheduled date because the scheduled event was disposed for a reason other than the court’s inability to hear the preceding.² In contrast, a case is considered “not reached” on the day of the scheduled event when the court was unable to hear the event due to judge unavailability or an error in the management of the case (e.g., notices weren’t sent or the case was not in the proper posture to proceed).

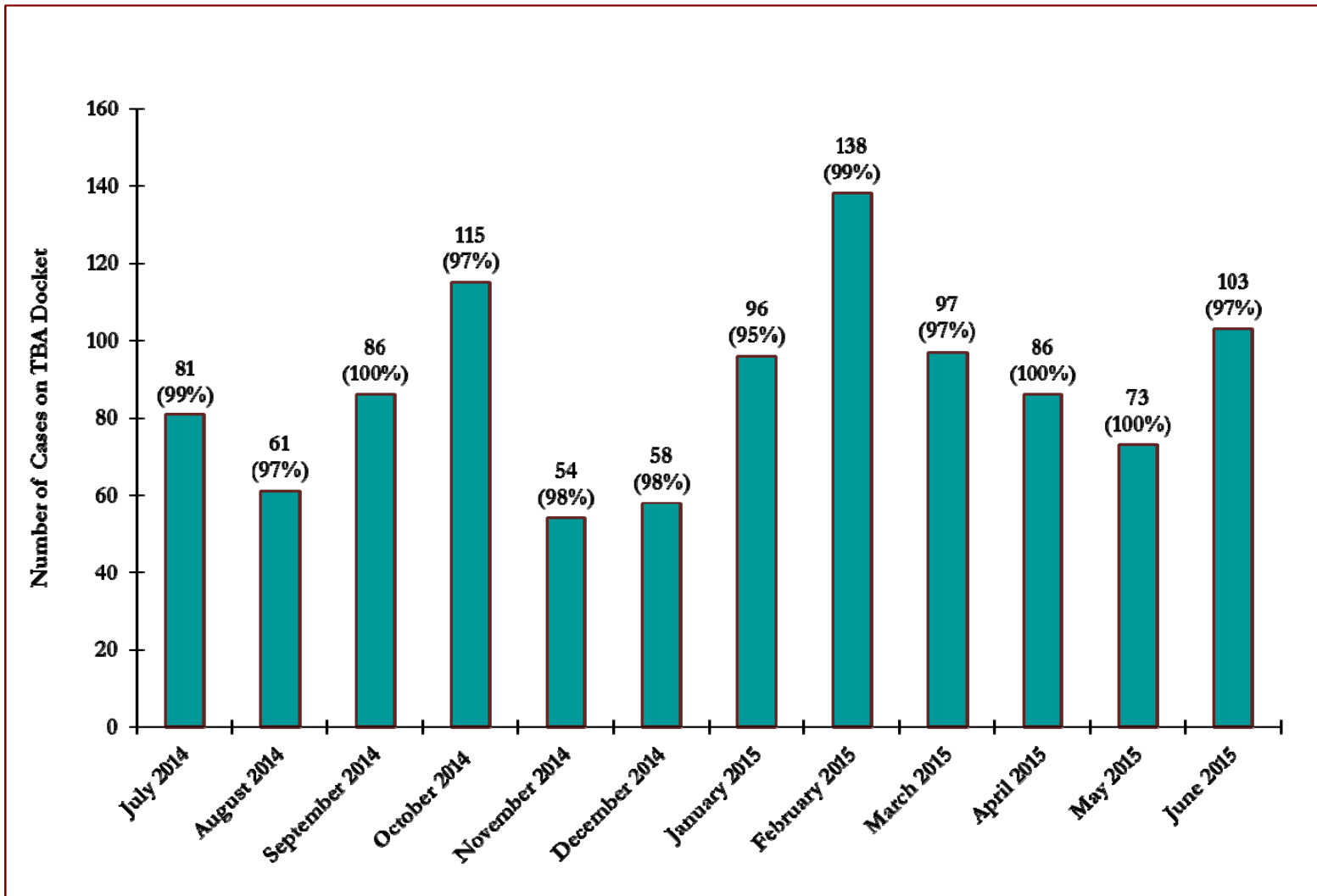
The number of cases placed on the TBA docket ranges from a low of 54 cases in November 2014 to a high of 138 in February 2015 (Chart 1). The average number of cases placed on the TBA docket during the reporting period increased to 87 cases per month from 83 cases per month in FY2014 though it is much smaller than the FY2012-13 average (105 cases per month). Of the 1,048 cases placed on the TBA docket during FY2015, 1,027 cases (98%) were “reached”. The percentage of reached cases in FY2015 is comparable to previous years. Monthly percentages of reached TBA cases range from a low of 95% (January 2015) to a high of 100% (September 2014; April 2015; May 2015).

Between FY2013 and FY2014 the court was able to decrease the average number of cases *placed* on the TBA docket per business day from 5.1 to 4.0. In FY2015, the number slightly increased to 4.2 for FY2015. During FY2015, the monthly average of daily TBA cases ranges from a low of 2.6 TBA cases per business day in December 2014 to a high of 7.3 cases in February 2015 (Chart 2). The average number of TBA cases *reached* per business day in FY2015 is 4.1, which is comparable to FY2014 (4.0; FY2013, 5.0). Thus, for most court days TBA cases are reached further supporting findings highlighted in Chart 1.

¹ Federal holidays and weekends are excluded from the calculation; however, court (non-federal) holidays and days in which the court was closed due to a weather emergency are included.

² “Reached” cases may also include those that have an event that was removed prior to the scheduled event date and was postponed by way of a motion or line filed pursuant to the court’s postponement policy.

Chart 1. Number of TBA Cases (and Percentage Reached) by Month, FY2015



Conclusions

As a result of improved collection, tracking, and reporting of TBA information, the court is able to analyze its processing of TBA cases and their outcomes more accurately as well as communicate and use the information to guide scheduling practices. The court plans to examine further the number of TBA cases and their associated outcomes in relation to the number of judges and magistrates available and the Assignment Office's calendaring practices. In order to ensure efficient scheduling practices, it is important that parties promptly notify the Assignment Office about any cancellations in scheduled events and provide accurate trial time estimates. Requests for interpreters and ADA accommodations, as well as information about the number of out-of-state or out-of-country parties or witnesses should also be provided to the court at status/pre-trial and settlement/pre-trial hearings as this type of information is essential for the court to prepare its dockets. Through close examination of its own practices and with the assistance and cooperation from its patrons, the court will be able to succeed in its mission of administering justice in an efficient and just manner.

For questions or comments regarding the analysis, please contact Montgomery County Circuit Court Administration at 240-777-9100.