



**ADMINISTRATIVE OFFICE OF THE COURTS  
MARYLAND JUDICIAL CENTER  
580 TAYLOR AVENUE  
ANNAPOLIS, MARYLAND 21401**

**FRANK BROCCOLINA**  
STATE COURT ADMINISTRATOR  
(410) 260-1295 Fax: (410) 974-2066  
[frank.broccolina@mdcourts.gov](mailto:frank.broccolina@mdcourts.gov)

**FAYE D. GASKIN**  
DEPUTY STATE COURT  
ADMINISTRATOR  
(410) 260-1257 Fax: (410) 974-2066  
[faye.gaskin@mdcourts.gov](mailto:faye.gaskin@mdcourts.gov)

**SHARON SAMPSON BALL**  
Executive Director  
Human Resources  
(410) 260-1283 Fax: (410) 974-2849  
[sharon.ball@mdcourts.gov](mailto:sharon.ball@mdcourts.gov)

**GRAY BARTON**  
Executive Director  
Office of Problem-Solving Courts  
2011-D Commerce Park Drive  
Annapolis, Maryland 21401  
(410) 260-3617 Fax: (410) 841-9850  
[gray.barton@mdcourts.gov](mailto:gray.barton@mdcourts.gov)

**PHILIP S. BRAXTON**  
Executive Director  
Judicial Information Systems  
2661 Riva Road, Suite 900  
Annapolis, Maryland 21401  
(410) 260-1000 Fax: (410) 974-7170  
[philip.braxton@mdcourts.gov](mailto:philip.braxton@mdcourts.gov)

**ALLEN C. CLARK, III**  
Executive Director  
Budget & Finance  
(410) 260-1579 Fax: (410) 260-1290  
[allen.clark@mdcourts.gov](mailto:allen.clark@mdcourts.gov)

**DAVID R. DURFEE JR.**  
Executive Director  
Legal Affairs  
(410) 260-1405 Fax: (410) 974-2066  
[david.durfee@mdcourts.gov](mailto:david.durfee@mdcourts.gov)

**CONNIE KRATOVIL-LAVELLE**  
Executive Director  
Family Administration  
(410) 260-1296 Fax: (410) 974-5577  
[connie.kratovil-lavelle@mdcourts.gov](mailto:connie.kratovil-lavelle@mdcourts.gov)

**SUSAN HOWELLS**  
Executive Director  
Procurement & Contract  
Administration  
(410) 260-1410 Fax: (410) 260-1749  
[susan.howells@mdcourts.gov](mailto:susan.howells@mdcourts.gov)

**DIANE S. PAWLOWICZ**  
Executive Director  
Court Research & Development  
(410) 260-1725 Fax: (410) 974-2066  
[diane.pawlowicz@mdcourts.gov](mailto:diane.pawlowicz@mdcourts.gov)

**ROXANNE P. MCKAGAN**  
Director, Administrative Services  
(410) 260-1407 Fax: (410) 974-2066  
[rocky.mckagan@mdcourts.gov](mailto:rocky.mckagan@mdcourts.gov)

**DEBORAH A. UNITUS**  
Director, Program Services  
2001D Commerce Park Drive  
Annapolis, Maryland 21401  
(410) 260-1291 Fax: (410) 260-3570  
[deborah.unitus@mdcourts.gov](mailto:deborah.unitus@mdcourts.gov)

November 1, 2010

Honorable Edward J. Kasemeyer  
Acting Chair  
Senate Budget & Taxation Committee  
3 West, Miller Senate Building  
Annapolis, MD 21401-1991

Honorable Norman H. Conway  
Chair  
House of Appropriations Committee  
Lowe House Office Bldg., Rm 131  
Annapolis, MD 21401-1991

Re: Report on Court Performance Measures

Dear Chairman Kasemeyer and Chairman Conway:

In the 2008 Joint Chairmen's Report, the budget committees directed that the Judiciary submit its annual measures of case management performance in the trial courts as part of the Judiciary's "managing for results" data. Enclosed is the Judiciary's FY 2009 caseload assessment.

If you have any questions, please contact me at (410) 260-1295, or at [frank.broccolina@mdcourts.gov](mailto:frank.broccolina@mdcourts.gov).

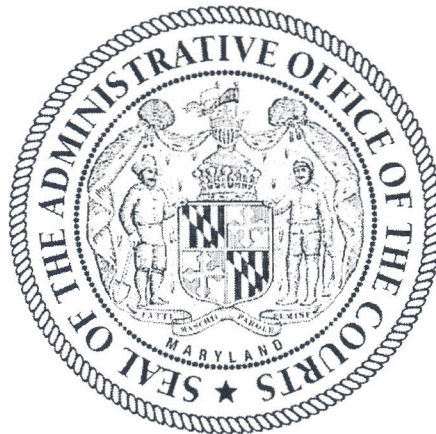
Sincerely yours,

Frank Broccolina  
State Court Administrator

Enclosure

cc: Judicial Cabinet, w/o enclosure  
Judicial Council, w/o enclosure  
Faye D. Gaskin, w/o enclosure  
Kelley O'Connor, w/o enclosure  
Flora Arabo, Budget Analyst, w/enclosure

**Maryland Judiciary**  
**FY 2009 Statewide Caseflow Assessment**  
**Methodology and Data/Application Issues**  
**Circuit Courts**



**Administrative Office of the Courts**

November 1, 2010

# **FY 2009 Maryland Judiciary Statewide Caseflow Assessment Methodology and Data/Application Issues**

## **Circuit Courts**

This section of the FY2009 Circuit Courts Statewide Caseflow report consists of three main parts. The first part describes data verification efforts conducted prior to the analysis of the FY2009 Circuit Courts caseflow assessment data. The second part reviews jurisdictions' 10% data quality review checks, which are required as part of the annual caseflow assessment. The third part contains an analysis of the reasons why jurisdictions removed cases from the assessment application. An appendix is also provided that lists recommended changes to the current Circuit Court time standards and assessment application that were extracted from the Circuit Courts' FY2009 caseflow assessment jurisdiction-specific reports.

### **I: Methodology**

#### ***Identification of Valid Data***

- A total of 41,403 original case terminations were reported to the statewide caseflow assessment application. Of these cases, 349 were removed by jurisdictions for various reasons which will be discussed in detail below, and another 41 cases were excluded from the analysis because they have either a missing start date or a negative clock time. Of the 41 cases excluded, 23 cases have a missing start date and 18 cases have a negative case processing time.
  - Compared to FY2008, the number of missing start date and negative clock time cases reduced by 91% in FY2009. In FY2008, 245 cases had missing case start dates, and 199 cases had negative case processing times. It appears that modifications made to the data extract and the assessment application as well as efforts undertaken by the jurisdictions during the data quality review phase of the assessment contributed to the reduction of missing case start dates and negative case processing times between FY2008 and FY2009.
- The current analysis is based on a sample of 41,013 Circuit Court cases with original terminations during FY 2009 (7/1/2008-6/30/2009). The data was downloaded from the Caseflow Assessment Application for analysis in January 2010.
  - The number of criminal cases analyzed for the FY2009 Circuit Courts Statewide Caseflow report matches the assessment application's official counts of valid case terminations available from each Circuit Court. However, for the remaining case types, the number of terminations analyzed does not match the assessment application's official counts because Baltimore County's case assessment data has not been transferred from the assessment's pilot site to the production site. As such, Baltimore County's data available in the assessment application's production site (as of January 29, 2010) is not accurate (except for criminal).
    - Valid data is defined by the official statewide time standards as those cases that contain a case start date, have an original case termination date in FY2009, and have a positive case processing time where the case start date occurs prior to the case stop date. However, due to a change to the criminal case time standards, which changed the case stop date from sentencing to verdict/plea,

and a limitation in the Assessment Application, criminal cases sampled for the FY2009 assessment data were limited to those with both verdict and sentencing dates in FY2009.

- Similar to FY2008, when performance measures are displayed in the aggregate (e.g., statewide within-standard percentages, or average case times displayed by jurisdiction size) the values are weighted to take into account jurisdiction-size, which is represented by the total number of cases originally terminated by each Circuit Court, and in order to accurately reflect each jurisdictions' contribution to statewide case processing performance.
- Certain analyses were not performed for the FY2009 report due to limitations in the assessment data. For instance, we were not able to examine possible effect of postponements on case processing performance because the assessment data contained postponements that occurred on reopened case events and because some jurisdictions reported only trial postponements.
- In addition to reporting the average case processing times for case types, this report also provides the median case processing times by case type. Unlike the average case time or the arithmetic mean of case times, whose value tends to be affected by extreme values when there is a small number of observations, the median case processing time is the middle value in the distribution of case processing times (when arranged in magnitude from lowest to greatest) and is not affected extreme scores.
- Appendix A found at the conclusion of the methodology section provides recommendations for the FY2010 caseflow assessment. The Maryland Judiciary is committed to not only reporting all jurisdiction-specific recommendations related to the completion of the assessment application but also addressing each item in a timely and comprehensive manner.

## **II. Data Quality**

### ***Analysis of Removed Cases***

- Similar to FY2008 and based on a request by the Administrative Office of the Courts (AOC), a brief analysis was performed of the FY2009 cases that were removed by jurisdictions from the assessment's calculation of case processing performance. At the August 2009 statewide caseflow assessment training sessions for Circuit Courts, jurisdictions were encouraged to provide a reason when removing a case from the assessment application. Currently, the assessment application has six pre-identified and valid reasons for removing a case from the calculation of case processing performance: 1) Reopen, 2) Waivers for Fee Denied, 3) No Case Really Opened, 4) Case Belongs to Another Circuit Court, 5) Transfer for Supervision Only, and 6) Incorrect Case Type. The assessment application also allows jurisdictions to remove a case for 'Other' reasons. The Maryland Judiciary has an interest in not only identifying the 'Other' reasons that jurisdictions are using for removing a case, but also making modifications to the application (where appropriate) to include additional valid removal reasons to the pre-identified list currently available.
  - Based on the information gleaned from the FY2008 analysis of the removal reasons, the following two pre-defined removal reasons were added to the assessment application: 1) Transfer for Supervision Only and 2) Case Belongs to Another Circuit Court.

- The removal analysis is performed by case type (jurisdiction-specific information is available upon request), and focuses specifically on those cases that were removed by jurisdictions. These cases were identified by using one of the filters ('Removed') available from the assessment application. It is also important to note that the following analysis is based on the caseflow data contained in the assessment application, which represents a sampling of each jurisdiction's total, original terminations for FY2009.
- Table 1 displays the number and percentage of cases that jurisdictions removed manually from the assessment application by case type. Removed cases have been identified as either 'valid' or 'invalid.' Removed, valid cases refers to those cases that should have been included in the assessment application because (on initial review) the cases had valid case start and stop dates, as well as a positive case processing time. Removed, invalid cases refer to those cases that had either a missing case start date or a negative case time, and would be removed automatically by the assessment application in any calculations of case processing performance.
  - Of the 7 Circuit Court case types analyzed, there were a total of 349 cases (FY2008: 320 cases) removed from the assessment application by jurisdictions. Compared to FY2008, the number of FY2009 removed cases represents a slight decline (1%).
  - Of the 349 cases removed by Circuit Courts, 281 cases (81%) had valid case start and stop dates and were removed for reasons other than the case being invalid, that is, having a missing start date or a negative case processing time. The percentage of valid case removals in FY2009 is markedly higher than that for FY2008 (81% vs. 48%, respectively).
  - Compared to FY2008, a much smaller percentage (19%) of invalid cases, cases with either a missing start date or negative case processing time, were removed in FY2009. In FY2008, 52% of the removed cases were invalid.
  - The distribution of valid and invalid, removed cases varies widely across case type. All or nearly all removed cases were valid in civil family, CINA Shelter and TPR cases. In contrast, in criminal, juvenile, and CINA Non-Shelter cases, at least half of the removed cases were invalid. The differences in removed cases across case types appear to be largely due to the difference in the case start date. In civil, family, CINA Shelter, and TPR cases, the caseflow assessment-defined case start and the actual case start event coincide whereas in criminal, juvenile delinquency, and CINA Non-Shelter, they do not (e.g., the first appearance date does not coincide with the filing date of a case). Thus, capturing the caseflow assessment-defined case start date in the latter group of cases appears to be more challenging.

**Table 1. Number and Percentage of Removed Cases by Case Type, FY2009**

Case Type		Removed Cases				Total
		Valid		Invalid		
		N	%	N	%	
Circuit Courts						
	Criminal	9	32%	19	68%	28
	Civil	60	98%	1	2%	61
	Family	128	100%	0	0%	128
	Juvenile	14	25%	42	75%	56
	CINA Shelter	50	100%	0	0%	50
	CINA Non-Shelter	6	50%	6	50%	12
	TPR	14	100%	0	0%	14
	Total	281	81%	68	19%	349

- Table 2 displays the case removal reasons used for valid cases (N = 281). These cases were removed by jurisdictions even though they had no apparent data deficiencies such as missing the case start date or having a negative case processing time. Accordingly, examining these valid but removed cases may be of most interest because they should have remained in the application as they had a valid case start and stop date.

**Table 2. Number and Percentage of Removal Reasons by Case Type, FY2009**

Removal Reasons	Case Type												TPR	
	Criminal		Civil		Family		Juvenile		CINA Shelter		CINA Non-Shelter			
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Circuit Courts														
Belongs to Another Court	0	--	6	10%	4	3%	0	---	1	2%	0	---	0	---
Change Case Type	1	11%	0	---	0	---	0	---	14	28%	0	---	0	---
Waiver for Fee Denied	0	--	0	---	19	15%	0	---	0	---	0	---	0	---
Case Not Opened	0	--	2	3%	4	3%	2	14%	0	---	0	---	0	---
Reopen	3	33%	13	22%	71	55%	0	---	1	2%	1	20%	4	29%
Transfer for Supervision Only	0	---	0	---	0	---	0	---	0	---	0	---	0	---
Other	5	56%	39	65%	30	23%	12	86%	34	68%	5	80%	10	71%
Total	9	100%	60	100%	128	100%	14	100%	50	100%	6	100%	14	100%

- The most frequently cited removal reason for all case types except family is “other,” which accounted for at least 50% of removal reasons in those cases. Among family cases, the most frequently cited removal reason is that the case was reopened (i.e., not having its original termination in FY2009). Fifty-five percent of removed cases in family had the ‘Reopen’ as the case removal reason.
  - The assessment application requires that a reason be provided when “other” removal reason is selected. Among 3 criminal cases where “other” is identified as the removal reason, the most frequently cited “other” removal reason is that the case file is unavailable (60%). It is not clear why the case being unavailable would require the jurisdiction to remove the case from the assessment sample.

- Among 39 civil cases that were removed, the most frequently cited “other” removal reasons include: Case closed in error – still open (28%), Excluded case type – recorded judgment (26%), Case not closed in assessment period (13%), and Conversion case – lien removal (10%). It may be useful for JIS to review its excluded case types to ensure that recorded judgments are excluded from the assessment application sample. Jurisdictions removing cases because they were closed in error highlights possible training opportunities for court personnel.
- Among juvenile delinquency cases (n = 14), the most frequently cited “other” removal reasons include: Case closed outside the assessment period (42%), Case not closed (17%), and Case sealed (17%). For CINA shelter cases (n = 34) with “other” removal reason chosen, the most frequently cited reasons are: Case outside the date range (47%) and Adjudication contested (21%). Among CINA non-shelter (n = 5), the most frequently reported “other” removal reasons include: Case outside of range (40%), and Error (40%). For TPR cases (n = 10), the most frequently cited “other” removal reason includes case pending the outcome of an appeal (60%) followed by a converted case (30%).
- While the most frequently cited removal reason for family cases was that the case was reopened, the second most frequently cited reason was “other”. Based on an analysis of the “other” removal reasons (n = 30), pre-conversion (67%) and conversion case – picking up the reopened portion of the case (23%).

### ***Number of Cases Reviewed***

- Prior to FY2008, while jurisdictions were requested to select at least 10% of the cases in the assessment data from each case type and conduct a data quality check by comparing the assessment data with the information found in the actual files, no concrete instruction was provided as to the selection of the cases for the review and which data elements should be reviewed, etc. As part of the FY2008 caseflow assessment, clear guidelines were developed regarding data quality review procedures that jurisdictions were expected to undertake as part of the annual caseflow assessment process.<sup>1</sup> Similar to FY2008, at the August 2009 Circuit Court caseflow assessment training, a review of the data quality procedures was discussed, and Circuit Court personnel was requested to flag the cases that received the 10% review by checking the ‘record reviewed’ data field in the assessment application. The present analysis examines the extent to which the assessment data received the ‘10% review’ by jurisdictions.
- Table 3 presents the percentage and number of ‘reviewed’ cases by case type and jurisdiction for Circuit Courts. When aggregated for each case type, greater than 10% of the cases in the sample were reviewed. However, the percentage of cases reviewed varies substantially from one jurisdiction to another.
  - It is commendable that some jurisdictions went far beyond the 10% data quality review that was requested. For several Circuit Courts, data quality review is part of their routine court procedures and therefore “audit” their cases on a regular basis. For

<sup>1</sup> For more detailed information regarding the 10% data review, see the *FY2008 Circuit and District Courts Caseflow Assessment Application Training Manuals*. The manuals are available for download from the Maryland Judiciary’s *CourtNet* (<http://courtnet/caseflowassessment/index.html>).

instance, one county reviewed all of its data for the FY2009 as part of its daily data quality review practices. Once a case is closed (as defined by the statewide case time standards), court personnel audit the files comparing the information in the Court's data system with the actual case file resolving any inconsistencies.

- One of the goals associated with the data quality review is to have all jurisdictions complete both the initial data quality review and the 10% review. The percentage of jurisdictions completing the 10% review ranges from 54% (for review of TPR cases) to 92% (for review of criminal cases). The number of jurisdictions completing the 10% data review varies by case type. Specifically, as few as 2 jurisdictions failed to complete the 10% review for criminal cases, and as high as 11 jurisdictions failed to complete the 10% review for TPR cases.
  - The observed variations in the completion of the 10% data quality reviews across jurisdictions are of great concern when conducting the statewide analysis because no guarantee is provided as to the accuracy of the information in the assessment data and the validity of the analyses that use the data. While it is argued that the assessment data from the courts that have regular data quality checks in place should be sufficiently 'good' and thus should not require additional data check in the assessment, we note that data errors do occur during the extraction of the data and its upload to the assessment application. Accordingly, even when the quality of the original data is assured, it is still necessary to sample cases from the assessment data and closely review them for accuracy.
  - Note, however, the present analysis is solely based on the examination of 'reviewed' data field in the assessment data. It is possible that some jurisdictions performed the 10% review and failed to check the 'reviewed' box. At the same time, it is also possible that others may have checked the box without fully completing the review. To verify the extent of jurisdictions' data review process, additional in-depth examination of 'reviewed' case information is necessary.
- Overall, at least 10% of the data for each Circuit Court case type was verified via the 10% data quality review (see Table 3). In particular, 35% of criminal cases, 31% of civil cases, 25% of the family cases, and at least 27% of juvenile cases (delinquency, CINA shelter and non-shelter, and TPR) were verified via the 10% data quality review check.
  - In general, case types with fewer cases such as child welfare cases had a greater rate of review than the other case types (except criminal). TPR cases had the highest rate of review among child welfare cases at 34% followed by CINA shelter cases (32%), and CINA non-shelter cases (29%).
- Interestingly, the percentage of cases reviewed also varies within each jurisdiction, suggesting that the management of the caseload assessment, at least with respect to court's data quality/review efforts, may not be standardized across departments within the court. It is recommended that each jurisdiction develop court-wide data quality check procedures and standards to ensure the accuracy of its case information and validity of the jurisdiction-specific case processing performance analysis.

**Table 3. Percentage and Number of Cases Reviewed by Jurisdiction and Case Type, Circuit Courts, FY2009**

Jurisdiction	Circuit	Criminal		Civil		Family		Juvenile		CINA-Shelter		CINA-Non Shelter		TPR	
		%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Allegany	4	0%	(0)	100%	(497)	100%	(497)	0%	(0)	0%	(0)	0%	(0)	0%	(0)
Anne Arundel	5	14%	(68)	0%	(0)	<1%	(1)	0%	(0)	0%	(0)	0%	(0)	0%	(0)
Baltimore City	8	99%	(497)	99%	(471)	0%	(0)	10%	(50)	10%	(50)	11%	(3)	10%	(31)
Baltimore County	3	92%	(455)	0%	(0)	0%	(0)	0%	(0)	0%	(0)	0%	(0)	0%	(0)
Calvert	7	14%	(57)	18%	(88)	10%	(51)	32%	(72)	93%	(13)	100%	(5)	100%	(6)
Caroline	2	24%	(93)	3%	(8)	11%	(54)	38%	(33)	20%	(1)	0%	(0)	0%	(3)
Carroll	5	14%	(69)	4%	(18)	2%	(10)	35%	(115)	40%	(4)	83%	(5)	0%	(0)
Cecil	2	99%	(494)	99%	(494)	97%	(486)	100%	(260)	100%	(55)	NA	---	95%	(20)
Charles	7	15%	(75)	8%	(40)	16%	(78)	18%	(81)	7%	(3)	0%	(0)	7%	(1)
Dorchester	1	50%	(211)	70%	(195)	51%	(256)	96%	(138)	100%	(6)	100%	(4)	100%	(6)
Frederick	6	38%	(182)	10%	(50)	13%	(65)	4%	(16)	36%	(20)	28%	(9)	0%	(0)
Garrett	4	100%	(114)	10%	(17)	0%	(0)	0%	(0)	0%	(0)	0%	(0)	0%	(0)
Harford	3	17%	(83)	10%	(50)	15%	(74)	18%	(81)	16%	(18)	35%	(7)	100%	(36)
Howard	5	15%	(77)	21%	(103)	22%	(111)	26%	(120)	0%	(0)	25%	(2)	33%	(4)
Kent	2	5%	(14)	23%	(35)	0%	(0)	26%	(23)	100%	(5)	N/A	(--)	100%	(2)
Montgomery	6	100%	(495)	100%	(500)	100%	(500)	100%	(500)	100%	(238)	100%	(64)	100%	(39)
Prince George's	7	10%	(50)	10%	(50)	14%	(70)	10%	(50)	10%	(12)	10%	(8)	100%	(23)
Queen Anne's	2	51%	(121)	17%	(78)	20%	(77)	79%	(63)	100%	(9)	100%	(2)	100%	(7)
Somerset	1	10%	(25)	16%	(43)	9%	(44)	39%	(29)	11%	(1)	100%	(1)	33%	(1)
St. Mary's	7	18%	(87)	13%	(67)	10%	(50)	6%	(8)	0%	(0)	100%	(4)	0%	(0)
Talbot	2	42%	(110)	21%	(57)	14%	(49)	51%	(44)	50%	(1)	0%	(0)	60%	(3)
Washington	4	21%	(106)	22%	(108)	43%	(212)	30%	(103)	71%	(59)	32%	(17)	72%	(21)
Wicomico	1	11%	(56)	19%	(93)	12%	(56)	21%	(72)	100%	(9)	NA	---	100%	(7)
Worcester	1	10%	(50)	10%	(49)	10%	(50)	10%	(17)	100%	(16)	100%	(30)	58%	(7)
<b>Total</b>		<b>35%</b>	<b>(3,590)</b>	<b>31%</b>	<b>(3,167)</b>	<b>25%</b>	<b>(2,791)</b>	<b>27%</b>	<b>(1,875)</b>	<b>32%</b>	<b>(520)</b>	<b>29%</b>	<b>(161)</b>	<b>34%</b>	<b>(217)</b>

### III: Data and Application Issues

This section highlights several key issues concerning the quality of the Maryland Judiciary Assessment data and the functionalities of the Caseflow Assessment Application that require discussion among the state judicial community as they are critical to the quality and usefulness of the caseflow assessment. In addition, jurisdictional requests for modifying the current Case Assessment Time Standards are included.

#### *Key Data Issues*

Discussed below are a few of the key caseflow-related issues that have been documented either as a result of performing the FY2009 statewide analysis or from reviewing the FY2009 jurisdiction-specific reports. A full account of all the issues brought forth by Circuit Courts in their

jurisdiction-specific reports is provided in Appendix A. It is important to note that the Maryland Judiciary views all issues raised by the jurisdictions as a priority.

- The Maryland Judiciary’s Administrative Office of the Courts (AOC) is continuing to identify and evaluate ways to improve upon the data collection, programming, and analysis of the annual caseflow assessment. In FY2008, for example, a tremendous amount of resources were expended to clarify for jurisdictions the data quality review component of the caseflow assessment. In particular, at the FY2008 caseflow training sessions held for Circuit and District court personnel, the caseflow assessment team comprised of caseflow experts from various Circuit Courts and JIS, as well as court researchers discussed the importance of conducting both an initial data quality review and a more in-depth 10% review. This discussion continued at the FY2009 caseflow assessment training sessions that were held in August 2009. For instance, Circuit Courts were provided with an exclusion list which identified all the case types that should be excluded from the FY2009 caseflow data. By having this information, Circuit Courts were able to identify and remove (where appropriate) cases that should be “excluded” from the assessment (such as recorded judgment cases).
  - Upon a review of the jurisdiction-specific reviews, a few courts noted that they had to manually exclude “recorded judgment” cases even though such cases should not have been originally extracted (or sampled) for the FY2009 assessment. Given this information, JIS may want to ensure that the current programming code is written such that identified case types are excluded.
  - Another common request made in the jurisdiction-specific reports included providing a data field in the assessment application where jurisdictions can report their findings from their data quality review. Since the data quality review phase of the assessment is often used to inform the jurisdiction-specific report, court staff would like a “free form” text field in the assessment to make notes about the cases they review.
- While improvements have been made with regard to data quality, continued attention needs to be paid to ensuring the quality of the assessment data. Specifically, both assessment programmers and court staff play key roles in ensuring the accuracy of the caseflow assessment data.
  - During the analysis of the statewide data, it was identified that not all of the assessment reports reflect the case processing performance results in the same way. When calculating the within-standard percentage, the assessment program rounds up to the nearest integer (e.g., 56.5% rounds to 57%) whereas the average case time value is not rounded at all (e.g., 134.9 days is reported as 134 days). It is important that the statistics in the assessment application reports are consistently reported.
  - Improvements have been made in reducing the presence of invalid cases (i.e., cases with a missing start date or a negative clock time) in the FY2009 caseflow assessment data. In particular, missing start date and negative clock time cases reduced by 91% between FY2008 and FY2009. While invalid cases have reduced, the extent of invalid suspension events remains unchanged during this period (16% and 15%, respectively). The biggest culprit among the invalid suspension events is negative suspension times, which represent 76% of the invalid suspension events.
    - The most frequent negative suspension time occurs within family cases and is associated with the “no child support service” suspension. Ninety-nine percent of the negative suspension events are due to the extraction of the “no child support service”

dates. While this negative suspension time does not impact the calculation of the case processing time, the mere presence of these invalid suspension events may confuse court personnel responsible for checking the accuracy of their data. It is recommended that JIS reviews its programming related to this suspension event to ensure that it is only populating event dates when appropriate.

- In the FY2007 caseload assessment report, it was requested that the assessment application identify and flag all reasons why cases were removed from the Application by jurisdictions. The application was modified to generate such information, and additional modifications were made so that the “removal reason” report in the assessment application accurately reflects the total number of removed reasons by jurisdictions for each case type.
  - A preliminary analysis of removal reasons is provided in Tables 1 and 2 above. The reasons for removal among those cases removed for “other” reasons vary by Circuit Court case types. Some of the common “other” removal reasons among Circuit Courts include: case stop dates closing outside the range of the 2009 fiscal year, case file being unavailable, and cases identified as excluded from the caseload assessment (such as recorded judgments). Based on these (preliminary) results, it appears that cases closing outside the assessment range were frequently cited as a reason for case removal. It is not clear why these cases were sampled for the assessment unless the original dispositions dates were entered in error. The inclusion of “excluded” case types such as recorded judgments and sealed cases may need to be discussed among the caseload assessment team to ensure that programming correctly accounts for excluded case types.
- As discussed in previous assessment years, some confusion exists around some of the time standards-defined suspension events. While the Maryland Judiciary has developed a detailed user guide for Circuit Court personnel, additional discussion and explanation need to be provided regarding the appropriate start and stop dates for certain approved case time suspension events.
  - For instance, questions remain about the appropriate DNA suspension stop date. Some courts contend that the DNA suspension stop date is the “next event” that moves the case forward while the time standards state that the suspension end is the receipt of the DNA test results. While this is a training issue, it is also important to know that, as a matter of practice, courts may not receive notification of the DNA test results as the information is shared among the parties and provided to the court as part of discovery. In some of the jurisdiction-specific reports, suggestions were made as to an appropriate DNA suspension stop date. For instance, one county indicated that they were able to identify the DNA suspension stop date from the rulings at the Motions hearing. The caseload assessment team may want to discuss viable approaches for courts to gather the defined DNA suspension stop date.
  - Discussed in detail in the Appendix A are additional concerns about the case time standards suspensions events including: 1) excluding suspension time without regard to case status, 2) accounting for multiple, non-overlapping suspension events, and 3) excluding time for general stays in civil cases.
- As noted in previous assessment reports, postponements are considered to be a major reason why cases close over the state defined time standards. That said, limitations associated with postponement information in the assessment data preclude an analysis of the impact of postponements on case processing performance. As noted in the FY2008 statewide assessment report, the postponements captured in the FY2009 assessment

continue to include postponements of reopened events. In particular, it was noted in a jurisdiction-specific report that postponements are captured for all court events including those that are reopened. It was also noted that it would be useful to have all the codes associated with the postponement reasons listed in the assessment application manual for easy reference.

- Some courts also only report trial postponements whereas other report pre-trial, trial, and sentencing postponements. Further, a county stated that the postponement reasons in the assessment application do not “necessarily” match the reasons provided in UCS, and only describe “who” requested the postponement and not “why.” Given variation in the reporting of postponement information and incomplete information on how each jurisdiction is reporting/collecting their postponement information, conducting a meaningful analysis of postponements in relation to case time using the statewide data would be extremely difficult if not impossible.
- Prior to performing more in-depth analyses on the assessment application postponement reasons, discussion and direction needs to occur related to how postponements are being measured across jurisdictions, how the postponements are linked to their respective postponement reasons, and whether jurisdictions should first standardize their postponement reasons.
- Similar to FY2008, several jurisdiction-specific reports commented that the caseflow assessment application, as well as the state judiciary for their technical and informational assistance to improve the FY2009 caseflow initiative. In particular, it was noted several times that the assessment application was more efficient and easier to maneuver. Jurisdictions also appreciated the caseflow training sessions that were provided by the Administrative Office of the Courts (AOC) for both Circuit and District court personnel. As a result of some of these efforts to better inform jurisdictions about caseflow processes and procedures, some of the jurisdiction-specific reports detail changes and make recommendations on how to improve the assessment application and the caseflow process, more generally. Therefore, it is requested that the Time Standards Sub-Committee review all of the policy-related time standards items brought forth by the jurisdictions, and provide feedback as to how each item will be addressed. Further, the caseflow assessment team should review all of the assessment-related issues and similarly provide feedback to the jurisdictions.

## **Appendix A**

## Assessment Application and UCS/JIS data Issues - Previously Raised

### Circuit Courts

1. Pilot Test Procedures: Need to develop detailed testing plans and protocols for testers to test all the new features and functionalities of the application and verify if any changes in the time standards were correctly applied during the pilot phase of the Assessment Application. Ideally, test plans should delineate what the tester should do and what is the expected outcome from each testing step.
  - Ensure consistency in the calculation of performance figures (% within-standard, ACT)
  - Ensure total termination figures used to inform weighted statistics are obtained in a consistent manner as the cases sampled for the caseflow.
  - Prepare a log of all the issues identified during the pilot phase which will inform what changes need to be made during production but also what changes have to wait until FY2010 assessment.
2. Disposition Codes: Currently, Administrative closure, Bankruptcy (BK) and Non-Participant (NP) are being used as valid civil dispositions in UCS (and included in the caseflow) even though they are no longer considered as such. While Administrative Closure as a case stop should be discussed further by the Time Standards Sub-Committee, BK and NP should be removed as disposition codes and excluded from the extraction code. AC disposition code requires further investigation because the clerk's office is using this code to dispose of the following types of cases: Request for Administrative Subpoenas, Foreign Judgment, and Commission entered by another State.
3. Information collected in UCS is not gathered in the assessment program and must be entered manually into program. The same is true when changes are found from the assessment program; the clerk must update UCS, if the record is to be corrected. Is it feasible to link the UCS and Assessment Application program?
  - Is there any way to upload "corrected" caseflow data to UCS? (Did JIS upload any case information extracted from its predecessor to UCS when courts started using the system? If so, is that functionality available?)
4. A missing start date results when first appearance hearing, pled, and received a disposition all happened on the same day in criminal and juvenile cases since UCS doesn't allow such data entry with the same date. UCS should be modified to allow such data entry. It has been recommended that the program capture the date the disposition was entered into the case. Application program should be able to utilize and capture the plea date in the start date field for the assessment.
5. Domestic Relations Cases - Assessment is still picking up disposition on the reopen instead of the original closing.
  - The Time Standards Sub-Committee may want to investigate at what point courts are closing DR cases. For example, it is not clear whether courts are closing cases months after a judgment of absolute divorce is granted because of post-judgment motions that are being filed before the clerks have a chance to change the case status to close. If the judgment is the case stop date, the codes associated with this judgment need to be included in the FY2010 Circuit Court Caseflow training manual, as well as discussed at the FY2010 Circuit Court Caseflow training sessions.
6. Domestic Relations Cases - Using next scheduled event as suspension stop when collaborative law suspension stop present. Is Motion/Document code "DCLE" available to UCS users? If so, when did it become available?
7. Criminal Cases - The assessment picked up all dates for POS (postponement) and RES (reset), regardless whether the case was original or reopened. This required correcting the number of postponements in a given case since disposition of a case has been reopened multiple times.
8. Still having an issue with the reasons for postponements. The postponement reasons do not necessarily match what is in UCS, and only describe "who" requested it and not "why." We had to listen to CourtSmart to ascertain the actual reason which was time consuming.

## Assessment Application and UCS/JIS data Issues - Previously Raised, Continued

Circuit Courts
9. A number of Criminal and Juvenile Delinquency cases have a zero disposition value. For instance see Criminal Case 18-K-07-000659 and CT081381D as these cases have a zero value in the disposition field yet there start and stop dates are not the same. It was the rule to recode all zero values to a value of one. It may be the case that if a suspension event zeros-out the disposition time the programming code does not account or re-adjust to change the value from zero to one in the disposition data field. Note: The statewide Civil, TPR, and CINA data have no zero day cases, and the Domestic Relations data has 1 zero day case.
10. Domestic Relations - Negative suspension domestic relations child support service suspension events. (see 01-C-08-030441; 01-C-08-031065). Note that the suspension time associated with these cases is zero days; however, why are the suspension events present in the data when they don't impact the calculation of case time? <ul style="list-style-type: none"><li>• It appears that the assessment application automatically inserts the no-child-support suspension start date regardless whether the summons was issued or not, or the party was served before the 90<sup>th</sup> day.</li><li>• Currently, it is assumed that the issuance of summons and filing of the petition occur on the same day, the assessment calculates the suspension start date at the 90<sup>th</sup> day from the filing even when the summons was not issued.</li><li>• Accordingly, programming logic and/or data entry needs to be modified, so that the issuance of summons is captured before the suspension start date is entered.</li></ul>
11. Is it possible to include a statewide weighted ACT report to the assessment application (similar to the statewide within-standard percentage report)?
12. As reported in the last assessment, assessment is picking up the start date on the filing of a Request for Waiver of Prepayment of costs instead of the date on filing of the complaint. This information had to be changed manually on those cases we reviewed. Is it possible to have a prompt asking the user if they wish to change the filing date upon granting of the motion?

## Assessment Application and Caseflow Training Related - FY2009 Assessment Issues

Circuit Courts
1. Caseflow Training - Courts updating/reviewing their production data late in the process. At the FY2010 Caseflow Training need to reiterate the timelines for cleaning data.
2. Caseflow Training Manual - All the codes for postponement reasons should be listed in the assessment application training manual for easy reference because the individual reviewing the records are not the same individuals who entered the information.
3. The application should be able to run an entire batch of individual case detail reports at one time, instead of printing each case individually. It should also be able to print all the information pertaining to one specific case on one sheet of paper (possibly in two columns), instead of spanning across two sheets.
4. Is there a "batch" way to upload the "reviewed" cases in the assessment application so that court personnel do not have to open each case and check the box?
5. Juvenile Cases & Total Caseload - Assessment is pulling the data from the header and the year totals from the case header. It is all about the CC and Post judgment information. Case examples include: 21-J-07-002308, 21-J-08-002496, 21-J-08-002616, 21-J-09-002858, and 21-J-09-002865.
6. Recommend that the assessment application add a field on the case detail screen to enter results from the data quality phase. At present, the only additional data field to enter additional notes into the assessment application is when a case is over-standard or for the removal reason "other." <ul style="list-style-type: none"><li>• Recommend that a text box be available which would contain up to 500 words so that additional information can be captured more easily.</li><li>• It is also recommended that the application print and/or export the comments with case numbers as a single print out or file.</li></ul>

## Assessment Application and Caseflow Training Related - FY2009 Assessment Issues, Continued

Circuit Courts
7. Juvenile Delinquency Cases - Request to a change in the case management system making the data field for the date of appearance of counsel a mandatory field that the clerk must populate when an attorney is entered in a case.
8. Juvenile Delinquency Cases - Application error – two missing suspension dates were application errors because the suspensions occurred after the stop date in each of those cases.
9. Juvenile Delinquency Cases - Petition for Waiver was granted, which is the case disposition but was not populated by the assessment application.
10. The Juvenile Delinquency Case Manager and the Permanency Planning Liaison worked closely to complete the case assessment application. They experienced some difficulties with the application. <ul style="list-style-type: none"> <li>• The number of cases selected for the assessment changed during the assessment process. They were able to identify the newly added cases, although it changed the reporting criteria.</li> <li>• The use of suspensions, and stop dates proved problematic. The approved Judicial Council guidelines chart differed from the case assessment manual chart, which differed from the case assessment application. These differences were brought to the attention of members of the case assessment pilot program. The staff was able to differentiate between the correct stops and suspension. We do, however, recommend making corrections for the next fiscal year. [Court Researchers: additional information is needed]</li> </ul>
11. CINA Cases - This year's assessment did have one "glitch" regarding the CINA non-shelter cases. Originally there were no data pulled for this case type and JIS had to pull the information manually. Has this issue been addressed?
12. Would like to have the case names automatically populated in all case types. This would be especially beneficial in Juvenile Delinquency, CINA, and TPR cases since these individuals are well known to court personnel.
13. CINA Cases - Create a flag to identify CINA cases that switch placement status from shelter to non-shelter and vice versa. The Time Standard Sub-Committee should discuss whether these types of CINA cases require a unique time standard.
14. Criminal Cases - Since the criminal case time stop is now the guilty plea or verdict date, questions arose as to how to capture cases that were not bench or jury trials because we believe the software program only captured cases that were actually tried, as opposed to pleas.
15. Criminal Cases - Service of defendants by summons is not being picked up if the service date is before the start date which is the first appearance of the Defendant or the entry of the appearance of the Defendant's attorney.
16. Criminal Cases - DCA missing start date cases – the Application should pull the date of the first hearing as the start date for these cases, as that is usually the first appearance in court. Counsel's appearance (if the defendant is represented) is also often entered at that time.
17. Civil Cases - Recorded Judgments are not being excluded from caseflow.
18. Assessment application should report median case time in addition to average case time.
19. Assessment application should display assessment results in a consistent manner in terms of decimal points and rounding up procedure, etc.

**Data- Related - FY2009 Assessment Issues****UCS and AOC Sub-Committees - Circuit Courts**

1. Juvenile Delinquency Cases - There are no UCS codes for Extraditions. Adding a case subtype should be considered.
2. {Docketing of Orders/Pleadings} - It should be noted that in past assessments the date of the disposition/adjudication hearing had been used to close the case; however, during this assessment period the Clerk's Office began using court order entry date to close cases. As a result of this change, some cases were found closed on the date of the hearing, while others were held open until the Clerk's Office actually entered the court's order. Several cases had a docket entry of "stet" (a case time stop) without stopping/closing the case, followed by "case re-opened" in a very short period of time, with time continuing to run until the court order for the subsequent adjudication/disposition hearing was entered. Consistent use of case assessment terms and application of case assessment measures is needed to properly evaluate these cases in the future. <ul style="list-style-type: none"> <li>Courts differ in their case stop dates for civil and domestic cases. For Civil Cases, some courts use the judgment/order date while others are using the docket entry date of the judge's order to close the case. The difference between order and docket entry can be significantly different, making it essentially impossible to fairly compare case processing times across jurisdictions that are using different dates.</li> </ul>
3. For all case types, we recommend that the target date (in UCS?) adjust with each suspension so that accurate calculation is readily available.
4. Civil Cases - Representation of counsel was not picked up by assessment. When a case is closed and appeal time has run, attorneys' appearances are closed.
5. Criminal Cases – The number of trial settings should not be a mandatory field because if a disposition takes place prior to the scheduled trial date it is not being picked-up as that date gets canceled/vacated.
6. Criminal Cases - Reviewed number of trials statistics for Criminal Cases in the assessment application. The trial statistics seems high but JIS has been unable to able to generate a report that shows the case data for these statistics so we can confirm the accuracy of the number.
7. Criminal Cases - Representation of counsel not being picked up if a case closed then reopened.
8. Criminal Cases - Only space for one interlocutory when multiple in a case. Recommend that the assessment application include multiple suspension data fields for more than the FTA suspension event.
9. Criminal Cases - Addition of an extra competency stop time would help in the over-standard cases due to the fact that sometimes there are two evaluations requested.
10. Criminal Cases – additional suspension data fields for multiple mistrials is requested.
11. Criminal Cases - The Clerk noted that representation of counsel was not being picked up if a case is closed and then reopened.
12. Criminal Cases - Service of defendants by summons is not being picked up if the service date is before the start date which is the first appearance of the Defendant or the entry of the appearance of the Defendant's attorney.
13. Experiencing issues with our 2-507's for lack of jurisdiction not being captured correctly by UCS. We are working with JIS to correct these on-going problems.
14. There needs to be more types of postponement codes allowed in UCS. More reason codes, would give this Court a clearer picture as to why these cases are being postponed. An example would be they are in court and either judge or master allows a continuance for a specific reason.
15. Additional on-site training at each County would be helpful. This training should be for all clerks using UCS codes so that all the correct data for each case can be gathered consistently and accurately from the daily record. Too many questions still arise regarding how to properly gather and input data into UCS. Options for reports to review would also be a benefit to the clerks and court that monitor case flow throughout the year. More useful and helpful application training for those performing the year end assessment.

**Data- Related - FY2009 Assessment Issues, Continued****UCS and AOC Sub-Committees - Circuit Courts**

16. It is suggested that this matter be referred to the CINA legislative subcommittee of the Foster Care Court Improvement Project to consider whether an amendment to the statute should be proposed that would require completion of TPR cases within 120 or 180 days from service of all necessary parties. This would comply with federal requirements, carefully guard the rights of the natural parent(s), and allow a more reasonable amount of time for litigation of these very complex and serious cases.

17. TPR Cases - This Court still feels that the 6 month standard is unrealistic when considering service and the need to obtain parents' counsel. As the 6 month time frame is statutory, this is an issue to be discussed with the Foster Care Court Improvement Committee.

**FY2009 Time Standards Policy Issues – Circuit Courts****Issue**

1. Domestic Relations Cases – In Child Support cases, the no child support service suspension starts 90 days after the issuance of summons if defendants are not served within the first 90 days. The suspension end date is the date when the father is served. However, some jurisdictions send the consent order via certified mail without issuing a summons. When the signed Consent Order is filed, the case is closed. In these cases, should the mailing of the unsigned Consent Order be considered equivalent to the issuance of the summons?

2. Domestic Relations Cases - Recommend the case time start in divorce cases be the date of the last Amended or Supplemental Complaint because so often the initial Complaint is filed immediately at separation. If adultery or cruelty of treatment is claimed to obtain pendente lite relief, the case is far from ripe for granting an Absolute Divorce.

3. Domestic Relations Cases – Recommend that the 720-day standard be collapsed into the 365-day standard. Twenty-one of the 24 counties met the 98% time standard goal. Of the 21 counties that met the goal, 11 had 100% of their cases within the time standard. The 720-day time standard was originally developed for limited divorces and is now being applied to all domestic case types.

4. Domestic Relations Cases - Recommend that the Time Standards should recognize incarceration as a suspension for child support cases.

5. Domestic Relations Cases – Recommend that the Time Standards Sub-Committee should recognize the completion of home studies as a suspension in DR cases.

6. Domestic Relations Cases - Recommend that the Time Standards Sub-Committee should recognize psychological evaluation as a suspension in DR cases.

7. Domestic Relations Cases - When there are zoning issues (from another county) in a Domestic Relations Case, we should be able to stop time (suspension), as we have no control over another jurisdiction's movement of their cases.

8. Domestic Relations and Juvenile Delinquency Cases - Propose that when a party files exceptions to the Master's recommendations and a transcript is requested, this action be deemed a suspension to the time standards. Recommended that the filing of the transcript with the clerk be used as the "suspension stop". The Court has no control over the preparation of the transcript, especially when court reporters are behind and require extensions to prepare them. If the parties file a certification that no transcript is necessary in order for the Court to rule on the exceptions, then there would be no suspension or subtraction of time in the case. A hearing on exceptions (if timely requested) is to be held within 60 days after the filing of exceptions. If the transcript is not completed an extension can be granted.

9. Juvenile Delinquency Cases - Criteria needs to be expanded to cover all bench warrants, regardless of the reason for the warrant. In addition, specifically in Juvenile, the warrant suspension should also be captured for parents/guardians as they are the required party to the hearing.

10. Juvenile Delinquency Cases - Recommend that a case time stop be implemented for a finding of Incompetent to Stand Trial.

## FY2009 Time Standards Policy Issues – Circuit Courts

Issue
11. Juvenile Delinquency Cases - How should jurisdictions handle a petition of waiver to an adult court or reverse waiver to a juvenile court when the petition was not explicitly handled (i.e., becomes “moot”)?
12. CINA Cases – Recommend to extend the time standard in CINA Cases to 60 days to comply with CJP38-15(c)(4) which allows the court to continue a child in shelter care for an additional 30 days for good cause shown.
<p>13. CINA Cases - Recommend that the time standard for CINA-Shelter be revised to more accurately take into account the complexity of these cases.</p> <ul style="list-style-type: none"> <li>There are instances (although rare) where it is in the best interests of the child/children to extend case time beyond statutory guidelines by issuing bench warrants. Since the time standards are attempting to measure the time for which the Court has control, including time between the issuance of a bench warrant and its outcome (for example) over estimates the Court’s case processing time. Recommend bench warrant as a suspension in CINA cases.</li> </ul>
<p>14. CINA Cases – Clarify whether the case stop date for CINA cases is the date when the adjudication hearing was held or the day the hearing was concluded.</p> <ul style="list-style-type: none"> <li>Dorchester has recently changed its scheduling procedures because now it is aware that the adjudicatory hearing must be held and concluded no later than the last court date within the 30 day period, which may be only 27 or 28 days into the life of the case.</li> </ul>
15. TPR Cases - Recommend that the stop date captured in TPR cases be changed to the date of the Order determining Guardianship. An Order of Court is not a pleading therefore the file date is not a consideration. In fairness to courts that may experience delays in docketing the Guardianship Order in the system, the date the Court signed the order would be a fair way to capture the case stop date.
16. TPR Cases – Recommend that the "No Service" suspension event – the same service suspension used in child support cases, be considered as a case time suspension. Also consider a suspension stop when the service is completed through publication.
<p>17. TPR Cases – Recommend to change the start time in TPR cases from filing date to show cause service date.</p> <ul style="list-style-type: none"> <li>TPR Cases - Time Standards start at the filing of the TPR petition; however, the case is not at issue until all involved parties are served. DSS does not request a hearing date until the case is at issue. Cases which involve out-of-state or out-of-country parties are potentially out of case time standards before they are even set for a hearing. Change the Start Date to the date of service on all parties.</li> </ul>
18. TPR Cases – Recommend that the case stop date be changed to the date the TPR hearing is held and the Judge orders the TPR on the record instead of the date when a written order is entered (see #15 above).
19. Criminal Cases – Clarify whether the postponement due to “drug analysis unavailable” is part of the DNA/forensic evidence suspension event.
20. Criminal Cases - criteria needs to be expanded to cover all bench warrants, regardless of the reason for the Warrant. (see #9 above)
<p>21. Criminal Cases –Clarify what constitutes the DNA suspension end date as most courts do not get the DNA test results. DNA suspension stop date was obtained from the rulings at the Motions hearing.</p> <ul style="list-style-type: none"> <li>DNA stop/start will be discussed at a quarterly meeting as it is a problem experienced throughout the First Circuit. With regard to capturing the suspension end date, perhaps the court can be copied on the letter transmitting test results between defense counsel and the prosecutor.</li> </ul>
22. Criminal Cases – Recommend that finding of incompetency is a case stop date (rationale for this recommendation similar to stet being a case stop).
23. Criminal Cases - When defendant’s/counsel’s first appearance is stricken in a case after the defendant has FTA, the 180-day time standard should be reset at the concluding of the second first appearance hearing or when new counsel enters his appearance in the case.

## FY2009 Time Standards Policy Issues – Circuit Courts, Continued

Issue
24. Criminal Cases - Recommend that the case start (6 month time frame) begin after the warrant is served.
25. Civil Cases – Recommend a new suspension for cases that are awaiting resolution of a companion case that is on appeal.
26. Civil Cases - Recommend a new suspension for foreclosure actions that are participating in the Federal loan modification program.
27. Civil Cases - Recommend a change to the civil case start time at service instead of filing date due to the many problems with timely service.
28. Civil Cases – Recommend a suspension event related to no service similar to the ‘no child support service’ suspension in Domestic Cases.
<p>29. Civil Cases - Recommend that foreclosure cases should either be removed from the assessment or given special consideration, as cases are likely to exceed average processing times as compared to other civil cases, especially as Federal Government is pushing banks to slow down the foreclosure process.</p> <ul style="list-style-type: none"> <li>Recommend suspending time in the caseload for foreclosure cases that are the subject of government programs to mediate or otherwise “workout” the dispute. If future legislation mandates mediation of foreclosure actions, the circuit courts will need some relaxation of the time standards to accommodate.</li> </ul>
30. Civil Cases – Recommend that foreclosure cases are given a different time standard.
<p>31. Statewide Discussion on Foreclosures – Statewide discussion on the impact of foreclosure filings on civil case processing may be needed. Given the current economic climate and the fact that, as of the third quarter of 2009, Maryland ranked 12<sup>th</sup> highest in property foreclosures nationwide, the Judiciary may want to host a statewide discussion about how increases in foreclosure filings have impacted case processing performance and court management practices. Based on commentary provided by courts across the state, civil case processing performance has been impacted. For some courts, the impacts have been negative while others have experienced improvements or no-changes in performance. It may be useful for courts to have the opportunity to share how they’ve adapted (or not) to the surge in filings. Of interest is also an analysis of the impact of the foreclosure legislation that extended the foreclosure period from 15 to 150 days on foreclosure filings and courts’ foreclosure caseload, which was implemented in September 2008.</p> <ul style="list-style-type: none"> <li>Court looking at ways to manage foreclosures by issuing a scheduling order on the filing of each case and or setting them for status conference after 120 days of inactivity. The analysis of foreclosures found no delay due to the length of time auditors take filing their Auditor's Reports.</li> </ul>
32. Civil Cases – Recommend an extension to the time standard for medical malpractice cases, which usually take a long time.
33. Civil Cases - Recommend an extension to the time standard for cases where they are filing 2 <sup>nd</sup> and 3 <sup>rd</sup> party defendants longer after the case is open.
34. Civil Cases – Recommend a suspension event for when a party is incarcerated out of state.
35. Civil Cases/Domestic Relations - Recommend a suspension event cases held sub curia. Also, use this code (i.e., sub-curia code) when closure/ruling on a case is pending due to ruling on another case that is on appeal. The case on appeal has time suspended but the other case(s) waiting for the finding do not.
36. Questions have been raised about whether other suspension events, which render a case inactive, should be included in the Caseload Time Standards. For example, it is recommended that time is suspended when a case cannot proceed because it is waiting for a decision from the: Federal Court, Attorney General’s Office, another jurisdiction, or the Court of Special Appeals (in another case). It is also recommended that case time be suspended in a case where a party has been placed in receivership pending an order of rehabilitation (similar to the bankruptcy suspension).

**FY2009 Time Standards Policy Issues – Circuit Courts, Continued**

<b>Issue</b>
37. Aligning suspension time with the active/inactive status of a case is requested to accurately measure the case processing time. Currently, discrepancies exist when suspension time is subtracted from case processing time. Some Courts only subtract suspension time when the case goes ‘inactive’ as a result of one of the caseflow-defined suspension events. In contrast, other courts subtract suspension time irrespective of the status (i.e., active or inactive) of the case. It is requested that the Time Standards Sub-Committee review this issue as a means to standardize the way suspension time is subtracted from the calculation of case time with all of the courts.
38. Perform assessment every two years rather than annually. Bi-yearly assessment would provide broader view of any trends and would save the Clerk's office a significant expenditure in employee hours.

**Suggested Future Analyses (based on jurisdiction-specific reports) - FY2009 Assessment**

<b>Time Standards Sub-Committee</b>
1. Examine Criminal Case Processing Performance - Sentencing Date as Case Stop Date <ul style="list-style-type: none"><li>• Allow for a comparison to last year’s case processing performance (sans previous suspension events).</li></ul>
2. Examine statewide performance of foreclosure cases. <ul style="list-style-type: none"><li>• Jurisdiction-specific analysis and statewide analysis inform the statewide discussion of foreclosures.</li></ul>
3. Examine how case processing performance would change if service is the case start date in Civil Cases as compared to filing.
4. Perform a more in-depth suspension analysis. Examine the frequency of “other” suspension events or inactive periods in civil cases that are not currently excluded by the time standards. May also want examine how frequently multiple suspensions of the same type occur (such as appeals, bankruptcies, competency evaluations, etc.).
5. Perform an analysis of good cause postponements in CINA cases.
6. Perform an analysis measuring the time between filing of petition to service in TPR cases.