

Adoption of Appellate Case Time Standards

The adoption of case time standards is a fundamental step in the furtherance of public trust and confidence in the courts. Accordingly, the Maryland Judicial Council developed case time standards for the trial courts (District Court and the circuit courts) in 2000, and performance against those standards has since been measured on an annual basis.

In addition to observed improvements in case processing efficiency since the implementation of the trial court case time standards, courts have integrated the milestones and measurements set forth in the standards into their everyday work, from initial filing through disposition. In this way, cognizance of and adherence to case time standards has become an integral component of case management in Maryland's trial courts, in concert with the assurance that the quality of justice is not sacrificed in the process.

Recognizing the profound impact that the efficient processing of cases has on all those with business before the courts, as well as the public at large, the appellate courts of Maryland have developed an initial set of case time standards. The standards provide a baseline measure of case processing efficiency in the appellate courts. Measurement of actual performance against the standards will be conducted at regular intervals. Subsequent modifications to the appellate case time standards may occur, as appropriate, based on the achievement of performance goals, changes to law or procedure, or through information garnered from emergent national trends or models in appellate case time standards.

The following case time standards have been created for the Court of Appeals and Court of Special Appeals, respectively.

Court of Appeals

The judges of the Court of Appeals unanimously adopted a timeliness standard by which all cases heard by the Court during a term are to be decided during that same term. The Court of Appeals hears cases from September through June.

The policy began with the start of the current term, which runs September 1, 2013 to August 31, 2014.

This new policy of deciding cases in the term year in which they are heard follows the example of the U.S. Supreme Court, and is part of an overall Judiciary goal to provide timely adjudication.

See Attachment A for the complete table of case time standards for the Court of Appeals.

Court of Special Appeals

Case time standards were developed by the Court of Special Appeals that, not unlike the trial court standards, reflect processing time within which the Court has direct control over the movement of cases toward disposition.

The standards apply to all direct appeals (Criminal and Civil), and specify that opinions are to be issued in 80 percent of appeals no later than the last day of the ninth month following argument or submission of the case on the briefs.¹ The amount of time expended for stays for bankruptcy, mediation, the pendency of related cases or issues in the Court of Special Appeals or a different court, among other reasons, will not be counted as part of the nine month standard.

Decisions or opinions for certain cases involving child access, guardianship, child in need of assistance (CINA), termination of parental rights (TPR), as well as State appeals from the pretrial suppression of evidence will continue to be handled according to applicable law and Rules of Procedure.

Measurement of the Court's performance against the case time standards will be conducted beginning with end-of-year data for direct appeals disposed in Fiscal Year 2014 (July 1, 2013 to June 30, 2014).

See Attachment B for the complete table of case time standards for the Court of Special Appeals.

¹ Special provisions apply for cases that are expedited pursuant to a joint election executed by all parties (Md. Rule 8-207(b)).

Court of Appeals Case Time Standards

Proceeding/Appeal Type	Standard	Case Time Start	Stay Begins (Suspends the standard)	Stay Ends	Case Time Stop	Comments
Regular Docket	Cases must be decided before end of term.	Argument	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	Disposition <ul style="list-style-type: none"> • Opinion Filed • Dismissed • Order 	<ul style="list-style-type: none"> • New Policy beginning with the 2013 Term (September 1, 2013 – August 31, 2014)
Extraordinary Writs	Cases must be decided before end of term.	Filing	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	Disposition <ul style="list-style-type: none"> • Opinion Filed • Dismissed • Order 	
Bar Admissions	Cases must be decided before end of term.	Filing	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	Disposition <ul style="list-style-type: none"> • Opinion Filed • Dismissed • Order 	
Certified Questions of Law	Cases must be decided before end of term.	Argument	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	Disposition <ul style="list-style-type: none"> • Opinion Filed • Dismissed • Order 	
Attorney Grievances	Cases must be decided before end of term.	Argument	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	Disposition <ul style="list-style-type: none"> • Opinion Filed • Dismissed • Order 	

Court of Special Appeals Case Time Standards

Case Type	Time Standard	Case Time Start	Case Time Suspension		Case Time Stop	Comments
			Stay Begins (Suspend Begins)	Stay Ends (Suspend Ends)		
Civil	9 Months (80% Completed within standard)	Argument or Submission on Brief	<ul style="list-style-type: none"> ➤ Parties request a Stay. ➤ Suggestion of Bankruptcy. ➤ Request for or referral to mediation and stay. ➤ Consolidation with a related case. ➤ Notice of Pending case in the Court of Appeals with the same or related issue. ➤ Corrections to the record identified in argument. 	<ul style="list-style-type: none"> ➤ Stay is lifted by parties request or court order. ➤ Date of order lifting stay following information that the automatic stay has been lifted (relief from stay, dismissal or discharge). ➤ Order lifting stay following unsuccessful or partially successful mediation. ➤ Argument or submission of the latter of the two cases. ➤ Order lifting stay following notice of disposition of case in Court of Appeals. ➤ Granting of a motion to correct the record. 	Disposition: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal by appellant. • Mediation agreement and remand. • Transferred to Court of Appeals. 	

Court of Special Appeals Case Time Standards

Case Type	Time Standard	Case Time Start	Case Time Suspension		Case Time Stop	Comments
			Stay Begins (Suspend Begins)	Stay Ends (Suspend Ends)		
Criminal	9 Months (80% Completed within standard)	Argument or Submission on Brief	<ul style="list-style-type: none"> ➤ Parties request a Stay. ➤ Consolidation with a related case. ➤ Notice of Pending case in the Court of Appeals with the same or related issue. ➤ Corrections to the record identified in argument. 	<ul style="list-style-type: none"> ➤ Stay is lifted by parties request or court order. ➤ Argument or submission of the latter of the two cases. ➤ Order lifting stay following notice of disposition of case in Court of Appeals. ➤ Granting of a motion to correct the record. 	Disposition: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal by appellant. • Transferred to Court of Appeals. 	

Court of Special Appeals Case Time Standards

(SPECIAL CASES)

Case Type	Time Standard	Case Time Start	Case Time Suspension		Case Time Stop	Comments
			Stay Begins (Suspend Begins)	Stay Ends (Suspend Ends)		
Child Access/ Guardianship/ CINA/TPR Standard 1.	120 Days (98% Completed within standard)	Filing of Record	➤ None	➤ None	Argument held.	Md. Rule 8-207(a)(5)
Child Access/ Guardianship/ CINA/TPR Standard 2.	60 Days (100% Completed within standard)	Argument or Submission on Brief	➤ None	➤ None	Disposition: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal filed. 	Md. Rule 8-207(a)(5)
State Appeals from the pretrial suppression of evidence.	120 Days (100% Completed within standard)	Filing of Record	➤ None	➤ None	Disposition: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal by State. 	CJP § 12-302(c)(3).
Elective ¹ Expedited Appeals Standard 1.	45 Days (98% Completed within standard)	Later of filing of Appellee's brief or commencement of the next session of Court.	➤ None	➤ None	Argument held.	Md. Rule 8-207(b).

¹ The election must be a joint election executed by all parties. Md. Rule 8-207(b).

Court of Special Appeals Case Time Standards

(SPECIAL CASES)

Case Type	Time Standard	Case Time Start	Case Time Suspension		Case Time Stop	Comments
			Stay Begins (Suspend Begins)	Stay Ends (Suspend Ends)		
Elective Expedited Appeals Standard 2.	20 days (or 30 days if submitted on brief) (98% Completed within standard)	Argument or Submission on Brief	<ul style="list-style-type: none"> ➤ Identification of Extraordinary circumstances ➤ Panel of Court recommends reporting the opinion. 	<ul style="list-style-type: none"> ➤ Conclusion of extraordinary circumstance. ➤ Conclusion of the next scheduled conference. 	Decision: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal by appellant. 	Md. Rule 8-207(b).