

**An Analysis of Criminal Felony Case Processing in the
Nineteenth Judicial Circuit, Lake County, Illinois**

**Institute for Court Management
Court Executive Development Program
2007 – 2008 Phase III Project**

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*“Don’t be afraid to take a big step. You can’t cross a chasm in two small jumps.”
-David Lloyd George*

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II. ABSTRACT

The Nineteenth Judicial Circuit is a court of general jurisdiction that serves the third largest county in the state of Illinois and experiences more than 5,000 criminal felony filings each year. After a recent caseflow management review the Circuit was concerned with its felony case processing and desired to enhance its caseflow management practices and increase the level of staff involvement.

A review of more than 30 years of caseflow management research reveals that there are several case processing techniques a court can implement to enhance its caseflow management practices. However, in order to sustain success, a court must first have a solid foundation in the fundamentals of caseflow management. Those fundamentals include: (1) Judicial leadership and commitment; (2) Communication with the Bar; (3) Standards and Goals and; (4) Monitoring and Performance Measurement.

This research project utilized the CourTools Measures toolkit offered through the National Center for State Courts to determine the current status of the felony caseload. Those measures were further supplemented and validated with caseload data gathered from the court's case management database. Lastly, an opinion survey using questions from the *Trial Court Self-assessment Questionnaire*¹ was issued to judges, staff and members of the bar to gauge the philosophical differences amongst the subgroups and to compare the perceptions of those subgroups to the current policies and procedures within the court.

The statistical review of the caseload indicated that there are delays in the case processing of criminal felony matters and that the court continues to add to its inventory

¹ Barry Mahoney, Holly Bakke, Antoinette Bonacci-Miller, Nancy C. Maron and Maureen Solomon, **How to Conduct a Caseflow Management Review: A Guide for Practitioners**, NCSC, 1992, page 33.

of pending cases. Furthermore, the survey yielded that there are significant differences in the perceptions of the subgroups and that these differences were as much as ten percentage points apart from each of the subgroups in a single element.

Fundamentally, the court has suffered setbacks in its caseload management practices and in how it is perceived to be performing. A re-dedication effort to the prevailing principles of caseload management is what is needed to improve the caseload status and strengthen the perceptions held by its court partners. Those efforts would include: (1) Formally adopt case processing goals and standards; (2) Adopt and adhere to a strict trial continuance policy; (3) Revise the charter of the Case Management Committee to include a bench/bar education component; (4) Establish a management information reporting schedule; (5) Review current management reports for specification updates; (6) Develop a backlog reduction effort and; (7) Explore the development and use of a “reasonable trial setting factor.”

III. INTRODUCTION

In the fall of 2005 the Nineteenth Judicial Circuit, after recognizing the need for improved case management practices, commissioned a caseflow management review. The resulting recommendations from that review focused primarily on the implementation of differentiated case management for each of the Court's divisions and a realignment of staff resources.² Also contained within the report was a recommendation suggesting more effective utilization of the caseflow staff. That particular recommendation gained the attention of the Felony Division judges and is the basis for this research report. The Court wants to know, "What strategies can be implemented that can both increase staff involvement and ultimately improve our felony case processing?"

By way of background, the Nineteenth Judicial Circuit, a court of general jurisdiction, is located directly north of Cook County (Chicago, Illinois) and serves the third largest county in the State with an estimated population of 713,076.³ For year 2006, the crime rate per 100,000 was 2,232.⁴ By comparison, Cook County experienced a rate of 4,603 per 100,000 that same year and the rate for the State as a whole was 3,662.⁵ While the rate for the Nineteenth Circuit is low when compared to either Cook County or the State total, it still resulted in more than 5,000 criminal felony matters filed in 2006.

² Chris Crawford and Alexander B. Aikman, **Report and Recommendations for Improved Management Information and Caseflow Management**, Justice Served, 2006.

³ <http://www.census.gov/popest/counties/tables/CO-EST2006-01-17.xls> at page 1.

⁴ Illinois State Police, **Crime in Illinois – 2006**, 2007, page 110.

⁵ **Ibid**, pages 32 and 53.

In the year 2006, there were six full-time judges assigned to the Felony Division with four of those carrying a caseload, one judge serving in the capacity as backup and one judge assigned to Bond Court. Two Caseflow Coordinators support the Division by coordinating leave time schedules, producing the annual calendars affecting the Division and providing daily assistance in the acquisition of judicial backup resources.

The makeup of the Division changed in 2007 with the addition of another full-time judge. While this new position was a great benefit to the Division it came at the price of not having a backup position for the Division during several months in 2007. This was due largely in part from the Circuit experiencing a total of six new judges coming on board in 2007 as a result of judicial retirements and the authorization of two additional permissive judgeships for the Circuit. In addition, the Division acquired an additional staff person that will support the Division in both its secretarial/clerical needs and caseflow duties.

With the addition of the full-time judge in the Felony Division, the entire criminal felony pending caseload was evenly distributed causing more than 300 actively pending cases to be shifted to the new position. At the end of the process the active pending caseload for each judge was within one percentage point of the others. The five year trend of criminal felony filings and dispositions for the Nineteenth Circuit is detailed below.

Table 1.

**Felony Filings and Dispositions
Five Year Trend**

	2002	2003	2004	2005	2006	Percent Change 2002 - 2006
Filings	5,116	4,740	4,757	5,020	5,205	2%
Dispositions	4,565	4,330	4,167	4,129	4,558	0%

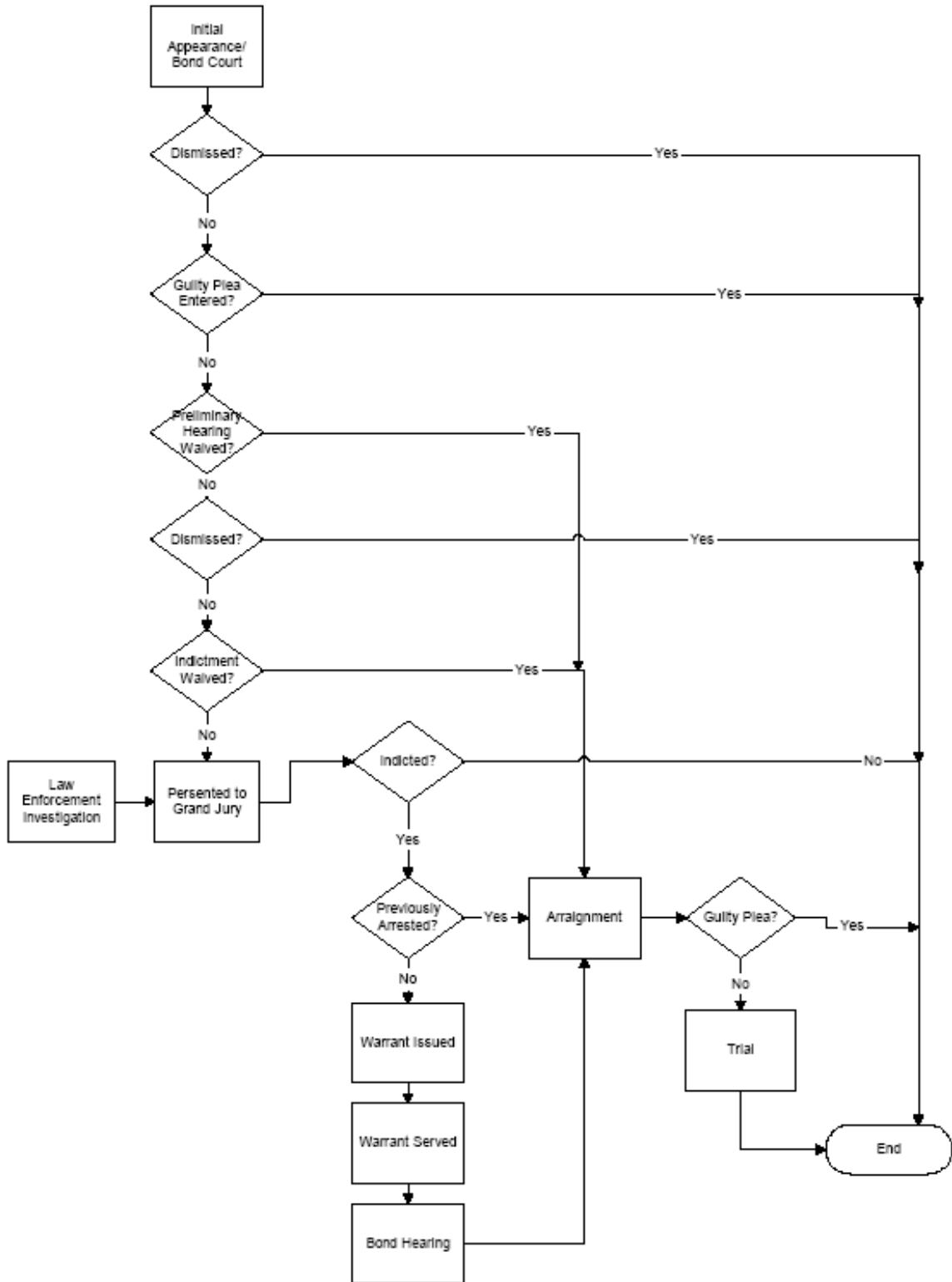
Filings per Judge	1,279	1,185	1,189	1,255	1,301	2%
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While a two percent increase in filings does not appear to be significant, what is noteworthy is that the rate of dispositions remained unchanged for that same time period. That minor differential however, ultimately leads to significant backlogs and delays in case processing. It is also a factor that will be considered during this research project and its relation to what the Nineteenth Judicial Circuit is experiencing.

What is also uncertain at the onset of this research is where the delays in case processing are occurring. Typical criminal felony case processing in the Nineteenth Circuit includes the steps shown on the following flow chart.

Graph 1

CRIMINAL FELONY FLOW CHART



Delays can be easily identified when a court subscribes to an established set of goals and standards for overall case processing. Two of the best known and most familiar sets of case processing standards are those adopted by the American Bar Association (ABA) and the Conference of State Court Administrators (COSCA). The premise for these goals is that they will “...provide a means to a more efficient and well organized court system” and furthermore they only represent the “...average goal and that certain extraordinary cases may need to be considered beyond the standard.”⁶ These goals are outlined in the table below.

Table 2.

Felony Case Processing Time Standards

	ABA	COSCA
Felony	90% within 120 days 98% within 180 days 100% within 1 year	100% within 180 days

What is certain is that the State of Illinois has not adopted the ABA or COSCA case processing time standards and has not established any formal case processing goals or standards of its own. This holds true for the Nineteenth Judicial Circuit as well. Regardless, one goal of this research will be to determine how well the Nineteenth Circuit is doing in comparison to the ABA standards so that a benchmark for future improvement can be developed.

⁶ Heather Dodge and Kenneth Pankey, **Case Processing Time Standards in State Courts, 2002-03**, NCSC, 2003, pages 1-2.

In the absence of case processing goals and standards, delays can also be easily identified when a court adheres to good case management practices by routinely reviewing its caseload status. This is typically achieved through the use and analysis of management information reports or random sampling of cases. Much of this research will focus on the current state of the felony caseload for the Circuit and attempt to identify the core fundamentals of good caseflow management and how those fundamentals are applied within the Nineteenth Judicial Circuit.

This research will put into practice the toolkit that is offered through the National Center for State Courts and conduct a survey of judges, staff and members of the bar to identify the philosophical differences, if any, that may exist amongst the subgroups and compare those results with the policy and procedures that are in place for the court.

IV. LITERATURE REVIEW

Self examination

Criminal case processing, the series of events that take an individual from arrest to disposition, is measured in length of time and often that measure is used to gauge how successful a court is in managing its caseload. After studying the recommendations from its recent case management review⁷, the Nineteenth Judicial Circuit was ready to explore what strategies were available that could serve dual purposes: increase the efficiency of its felony case processing and increase the utilization of its caseload staff. Fortunately, the literature is abundant in the area of caseload management and reveals that there are several strategies that if implemented, may enhance case processing. But more importantly, the literature also reveals that improving case processing may require a court to undergo more fundamental change and development in addition to simply adding techniques to their daily operations.

Prevailing Principles

As noted in the pioneering *Caseload Management in the Trial Court*⁸, the theory of caseload management has at least four major principles that have remained constant over the years. Published first in 1973, at a time when the concept of caseload management itself was emerging as a new court practice, this monograph is as relevant today as it was then. This study, prepared by Maureen Solomon, serves as a framework for what is necessary for any court to consider as they plan, develop and implement a caseload management strategy.

⁷ See Note 2 *supra*.

⁸ Maureen Solomon, *Caseload Management in the Trial Court*, Chicago: American Bar Association Press, 1973.

Solomon's monograph addresses each of the four prevailing principles summarized as follows:

- Judicial Leadership and Commitment
- Standards and Goals
- Monitoring and Performance Measurement
- Communication/Consultation with the Bar

This study, together with its updated version 14 years later with co-author Douglas Somerlot⁹, also gives considerable attention to case assignment/calendaring systems. The importance of their discussions in each study concerning case assignment/calendaring systems is served by the "...establish[ment] of an agreed upon set of definitions..."¹⁰ and not to infer that any one particular assignment/calendaring system is superior to another. Each study reveals that ultimately a court's performance is attributable to their adherence to the principles of caseflow management particularly; judicial leadership and commitment; effective communication; disposition time standards and goals; and monitoring and performance measurement. Furthermore, while case assignment systems do have some correlation with overall case processing time, it however remains a related issue.

This suggestion, that selection of a case assignment system has minimal impact on felony case processing time, is further supported in later research which examined 39

⁹ Maureen Solomon and Douglas K. Somerlot, **Caseflow Management in the Trial Court: Now and for the Future**, Chicago: American Bar Association Press, 1987.

¹⁰ **Ibid**, page 33.

urban trial courts¹¹ and further again eight years later when nine state criminal trial courts were analyzed¹². Instead, what researchers consistently found throughout these studies, and from its predecessor, *Examining Court Delay*¹³, was that factors involving caseload composition and case management practices had far greater impact and correlation with case processing time rather than factors such as organizational structure, population or number of cases filed. These studies have also revealed that courts in general, "...adhere to a norm of proportionality..."¹⁴ in that most cases receive the amount of processing time they warrant. Furthermore, courts that displayed a faster rate in overall felony case processing time all maintained similar case management characteristics "...including effective leadership, commitment to achieving disposition time goals, and effective communication with the local bar."¹⁵

Moreover, 31 years after Solomon's monograph, judicial leadership continues to be recognized as the primary element necessary to invoke change and progress in any court system. As noted in David Steelman's *Caseflow Management: The Heart of Court Management in the New Millennium*,¹⁶

"...it is clear that most of the successful courts have had the benefit of leadership by a chief judge with the vision, persistence, personality, and political skills necessary to develop broad support for court policies and programs..."¹⁷

¹¹ John A. Goerd, Chris Lomvardias and Geoff Gallas, **Reexamining the Pace of Litigation in 39 Urban Trial Courts**, NCSC, 1991, page 18.

¹² Brian J. Ostrom and Roger A. Hanson, **Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts**, NCSC, 1999, page 35.

¹³ John A. Goerd, Chris Lomvardias, Geoff Gallas and Barry Mahoney, **Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts 1987**, NCSC, 1989

¹⁴ **Ibid**, page xi.

¹⁵ See Note 10, **supra**, page3.

¹⁶ David C. Steelman, John A. Goerd and James E. McMillan, **Caseflow Management - The Heart of Court Management in the New Millennium**, NCSC, 2004.

¹⁷ Barry Mahoney, **Changing Times in Trial Courts**, NCSC, 1988, page 198 cited in Steelman, et al, **Caseflow Management - The Heart of Court Management in the New Millennium**, NCSC, 2004, page 62.

Now in its third printing, Steelman’s work draws upon the great body of literature, research and history of caseload management and sustains the premise that leadership, together with goals and communication are the “...fundamental features of successful caseload management programs.”¹⁸ In addition, it is further understood that once these principles are established, a court can then further its success in the area of caseload management, and ultimately its case processing. This is achieved by drawing on these strengths to implement specific caseload strategies and methods that not only increase its efficiency, but support the principle of performance measurement and accountability.

However, efficiency, performance and accountability cannot be measured until a court has first adopted time goals and standards. Case processing time goals and standards are second only to leadership in their importance to successful caseload management. Accordingly, “[t]he American Bar Association, the Conference of Chief Justices, and the Conference of State Court Administrators have all urged the adoption of time standards for expeditious caseload management.”¹⁹, and by and large that message is being heard. In its most recent update, the National Center for State Courts reports that “...38 states and the District of Columbia have adopted some form of case processing time standards...”²⁰ and that “[m]any of the states that have adopted case processing time standards have also implemented measures to monitor compliance with the time standards.”²¹ This further supports that case processing time goals and standards go “hand-in-hand” with performance measurement and that message has

¹⁸ See Note 15 *supra*, page xvii.

¹⁹ *Ibid*, page 73.

²⁰ See Note 6, *supra*, page 2.

²¹ *Ibid*, page 5.

remained constant since the first set of standards that were adopted by the Conference of State Court Administrators in 1983.

Notwithstanding, “[e]ffective communication, both internally and externally, is one of the strongest assets...” a court can develop.²² Furthermore, “[t]he level and scope of communication that may be needed to establish and maintain support for implementation of a successful caseflow management improvement program are broad.”²³ Examples of the groups affected in this scope include: Judges; Court Staff Members; Private Bar Members; Court-Related Agencies; Funding Agencies; and Caseflow Management Committees.²⁴ The relationship of effective communication to successful caseflow management is found in each of the earlier studies cited in this report and will continue to be elemental in future caseflow management progress.

The span of the literature so far consulted covers more than 30 years of research of more than 30 trial courts. While the number of courts involved is limited in comparison to the number of trial courts within the United States, it does become evident that establishment of these prevailing principles is significant in achieving success in caseflow management practices. Furthermore, once these principles are established, a court is more apt to initiate a caseflow management improvement plan and more importantly, prone to sustain success with their initiatives.

²² William E. Hewitt, Geoff Gallas and Barry Mahoney, **Courts that Succeed – Six Profiles of Successful Courts**, NCSC, 1990, page 19.

²³ See Note 15, **supra**, page 67.

²⁴ **Loc. Cit.**

Fundamental Elements and Effective Strategies for Each

Intertwined with these prevailing principles, the literature discusses many fundamental elements that have been found in successful caseflow management systems. These elements, together with examples of specific applications at the staff involvement level, are outlined below.

Strong Case Management and Control

Defined early on as “[t]he concept that the court must actively supervise the progress of all cases from filing to disposition...”²⁵ this effort encompasses the use of deadlines for case events and the ability to identify complex cases shortly after their filing. This activity is further improved with implementation of a continuance policy which in turn leads to trial date certainty. Together, these efforts “...make the progress of cases from initiation to conclusion more predictable and reliable...”²⁶ because “[i]f case participants doubt that trials or hearings will be held at or near the scheduled time and date, they will not be prepared.”²⁷

Furthermore, “[b]ecause most cases are disposed by plea or settlement, reasonable firm trial dates will produce earlier pleas and settlements and encourage trial preparation...”²⁸ thereby enhancing overall case processing. Acquiring trial date certainty involves a four step approach. (1) Maximize dispositions before setting

²⁵ See Note 9, *supra*, page 11.

²⁶ See Note 16, *supra*, page 80.

²⁷ See Note 17, *supra*, page 6.

²⁸ See Note 16, *supra*, page 7.

specific trial dates; (2) create realistic calendar-setting levels; (3) institute a trial continuance policy; and (4) establish a backup judge system.²⁹

Staff involvement in this approach would be expected to occur in both the development of the calendar setting levels and in the backup judge system. As detailed in one recommendation:

“[D]evelop a “reasonable setting factor”...[that] promotes reasonably firm trial dates and lets the court keep pace with both time standards and new filings. Determining what is a “reasonable” setting factor depends on the dynamics in each individual court. It is the lowest number of cases per calendar that permits the court to keep its pending inventory manageable in terms of size and age. There is no “magic formula” to determine what is an optimal setting level. Rather, it must be based on experience with the circumstances in each court.

Achievement...must often be done through experimentation....The court manager should increase the number of cases set and see what happens to the ratio of cases tried, continued, and settled or otherwise disposed. If the ratio of cases tried or disposed to those continued improves, then the manager should continue adding cases until there are too many cases continued because the court cannot reach them. At that point, the manager should reduce the number of cases set until an optimal ratio of trials and other dispositions to continuances is reached. Because circumstances change over time, such empirical experimentation should be repeated periodically to see if there is a different setting level that is better.”³⁰

The topic of trial date certainty often involves discussion of the “Smart Calendar” which was developed by Judge Daniel B. Winslow of the State of Massachusetts.³¹ Noted to be particularly helpful to courts that continue to “...allow negotiations on the day of trial, [t]he Smart Calendar can be used whether judges hear a specialized or general docket, under an individual or master system, or whether the judges rotate or

²⁹ *Ibid*, pages 7-10.

³⁰ See Note 26, *supra*, pages 23-24.

³¹ Timothy F. Fautsko with Cynthia K. Dietrich, David A. Tapley and Penelope J. Wentland, **16th Judicial Circuit Kane County, Illinois Felony Division Criminal Caseflow and Calendaring Assessment**, NCSC, 2000, page 24.

not. The Smart Calendar system was developed to assess the likelihood of a case being settled or tried, and then to build the trial calendar based on those expectations.”³²

“The Smart Calendar system works as follows. At a pretrial conference, the judge completes a Pretrial Conference Report Form, which includes a Trial Rating percentage from 10 percent to 100 percent. (See Appendix A) Depending on the parties’ attitudes and progress toward settlement, as well as experience with the type of case involved, a case thought definitely to settle should be rated in the 10 to 30 percent range; a case thought probably likely to settle should be rated in the 40 to 60 percent range; and a case though most likely to be tried should be rated in the 70 to 90 percent range. The court should assign the 100 rating sparingly, such as when a judge absolutely knows a case will not settle or if settlement cannot be reached on the assigned trial date and needs to be rescheduled. A trial calendar coordinator, or court administrator, then “builds” the trial calendar based on the information and Trial Ratings contained in the PTC Report. The cumulative Trial Rating score for all assigned cases for the day’s session should come as close as possible to, but not exceed, 150 percent.

With the Smart Calendar system, each bench trial is assigned for one day only, even if the trial is expected to take more than one day. This is because the system assumes that it is rare for a bench trial to last longer than one day and if it does last longer it can be rescheduled for days that have opened in the calendar on short notice. Jury trials should be scheduled for each expected day of trial, if the cumulative score for each day does not exceed 150 percent....An additional advantage of the system is that it permits the trial judge to know, at a glance, which case is likely to settle in the event multiple cases report for trial.”³³

The fourth component of trial date certainty, establishing a backup judge system, is one other area where staff involvement can be increased. While, “[u]ltimately, the critical element in providing judge backup capacity is the shared commitment of the judges to making a firm trial date policy work....[a]lso critical...is a person or persons to

³² **Ibid**, pages 24-25.

³³ **Ibid**, pages 24-26.

manage calendars and move cases among judges when necessary.”³⁴ This level of involvement typically centers on strong communication within an individual court system and the coordination of resources that enables it to respond to last minute changes within its schedules.

The Role of Staff and Monitoring

“Successful caseflow management requires that a court continually measure its actual performance against the expectations reflected in its standards and goals.”³⁵ However, in order to effectuate caseflow monitoring and performance management, a court must first be able to obtain information on key components of its existing caseload. Those components, which have been identified in the Trial Court Performance Standards,³⁶ include: age of pending caseload; age of cases at disposition; the ratio of case dispositions to case filings, otherwise known as the clearance rate; and trial date certainty. Typically, the gathering and assessment of this information is placed at the court staff level wherein the data is used to assist the chief or presiding judge in being able to identify those “...cases that need immediate or near-term attention to meet the goals.”³⁷ In addition, much of the literature cited has indicated that if this effort is going to be successful, then the information must be accurate, timely and presented in a manner that is concise and easy to understand.

In addition to above mentioned key components, one caseflow report recommends that “[t]he Court should identify expected outcomes for case and hearing

³⁴ See Note 16, *supra*, page 11.

³⁵ See Note 16, *supra*, page 83.

³⁶ Bureau of Justice Assistance (BJA) and National Center for State Courts (NCSC), **Trial Court Performance Standards with Commentary**, NCSC, 1990.

³⁷ See Note 16, *supra*, page 96.

types. Court staff working with the administrative or presiding judge for criminal matters should use “exception reporting” to identify and highlight cases where a hearing occurs without the expected outcome. Utilizing the same procedures as suggested above, they should determine if a clerical error exists, if this outcome is an acceptable exception, or if action is required.”³⁸

CourTools

Developed by the National Center for State Courts, CourTools is a court performance framework that provides “...all courts with a common set of ten indicators and clear methods to measure performance in a meaningful and manageable manner.”³⁹

As most of the literature cited in this review has indicated, enhancing case processing time can only be achieved after a court has adopted successful caseflow management practices, including the establishment of case processing goals and standards together with its counterpart of monitoring and performance measurement, because

“...attention to the results of court activities is more than just a polite gesture to the outside world. For the nation’s courts, failure to highlight performance goals and measure them undermines the judiciary’s proclaimed ability and need to govern its own affairs. Formal performance assessment signals a court’s recognition, willingness, and ability to meet its critical institutional responsibilities as part of the third branch of government.”⁴⁰

³⁸ David Steelman, Penelope J. Wentland and Hon. Jeffrey M. Arnold, **Caseflow Management and Judge Assignments for Criminal Cases in Minnesota’s Fourth District Court (Hennepin County)**, NCSC, 1999, page 11.

³⁹ National Center for State Courts, **CourTools**, 2005, page 4.

⁴⁰ **Ibid**, page 3.

For purposes of this research report, CourTools measures 2, 3, 4 and 5 will be used to examine the caseload standing and activity of criminal felony cases in the Nineteenth Judicial Circuit.

V. METHODOLOGY

For purposes of this project, the researcher used three methods: a statistical review of the caseload data through the use of CourTools Measures 2, 3, 4 and 5; individual case file review from the 2006 disposition data universe; and lastly an opinion survey of judges, staff and local bar members including Assistant State's Attorneys and Public Defenders.

Statistical review of the caseload data for entry into the CourTools Measure templates included calendar year 2006 and calendar year 2007 when available. Data for entry into these templates was gathered using various management reports generated by the Lake County Court Records and Information Management System (CRIMS).

The calendar year 2006 disposition data universe was compiled by using query capabilities via Query Management Facility (QMF) against the CRIMS database. A total of 4,417 dispositions are contained within the universe affecting 4,161 unique cases. A case may have more than one disposition within a given time frame and each disposition is reported. Individual case review and record validation was performed by using the record lookup functions within the CRIMS system. Additional details and use of these methods is described below.

CourTools Measure 2 – Clearance Rates

Clearance Rates measure the number of outgoing cases as a percentage of the number of incoming cases.⁴¹ The measure is applied by dividing the summed value of dispositions by the summed valued of incoming cases. Disposition types include: (1)

⁴¹ http://www.ncsconline.org/D_Research/CourTools/tcmp_courttools.htm, **The 10 Core Measures**, page 1.

Entry of Judgment; (2) Reopened Dispositions and; (3) Placed on Inactive Status. The types of incoming cases includes: (1) New Filings; (2) Reopened Cases and; (3) Reactivated Cases. A full discussion of these definitions can found in the *State Court Guide to Statistical Reporting*.⁴² Achieving a clearance rate of 100% would indicate that a court is disposing of as many cases as it receives in a given time period.

The Nineteenth Judicial Circuit refers to Reactivated Cases as Reinstatements and makes no further distinction in their disposition. In addition, the Circuit does not capture Reopened Cases in their clearance rate data since there is no reporting requirement on these matters to the Administrative Office of the Illinois Courts. From information contained within CRIMS Management Report BNX07, Judges Summary Monthly Activity Report, the monthly filings, reinstatements, and dispositions were entered into the *Measure 2 – Clearance Rates* template and then plotted to reveal the annual trend.

To further supplement the analysis of the clearance rate data, the researcher reviewed past Quarterly Activity Reports filed by the Clerk of the Circuit Court for years 2002 through 2006. These reports serve as the official performance record of each court in the State of Illinois. Contained within these Quarterly Activity Reports is one page titled: Report B: Activity of All Criminal Cases. (See Appendix B) This particular page captures the new filings, reinstatements and dispositions for all criminal felony, criminal misdemeanor and contempt of court matters. Also appearing on that page of the report is a column titled: Adjustment.

⁴² National Center for State Courts and State Justice Institute, *State Court Guide to Statistical Reporting*, NCSC, 2001.

The Adjustment column will typically show a negative number on the criminal felony row and a positive number on the criminal misdemeanor row. This exchange of cases occurs when all charges within a criminal felony case have been reduced to the misdemeanor charging level. Therefore, a case may continue to proceed under its felony case number, however, there may no longer be any felony charges remaining. The end result of this occurrence is that the case is initially filed and counted as a criminal felony matter, but at the time of disposition is reported as a misdemeanor. Since the *Manual on Recordkeeping*⁴³ does not recognize the reduction of all felony charges as a disposition of the felony case, the Adjustment column provides the only accounting of these exchanges.

The values of the Adjustment column were applied to the number of felony dispositions for each year from year 2002 through 2006 and then incorporated into the clearance rate formula and charted to establish the five year trend.

Data collection for the Clearance Rate measure is an on-going effort for the Circuit and that information is routinely shared within the Court and with its county executive leaders.

CourTools Measure 3 – Time to Disposition

Time to disposition measures the percentage of cases disposed or otherwise resolved within established time frames.⁴⁴ By plotting these measures against established goals a court can determine what areas in its case processing are farthest from its goal and then examine these areas for improvement.

⁴³ Administrative Office of the Illinois Courts, **Manual on Recordkeeping**, 2006 Edition.

⁴⁴ See Note 37 **supra**.

For purposes of this project, information contained within CRIMS Management Report BMX18, Age at Disposition, was entered into the *Measure 3 – Time to Disposition* template and plotted to reveal the annual trend. The Nineteenth Judicial Circuit does not capture Reopened cases within CRIMS Management Report BMX18 and therefore are not part of the calculation. In addition, since the state of Illinois does not have a reporting requirement that eliminates periods of case inactivity, Report BMX18 calculates the age based on date of filing to date of entry of judgment, regardless of the number of days the case may have been outside of the court's control.

To determine the impact periods of case inactivity may have had on the overall results of this measure, the researcher then performed several queries against the 2006 disposition data universe to: (1) gather the cases where the disposition was reported as being in excess of 180 days; (2) query against those dispositions and select those cases containing a case status of Warrant Outstanding (WO); (3) Filter through those cases and delete any duplicate case numbers; (4) Query against the remaining unique cases and select all Active (AC) and WO case statuses and effective dates for each record, eliminating any dates occurring after calendar year 2006; (5) Calculate the number of days between each WO and subsequent AC status for each unique case and; (6) Subtract the total number of days the case was not within the court's control from the age at time disposition was reported.

CourTools Measure 4 – Age of Pending Caseload

The age of active cases that are pending before the court is measured as the number of days from filing until the time of measurement.⁴⁵ The cases are then grouped into varying age ranges to determine where the greatest volume of cases resides and to allow the court to “focus attention on what is required to ensure cases are brought to completion within reasonable time frames.”⁴⁶

However, for reporting purposes in the state of Illinois, the *Manual on Recordkeeping* defines the age of pending cases only as “...the number of cases in the “pending” category at the close of business for that year.”⁴⁷ In addition, “[c]ases are reported by category and year of filing.” The *Manual* does not require any age ranges to be reported nor does it provide any definition for case inactivity. Criminal Felony cases in which there is an active warrant for more than 30 days are considered closed and are reported as a disposition on the 31st day. Upon apprehension of the defendant, the case is then reinstated and returned to the roll of active pending cases. Therefore, the Nineteenth Judicial Circuit does not identify criminal felony cases on inactive status and reports its age of pending by the date in which the case was filed.

Although there is no reporting requirement, the Nineteenth Judicial Circuit does have the ability to collect the age of active pending data via an overnight batch report within the CRIMS system. The report, BMX17 Age of Pending Cases, however was limited in use because the report lacked the capability to report past periods of caseload activity. In essence, the report was only valid for the day it was run. Therefore, if past copies of the report did not exist for the desired time frame, then the data could not be

⁴⁵ **Loc. Cit.**

⁴⁶ National Center for State Courts, **CourTools - Trial Court Performance Measures**, Measure 4, 2005, page 1.

⁴⁷ See Note 43 **supra**, Part 3, Section I, Page 1.

obtained. As a result of this constraint, the researcher encountered difficulty at the onset of this project by the unavailability of the desired information. However, through discussions with Information and Technology staff, the software's vendor, and with the support of the Chief Judge and Executive Director, modifications to the report were made, tested and validated over a three month period. At the time of this writing, the CRIMS management report is undergoing a final modification that will enable a user to select a particular group of cases, (Civil, Criminal/Traffic or Juvenile) and based upon that group selection varying age ranges would be displayed. However, even after these most recent modifications, the report is still deficient in accuracy because it still does not capture periods of case inactivity.

For purposes of this project, the template for *Measure 4 – Age of Active Pending Caseload*, was modified to support the age ranges that were available through CRIMS Management Report BMX17. Data contained within that report was then entered into the template in quarterly increments comparing calendar years 2006 and 2007.

CourTools Measure 5 – Trial Date Certainty

Trial date certainty measures the number of times cases disposed by trial are scheduled for trial.⁴⁸ This measure is important because “[a] court’s ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition.”⁴⁹

The Nineteenth Judicial Circuit does not have a management report available to capture this data. Therefore, unique cases were gathered through query capabilities

⁴⁸ **Loc. Cit.**

⁴⁹ National Center for State Courts, **CourTools – Trial Court Performance Measures**, Measure 5, 2005, page 1.

against the 2006 disposition universe of 4,417 dispositions. The query was written to capture only those unique cases that contained the disposition code of “JT” for jury trial or “BT” for bench trial. The query yielded a total of 84 cases. Upon compiling the list of all cases affected, individual case record review, using the lookup functions within CRIMS, was performed to count the number of trial date settings in each case and validate the disposition.

Collected data was then entered into the *Measure 5 – Trial Date Certainty* template after the template had been modified for use in this project. Modifications to the template included: (1) Removal of the general civil, domestic and juvenile casetype rows; (2) Adjustments to the template formulas to allow for more than 25 individual cases to be entered; (3) Adjustments to the template formulas to capture cases having more than ten trial date settings and; (4) Reformatting of the Results Table to support the additional columns and removal of casetype rows.

Opinion Survey – Trial Court Self-assessment Questionnaire

The instrument used for this project is the Trial Court Self-assessment Questionnaire first developed in the study *How to Conduct a Caseload Management Review*.⁵⁰ The original instrument contains a total of 65 questions covering the ten key elements of: (1) Leadership; (2) Goals and Standards; (3) Information; (4) Communication; (5) Caseload Management Procedures; (6) Judicial Commitment; (7) Staff Involvement; (8) Educational Training; (9) Mechanisms for Accountability and; (10) Backlog Reduction/Inventory Control.

⁵⁰ See Note 1, *supra*, page 33.

For purposes of this project, that instrument was scaled down to 44 questions covering the following elements: (1) Leadership; (2) Goals and Standards; (3) Information; (4) Communication; (5) Caseload Management Procedures; (6) Judicial Commitment; (7) Staff Involvement and (8) Backlog Reduction/Inventory Control. Since the focus of this project is concern with increased delay in criminal felony case processing and the potential for increasing staff involvement it was determined that questions regarding the elements of mechanisms for accountability and educational training were not required.

Questions numbered 1-43 were rated on a Likert scale of one to five, with an answer of one indicating that the element did not exist within the court and an answer of five indicating that the element existed and was in full force and effect. Question number 44 contained ten Yes/No statements addressing the availability and usage of management information.

The instrument was pre-tested by a local bar member that had experience practicing in the Felony Division courtrooms but was not currently a member of the Criminal Law Committee of the Lake County Bar Association. It was determined that the survey could be completed in less than twenty minutes.

The instrument was delivered, with an attached letter written by the Presiding Judge of the Felony Division, (see Appendix H), to a total of 161 participants comprising of: seven Felony Division judges; four Court Administration staff members; 36 attorneys within the Lake County State's Attorneys Office; 22 attorneys within the Lake County Public Defender's Office and 92 local bar members that were also members of the

Criminal Law Committee of the Lake County Bar Association. Efforts were made to ensure that participants did not receive more than one copy of the instrument.

The target sample included only those judges assigned to the Felony Division at the time of the survey period, and only the Assistant State's Attorneys and Assistant Public Defenders that were assigned to handle criminal felony matters. This approach assumes that the targeted participants will have the greatest experience and knowledge of criminal felony case processing in the Nineteenth Judicial Circuit.

Participants were provided with a self-addressed, stamped envelope with each instrument and were allowed up to three weeks to answer and return the instrument. A total of three subgroups were established and identified by using different colored paper for the survey instruments. The subgroups were divided into the following categories: (1) Judges; (2) Staff and; (3) Attorneys. During the first two weeks of the survey period a total of 23 responses were received and after week four the 24th response was received. All responses received represented a 15% response rate.

Problems arose during the analysis of the survey and it was determined that the researcher had not initially established enough subgroups for review purposes. Therefore, the instrument was re-issued to the Attorney subgroup only and was further divided into the following subgroups: (1) Assistant State's Attorneys; (2) Assistant Public Defenders and; (3) Private Bar Members. Once again, different colored paper was used to identify the three subgroups.

Similar to the first issuance, each instrument was delivered with an attached letter by the Presiding Judge of the Felony Division, (see Appendix I), to a total of 150 participants comprising of: 36 attorneys within the Lake County State's Attorneys Office;

22 attorneys within the Lake County Public Defender's Office and 92 local bar members that were also members of the Criminal Law Committee of the Lake County Bar Association. Efforts were made to ensure that participants did not receive more than one copy of the instrument. Each instrument was supplied with a self-addressed stamped envelope, or inter-office envelope if delivered to the State's Attorneys Office or Public Defenders' Office, and participants were allowed three weeks to respond.

After the three week period a total of 39 responses from the second mailing were received. The final response rate for all five subgroups follows below:

- Judges: 71%
- Staff: 100%
- Prosecutor: 28%
- Public Defender: 27%
- Private Bar: 25%

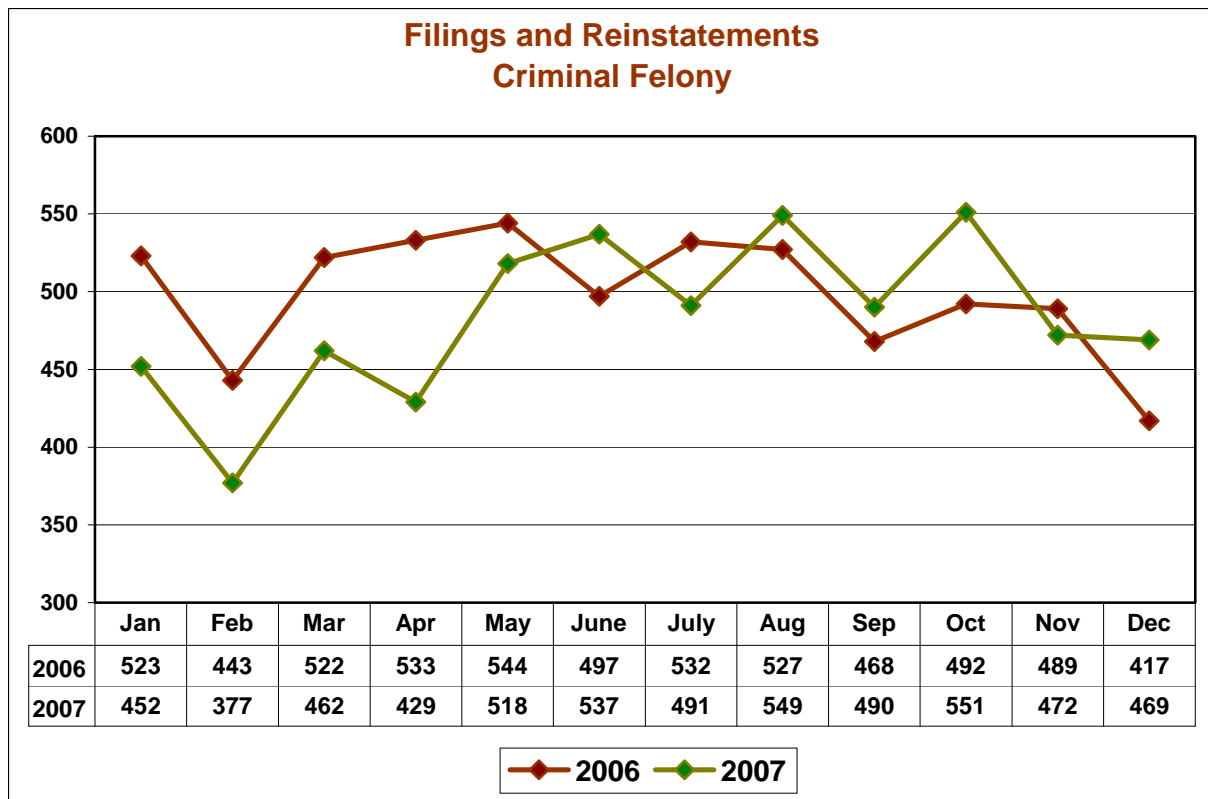
The survey answers were then entered into both SPSS® (Statistical Package for the Social Sciences) and Microsoft® Excel for processing and analysis. Through the use of SPSS®, frequencies of the responses for each question were obtained. Since there were subgroups with a low response rate, it would be more informative to know which questions received the highest response rate thereby indicating greater knowledge and concern for the affected question. In addition, each of the eight elements was examined to reveal what the average response score was by individual instrument. Those averages were then entered into Microsoft® Excel to determine what the overall average response score was for each of the eight elements.

VI. FINDINGS

Measure 2 – Clearance Rates

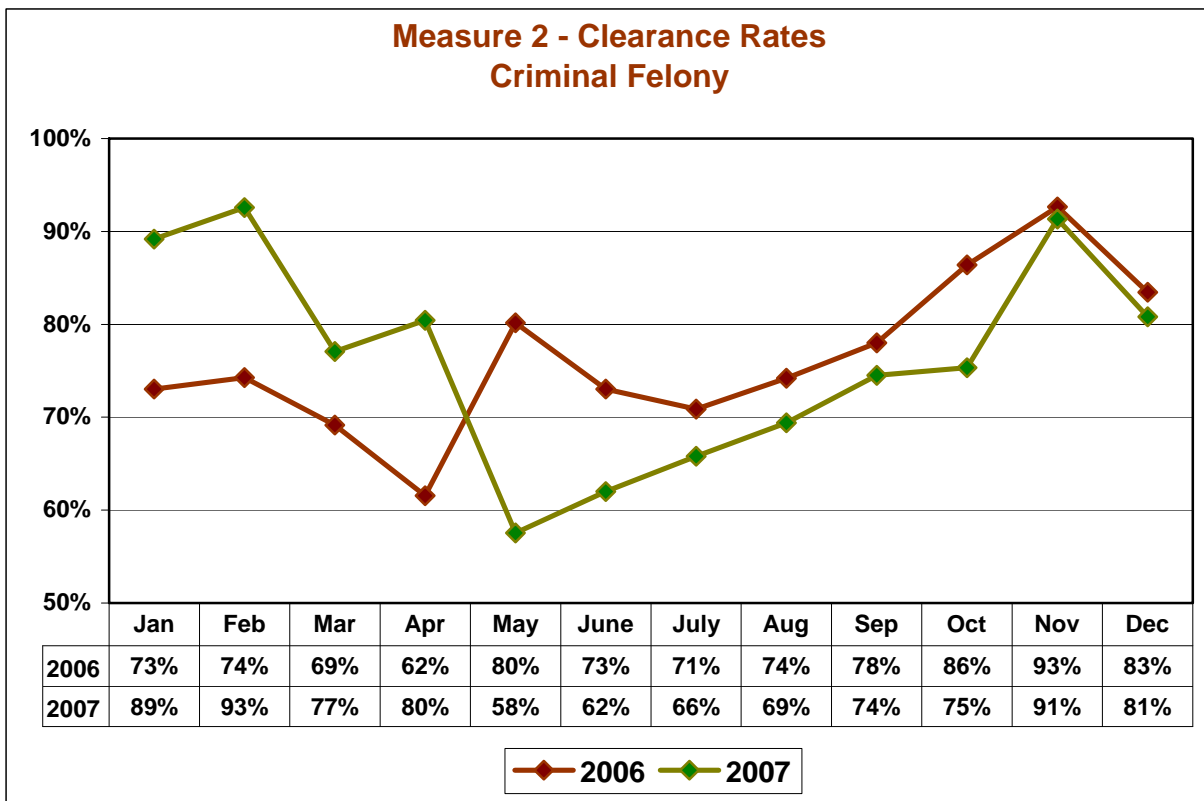
As detailed earlier in this report, the five year trend on criminal felony case filings experienced a two percent increase from years 2002 to 2006. However, filings alone do not accurately represent workload. To obtain that measure, additional incoming case categories have to be included. To see if this upward trend continued for year 2007, the filings and reinstatements for years 2006 and 2007 were plotted out monthly for each year. The resulting graph indicates that the Division experienced a three percent decrease in workload year 2007. Further detail on the felony division workload is outlined in the graph below.

Graph 2



Reviewing incoming workload data can also serve as a preview of a court's clearance rate. It is presumed that during periods of decline in incoming workload, a court should experience a higher percentage in its clearance rate. Provided that a court already adheres to the fundamentals of caseflow management practices, these periods of decline provide an opportunity to address the court's backlog of cases.

Graph 3



After plotting the data into the Measure 2 template, it is apparent that the clearance rate continually falls far below an aspired goal of 100%. However, when comparing the filings in Graph 2, to the Clearance Rate in Graph 3 it would appear that the court did experience a higher percentage in its clearance rate during several months

where there was a decline of incoming caseload. However, that effort was not sustained for most of the year and ultimately, the clearance rate for all of 2007 fell below that of 2006.

Interestingly, a review of the clearance rate chart further suggests that the court is building a substantial backlog. However, when considering that the overall increase in criminal felony filings was two percent over the past five years, those figures don't coincide.

By applying the Adjustment column figures that were discussed earlier, into the clearance rate data, the percentage values are drastically increased. However, it is still evident that the court has added approximately 14% more cases to its backlog during this time frame. Results of the added figures are detailed in the table below.

Table 3

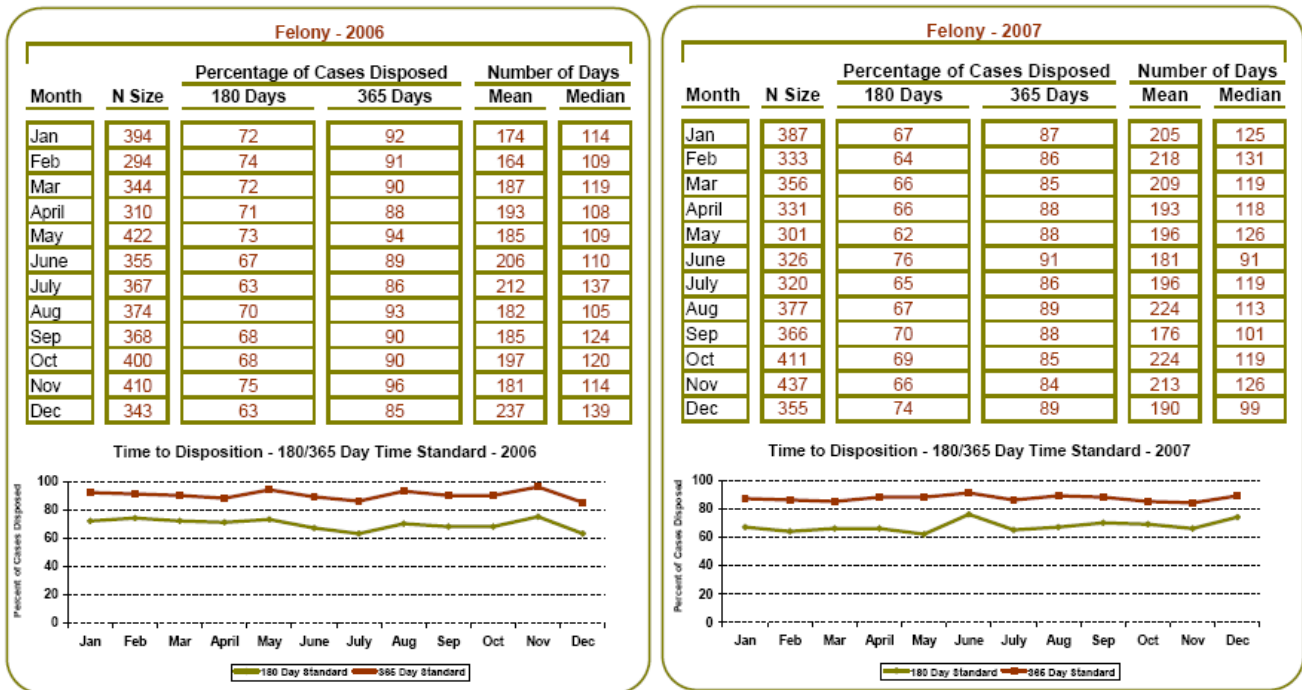
**Comparative Summary of Clearance Rate Data
Applying the Adjustment Column Figures
Years 2002 - 2006**

	2002 Clearance Rate	2003 Clearance Rate	2004 Clearance Rate	2005 Clearance Rate	2006 Clearance Rate
Felony - No Adjustment	77%	77%	74%	71%	76%
Felony - With Adjustment	96%	100%	98%	94%	98%

It is important to note here that since the Adjustment column figures are reported out on a quarterly basis it was not possible to reproduce the same clearance rate chart as the data for all of year 2007 was not available as of the writing of this paper.

Measure 3 – Time to Disposition

Graph 4



When applying the suggested goal of 100% of cases disposed of within one year, it is apparent that the Court has fallen short of that measure. The highest level achieved during the two year time frame that was examined occurred in November 2006 for a rate of 96%. By contrast, the lowest level attained occurred one year later in November 2007 when the percentage of cases disposed within one year for that month was 84%.

Query against 2006 Disposition Universe

As discussed earlier, the current management report available that provides the data for time to disposition does not remove periods of case inactivity. As a result, this

researcher supplemented the information by performing queries against the 2006 disposition universe. Those results are detailed in the table below.

Table 4

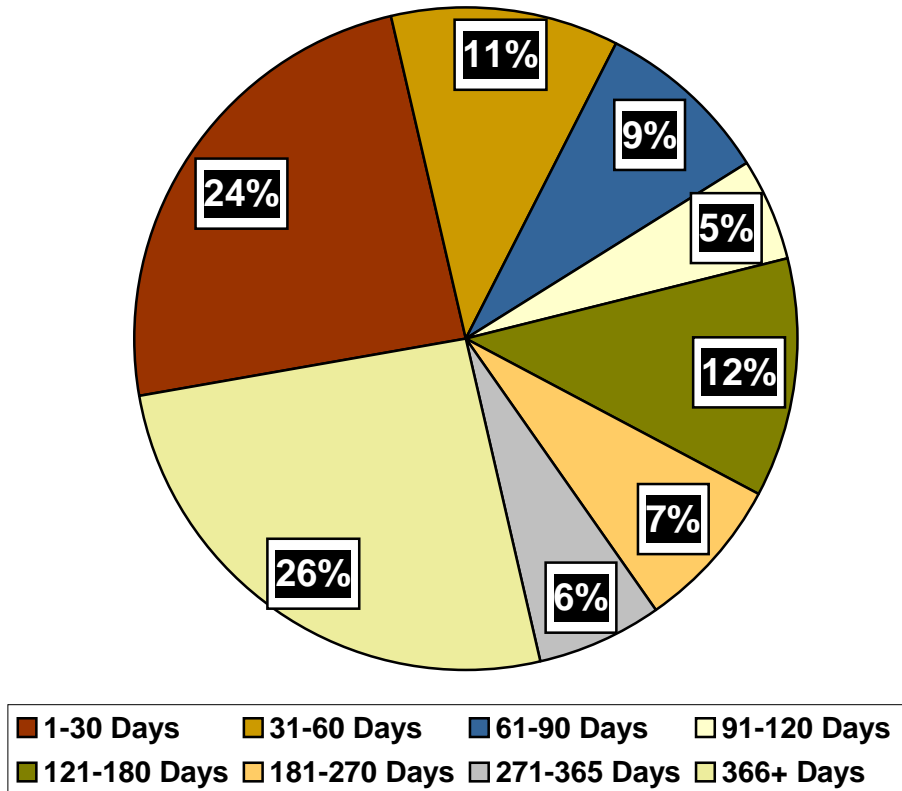
Periods of Inactivity - Impact Results

Total 2006 Dispositions	4,417
Number of Dispositions over 180 Days	1,364
Number of Unique Cases over 180 Days with a WO status	507
Maximum Number of Days on WO Status in a Single Case	5,842
Minimum Number of Days on WO Status in a Single Case	1
Average Length in Days on WO Status	371
Average Age in Days at Time Disposition is Reported	620
Average Age in Days After Removing Days in WO Status	249
Number of Cases that would be Reported Disposed Under 181 Days After Removing Days in WO Status	195

Even after removing the maximum and minimum from the calculated average, the new average attained was shortened by only ten days. What was also revealed during this review is that the largest segments for case inactivity occurred at either the 1-30 day length of time or those in excess of 365 days period. Those ranges of the 507 cases reviewed are detailed in the graph below.

Graph 5

**Comparative Summary of Total Number of Days
Cases Were on Warrant Outstanding Status**



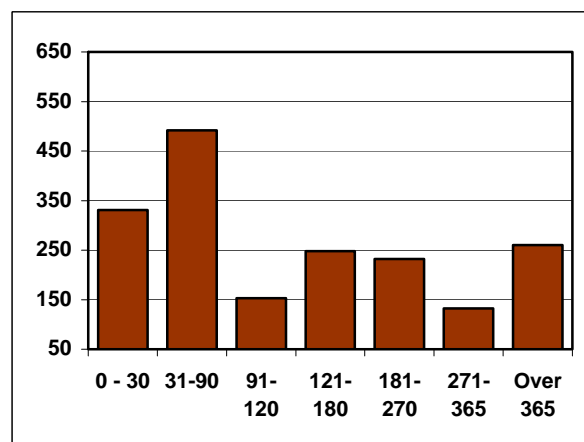
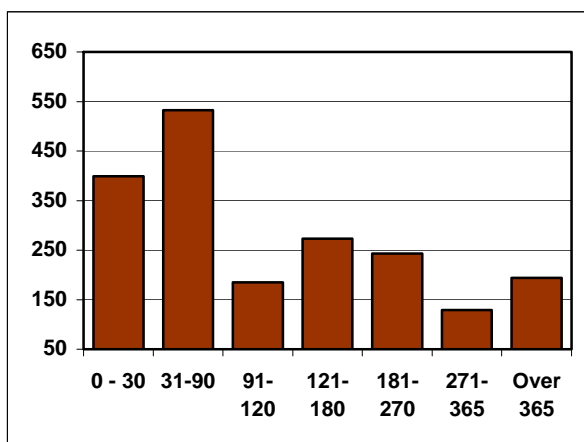
Data compiled from the 2006 Disposition Universe where the disposition was reported to be in excess of 180 days and the case contained a WO status. Total 507 cases affected.

Measure 4 – Age of Pending Cases

By reviewing the age of active pending cases in quarterly increments, what became apparent is that the distribution of the caseload, by age categories, remained consistent over time and shifted at most by only four percentage points when comparing equivalent quarter/year time frames. The greatest percentage of active cases for all eight quarters examined was in the 31-90 day category. During this two year period that category of cases averaged a total of 28% of the caseload. The detailed comparisons are outlined in the charts below.

Graph 6

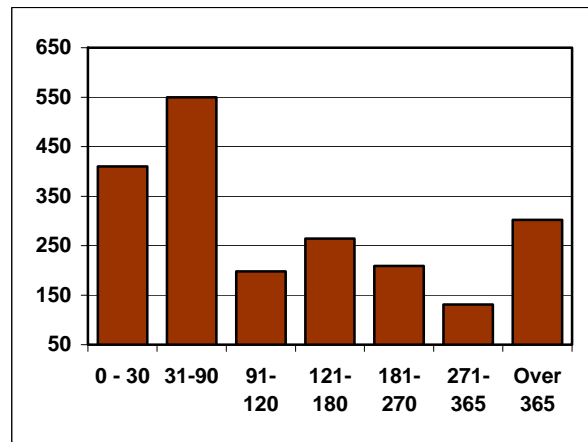
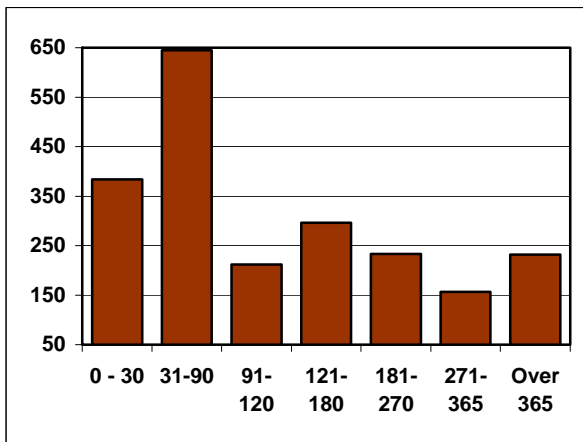
Criminal Felony First Quarter Year 2006				Criminal Felony First Quarter Year 2007			
Age (Days)	Number of Cases	Percent	Cumulative Percent	Age (Days)	Number of Cases	Percent	Cumulative Percent
0 - 30	399	20%	20%	0 - 30	331	18%	18%
31-90	532	27%	48%	31-90	492	27%	45%
91-120	185	9%	57%	91-120	153	8%	53%
121-180	273	14%	71%	121-180	248	13%	66%
181-270	243	12%	83%	181-270	232	13%	79%
271-365	129	7%	90%	271-365	132	7%	86%
Over 365	194	10%	100%	Over 365	260	14%	100%
Total	1,955			Total	1,848		



The greatest shift in this quarter/year comparison was in the Over 365 day category. Although there were fewer overall cases pending at the end of the second quarter for year 2007, roughly 15% of those matters were far beyond the ABA recommended standard of 100% of cases disposed within one year.

Graph 7

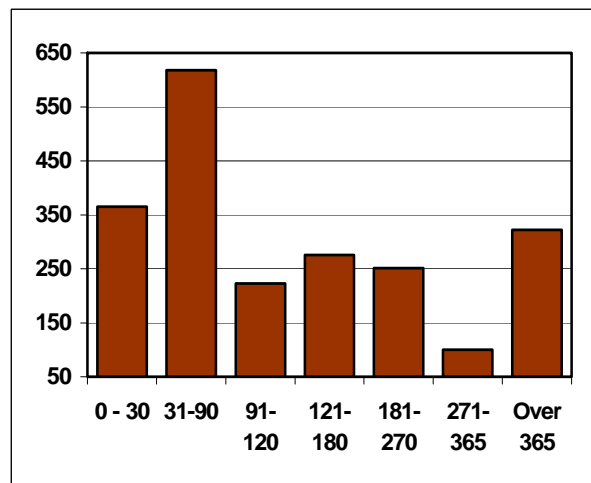
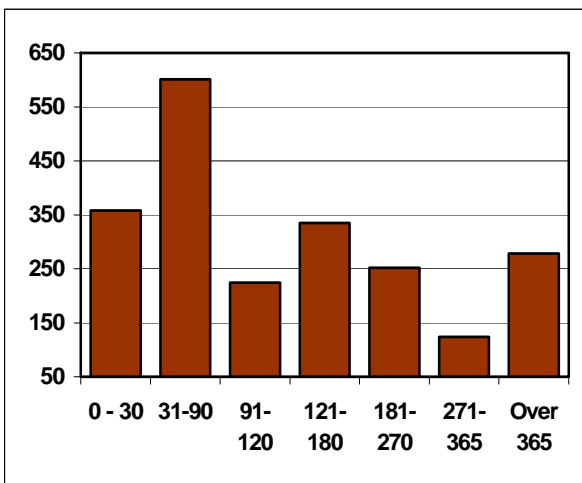
Criminal Felony Second Quarter Year 2006				Criminal Felony Second Quarter Year 2007			
Age (Days)	Number of Cases	Percent	Cumulative Percent	Age (Days)	Number of Cases	Percent	Cumulative Percent
0 - 30	384	18%	18%	0 - 30	410	20%	20%
31-90	645	30%	48%	31-90	550	27%	47%
91-120	212	10%	57%	91-120	198	10%	56%
121-180	296	14%	71%	121-180	264	13%	69%
181-270	233	11%	82%	181-270	209	10%	79%
271-365	157	7%	89%	271-365	131	6%	85%
Over 365	232	11%	100%	Over 365	302	15%	100%
Total	2,159			Total	2,064		



Similar to what was experienced during the second quarter, the third quarter/year comparisons also indicate that the overall number of cases that remain pending is lower in year 2007 than in 2006, however, a greater portion of that pending caseload is in excess of 365 days.

Graph 8

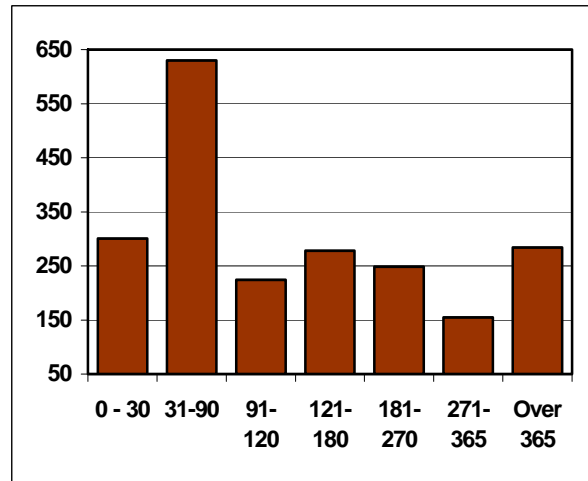
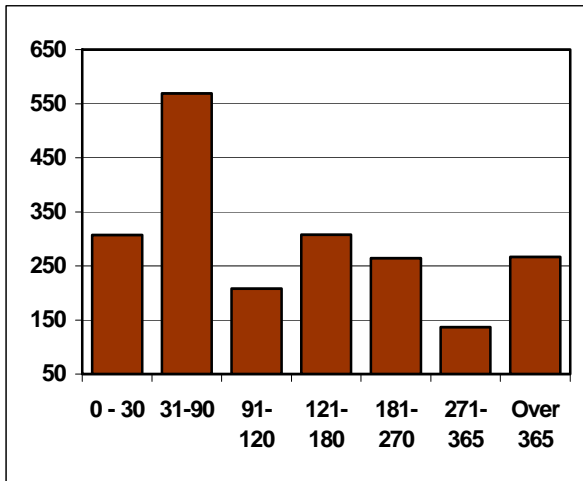
Criminal Felony Third Quarter Year 2006				Criminal Felony Third Quarter Year 2007			
Age (Days)	Number of Cases	Percent	Cumulative Percent	Age (Days)	Number of Cases	Percent	Cumulative Percent
0 - 30	358	16%	16%	0 - 30	365	17%	17%
31-90	601	28%	44%	31-90	618	29%	46%
91-120	224	10%	54%	91-120	223	10%	56%
121-180	335	15%	70%	121-180	276	13%	69%
181-270	252	12%	81%	181-270	251	12%	80%
271-365	124	6%	87%	271-365	100	5%	85%
Over 365	278	13%	100%	Over 365	322	15%	100%
Total	2,172			Total	2,155		



At the conclusion of 2007, the Court experienced a reversal in trend and ended the fourth quarter with more actively pending cases than there were in year 2006.

Graph 9

Criminal Felony Fourth Quarter Year 2006				Criminal Felony Fourth Quarter Year 2007			
Age (Days)	Number of Cases	Percent	Cumulative Percent	Age (Days)	Number of Cases	Percent	Cumulative Percent
0 - 30	307	15%	15%	0 - 30	301	14%	14%
31-90	569	28%	43%	31-90	630	30%	44%
91-120	208	10%	53%	91-120	224	11%	54%
121-180	308	15%	68%	121-180	278	13%	68%
181-270	264	13%	80%	181-270	249	12%	79%
271-365	137	7%	87%	271-365	155	7%	87%
Over 365	267	13%	100%	Over 365	284	13%	100%
Total	2,060			Total	2,121		



Measure 5 – Trial Date Certainty

Examination of the 2006 disposition universe revealed that there were a total of 84 cases disposed of by trial. That figure represents approximately two percent of all dispositions contained within that universe. Whether by jury or by judge, the number of trials for each category was statistically equal and further breakdown of this measure reveals that there was little difference in the case processing for a jury trial matter versus a trial by judge. Further detail of this measure is outlined in the table below.

Table 5

Summary Report of Trial Settings				Number of Settings										
Case-Trial Type	Total Cases	Average Number of Settings	Percentage With 2 Settings or Less											
				One	Two	Three	Four	Five	Six	Seven	Eight	Nine	Ten	>Ten
Felony-Jury	48	5.9	32%	7	6	7	4	4	3	3	2	2	3	7
Felony-Bench	36	5.1	38%	5	8	7	3	4	1	0	0	1	5	5

Since the Court does not have any established performance goals concerning trial date certainty, it is difficult to determine exactly how many cases are beyond the accepted measure. In addition, what is not fully detailed in this chart is the time span between each trial setting. In the Nineteenth Circuit, the felony division maintains a five-week trial call rotation. The trial call is a two-week period and all cases set for that particular trial call are typically all set on the first day. Cases not reached, or where a continuance is granted are rescheduled to the first day of another trial call period, which occurs every five weeks.

Trial Court Self-assessment Questionnaire

Results of the survey were analyzed against the five subgroups of: (1) Judges; (2) Staff; (3) Prosecutors; (4) Public Defenders and; (5) Private Bar Members and across the eight elements of: (1) Leadership; (2) Goals and Standards; (3) Information; (4) Communication; (5) Caseflow Management Procedures; (6) Judicial Commitment; (7) Staff Involvement and; (8) Backlog Reduction.

The average percentage score for each element, by subgroup, is detailed in the following bar charts. Each bar chart is then followed by a table that contains the questions that formulated the preceding element and displays what the average numeric score was for each question, by subgroup.

The following graphs and tables only present the findings of all valid responses received and do not take into account omitted responses. The level of omitted responses, (nulls) can be found at the end of this section.

Graph 10

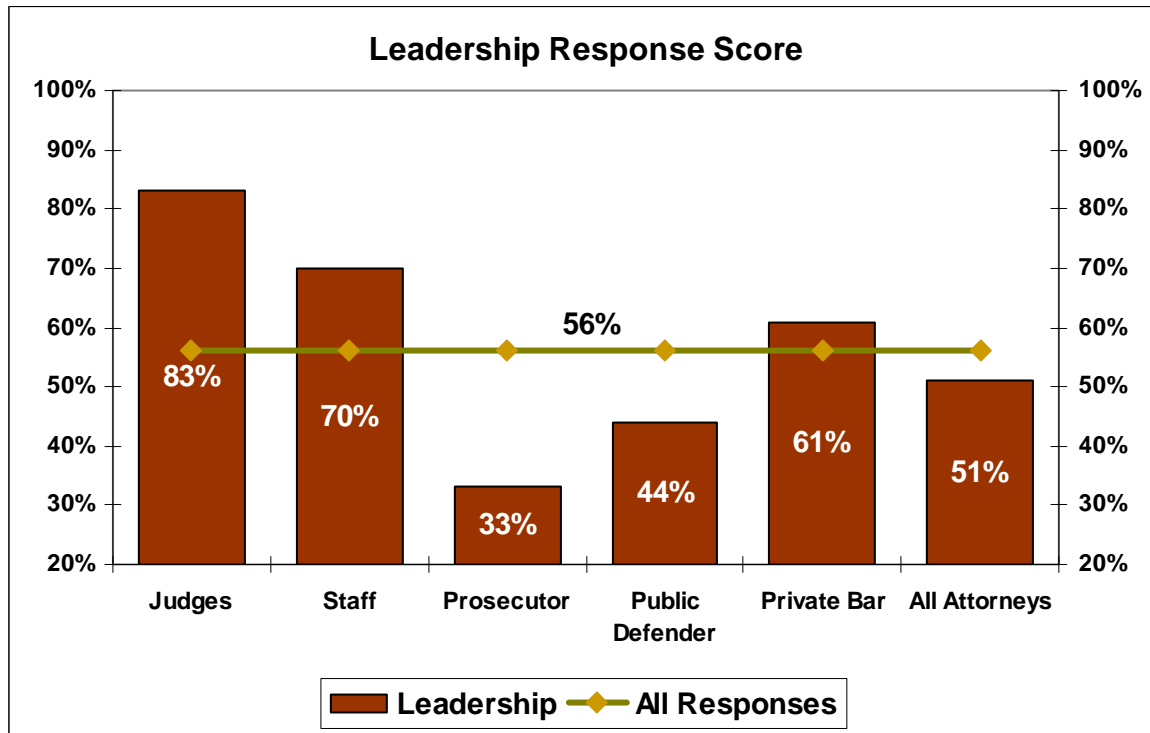


Table 6

Leadership	Judge	Staff	Prosecutor	Public Defender	Private Bar
The chief judge (or the presiding or administrative judge of the division) has endorsed the court's (or the ABA's) case-processing time standards.	3.4	2.5	2.3	4.5	3.1
The chief judge plays a leading role in initiating caseload management improvements in the court.	4.6	4.5	2.3	4.0	3.7
The chief judge (or presiding or administrative judge of the division) regularly disseminates information on caseload status, trends and problems.	4.4	3.5	1.9	3.3	3.3
The chief judge (or the presiding judge or administrative judge of the division) is widely regarded—by judges, staff, and others—as actively committed to reducing delays and implementing effective caseload management procedures.	4.2	3.3	2.4	3.2	3.7
Judges who have administrative responsibility (e.g., chief judge, presiding judge of civil or criminal division) meet with the judges in their divisions to review the status of pending caseloads and discuss ways of dealing with common problems.	3.8	3.5	2.6	4.5	3.9
The trial court administrator is widely regarded—by judges, staff, and others—as knowledgeable about caseload management principles and practices, familiar with the court's caseload situation, and effective in recommending and implementing policy changes.	4.4	3.8	1.7	3.3	3.0

Graph 11

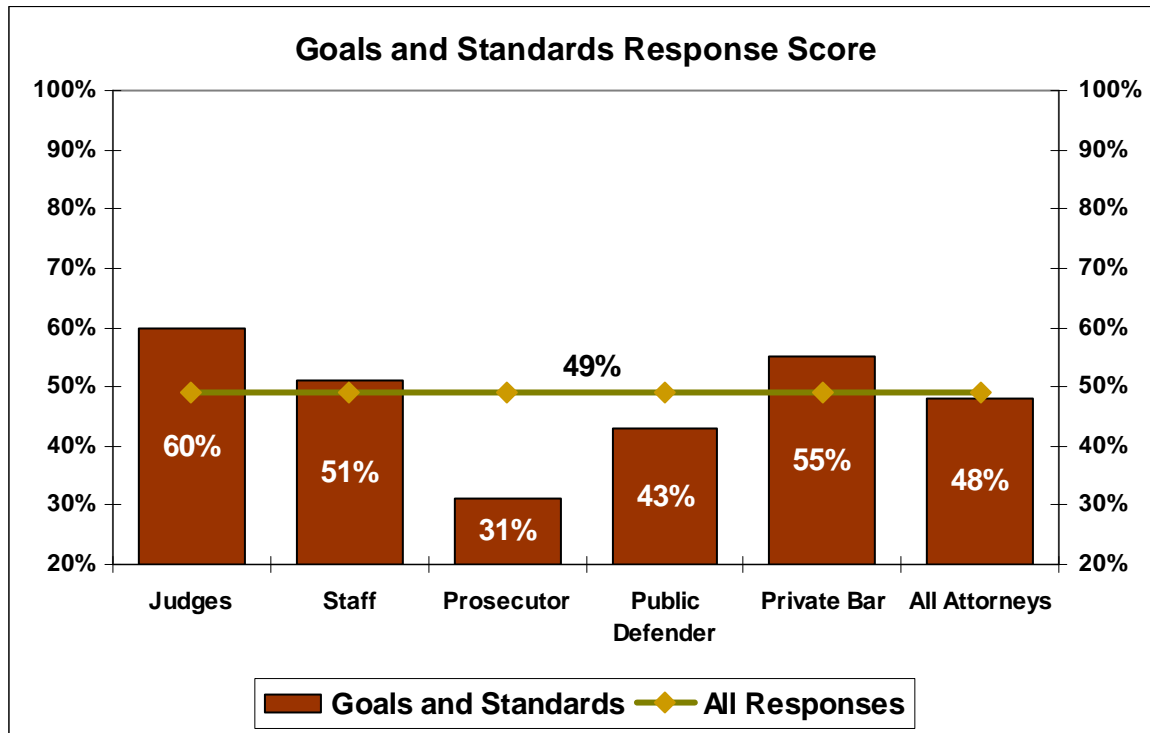


Table 7

Goals and Standards	Judge	Staff	Prosecutor	Public Defender	Private Bar
The court has adopted time standards that establish expected outside limits on case processing time from filing to disposition, for major categories of cases.	3.2	2.5	1.8	3.3	3.2
The judges are aware of the court's case-processing time standards.	3.4	2.8	2.0	4.0	3.3
The court's staff at all levels are aware of the court's case processing time standards and other caseflow management goals.	3.2	2.5	2.0	4.5	3.0
The court has time standards/guidelines governing the time interval between each major stage in the litigation process.	2.2	2.5	2.0	2.0	2.8
The court's caseflow management goals, and its performance in relation to the goals, are subjects of regular communication with the bar and media.	3.4	2	1.3	2.7	2.7
The time required to complete case processing is generally within the time standards adopted by the court (or if no standards have been adopted by the court, does not exceed the ABA case-processing time standards).	2.6	2.8	1.3	2.7	2.5
The court has adopted goals for the frequency with which trials start on the scheduled date.	2.8	2.8	1.8	3.3	3.4

Graph 12

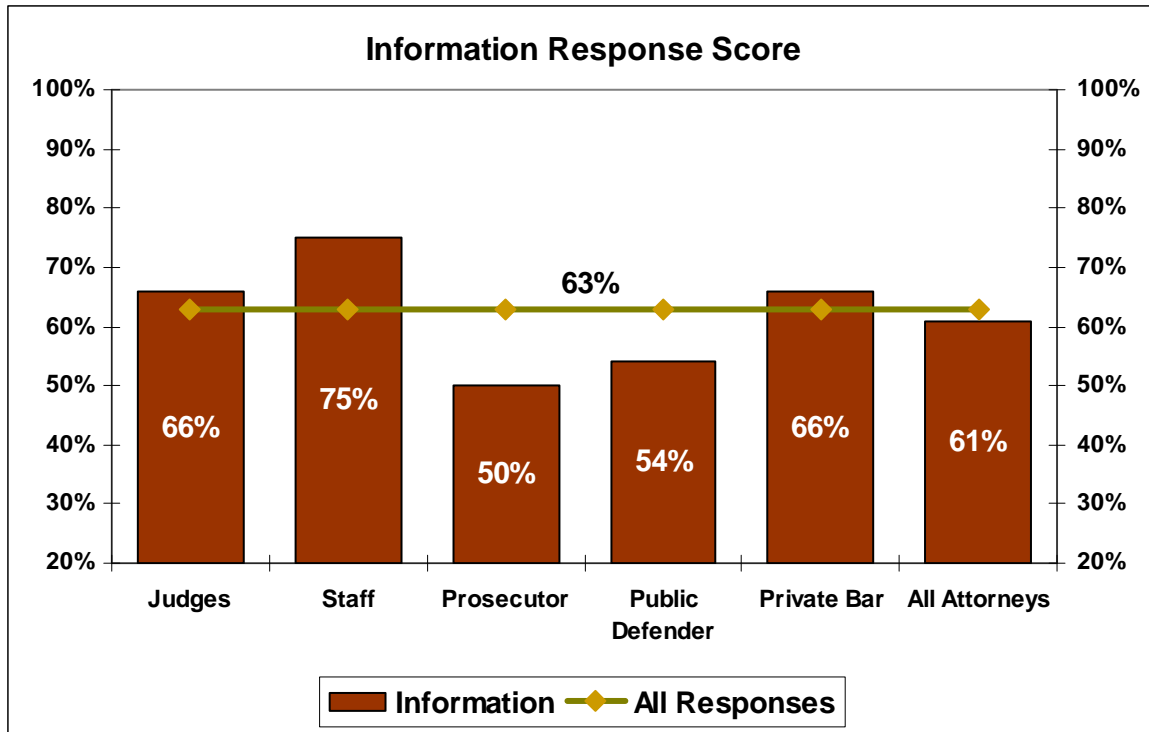


Table 8

Information	Judge	Staff	Prosecutor	Public Defender	Private Bar
Judges who have responsibility for all or part of the caseload regularly receive management information reports that enable them to know the number of pending cases for which they are responsible, the distribution of these cases by age since filing, and status of each case.	3.6	4.5	3.7	4.5	3.8
Trial judges have, or can readily obtain, all information necessary to enable them to know the status of a case, its prior history in the court, and related cases involving the same parties.	3.4	4.3	3.7	5.0	4.3
The court's recordkeeping system (including management information reports, whether automated or manual):	3	3	2.1	3.5	3.2
Key management information reports are widely distributed to judges and staff, and include short written analyses that highlight problems and issues.	3.2	3.3	1.6	2.5	3.0

Graph 13

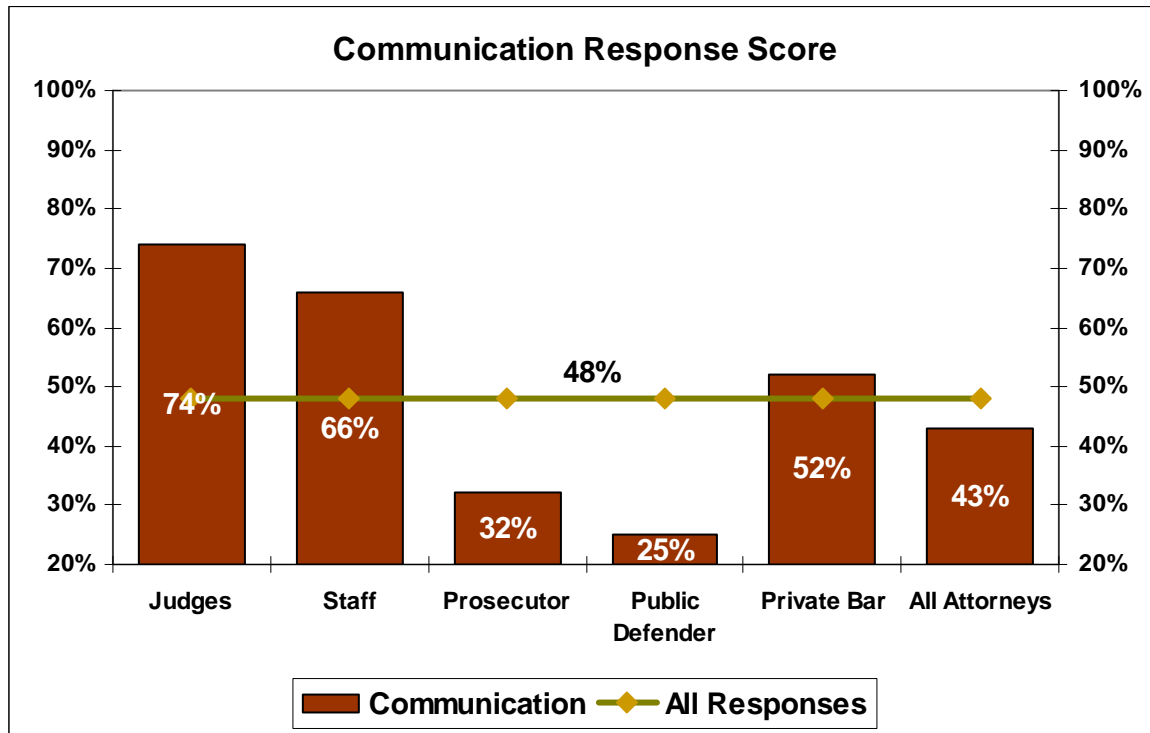


Table 9

Communication	Judge	Staff	Prosecutor	Public Defender	Private Bar
When new caseload management programs or procedures are being considered, the court's leaders consult with leaders of other organizations that may be affected (e.g., bar, sheriff, prosecutor, public defender).	4.6	4.3	2.6	2.3	3.2
There are published policies and procedures governing the caseload process, readily available to judges, the court's staff, and bar members.	3.2	3.5	1.6	2.3	2.4
Consultation between judges and administrative staff about caseload management policies and procedures occurs.	4.6	3.5	2.7	2.0	3.6
Mechanisms for obtaining the suggestions of court staff about caseload management problems and potential improvements exist and are used by the court leaders.	3.4	3.3	1.4	2.5	3.0
The court provides information about its caseload management goals and about its performance in relation to these goals to the media on a regular basis.	2.8	2	1.6	3.7	2.7

Graph 14

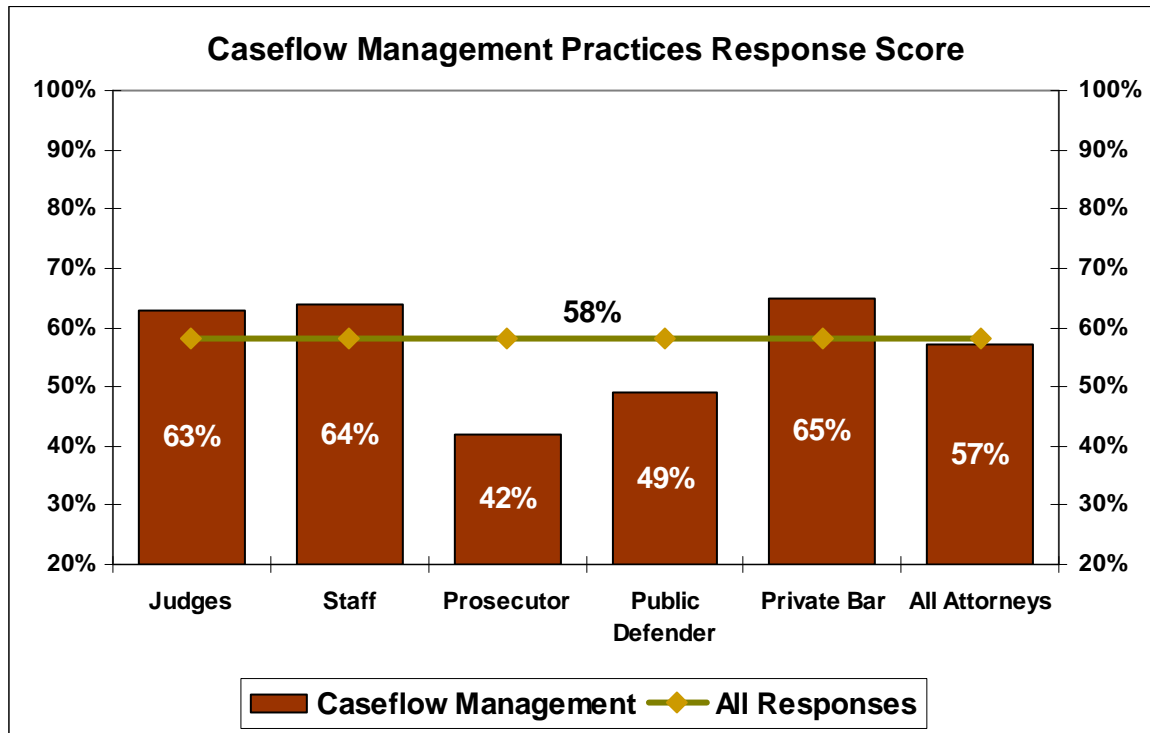


Table 10

Caseflow Management Procedures	Judge	Staff	Prosecutor	Public Defender	Private Bar
The court counts every case as pending from the date that it is initially filed (or, in criminal cases in which the defendant has been arrested, from the date of arrest).	4	4.5	3.7	5.0	4.3
Potentially protracted or complicated cases are identified early for special attention.	3.6	4	1.8	2.6	3.0
The system of scheduling cases for trials and evidentiary hearings provides attorneys and the court with certainty that a case will be reached on the scheduled date.	2.6	2.5	1.4	3.2	3.0
Consultation with attorneys, by a judge or court staff member, occurs early in a case, to set deadlines for completion of stages of the case.	3	3.3	2.2	2.6	3.3
Attorneys are ready to proceed on the scheduled trial date or evidentiary hearing date.	2.2	2.5	2.0	3.5	2.8
Simple cases that may be amenable to swift disposition are identified as an early stage for special processing.	2.8	3.3	1.9	2.8	3.0
How frequently are cases that have been scheduled for trial or evidentiary hearing continued because there are more ready cases than can be reached on the scheduled date?	2.6	2.5	1.9	2.3	2.7
Every pending case on the court's docket has a "next action" date scheduled.	4.4	3	3.3	4.3	4.1

Graph 15

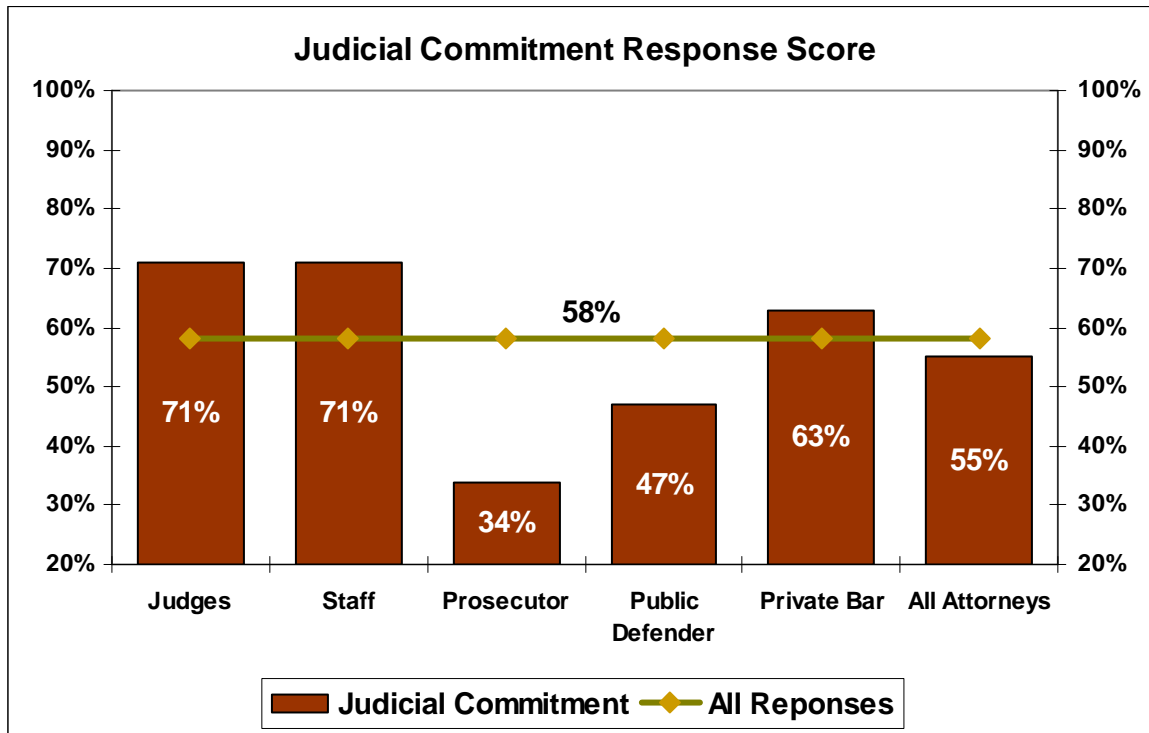


Table 11

Judicial Commitment	Judge	Staff	Prosecutor	Public Defender	Private Bar
There is a commonly shared commitment, on the part of the judges, to the principle that the court has responsibility for ensuring expeditious case processing.	4.6	4.5	2.4	3.8	3.9
Assess the difficulty of an attorney obtaining a continuance of a trial date or date for an evidentiary hearing.	2.8	3.5	1.8	2.2	2.7
Judges commitment to effective caseload management is demonstrated by their actions in holding lawyers to schedules, limiting continuances to situations in which good cause is shown, and allowing continuances only for short intervals.	3.6	3.3	1.8	3.3	3.8
The judges recognize the need to monitor the pace of litigation and are actively committed to seeing the court meet standards for expeditious case processing.	4	3.3	2.0	3.2	3.7
The court has adopted formal policies and procedures with respect to most or all areas of caseload management, and these policies are followed/enforced.	2.8	3.3	1.4	3.3	3.0

Graph 16

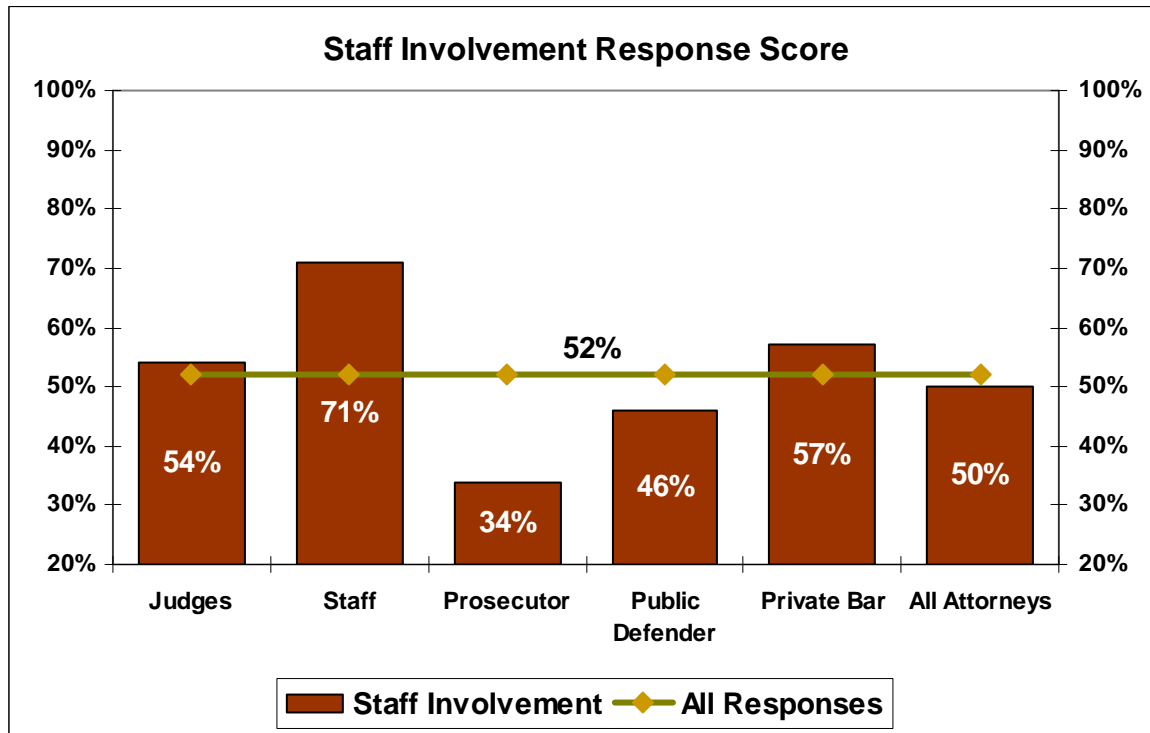


Table 12

Staff Involvement	Judge	Staff	Prosecutor	Public Defender	Private Bar
Members of the judges' support staffs (courtroom clerk, judges' secretaries, court security, etc.) are knowledgeable about caseload management principles and techniques, and use them in helping to manage caseloads and individual cases.	3.6	3.5	2.1	4.4	3.2
Judicial support staff notify the judges of cases that have been pending for long periods of time and cases in which there have been repeated continuances.	1.8	4	2.3	4.0	3.1
The court has a central staff unit that regularly monitors the caseload, identifies problems (e.g., pending caseload increasing, certain cases taking unduly long) and provides recommendations for action to the chief judge or other judge with administrative responsibility.	1.8	3.3	1.6	4.0	3.2
Judges' support staff provide help in achieving the court's goals (e.g., in contacts with attorneys, including scheduling cases for court dates).	2.8	3.5	2.0	3.0	3.1
Senior staff members regularly meet with judges in leadership positions to discuss caseload status and develop plans for addressing specific problems.	3.4	3.5	2.0	4.0	3.0

Graph 17

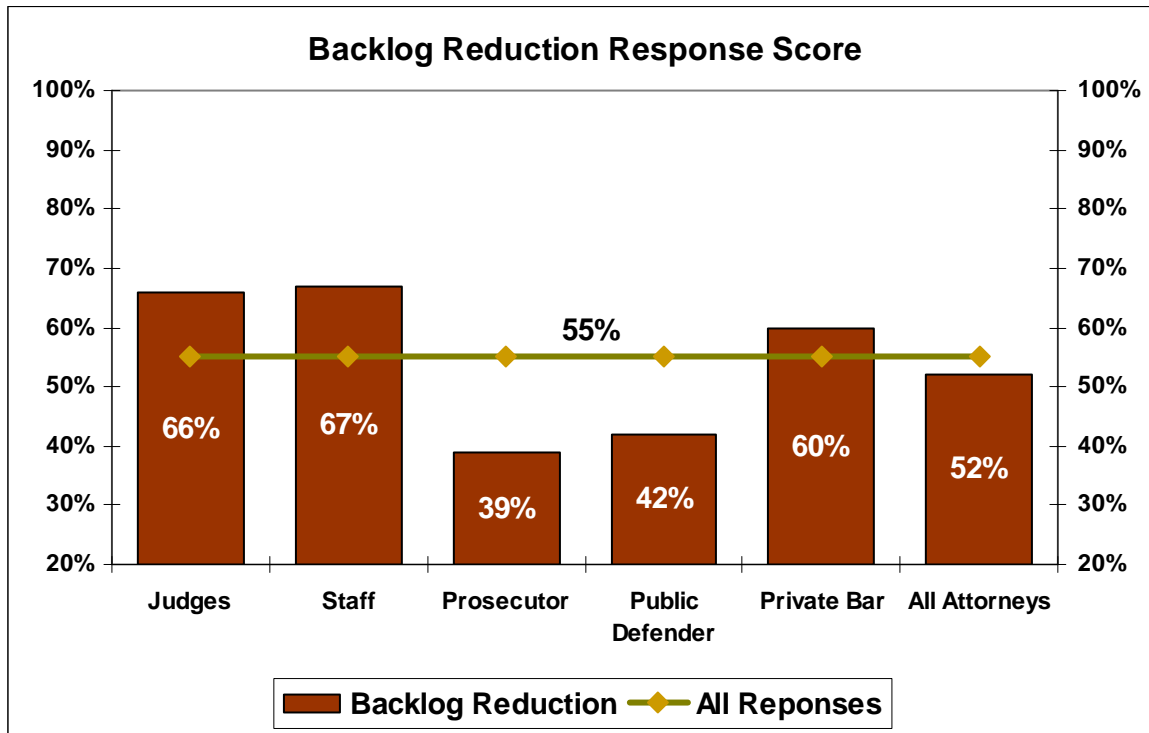
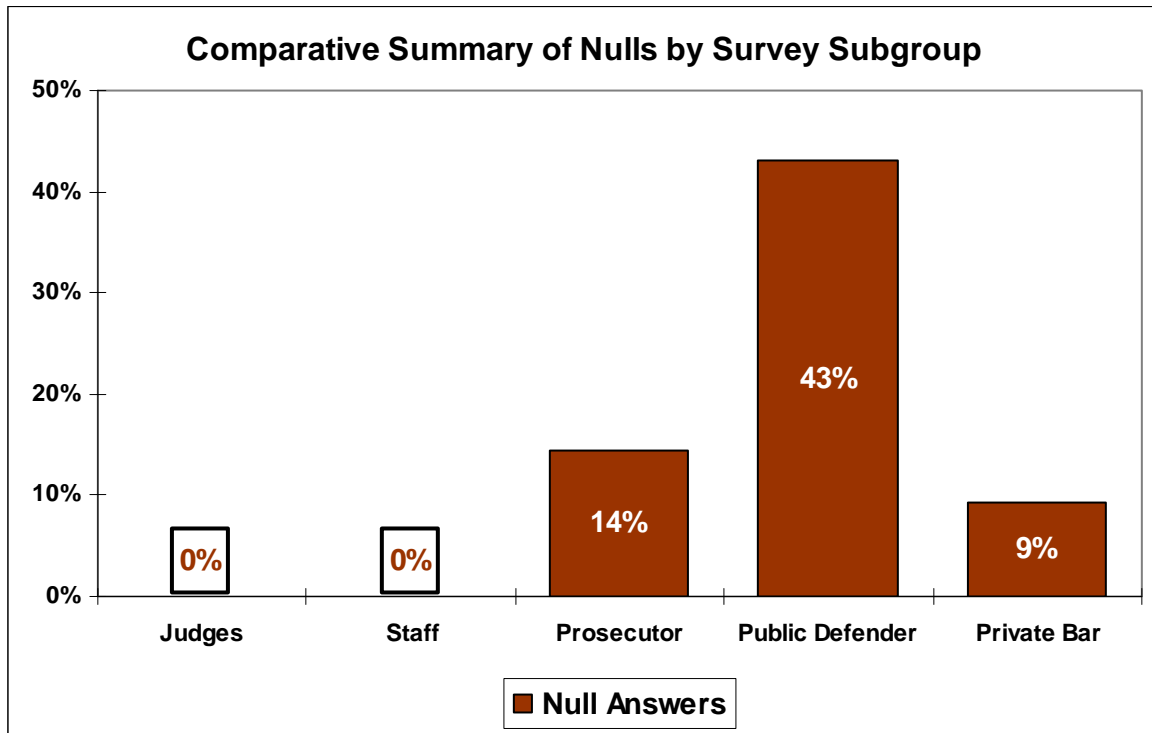


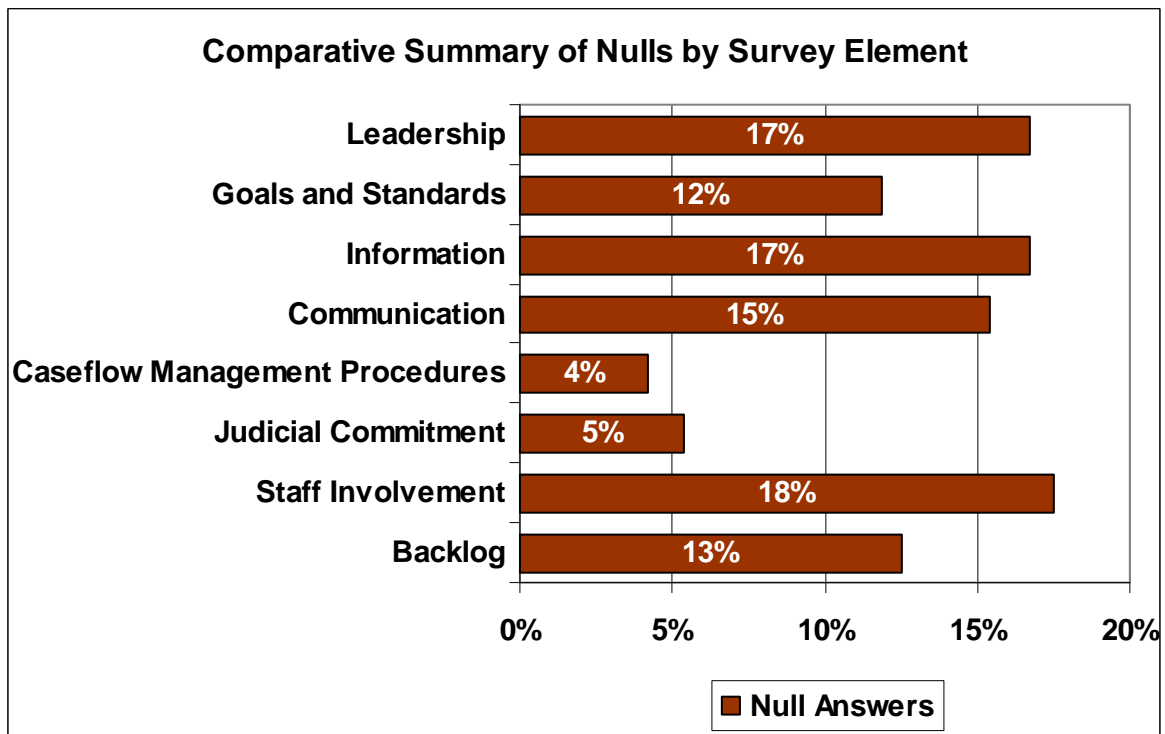
Table 13

Backlog	Judge	Staff	Prosecutor	Public Defender	Private Bar
The court has few or no cases pending for more than the maximum length of time established by its own case-processing time standards or, alternatively, the ABA case-processing time standards.	2.8	3.3	1.8	2.5	2.5
The court disposes of at least as many cases as are filed each year, in each general category of cases.	3.6	3.8	2.1	4.0	3.6
Judges who have responsibility for portions of the court's caseload periodically review the age and status of cases for which they are responsible.	3.4	3	2.8	3.5	3.6

Graph 18



Graph 19



On the following pages are the results of the frequency counts of the survey questions produced by SPSS®. The frequencies are not divided by subgroup and only show how all responses were accounted.

Table 14

Question 1 (Goals and Standards)

The court has adopted time standards that establish expected outside limits on case processing time from filing to disposition, for major categories of cases.

N	Valid	46
	Missing	2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No standards or guidelines	5	10.4	10.9	10.9
	No standards to Informal guidelines exist	9	18.8	19.6	30.4
	Informal guidelines exist	22	45.8	47.8	78.3
	Informal guidelines to Written standards	9	18.8	19.6	97.8
	Yes-Written standards have been adopted and published	1	2.1	2.2	100.0
	Total	46	95.8	100.0	
Missing	Missing	2	4.2		
Total		48	100.0		

Table 15**Question 2 (Information)**

Judges who have responsibility for all or part of the caseload regularly receive management information reports that enable them to know the number of pending cases for which they are responsible, the distribution of these cases by age since filing, and status of each case.

N	Valid	39
	Missing	9

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	2	4.2	5.1	5.1
	No to Some information	3	6.3	7.7	12.8
	Some information provided regularly	11	22.9	28.2	41.0
	Some information to All information regularly provided	6	12.5	15.4	56.4
	Yes-All of this information is regularly provided	17	35.4	43.6	100.0
	Total	39	81.3	100.0	
Missing	Missing	9	18.8		
Total		48	100.0		

Table 16

Question 3 (Communication)

When new caseload management programs or procedures are being considered, the court's leaders consult with leaders of other organizations that may be affected (e.g., bar, sheriff, prosecutor, public defender).

N	Valid	45
	Missing	3

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	5	10.4	11.1	11.1
	No to Sometimes	8	16.7	17.8	28.9
	Sometimes	13	27.1	28.9	57.8
	Sometimes to Yes	10	20.8	22.2	80.0
	Yes, as standard policy	9	18.8	20.0	100.0
	Total	45	93.8	100.0	
Missing	Missing	3	6.3		
Total		48	100.0		

Table 17

Question 4 (Caseflow Management Procedures)

The court counts every case as pending from the date that it is initially filed (or, in criminal cases in which the defendant has been arrested, from the date of arrest).

N	Valid	40
	Missing	8

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	3	6.3	7.5	7.5
	No to Some categories	1	2.1	2.5	10.0
	Some categories of cases	4	8.3	10.0	20.0
	Some categories to Yes	9	18.8	22.5	42.5
	Yes	23	47.9	57.5	100.0
	Total		40	83.3	100.0
Missing	Missing	8	16.7		
Total		48	100.0		

Table 18**Question 5 (Leadership)**

The chief judge (or the presiding or administrative judge of the division) has endorsed the court's (or the ABA's) case-processing time standards.

N	Valid	38
	Missing	10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	5	10.4	13.2	13.2
	No to Quiet support	7	14.6	18.4	31.6
	Quiet support within the court	13	27.1	34.2	65.8
	Quiet support to Yes	7	14.6	18.4	84.2
	Yes, publicly and emphatically	6	12.5	15.8	100.0
	Total	38	79.2	100.0	
Missing	Missing	10	20.8		
Total		48	100.0		

Table 19**Question 6 (Judicial Commitment)**

There is a commonly shared commitment, on the part of the judges, to the principle that the court has responsibility for ensuring expeditious case processing.

N	Valid	44
	Missing	4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No shared commitment	3	6.3	6.8	6.8
	No shared commitment to Some judges	1	2.1	2.3	9.1
	Some judges are committed	14	29.2	31.8	40.9
	Some judges to All judges	13	27.1	29.5	70.5
	Virtually all judges are committed	13	27.1	29.5	100.0
	Total	44	91.7	100.0	
Missing	Missing	4	8.3		
Total		48	100.0		

Table 20**Question 7 (Staff Involvement)**

Members of the judges' support staffs (courtroom clerk, judges' secretaries, court security, etc.) are knowledgeable about caseload management principles and techniques, and use them in helping to manage caseloads and individual cases.

N	Valid	45
	Missing	3

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	5	10.4	11.1	11.1
	No to Some	6	12.5	13.3	24.4
	Some	17	35.4	37.8	62.2
	Some to Yes	10	20.8	22.2	84.4
	Yes - virtually all are knowledgeable	7	14.6	15.6	100.0
	Total	45	93.8	100.0	
Missing	Missing	3	6.3		
Total		48	100.0		

Table 21**Question 8 (Backlog Reduction)**

The court has few or no cases pending for more than the maximum length of time established by its own case-processing time standards or, alternatively, the ABA case-processing time standards.

N	Valid	45
	Missing	3

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Don't know	15	31.3	33.3	33.3
	Many cases are older than the court's or ABA	7	14.6	15.6	48.9
	About 30% are older	10	20.8	22.2	71.1
	10-15% are older	13	27.1	28.9	100.0
	Total	45	93.8	100.0	
Missing	Missing	3	6.3		
Total		48	100.0		

Table 22**Question 9 (Communication)**

There are published policies and procedures governing the caseload process, readily available to judges, the court's staff, and bar members.

N	Valid	43
	Missing	5

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	12	25.0	27.9	27.9
	No to Exists for some	11	22.9	25.6	53.5
	Exist for some areas	13	27.1	30.2	83.7
	Exists for some to Yes	4	8.3	9.3	93.0
	Yes, cover all major caseload issues	3	6.3	7.0	100.0
	Total	43	89.6	100.0	
Missing	Missing	5	10.4		
Total		48	100.0		

Table 23**Question 10 (Leadership)**

The chief judge plays a leading role in initiating caseflow management improvements in the court.

N	Valid	42
	Missing	6

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	5	10.4	11.9	11.9
	No to Sometimes	2	4.2	4.8	16.7
	Sometimes	10	20.8	23.8	40.5
	Sometimes to Yes	11	22.9	26.2	66.7
	Yes	14	29.2	33.3	100.0
	Total		42	87.5	100.0
Missing	Missing	6	12.5		
Total		48	100.0		

Table 24**Question 11 (Goals and Standards)**

The judges are aware of the court's case-processing time standards.

N	Valid	40
	Missing	8

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No standards exist	6	12.5	15.0	15.0
	No standards to Some are aware	6	12.5	15.0	30.0
	Some are aware	13	27.1	32.5	62.5
	Some are aware to Yes - all	10	20.8	25.0	87.5
	Yes - all judges	5	10.4	12.5	100.0
	Total	40	83.3	100.0	
Missing	Missing	8	16.7		
Total		48	100.0		

Table 25**Question 12 (Information)**

Trial judges have, or can readily obtain, all information necessary to enable them to know the status of a case, its prior history in the court, and related cases involving the same parties.

N	Valid	41
	Missing	7

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	1	2.1	2.4	2.4
	No to Some information	2	4.2	4.9	7.3
	Some information usually available	7	14.6	17.1	24.4
	Some information to Yes	11	22.9	26.8	51.2
	Yes	20	41.7	48.8	100.0
	Total	41	85.4	100.0	
Missing	Missing	7	14.6		
Total		48	100.0		

Table 26**Question 13 (Caseflow Management Procedures)**

Potentially protracted or complicated cases are identified early for special attention.

N	Valid	47
	Missing	1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	10	20.8	21.3	21.3
	No to Sometimes	5	10.4	10.6	31.9
	Sometimes	18	37.5	38.3	70.2
	Sometimes to Yes	11	22.9	23.4	93.6
	Yes, systematically	3	6.3	6.4	100.0
	Total	47	97.9	100.0	
Missing	Missing	1	2.1		
Total		48	100.0		

Table 27**Question 14 (Communication)**

Consultation between judges and administrative staff about caseflow management policies and procedures occurs.

N	Valid	35
	Missing	13

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Rarely or never	1	2.1	2.9	2.9
	Rarely to Occasionally	3	6.3	8.6	11.4
	Occasionally, mainly when there are problems	15	31.3	42.9	54.3
	Occasionally to Regularly	11	22.9	31.4	85.7
	Regularly	5	10.4	14.3	100.0
	Total	35	72.9	100.0	
Missing	Missing	13	27.1		
Total		48	100.0		

Table 28**Question 15 (Leadership)**

The chief judge (or presiding or administrative judge of the division) regularly disseminates information on caseload status, trends and problems.

N	Valid	41
	Missing	7

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	5	10.4	12.2	12.2
	No to Sometimes	10	20.8	24.4	36.6
	Sometimes	8	16.7	19.5	56.1
	Sometimes to Yes	9	18.8	22.0	78.0
	Yes	9	18.8	22.0	100.0
	Total	41	85.4	100.0	
Missing	Missing	7	14.6		
Total		48	100.0		

Table 29**Question 16 (Judicial Commitment)**

Assess the difficulty of an attorney obtaining a continuance of a trial date or date for an evidentiary hearing.

N	Valid	47
	Missing	1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Easily obtained	11	22.9	23.4	23.4
	Easily obtained to Usually granted	8	16.7	17.0	40.4
	Atty must show cause but request usually granted	21	43.8	44.7	85.1
	Usually granted to Only substantial cause	7	14.6	14.9	100.0
	Total	47	97.9	100.0	
Missing	Missing	1	2.1		
Total		48	100.0		

Table 30**Question 17 (Staff Involvement)**

Judicial support staff notify the judges of cases that have been pending for long periods of time and cases in which there have been repeated continuances.

N	Valid	39
	Missing	9

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	8	16.7	20.5	20.5
	No to Some	6	12.5	15.4	35.9
	Some	12	25.0	30.8	66.7
	Some to Yes	6	12.5	15.4	82.1
	Yes	7	14.6	17.9	100.0
	Total	39	81.3	100.0	
Missing	Missing	9	18.8		
Total		48	100.0		

Table 31**Question 18 (Backlog Reduction)**

The court disposes of at least as many cases as are filed each year, in each general category of cases.

N	Valid	42
	Missing	6

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	3	6.3	7.1	7.1
	No to Some years/some categories	4	8.3	9.5	16.7
	Some years in some categories of cases	17	35.4	40.5	57.1
	Some years/some categories to Yes	13	27.1	31.0	88.1
	Yes, consistently	5	10.4	11.9	100.0
	Total	42	87.5	100.0	
Missing	Missing	6	12.5		
Total		48	100.0		

Table 32**Question 19 (Goals and Standards)**

The court's staff at all levels are aware of the court's case processing time standards and other caseflow management goals.

N	Valid	38
	Missing	10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No goals or standards	5	10.4	13.2	13.2
	No to Some are aware	9	18.8	23.7	36.8
	Some are aware	14	29.2	36.8	73.7
	Top staff are aware	7	14.6	18.4	92.1
	Yes	3	6.3	7.9	100.0
	Total	38	79.2	100.0	
Missing	Missing	10	20.8		
Total		48	100.0		

Table 33**Question 20 (Information)**

The court's recordkeeping system (including management information reports, whether automated or manual):

N	Valid	44
	Missing	4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Impedes effective caseflow management	2	4.2	4.5	4.5
	Is not helpful	15	31.3	34.1	38.6
	Has some helpful features	12	25.0	27.3	65.9
	Is helpful	11	22.9	25.0	90.9
	Greatly facilitates effective caseflow management	4	8.3	9.1	100.0
	Total	44	91.7	100.0	
Missing	Missing	4	8.3		
Total		48	100.0		

Table 34**Question 21 (Judicial Commitment)**

Judges commitment to effective caseflow management is demonstrated by their actions in holding lawyers to schedules, limiting continuances to situations in which good cause is shown, and allowing continuances only for short intervals.

N	Valid	46
	Missing	2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	6	12.5	13.0	13.0
	No to Inconsistent	2	4.2	4.3	17.4
	Inconsistent	18	37.5	39.1	56.5
	Inconsistent to Yes	15	31.3	32.6	89.1
	Generally, yes	5	10.4	10.9	100.0
	Total	46	95.8	100.0	
Missing	Missing	2	4.2		
Total		48	100.0		

Table 35**Question 22 (Caseflow Management Procedures)**

The system of scheduling cases for trials and evidentiary hearings provides attorneys and the court with certainty that a case will be reached on the scheduled date.

N	Valid	47
	Missing	1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Rarely	8	16.7	17.0	17.0
	Less than half the time	14	29.2	29.8	46.8
	50-70% of the time	15	31.3	31.9	78.7
	70-90% of the time	9	18.8	19.1	97.9
	90-100% of the time	1	2.1	2.1	100.0
	Total	47	97.9	100.0	
Missing	Missing	1	2.1		
Total		48	100.0		

Table 36**Question 23 (Staff Involvement)**

The court has a central staff unit that regularly monitors the caseload, identifies problems (e.g., pending caseload increasing, certain cases taking unduly long) and provides recommendations for action to the chief judge or other judge with administrative responsibility.

N	Valid	37
	Missing	11

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	7	14.6	18.9	18.9
	No to Some monitoring	11	22.9	29.7	48.6
	Some central staff monitoring	10	20.8	27.0	75.7
	Some monitoring to Yes	3	6.3	8.1	83.8
	Yes	6	12.5	16.2	100.0
	Total	37	77.1	100.0	
Missing	Missing	11	22.9		
Total		48	100.0		

Table 37**Question 24 (Goals and Standards)**

The court has time standards/guidelines governing the time interval between each major stage in the litigation process.

N	Valid	43
	Missing	5

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	16	33.3	37.2	37.2
	No to Covers some intervals	6	12.5	14.0	51.2
	Guidelines cover some but not all intervals	9	18.8	20.9	72.1
	Covers some intervals to Yes	9	18.8	20.9	93.0
	Yes	3	6.3	7.0	100.0
	Total	43	89.6	100.0	
Missing	Missing	5	10.4		
Total		48	100.0		

Table 38**Question 25 (Backlog Reduction)**

Judges who have responsibility for portions of the court's caseload periodically review the age and status of cases for which they are responsible.

N	Valid	39
	Missing	9

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Never	2	4.2	5.1	5.1
	Never to Occasionally	7	14.6	17.9	23.1
	Occasionally	14	29.2	35.9	59.0
	Occasionally to Yes	9	18.8	23.1	82.1
	Yes, at least once a month	7	14.6	17.9	100.0
	Total	39	81.3	100.0	
Missing	Missing	9	18.8		
Total		48	100.0		

Table 39**Question 26 (Leadership)**

The chief judge (or the presiding judge or administrative judge of the division) is widely regarded—by judges, staff, and others—as actively committed to reducing delays and implementing effective caseload management procedures.

N	Valid	47
	Missing	1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	4	8.3	8.5	8.5
	No to Mixed perceptions	6	12.5	12.8	21.3
	Mixed perceptions	16	33.3	34.0	55.3
	Mixed perceptions to Yes	11	22.9	23.4	78.7
	Yes	10	20.8	21.3	100.0
	Total	47	97.9	100.0	
Missing	Missing	1	2.1		
Total		48	100.0		

Table 40**Question 27 (Goals and Standards)**

The court's caseload management goals, and its performance in relation to the goals, are subjects of regular communication with the bar and media.

N	Valid	44
	Missing	4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	14	29.2	31.8	31.8
	No to Sporadic	12	25.0	27.3	59.1
	Sporadic communication	8	16.7	18.2	77.3
	Sporadic to Yes	6	12.5	13.6	90.9
	Yes	4	8.3	9.1	100.0
	Total	44	91.7	100.0	
Missing	Missing	4	8.3		
Total		48	100.0		

Table 41**Question 28 (Caseflow Management Procedures)**

Consultation with attorneys, by a judge or court staff member, occurs early in a case, to set deadlines for completion of stages of the case.

N	Valid	47
	Missing	1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	6	12.5	12.8	12.8
	No to Sometimes	11	22.9	23.4	36.2
	Sometimes	15	31.3	31.9	68.1
	Sometimes to Yes	9	18.8	19.1	87.2
	Yes	6	12.5	12.8	100.0
	Total	47	97.9	100.0	
Missing	Missing	1	2.1		
Total		48	100.0		

Table 42**Question 29 (Judicial Commitment)**

The judges recognize the need to monitor the pace of litigation and are actively committed to seeing the court meet standards for expeditious case processing.

N	Valid	46
	Missing	2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	4	8.3	8.7	8.7
	No to Some recognize need	3	6.3	6.5	15.2
	Some judges recognize need	23	47.9	50.0	65.2
	Some recognize need to Yes	8	16.7	17.4	82.6
	Yes	8	16.7	17.4	100.0
	Total	46	95.8	100.0	
Missing	Missing	2	4.2		
Total		48	100.0		

Table 43**Question 30 (Staff Involvement)**

Judges' support staff provide help in achieving the court's goals (e.g., in contacts with attorneys, including scheduling cases for court dates).

N	Valid	44
	Missing	4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	7	14.6	15.9	15.9
	No to Some	11	22.9	25.0	40.9
	Some	14	29.2	31.8	72.7
	Some to Yes	4	8.3	9.1	81.8
	Yes	8	16.7	18.2	100.0
	Total	44	91.7	100.0	
Missing	Missing	4	8.3		
Total		48	100.0		

Table 44

Question 31 (Leadership)

Judges who have administrative responsibility (e.g., chief judge, presiding judge of civil or criminal division) meet with the judges in their divisions to review the status of pending caseloads and discuss ways of dealing with common problems.

N	Valid	31
	Missing	17

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	1	2.1	3.2	3.2
	No to Occasionally	3	6.3	9.7	12.9
	Occasionally	10	20.8	32.3	45.2
	Occasionally to Yes	8	16.7	25.8	71.0
	Yes, at least once a month	9	18.8	29.0	100.0
	Total		31	64.6	100.0
Missing	Missing	17	35.4		
Total		48	100.0		

Table 45**Question 32 (Communication)**

Mechanisms for obtaining the suggestions of court staff about caseflow management problems and potential improvements exist and are used by the court leaders.

N	Valid	37
	Missing	11

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	8	16.7	21.6	21.6
	No to Occasionally	10	20.8	27.0	48.6
	Occasionally	10	20.8	27.0	75.7
	Occasionally to Yes	4	8.3	10.8	86.5
	Yes, regularly	5	10.4	13.5	100.0
	Total	37	77.1	100.0	
Missing	Missing	11	22.9		
Total		48	100.0		

Table 46

Question 33 (Caseflow Management Procedures)

Attorneys are ready to proceed on the scheduled trial date or evidentiary hearing date.

N	Valid	48
	Missing	0

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Rarely	7	14.6	14.6	14.6
	Less than half the time	14	29.2	29.2	43.8
	50-70% of the time	18	37.5	37.5	81.3
	70-90% of the time	7	14.6	14.6	95.8
	90-100% of the time	2	4.2	4.2	100.0
	Total	48	100.0	100.0	

Table 47**Question 34 (Leadership)**

The trial court administrator is widely regarded—by judges, staff, and others—as knowledgeable about caseload management principles and practices, familiar with the court’s caseload situation, and effective in recommending and implementing policy changes.

N	Valid	41
	Missing	7

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	9	18.8	22.0	22.0
	No to Mixed perceptions	5	10.4	12.2	34.1
	Mixed perceptions	15	31.3	36.6	70.7
	Mixed perceptions to Yes	3	6.3	7.3	78.0
	Yes	9	18.8	22.0	100.0
	Total	41	85.4	100.0	
Missing	Missing	7	14.6		
Total		48	100.0		

Table 48**Question 35 (Goals and Standards)**

The time required to complete case processing is generally within the time standards adopted by the court (or if no standards have been adopted by the court, does not exceed the ABA case-processing time standards).

N	Valid	43
	Missing	5

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Don't know	16	33.3	37.2	37.2
	Many cases over standards	11	22.9	25.6	62.8
	Fair performance in relation to standards	7	14.6	16.3	79.1
	Good performance; some improvement desirable	6	12.5	14.0	93.0
	Yes-the court is consistently within the standards	3	6.3	7.0	100.0
	Total	43	89.6	100.0	
Missing	Missing	5	10.4		
Total		48	100.0		

Table 49**Question 36 (Judicial Commitment)**

The court has adopted formal policies and procedures with respect to most or all areas of caseload management, and these policies are followed/enforced.

N	Valid	44
	Missing	4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Few or no areas are covered by formal policies	12	25.0	27.3	27.3
	Some formal policies; rarely enforced	6	12.5	13.6	40.9
	Some formal policies inconsistent enforcement	13	27.1	29.5	70.5
	Most areas have formal policies;	9	18.8	20.5	90.9
	Most areas covered by formal policies; enforcement	4	8.3	9.1	100.0
	Total	44	91.7	100.0	
Missing	Missing	4	8.3		
Total		48	100.0		

Table 50**Question 37 (Staff Involvement)**

Senior staff members regularly meet with judges in leadership positions to discuss caseload status and develop plans for addressing specific problems.

N	Valid	33
	Missing	15

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	4	8.3	12.1	12.1
	No to Occasionally	8	16.7	24.2	36.4
	Occasionally	9	18.8	27.3	63.6
	Occasionally to Yes	7	14.6	21.2	84.8
	Yes	5	10.4	15.2	100.0
	Total		33	68.8	100.0
Missing	Missing	15	31.3		
Total		48	100.0		

Table 51**Question 38 (Goals and Standards)**

The court has adopted goals for the frequency with which trials start on the scheduled date.

N	Valid	42
	Missing	6

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	10	20.8	23.8	23.8
	No to Informal expectations exist	4	8.3	9.5	33.3
	Informal expectations exist	15	31.3	35.7	69.0
	Informal expectations to Yes	6	12.5	14.3	83.3
	Yes	7	14.6	16.7	100.0
	Total	42	87.5	100.0	
Missing	Missing	6	12.5		
Total		48	100.0		

Table 52**Question 39 (Information)**

Key management information reports are widely distributed to judges and staff, and include short written analyses that highlight problems and issues.

N	Valid	36
	Missing	12

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	10	20.8	27.8	27.8
	No to Limited distribution	6	12.5	16.7	44.4
	Limited distribution; little analysis	7	14.6	19.4	63.9
	Limited distribution to Yes	9	18.8	25.0	88.9
	Yes	4	8.3	11.1	100.0
	Total	36	75.0	100.0	
Missing	Missing	12	25.0		
Total		48	100.0		

Table 53

Question 40 (Communication)

The court provides information about its caseload management goals and about its performance in relation to these goals to the media on a regular basis.

N	Valid	43
	Missing	5

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	14	29.2	32.6	32.6
	No to Occasionally	8	16.7	18.6	51.2
	Occasionally	13	27.1	30.2	81.4
	Occasionally to Yes	3	6.3	7.0	88.4
	Yes, regularly	5	10.4	11.6	100.0
	Total	43	89.6	100.0	
Missing	Missing	5	10.4		
Total		48	100.0		

Table 54

Question 41 (Caseflow Management Procedures)

Simple cases that may be amenable to swift disposition are identified are an early stage for special processing.

N	Valid	47
	Missing	1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Never	8	16.7	17.0	17.0
	Rarely	13	27.1	27.7	44.7
	Sometimes, mainly if counsel requests	12	25.0	25.5	70.2
	Some categories	11	22.9	23.4	93.6
	Yes, routinely of cases	3	6.3	6.4	100.0
	Total		47	97.9	100.0
Missing	Missing	1	2.1		
Total		48	100.0		

Table 55**Question 42 (Caseflow Management Procedures)**

How frequently are cases that have been scheduled for trial or evidentiary hearing continued because there are more ready cases than can be reached on the scheduled date?

N	Valid	47
	Missing	1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very frequently	9	18.8	19.1	19.1
	Frequently	15	31.3	31.9	51.1
	Occasionally	15	31.3	31.9	83.0
	Rarely	8	16.7	17.0	100.0
	Total	47	97.9	100.0	
Missing	Missing	1	2.1		
Total		48	100.0		

Table 56**Question 43 (Caseflow Management Procedures)**

Every pending case on the court's docket has a "next action" date scheduled.

N	Valid	45
	Missing	3

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Most do not	5	10.4	11.1	11.1
	Approximately 10-20% of cases have no next action date	4	8.3	8.9	20.0
	Approximately 20-40% of cases have no next action date	1	2.1	2.2	22.2
	Almost all cases have a next action date	16	33.3	35.6	57.8
	Yes	19	39.6	42.2	100.0
	Total	45	93.8	100.0	
Missing	Missing	3	6.3		
Total		48	100.0		

VII. CONCLUSIONS and RECOMMENDATIONS

After a recent caseload management review, the Nineteenth Judicial Circuit is interested in enhancing their felony case process through the increased use of staff. However, the literature suggests that before a court takes on any new caseload management initiatives it must first determine if it has the proper foundation necessary to support those actions. That foundation is formed in the prevailing principles of judicial leadership and commitment; goals and standards; monitoring and performance measurement and communication with the bar.

Judicial Leadership and Commitment

For much of the past twenty years, the Nineteenth Judicial Circuit has been a leader in the area of caseload management. In late 1986 the Circuit acknowledged and embraced the philosophy of court responsibility for case progress by establishing two divisions for a portion of its caseload and by realigning its judicial resources.

Since that time, the Circuit has continued to retool and realign itself to address emerging needs and trends. A leading contributor to the overall success of the Circuit has been its use of the backup/flex judge strategy. Nationally recognized for its achievements in this area,⁵¹ the Circuit values the importance of this strategy and continues to employ it in its everyday functions even when faced with the highest case filing to judge ratio in the State.⁵²

⁵¹ National Association of Counties, 1991 Achievement Award, Fault-Tolerant Case Management System of the Nineteenth Judicial Circuit.

⁵² Administrative Office of the Illinois Courts, **Annual Report of the Illinois Courts - Statistical Summary 2005**, AOIC, 2006.

Implementation of caseload divisions and the use of backup/flex judges would suggest that the Circuit possesses a solid level of judicial commitment to successful caseflow management and a similar level of leadership to effectuate change.

Results of the survey however, indicate that while judicial commitment has a stronger presence than does leadership both elements are in need of improvement. With survey scores of 56% for leadership and 58% for judicial commitment, further review reveals that each subgroup was more than ten percentage points apart in their scores. This would further suggest that the Circuit has been diminished in these elements because of the perception of the external groups.

Goals and Standards

As discussed earlier in this report, no formal case processing standards or goals have been adopted by the Nineteenth Judicial Circuit. However, there is an underlying belief that this fundamental principle is present. Having achieved an overall score of 49% for this element, the survey reveals that almost half of all attorneys that responded believe that there is some level of informal case processing standards and goals in place. That same belief was also voiced by more than half of the judges and staff polled. This belief may be due to the recent caseflow management review that occurred in the Circuit, its subsequent discussions and the recent realignment of the caseload in the felony division.

Monitoring and Performance Measurement

Results of the survey reveal that there are mixed perceptions in the areas of monitoring and performance measurement. Gauged by the survey elements of information, staff involvement and caseload management practices, the Circuit scored highest overall in the information element. Attaining a score of 63% for information suggests that this element has a moderate presence in the Circuit. Much of this success is likely attributable to the availability of several management reports within the system.

The element of case management practices received the next highest score in the survey by achieving a rate of 58%. Perceptions varied amongst the subgroups but scores between judges, staff and the private bar were within two percentage points of each other. The most notable finding in this element is that it received the least amount of unanswered questions resulting in a null response rate of only 4%. Therefore, it can be concluded that the survey respondents felt most confident in scoring this element.

That confidence translates to reveal that this element is in need of significant improvement. In particular, questions concerning trial date certainty and attorney readiness indicate that these events occur at best 50% of the time. Furthermore, the survey respondents also indicated that there are frequently more cases ready for trial than can be reached.

Questions concerning staff involvement again reflect varied responses amongst the subgroups. Perceptions held by the external groups reflect that there is limited staff involvement in the caseload process. These perceptions could be based on two differing levels of awareness. The first being that the survey participants may have had

little knowledge of staff duties and responsibilities and therefore answered the questions at the lower end of the scale. The other view could reflect that the participants recognize that since there are no formal case processing standards within the Circuit there is limited opportunity and requirement for caseload monitoring by staff. Similarly, these perceptions also reflect the lack of caseflow management practices within the Circuit which again would require an increased level of staff involvement. What was surprising though was that the perception on behalf of the judges differed from staff by 17 percentage points.

Communication with the Bar

This was the most disappointing element of the survey. The resulting response score of all Attorneys rated the Circuit very low in its efforts at 43%. What can be garnered from the survey is that lapses in communication occur primarily with published policies and procedures and with supplying information about goals and performance to the media. Regardless, the literature is abundantly clear in this aspect. Without a strong level of communication and consultation with the bar, new initiatives in caseflow management will not succeed.

Current status of the criminal felony caseload

It is apparent that the Nineteenth Judicial Circuit has a significant backlog of cases within its felony division. Examination of the clearance rates reveal that while the incoming workload level decreased for year 2007, the Division was unable to capitalize on that opportunity and instead further increased its inventory of pending cases. Much

of this decrease in productivity for 2007 could be attributable to the lack of a backup judge for the Division during most of the year.

One effect of this continually increasing level of caseload is that cases are older at time of disposition. When comparing dispositions from year 2006 to 2007, the average age of a case rose by ten days to 202. When comparing the Nineteenth Circuit to the ABA standard of 98% of cases disposed within 180 days from filings, the Circuit falls far short of this goal. For year 2006 the percentage of dispositions occurring within 180 days was 70%. The figure for year 2007 was only 68%. On the other hand, when looking at the standard for percent of cases disposed within one year of age, the Circuit fared much better. The resulting percentages were 90% for year 2006 and 87% for year 2007.

The frustration with these numbers is that they are based on a management report that does not capture periods of case inactivity. By adding in the additional 195 cases that would have met the 180 day standard for year 2006 that figure rises to 74%. While not a significant increase, it does reflect that the management report paints a dimmer picture of the caseload status.

The number of cases disposed of by trial in year 2006 represents approximately 2% of the total dispositions reported for that year. That figure is consistent with what other courts are experiencing on a national average.⁵³ What the research revealed was that on average these cases experience nearly six trial settings if the matter is a jury trial and five settings if the case proceeds to trial by judge. (See Table 5, Summary Report of Trial Settings) The trial setting practice in the Nineteenth Circuit involves a

⁵³ Shauna M. Strickland, **Beyond the Vanishing Trial: A Look at the Composition of State Court Dispositions**, NCSC, 2005.

five week rotation. Therefore, what can be interpreted from the Summary Report of Trial Settings table is that these cases are experiencing an average of 175-210 additional days of case processing time as they await trial.

This substantial amount of processing time was further supported by the survey responses. When asked how often a trial or evidentiary hearing is continued because there are more ready cases than can be reached, “frequently” and “occasionally” were the most often reported responses.

The overall findings of this research suggest that the current state of criminal felony case processing in the Nineteenth Judicial Circuit is in need of substantial improvement. While the Circuit has enjoyed a high degree of success in past years, those efforts have been diminished. Current caseload status figures together with the perceptions of the survey respondents suggest that the Circuit would benefit from an infusion of corrective actions.

Based on the preceding conclusions, the following Recommendations are hereby suggested:

Recommendations

(1) Formally adopt case processing goals and standards.

More than 30 years of research have all shown that “...courts...identified as consistently fast or as having made significant improvements...had some type of time standard in place.”⁵⁴ Since there is already the perception that informal standards exist,

⁵⁴ Barry Mahoney, Larry L. Sipes and Jeanne A. Ito, **Implementing Delay Reduction and Delay Prevention Programs in Urban Trial Courts: Preliminary Findings from Current Research**, NCSC, 1985, page 32.

adopting formal goals will allow the court to measure its efficiency, performance and accountability as it fulfills its mission to serve the public.

(2) Adopt and adhere to a strict trial continuance policy.

The Circuit is already on its way toward this effort with the recent implementation of Administrative Order 07-37 (See Appendix J) which requires the entry of a Trial Continuance Order outlining the reasons for the continuance. That directive will support the gathering of management report information which in turn will increase the level of staff involvement necessary to gather and analyze the data which ultimately increases the level of monitoring and performance measurement in the Circuit. Furthermore, other research suggest that "...[judicial] commitment is translated into action when the judges hold lawyers to schedules previously set and decline to grant continuances routinely, even when none of the parties objects."⁵⁵

(3) Revise the charter of the Case Management Committee to include a bench/bar education component.

The Circuit has already established a Case Management Committee that meets on an irregular basis. Expanding these efforts to include an educational component, separate from those offered through the Public Relations Committee, will increase the perception levels of communication and ultimately ensure future program success.

(4) Establish a management information reporting schedule.

The Circuit has several management information reports available for its use. This research reveals that caseload information is not being gathered and analyzed on

⁵⁵ **Loc. Cit.**

a routine basis. The routine use of the management information reports is the conduit to diagnose and possibly prevent case processing delays. In addition, the use of caseload information supports "...the critical components of leadership and [judicial] commitment to delay reduction. Court leaders who make delay reduction a real priority will want to know whether case processing time standards or goals are being met."⁵⁶

(5) Review current management information reports for specification updates.

This research revealed that certain management information reports were lacking in their ability to report the data in the manner necessary for use with CourTools. Most of the caseload information reports were developed more than a decade ago, and were developed for use in comparing the Circuit to other courts within the state of Illinois. However, since routine use of these reports is not occurring even on a local level, review of their specifications would be appropriate at this time. Particularly when used in support of an information reporting schedule.

(6) Develop a backlog reduction effort and seek temporary judicial resources to support this effort.

With the loss of the backup judge flexibility for most of year 2007, the felony division suffered setbacks in its ability to process cases. In order to capitalize on future caseload management efforts a backlog reduction strategy needs to be implemented.

(7) Explore the development and use of a "reasonable trial setting factor".

⁵⁶ **Ibid**, page 33.

As discussed in the literature, trial date certainty is a four-part approach: (i) maximize dispositions before setting specific trial dates; (ii) create realistic calendar-setting levels; (iii) institute a trial continuance policy; and (iv) establish a backup judge system. The Circuit already has one-fourth of this objective in place with the use of backup/flex judges. The next effort should be to maximize the level of dispositions through a backlog reduction effort together with instituting a trial continuance policy. These efforts will then prepare the Circuit to examine what its reasonable trial setting factor would be.

The preceding recommendations all serve to increase the level of staff involvement and ultimately increase the efficiency of felony case processing in the Nineteenth Judicial Circuit. However these recommendations also require a strong level of judicial leadership and commitment to institute new policy and effectuate change. Success has not been a stranger in the Nineteenth Circuit. Re-dedication to its caseload management policies and procedures will usher the Circuit to the forefront of performance within the state of Illinois.

VIII. APPENDICES

APPENDIX A

JUDGE	COURT LOCATION	DATE																																																							
9AM 1PM	CASE NAME <input style="width: 100%; height: 20px;" type="text"/> DOCKET NO.: <input style="width: 100%; height: 20px;" type="text"/> LENGTH: hrs _____ days _____ <input type="checkbox"/> BENCH <input type="checkbox"/> JURY _____ % TRIAL RATING	CASE NAME <input style="width: 100%; height: 20px;" type="text"/> DOCKET NO.: <input style="width: 100%; height: 20px;" type="text"/> LENGTH: hrs _____ days _____ <input type="checkbox"/> BENCH <input type="checkbox"/> JURY _____ % TRIAL RATING																																																							
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	Trial Calendar Guidelines <ul style="list-style-type: none"> The TOTAL Trial Rating for all cases should not exceed 140%. Bench trials should be scheduled for max. one day, even if multiple day trial. Jury trials should be scheduled for each day if multiple day trial. Trial Rating of any case not reached should be changed to 100% and re-scheduled accordingly. Case shall NOT be scheduled for trial longer than 60 days after PTC without Judge's authorization. DO NOT POST THIS CALENDAR. 																																																								
	2PM 4PM	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Tally Marks: (*max. 15)</th> <th style="width: 10%;">CMC or PTC</th> <th style="width: 25%;">Docket No.'s</th> <th style="width: 10%;">CMC or PTC</th> <th style="width: 25%;">Docket No.'s</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		Tally Marks: (*max. 15)	CMC or PTC	Docket No.'s	CMC or PTC	Docket No.'s																																																	
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Conference Calendar Guidelines <ul style="list-style-type: none"> Show cases assigned for conference by tally mark, type of event, and docket number. Case Management Conferences = 1 tally mark. 																																																									

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APPENDIX B

REPORT B ACTIVITY OF ALL CRIMINAL CASES

County: Lake
Circuit: 19th

Year: 2007
Quarter: 2nd

CATEGORY	CODE	BEGINNING PENDING*	NEW FILED	NO. OF DEFENDANTS REINSTATED NEW FILED	DISPOSED	ADJUSTMENT	END PENDING
CRIMINAL CONTEMPT	CC						
CRIMINAL FELONY	CF						
CRIMINAL MISDEMEANOR	CM						
TOTAL CRIMINAL							

***NOTE: THE BEGINNING PENDING NUMBER IS THE SAME NUMBER THAT YOU REPORTS AS YOUR END PENDING NUMBER FROM THE PREVIOUS QUARTER**

APPENDIX C

CourTools

Trial Court Performance Measures

National Center for State Courts

Clearance Rates

Measure

2

Definition: The number of outgoing cases as a percentage of the number of incoming cases.

Purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for any and all case types, from month to month and year to year, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements may be made. Courts should aspire to clear (i.e., dispose of) at least as many cases as have been filed/reopened/reactivated in a period by having a clearance rate of 100 percent or higher.

Method: Computing a clearance rate requires a count of incoming cases and outgoing cases during a given time period (e.g., year, quarter, or month).

Step 1 Incoming cases are summed using three kinds of cases: *New Filings*, *Reopened* cases, and *Reactivated* cases. If *Reopened* and *Reactivated* cases cannot be counted, just use *New Filings*.

Sum incoming cases	New Filings	812
	Reopened Cases	+ 162
	Reactivated Cases	+ 109
	Total Incoming Cases	= 1,083

Step 2 Outgoing cases are summed by using three kinds of dispositions: *Entry of Judgment*, *Reopened Dispositions*, and *Placed on Inactive Status*. If *Reopened Dispositions* and *Placed on Inactive Status* cases cannot be counted, just use *Entry of Judgment* cases.

Sum outgoing cases	Entry of Judgment	684
	Reopened Disposition	+ 137
	Placed on Inactive Status	+ 92
	Total Outgoing Cases	= 913

Step 3 The clearance rate is calculated by dividing the result of Step 2 by the result of Step 1.

Calculate clearance rate	$913 \div 1,083 = 84\%$
---------------------------------	-------------------------



Analysis and Interpretation

The process...

Plot incoming and outgoing cases over time



Calculate a clearance rate



	Outgoing	Incoming	Clearance Rate
Apr	855	843	= 101%
May	734	825	= 89%
June	635	774	= 82%
July	1,016	965	= 105%

partial data shown

Set a clearance rate goal



Monitor, analyze, take action



Clearance Rates

Measure



This chart shows clearance rates for two case types (Civil and Criminal) for six months. The Civil clearance rate was above the target level of 100 percent at the beginning of this period. However, the Criminal clearance rate was falling significantly below the target level. The court implemented new caseload management practices and redirected resources from the Civil calendar to the Criminal calendar to improve Criminal case processing. The chart shows that the Criminal clearance rate improved. By the end of the six-month period, the clearance rates for the two case types were in balance. Clearance rate data allow the court to see whether its caseload management changes had the desired effect.



Further analysis shows how clearance rates can be compared on an annual basis to assess the impact of new policies. For example, highlighting districts that reach a clearance rate target allows court managers to assess the effectiveness of caseload management practices across court divisions, court locations, or courtroom by courtroom.

Annual Clearance Rates for assessing comparative performance

	Criminal Cases	Above 100%	Civil Cases	Above 100%
District 1	87%		103%	X
District 2	105%	X	92%	
District 3	93%		102%	X
District 4	90%		101%	X
District 5	107%	X	83%	

Three years of data provides a more representative picture of clearance rate trends by smoothing yearly fluctuations.

3-Year Clearance Rates for analyzing trends

	2002	2003	2004	3-Year Average
District 3	105%	114%	99%	106%
District 2	106%	100%	101%	102%
District 1	100%	99%	97%	99%
District 4	99%	98%	95%	97%
District 5	96%	90%	89%	91%



Terms You Need to Know

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.

New Filing: A count of cases that have been filed with the court for the first time.

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.

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 judgments. When a Reopened Case is disposed of, report the disposition as a Reopened Disposition.

Reopened Disposition: A count of cases that were disposed of by a modification to, and/or enforcement of, the original judgment of the court. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

For a full discussion of these definitions, see the *State Court Guide to Statistical Reporting*, available at: www.ncsconline.org/d_research/statistical_reporting.

APPENDIX D

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.

The case processing time standards published by the American Bar Association (ABA) and those published by the Conference of State Court Administrators (COSCA) provide a starting point for determining guidelines. Many states and individual courts have adopted their own guidelines, and certain case types (e.g., juvenile) have been the focus of more detailed guidelines by a variety of organizations. Courts should take note of existing guidelines and rules of court in their jurisdiction when developing their own guidelines for each case type.

COSCA Case Processing Standards	ABA Case Processing Standards
<p>Civil</p> <ul style="list-style-type: none"> • Non-Jury Trial – 100% within 12 months • Jury Trial – 100% within 18 months 	<p>Civil</p> <ul style="list-style-type: none"> • 90% within 12 months • 98% within 18 months • 100% within 24 months
<p>Criminal</p> <ul style="list-style-type: none"> • Felony – 100% within 180 days • Misdemeanor – 100% within 90 days 	<p>Criminal</p> <ul style="list-style-type: none"> • Felony <ul style="list-style-type: none"> • 90% within 120 days • 98% within 180 days • 100% within 1 year • Misdemeanor <ul style="list-style-type: none"> • 90% within 30 days • 100% within 90 days
<p>Juvenile</p> <ul style="list-style-type: none"> • Detention and Shelter Hearings – 100% 24 hours • Adjudicatory or Transfer Hearings <ul style="list-style-type: none"> • Concerning a juvenile in a detention or shelter facility – 100% within 15 days • Concerning a juvenile not in a detention or shelter facility – 100% within 30 days 	<p>Juvenile</p> <ul style="list-style-type: none"> • Detention and Shelter Hearings – 100% 24 hours • Adjudicatory or Transfer Hearings <ul style="list-style-type: none"> • Concerning a juvenile in a detention or shelter facility – 100% within 15 days • Concerning a juvenile not in a detention or shelter facility – 100% within 30 days
<p>Domestic</p> <ul style="list-style-type: none"> • Uncontested – 100% within 3 months • Contested – 100% within 6 months 	<p>Domestic</p> <ul style="list-style-type: none"> • 90% within 3 months • 98% within 6 months • 100% within 1 year

Source: National Center for State Courts Web site, www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf.

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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?

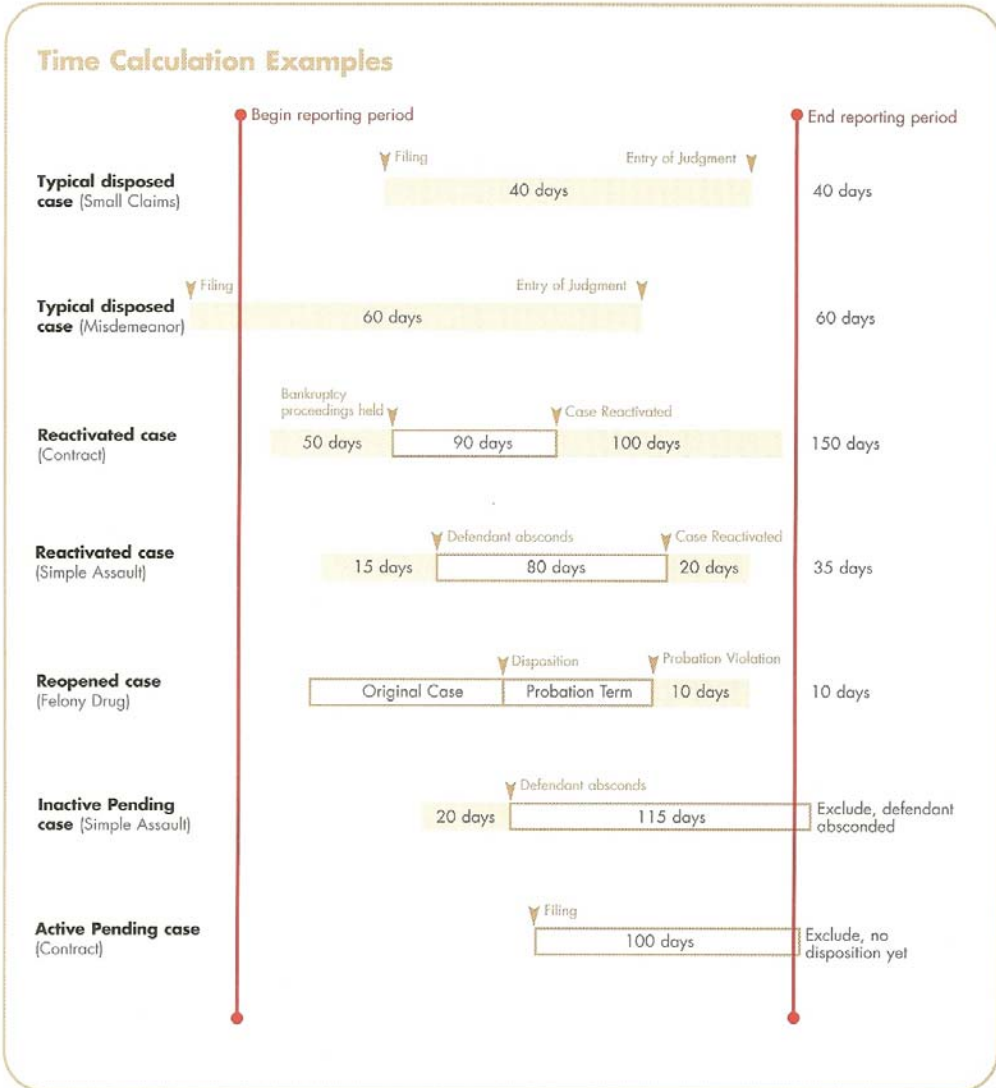
There are two kinds of cases for which the time to disposition can be computed. The first are typical cases that move through the system without interruption. When these cases are disposed or otherwise resolved by *Entry of Judgment* during the reporting period, they should be counted. The filing dates 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 to Disposition

Measure 3

Analysis and Interpretation

Superior Court

Division	Percentage of Cases Disposed				Number of Days	
	180 days		365 days		Mean	Median
	Current	Goal	Current	Goal		
Criminal	70%	98%	97%	100%	170	121
Civil	82%	na	95%	90%	151	93
Domestic	90%	98%	92%	100%	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- 100% at 365-Day Time Standard



This court has adopted the ABA standard for felony cases. The court was steadily improving, and nearly met this goal in June, but in the months following, time to disposition increased. The court needs to examine what happened in July and October to determine the source of the periodic drops in performance.

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

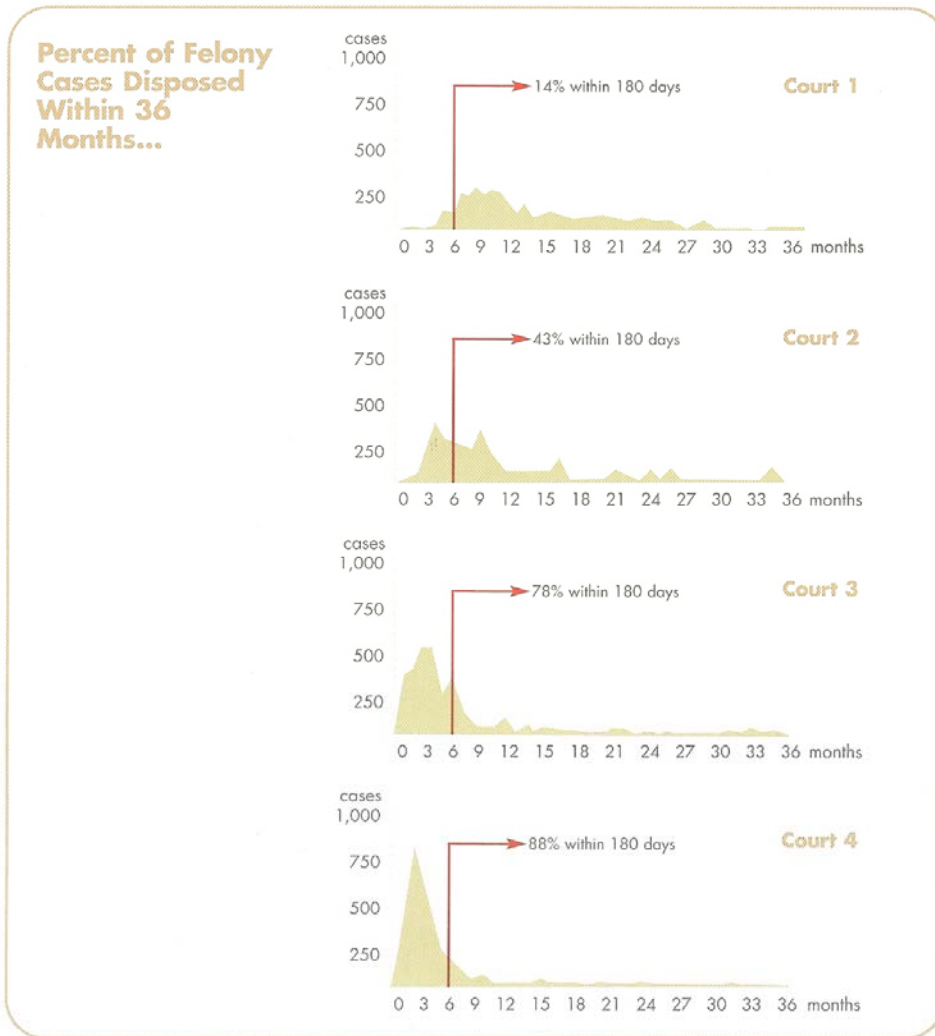


Increases in the criminal caseload caused the court to shift judicial officers from civil to criminal cases and initiate caseload management improvements in June. Time to disposition for criminal cases did improve, but without an increase in time to disposition for civil cases.



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.





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).

APPENDIX E

CourTools

Trial Court Performance Measures

National Center for State Courts

Age of Active Pending Caseload

Measure 4

Definition: The age of the active cases that are pending before the court, measured as the number of days from filing until the time of measurement.

Purpose: Cases filed but not yet disposed make up the court's pending caseload. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this pool of cases potentially requires court action. Examining the age of pending cases makes clear, for example, the number and type of cases drawing near or about to surpass the court's case processing time standards. Once the age spectrum of cases is determined, the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.


Method: For each case type being analyzed, the court should produce a report that calculates the time, in days, from filing of the case until the date established for the reporting period being examined (e.g., last day of the month, last day of the year). A report, similar to the one below, can be used to display the age of pending cases in time periods relevant to the court. Success in achieving a particular case processing time goal is easily monitored by referring to the Cumulative Percent column. In the example below, 85 percent of the General Civil cases are being disposed in 540 days or less, close to meeting the court's goal of resolving 90 percent within this timeframe.

Age of Active Pending Caseloads

General Civil				Felony			
Age (days)	Number of Cases	Percent	Cumulative Percent	Age (days)	Number of Cases	Percent	Cumulative Percent
0-90	344	18%	18%	0-60	438	21%	21%
91-180	410	21%	39%	61-120	559	26%	47%
181-270	245	13%	52%	121-180	785	37%	84%
271-365	267	14%	66%	181-240	82	4%	88%
366-450	189	10%	76%	241-300	92	4%	92%
451-540	168	9%	85%	301-365	123	6%	98%
541-630	90	5%	90%	over 365	32	2%	100%
631-730	124	6%	96%				
over 730	76	4%	100%				
Total	1,913			Total	2,111		

Approaches the court's goal of resolving 90% of cases within 18 months.

This measure should be used in conjunction with *Measure 2 Clearance Rates* and *Measure 3 Time to Disposition* to get an accurate picture of how a court is managing its caseload. For example, a court may have a high clearance rate, and score well on Measure 2, yet still be building up an inventory of older cases (evaluated by using Measure 4). This measure differs from *Measure 3 Time to Disposition* in that the cases being analyzed here have not reached a disposition in the court.



To use this measure accurately, a court must be able to identify and count cases that have been *Placed on Inactive Status*. These are cases that have ceased movement toward a disposition as the result of events beyond the court's control (e.g., a defendant who absconds, the initiation of bankruptcy proceedings, etc.). The ability of a court to track its pending cases will also allow the court to return an *Inactive* case to *Active* status if the case has been *Reactivated*. At the time of measurement, the court should remove *Inactive* cases from the pending inventory because these cases are not directly comparable to *Active* cases and will exaggerate the age of the pending caseload.

This measure should be taken on a regular (e.g., monthly, quarterly, or annual) basis. The measure can be used to report age of the pending caseload for any case type. (Primary case types are defined in the *State Court Guide to Statistical Reporting*.)

Sampling

This measure should be calculated for all cases in the Active Pending inventory. 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?

Only *Active Pending* cases are included in this measure, and other cases should be excluded. Rules for counting, as defined in the *State Court Guide to Statistical Reporting*, are summarized below and illustrated in the figure.

The most straightforward cases to count are those that are moving through the system without interruption and are active and pending at the time of measurement.

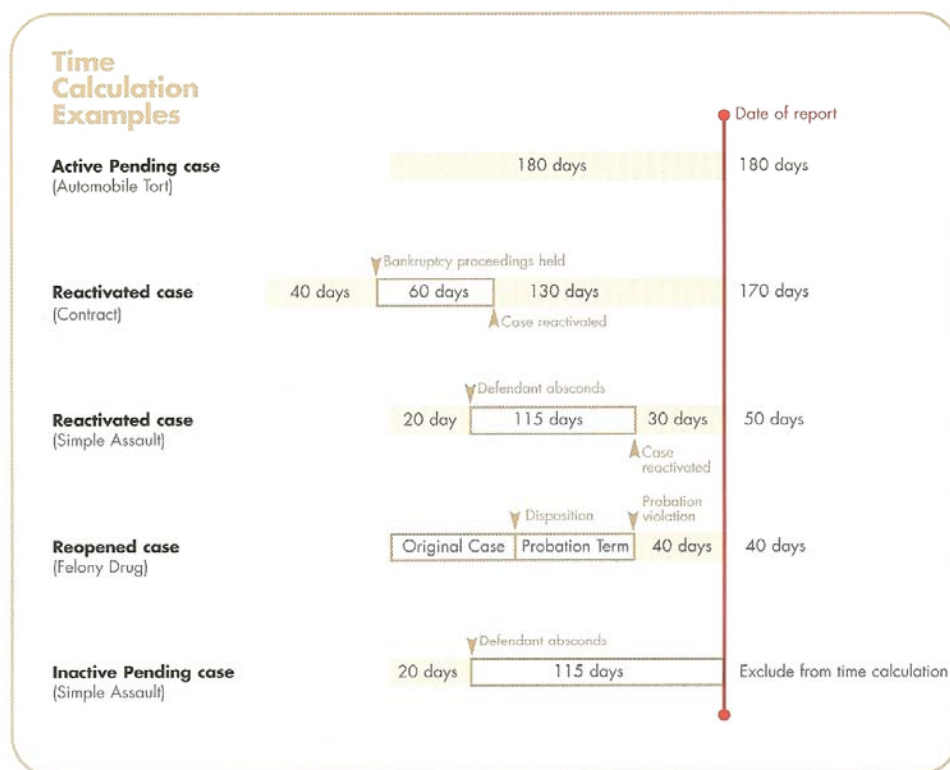
A second category are cases that had their progress interrupted and underwent a period of inactivity but were *Reactivated* by the court prior to the time of measurement. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, and case is *Reactivated*.



Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case is *Reactivated*.

A third category are cases in which judgment was previously entered, but which have been *Reopened* due to a request to modify or enforce existing judgments. These cases have been restored to the court's *Active Pending* caseload. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case.

A fourth category are cases that should not be included in this measure. These are cases that are in an official period of inactivity at the date of report. As these cases are considered to be among the court's *Inactive Pending* cases (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.





Age of Active Pending Caseload

Measure **4**

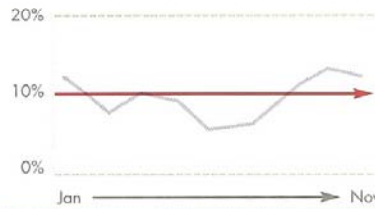
Analysis and Interpretation

The data collected for this measure allow the court to look at cases that are exceeding its time standards. *Measure 3 Time to Disposition* asks, "What percentage of our cases are being processed within our time standards?" *Measure 4* asks, "What percentage of our cases exceed our time standards?" A court may be handling its current caseload, but at the same time have old cases that are lingering on. The top graph indicates that this court is managing its caseload effectively, and at the 180-day mark, the court is close to its goal of having no more than 10 percent of its active cases pending beyond 180 days.

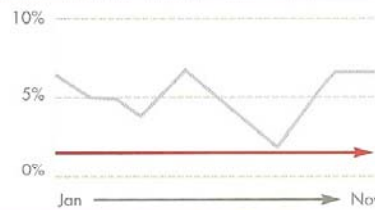
The bottom graph indicates, however, that the court is having a harder time meeting its standard at the 365-day mark. The red line indicates the goal is to have no more than 2 percent of its active caseload pending at 365 days from time of filing. The court is unable to meet this standard.

Identifying specific cases and analyzing their status (e.g., by location, by judge, by type of proceeding) will allow the court to know whether the active pending cases are being appropriately managed. In this example, the court has extracted descriptive information on cases pending beyond 365 days to begin its case-level analysis.

Percent of Cases Pending Beyond 180 days



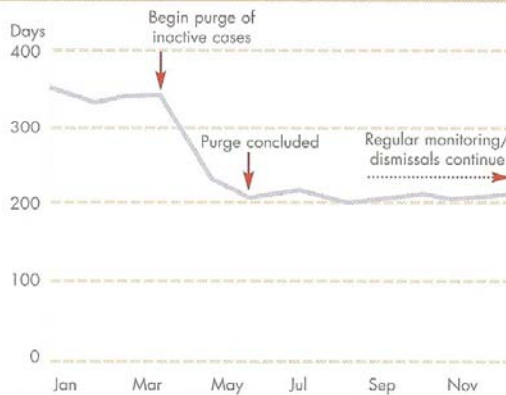
Percent of Cases Pending Beyond 365 days



Focusing on the cases that exceed 365 days...

Case Numbers	Case Type	Age-Days	Next Action	Location	Judge
SC-F-136	Murder	536	Jury Trial	Scott	Jonas
SC-F-468	Drug-Sale	382	Motion Hearing	Colton	Smith
SC-F-771	Fraud	439	Bench Trial	Jersey	Kearn

Median Age of Pending Civil Cases



Analysis of the age of the *Active Pending* caseload over time can be used to determine whether caseload management practices are having their intended effects. This figure shows how a court's decision to undertake an intensive program to identify and dispose of stagnant civil cases has caused a noticeable drop in the median age of its pending civil caseload. These stagnant cases appeared to be active cases, but examination of the files and communication with parties revealed the cases had either settled out of court or were no longer being pursued.

Who Sets Time Standards?

The Conference of State Court Administrators (COSCA) and the American Bar Association (ABA) have offered specific time standards for case processing. The question of whether these standards are attainable is an empirical one that remains largely unanswered. Time standards are expressed as the percentage of cases that should be resolved within a certain elapsed period. For example, the ABA offers the following standards:

Civil cases	Domestic cases	Felony cases
90% within 12 months	90% within 3 months	90% within 120 days
98% within 18 months	98% within 6 months	98% within 180 days
100% within 24 months	100% within 12 months	100% within 1 year

Juvenile cases

Detention & shelter: 100% within 24 hours

Adjudicatory or transfer (Detention or shelter): 100% within 15 days

Adjudicatory or transfer (Not in Detention or shelter): 100% within 30 days

Source: National Center for State Courts Web site, www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf.



Terms You Need to Know

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

Inactive Pending: A count of cases that, at the end of the reporting period, have been administratively classified as inactive. Such circumstances may be defined by statewide court administrative rule or order.

Percentile: A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged 120 days are in 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. The percentiles a court selects should be chosen based on its own state or local time standards or those suggested by the Conference of State Court Administrators (COSCA) or the American Bar Association (ABA).

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 judgments.

APPENDIX F

CourTools

Trial Court Performance Measures

National Center for State Courts

Trial Date Certainty

Measure

5

Definition: The number of times cases disposed by trial are scheduled for trial.

Purpose: A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of calendaring and continuance practices. For this measure, "trials" includes jury trials, bench trials (also known as non-jury trials or court trials), and adjudicatory hearings in juvenile cases.

Method: Measuring trial date certainty requires identifying all cases disposed by trial during a given time period (e.g., a year, quarter, or month). After the cases are identified, additional information must be collected to determine whether those cases were tried on the first date they were set for trial or were continued one or more times before the trial actually began.

Step 1: Create and Sort the List of Cases Disposed by Trial

Prepare a list of all of the cases disposed by trial during the reporting period and organize them by case type. Next examine the case record to determine the number of trial dates set in the case and record them. The *minimum number* of trial dates set for any case on this list will be 1, since all the cases on the list have at least one trial setting. The list should contain the case number, the type of case, the type of trial, and the number of trial dates set (including the date upon which the trial ultimately began).

After the list is compiled, it should be sorted within case types by trial type, and then by number of trial dates set. Sorting the list in this fashion will facilitate the creation of a summary table showing the number of cases of each type with one date set for the trial to begin, those with two trial-start dates, and so on, up to the maximum number of dates on which the trial was set to begin, by case type and type of trial.

Summary Table for Capturing Trial Dates

Court Case Number	Case Type	Trial Type	Number of Trial Dates Set
CV246-357	General Civil	Jury	1
CV555-121	General Civil	Jury	1
FE123-456	Felony	Jury	3
FE654-321	Felony	Bench	4
DO369-123	Domestic	Bench	2
DO212-609	Domestic	Bench	5
∨	∨	∨	∨
∨	∨	∨	∨
∨	∨	∨	∨



Step 2: Sort the Cases by Frequency of Trial Settings

Prepare a summary table from the sorted list. In the example below, the court had 73 general civil and felony cases disposed by trial during the reporting period, and has sorted them by case type and trial type into columns indicating how many times each case was set for trial. For example, the table below indicates there were 2 Felony Jury cases disposed by trial that were set for trial 1 time; 14 cases set for trial 2 times, 6 cases set for trial 3 times, and so on.

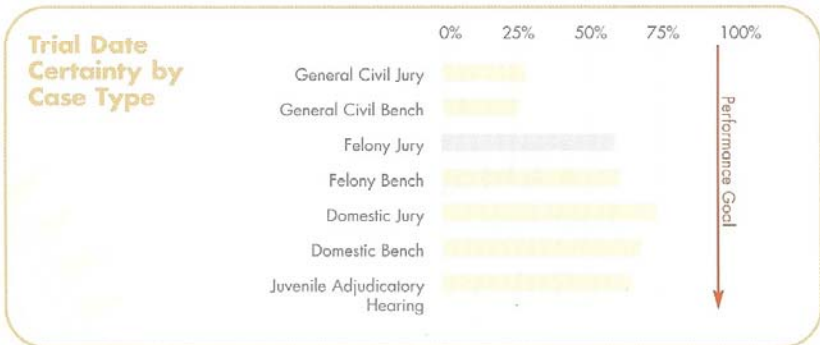
Case Type	Trial Type	Number of Settings								Total Cases
		One	Two	Three	Four	Five	Six	Seven	Eight	
General Civil	Jury	2	3	7	2	2	0	1	1	18
General Civil	Bench	2	2	6	3	1	1	0	0	15
Felony	Jury	2	14	6	3	2	1	0	0	28
Felony	Bench	3	4	2	2	1	0	0	0	12

Analysis and Interpretation

The first way to examine the data is to look at the proportion of cases that meet a specific performance goal set by the court for trial date certainty. For example, the court may seek to have 90 percent of its cases go to trial in no more than two trial settings. Excellent performance would be measured by 90 percent of the cases disposed by trial actually going to trial on the first or second scheduled trial date.

To illustrate, we use data from the table above for a single case type and a single trial type, Felony-Jury, to determine that 57 percent of the cases disposed by trial are meeting the court's goal: 90% of the cases disposed with 2 or fewer trial settings. This can also be determined for all case types and trial types, for comparison.

Cases with 1 trial setting	2
Cases with 2 trial settings	+14
Total	16
Total Cases Disposed	28
Percentage within standard	$16 \div 28 = 57\%$



Trial Date Certainty

Measure

5

Computing the Averages by Case Type

A second way to look at the data is to determine the average (mean) number of trial settings by case type. Averages should be interpreted with caution, since a few cases with a high number of trial settings will make the average appear artificially high.

To compute the average, first calculate the total number of trial settings by case type and trial type. Multiply the frequency label in the column heading by the number of cases in each row and add the results. Then divide the Total Trial Settings by the Total Cases Disposed by Trial for that case type/trial type combination to determine the average (mean) number of trial settings per case.

For example, the result in the column labeled "Three" settings for Felony Jury is 18 (3 x 6). Doing this calculation for each column across the Felony Jury row shows that there were 76 Total Trial Settings for the 28 cases of this case type and trial type. Dividing 76 by 28 results in the average: 2.7 trial settings per case.

Annual Summary Report of Trial Settings

Case Type	Trial Type	Number of Settings								Total Cases
		One	Two	Three	Four	Five	Six	Seven	Eight	
General Civil	Jury	2	3	7	2	2	0	1	1	18
General Civil	Bench	2	2	6	3	1	1	0	0	15
Felony	Jury	2	14	6	3	2	1	0	0	28
Felony	Bench	3	4	2	2	1	0	0	0	12
		3 x 6 = 18								
General Civil	Jury	2	6	21	8	10	0	7	8	62
General Civil	Bench	2	4	18	12	5	6	0	0	47
Felony	Jury	2	28	18	12	10	6	0	0	76
Felony	Bench	3	8	6	8	5	0	0	0	30

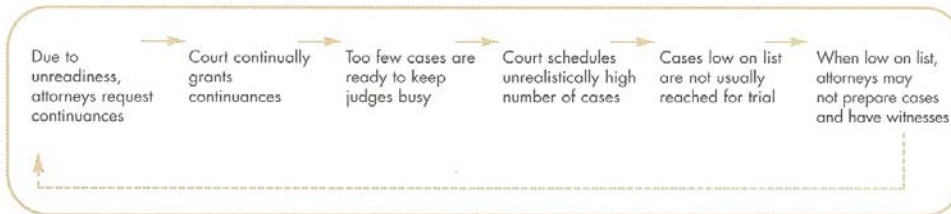
Calculate Average Number of Trial Settings

Case Type	Trial Type	Total Trial Settings	Total Cases	Average Trial Settings
General Civil	Jury	62	÷ 18	= 3.4
General Civil	Bench	47	÷ 15	= 3.1
Felony	Jury	76	÷ 28	= 2.7
Felony	Bench	30	÷ 12	= 2.5



Effect of Scheduling and Continuance Policy

Credible trial dates require a firm and consistently applied policy to limit the number of trial day continuances. If continuance practices are too lenient, attorneys are less likely to be properly prepared on the trial date, which increases the likelihood of a breakdown in the trial calendar. The result is judge and court staff time are wasted.



Source: Maureen Solomon, *Caseload Management in the Trial Court* (Chicago: American Bar Association, 1973), p.50.

Ongoing feedback on calendar dynamics greatly increases the odds that the court can sustain improvement in trial management. Addressing the larger issue of the underlying causes affecting trial date certainty is critical for creating the expectation that case events will proceed as scheduled. For example:

- *Is rescheduling often necessary because there are not enough judges to hear the cases on a given trial day?* If so, the trial-setting practices, whether explicit in formulas or intuitively applied by judges, need to be revised.
- *Are trials routinely rescheduled at the request of counsel (one or both)?* If so, it is likely that an initiative is needed to realign the attitudes of both bench and bar about the importance of trial date certainty. Judges should set trial dates in consultation with counsel to carefully consider necessary preparation time and their future schedule to avoid conflicts; bar members need to be convinced not to agree to a trial date they are not prepared to meet; the court should commit to having a judge available to try the case on the scheduled date; and requests for continuances should rarely be granted.

Terms You Need to Know

Bench Trial Disposition: A case disposition is counted as a bench trial disposition when the first evidence is introduced, regardless of whether a judgment is reached. Also known as a court trial or non-jury trial.

Jury Trial Disposition: A case disposition is counted as a jury trial disposition when the jury has been sworn, regardless of whether a verdict is reached.

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

Trial Disposition: Dispositions that involve an examination of facts and law presided over by a judicial officer in order to reach a judgment in a case. These include jury trials and bench trials (also known as non-jury trials or court trials). Adjudicatory hearings in juvenile cases are also counted as trials.

Trial Setting: Action taken by the court to set a date upon which a trial is scheduled to begin.

APPENDIX G

Trial Court Self-assessment Questionnaire

1. The court has adopted time standards that establish expected outside limits on case processing time from filing to disposition, for major categories of cases.

1	2	3	4	5
No standards or guidelines		Informal guidelines exist		Yes—written standards have been adopted and published

2. Judges who have responsibility for all or part of the caseload regularly receive management information reports that enable them to know the number of pending cases for which they are responsible, the distribution of these cases by age since filing, and status of each case.

1	2	3	4	5
No		Some information provided regularly		Yes—all of this information is regularly provided (at least monthly)

3. When new caseload management programs or procedures are being considered, the court's leaders consult with leaders of other organizations that may be affected (e.g., bar, sheriff, prosecutor, public defender).

1	2	3	4	5
No		Sometimes		Yes, as a standard policy

4. The court counts every case as pending from the date that it is initially filed (or, in criminal cases in which the defendant has been arrested, from the date of arrest).

1	2	3	4	5
No		Some categories of cases		Yes

5. The chief judge (or the presiding or administrative judge of the division) has endorsed the court's (or the ABA's) case-processing time standards.

1	2	3	4	5
No		Quiet support within the court		Yes, publicly and emphatically

6. There is a commonly shared commitment, on the part of the judges, to the principle that the court has responsibility for ensuring expeditious case processing.

1	2	3	4	5
No shared commitment		Some judges are committed		Virtually all judges are committed

7. Members of the judges' support staffs (courtroom clerk, judges' secretaries, court security, etc.) are knowledgeable about caseload management principles and techniques, and use them in helping to manage caseloads and individual cases.

1	2	3	4	5
No		Some		Yes—virtually all are knowledgeable and use the principles and techniques

8. The court has few or no cases pending for more than the maximum length of time established by its own case-processing time standards or, alternatively, the ABA case-processing time standards.

1	2	3	4	5
Don't know	Many cases are older than the court's (or ABA's)	About 30% are older	10-15% are over the standards	No cases or only a few are over the standards

9. There are published policies and procedures governing the caseload process, readily available to judges, the court's staff, and bar members.

1	2	3	4	5
No		Exist for some areas		Yes, cover all major caseload issues/areas

10. The chief judge plays a leading role in initiating caseload management improvements in the court.

1	2	3	4	5
No		Sometimes		Yes

11. The judges are aware of the court's case-processing time standards.

1	2	3	4	5
No standards exist		Some are aware		Yes—all judges

12. Trial judges have, or can readily obtain, all information necessary to enable them to know the status of a case, its prior history in the court, and related cases involving the same parties.

1	2	3	4	5
No		Some information usually available		Yes

13. Potentially protracted or complicated cases are identified early for special attention.

1	2	3	4	5
No		Sometimes		Yes, systematically

14. Consultation between judges and administrative staff about caseload management policies and procedures occurs.

1	2	3	4	5
Rarely or never		Occasionally, mainly when there are problems		Regularly

15. The chief judge (or presiding or administrative judge of the division) regularly disseminates information on caseload status, trends and problems.

1	2	3	4	5
No	Sometimes			Yes

16. Assess the difficulty of an attorney obtaining a continuance of a trial date or date for an evidentiary hearing.

1	2	3	4	5
Easily obtained upon request or stipulation	Attorney must show cause but request is usually granted		Can be obtained only on written request/motion and showing of substantial cause	

17. Judicial support staff notify the judges of cases that have been pending for long periods of time and cases in which there have been repeated continuances.

1	2	3	4	5
No	Some			Yes

18. The court disposes of at least as many cases as are filed each year, in each general category of cases.

1	2	3	4	5
No—filings consistently exceed dispositions	Some years, in some categories of cases			Yes, consistently

19. The court's staff at all levels are aware of the court's case processing time standards and other caseload management goals.

1	2	3	4	5
There are no goals or standards	Some are aware		Top staff are aware	Yes

20. The court's recordkeeping system (including management information reports, whether automated or manual):

1	2	3	4	5
Impedes effective caseload management	Is not helpful	Has some helpful features	Is helpful	Greatly facilitates effective caseload management

21. Judges commitment to effective caseload management is demonstrated by their actions in holding lawyers to schedules, limiting continuances to situations in which good cause is shown, and allowing continuances only for short intervals

1	2	3	4	5
Generally, no		Inconsistent		Generally, yes

22. The system of scheduling cases for trials and evidentiary hearings provides attorneys and the court with certainty that a case will be reached on the scheduled date.

1	2	3	4	5
Rarely	Less than half the time	50-70% of the time	70-90% of the time	90-100% of the time

23. The court has a central staff unit that regularly monitors the caseload, identifies problems (e.g., pending caseload increasing, certain cases taking unduly long) and provides recommendations for action to the chief judge or other judge with administrative responsibility.

1	2	3	4	5
No	Some central staff monitoring; occasional recommendations			Yes

24. The court has time standards/guidelines governing the time interval between each major stage in the litigation process.

1	2	3	4	5
No	Guidelines cover some but not all intervals			Yes

25. Judges who have responsibility for portions of the court's caseload periodically review the age and status of cases for which they are responsible.

1	2	3	4	5
Never	Occasionally		Yes, at least once a month	

26. The chief judge (or the presiding judge or administrative judge of the division) is widely regarded—by judges, staff, and others—as actively committed to reducing delays and implementing effective caseload management procedures.

1	2	3	4	5
No	Mixed perceptions		Yes	

27. The court's caseload management goals, and its performance in relation to the goals, are subjects of regular communication with the bar and media.

1	2	3	4	5
No	Sporadic communication		Yes	

28. Consultation with attorneys, by a judge or court staff member, occurs early in a case, to set deadlines for completion of stages of the case.

1	2	3	4	5
No		Sometimes		Yes

29. The judges recognize the need to monitor the pace of litigation and are actively committed to seeing the court meet standards for expeditious case processing.

1	2	3	4	5
No		Some judges recognize the need		Yes

30. Judges' support staff provide help in achieving the court's goals (e.g., in contacts with attorneys, including scheduling cases for court dates).

1	2	3	4	5
No		Some		Yes

31. Judges who have administrative responsibility (e.g., chief judge, presiding judge of civil or criminal division) meet with the judges in their divisions to review the status of pending caseloads and discuss ways of dealing with common problems.

1	2	3	4	5
No		Occasionally		Yes, at least once a month

32. Mechanisms for obtaining the suggestions of court staff about caseload management problems and potential improvements exist and are used by the court leaders.

1	2	3	4	5
No		Occasionally		Yes, regularly

33. Attorneys are ready to proceed on the scheduled trial date or evidentiary hearing date.

1	2	3	4	5
Rarely	Less than half the time	50-70% of the time	70-90% of the time	90-100% of the time

34. The trial court administrator is widely regarded—by judges, staff, and others—as knowledgeable about caseload management principles and practices, familiar with the court's caseload situation, and effective in recommending and implementing policy changes.

1	2	3	4	5
No		Mixed perceptions		Yes

35. The time required to complete case processing is generally within the time standards adopted by the court (or if no standards have been adopted by the court, does not exceed the ABA case-processing time standards).

1	2	3	4	5
Don't know	Many cases over standards	Fair performance in relation to standards	Good performance; some improvement desirable	Yes—the court is consistently within the standards

36. The court has adopted formal policies and procedures with respect to most or all areas of caseload management, and these policies are followed/enforced.

1	2	3	4	5
Few or no areas are covered by formal policies	Some formal policies; rarely enforced	Some formal policies inconsistent enforcement	Most areas have formal policies; enforcement needs some improvement/ is consistent	Most areas covered by formal policies; enforcement

37. Senior staff members regularly meet with judges in leadership positions to discuss caseload status and develop plans for addressing specific problems.

1	2	3	4	5
No		Occasionally		Yes

38. The court has adopted goals for the frequency with which trials start on the scheduled date.

1	2	3	4	5
No		Informal expectations exist		Yes

39. Key management information reports are widely distributed to judges and staff, and include short written analyses that highlight problems and issues.

1	2	3	4	5
No		Limited distribution Little analysis		Yes

40. The court provides information about its caseload management goals and about its performance in relation to these goals to the media on a regular basis.

1	2	3	4	5
No		Occasionally		Yes, regularly

41. Simple cases that may be amenable to swift disposition are identified as an early stage for special processing.

1	2	3	4	5
Never	Rarely	Sometimes, mainly If counsel requests	Some categories	Yes, routinely of cases

42. How frequently are cases that have been scheduled for trial or evidentiary hearing continued because there are more ready cases than can be reached on the scheduled date?

1	2	3	4	5
Very frequently	Frequently	Occasionally	Rarely	Never

43. Every pending case on the court's docket has a "next action" date scheduled.

1	2	3	4	5
Most cases do not have next action dates scheduled	Approximately 10-20% of cases have no next action date scheduled	Approximately 20-40% of cases have no next action date scheduled	Almost all cases have a next action date scheduled	Yes

44. The following caseflow management information is readily available and regularly used: (Y= Yes; N= No)

<u>Available</u>	<u>Used</u>	<u>Information</u>
_____	_____	Number of pending cases, by case type
_____	_____	Age of pending cases (frequency distribution, within age categories)
_____	_____	Change in the number and age of pending cases since last report or since previous year
_____	_____	Age of pending caseload compared to time standards
_____	_____	Percentage of trials starting on first scheduled trial date
_____	_____	Number of continuances of scheduled events in each case
_____	_____	Reasons for each continuance
_____	_____	Number and proportion of dispositions by type of disposition
_____	_____	Annual filings and dispositions, by case type

Thank you for participating in this survey. If you would like to provide any additional comments to this questionnaire, please do so on the sheet provided along with this mailing. Once completed, please return your questionnaire and any additional comments, in the self-addressed stamped envelope included with this mailing to:

Nineteenth Judicial Circuit
 Attn: Patrice Evans
 18 N. County Street
 Waukegan, IL 60085

APPENDIX H



CIRCUIT COURT
NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

The Chambers of
VICTORIA A. ROSSETTI
Circuit Judge

18 North County
Waukegan, IL 60085
(847) 377-3852
TDD (847) 360-2975

September 25, 2007

Dear Bar Member:

As part of our continuing effort to examine and improve our caseflow management, the Court is currently reviewing its felony caseload, processes and procedures. Particular to this examination, we are surveying judges, staff and attorneys who practice in the Nineteenth Judicial Circuit so that we may better understand the foundation of our current structure.

To assist us in this effort, I would ask that you please complete the enclosed questionnaire and return it in the self-addressed stamped envelope provided no later than October 12, 2007. This is an anonymous survey and your input is greatly appreciated.

Once again, I appreciate your time and assistance in this effort. Your responses and comments will be used to assist the Court in developing improvements to our case processing methods that support our mission of striving to achieve the highest standards of excellence in the areas of Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; Independence and Accountability; and Public Trust and Confidence.

Sincerely,

A handwritten signature in cursive script that reads "Victoria A. Rossetti".

VICTORIA A. ROSSETTI
Presiding Judge, Felony Division

VAR/ple
Enclosure

APPENDIX I



**CIRCUIT COURT
NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

The Chambers of
VICTORIA A. ROSSETTI
Circuit Judge

18 North County
Waukegan, IL 60085
(847) 377-3852
TDD (847) 360-2975

December 18, 2007

Dear Bar Member,

As you may recall, this past September we asked you to participate in a survey concerning our efforts in examining our criminal felony caseflow management procedures. Many of you did respond to the survey and your participation is greatly appreciated. Unfortunately, we found a mistake in the coding of the survey and we are therefore asking you to complete another survey.

Although there are 44 questions on the survey, it should take you no longer than 20 minutes to complete it. As stated earlier, this is an anonymous survey and we value your input. Please complete the enclosed questionnaire and return it in the self-addressed stamped envelope provided no later than January 10, 2008.

We recognize that this is a lengthy survey and completing it twice is an inconvenience. However, your responses and comments will be used to assist the Court in developing improvements to our case processing methods and procedures. Thank you for your time and consideration.

Sincerely,

VICTORIA A. ROSSETTI
Presiding Judge, Felony Division

VAR/ple
Enclosure

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