

**MEASURE**

**Time to Disposition**

**DEFINITION**

The percentage of cases (appeals/original proceedings) disposed of within established time guidelines.

**PURPOSE**

Timeliness is an essential aspect of resolving cases and providing the finality for which the appellate process is designed. This measure, used in conjunction with [Measure 3 \(Clearance Rates\)](#) and [Measure 4 \(Age of Active Pending Caseload\)](#), is a fundamental management tool used to assess the length of time it takes a court to process cases. This measure can be used to compare a court's performance to its own benchmarks and to state or national guidelines for timely case processing. Furthermore, when the underlying data conform to the definitions and counting rules in the appellate section of the *State Court Guide to Statistical Reporting*, the measure takes into account periods of inactivity beyond the court's control and provides a method for meaningful measurement across all case types.

**Case Processing Time Standards**

<u>Courts of Last Resort</u>	<u>50% of cases processed within...</u>	<u>90% of cases processed within...</u>
ABA Time Standards	290 days	365 days
Sample State Standards	270 days	570 days
<u>Intermediate Appellate Courts</u>	<u>75% of cases processed within...</u>	<u>95% of cases processed within...</u>
ABA Time Standards	290 days	365 days
Sample State Standards	365 days	540 days
Civil	400 days	
Criminal	375 days	
Juvenile	275 days	
Workers' Compensation	300 days	

Source: American Bar Association, Judicial Administration Division, *Standards Relating to Appellate Courts*. (Chicago: American Bar Association, 1994). State guidelines: [www.ncsconline.org/cpts/cptsType.asp](http://www.ncsconline.org/cpts/cptsType.asp).



This measure requires that a court have a set of time standards against which to compare the time to disposition for their cases. If a court does not already have such guidelines in place, they can use the case processing time standards published by the American Bar Association (ABA), the pace of litigation as measured in *Time on Appeal*, or the guidelines of another state as starting points for creating them. As seen in the examples, time guidelines can be expressed in a number of ways. It is recommended that, at a minimum, guidelines be developed by case type (e.g., appeal by right felony (non-death penalty), appeal by permission family, original proceeding writ application, etc.).

## METHOD

This measure can be taken for overall time from filing to disposition and should be reviewed on a regular basis (e.g., quarterly, annually) in order to observe trends as they develop.

### **Step 1: *Compile a List of Disposed Cases***

For each appellate case type, compile a list of all cases disposed of within the reporting period. All cases that meet this qualification should be included, regardless of when they were originally filed. Depending on the case type, this means that some cases disposed of in the reporting period will have been filed a year or more before (e.g., an appeal in a death penalty case) while others (e.g., an original proceeding writ application) might have been filed more recently.

Cases that meet the disposition qualification, but that were inactive at some point should also be included in the list. An example of this kind of case would be a civil appeal in which one of the parties filed for bankruptcy. Once the bankruptcy proceedings were completed in Federal court, the appeal resumed its course in the state appellate court. As seen in Step 2, the time during which the case was inactive is subtracted from the calculation of the total number of elapsed days.

### **Step 2: *Calculate the Total Number of Elapsed Days***

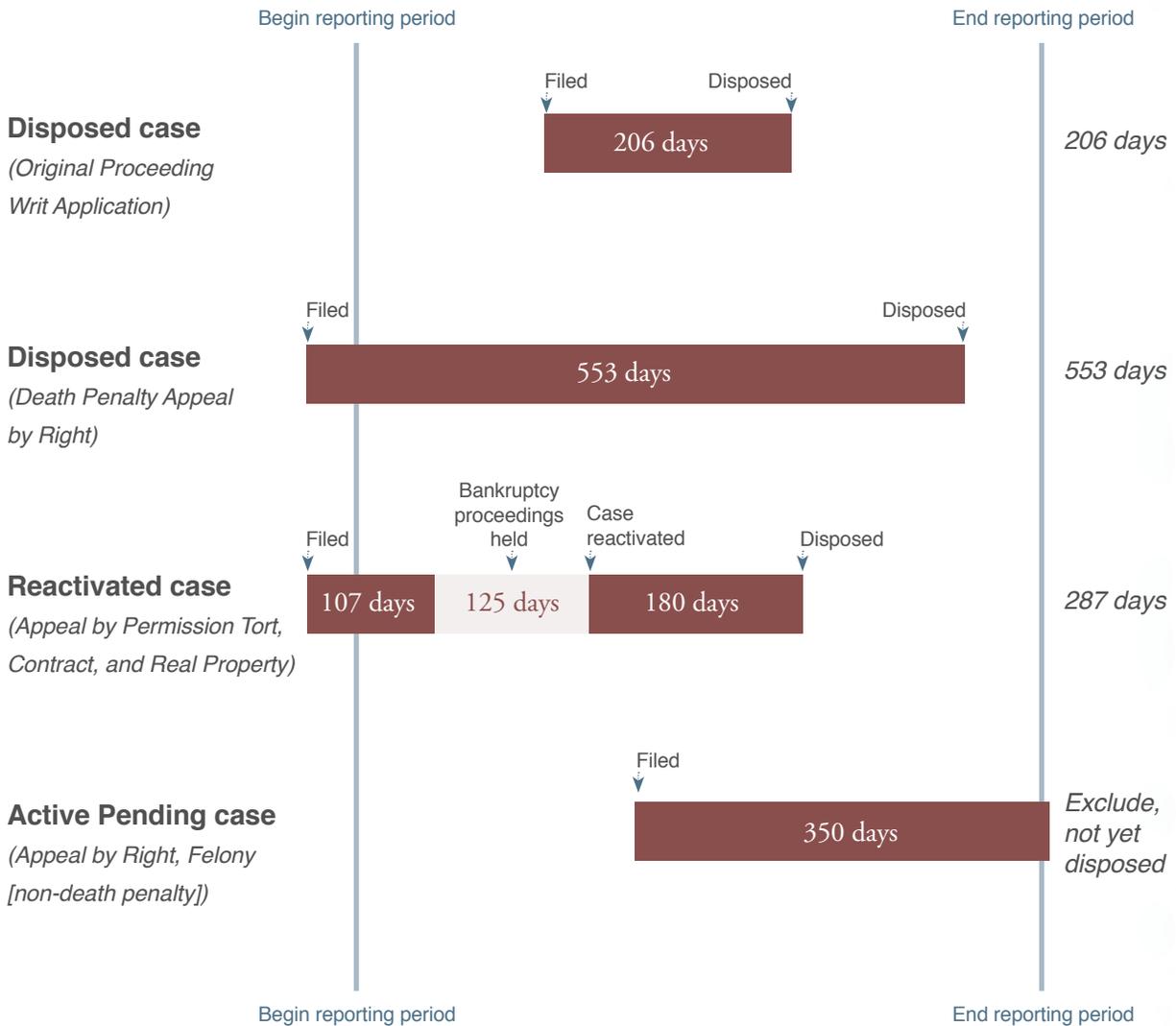
Dates of key events in the life of each case must be extracted from the case management system. At a minimum these are the date of filing, date of disposition, and, if applicable, the date placed on inactive status and the date reactivated (or returned to active status).

Once the dates of key events have been gathered, the number of days between those events can be determined, and the total number of days from filing to disposition can be calculated.

### Step 3: Apply the Time Standard

For each case type, the court should compare the time to disposition for its cases to the time guidelines that it has adopted.

## Time Calculation Examples



**MEASURE**

**Time to Disposition**

**ANALYSIS & INTERPRETATION**

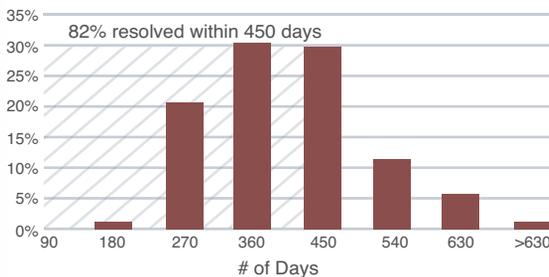
**Applying Intermediate Appellate Court Time Standards**

	<u>Percentage of Cases Disposed within...</u>				<i>Number of Days</i>	
	<i>450 Days</i>		<i>630 Days</i>		<i>Mean</i>	<i>Median</i>
	<b>Actual</b>	<b>Standard</b>	<b>Actual</b>	<b>Standard</b>		
<b>Appeal by Right</b>						
Criminal	54%	70%	92%	95%	524	449
Civil	83%	75%	96%	100%	401	399
Administrative Agency	75%	75%	100%	100%	434	416

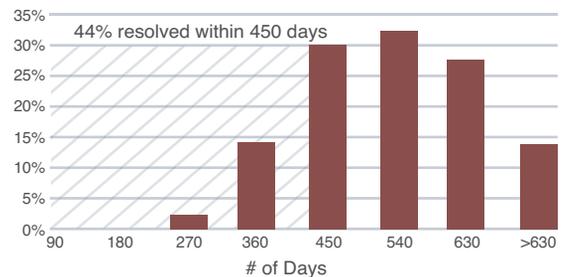
This table summarizes time to disposition in one court for three appeal by right case types. As seen, the court is meeting its time guideline for disposing 75 percent of civil and administrative agency appeal by right cases within 450 days as well as its goal to dispose of all administrative agency appeal by right cases within 630 days. Unfortunately, the court is falling short of its time guideline to dispose of all civil appeal by right cases within 630 days as well as both the 75th and 95th percentile time goals for criminal appeal by right cases. Based upon these results, the court should examine its criminal appeal by right caseload management practices, specifically the practices of the first year since that is the time period for which the court is furthest from its goal.

**Percent of Appeal by Right Criminal Cases Resolved within Select Time Periods**

**Misdemeanor**



**Felony**



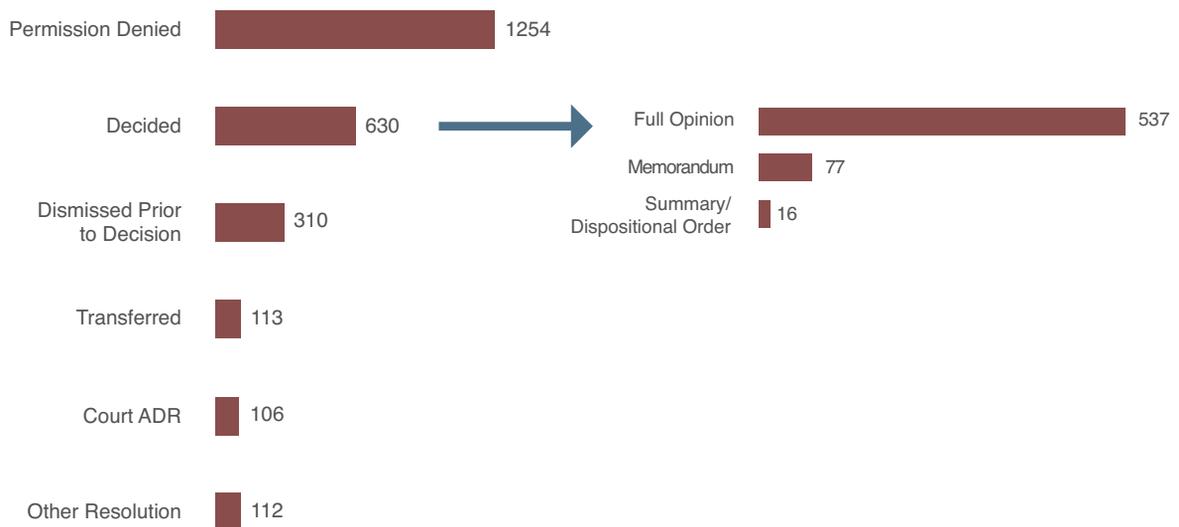
A closer review of the disposed appeal by right criminal cases reveals that the court is effectively managing misdemeanor appeals, disposing of the majority (82 percent) of those appeals within 450 days. As expected, felony appeals require more time, and the court disposes of only 44 percent of those appeals at the same 450-day mark. The court disposes of an additional 32 percent of felony appeals in the next 90 days, but takes longer to resolve the remaining 24 percent of its felony caseload. While the complexity of felony cases on appeal may be the cause for longer time to disposition in some cases, the court should monitor these cases and consider what actions it can take to keep them moving toward disposition.

More detailed Time to Disposition analysis can also be done if a court is able to collect a few additional data elements. The graphic below depicts the results of this analysis.

### Manner of Disposition/Type of Court Opinion<sup>1</sup>

- Divide disposed cases into manner of disposition categories: Permission Denied, Decided, Dismissed Prior to Decision, Transferred, Court ADR, and Other.
- Divide Decided cases into the types of court opinion: Full Opinion, Memorandum, Summary/Dispositional Order.
- Using these finer distinctions will make the interpretation of the results more straightforward and thus make the information provided by this measure more useful for the court in managing its cases.

### Manner of Disposition by Status Category in an Appellate Court



### Milestones Within the Life of a Case

Analysis of the time between case milestones can help the court pinpoint where delay takes place, if delay is detected in the results. For this more detailed analysis, the court should retrieve from the case management system the dates for key events such as when the record is filed, when briefing is complete, when the case is assigned, and when oral argument is held. Knowing that too much time elapses between the filing of the case and the filing of the record, for example, allows the court to strategize about how to reduce the time in this stage of the case, thus reducing overall time to disposition.

<sup>1</sup> See the *State Court Guide to Statistical Reporting*, for Manner of Disposition and Type of Court Opinion definitions: [www.ncsconline.org/D\\_Research/csp/CSPStatisticsGuidev1.3.pdf](http://www.ncsconline.org/D_Research/csp/CSPStatisticsGuidev1.3.pdf).

## Terms You Need to Know

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**Disposed:** Cases that have been resolved, irrespective of the manner of disposition (e.g., decided, dismissed prior to decision, transferred), during the reporting period.

**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 set 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 fall. Thus, if cases aged 540 days represent the 90th percentile of a court's disposed cases, this means that 90% of those cases are aged 540 days or less. Spreadsheet and statistical software can calculate percentile ranking of data.

**Placed on Inactive Status:** Cases whose status has been administratively changed to inactive during the reporting period due to events beyond the court's control. These cases have been removed from court control, and the court can take no further action until an event restores the case to the court's active pending caseload. Courts should refer to their local or statewide rules of court, statutes, or standards of administration and/or statistical reporting guidelines for precise definitions of when a case may be properly considered inactive.

**Reactivated:** Cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities have been resumed during the reporting period so that the case can proceed to disposition.

**Time Standard:** 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 often expressed in terms of the percentage of cases that should be resolved within a certain time frame (e.g., 90% within 365 days).

Developed in  
collaboration with the  
National Conference of  
Appellate Court Clerks

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