

MEASURE

Age of Active Pending Caseload

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DEFINITION

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

PURPOSE

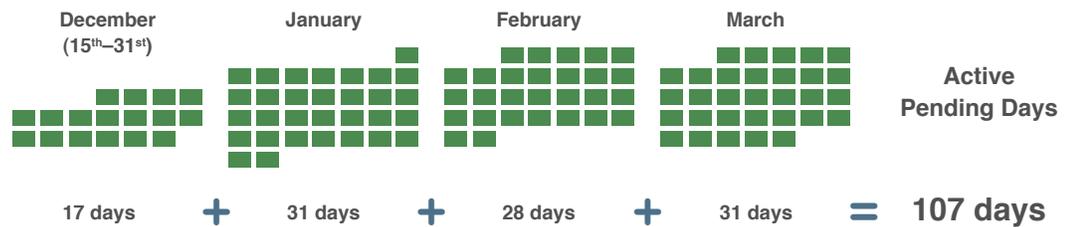
Cases filed but not yet disposed make up an appellate court's pending caseload. A complete and accurate inventory of pending cases (e.g., the number, ages, and types of cases) provides the information an appellate court needs to assess its performance processing cases within established time frames. Once the ages of active cases in various case types are determined, the court can focus its attention on what is required to ensure cases are brought to completion within reasonable time frames, and thus minimize court delay.

METHOD

For each case type being analyzed, the court should produce a report that calculates time, in days, from the filing of the case until the date of the reporting period (e.g., the last day of the month, last day of the quarter, last day of the year). The data elements required to produce such a report include:

- the number of active cases in the inventory of pending cases
- the number of elapsed days each active case in the inventory has been pending (the date of filing and the end date of the reporting period)
- the point of reference, benchmark, or standard for on-time case processing of major case types (e.g., Appeal by Right-Felony, Appeal by Permission-Administrative Agency) or case categories (e.g., Death Penalty, Original Proceedings/Other Appellate Matters)

For a typical active pending case, age is calculated by computing the elapsed time from filing to the end date of the reporting period. For example, if a case was filed December 15, 2010, its age at the end of the first quarter of the following year, March 31, 2011, would be 107 calendar days, indicated as follows:



For cases that have been *Placed on Inactive Status* during their progress through the appellate court, the time the case was not under the court’s control may properly be subtracted from the age of the case.

The table below illustrates one form of reporting for this measure. This table shows the number of cases by age group and computes both the percentage of cases in that one age group as well as the cumulative percentage of cases in all age groups from youngest to oldest.

Age of Active Pending Caseloads Criminal Appeals

Age in Days	Number of Cases	Percentage	Cumulative Percent
0 – 90	153	28%	28%
91 – 180	87	16%	44%
181 – 270	86	16%	60%
271 – 365	72	13%	73%
366 – 450	58	11%	84%
451 – 540	21	4%	88%
> 540	66	12%	100%

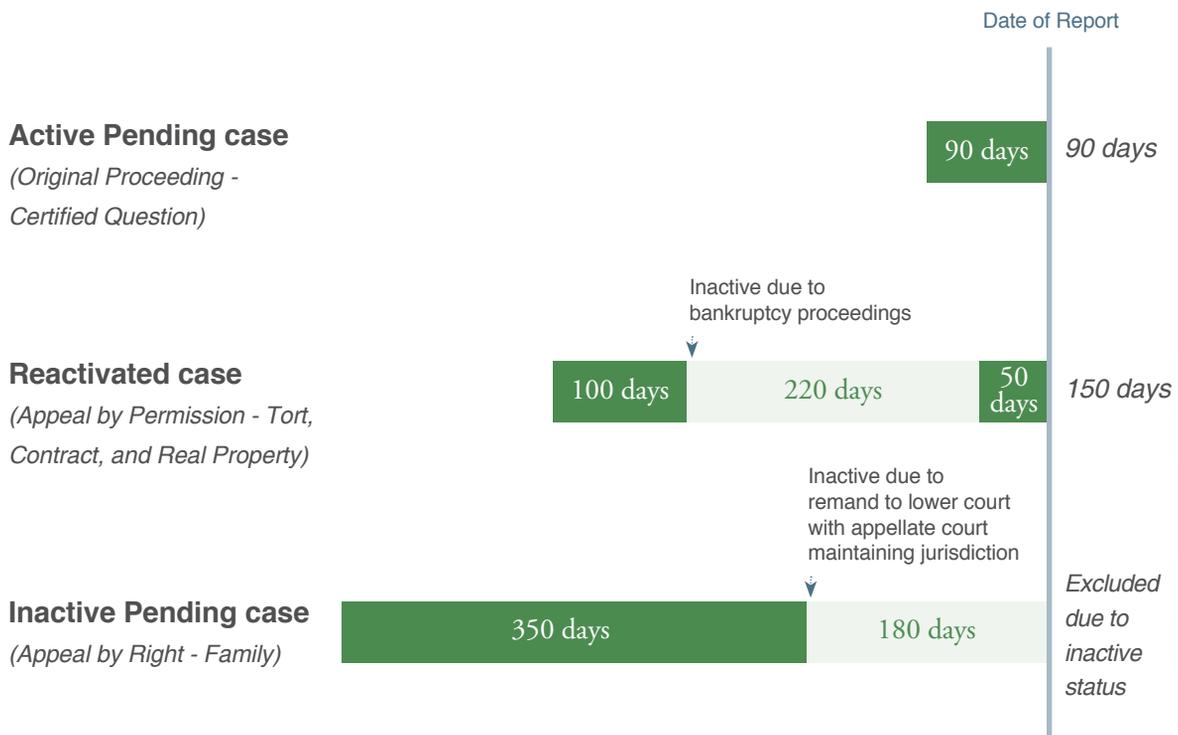
This court’s time standard is that 100% of the cases should be resolved within 540 days from date of filing. In the example above, 88 percent of the court’s caseload has been pending for 540 days or less; 66 cases are currently exceeding the court’s time standard.

For courts whose time standards include intermediate stages, e.g., oral argument to issuance of decision, the measure can be adapted to evaluate cases according to those timeframes, rather than simply using the number of days elapsed from filing.

WHICH CASES ARE INCLUDED?

Only *End Pending-Active* cases are included in this measure. Rules for classifying and counting cases, as defined in the *State Court Guide to Statistical Reporting*, are illustrated in the figure below.

Time Calculation Examples



The most straightforward cases are those that are filed and proceed without interruption through the court and are thus active and pending at the time of measurement.

A second category of cases are those that had their progress interrupted and were *Placed on Inactive Status* for a period during which they were outside of the court's control. If those cases were subsequently *Reactivated* prior to the time of measurement, they should be included. An example of this would be a civil appeal that was interrupted due to a bankruptcy proceeding involving one of the parties and was *Placed on Inactive Status*. Upon the conclusion of the bankruptcy case, the civil appeal resumes and the case is *Reactivated*.

A third category of cases are those that are formally *Placed on Inactive Status* at some point after filing and are still in that status at the time of measurement. All such cases are considered *End Pending-Inactive* and should be excluded from this measure.

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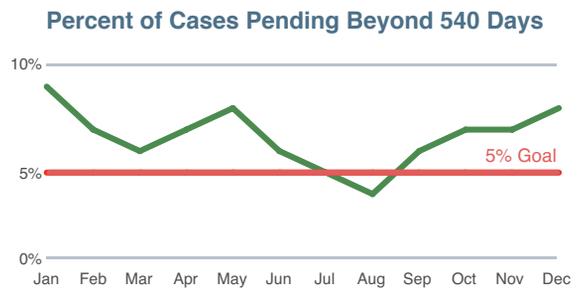
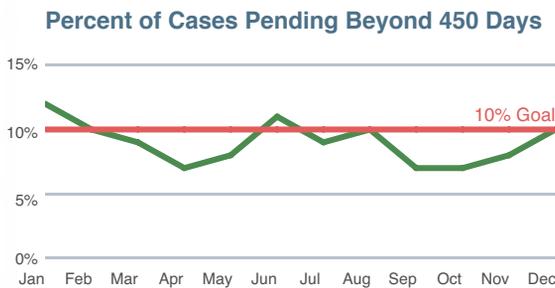
ANALYSIS & INTERPRETATION

The data collected for this measure allow the court to look at cases that are exceeding its time standards. What distinguishes this information from *Measure 2, Time to Disposition?* Time to Disposition answers the question, “What percentage of our disposed cases were disposed within our time standards?” *The Age of Active Pending Caseload* measure answers the question, “What is the age of our open, active cases?” This measure can be used to evaluate the progress of current cases and determine if sufficient attention is being given to move those cases toward resolution within the court’s time standards. It can also be used to identify and evaluate any cases beyond the time standard, ensuring that their age is commensurate with the nature of the case rather than a lack of attention.

In the graphs below the first graph indicates that this court is managing its caseload effectively, and at the 450-day mark, the court is close to its goal of having no more than 10 percent of its active cases pending beyond 450 days.

The second graph indicates, however, that the court is having a harder time meeting its standard at the 540-day mark. The red line indicates the goal is to have no more than 5 percent of its active pending caseload at 540 days from the time of filing. The data show that the court is currently not meeting this standard.

Measuring the Pending Caseload that Exceeds Time Standards



An appellate court might review and analyze the cases that are older than 540 days to determine the reasons they have aged beyond the court's established time standards. This same type of analysis can be done with the cases that have been active from 451-540 days in order to possibly avoid these cases continuing to age further, thus moving beyond the court's time standard.

Focusing on the Cases that Exceed 540 days

<u>Case Number</u>	<u>Case Type</u>	<u>Age (in days)</u>	<u>Next Action</u>
CA1 - 0352009	ABP - Juvenile	690	Motion Hearing
CA1 - 4582008	Death Penalty	720	Oral Argument
CA1 - 2112009	OP - Judicial Qualification	570	Opinion Draft

ABP = Appeal by Permission
 OP = Original Proceeding

Time standards are expressed as a percentage of cases that should be resolved within a certain elapsed period. The American Bar Association (ABA) has offered specific standards for appellate case processing, but the question of whether these standards are attainable is an empirical one that remains largely unanswered. If a court has developed their own set of time standards, those guidelines can be used for this measure. If a court does not already have time guidelines in place, they can use the case processing time standards published by the ABA, the pace of litigation as measured in *Time on Appeal*,¹ or the guidelines of another state as starting points for creating them.

ABA Case Processing Time Standards and Time on Appeal Findings

<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
<i>Time on Appeal Findings</i>	334 days (combined)	609 days (combined)
Appeal by Right (<i>mandatory</i>)	331 days	648 days
Appeal by Permission (<i>discretionary</i>)	336 days	569 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
<i>Time on Appeal Findings</i>	500 days (combined)	737 days (combined)
Civil	461 days	665 days
Criminal	539 days	809 days

¹ Roger A. Hanson, *Time on Appeal*. Williamsburg: National Center for State Courts, 1996.

Terms You Need to Know

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

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

Percentile: A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged up to 540 days are in the 90th percentile of a court’s active pending caseload, it means that 90% of those active pending cases are aged 540 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 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: A count of 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.

Developed in
collaboration with the
National Conference of
Appellate Court Clerks

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