

Program Report Card: Civil Caseflow Processing (Judicial Branch, Superior Court Operations)

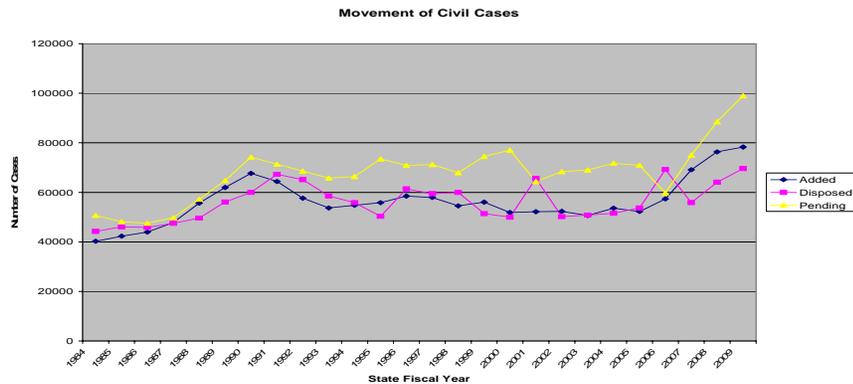
Quality of Life Result: All persons with an unresolved legal dispute may have their matters resolved in a civil court in a fair, timely, efficient and open manner.

Contribution to the Result: Civil caseflow processing allows the Judicial Branch to effectively manage all civil matters brought before the court throughout the life of the proceeding, from filing to disposition, and includes all manner of case processing functions performed by court and administrative staff.

Total Program Funding: \$ 54,793,308 **State Funding:** \$ 53,971,190 **Federal Funding:** \$ 330,085 **Other Funding:** \$ 492,033

Partners: Attorneys, litigants, bar associations, advocacy groups, business groups, members of the public

Performance Measure 1: The number of legal disputes (civil cases) that are able to be managed by the court. This is indicated by number of cases added, disposed, and pending, shown below by state fiscal year.



Story behind the baseline: Effective caseflow processing helps to ensure that any person with an unresolved legal dispute will have their matter resolved in a fair, timely, open and efficient manner.

This chart depicts the relationship between the three basic stages of a civil matter, which can be used to offer a sense of how many legal disputes are being managed by the court, and how well they are being managed. These three indicators are; the number of cases added (blue), the number of cases disposed (pink) and the number of cases pending disposition (yellow).

A well-functioning case processing system would show indicator lines for cases added and cases disposed running roughly parallel to each other, with the cases disposed indicator line running slightly above the cases added indicator line. The pending disposition indicator line should appear above both of the added and disposed indicators, and run in a relatively flat, downward trending manner. This configuration indicates that caseflow processing is allowing

new cases to be filed, providing litigants with access to the courts; allowing pending cases to come to disposition, providing resolution to matters in a fair, timely, efficient and open manner; and, providing a predictable level of pending caseload; allowing for more timely dispositions and more efficient use of Judicial Branch resources.

When the disposition indicator line dips below the cases added indicator line, there usually appears a corresponding increase in the number of pending cases; as the disposition indicator line rises above the added cases line, a corresponding decline appears in the number of pending cases. This general pattern holds true when examining the Branch's caseflow processing data over the past 25 years. As expected, it shows that when the number of cases added remains relatively flat, dispositions are generally able to outpace the number of cases added, and the number of pending cases declines. But, when a sharp increase in the number of cases added occurs, dispositions tend to drop off, resulting in a sharp increase in pending cases.

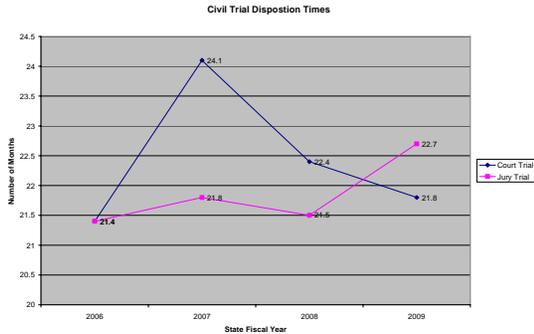
The past four years have seen a dramatic increase in the number of civil cases added, primarily in the contract collection and property foreclosure areas, which is not expected to subside in the immediate future. This increase corresponds to the significant rise in the overall number of pending cases. This rapid rise in the volume level of civil caseflow has caused the volume of work to exceed the capacity of the current workforce.

Proposed actions to turn the curve: Success in turning the curve would be defined in the broad sense to re-establish a greater number of disposed cases than cases added, so that a relatively flat and declining number of pending cases is maintained. One solution to turn the curve would be the addition of staffing. An alternative solution that would reduce further harm would be to maintain staffing at current levels. Both of these solutions will require a fair amount of resources.

One low-cost, no-cost solution undertaken by the Branch as a part of the implementation of its strategic plan and the adaptation of RBA principles to its operations is to develop and implement a comprehensive, values-based training system for its staff in an effort to attain better efficiency within the existing workforce. This program has been painstakingly designed to utilize a combination of education, training, raised expectations, program assessment and accountability, and individual assessment and accountability to institutionalize the core values of the Branch, (integrity, fairness, respect and professionalism) and create a culture of service excellence throughout the Branch.

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Performance Measure 2: The amount of time taken by the court to resolve a legal dispute. This is indicated by the time that elapses between the filing date and the disposition date of a case, measured in months.



Story behind the baseline: The overall time to disposition in civil cases has remained relatively stable over the past four years. This is somewhat of a lagging indicator, however, as the average disposition time is between 21 and 23 months, and data is reported in 12 month (yearly) intervals, so any potential effects of a sudden increase in case volume on time to disposition will take some time to show up in the statistics.

Proposed actions to turn the curve: Faster is not necessarily better in the resolution of a civil matter. However, as a part of the implementation of its strategic plan and the adaptation of RBA principles to its

operations, the Branch is examining ways to reduce the number of delays in a case that are attributable to the procedures of the court, and thus reduce the amount of time from filing to disposition in a civil case while maintaining the integrity of the court process.

This is primarily being accomplished through the use of low-cost, no-cost solutions that have been developed through the work of the Civil Commission. The Civil Commission is charged with reviewing the civil docket and the development of practices that will improve the administering of judicial services to litigants, the bar and the public, and will promote the resolution of cases in a fair, timely, open and cost-effective manner. The initiatives are mainly being implemented by the Commission's Case Processing and Discovery subcommittees. As time and resources permit, the Civil Commission will review the following:

- The Discovery Subcommittee supports the use of special masters to supervise the discovery process in any civil matter where the judicial authority deems it necessary, and proposes a Practice Book rule for the appointment and use of special masters.
- The proposed rules concerning electronic discovery which have been presented to the Rules Committee for consideration.
- The Discovery Subcommittee proposes Practice Book Rule Section 13-30(j), which provides that a party on whose behalf a deposition has been taken shall at such party's expense provide a copy of the deposition transcript to each adverse party, be amended to provide that each party pay for its own copy of deposition transcripts or any electronic record of same.
- The Discovery Subcommittee recommends that Practice Book Section 13-7(b) and 13-10(b), which require the party answering interrogatories to attach a cover sheet to their answers, be eliminated.
- The Discovery Subcommittee suggests that the Rules Committee consider whether standard interrogatories should include questions raised by the "Medicare, Medicaid, and SCHIP Extension Act of 2007."
- The Discovery Subcommittee also considered other possible changes to the discovery process including the designation of a discovery judge and a proposal for telephonic conferences to resolve discovery disputes.
- The Discovery Subcommittee recommends that consideration be given to a rule which would permit no more than seven hours of actual deposition time with the understanding that this limitation may be waived by stipulation or by court order.

Performance Measure 3: Public perception of fairness in the civil caseflow process. This will be indicated by direct public response, the methodology of which is part of the Branch's data development agenda.

Story behind the baseline: Public trust and confidence in the Judicial Branch is essential so that all persons with an unresolved legal dispute may have their matters resolved in a civil court in a fair, timely, efficient and open manner.

Proposed actions to turn the curve: The entire strategic planning effort and the implementation of RBA principles have been undertaken in an effort to turn the curve on public trust and confidence.