**Time to Disposition: Supplemental Information**
**Superior Court of the District of Columbia**
**March 23, 2012**

The Superior Court of the District of Columbia is implementing time standards to manage cases in all operating divisions. The goal of the standards is to promote the timely disposition of cases consistent with their seriousness and complexity, while continuing to ensure due process and fairness.

## Background

In 2005, the District of Columbia Courts' policy-making body, the Joint Committee on Judicial Administration, adopted a set of nationally-recognized measures to assess and report on the Courts' performance of its mission, thereby enhancing public accountability. The adoption of courtwide performance measures fulfilled Strategy 5.2.1 of the Courts' 2003 – 2007 Strategic Plan and put in place a framework to achieve Strategy 5.2.2, which called for the Courts to "measure organizational performance, monitor results, and achieve performance goals."

The adoption of performance measures follows a 15-month period of study of standards and measures developed by the American Bar Association, the National Center for State Courts, the Conference of Chief Justices, the Conference of State Court Administrators and other entities with an interest in court or public sector performance measurement. The standards reflect an adaptation of national best practices to the caseloads and circumstances unique to the Superior Court.

Seven performance measures address key outcomes the D.C. Courts must achieve in order to deliver justice effectively, including: resolving cases fairly and timely, treating court participants with courtesy and respect, ensuring access to court services and facilities, managing resources prudently, and maintaining Judicial Branch independence.

*Time to disposition* is one of several measures that assess the Courts' performance of its core mission to resolve cases fairly and timely. Together with *clearance rate* (ratio of case dispositions to filings), *age of pending caseload*, and *trial date certainty*, these *case processing* measures indicate whether the Court manages caseloads efficiently and ensures that cases are timely resolved.

The Superior Court has a tradition of successfully managing caseloads using time standards. Beginning in 1991, the Civil Delay Reduction Program dramatically changed how civil cases are processed, with matters set on individual calendars rather than a master calendar and assigned to tracks with different timeframes and requirements to move the case towards disposition. This initiative reduced the Civil Division's backlog of pending cases and brought most matters to conclusion within twelve months. Since 2001, the Family Court has used time standards to manage child abuse and neglect cases, as required by the D.C. Family Court Act. The Criminal Division also is mandated to process preventive detention cases within timeframes established by speedy trial laws.

**Development of the Standards**

Throughout 2006 and 2007, Chief Judge Rufus G. King, III, convened bi-monthly meetings with Presiding and Deputy Presiding Judges and Directors of the operating divisions to discuss approaches to implementing time standards in Superior Court. The group reviewed standards promulgated by national organizations, standards adopted by other states and the federal courts, and available court data. Each operating division met extensively with its assigned judges and convened working groups of external stakeholders such as prosecutors, public defenders, private practitioners, and pretrial services and probation staff to discuss the need for time standards, to gain input on proposed standards, and to identify implementation issues to be addressed. Following this extensive consultation and assessment process, standards were adopted in April 2007.[1]

Chief Judge Lee Satterfield has convened monthly meetings with Presiding and Deputy Presiding Judges and Directors since October 2008 to monitor and refine time to disposition and other case processing performance measures. The committee continues to refine data collection and monitor best practices. It has also begun to assess the Court's significant post-disposition workload in an effort to better monitor the utilization of court resources and enhance court performance. By monitoring the size and age of the post-disposition workload inventory, the court will be better able to manage its caseload efficiently and allocate resources optimally.

In developing our standards, the Court reviewed standards offered by national organizations such as the American Bar Association (ABA) and found that, while some jurisdictions have adopted standards, few actually achieve them on a regular basis. For instance, the ABA standards, amended in 1992, were developed based on experts' estimates of how long a typical case of a general type (e.g., civil or criminal) should take to be resolved. They were never empirically validated and have not been reviewed or updated since their promulgation. The standards are not realistic for cases which do not fit the standard profile, and do not take into account newer methods of managing cases such as diversion programs or deferred sentencing. They also do not take into account the volume of cases per judge which can preclude a judge from scheduling each event within an optimal timeframe. The Conference of State Court Administrators (COSCA) issued standards in 1983. These standards were even more ambitious than the ABA standards.

In 2002 and 2003, the National Center for State Courts' use of time standards and found that:

> Case processing time standards are continuously being adopted, implemented, amended and reevaluated in various states around the country….Although it is unanimously recognized that time standards are *average* goals and that certain extraordinary cases may need to be considered beyond the given standard, it is

[1] Standards were adopted for most case types in April 2007 and subsequently for all case types.

> also widely recognized that time standards provide a means to a more efficient and well-organized court system.[2]

In August 2011, the Conference of State Court Administrators, the Conference of Chief Justices, and the American Bar Association approved *Model Time Standards for State Courts.* While noting that the "standards…are intended to establish a reasonable set of expectations for the courts, for lawyers, and for the public,"[3] they also advise that:

> The model standards are designed for use by the judicial branch of each state as a basis for establishing its own time standards….in communications and consultation with all key justice partners. State time standards should take into account state procedures, statutory time periods, jurisdictional conditions, demographic and geographic factors, and resources.[4]

As recommended by the *Model Time Standards*, the D.C. Courts had extensive discussions with all justice partners. The discussions focused on the specific attributes of our jurisdiction. There was some concern that, with time standards, the Court will sacrifice quality for speed. In meetings with stakeholders, the Chief Judge and Presiding Judges addressed this concern directly, making it clear that the quality of justice would never be sacrificed for speed, but also expressing the Court's view that time standards will, in fact, *contribute* to delivering high quality justice. This view is borne out by the findings of a study by the National Center for State Courts of nine criminal trial courts, where higher quality case outcomes were achieved in the relatively faster courts compared to the slower courts. The study concluded "[E]fficiency is the foundation of a well-performing court. Higher levels of both timeliness and quality are possible by adopting a more efficient work orientation." [5]

As referenced above, a key challenge for this Court in implementing time standards is its high volume. Large urban courts have a high volume of cases that negatively impacts the ratio of cases per judge. While the ABA standards were based on an estimate of the average time it should take to process an individual case, large urban courts must manage thousands of case filings a year. The Court has no control over the volume of cases that are brought before it, and cannot readily deploy additional resources to ensure that case per judge ratios remain at optimal levels. Typically, as the number of cases per judge increases, cases must be scheduled farther in the future and time to disposition inevitably increases. Given this reality, the Superior Court has developed time standards we believe are realistic and reasonable, given current caseloads and resources, rather than ideal time standards which are so aspirational as to be unachievable.

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[2] HEATHER DODGE & KENNETH PANKEY, NAT'L ASS'N OF STATE COURTS, CASE PROCESSING TIME STANDARDS IN STATE COURTS, 2002-2003 1 (2003).
[3] RICHARD VAN DUIZEND, DAVID C. STEELMAN, LEE SUSKIN, NAT'L ASS'N OF STATE COURTS, MODEL TIME STANDARDS FOR STATE COURTS 1 (2011).
[4] *Id.* at 2.
[5] BRIAN J. OSTROM & ROGER A. HANSON, NAT'L CTR. FOR STATE COURTS, EFFICIENCY, TIMELINESS AND QUALITY: A NEW PERSPECTIVE FROM NINE STATE CRIMINAL TRIAL COURTS 109 (1999).

Finally, stakeholder discussions highlighted the need for a systemic approach to managing cases with time standards. All agencies and participants in the justice system must commit themselves to the goal of timely case resolution. A culture of intolerance for delay must be cultivated, and agencies will be challenged to adapt their processes despite staffing shortages and other resource limitations. The Court will lead this effort, but calls on all participants to establish policies and procedures and to work collaboratively to achieve timely case resolution.