# *Applying the Case Management CourTools: Findings from an Urban Trial Court*

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## Introduction

The National Center for State Courts (NCSC) recently promulgated 10 trial court performance measures, referred to as CourTools[3]. Measures 2, 3, 4, and 5 provide a methodology by which court managers can examine their management and processing of cases. The measures include clearance rate (measure 2), time to disposition (measure 3), age of active pending caseload (measure 4), and trial date certainty (measure 5). The objective of this research was threefold. The first aim was to assess the viability of using the case management measures to examine case processing trends in a New Jersey (NJ) urban trial court. Each measure was reviewed to determine the tool's applicability to the criminal division of the court. The second objective (pursued as a parallel to the first) was to present the findings in the same context as the CourTools' framework to determine its practicality. The final goal was to serve as a platform for other courts on the national and international level that do not yet use performance measures. These courts, diverse as they are, may use the methodologies and findings of this case study as a reference and guide to develop their own program to measure the court's productivity and efficiency.

To that end, this case study sought to answer the following questions in determining the applicability of the CourTools to the selected court and by extension, its potential for more universal application to other court systems. First, what is the relevance of measurements to the courts and why is it important, if at all? Second, what are the CourTools? Third, can the measurement model be applied to an actual court and if so, how is it executed and illustrated in practice? Finally, what are the implications of the findings for the court in question, as well as, other courts that seek to incorporate the CourTools to measure performance?

## The Relevance of Measures in Caseflow Management

The old management adage, 'you can't manage what you don't measure', is not always applicable to all facets of management such that even the notable statistician and scholar, W. E. Deming, believed that many things of great import to managers could *not* be measured. In fact, when Deming was asked about the hypothetical benefit of spending 20,000 dollars to train 10 people in a special skill, he responded, "You'll never know. You'll never be able to measure it. Why did you do it? Because you believed it would pay off. Theory"[4]. There are other aspects to a company, business entity, or as presented in this article, a court, however, where measurement is quite germane for assessment purposes and that is in the area of caseflow management. Solomon, Cooper, and Bakke defined caseflow management as:

> "The coordinated management by the court of the processes and resources necessary to move each case from filing to disposition, whether that disposition ultimately is by settlement, guilty plea, dismissal, trial, or other method" [5].

Put succinctly, case management is "the process by which courts convert their inputs (cases) into outputs (dispositions)"[6]. Research in the court management field has provided administrators with copious amounts of data from which policy and procedure has been developed and monitored. In tandem with these improvements, the research has resulted in the training of many judges and court administrators in the lexicon and methods of case management. Managing the caseflow involves an assurance that these events are meaningful; that is, the activity and preparation required for the event to take place on the scheduled date is completed *before* that date by appropriate stakeholders.

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[3] National Center for State Courts. 2005. *CourTools: Trial court performance measures*. Williamsburg, VA: Author.

[4] Deming, W. E. 1986. *Out of the Crisis*. MIT Press.

[5] Solomon, M., Cooper, C. S., and H. Bakke. 2002. Building public trust and confidence through effective caseflow management. In *The improvement of the administration of justice*, 7th ed., ed. G. M. Griller, E. K. Stott. Jr., and J. Fallahay. 111-129. Chicago, Il: American Bar Association, page 111.

[6] National Association for Court Management. 2004. *Core competency curriculum guidelines: What court leaders need to know and be able to do*. Williamsburg, VA: Author, page 12.

Caseflow management, as an area of study, is still in its infancy, although with the pioneering efforts of the NCSC and professional court associations, progress has been relatively rapid. Considering the early phase that the field finds itself, training in and knowledge of caseflow is critical to the court's success. Gathering a variety of data provides the needed perspective of the challenges that delay dispositions. Delay is not inevitable and research in support of this statement is clear. Moving a case from filing to disposition is a robust test of the court's effectiveness. Quite simply, the prevalence of delay is correlated with the court's commitment to reduce it. All of this is well established in the field because of the empirical data in which supports it. For instance, Goerdt et al., inter alios, concluded that the pace of litigation is associated with the court's caseflow management. Three findings substantiate this argument. First, the best predictor in efficient disposition was the court's early and continuous control of events. Second, caseload per judge was inconsequential to the speed of disposition. This was echoed by Church et al., who found that criminal case delay is generally not caused by large caseloads or a limited number of judges. There was, however, a threshold to this second point whereby the caseload per judge cannot grow ad infinitum without it impacting even the best managed courts[7]. At some point increases in caseload must be tempered by adding more judges. Third, effective screening and monitoring of defendants was associated with efficient caseflow management[8]. These findings are encouraging because unlike court size and caseload, establishing and maintaining a protocol for moving cases through the system is within the control of the courts. The key, however, is that any protocol must be grounded on empirical data so that the inputs are justified by the outputs. Incidentally, the data, once collected, analyzed, and disseminated eases the concerns of supporters while at the same time quiets the cynics.

Aikman asserted that it *is* the judge who is responsible for managing cases. Staff and administration, albeit essential, are ancillary regarding this role[9]. He noted:

> "Caseflow management consumes a significant portion of a court's resources…and those responsible for generating statistical reports to advise judges about the status of their caseloads, should be deemed mission critical to the caseflow management function" [emphasis added][10].

Active caseflow management is fundamental to a successful program. This relies in part on research from which the manager can make an informed decision and advise the judge accordingly. Some of this data includes generic caseload statistics, impact studies, and longitudinal reports. Saari and associates noted that courts should evaluate the number of filed, pending, and disposed cases in relation to established goals to effectively manage the caseload[11]. Among others, some of the characteristics that Solomon, Cooper, and Bakke highlighted for an effective caseflow management system included:

1) Court supervision of case progress from filing to final disposition.
2) A case monitoring and information system to monitor the caseload and to identify any cases that are in danger of exceeding established time limits and goals.
3) A credible scheduling system that assures that court events occur on the first scheduled date[12].

Delay is defined as either necessary or unnecessary. Much of what is involved in case management is distinguishing between the two. In so doing, managers are primarily responsible for developing and implementing policy and procedure to mitigate unnecessary delay. As noted in the Trial Court Performance Standards, unnecessary delay "causes injustice and hardship…and is the primary cause of diminished public trust and confidence in the court"[13]. The American Bar Association (ABA) submitted that unnecessary delay constitutes any elapsed time that falls outside that which can be reasonably expected for court events to occur[14]. Measuring the caseflow is critical because it is through such

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[7] Church, T. Jr., Carlson, A., Lee, J., and T. Tan. 1978. *Justice delayed: The pace of litigation in urban trial courts*. Williamsburg, VA: National Center for State Courts.
[8] Goerdt, J., Lomvardias, C., Gallas, G., and B. Mahoney. 1987. *Examining court delay: The pace of litigation in 26 urban trial courts, 1987*. Williamsburg, VA: National Center for State Courts.
[9] Aikman, A. 2007. *The art and practice of court administration*. Boca Raton, FL: Taylor & Francis Group.
[10] Ibid, page 214.
[11] Saari, D. J., Planet, M. D., and M. W. Reinkensmeyer. 1993. The modern court managers: Who they are and what they do in the United States. In *Handbook of court administration and management*, ed. S. W. Hays and C. B. Graham, Jr. 237-261. New York, NY: Marcel Dekker, Inc.
[12] See Note 5 supra, pages 113-115.
[13] Bureau of Justice Assistance. 1997. *Trial court performance standards with commentary*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, page 10.
[14] American Bar Association. 1986. Defeating delay: Developing and implementing a court delay reduction program. Chicago, IL: Author.

measurements that one can determine whether cases are being managed effectively so that delay is reduced. Some of the benefits of proactive case management include:

- Time standards for postdisposition matters, with the standards and processing differentiated by case type and type of matter.
- Firm commitment to the credibility of assigned dates for both hearings and trials (there is no such thing as a "first" date).
- Macro and micro statistical reports providing a full picture of the pending, active caseload and the cases that have been disposed, with individual "early warning" reports for each trial judge identifying cases assigned to the judge that are close to missing a preset checkpoint in case processing[15].

Ensuring that individual justice is given to individual cases is the raison d'etre of the trial court. Caseflow management coordinates the activities and resources (including the human capital) so that this underlying purpose of the court is not compromised or otherwise not attained due to unnecessary delay. Delay, perhaps more than any other single factor, vitiates all other efforts made by the court to achieve justice. Hewitt and associates described it as "a disease…and a symptom of unhealthy conditions"[16].

A review of the literature consistently supports the importance of measuring court performance to reduce delay and ensure justice. The research borne from this case study shows the application of performance measures on an actual court of considerable size and the implications (for better or worse) of the outcomes. Other court systems can likewise consider these tools to assess the effectiveness of their case management practices on caseflow. The framework is analogous to a vehicle's dashboard. If the vehicle represented the system, the outcomes of these measurements indicate to judges and managers how well or poor the vehicle is 'performing'. Rarely does one drive his or her car without periodically checking, among other things, the gas, oil, speedometer, and temperature gauges. For those systems that drive blindly, one can only hope to not be on the road at the same time as them.

**CourTools Defined**

As referenced in the introduction, this case study examined the applicability of CourTools 2, 3, 4, and 5. Clearance rate (measure 2) is defined as "the number of outgoing cases as a percentage of the number of incoming cases". The purpose is to measure "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"[17].

Time to disposition (measure 3) is defined as the "percentage of cases disposed or otherwise resolved within established time frames". The measure is intended to be used in conjunction with clearance rates and age of active pending caseload, to assess "the length of time it takes a court to process cases". The court's performance is compared with local, state, or national guidelines in determining "timely case processing…and provides a framework for meaningful measurement across all case types"[18]. Figure 1 illustrates the ABA, Conference of State Court Administrators (COSCA), and NJ Criminal Trial Court processing standards for criminal case-types. Although the ABA and COSCA standards are generally recognized by American courts, jurisdictions can consider adopting these benchmarks as simply a guide in formulating their own disposition goals that takes into account indigenous conditions, as well as, local empirical study (as was done in NJ).

**Figure 1. Criminal Case Processing Standards**

| COSCA Case Processing Standards | ABA Case Processing Standards | NJ Criminal Trial Court Standards |
|---|---|---|
| ➢ Felony – 100 percent within 180 days<br>➢ Misdemeanor – 100 percent within 90 days | ➢ Felony<br>▪ 90 percent within 120 days<br>▪ 98 percent within 180 days<br>▪ 100 percent within one year<br>➢ Misdemeanor<br>▪ 90 percent within 30 days<br>▪ 100 percent within 90 days | ➢ Pre-Indicted Cases<br>▪ 100 percent within 60 days of arrest (backlog not to exceed 30 percent of caseload)<br>➢ Post-Indicted Cases<br>▪ 100 percent within 120 days of indictment (backlog not to exceed 30 percent of caseload) |

[15] See Note 9 supra, pages 353-354.
[16] Hewitt, W., Gallas, G., and B. Mahoney. 1990. *Courts that succeed*. Williamsburg, VA: National Center for State Courts, page vii.
[17] See Note 3 supra, page 1.
[18] Loc. Cit.

The age of the active cases (measure 4) refers to the cases that are filed, but are not yet disposed. It is measured as the number of days from filing until the time of measurement. The NCSC states "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"[19].

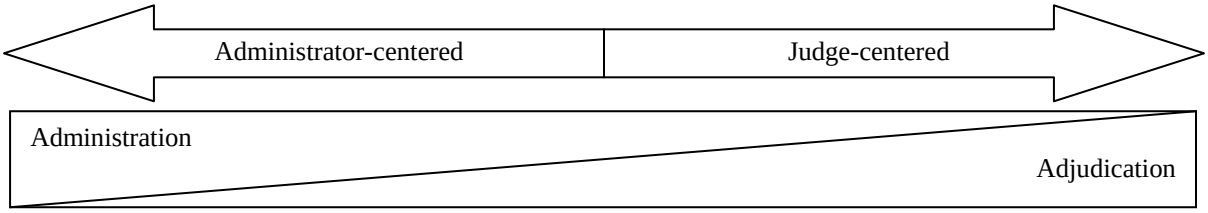
Trial date certainty (measure 5) is defined as "the number of times cases disposed by trial are scheduled for trial". Specifically, the measure evaluates "the effectiveness of calendaring and continuance practices for both jury and non-jury trials". According to the NCSC, timely case disposition is correlated with the "court's ability to hold trials on the first date they are scheduled to be heard" [20].

**Research Methodology**

This case study was conducted on an American court in NJ and guided by empirical findings and suggestions drawn from case management literature. NJ comprises 21 counties that are divided into 15 districts, termed vicinages. This research aimed to collect and analyze data on criminal cases filed in an urban trial court, heretofore referred to as the pseudonym, South Mountain District (SMD), during a timeframe of three court years. SMD is an urban trial court of general jurisdiction centered in a northeastern city of approximately 300,000 people. The court includes a complement of approximately 50 judges and 950 employees, who handle an estimated 150,000 filings each year.

Each vicinage is headed by an Assignment Judge (AJ), who is appointed by the state's Chief Justice. The AJ serves as the chief executive officer and is responsible for overall affairs of the vicinage. The Trial Court Administrator (TCA) serves as the chief operating officer and oversees nine divisions including criminal, civil, family, municipal, probation, human resources, finance, information technology, and general operations. Together the AJ and TCA form the executive component of the court. The case management divisions (criminal, civil, family, and municipal) are headed by a Presiding Judge (PJ) and Division Manager (DM). Akin to the AJ and TCA, the PJ and DM comprise the executive component of their respective division. In Figure 2, Stott illustrated the typical span of control for judges and administrators[21]. Case processing is depicted as a shared role suggesting that in an ideal state, the implementation of the CourTools measures and monitoring outcomes is a joint responsibility between administrators and judges.

**Figure 2. Continuum of Judicial-Administrative Activities**




| Administrator makes the decisions without consulting the judge | Joint decision making or information sharing: "a shared role" | Judge makes the decisions without consulting the administrator |
|---|---|---|
| Examples of Activities | | |
| • Budgeting<br>• Training for non-judicial personnel<br>• Purchasing<br>• Accounting<br>• Statistics<br>• Report preparation<br>• Systems analysis and research<br>• Record keeping | • Agency relationships<br>• Legislative relationships<br>• Public information<br>• Planning committees<br>• Research on rules and procedures<br>• Probation<br>• Case processing<br>• Financial policy<br>• Personnel rules | • Case decisions<br>• Directing meetings of judges<br>• Assigning judges<br>• Training for judges<br>• Selecting law-trained support personnel<br>• Supervising screening and instructing of jurors<br>• Record creation |

[19] Loc. Cit.
[20] Loc. Cit.
[21] Stott, E. K., Jr. 1982. The judicial executive: Toward greater congruence in an emerging profession. *The Justice System Journal* 7 (2): 152-179, page 152.

The U.S. Census Bureau recorded the county's racial makeup as follows: 44.5 percent Caucasian, 41.2 percent African-American, 0.2 percent Native American, 3.7 percent Asian, 0.1 percent Pacific Islander, 6.9 percent from other races, and 3.4 percent from two or more races. The median household income was 44,944 dollars with approximately 15 percent of the population below the poverty line[22]. Research shows consistent support for the importance of the cited measurements in evaluating case management practices; in so doing, this methodology can serve as an outline for other courts contemplating the applicability of these performance measures. The SMD court was selected for the study given its volume, diversity, and accessibility of its criminal caseload relative to other courts.

This study synthesized the data which the NJ Administrative Office of the Courts (AOC) currently collects and promulgates regarding criminal case practice. The AOC collectively works as a resource for the vicinages and coordinates functions such as human resources, communications, finance, purchasing, and information technology. In addition, this central office assesses case management in a variety of areas by organizing and providing the vicinages with a series of reports on case management outcomes on a monthly and court-year-to-date basis. Consequently, the selected court provided the researchers with a great deal of versatility when comparing current measurements to the CourTools. Of course, these conditions do not exist in all courts, but the CourTools that were the subject of this analysis were shown to be relatively basic, particularly in contrast to the more advanced research modeling practiced in NJ, such as backlog per 100. For those courts that offer no assessment of performance, the CourTools were shown to be an appropriate starting point.

The collected data was examined for the selected three-year period using the local case management system database. The reports are generated on a weekly basis and distributed to administrators and supervisors. The charge/disposition screen, charging document, and disposition date fields within the automated system were used in determining defendant status. With the exception of trial date certainty, data pertaining to these measures was found to have been collected, albeit organized differently when summarized and promulgated to NJ judges and administrators by the AOC. The counties are ranked by case-type in accordance to the local statewide standards. These reports were reviewed and customized to the methods cited in CourTools. The data was analyzed using measurements of central tendency. The data was depicted in frequency distribution charts and shown in aggregate. In some instances, vicinage data was cross-tabulated with statewide findings. The recommendations are based on the collected data and findings of the selected district and the assertions found in the literature. Although the research recommended that the measures be incorporated statewide in NJ, expected benefits can vary depending on variables specific to the jurisdiction. This does not, however, disqualify the overarching importance of instituting performance measures in the courts that this study consistent with the literature supported. While the results and implications cannot be generalized, the CourTools, as demonstrated in this study, could certainly be universally-applied so that each court can draw its own conclusions.

## Results

### Clearance Rates

Table 1 shows the pre-indictment clearance rate for SMD and the state during three selected court years. Figure 3 demonstrates the clearance rate and trend for a current court year. The data indicates that the district did not meet its clearance goal for court years two and three. The trend for the current court year suggested that absent a significant increase in dispositions in May and June, SMD would be unlikely to clear 100 percent.

**Table 1. Pre-Indictment Clearance Rate**

| Court Year | SMD Clearance Rate | | | Statewide Clearance Rate | | |
|---|---|---|---|---|---|---|
| | N Filings | N Dispositions | % Clearance | N Filings | N Dispositions | % Clearance |
| Year 1 | 20,249 | 21,003 | 104 | 115,682 | 116,752 | 101 |
| Year 2 | 18,495 | 18,152 | 98 | 112,528 | 115,088 | 102 |
| Year 3 | 17,841 | 17,666 | 99 | 113,633 | 114,966 | 101 |

[22] U.S. Census Bureau. 2000. *Census 2000*. Retrieved September 23, 2007, from U.S. Census Bureau Website: http://www.census.gov.

**Figure 3. South Mountain District Pre-Indictment Clearance Percentage**

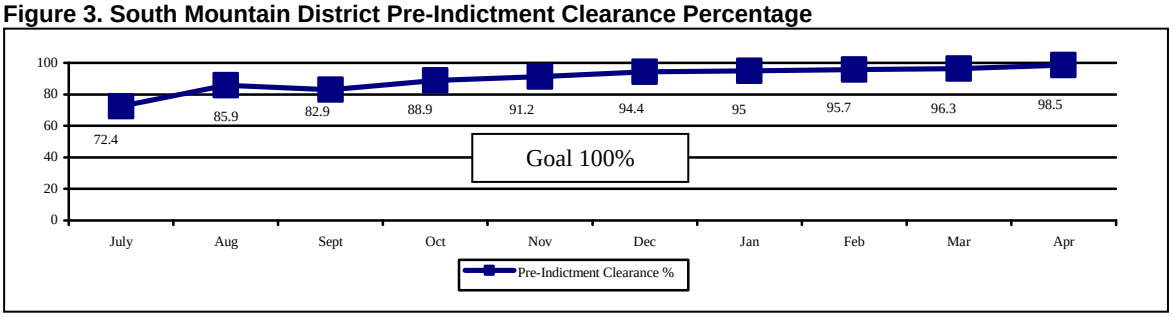
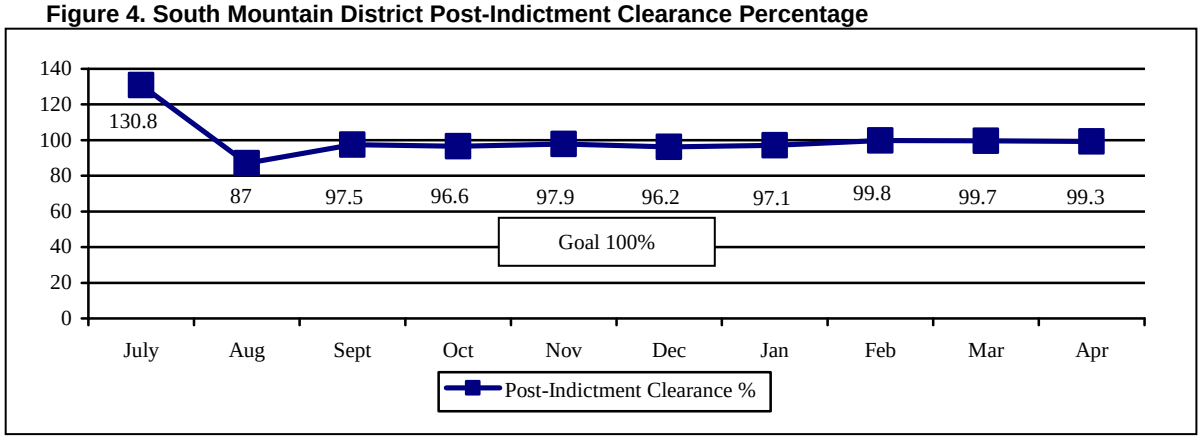



Table 2 shows the post-indictment clearance rate for SMD and the state during three selected court years. Figure 4 demonstrates the clearance rate and trend for a current court year. The data indicates that the district did not meet its clearance goal for court year three. The trend for the current court year demonstrated that with the exception of July, the district has fallen short of clearing 100 percent of its caseload for subsequent months.

**Table 2. Post-Indictment Clearance Rate**

| Court Year | SMD Clearance Rate | | | Statewide Clearance Rate | | |
|---|---|---|---|---|---|---|
| | N Filings | N Dispositions | % Clearance | N Filings | N Dispositions | % Clearance |
| Year 1 | 7,189 | 7,939 | 110 | 53,478 | 55,171 | 103 |
| Year 2 | 5,498 | 6,766 | 123 | 53,762 | 56,722 | 106 |
| Year 3 | 6,539 | 6,437 | 98 | 54,671 | 55,960 | 102 |

**Figure 4. South Mountain District Post-Indictment Clearance Percentage**




## Time to Disposition

Tables 3 through 5 show the time to disposition for each stage in the caseflow process for two selected court years. The median number of days to disposition is distributed monthly by the AOC. The data can also be organized by the district to examine the mean, 70th, 80th and 90th percentile number of days for a case to reach disposition. For instance, the data noted in table 3 indicates that 90 percent of SMD defendants arrested and not indicted were disposed within 136 days. Table 5 combines the pre and post indictment case processing time for defendants whose indictments are disposed of by way of trial or other outcome (i.e. plea, dismissal, etc.). The data reveals that for individuals where the process ended in a verdict, there was a median of 415 days for the case to reach disposition.

**Table 3. Time Intervals for Pre-Indictment Cases Disposed in Days**

| SMD Time Interval | Arrest to Pre-Indictment Disposition | | Arrest to Indictment Filing | |
|---|---|---|---|---|
| | Year 1 | Year 2 | Year 1 | Year 2 |
| Median | 8 | 7 | 125 | 110 |
| Mean | 50 | - | 145 | - |
| 70th Percentile | 44 | - | 162 | - |
| 80th Percentile | 74 | - | 190 | - |
| 90th Percentile | 136 | - | 241 | - |
| Statewide Median | 28 | 27 | 97 | 87 |

**Table 4. Time Intervals for Post-Indictment Cases Disposed in Days**

| SMD | Indictment to Disposition | | Indictment to Trial Date | |
|---|---|---|---|---|
| Time Interval | Year 1 | Year 2 | Year 1 | Year 2 |
| Median | 88 | 74 | 263 | 253 |
| Mean | 125 | - | 298 | - |
| 70th Percentile | 149 | - | 344 | - |
| 80th Percentile | 194 | - | 379 | - |
| 90th Percentile | 273 | - | 466 | - |
| Statewide Median | 78 | 74 | 288 | 291 |

**Table 5. System Time Intervals for Cases Disposed in Days**

| SMD | Arrest to Indictment Disposition | | Arrest to Trials Completed | |
|---|---|---|---|---|
| Time Interval | Year 1 | Year 2 | Year 1 | Year 2 |
| Median | 224 | 186 | 415 | 349 |
| Mean | 259 | - | 442 | - |
| 70th Percentile | 301 | - | 508 | - |
| 80th Percentile | 361 | - | 555 | - |
| 90th Percentile | 469 | - | 687 | - |
| Statewide Median | 186 | 172 | 434 | 435 |

## Age of Active Pending Caseload

Tables 6 and 7 demonstrate the age of the active pre-indictment caseload. The SMD backlog remained relatively steady during three selected court years noted in table 6. Table 7 shows the backlog for a current court year, which increased by approximately 7 percent from court year three.

**Table 6. Age of Active Pre-Indictment Pending Caseload**

| Court Year | SMD Pending Caseload | | | Statewide Pending Caseload | | |
|---|---|---|---|---|---|---|
| | N Total Pending | N Backlog Beyond 60 days | % Backlog | N Total Pending | N Backlog Beyond 60 days | % Backlog |
| Year 1 | 2,388 | 1,340 | 56 | 19,988 | 10,314 | 52 |
| Year 2 | 2,824 | 1,659 | 59 | 18,955 | 9,304 | 49 |
| Year 3 | 3,140 | 1,776 | 57 | 19,629 | 9,662 | 49 |

**Table 7. Age of South Mountain District Active Pending Pre-Indictment Caseload in Months**

| Age (months) | N of Cases | % of Cases | Cumulative % |
|---|---|---|---|
| 0-2 | 1,168 | 35.54 | 35.54 |
| Over 2 | 1,041 | 31.68 | 67.22 |
| Over 4 | 470 | 14.3 | 81.52 |
| Over 6 | 459 | 13.97 | 95.49 |
| Over 12 | 96 | 2.92 | 98.41 |
| Over 24 | 52 | 1.58 | 99.99 |
| Total | 3,286 | 100% | - |

Figures 5 and 6 depict the percentage of the pre-indictment caseload that is over goal. During the month of April in court year three, 63 percent of the caseload was more than 2 months old and 33 percent was more than 4 months old. These figures represented a slight increase for the month of April during previous years. As of early May of court year three, more than a fifth of the caseload was older than 4 months with more than 18 percent older than 6 months.

**Figure 5. Percentage of Pre-Indictment Caseload Over Goal for April by Year**

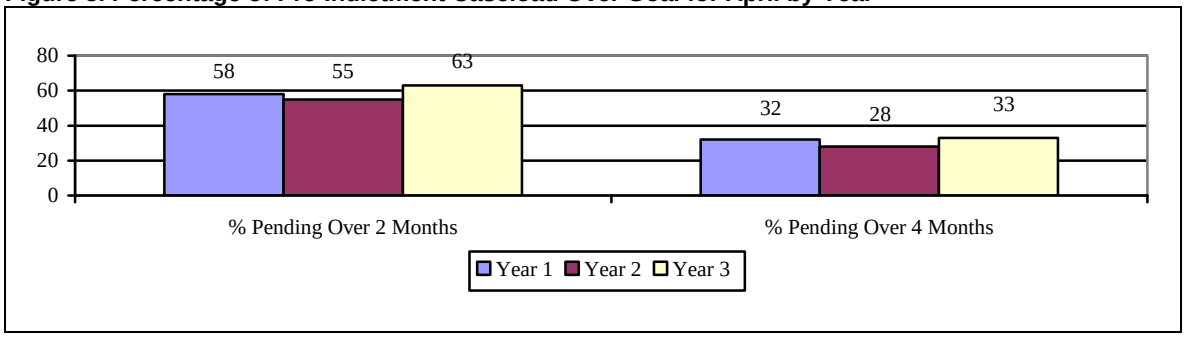
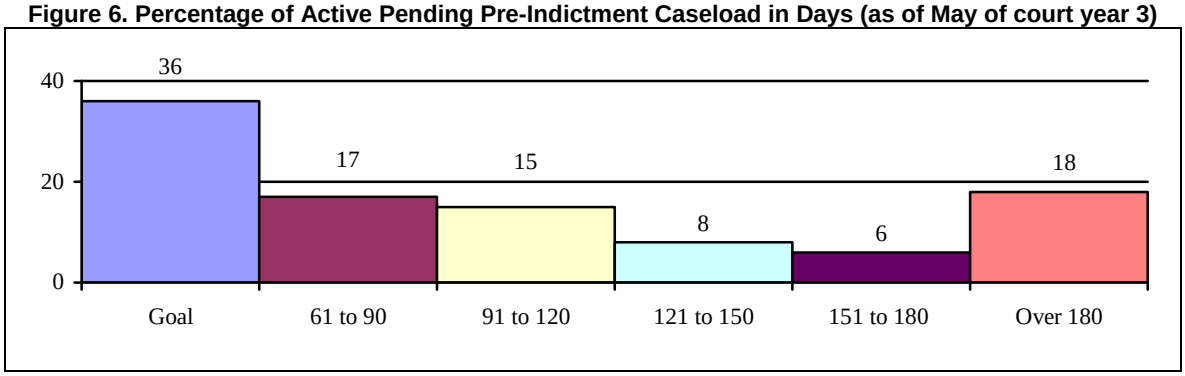


**Figure 6. Percentage of Active Pending Pre-Indictment Caseload in Days (as of May of court year 3)**




Tables 8 and 9 demonstrate the age of the active post-indictment caseload. Similar to pre-indictment, post-indictment backlog remained relatively steady during the selected court years. The backlog for the current court year increased by approximately 10 percent from court year three.

**Table 8. Age of Active Post-Indictment Pending Caseload**

| Court Year | SMD Pending Caseload | | | Statewide Pending Caseload | | |
|---|---|---|---|---|---|---|
| | N Active Pending | N Backlog Beyond 120 days | % Backlog | N Active Pending | N Backlog Beyond 120 days | % Backlog |
| Year 1 | 2,000 | 561 | 28 | 14,593 | 4,878 | 33 |
| Year 2 | 1,450 | 437 | 30 | 13,752 | 4,604 | 33 |
| Year 3 | 2,103 | 592 | 28 | 14,377 | 4,713 | 33 |

**Table 9. Age of Active Pending Post-Indictment Caseload in Months for the Current Court Year**

| SMD | | | | Statewide | | | |
|---|---|---|---|---|---|---|---|
| Age (months) | N of Cases | % of Cases | Cumulative % | Age (months) | N of Cases | % of Cases | Cumulative % |
| 0-4 | 1,527 | 61.8 | 61.8 | 0-4 | 9,899 | 61.4 | 61.4 |
| 4-12 | 824 | 33.3 | 95.1 | 4-12 | 4,916 | 30.5 | 91.9 |
| 12-18 | 101 | 4.1 | 99.2 | 12-18 | 802 | 5 | 96.9 |
| 18-24 | 8 | 0.3 | 99.5 | 18-24 | 275 | 1.7 | 98.6 |
| 24-36 | 9 | 0.4 | 99.9 | 24-36 | 149 | 0.9 | 99.5 |
| Over 36 | 2 | 0.1 | 100 | Over 36 | 81 | 0.5 | 100 |
| Total | 2,471 | 100% | - | Total | 16,122 | 100% | - |

Figures 7 and 8 depict the percentage of the post-indictment caseload that is over goal. During the month of April in court year three, 38 percent of the caseload was more than 4 months old and 5 percent was more than 12 months old. Year-old cases showed a slight decrease for the month of April during previous years. As of May in court year three, 38 percent of the caseload was older than 4 months with most over goal cases between 4 to 12 months old.

**Figure 7. Percentage of Post-Indictment Caseload Over Goal for April by Year**

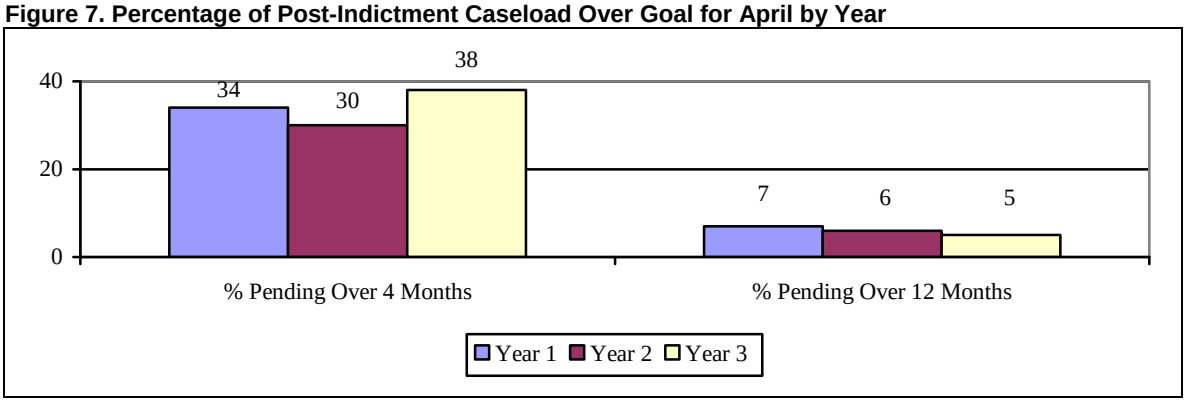
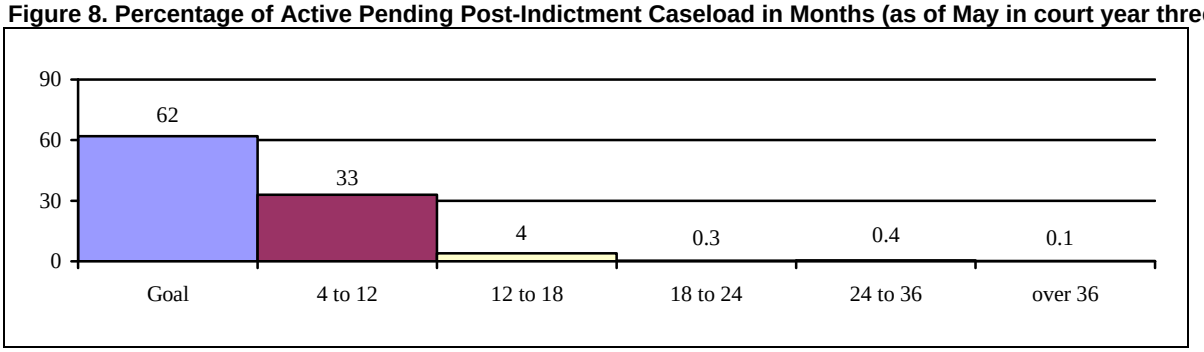


**Figure 8. Percentage of Active Pending Post-Indictment Caseload in Months (as of May in court year three)**




**Trial Date Certainty**

Table 9 illustrates the number of events and defendants that were scheduled for trial together with the outcome of those proceedings. The data indicated that in court year three, there were 2,625 events that were originally scheduled for trial of which, about 30 percent or 782 events ultimately concluded in trial. Events involving continuing trials were removed from analysis. With respect to defendants, the data showed that of the 722 defendants scheduled for trial, 197 of them proceeded to trial. Almost half of defendants pleaded and close to a quarter of them were dismissed.

**Table 9. Scheduled Trial Outcomes by Event and Defendant, Court Year Three**

| Disposition | Scheduled Trial Events | Scheduled Trial Defendants | |
|---|---|---|---|
| | | N | % |
| Trial | 782 | 197 | 27.3 |
| Dismissal | 618 | 174 | 24.1 |
| Plea | 1,187 | 333 | 46.1 |
| PTI | 27 | 11 | 1.5 |
| Other | 11 | 7 | 1 |
| Sum Outcomes | 2,625 | 722 | 100% |

Table 10 shows the number of trial events associated with defendants who actually proceeded to trial. The data shows that more than three-quarters of the defendants had had less than 6 trial events before the trial commenced. Defendants by and large have more than 1 trial event with the largest faction having 2 events.

**Table 10. Number of Trial Events Scheduled to First Trial Day by Defendant**

| N of Trial Events | N of Defendants | % of Defendants | Cumulative % |
|---|---|---|---|
| 1 | 22 | 11.2 | 11.2 |
| 2 | 46 | 23.4 | 34.6 |
| 3 | 33 | 16.8 | 51.4 |
| 4 | 26 | 13.2 | 64.6 |
| 5 | 25 | 12.7 | 77.3 |
| 6 | 18 | 9.1 | 86.4 |
| 7 | 13 | 6.6 | 93.0 |
| 8 | 3 | 1.5 | 94.5 |
| 9 | 6 | 3.0 | 97.5 |
| 10 or more | 5 | 2.5 | 100 |
| Total | 197 | 100% | - |

**Conclusions**

The true benefit of the CourTools based on this research is not so much comparing the results to a given standard, as is the implications that those results can suggest. Data outcomes can yield the support that judges and administrators require to make policy and procedural change and, more importantly, enable them to provide the public with a transparent account of the court's activity. Consider, for instance, three noteworthy recommendations that can be suggested to SMD, which can also be more broadly applied to NJ on the basis of this study. First, in light of the reliance that the AOC and district administration place on reports generated by the local case management system, it is imperative that data entered by clerical staff shows the veritable status of the case. Hence, training in this regard should be ongoing and ascribed paramount importance. Second, there is potential for the general application of CourTools since the AOC case

management report is promulgated throughout the state. Districts in NJ should revisit how the data is presented locally to determine if the CourTools framework is a more viable alternative. Third, SMD, in particular, should adopt a monthly report, which outlines the results for each case management measurement in accordance to the format noted in the study. A few tables with graphs and charts, where appropriate, should be adequate in determining the efficiency of case processing while focusing on backlog reduction. The more detail-laden reports should be reserved for select judges and administrators with particular questions vis-à-vis prediction modeling, correlations, trends, and the like.

Research into the applicability of the CourTools case management measures to the SMD Criminal Division revealed that the measurements already exist (but in a different form) and is utilized by management in developing policy and procedure. The data represented in the results did not indicate anything that was unknown to the administration given their access and use of current reports. When the data available in the AOC and local reports were compared to that which is presented in CourTools, local reports showed far greater detail in providing managers with case-related trends and information. In some instances, however, sharing this amount and level of data with all judges and staff results in 'statistical overload' creating an environment in which focus wanes and recommendations are disregarded. The CourTools are therefore, quite useful in this regard. The framework serves as a practical guide in deciphering which measures should be analyzed and how those findings should be presented to the appropriate persons. Courts that do not currently collect or analyze performance data can incorporate and adapt the model along the four basic measures using the same methodology (measures of central tendency depicted in a series of charts) described in this study.