

2011 Program Report Card: Civil Caseflow Processing (Judicial Branch, Superior Court Operations)

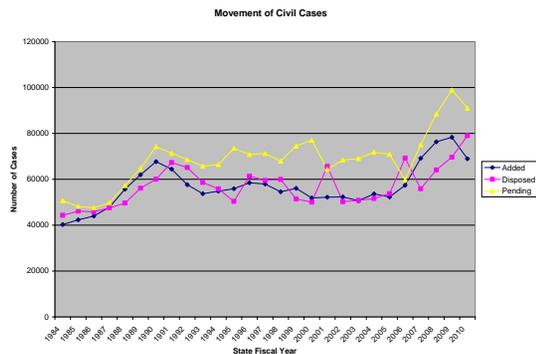
Quality of Life Result: All persons with an unresolved legal dispute may have their matters resolved in a civil court in a fair, timely, efficient and open manner.

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, the use of technology with the advent of electronic filing for certain civil cases, and the establishment of various special sessions aimed at specific types of legal disputes. These combined actions reduce the amount of court time needed to resolve legal disputes, resulting in savings to Connecticut's taxpayers, legal, and business communities. Innovative court sessions that have been put in place to resolve specific types of legal disputes, such as Alternative Dispute Resolution, the Complex Litigation and Tax Appeal Dockets, and the Foreclosure Mediation Program, among others, and the widespread use of electronic filing benefit Connecticut's overall economy by providing an effective means to bring matters to a close when an individual or business has been sued.

Total Program Funding: \$ 63,503,086

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

Performance Measure 1: Clearance Rate: The number of outgoing cases as a percentage of incoming cases.



Story behind the baseline: Clearance rates provide an indication of the manner in which the court manages its caseload by calculating the number of outgoing cases as a percentage of the number of incoming cases, indicating, in part, the effectiveness of caseflow processing efforts. Incoming and outgoing cases are defined as follows:

- Incoming cases include new filings and reopened cases.

- Outgoing cases include disposed cases and reopened dispositions.

Effective caseflow processing helps to ensure that any person with an unresolved legal dispute may have their matter resolved in a fair, timely, open and efficient manner by providing the mechanism by which to move cases through the court process.

This chart depicts the number of cases added (blue), the number of cases disposed (pink) and the number of cases pending disposition (yellow). Data points that show the number of added cases as greater than the number of cases disposed indicate a clearance rate of less than 100%, resulting in an increase in the number of pending cases. Data points that show the number of added cases as less than the number of cases disposed indicate a clearance rate in excess of 100%, resulting in a decrease in the number of pending cases.

The clearance rate is one tool that can alert the court to emerging trends that may indicate that a change or improvement in procedure might benefit individuals whose cases come before the court.

Statistics over the past four years have trended toward a substantial 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. While 2011 has shown a decline in the number of cases added and pending, it would be premature to mark this as a reversal of the current trend, as the decline may represent a pause due to anomalous conditions.

A continued rise in the volume of civil cases will maintain workload levels beyond 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 come at substantial cost.

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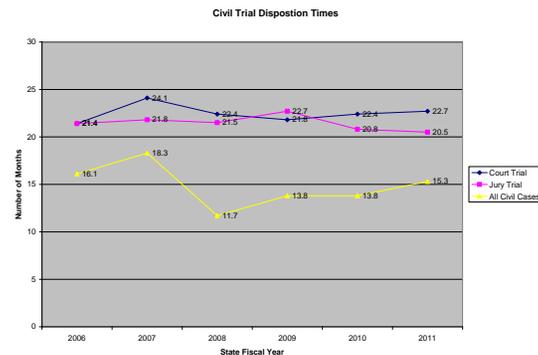
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One low-cost, no-cost solution that has been undertaken by the Branch as a part of the implementation of its strategic plan and the adaptation of RBA principles to its operations is to develop and implement a comprehensive, values-based training system 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.

Performance Measure 2: Time to Disposition – the number of cases disposed or otherwise resolved within established time frames.

Time to disposition is the measurement that assesses the length of time it takes the court to process cases. Disposition of cases on the Court and Jury Trial Lists does not measure cases only disposed by trial, but includes all cases where the pleadings have been closed and the case has been claimed to either the Court or Jury list to be assigned for trial. The majority of these cases are

disposed before trial (some before being assigned a trial date). However, they have reached a stage of litigation that has put them on a list for assignment for trial. This differs from a case where no defendants have appeared, and the case is disposed via a motion for default and judgment (no trial list claim is filed at all), or a hearing in damages case (where a claim to the hearing in damages list is filed), or foreclosures (where the vast majority of cases are disposed on the foreclosures calendar).



Story behind the baseline: The overall time to disposition in all civil cases (yellow), including both court trial list (blue) and jury trial list (pink), has remained relatively stable over the past four years. This shows that caseflow management procedures

have been successful in facilitating the movement of cases. However, with the volume of cases continually rising, and the average disposition time remaining relatively constant, the system has become stressed to produce a similar increase in dispositions, and continue to operate in a fair and just manner.

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 being accomplished through the use of low-cost, no-cost solutions that have been developed through the work of the numerous committees that have examined court practices and state statutes and are developing and implementing numerous ways to both simplify and streamline the court process, and reduce the amount of court time necessary to conclude a civil matter, while maintaining the integrity of the court process.

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These committees include the Civil Commission, the Uniformity of Procedures Committee, the Self-Represented Parties Committee, the Bench-Bar Foreclosure Committee, the Bench-Bar Small Claims Committee, the Complex Litigation Committee and the Judges Advisory Committee on E-Filing.

In the past year, Practice Book rules regarding electronic discovery have been implemented and the Civil Commission's Discovery Subcommittee continues to work on proposals to streamline discovery practices. Additionally, the Civil Commission has established the Workgroup on Civil Rules and Statutes to review time to plead, request and motion practices.

