

Final Report of the Iowa Judicial Council's Committee on Case Processing Time Standards

June 6, 2005

[Approved by Judicial Council on June 21, 2005]

Executive Summary of the Committee's Recommendations

1. Adopt proposed time standards to replace current standards (Report, pp. 2-8).
 - A. Standards for 11 case types (Report, p. 3).
 - B. Dual time standards: a standard track to serve as a scheduling standard for case schedulers and a standard for exceptions (Report, p. 4)
2. Judicial Council should conduct a systematic review of the time standards at least once every five years to ensure their relevancy and achievability (Report, p. 2)
3. A separate committee composed of Associate Juvenile Judges and District Associate Judges should be appointed to re-evaluate the juvenile case time standards (Report, p. 8)
4. Change six of the current case processing time reports and six of the current reports on age of pending cases so the Iowa judicial branch can monitor cases in accordance with the proposed time standards (Report, p. 8)
5. Add three new statistical reports:
 - A. Indictable criminal cases: the number and age of pending cases from the filing of the complaint to the filing of the trial information or dismissal. (Report, p. 8)
 - B. Summary report on case processing times (filing to disposition) for each of the 11 case types – by county, subdistrict, district, and state (Report, p. 9)
 - C. Summary report on the age of pending cases for each of the 11 case types – by county, subdistrict, district, and state (Report, p. 9).
6. Discontinue the statistical report on hearings and the requirement that judges indicate on their orders whether the order arose from a contested hearing, uncontested hearing, or no hearing (Report pp. 9-10)

I. Project Rationale and Process

In 1985, the Iowa Supreme Court adopted the current case processing time standards (see Iowa Court Rules, Chapter 23), launching an era in which the Iowa courts began actively managing their caseloads in an effort to reduce delays. While these time standards have served the Iowa courts and citizens well, they should be reevaluated. It has been 20 years since the Supreme Court adopted the existing time standards and they may no longer be realistic. The standards should be aligned with the current workload and resources of the trial courts.

In addition, some of the existing time standards are structured in a manner that does not fit the type of data that clerks routinely enter into ICIS. For example, the time standards for criminal cases evaluate the elapsed time from arrest date to trial, but we do not obtain or enter the arrest date into ICIS. The time standards for domestic cases provide another example. They are different for “contested” and “uncontested” cases, but we do not categorize cases in ICIS as “contested” or “uncontested.” As a consequence, we cannot accurately measure our performance by these time standards.

Given these concerns, the Supreme Court asked the Judicial Council to recommend changes in the case processing time standards for district court cases. The Judicial Council appointed a four-member committee¹ to review and discuss information on case processing time standards in other states and to recommend new time standards for consideration by the Judicial Council.

From January to mid-March the committee met four times via telephone conference to discuss materials on case processing times from other states and the American Bar Association, statewide case processing time statistics for cases disposed in Iowa’s district courts during 2004, and the first two drafts of this report. During deliberations, committee members agreed that the proposed time standards should be challenging or aspirational, but they should also be achievable. If they are not achievable, judges and attorneys will ignore them. The proposed time standards are intended to balance the aspirational with the achievable.

In mid-March the committee distributed its *Preliminary Recommendations for New Case Processing Time Standards* to the Supreme Court, Judicial Council, and district court administrators for review and comments. Receiving only a few responses, the committee proceeded to distribute its preliminary report without further changes to all judges, magistrates, district court administration staff, clerks of district court, the Attorney General’s office, the State Public Defender, and several attorney

¹ The committee includes: Chief Judge James Blomgren (8th District), Chief Judge Alan Pearson (1st District), and District Court Administrators Carroll Edmondson (6th District) and Scott Hand (2nd District).

organizations.² From these groups the committee received comments from 17 additional respondents.

After considerable discussion of the comments from all reviewers, the committee decided not to amend the time standards in the preliminary report. All the comments were very thoughtful, but most of them raised concerns or issues that the committee had already considered in developing its proposed time standards. For example, one reviewer suggested a longer time standard for a particular case type, while another suggested a shorter time standard for the same case type. Some reviewers suggested a separate time standard for a particular case type (e.g., paternity, small estates, administrative appeals) that had been included in a broader case type category. However, the committee had already attempted to balance the desire for simplicity (i.e., fewer case categories) with the desire for time standards that precisely reflect the nature of particular types of cases – which could result in 50 or more different sets of time standards. The committee believes that, in general, its proposed case processing time standards provide a reasonable balance of the competing interests identified by the reviewers.

II. Proposed Case Processing Time Standards

Table 1 (see next page) shows the committee's final recommendations for new time standards for district court cases. The committee believes the standards are simple and challenging, but attainable. To ensure that these time standards remain both challenging and attainable, the Judicial Council should conduct a systematic review of the standards at least once every five years.

A. Goals: How many and what format?

Simplicity versus specificity: These were the competing values that the committee attempted to balance when considering how many specific case types should be selected to have their own case processing time standards. Time standards could be tailored to each specific case type, but there are so many case types that if each is given its own time goals the standards will be cumbersome and confusing. The current time standards, however, include just seven case categories,³ which the committee believes are too few to allow for some important distinctions between case types. To balance the interests of specificity and simplicity, the committee recommends combining case types into the 11 categories in Table 1.

² The preliminary report was sent to the: Iowa State Bar Association, Iowa Trial Lawyers Association, Iowa Academy of Trial Lawyers, Iowa County Attorneys Association, Iowa Defense Counsel Association, and the Iowa Association of Criminal Defense Lawyers.

³ Current time standard categories: felony, misdemeanor, civil jury, civil non-jury, contested domestic, uncontested domestic, and small claims.

Table 1
Proposed Case Processing Time Standards for District Courts

	PROPOSED Time Standards: % of cases to be disposed within time goals (from filing to disposition)	CURRENT Time Standards (filing to disposition, except crim.)
1. Indictable Criminal**	90% in 6 months** 100% in 12 months** <i>(information/indict to disposition)</i>	Felony: 6 months Misdemeanor: 4 months <i>(arrest to trial)</i>
2. Simple Misdemeanors	95% in 4 months 100% in 6 months	Misdemeanor: 4 months
3. Regular Torts	90% in 18 months 100% in 24 months	Civil jury: 18 months Civil nonjury: 12 months
4. Complex Torts (med & prof malpractice, product liability/toxic substances)	85% in 24 months 100% in 36 months	Civil jury: 18 months Civil nonjury: 12 months
5. Other Law & Equity	90% in 12 months 100% in 18 months	Civil jury: 18 months Civil nonjury: 12 months
6. Domestic Dissolution/Modification	90% in 9 months* 100% in 15 months*	Contested: 8 months Uncontested: 4 months
7. Domestic Abuse	90% in 2 months 100% in 4 months	(Statute)
8. Domestic: All Other	85% in 6 months 100% in 12 months	Contested: 8 months Uncontested: 4 months
9. Estates w/o admin. & small	90% in 3 months* 100% in 6 months*	(Statute)
10. Estates full administration	85% in 24 months* 100% in 36 months	(Statute)
11. Small Claims/Infractions	90% in 4 months 100% in 8 months*	2 months
12. Juvenile cases	No change	See Chapter 23 of the Court Rules

*Requires a change in the case processing time statistics report for this case type; the month indicated is not currently included in the case processing time report.

**Case processing time should be measured from the filing of the trial information or indictment rather than the filing of the complaint; this will also require a change in the existing statistical report on criminal case processing times for felonies and indictable misdemeanors.

Second, the committee discussed options for the format of the time standards. The current time standards establish a single time goal for all cases in a given category (e.g., 12 months for a non-jury civil case). The American Bar Association's time standards include three case processing time standards for each general case type. In civil cases, for example, the ABA standards are: 90% disposed in one year; 98% disposed in 18 months; 100% disposed in two years (from filing to disposition). The committee prefers the multi-goal format of the ABA standards, but recommends two goals for each case type to maintain simplicity and improve the utility of the time standards.

B. Goals that are useful for managing cases and monitoring performance

To be useful, time standards must be stated in a manner that allows accurate measurement of court performance. The existing time standards use case categories that are not included in ICIS (e.g., contested vs. uncontested; jury vs. non-jury), thereby diminishing their utility. The proposed time standards use only case types included in ICIS, so court performance can be accurately compared to the standards.

As indicated in II.A., the committee also recommends two time goals for each of the 11 case types. The committee believes this format could be very useful for judges, case schedulers, and attorneys. The first (shortest) time goal should be viewed as the “*standard track*,” the time period in which a substantial majority (85 to 90%) of cases should be disposed given the complexity of the case type and, possibly, statutory requirements. The committee recommends that case coordinators schedule *all* cases to meet the first time goal. Only judges should have authority to grant an extension beyond the standard time goal, and the parties should have to provide good reasons for the extension. When a judge grants an extension, the case should be scheduled to meet the second (longest) time goal. The committee also recommends that each district implement explicit scheduling and continuance policies to achieve these two-tiered case processing time standards.⁴

C. Goals that are challenging, but achievable

In every organization, the official goals should inspire and challenge its members to perform as efficiently and effectively as possible. Goals also must be achievable if they are to be taken seriously and actually influence behavior. To understand what might be achievable by Iowa’s district courts, the committee examined recent case processing time statistics for the 11 categories of cases set forth in Table 1. Tables 3A through 3E (attached) display the pertinent statistics on cases disposed from January 1 through the end of November 2004.

1. Indictable Criminal Cases

Currently, the online statistics on criminal case processing times measure time from filing of the complaint to disposition.⁵ The committee suggests that the starting point for

⁴ The committee spent considerable time discussing the use of these time standards for case scheduling and management. Some members would like the districts to require all cases to be placed on the standard track for its case category. Attorneys could obtain an exception/extension to the standard case schedule only by filing an application for an extension of time with a judge. This policy would remove case coordinators from negotiations (arguments) with attorneys about the schedules for their cases. According to Scott Hand, this is already the policy for law and equity cases in the 2nd District, where only a judge can grant an extension, and the policy works very well.

⁵ The existing case processing time standards for indictable criminal cases are measured from arrest to trial. Because the arrest date is not recorded in ICIS, the Court Information Advisory Committee recommended the date the complaint is filed as the starting point for calculating case processing time.

indictable cases should be the filing of the trial information or indictment, which is the point at which speedy trial rules begin and the courts have more control over case scheduling. Until that point the prosecutor determines whether and when to move forward with formal charges. (Note: Adoption of a different starting point for measuring case processing time will require a change in the way this online statistical report is programmed.)

With these changes in mind, the committee recommends new time standards for indictable criminal cases: 90% in six months and 100% in 12 months from filing of an information or indictment to disposition. In recommending these goals, the committee examined the data in Table 3A, which shows that statewide during 2004, 71% of felonies and 77% of indictable misdemeanors were disposed within six months from the initial filing of the case; and about 91% of both felonies and indictable misdemeanors were disposed within one year. These statistics must be viewed in the context that prosecutors have 45 days from the arrest to file an information or indictment. Given this consideration, the committee believes the recommended standards are both challenging and achievable.

Concern about criminal and contempt case processing time statistics

There are inherent problems in the criminal case processing time statistics because the calculation does not exclude the time a defendant is “out on a warrant” for failure to appear. A similar issue arises in cases involving contempts. Until these time periods, which are beyond the court’s control, can be excluded from the calculation of case processing times, the district courts probably will never meet the proposed case processing time goals. The committee spoke with Larry Murphy, who indicated that it is technically feasible to exclude these time periods from the case processing time calculations. However, it will require several hours of programming time at \$125 per hour.

2. Simple Misdemeanors

With almost 748,000 filings in 2004, this is the single largest category of cases in the district courts. Table 3A shows that 93% of these cases are disposed within four months and 96% in six months. The committee recommends that 95% be disposed in four months and 100% in six months.

3. Regular tort cases

This category contains primarily the typical personal injury cases caused by auto accidents, slip and falls, and other negligence. Table 3B indicates that statewide in 2004, only 36% of these cases were disposed in one year; 65% in 18 months; and 83% in two years. The committee believes this is a case category in which the district courts should significantly improve their performance. It recommends very challenging standards: 90% should be disposed in 18 months and 100% in two years.

4. Complex Tort Cases (medical, dental, and professional malpractice; and product liability/toxic substance cases)

These are the cases most likely to exceed two years from filing to disposition. There is a relatively small group of trial attorneys in Iowa who handle a substantial proportion of cases involving doctors and hospitals. From a practical standpoint, it is very difficult to schedule trials for these attorneys less than 18 to 20 months in the future, and even a single trial continuance can delay the disposition of a case for many months. Table 2B shows that only 29% of these cases were disposed in one year; 53% in 18 months; and 77% in two years. In light of these problems, the committee recommends separate time standards for complex torts: 85% in 24 months and 100% in 36 months. Given that statewide the district courts currently dispose of 77% of these cases in two years, the proposed standard of 85% in two years seems achievable.

5. Other Law and Equity Cases

Table 3B indicates that during 2004, 85% of other law cases were disposed in one year; 92% in 18 months; and 96% in two years. The committee proposes the following challenging but reasonable goals: 90% disposed in one year and 100% in 18 months.

6. Dissolutions & Modifications

The domestic relations area is one that could be divided in several ways for purposes of time standards. The committee recommends combining dissolutions and modifications in one category in the interest of simplicity, even though modifications should take less time than original dissolutions. Table 3C shows that during 2004 the district courts disposed of 71% of these cases in 8 months and 86% in one year. The committee proposes challenging new goals: 90% should be disposed in 9 months, and 100% should be disposed in 15 months.

7. Chapter 236 Domestic Abuse Cases

Due to statutory requirements, these cases tend to reach a final order relatively quickly. Table 3C indicates that 86% are concluded in two months and 94% in four months. The committee suspects that cases older than four months must involve service problems. Therefore, the committee recommends that 90% should be disposed in two months and 100% in four months. Cases that exceed the 4-month limit should be reviewed to determine the reason for their excessive age.

8. All Other Domestic Relations

A substantial majority of these cases involve some type of support issue. During 2004, almost three-fourths of them were disposed within four months; 81% within six months; and 91% within one year. The committee proposes the following very reasonable time standards: 85% disposed within six months and 100% disposed within one year.

9. Estate Cases – Small & Without Administration

Estate cases have not been subject to case processing time standards in Chapter 23 of the Court Rules, but they are supposed to move to completion under statutory requirements. In the past few years the Supreme Court has paid particular attention to the age of pending estate cases – due to concern that some or many of these cases remain open far too long. It seems appropriate, therefore, that the Judicial Council recommend case processing time standards for estate cases. The committee believes these cases naturally fall into two categories based on their complexity. Small estates and those without administration tend to be relatively simple and should reach a disposition more expeditiously than estates with full administration, which tend to be more complex and require more time. Table 3D indicates that small estates and those without administration are disposed somewhat more quickly than estates with full administration (79% in 18 months versus 67%). Believing that small estates and those with no administration should be disposed much more quickly than the current case processing time statistics indicate, the committee recommends highly aspirational time standards for these cases: 90% should be disposed within three months and 100% should be disposed within six months.

10. Estate Cases – Full Administration

As indicated above, estates with full administration typically take longer to reach a disposition for a variety of reasons. The committee recommends that 85% of these estate cases be disposed within 24 months and 100% within 36 months.

11. Small Claims & Infractions

In many ways, small claims court is “the people’s court.” Almost 97,000 small claims and infractions were filed in the district courts in 2004. The timeliness and manner in which these cases are handled probably has a significant impact on the way citizens view our courts. The current time standard is two months, which may be too ambitious given problems with obtaining service in many of these cases. Table 3E indicates that our courts currently dispose of just 59% of these cases in two months, 85% in four months, and 98% in 10 months. The committee recommends that our courts dispose 90% in four months and 100% in 8 months.

12. Juvenile Cases

Chapter 23 of the Iowa Court Rules delineates a detailed set of case processing time goals for juvenile cases. The committee believes that, if the juvenile case time standards are to be changed, the Judicial Council should appoint a committee of associate juvenile judges and district associate judges who routinely handle juvenile cases to make the recommendations. Therefore, the committee recommends no change in these time standards at this time.

III. Possible Costs of Adopting New Time Standards

Our existing online statistics on case processing times show the number of cases disposed within certain time periods. Tables 3A to 3E show the disposition time ranges currently reported. The committee did not limit the proposed time standards to the existing time ranges when it developed its recommendations. Given the recommended changes, both the case processing time (age from filing to disposition) and age of pending caseload reports should be changed to bring the time ranges into alignment with the proposed time standards. Therefore, to accurately monitor district court performance compared to the proposed time standards, the following 12 reports will have to be changed to include the new time goals:⁶

Table 2: Statistical Reports Requiring Revision

Case Type	Case processing time report*	Age of pending cases report
1. Indictable criminal cases**	CT	CPA
2. Domestic relations	DT	DP
3. Law & equity cases	LT	LP
4. Estate (probate) cases	PT	PP
5. Small claims & infractions	ST	SP
6. Total caseload (summary)	TT	TP

*Time from filing to disposition.

**For indictable criminal cases, the committee also recommends changing the start date for measuring case processing time from filing of the complaint to the filing of the trial information.

Larry Murphy informed the committee that an ICIS contractor, who would perform the programming to change the statistical reports, charges \$125 per hour. Murphy estimates that the changes would take about two hours per report. Therefore, the estimated cost to amend these 12 case processing time reports is about \$3000.

In addition, the committee recommends the creation of the following **three new reports**:

1. *Indictable criminal cases: the number and age of pending cases from the filing of the complaint to the filing of the trial information or dismissal.* Since the committee recommends changing the primary measure of case processing time to be from filing of the trial information to disposition (see #1 above), it would be useful to track the age of cases from time from the filing of the complaint to the trial information. After the complaint is filed, the prosecutor has 45 days to file a trial information or to dismiss the charges. This report would be useful for monitoring pending cases that might exceed the 45-day time limit and could also assist in monitoring the jail population.

2. *Summary report on case processing times.* For each of the 11 case types identified in the proposed time standards, the report should show: (1) the total number

⁶ Upon request, John Goerd, Judicial Branch Planner, will provide details on how each of these 12 statistical reports will have to be changed to monitor the proposed time standards.

of cases disposed, (2) the percentage disposed in less than the shortest time goal, (3) the percentage disposed between the shortest and the longest time goal; and (4) the percentage disposed beyond the longest time goal. Each of these should be shown for the prior month and the year-to-date and should be accessible by county, subdistrict, district, or state.

3. *Summary report on the age of pending cases.* For each of the 11 case types identified in the proposed time standards, the report should show: (1) the total number of pending cases, (2) the percentage pending less than the shortest time goal, (3) the percentage pending between the shortest and the longest time goal; and (4) the percentage pending beyond the longest time goal. Each of these should be shown for the prior month and the year-to-date and should be accessible by county, subdistrict, district, or state.

According to Larry Murphy, the cost of a new statistical report ranges from \$10,000 to \$15,000. The cost of the first new report (#1 above) could be substantially reduced by duplicating the existing “age of pending criminal cases” (CPA) report, then changing it from “age of cases pending *disposition*” to “age of cases pending *the filing of a trial information*.” The cost of the second and third reports (#2 and #3 above) could also be reduced by revising the existing “Total Caseload – Case Processing Time” (TT) report, without developing two entirely new reports.

IV. A Recommendation Related to the Statistical Reports

While discussing the need to amend existing case processing time reports, one committee member noted that judges have been asked to indicate on all their orders whether the order arose from a contested hearing, uncontested hearing, or no hearing. Clerks enter this information, which is then used to produce the monthly “Hearings Report.” There is a consensus in most districts that there are significant disparities in the accuracy of the information provided by judges on the type of hearing and, as a consequence, the statistics in the monthly Hearings Report are of little use to anyone. The committee, therefore, recommends dropping the requirement that judges enter this information in their orders.

The rationale for seeking data on the types of hearings (contested vs. uncontested) arose during the work of the Court Information Advisory Committee in the late 1990s. During meetings of that committee, many judges wanted data besides filings to indicate the magnitude of the judicial workload, and the number and types of hearings seemed like useful indicators. However, the National Center for State Courts’ judicial workload study in 2000, which produced a weighted caseload formula for determining judgeship needs, fulfills the need for something more than just filings for assessing judicial workload. Given the significant problems with the accuracy of the data in the Hearings Reports and the existence of the NSCS’s weighted caseload formula for assessing judgeship needs, judges and clerks should cease trying to obtain data on whether hearings were contested or uncontested.

**Tables Showing Case Processing Times in Iowa's District Courts
During 2004**

Table 3A

CRIMINAL CASE PROCESSING TIMES (2004) -- STATEWIDE					
Cases disposed Jan. through Nov. 2004	Total disposed	% Disposed by age range			
		<4 mos	< 6 mos	< 12 mos	< 18 mos
Total Felonies	22,790	52.3%	71.1%	90.7%	95.5%
Total Ind Misd	55,620	56.3%	76.7%	91.9%	95.3%
			<4 mos	<6 mos	< 12 mos
Total Simp Misd	697,756		92.5%	95.7%	98.4%

Table 3B

LAW & EQUITY CASE PROCESSING TIMES (2004) -- STATEWIDE					
Cases disposed Jan. through Nov. 2004	Total disposed	% Disposed by age range			
		<8 mos	< 12 mos	< 18 mos	< 24 mos
Total for Complex Torts*	352	18.5%	28.7%	52.6%	77.0%
Total: Regular Torts	4,755	23.4%	35.6%	64.8%	83.3%
Total Contract Law & Equity	17,479	75.6%	85.3%	92.1%	96.4%
Total Other Civ. Actions	11,317	89.6%	92.9%	96.0%	97.8%
Total Contract, Eq. & Other Civ.	28,796	81.1%	88.3%	93.6%	96.9%

*Medical/dental and professional malpractice; product liability/toxic substance

Table 3C

DOM. RELATIONS -- CASE PROCESSING TIMES (2004) -- STATEWIDE						
		% Disposed by age range				
Cases disposed Jan. through Nov. 2004	Total disposed	<2 mos	<4 mos	< 6 mos	< 8 mos	<12 mos
Total Dissols & Modifs	16922	21.0%	37.1%	57.5%	71.0%	85.9%
§ 236 - Dom abuse	5953	87.5%	93.6%	95.0%	95.7%	96.4%
Total Other Dom Rels	16353	58.2%	73.0%	80.6%	85.4%	90.8%

Table 3D

ESTATE CASE PROCESSING TIMES (2004) -- STATEWIDE				
		% disposed by age range		
Cases disposed Jan. through Nov. 2004	Total disposed	< 18 mos	<36 mos	< 60 mos
Full Administration	10092	66.9%	92.2%	97.7%
Small & No Admin.	943	78.5%	92.9%	98.2%

Table 3E

Small Claims & Infractions Case Processing Times (2004) -- Statewide					
		% Disposed by age range			
Cases disposed Jan. through Nov. 2004	Total disposed	<2 mos	<4 mos	< 6 mos	< 10 mos
Small Claims	83,997	59.1%	84.9%	94.2%	97.9%
Infractions	3,352	67.0%	88.1%	93.5%	97.5%
Sm Clm & Infracts.	87,349	59.4%	85.0%	94.2%	97.9%