

Analysis of Case Processing Performance in the Court of Special Appeals

Fiscal Year 2016



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Introduction

The Court of Special Appeals adopted case time standards for the first time in Fiscal Year 2014. The standards reflect the processing time within which the Court has significant control over the movement of cases toward disposition. The civil and criminal direct appeal standards specify that 80 percent of appeals are to be disposed within 9 months (270 days) of argument or submission of the case on the briefs.

Decisions or opinions for certain cases involving child access, guardianship, child in need of assistance (CINA), termination of parental rights (TPR), as well as State appeals from the pretrial suppression of evidence are handled according to applicable laws and Rules of Procedure.

The Court's time standards contain a number of case time suspensions, during which case aging is stayed for bankruptcy, mediation, the pendency of related cases or issues in the Court of Special Appeals or a different court, and several other reasons.

See **Appendix** for the complete table of case time standards for the Court of Special Appeals.

Methodology

The present analysis of case processing performance in the Court of Special Appeals is based on all appeals disposed by the Court in Fiscal Year 2016 (July 1, 2015 through June 30, 2016). The original date of disposition was used to stop case time.¹

All data required to measure case processing time for cases disposed in Fiscal Year 2016 were individually extracted from the Court of Special Appeals' mainframe database in August and September 2016, and transferred to customized data collection forms. Pertinent data fields collected included, case number, caption (case title), filing of record date, date of argument (or submission on brief, where applicable), and the date of order or disposition.

All data used in the present analysis are as recorded in the mainframe database. The data were cross-checked and validated for accuracy before being entered into an Excel spreadsheet. Prior to analysis, a final internal validity check was completed on the dataset.

Performance results in this analysis are provided by case type, as well as for "reported" versus "unreported" cases. Generally, appellate courts issue a reported opinion on cases that, (1) establish new law, (2) clarify or qualify settled law (based on unusual facts or circumstances in the lower courts), (3) restate a principle of law that has not been discussed recently, or (4) are cases of important public interest. In the Court of Special Appeals, the panel of judges that hears a case can recommend to the entire Court the publication of an opinion. The full court then votes on whether to issue a reported or unreported opinion.

¹ Certain appeals may contain reconsidered opinions or dates of disposition. This may occur, for instance, when the Court of Appeals grants a writ of certiorari and the original disposition is vacated. In such instances, the present analysis uses the original disposition date to stop case time.

Overall Performance Results

Performance results for Fiscal Year 2016 show that, with the exception of certain special cases,² the Court of Special Appeals is generally processing cases faster than the 9 month (270 day) standard developed by the Judiciary for civil and criminal cases.

Civil and Criminal Cases

The Court of Special Appeals processed 90% of its combined criminal and civil appeals cases within the 9-month (270 day) goal in Fiscal Year 2016, exceeding the established 80% goal. Further analysis shows that the Court disposed of a roughly equivalent percentage of civil cases and criminal cases within the standard (at 89% for civil and 90% for criminal), in Fiscal Year 2016. See Table 1.

The data were further analyzed to determine if a difference existed in how the Court processed reported versus unreported cases. In Fiscal Year 2016, the Court disposed of more unreported cases within the standard than they did reported cases (at 91% within-standard among unreported cases compared to 80% within-standard for reported cases). It was found that 70% of the Court's reported criminal cases were processed within-standard, as well as 84% of reported civil cases. The Court's unreported appeals disposed in Fiscal Year 2016 performed at an even higher level, with 92% of unreported criminal appeals and 90% of unreported civil appeals disposed within-standard in that year.

² Special cases for the purpose of this study include cases identified where child access issues are to be decided [custody, guardianship, child in need of assistance (CINA), termination of parental rights (TPR)]; State Appeals from the pretrial suppression of evidence; and elective expedited appeals. These cases are analyzed separately pursuant to special timeliness standards contained in applicable laws or Rules of Procedure.

Table 1. Criminal & Civil Cases Disposed within Time Standard Goals, Court of Special Appeals, Fiscal Year 2016

Judiciary Goals
Criminal & Civil Cases
Argument/Submission on Brief to Disposition
 80% within 9 Months (270 Days)

Case Type	Cases Disposed Within Time Standard Goals								
	Fiscal Year 2016 Dispositions	All Cases		Reported Opinions			Unreported Opinions		
		N	Cases Within-Standard <i>N</i>	% Within-Standard	Total <i>N</i>	Cases Within-Standard <i>N</i>	% Within-Standard	Total <i>N</i>	Cases Within-Standard <i>N</i>
Criminal¹	645	583	90%	43	30	70%	602	553	92%
Civil²	748	665	89%	101	85	84%	647	580	90%
Combined Criminal & Civil Cases	1,393	1,248	90%	144	115	80%	1,249	1,133	91%

¹ Criminal appeals do not include State appeals from the pretrial suppression of evidence (n=1). Performance results for these appeals are provided in Table 3.

² Civil cases include regular civil appeals, juvenile delinquency appeals, and child access and guardianship appeals. Child access and guardianship appeals are subject to additional case time standards, as shown in Table 3, as well as the general civil appeals case time standard.

³ The Court of Special Appeals disposed of 13 cases prior to the set argument date. These cases were not included in this analysis.

As seen in Table 2, the overall average time from argument to disposition for disposed appeals in Fiscal Year 2016 was 109 days for criminal and 96 days for civil appeals. Juvenile delinquency cases (a civil case sub-type) showed an average case time in Fiscal Year 2016 of 113 days. Overall median times from argument to disposition among the Court’s disposed appeals in Fiscal Year 2016 were similar for criminal (69 days) and juvenile delinquency (76 days) cases, compared to 43 days for civil appeals.

Table 2. Overall Average & Median Case Processing Times, Court of Special Appeals, Fiscal Year 2016

Case Type	Time Standard	Fiscal Year 2016 Overall Average & Median Case Times (in days)		
		Total Cases (N)	Overall Average	Overall Median
Criminal	270 Days <i>Argument/Submission on Brief to Disposition</i>	645	109	69
Civil (less Juvenile Delinquency)		709	96	43
Juvenile Delinquency ¹		39	113	76
Overall (Combined)		1,393	102	55

¹ Juvenile Delinquency cases are contained within the “Civil” appeal type in terms of the Court of Special Appeals’ official Case Time Standards, but are analyzed separately in Table 2 to show comparative average and median case times only.

Special Cases

The Court of Special Appeals’ case time standards contain specialized timeliness provisions for certain appeal types pursuant to applicable laws or Maryland Rules of Procedure governing these appeals. Fiscal Year 2016 performance results among these “special cases” are shown in Table 3.

As shown, the Court met the goal of disposing of 100% of State Appeals from the Pretrial suppression of evidence cases within 120 days of filing of the record in Fiscal Year 2016. Child access cases comprise the majority of the special cases, with 99 appeals disposed in Fiscal Year 2016. There are two case time standard goals for child access cases: the first standard calls for 98% of child access cases to be argued within 120 days from filing, and the second standard for 100% of child access cases to be disposed within 60 days post argument or submission on brief. Table 3 shows that the Court was able to meet the goal for Standard 1 in 22% of the cases ($n = 22$). The Court processed cases significantly faster on Standard 2, in which the time standard was attained on 94% of the cases ($n = 93$), falling short of the 100% goal.

Child Access Standard 1 measures time from filing to argument/submission. During this timeframe, the Court must rely on the actions of one or both parties to perform. Casefile notes indicate that argument was frequently rescheduled to permit late filing of briefs, transfer of records, and change in counsel in these cases. Many of these delays were not initiated by the Court, but were permitted by Court Order, and the percentage of cases satisfying the standard was markedly low.

The present analysis showed that the Court performed equal to or better than the standard in the vast majority of cases (including criminal and civil) where it had substantial control or ability to impact the progression of cases toward disposition. The only instance where this was not true was for the Child Access Standard 2, where the Court missed the goal by 6%.

Table 3. Performance of Cases subject to Special Case Time Standard Goals, Court of Special Appeals, Fiscal Year 2016

Case Type	Case Time Start	Case Time Stop	Time Standard Goal		Fiscal Year 2016 Dispositions	Within-Standard	
			Days	%		N	%
Child Access / Guardianship / CINA / TPR, Standard 1 ¹	Filing of Record	Argument Held	120 Days	98%	99	22	22%
Child Access / Guardianship / CINA / TPR, Standard 2 ²	Argument or Submission on Brief	Disposition	60 Days	100%		93	94%
State Appeals from the Pretrial Suppression of Evidence ³	Filing of Record	Disposition	120 Days	100%	1	1	100%
Elective Expedited Appeals, Standard 1 ^{4,6}	<u>Later of:</u> Filing of Appellee's brief <u>or</u> commencement of the next session of Court	Argument Held	45 Days	98%	0	N/A	N/A
Elective Expedited Appeals, Standard 2 ^{5,6}	Argument of Submission on Brief	Decision	20 Days	98%	0	N/A	N/A

¹ Maryland Rule 8-207(a) (5).

² Maryland Rule 8-207(a) (5).

³ CJP § 12-302(c) (3).

⁴ Md. Rule 8-207(b).

⁵ Md. Rule 8-207(b).

⁶ The Court did not record any disposed appeals in Fiscal Year 2016 that met the criteria for an elective expedited appeal.

Analysis of Over-Standard Cases

An examination of cases disposed over-standard by the Court shows that a number of cases were closed shortly after the time standard goal. In Fiscal Year 2016, 26% of the over-standard cases for criminal appeals and 14% of the over-standard cases for civil appeals were disposed within one month of the 270 day time standard. See Table 4.

Likewise, but to an even greater extent, analysis of child access cases showed that a significant number of over-standard cases were disposed shortly after the standard goal passed. Fifty-seven percent (57%) of Standard 1 Child Access cases (filing to argument/submission) were disposed within one month after the respective case time standards in Fiscal Year 2016. All of the six cases that were over standard for Standard 2 were disposed within a month after the period lapsed.

**Table 4. Analysis of Over-Standard Cases
Court of Special Appeals, Fiscal Year 2016**

Case Type	Time Standard	Number of Over-Standard Cases	Number and Percentage of Cases Closing Over-Standard			
			Within 1 week		Within 1 month	
			N	%	N	%
Criminal	270 Days	62	2	3%	16	26%
Civil (includes Delinquency)	270 Days	83	0	0%	12	14%
Child Access, Standard 1	120 Days (Filing of Record to Argument Held)	77	14	18%	44	57%
Child Access, Standard 2	60 Days (Argument/Submission on Brief to Disposition)	6	5	83%	6	100%

APPENDIX: Court of Special Appeals Case Time Standards

Court of Special Appeals Case Time Standards

Case Type	Time Standard	Case Time Start	Case Time Suspension		Case Time Stop	Comments
			Stay Begins (Suspend Begins)	Stay Ends (Suspend Ends)		
Civil	9 Months (80% Completed within standard)	Argument or Submission on Brief	<ul style="list-style-type: none"> ➤ Parties request a Stay. ➤ Suggestion of Bankruptcy. ➤ Request for or referral to mediation and stay. ➤ Consolidation with a related case. ➤ Notice of Pending case in the Court of Appeals with the same or related issue. ➤ Corrections to the record identified in argument. 	<ul style="list-style-type: none"> ➤ Stay is lifted by parties' request or court order. ➤ Date of order lifting stay following information that the automatic stay has been lifted (relief from stay, dismissal or discharge). ➤ Order lifting stay following unsuccessful or partially successful mediation. ➤ Argument or submission of the latter of the two cases. ➤ Order lifting stay following notice of disposition of case in Court of Appeals. ➤ Granting of a motion to correct the record. 	Disposition: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal by appellant. • Mediation agreement and remand. • Transferred to Court of Appeals. 	
Criminal	9 Months (80% Completed within standard)	Argument or Submission on Brief	<ul style="list-style-type: none"> ➤ Parties request a Stay. ➤ Consolidation with a related case. ➤ Notice of Pending case in the Court of Appeals with the same or related issue. ➤ Corrections to the record identified in argument. 	<ul style="list-style-type: none"> ➤ Stay is lifted by parties' request or court order. ➤ Argument or submission of the latter of the two cases. ➤ Order lifting stay following notice of disposition of case in Court of Appeals. ➤ Granting of a motion to correct the record. 	Disposition: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal by appellant. • Transferred to Court of Appeals. 	

Court of Special Appeals Case Time Standards

(SPECIAL CASES)

Case Type	Time Standard	Case Time Start	Case Time Suspension		Case Time Stop	Comments
			Stay Begins (Suspend Begins)	Stay Ends (Suspend Ends)		
Child Access/ Guardianship/ CINA/TPR Standard 1.	120 Days (98% Completed within standard)	Filing of Record	➤ None	➤ None	Argument held.	Md. Rule 8-207(a)(5)
Child Access/ Guardianship/ CINA/TPR Standard 2.	60 Days (100% Completed within standard)	Argument or Submission on Brief	➤ None	➤ None	Disposition: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal filed. 	Md. Rule 8-207(a)(5)
State Appeals from the pretrial suppression of evidence.	120 Days (100% Completed within standard)	Filing of Record	➤ None	➤ None	Disposition: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal by State. 	CJP § 12-302(c)(3).
Elective³ Expedited Appeals Standard 1.	45 Days (98% Completed within standard)	Later of filing of Appellee's brief or commencement of the next session of Court.	➤ None	➤ None	Argument held.	Md. Rule 8-207(b).
Elective Expedited Appeals Standard 2.	20 days (or 30 days if submitted on brief) (98% Completed within standard)	Argument or Submission on Brief	➤ Identification of extraordinary circumstances ➤ Panel of Court recommends reporting the opinion.	➤ Conclusion of extraordinary circumstance. ➤ Conclusion of the next scheduled conference.	Decision: <ul style="list-style-type: none"> • Opinion filed. • Dismissal order filed. • Voluntary dismissal by appellant. 	Md. Rule 8-207(b).

³ The election must be a joint election executed by all parties. Md. Rule 8-207(b).