

**Adoption of Time Standards  
Superior Court of the District of Columbia  
August 2007**

Effective immediately, 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 performance 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.

Thirteen 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 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 early 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.

In reviewing standards offered by national organizations such as the American Bar Association (ABA), the Court found that, while some jurisdictions have adopted standards, few actually achieve them on a regular basis. For instance, the ABA standards, issued 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, but were not realistic and, therefore, are no longer endorsed by COSCA.

In 2002 and 2003, the National Center for State Courts examined 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 also widely recognized that time-setting provides a means to a more efficient and well-organized court system.”<sup>1</sup>

Discussions with this Court's stakeholders 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

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<sup>1</sup> *Case Processing Time Standards in State Courts, 2002-03*, Heather Dodge and Kenneth Pankey, National Center for State Courts.

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:

“...efficiency is the foundation of a well-run court. Higher levels of both timeliness and quality are possible by adoption of a more efficient work orientation.”<sup>2</sup>

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.

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.

## **Guiding Principles**

As the dialogue about time standards evolved over many months of meetings between judges and justice system stakeholders, several principles emerged which informed the development of the Court’s time standards and will guide their implementation:

- ✓ Time standards should complement, rather than overtake, due process considerations. Waiting periods are deliberately built into some court procedures and processes in order to preserve parties’ rights, for example, to provide adequate notice, to conduct discovery, or to receive service of process. Time standards should not override such protections, but should be given due weight.

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<sup>2</sup> *Efficiency, Timeliness and Quality: A New Perspective From Nine State Criminal Trial Courts*, p. 109, Brian J. Ostrom and Roger A. Hanson, National Center for State Courts, 1999.

- ✓ Time standards should be both aspirational *and* realistic. Rather than simply adopt standards which are purely aspirational, the Court went to great lengths to develop standards that will move cases forward expeditiously *and* reflect actual timeframes for certain events that may be statutorily mandated or reflect existing resource limitations, or are contained in court rules for due process reasons. The Court is striving for incremental improvements to allow time for changes in the legal culture and careful refinement of processes.
- ✓ Time standards are separate and distinct from statutory time limits that are imposed on the Court by the U.S. or D.C. Codes or by case law. Statutory time limits create rights of the parties to hearings or trials within established time frames. For example in criminal matters where a statutory time limit establishes the right to a speedy trial within a specified time, cases must go to trial within the statutory time limit, unless waived. In cases of waiver, trials should still be considered on an expedited track and should be managed to meet or exceed established time standards.
- ✓ Time standards should enable the Court to report the total time cases take to move from filing to disposition, as well as the amount of time the Court has active control of cases. The first measure reflects the time it takes for the justice system as a whole to process cases, while the second measure more accurately depicts the Court's performance in managing cases. Both measures are instructive in revealing where delay occurs and pointing to solutions to reduce delay. Periods of time during which the Court cannot move the case forward in any respect, such as when a defendant has absconded, will be excluded in calculating the Court's compliance with time standards, as recommended by the National Center for State Courts. It should be noted that the Court has selected the narrowest possible interpretation of such "excludable time" in order to maximize accountability for timely case resolution.
- ✓ Achievement of time standards requires cooperation, communication and commitment from multiple parties and agencies involved in the justice process; the Court will seek an on-going dialogue with stakeholders to achieve a smooth implementation of time standards and strongly encourages stakeholders to examine and refine current practices to achieve timely case resolution.
- ✓ The newly adopted time standards will be considered in effect for a period of not less than two years, while the Court gathers data on the impact of time standards in managing cases towards timely disposition. The Court anticipates that the standards may be adjusted in the future.

## **Implementation of Time Standards**

In accordance with **Administrative Order 07-18**, the Superior Court will begin immediate implementation of time standards in all operating divisions. Presiding Judges will convene regular meetings with stakeholders to refine best practices as needed and to assess progress and impact on all participants. Division Directors are working with the Information Technology and Research and Development Divisions to develop data collection procedures and statistical reports that will provide time data and allow the Court to track compliance with time standards. Currently, the Court is unable to retrieve all of the data that will be helpful in monitoring compliance with time and performance measures. Nevertheless, the standards are going into effect immediately in the belief that it is important to begin the use of performance measures even if gaps will remain in some of the data at first. Data on time measures, along with statistical data on the Court's other case processing performance measures (e.g., clearance rate, age of pending caseload, and trial certainty), and stakeholder feedback, will be analyzed and used to make any necessary adjustments in the future.