

Performance Audit Report

Judiciary

District Court Civil Cases Timeliness of Initial Recording of Filings

Initial Recording Times Vary Among the Districts

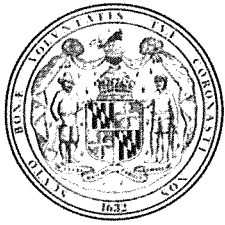
**Processing Time Standards Should Be
Established and Monitored**

February 2012



OFFICE OF LEGISLATIVE AUDITS
DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND GENERAL ASSEMBLY

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Karl S. Aro
Executive Director

DEPARTMENT OF LEGISLATIVE SERVICES
OFFICE OF LEGISLATIVE AUDITS
MARYLAND GENERAL ASSEMBLY

February 24, 2012

Bruce A. Myers, CPA
Legislative Auditor

Senator James C. Rosapepe, Co-Chair, Joint Audit Committee
Delegate Guy J. Guzzone, Co-Chair, Joint Audit Committee
Members of Joint Audit Committee
Annapolis, Maryland

Ladies and Gentlemen:

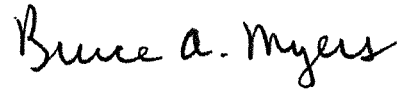
We conducted a performance audit to determine the timeliness of the initial recording of civil complaints filed with the district courts into the automated case management system, and whether processing time standards have been developed. We obtained civil case data from the Judiciary for each of the districts for fiscal year 2011 and calculated the average length of time to record the filing information and establish the case on the case management system.

Our audit disclosed that the overall statewide average time to record a civil case into the system was 8.6 work days after it was initially filed, with district averages ranging from 1.6 days to 20.1 days. Delays in entering the cases into the system cause a corresponding delay in setting a trial date and issuing a summons to the defendant in the case.

Although the Judiciary has developed time standards and tracks case processing times after a defendant is served with a summons, no formal standards or monitoring had been established for civil case filings processed by the courts before that point. That is, the Judiciary did not have standards that specified how promptly civil case filings should be recorded in the case management system after they were initially received, nor established a mechanism to monitor these times. The variability in the initial processing times among districts suggests that the Judiciary should investigate the causes for delays and ensure corrective measures are taken. In addition, the Judiciary should establish initial case processing time standards, track processing times, and monitor the courts' performance against the established standards.

The Judiciary's response to this audit is included as an appendix to this report. We wish to acknowledge the cooperation extended to us by the Judiciary during our audit.

Respectfully submitted,

A handwritten signature in black ink that reads "Bruce A. Myers". The signature is written in a cursive, flowing style.

Bruce A. Myers, CPA
Legislative Auditor

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Background Information

The Judiciary is responsible for the administration of justice through the operation of a system of courts under the Judicial Branch of State government. The courts consist of the Court of Appeals, the Court of Special Appeals, circuit courts, and the District Court of Maryland. The Chief Judge of the Court of Appeals is the administrative head of the State's judicial system. The Chief Judge appoints the State court administrator as head of the Administrative Office of the Courts to carry out the administrative duties which include data analysis, personnel policies, education, and training for judicial personnel.

The District Court consists of 34 court houses located throughout the 23 counties and Baltimore City. The 23 counties and Baltimore City are grouped into 12 districts for administrative purposes. See page 8 for the composition of the districts. The District Court handles the following types of cases: civil lawsuits up to \$30,000; landlord-tenant disputes; criminal misdemeanors and certain felonies; motor vehicle violations; replevin claims, which seek the recovery of property or goods; and bail and preliminary hearings for any crime charged in Maryland. Our audit scope was limited to civil lawsuits.

The Civil Online System automates the clerical processing of civil cases filed in the District Court, and serves as the case management system. Civil complaints filed by plaintiffs with the district courts are initially reviewed to ensure the filings are complete and the required fees have been remitted. Each complaint is assigned a case number and then the case information is recorded into the System. Once the information is recorded, a summons can be printed, which is either mailed by the court, or delivered by a private process server or the sheriff. The system is also used to record case activity, to notify parties as necessary, and to generate management reports.

Scope, Objectives, and Methodology

Scope and Objectives

We conducted a performance audit to determine the length of time taken by the district courts to record civil complaints into the Judiciary's case management system and to determine if the Judiciary had established standards for the length of time that it should take the district courts to initially record complaints into the case management system.

This audit was conducted in response to a request from the Joint Audit Committee. We conducted the audit under the authority of the State Government Article, Section 2-1220 of the Annotated Code of Maryland and performed it in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Methodology

To accomplish our objectives, we obtained a data file from the Judiciary of civil cases recorded on its case management system for complaints received between July 1, 2010 and June 30, 2011 for the purpose of determining the time taken to record the complaint into the system, once the filing was deemed complete. We performed tests, based on non-statistical sampling, of the data for the four largest districts (which accounted for 63 percent of the cases) and determined that the data were sufficiently reliable for our audit purposes. The data consisted of the date that the complaint was received by the court and the date that it was entered into the case management system. We verified the complaint receipt date by examining the date stamp date on the complaint form. The system entry date was automatically assigned by the case management system. Using the data we calculated the processing times for each of the 12 districts, which included all 23 counties and Baltimore City.

We also contacted the National Center for State Courts to inquire about civil case time entry standards in other states. In addition, we contacted other states' court officials and inquired about any standards for the length of time to record civil cases into case management systems. Finally, we interviewed officials at the Judiciary and at selected district court locations regarding the procedures for processing civil complaints.

Our fieldwork was conducted between October and December 2011. The Judiciary's response to our findings and recommendations is included as an appendix to this report. As prescribed in the State Government Article, Section 2-1224 of the Annotated Code of Maryland, we will advise the Judiciary regarding the results of our review of its response.

Conclusions

We concluded that the time it takes to record civil complaints into the Judiciary's case management system varies among the districts and that no timeliness standards or formal tracking mechanisms had been established to monitor processing times. Due to the variations, the Judiciary should establish time processing standards, monitor performance, investigate the causes for delays, and ensure appropriate actions are taken to address delays. For example, the average length of time to record the complaints in District 5 during fiscal year 2011 was over 20 days, with almost 45 percent of the cases taking in excess of 20 days to record. The statewide average for all other districts was only 6 days.

Findings and Recommendations

Analysis of Case Processing Times

Finding 1

The time taken by the district courts to record civil complaints into the case management system varied among the districts.

Analysis

Our analysis disclosed that the time taken by the district courts to initially record civil complaints into the case management system varied among the districts as shown on the following page:

**Work Days to Initially Record District Court Civil Case Filings into the
Judiciary's Case Management System
Fiscal Year 2011**

District	Average Days	Total Number of Cases	Percentage of Filings Recorded Within				
			0-4 Days	5-9 Days	10-14 Days	15-19 Days	20+ Days
1	1.6	34,721	98.3	1.4	0.1	0.1	0.1
2	13.1	15,017	26.1	11.7	25.6	12.0	24.6
3	1.6	9,325	90.5	7.9	1.2	0.3	0.1
4	6.1	11,055	52.0	27.2	9.5	4.0	7.3
5	20.1	44,080	8.3	9.5	18.7	18.7	44.8
6	9.6	30,529	32.9	26.6	18.7	10.5	11.3
7	6.5	17,328	53.5	25.2	9.2	10.3	1.8
8	7.5	39,276	46.0	15.4	26.5	9.0	3.1
9	1.9	7,994	87.4	11.3	0.9	0.3	0.1
10	4.9	11,796	61.6	21.3	12.2	4.6	0.3
11	2.2	11,948	94.2	5.4	0.2	0.1	0.1
12	4.2	2,710	71.3	16.8	3.6	4.1	4.2
Statewide	8.6	235,779					
Statewide without District 5	6.0	191,699					

The districts consist of the following locations:

- District 1 - Baltimore City
- District 2 - Dorchester, Somerset, Wicomico, and Worcester Counties
- District 3 - Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties
- District 4 - Calvert, Charles, and St. Mary's Counties
- District 5 - Prince George's County
- District 6 - Montgomery County
- District 7 - Anne Arundel County
- District 8 - Baltimore County
- District 9 - Harford County
- District 10 - Carroll and Howard Counties
- District 11 - Frederick and Washington Counties
- District 12 - Allegany and Garrett Counties

We inquired at the three districts which, on average, had the highest delays as to the reasons for the delays in initially recording civil complaints into the case management systems. The districts attributed the delays to temporary staffing shortages. For example, management of District 5 advised that more than one-half of the staff responsible for data entry of civil cases had been on sick leave for extended periods during fiscal year 2011. These three districts attempted to address their situations by either requesting additional employees, assigning supervisors to process cases, paying overtime and/or by reallocating workloads among other employees. Delays in recording complaints into the system cause a corresponding delay in setting a trial date, issuing a summons to the defendant, and adjudicating the case.

Recommendation 1

We recommend that the Judiciary

- a. investigate the reasons for delays in initially recording civil case filings into the case management system, and**
- b. ensure that appropriate measures are taken to address such delays.**

Finding 2

The Judiciary had not established processing time standards for district courts to record civil complaints into the case management system nor monitored the district courts' processing performance.

Analysis

Our audit disclosed that the Judiciary had not established time standards specifying how soon after the receipt of a civil case filing the courts should be recording the information into the case management system. Also, the Judiciary did not monitor the length of time taken by the courts to record the information into the system. Without standards, neither the district courts nor the court administration has formally established expectations for evaluating performance in this area and for taking appropriate actions to improve performance when necessary.

We consulted with other states' court administrators and national bodies such as the National Center for State Courts to determine if standards had been established or recommended for initial entry of civil claims into automated systems. Our inquiries did not disclose any widely recognized or definitive timeframes recommended for this area. The general response we received was that cases should be recorded as soon as possible and without delay. Accordingly, actual standards for each organization would need to be established based on its specific procedures, processes, needs, and expectations in the circumstances.

In 2001, the Judiciary developed case processing standards which establish the length of time to record a judgment in a civil case, measured from the date that the defendant is served with a summons. The Judiciary utilizes these standards as part of its Managing for Results measures and submits a report annually to the budget committees on its progress in meeting the standards. However, starting from the point a summons is served excludes from measurement a portion of the entire process, thereby precluding a complete assessment of case processing timeliness.

Recommendation 2

We recommend that the Judiciary

- a. establish time standards for district courts to record civil case filings into the case management system, and**
- b. monitor the district courts' performance against the established standards.**

APPENDIX



ROBERT M. BELL
CHIEF JUDGE

COURT OF APPEALS OF MARYLAND
ROBERT C. MURPHY COURTS OF APPEAL BUILDING
361 ROWE BOULEVARD
ANNAPOLIS, MARYLAND 21401-1699

February 21, 2012

Mr. Bruce A. Myers, CPA
Legislative Auditor
Office of Legislative Audits
301 West Preston Street
Baltimore, MD 21201

Dear Mr. Myers:

We have received the Legislative Auditor's Draft Audit Report pertaining to the District Court Civil Cases – Timeliness of Initial Recording of Filings for fiscal year 2011. The following are our responses to the audit findings and recommendations in the report:

Finding 1: The time taken by the district courts to record civil complaints into the case management system varied among the districts.

We concur with the finding and recommendation.

- a. Upon completion of our review and discussion with the administrative officials in each district, we have concluded that the reasons for delays in initially recording civil case filings into the case management system are temporary. We determined that the major underlying factors are consistently the result of staff availability which is impacted by vacancy levels, normal leave, FMLA, and training turnaround times.
- b. The district court, upon completion of its review and assessment of civil new case filings statewide, has designed and developed a methodology to monitor and manage real and potential delays. We have undertaken to have the Judicial Information Systems (JIS) group provide the court with a quarterly data feed of all civil new case filings. That data will be uploaded to an Excel Pro program which will create usable tables that can be reviewed and evaluated.

Upon completion of an evaluative process, any problem areas, or identification of trends that could lead to delays, can, and will, be addressed immediately. The implementation of this new monitoring capability will also allow the court to provide enhanced monitoring and management of its civil new case filings while maintaining its self-imposed timeline.

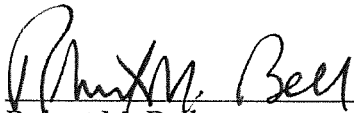
Finding 2: The Judiciary had not established processing time standards for district courts to record civil complaints into the case management system nor monitored the district courts' processing performance.

We concur with the finding and recommendation.

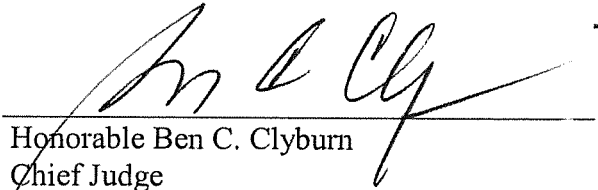
- a. Effective January 2012, the district court has implemented a self-imposed timeline of four days to record civil case filings into the case management system. It should also be noted that, with the advent of the Maryland Electronic Court (MDEC) system, manual new case filings will no longer be the norm. In that environment, cases will be scanned upon receipt and immediately loaded into the system, thereby eliminating virtually any possibility of delay related to new case entry.
- b. The court has established that a quarterly report be generated for the purpose of assessing and evaluating the timeline and monitoring individual jurisdictions to ensure consistency in processing is maintained.

We believe we have responded in full to both findings and recommendations in the audit report.

Very truly yours,



Robert M. Bell


Honorable Ben C. Clyburn
Chief Judge
District Court

cc: Roberta Warnken, Chief Clerk, District Court
Frank Broccolina, State Court Administrator
Faye Matthews, Deputy State Court Administrator
Ssali S. Luwemba, Director of Internal Audit

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