



Arizona Court of Appeals
Division One
CourTools FY2010



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CourTools: An Introduction

In June 2008, the Arizona Supreme Court established the Appellate CourTools Committee to evaluate and recommend measures by which Arizona's appellate courts can track and improve performance using a methodology developed by the National Center for State Courts. By tracking the life of appeals as they progress from their initiation until their resolution, Arizona's appellate courts aim to improve their performance and provide transparency and accountability to the public. Only a handful of appellate courts across the country have undertaken this project, and Division One is proud to be among them.

The Committee selected three performance measures for Arizona's appellate courts to use in Fiscal Year 2010: (1) Time to Disposition; (2) Case Clearance; and (3) Age of Pending Caseload.¹ An explanation of these measures and their results follow.

Time to Disposition

Time to Disposition measures the percentage of cases that were decided by a selected time reference point for the court's primary case types (civil, criminal, juvenile, special actions, and workers' compensation cases)

¹ In Fiscal Year 2009, the Committee also used an anonymous Appellate Bar and Trial Bench Survey as a performance measure. The Committee elected to conduct the survey biennially. Consequently, the survey will be conducted next in Fiscal Year 2011.

during the court's **fiscal year** (July 1 – June 30).² The purpose of this assessment is to measure stages of appeals against the same fixed points in successive years. For purposes of reference points, the court selected periods of time in which approximately 75% of its cases in the various case types and stages were decided in the years prior to Fiscal Year 2009 (“FY2009”). Commencing with Fiscal Year 2010 (“FY2010”), we measure our results against our performance in FY2009 with an eye toward determining the effects of changes in funding, personnel levels, the efficiency of record gathering, and the like.

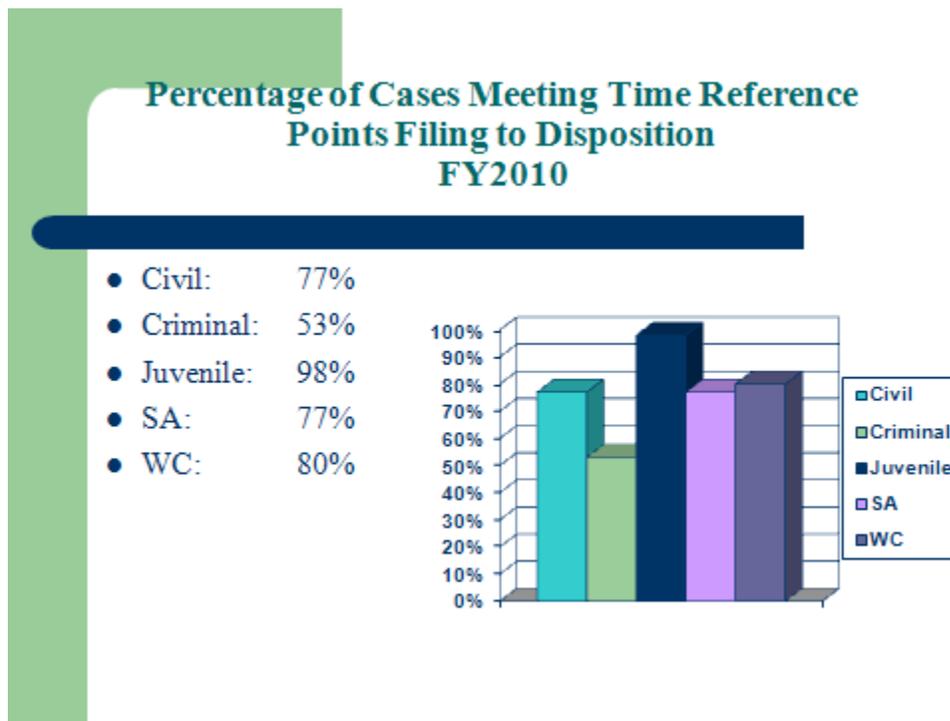
² The cases do not terminate when decided as they are subject to post-decision motions and the like.

Filing-to-Disposition Measure

The court selected the following number of days as time reference points for resolving cases measured from the day an appeal or special action is initiated by a party to the day a case is decided:³

Civil:	400 days
Criminal:	375 days
Juvenile:	275 days
Special Actions (“SA”):	25 days
Workers’ Compensation (“WC”):	300 days

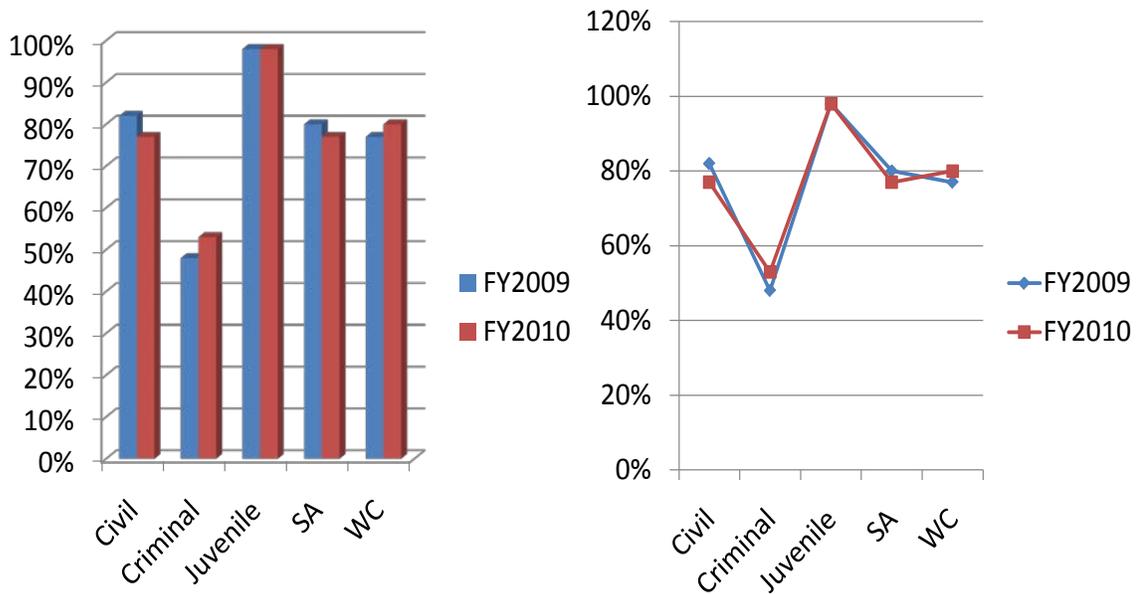
In FY2010, the percentage of cases that met these reference points is as follows:



³ This means, for example, that the reference point for civil appeals from initiation to decision is 400 days, for criminal appeals is 375 days, and so forth.

Compared to FY2009, the court improved its processing of criminal cases by 5% but slowed processing civil cases by 5%. Similarly, the court processed 3% more workers' compensation cases in FY2010 but processed 3% fewer special actions. The percentage of juvenile cases meeting the time reference points in FY2009 and FY2010 were identical. The following graphs illustrate the comparison between the fiscal years:

Time from Filing to Disposition FY 2009 - 2010

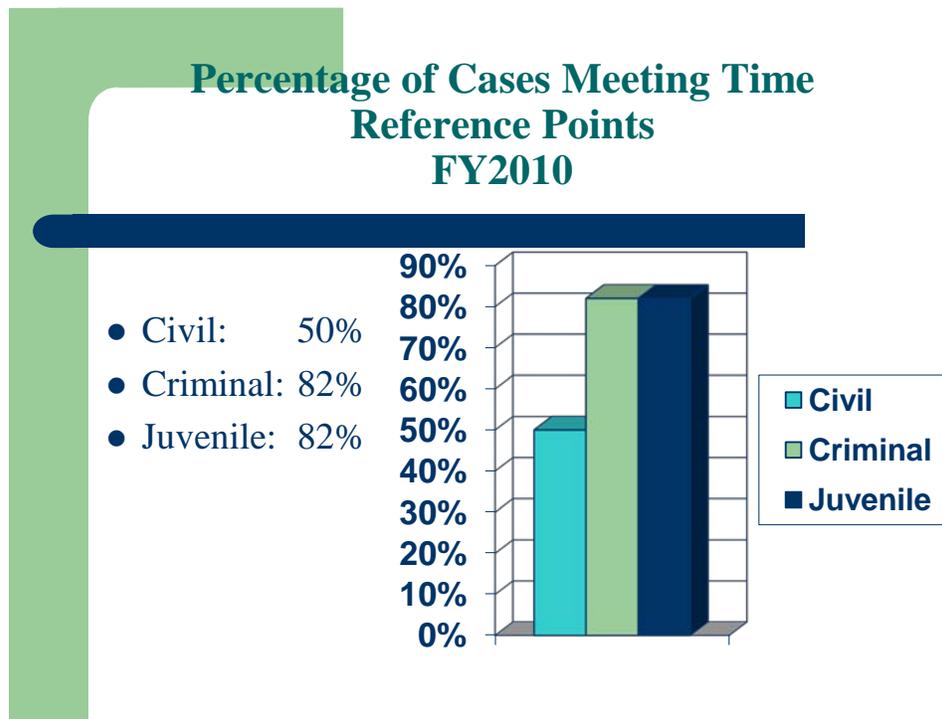


Stage Measurements

In order to understand the pace of appeals through various points in case-processing, the court also set the following time reference points for the various stages of an appeal:

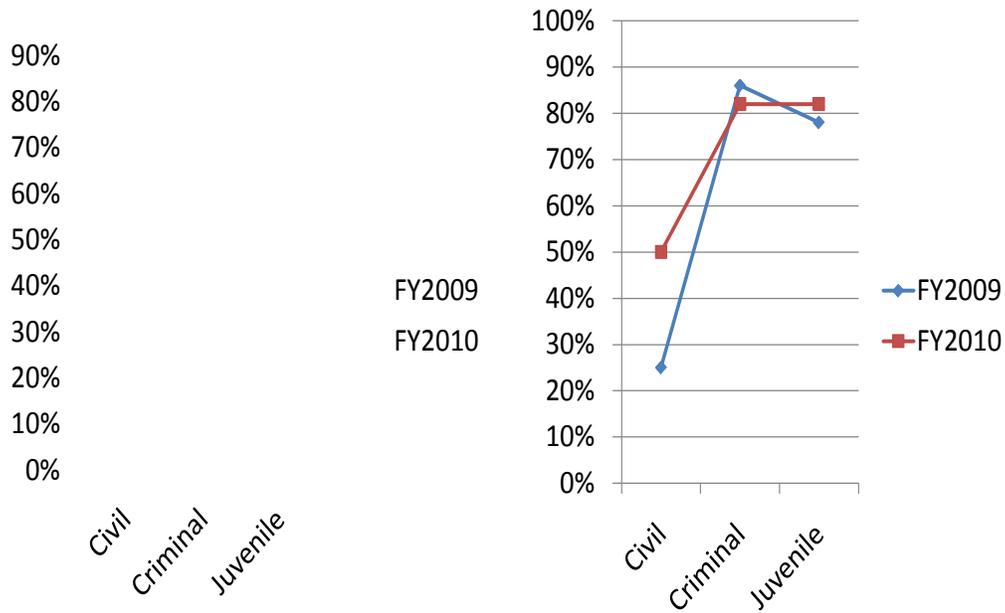
1. Time a party files a notice of appeal in the superior court to the time that court notifies Division One of the appeal (inapplicable to SA and WC):

Civil:	40 days
Criminal:	8 days
Juvenile:	5 days



Compared to FY2009, 25% more civil appeals and 4% more juvenile appeals met the time reference point. The number of criminal appeals meeting the time reference point, however, fell by 4%. The following graphs illustrate the comparison between the fiscal years:

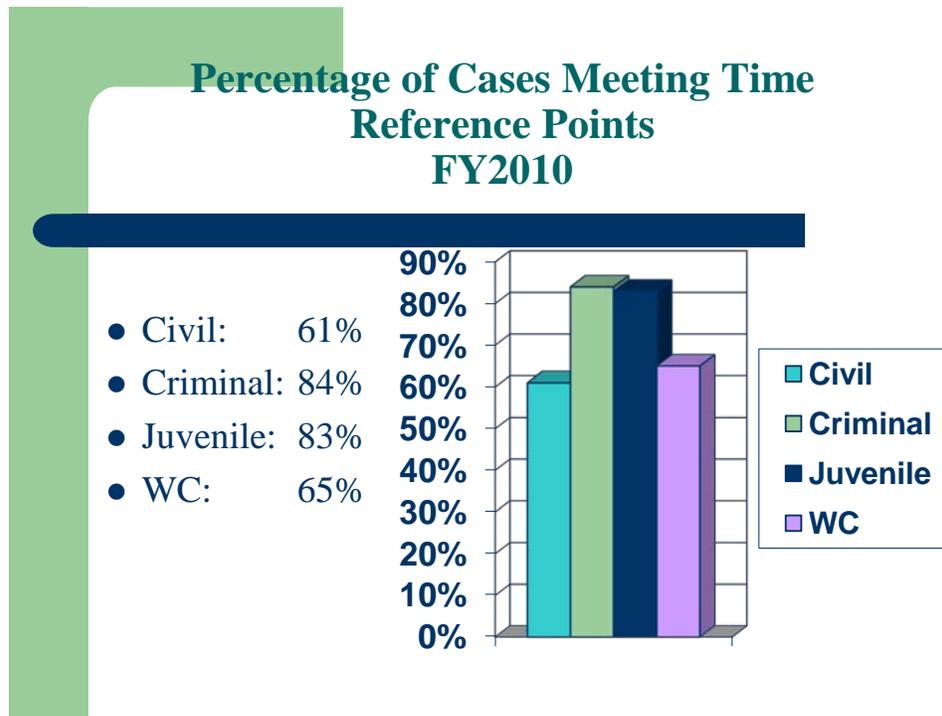
Time from Filing Notice of Appeal to Delivery of Notice to Court of Appeals
FY 2009 - 2010



2. Time measured from day all records and briefs are filed in Division

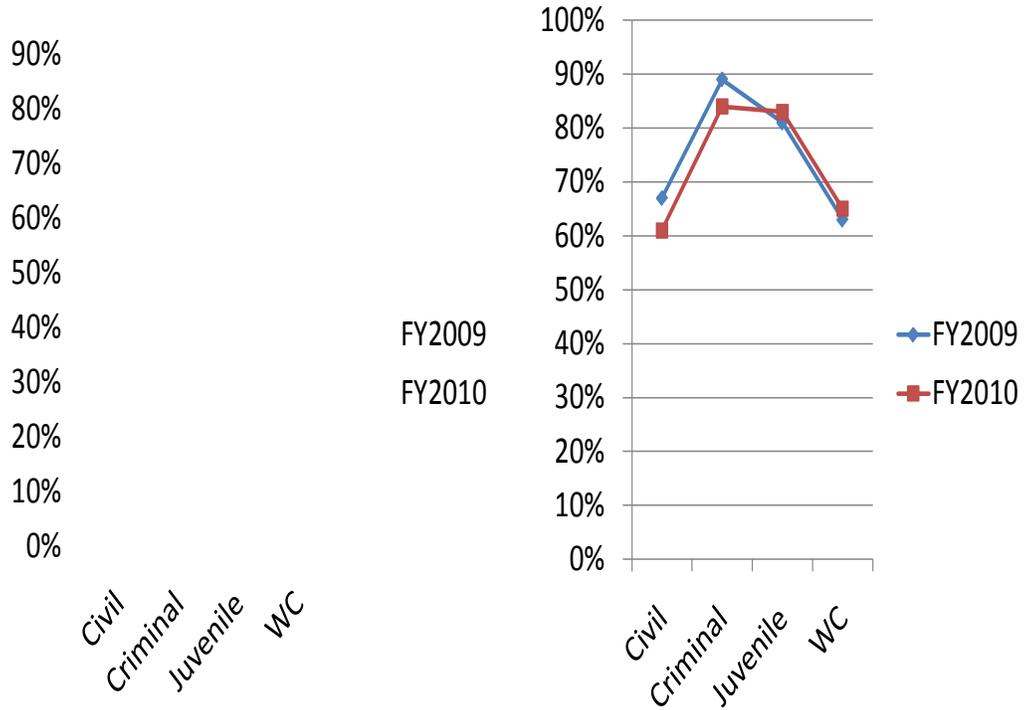
One to the time the case is decided (inapplicable to special actions):

Civil:	225 days
Criminal:	150 days
Juvenile:	100 days
WC:	150 days



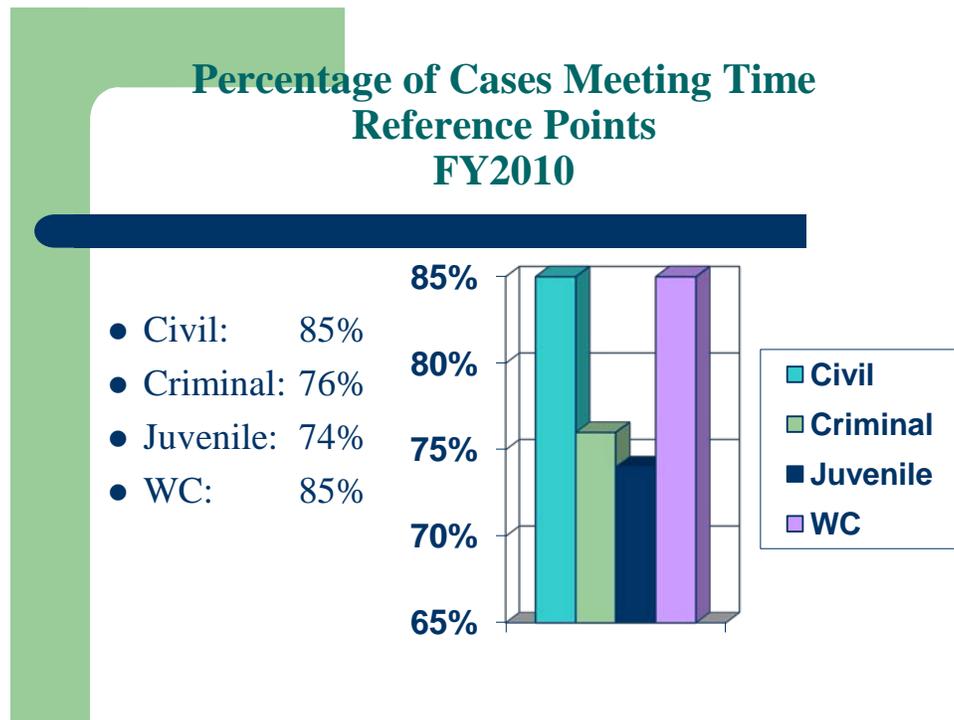
Compared to FY2009, 6% fewer civil cases and 5% fewer criminal cases met the time reference points. Conversely, 2% more juvenile and workers' compensation cases met these points. The following graphs illustrate the comparison between the fiscal years:

Time from Filing all Records and Briefs to Disposition FY 2009 - 2010



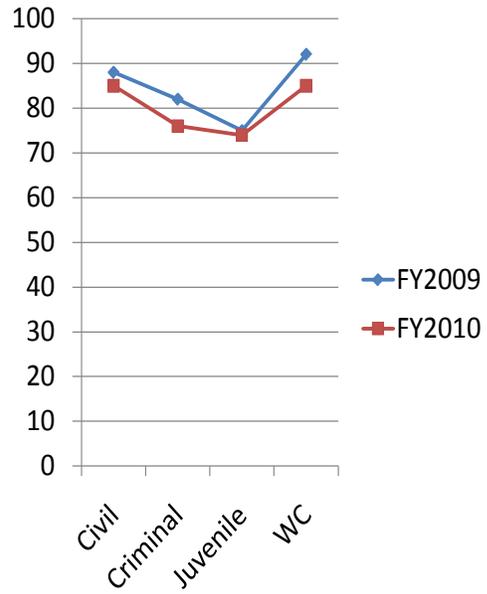
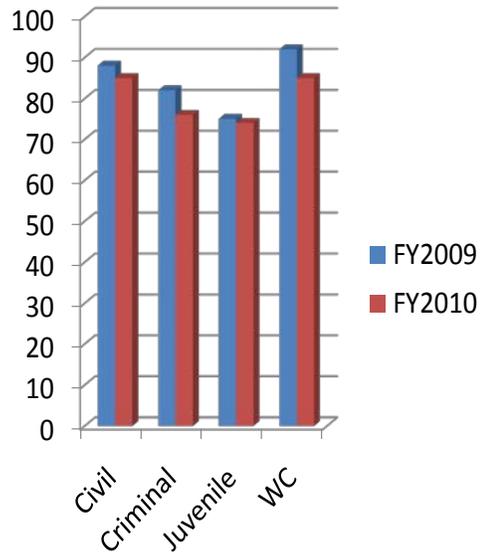
3. Time measured from day the panel of judges hears a case and takes it under advisement to the day the panel issues its decision (special actions not measured):

Civil:	120 days
Criminal:	90 days
Juvenile:	40 days
WC:	100 days



Compared to FY2009, fewer cases in each subject area met the time reference points. The following graphs illustrate the comparison between the fiscal years:

Time from Under Advisement to Decision FY 2009 - 2010



Conclusion

Until multiple years can be measured against the time reference points, it is not possible to draw many conclusions about whether Division One's case processing has improved over other years. We are able to glean some useful information, however, particularly when examining the data related to stages.

As was the case in FY2009, in all case types except criminal appeals, a higher percentage of cases met the time reference points for filing to disposition than the 75% of cases that typically met these points in past years.

Of note was that only 53% of criminal appeals met the filing-to-disposition time reference point. A substantial number of criminal appeals met the reference points for the measured stages. Indeed, once all records and briefs in criminal appeals were filed in the court, 84% of the cases met the given time reference point from that point until disposition by a panel of judges. It is evident that these cases bogged down in a stage not measured by CourTools: The time period starting from the date in which the appeal is initiated to the date the superior court record and transcripts are transmitted and all briefs are filed by the parties. Division One has been aware of this problem for some time and has been working with the superior courts and

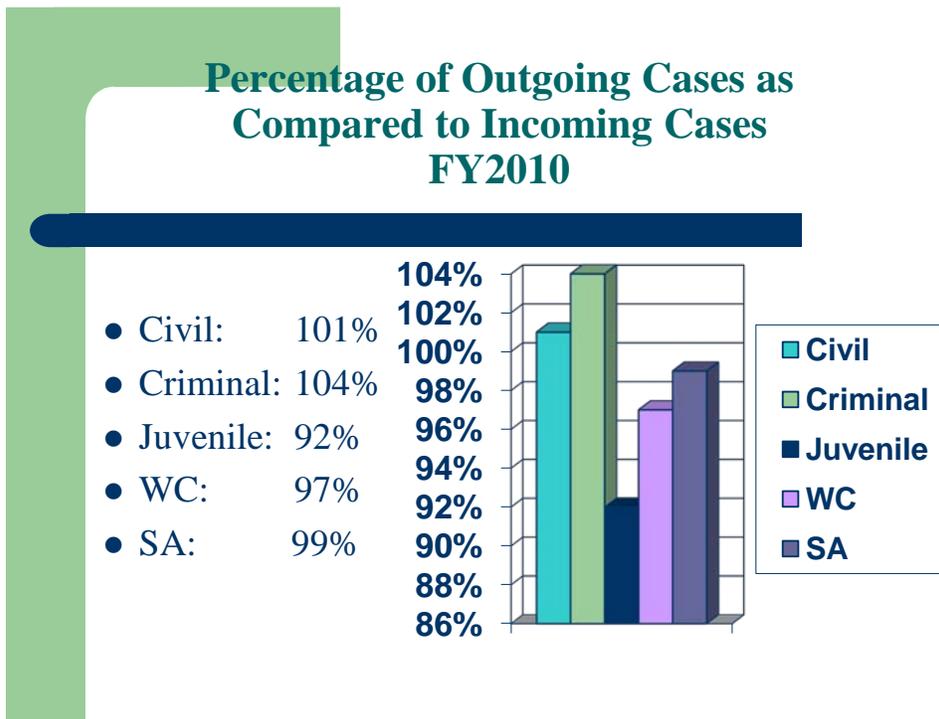
their court reporters to expedite transmissions of records and, most particularly, hearing and trial transcripts. We have also examined our practices regarding granting continuances of dates for filing briefs and have reduced the number of continuances (and the length of continuances) granted. The court regularly holds “show cause” hearings to assist in expediting the filing of transcripts and briefs. Unfortunately, as the number of court reporters shrinks at the superior court and public lawyer agencies lose resources, it is increasingly difficult to expedite the record-gathering and brief-filing processes.

Another noteworthy measure is that only 50% of civil notices of appeal are meeting the 40-day reference point (time between filing of the notice of appeal in the superior court and transmittal of that notice to this court). This is despite a court rule that requires the superior court clerk to transmit the notices within 40 days. The court worked with the superior court in FY2010 to resolve this problem. Although the percentage compliance remains low, this figure represents a 100% increase of civil notices meeting the time reference point in FY2009. Regardless, with the transition to electronic record keeping, Division One expects to receive notices more quickly.

Case Clearance

Case Clearance measures the number of decided cases in a fiscal year as a percentage of the number of new cases filed that year. The point of the measurement is to assess how efficiently the court is deciding older cases as it handles newly filed ones. The goal is to have a 100% clearance rate, which means the court decided at least the same number of cases as the number newly filed that year, and therefore the danger of a growing backlog of cases is minimized.

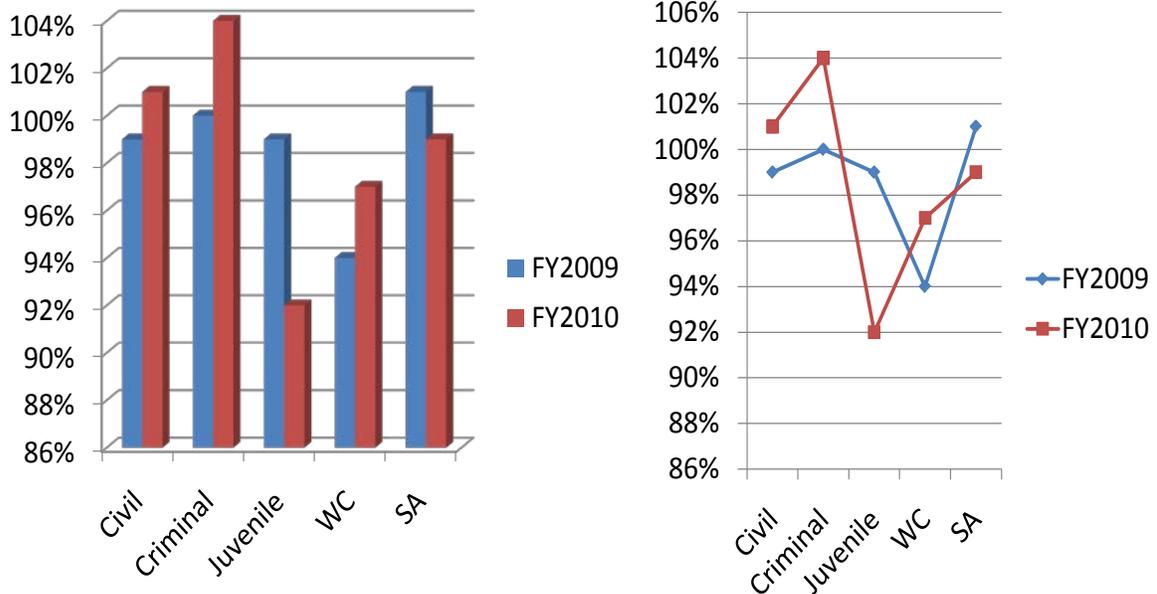
In FY2010, Division One achieved the following case clearance rates:



Overall, the Case Clearance measurement shows that in FY2010 Division One substantially kept pace, lagging minimally in juvenile cases.

Compared with FY2009, the court improved its case clearance rate for civil and criminal cases but fell behind slightly in clearing juvenile, workers' compensation, and special action cases. The following charts show the comparison between FY2009 and FY2010:

Percentage of Outgoing Cases as Compared to Incoming Cases
FY 2009 - 2010

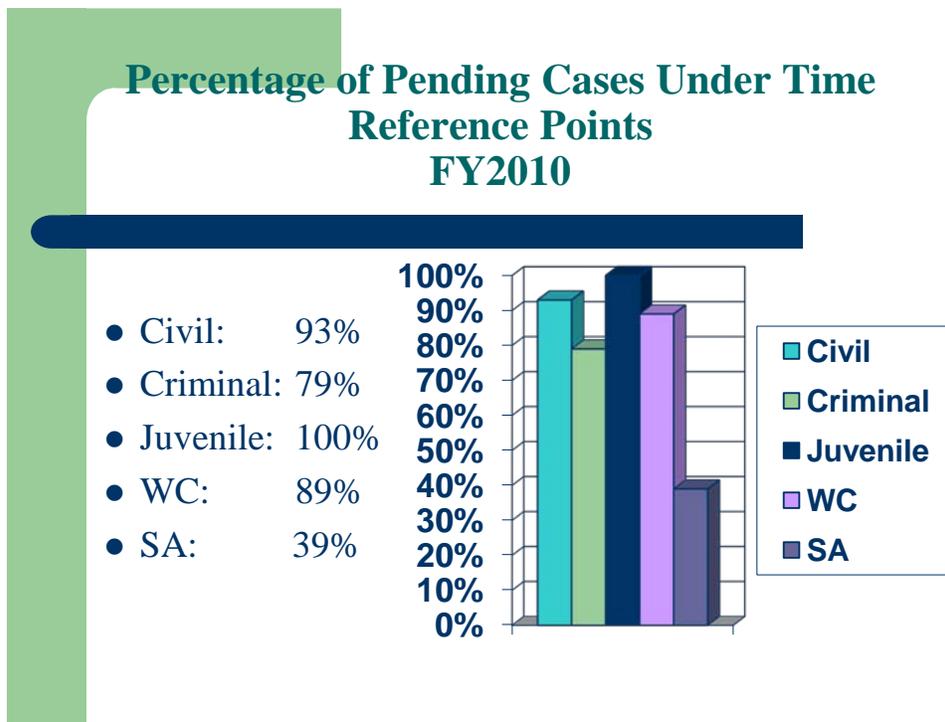


Age of Pending Caseload

The Age of Pending Caseload measurement applies to all cases pending but not decided in FY2010 and is intended to provide information

about the age of Division One’s complement of cases. Specifically, the measurement calculates the percentage of cases pending at the end of a fiscal year that had not reached the time reference points identified for the Time to Disposition Measure described above.

The percentage of all cases pending at the end of FY2010 that had not reached the time reference points is as follows:

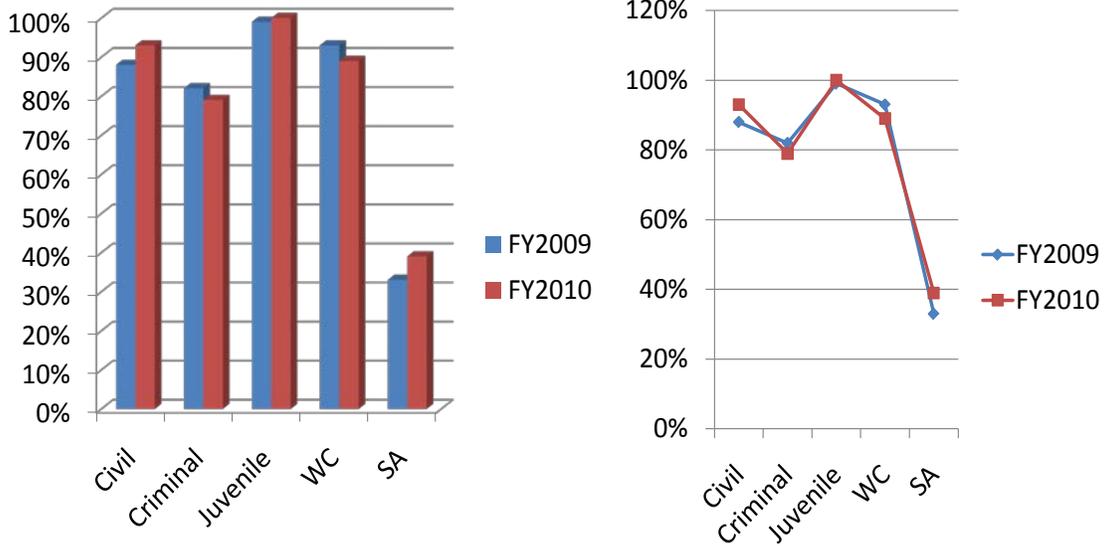


The Age of Pending Caseload measurement shows that at the end of FY2010, Division One’s pending cases were relatively young, as most had not yet reached their time reference points. For example, 100% of the pending juvenile cases had not yet reached their time reference point. Although only 39% of the special actions pending at the end of FY2010 had

not yet met their time reference point, this result does not demonstrate that Division One's pending special actions were particularly aged because only a handful of pending special actions remained at the end of FY2010. Specifically, only thirteen special actions remained at the end of FY2010 because the court had decided hundreds of other special actions that year; indeed, 77% of all special actions met the time reference point in FY2010. The age-of-pending-caseload measure shows that five of the thirteen remaining cases had met the time reference point.

On the whole, Division One's age of pending cases remained substantially the same at the end of FY2010 as compared with the end of FY2009, as depicted in the following graphs:

Percentage of Pending Cases Under Time Reference Points FY 2009 - 2010



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