

Recommendations of the Circuit Judges Time Standards Committee and District Judges Time Standards Committee to Be Implemented by the Courts and Appropriate Agencies of the Unified Judicial System

Effective October 1, 1997

Recommendation I. Case Management Plans.

Each circuit and district court should establish an effective case management plan that will promote compliance with the recommended time standards and eliminate unnecessary delay in the processing of cases. In addition to time standards data, case management plans should also use throughput and case currency as tools to manage the court's workload.

Case currency is defined as the ratio of pending cases to the past twelve months' dispositions. The circuit court case currency goal is 45%; the district court's goal is 25%. In circuit court, the goal reflects the average age at disposition of 164 days. The goal for district court reflects an average age at disposition of 91 days.

Throughput is defined as the ratio of filings to dispositions. The goal for trial courts is 100%. If a court meets the goal, the court has disposed of as many cases as were filed for the time period.

Case management plans should provide for:

A. Judicial supervision and early and continuous control of all cases, including the setting of civil and criminal dockets under the supervision of the trial judge or court administrator, where available.

B. Specialized procedures for the handling of cases involving complex substantive or procedural issues.

C. Intermediate time frames for critical events in the processing of cases, which can be monitored by the court to ensure compliance.

D. Trial setting policies, which will reasonably assure that cases scheduled for trial on any given date will be reached.

E. Setting of trials for a certain date.

F. Strict policies on continuances.

G. Where feasible, individual dockets should be adopted in multi-judge circuits where more than one judge is assigned to a division of the court.

Recommendation II. Exceptional Cases.

Exceptional cases in which the court's jurisdiction is stayed or precluded may be transferred from the active docket to the administrative docket. For the purposes of computing time standards, a case will be considered "disposed" when it is transferred to the administrative docket. When a case on the administrative docket is ready for action, the court must enter an appropriate order for final disposition. Cases on the administrative docket should be reviewed at least once a year.

A. Circuit and district court bankruptcy cases. If the suggestion of bankruptcy has been made in a circuit or district court case, in lieu of the procedure stated in the previous paragraph, the court is authorized to remove the case without prejudice from the active docket to be reinstated without costs as such time as the case is no longer stayed by the bankruptcy proceeding.

B. Estate cases (guardianship, receivership, or pro ami). Currently, the law provides for the transfer of probate cases to circuit court but does not provide for the return of those cases to probate court. In the exercise of the court's discretion, the court may remand the case to the probate court for administration.

C. Civil settled/paying docket. An administrative docket may be established specifically for the settled/paying docket. Upon receipt of the signed agreement between the parties, the court would enter an order removing the case from the active docket and placing it on the administrative docket. The clerk should maintain a separate docket book for the cases placed on the settled/paying administrative docket. Upon completion of the agreement, the parties would notify the court and these cases would be removed from the administrative docket.

D. Other cases. The committees have identified the following cases which might constitute exceptional cases including, but not limited to:

Probate cases where there is protracted, ongoing administration;

Cases in which progress has been slowed or halted by ancillary declaratory judgment actions or receiverships;

Adult protective services;

Cases that have late interventions, substitutions, or additional parties;

Cases wherein a party has died and revival or substitution of parties is in order;

Cases wherein the benefits of the Soldiers' and Sailors' Civil Relief Act have been invoked;

Cases wherein mistrials or hung juries are declared; Complex professional

liability, products liability, or class action cases;

Cases in which the suggestion of bankruptcy has been made;

Cases in which the defendant has been committed to a psychiatric facility for evaluation or treatment;

Cases in which the defendant is incarcerated in another jurisdiction or has escaped after arrest;

Cases in which pretrial appeals have been filed or which have been continued by the grand jury after initial presentation;

Cases where forensic analysis has been delayed; and

Cases where the bond forfeiture has been contested.

Recommendation III. Withdrawing and Filing of Circuit Criminal Cases.

Uniform procedures should be established to provide for the timely withdrawing and filing of circuit court criminal cases. Rule 16(c), Ala.R.Jud.Admin., provides that the court, on its own motion, may direct the district attorney to withdraw and file criminal cases in which an arrest warrant has been returned twice “not found.”

Recommendation IV. Alias or Capias Warrants in Criminal Cases.

All district criminal and traffic cases in which alias or capias warrants have been issued should be counted as disposed cases for statistical purposes. If the defendant is arrested, the case should be adjudicated in the normal manner but should not be counted as a disposition. Additionally, traffic cases in which UTTC 6B has been issued are counted as disposed and future resolution of the case is treated in the same manner. Alias warrants issued in a circuit criminal case will stop the accumulation of time for time standards tracking purposes. When the warrant is executed, time will once again accrue for time standards purposes.

Recommendation V. Judicial Education.

The Alabama Judicial College, a division of the Administrative Office of Courts, should provide orientation and continuing education to judges, court clerks, and other court officials concerning time standards and case management procedures.

Comment

If courts are to establish and maintain successful case management programs, it is essential that judges, clerks of court, and other court officials be provided comprehensive and continuing education on the fundamental concepts of court management as well as specific procedures, processes, and technologies that have been effective. Such programs should include education and training services offered by state and national organizations.

The support of the Bar, district attorneys, law enforcement, probation officers, and other officials with an interest in the judicial process is important to the effective operation of courts. The Alabama Judicial College is urged to coordinate with representatives of such groups or organizations in developing educational or informational programs on case management procedures.

Recommendation VI. Reporting and Monitoring.

The Administrative Office of Courts should develop uniform procedures for reporting case actions and monitoring the achievement of the time standards or goals in each circuit and district court. Reports should be prepared and provided to all courts at least semiannually.

Recommendation VII. Technical Assistance.

The Administrative Office of Courts, upon request, should provide technical assistance to any district or circuit court in developing a case management plan. Where a court is identified as not substantially achieving the time standards goals, the Administrative Office of Courts should be available to review the court's case management plan and operating procedures. Recommendations for improved case management procedures shall be prepared and submitted to the court for review and consideration.