

Case Disposition Timeliness

SUMMARY

By some well-accepted measures, including the time courts take to dispose of cases, the proportion of incoming cases processed by courts in a year, and the time judges take to render decisions on individual cases, Minnesota's district courts process their caseloads in a reasonable amount of time. For most types of cases, district courts' ability to meet a final timing objective has improved over the last decade. Most district courts have been less successful in meeting earlier timing objectives for felonies and gross misdemeanors. Within judicial districts containing multiple counties, county-by-county performance in meeting timing objectives has varied widely. Although data are limited, district courts also appear to perform well compared with courts in other states that have similar judicial systems.

In 1990, a 12-member commission established by the National Center for State Courts published the Trial Court Performance Standards, specifying five areas for defining court performance: (1) access to justice; (2) expediency and timeliness; (3) equality, fairness, and integrity; (4) independence and accountability; and (5) public trust and confidence.¹ All five areas are considered fundamental to high performing courts. In this chapter we focus on the second area: timeliness. We ask:

- **What are the standards for assessing the timeliness of case dispositions?**
- **Have Minnesota's judicial districts met the standards?**
- **How do Minnesota's case disposition rates compare with those in other states, particularly those that have unified court systems?**

To answer these questions we reviewed national literature on judicial timing objectives, Minnesota statutes, information from the Board on Judicial Standards, and publications from the Minnesota Supreme Court. We also reviewed data from the State Court Administrator's Office on case filings, dispositions, and the time courts take to dispose of cases.² Data from the National Center for State

¹ Pamela Casey, "Defining Optimal Court Performance: The Trial Court Performance Standards," *Court Review* (Winter 1998): 25. The commission included judges, court administrators, and scholars of judicial administration from around the country.

² A disposition signifies an outcome determining what has happened with a case. According to the State Court Administrator's Office, dispositions include trials, cases that had court activity such as accepting a guilty plea, and other cases without a court hearing.

Courts allowed us to compare Minnesota with other states on some case-processing measures.

TIMING OBJECTIVES

Well-managed courts provide just and fair decisions in a timely manner.³ Timeliness is an important component of justice, and this section looks at how well the district courts are doing. Several national organizations took the lead during the mid-1980s in proposing objectives that defined how much time courts should use to dispose of specific types of cases. According to the National Center for State Courts, 34 states and the District of Columbia had adopted some form of mandatory or advisory case processing goals by 1995.⁴ Minnesota's Conference of Chief Judges first adopted timing objectives in 1985 and updated them in 1989 in accordance with timing standards set by the American Bar Association. In addition, the Minnesota Legislature adopted specific timing standards in 1989 for disposing of criminal cases.⁵ Table 4.1 describes the timing objectives established

Since 1985, Minnesota has had timing objectives for disposing of cases in district courts.



More complex cases typically take more time.

³ Brian Ostrom and Roger Hanson, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts* (National Center for State Courts, 1999), 107-113.

⁴ Janice Fernet, National Center for State Courts, memorandum on the National Center for State Courts website, <http://www.ncsc.dni.us/is/MEMOS/S94-3989.htm>, January 31, 1995; accessed July 21, 2000.

⁵ *Minn. Stat.* (2000) §631.021. Ninety percent of all crimes must be disposed of within 120 days, 97 percent must be disposed of within 180 days, and 99 percent must be disposed of within 365 days. Time is measured from the date the criminal complaint is filed to the date the defendant is found not guilty or sentenced.

Table 4.1: Timing Objectives Established by the Conference of Chief Judges for Case Dispositions

Type of Case	Percentage of Cases to be Disposed of Within Set Time
Major criminal	
Felony, gross misdemeanor	90% in 4 months 97% in 6 months 99% in 12 months
Major civil	90% in 12 months 97% in 18 months 99% in 24 months
Major probate	90% in 18 months 97% in 21 months 99% in 24 months
Major family	
Adoption	90% in 4 months 97% in 6 months 99% in 12 months
Child support ^a	90% in 6 months 97% in 9 months 99% in 12 months
Domestic abuse	90% in 2 months 97% in 3 months 99% in 4 months
Marriage dissolution, other family, other juvenile	90% in 12 months 97% in 18 months 99% in 24 months
Major juvenile	90% in 3 months 97% in 5 months 99% in 6 months

^aDifferent federal standards apply to certain child support cases.

SOURCE: Office of the Legislative Auditor's analysis of information from the State Court Administrator's Office.

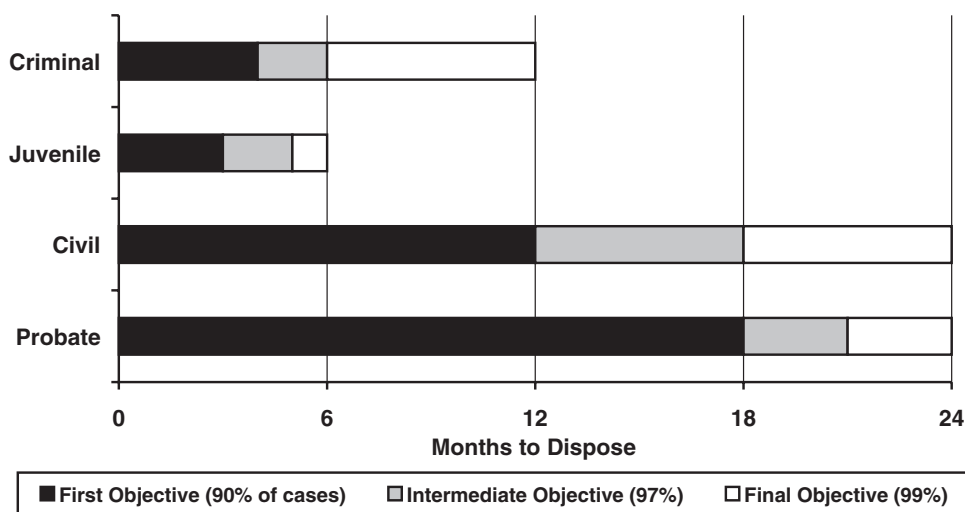
Timing objectives vary by type of case.

by the Conference of Chief Judges for different case types.⁶

In the timing objectives adopted by the Conference of Chief Judges, three timing intervals exist for each type of case. As depicted in Figure 4.1, the first timing objective for criminal cases recommends that courts dispose of 90 percent of criminal cases within four months. The intermediate timing objective is disposing of 97 percent of criminal cases within six months. The final timing objective is disposing of 99 percent of criminal cases within one year. Using 99 percent rather than 100 percent allows some flexibility for a small number of very complex cases that may require significantly more time than other cases.

⁶ We noticed discrepancies between the statutory timing objectives for criminal cases and those provided to us by the State Court Administrator's Office. Statutes specify 120, 180, and 365 days as the three timing objectives, compared with 122, 183, and 365 days specified by the State Court Administrator's Office. Some of the difference may come from the use of months rather than days. For criminal cases where data were available, we used the statutory numbers in our calculations.

Figure 4.1: Timing Objectives for Disposition of Four Major Case Types



NOTE: Family cases include a range of timing guidelines and have been excluded from this figure.

SOURCE: Office of the Legislative Auditor's analysis of data from the State Court Administrator's Office.

Judges are expected to dispose of juvenile cases more quickly than other case types.

Cases differ in many ways, and the timing objectives reflect some of these differences. Juvenile cases are expected to be disposed of more quickly than other types, with three months as the first objective, five months as the intermediate objective, and six months as the final objective. In contrast, the three timing objectives for probate cases are much longer, specifically 18 months, 21 months, and 2 years.

We examined how well Minnesota courts met the statutory objectives for criminal cases and the objectives established by the Conference of Chief Judges for other types of cases. The State Court Administrator's Office provided us with files for major criminal cases with which we examined performance on the first and intermediate timing objectives for felonies and gross misdemeanors from 1995 to 1998.⁷ We used data from the State Court Administrator's Office publication *Statistical Highlights* to calculate eight-year trends on the final timing objective for five major types of cases from 1991 to 1998. Based on our analyses, we conclude that:

- **By some well-accepted measures, Minnesota's judicial districts have processed their caseloads in a reasonable amount of time. How well individual districts have met the timing guidelines, however, varies by case type, district, and county.**

⁷ We were unable to obtain reliable data on the first and intermediate objectives for major civil, major juvenile, major family, and major probate cases. Although the State Court Administrator's Office's *Statistical Highlights* publications reference the objectives, data files were not available. Because of changes to information systems in the State Court Administrator's Office, data for 1999 and later cannot be reliably compared to earlier years.

In the sections below we explain this conclusion and show how performance varies across and within districts.

Final Timing Objective for Major Cases

Considering major case types, including major criminal, major juvenile, major civil, and major family cases, we found:

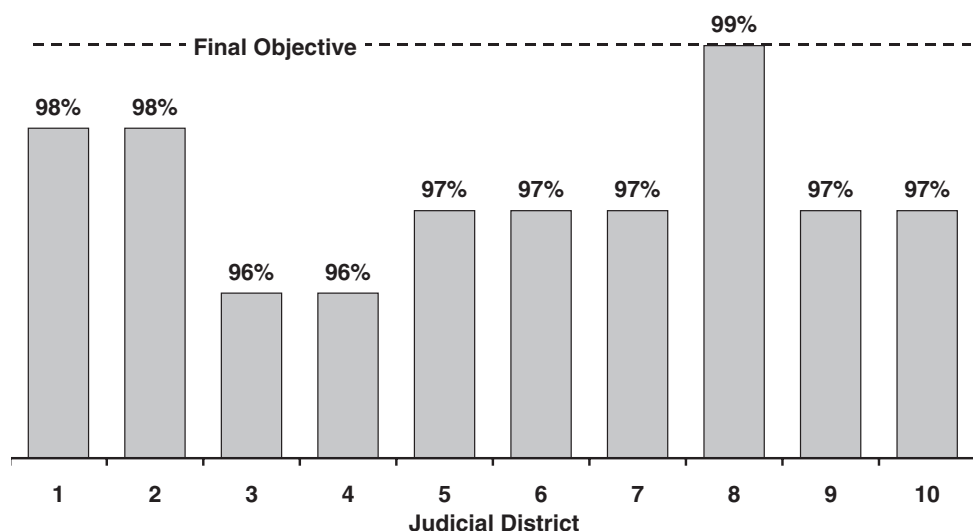
- **Minnesota's ten judicial districts have come closer over time to meeting the final timing objective of disposing of 99 percent of their major cases within specified numbers of months.**

Districts varied in how well they met the final timing objective for major cases, as discussed below. Major cases are those, such as felonies and gross misdemeanors, that typically take the most time and resources; minor cases, such as many traffic offenses, are more common but consume relatively fewer resources.

In 1998, the most recent year for which we have reliable data, districts disposed of 96 to 99 percent of all major cases within the specified number of months, as shown in Figure 4.2. One of the ten districts achieved the final timing objective and the others were close. Two districts disposed of 98 percent of their major cases by the final timing objective, five districts disposed of 97 percent, and two districts disposed of 96 percent.

Districts met, or came close to meeting, the final timing objectives for major cases in 1998.

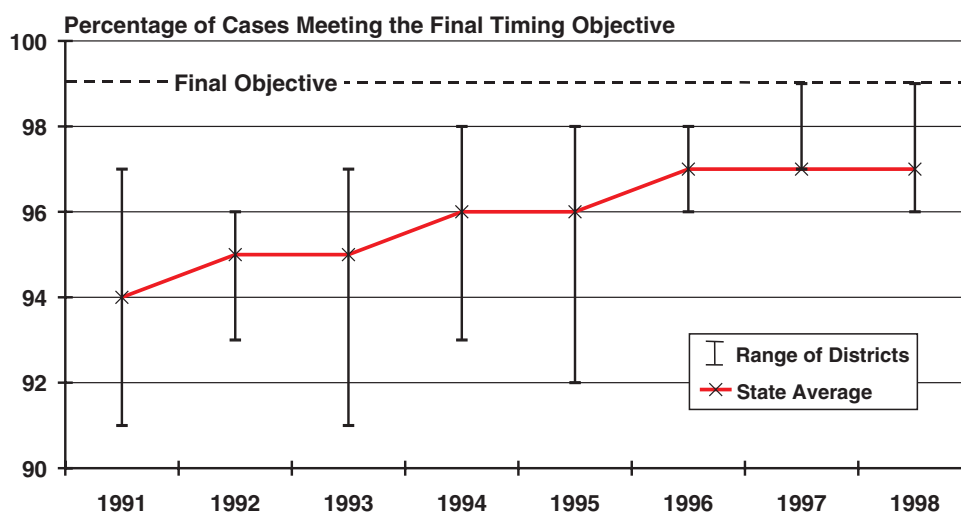
Figure 4.2: Percentage of Major Cases Meeting the Final Timing Objective by District, 1998



SOURCE: Office of the Legislative Auditor's analysis of data from the State Court Administrator's Office, *Statistical Highlights 1998* (St. Paul, June 2000), 17.

Since 1991, district courts improved the proportion of major cases meeting the final timing objective, as shown in Figure 4.3.⁸ In 1991, judicial districts on average disposed of 94 percent of all major cases within the final timing guidelines, and by 1998 this increased to 97 percent. The range of cases meeting the final timing objective in 1991 varied from 91 percent to 97 percent of major cases. By 1998, the range narrowed: the ten districts disposed of between 96 and 99 percent of major cases within the final objective.

Figure 4.3: Range of Judicial District Performance on the Final Timing Objective for Major Cases, 1991-98



NOTE: For 1997, the state average intersects with seven of the ten judicial district averages.

SOURCE: Office of the Legislative Auditor's analysis of data from the State Court Administrator's Office, *Statistical Highlights 1998* (St. Paul, 2000) and prior volumes.

During the 1990s, district courts improved their performance in meeting the final timing objective for major cases.

Looking at specific types of cases, we examined disposition trends for four of the five types of major cases.⁹ For civil, family, and juvenile cases the only data available were on the final timing objective. On the other hand, for major criminal cases, data were available on the first, intermediate, and final timing objectives. We review the criminal case data later in this chapter. The ability of districts to meet the final objective varied by type of major case.

We found that:

- **Most districts met the final timing objective for major civil cases in 1998, and all districts improved their performance during the 1990s.**

Nine of the ten judicial districts achieved the final timing objective for civil cases in 1998. These districts disposed of at least 99 percent of all civil cases within two years; the remaining district, the Sixth District in northeastern Minnesota,

⁸ All districts improved with the exception of the Seventh District (north central Minnesota) which disposed of the same percentage in 1991 and 1998.

⁹ Data for probate cases during the period in question were not available.

disposed of 97 percent of all civil cases within two years. Between 1991 and 1998, all judicial districts improved their percentages of civil cases meeting the final timing objective. The most dramatic change occurred in the Ninth District (northwestern Minnesota) where the percentage of civil cases disposed of within two years increased from 86 percent in 1991 to 99 percent in 1998.

According to our analysis:

- **More than half of the judicial districts met or exceeded the final timing objectives for major family cases in 1998, and nearly all districts improved their performance during the 1990s.**

In 1998, six districts disposed of at least 99 percent of their family cases within the specified guidelines.¹⁰ Three districts came very close to achieving the timing objectives, disposing of 98 percent of their family cases on a timely basis. The remaining district, the Third District in southeastern Minnesota, disposed of 94 percent of its family cases within the specified times. Since 1991, five districts improved the percentage of major family cases meeting the final objective by four or more percentage points and four other districts improved somewhat less. The Third District disposed of 94 percent of family cases by the final objectives in both 1991 and 1998.

Fewer district courts met the final objective for juvenile cases. Based on our analysis:

- **Most districts came close in 1998 to meeting the final timing objective for juvenile cases, although only one met it. Most districts improved their performance slightly during the 1990s.**

For juvenile cases in 1998, only the Eighth District (west central Minnesota) achieved the final timing objective. Eight districts came close by disposing of 96 to 98 percent of their juvenile cases in six months. The Fourth District (Hennepin County) in 1998 disposed of 93 percent of its juvenile cases within six months. Between 1991 and 1998, the statewide average increased slightly but most of the change occurred between 1991 and 1992, with minor fluctuations during the next six years. During the eight-year period, seven of the ten districts increased by one or more percentage points the percentage of juvenile cases processed within six months. The three remaining districts already were high performing districts in 1991; over the eight years, two were unchanged and one decreased by a percentage point.

Timing Objectives for Felonies and Gross Misdemeanors

As mentioned previously and shown in Table 4.1, the Conference of Chief Judges has adopted three specific timing objectives for felonies and gross misdemeanors.

Performance on timing objectives varied by case type.

¹⁰ As shown in Table 4.1, objectives for family court cases vary by type of case; the final objective ranges from 4 months for domestic abuse to 24 months for marriage dissolution.

We analyzed how well districts met the three timing objectives for major criminal cases for the period 1995 to 1998.¹¹ According to our analysis:

- **Minnesota's district courts met final timing objectives for criminal cases reasonably well but failed to meet the first and intermediate objectives.**

Generally, judicial districts met the final timing objectives reasonably well, although there is variation among counties within individual judicial districts. No district came close to meeting the first and intermediate timing objectives.

Final Timing Objective for Felonies in 1998

Based on our analysis:

- **Statewide in 1998, district courts disposed of 96 percent of all felony cases within Minnesota's final timing objective of 12 months.**

Three of the ten judicial districts in 1998 nearly met the final timing objective by disposing of 98 percent of felonies within 12 months, and most other judicial districts came close. One district disposed of 97 percent of felonies within 12 months that year. Another five districts disposed of 95 to 96 percent, and the remaining district disposed of 93 percent of felonies in 12 months.

Most districts came close to meeting the final timing objective for felonies in 1998 but were less likely to do so for serious felonies.

Within districts, the extent to which individual counties achieved timing guidelines varied. For example, the Ninth District (northwestern Minnesota) in 1998 disposed of 96 percent of felony cases overall in 12 months. But, as illustrated in Figure 4.4, for the district's 17 counties, the percentage of cases disposed of ranged from 86 percent for one county to 100 percent for seven other counties.

As might be expected, when looking only at serious felony cases, such as homicides, courts were less likely to meet the final timing objective. Statewide, districts disposed of only 90 percent of serious felonies within 12 months, compared to 97 percent of other felonies. Serious felonies represented just 7 percent of all felonies in 1998.

First and Intermediate Timing Objectives for Felonies in 1998

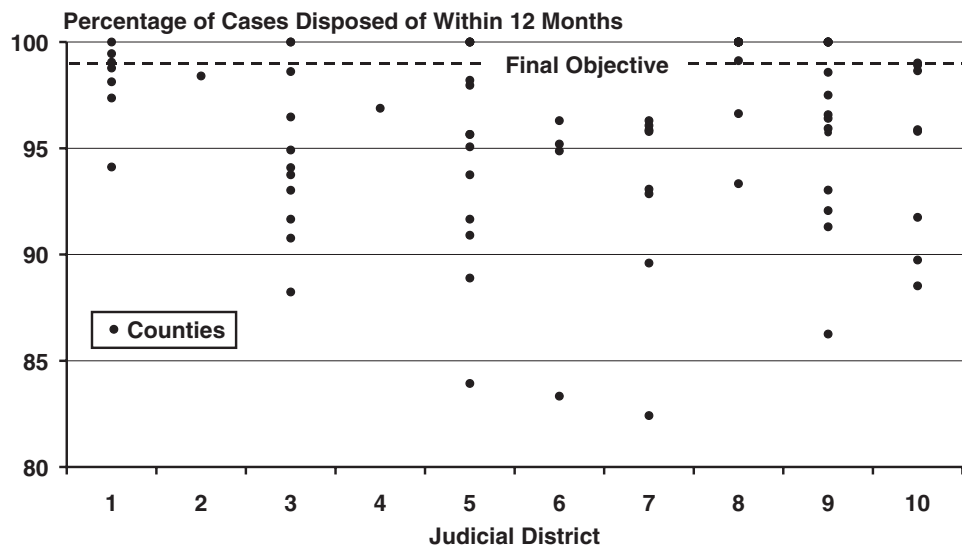
District performance on the first and intermediate timing objectives contrasted sharply with performance on the final timing objective. We found that:

- **Few districts came close to the intermediate timing objective for felonies, and fewer still approached the first timing objective.**

In 1998, the ten districts ranged from disposing of 68 to 90 percent of their felony cases within 6 months, compared to the intermediate timing objective of

¹¹ The data for these analyses were generated from separate files submitted by the State Court Administrator's Office, and the calculated percentages for some of the final timing objectives differed slightly from those in the *Statistical Highlights* series reported earlier in this chapter. We do not report data for 1999 due to data problems in the State Court Administrator's Office, which changed information systems in 1999.

Figure 4.4: Range of Counties Meeting the Final Timing Objective for Felonies by District, 1998



SOURCE: Office of the Legislative Auditor's analysis of the State Court Administrator's Office data on timing performance for felonies and gross misdemeanors, 1998.

No district met the first or intermediate timing objectives for serious felonies or other felonies in 1998.

97 percent of cases. During that same year, the ten judicial districts ranged from disposing of 44 to 72 percent of their felonies within four months, compared to the first objective of 90 percent of cases.

Similarly, looking only at serious felonies, more districts came closer to meeting the final timing guideline than either the intermediate or first timing objectives. During 1998, the ten judicial districts disposed of 43 to 78 percent of serious felony cases within 6 months, compared to the intermediate timing objective of 97 percent of cases. Similarly, the districts disposed of 20 percent to 53 percent of their serious felonies within four months, compared with the first objective of 90 percent of cases.

Within districts, counties' ability to meet the earlier timing objectives varied considerably, especially when compared with meeting the final timing objective. For example, during 1998 counties in the Eighth District (west central Minnesota) disposed of between 36 and 92 percent of felonies within the first timing objective (four months) compared with disposing of 93 to 100 percent of all felonies by the final timing objective (12 months).

Trends for Felonies Since 1995

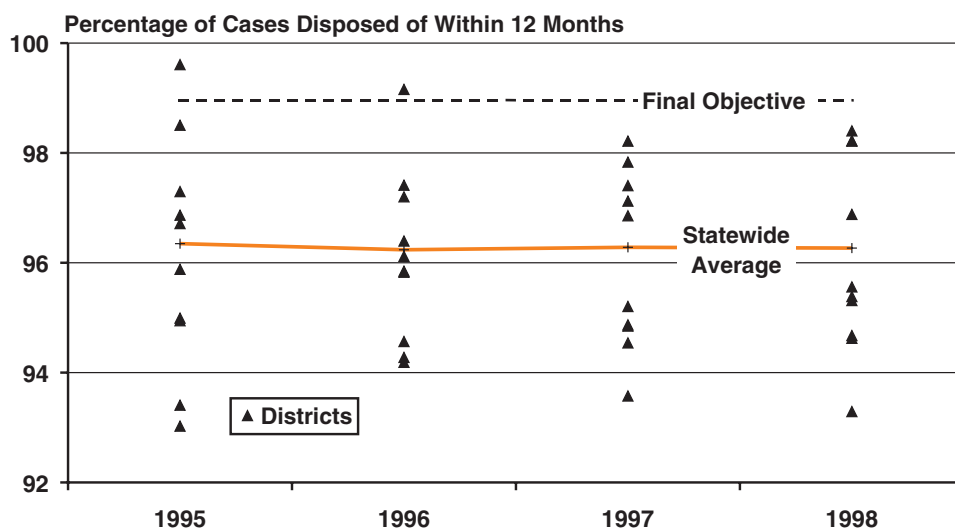
According to our analysis:

- Unlike 1995 or 1996, no district met the final timing objective for disposing of felonies in 1997 or 1998, although several came close.

Since 1995, differences among districts in meeting the final timing objective for felonies have narrowed.

Despite the overall increase in the number of felonies since 1995, the ability of the ten districts to meet the timing objective for felonies has remained fairly stable, but the differences among the districts narrowed somewhat, as illustrated in Figure 4.5. From 1995 to 1998, three districts decreased and two districts increased the proportion meeting the final timing objective by one or two percentage points; five remained unchanged.

Figure 4.5: Range of Judicial Districts Meeting the Final Timing Objective for Felonies, 1995-98



SOURCE: Office of the Legislative Auditor's analysis of State Court Administrator's Office data on timing performance for felonies and gross misdemeanors, 1995-98.

Patterns were similar within districts. From 1995 to 1998, 30 counties in the eight multiple-county districts improved the percentage of cases meeting the final timing objective. These counties were distributed fairly evenly across all districts. Similarly, the counties with increases and large decreases were found in every multiple-county district. Although the percentage of felonies disposed of in three of the four counties in the Sixth District (northeastern Minnesota) slipped in 1998, for two of those counties the percentage of cases meeting the final timing objective was already high in 1995 at 100 and 98 percent.

Trends for serious felonies were less positive. The statewide average percentage of serious felonies disposed of within 12 months decreased from 92 percent in 1995 to 90 percent in 1998. The percentage of serious felonies meeting the final objective declined in all districts during this period with two exceptions; the Fourth District (Hennepin County) remained unchanged at 94 percent and the Fifth District (southwestern Minnesota) improved slightly from 86 percent to 87 percent. As noted in Chapter 2, filings for serious felonies declined between 1992 and 1998, so it seems likely that any degradation in performance is due to factors other than increased numbers of cases. However, performance might decline if courts reallocate resources to other cases, or if more recent serious

felonies are more complex and require more resources on an individual basis. It is not possible to determine from these data alone the specific reasons for the observed changes.

Timing Objectives for Gross Misdemeanors

Our analysis showed that:

- **District courts were successful in meeting or nearly meeting the final timing objective for gross misdemeanors in 1998.**

The ten judicial districts on average disposed of 98 percent of their cases within 12 months, very near to the final timing objective. For 1998, three districts met the final objective, two came close by disposing of 98 percent, and the remaining five districts were not far behind, disposing of 97 percent of gross misdemeanors in 12 months.

Among counties within judicial districts, performance on the timing objectives for gross misdemeanors varied.

Individual counties again differed considerably within certain districts. For example, among the 15 counties in the Fifth District (southwestern Minnesota), 1 county disposed of 88 percent of its gross misdemeanors within 12 months in 1998 while 5 counties disposed of 100 percent.

We also found that:

- **As with felonies, judicial districts came closer to meeting the final objective than the first and intermediate timing objectives for gross misdemeanors.**

Statewide in 1998, judicial districts disposed of an average 89 percent of gross misdemeanor cases in six months, compared with the intermediate guideline of 97 percent. They disposed of an average 77 percent of gross misdemeanors within four months, compared with the guideline of 90 percent. Within each multiple-county district, counties varied widely in their ability to meet either timing objective. For example, in 1998, counties in the Seventh District (north central Minnesota) ranged from 63 to 95 percent of cases meeting the intermediate timing objective.

Trends for Gross Misdemeanors Since 1995

District performance on the final timing objective remained high between 1995 and 1998 for gross misdemeanors, averaging about 98 percent of cases disposed of each year. For 1998, almost all districts were within one percentage point of their gross misdemeanor disposition rates from 1995, with nine of the districts exhibiting very small decreases and one an increase. For counties within districts, changes between 1995 and 1998 on the timing objectives for gross misdemeanors were much smaller than changes noted previously for felonies.

CLEARANCE RATES

Another measure of district court performance is the “case clearance rate” — the number of cases disposed of in a year divided by the number of cases filed during the same period. Clearance rates of 100 percent indicate no added backlog of cases for the year. Clearance rates in excess of 100 percent indicate that a pre-existing backlog of cases has been reduced.

We found that:

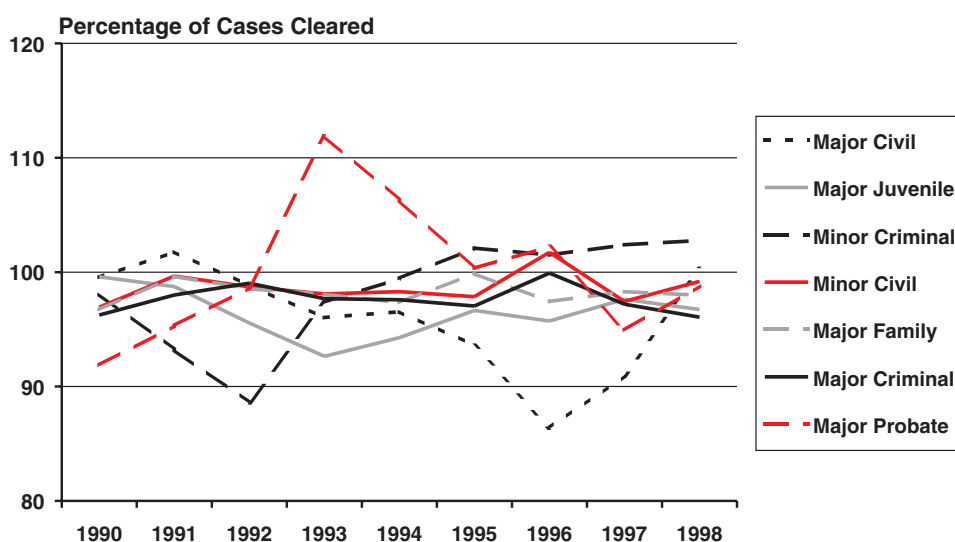
- **On average for all judicial districts in 1998, clearance rates varied from 96 to 103 percent, depending on case type.**

District courts have, for the most part, been able to clear as many cases as are filed each year.

Statewide in 1998, the clearance rates for major cases ranged from 96 percent for major criminal cases to 103 percent for minor criminal cases. Civil and probate clearance rates were also at or near 100 percent. Clearance rates for major family and major juvenile cases were 98 and 97 percent, respectively.

Since 1990 most clearance rates have fluctuated. Years of lower rates were often followed by a year or so of higher rates.¹² The widest fluctuations occurred for minor criminal, major civil, and probate cases, as shown in Figure 4.6. Clearance rates for major criminal cases improved slightly or held steady from 1990 through 1998. Rules requiring speedy trials in major criminal cases may explain the

Figure 4.6: Statewide Clearance Rates for Seven Case Types, 1990-98



SOURCE: Office of the Legislative Auditor analysis of data from the State Court Administrator's Office on filings and dispositions, 1990-98.

¹² Such fluctuations might reflect efforts to reduce or eliminate a backlog or the addition of resources, but this is not possible to determine from the available data.

Within judicial districts, case clearance rates varied by county.

volatility in clearance rates for other case types; to comply with the rules of criminal procedure, some judges told us they had to delay other cases while first hearing criminal cases.

Clearance rates for a few civil cases, such as harassment and wrongful death suits, approached or exceeded 100 percent from 1992 through 1998.¹³ Clearance rates for employment suits improved over the period. Clearance rates for yet other major civil cases, such as personal injury cases and conciliation appeals, decreased in the 1990s, but increased dramatically in 1998 to 103 and 106 percent, respectively.

Clearance rates for most juvenile cases were less than 100 percent from 1992 to 1998. Rates for most types of juvenile cases generally increased during the period. For runaway and delinquency gross misdemeanors in 1998, however, the clearance rate was 100 percent.

Clearance rates for family cases also varied. Clearance rates for adoption, marriage dissolution without children, and domestic abuse equaled or exceeded 100 percent in 1998. The clearance rate for other family cases was 91 percent in 1998; since 1992, it varied from year to year with a low of 80 percent in 1996 and a high of 99 percent in 1997. Rates generally improved slightly since 1992 for most types of family cases. The two exceptions, marriage dissolution with children and dissolution without children, had high clearance rates in 1992 and little room for improvement.

Across judicial districts, clearance rates differed considerably. As shown in Figure 4.7, districts ranged from 96 percent to 101 percent of major cases cleared in 1998. The relative rank of each district tended to change from year to year and no district ranked consistently high. The pattern was similar for minor cases.

Within districts, clearance rates often varied dramatically. For major criminal cases in the Eighth District (west central Minnesota), for instance, county clearance rates ranged from 65 percent in one county to 131 percent in another for 1998. Again, no single county appeared to be consistently high between 1990 and 1998.

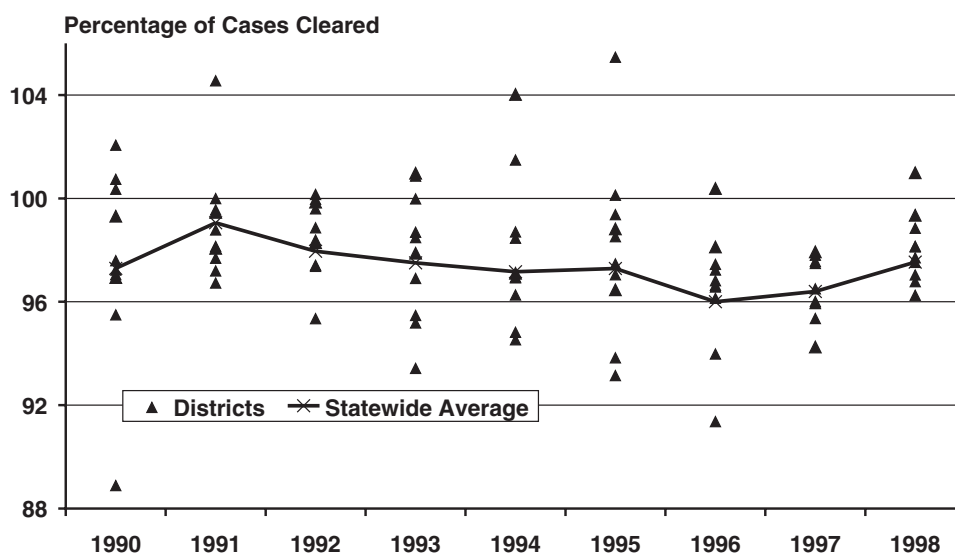
CONTINUANCE RATES

Another commonly accepted measure of a court's caseflow management system is the percentage of events that take place on the date originally scheduled.¹⁴ Trial dates that are frequently rescheduled (continued to later dates), unduly delay case processing. Although continuance rates are an important measure of performance, the information systems in use by the State Court Administrator's Office do not collect the data needed to calculate continuance rates. Consequently, we were unable to analyze how well district courts control continuances of cases. As

¹³ We calculated clearance rates for individual types of cases from 1992 to 1998 because statistics were not kept on several types of cases prior to 1992.

¹⁴ Barry Mahoney, Karen Booth, Richard Hoffman, and Douglas Somerlot, *Improving Your Jurisdiction's Felony Caseflow Process* (The Justice Management Institute, April 2000), 17.

Figure 4.7: Major Case Clearance Rates by Judicial District, 1990-98



SOURCE: Office of the Legislative Auditor's analysis of filings and clearance data from the State Court Administrator's Office.

Data are unavailable to determine how well district courts control continuances of cases.

described in Chapter 5, however, many district courts have taken steps to ensure that trials occur when originally scheduled, and most judges and attorneys do not think that continuances contribute greatly to delays in case processing.

COMPARING MINNESOTA WITH OTHER STATES

State-by-state comparisons do not exist on measures such as the amount of time taken to dispose of cases. We examined what information is available on other states and conclude that:

- **Minnesota district courts appear to have met timing guidelines as well as or better than courts in other states.**

In a National Center for State Courts report on trial courts in other states, only 5 of 17 courts in 1995 resolved at least 97 percent of their felony cases within a year of arrest, and none met the American Bar Association timing objective of

resolving 100 percent.¹⁵ In 1995, Minnesota courts around the state disposed of an average 97 percent of felonies within 12 months from the date of filing.¹⁶ Three of the ten Minnesota judicial districts disposed of 98 percent or more of the felony cases that year.

Another comparative measure is the age of cases at their disposition. All other things being equal, disposing of cases in fewer days is generally preferable to more days. For Minnesota felony cases in 1995, the median age of cases (99 days) was less than that for the 17 courts (126 days). Minnesota as a whole had a median age for felonies that was lower than 13 of the 17 courts studied. Within Minnesota, however, the median age of felony cases in 1995 varied substantially, from 76 days in the First District (south metropolitan Minnesota) to 136 days in the Third District (southeastern Minnesota).

A much earlier National Center for State Courts study of 34 courts around the nation, including Minnesota's Second (Ramsey County) and Fourth (Hennepin County) districts, showed that no court met the American Bar Association objective for disposing of all felony cases within one year.¹⁷ Six of these courts came close by disposing of at least 98 percent of felonies within one year for cases in 1987. Ramsey County and Hennepin County were near the average, disposing of 87 and 89 percent of felonies, respectively. Similar results were found for civil cases in 1987. No court met the American Bar Association guideline for disposing of all civil cases within two years, but 2 of the 34 courts disposed of at least 95 percent. Ramsey and Hennepin counties were at or above the median that year by disposing of 87 and 90 percent of their civil cases, respectively, within two years.

In addition to timing guidelines, we compared case clearance rates among comparable states. We conclude that:

- **Minnesota's case clearance rates between 1993 and 1998 compared well to those in similar states.**

A comparison of cases cleared in states with unified court systems indicates that Minnesota had similar or better clearance rates for total filings in the years from 1993 to 1998, as shown in Figure 4.8. In 1998, Minnesota district courts reported a 102 percent clearance rate when looking at total case filings, compared to a median 96 percent clearance rate among seven similar states.¹⁸

Compared with similar states, Minnesota's clearance rate was superior for criminal cases and comparable for civil cases in 1998.

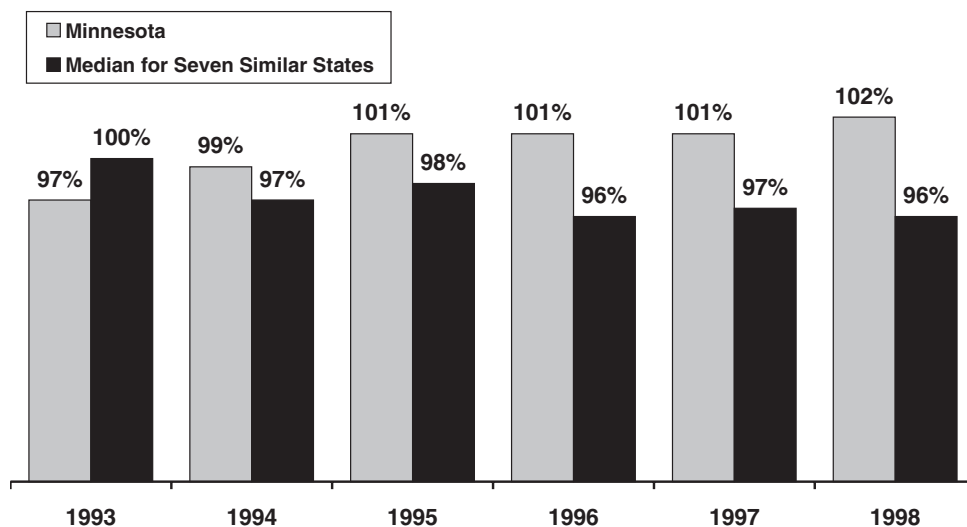
¹⁵ Brian Ostrom and Neal Kauder, eds., *Examining the Work of State Courts, 1998* (National Center for State Courts, 1999), 106. The American Bar Association's timing objective differs slightly from Minnesota's. The American Bar Association says 100 percent of felony cases should be disposed of in 365 days from date of arrest, while Minnesota's objective is disposing of 99 percent of felonies within a year of filing the case. Because of speedy trial rules for criminal cases in Minnesota, making Minnesota's data comparable to that reported for other states would add only a small amount of time to account for the period between arrest and filing of the case.

¹⁶ State Court Administrator's Office, *Statistical Highlights 1995* (St. Paul, 1996), 17.

¹⁷ John A. Goerdt, *Reexamining the Pace of Litigation in 39 Urban Trial Courts* (National Center for State Courts, 1991), 4.

¹⁸ The seven similar states were: Illinois, Iowa, Kansas, Missouri, North Dakota, South Dakota, and Wisconsin.

Figure 4.8: Case Clearance Rates for Minnesota and Seven Similar States, 1993-98



SOURCE: Office of the Legislative Auditor's analysis of data from Melissa Cantrell, et. al., *State Court Caseload Statistics, 1998* (National Center for State Courts, 1999) and prior volumes.

Clearance rates varied by type of case. For criminal filings, Minnesota reported a 103 percent clearance rate in 1998, compared with a median 97 percent in the other seven states.¹⁹ Minnesota's clearance rate for civil filings in 1998 was 98 percent compared with a median 99 percent in the comparable states.²⁰

DEADLINE FOR CASES TAKEN UNDER ADVISEMENT

In addition to the timing objectives for disposing of cases, state statutes require judges to render judgments within 90 days after all motions or questions of fact and law have been submitted to a judge for a decision, commonly known as "taking a case under advisement."²¹ Exceptions are allowed for sickness, accidents, or if the parties to the case give written consent to extend the deadline. Further, judges must file decisions within 15 days on matters related to petitions involving physical or sexual abuse of a child alleged to be in need of protection or

For the few cases exceeding the deadline, judges nearly always disposed of them shortly thereafter.

¹⁹ For this comparison, criminal includes major and minor criminal cases, including DWI but excluding other traffic offenses and domestic violence cases.

²⁰ Clearance rates for all states but Minnesota are as reported by the National Center for State Courts. We adjusted Minnesota's civil case clearance rate because of incomplete data on the number of civil dispositions supplied to the National Center for State Courts in 1998. For this comparison, civil cases include family, probate, and domestic violence cases, but they exclude transcript judgments and default judgments.

²¹ *Minn. Stat.* (2000) §546.27, subd. 1.(a).

neglected and in foster care. If judges fail to file decisions within the deadline, the statute prohibits payment of their salary.

We found that:

- **Of the thousands of cases taken under advisement each year since 1995, only a fraction of 1 percent failed to meet the 90-day deadline for disposition.**

Judges comply with the law for the overwhelming majority of cases taken under advisement. In 1999, for example, of the 17,615 cases recorded as having been taken under advisement, only 37, or 0.2 percent, exceeded the deadline. This low percentage typified all the months we examined from 1995 to June 2000.

Furthermore, the few cases out of compliance were nearly always disposed of shortly thereafter. Statutes require the Board of Judicial Standards to review judge compliance with the deadline and notify the Commissioner of Finance about noncompliance.²² By the time the board goes to the commissioner, the judges have typically come into compliance.²³

No single judicial district appeared to have a disproportionate share of cases exceeding the 90-day deadline between 1995 and June 2000. One exception to this was a slightly higher number of cases in the Third District (southeastern Minnesota) for some months from September 1998 through March 2000, but this was due mostly to one judge's serious illness and subsequent death. Two districts, the Fifth (southwestern Minnesota) and the Eighth (west central Minnesota), had no cases exceeding the deadline in that five-year period.

²² *Minn. Stat.* (2000) §546.27, subd. 2.

²³ David S. Paull, executive secretary, Board on Judicial Standards, Telephone interview by author, St. Paul, Minnesota, July 19, 2000.