
Statewide Report on Civil Court Inventory and Case Management Plans

September 2014



ADMINISTRATIVE OFFICE
of PENNSYLVANIA COURTS

Statewide Report on Civil Court Inventory and Case Management Plans

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SUMMARY OF PROJECT RESULTS

Beginning in September of 2012, a concerted focus on cleaning up Pennsylvania's civil case inventory and improving overall case management performance has concluded in the following outcomes

1. The most recent inventory report **shows a 19 % decrease in the number of active civil cases since data clean- up was initiated** in January of 2012 (Beginning total was 185,229 active cases, end total as of July of 2014 is 150,486). This reduction is not a final figure, as administrative purges are ongoing across the state.

2. The **statewide percentage of civil cases over two years old has decreased from 54% to 36%**. To hold this progress, each county was asked to submit a written plan for establishing a case management system that will sustain control of the civil docket. All counties responded with plans that included provisions for early court intervention, a protocol for annual administrative purges, and a separate track or system to address older inventory.

3. The Supreme Court suspended Pa.R.C.P. 230.2 (governing the administrative purge of civil dockets), easing the task for the Offices of the Prothonotary to purge inactive civil cases from the dockets. The Civil Procedural Rules Committee is reviewing the suspended Pa.R.C.P. 230.2 to consider amendments that would **mandate semi-annual civil caseload purges** and close the loophole of serial filings of Notice of Intent to Proceed.

4. The AOPC has established **a county-by-county civil case aging dashboard on the Unified Judicial Website**. Updates will reflect the semi-annual administrative purges and assist judicial leadership in monitoring ongoing improvements in civil caseflow.

BACKGROUND

Historically in Pennsylvania, county benches have (and continue to) resist court controlled dockets in favor of attorney driven systems. This can be traced back to the 1970s when the caseload statistics of the Unified Judicial System were conceived. In order to diminish the visibility of how this approach negatively impacted the size and age of civil inventories, counties would only allow the Administrative Office of Pennsylvania Courts (AOPC) to track the age of a case after it was certified by an attorney as trial ready. As a result, our civil statistics were omitted from national databases, including those at the National Center for State Courts. Today, under Chief Justice Castille's leadership, it is required that all courts adopt at least a minimum of a proactive civil case management plan and provide accurate civil statistics.

This project began in **September of 2012** when, at the direction of the Chief Justice, a memo from Court Administrator Pines was sent to all president judges and district court administrators asking them to report the current age and size of the county's civil case inventory; to purge the inventory of any inactive cases; and, to describe the needs and assets of its civil case management system (Appendix A.) The results of this inquiry were summarized in a *Statewide Report on Civil Court Case Inventory and Case Ages* in **May of 2013** and were as follows:

1. Thirty-eight counties (57%) discovered that more than a quarter of its inventory was over 2 years old, but moreover that this was due to inactive cases in the system.

2. The most common obstacles to maintaining current and clean dockets were reported to be outdated, vendor-supported case management systems; unwieldy, rule-based administrative purge requirements; and, cases kept alive by the serial filing Notices of Intention to Proceed by attorneys with no requirement for subsequent action.
3. The Civil Procedural Rules Committee was asked to review Pa.R.C.P. 230.2 (governing the administrative purge of civil dockets) to reconsider requirements for notifying parties of inactive case termination, which were reported by prothonotaries across the state as prohibitively labor intensive and expensive.
4. A recommendation was made to amend the rules of judicial administration to mandate semi-annual civil caseload purges, with the results being incorporated into the AOPC civil court report.
5. To monitor ongoing project outcomes, AOPC was asked to develop a county-by-county civil case aging dashboard on the Unified Judicial Website.
6. A preponderance of counties did not have civil case management plans, leaving the pace of litigation to be controlled by the parties/attorneys.

DATA CLEAN UP RESULTS

In response to the results of the May 2013 interim report, the project took a practical turn, wherein AOPC began to provide technical assistance to the counties by contacting case management system vendors to negotiate low cost/no cost programmatic solutions to identify and report old

cases; and, requesting that the Supreme Court suspend the rule governing civil administrative purges to alleviate obstacles related to expense and labor. The Supreme Court suspended Pa.R.C.P. 230.2 (governing the administrative purge of civil dockets), easing the task for the Offices of the Prothonotary to purge inactive civil cases from the dockets. Large vendor companies, such as Infocon and Full Court, cooperated with AOPC, district court administration, and Offices of the Prothonotary to equip case management systems to handle the new requirements.

In **April of 2014** the Chief Justice issued a follow-up directive to counties to conclude their data clean-up efforts and submit a case management plan to maintain the newly cleaned and controlled docket (Appendix B.) Following an 18 month period of purge activity, the most recent inventory report (July 2014) **shows a decrease of -18% in the number of active civil cases since data clean- up was initiated** in September of 2012. To date, **35,141** inactive cases have been administratively purged from the dockets, statewide (see Appendix C for individual county results.) This reduction figure is not final, as administrative purges are ongoing across the state.

CASE MANAGEMENT PLANS

The April 2014 directive included a requirement that counties submit a written plan for establishing a case management system that would sustain control of the civil docket. The plan was to include, at a minimum:

- a) provisions for early court intervention in all civil cases beginning at the time of filing, as well as provisions for continuous control;

b) a written protocol and schedule for annual administrative purges;
and,

c) a separate track or system that addresses the older inventory.

AOPC reviewed the submissions and distinguished four types:

<p>1. Attorney driven</p> <ul style="list-style-type: none"> -Praecipe for trial or certificate of readiness is submitted by parties -No deadlines for pleadings, discovery, etc. 	<p>2. Attorney driven, court monitored</p> <ul style="list-style-type: none"> - Praecipe for trial or certificate of readiness is submitted by parties -No deadlines for pleadings, discovery, etc. - Judge or court administration monitors case progress
<p>3. Court driven</p> <ul style="list-style-type: none"> - No praecipe for trial or certificate of readiness -Court established benchmarks are set within 120 days of filing of the complaint, but there is minimal interim monitoring -Flexible procedures for parties to revise court established timelines -Case management conference is not mandatory 	<p>4. Court controlled</p> <ul style="list-style-type: none"> -No praecipe for trial or certificate of readiness -Judge assigned at filing -Differentiated case management determines deadlines for pleadings, discovery, etc. -Mandatory case management conference within 120 days of filing -Standardized case management order

As of July 2014, the case management types break out as follows:

FIGURE 1. Distribution of Case Management Plan Types

CASE MANAGEMENT PLAN TYPE	No. of Counties	%
Attorney driven	37	55.2
Attorney driven, court monitored	13	19.4
Court driven	6	9.0
Court controlled	11	16.4
Total	67	100.0

The preponderance of Attorney Driven systems was known anecdotally, and confirmed by the county submissions. However, the April 2014 directive from the Chief Justice specified to the court leadership:

“It is important to preserve the progress we have made to date as a unified judicial system towards controlled civil dockets. Accordingly, each district should craft its civil case management plan towards long term results and feasibility rather than short term fixes.”

As a result, while the 37 counties with Attorney Driven systems remain so at the time of this report, 20 of them have established a working group or

charged its local rules committee with developing new case management protocols. Many counties are involving the local bar in crafting these plans.

Figure 2. shows the distribution of case management levels, and which counties are graduating to a Court Controlled system. Most of these counties anticipate implementation of new systems in early 2015. The dashboards will be updated quarterly to reflect these changes.

Figure 3. suggests that Attorney Driven systems are related to a greater number of cases in the inventory over two years old, and that Court Controlled systems are related to fewer cases in the inventory over two years old. This is a long-standing point of view held among court management experts¹:

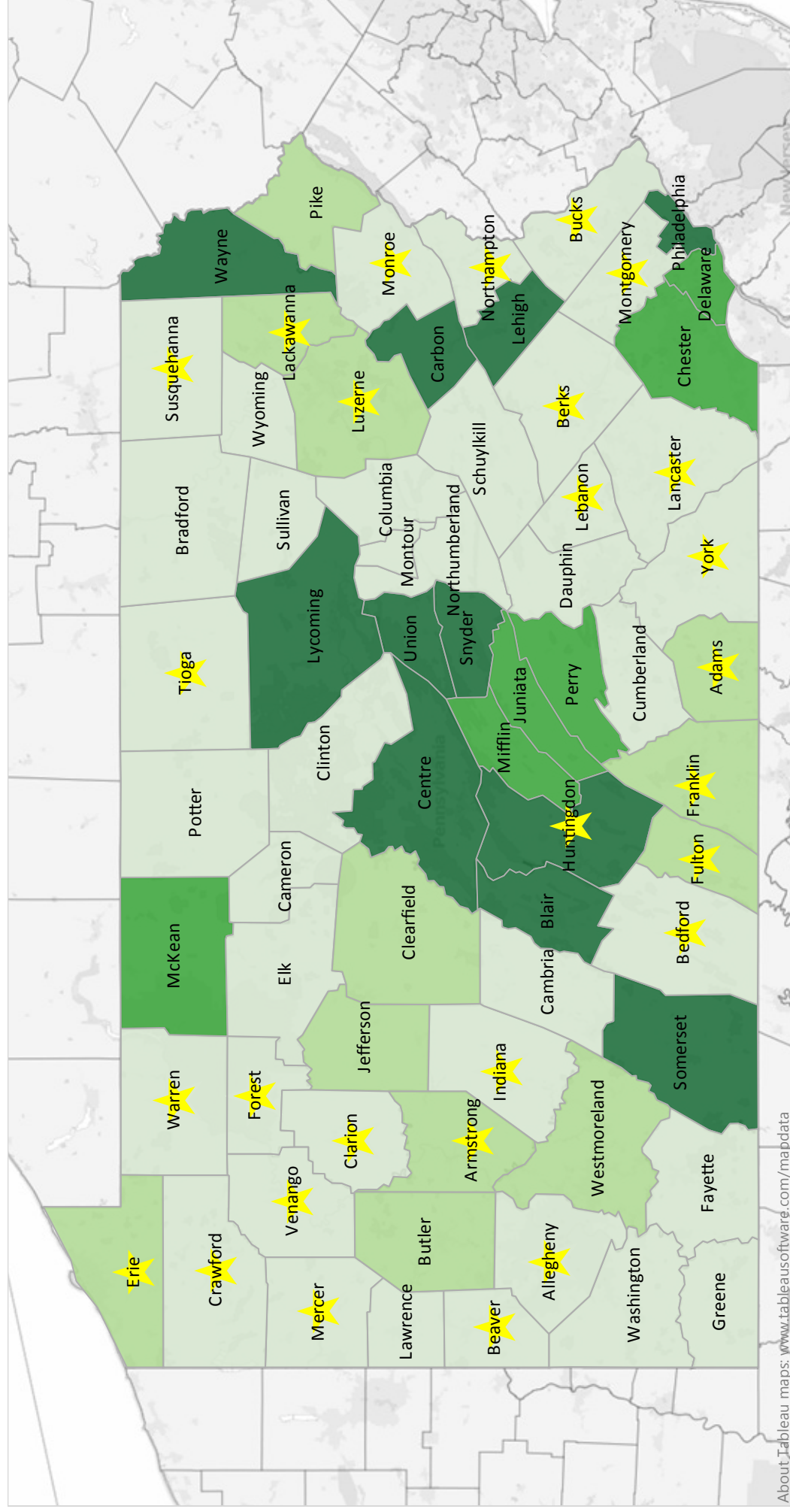
“In order to make prompt and fair case dispositions, the court must monitor and control the progress of cases from the time a summons or complaint is filed in each case. Withholding court attention from cases until the filing of a certificate of trial readiness relinquishes control to attorneys, permits cases to languish unnecessarily for months or years, and diminishes certainty about when and how many cases will have to be listed for trial.”

The exception to this relationship appears to occur in small counties where the number of active cases is very small, and one or two old cases impacts the percentage over two-years-old disproportionately. To

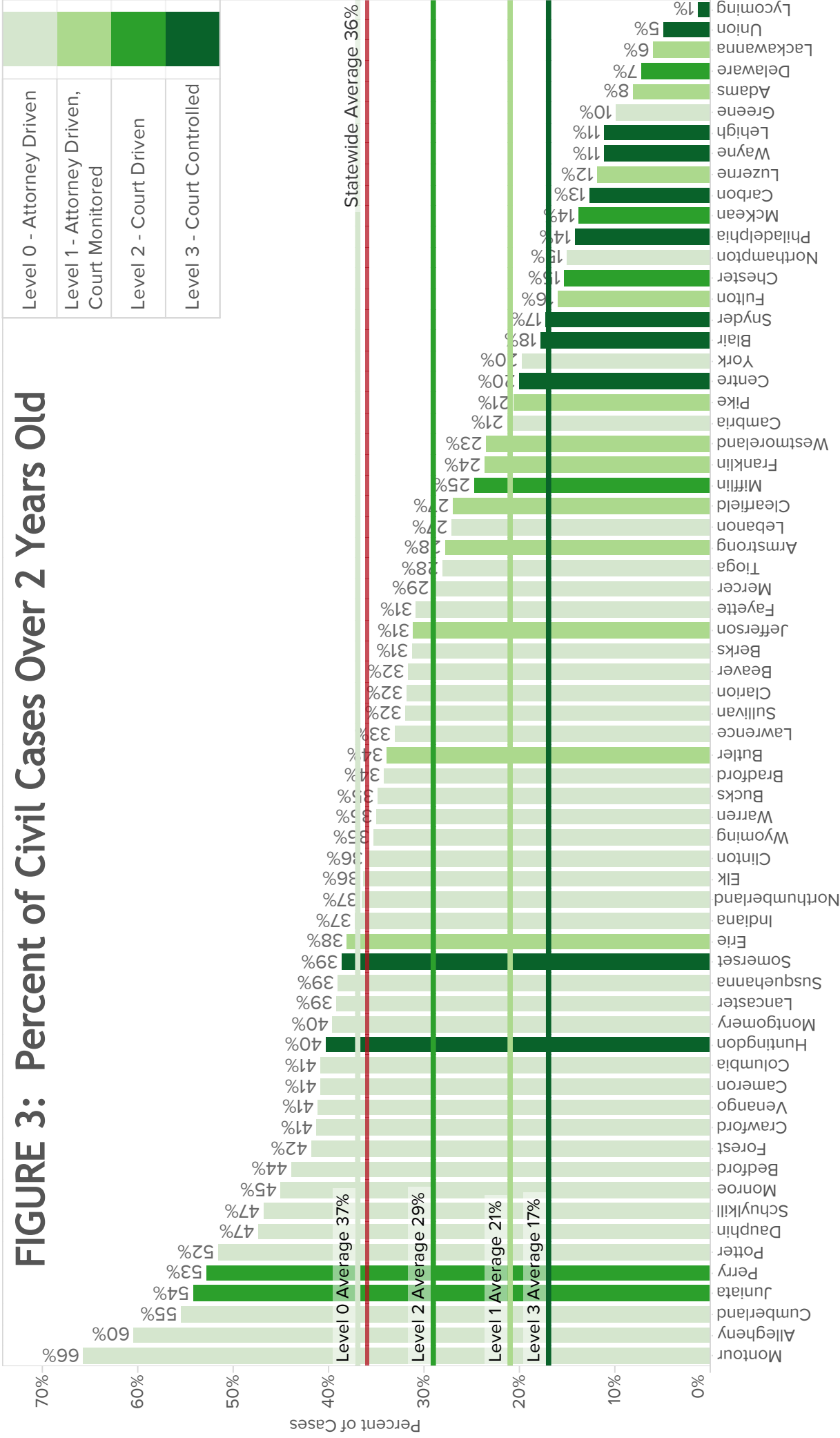
¹ Steelman, David C., Samuel D. Conti, Maureen Solomon, and David W. Orrick, Elements of Effective Caseflow Management, National Center for State Courts (January 7, 1987).

Figure 2: Levels of Case Management

While the map appears to show that attorney driven civil court systems remain predominant in Pennsylvania, the results of the Statewide Civil Court Inventory Project will quickly change this view. Each county marked by a star has established a local rules committee or working group that is developing civil case management plans; most intend to implement new systems by early 2015. As new case management protocols are adopted, the map will be updated quarterly. Accordingly, both the age and size of civil inventories across the Commonwealth will change, as will the number of attorney driven systems.



The graph suggests that Attorney Driven systems are related to a greater number of cases in the inventory over two years old, and that Court Controlled systems are related to fewer cases in the inventory over two years old. The exception to this relationship appears to occur in small counties where the number of active cases is very small and one or two old cases impacts the percentage over two-years-old disproportionately.



*Washington County is unable to produce the number of active civil cases, therefore they are excl..

measure the impact of court control over litigation, it will be important to look to existing Attorney Driven systems for comparison. It is anticipated that those counties with few or no court controls over civil case management will suffer longer times to disposition than those that take a more active role in managing cases to resolution. The handful of remaining Attorney Driven systems will be crucial to building this comparison in months and years to come.

CONCLUSION

This project has established an enduring change for Pennsylvania's civil court system.

- ✓ Long standing, inactive cases have been removed from commonwealth's dockets, clarifying local and state administration's view of the real assets and needs of our civil courts
- ✓ Counties have been given the impetus and support to graduate from attorney driven civil court systems to recognized, best practices associated with court controlled systems.
- ✓ The AOPC Civil Case Aging dashboard will be updated quarterly to monitor changes in county inventories and recognize individual county progress.
- ✓ As another step in building public trust, the courts are tasked with the responsibility of the prompt and fair administration of

civil justice, not litigants or attorneys whose interests may compete with timeliness and efficiency.

Accomplishing these extraordinary outcomes required a tremendous amount of time and effort to craft individual solutions for each Office of the Prothonotary. In many instances, it was the prothonotary's local practice that was responsible for inaccurate data reporting and bloated inventories. Addressing the variation in practice, resources, docket system vendors, and overall responsiveness to Supreme Court directives were significant obstacles to achieving results. To have the prothonotaries as part of the judiciary would facilitate systemic improvements such as this initiative exponentially easier.

APPENDIX A

Supreme Court of Pennsylvania




Administrative Office of Pennsylvania Courts
Zygmunt A. Pines, Esquire
Court Administrator of Pennsylvania

1515 Market Street
Suite 1414
Philadelphia, PA 19102
215.560.6300

Pennsylvania Judicial Center
P.O. Box 61260
Harrisburg, PA 17106
717.231.3300

TO: All President Judges

FROM: Zygmunt A. Pines 
Court Administrator of Pennsylvania

DATE: September 7, 2012

RE: Civil Case Backlogs

Chief Justice Castille has asked me to communicate with all president judges regarding the matter of civil case backlogs. As the Administrative Office of Pennsylvania Courts finalizes the annual caseload statistics for 2011, many counties report a backlog of civil cases. The enclosed table shows that over one third of counties report pending civil actions over twenty-four months old.

These figures raise concerns about the state of the Commonwealth's civil docket; in some instances, the concern is that the quality of civil data may inaccurately portray case ages or the number of active cases. In either instance, please respond to our office with the following:

- 1) if more than 25% of the cases in your county are reported to be over 24 months old on the enclosed table, submit a written memorandum explaining why this is happening and the manner in which civil cases are processed in your county;
- 2) if less than 5% of the cases in your county are reported to be over 24 months old on the enclosed table, please submit a written memorandum explaining the case management practices responsible for this success rate in processing civil cases; or

- 3) if your explanation attributes the results to inactive cases in the system or inaccurate case aging methods, please include in the explanation your plan for completing a data clean-up by December 31, 2012.

As we further grasp the issues impacting civil docket backlogs, we will follow-up with additional communications. The information gathered, along with this concerted data cleaning effort, will assist judicial districts and the Supreme Court to evaluate the true assets and needs of our civil case management systems.

The AOPC Department of Research and Statistics has sustained a long standing effort to provide assistance to counties seeking better case management and statistical reporting methods. Many counties are already working closely with the department on data clean-up. Accordingly, please direct any questions about this initiative to Laurie Sacerdote, Caseload Statistics Analyst at laurie.sacerdote@pacourts.us or 215-560-6300.

Please provide your response to me not later than October 5, 2012 for the Supreme Court's review. Thank you for your assistance and prompt attention to this matter.

Enclosure

cc: All Prothonotaries
All District Court Administrators

APPENDIX B



THE SUPREME COURT OF PENNSYLVANIA

1818 MARKET STREET
37TH FLOOR
PHILADELPHIA, PA 19103

RONALD D. CASTILLE
CHIEF JUSTICE

(215) 560-5663
FAX: (215) 560-5807

TO: All President Judges

FROM: Ronald D. Castille *R. D. Castille*
Chief Justice of Pennsylvania

DATE: April 23, 2014

RE: Civil Case Inventories

At my direction in September of 2012, Court Administrator Zig Pines sent to you a communication about your county's civil case inventory. In response, each county submitted information about the size and age of its civil docket. I am very appreciative not only of the wealth of information supplied by you and your staff, but also of the ongoing data clean-up work that has transpired over the past year.

As I discussed at the recent State Trial Judges' Presidents meeting, a concerted and time limited effort is needed to finalize clean-up of the Commonwealth's civil dockets. Enclosed is a status report for your county's civil caseload and aging data. These results include all data corrections submitted to AOPC to date, and are those designated for public posting to the Unified Judicial System website. Accordingly, we ask that you enlist your court staff to use this information to guide the following action items.

Not later than June 13, 2014:

- 1) please conclude all data clean-up efforts (including any administrative purges if necessary) and submit revised civil data to the AOPC. To facilitate this task, and in response to feedback from many prothonotaries, the enclosed order suspends

Pa.R.C.P. No. 230.2 governing the administrative purge of inactive civil cases. The provisions of Pa.R.J.A. No. 1901 can govern the administrative purge of inactive cases generally. Additional guidance on outstanding data clean-up issues is included on your status report. Also, please advise AOPC of any particular administrative problems encountered with regard to identifying and clearing inactive cases by contacting Laurie Sacerdote, AOPC Caseload Statistics Analyst, laurie.sacerdote@pacourts.us, 215-560-6300, for technical assistance.

2) Submit to AOPC a written plan for establishing a case management system that will sustain control of your civil docket. The plan should include, at a minimum:

- a) provisions for early court intervention in all civil cases beginning at the time of filing, as well as provisions for continuous control;
- b) a written protocol and schedule for annual administrative purges; and,
- c) a separate track or system that addresses the older inventory.

It is important to preserve the progress we have made to date as a unified judicial system towards controlled civil dockets. Accordingly, each district should craft its civil case management plan towards long term results and feasibility rather than short term fixes. Thank you for your continued commitment to this important matter.

cc: Zygmunt A. Pines
Court Administrator of Pennsylvania

All Prothonotaries

All District Court Administrators

Enclosures

APPENDIX C: CHANGE IN TOTAL INVENTORY

APPENDIX C: CHANGE IN TOTAL INVENTORY					CHANGE IN	
Class	County	BEFORE Active cases as of 12/31/11	AFTER Active cases as of 2014 2nd quarter	% change	BEFORE % Cases Over 24 Months 12/31/11	AFTER % Cases Over 24 Months 2014
5th	ADAMS	575	300	-48%	33.7%	8.0%
2nd	ALLEGHENY	20,611	40,410	96%	10.0%	60.4%
6th	ARMSTRONG	491	316	-36%	32.8%	27.8%
4th	BEAVER	4,981	1,075	-78%	71.0%	31.7%
6th	BEDFORD	313	360	15%	18.8%	43.9%
3rd	BERKS	3,363	2,892	-14%	26.0%	31.3%
5th	BLAIR	634	456	-28%	0.0%	17.8%
6th	BRADFORD	471	444	-6%	38.0%	34.2%
2A	BUCKS	16,268	10,934	-33%	59.0%	34.9%
4th	BUTLER	1,105	1,312	19%	7.5%	33.9%
4th	CAMBRIA	1,603	1,149	-28%	36.6%	21.3%
8th	CAMERON	56	22	-61%	51.8%	40.9%
6th	CARBON	506	316	-38%	14.6%	12.7%
4th	CENTRE	717	370	-48%	28.5%	20.0%
3rd	CHESTER	3,240	2,351	-27%	24.1%	15.3%
6th	CLARION	114	179	57%	3.5%	31.8%
6th	CLEARFIELD	1,065	461	-57%	63.8%	26.9%
6th	CLINTON	322	178	-45%	0.3%	36.0%
6th	COLUMBIA	542	463	-15%	38.6%	40.8%
6th	CRAWFORD	658	508	-23%	1.4%	41.3%
3rd	CUMBERLAND	1,939	3,434	77%	0.1%	55.4%
3rd	DAUPHIN	3,397	2,246	-34%	53.2%	47.3%
2A	DELAWARE	3,642	4,460	22%	4.9%	7.2%
6th	ELK	197	203	3%	26.4%	36.5%
3rd	ERIE	1,619	2,163	34%	0.0%	38.1%
4th	FAYETTE	1,917	1,263	-34%	42.8%	30.8%
8th	FOREST	25	43	72%	0.0%	41.9%
4th	FRANKLIN	956	669	-30%	0.0%	23.6%
8th	FULTON	54	50	-7%	0.0%	16.0%
6th	GREENE	8	243	2938%	0.0%	9.9%
6th	HUNTINGDON	160	251	57%	0.0%	40.2%
6th	INDIANA	353	588	67%	6.2%	37.2%
6th	JEFFERSON	162	227	40%	0.6%	54.2%
7th	JUNIATA	122	218	79%	0.0%	31.2%
3rd	LACKAWANNA	2,938	4,494	53%	0.0%	5.9%
3rd	LANCASTER	3,072	5,783	88%	0.0%	39.2%
5th	LAWRENCE	35	780	2129%	5.7%	33.1%
5th	LEBANON	536	834	56%	0.0%	27.1%
3rd	LEHIGH	2,052	1,808	-12%	14.9%	11.1%
3rd	LUZERNE	483	3,342	592%	0.0%	11.9%
5th	LYCOMING	201	677	237%	4.0%	1.2%
6th	MCKEAN	135	131	-3%	0.0%	13.7%
5th	MERCER	658	828	26%	0.0%	29.1%
6th	MIFFLIN	170	182	7%	5.9%	24.7%
4th	MONROE	3,015	2,873	-5%	0.0%	45.0%
2A	MONTGOMERY	10,812	11,989	11%	34.5%	39.6%
8th	MONTOUR	272	339	25%	12.9%	65.8%
3rd	NORTHAMPTON	8,913	1,888	-79%	36.4%	15.0%
6th	NORTHUMBERLAND	646	582	-10%	12.7%	36.6%
6th	PERRY	337	282	-16%	43.0%	52.8%
1st	PHILADELPHIA	51,995	23,162	-55%	13.0%	14.2%
6th	PIKE	757	733	-3%	3.3%	20.6%
8th	POTTER	85	132	55%	10.6%	51.5%
4th	SCHUYLKILL	2,914	1,603	-45%	58.5%	46.8%
7th	SNYDER	129	133	3%	0.8%	17.3%
6th	SOMERSET	632	596	-6%	27.4%	38.6%
8th	SULLIVAN	45	50	11%	2.2%	32.0%
6th	SUSQUEHANNA	192	474	147%	3.0%	39.0%
6th	TIOGA	2,176	692	-68%	56.5%	28.0%
7th	UNION	55	124	125%	1.8%	4.8%
6th	VENANGO	222	343	55%	0.5%	41.1%
6th	WARREN	276	223	-19%	44.6%	35.0%
4th	WASHINGTON	Washington County is unable to produce the number of active civil cases, therefore they are excluded from the table.				
6th	WAYNE	253	252	0%	4.0%	11.1%
3rd	WESTMORELAND	3,315	2,013	-39%	8.5%	23.5%
7th	WYOMING	225	349	55%	0.0%	35.2%
3rd	YORK	15,497	2,151	-86%	70.9%	19.7%
STATE TOTALS		185,229	150,396	-18.9%	54.3%	35.9%

* The high increase in the pending inventory is due to active cases not previously included in the inventory