

Introduction

The purpose of this report is to highlight trends in the five divisions of the Superior Court and in the Supreme Court with respect to the filing and disposition of cases. In addition to providing data on the number of cases added and disposed, this report also measures performance with respect to timeliness using the three performance measurements that are part of the National Center for State Courts' CourTools. The three measures are:

Clearance Rate

The clearance rate measures the number of disposed cases as a percentage of the number of incoming cases. The purpose is to measure whether the court is keeping up with its incoming caseload. If the Clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

Age of Active Pending Caseload

This is a point in time measurement usually done on the last day of the fiscal year. The age of the active pending cases is measured against the time standard or disposition goal for that case type set by the Supreme Court to determine how many of the active unresolved cases are within the goal and how many have exceeded the goal.

Time to Disposition

This measure looks at all of cases disposed during the fiscal year and measures the percentage that were resolved within the disposition time standard or goal for that case type and the percentage that exceeded the goal. It is important to note that it would be very rare indeed for every case to be decided within the disposition goal. (If that were the case, the goal is probably too high and should be lowered.) Typically, if the percentage decided within the disposition time standard is around 80% to 85%, it probably means that the court is doing well provided that the cases that exceeded the goal did so within a reasonable margin.

Disposition Time Standards

The Vermont Supreme Court has adopted by Administrative Directive disposition time standards or goals for many, but not all, case types in the Superior Court. Where time standards have not yet been adopted, it is obviously difficult to use either the second or third NCSC measurement described above. We have noted in this report case types which do not yet have time standards. Where the Court has adopted time standards, it has recognized that in every case type, there are standard cases and then there are complex cases and the complex cases need longer time frames. The Court has therefore adopted a differentiated case management system which sets a time frame as a goal for standard cases and a somewhat longer goal for complex cases. Unfortunately, we lack the capacity in our current case management system to easily identify the complex cases. Therefore, for the most part, our measurement with respect to timely

disposition are based on an assumption that all cases are standard, an assumption that we recognize is not accurate.

Workload and Case Weights

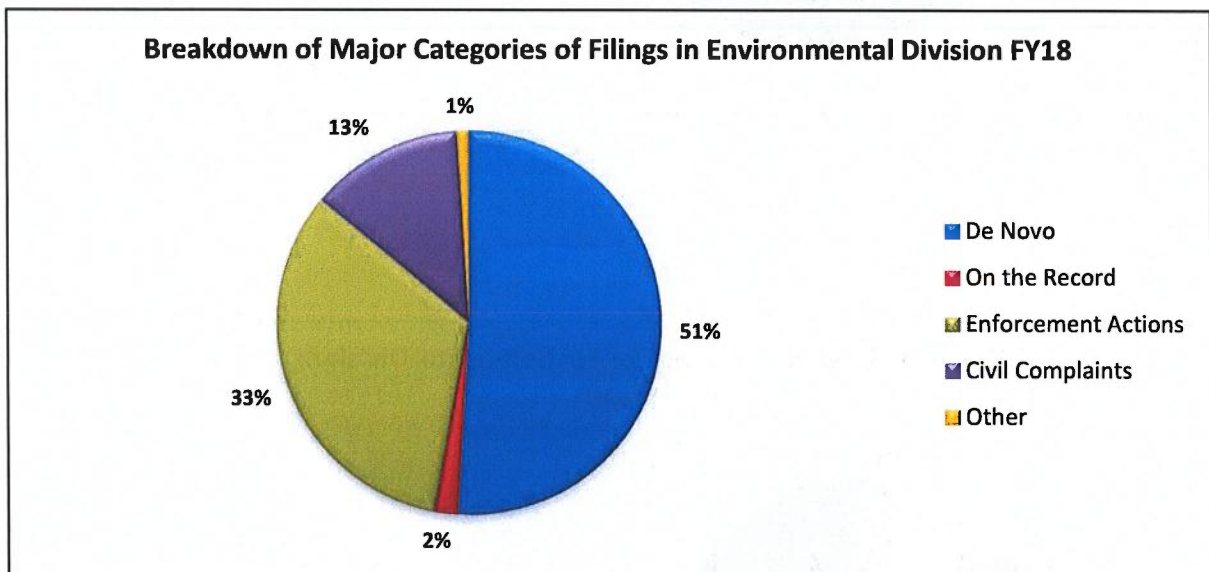
An initial case weight represents the average amount of time judicial officers and court staff currently spend to process a case of a particular type, from filing through all post-disposition activity, including time spent during normal working hours and time spent outside of the normal working day or week. The use of separate case weights for different case categories accounts for the fact that cases of varying levels of complexity require different amounts of time to resolve. To calculate the case weight for each case type category, all time associated with each case type during the time study is summed and weighted to the equivalent of one full year's worth of time, then divided by the corresponding annual filings.

Case Type	Final Case Weights: Judicial Officers	Final Case Weights: Court Staff
Small Claims	13	136
Stalking/Sexual Assault	24	106
Other Civil	84	337
Misdemeanor	28	177
Felony	130	352
TX Court: Adult	273	2,576
Criminal Civil Suspension	6	30
Search Warrants Inquests, NTO	14	24
Other Miscellaneous Criminal	24	176
Domestic (without child support)	126	566
Child support	46	196
Relief from Abuse	31	170
CHINS	332	1,027
Juvenile Delinquency	59	288
Juvenile Truancy	103	212
Juvenile TPR	309	375
TX Court: Juvenile ¹²	273	2,576
Mental Health	64	179
Estates	101	337
Trusts	49	59
Adult Guardianship	429	880
Minor Guardianship	203	386
Adoptions: All	130	187
Other Probate	39	127
Environmental Div. De Novo	1,038	990
Environmental Div. On the Record	278	990
Environmental Div. Enforcement Actions	246	155
All Judicial Bureau Cases	NA	16
Judicial Bureau Contested	6	NA
Judicial Bureau Uncontested	1	NA

Environmental Division

The environmental division of the superior court is a statewide court responsible for hearing and deciding cases that fall into five general categories:

- 1) Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies;
- 2) Environmental enforcement proceedings from various municipalities;
- 3) Appeals from municipal zoning boards, development review boards and planning commissions;
- 4) Appeals from land use determinations made by the various Act 250 district commissions and jurisdictional determinations by the Act 250 district coordinators;
- 5) Tickets for environmental violations such as unlawful burning, dumping in a stream or lake, or failing to abide by a permit condition or AMP (acceptable management practice).

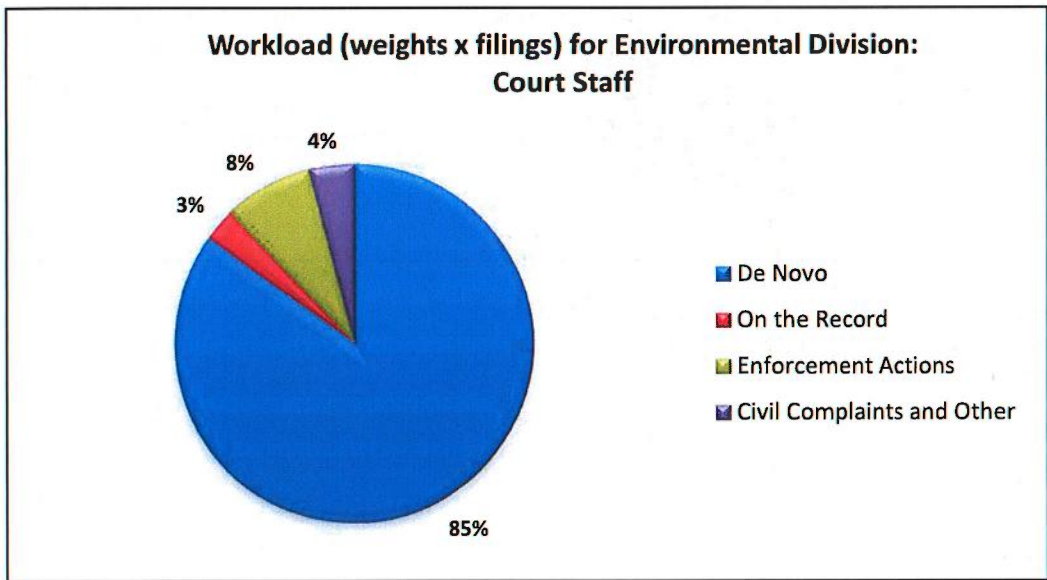
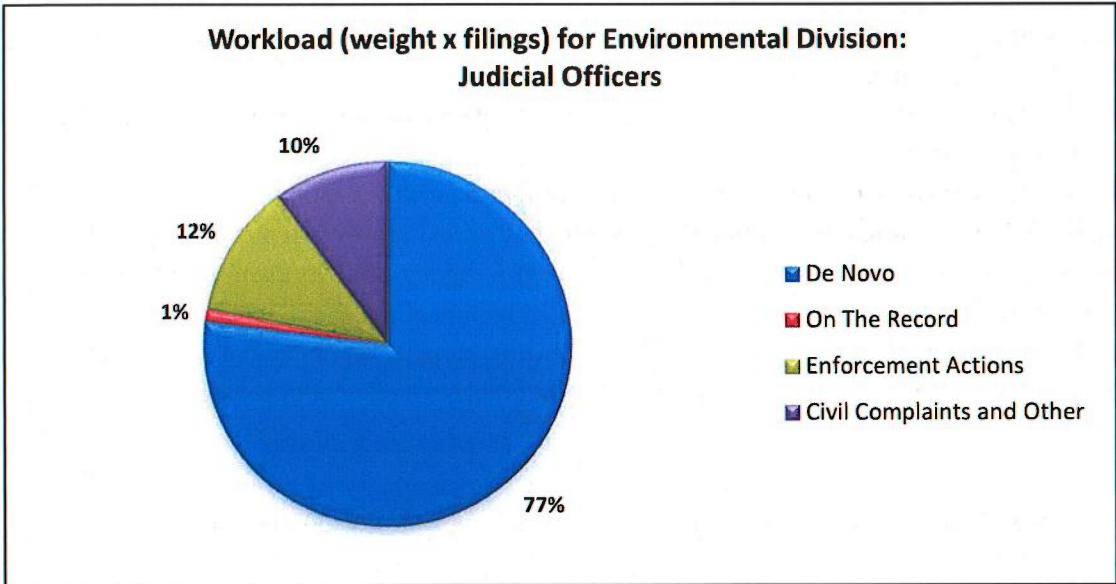


De Novo includes municipal appeals, Act 250 and ANR appeals.

Enforcement Actions includes environmental and municipal enforcement.

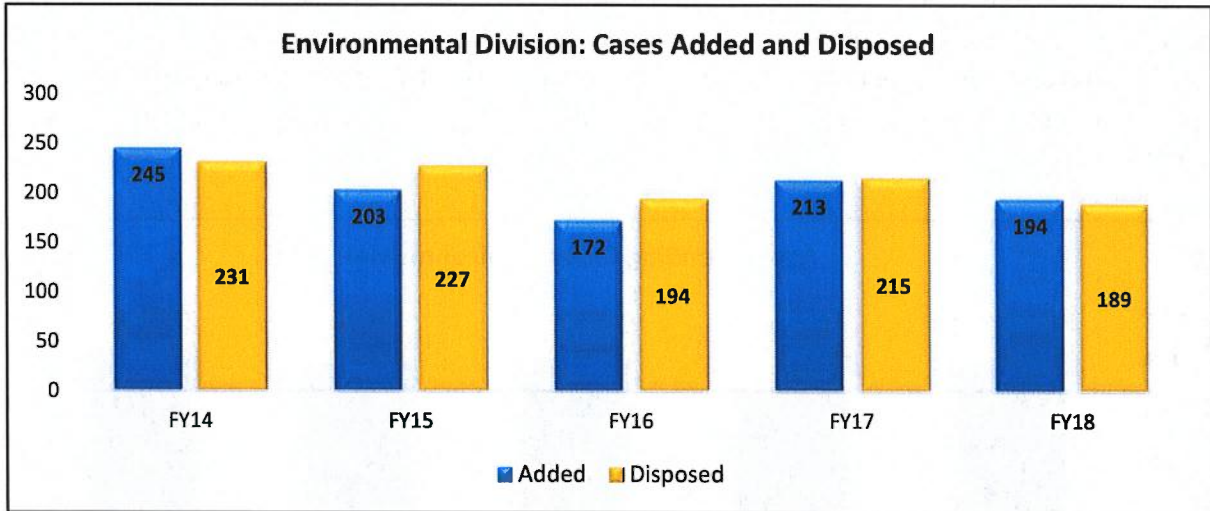
"Other" includes agricultural appeals.

WEIGHTED CASELOAD WORKLOAD WITH FY18 FILINGS



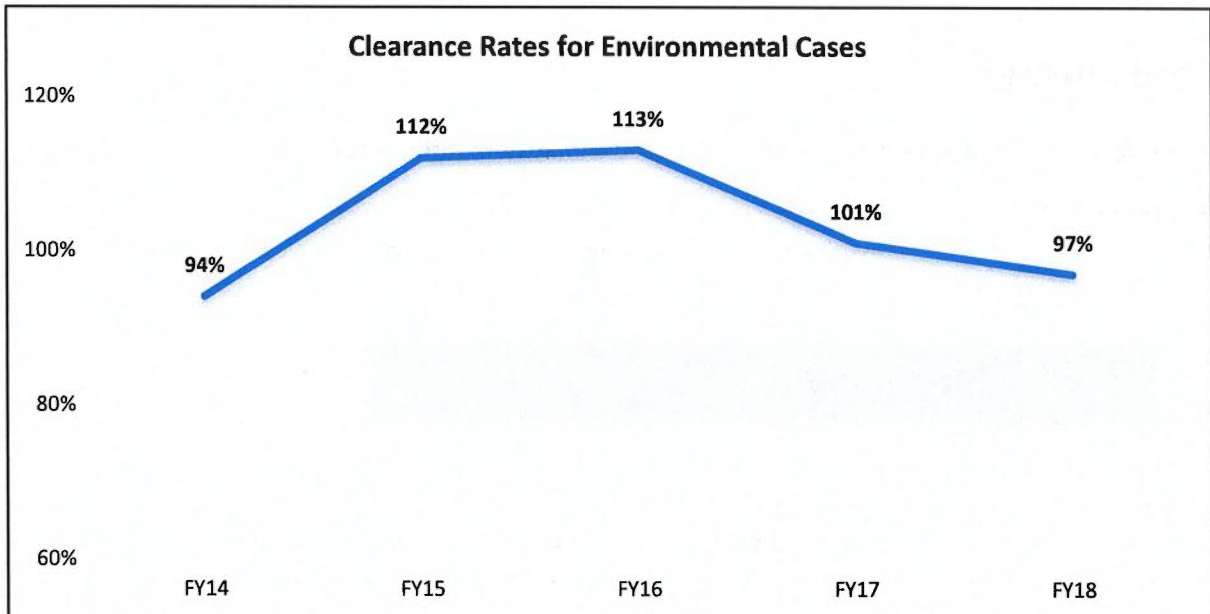
Trends

As indicated by the chart below, filings in the environmental division decreased 9% from the previous year, primarily in the areas of environmental enforcement actions and municipal de novo appeals. The number of dispositions also decreased (12%.)



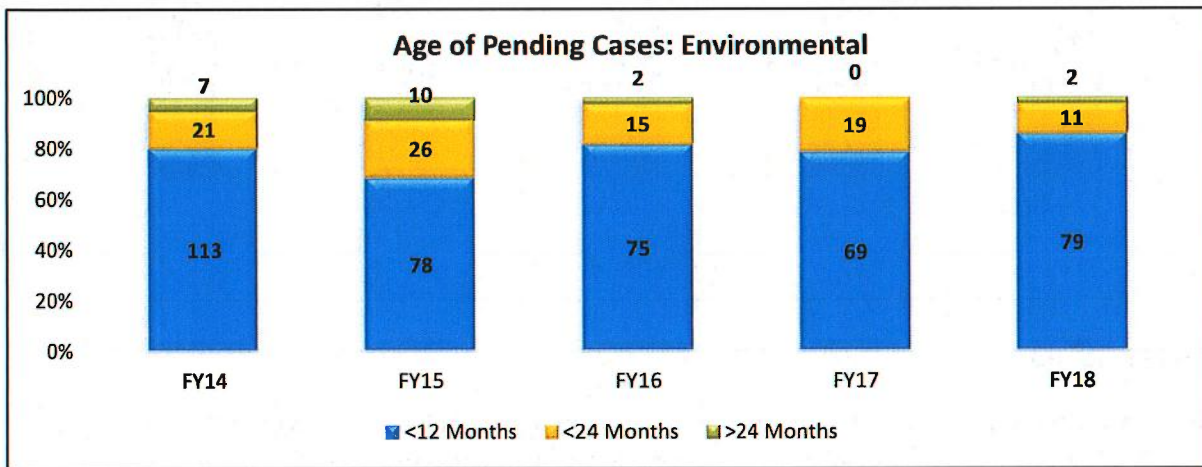
Clearance Rate

The chart below measures the clearance rate for all environmental division cases from 2014 through 2018. The clearance rate fell below 100% in FY18, meaning slightly more cases were added than disposed.



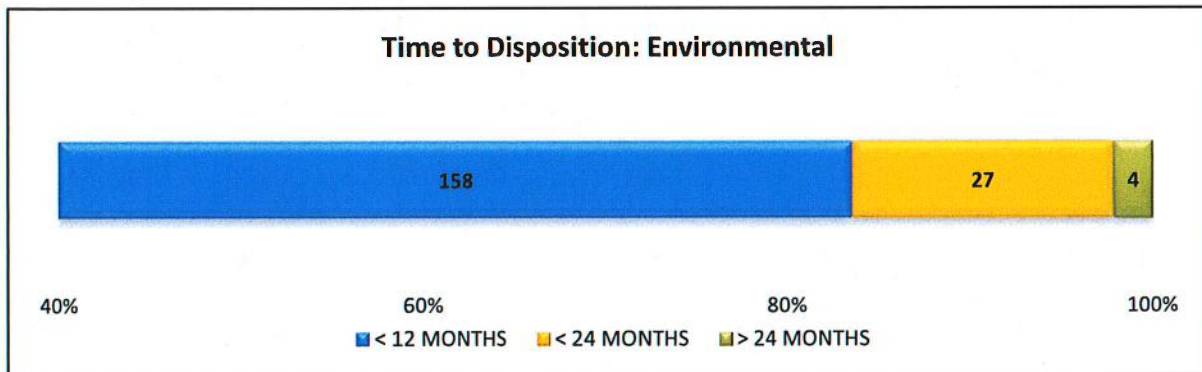
Age of Pending Cases

It is difficult to measure performance based on the age of environmental cases because there is so much variation in the average time to disposition from one case type to the next. For Act 250 appeals, the disposition goal set by the Supreme Court is 11 months for standard cases and 13 months for complex cases. At the shorter end, the goal for ANR/NRB enforcement cases is three months. It is only when data on the age of pending cases and time to disposition is broken down by individual case type that accurate conclusions can be drawn with respect to court performance. For all but the most complex of cases, the Environmental Division establishes disposition guideline schedules that anticipate a disposition in 12 months or less.



Time to Disposition

In FY18, 84% of environmental cases were disposed within 12 months of filing.



Method of Disposition

Approximately 53% of the cases disposed in the environmental division are resolved by agreement of the parties. Final decisions were issued by the court in 29% of the cases. 18% were dismissed or withdrawn by parties.

