

Montgomery County Circuit Court Research Brief

Analysis of the “To Be Assigned” (TBA) Docket

AUGUST 2016

Montgomery County Circuit Court maintains a “To Be Assigned” (TBA) docket because the number of cases requiring a hearing or trial exceeds the calendar space for the available judges and magistrates. Cases placed on the TBA docket are limited to certain civil and family events (as identified by the court’s Assignment Office). It is important that cases placed on the TBA docket are reached in a timely manner. An uncontrolled TBA docket may result in additional costs and delay for parties. Accordingly, Montgomery County Circuit Court closely monitors and manages its TBA docket. The present analysis reports the number and percentage of cases placed on the TBA docket and those “reached” by month between July 2015 and June 2016 (FY2016). This analysis also discusses the average number of cases per business day during the reporting period.¹

A TBA case is considered “reached” when it is assigned to a judicial officer, and the scheduled event is held or is postponed by a party (or parties), or when the case has been removed from the TBA docket prior to or on the scheduled date because the scheduled event was disposed for a reason other than the court’s inability to hear the preceding.² In contrast, a case is considered “not reached” on the day of the scheduled event when the court was unable to hear the event due to judge unavailability or an error in the management of the case (e.g., notices weren’t sent or the case was not in the proper posture to proceed).

During FY2016, 774 cases were placed on the TBA docket, a 39% decline from FY2013 (1,265 cases). Accordingly, the average number of TBA cases per month decreased to 65 cases from 105 cases in FY2013 (82 cases in FY2015 and 83 cases in FY2014). As shown in Chart 1, the number of monthly TBA cases ranges from 47 cases in October 2015 and May 2016 to 92 in July 2015.³ In FY2016, 98% (755 of 774) of TBA cases were “reached”, a percentage comparable to previous years. Monthly percentage of reached TBA cases ranges from 91% (April 2016) to 100% (September 2015 through March 2016).

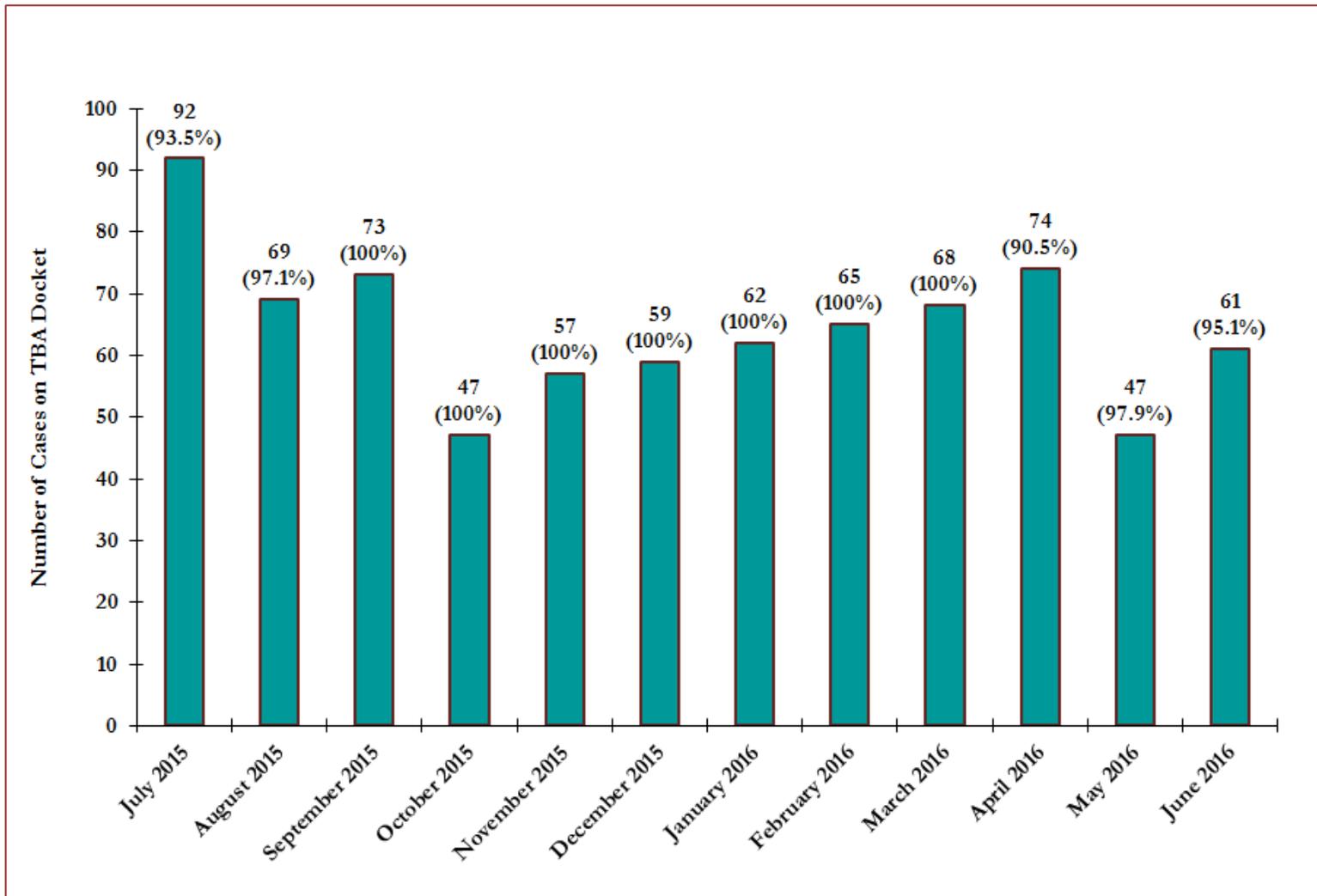
Between FY2013 and FY2014 the court was able to decrease the average number of cases *placed* on the TBA docket per business day from 5.1 to 4.0. In FY2016, the number further decreased to 3.1. During FY2016, the monthly average of daily TBA cases ranges from 2.2 TBA cases in October 2015 and May 2016 to 4.2 cases in July 2015. The average number of TBA cases *reached* per business day in FY2016 is 3.0, which is almost a case fewer than 3.9 in FY2014 and two cases fewer than 4.9 in FY2013. Given the difference between the number of daily TBA cases placed on the docket and those reached is less than 0.1, on an average day, most TBA cases are reached, further supporting findings highlighted in Chart 1.

¹ Federal holidays and weekends are excluded from the calculation; however, court (non-federal) holidays and days in which the court was closed due to a weather emergency are included.

² “Reached” cases may also include those that have an event that was removed prior to the scheduled event date and was postponed by way of a motion or line filed pursuant to the court’s postponement policy.

³ Please note that in the TBA analysis published in FY2015, the data for February 2015 was misstated. In particular, there were 76 TBA cases in February 2015 as opposed to 138 originally reported. As a result, the average TBA caseload per month for FY2015 is 82 cases as opposed to 87 cases per month, which is comparable to the average TBA caseload per month reported in FY2014 (83 cases). October 2014 had the highest number of TBA cases in FY2015 at 115.

Chart 1. Number of TBA Cases (and Percentage Reached) by Month, FY2016



Conclusions

As a result of improved collection, tracking, and reporting of TBA information, the court is able to analyze its processing of TBA cases and their outcomes more accurately as well as communicate and use the information to guide scheduling practices. The court continues to monitor the number of TBA cases and their associated outcomes in relation to the number of judges and magistrates available and the Assignment Office's calendaring practices. In order to ensure efficient scheduling practices, it is important that parties promptly notify the Assignment Office about any cancellations in scheduled events and provide accurate trial time estimates. Requests for interpreters and ADA accommodations, as well as information about the number of out-of-state or out-of-country parties or witnesses should also be provided to the court at status/pre-trial and settlement/pre-trial hearings as this type of information is essential for the court to prepare its dockets. Through close examination of its own practices and with the assistance and cooperation from its patrons, the court will be able to succeed in its mission of administering justice in an efficient and just manner.

For questions or comments regarding the analysis, please contact Montgomery County Circuit Court Administration at 240-777-9100.