

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: CASE STATUS REPORTING REQUIREMENTS
FOR REAL PROPERTY MORTGAGE
FORECLOSURE CASES

ADMINISTRATIVE
ORDER
NO. 1.17

FILED

DEC 02 2013

LEE CO. FLORIDA
CLERK OF COURTS
BY _____ D.C.

WHEREAS, the Supreme Court of Florida has adopted definitions as it relates to the status of foreclosure cases as published in the Foreclosure Initiative Data Plan promulgated by the Office of the State Courts Administrator;

and

WHEREAS, on October 16, 2013, the Supreme Court of Florida issued Administrative Order No. AOSC13-51, In Re: Case Status Reporting Requirements for Real Property Mortgage Foreclosure Cases, directing that the chief judge of every circuit issue a local administrative order for the purpose of implementing an effective communication mechanism by which the courts and clerks are notified of case status changes in a timely manner;

It is **ORDERED** as follows:

1. For purposes of data collection and statistical reporting, the Clerks of Court of each county of the Twentieth Judicial Circuit are to be mindful of the Supreme Court of Florida Administrative Order No. AOSC13-51 and the Foreclosure Initiative Data Collection Plan, copies of which are attached and incorporated herein, so as to ensure full compliance.

2. For ease of reference, listed below are the events identified in the Foreclosure Initiative Data Collection Plan as causing the status of a foreclosure case to shift back and forth between being active and inactive, along with the associated reporting codes:

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Reason	Codes	
	Active to Inactive	Inactive to Active
A stay of bankruptcy	BKST	BKSTLFT
Resolution of foreclosure case requires resolution of a related case	CPRC	CPCSDISP
On-going settlement negotiations or agreement by both parties	BWAP	BWAPDISP
Foreclosure case is on hold pending appeal	AP	APDISP
A hold is placed on case due to Dept. of Justice or Attorney General Review	DOJAG	DOJAGDISP
When directed by the presiding judge consistent with the definitions of an inactive case	OTH	OTHDISP

3. In instances in which a Clerk may become aware of an event initiating a change in status of a case, based upon a court order or otherwise (i.e. the filing of a suggestion of bankruptcy), the Clerk shall enter said change in status in its Case Management System, using the appropriate code, so that judges, magistrates, case managers, and judicial assistants are timely apprised of the proper status of each case within their purview.

4. In instances in which the Court may become aware of an event initiating a change in status of a case of which the Clerk appears to be unaware, the Court shall issue an order directing the change in status. The Foreclosure Initiative Data Collection Plan provides on Page 24 a form "Order Placing Case on Inactive Status," and on Page 25 a form "Order Returning Case to Active Status." Attached to this Administrative Order are sample orders that have been tailored specifically for use within the Twentieth Judicial Circuit, and which may be used at the discretion of the Court. Said orders either placing a case on inactive status or returning a case to

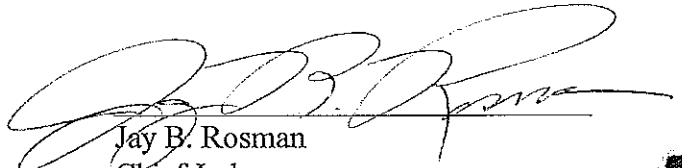
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active status, shall serve to provide notice to the Clerk as to a change in status, and the Clerk shall immediately enter said change in status in its Case Management System, using the appropriate code.

5. It is ultimately the responsibility of the parties to a foreclosure action to ensure that the Court and Clerk are appropriately and timely advised as to events external to the Court which may impact the status of a case as being active or inactive. If a foreclosure case is in an inactive status, it is the responsibility of the parties to file with the Clerk a written motion to return the case to an active status, with notice to all parties, within thirty (30) days of the termination of the grounds for inactive status.

6. To the extent that any provision of this Administrative Order may conflict with any rule, case law, or statute, the rule, case law, or statute will prevail.

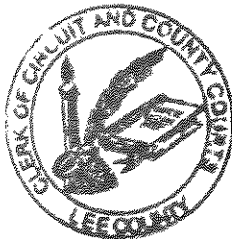
DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 27th day of Nov., 2013.


Jay B. Rosman
Chief Judge

History. - New.

I certify this document to be a true and correct copy of the record on file in my office,
Linda Doggett, Clerk Circuit/
County Court, Lee County, FL
Dated: 12-2-13

By LD
Deputy Clerk



STATE OF FLORIDA, COUNTY OF LEE
FILED FOR RECORD
This 2 Day of DEC 2013 Recorded in CRW's
Book 57 Page 116-137 and Record Verified.
LINDA DOGGETT By LD
Clerk Circuit Court Deputy Clerk

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Sample Form Order #1

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
COUNTY, FLORIDA CIVIL DIVISION

Plaintiff(s),

vs.

Case No. _____

Defendant(s).

_____ /

ORDER PLACING FORECLOSURE CASE ON INACTIVE STATUS

This cause having come before the Court on its own motion or on the motion of the Plaintiff/Defendant to place the case on INACTIVE status due to:

- Bankruptcy stay, Case No. _____ [BKST]
- Case pending resolution of another case, Case No. _____ [CPRC]
- Written agreement of the parties dated _____ [BWAP]
- Appeal pending, Case No. _____ [AP]
- Motion to stay or abate due to Department of Justice/Attorney General settlement [DOJAG]
- Other (a reason must be provided in writing by the presiding judge or designee) [OTH]

The Clerk of Court is therefore directed to remove this case from ACTIVE status, and designate it as an INACTIVE case based on the reason checked above. The parties must return the case to active status by filing a motion seeking an order returning the case to active status, with notice to all parties, within 30 days of the termination of grounds for inactive status.

DONE and ORDERED in _____ County, Florida, this _____ day of _____ 20 _____.

Presiding Judge

cc: Service List

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Sample Form Order #2

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
COUNTY, FLORIDA CIVIL DIVISION

Plaintiff(s),

vs.

Case No. _____

Defendant(s).

_____ /

ORDER RETURNING FORECLOSURE CASE TO ACTIVE STATUS

This cause having come before the Court on its own motion or on the motion of the Plaintiff/Defendant to return the case to ACTIVE status due to:

- Plaintiff/Defendant stipulate that the bankruptcy stay has been lifted, Case No. _____ [BKSTLFT]
- Plaintiff/Defendant stipulate that the related case has been disposed, Case No. _____ [CPCSDISP]
- By written agreement of the parties dated _____ [BWAPDISP]
- Plaintiff/Defendant stipulate that pending appeal has been disposed, Case No. _____ [APDISP]
- Plaintiff/Defendant stipulates that Department of Justice/Attorney General review is complete [DOJAGDISP]
- Other (a reason must be provided in writing by the presiding judge or designee) [OTHDISP]

The Clerk of Court is therefore directed to remove this case from INACTIVE status, and designate it as an ACTIVE case based on the reason checked above.

DONE and ORDERED in _____ County, Florida, this _____ day of _____ 20_____.

Presiding Judge

cc: Service List

0000120

Supreme Court of Florida

No. AOSC13-51

IN RE: CASE STATUS REPORTING REQUIREMENTS FOR REAL
PROPERTY MORTGAGE FORECLOSURE CASES

ADMINISTRATIVE ORDER

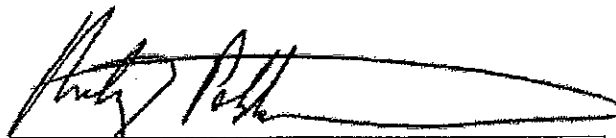
Consistent with In Re: Final Report and Recommendations of the Foreclosure Initiative Workgroup, No. AOSC13-28 (Fla. June 21, 2013), this Court finds it beneficial to require the chief judge of every circuit court to issue an administrative order establishing a mechanism that enables judges and magistrates to provide explicit direction to each clerk of court's office with regard to designating a change in the status of a mortgage foreclosure case. Likewise, it is also necessary for the clerk of court's office to notify the judge or magistrate when events occur that change the status of a foreclosure case. This Court recognizes that, in many instances, the events initiating a change in the status of a case may become known to either the judge and magistrate or the clerk's office, but not always both. Accordingly, the purpose of the local administrative orders is to implement an effective communications mechanism by which the courts and clerks are notified of case status changes in a timely manner.

2013 JUN 21


The status of a foreclosure case and related definitions have been adopted by this Court and are published in the Foreclosure Initiative Data Collection Plan promulgated by the Office of the State Courts Administrator. Explicit direction for designating the status of cases as active or inactive shall be implemented through an administrative order issued by the circuit chief judge. It is incumbent on each clerk of court to enter the status change of any case so that judges, magistrates, case managers, and judicial assistants are apprised of the proper status of each case within their purview.

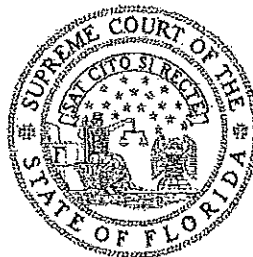
For case age reporting purposes, a case on inactive status should not be considered pending until it becomes active by order of the presiding judge or action by the clerk of court.

DONE AND ORDERED at Tallahassee, Florida, on October 16, 2013.


Ricky Polston, Chief Justice

ATTEST:


Thomas D. Hall, Clerk of Court



00000122

Florida Office of the State Courts Administrator

**FY2013-14 Foreclosure Initiative
Data Collection Plan**

09/23

Contents

Contents 1

 Change Summary:..... 2

 Introduction:..... 1

 Initiative Components 1

 Data Usage and Availability: 3

 Data Submission 4

 Data Elements Required 5

 Performance Indicators 9

 Correction: 10

 Deletion/Removal: 10

 Change of Status 11

 Determination of Active/Inactive Status..... 11

 Data Sources 14

 Appendix A. Case Event and Status Definitions..... 15

 Appendix B. SRS Case Type and Disposition Type Codes..... 18

 Appendix C. Sample Data File 20

 Appendix D. Performance Indicator Computation Methodology 22

 Appendix E. Sample Orders Directing Change of Status 23

0000124

Change Summary:

v1.2.7 to v1.3.2

- Data Submission Section: Table 1: FY2013-14 Foreclosure Initiative Data Elements -- added clarifying comments to data elements
- Modified Section Change of Status
- Added Section Determination of Active/Inactive Status
- Modified Appendix B Table 2 to clarify the SRS case type codes to be used for reporting
- Modified Appendix B Table 3 to clarify the SRS disposition type codes to be used for reporting
- Modified Appendix C to show examples of DELETE and REMOVE records in data submission file
- Added Appendix E: Sample Change of Status Orders

00000125

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 1

Introduction:

This document outlines the proposed data collection plan necessary to track and monitor the case activity within the FY2013-14 Foreclosure Initiative. This plan was proposed by the Foreclosure Initiative Workgroup and is detailed in the plan document Foreclosure Backlog Reduction Plan for the State Court System: Recommendations of the Foreclosure Initiative Workgroup, April 10, 2013 herein called the FY2013-14 Foreclosure Initiative or the Initiative. These recommendations were adopted by the supreme court in April 2013.

The FY2013-14 Foreclosure Initiative adopted three recommendations to address the backlog of foreclosure cases: (1) more active judicial or quasi-judicial adjudication and case management; (2) additional case management resources to allow for focused attention on older foreclosure cases; and (3) deployment of technology resources in the form of judicial viewers to allow judges to manage cases, view documents, and issue court documents electronically.

The FY2013-14 Foreclosure Initiative report also recognizes that judges, judicial officers, case managers and other support staff need appropriate tools to help them manage this dynamic and complex caseload. One essential tool required is meaningful and accurate real time information concerning the movement of foreclosure cases through the foreclosure process. To assist the judges in their efforts, the workgroup has adopted three nationally recognized performance indicators to assist in the monitoring of case activity within the FY2013-14 Foreclosure Initiative.

Time to Disposition – This statistic measures the length of time between filing and disposition and is frequently presented as a percentage of cases that have been resolved within established time frames

Age of Pending Cases – This statistic measures the age of the active cases that are pending before the court.

Clearance Rate – This statistic measures the ratio of dispositions to new case filings and assesses whether the court is keeping pace with its incoming caseload.

Initiative Components

This data collection plan identifies five components necessary to support the goals of the FY2013-14 Foreclosure Initiative and to ensure its successful completion: 1) a reliable primary source of foreclosure case activity data, 2) judicial viewers, 3) meaningful case activity and performance indicators, 4) a state level repository with data analysis and reporting capability and 5) web-based data display services. In keeping with the long term goals of the court system, this plan incorporates design elements in support of the Integrated Trial Court Adjudication System

00000126

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 2

(ITCAS) project and is built upon the Trial Court Data Model. The components are briefly described in the following paragraphs.

The clerks of court, as custodians of the court record, are ultimately responsible for providing the data necessary for the FY2013-14 Foreclosure Initiative. However, it is recognized that clerks of court and circuit court administration have many potential sources of this case status data such as the clerk's own case maintenance system, the circuit judicial viewer systems as they are deployed and the state level Comprehensive Case Information System (CCIS). Clerks of court, in coordination with circuit administration, vendors and other data providers, may arrange to provide the necessary data from any source they deem appropriate and reliable. See the section Data Sources in this document for further discussion.

The Initiative incorporates a web based judicial viewer application that allows judges and court staff to work on cases from any location. The viewer provides judges with rapid and reliable case access to case information. A viewer allows judges to access and use information electronically in the courtroom and provides the judges and courtroom staff with the ability to prepare, electronically sign, file and serve orders in court. It will also allow the information to be entered into the clerk's case maintenance system immediately. An implementation schedule for this application has been developed with deployment in most jurisdictions expected by the end of 2014.

The Initiative presents a set of meaningful performance indicators that will provide all levels of court with critical information concerning the movement of foreclosure cases through the courts. At the local level, these statistics will provide judges and case managers with dashboard style indicators to highlight caseloads that may benefit from additional judicial attention and to efficiently drill down into these indicators to review case specific information. At the circuit level, these indicators will provide administrative judges and trial court managers with tools to assist with the allocation of resources to meet the Initiative goals. At the state level, these indicators and the underlying case data will enable state level managers and the supreme court to monitor the Initiative and to develop comparative measures for process improvement across the state. A more complete discussion of these indicators and their use is provided in Section Seven of the FY2013-14 Foreclosure Initiative report under the heading Performance Indicators.

The Initiative recognizes that a reduction in foreclosure backlog will be of significant interest to the people of the State of Florida. Consequently, this data collection plan incorporates a state level reporting capability that will enable the courts to maintain transparency and accountability for this initiative.

0000127

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 3

It is expected that the judicial viewer applications, once in place, will provide the judges with tools for active case management in support of the Initiative and the court system with requisite detail data for program monitoring and reporting. However, most counties and circuits do not have this resource currently in place. Until such time as sufficient capability is available at the local level, the state level component will provide a web based service to judges and case and court managers that provides the appropriate performance indicators with associated drill down capability. This will ensure access to a consistent set of foreclosure data for all circuits and judges across the state. Additionally, as the Foreclosure Initiative is expected to continue into FY2014-2015, this service can also be expanded to include further reporting should future developments require reports or data not presently anticipated by this plan.

Data Usage and Availability:

The case age statistics advanced in the FY2013-14 Foreclosure Initiative provide information and guidance to two groups of persons within the courts. First, these statistics assist judicial officers and support staff in the day-to-day management of their case load. Second, these statistics provide guidance to local and state level court managers in the efficient allocation of court resources. To be most effective, that is, to provide the most information to both groups, case age statistics as proposed above require case activity and status be reported daily. This enables the exact age of pending cases and time to disposition to be computed daily and to provide case indicators in as close to real time as possible as cases disposed yesterday would be reflected on today's reports. This, then, would represent the ideal that case status reporting should be evolving to.

From a practical standpoint, it is recognized that few case maintenance systems in use today possess this degree of reporting capability and that to develop such capability, over the short term, would be unrealistically burdensome and expensive. Given judicial workload and the limited time available for case management, a weekly reporting schedule would likely provide sufficient detail to allow effective foreclosure case management both at the case and the operational level. Based on past experience, a monthly reporting schedule would be sufficient for state level court managers to use these statistics but would be much less helpful for judicial officers to manage their daily case loads. Therefore, a reasonable compromise that balances workload, expense and operational necessity is to begin with a monthly reporting schedule and evolve the foreclosure data collection process toward weekly reporting. Ultimately, when judicial viewers are deployed, case status reporting within these systems should occur daily as a natural product of the interaction between circuit, clerk and state systems.

00000128

Data Submission

Appendix A contains defines the case events such as filing, disposition and reopen that are to be used for the Foreclosure Initiative. This appendix also contains definitions and examples of the six case statuses to be reported. Appendix B provides a list of SRS case type and disposition codes. Appendix C contains a sample foreclosure case activity submission file. The computational methodology of case age statistics as outlined in the FY2013-14 Foreclosure Initiative is described in Appendix D. The calculation of case age statistics requires the collection of certain essential case activity and case status data. The data elements required for these computations are included in Table 1. FY2013-14 Foreclosure Initiative Data Elements.

The reporting period shall be as of the last day of each month and shall be submitted as soon as possible but no later than the third working day following the last day of the reporting period. Foreclosure case activity tracking will begin July 1, 2013 with the first activity report due as of July 31, 2013. This tracking and reporting should include all foreclosure cases open and reopened for court activity at the start of the reporting period. Tracking should include all cases initiated or reopened during the reporting period and those cases closed (either disposed or reclosed) and those undergoing a status change (active or inactive) during the period. Thus, the July 31st report will include a listing of all cases open and reopened as of July 1st and those cases that were initiated, reopened, disposed reclosed or had other status changes during the period of July. Subsequent reporting should begin, at a minimum monthly thereafter (Aug 31, 2013, Sep 30, 2013 etc.) but should evolve to provide weekly case activity reports no later than December 31, 2013. However, it is hoped that weekly reporting can be achieved in many jurisdictions sooner than this date. Once weekly reporting is begun, reports shall be as of close of business on Friday of the reporting week. Submission of the weekly reports should be no later than the following Tuesday. Clerks of Court are encouraged to automate this reporting process insofar as possible and to submit foreclosure case activity data as frequently as practical with weekly submissions a long term goal and daily submission the ideal.

Data should be submitted via FTP in a standard pipe-delimited text file format as described in Appendix C. Passwords and related details necessary for FTP transmission are being finalized and will be promulgated before the initial reporting date.

**FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 5**

Data Elements Required

The following information should be submitted to the OSCA:

Table 1. FY2013-14 Foreclosure Initiative Data Elements

Field Name	Type/Format	Comments
Date of Report	Date CCYY-MM-DD (note 1)	Cannot be blank. The effective date of the information in the reported case record is valid. For example, a date of 2013-04-30 and a status of "ACTIVE" for case record XXXX would mean that as of April 30, 2013, case number XXXX was in active status.
Uniform Case Number (UCN)	Text Length: 20	Cannot be blank. Standard UCN to identify and update case status data as required by Fl. R. Jud. Adm. 2.245(b).
Date Case Initiated/Reopened (note 3)	Date CCYY-MM-DD	Cannot be blank. The document stamp date (physical or electronic) that the case is brought before the court either through a filing event or a reopen event. See Appendix A. Reopened cases should report the date of the reopen event and not the date the case was originated.
SRS Case Category	Text Length: 6	Cannot be blank. As defined by Summary Reporting System (SRS) Manual (Jan 2002). See Appendix B Table 2 for the appropriate category codes.
Divisional Assignment	Text Length: 100 (note 3)	Cannot be blank. The division within the local jurisdiction to which the case is assigned. Since divisional assignments are specific to circuits and courts, Clerks of Court and court administration should ensure that this field is used consistently throughout the term of the FY2013-14 Foreclosure Initiative project. If the divisional assignments are associated with a team assignment, please report the team name in the Judge Assigned field.

00000130

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 6

Field Name	Type/Format	Comments
Judge Assigned	Text Length: 100 Last Name, First Name Suffix (note 3)	<p>Cannot be blank. Name of judge or senior judge or the team assigned primary responsibility for the case as of date of report. Names should be reported as last name followed by comma followed by a space followed by the first name followed by a space then an optional suffix such as SR, III etc. Hyphens and all other punctuation should be dropped. Paired names should be run together. For ex., Judge John Allers-Smith Sr. should be reported as "ALLERSSMITH, JOHN SR"</p> <p>If no judge or team has been assigned responsibility for the case as of the date of the report although one is expected soon, use the value "NOJUDGEASSIGNED". However, this value is considered a temporary assignment and the case will have to be permanently assigned as appropriate.</p>
Judicial Officer Referred (if applicable)	Text Length: 100 Last Name, First Name Suffix (note 3)	<p>Name of the judicial officer (magistrate or designee) assigned primary responsibility for the case under the oversight of the "Judge Assigned" as of date of report. All cases are assigned to a judge, senior judge for disposition. However, these cases may be referred to a magistrates or other specially designated officer for resolution. Effective program evaluation requires that the name of both the primary judge and referred judicial officer be known. Names should be reported as described for Judge Assigned. For those jurisdictions applying the team approach or for those cases not involving an assisting general magistrate or senior judge, this field may be left blank.</p>
Case Status	Text Length: 15	<p>Cannot be blank. The status of the case as of the "Date of Report". Valid values ACTIVE, INACTIVE, CLOSED, REOPEN ACTIVE, REOPEN INACTIVE, RECLOSED. See Appendix A for a description of these status' and Appendix C for an example of their use'.</p> <p>For report record maintenance, a value of DELETE and REMOVE may also be reported to in the Case Status field to DELETE a record previously submitted in error or to REMOVE a record that was originally identified as a foreclosure case but has been determined to belong in another case type. See Appendix C Notes 10, 11 for a description of the DELETE and REMOVE codes and an example of their use.</p>

**FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 7**

Field Name	Type/Format	Comments
Closure Date	Date CCYY-MM-DD	Date that the case was disposed for court action because of a filing event or reclosed for court action because of a reopen event. See Appendix A. Must be blank unless reporting a Case Status of 'CLOSED', 'DELETE' or 'REMOVE' When reporting the REMOVE event (See Appendix C), place the date the case was removed from foreclosure tracking in this field, 'RECLOSED', or 'REMOVED'. Cases in one of the active or inactive reopen status' should have their previous closure date removed
SRS Disposition Type	Text Length: 6	As defined by Summary Reporting System (SRS) Manual (Jan 2002). See Appendix B Table 3 for the appropriate category codes. Must be blank unless Case Status = 'CLOSED'. Not applicable to reclosure events.

Notes:

1. All dates should be in NIEM compliant CCYY-MM-DD format.
2. Please report either case filing/disposition dates or reopen/reclosed dates but not both as these are distinct phases in the activity of a case. If reporting reopen/reclosed dates, please ensure that the case status reflects REOPEN ACTIVE, REOPEN INACTIVE or RECLOSED and vice versa.
3. All alphabetic text (including alphanumeric) should be in capital letters.

This data collection plan includes the elements "Date of Report", "Uniform Case Number" and "Divisional Assignment" which are essential to the orderly collection and upkeep of this data. These elements will ensure correct computation of case age statistics and will provide a functional mechanism for data validation and correction. The "Date of Report" field will also provide a mechanism for the submission of case activity data more frequently than once per month and so will provide a seamless path as the collection of data evolves as discussed in the Data Usage and Availability section. The "Divisional Assignment" field will allow court managers the ability to implement a team case management approach to foreclosure cases while enabling the project to compute accurate performance indicators.

These reporting elements are comparable to the existing quarterly reporting requirement under Fl. R. Jud. Adm. 2.250 and defined by the Summary Reporting System (SRS) Manual. However, due to the nature of the FY2013-14 Foreclosure Initiative, there are differences. Reporting is, at a minimum, monthly and that the case list includes all cases classified in the foreclosure case type as defined by the Summary Reporting System (SRS) manual and not just those cases exceeding time standards. Please note that the definitions and reporting of case status as defined in Appendix A are more fine grained than the criteria for pending reporting required by the SRS Manual. In particular, for the FY2013-14 Foreclosure Initiative, case status

00000132

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 8

should be evaluated with each report. Also, cases should be reported inactive when one of the reasons listed in this document transpire (see section Performance Indicators). The criteria of no action for twelve months as presented in the SRS manual for the quarterly pending report by itself is not sufficient for complete and accurate reporting under the Initiative guidelines. However, it remains a useful criterion for case management and cases that do not have any activity for twelve months should be reviewed for status.

The determination of case status is a challenging issue within the courts. Yet, it is an essential element for case management since, by definition, it identifies those cases on which the court can proceed and those on which it cannot. Depending on the reason that a case status is changing, it is possible that either the clerk will be aware of the status change or the judge/case manager will be aware but not both. Accurate reporting of case status is important to ensure that Initiative resources are dedicated to the cases that need attention the most. It is recommended that circuit Initiative managers work with their respective clerks to establish a mechanism whereby cases known to the circuit to be inactive can be communicated to the clerk of courts who can report that status to the OSCA. It is also possible that neither the clerk nor the judge is aware that the case is effectively inactive such as when the parties are involved in on-going settlement negotiations. However, it is expected that the enhanced case management process implemented as part of the FY2013-14 Foreclosure Initiative should identify those cases and assign the appropriate case status.

The "Divisional Assignment" data element serves two purposes within this reporting structure. First, it aids with organization of cases within the circuit. Virtually all of the courts activity can be arranged into divisions even if that division is a single judge. Thus, some jurisdictions may have a division titled Part V whereas others may refer to the division as simply Judge Green. Secondly, some jurisdictions employ a divisional "team" approach in which judges, senior judges and magistrates share the processing of a case. In jurisdictions employing this model, indicators associated with one specific individual are not meaningful whereas the indicators related to the group as a whole are..

It is known that in many jurisdictions, judicial officers such as magistrates and special masters may handle select portions of a particular caseload. For example, a single magistrate may hear all motions to submit alternate documentation. Since this motion may be one small element of the case, the case should not be considered as referred to magistrate. However, it is important to recognize the participation of these supplemental resources. In this type of circumstance, it is recommended that the divisional "team" assignment be used.

0000133

Performance Indicators

The data collection mechanism outlined above supports the calculation of case age statistics necessary to provide the essential tools for judges and court managers to manage the foreclosure case load. A brief summary is provided below and a more complete description of these measures can be found in the FY2013-14 Foreclosure Initiative Section Seven and in Appendix D of this data collection plan.

Time to Disposition – This statistic measures the length of time between filing and disposition and is presented as a percentage of cases that have been resolved within established time frames

Age of Pending Cases – This statistic measures the age of the active cases that are pending before the court.

Clearance Rate – This statistic measures the ratio of dispositions to new case filings and assesses whether the court is keeping pace with its incoming caseload.

The Court Statistics and Workload Committee has developed recommendations for a set of definitions for case filing, disposition, active and inactive status and a computational methodology for these case age statistics. While developed for a different project, the definitions are consistent with the needs of the FY2013-14 Foreclosure Initiative project and their recommended methodology supports the calculation of its performance indicators. These definitions were advanced in Appendix G of the FY2013-14 Foreclosure Initiative report to provide context for the performance indicators proposed and are adopted for use by the Initiative. See Appendix A of this data collection plan for a complete list of definitions and Appendix D for the computational methodology.

The data required for this Initiative is a list of foreclosure case activity as of the date of the report. The initial list of foreclosure cases reported as of July 31, 2013 will include all cases that are opened or reopened as of July 31. The report will also include all cases that were disposed or reclosed in the period Jul 1 – Jul 31, 2013. To provide some extra flexibility to the clerks of court, the OSCA has identified two content formats that clerks may use to submit foreclosure case activity data. For all submissions after the first one, foreclosure case activity may be provided in one of two content formats as follows:

1. **FULL**: this case activity report contains a list of all cases, open and reopened, as of the date of the report regardless of date initiated/reopened. The submission data file must also contain all cases that were closed since the last report period. For example, the August report would contain a list of all open/reopen cases and their status as of Aug 31, 2013 and a list of all cases disposed/reclosed in the period Aug 1 – Aug 31, 2013.

2. **UPDATE:** This case activity report contains a list of only those foreclosure cases with some activity in the span of time since the last report and the as of date of the current report. This list would include cases that were opened or reopened, disposed or reclosed, or that change status from active to inactive, inactive to active and reopened active to reopened inactive and back again. The submission file should also include any cases with a change in any of the ten fields of the report such as a change in judge assigned, SRS case type or judicial officer referred. Thus, if the last report submitted by the county was as of July 31, 2013, then the current submission file should contain case records with activity between Aug 1 – Aug 31, 2013.

Which content format is used must be indicated in the file name of the submission file. Please see Appendix C Note 8. Also, please note that the first foreclosure case activity report due as of July 31, 2013 must contain *all* cases open and reopened and all cases closed in July as discussed above. The county cannot send an update file for the initial report. Cases reported as disposed or reclosed in a previous reporting period and which have not been reopened in the current reporting period do not need to be reported again.

Correction:

Corrections to foreclosure case activity data reported in error in previous reports may be made within the current periods report. Add the record to be corrected to the report and use the report date of the period to be corrected. For example, assume a case record reported a case as ACTIVE in the July 31 report but should have been reported as INACTIVE. This data can be corrected in the August 31 report by adding the record to the submission file with the correct case status and a report date of 2013-07-31. (See Appendix C)

Deletion/Removal:

The data collected during the FY2013-2014 Foreclosure Initiative is intended to be a complete, up-to-date inventory of foreclosure cases. Consequently, it may be necessary to eliminate cases previously reported to the initiative. While there can be several reasons for this need, the types of cases typically fall in to two categories: 1) The case should not have been reported to the initiative in the first place. This might occur if a case number was generated in preparation for a case that was never filed or when a non-foreclosure case was inadvertently reported as foreclosure; and 2) when a case was originally assigned to the foreclosure case type but, as the case evolves, it is determined that the case belongs in a case type other than foreclosure. While not common, it is important for the data collection plan to address as many possibilities as practical.

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To handle the two scenarios above, the OSCA has defined two record maintenance codes which, when appropriate, should be reported in the CASE_STATUS field of the report record. In the first scenario, a case may be deleted from the initiative by placing the code "DELETE" in the CASE_STATUS field of the case record. This will have the effect of deleting that record and all previous records involving that case from the foreclosure initiate data warehouse. The net effect will be as if the case was never submitted to the initiative.

In the second scenario, a case record was legitimately part of the initiative for a period of time and, therefore, must be tracked for that period of time. However, after a given date, the case should not be considered as part of the initiative even if the case is still ACTIVE. For example, a case is filed as a residential foreclosure and is reported to the initiative. After a hearing, it is determined that the case really belongs in the "Other Real Property" case type. This case must be removed from the initiative data warehouse since it is no longer being tracked as a foreclosure case. In this circumstance, report a code of "REMOVE" in the CASE_STATUS field and place the date in which the case was removed from the initiative in the CASE_CLOSURE date field.

See Appendix C Notes 10 and 11 for an example of reporting the DELETE and REMOVE events.

Change of Status

Examples of events that would move a case from active to inactive within the context of this FY2013-14 Foreclosure Initiative are

- A stay of bankruptcy
- Resolution of foreclosure case requires resolution of a related case
- On-going settlement negotiations or agreement by both parties
- Foreclosure case is on hold pending appeal
- A hold is placed on case due to Department of Justice document review.
- When directed by the presiding judge consistent with the definitions of an inactive case included in Appendix A.

Additional inactive criteria are being evaluated and may be added to the above list as necessary.

Determination of Active/Inactive Status

The determination of case status is a challenging issue within the courts. Yet, it is an essential element for case management since, by definition, case status identifies those open cases on which the court can proceed and those on which it cannot. Accurate reporting of case status is important to ensure that Initiative resources are dedicated to the cases that need attention the

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 12

most. In recognition of this importance, AOSC13-DRAFT: IN RE: CASE STATUS REPORTING REQUIREMENTS FOR REAL PROPERTY MORTGAGE FORECLOSURE CASES directs chief judges and clerks of court to establish a mechanism, by local administrative order, whereby cases known to the circuit to change status from ACTIVE to INACTIVE or INACTIVE to ACTIVE can be communicated to the clerk of courts who can report that status to the OSCA as indicated in this document and to the circuit judges who can act on this information.

While it is left to individual jurisdictions to develop the mechanism that best fits its operations, the mechanism should generate a record of, at a minimum, the uniform case number of the case, the date of the order initiating the status change, the case number of any related case (if appropriate) and the reason for the status change including a fixed code to facilitate electronic tracking within the court system. Additionally, the local administrative order should include directions to both parties to notify the clerk of courts as soon as an event occurs that would change the status of a case such as when a bankruptcy is filed or an agreement is reached. Sample orders are provided as Appendix E and may serve as a template if desired.

There are currently six recognized reasons which may move a case from ACTIVE to INACTIVE status or, conversely from INACTIVE to ACTIVE status, as follows:

Table 2: Reasons For Inactivity and Associated Reporting Codes

Reason	Codes		Comments
	Active to Inactive	Inactive to Active	
A stay of bankruptcy	BKST	BKSTLFT	
Resolution of foreclosure case requires resolution of a related case	CPRC	CPCSDISP	
On-going settlement negotiations or agreement by both parties	BWAP	BWAPDISP	
Foreclosure case is on hold pending appeal	AP	APDISP	

00000137

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 13

Reason	Codes		Comments
	Active to Inactive	Inactive to Active	
A hold is placed on case due to Department of Justice or Attorney General review.	DOJAG	DOJAGDISP	
When directed by the presiding judge consistent with the definitions of an inactive case included in Appendix A.	OTH	OTHDISP	A free text description of the cause must be provided when reporting a status change for this reason

A status change will occur as of the document stamp date of the document directing the status change. A case transitions from INACTIVE to ACTIVE when any event occurs which enables the court to take further action on the case. Thus, the filing of a motion or the scheduling of a hearing or case conference requesting the court to take further action would be examples of events that move a case from INACTIVE to ACTIVE status regardless of the existence of the circumstances noted above unless that requested action must also be on hold until the reason for inactivity is resolved.

It is also possible that neither the clerk nor the judge may be aware that the case is effectively inactive such as when the parties are involved in on-going settlement negotiations but do not inform the courts. However, it is expected that the enhanced case management process implemented as part of the FY2013-14 Foreclosure Initiative should identify those cases and assign the appropriate case status as necessary.

Please note that it is not required to report the reason code for status change at this time under the reporting format outlined in Appendix C. While these reason codes will provide the courts with valuable information to improve the handling of cases, the OSCA recognizes that clerks of court and court administration have sufficient challenges in meeting the existing reporting requirement. However, status change reason codes are an integral part of case age reporting as envisioned by Fl. R. Jud. Adm. 2.225(a)(2) which will include all case types. It is expected that these reason codes will be included in the data provided to the judicial viewers as they are implemented and to the state level as applicable. Clerks of court and court administration should plan to achieve this reporting capability no later than January 31, 2015. Since case age statistics are central to the Foreclosure Initiative, the current case age reporting requirement provides an excellent opportunity to incorporate reason code reporting capability.

0000138

Data Sources

The timely and accurate submission of meaningful case status data as required by this data collection plan is considered an essential component of the Foreclosure Initiative and should be a central element of both the clerks of court and circuit plans for this initiative. The clerks of court, as custodians of the court record, are ultimately responsible for providing the data necessary for the FY2013-14 Foreclosure Initiative. However, it is recognized that clerks of court and circuit court administration have many potential sources of this case status data such as the clerk's own case maintenance system, the circuit judicial viewer systems as they are deployed and the state level Comprehensive Case Information System (CCIS). Within the constraints of established reporting requirements, this plan should not be construed to limit the ability of clerks of court to develop this data in the manner most suited to their operations. Clerks of court, in coordination with circuit administration, vendors and other data providers, may arrange to provide the necessary data from any source they deem appropriate.

However, it is important that case tracking and status reporting begin as soon as the Foreclosure Initiative begins on July 1, 2013 with the first report due as of July 31, 2013. It is understood that many clerks of court may have to develop an interim process for obtaining and reporting this data while more traditional data sources are brought online. Each clerk is encouraged to work with their circuit court administration and with the OSCA to establish a viable and timely reporting process.

0000139

Appendix A. Case Event and Status Definitions

The definitions presented here are the same ones as provided in Appendix G of the FY2013-14 Foreclosure Initiative. Additional definitions for open case, closed case etc. were added to the list for completeness and clarity. For consistency in terminology with other reporting systems, the Reopen Closure event has been relabeled as the Reclosure event.

- **Filing event**: A filing event occurs when an action is brought before the court as the result of a petition, pleading, complaint or any other recordable¹ action sufficient to begin a case. This definition would include an arrest or summons or other action charging an individual with a crime, as well as the filing of any other document or action recorded with the court authorized to initiate a case. The initiation of a case by whatever means is referred to as a filing event.
- **Open case**: A case that has one or more issues outstanding that require active resolution by the court.
- **Disposition event**: A disposition event has occurred when a case is closed for court activity as a result of judicial decision, order or other recordable action that provides resolution, by the court, on the issues raised by and subsequent to the filing event.
- **Closed case**: A case that has had all issues raised by and subsequent to the filing event resolved and no further action of the court is required. This definition of closure does not indicate that the clerk of courts or other agencies have completed all of their required activity with regards to the case, only that the court has rendered judgment on the matters of the case and will take no further action (excluding planned review or scheduled future action)
- **Reopen event**: A reopen event occurs when a motion, pleading or other recordable action occurs on a case that requires additional court activity after a disposition event has closed the case for court activity. Note that a reopen event involves at least one action and that additional post-judgment actions may occur before the case is reclosed.
- **Reopened case**: A case that has one or more post-judgment actions outstanding that require active resolution by the court.
- **Reclosure event**: A reclosure event occurs when the last (or only) post-judgment action has been resolved by judicial decision, order or other recordable action, thereby completing court proceedings on the issues raised by and since the reopen event occurred.

¹ Recordable, in this guideline, means those happenings relating to court activity that would appear on a court docket or otherwise require the making of an historical record by the clerk of courts in their official capacity.

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 16

- **Reclosed case:** A reopened case that has had all post-judgment actions resolved and no further action of the court is required.

With the addition of these definitions, there are six statuses in which a case can be placed as the case moves from initiation to resolution:

- **Active** - A case is considered in an active status when the court is engaged in activity directly related to the resolution of the specific matters and issues associated with the case.
- **Inactive** - A case is considered in an inactive status when court activity on that case is suspended pending resolution of an issue external to the court or that does not directly involve the court in resolving that issue; for example, awaiting the results of an appeal or the disposition of a related case. A case placed in an inactive status is not closed and does not need to be reopened when the case returns to active status, regardless of the length of time involved.
- **Closed** - A case is considered to be closed, or disposed, (that is, in a closed status) for court activity on the date of the judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court as a consequence of the filing event that initiated the case. The court, then, has no further action to take on the case.
- **Reopened Active** - A case will be considered to be in a reopened status (either active or inactive), from the date that the first post-judgment motion/pleading is filed or other action occurs that reopens a case for court activity (i.e. the reopen event) until the date of the last judicial decision/order resolving all overlapping court proceedings (i.e. the reopen closure event). Each period in which a case is reported as in a reopened status may involve one or more overlapping post-judgment actions. A case is considered to be in a reopened active status when one or more post-judgment actions are pending and the court is actively engaged in their resolution.
- **Reopened Inactive** - A case is considered to be in a reopened inactive status if the activity on all outstanding post-judgment actions is held in abeyance pending resolution of some issue external to the court or that does not directly involve the court in resolving that issue. In this circumstance, the court is not actively working to resolve the matter(s).

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- **Reclosed** - A case that has had one or more post-judgment actions will be considered closed, or disposed, (that is, in a reclosed status) for court activity on the date of the judicial decision, order or other recordable action that provides resolution to the last (or all) of the matters brought before the court since the reopen event occurred. The court, then, has no further action to take on the case.

00000142

Appendix B. SRS Case Type and Disposition Type Codes

Please use the following numerical codes for SRS case type and SRS disposition Category. During the FY2010-2011 Foreclosure Initiative, the use of an exact text field proved problematic for some jurisdictions. Consequently, to ensure accuracy, an equivalent SRS case type numerical code is provided. Please use the numerical codes for state level reporting and the corresponding text fields for display purposes.

Table 3. SRS Case Type to Case Type Codes

SRS Case Type	SRS Case Type Code
Real Prop/Mort Foreclosure-Commercial \$0-50K	346001
Real Prop/Mort Foreclosure-Commercial \$50-249K	346002
Real Prop/Mort Foreclosure-Commercial \$250K+	346003
Real Prop/Mort Foreclosure-Homestead, Residential \$0-50K	346004
Real Prop/Mort Foreclosure-Homestead, Residential \$50-249K	346005
Real Prop/Mort Foreclosure-Homestead, Residential \$250K+	346006
Real Prop/Mort Foreclosure-Non-Homestead, Residential \$0-50K	346007
Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K	346008
Real Prop/Mort Foreclosure-Non-Homestead, Residential \$250K+	346009
Real Prop/Mort Foreclosure (Pre2010) ¹	346000
Real Prop/Mort Foreclosure-Other Real Property \$0-50K ²	346010
Real Prop/Mort Foreclosure-Other Real Property \$50-249K ²	346011
Real Prop/Mort Foreclosure-Other Real Property \$250K+ ²	346012

Notes:

1. Please use the "Real Prop/Mort Foreclosure (pre2010)" category only for those cases initiated prior to January 2010 that cannot be associated with one of the more detailed case types implemented in January 2010. All cases initiated in or after January 2010 must reflect the more detailed case types.

2. Cases originating in the "Other Real Property" categories do not need to be reported under the Foreclosure Initiative. They are included to provide a mechanism to report cases that change from a foreclosure case type to the other real property case type. If a case has changed to one of these three Other Real Property SRS case types, it will be removed from the reports and calculations at that point in time. After the initial change is reported, the case need not be included in subsequent reports.

0000113

Table 4. SRS Disposition Types and Disposition Type Codes

SRS Disposition Types	SRS Disposition Type Code
Dismissed Before Hearing-Settlement	362100
Dismissed Before Hearing-Mediated Settlement	362200
Dismissed Before Hearing-Other	362300
Dismissed After Hearing-Settlement	378100
Dismissed After Hearing-Mediated Settlement	378200
Dismissed After Hearing-Other	378300
Disposed by Default	394000
Disposed by Judge	410000
Disposed by Non-Jury Trial	426000
Disposed by Jury Trial	442000
Disposed by Other	458000

Notes:

1. Those disposition categories labeled as Pre2010 are only valid for those cases initiated prior to January 2010 and disposed January 2010 or later whose disposition cannot be assigned to one of the newer (post 2010) disposition types (362100 through 458000). All cases initiated in or after January 2010 must reflect the more detailed disposition categories.

441000000

Appendix C. Sample Data File

```

REPORT_DATE|UCN|INIT_REOP_DATE|SRS_CASE_TYPE|DIVISION|JUD_ASSIGN|JUD_OFCR_REFERRED|CASE_STATUS|CLOSURE_DATE|SRS_DISP_CAT
2013-08-31|342013CA000856AXXXXX|2013-04-25|346011|DIVISION I|ALLERSSMITH, JOHN SR||ACTIVE||
2013-08-31|342012CA002238AXXXXX|2012-02-24|346005|MORTGAGE|JOHNSON, SARA|TOMS, GREG|CLOSED|2013-08-13|362200
2013-08-31|342012CA008196AXXXXX|2012-06-02|346003|DIVISION I|ALLERSSMITH, JOHN SR|CLAY, WILLIAM|INACTIVE||
2013-08-31|342009CA003245AXXXXX|2013-08-11|346007|DIVISION I|SMITH, JOHNPAUL|REOPEN ACTIVE||
2013-07-31|342012CA002238AXXXXX|2012-02-24|346005|MORTGAGE|JOHNSON, SARA|TOMS, GREG|INACTIVE||
2013-08-31|342011CA043271AXXXXX|2013-08-04|346007|DIVISION I|SMITH, JOHNPAUL||DELETE||
2013-08-31|342011CA045686AXXXXX|2013-08-11|346007|DIVISION I|ALLERSSMITH, JOHN SR||REMOVED|2013-08-14|
EOF|000007
    
```

Notes:

1. Dates should be submitted in NIEM compliant CCYY-MM-DD format
2. Fields that do not contain data should be left blank (empty). Do not terminate the line with a pipe character. There are ten fields so there should be nine pipe characters per line. Each line should be terminated with a carriage return-linefeed pair.
3. Include the column headers as listed in this sample. This will provide a quick and obvious check that the import occurred correctly.
4. Note that, in the fourth record, the INIT_REOP_DATE is the date the case is reopened and not the case filing date.
5. Of these data elements, only the CLOSURE_DATE and the SRS_DISP_CAT may be left blank. All other fields are mandatory.
6. For reopened cases, use the SRS case type of the original case at time of disposition.
7. The last line of the data file should indicate end-of-file followed by the count of records contained in the file (not including header row and EOF line). The number field should be six digits left padded with zeros. This will enable the OSCA to verify file integrity following transmission.
8. To assist with tracking and processing, each data file should be submitted with a specific file name in the following format:
CC_YYMMDD_foreclosure_[format].txt where CC represents the two digit county code, YYMMDD reflects the eight digit report date and [format] represents the content type of the report. Therefore, if our county was using the FULL content format, our sample data file would be submitted using the file name 34_20130831_foreclosure_full.txt. If they were using the UPDATE content format, the file name would be 34_20130831_foreclosure_update.txt
9. Record number five is a record correcting the status of case 342012CA002238AXXXXX to INACTIVE as of report date July 31, 2013.



10. Record number six represents a DELETE record. The submission of a DELETE record will remove the entire case and all its associated history from the data base and may be used to delete a case that should not have been reported as foreclosure. The Report_Date field should contain the date of the current report.
11. Record number seven represents a REMOVE record. Occasionally, a case is initially assigned as a foreclosure case but is later determined to belong to another case type. Please use the REMOVE status to indicate that this case was removed from consideration of the Foreclosure Initiative and complete the CLOSURE DATE field to indicate the date the case was removed from consideration.

Appendix D. Performance Indicator Computation Methodology

The attached documents describe the computation method of the three performance indicators included in this plan.

0000147

Clearance Rates

Measure 2

Definition: The number of outgoing cases as a percentage of the number of incoming cases.

Purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for any and all case types, from month to month and year to year, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements may be made. Courts should aspire to clear (i.e., dispose of) at least as many cases as have been filed/reopened/reactivated in a period by having a clearance rate of 100 percent or higher.

Method: Computing a clearance rate requires a count of incoming cases and outgoing cases during a given time period (e.g., year, quarter, or month).

Step 1 Incoming cases are summed using three kinds of cases: *New Filings*, *Reopened* cases, and *Reactivated* cases. If *Reopened* and *Reactivated* cases cannot be counted, just use *New Filings*.

Sum incoming cases	New Filings	812
	Reopened Cases	+ 162
	Reactivated Cases	+ 109
	Total Incoming Cases	= 1,083

Step 2 Outgoing cases are summed by using three kinds of dispositions: *Entry of Judgment*, *Reopened Dispositions*, and *Placed on Inactive Status*. If *Reopened Dispositions* and *Placed on Inactive Status* cases cannot be counted, just use *Entry of Judgment* cases.

Sum outgoing cases	Entry of Judgment	684
	Reopened Disposition	+ 137
	Placed on Inactive Status	+ 92
	Total Outgoing Cases	= 913

Step 3 The clearance rate is calculated by dividing the result of Step 2 by the result of Step 1.

Calculate clearance rate	$913 \div 1,083 = 84\%$
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87109000

Time to Disposition

Measure 2

Definition: The percentage of cases disposed or otherwise resolved within established time frames.

Purpose: This measure, used in conjunction with *Measure 2 Clearance Rates* and *Measure 4 Age of Active Pending Caseload*, is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing. When the underlying data conform to the *State Court Guide to Statistical Reporting*, the measure takes into account periods of inactivity beyond the court control (e.g., absconded defendants, cases suspended pending decision on an appeal) and provides a framework for meaningful measurement across all case types.

The case processing time standards published by the American Bar Association (ABA) and those published by the Conference of State Court Administrators (COSCA) provide a starting point for determining guidelines. Many states and individual courts have adopted their own guidelines, and certain case types (e.g., juvenile) have been the focus of more detailed guidelines by a variety of organizations. Courts should take note of existing guidelines and rules of court in their jurisdiction when developing their own guidelines for each case type.

COSCA Case Processing Standards

Civil

- Non-Jury Trial – 100% within 12 months
- Jury Trial – 100% within 18 months

Criminal

- Felony – 100% within 180 days
- Misdemeanor – 100% within 90 days

Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
 - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
 - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

Domestic

- Uncontested – 100% within 3 months
- Contested – 100% within 6 months

ABA Case Processing Standards

Civil

- 90% within 12 months
- 98% within 18 months
- 100% within 24 months

Criminal

- Felony
 - 90% within 120 days
 - 98% within 180 days
 - 100% within 1 year
- Misdemeanor
 - 90% within 30 days
 - 100% within 90 days

Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
 - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
 - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

Domestic

- 90% within 3 months
- 98% within 6 months
- 100% within 1 year

Source: National Center for State Courts Web site, www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf



Method: This measure should be reviewed on a regular (e.g., monthly, quarterly, annual) basis. If reviewed regularly, the court can observe trends as they develop, then aggregate the data for annual reporting.

For each case type, the first task is to compile a list of all cases that were disposed or otherwise resolved during the reporting period. For the purpose of this measure, "disposed or otherwise resolved" is defined as having had an *Entry of Judgment*. If the data for the measure are not available in automated form, and data collection requires manual review of case files, then the measure will likely need to be taken on an annual basis. Sampling is an option in courts where case volumes are high.

Sampling

This measure should be calculated for all cases disposed or otherwise resolved during the reporting period. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling where only the first case is randomly selected and then every *n*th case from a list is selected for the sample, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3000/300 = 10$).

Which Cases Are Included?

There are two kinds of cases for which the time to disposition can be computed. The first are typical cases that move through the system without interruption. When these cases are disposed or otherwise resolved by *Entry of Judgment* during the reporting period, they should be counted. The filing dates for these cases will vary, but what qualifies them for inclusion is the fact that the disposition dates all fall within the reporting period (e.g., the calendar year).

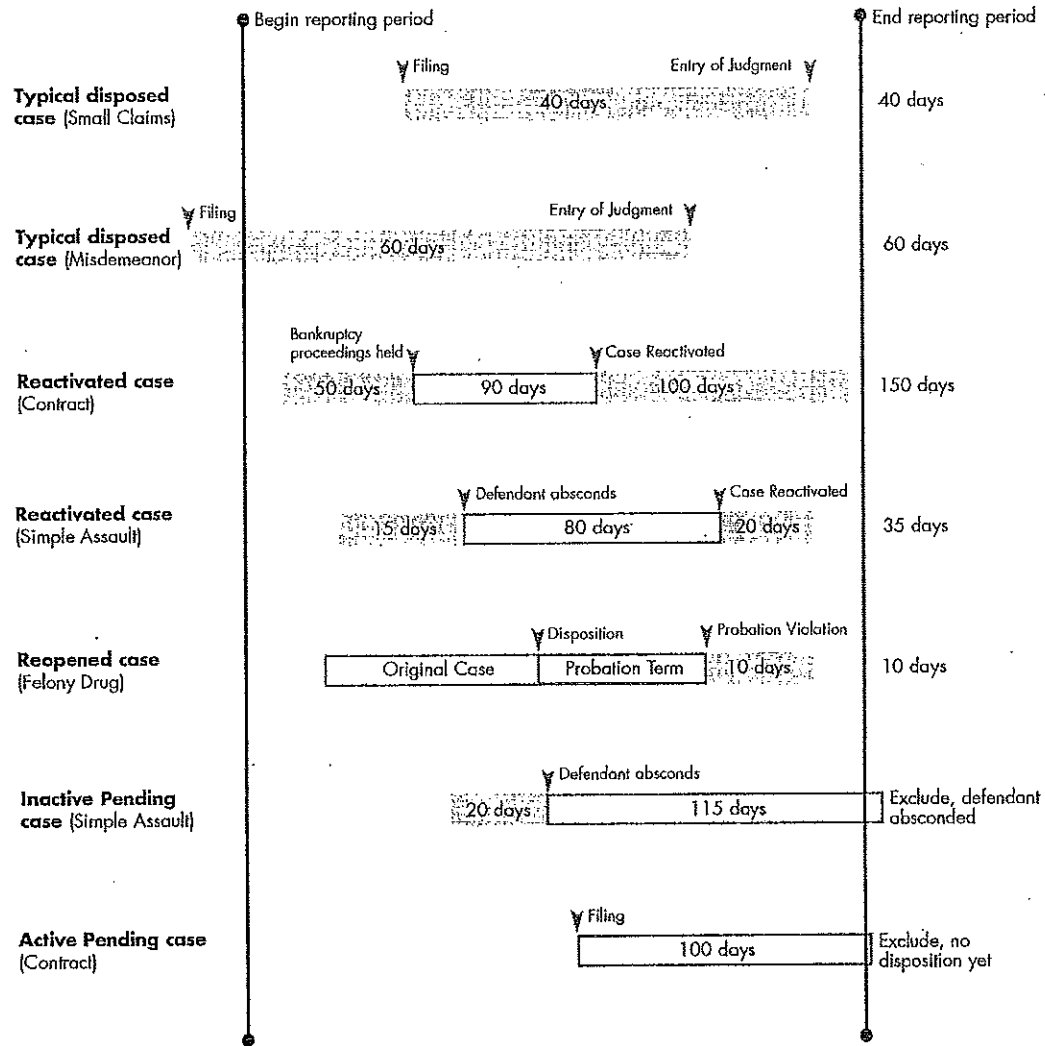
The second kind are cases that had their progress interrupted and underwent a period of inactivity, but were *Reopened* or *Reactivated* by the court and disposed of during the reporting period. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes and is disposed. Another example is a criminal case in which the defendant absconds after the case was filed. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case resumes and is disposed.

Cases in which judgment was previously entered but which have been *Reopened* due to a request to modify or enforce existing judgments are also included. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case. In juvenile cases, a case might be reopened due to violation of probation, or due to failure of parents to comply with a court order. When these *Reopened* cases are disposed during the reporting period, they should be included in this measure. In all these examples, the time that is counted starts when the case is reopened, not with the date of the original filing.



Cases that are in an official period of inactivity at the end of the reporting period should *not* be included in this measure. As this type of case is considered to be among the court's *Inactive Pending* cases at the end of the reporting period (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this), they should be excluded from the analysis. *Active Pending* cases are excluded from analysis, since no disposition has been reached.

Time Calculation Examples



0000151

Age of Active Pending Caseload

Measure 4

Definition: The age of the active cases that are pending before the court, measured as the number of days from filing until the time of measurement.

Purpose: Cases filed but not yet disposed make up the court's pending caseload. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this pool of cases potentially requires court action. Examining the age of pending cases makes clear, for example, the number and type of cases drawing near or about to surpass the court's case processing time standards. Once the age spectrum of cases is determined, the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

Method: For each case type being analyzed, the court should produce a report that calculates the time, in days, from filing of the case until the date established for the reporting period being examined (e.g., last day of the month, last day of the year). A report, similar to the one below, can be used to display the age of pending cases in time periods relevant to the court. Success in achieving a particular case processing time goal is easily monitored by referring to the Cumulative Percent column. In the example below, 85 percent of the General Civil cases are being disposed in 540 days or less, close to meeting the court's goal of resolving 90 percent within this timeframe.

Age of Active Pending Caseloads

General Civil				Felony			
Age (days)	Number of Cases	Percent	Cumulative Percent	Age (days)	Number of Cases	Percent	Cumulative Percent
0-90	344	18%	18%	0-60	438	21%	21%
91-180	410	21%	39%	61-120	559	26%	47%
181-270	245	13%	52%	121-180	785	37%	84%
271-365	267	14%	66%	181-240	82	4%	88%
366-450	189	10%	76%	241-300	92	4%	92%
451-540	168	9%	85%	301-365	123	6%	98%
541-630	90	5%	90%	over 365	32	2%	100%
631-730	124	6%	96%				
over 730	76	4%	100%				
Total	1,913			Total	2,111		

Approaches the court's goal of resolving 90% of cases within 18 months.

This measure should be used in conjunction with *Measure 2 Clearance Rates* and *Measure 3 Time to Disposition* to get an accurate picture of how a court is managing its caseload. For example, a court may have a high clearance rate, and score well on Measure 2, yet still be building up an inventory of older cases (evaluated by using Measure 4). This measure differs from *Measure 3 Time to Disposition* in that the cases being analyzed here have not reached a disposition in the court.



To use this measure accurately, a court must be able to identify and count cases that have been *Placed on Inactive Status*. These are cases that have ceased movement toward a disposition as the result of events beyond the court's control (e.g., a defendant who absconds, the initiation of bankruptcy proceedings, etc.). The ability of a court to track its pending cases will also allow the court to return an *Inactive* case to *Active* status if the case has been *Reactivated*. At the time of measurement, the court should remove *Inactive* cases from the pending inventory because these cases are not directly comparable to *Active* cases and will exaggerate the age of the pending caseload.

This measure should be taken on a regular (e.g., monthly, quarterly, or annual) basis. The measure can be used to report age of the pending caseload for any case type. (Primary case types are defined in the *State Court Guide to Statistical Reporting*.)

Sampling

This measure should be calculated for all cases in the Active Pending inventory. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling, where only the first case is randomly selected and then every n th case from a list is selected for the sample. i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3000/300 = 10$).

Which Cases Are Included?

Only *Active Pending* cases are included in this measure, and other cases should be excluded. Rules for counting, as defined in the *State Court Guide to Statistical Reporting*, are summarized below and illustrated in the figure.

The most straightforward cases to count are those that are moving through the system without interruption and are active and pending at the time of measurement.

A second category are cases that had their progress interrupted and underwent a period of inactivity but were *Reactivated* by the court prior to the time of measurement. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, and case is *Reactivated*.

00000153



Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case is *Reactivated*.

A third category are cases in which judgment was previously entered, but which have been *Reopened* due to a request to modify or enforce existing judgments. These cases have been restored to the court's *Active Pending* caseload. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case.

A fourth category are cases that should not be included in this measure. These are cases that are in an official period of inactivity at the date of report. As these cases are considered to be among the court's *Inactive Pending* cases (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this) they should be excluded from the analysis.

Time Calculation Examples

Active Pending case
(Automobile Tort)

180 days | 180 days

Reactivated case
(Contract)

40 days | 60 days | 130 days | 170 days
 Bankruptcy proceedings held
 Case reactivated

Reactivated case
(Simple Assault)

20 days | 115 days | 30 days | 50 days
 Defendant absconds
 Case reactivated

Reopened case
(Felony Drug)

Original Case | Probation Term | 40 days | 40 days
 Disposition | Probation violation

Inactive Pending case
(Simple Assault)

20 days | 115 days | Exclude from time calculation
 Defendant absconds

00000154

Appendix E. Sample Orders Directing Change of Status

The attached documents provide sample orders directing the change of status for a case. Please refer to the section Determination of Active/Inactive Status in this data collection plan for a full discussion.

00000155

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 24

IN THE CIRCUIT COURT OF THE
_____ JUDICIAL CIRCUIT IN
AND FOR _____ COUNTY,
FLORIDA

Plaintiff

CIRCUIT CIVIL DIVISION

vs.

Defendant

UNIFORM CASE NO.: _____

ORDER PLACING CASE ON INACTIVE STATUS DUE TO:

This case came before the Court, and the Court has been advised that the Plaintiff/Defendant have/has moved to place the case on INACTIVE status due to:

- Bankruptcy stay, Case No. _____ [BKST]
- Case pending resolution of another case, Case No. _____ [CPRC]
- Written agreement of the parties [BWAP]
- Appeal pending [AP]
- Motion to stay or abate due to Department of Justice/Attorney General settlement [DOJ/AG]
- Other (a reason must be provided in writing by the presiding judge or designee) [OTH]

The Clerk of Court is therefore directed to remove this case from the ACTIVE status, and designate it as an INACTIVE case category based on the reason checked above. The parties must return the case to active status by motion, with notice to all parties, within 30 days of the termination of grounds for inactive status, and seeking an order of court returning it to active status.

DONE and ORDERED in _____ County, Florida, this ____ day of _____ 20__.

Presiding Judge or Magistrate

cc: Service List

00000156

FY2013-14 Foreclosure Initiative
Data Collection Plan
Page 25

IN THE CIRCUIT COURT OF THE
JUDICIAL CIRCUIT IN
AND FOR _____ COUNTY,
FLORIDA

Plaintiff

CIRCUIT CIVIL DIVISION

vs.

Defendant

UNIFORM CASE NO.: _____

ORDER RETURNING CASE TO ACTIVE STATUS DUE TO:

This case came before the Court, and the Court has been advised that the Plaintiff/Defendant have/has moved to place the case on ACTIVE status due to:

- Plaintiff/defendant stipulates that the bankruptcy stay has been lifted, Case No. _____ [BKST LFT]
- Plaintiff/defendant stipulates that related case has been disposed, Case No. _____ [CPCS DISP]
- By written agreement of the parties [BWAP]
- Plaintiff/defendant stipulates that pending appeal has been disposed [AP DISP]
- Plaintiff/defendant stipulates that Department of Justice/Attorney General review is complete [DOJ/AG DISP]
- Other (a reason must be provided in writing by the presiding judge or designee) [OTH DISP]

The Clerk of Court is therefore directed to remove this case from the **INACTIVE** status, and designate it as an **ACTIVE** case based on the reasons checked above. The parties must return the case to active status by motion, with notice to all parties, within 30 days of the termination of grounds for inactive status, and seeking an order of court returning it to active status.

DONE and ORDERED in _____ County, Florida, this ____ day of _____ 20__.

Presiding Judge or Magistrate

cc: Service List

00000157