

FMC DATA SAMPLE SUMMARY: 2010 - 2012

I. DATA COLLECTION METHODOLOGY: DEFINING THE DATA

The family matters with children (FMC) data collected is based on statistically valid samples of cases randomly selected from original action¹ divorce, parental rights and responsibilities and paternity cases filed in calendar years 2009, 2010, 2011 and 2012 at the following (8) district court locations Springvale, Portland, Farmington, Skowhegan, Belfast, Bangor, Calais and Presque Isle.² Key case events were tracked from proof of service (POS).³

Case file reviews were conducted to test and supplement information in the Judicial Branch (JB) Case Management Information System (MEJIS) Reports from the Office of Information Technology (OIT) for all FMC cases in the sampled courts in 2009, 2010, 2011 and 2012. Cases filed in each of these calendar years were tracked through disposition, regardless of the year in which year the case was ultimately resolved. This summary outlines 2010 through 2012 data results.⁴

II. DATA SUMMARY

Most FMC cases followed a fairly consistent trajectory across case key events; after POS has been filed the case proceeds to a Case Management Conference (CMC), mediation, interim hearing (as needed), pretrial/status conference and, ultimately, the final hearing. Approximately 86% of the FMC cases were resolved via final uncontested hearings before a Family Law Magistrate (FLM); the remaining 14% of cases were referred to the Trailing Docket (TD). The 2010 to 2012 data suggested that TD cases take 142 days (116 compared to 258) longer to reach resolution and utilized more judicial resources. Compared to Non-TD cases, TD cases averaged one more FLM event per case, higher rates of mediation, higher rates of interim hearings, additional clerk, marshal, and judge time.

A. Positive Indicators: 2010 - 2012

The average time between key case events decreased as follows:

- POS to CMC decreased from 55 days to 50 days.⁵
- POS to mediation decreased from 114.9 days to 95.3 days.

¹ Post-judgment motions are docketed but not tracked to specific events and disposition. The lack of a reliable nexus between a post-judgment motion and its disposition precludes the extraction of reliable data.

² These cases were tracked from date of filing to date of disposition that in some cases extended beyond 2012.

³ POS date, rather than filing date, was selected as a more accurate measure of when judicial action is required (since some cases are filed sooner than the POS is filed).

⁴ The data collection effort for calendar year 2009 cases constituted a “test run” for data collection methods, and served as an audit of FMC docketing practices. The 2009 data also defined what data could be reliably gathered from MEJIS, as well as additional data elements needed to give a picture of FMC case flow, most notably the timeframes between key events and issues in trailing docket (TD) cases. Finally, 2009 data informed As a result, docketing best practices were implemented to improve data consistency, and expanded data collection efforts for 2010 through 2012 data.

⁵ In 2012 several courts, including one sample court, began FLM block scheduling as a “pilot project.” In 2013, FLM block scheduling was expanded to include six of the eight court regions.

FMC DATA SAMPLE SUMMARY: 2010 - 2012

- POS to disposition for Non-TD cases decreased by 13 days or 10% (129 to 116).
- POS to TD referral decreased by 57 days or 28% (203 to 146).
- TD referral to disposition decreased by 43 days or 27% (191 days to 117).
- POS to disposition for TD cases decreased by 100 days (358 days to 258) or 28%.⁶
- POS to disposition for cases with GALs decreased by 89 days (372 to 283) or 24%.

B. Other Observation: 2010 - 2012

- Approximately 44-49% of the FMC sample cases were mediated.
- Nearly 39% of mediated cases resolved without contested hearing.
- The percentage of cases with one or fewer attorneys increased from 70% to 75%.
- The percentage of Non-TD cases with one or fewer attorneys increased from 79% to 84%.
- The percentage of TD cases with one or fewer attorneys increased from 24% to 37%.

C. Supreme Judicial Court (SJC) Case Completion Rates (CCR): 2012

As reflected by the 2012 data below, case completion rates (CCR) for the FMC sample data cases correlate to the JB Quarterly Report (QR) data:

<u>SJC CCR Goal</u>	<u>2012 FMC CCR</u>	<u>2012 QR CCR</u>
75% cases within 9 months	82%	85%
90% cases within 12 months	92%	91%
99% cases within 18 months	98%	97%

CCRs for the FMC sample data across all three years were consistently above the first two SJC CCR goals: 75% cases resolved within 9 months; and 90% of cases resolved within 12 months. CCR for the FMC data across all three years were slightly below the third SJC goal of 99% cases resolved within 18 months.

III. CONCLUSION

On average, the time from POS to disposition for 2012 cases was 132 days. TD cases took longer to reach disposition and used more JB resources than Non-TD cases. However, the positive indication is that the time to resolution for Non-TD and TD cases decreased over the sampled years. Future data collection efforts should occur every three to five years. In the intervening time, Quarterly Report data and other local evaluations can be used to supplement data efforts while the JB develops and implement case management techniques to address any issues causing unnecessary case delay or inconsistent data.

⁶ This data does not include two Calais TD cases that had not reached disposition by the time this data was compiled. Those two cases averaged 453 days to disposition and constituted 1% of the TD cases reviewed.

**FMC SAMPLE DATA OVERVIEW
2010-2012**

2010 Original Action Family Matters With Children

Observations Based on the 2010 Data Sample

- Total FMC cases filed 2326
- Total cases reviewed in this sample 881
- Percentage of cases with one (1) or no attorneys 71%
- Percentage of cases with two (2) attorneys 29%
- Average days to disposition 157.9
- Non-trailing docket cases (resolved at FLM stage) 753 (86%)
- Trailing docket (TD) cases 129 (14%)
- Average days to disposition for Non-TD (FLM) cases 128.6
- Average days to disposition for TD cases 358.1
- Average number of FLM events per case 2.0
- Total number of sample cases appealed to LC 8

Supreme Judicial Court Case Completion Rate Compliance

<u>SJC Goal</u>	<u>2010 Sample Completion Rate</u>		
	Overall*	Non-TD	TD
75% of Cases Completed < 9 Mos	82.5%	90%	28%
90% of Cases Completed <12 Mos	92.1%	97%	54%
99% of Cases Completed <18 Mos	98.3%	99%	92%

Case Completion Timeframes by Stage of Case

Court	Total Orig. FMC Cases	Case Sample Size	POS to TD Referral Avg # Days	TD Referral to Disposition Avg # Days	POS to Disposition TD Avg # Days	POS to Disposition Non-TD (FLM) Avg # Days	Hearings By FLM/ Judge
	2010	2010	2010	2010	2010	2010	2010
Average	2326	881	203.9	160.1	358.1	128.6	78/31

*2010 Quarterly Report statewide rates were as follows: 81.9% (< 9 Mos); 90.4% (< 12 Mos); and 96.6% (< 18 Mos)

2011 Original Action Family Matters With Children

Observations Based on the 2011 Data Sample

• Total FMC cases filed	2197
• Total cases reviewed in this sample	1143
• Percentage of cases with one (1) or no attorneys	73%
• Percentage of cases with two (2) attorneys	27%
• Average days to disposition	154.1
• Non-trailing docket cases (resolved at FLM stage)	762 (87%)
• Trailing docket (TD) cases	111 (13%)
• Average days to disposition for Non-TD (FLM) cases	125.4
• Average days to disposition for TD cases	320.2
• Average number of FLM events per case	2.1
• Total number of sample cases appealed to LC	0

Supreme Judicial Court Case Completion Rate Compliance

<u>SJC Goal</u>	<u>2011 Sample Completion Rate</u>		
	Overall*	Non-TD	TD
75% of Cases Completed < 9 Mos	86.1%	89%	37%
90% of Cases Completed <12 Mos	92.9%	93%	66%
99% of Cases Completed <18 Mos	98.7%	96%	94%

Case Completion Timeframes by Stage of Case

Court	Total Orig. FMC Cases	Case Sample Size	POS to TD Referral Avg # Days	TD Referral to Disposition Avg # Days	POS to Disposition TD Avg # Days	POS to Disposition Non-TD (FLM) Avg # Days	Hearings By FLM/ Judge
	2011	2011	2011	2011	2011	2011	2011
Average	2197	1143	180.0	142.9	320.2	125.4	102/39

*2011 Quarterly Report statewide rates were as follows: 83.4% (< 9 Mos); 90.6% (< 12 Mos); and 96.8% (< 18 Mos)

2012 Original Action Family Matters With Children

Observations Based on the 2012 Data Sample

• Total FMC cases filed	2256
• Total cases reviewed in this sample	1113
• Percentage of cases with one (1) or no attorneys	75%
• Percentage of cases with two (2) attorneys	25%
• Average days to disposition	132.4
• Non-trailing docket cases (resolved at FLM stage)	958 (86%)
• Trailing docket (TD) cases	154 (14%)
• Average days to disposition for Non-TD (FLM) cases	116.0
• Average days to disposition for TD cases	258.2
• Average number of FLM events per case	2.1
• Total number of sample cases appealed to LC	0

Supreme Judicial Court Case Completion Rate Compliance

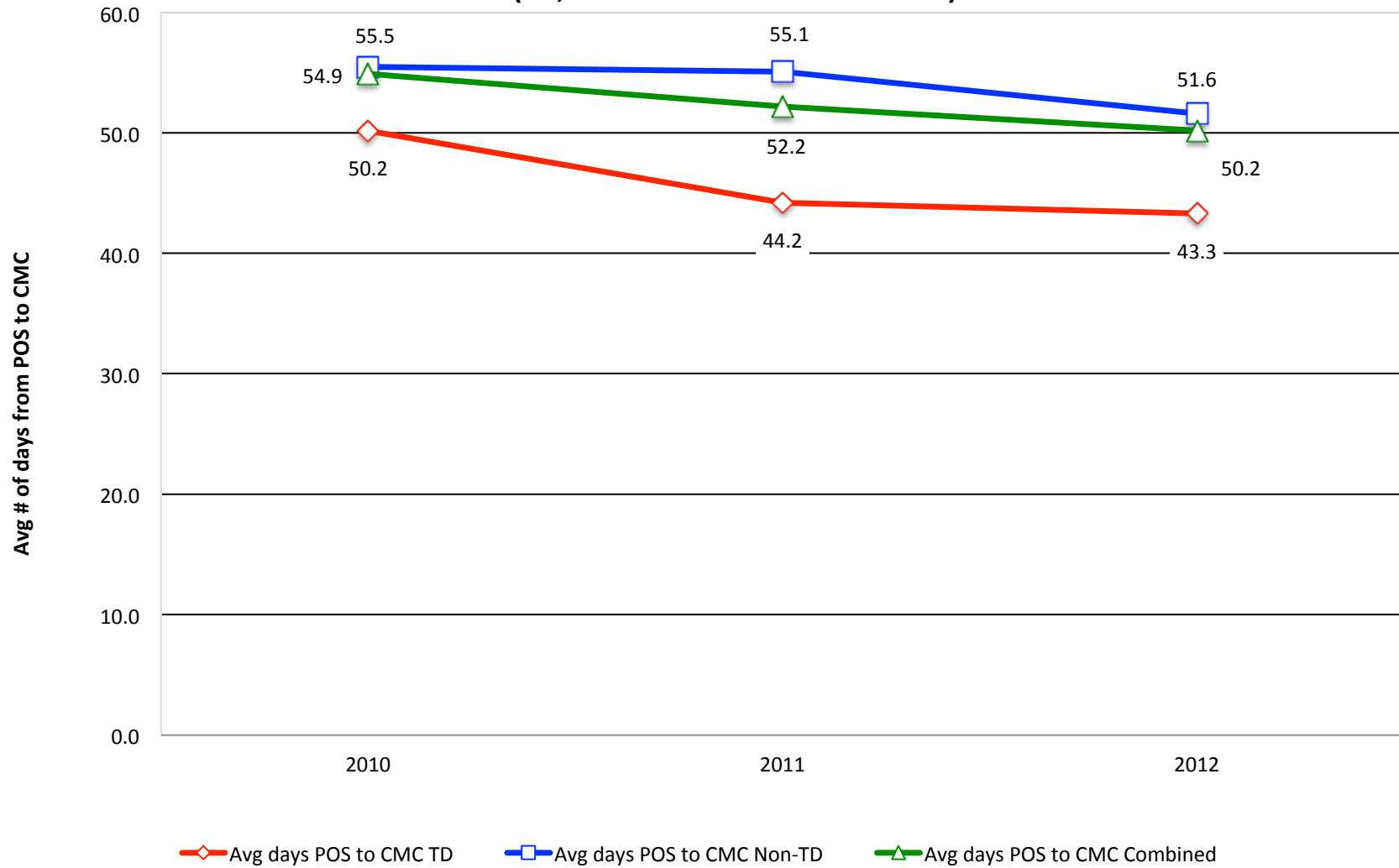
<u>SJC Goal</u>	<u>2012 Sample Completion Rate</u>		
	Overall*	Non-TD	TD
75% of Cases Completed < 9 Mos	82.1%	96%	45%
90% of Cases Completed < 12 Mos	91.7%	98%	79%
99% of Cases Completed < 18 Mos	97.6%	100%	86%

Case Completion Timeframes by Stage of Case

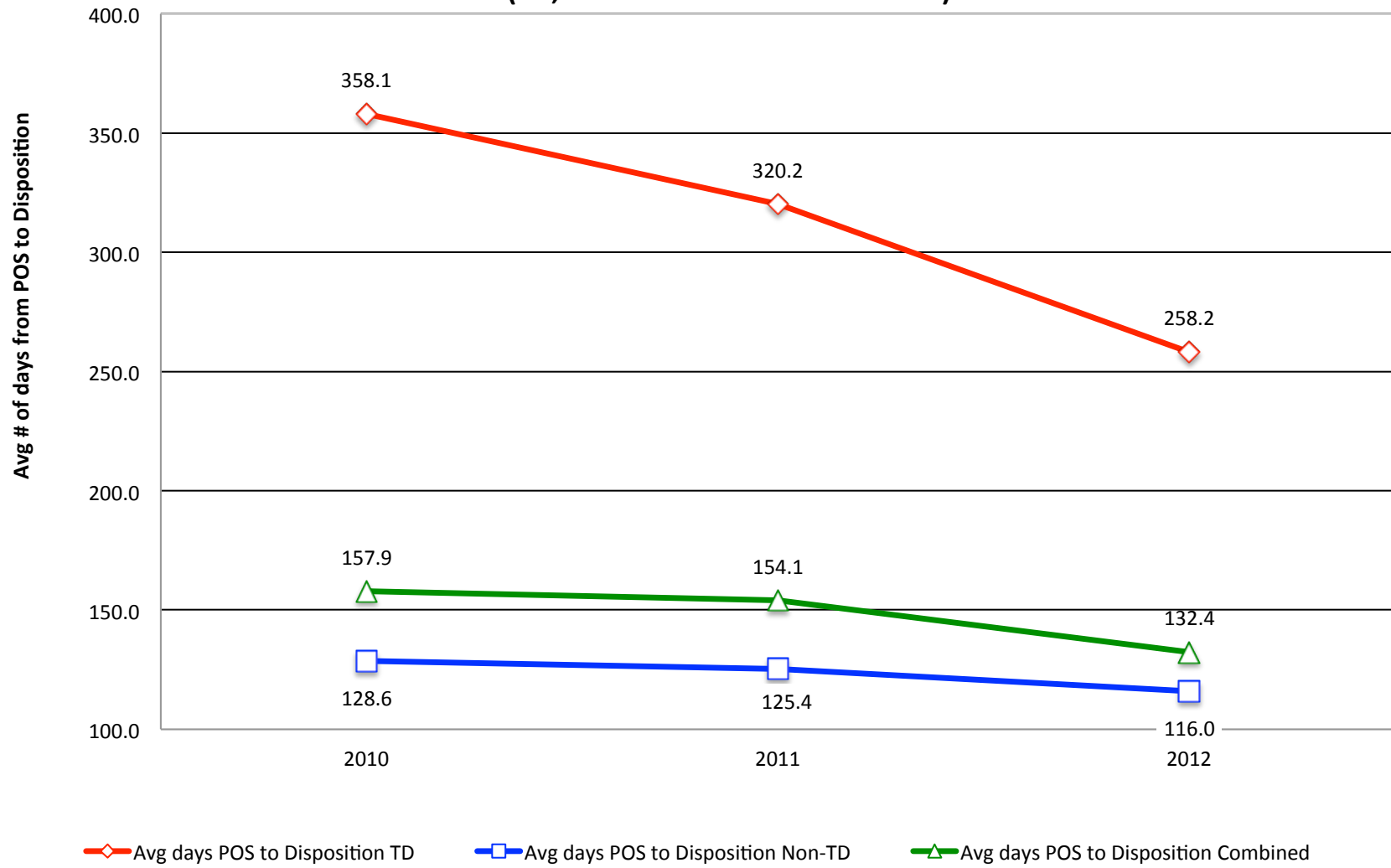
Court	Total Orig. FMC Cases	Case Sample Size	POS to TD Referral Avg # Days	TD Referral to Disposition Avg # Days	POS to Disposition TD Avg # Days	POS to Disposition Non-TD (FLM) Avg # Days	Hearings By FLM/ Judge
	2012	2012	2012	2012	2012	2012	2012
Average	2256	1113	146.0	116.7	258.2	116.0	93/24

*2012 Quarterly Report statewide rates were as follows: 84.6% (< 9 Mos); 91.0% (< 12 Mos); and 97.1% (< 18 Mos)

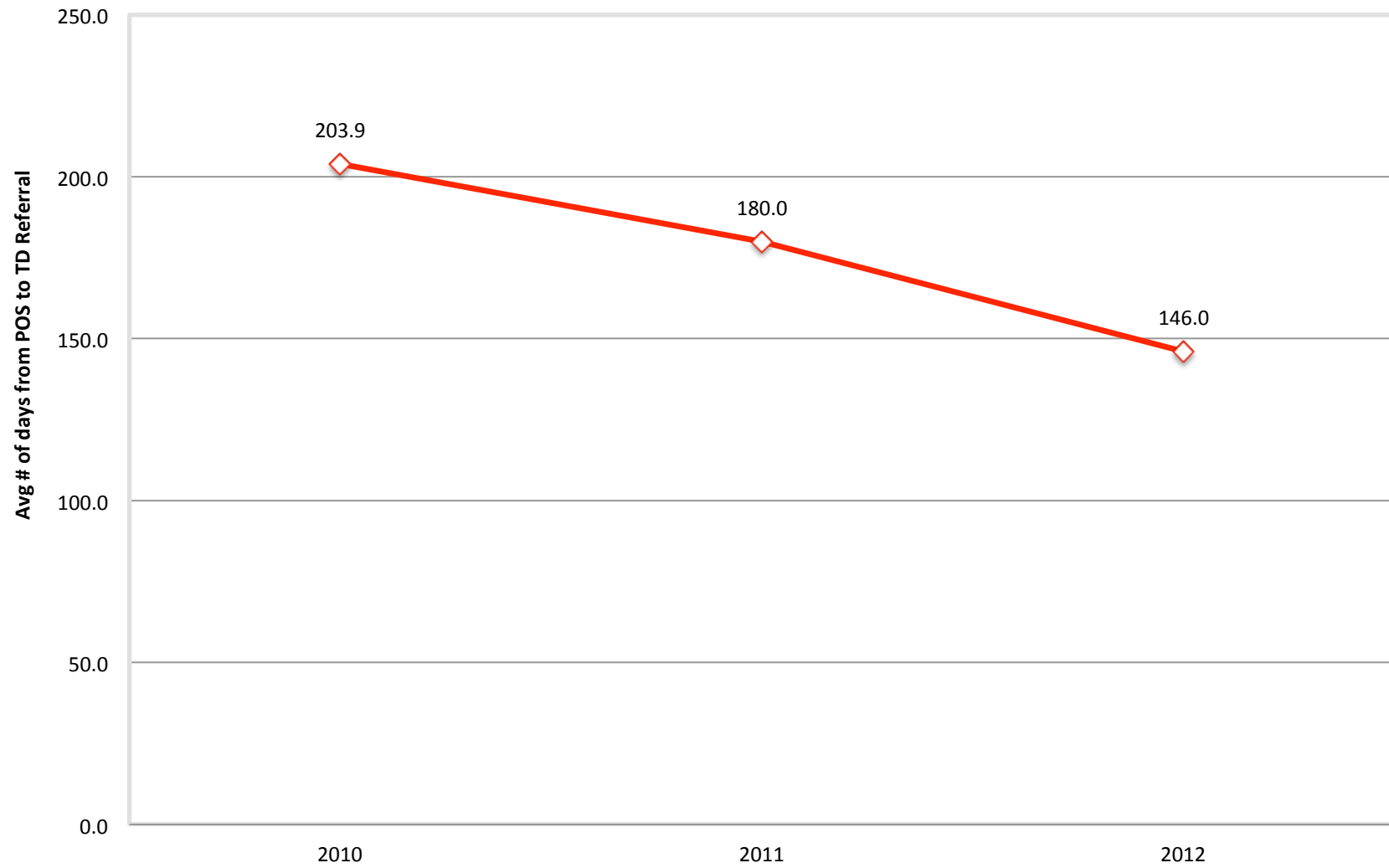
FMC Sample Data 2010-2012 Trends in POS to CMC (TD, Non-TD and Combined Cases)



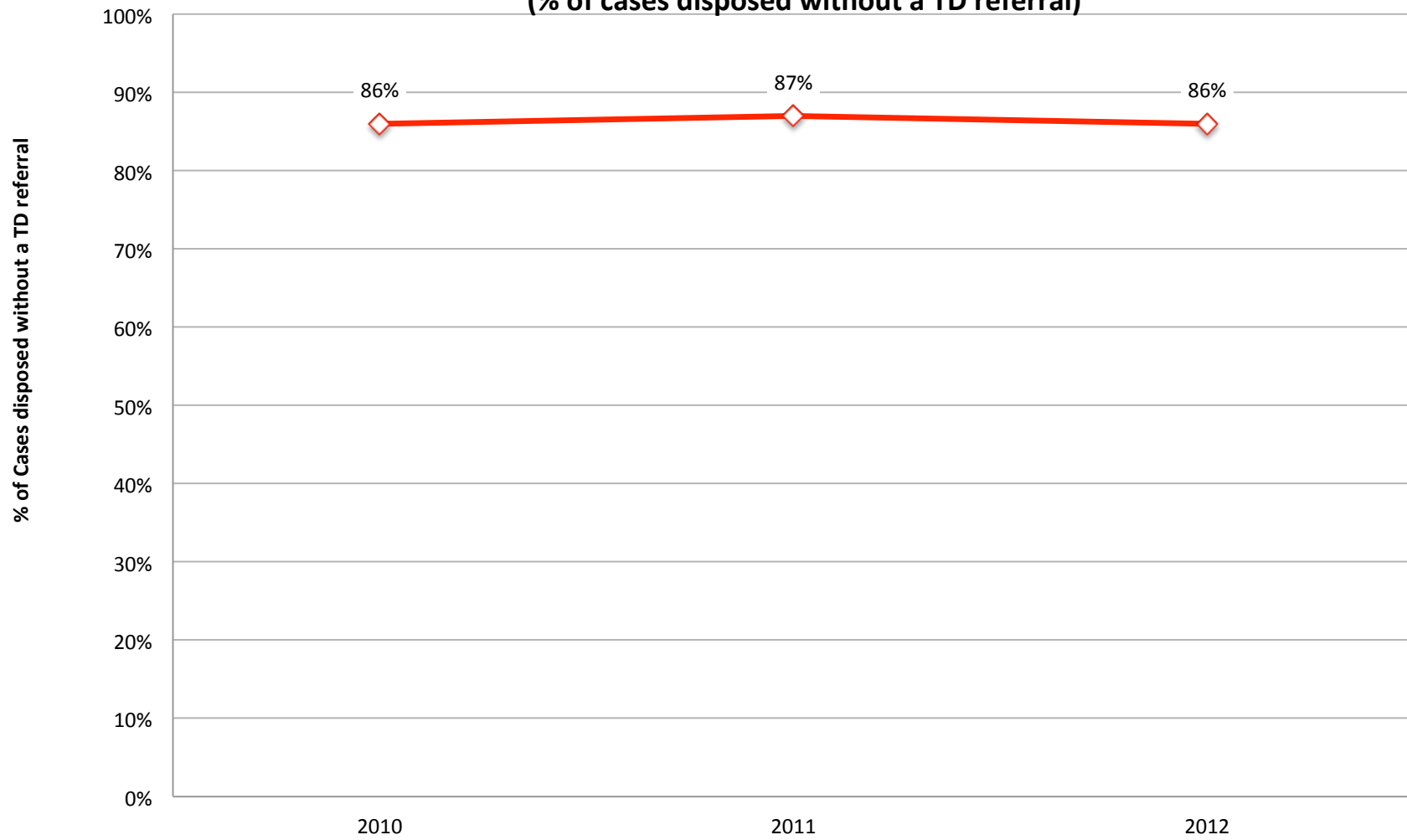
FMC Sample Data 2010-2012 Trends in POS to Disposition (TD, Non-TD and Combined Cases)



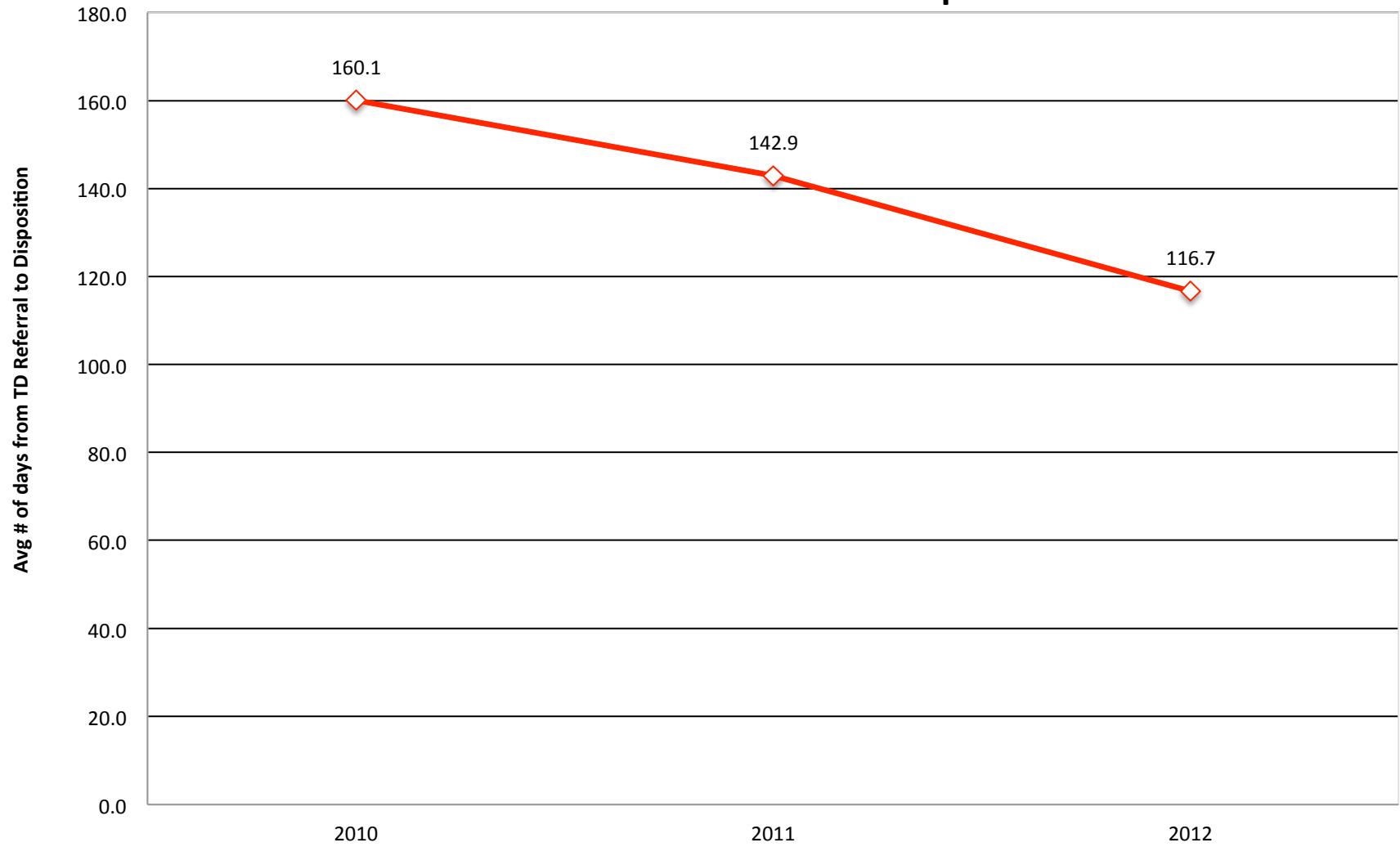
FMC Sample Data 2010-2012 Trends in POS to TD Referral



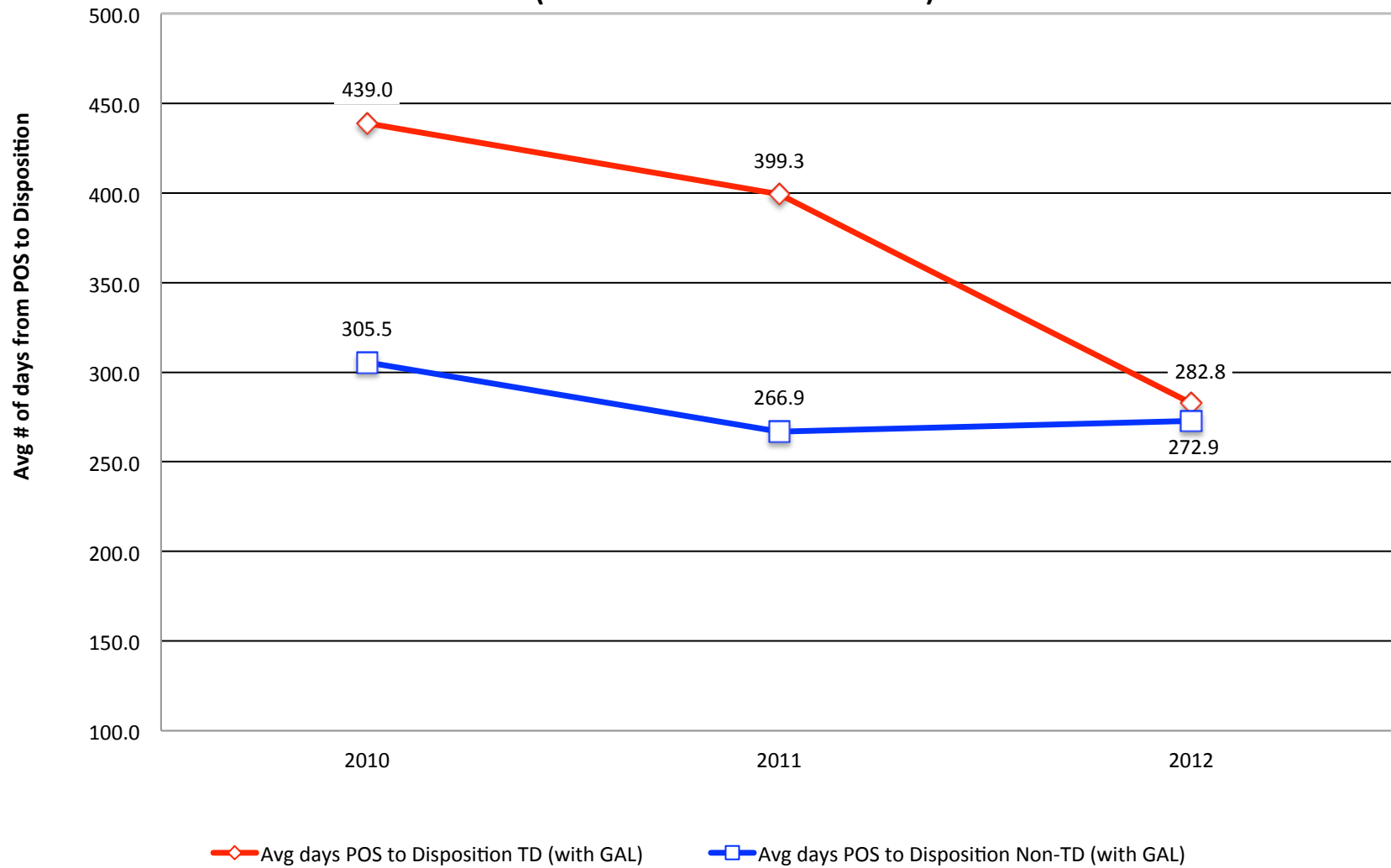
FMC Sample Data 2010-2012 Trends in Disposition without a TD Referral (% of cases disposed without a TD referral)



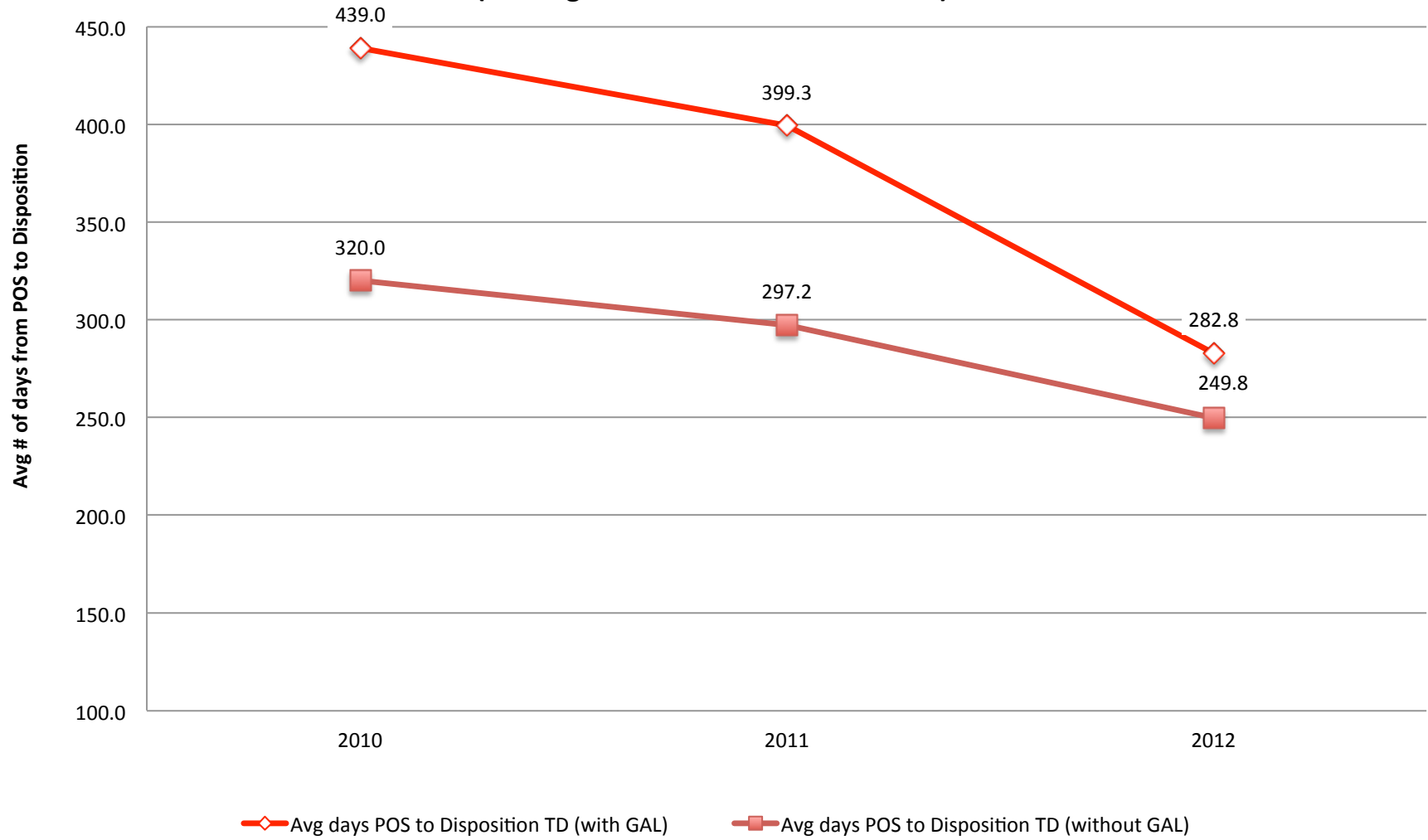
FMC Sample Data 2010-2012 Trends in TD Referral to Disposition



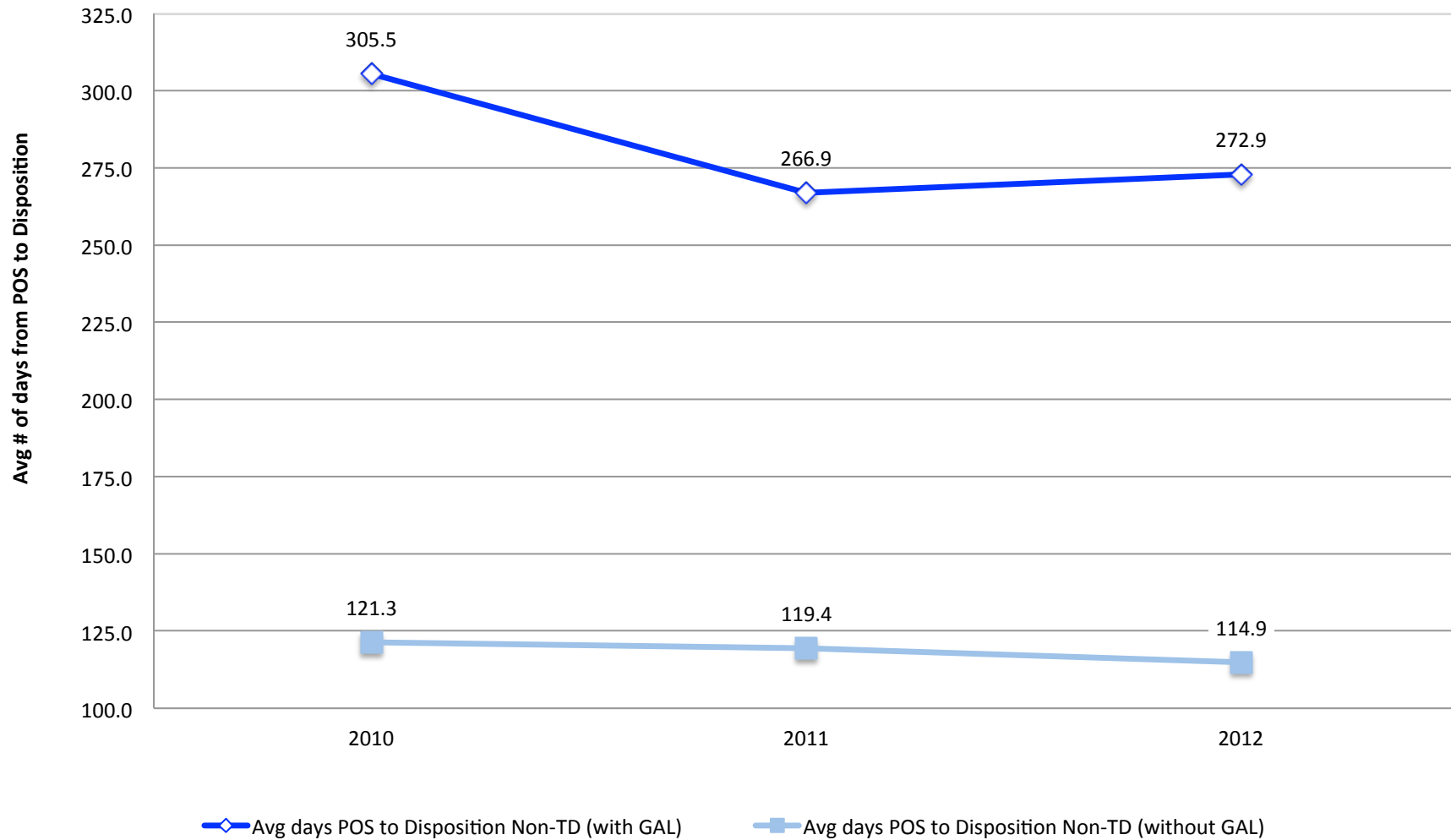
FMC Sample Data 2010-2012 Trends in POS to Disposition (TD vs Non-TD Cases with GAL)



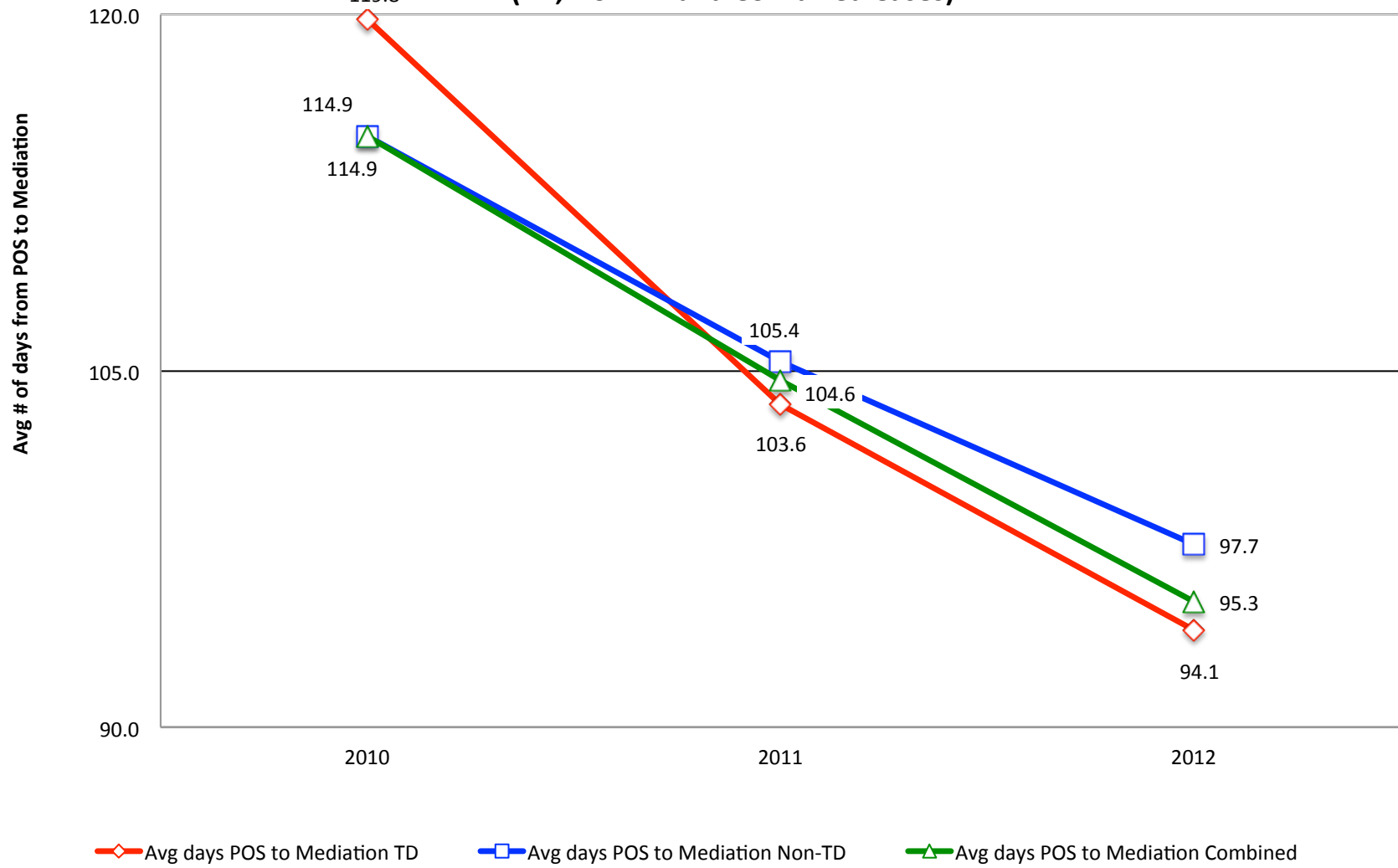
FMC Sample Data 2010-2012 Trends in POS to Disposition (Trailing Docket with & without GAL)



FMC Sample Data 2010-2012 Trends in POS to Disposition (Non-Trailing Docket with & without GAL)



FMC Sample Data 2010-2012 Trends in POS to Mediation (TD, Non-TD and Combined Cases)



FMC Sample Data 2010-2012

Trends in Mediation

(# of cases disposed before and after mediation)



