



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

STEVEN JAHR  
*Administrative Director of the Courts*

December 20, 2013

Ms. Diane F. Boyer-Vine (*electronic copy*)  
Legislative Counsel  
State of California  
State Capitol, Room 3021  
Sacramento, California 95814

Mr. Gregory P. Schmidt  
Secretary of the Senate  
California State Senate  
State Capitol, Room 400  
Sacramento, California 95814

Mr. E. Dotson Wilson (*electronic copy*)  
Chief Clerk of the Assembly  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California 95814

*Re: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*

Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

Attached is the Judicial Council report required under Government Code section 77001.5.

Ms. Diane F. Boyer-Vine  
Mr. Gregory P. Schmidt  
Mr. E. Dotson Wilson  
December 20, 2013  
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If you have any questions related to this report, please contact Donna Hershkowitz, Director, Administrative Office of the Courts (AOC) Court Operations Special Services Office, at 818-558-3068 or [Donna.Hershkowitz@jud.ca.gov](mailto:Donna.Hershkowitz@jud.ca.gov).

Very truly yours,



Steven Jahr  
Administrative Director of the Courts

SJ/DSH/lrg  
Attachment

cc: Members of the Judicial Council  
Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Darrell S. Steinberg  
Fredericka McGee, General Counsel, Office of Assembly Speaker John A. Pérez  
Amy Jarvis, Assistant Project Budget Manager, Department of Finance  
Anita Lee, Fiscal and Policy Analyst, Legislative Analyst's Office  
Benjamin Palmer, Chief Counsel, Senate Judiciary Committee  
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December 20, 2013

Report title: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice: Report to the legislature under government code section 77001.5

Statutory citation: Government Code Code Section 77001.5

Date of report: December 2013

The Judicial Council has submitted a report to the Legislature in accordance with Government Code 77001.5.

The following summary of the report is provided under the requirements of Government Code section 9795.

Government Code section 77001.5 requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants.
- (2) Case processing, including the efficient use of judicial resources.
- (3) General court administration.”

Because of continued resource limitations in the judicial branch, the attached report identifies and reports on existing measures adopted by the Judicial Council that respond to the reporting requirements.

December 20, 2013

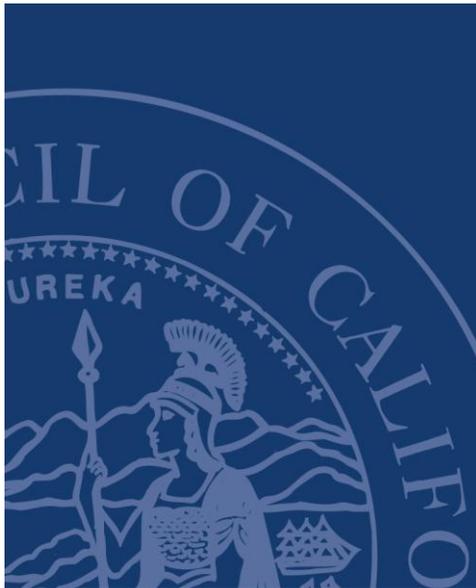
Page 2

Taking advantage of improvements in data quality, the report to the legislature provides information on the following standards and measures of trial court operations:

- Caseload Clearance Rates
- Time to Disposition
- Stage of Case at Disposition
- Trials by Type of Proceeding
- Judicial Workload and Resources

The full report can be accessed here: <http://www.courts.ca.gov/7466.htm>

A printed copy of the report may be obtained by calling 415-865-7454.



# **Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice**

REPORT TO THE LEGISLATURE UNDER  
GOVERNMENT CODE SECTION 77001.5

DECEMBER 2013



ADMINISTRATIVE OFFICE  
OF THE COURTS

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OFFICE OF COURT RESEARCH

Judicial Council of California  
Administrative Office of the Courts  
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Office of Court Research  
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**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

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## Introduction

Government Code section 77001.5 requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants;
- (2) Case processing, including the efficient use of judicial resources; and
- (3) General court administration.”

Since 2012, this annual report to the Legislature has focused the analysis of measures that promote the fair and efficient administration of justice on four key quantitative measures of trial court performance:

- Caseload Clearance Rates;
- Time to Disposition;
- Stage of Case at Disposition; and
- Trials by Type of Proceeding.

In addition to these measures, this report also provides information on the availability of branch resources including:

- The assessed need for new judgeships (Gov. Code, § 69614); and
- The status of the conversion of subordinate judicial officer positions to judgeships (Gov. Code, § 69615).<sup>1</sup>

Finally, this report provides a brief narrative describing work conducted since the last reporting period to improve the standards and measures of judicial administration.

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<sup>1</sup> For more information on the rationale for selecting these measures and how they align with the Legislative mandate contained in Government Code 77001.5, see the 2012 report to the Legislature, *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*.

## Quantitative Measures of Court Performance

### *The CourTools*

The National Center for State Courts (NCSC) developed the *CourTools* in an effort to provide trial courts with “a set of balanced and realistic performance measures that are practical to implement and use.”<sup>2</sup> The *CourTools* draw on previous work conducted on trial court performance—primarily the Trial Court Performance Standards developed by the NCSC and published in the late 1990s—but also on relevant measures from other successful public and private organizations.

Previous reports to the Legislature contained a more in-depth description of the *CourTools* program, so that discussion has been omitted here. Table 1 below lists the 10 *CourTools* and shows the availability and quality of the data that we have on these measures for the California trial courts. Brief descriptions of the measures that the branch can currently report that are included in this report follow the table.

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<sup>2</sup> See “CourTools: Giving Courts the Tools to Measure Success” (NCSC 2005), <http://www.courtools.org/>.

		<i>NCSC's CourTools</i>	<b>Table 1: Status of <i>CourTools</i> Data in California Trial Courts</b>			
			<b>Availability</b>	<b>Scope</b>	<b>Data Quality</b>	<b>Location in This Report</b>
<b>CalCourTools</b>	<b>AVAILABLE</b>	Clearance Rates	Monthly Reports	All courts	Good	Appendix B
		Time to Disposition	Monthly Reports	Missing data from some courts on some case types	Fair	Appendix C
		Collection of Monetary Penalties	Annual report under PC 1463.010, Statewide Collection of Court-Ordered Debt	Statewide	Good	N/A
	<b>DATAT NOT VALIDATED</b>	Cost per Case	Annual updates in <i>Resource Assessment Study</i>	All courts	Pending validation	
		Age of Active Pending Caseload	Monthly Reports	Missing data many courts	Pending validation	
		Effective Use of Jurors	Annual Report	Missing data from fewer than 5 courts	Pending validation	
	<b>DATA NOT AVAILABLE</b>	Access & Fairness Survey	No ongoing reporting	N/A	N/A	
		Court Employee Satisfaction	No ongoing reporting	N/A	N/A	
		Reliability and Integrity of Case Files	No ongoing reporting	N/A	N/A	
		Trial Date Certainty	No ongoing reporting	N/A	N/A	

The bottom four rows of the table show the *CourTools* measures for which there is no current data source. Collecting and reporting on these measures would require the devotion of new resources to data collection and analysis and/or reprogramming of court case management systems and the training of clerks to enter new data codes. The middle rows show measures for which some data are available. Most of these have not yet been validated and one is reported separately in a different legislatively mandated report. The top two rows show the *CourTools* data that are available now and respond to the mandate in Government Code section 77001.5:

### Clearance Rates

Clearance rates show the number of outgoing cases as a percentage of the number of incoming cases. They provide an indirect measure of whether the court is disposing of cases in a timely fashion or whether a backlog of cases is growing. Monitoring clearance rates by case type helps a court identify those areas needing the most attention. Viewed over a time period, the clearance rate is expected to hover closely around 1.0 or 100 percent.

### Time to Disposition

The time to disposition is the amount of time it takes a court to dispose of cases within established time frames. Trial court case disposition time goals serve as a starting point for monitoring court performance.

These measures of court operations were adopted by the Judicial Council in 1987 as Standard of Judicial Administration 2.2. Standard 2.2 establishes caseload clearance in civil case processing as a judicial administration goal and sets time-to-disposition goals for six civil and criminal case types: felony, misdemeanor, unlimited civil, limited civil, small claims, and unlawful detainer (see Appendix A).

Despite the data limitations on these measures highlighted in Table 1, a sizeable number of courts already report these data to the AOC. Furthermore, AOC staff have undertaken improved quality control measures to provide feedback to the courts on the data that they report and have increased technical assistance to help courts identify and fix data reporting problems. Appendices B and C show these data in a format that allows for easy tracking of trial data relative to these standards.

### ***Other Caseflow Management Data***

In addition to the *CourTools* data, additional information reported by the trial courts can also be used as diagnostic measures of a court's calendar management practices. How cases move through and out of the system—in other words the stage of cases at disposition—can be useful indicators of effective case-processing practices and court operational efficiency. Efficient and effective case management improves not only the timeliness of case disposition but also the quality of justice in resolution of these cases.

### Stage of Case at Disposition

The stage and manner in which a case is disposed (i.e., how and when a case is disposed) can be a useful diagnostic measure of a court's case management practices and the timeliness and quality of case resolution.<sup>3</sup>

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<sup>3</sup> The stage of case at disposition is not entirely under the control of the court. For example, if the district attorney and public defender do not engage in good-faith plea bargaining, or if parties do not settle civil cases, despite the courts' best efforts, the stage and manner of disposition may be beyond the power of the court to affect substantially.

### Trials by Type of Proceeding

The number and type of trials is an important data element to break out separately from the data on the stage of case at disposition. Given the significance of trials on a court's operations and resources, it is important to consider this measure in conjunction with other court performance data.

Table 2 below describes the quality of the data on these additional measures of court operations.

<b>Caseflow Management Data</b>	<b>Table 2: Status of Data in California Trial Courts</b>			
	<b>Availability</b>	<b>Scope</b>	<b>Quality</b>	<b>Location in This Report</b>
Stage of Case at Disposition	Monthly Reports	All courts	Good	Appendix D
Trials by Type of Proceeding	Monthly Reports	All courts	Good	Appendix E

### **Findings<sup>4</sup>**

#### *Caseload Clearance Rates (See Appendix B):*

- In fiscal year 2011-2012, the most recent year for which data are available, clearance rates improved in some case types and declined in others:
  - In civil cases, caseload clearance rates fell in all case types *except* for nonautomobile related torts. The declines in the statewide clearance rates in civil are generally small—falling from 98 percent to 96 percent for “other” unlimited civil cases, for example. And in some case types, the decline in caseload clearance rates still leaves the rate above 100 percent—falling from 110 percent to 106 percent among limited civil cases. The lowest clearance rate among civil case types is in small claims appeals;
  - Clearance rates fell or were unchanged for every type of criminal filing *except* for nontraffic misdemeanors. The clearance rate for nontraffic misdemeanor cases improved from 71 percent to 77 percent and declined by only a single percentage point in felonies and nontraffic infractions while holding steady in nontraffic infractions. The clearance rate fell from 91 percent to 87 percent for traffic infractions;
  - Fluctuations in clearance rates appear larger in family and juvenile cases. For example, within family law, the clearance rate for marital petitions declined from 98 percent to 86 percent while the clearance rate for other family law petitions increased from 87 percent to 93 percent. While the clearance rate for delinquency cases improved by one percentage point, the rate for dependency cases declined from 85 percent to 78 percent.

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<sup>4</sup> All of the findings reported here refer to trial court data submitted through June 30, 2012. These data are reported in more detail in the 2013 Court Statistics Report, <http://courts.ca.gov/13421.htm>.

*Time to Disposition (See Appendix C):*

- Time-to-disposition data show a similar unevenness across case types:
  - For unlimited civil cases, the percentage of cases disposed declined at each of the three milestones for which this measure is tracked, specifically at 12, 18, and 24 months. Limited civil cases showed slight improvement in the number of cases disposed within 12 months, while the percentage of limited civil cases disposed within 18 months held steady and the percentage of limited civil cases disposed within 24 months declined slightly. Times to disposition were lower in unlawful detainer cases and slightly higher in small claims cases.
  - Criminal case processing times improved for both felonies and misdemeanors and across each of the milestones for which this measure is tracked. Felonies disposed within 12 months increased by one percentage point to 88 percent and the disposition of cases through certified plea or bindover within 30, 45, and 90 days also increased. The percentage of misdemeanors disposed within 30 and 90 days increased by one percentage point to 64 percent and 80 percent respectively—while the percentage of misdemeanors disposed within 120 days increased from 83 percent to 85 percent.
- Time standards for family law cases are set forth in Rule 5.83 of the California Rules of Court, and time standards for juvenile cases can be found in Rule 5.05 of the Rules of Court. However, at this time, courts are not able to consistently and accurately report on these measures. In the future, this report will include this data as data collection for these measures improves.

*Stage of Case at Disposition (See Appendix D):*

Civil

- Slightly more than four of every five unlimited civil cases—81 percent—are disposed before trial.
- Of the remaining unlimited civil cases disposed by a trial, the vast majority—79 percent—are bench trials. Only 4 percent of unlimited civil trials are jury trials. The remaining dispositions of unlimited civil cases are *trials de novo*, which are made up of small claims appeals.
- In limited civil cases, only seven percent of filings are disposed by trial and over 99 percent of these cases are bench trials.
- In small claims, the majority (59 percent) of the dispositions are after trial.

Criminal

- The vast majority of felony cases (97 percent) are disposed before trial.
- Of the felonies disposed after trial, 88 percent are jury trials.
- In felonies disposed before trial, 70 percent result in convictions. In felonies disposed after jury trial, 80 percent result in conviction.
- Slightly lower percentages of nontraffic misdemeanors (89 percent) are disposed before trial while 98 percent of traffic misdemeanors are disposed before trial.

- Of the misdemeanors disposed after trial, 53 percent of nontraffic cases and 79 percent of traffic cases are by bench trial, with the remainder disposed by jury trial.

*Trials by Type of Proceeding (See Appendix E):*

- The total number of jury trials declined for the third straight year falling to 10,006 trials. The decline in the total number of jury trials is driven primarily by a decrease in the number of felony jury trials. During the same period, jury trials in misdemeanor, civil limited, and civil unlimited all increased.
- The total number of court trials also fell after reaching a 10-year high last year. The total number of court trials fell from 551,972 to 467,649. The decrease in the number of court trials is mostly consistent across case types, with limited civil cases and felony cases experiencing a slight rise in the number of court trials.

*Judicial Workload and Resources*

- The 2012 update to the Judicial Workload Assessment shows a statewide need of 2,286 full-time equivalent judicial officers, representing a shortfall of 13 percent over the total number of authorized positions in the state and a 16 percent shortfall over the number of funded positions (see Appendix F).
- At the end of the most recent year for which data are compiled and reported in the *Court Statistics Report*, another 20 subordinate judicial officer (SJO) positions had been converted to judgeships, bringing the statewide total of conversions to 84 as of June 30, 2012 (see Appendix G).
- Although the conversion of SJOs does not provide much-needed *new* resources to the courts, it does provide the courts with greater flexibility in the assignment of judicial officers. Moreover, it begins to restore the proper balance between judges and SJOs in the court, enabling constitutionally empowered judges who are held accountable by standing for election before their communities to hear cases that are appropriate to their rank.

## **Update to the Staff Workload Study**

Weighted caseload has been the national standard for evaluating the workload of judges and court staff for almost two decades.<sup>5</sup> The number and types of cases that come before the court—the court’s caseload—is the starting point for any evaluation of workload. However, without using weighted case data, it is impossible to make meaningful calculations about the differences in the amount of work required. For example, while a felony and infraction case each represent one filing for the court, they have very different impacts on the court’s workload. Weighted caseload is therefore required to account for the types of cases coming before the court and to translate that information into effective and usable workload data.

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<sup>5</sup> See *Assessing the Need for Judges and Court Support Staff*, National Center for State Courts, State Justice Institute, 1996.

The Judicial Council has approved workload models that utilize weighted caseload to assess where new judgeships and additional nonjudicial resources are most urgently needed and will have the biggest impact. The relative weight applied to different types of cases, however, require periodic review due to changes in the law, technology, and practice, which all affect the average amount of time required for case processing. Periodic review and, where necessary, revision of caseweights, ensures that the allocation formulas reported to the Legislature and the Governor accurately reflect the current amount of time required to resolve cases.

In 2009, with the support of the NCSC and the guidance of the SB 56 Working Group, the AOC undertook two studies: one to update the judicial officer caseweights and a second to update the staff caseweights. The SB 56 Working Group, whose membership consists of 16 judicial officers and court executives, met regularly with project staff to develop the project plan and methodology and evaluate the findings.

Last year's report to the Legislature described the study of judicial officer workload approved by the Judicial Council at its December 2011 business meeting. The updated estimate of judicial need using the new caseweights and updated filings data was reported to the Legislature under the requirements of Government Code section 69614 and can be found in Appendix F of this report.

Since the last report to the Legislature, the SB 56 Working Group met to finalize the new caseweights used for the determination of trial court staff needs, the Resource Assessment Study (RAS) model. In February 2013, the Judicial Council approved the new caseweights.<sup>6</sup>

For a number of reasons, the SB 56 Working Group believes that the new caseweights provide a more accurate estimate of trial court workload than the previous caseweights.

- The new caseweights were calculated on the basis of a time study that included 24 superior courts and included small, medium, and large courts.
- Site visits to each of the participating courts were conducted to evaluate case-processing practices and to better understand differences in the time study data collected.
- Subject matter experts were convened in focus groups to evaluate and adjust the caseweights.
- Five new case types were distinguished from larger case categories to capture important workload differences across these case types:
  - Misdemeanor filings were divided between the more labor intensive nontraffic misdemeanors and the traffic misdemeanors;
  - Asbestos cases were separated from the Unlimited Civil category;
  - Employment Development Department (EDD) cases were separated from the Limited Civil category;

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<sup>6</sup> See the February 26, 2013 report to the Judicial Council, *Trial Courts: Update of the Resource Assessment Study Model*.

- Probate filings were divided into two categories, one that includes the more labor-intensive conservatorship and guardianship cases, the other with less complex estate and trust cases; and
- Parentage cases were separated from the other types of cases in the family law category and weighted separately.

In March 2013, the Judicial Council approved the use of the RAS model for evaluating the resource needs in the courts and for allocating resources based on estimated staff workload. Although the model cannot, by itself, be used to compare courts' budgets to estimated need, it serves as a foundation on which the conversion of staff to dollars allows for such a comparison to be made. This conversion is useful not only because it provides courts the flexibility to determine locally the most efficient use of resources, but it also allows for the resource estimates to take into account differences in the cost of labor across California counties.<sup>7</sup> Funding based on this model is being phased in over a number of years. When funding is fully allocated consistent with this model, we will be better able to measure the fair and efficient administration of justice across courts.

## **Conclusion**

This has summarized *quantitative* measures of trial court performance and provides information on updates to the Resource Assessment Study model. Future reports will continue to provide updated and comparative information on these measures to permit an analysis of the courts' ability to provide fair and efficient administration of justice.

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<sup>7</sup> See the April 26, 2013 report to the Judicial Council, *Trial Court Budget Working Group: Recommendation of New Budget Development and Allocation Methodology*.

## **Appendix A: Standards of Judicial Administration, Standard 2.2. Trial Court Case Disposition Time Goals**

### **(a) Trial Court Delay Reduction Act**

The recommended goals for case disposition time in the trial courts in this standard are adopted under Government Code sections 68603 and 68620.

*(Subd (a) amended effective January 1, 2007; adopted effective July 1, 1987; relettered effective January 1, 1989; previously amended effective January 1, 2004.)*

### **(b) Statement of purpose**

The recommended time goals are intended to guide the trial courts in applying the policies and principles of standard 2.1. They are administrative, justice-oriented guidelines to be used in the management of the courts. They are intended to improve the administration of justice by encouraging prompt disposition of all matters coming before the courts. The goals apply to all cases filed and are not meant to create deadlines for individual cases. Through its case management practices, a court may achieve or exceed the goals stated in this standard for the overall disposition of cases. The goals should be applied in a fair, practical, and flexible manner. They are not to be used as the basis for sanctions against any court or judge.

*(Subd (b) amended effective January 1, 2007; adopted effective July 1, 1987, as (1); relettered effective January 1, 1989; previously amended effective January 1, 2004.)*

### **(c) Definition**

The definition of “general civil case” in rule 1.6 applies to this section. It includes both unlimited and limited civil cases.

*(Subd (c) amended effective January 1, 2007; adopted effective January 1, 2004.)*

### **(d) Civil cases—processing time goals**

The goal of each trial court should be to process general civil cases so that all cases are disposed of within two years of filing.

*(Subd (d) amended and relettered effective January 1, 2004; adopted effective July 1, 1987, as (2); previously amended effective July 1, 1988; amended and relettered as subd (c) effective January 1, 1989.)*

### **(e) Civil cases—rate of disposition**

Each trial court should dispose of at least as many civil cases as are filed each year and, if necessary to meet the case-processing goal in (d), dispose of more cases than are filed. As the court disposes of inactive cases, it should identify active cases that may require judicial attention.

*(Subd (e) amended effective January 1, 2007; adopted effective July 1, 1987, as (3); previously amended effective July 1, 1988; previously amended and relettered as subd (d) effective January 1, 1989, and as subd (e) effective January 1, 2004.)*

**(f) General civil cases—case disposition time goals**

The goal of each trial court should be to manage general civil cases, except those exempt under (g), so that they meet the following case disposition time goals:

(1) *Unlimited civil cases:*

The goal of each trial court should be to manage unlimited civil cases from filing so that:

- (A) 75 percent are disposed of within 12 months;
- (B) 85 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(2) *Limited civil cases:*

The goal of each trial court should be to manage limited civil cases from filing so that:

- (A) 90 percent are disposed of within 12 months;
- (B) 98 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(3) *Individualized case management*

The goals in (1) and (2) are guidelines for the court's disposition of all unlimited and limited civil cases filed in that court. In managing individual civil cases, the court must consider each case on its merits. To enable the fair and efficient resolution of civil cases, each case should be set for trial as soon as appropriate for that individual case consistent with rule 3.729.

*(Subd (f) amended effective January 1, 2007; adopted as subd (g) effective July 1, 1987; relettered as subd (h) effective January 1, 1989; amended effective July 1, 1991; previously amended and relettered as subd (f) effective January 1, 2004.)*

**(g) Exceptional civil cases**

A general civil case that meets the criteria in rules 3.715 and 3.400 and that involves exceptional circumstances or will require continuing review is exempt from the time goals in (d) and (f). Every exceptional case should be monitored to ensure its timely disposition consistent with the exceptional circumstances, with the goal of disposing of the case within three years.

*(Subd (g) amended effective January 1, 2007; adopted effective January 1, 2004.)*

**(h) Small claims cases**

The goals for small claims cases are:

- (1) 90 percent disposed of within 75 days after filing; and
- (2) 100 percent disposed of within 95 days after filing.

*(Subd (h) adopted effective January 1, 2004.)*

**(i) Unlawful detainer cases**

The goals for unlawful detainer cases are:

- (1) 90 percent disposed of within 30 days after filing; and
- (2) 100 percent disposed of within 45 days after filing.

*(Subd (i) adopted effective January 1, 2004.)*

**(j) Felony cases—processing time goals**

Except for capital cases, all felony cases disposed of should have a total elapsed processing time of no more than one year from the defendant's first arraignment to disposition.

*(Subd (j) amended effective January 1, 2007; adopted effective January 1, 2004.)*

**(k) Misdemeanor cases**

The goals for misdemeanor cases are:

- (1) 90 percent disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent disposed of within 90 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent disposed of within 120 days after the defendant's first arraignment on the complaint.

*(Subd (k) adopted effective January 1, 2004.)*

**(l) Felony preliminary examinations**

The goal for felony cases at the time of the preliminary examination (excluding murder cases in which the prosecution seeks the death penalty) should be disposition by dismissal, by interim disposition by certified plea of guilty, or by finding of probable cause, so that:

- (1) 90 percent of cases are disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent of cases are disposed of within 45 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent of cases are disposed of within 90 days after the defendant's first arraignment on the complaint.

*(Subd (l) adopted effective January 1, 2004.)*

**(m) Exceptional criminal cases**

An exceptional criminal case is not exempt from the time goal in (j), but case progress should be separately reported under the Judicial Branch Statistical Information System (JBSIS) regulations.

*(Subd (m) amended effective January 1, 2007; adopted effective January 1, 2004.)*

**(n) Cases removed from court's control excluded from computation of time**

If a case is removed from the court's control, the period of time until the case is restored to court control should be excluded from the case disposition time goals. The matters that remove a case from the court's control for the purposes of this section include:

- (1) Civil cases:
  - (A) The filing of a notice of conditional settlement under rule 3.1385;
  - (B) An automatic stay resulting from the filing of an action in a federal bankruptcy court;
  - (C) The removal of the case to federal court;
  - (D) An order of a federal court or higher state court staying the case;
  - (E) An order staying the case based on proceedings in a court of equal standing in another jurisdiction;
  - (F) The pendency of contractual arbitration under Code of Civil Procedure section 1281.4;

- (G) The pendency of attorney fee arbitration under Business and Professions Code section 6201;
  - (H) A stay by the reporting court for active military duty or incarceration; and
  - (I) For 180 days, the exemption for uninsured motorist cases under rule 3.712(b).
- (2) Felony or misdemeanor cases:
- (A) Issuance of warrant;
  - (B) Imposition of a civil assessment under Penal Code section 1214.1;
  - (C) Pendency of completion of diversion under Penal Code section 1000 et seq.;
  - (D) Evaluation of mental competence under Penal Code section 1368;
  - (E) Evaluation as a narcotics addict under Welfare and Institutions Code sections 3050 and 3051;
  - (F) 90-day diagnostic and treatment program under Penal Code section 1203.3;
  - (G) 90-day evaluation period for a juvenile under Welfare and Institutions Code section 707.2;
  - (H) Stay by a higher court or by a federal court for proceedings in another jurisdiction;
  - (I) Stay by the reporting court for active military duty or incarceration; and
  - (J) Time granted by the court to secure counsel if the defendant is not represented at the first appearance.

*(Subd (n) amended effective January 1, 2007; adopted effective January 1, 2004.)*

**(o) Problems**

A court that finds its ability to comply with these goals impeded by a rule of court or statute should notify the Judicial Council.

*(Subd (o) amended effective January 1, 2007; adopted effective January 1, 2004.)*

*Standard 2.2 amended and renumbered effective January 1, 2007; adopted as sec. 2.1 effective July 1, 1987; previously amended effective January 1, 1988, July 1, 1988, January 1, 1989, January 1, 1990, July 1, 1991, and January 1, 2004.*