

14th Judicial District
CourTools Measure 5: Trial Date Certainty

Definition: The number of times cases disposed by trial are scheduled for trial.

Purpose: A court’s ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of calendaring and continuance practices. For this measure, “trial” includes jury trials, bench trials (also known as non-jury trials), and adjudicatory hearings in juvenile cases.

TABLE 1				
TRIAL DATE CERTAINTY IN DURHAM - % MEETING GOAL				
		Of Cases Tried, % with 2 or Fewer Trial Settings		
		Goal¹		
Case Type²		Jan-Mar, 2011		Jan-Mar, 2012
Superior Civil		100%		56%
Superior Criminal Felony			3	3
Superior Criminal Misdemeanor Appeal			3	3
District Civil		92%		93%
District Domestic – Child Custody Issues	80%	96%		100%
District Domestic – Equitable Distribution Issues	80%	100%		100%
District Child Support Enforcement Issues			3	3
District Domestic Violence (Criminal & Civil)			3	3
District Abuse, Neglect & Dependency Adjudications		36%		75%
District Delinquency Adjudications			3	
District Criminal			3	
District Motor Vehicle (criminal)			3	
Magistrates Civil			3	

¹ We are not aware of nationally-established goals for Trial Date Certainty, nor has the North Carolina Judicial Department adopted goals. Family Court Administrators in North Carolina have recommended to the Family Court Advisory Committee the establishment of a goal of 80% for trial by the second setting for custody and equitable distribution issues in domestic cases. Goals for other caseloads may be established in the future.

² Case types are defined in a table at the end of this measure.

³ This information is collected from various calendar and case management systems, none of which is designed to capture these data. Therefore, we are addressing new case types periodically and adding to the information provided. Our current goal is to report on all listed case types in FY 12-13.

**TABLE 2
TRIAL DATE CERTAINTY IN DURHAM – AVERAGE NO. OF SETTINGS FOR CASES TRIED**

Case Type ¹	Current Fiscal Year 10/11		
	Jul-Mar, 2011		Jul-Mar, 2012
	Superior Civil	1.7	
Superior Criminal Felony	2		2
Superior Criminal Misdemeanor Appeal	2		2
District Civil	1.6		1.4
District Domestic – Child Custody Issues	1.3		1.0
District Domestic – Equitable Distribution Issues	1.0		1.6
District Child Support Enforcement Issues	2		2
District Domestic Violence (Criminal & Civil)	2		2
District Abuse, Neglect & Dependency Adjudications	4.7		2.5
District Delinquency Adjudications	2		2
District Criminal	2		2
District Motor Vehicle (criminal)	2		2
District Infractions	2		2
Magistrates Civil	2		2

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Case Definitions

Case Type	
Superior Civil (Superior Court; Trial by judge or jury)	Civil lawsuits involving amounts in controversy over \$10,000. Motor vehicle claims, contract disputes, medical malpractice and negligence actions comprise about 70% of Superior civil filings in Durham.
Superior Criminal Felony (Superior Court; Trial by jury only)	Criminal actions in which the District Court finds probable cause that the defendant committed a felony crime, or a Grand Jury indicts the defendant.
Superior Criminal Misdemeanor Appeal (Superior Court; Trial by jury only)	Misdemeanor criminal or traffic cases which were tried in District Court and the defendant was found guilty, and the defendant appeals the District Court decision.
District Civil (District Court; Trial by judge or jury)	Civil lawsuits involving amounts in controversy of \$10,000 or less. Lawsuits involve motor vehicle claims, collection actions, contract disputes, and small claims appeals from magistrate's court.
District Domestic – Child Custody Issues (District Family Court; Trial by judge)	Child custody issues within a domestic case
District Domestic – Equitable Distribution Issues (District Family Court; Trial by judge)	Property distribution issues within a domestic case
District Child Support Enforcement Issues (District Court; Trial by judge)	Cases in which a party is ordered to pay child support, and has failed to stay current in their payments.
District Domestic Violence (Criminal & Civil) (District Court; Trial by judge)	Cases which involve domestic violence and are scheduled to be heard in Domestic Violence Court.
District Abuse, Neglect & Dependency Adjudications (District Family Court; Trial by judge)	Cases involving children under the age of 18 who are dependent, neglected or abused. An adjudication is a hearing at which the court determines the merits of the petition which initiated the case.
District Delinquency Adjudications (District Family Court; Trial by judge)	Cases involving children under the age of 16 who are delinquent. An adjudication is a hearing at which the court determines the merits of the petition which initiated the case.
District Criminal (District Court; Trial by judge)	Criminal cases identified by statute as misdemeanors, which are considered less serious than felony cases
District Motor Vehicle (criminal) (District Court; Trial by judge)	Motor vehicle cases which are more serious (e.g., driving while impaired) than simple traffic cases (e.g., speeding).
District Infractions (District Court; Trial by judge)	Less serious driving offenses (e.g., driving without a seat belt), often punishable by fines, assessment of costs, or loss of license.
Magistrates Civil (Magistrates Court; Trial by magistrate)	Civil disputes involving amounts up to \$5,000, and landlord/tenant eviction actions.