

Caseload Highlights

Notes from the Field

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Implementing a Civil Cover Sheet: The Pennsylvania Experience

Interviewing for the Court
Statistics Project

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At last count, about 30 states are using some form of standardized cover sheet designed to accompany the filing of a civil case in their state court. These cover sheets range from simple forms designed to capture basic information about the litigants and attorneys involved in a case, to very detailed documents that provide all of that foundational information as well as specifics about the nature of the case—using the case type definitions outlined in the *State Court Guide to Statistical Reporting*—as well as whether there are any pro se litigants, a demand for a jury trial, further instructions for how to properly file the case, and more.

In 2007, staff at the Administrative Office of the Pennsylvania Courts began the process of creating and implementing a statewide civil cover sheet for use in their general jurisdiction Court of Common Pleas. With some technical assistance provided by the Court Statistics Project, they undertook a 3-year project to conceive, design, and implement a civil cover sheet that simultaneously reduced some of the demands on their staff while improving the quantity and quality of their statewide civil data. In August 2011, Neil LaFountain, Senior Court Research Analyst for the Court Statistics Project (CSP) interviewed two of the key project staff from the Administrative Office of Pennsylvania Courts: Kim Nieves (KN), Director of Research and Statistics, and Laurie Sacerdote (LS), Caseload Statistics Coordinator.

CSP: What prompted Pennsylvania's initial interest in creating a statewide civil cover sheet?

KN: For many years, Pennsylvania's civil court data was a concern to the administrative office. All we had was a count of new filings each year and the data were inadequate to assist the local courts with managing or tracking caseloads. The data were also insufficient for handling requests for information from the legislature, other branches of government, the media and other agencies. Following publication of the *State Court Guide to Statistical Reporting* by the

National Center, we realized the data were also far below the national standards. I think the trigger was when the economy started to decline in recent years. Civil filings began to trend upward and the impact of credit card collections, mortgage foreclosures, and other activities became important topics to the legislature and other advocacy agencies that needed information from the courts. We couldn't provide it because these case types were obscured in a single, generic civil category.

CSP: So why a civil case cover sheet?

KN: At the same time as interest in civil numbers increased the civil cover sheet idea was being promoted by the Conference of State Court Administrators, so the idea was on the radar of our leadership. Our state court administrator and our chief justice issued a request that our department begin to work on a plan for developing and implementing a form that would improve caseload statistical data.

CSP: How were the members of the committee charged with undertaking this project chosen?

LS: The 15-member committee was composed of the prothonotaries (the elected clerks of the civil division), who did most of the development work for the cover sheet, as well as District Court administrators, counsel to the state civil procedural rules committee, along with AOPC research staff, statistics staff, and the legal staff. The guiding principal for choosing members was to ensure representation from the range of the rural, suburban, and urban settings characteristic to Pennsylvania.

CSP: CSP: How long did it take to develop your statewide civil case cover sheet?

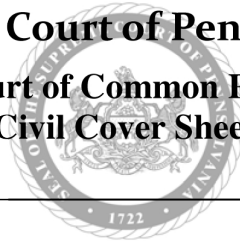
LS: LS: The process began in May 2007 with the collection of the local cover sheets from various counties and also from other states across the country. We had two initial meetings with the committee in 2008. Then we attended the prothonotaries' annual state conference that same year and conducted a focus group of large and small counties. We continued to draft and rewrite, and rewrite again. The new cover sheet went into effect May 26, 2010, so it took almost three years start to finish.

CSP: And did that time frame seem to be appropriate for the work that had to be done?

LS: LS: We wish it could have been shorter, but we needed to take our time with getting feedback and letting each of the stakeholder groups (the bar, the bench, the clerk's offices, the civil procedural rules committee) do what they needed to do with their constituents so that it was accepted. Being patient, and letting each group have its own process and agenda created the buy-in. With that done, the implementation was probably easier than it would have been otherwise.

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



_____ County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint Writ of Summons Petition
 Transfer from Another Jurisdiction Declaration of Taking

Lead Plaintiff's Name:

Lead Defendant's Name:

Are money damages requested? Yes No

Dollar Amount Requested: within arbitration limits
(check one) outside arbitration limits

Is this a *Class Action Suit*? Yes No

Is this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: _____

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other: _____

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other: _____

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional: _____

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

 Employment Dispute: Discrimination
 Employment Dispute: Other

 Other: _____

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other: _____

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

 Zoning Board
 Other: _____

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations Restraining Order
 Quo Warranto
 Replevin
 Other: _____

CSP: How many different cover sheets did you evaluate?

LS: We had at least a dozen that actually circulated among the committee and probably 20 more that we looked at. We started out with a very basic form and it quickly swelled with the accommodation of requests to incorporate the administrative purposes served by local cover sheets. These included ADA requirement notifications, a space for requesting an interpreter, differential case management indicators, and multiple fields filled with multiple parties. The committee had to reassert the purpose of the form as a data collection instrument first and foremost. The compromise was to draft into the procedural rule that local cover sheets could continue to be used as a companion to the statewide cover sheet. We still get requests from time to time to include a new item on the cover sheet, but we learned that lesson the hard way. It's important to keep the format manageable for parties, particularly pro se litigants, who need to complete the form.

CSP: Was there universal acceptance of the idea?

KN: The greatest concerns came from Pennsylvania's prothonotaries, who initially expressed wariness for a number of good reasons. Their offices are county funded, and each office varies in terms of its staffing level and technology resources. At first glance, a cover sheet appeared to simply add to the daily work of front office staff. Implementing it would require programming changes to their docketing systems, some of which are in-house and some of which are vendor provided requiring these offices to pay for changes. Some saw this as yet another unfunded mandate, and those are never popular change initiatives!

LS: In addition to the focus group of prothonotaries, we worked closely with individual offices to address their issues. For example, the prothonotaries shouldered the burden of enforcing this new mandate. To lessen that burden, the prothonotaries association requested that the cover sheet be mandated by civil procedural rules. This relieves them of discretionary decisions regarding rejecting filings for not having a cover sheet or having an incomplete cover sheet. In addition to mandating the cover sheet in civil procedural rules, we also provided them with uniform state-generated notices of rejection. Without our exchanges with the prothonotaries professional association, we wouldn't have anticipated implementation issues like these.

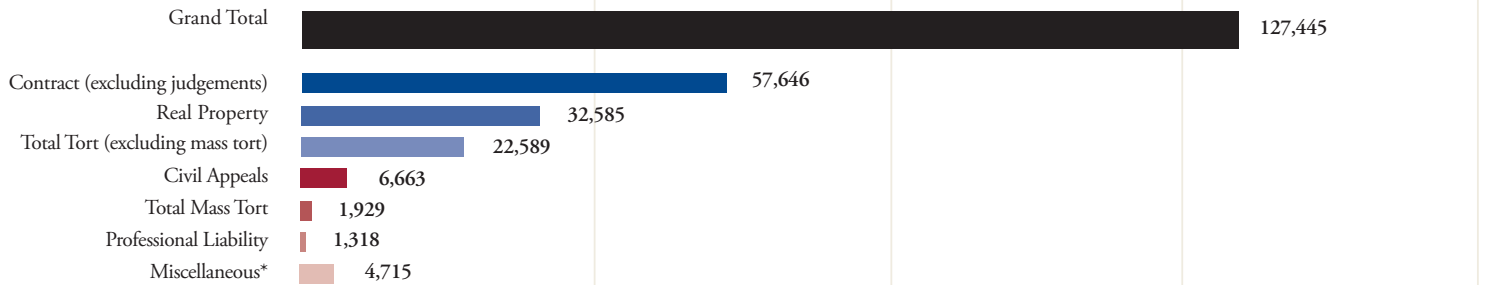
CSP: Were you able to convince the prothonotaries of any benefits to them for doing this?

LS: Essentially by differentiating the types of cases that are coming across their desk, we were able to suggest to them that the volume of work and the type of work they do could be more accurately reported to their funders. Obviously, a medical malpractice

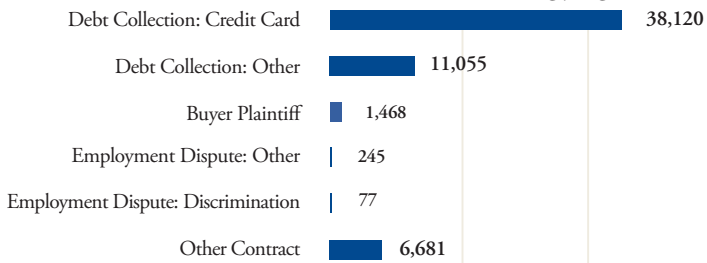
Civil Case Types Now Reported in Pennsylvania Court of Common Pleas

(Data reported via new civil cover sheet, June through December, 2010.)

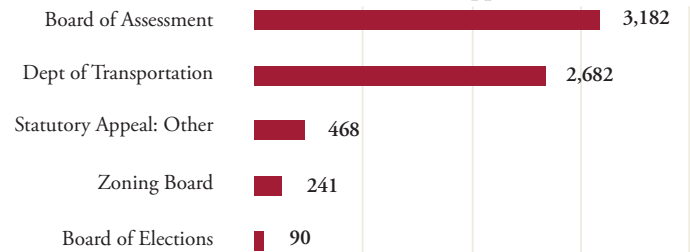
Civil Cover Sheets Total



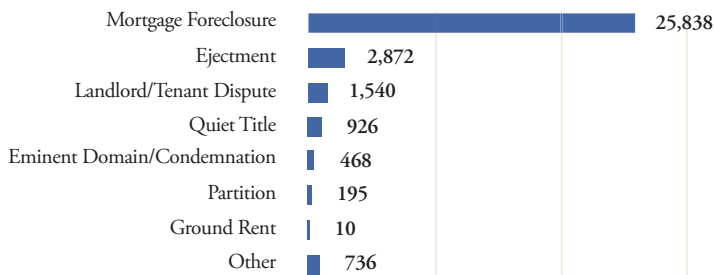
Contract (excluding judgements)



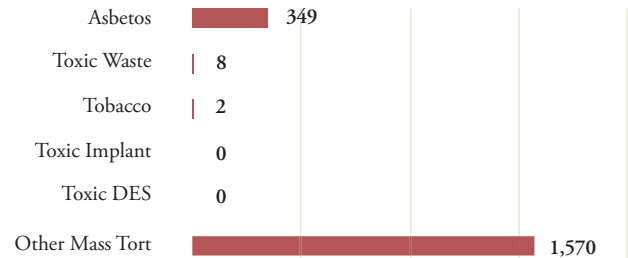
Civil Appeals



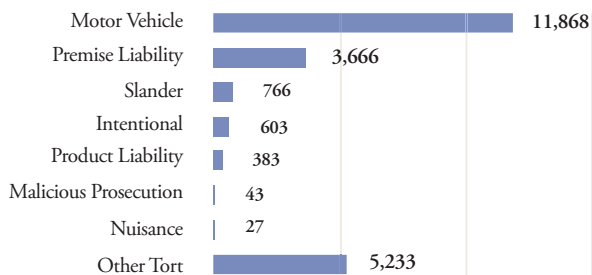
Real Property



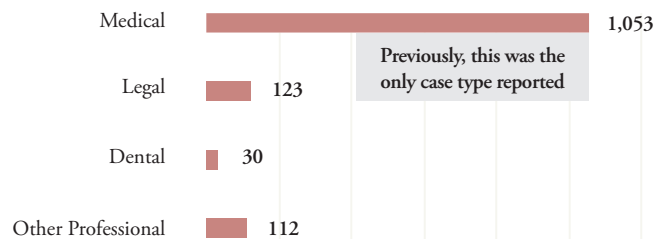
Total Mass Tort



Total Tort (excluding mass tort)



Professional Liability



Previously, this was the only case type reported

*Miscellaneous includes: Replevin, Declaratory Judgement, Common/Law Statutory Arbitration, Mandamus, Quo Warranto, Non-Domestic Relations Restraining Order, and Other.

action requires a lot more work from their office than other types of cases, like a credit card collection. They came to see that this capacity to document the volume of different types of cases is a benefit to their advocacy for resources in their offices.

CSP: How does the civil case cover sheet create better, more uniform data?

LS: After all of the work of the cover sheet committee, rule drafting, and careful case classification, all you have at the end is a piece of paper. The cover sheet does not magically transform into data by itself. Someone has to accurately fill out the form, someone else must enter the data, someone else must program the docketing system to receive the data and produce aggregated statistical reports. Working through these steps is vital to the success of even the most perfect cover sheet. Our alliance with the civil procedural rules committee was also critical, because the only way to insure uniform use of the form was to mandate its use by rules.

CSP: Do you permit any adjustment to the form at this point or is it considered final?

KN: Any adjustment that we consider has to be useful for data collection.

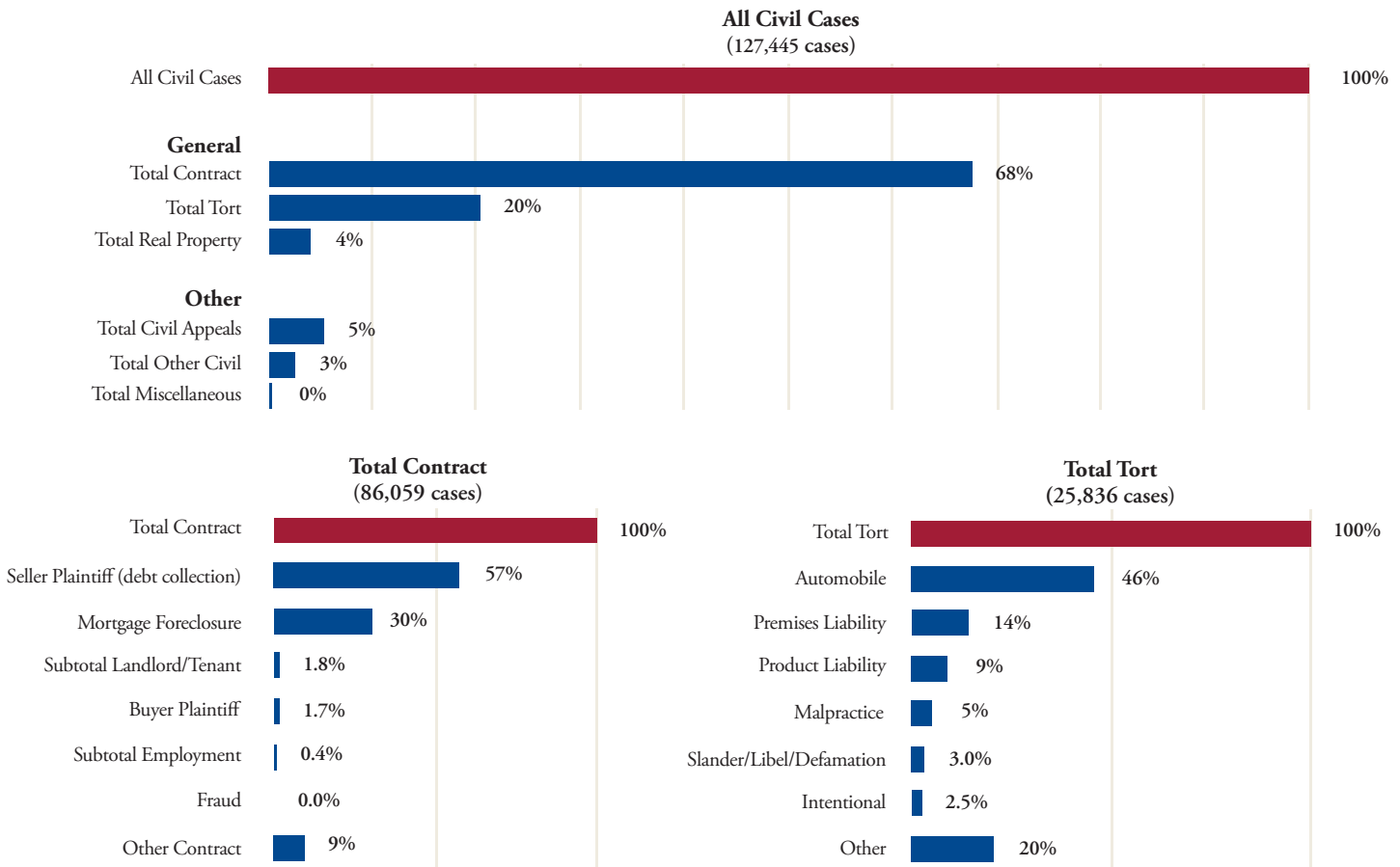
CSP: Looking back, what parts of the process proved the most difficult?

KN: I think communication was the stickiest area. Our target audiences were many and included the court administrators and their staff, the president judges, the bar, IT vendors and county IT staff, as well as the prothonotaries and their staff. So we had a lot of different streams of information coming to and from each of these constituencies. We made educational presentations, sent informational notices, created roll-out packages (including signage for use by local filing offices), and provided technical guidance to IT personnel for programming the systems and classifying cases. It was unwieldy for a few weeks; even though we had done our best to anticipate and prepare people, there were still many questions after implementation. I think we would have focused on that in that incubation period a little bit more if we were to do it again.

CSP: Did any part of the process prove to be easier than you expected?

LS: We did experience an unforeseen benefit on the overall data quality, which surprised us and I think pleased those who report statistics for their court. In the past, prothonotaries offices often called us asking how to classify certain case types, what to report and not report under the statistical definitions. Providing them with this very detailed reporting form has actually eliminated these decisions and a lot of confusion. The data has actually gotten cleaner via this more detailed instrument.

CSP Civil Data Using Casetypes from Pennsylvania's New Civil Cover Sheet



CSP: What benefits have been realized by the state, in terms of civil caseload data, since the adoption of the form?

LS: We provided court personnel with unpublished half-year numbers that reflect the data collected from the effective date of the cover sheet to year-end 2010. As they have their first chance to look at the data, review its quality and think about potential applications, we're convening a workgroup similar to the committee we used to develop the form. We want this practitioner workgroup to look at these data and recommend dissemination strategies that will promote good civil court management practices. We would like to know how users want these data to be packaged to inform resource allocation, to serve as informational tools, to support grants to local agencies, to become part of quarterly and annual reports. The improved data open up a whole different realm of possibilities—for the first time we will have a baseline for the civil caseload and many, many information points about the different case types we've never had before. We're in a great place with the data and excited about the many things we can learn from it.



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This project was supported by Grant No. 2011-BJ-CX-K062 awarded by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



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Court Statistics Project

Since 1975, the Court Statistics Project (CSP) has provided a comprehensive analysis of the work of state courts by gathering caseload data and creating meaningful comparisons for identifying trends, comparing caseloads, and highlighting policy issues. The CSP is supported by the Bureau of Justice Statistics and obtains policy direction from the Conference of State Court Administrators. A complete annual analysis of the work of the state trial and appellate courts will be found in *Examining the Work: An Analysis of 2009 State Court Caseloads*.

Visit the newly redesigned CSP Website

