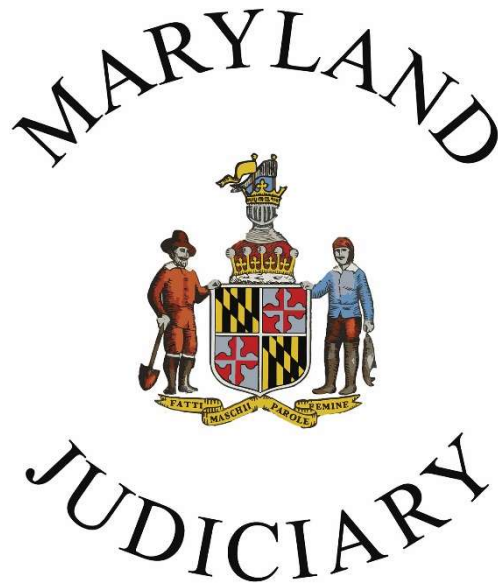


Analysis of Case Processing Performance in the Appellate Court of Maryland

Fiscal Year 2024



Administrative Office of the Courts

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Introduction

The Appellate Court of Maryland first adopted case time standards in Fiscal Year 2014. The standards reflect the processing time during which the Court has significant control over the progress of cases toward disposition. Case time standards are central to the Maryland Judiciary's mission to provide fair, efficient, and effective justice for all.

Applicable laws and Maryland Rules govern decisions or opinions for cases involving child access: guardianship, a child in need of assistance (CINA), and termination of parental rights (TPR), as well as State appeals from the pretrial suppression of evidence and elective-expedited appeals.

The Court's time standards include case time suspensions. These suspensions stay case aging for reasons such as bankruptcy, mediation, or the pendency of related cases or issues in the Supreme Court of Maryland,¹ or a different court.

[See Appendix](#) for the complete table of case time standards for the Appellate Court of Maryland.

This report contains performance results towards the Court's case time standards during Fiscal Year 2024 (July 1, 2023, through June 30, 2024).

Methodology

The present analyses of case processing performance in the Appellate Court of Maryland focus on appeals disposed by the Court in Fiscal Year 2024 (July 1, 2023, through June 30, 2024). Case time ends, for present purposes, at the original appellate disposition date.²

Data in the present analyses are extracted from the Maryland Electronic Courts (MDEC) case management system through custom reports.³ A final data quality review involved comparing data retrieved from MDEC to data from the Clerk of the Appellate Court of Maryland.

This report provides performance results by case type and separately for cases involving reported and unreported opinions. Appellate courts typically issue reported opinions in cases that either establish new law, clarify or qualify existing law, restate a principle of law not discussed recently, or are of important public interest. In the Appellate Court of Maryland, the panel of judges that hears a case can recommend to the entire Court to publish an opinion. The full Court then votes on whether to report the opinion.

¹ At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022, during the reporting period.

² Some appeals may contain reconsidered opinions or dates of disposition. This may occur if, for example, the Supreme Court grants a writ of certiorari and vacates the original disposition. In such instances, the present analyses end the case times at the original disposition date.

Overall Performance Results

Case processing performance results for Fiscal Year 2024 show that the Appellate Court of Maryland generally processes cases faster than the 9-month (270 day) standard developed by the Judiciary for civil and criminal appeals but did not achieve 100% within 1 year for Fiscal Year 2024. Results in this report do not currently factor suspensions into consideration.

Civil & Criminal Cases

The Appellate Court of Maryland surpassed the 90% goal by disposing of 93.1% of its combined criminal and civil appeals cases in Fiscal Year 2024 within 9 months (270 days). The Court disposed of 97.8% of appeals within 1 year. See [Table 1](#).

The data suggest that the Court processes cases involving unreported opinions slightly faster than those with reported opinions. In Fiscal Year 2024, 93.9% of appeals with unreported opinions and 85.4% with reported opinions were disposed within 9 months. The Court processed larger shares of its criminal cases within 9 months (94.4%) and 1 year (more than 98%) than its civil cases (92% and 97.7%), respectively.

Appellate Court of Maryland					
Table 1. Criminal & Civil Appeals Disposed within Time Standard Goals, Fiscal Year 2024					
Judiciary Goals: Argument or Submission on Brief to Disposition					
90% within 9 Months (270 Days)					
100% within 1 year (365 Days)					
All Appeals					
Appeal Type	Total Disposed	Disposed within 9 months		Disposed within 1 year	
		<i>N</i>	%	<i>N</i>	%
Criminal	448	423	94.4%	439	98.0%
Civil	515	474	92.0%	503	97.7%
Combined Criminal & Civil	963	897	93.1%	942	97.8%
Appeals with Reported Opinions					
Appeal Type	Total Disposed	Disposed within 9 months		Disposed within 1 year	
		<i>N</i>	%	<i>N</i>	%
Criminal	33	29	87.9%	33	100.0%
Civil	56	47	83.9%	56	100.0%
Combined Criminal & Civil	89	76	85.4%	89	100.0%
Appeals with Unreported Opinions					
Appeal Type	Total Disposed	Disposed within 9 months		Disposed within 1 year	
		<i>N</i>	%	<i>N</i>	%
Criminal	415	394	94.9%	406	97.8%
Civil	459	427	93.0%	447	97.4%
Combined Criminal & Civil	874	821	93.9%	853	97.6%
Notes:					
Criminal appeals do not include State appeals from the pretrial suppression of evidence ($n=2$). Performance results for this appeal are in Table 3.					
Civil appeals include regular civil appeals, juvenile delinquency appeals, and child access and guardianship appeals. Child access and guardianship appeals are subject to additional time standards, as shown in Table 3, as well as the general civil appeals time standard.					
The Appellate Court of Maryland will occasionally report an earlier unreported opinion. To avoid double counting such appeals, these analyses count them once, as unreported appeals, based on the original disposition date.					

The overall average time from argument or submission on brief to disposition for appeals disposed in Fiscal Year 2024 was 77.8 days for criminal and 91.2 days for civil appeals (excluding juvenile delinquency). Juvenile delinquency cases (a civil case subtype) showed an average case time in Fiscal Year 2024 of 53.2 days. Overall median times from argument or submission to disposition among the Court’s appeals disposed in Fiscal Year 2024 were lowest for juvenile delinquency appeals (43 days), followed by criminal (49 days), and civil appeals (51 days). See [Table 2](#).

Appellate Court of Maryland				
Table 2. Overall Average & Median Case Processing Times, Fiscal Year 2024				
Appeals Type	Time Standard	Total Cases (N)	Fiscal Year 2024 Overall Average & Median Case Times (in days)	
			Overall Average	Overall Median
Criminal	# Days Argument or Submission on Brief to Disposition	448	77.8	49
Civil (less Juvenile Delinquency)		462	91.2	51
Juvenile Delinquency		53	53.2	43
Overall (Combined)		963	82.9	49
Notes:				
Criminal appeals do not include State appeals from the pretrial suppression of evidence (n=1). Performance results for this appeal are in Table 3.				
Juvenile Delinquency appeals are contained within the “Civil” appeal type in terms of the Appellate Court of Maryland’s official Time Standards, but are analyzed separately in Table 2 to show comparative average and median case times only.				
Appeals disposed the same day as argument or submission on brief, or earlier, are counted as one day. Prior to Fiscal Year 2023 such appeals were excluded from analysis.				

Special Cases

The Appellate Court’s case time standards contain specialized timeliness provisions for certain appeal types pursuant to applicable statutes or Maryland Rules governing those appeals. [Table 3](#) shows Fiscal Year 2024 performance results among these “special cases.”

Child access cases constitute the majority of the special cases, with 121 appeals disposed in Fiscal Year 2024. The Court’s child access cases have two case time standards, each with its performance goal: 1) argument or submission on brief within 120 days of filing the record in 98% of child access cases and 2) disposition within 60 days of argument or submission on brief in 100% of child access cases. As [Table 3](#) shows, the Court’s performance improved slightly for Standard 1, from 59% in Fiscal Year 2023 to 62.8% of the cases ($n=70$) within standard in Fiscal Year 2024, nearly matching the 63% within standard in Fiscal Year 2022 and remaining well above the 36.8% within standard in Fiscal Year 2021, 31.6% in 2020, and 13% in 2019. As in previous years, the Court processed cases substantially faster as to Standard 2, achieving the time standard in 94.2% of the cases, a small decrease from the 98% in Fiscal Year 2023.

Child Access Standard 1 measures time from filing the record to argument or brief submission. During this timeframe, the Court relies on actions that one or both parties must perform. The

Court may need to permit rescheduling the argument to accommodate parties' late filing of briefs, transfer of records, or change of counsel in these cases, as permitted by Rule.

The Court met the goal of disposing of 100% of State appeals from pretrial suppression of evidence within 120 days of filing of the record in Fiscal Year 2022 ($n=2$). There was one elective expedited appeal in Fiscal Year 2024, which met relevant time standards.

Appellate Court of Maryland							
Table 3. Performance of Appeals Subject to Special Time Standard Goals, Fiscal Year 2024							
Case Type	Case Time		Time Standard Goal		Total Dispositions	Within Standard	
	Start	Stop	Days	%		N	%
Child Access / Guardianship / CINA / TPR, Standard 1 ^a	Filing of Record	Argument Held	120 Days	98%	121	76	62.8%
Child Access / Guardianship / CINA / TPR, Standard 2 ^a	Argument or Submission on Brief	Disposition	60 Days	100%		119	98.3%
State Appeals from the Pretrial Suppression of Evidence ^b	Filing of Record	Disposition	120 Days	100%	2	2	100.0%
Elective Expedited Appeals, Standard 1 ^c	Later of: Filing of Appellee’s brief or commencement of the next session of Court	Argument Held	45 Days	98%	1	1	100.0%
Elective Expedited Appeals, Standard 2 ^c	Argument of Submission on Brief	Decision	20 Days	98%		1	100.0%
Notes: ^a Maryland Rule 8-207(a)(5). ^b Courts and Judicial Proceedings § 12-302(c)(3). ^c Maryland Rule 8-207(b).							

Analysis of Over-Standard Cases

Examination of cases considered over standard by the Court shows that a substantial number of cases missed the time standards by only a short period. In Fiscal Year 2024, the Court disposed of 24% of criminal and 19.5% of civil appeals requiring more than 270 days within 1 week of that standard, with 44% of criminal appeals and 43.9% of civil appeals within 1 month of that standard. Of the nine criminal appeals not disposed within the second (one year) time standard, the court disposed of two within one week and two within one month of the standard. The Court disposed of smaller shares of the civil appeals over Standard 2 within one week (0%) and one month (8.3%) of the standard.

Similarly, the Court processed some over-standard child access cases shortly after the standard goal passed. Of the child access cases over-standard for Standard 1 (filing to argument or submission), 4.4% were disposed of within one week of the time standard, and 20% of child access cases missed Standard 1 by one month or less. The Court disposed of six of the seven child access cases that were not within Standard 2 within one week of the standard.

Additionally, some cases not processed within the applicable time standard had suspension events, but the *number of days* calculation in these analyses do not deduct suspended time.

Appellate Court of Maryland Table 4. Analysis of Over-Standard Appeals, Fiscal Year 2024							
Case Type	Time Standard	Over-Standard Cases		Number and Percentages of Cases Over-Standard Disposed			
				Within 1 week		Within 1 month	
		<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Criminal	270 Days (90%)	25	5.6%	6	24.0%	11	44.0%
	365 Days (100%)	9	2.0%	2	22.2%	2	22.2%
Civil (includes Delinquency)	270 Days (90%)	41	8.0%	8	19.5%	18	43.9%
	365 Days (100%)	12	2.3%	0	0.0%	1	8.3%
Child Access, Standard 1	120 Days (Filing of Record to Argument Held or Submission on Brief)	45	37.2%	2	4.4%	9	20.0%
Child Access, Standard 2	60 Days (Argument or Submission on Brief to Disposition)	2	1.7%	1	50.0%	1	50.0%
State Appeal	120 Days (Filing of Record to Disposition)	0	0.0%	-	-	-	-

Appendix: Appellate Court of Maryland Case Time Standards

Case Type	Time Standard	Case Time Start	Case Time Suspension		Case Time Stop	Comments
			Stay Begins (Suspend Begins)	Stay Ends (Suspend Ends)		
Civil	9 Months (90% Completed within standard) 1 Year (100% Completed within standard)	Argument or Submission on Brief	<ul style="list-style-type: none"> • Parties request a Stay • Suggestion of Bankruptcy • Request for or referral to mediation and stay • Consolidation with a related case. • Notice of Pending case in the Supreme Court with the same or related issue • Corrections to the record identified in argument 	<ul style="list-style-type: none"> • Stay is lifted by parties' request or court order • Date of order lifting stay following information that the automatic stay has been lifted (relief from stay, dismissal or discharge) • Order lifting stay following unsuccessful or partially successful mediation • Argument or submission of the latter of the two cases • Order lifting stay following notice of disposition of case in Supreme Court • Granting of a motion to correct the record 	Disposition: <ul style="list-style-type: none"> • Opinion filed • Dismissal order filed • Voluntary dismissal by appellant • Mediation agreement and remand • Transferred to Supreme Court 	
Criminal	9 Months (90% Completed within standard) 1 Year (100% Completed within standard)	Argument or Submission on Brief	<ul style="list-style-type: none"> • Parties request a Stay • Consolidation with a related case • Notice of Pending case in the Supreme Court with the same or related issue • Corrections to the record identified in argument 	<ul style="list-style-type: none"> • Stay is lifted by parties' request or court order • Argument or submission of the latter of the two cases • Order lifting stay following notice of disposition of case in Supreme Court • Granting of a motion to correct the record 	Disposition: <ul style="list-style-type: none"> • Opinion filed • Dismissal order filed • Voluntary dismissal by appellant. • Transferred to Supreme Court 	

Special Cases

Case Type	Time Standard	Case Time Start	Case Time Suspension		Case Time Stop	Comments
			Stay Begins (Suspend Begins)	Stay Ends (Suspend Ends)		
<ul style="list-style-type: none"> Child Access/Guardianship CINA/TPR Standard 1 	<ul style="list-style-type: none"> 120 Days (98% Completed within standard) 	Filing of Record	CSA order to stay CINA appeal if circuit court in underlying CINA case proceeds with TPR	Order lifting stay	Argument held	Md. Rule 8-207(a)(5)
<ul style="list-style-type: none"> Child Access/Guardianship CINA/TPR Standard 2 	<ul style="list-style-type: none"> 60 Days (100% Completed within standard) 	<ul style="list-style-type: none"> Argument or Submission on Brief 	None	None	<ul style="list-style-type: none"> Disposition: Opinion filed Dismissal order filed Voluntary dismissal filed 	Md. Rule 8-207(a)(5)
State Appeals from the pretrial suppression of evidence	<ul style="list-style-type: none"> 120 Days (100% Completed within standard) 	<ul style="list-style-type: none"> Filing of Record 	None	None	<ul style="list-style-type: none"> Disposition: Opinion filed Dismissal order filed Voluntary dismissal by State 	CJ § 12-302(c)(3)
Elective Expedited Appeals Standard 1	<ul style="list-style-type: none"> 45 Days (98% Completed within standard) 	<ul style="list-style-type: none"> Later of filing of Appellee's brief or commencement of the next session of Court 	None	None	<ul style="list-style-type: none"> Argument held 	Md. Rule 8-207(b)
Elective ^a Expedited Appeals Standard 2	<ul style="list-style-type: none"> 20 days (or 30 days if submitted on brief) (98% Completed within standard) 	<ul style="list-style-type: none"> Argument or Submission on Brief 	<ul style="list-style-type: none"> Identification of extraordinary circumstances Panel of Court recommends reporting the opinion 	<ul style="list-style-type: none"> Conclusion of extraordinary circumstances Conclusion of the next scheduled conference 	<ul style="list-style-type: none"> Decision: Opinion filed Dismissal order filed Voluntary dismissal by appellant 	Md. Rule 8-207(b)

^a Must be a joint election executed by all parties. Md. Rule 8-207(b).