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CASES WITH A BUSINESS COURT FILING TYPE OR BUSINESS CASE TYPE FILED CY 2020 – 2024 YTD JEFFERSON COUNTY CIRCUIT COURT

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Statistics Request Overall Description

On May 29, 2024, Research and Statistics received a request from a member of the public for an aggregate report of Business Court cases from the Jefferson County pilot program. It was also requested that information about the length of time from filing to disposition for these cases be provided.

The CourtNet database, which provides a summary of cases statewide, was queried for cases with a Filing Type Code of *BC*; or case type of *Business Tort*, *Statutory Action*, *Business Contract Dispute*, or *Business Court Other* filed in Jefferson County Circuit Court from 1/1/2020 through 8/7/2024. This query provides an estimate of Business Court cases, but there is no definitive way to identify a Business Court case using CourtNet data alone.

Business Court Data

The KYCourts Case Management system, used to record data related to court records, has several data elements related to the Jefferson County Business Court pilot divisions. However, preliminary analysis by the division of Research & Statistics suggests that none of these elements is comprehensibly reliable, and a complete report of the activity of the Business Court divisions may not be available. The available data elements and their limitations are discussed below.

Filing Type Code: The Filing Type Code is an optional configuration used to indicate a particular filing configuration for a case. For example, a Filing Type Code may indicate that a case goes to the Circuit Family Court or that a District Criminal case includes only pre-payable charges. The Filing Type Code *BC* is used for the majority of cases heard on the pilot Business Court Dockets, but not all of them. It is the most accurate indicator of a case belonging to the pilot docket and is the main data element used to identify Business Court cases in this report.

Case Type: The implementation of the Civil Case Cover Sheet on 1/1/2021 included four Case Types associated with Business Court – *Business Court Tort*, *Statutory Action*, *Business Court Contract Dispute*, and *Business Court Other*. The intent of this implementation was for the options to be

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Business Court Data

available for selection when filing civil cases statewide so that the potential need for other Business Court docket implementation in the rest of the commonwealth could be assessed. However, the majority of instances in which these codes are selected, they are selected incorrectly. Since the complex commercial litigation intended for a Business Court docket is rare, the rate of false positives such as the selection of *Business Court Contract Dispute* for a case in which a business party is seeking debt collection from an individual outnumber the legitimate selections for complex commercial litigation by a wide margin. In Jefferson County Circuit Court, there appears to be a false positive rate of 10-20%, though these Case Types remain the best way to identify cases that are potentially part of the Business Court pilot docket missing the *BC Filing Type Code*. Since neither the Filing Type Code nor the Case Types are perfectly reliable, there may be other cases heard by the Business Court pilot docket not included in this report. Approximately 30% of cases using the *BC Filing Type Code* use a Case Type other than those specific to Business Court on the Civil Case Cover Sheet.

Judge Involvement: Since the Business Court docket is limited to specific known General Circuit divisions, it is possible to use the judge assignment to help determine whether a case is likely to be part of the Business Court pilot docket. However, since these judges hear other cases as well, this is not a sufficient identifier on its own.

Document Codes: There are document codes associated with some of the Legal Forms related to Business Court, such as AOC-BCD-1¹ AOC-BCD-4². However, these documents are present in only a minority of cases using the *BC Filing Type Code*, and as such are not considered a reliable identifier for Business Court cases.

Statistical Report 24_RS6044

The report consists of two (2) pages of data aggregations that display information pertaining to cases with a business court Filing Type Code or a Business Court Case Type filed in Jefferson County Circuit Court from CY 2020 to present.

Page 1: Provides four cross-tabulations containing counts of specified cases with a Filing Type Code of *BC*. The top table provides these counts by case type and case filing year. The second table from top-to-bottom is limited to disposed cases and provides counts by case filing year and time from the case's Case Filing Date to Case Disposition Date in days. The third table is limited to pending cases (cases without a Case Disposition Date) and provides counts by the year of Case Filing Date and time from the case's Case Filing Date to the date the report was run in days. The fourth table is grouped by case filing year and whether the Judge Code indicating the case's most recent assignment is associated with a General Circuit division that heard Business Court docket cases as of the case's Disposition Date or as of the date the report was run if the case was pending.

¹ AOC-BCD-1: <https://www.kycourts.gov/Legal-Forms/Legal%20Forms/BCD-1.pdf> retrieved 8/6/2024

² AOC-BCD-4: <https://www.kycourts.gov/Legal-Forms/Legal%20Forms/BCD-4.pdf> retrieved 8/6/2024

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Page 2: Provides three cross-tabulations containing counts of specified cases with a case type of *Business Tort*, *Business Contract Dispute*, *Statutory Action*, or *Business Court Other*. The top table provides these counts by case type, filing type, and whether the assigned judge is/was in a division associated with the Business Court docket. The middle table is limited to disposed cases and provides counts by the year of Case Filing Date, Case Type, and time from Case Filing Date to Case Disposition Date in days. The bottom table is limited to pending cases and provides counts by year of Case Filing Date, Case Type, and time from Case Filing Date to the date the report was run in days.

Statistical Analysis Considerations:

- Statistics represent a snapshot in time, as of the date the data was queried: 8/7/2024.
- Business Case Types were not implemented in CourtNet until Jan 1, 2021. As such, there were no cases with a business case type filed in the first year of the Business Court pilot program. The case type 'Contract' was deprecated at the same time.

Data Variables Requested

Database	Data Variable	Description
CourtNet	Filing Type	Indicates the use of a Filing Type Code in KYCourts. Page 1 of this report is limited to cases with a BC Filing Type Code.
	Case Type	Indicates the type of a case. Page 2 of this report is limited to cases with a case type of <i>Business Tort</i> , <i>Statutory Action</i> , <i>Business Contract Dispute</i> , or <i>Business Court Other</i> .
	Jurisdiction	The jurisdiction in which each case was filed. This report is limited to cases filed in General Circuit Court.
	County	The county in which each case was filed. This report is limited to cases filed in Jefferson County.
	Case Filing Date	The date each case was filed. Case Filing Date is reported by Calendar Year. This report is limited to cases with a filing date from calendar year 2020 through the date the report was run.
	Case Disposition Date	The date each case was disposed. Case Disposition Date is reported by Calendar Year.
	Time from Disposition to Filing	The number of days from a case's Case Filing Date to its Disposition Date, if it has one.
	Time Pending	The number of days from a case's Case Filing Date to the date the report was run. This calculation is used for pending cases – cases without a Case Disposition Date.
	Assigned Judge	The judge indicated by the case's Current Judge Code in KYCourts if one is listed. If not, the Disposition Judge Code is the assigned judge. If a case has neither a Current Judge Code nor a Disposition Judge Code listed, the Filing Judge Code is the assigned judge.
	Business Court Division Judge	Indicates whether the assigned judge was in a General Circuit division associated with the Business Court pilot docket as of a

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Data Variables Requested

	Flag	<p>case’s Disposition Date if the case has a Disposition Date, or if the case is pending, it indicates whether the assigned judge is in a General Circuit division currently associated with the Business Court pilot docket. This includes the following judges:</p> <ul style="list-style-type: none"> • For cases disposed between 1/1/2020 and 12/31/2022 <ul style="list-style-type: none"> ○ Hon. Angela McCormick Bisig (General Circuit Division 10) ○ Hon. Charles L. Cunningham (General Circuit Division 4) • For pending cases and cases disposed between 1/1/2023 and 8/7/2024 <ul style="list-style-type: none"> ○ Hon. Eric J. Haner (General Circuit Division 1) ○ Hon. Mitch Perry (General Circuit Division 3).
	Cases	A count of the distinct cases including any of the specified charges.

Disclaimer Associated with KCOJ/AOC Database(s) and Element(s)

RESEARCH AND STATISTICS DISCLAIMER

Information received from KYCourts/CourtNet is subject to change(s), reprogramming, modification(s) of format and availability at the direction of the Administrative Office of the Courts (AOC) and may not at any particular moment reflect the true status of court cases due to ordinary limitation(s), delay(s) or error(s) in the system’s operation. The KYCourts/CourtNet database is not a real-time system. All datasets are a snapshot of case data at the time a query is run. Case counts are not counts of individuals as some persons may have multiple cases.

The AOC disclaims any warranties as to the validity of the information obtained from KYCourts/CourtNet. The recipient is solely responsible for verifying information received from KYCourts/CourtNet through the cross-referencing of official court records. The AOC shall not be liable to the recipient, or to any third party using the system or information obtained therefrom, for any damages whatsoever arising out of the use of KYCourts/CourtNet.

RESEARCH AND STATISTICS UOR CODE DISCLAIMER

The Kentucky State Police (KSP) assigns the Kentucky Uniform Crime Reporting Codes (UOR Codes) to criminal offenses in the Commonwealth of Kentucky. The KSP official list of UOR Codes by KRS number and descriptor can be obtained at the KSP's website at www.kentuckystatepolice.org.

The AOC assigns and maintains codes that are used within the Court of Justice Case Management System for statistical and reporting purposes. These codes are used to identify local and city ordinances, as well as codes for general administrative purposes. The AOC official list of UOR Codes with KRS number and descriptor can be obtained at the Court of Justice Website at <https://www.kycourts.gov/AOC/Information-and-Technology/Analytics>. The AOC UOR Code Listing is for informational purposes only and the information is subject to change, reprogramming, modifications of format, and availability at the direction of the Administrative Office of the Courts (AOC).

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Disclaimer Associated with KCOJ/AOC Database(s) and Element(s)

A query for data based on specified charges will include each UOR code specified and possible supplemental codes. Supplemental codes (or “ASCF” codes) to any UOR code include: 1) attempt, 2) solicitation, 3) conspiracy, 4) facilitation, 5) complicity, and 6) enhancement. In total, UOR codes contain seven digits. The first six digits are specific to that charge. The seventh digit indicates if there is a supplemental code. A “0” as the seventh digit means that is the primary UOR code and it does not have a supplemental code. If there are supplemental codes, the “0” will change to a 1, 2, 3, 4, 5, or 6 (the numbering corresponds to the list above). An enhancement does not exist on all UOR codes. When a supplemental code does not appear within a dataset, charge(s) did not occur during this period. The presence of “*obs” within the description of a UOR code indicates an obsolete UOR code. However, the code is still present within the KYCourts/CourtNet database and may still be utilized. Not every UOR code included in the query will have charges associated with it in each calendar year examined. Some cases may contain multiple charges; therefore, charge counts may exceed case counts. The number of cases cannot be inferred as the number of individuals as multiple cases may have the same defendant.

The AOC disclaims and makes no warranty, express or implied, nor assumes any legal liability or responsibility, for the validity, accuracy, correctness, or completeness of any information that is available and/or obtained through this listing. The recipient is solely responsible for verifying the accuracy of the information received from the official owner of the UOR Codes, the KSP. Furthermore, the AOC shall not be liable to the recipient, the recipient's heirs and assigns, next of kin or to any third party, for any and all claims, demands, losses or damages arising from the usage of this list and/or information contained therein.



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Cases with Filing Type Business Court in Jefferson County
Cases Filed CY 2020 - YTD 2024

Case Type	2020	2021	2022	2023	2024	Grand Total
Business Tort		8	17	10	8	43
Statutory Action		2	7	10	4	23
Business Contract Dispute		37	55	52	50	194
Business Court Other			2			2
Intentional Tort				1		1
Tort - Other			1			1
Property Rights		2	1			3
Employment Dispute - Other				1	1	2
Seller Plaintiff Services (Debt Collection)				1	1	2
Buyer Plaintiff Services				1		1
Fraud				1		1
Contract	68	6				74
Contract - Other		2	2	5	2	11
Other	12	4				16
Grand Total	80	61	85	82	66	374

Disposed Cases by Time from Filing to Disposition in Days, Case Filing Year, and Case Type

Year of Case Filing Date	0-90	91-180	181-270	271-365	366-450	451-540	541-630	631-730	> 730	Grand Total
2020	14	10	11	4	9	11	4	3	9	75
2021	23	9	2	4	4	6	2		6	56
2022	15	13	9	8	5	7	6	5	1	69
2023	8	14	4	6	5	2				39
2024	8	5								13
Grand Total	68	51	26	22	23	26	12	8	16	252

Pending Cases by Time Pending in Days, Case Filing Year, and Case Type

Year of Case Filing Date	0-90	91-180	181-270	271-365	366-450	451-540	541-630	631-730	> 730	Grand Total
2020									5	5
2021									5	5
2022							4	7	5	16
2023			11	12	9	9	2			43
2024	26	22	5							53
Grand Total	26	22	16	12	9	9	6	7	15	122

Business Court Division Judge?	2020	2021	2022	2023	2024	Grand Total
No	4	7	4			15
Yes	76	54	81	82	66	359
Grand Total	80	61	85	82	66	374

Statistical Analysis Considerations

* Data provided from the CourtNet database.

* Business case types were not implemented in CourtNet until January 1st, 2021. As such, no cases with a business case type were filed in the first year of the Business Court pilot program. The case type Contract was deprecated at the same time.

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8/7/2024

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Cases with a Business Case Type in Jefferson County
Cases Filed CY 2020 - YTD 2024

Case Type	Business Court Division Judge?	Filing Type		Grand Total
		BC	None	
Business Contract Dispute	No	6	23	29
	Yes	188	6	194
Business Court Other	No		3	3
	Yes	2	5	7
Business Tort	No	2	6	8
	Yes	41		41
Statutory Action	No	1		1
	Yes	22	1	23
Grand Total		262	44	306

Disposed Cases by Time from Filing to Disposition in Days, Case Filing Year, and Case Type

Year of Case Filing Date	Case Type	0-90	91-180	181-270	271-365	366-450	451-540	541-630	631-730	> 730	Grand Total
2021	Business Contract Dispute	18	8	2	5	4	5	1		3	46
	Business Court Other		2					2	1		5
	Business Tort	3	2			1		1		4	11
	Statutory Action		1		1						2
2022	Business Contract Dispute	14	7	9	7	1	6	2	3	1	50
	Business Court Other	1			1			1	1		4
	Business Tort	2	4	2	1	2	1	3	2		17
	Statutory Action	1	1			2	2	1			7
2023	Business Contract Dispute	4	10	4	2	2	1				23
	Business Tort	2			1	2	1				6
	Statutory Action	2			2						4
2024	Business Contract Dispute	6	4								10
	Business Tort	2									2
Grand Total		55	39	17	20	14	18	10	6	8	187

Pending Cases by Time Pending in Days, Case Filing Year, and Case Type

Year of Case Filing Date	Case Type	0-90	91-180	181-270	271-365	366-450	451-540	541-630	631-730	> 730	Grand Total
2021	Business Contract Dispute									5	5
	Business Tort									1	1
2022	Business Contract Dispute							4	6	5	15
	Business Court Other							1			1
	Business Tort								1	1	2
2023	Business Contract Dispute			8	8	7	5	1			29
	Business Tort			1	1	1	1				4
	Statutory Action			2	3		1				6
2024	Business Contract Dispute	25	17	3							45
	Business Tort	2	3	1							6
	Statutory Action	5									5
Grand Total		32	20	15	12	8	7	6	7	12	119

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