

**From the Cerks' manual the definition of under advisement is as follows:**--if during the course of a hearing, a question is posed that requires the judge to do research and make a decision, the judge may request the attorney to provide legal basis for their arguments. Upon receipt of those legal arguments, the judge takes the case under advisement to review the matter and to render a decision.

## **Suggested Best Practice Rules for Cases Taken Under Advisement: (ISTARS)**

The Judge will identify that a case is to be taken under advisement. The date he/she will commit the case to the status of under advisement needs to be identified. As per, counsel has until xx/xx/xxxx date to submit additional documentation to the court. At that time the court will take this case under advisement.

OR

The judge might state that the case is fully submitted and the Court will take this case under advisement “today” and will provide a decision within 30 days (or less as estimated by the court).

The clerk will then enter into ISTARS the date that the case is to be considered taken under advisement. They would also use the ROA code ADVS and indicate in the text the date the case is officially under advisement.

1<sup>st</sup> example the deadline date for submission of documents

2<sup>nd</sup> example “today date”

Each week (or month) the Judge or designated clerk can print an ISTARS report which lists all cases under advisement for that judge.

This report can be used to make certain that the decisions have been or will be rendered timely.

At the time that the court has rendered a decision, the clerk will remove the date on the front of ISTARS which indicates that the case is still under advisement, or if this is forgotten after verification of the decision on file, after reviewing the Case file or ROA.

Civil Case (Child Protective Act)

Case: CV-2008-000001

Case is Reopened 10/23/2008

In The Matter Of Minnie Louise Howell A Child

Judge: Stephen L. Calhoun

Filing date: 01/02/2008 File location: Repository

Case subtype: Child Protective Act

Jurisdiction: Magistrate

Comment:

Previous case:

Appellate case number:

Appealed Appeal date: 00/00/0000

Physical file Remand date: 00/00/0000

Under advisement: 02/25/2009

Case Options

- 9 Case Time Limits
- Change Status
- 0 Consolidated Cases
- 1 Disposition
- 0 Exhibits
- 0 Family Law Orders

ROA Codes Maintenance

Code: **ADVS** Code: **ADVS** Exclude from internet:  Statewide code:

Criminal  
 Civil  
 Juvenile  
 Hearing result  
 Inactive  
 Result for Drug Court

Text: **Case Taken Under Advisement**

STEP 1: The judge identifies that the case is under advisement – and the date that will begin

STEP2: The clerk will enter that on the case front screen and will enter the **ADVS** ROA

STEP 3: The clerk will run and review the report regularly, notifying the judge of any upcoming deadlines which have not been satisfied.

STEP 4: When the decision has been rendered the clerk will “clear” the date off of the case front screen so that the case no longer will come up on the report.

STEP 5: If statistical reporting is needed on the number of cases taken under advisement for a given time frame the court can use the ROA report. (this makes the entry of the ROA critical)

STEP 5: If no statistical reporting is to be done on these cases I believe that it will still be beneficial for this information to be included on the ROA of the case for clear presentation in case of an appeal or other future hearings.