

Accountability and Court Performance

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Use of Curriculum Design

Taken together, the curriculum designs in this series provide an overarching plan for the education of court managers; this overarching plan constitutes a curriculum. Individually, each curriculum design and associated information provide faculty with resources and guidance for developing courses for court managers.

The designs are based on the NACM Core®. Each of the curriculum designs, organized by thirteen competencies, may be used either in its entirety or in segments to meet the needs of the individual circumstance or situation, the particular audience, and time constraints, among many other contextual factors.

Each curriculum design includes a series of learning objectives and educational content to support those learning objectives. Associated information for each curriculum design includes: (1) faculty resources, (2) participant activities, and (3) a bibliography. Each faculty resource and participant activity includes information explaining its use. Also included in each design is a section entitled “Special Notes to Faculty,” which provides important information to assist faculty in effectively preparing to design and deliver a course, and a section entitled “Target Audience,” which provides some guidance on which audiences are most appropriate for the curriculum design.

Participant Activities

Participant activities have been designed to measure whether the learning objectives have been achieved. Participant activities include many types of group and individual interaction. Information on participant activities includes how to use, direct, and manage each activity. Instructions may be modified for the audience and setting, but the highest goal is to integrate each activity into the learning process and the content of the course. Faculty should incorporate additional activities to ensure that

participants remain actively engaged throughout the course. Additional activities may include asking participants questions about the content, engaging them in sharing their experiences with the content, encouraging them to ask questions, and more.

Faculty Resources

Faculty Resources provide written information and/or graphics that support certain content and may also be used as handouts for associated topics in the **Educational Content**. Faculty Resources are a combination of resources referenced within the Educational Content and recreations of those images embedded in the Educational Content as sample images that could be used in PowerPoint® slides or as handouts. They may be used in any course, but their applicability and use need to be determined by faculty, based on the topics, length of the course, audience, and other factors. Faculty Resources often include examples of documentation and other data that are time-based. Faculty members are encouraged to update time-based material as well as use material that is specific to the presentation and/or audience. As with participant activities, faculty are encouraged to provide additional materials based on the needs of the participants.

Bibliography

While a bibliography may be viewed as optional by faculty, they are often important adult learning tools, foster reflection, and offer sources follow to up research and study.

Needs Assessment

A needs assessment gathers information about the participants’ proficiency on the topic of the session. Without a needs assessment, you may provide content participants cannot or will not use, or already know, or that fails to satisfy their expectations.

Assessing needs enables you to choose and deliver content with much greater accuracy. Conducting a needs assessment before your presentation may include a written survey or focus group discussion; and/or at the beginning of your presentation, you may conduct an informal question and answer exercise or a short pre-test.

Using surveys or focus groups in advance of a course is preferred as it provides you the opportunity to adapt and adjust your presentation to your audience in advance of the actual course. However, it is also advisable to use some time at the beginning of your presentation to seek information about your audience.

Whether you are able to conduct a needs assessment prior to the day of the session or not, the goal is to determine the essential knowledge, skills, and abilities the court managers who will be attending the session must have to perform their duties competently. Two key areas to explore are as follows:

- What level of knowledge, skills, and abilities do the participants currently have about the topic?
- What gaps in their knowledge would they like to close?

Questions enable the faculty member to make necessary adjustments to meet learning needs. If you find out that participants are much more knowledgeable about your topic than you had thought, you can adapt your presentation to a higher-level discussion. If you find that they are less knowledgeable, you can adapt your presentation to be more basic.

NACM Core[®] Reference

Competency: Accountability and Court Performance

This curriculum introduces participants to tools that assist court leaders to move from performance measurement to managing performance based on those measurements. The course focuses on achieving competency in analytical skills to organize, collect, and analyze data; management skills focused on applying the knowledge gained from the data with the goal to improve the performance of operations; and communication skills to convey information about performance.

Learning Objectives

The following learning objectives are designed for a comprehensive course on accountability and court performance.

As a result of this education, participants will be able to:

1. Identify individual learning needs and objectives related to accountability and court performance;
2. Assess the current court performance and management metrics used by the court and the culture around accountability and court performance;
3. Organize and present the performance measurement data in a format that maximizes the use of visuals;
4. Identify relevant performance measures for the court and select data to support those measures;
5. Identify, design, and apply performance measures that address the effectiveness of court programs and procedures;

6. Diagnose the results of performance measurement and apply findings to improve court performance;
7. Develop an effective communication strategy to the public and its public policy partners about the performance of the court in carrying out its constitutional duties; and
8. Identify educational needs based on an assessment of the local court's readiness to implement performance measures.

Target Audience

This curriculum design is suitable for court managers and lead staff at the federal, state, or trial court level with broad court and departmental responsibilities, as well as, judges from every jurisdiction and type of court. The best composition is a mix of court managers and judges with administrative experience who are seeking additional leadership responsibilities and who want to be more effective in linking performance measures and management.

Special Notes to Faculty

Accountability and Court Performance is a challenging competency as the public continues

to demand accountability for the work done by the courts to ensure that justice is achieved in an effective and efficient way. Faculty members delivering a course based on this curriculum design need to be aware of the current performance measures and court culture of the participants. If the course is comprised of several different courts, faculty members may use a pre-survey to gauge some of these issues.

It is also important to set expectations that the participants have a good working knowledge of their current performance measures. It may be helpful to request that participants collect and review their courts court performance metrics prior to the course and, perhaps, bring samples with them to the course. This will assist participants in being able to effectively complete the participant activities and to think constructively about how they can use the education to improve their courts' performance.

The examples used are those that were readily available online and on NCSC's webpage page for performance management. The link is: <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Performance-measurement.aspx>.

Educational Content

Section 1 – Overview

Learning Objectives

As a result of this section, participants will be able to:

1. Identify individual learning needs and objectives related to accountability and court performance; and
2. Assess the current court performance and management metrics used by the court and the culture around accountability and court performance.

1.1 Recognizing the Benefits of Measuring Court Performance

Activity One – *Discussion Questions and Defining Key Terms* is a two-part activity that opens the course with a discussion about the current court culture and encourages participants to define key terms.

Thinking that the court is performing at its best and knowing it are two different things. Court leaders are accountable to both the judiciary and the public for a well-run court, which means that managers must be able to measure and manage performance. Skillful collection and analysis of performance information ensures that court managers no longer just think that the court is performing well but are able to demonstrate it.

Performance measurement has been used in the private sector for decades as for-profit organizations collect data to identify potential improvements to their business models. Today, many levels of government have made a commitment to using performance measures as a management tool. The need for performance measures goes beyond legal and regulatory requirements. Any court that has applied for federal grant revenue since 1993 is aware of the Government Performance and Results Acts (GPRA),¹ which established strategic planning, performance planning, and performance reporting as ways for federal agencies to communicate progress in achieving their missions.

To provide services effectively and efficiently, court leaders need the right information to make decisions. What performance measures are needed, when are they needed, by whom – inside and outside the courts – and how court managers can be held accountable for their use, are all questions that are now being addressed.

Performance measures enable court leadership to:

- Identify inefficiencies in the court system;
- Provide objective support for policy decisions;
- Make court operations more transparent; and
- Promote efficacy and attract funding.²

¹Accessible at: <https://www.whitehouse.gov/omb/mgmt-gpra/index-gpra>.

²Walter, K., & Israel, B. (2012) *Policy Brief: Use of Data in Criminal Court Performance Measurement*. Chicago, IL: Chicago Appleseed Fund for Justice. Retrieved from <http://www.chicagoappleseed.org/wp-content/uploads/2012/12/Data-in-Criminal-Courts-FINAL.pdf>.

The benefits of court performance extend beyond accountability, as they include improved prediction, better understanding and control, increased influence, a sharpened focus on what is important, and discovery of better practices. With the public's growing demand for data, courts are recognizing reasons to measure performance, as indicated by Ingo Keilitz who identified the top ten reasons for court performance.³ See **Faculty Resource – Top 10 Reasons for Performance Management**

- A. **What Gets Measured Gets Attention**
The attention, interest, and enthusiasm of court leaders and managers are the most valuable resources that a court possesses. Measurement has a directive function by focusing that attention, interest, and enthusiasm on mission-relevant and goal-relevant activities. The connection between goals and performance has been demonstrated empirically.⁴
- B. **What Gets Measured Is Understood and Learned**
Use of performance measures that are easily understood demystify the courts for citizens and allow them to know how well programs and services are performing.
- C. **What Gets Counted Counts**
This old maxim focuses our attention on what really counts, what matters, and what is really important. Measurement clarifies and focuses long-term goals and strategic objectives.
- D. **The Past Predicts the Future**
Performance data help identify important trends. Performance measures allow courts to determine effective inputs (i.e., resources the courts use to produce services) and their relationship to outputs and outcomes.
- E. **You Can't Manage What You Can't Measure**
Performance measurement enhances management decision-making. It allows control of the inputs, outputs, and outcomes of performance. Data generated by performance measurement can be used to determine program efficiency and effectiveness and to make decisions about what services to continue, start, and stop.
- F. **Performance Measurements Foster Creativity**
Although it may seem counterintuitive, standards and measures fuel creativity. This can be accomplished by standardizing the *ends* rather than by dictating the *means* to achieve them.⁵
- G. **Performance Data and Measures Increase Accountability**
The application of court performance standards and measures is a way to assess what the public gets for its money and to affirm claims of the benefit and values of a service or a program. Relationships between employees and managers, and court leaders and the public, become much clearer when outputs and outcomes are measured against commonly accepted standards of performance.

³ Kelitz, I. (2005). [Top 10 Reasons for Performance Measurement](http://made2measure.blogspot.com/2005/09/top-10-reasons-for-performance.htm). Made2Measure Blog, Court Metrics. Retrieved from <http://made2measure.blogspot.com/2005/09/top-10-reasons-for-performance.htm>.

⁴ Locke, E. & Latham, G. (2002). Building a Practically Useful Theory of Goal Setting and Task Motivation. *American Psychologist*, 2002 Vol. 57(9) Sep 2002, 705-717. Retrieved from <http://psycnet.apa.org/index.cfm?fa=buy.optionToBuy&id=2002-15790-003>.

⁵ Buckingham, M., & Coffman, C. (1999). *First break all the rules: What the world's greatest managers do differently*. New York, NY: Simon & Schuster.

- H. **If You Can Demonstrate Results, You Can Win Public Support**
Clear performance data, measures, and indices constitute powerful information. They speak a common language that influences the court's stakeholders and the public.
- I. **Performance Measurement Suggests Better Practices**
Successful managers and leaders determine the results they desire, and then formulate strategies to achieve those results. Clear and actionable performance measures help clarify and focus goals and objectives and aid in the formulation of practices that achieve them.
- J. **Performance Measurement IS Strategy**
Behavioral psychologists know that data collection and measurement, by themselves, can change simple behaviors in complex ways. In our personal lives, we take this as common sense. Keeping track of the money we've spent, counting calories, and checking the speedometer on our car's dashboard will change our behaviors without other interventions. Organizational performance measurement can operate in a similar fashion as a powerful strategy for change.

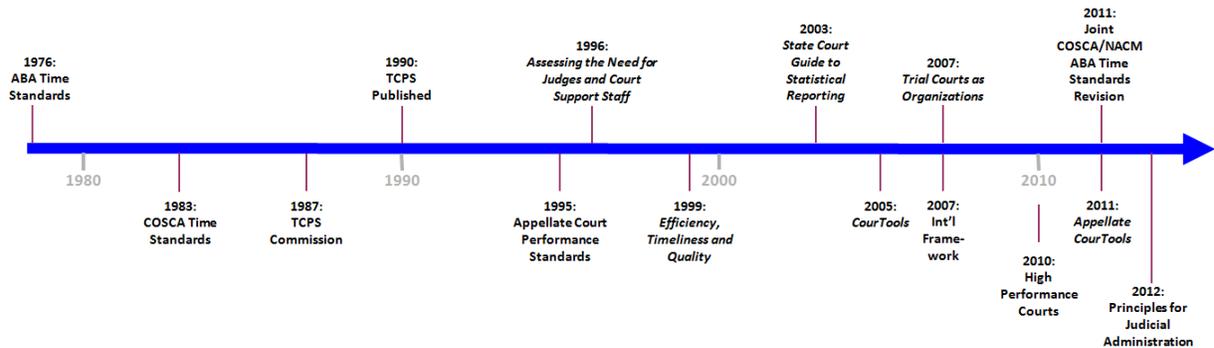
Court leaders recognize that the culture of the courts requires that we develop a performance measurement system that meets the needs of those we serve. It is equally important for court leaders to understand the business processes required to achieve the performance measures established and that a true performance management system combines many processes. Initially it includes establishing an operational plan that is tied to strategic goals and it allows court managers to develop initiatives and resource allocations. These initiatives can be assessed and modifications can be made so that desired results can be achieved. With the right performance measurements and analysis, we can make data-driven decisions to improve court operations and to build public trust and confidence in our justice system.

Activity Two – *Court Performance Measures and Management Assessment* is designed to discover what the court's performance management culture is and lay the foundation for the participant's action plan.

1.2 Reviewing the History of Court Performance Measurement

Performance measures are not new to the state courts in the United States. For more than three decades, tools have been refined to help court leaders measure and manage court performance. This commitment to delivering fair and speedy justice with accountability to the public began in the 1970s.

Three Decades of Court Performance Measurement



- A. American Bar Association Time Standards – recognized that the courts, rather than attorneys, should be responsible for the pace of litigation.⁶
- B. COSCA Time Standards – recommended time standards for how long trial court cases should take.⁷
- C. Trial Court Performance Standards (TCPS) – provided a structure for defining the effectiveness of trial courts by focusing on performance, self-assessment, and self-improvement. The TCPS included 68 measures that used 22 standards to establish goals for effective court performance in five areas:⁸
 - Access to Justice
 - Expedition and Timeliness
 - Equality
 - Fairness and Integrity
 - Independency
- D. *CourTools* - offers court managers a core measures that are practical and provides a balanced perspective on court operations. *CourTools* is a flexible system for improving court operations, not a method for evaluating individual judge's performance. The result is a set of 10 measures that:



⁶ Aikman, A. (2007). *The Art and Practice of Court Administration*. Boca Raton, FL: Auerbach Publications.

⁷ [A History of the Conference of State Court Administrators: 1955- 2005](http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Web%20documents/History-of-COSCA.ashx). Retrieved from <http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Web%20documents/History-of-COSCA.ashx>.

⁸ United States. (1997). *Planning Guide for Using the Trial Standards and Measurement System*. Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Assistance. Retrieved from <https://www.ncjrs.gov/pdffiles/161568.pdf>.

- Follows the fundamental mission of courts in the areas of access and public service, prompt and efficient case administration, and fairness and equality;
 - Provides a necessary and balanced perspective;
 - Is outcome focused; and
 - Is feasible, practical, and concise.⁹
- E. High Performance Court Framework– suggests a series of flexible steps a courts can take to integrate performance into its ongoing operations. It consists of six key elements:
- Administrative Principles define high performance. They indicate the kind of administrative processes judges and managers consider important.
 - Managerial Culture is the way judges and managers believe work gets done. Building a supportive culture is key to achieving high performance.
 - Perspectives of a high performing court include: (a) Court User, (b) Internal Operating, (c) Innovation, and (d) Social Value.
 - Performance Measurement builds on *CourTools* to provide a balanced assessment in areas covered by the court user and internal operating Perspectives.
 - Performance Management concerns the Innovation Perspective and uses performance results to refine court practices on the basis of evidence-based innovations. It also fulfills the Social Value Perspective by communicating job performance to the public and policy makers.¹⁰
 - The Quality Cycle is a dynamic, iterative process that links the five preceding concepts into a chain of action supporting ever-improving performance. The flexible set of steps in the quality cycle include five steps: determining the scope and content of a problem, information gathering, analysis, taking action, and evaluating the results.¹¹
- F. Principles for Judicial Administration– provides practical operational principles intended to help court leaders understand the difficult structural and fiscal decisions required to enhance the quality of justice while facing increased caseloads with fewer resources. The principles are divided into three sections: the first two address aspects of court administration that are foundations to pursuing adequate funding; the third addresses specific principles related to funding:
- Governance Principles
 - Decision-Making and Case Administration Principles
 - Court Funding Principles¹²

⁹ *CourTools*. (n.d). Retrieved May 24, 2015, from <http://www.courtools.org/>.

¹⁰ Ostrom, B. & Hanson, R. (2010). *Achieving High Performance: A Framework for Courts*. Williamsburg, VA: National Center for State Courts: Retrieved from http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/CTF/Achieving_HPC_April_2010.ashx.

¹¹ National Center for State Courts (n.d) Retrieved November 16, 2015, from <https://www.ncsc.org/Information-and-Resources/High-Performance-Courts.aspx>

¹² *Principles of Judicial Administration*. (2012). Williamsburg, VA: National Center of State Courts. Retrieved May 24, 2015, from

During the last decade, both the private and government sectors have moved toward stronger accountability to the public. Court leaders are building on a tradition of performance measures that help achieve results. These products have been developed by the court community to help court leaders not just measure performance, but manage for performance. The development of a court performance measurement core competency is a natural extension of these efforts but they build on basic analytical skills. Establishing performance measures does not automatically ensure implementation. In fact, performance measurement is no more self-executing than any other type of policy. Performance indicators can be used to enhance operations, allowing court leaders to focus on managerial implications.

Section 2 – Summarizing Basic Analytical Skills – A Foundation for Court Leaders

Learning Objectives

As a result of this section, participants will be able to:

3. Organize and present the performance measurement data in a format that maximizes the use of “state of the art” visuals; and
4. Identify relevant performance measures for the court and select data to support those measures.

2.1 Reviewing Fundamental Analytical Skills

Basic analytic skills are integral to the ability of a court professional to effectively apply performance measurement principles and techniques focused on enhancing performance. Facts, concepts, and generalizations are used to organize knowledge, but achieving in-depth understanding of knowledge requires thinking about information through complex reasoning processes that manipulate, extend, and refine the knowledge.

A generic performance measure cycle is the same, whether in the private sector or government or non-profit. Basic analytical skills apply to court administration, just as they do in public health and other sectors with which the court interacts.

2.2 Selecting Performance Measures

One of the most critical steps in performance accountability is selecting the right measurements, but it is based on the most fundamental principle: *Keep it Simple*.

Although it can be overwhelming to begin integrating performance measurement into daily operations, it is important for court leaders to remember that there are opportunities to adjust indicators over time. Court leaders should focus on what will be most helpful in gaining an understanding of or supporting the mission.

- A. Choose measures that will provide a variety of data types.

<http://www.ncsc.org/~media/Files/PDF/Information%20and%20Resources/Budget%20Resource%20Center/Judicial%20Administration%20Report%209-20-12.ashx>

- Quantitative vs. qualitative data can support each other. It takes both to provide a complete picture of an organization.
 - Quantitative data *defines* (it can be counted or measured)
 - Sources of quantitative data analysis include:
 - ✓ Questionnaires
 - ✓ Interviews
 - ✓ Observation
 - ✓ Transaction logs
 - ✓ Research from third party sources
 - Qualitative data *describes*
 - Sources of qualitative data analysis include:
 - ✓ Questionnaires/Surveys
 - ✓ Interviews
 - ✓ Focus Groups
 - ✓ Observation
 - ✓ Discourse Analysis
- B. Identify processes to be measured:
- What do we do? (products)
 - How do we do it? (processes)
 - For whom do we do it? (public)
 - Why do we do it? (outcomes or results)
- C. Establish performance measures that:
- Translate “what do I want to know” into a performance measure.

Example: A team of court technology managers are meeting with the procurement department because the number of vendors has grown and some basis is needed to determine which vendors perform the best. The team decides to use percent of on-time deliveries per month. The performance measure can be calculated in terms of unit as:

$$\frac{\text{Number of on-time deliveries per month} \times 100\%}{\text{Total number of delivers per month}}$$

- Identify the raw data that will generate the performance measure.
- Determine the location of the raw data.
- In the simplest cases, raw data is already collected and court leaders need only to retrieve it in order to generate the performance measure. If the data is not currently captured, the process of locating it is generally straightforward. The measurement point is usually located at or near each identified crucial activity.
- Identify the measurement instrument that will collect the data for the performance measures.
- Identify, isolate, and manage the contributing variables which affect the result so that a particular variable can clearly be attributed to the measurement or result.
- Determine how often to make the measurements.

2.3 Organizing Data

Organize data in a form that facilitates the analysis process. This involves the classification and identification of data into specific categories, identification of trends and patterns, description of artifacts and observations, sequencing of key ideas and concepts, and distinguishing between relevant and irrelevant information.

Once the data is collected, court leaders need to make sense of it, which requires organizing and summarizing. Group data into categories based on common sense groupings, quantitative data.

2.4 Analyzing Data

Data analysis requires the ability to distinguish inferences from facts, identify cause and effect relationships, analyze the values implied from multiple sources of information, determine the authenticity and validity of sources of information, identify the gaps in information, test assumptions, and filter bias from the information.

A. Four Methods of Analyzing Data

- Over time and trend analysis
- Against targets and standards
- Internal benchmarking
- External benchmarks

B. Three Tips for Analyzing Data

- Keep it flexible: Although an automated system is preferable, sometimes manual systems are necessary and cost effective.
- Keep it meaningful: a few basic, well-aligned measures are better than a number of complex ones.
- Keep it consistent: Data collection should be based on a set of agreed-upon definitions that are universally understood by employees, managers, and even court users so they can be easily compared and analyzed.

2.5 Disseminating Information

Synthesize, integrate, evaluate, and present information to targeted audiences including judges, staff, justice system partners, funders and the public. A court professional must be able to set standards for evaluating the value or worth of the information and apply those standards to determine the consistency, adequacy, and value of the information. Ultimately, the findings, conclusions, and recommendations for addressing the problem must be presented in writing in a well-organized and clear format to facilitate review and understanding by the decision-makers who are asked to act on the recommendations.

A. Before presenting any information, address key questions:

- Who is the target audience?
- What is the intended use of the data?
- Will it be used to support management decisions or to monitor performance?
- What is the basic message you want to convey?
- What is the ideal presentation format (report, PowerPoint®, dashboard, oral presentation) or some combination?

B. Combining graphics with narrative help the audience understand the data. Use the data to answer the following questions for the target audience:

- Is there a trend over time?
- Should we take any action? What kind of action?
- Are we focusing on the highest priority actions?

C. Consider which chart type best portrays given sets of data; most data can be shown in many different ways but focus on determining which chart type emphasizes the point you are trying to make. The following provides general comments on different chart types: See **Faculty Resource – Examples of Different Chart Types**.

- Vertical bar chart: Vertical bar charts are used to show how values change over time. They are typically used for a limited time series (i.e., a few years, quarters, months, or other designated time period). Vertical bar charts are good for handling multiple series for comparison purposes.
- Stacked vertical bar chart: Stacked vertical bar charts convey the same information as ordinary vertical bar charts but allow you to display sub-elements that contribute to the

overall bar. They are typically used for multiple groupings to illustrate proportions between values in each grouping, as well as each grouping's total. Stacked bar graphs are often used in evaluation to show the full scale of survey responses, from Strongly Disagree to Strongly Agree, for each survey question.

- Vertical line chart: Vertical line charts are best for showing changes in a group of values over longer periods of time. They are also recommended for displaying several groups of data simultaneously. Control limits are often included in vertical line charts to evaluate variability.
- Horizontal bar chart: Horizontal bar charts are best for simple comparisons of different individual values at one time. If evaluating change over time, a vertical bar, line, area or 3-D riser chart would be more appropriate.
- Pie chart: Pie charts are often the best way to portray the contribution of parts to a whole. They are used to show a “snap shot” at a specific time.
- Scatter chart: Scatter charts show the correlation of two sets of numbers by plotting where the variables intersect. Scatter charts are useful when the coordinates on the horizontal scales, often time intervals, are irregular.
- Histogram: Histograms show the frequency of the values in a set of data. Data is plotted in increasing or decreasing order based on the frequency count of each value.

Court professionals must be able to develop and apply these basic analytical skills in order to advance to the next level of proficiency in performance measurement.

Activity Three – *Better One or Better Two?* is an activity to encourage the participants to provide feedback related to formatting of performance data to ensure organization and presentation objectives are achieved for the target audience.

Activity Four – *Review CourTools, Prioritize Performance Measures, and Data Selection* is designed to assess the current status of *CourTools* in individual courts; provide an opportunity to prioritize each of the *CourTools*, according to importance to individual courts; and select data to use for each of the indicators.

Section 3 – Evolving into Court-Centered Proficiencies

Learning Objective

As a result of this section, participants will be able to:

5. Identify, design, and apply performance measures that address the effectiveness of court programs and procedures.

3.1 Moving from Court Performance Measurement to Performance Management

Understanding the fundamental principles of performance measurement and accountability and implementing them in the courts requires knowledge of both basic analytical skills and court operations.

- A. Court leaders must also be familiar with the established performance measurement tools to achieve performance results. The High Performance Court Framework (the Framework) suggests a series of flexible steps a court can take to integrate performance improvement into its ongoing operations; a review of *CourTools* is fundamental to that process.
- B. High-performance courts use evidence-based practices to meet the needs of court users. The Framework offers a method of gathering information on performance and suggests ways courts can use the information to improve practices. The *CourTools* measures are shaped by three interrelated criteria:
 - **Principles:** The measures are aligned with four administrative principles and help courts evaluate success in key areas such as providing access to justice, reducing delay and ensuring fairness.
 - **Balance:** Achieving a balanced perspective means core performance measures should cover the most important dimensions of court performance and offer meaningful indicators of success in each area. A “balanced scorecard” entails both the idea of balance and the regular scoring of performance.
 - **Feasibility:** Integrating performance measurement into daily operations requires measures that are limited in number, readily interpretable, and durable over time.¹³

CourTools¹⁴

Measure	Definition
1. Access and Fairness Survey	Ratings of court users on the court’s accessibility and its treatment of customers in terms of fairness, equality, and respect.
2. Clearance Rates	The number of outgoing cases as a percentage of the number of incoming cases.
3. Time to Disposition	The percentage of cases disposed or otherwise resolved within established time frames.
4. Age of Active Pending Caseload	The age of active pending before the court, measured as the number of days from filing under the time of measurement.
5. Trial Date Certainty	The number of times cases disposed by trial are scheduled for trial.
6. Reliability and Integrity of Court Files	The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of contents.
7. Collection of Monetary Penalties	Payments collected and distributed within established timelines, expressed as a percentage of total monetary penalties ordered in specific cases.
8. Effective Use of Jurors	Juror Yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of

¹³ Ostrom, B., & Klieman, M., & Hanson, R. (2011). *The High Performance Court Framework. Future Trends in State Courts*. Williamsburg, VA: National Center for State Courts. Retrieved from <http://www.ncsc.org/~media/Microsites/Files/Future%20Trends/Author%20PDFs/Ostrom%20Kleiman%20and%20Hanson.ashx>.

¹⁴ *CourTools*. (n.d). Retrieved May 24, 2015, from <http://www.courttools.org/>.

	prospective jurors available. Juror Utilization is the rate at which prospective jurors are used at least once in trial or voir dire.
9. Court Employee Satisfaction	Ratings of court employees assessing the quality of the work environment and relations between staff and management.
10. Cost per Case	The average cost of processing a single case, by case type.

The Framework represents a shift from the initial court performance standards that were focused solely on time standards. Public accountability now has a broader context and requires court leaders to use critical thinking skills and analysis in all aspects of court administration.

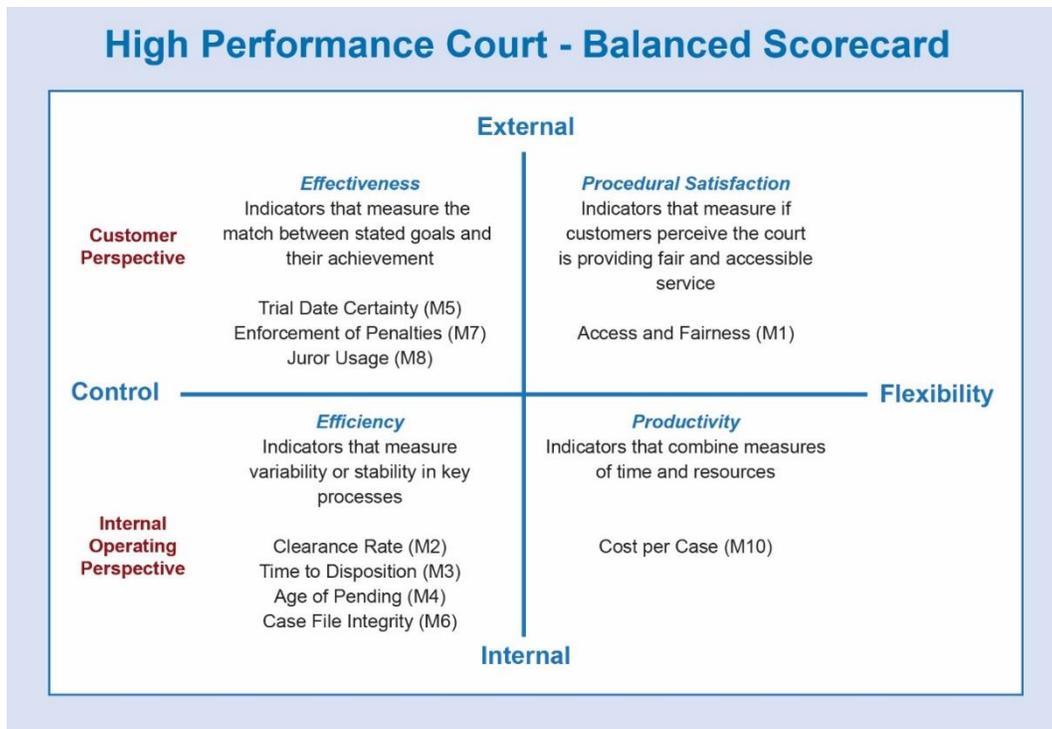
Viewing court performance through the lens of outcomes that matter to court users augments our understanding of administrative principles. While court leaders often focus on ensuring due process through effective administration, court users also want the process to go faster and cost less. While everyone wants fair outcomes, the court users want this result through a process that is predictable, timely, and cost-effective. Courts need to refine processes to improve service delivery and achieve high quality outcomes that matter to customers. A high performance court strategy draws attention to four distinct but balanced perspectives that are part of an overall strategic vision. Each perspective focuses on a distinctive aspect of performance that a court is expected to achieve. They converge to form a composite model of performance outcomes and describe the unique mix of products, services, and relationships that a court offers. The perspectives are:

- Court User Perspective: a court’s relationship to individual participants and their interests in the legal process.
- Internal Operating Perspective: a court’s maintenance of its operations.
- Innovation Perspective: a court’s awareness of the consequences of its administrative practices and capacity to adjust its practices.
- Social Value Perspective: a court’s relationship to other groups and organizations involved in the legal process, members of the public, and policy makers.¹⁵

The diagram below illustrates how the perspectives frame an integrated approach to performance measurement and management. A “balanced scorecard” entails both the idea of balance and the regular scoring of performance.¹⁶

¹⁵ Ostrom, B., & Hanson, R. (2010). *Achieving High Performance: A Framework for Courts*. Williamsburg, VA: National Center for State Courts. Retrieved from http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/CTF/Achieving_HPC_April_2010.ashx.

¹⁶ Ostrom, B. Klieman, M. & Hansom, R. (2011). The High Performance Court Framework. National Center for State Courts. Retrieved from <http://www.ncsc.org/sitecore/content/microsites/future-trends-2011/home/Enhancing-Access/5-3-The-High-Performance-Court-Framework.aspx>.



- C. While *CourtTools* provide a broad range of indicators geared to general jurisdiction trial courts, they do not directly address parallel rationale and data requirements for performance measurement in specialized trial courts and appellate courts. Efforts to develop performance measures for court-specific programs and specialized dockets have led to performance measures for child dependency cases,¹⁷ drug court cases,¹⁸ and appeals, as well as, other initiatives to formulate performance measures for other problem-solving courts.¹⁹

Few courts currently have the capacity to effectively measure their performance in child abuse and neglect cases. Like child welfare agencies, juvenile and family courts must focus not only on the timeliness of case processing and decision-making, but also on the quality of the process and the outcomes resulting from the court’s efforts. Two federal agencies – the U.S. Department of Health and Human Services’ Children’s Bureau and the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) – are cosponsoring a broad-based effort to measure the progress of juvenile and family courts in addressing these needs. The purpose of the measures in the Toolkit for Court Performance Measures in Child Abuse and Neglect Cases is to help courts establish their baseline practices;

¹⁷ American Bar Association. (2004). *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. Retrieved from: <http://www.ncjfcj.org/sites/default/files/Building%20a%20Better%20Court.pdf>.

¹⁸ Rubio, D., & Cheesman, F., & Federspiel, W. (2008). *Performance Measurement of Drug Court: The State of the Art*. U.S. Department of Justice, National Drug Court Training and Technical Assistance Initiative: Statewide Technical Assistance Bulletin.

¹⁹ Ostrom, B. Hanson, R. (2010). *Achieving High Performance: A Framework for Courts*. Williamsburg, VA: National Center for State Courts. Retrieved from http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/CTF/Achieving_HPC_April_2010.ashx.

diagnose what they need to improve; and use that information to make improvements, track their efforts and identify, document, and replicate positive results.²⁰

Performance measures have been proposed to increase effectiveness in handling of elder abuse cases. These eight measures are discussed in terms of effectiveness, efficiency, procedural satisfaction, and productivity.²¹

The National Research Advisory Committee (NRAC) worked with courts to bring some uniformity and standardization to drug court research and their applicability to the ongoing measurement of the performance of drug courts.²² In addition to drug court performance measures, program evaluation and cost efficiency analysis, the National Institute of Justice developed a adult drug court logic model that court leaders and their partners can use to examine performance, help clarify the best way to use resources, and determine what long- and short-term outcomes drug court teams should consider measure.²³

$$\begin{aligned} \text{Retention \% Rate} &= \left(\begin{array}{c} \text{Total number} \\ \text{of graduates} \\ \text{since program's} \\ \text{inception} \end{array} + \begin{array}{c} \text{Total} \\ \text{number} \\ \text{currently} \\ \text{enrolled} \end{array} \right) \div \left(\begin{array}{c} \text{Total number} \\ \text{of admissions} \\ \text{to program since} \\ \text{program's inception} \end{array} \right) \\ \text{Graduation \% Rate} &= \left(\begin{array}{c} \text{Total number} \\ \text{of graduates} \\ \text{since program's} \\ \text{inception} \end{array} \right) \div \left(\begin{array}{c} \text{Total} \\ \text{number} \\ \text{of} \\ \text{graduates} \end{array} + \begin{array}{c} \text{Total number} \\ \text{of terminations,} \\ \text{both measured since} \\ \text{program's inception} \end{array} \right) \end{aligned}$$

Example of Drug Court Performance Measure

Because logic models are used to enhance program performance through outcome accountability, it is often the framework for planning implementation and evaluation that links investments to results. The simplified picture of a program, initiative, or intervention that shows the logical relationships among those resources invested, the activities that take place, and the benefits or changes that result is the core of evaluation.

3.2 Discovering the Role of Accountability in System Orientation

Knowledge of recognized performance measurement standards, guidelines and benchmarks, along with acquiring and developing the basic analytical skills are a necessary first step toward improving accountability; however, to have meaningful impact on the continuing performance of a court, a system orientation needs to be the focus.

²⁰ *Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide*. (2009). U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention; *Court Performance Measures in Child Abuse and Neglect Cases: Report of Allen County's Court Performance Pilot Project*. (2012). Retrieved from <http://www.in.gov/judiciary/cip/files/cip-allen-report.pdf>.

²¹ The Center for Elders and the Courts, National Center for State Courts. *Case File Summary Form*. Retrieved May 24, 2015 from <http://www.eldersandcourts.org/Elder-Abuse/Toolkits-for-Prosecutors-and-Courts.aspx>.

²² Rubio, D., & Cheesman, F., & Federspiel, W. (2008). *Performance Measurement of Drug Court: The State of the Art*. U.S. Department of Justice, National Drug Court Training and Technical Assistance Initiative: Statewide Technical Assistance Bulletin.

²³ Adult Drug Court Program Logic Model. Retrieved on May 24, 2015, from <http://www.nij.gov/topics/courts/drug-courts/pages/measures-evaluation.aspx#performancemeasures>.

By definition, court leaders must perform many functions and gain competencies across broad areas but accountability and court performance is an essential element in all NACM competencies.

- A. Operations Management
 - What are the mission critical functions? (e.g., updating your COOP)
 - How do court leaders determine if it is the right time to implement a problem-solving court or specialty docket?
 - What technology is required for courtrooms to operate efficiently now and in the future?
- B. Workforce Management
 - How do court leaders develop an organizational succession plan?
 - Has the court tried a “high performance” work culture that uses metrics-oriented performance monitoring systems and feedback and review mechanisms?
- C. Budget and Fiscal Management
 - How do court leaders determine when the space that the courthouse is currently in has exceeded its time?
 - When court leaders collect performance indicators, how do they ensure the indicators reflect budget needs and priorities?

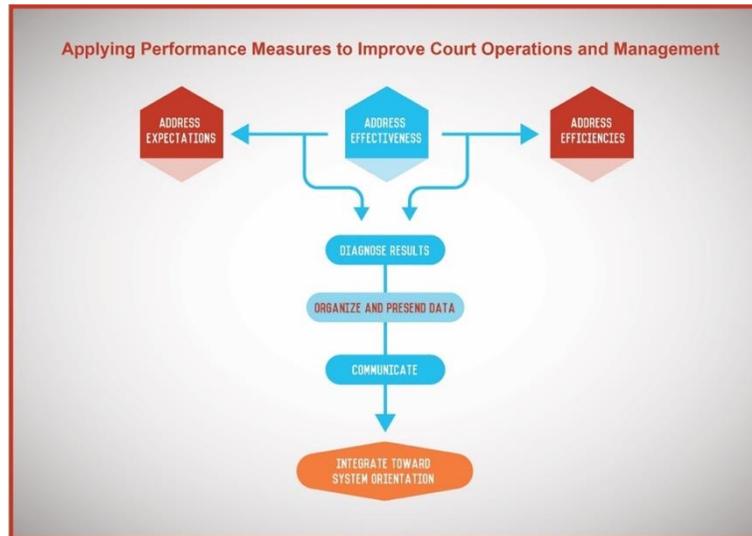
The best practices of accountability and court performance apply to all court processes.

3.3 Applying Accountability and Court Performance for System Orientation

A court professional’s success in applying measures to improve court operations and management can be thought of in terms of a logic model; it can be used as an iterative tool, providing a framework to revisit through planning, implementation, and evaluation. Ideally, the application of any accountability and court performance measure will lead toward system orientation and will include stakeholders to promote ownership and commitment to the project or program. The logic can be developed from numerous sources considering context and stage of the project but might include:

- Evidence-based research/practice/intervention models
- Previous evaluation results
- Needs assessments
- Key informant assessments
- Focus groups

Faulty logic can lead to ineffective and inefficient project implementation. Logic links resources to activities to products to outcomes and serves as the best evidence as to why the project will work and the best justification for resource allocation. Faced with diverse challenges in court administration, court leaders need to become proficient in addressing each of the areas need to systemically improve court operations and management.



A. Address Expectations

Courts should be able to identify, understand, and apply performance measures that address litigants' expectations that the court process is clear, well-designed, and procedurally fair; the outcome is connected to key court events; and the administrative practices ensure that the court process is purposeful and deliberative.

What is the essential question: *What should be done?*

The National Center for State Courts contracted with GBA Strategies to conduct a comprehensive public opinion telephone survey of 1,000 registered voters in November 2014. Survey findings are considered accurate within +/- 3.1 percent, 19 times out of 20. Key findings of the survey included:

- Courts remain the most trusted branch of government.
- Court users express confidence in fairness of proceedings, but have doubts about effective and efficient service and job performance.
- There is a strong demand for greater availability of online services.
- The public worries that politics undermine the impartiality of the court system.²⁴

Accountability is rooted in public trust and confidence; therefore, every performance measure, project, reengineering program, or resource alignment is rooted in public trust and confidence.

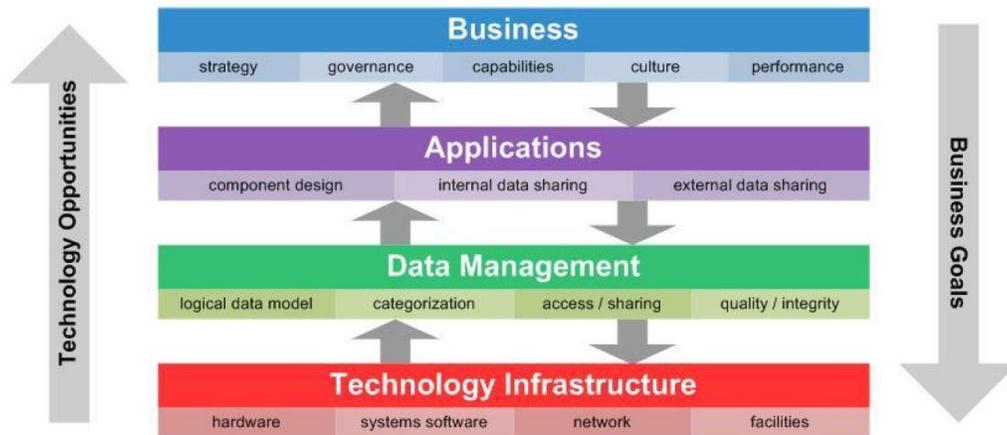
The public's expectation regarding technology also presents a challenge for courts across the nation. The Court Technology Framework (CTF) is being developed by the Joint Technology Committee and the National Center for State Courts as a tool to provide context for existing and identification of possible new, technology standards initiatives for the community. You can see how the CTF defines how the court achieves its purposes through organizations,

²⁴ Gerstein, & Bocian, & Agne. (memorandum communication, December 4, 2014). [Memorandum from Gerstein, Bocian and Agne Strategies to National Center for State Courts, Analysis of National Survey of Registered Voters](http://www.ncsc.org/~media/Files/PDF/Topics/Public%20Trust%20and%20Confidence/2014-State-of-State-Courts-Survey-12042014.ashx). Retrieved from <http://www.ncsc.org/~media/Files/PDF/Topics/Public%20Trust%20and%20Confidence/2014-State-of-State-Courts-Survey-12042014.ashx>.

operations, services, functionality and continuity. The CTF seeks to provide guidance to the courts by:

- Providing an organized view of the increasingly complex landscape of court technology solutions,
- Promoting alignment of IT initiatives with business goals,

CTF Illustration



- Defining a standard set of components and interfaces that make up a comprehensive court IT environment, and
- Helping courts more readily identify opportunities for improved efficiency and or cost savings through the use of technology.²⁵

B. Address Effectiveness

Courts should be able to identify, understand, and apply performance measures that address the effectiveness of court procedures in the handling of cases to avoid unnecessary litigation costs and time. Simultaneously, courts should evaluate how court operations balance the desire for appropriate attention given to every case with the concurrent responsibility to treat cases proportionately, given the limitation of resources and growing caseload demands.

What is the essential question: *Are the right things being done?*

More research has been published on the effects of adult drug courts than virtually all other criminal justice programs combined. By 2006, the results revealed that drug courts significantly reduced re-arrest or reconviction rates by an average of approximately 8 to 26 percent, with the “average of the averages” reflecting approximately a 10 to 15 percent reduction in recidivism, according to the National Association of Drug Court Professionals (NADCP). However, these findings also confirmed that drug courts elicited substantial improvements in other outcomes from criminal recidivism, including cost-effectiveness. Researchers have also looked at the criminological paradigm of the Risk Principle to identify high-risk and low-risk participants. The “key components” of drug courts are hypothesized to

²⁵ *Court Technology Framework*. (n.d). Retrieved November 16, 2015, from <http://www.ncsc.org/Services-and-Experts/Technology-tools/Court-Technology-Framework.aspx>

include a multidisciplinary team approach, an ongoing schedule of judicial status hearings, weekly drug testing, contingent sanctions and incentives, and standardized regimen of substance abuse treatment. Results have confirmed the fidelity to the full drug court model is necessary for optimum outcomes – assuming that the programs are treating their correct target population of high-risk, addicted drug offenders.²⁶

²⁶ Marlowe, D. National Association of Drug Court Professionals. (2010). [*Research Update on Adult Drug Courts, National Association of Drug Court Professionals.*](#)

C. Address Efficiencies

Courts should be able to identify, understand, and apply performance measures and targeted benchmarks that reveal how well court resources are allocated, whether the court's processes and procedures are efficient, and the level of productivity of judges and court staff collectively in reducing time to disposition and eliminating unnecessary actions that do not contribute towards the disposition of a case or delivery of services to litigants and others requiring court services.

What is the essential question: *Are the right things being done?*

"The Bucket List" project was a simple, low-tech, no-cost process for a court to assess operations and staffing levels that was first piloted in Scottsdale City Court in 2009 and replicated and expanded in 2011. The term "bucket list" depicted the tasks that were organized into "buckets" or operational areas. Unit supervisors had the task of compiling and organizing the information to prepare for analyzing and sharing with senior management. Each supervisor prepared the bucket list information in the following six categories:

- Create an overview list with the main function(s) or purpose(s) for each team.
- List key assignment areas by highlighting the type of assignment.
- List actual desk assignments with staff completing them.
- List the task with requirement/mandate directing court to perform.
- List staff members on each team. (Optional)
- List occasional, periodic, ad hoc, or cyclical tasks. These could be functions that may not have appeared during the data gathering process. (Optional)²⁷

Court leaders are often presented with challenges that may initially seem to be related to an efficiency measure but requires additional analysis. One of the most topical examples that courts face today is separating the public from mobile devices. Some courts continue to maintain a blanket prohibition on cell phones and other electronic devices, while others have implemented new policies or updated existing policies to address the rapid changing technology and concerns regarding potential misuse. Courts are attempting to balance three primary issues regarding mobile devices:

- Security
- Impacts on court proceedings
- Efficiency and practicality

As we continue to explore the example of this topical example, it is clear that expanding technologies bring challenges and opportunities, courts should examine these issues carefully and develop a comprehensive mobile device policy that is fair, operational and

²⁷ Cornell, J. (2012), . *Court Manager*, 2012 Vol. 27: 4. Retrieved from [https://nacmnet.org/sites/default/files/publications/CourtManager/PRINT WEB CM 27%234 BOOK.pdf](https://nacmnet.org/sites/default/files/publications/CourtManager/PRINT_WEB_CM_27%234_BOOK.pdf).

economically feasible. NCSC has created a checklist to consider when developing a mobile device policy:

- Has the court gathered input from stakeholders affected by the policy?
- Will devices be allowed inside the court facilities? If so, in which specific areas?
- Who will the policy cover?
- What devices will the policies cover?
- Where devices are permitted, what is their permitted use(s)?
- How will the policy be enforced and what will the penalties be for violations?
- How will the new policy be distributed?²⁸

As with all court technology decisions, new technology should be driven by business goals and not implemented simply because the technology exists. The court manager should be involved in the initial phase of technology because she or he is driving the business goals; therefore, it is essential that the court manager clearly defines the business problem that allows the staff to operate without impediment. If a court is planning on implementing a technology solution, court leaders should consider using the Court Technology Framework (CTF) as a way to structure projects and overlay any type of technology with the processes and practices of the courts. It has been successfully used with e-filing, disaster recovery, and local court initiatives.²⁹

D. Diagnose Results

Courts should be able to apply performance measurement findings to improve court performance by targeting the sources of the barriers to achievement of desired objectives, identifying areas of work warranting correction, and suggesting what practices need modification.

What are the essential questions: *Have baseline data been established? What do the variations mean?*

After the measurement process have been put in place, data can be used to take a snapshot of current performance. Baseline information is usually derived from the most recently completed fiscal year. If historical information is available, court leaders can use it to verify that the baseline timeframe is not atypical or otherwise unsuitable. Historical data can also put baseline data in context. The Children's Bureau Project Sites address the importance of establishing baseline data, "When working with performance measure findings, we found it helpful to set benchmarks for where we wanted to be in 6 months or a year, with respect to

²⁸ Sydow, N. (2010) "[Can You Hear Me Now?](https://nacmnet.org/sites/default/files/images/CellPhones.pdf)" *Issues and Policy Considerations for Cell Phones and Other Electronic Devices in the Courts*. *Court Manager*, 2010 Vol. 25: 2. Retrieved from <https://nacmnet.org/sites/default/files/images/CellPhones.pdf>.

²⁹ Knox, P., & Bunch, J., & Dybas, J., & Fowler, C., & Martineau, M., & Westover, K. (2014) *A Guide to Technology Planning for Court Managers: Mastering Successful IT Projects*, Williamsburg, VA: National Association for Court Management.

improvement.” It is important to remember that setting performance targets requires a delicate balance between ambition and caution.³⁰

It can also be difficult to balance customer experience with the efficiency demanded by reengineering concepts. One example that courts are faced with is the actual design of court facilities and flow of activities that can shape public perception of the court. Strategic facilities plans (SFP) ask that the organization’s mission, vision, and core values be considered, as well as the organization’s long-range needs because it is a cyclical process which requires review and updates. Instead of taking a strictly cost-based approach to facilities planning, International Facilities Management Association (IFMA) suggests a business driven approach, which requires the court to consider the following factors:

- Organizational readiness for facilities change
- Projects currently underway within the organization
- How the business processes of the organization may change
- How those changes may affect the real-estate needs of the organization

Jurisdictions embarking on an SFP customarily complete a facilities evaluation, which could include a space use analysis, documentation of building deficiencies, and spatial relationship and circulation diagrams. Other analysis may include:

- Caseload analysis to determine volume of use of the facilities
- Caseload trends related to current and future staff requirements
- Analysis of the organization from a functional perspective (circulation patterns)
- Operational analysis to determine business processes that have an impact on facilities³¹

The following reports provides examples of facilities evaluations:

- Thirteenth Judicial Circuit, Hillsborough County, Florida Criminal and Juvenile Courthouse Facilities Improvement Study, May 2015
<http://www.fljud13.org/Portals/o/Forms/pdfs/opi/CriminalCourthouse%20FacilitiesStudy.pdf>
- Court of Common Pleas 39th Judicial District of Pennsylvania, Franklin County (Chambersburg, PA) Court Facility Masterplan Final Report, May 2009
<https://portal.co.franklin.pa.us/WebLinkArchives/o/edoc/1226767/Court%20Facility%20Masterplan.pdf>
- Washington State Administrative Office of the Courts Superior Court Management Feasibility Study Feasibility Study Report, January 2012
<http://www.courts.wa.gov/jis/scmfs/SCMFSFeasibilityStudyReport.pdf>

E. Organize and Present Data

³⁰ Gatowski, S., & Portune, L. (2009). [*Court Performance Measures in Child Abuse and Neglect Cases: Implementation Guide*](#).

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

³¹ Kimball, R. (2014). . *Court Manager*, 2014 Vol. 29: 2.

Courts should be able to organize and present the performance measurement data in a format that maximizes the use of “state of the art” visuals including graphs, charts, and tables that permit ease of understanding and use by judges, court staff, justice system partners and the public.

What are the essential questions: *Now that the data is analyzed, how are the best mechanism chosen to convey the information?*

Two examples of how courts have organized and presented data include the Utah State Courts and the Fourth Judicial District.

In 2004, the Utah Judicial Council began implementing a court performance measurement center based on *CourTools* to help courts make improvements to better serve the needs of the public. The measures are published on a website that provides

Utah Courts Performance Measures

Background

In 2004, the Utah Judicial Council began implementing a court performance measurement system developed in part by the National Center for State Courts. The performance management system helps courts identify and monitor important performance measures and make improvements to better serve the needs of the public. The measures currently monitored on this website include:

Performance Measure Reports

Access and Fairness in the Courts	Results of surveys of court users in Utah courthouses
Effective Use of Jurors	Counts of citizens qualified, summonses and called for jury service
Clearance Rate	The number of court cases being completed or disposed of as a percentage of court cases being filed
Time to Disposition	The percentage of cases disposed or resolved within recommended time standards
Age of Active Pending Cases	Counts of pending court cases and length of time they have been pending
Restitution, Fines and Fees	The amounts of restitution, fines and fees being collected by courts and sent for collection
Court Employee Satisfaction	Summaries of court employee surveys
Related Performance Information	Additional Performance Information related to the courts

The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

Please visit each measure for more information. Your input or questions are welcome at info@utscourts.gov. The Adobe Flash plugin is required to view some of the archived reports on this page. [Get Adobe Flash Player](#)

Last Modified: 2/19/2015

performance measures report and comparative data.³²

The Fourth Judicial District, which represents Hennepin County in Minnesota, assisted the judiciary through a formalized research department that provides accurate data and information to assist in the development of empirically-based policy decisions.³³

F. Communicate Effectively

Courts should be able to communicate effectively about the performance of the court in completing its constitutional duties, performing the necessary operational responsibilities,

³² Utah State Courts (n.d.) Retrieved May 24, 2015, from <http://www.utcourts.gov/courttools/reports.asp?measure=access>.

³³ Minnesota Judicial Branch, Fourth District (n.d.) Retrieved May 26, 2015, from <http://www.mncourts.gov/district/4/?page=396>.

and meeting the expectations of the public and the court's public policy partners. Sharing the data with stakeholders and the public puts the court in a proactive position.

What is the essential question: *Who is the target audience?*

Research revealed that no strategy is likely to mobilize segments of the public, with regard to court funding and yet every court in the United States has been shaken by the Great Recession. Justice at Stake and the National Center for State Courts examined what strategies and messages could help courts make a stronger case for court funding. Six key messaging principles emerged:

- Focus on harm to taxpayers and the economy – not damage to the courts.
- Acknowledge shortcomings.
- Give taxpayers confidence in their investment.
- Use detailed stories.
- Close by reminding the public of the court's justice mission.
- Avoid messages that could backfire.³⁴

Each project the court undertakes will require identifying the target audience or stakeholders who need access to the information acquired.

G. Integrate toward System Orientation

Courts should be able to integrate, into all aspects of court operations, the principles and methods of performance that focused on continuous improvement, enhancing knowledge through measured results, and responding and adapting to changing circumstances or new challenges.

What is the essential question: *What action will be taken?*

Two examples of system orientation include Ramsey County Probate Court, Minnesota and Connecticut which are outlined below.

In response to the amount of money lost through the exploitation of elders that occurred in its court, the Ramsey County Probate Court in Minnesota developed an online conservator-accounting system, CAMPER (Conservator Account Monitoring Preparation and Electronic Reporting). The design was intended to capture all transactions made by a conservator and provide a spreadsheet to make sense of the shoebox of receipts that often accompanied an annual financial report. It was intended to save conservators and staff time by doing the mathematical calculations and reducing paperwork, as well as allowing ready access to expense details. As part of a judicial branch transformational study, CAMPER was identified and recommended as a statewide solution to improve conservatorship oversight and reduce

³⁴ *Funding Justice: Strategies and Messages for Restoring Court Funding*. (2012). Washington, DC: Justice at Stake and National Center for State Courts.

administrative cost. In an effort to develop consistent court practices, a statewide, multidisciplinary business rules team was also created.³⁵

The Courthouse Observation Team (COT) program was developed in Connecticut to help ensure that every person who comes to court or a judicial branch facility is able to find where they are supposed to go, that they are treated courteously, and, for someone who is non-English speaking, that they are able to understand what is happening. A template was provided to allow managers to develop a corrective action plan in which the specific problem was identified and action steps could be taken to rectify any deficiencies. Volunteers spend a few hours, three or four times a year, visiting or telephoning courthouses and other facilities, including victim advocates and child support offices, to interact with staff and observe what occurs in state courthouses and judicial services offices. The action plans may require:

- Education
- Issuing a memo reminding staff of the policies and procedures
- Holding a face-to-face meeting between administrative officials and a court manager whose staff appeared not to know or apply applicable standards.

The data that were collected in the first round of assessments provided an excellent baseline to begin measuring how internal quality controls and the enforcement of policies and standards contribute to the people's satisfaction with the branch.³⁶

Activity Five -- *Moving from Court Performance Measurement to Performance Management* is designed to provide participants an opportunity to apply critical thinking skills by using the flowchart template to respond to proficiencies required to achieve system orientation.

Section 4 – Solving System Issues through Performance Management

Learning Objectives

As a result of this section, participants will be able to:

6. Diagnose the results of performance measurement and apply findings to improve court performance; and
7. Generate an effective communication strategy to the public and its public policy partners about the performance of the court in carrying out its constitutional duties.

Many courts have been collecting performance measures but have not moved beyond that. There is little data review and a lack of a shared vision for the court's accountability.

- A. The first performance measurement cycle will likely have some gaps but focus on what is available. The measurement tools can be updated or new tools or processes can be developed. Ensure to create a process that is dynamic.
- B. COSCA identified Lessons Learned

³⁵ Moriarity, M., & Hubert, S., & Boyko, S. (2013). The Minnesota Experience: Reengineering to Protect the Assets of Vulnerable Persons under Court Jurisdiction. *Court Manager*, Vol. 28: 2.

³⁶ Collins, H. (2012). Connecticut Judicial Branch Courthouse Observation Team: Seeing Court Experiences through the Public's Eyes. *Court Manager*, Vol. 27: 1.

- Court leaders need to create a culture of accountability and transparency that establishes a system of performance measurement that promotes openness of its performance outcomes to the public and others.
 - Performance measurement can be undertaken and be successful regardless of the size of the court.
 - No particular organizational structure of the court system is required.
 - A court need not have a sophisticated automated information system in place to track and measure its performance.
 - A court system need not adopt all the *CourTools* nor begin measuring everything all at once.³⁷
- C. Given the development of practical standards, benchmarks, and guidelines such as *CourTools* and the High Performance Court Framework, trial courts have implemented performance measurement processes focused on integrating performance into the regular routine of court operations. Two primary methods have been used:
- Application of performance measures to address a specific operational problem; and
 - Systemwide adoption of performance measures and routinely reporting of court is performance against those measures.

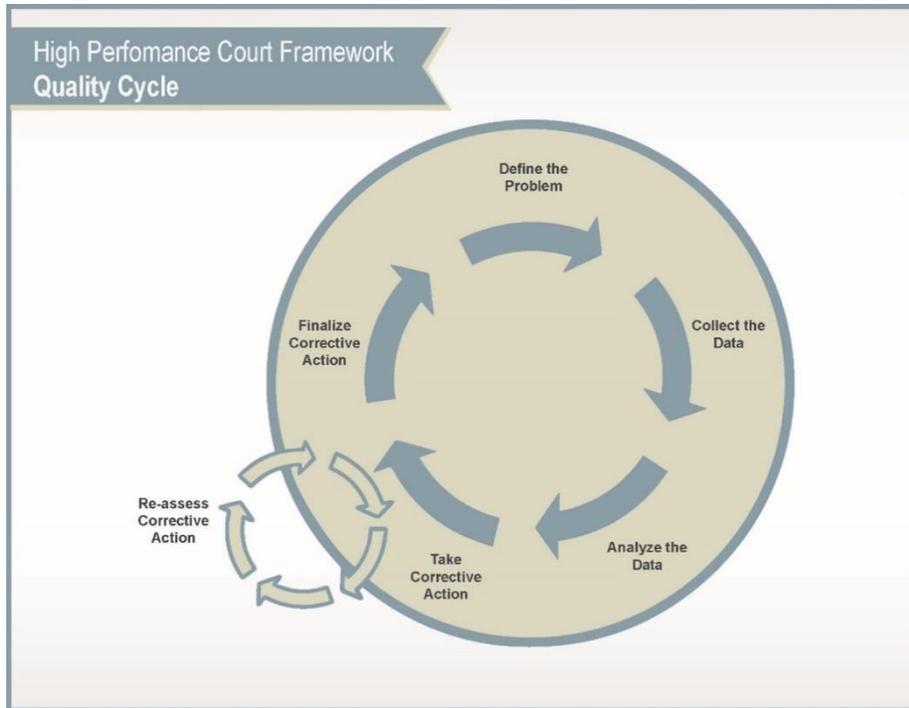
4.1 Addressing Specific Operational Problems

Courts often identify operational issues that need to be addressed in a division; performance measures play a key role in addressing the specific problems.

Scottsdale City Court is testament to the fact that becoming a high performance court is a process, not an event. When faced with a backlog of driving under the influence (DUI) cases, court leaders used the five steps in the High Performance Court Framework Quality Cycle structure but discovered that there was a disconnect over the right course of action. They worked to achieve a deeper consensus on what they hoped to accomplish and reminded court leaders to view court improvement efforts in the dynamic terms of the quality cycle. Reassessing business and making mid-stream corrections will be essential to court improvements. Part of the cultural shift for courts using the quality cycle process is recognizing the role of performance measurement in understanding current administrative practices and the accompanying need to develop a greater level of comfort among court leaders in using data to manage. As a result of the quality cycle process in Scottsdale City Court, systemwide operational changes resulted in revisions to the case management plan and case preparedness form³⁸

³⁷ Conference of State Court Administrators. (2008). *Promoting a Culture of Accountability and Transparency: Court System Performance Measures* [White Paper]. Retrieved from <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/2028>.

³⁸ Ostrom, B., & Kleiman, M., & Roth, S. (2014). . Williamsburg, VA: National Center for State Courts.



In an attempt to improve guardianship and conservatorship procedures, the Probate Department of Maricopa County Superior Court commissioned the National Center for State Courts (NCSC) to perform an assessment in 2011. The request followed a string of unflattering media reports targeting the court's management of a handful of conservatorship cases. In response to the concerns that the court had mismanaged its oversight and allowed attorney and fiduciary fees to bankrupt estates of incapacitated elderly, the court's Probate Department developed and implemented an improvement plan differentiating guardianship and conservatorship cases according to the level of monitoring necessary to ensure adequate care and protection.

The department implemented the five-step process of the Quality Cycle and introduced four reforms related to the efficient and effective handling of conservatorship and guardianship cases.

- Probate Evaluation Tool - An empirically based tool to guide the determination of the appropriate frequency and personnel for visitation and monitoring of guardianship cases.
- Accounting and Fee Review Filters - An empirically-based means to evaluate and support an expanded scope of judicial review over compensation and reimbursement for professional services in conservatorship/guardianship cases.
- Court Monitoring - Establishing a staff position to monitor cases for compliance once guardians and conservators are appointed.
- Community Outreach - Refining educational classes and assistance on conservatorship and guardianship matters.³⁹

³⁹ Ostrom, B., & Davis, A., & Graves, S., & Roth, S. (2013). [*Final Report. The Application of the High Performance Court Quality Cycle in the Superior Court of Arizona in Maricopa County.*](#) Williamsburg, VA: National Center for State Courts. Author provides insight to the use of the HPCF to examine the efforts of the local courts to increase

4.2 Addressing Systemwide Operational Problems

- A. Several courts have implemented systemwide adoption of performance measures to routinely report how well the court is performing against those measures. Dashboards allow court leaders to drill down on performance measures that have been integrated into the overall operations to help identify potential problems before they occur.
- B. The Scottsdale City Court has integrated *CourTools* performance measures with the High Performance Court Framework to determine the court's progress toward achieving its performance goals. The City Court use of performance measures is evidenced in the continued deployment of technology, enhancement and streamlining of operational practices, and constant awareness of the importance of professionalism and full satisfaction of customer needs. The court has focused its efforts in four key domains:
 - Customer Perspective -- Treatment of Participants
 - Internal Operating Perspective Performance Measures – Managing Efficiently
 - Innovative Perspective Performance Measures – Adapting to Challenges
 - Social Value Perspective Performance Measures – Responsibility to the Community

For each domain, the court crafted performance measures, collected data on those measures, and shared the results of the performance measures with the public. This is an excellent example of how the full quality cycle can be achieved. See **Faculty Resource** -- *Scottsdale City Court: Fiscal Year 2011/2012 Executive Summary* for the complete scorecard.

Activity Six -- *Applying the Quality Cycle to Improve Performance* is designed to provide participants an opportunity to apply critical thinking skills used in court administrative settings.

Section 5 – Developing Analytical Skills

Learning Objective

As a result of this section, participants will be able to:

8. Identify educational needs based on an assessment of the local court's readiness to implement performance measures.

Access to justice is more than a concept; it is real and it can be measured and courts can make decisions to help shape the public's trust and confidence in the courts. Court performance measures and management serves as a basis for organizational change; it is the means for analysis that allows for improvement.

The courts have made great strides in implementing performance measures and continue to move toward performance management and yet there are still challenges associated with defining and explaining what a court does.

5.1 Pursue Advanced Education

Court professionals have a variety of options for enhancing their basic research, evaluation and statistical analysis knowledge, skills and abilities including:

accountability and to allocate judicial officer and court staff resources proportionately in monitoring conservatorship cases. The five steps of the HPCF Quality Cycle are clarified through the practical use of the tool.

- A. Universities that offer advanced degrees in Court Management including Michigan State University, University of Denver, and the University of Nevada, Reno
- B. Many private colleges offer degree or certificate programs in court administration or related fields
- C. Universities and colleges that offer advanced degrees or certification programs in related fields such as public administration, criminal justice, business administration, public policy and political science
- D. National Center for State Courts, Institute for Court Management (ICM) offers the Fellows Program that enhances the knowledge, skills, and abilities of court administrators while providing leadership instruction in areas of functional responsibility associated with court administration. The four phases build upon each other and challenge participants to further develop analytical, administrative, and communication skills. ICM also offers two certificate programs for court managers and court executives that include workshops focused on *CourTools* and the High Performance Court Framework.
- E. National Association for Court Management Mid-Year and Annual Conferences offer many opportunities for continuing education including workshops on the core competency on Accountability and Court Performance
- F. State or local court sponsored educational programs
- G. Local community or technical colleges

5.2 Learn from Peers

Every successful court professional has had the opportunity to learn from by observing, listening, and talking to a more experienced court leader. Finding a mentor is an essential component to achieving competence in all areas of the court competencies, including learning how to develop and apply the skills necessary for improving court operations performance.

5.3 Seek Learning Opportunities on the Job

With the real trend towards diminishing availability of government and private funding, the demand for more accountability in the spending of available funds requires the courts to provide evidence-based results of the performance of operations and programs. Recent examples of this increasing demand for accountability include numerous studies and evaluations of the treatment-based courts, e.g., drug court, mental health courts, veterans' treatment courts.

There are many opportunities for a new court professional to gain knowledge, skills, and experience by participating in the design, implementation, and evaluation of such programs, with the fundamental focus of whether these initiatives are improving performance and resulting in positive outcomes. For court professionals who are interested in accountability and court performance, it is incumbent to:

- Seek opportunities to be part of the team
- Embrace the challenge to learn
- Accept the likely event of making mistakes
- Develop new skills

These activities will play a critical role in enhancing the operations of the courts and, at the same time, enhance your value to the court.

Activity Seven -- *Assessing Organizational Readiness for Accountability and Court Performance* is designed to assess both the court and individual needs for immediate performance improvement related to accountability.

Faculty Resources

Faculty Resources are intended to be used as references and illustrations of content, methodology, and purpose for each topic. Faculty resources are annotated in the content outline in places where their use may be most effective. Faculty for a course based on this curriculum design may have supplemental resources that would be useful to court managers. These faculty resources are not intended to be the only participant materials; they are intended to provide some materials that are considered vital to the content.

Section One

- Top 10 Reasons for Performance Management

- Three Decades of Court Performance Measurement

Section Two

- Examples of Different Chart Types

Section Three

- CourTools

- High Performance Court – Balanced Scorecard

- Applying Performance Measures to Improve Court Operations and Management

- CTF Illustration

Section Four

- Addressing Specific Operational Problems

- High Performance Court Framework Quality Cycle

- Scottsdale City Court: Fiscal Year 2011/2012 Executive Summary

Section One

Top 10 Reasons for Performance Management⁴⁰

There is a growing demand of “show me the data” from citizens and taxpayers, legislators, executive agencies, oversight boards and communities – all of whom exchange money and other support (e.g., trust and confidence) for services – that courts can ill afford to ignore. Courts need to measure their performance to meet the demand for public accountability. But the benefits of court performance extend beyond accountability including improved prediction, better understanding and control, influence, a sharpened focus on what is important, and discovery of better practices. Objective performance data is central to good management practices like strategic planning, performance-based budgeting, Balanced Scorecards, Total Quality Management (TQM), and Six Sigma. Performance measures allow court leaders and managers, policymakers, legislators and the public to evaluate court programs’ inputs (the resources allocated), outputs (direct results of program or service activities) and outcomes (broad results for those served by the court).

Selecting the right court metrics is much more than simply deciding what to measure. It is a critical part of the court’s overall management, strategic planning, and leadership.

Here are ten top reasons to measure your court’s performance:

Reason 10: What Gets Measured Gets Attention

In their 2001 book, *The Attention Economy: Understanding the New Currency of Business* (Harvard Business School Press), Thomas H. Davenport and John C. Beck contend that human attention is our scarcest and most precious resource. Managing this resource is the new competitive battleground in business, they explain.

The attention, interest, and enthusiasm of the courts’ leaders and managers are the most valuable resources that courts possess. Measurement has a directive function by focusing that attention, interest, and enthusiasm on mission-relevant and goal-relevant activities. The connection between goals and performance has been demonstrated empirically (see Edwin A Locke and Gary P. Latham, "Building a practically Useful Theory of Goal Setting and Task Motivation," *American Psychologist*, Vol. 57, No. 9, September 2002, 705-717).

Performance results are valuable from the perspective of leadership and management because they are unambiguous and actionable. The interesting thing is that the benefits may be seen when a court begins a performance measurement initiative, even before the results are known. For example, in an op-ed piece that appeared in the *Arizona Republic* last Wednesday (September 21), Maricopa Superior Court Presiding Judge Barbara Mundell used the Court’s performance measurement initiative to help create a “dialogue in the community about what our courts do and how effectively the courts are delivering services and justice.” This dialogue, she said, “will include you, to share perceptions of your court - the strengths you appreciate and the deficiencies you would like to see corrected.”

Reason 9: What Gets Measured Is Understood and Learned

⁴⁰ <http://made2measure.blogspot.com/2005/09/top-10-reasons-for-performance.html>.

Measurement helps our understanding of performance, both its intended and unintended aspects. How are we doing? Are things getting better or worse? What are the outcomes of a program or service and how do the outcomes stack up against the inputs? Answers to these simple questions are rich with meaning for the court leader or manager who is willing to listen. Performance measures are also the most effective way for communicating with court stakeholders about the success of programs and services. Use of performance measures that are easily understood demystify the courts for citizens and allow them to know how well programs and services are performing.

Reason 8: What Gets Counted Counts

“What gets measured is what gets done” is an old maxim that is still true today. Measurement clarifies and focuses long term goals and strategic objectives. Performance measurement focuses people’s attention on what really counts, what matters, what is really important. For example, “system uptime,” a simple measure of the ratio of time a computer system is up and running compared to when people need it, easily clarifies and focuses what is important.

Quality Counts: A Manual of Family Court Performance Measurement is a project initiated in 2001 by the Family Court of Delaware to fully integrate the 1999 Family Court Performance Standards and Measures into the leadership, management, planning and day-to-day operations of the court. The double entendre of the projects nickname, “Quality Counts, the Family Court Counts Quality” suggests Reason 8.

Reason 7: The Past Predicts the Future

Performance data help identify important trends. Performance measures allow courts to determine effective inputs (i.e., resources the courts use to produce services) and their relationship to outputs and outcomes. For example, a court may be able to predict a crisis and the necessity of a draconian solution (e.g., no more jury trials or an imposed limit on civil trials) if resources are not increased based on a declining clearance ratio (the number of cases heard compared to the number filed) even in the face of increases in productivity measures (number of cases heard per judge).

Reason 6: You Can’t Manage What You Can’t Measure

Performance measurement enhances management decision-making. It allows control of the inputs, outputs and outcomes of performance. Data generated by performance measurement can be used to determine program efficiency and effectiveness and to make decisions about what services to continue, start and stop. Or, in the words of David Osborne and Ted Gaebler in *Reinventing Government* (Addison Wesley, 1992): “If you don’t measure results, you can’t tell success from failure. If you can’t see success, you can’t reward it. If you can’t reward success, you’re probably rewarding failure. If you can’t see success, you can’t learn from it. And, if you can’t recognize failure, you can’t correct it.”

Reason 5: Performance Measurement Fosters Creativity

Although it may seem counterintuitive, explain Marcus Buckingham and Curt Coffman in their book, *First Break All the Rules: What the World’s Greatest Managers Do Differently* (Simon & Schuster, 1999), standards and measures fuel creativity. This is done by standardizing the ends rather than by dictating the means to achieve them. By standardizing the desired outcome in terms of clear measures (e.g., a clearance ratio of 105 percent) court staff are free to devise creative means to achieve the desired outcome.

Performance measures encourage delegation and discourage “micro-management.” U.S. General George Patton is known to have said that when you don’t tell people what to do, but rather where you want to be, they will surprise you with their ingenuity and diligence.

Reason 4: Performance Data and Measures Increase Accountability

Legislatures, executive agencies and the public used to take it on good faith that the courts were doing what they said they were doing. But courts, like other organizations funded by tax dollars, increasingly are held accountable for their performance. No longer content to prioritize services based on needs and demands, the public wants assurances of effective services at reasonable costs. “Today everyone expects to know what they’re getting for their money,” says Dary Erwin, the director of the nation’s first doctoral program in assessment and measurement at James Madison University. “When we shop at the grocery store, it is helpful to read the breakdown of ingredients, nutrients, sugar and fat content.” Consumers expect accountability and that attitude now extends into the public arena, explains Erwin.

The application of court performance standards and measures is a way to assess what the public gets for its money, to affirm claims of the benefit and values of a service or a program. Relationships between employees and managers, and court leaders and the public become much clearer when outputs and outcomes are measured against commonly accepted standards of performance.

Reason 3: If You Can Demonstrate Results, You Can Win Public Support

Clear performance data, measures and indices constitute powerful information. They speak a common language that influences the court’s stakeholders and the public.

Reason 2: Performance Measurement Suggests Better Practices

Successful managers and leaders determine the results they desire, and then formulate strategies to achieve those results. Clear and actionable performance measures help clarify and focus goals and objectives and aid in the formulation of practices that achieve them.

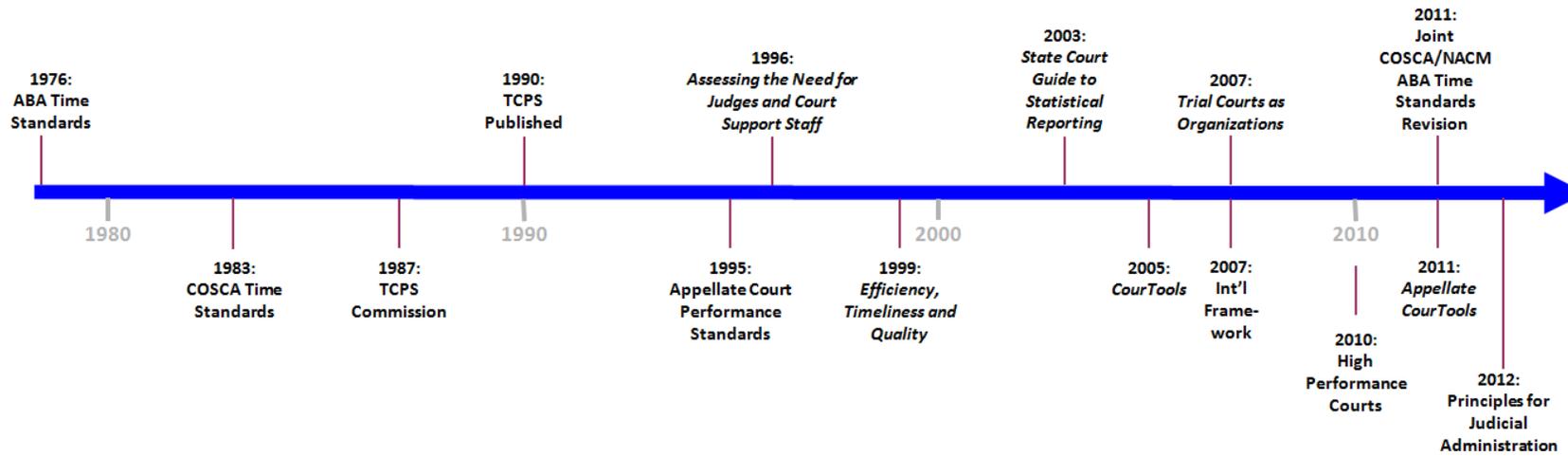
For example, CourTools Measure 5, Trial Date Certainty (see link in bar at right), may unequivocally show that a court is not providing firm and credible trial dates. National research indicates that a court's ability to set firm trial dates is associated with shorter times to disposition of cases. The performance measure will point to the steps to ensure firm and credible trial dates: (1) disposition of as many cases before the setting of trial dates for those cases; (2) realistic calendar practices; (3) limiting continuances; and (4) a provision for "back-up" judges.

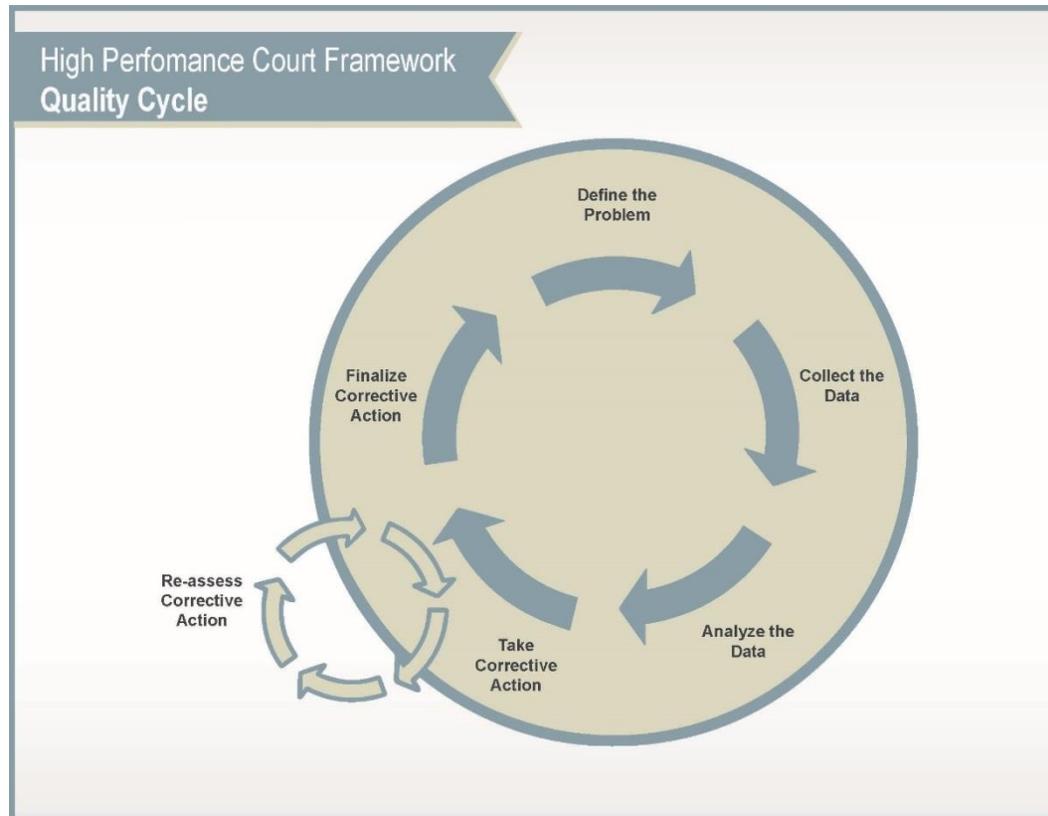
Reason 1: Performances Measurement IS Strategy

Behavioral psychologists know that data collection and measurement, by themselves, can change simple behaviors in complex ways. In our personal lives we take this as common sense. Keeping track of the money we’ve spent, counting calories, and checking the speedometer on our car’s dashboard will change our behaviors without other interventions. Organizational performance measurement can operate in a similar fashion as a powerful strategy for change.

Three Decades of Court Performance Measurement

Three Decades of Court Performance Measurement

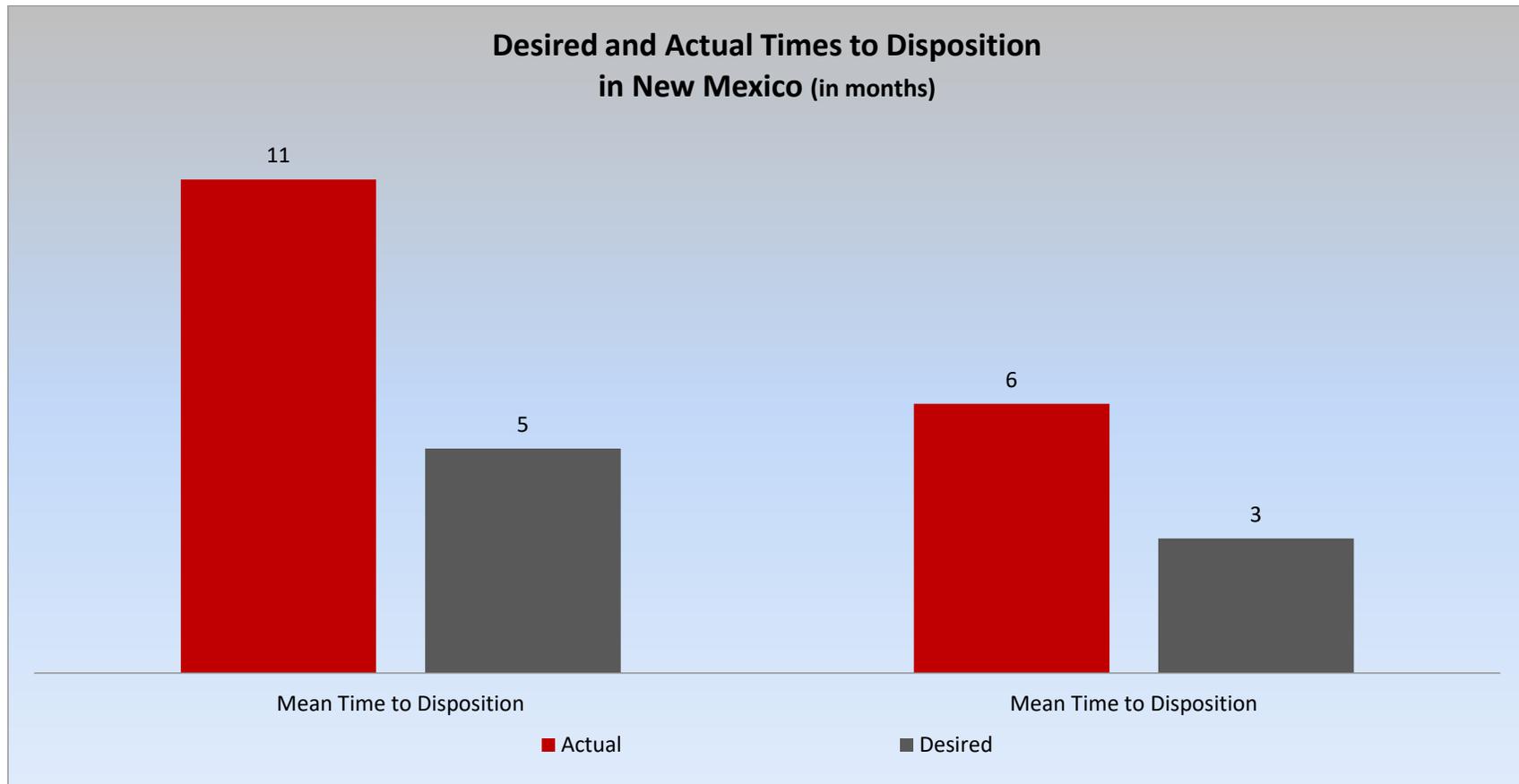




Section Two

Examples of Different Chart Types

Vertical Bar Chart

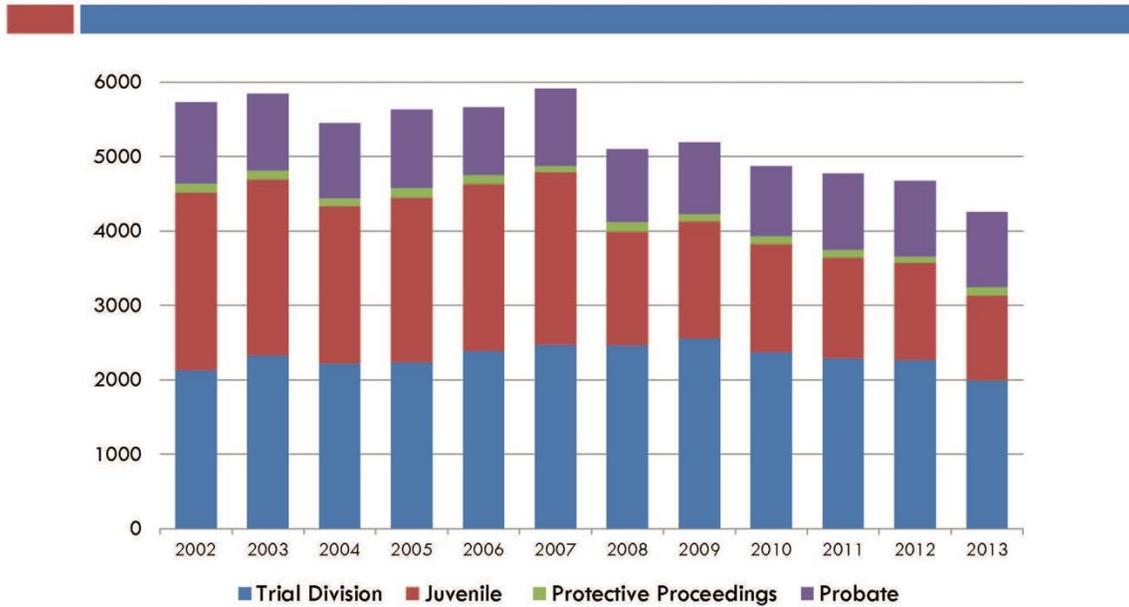


Horizontal Bar Chart



Stacked Bar Chart

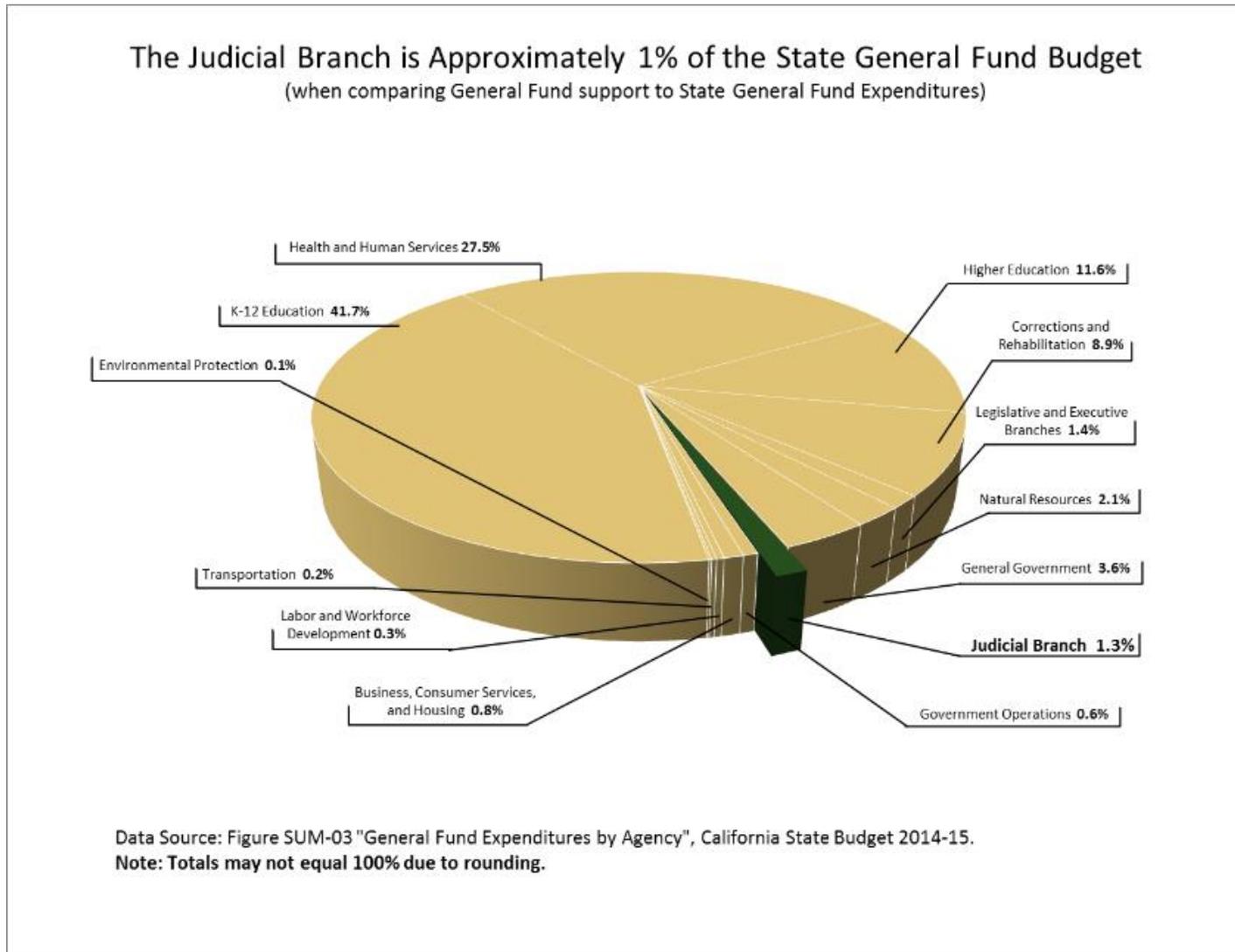
Total Filings - Circuit and Probate Courts



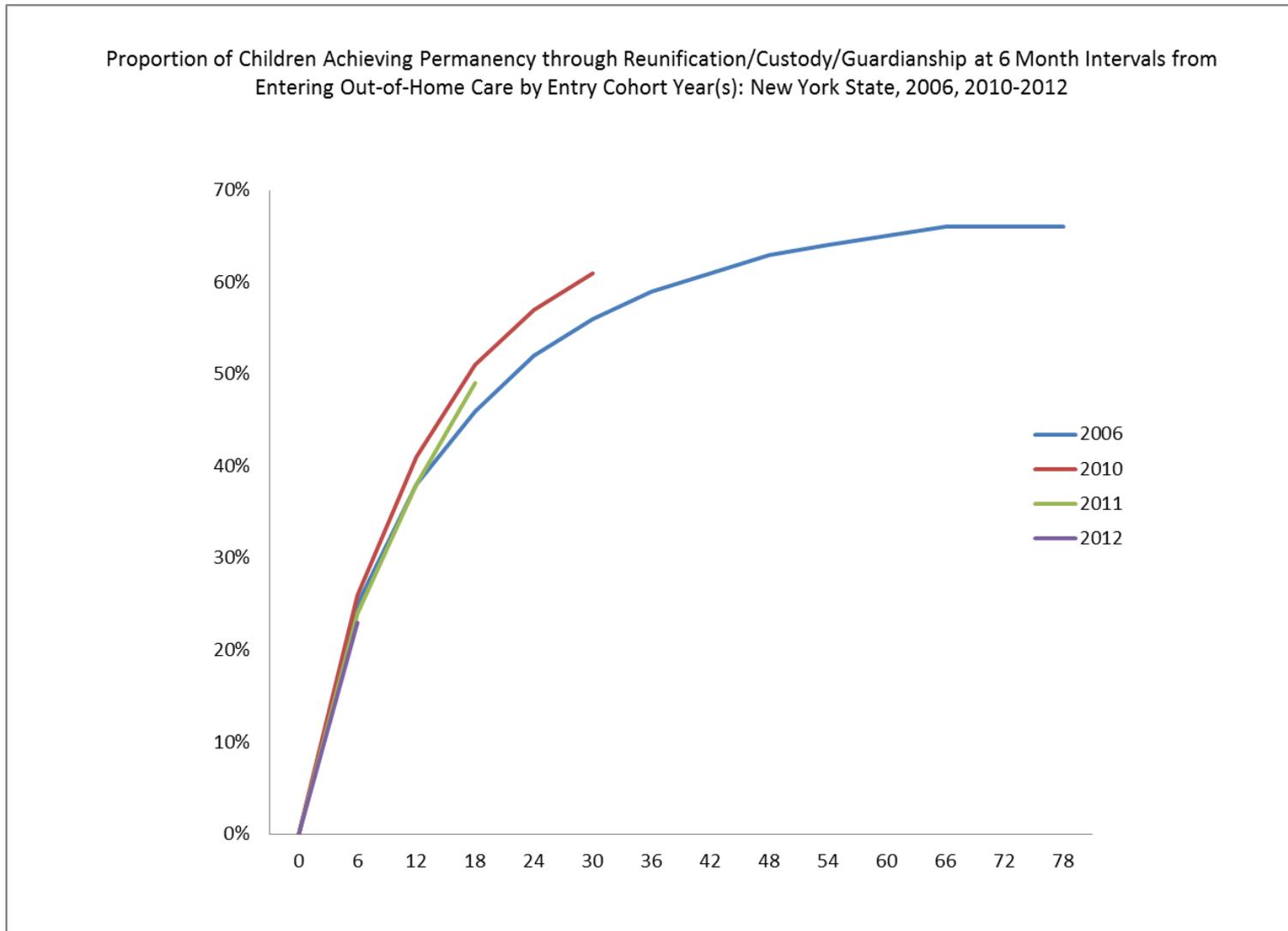
Note: 2002-2007 Juvenile included probation violations

Source: MCAP - Caseload Reporting System

Pie Chart



Scatter Chart



Section Three

CourTools

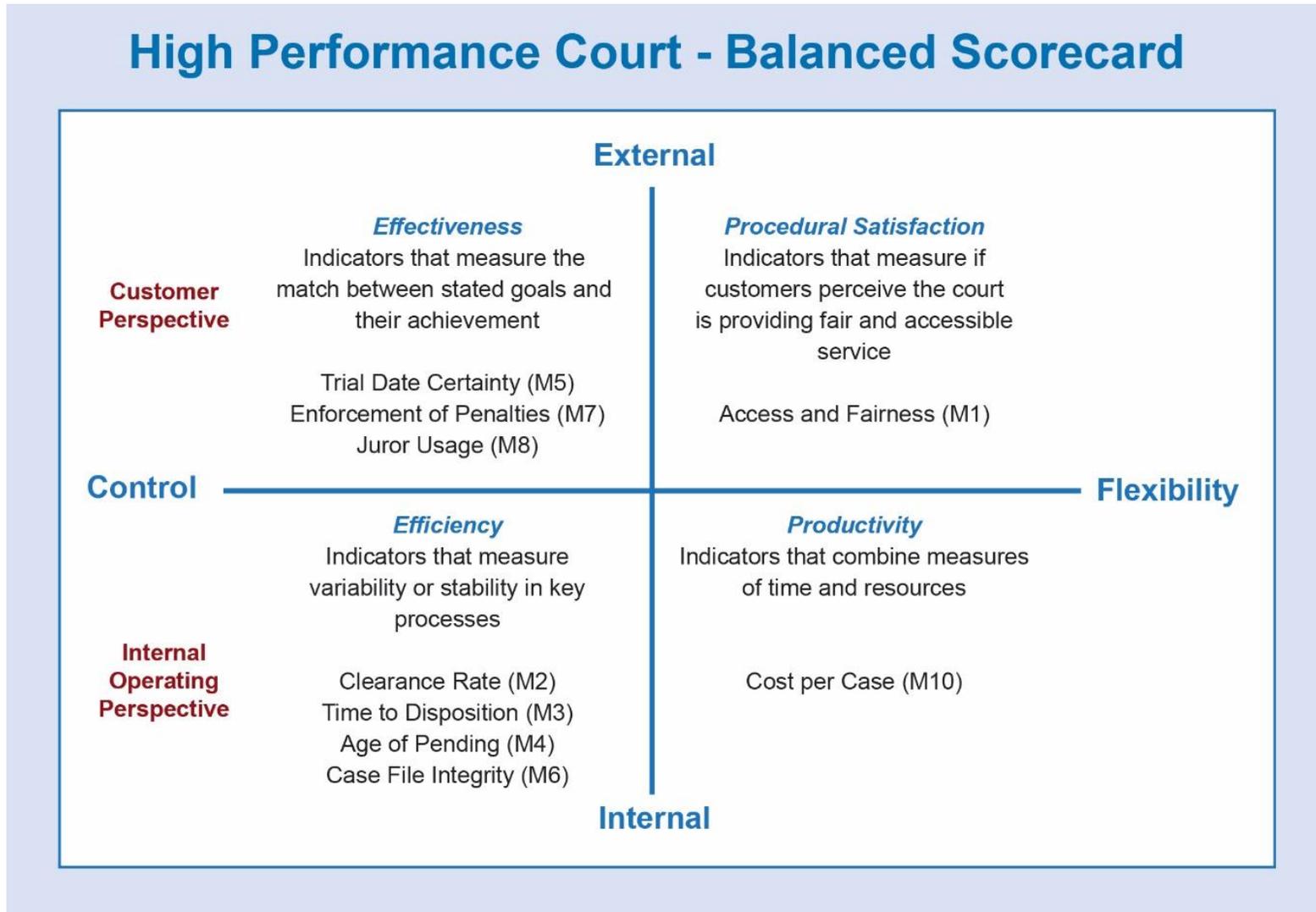
CourTools⁴¹

Measure	Definition
1. Access and Fairness Survey	Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.
2. Clearance Rates	The number of outgoing cases as a percentage of the number of incoming cases.
3. Time to Disposition	The percentage of cases disposed or otherwise resolved within established time frames.
4. Age of Active Pending Caseload	The age of active pending before the court, measures as the number of days from filing under the time of measurement.
5. Trial Date Certainty	The number of times cases disposed by trial are scheduled for trial.
6. Reliability and Integrity of Court Files	The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of contents.
7. Collection of Monetary Penalties	Payments collected and distributed within established timelines, expressed as a percentage of total monetary penalties ordered in specific cases.
8. Effective Use of Jurors	Juror Yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Juror Utilization is the rate at which prospective jurors are used at least once in trial or voir dire.
9. Court Employee Satisfaction	Ratings of court employees assessing the quality of the work environment and relations between staff and the management.

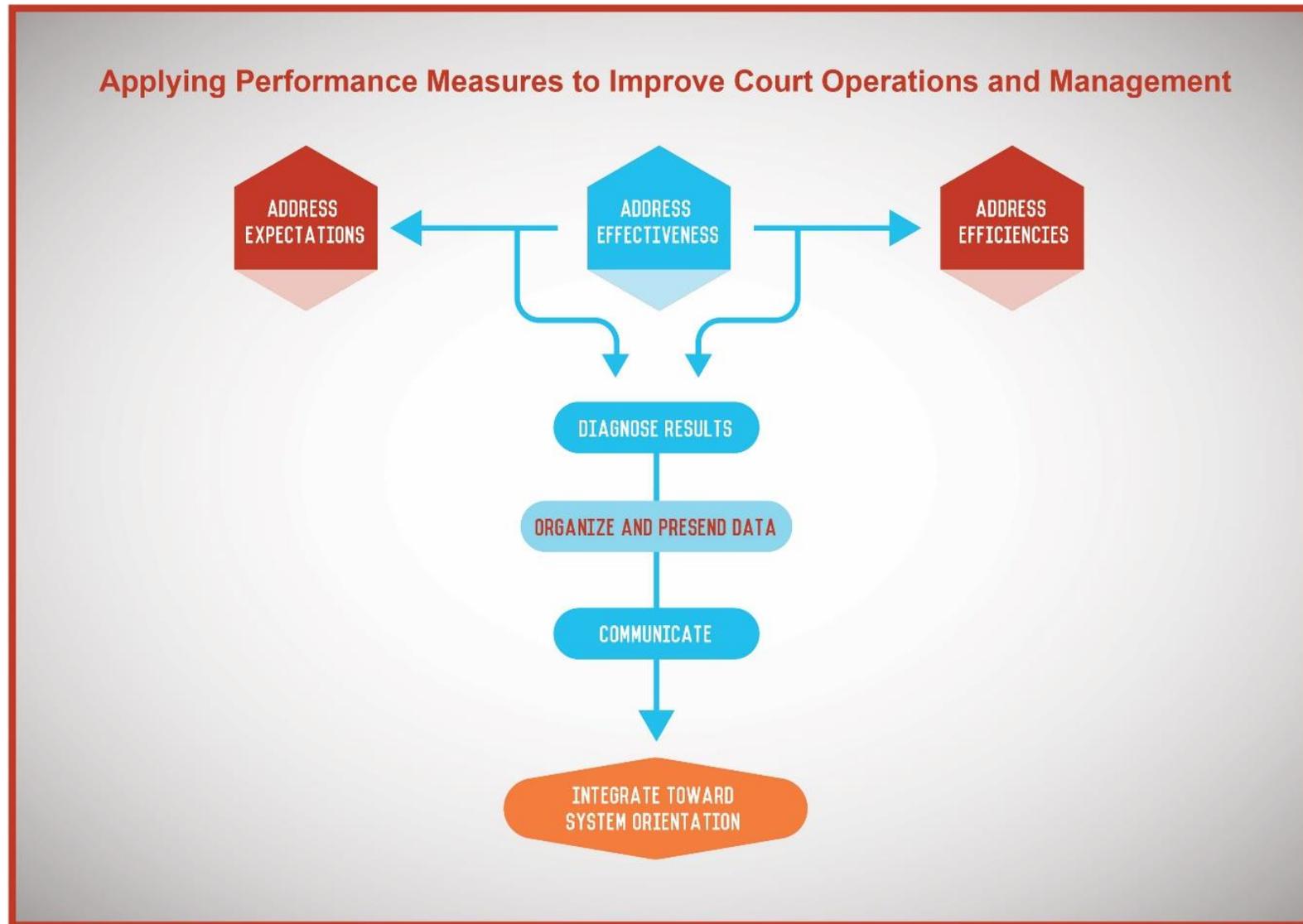
⁴¹ *CourTools*. (n.d). Retrieved May 24, 2015, from <http://www.courttools.org/>.

10. Cost per Case The average cost of processing a single case, by case type.

High Performance Court – Balanced Scorecard

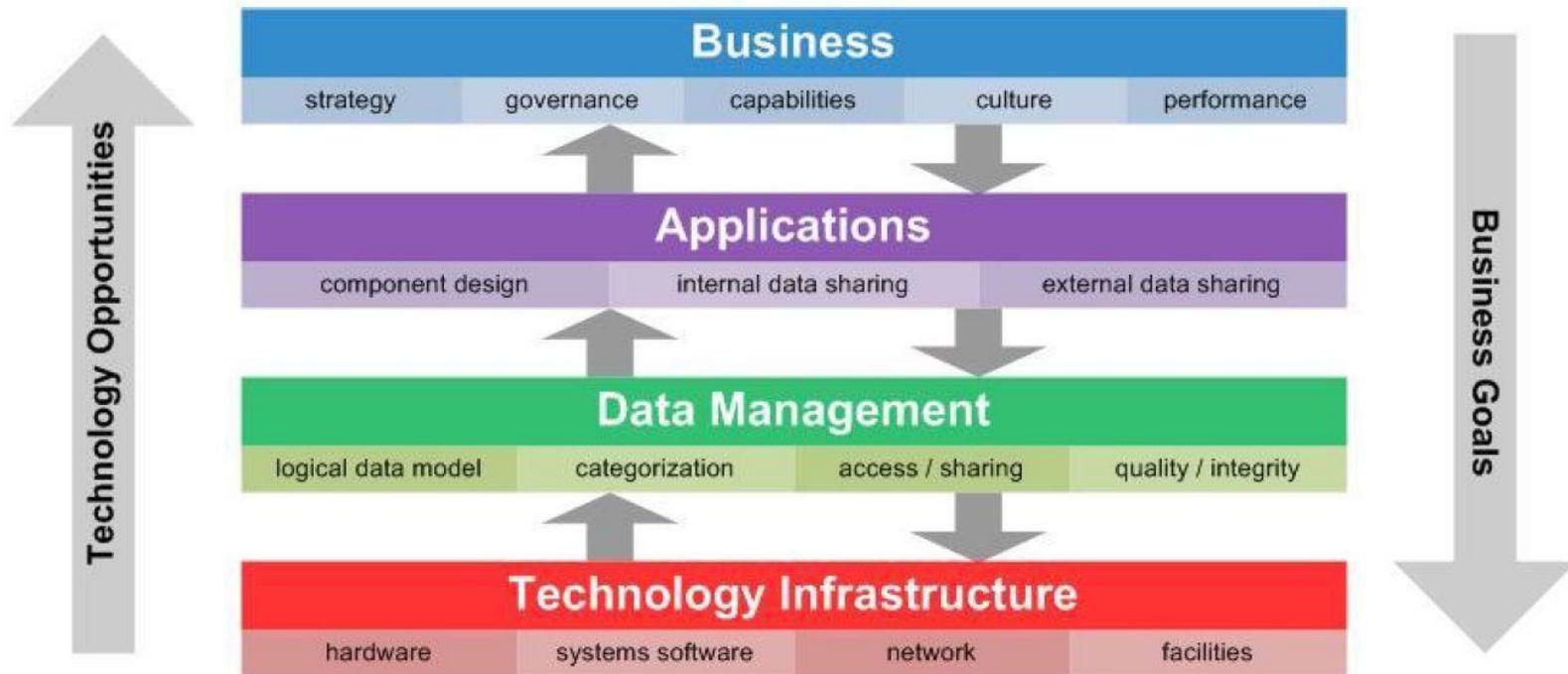


Applying Performance Measures to Improve Court Operations and Management



CTF Illustration

CTF Illustration



Section Four

Addressing Specific Operational Problems⁴²

Example: The Application of the High Performance Court Quality Cycle in the Superior Court of Arizona, Maricopa County

In an attempt to improve Guardianship and Conservatorship procedures, the Probate department of Maricopa County Superior Court commissioned the National Center for State Courts (NCSC) in 2011 to perform an assessment. The request followed a string of unflattering media reports targeting the court's management of a handful of conservatorship cases. In response to the concerns that the court had mismanaged its oversight and allowed attorney and fiduciary fees to bankrupt estates of incapacitated elderly, the court's Probate Department developed and implemented an improvement plan differentiating guardianship and conservatorship cases according to the level of monitoring necessary to ensure adequate care and protection.

Here's how they implemented the five-step process of the Quality Cycle:

Step 1: Identify the Problem and its Objective

1. Probate Evaluation Tool:

Develop and empirically based means to guide the determination of the appropriate frequency and personnel for visitation and monitoring of guardianship cases

2. Accounting and Fee Review Filters:

Develop and empirically based means to evaluate and support an expanded scope of judicial review over compensation and reimbursement for professional services in conservatorship/guardianship cases.

3. Court Monitor:

Enhance the ability of the court to thoroughly and accurately monitor cases for compliance once guardians and conservators are appointed.

4. Community Outreach:

Enhance the ability of the court to increase and improve the quality of community outreach on conservatorship and guardianship matters.

Step 2. Collect the Data and Develop the Plan

1. A draft of the PET specified the factors to be included and scored. A pilot of the instrument was undertaken and a data set assembled.

2. When the Accounting Filters project began, the Court did not have a database containing information on the estate's value as well as fees requested, approved and paid for the current and prior accounting periods. A first step was to create a database suitable for identifying cases where there was concern over decreasing estate value because of the size of attorney and fiduciary fees.

3. The MPD developed a strategy to make a persuasive case to the county board of supervisors to restore some of the investigator positions lost in 2007.

⁴² Ostrom, B.J. (2013). The Application of the High Performance Court Quality Cycle in the Superior Court of Arizona in Maricopa County. Williamsburg, Virginia: National Center for State Courts available at: <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/2056>.

4. The court reviewed its public outreach efforts and spoke with stakeholders to evaluate the operation and utility of existing programs.

Step 3. Analyze the Data and Refine the Plan

1. During the pilot study, multiple iterations of analysis and ongoing internal discussions led to refinements in the design, content and scoring practices on the PET.
2. Fees and changing estate values were examined for approximately 1,500 cases to help develop and empirical approach to risk analysis and the creation of the accounting filters.
3. The MPD sought and individual for the Court Monitor position having a background in child protective services to bring an investigative focus and experience in handling complex family dynamics.
4. The MPD prioritized its community outreach efforts to focus on recreating the Guardian Review program, strengthening the Accounting 123s class, and introduce the “How To” probate video series.

Step 4. Take Corrective Action and Implement the Plan

1. All guardianship investigators are now using the Probate Evaluation Tool to determine the frequency of visitation by investigators and volunteers.
2. All conservatorship cases are now screened for risk using the Accounting Filters.
3. The Court Monitor (and other probate court staff) coordinates the results of their investigative work with the judicial divisions to ensure guardians and conservators are fulfilling their obligation in caring for the protected child or adult.
4. The MPD hired a New Guardian Review program coordinator and the program has tripled in size; the Accounting 123 classes continue to be taught while another class, Duties of the Guardian has been newly developed; and the first “How To” video has been released.

5. Evaluate the Results

This step in the Quality Cycle involves checking to see whether the MPD initiatives have had the intended outcomes and results.

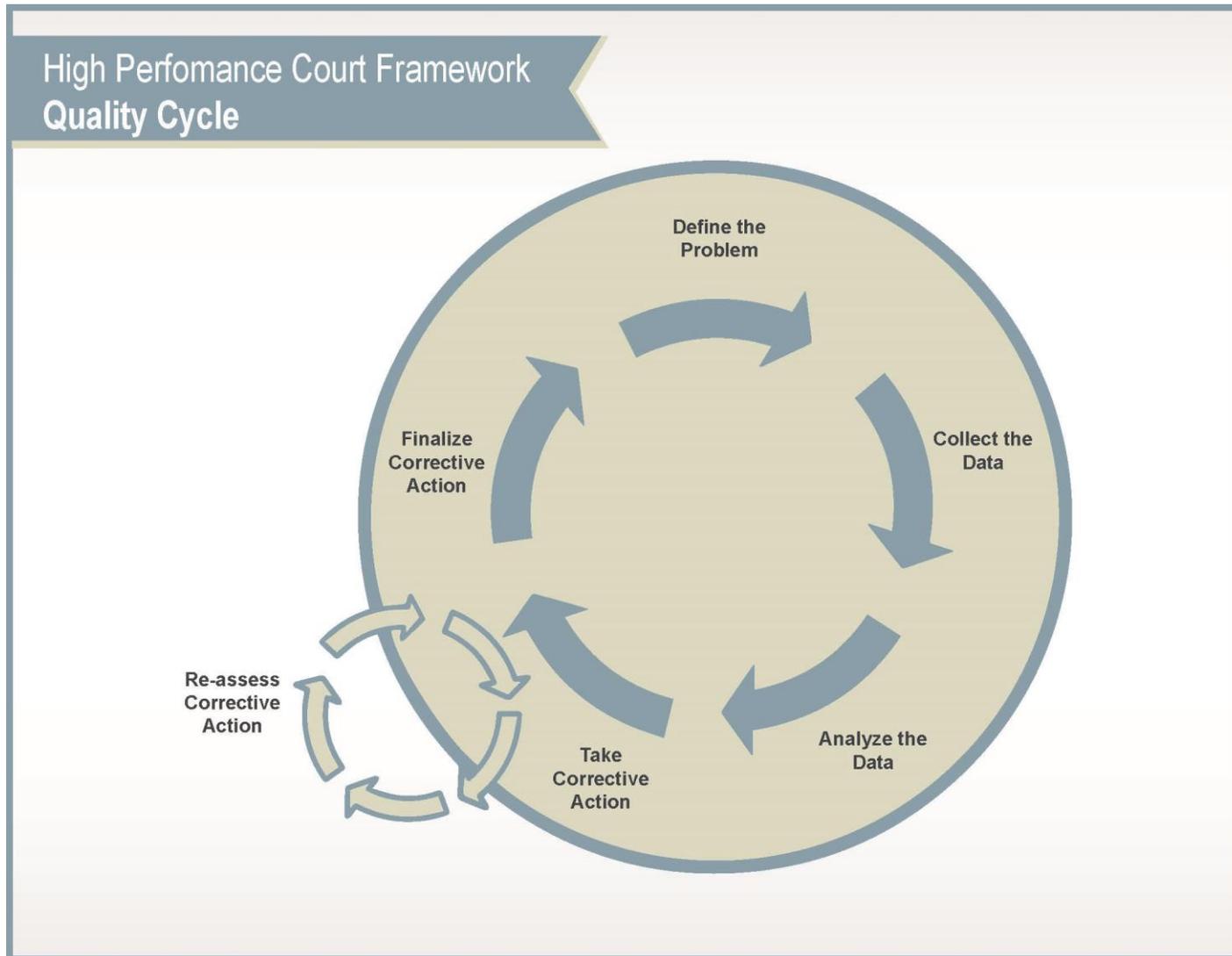
Specifically, the court has introduced four reforms related to the efficient and effective handling of conservatorship and guardianship cases.

- Probate Evaluation Tool - An empirically based means to guide the determination of the appropriate frequency and personnel for visitation and monitoring of guardianship cases.
- Accounting and Fee Review Filters - An empirically-based means to evaluate and support an expanded scope of judicial review over compensation and reimbursement for professional services in conservatorship/guardianship cases.
- Court Monitor - Establishing a staff position to monitor cases for compliance once guardians and conservators are appointed.
- Community Outreach - Refining educational classes and assistance on conservatorship and guardianship matters.

The NCSC used its *High Performance Court Framework (HPCF)* to examine the court’s efforts to increase accountability and to allocate judicial officer and court staff resources more proportionately in monitoring conservatorship and guardianship cases. The five steps of the HPCF Quality Cycle provide a lens through which one may see how the reforms are put together.

The NCSC found that the court's plan is consistent with the HPCF goals of following proportionality in the handling of cases, using data to manage cases, and developing complementary ways to maximize giving individual attention to particular cases. The court has implemented a number of innovative ideas to encourage a more efficient and effective use of resources in conducting investigations, case monitoring reviews, and accounting reviews for guardianship and conservatorship cases. (B. Ostrom, 2013)

High Performance Court Framework Quality Cycle



Scottsdale City Court: Fiscal Year 2011/2012 Executive Summary



Scottsdale City Court Fiscal Year 2011/2012 Executive Summary



Scottsdale City Court is one of 14,000 courts in the United States, and one of 84 municipal courts in the State of Arizona. Of all the court cases in the country, over 60% take place in a court like Scottsdale (according to the National Center for State Courts). As the fourth largest municipal court in Arizona, the City Court strives for operational excellence and innovation, while processing its caseload of misdemeanors, traffic violations (officer and photo enforcement issued), City code violations and protective orders. The Court mission is “service to the community through a dignified and professional forum for case resolution.”

The Scottsdale City Court has continued its use of the “CourTools” statistical measures of performance and self-assessment methodology known as “High Performance Courts.” Thus the City Court uses statistics to manage operations and consider ongoing improvements. The City Court has continued deployment of technology, enhancement and streamlining of operational practices, and constant awareness of the importance of professionalism and full satisfaction of customer needs.

Joseph Olcavage Appointed as
Presiding Judge by Council March 2012

Awarded State Justice Institute Grant for
High Performance Courts Implementation

Received National Association for Court
Management Justice Achievement Award

DUI Cases Increased 16 %

Participated in Specialty Courts for
Homeless and Veterans

Conducted High Performance Self Inventory

Conducted Work Load Study

» Customer Perspective: Treatment of Participants «

- Customer satisfaction surveys are conducted every two years; the next one will be administered in December 2012 (CourTool #1).
- 85% of the court’s bench and jury trials happened within two trial settings or less (CourTool #5).
- 2,462 people reported for jury service, and 552 people were seated on a trial—a juror utilization of 22% (CourTool #8).
- Completed over 380 bench trials in FY11/12, a 4% increase over FY10/11.
- Revised and simplified photo enforcement citation for user ease.
- Enhanced website with new content and functionality.
- Upgraded queuing system, which includes calling numbers in Spanish and the installation of new lobby monitors.
- Installed new court entry doors including enhancing/improving ADA access.

» Innovation Perspective: Adapting to Challenges «

- Disposed of 98% of cases within 180 days, with the average case being resolved within 60 days (CourTool #3).
- The average age of a pending case was 48 days and as of July 1, 2012, only 435 cases were older than 180 days (less than 3.2% of total caseload) (CourTool #4).
- Completed technology enhancements—phones and jury software.
- Upgraded hardware for paper-on-demand in courtrooms.
- Resolved 27% more new cases at the initial appearance in jail court with a 15% savings to the police jail cost budget.
- Continued to meet mandated duties through process efficiency, while staying within budget.
- Completed 22,377 auto-dialer calls to litigants, an increase of 114% over prior year.

» Internal Operating Perspective: Managing Efficiently «

- Case clearance rate was 107%, which means the court is disposing its cases in a timely manner (CourTool #2).
- Audit determined staff could locate files in less than 1 minute 98% of the time (CourTool #6).
- Conducted the 9th annual staff satisfaction survey to assess work environment quality with an 82% positive rating (CourTool #9).
- The net cost per case for FY 11/12 was \$63.23, a decrease of almost 1% from the previous year (CourTool #10).
- Completed space planning needs assessment in preparation for future City bond election.
- Enhanced payment contract processes to expand services and litigant access.

» Social Value Perspective: Responsibility to the Community «

- Collected \$160,025 in victim restitution on 248 cases (CourTool #7).
- Participation in the Regional Homeless Court began in October, 2011 resulting in the completion of 2,629 hours of community restitution in lieu of fines to resolve defendants’ cases.
- Participation in the Arizona Veteran’s Stand Down began in February, 2012 resulting in a streamlined process for case resolution for homeless and at-risk veterans.
- Enhanced court ordered community restitution screening and referrals resulting in 8,388 restitution hours for the community.
- Initiated case analysis and service coordination for defendants diagnosed with serious mental illness.
- Expanded protective order calendar to additional courtroom.
- Participated in local, regional and national court improvement committees.

Charges and Petitions Filed - FY 11/12, 10/11 and FY 09/10

Charge Types	FY 11/12	% of	FY 10/11	% of	FY 09/10	% of
	Charges	Total	Charges	Total	Charges	Total
Criminal (Traffic and Non-Traffic)	29,534	29%	23,851	23%	25,745	24%
Civil Traffic	26,340	26%	39,536	37%	48,344	44%
Civil Other (Photo Enforcement and Parking)	45,259	44%	40,914	39%	33,631	31%
Orders of Protection (All Types)	994	1%	1,027	1%	1,055	1%
Total	102,127		105,328		108,775	

Customer Service - FY 11/12, 10/11 and FY 09/10

Measurement	FY 11/12	FY 10/11	FY 09/10
Phone Calls Answered	150,845	149,800	174,543
Lobby Customers Served at Public Service Windows	62,448	67,541	76,577
Court Visitors Screened Through the Court's Security System	121,485	131,413	151,853
Payments by Phone	17,952	17,578	18,220
Payments via Website	42,879	35,731	30,318

Jury Service - FY 11/12, 10/11 and FY 09/10

Jurors serve for one day or one trial

Measurement	FY 11/12	FY 10/11	FY 09/10
Number of Jurors who Appeared for Jury Service	2,462	2,434	2,656
Number of Jurors Seated on a Trial	552	570	580
Number of Jury Trials	80	84	84

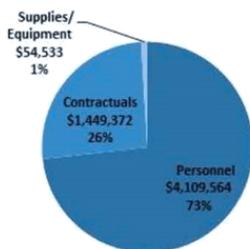
Court-Ordered Non-Financial Sanctions

Measurement	FY 11/12	FY 10/11	
# Referrals to Court-Ordered Treatment Programs	9,052	9,706	Treatment Programs include substance abuse, domestic violence, anger management, underage drinking, and other classes and programs.
# Defendants Referred to HDEM *	903	827	
# Days Defendants Sentenced to HDEM	30,405	27,970	
City Jail Costs Savings from HDEM	\$1,727,123	\$1,636,029	
# Community Restitution Hours Completed	8,388	5,290	

* HDEM = Home Detention Electronic Monitoring

FY 11/12 Financial Information

The total monies collected by the Court is \$18,429,116. The total City General Fund and Special Fund expenditures for Scottsdale City Court for Fiscal Year 11/12 was \$5,613,469.



Expenditures: What City Budgets for Court



Revenue: What The Court Collects

Looking Forward to FY 12/13

- Utilize high performance courts operational analysis
- Implement operational efficiencies for civil and criminal caseflow
- Evaluate and manage DUI jury trial backlog
- Finalize court space expansion proposal for Bond 2013 consideration
- Reduce costs through jail court calendar strategies
- Expand and obtain court user information/feedback on court services
- Expand information and access for users via Web

Sources: Administrative Office of the Courts Trend Summary Statistics and Court Photo Enforcement Monthly Trend Report (07/20/2012); SCC Statistics, SCC Monthly Jury Billing Records, (07/2012); SCC Auto-Dialer Report from Case Management System; SCC Monthly Expenditure Report (08/07/2012), SCC Monthly Revenue Report (08/07/2012); SCC CourtTools Trend Data (7/20/2012); and SCC HDEM Jail Fee Info Report from Case Management System.

Participant Activities

The participant activities are one of the most important parts of the curriculum design as they are the tools faculty members are able to use to determine if participants have achieved the outcomes defined in the learning objectives. Also, participant activities provide tools to faculty to ensure that the training, course, or session is not only informative, but also interactive.

Participant activities are annotated in the content outline in places they may be effectively used. Each activity has a cover page explaining its purpose, the specific learning objective being measured, and how to use the activity. The activities themselves are on a separate page(s) for ease of duplication.

The following activities are to measure achievement of stated learning objectives. Faculty are encouraged to incorporate additional strategies to engage court managers and keep them active during their educational experience, for example, asking questions about content before presenting it, having learners discuss content and provide feedback to faculty on their perspectives, and more.

Activity One – Discussion Questions and Defining Key Terms

Learning Objective: *Identify individual learning needs and objectives related to accountability and court performance.*

Activity Two – Court Performance Measures and Management Assessment

Learning Objective: *Assess the current court performance and management metrics used by the court and the culture around accountability and court performance.*

Activity Three – Better One or Better Two?

Learning Objective: *Organize and present performance measurement data in a format that maximizes the use of visuals.*

Activity Four – Review CourTools, Prioritize Performance Measures, and Data Selection

Learning Objectives: *Identify relevant performance measures for the court and select data to support those measures.*

Activity Five: Moving from Court Performance Measurement to Performance Management

Learning Objective: *Identify, design, and apply performance measures that address the effectiveness of court programs and procedures.*

Activity Six: Applying the Quality Cycle to Improve Performance

Learning Objectives: *Diagnose the results of performance measurement and apply findings to improve performance; and*

Activity Seven: Develop a Communication Strategy

Learning Objective: *Develop an effective communication strategy to the public and its public policy partners about the performance of the court in carrying out its constitutional duties.*

Activity Eight: Assessing Organizational Readiness for Accountability and Court Performance

Learning Objective: *Identify educational needs based on an assessment of the local court's readiness to implement performance measures.*

Activity One: Discussion Questions and Defining Key Terms

Purpose

The purpose of this two-part activity is to encourage the participants to discuss what the current court culture is as it relates to accountability and court performance as well as define key terms in the context of the participants' court. Based on the activity, faculty can tailor the session to address identified learning needs.

Notes about Using the Activity

The first part of the activity contains six questions that may be used to start a discussion with the participants about their thoughts and beliefs regarding court performance. You may wish to take one or two of the questions to open a discussion and not necessarily use all six. For the second part of the activity – Defining Key Terms, give the participants 10 to 15 minutes to define each of the terms and provide an example or context for how the court may use each of the terms. Plan to have the participants share the term definitions and examples. You may wish to put the participants in small groups and have the small groups share their answers prior to asking volunteers to share with the full group.

Relevant Learning Objective

1. Identify individual learning needs and objectives related to accountability and court performance.

Discussion Questions

Below are six questions to help begin discussions about accountability and court performance.

1. How do we know how well our courts are progressing compared to our missions and goals?
2. What should we measure in order to have critical information without becoming overwhelmed with data?
3. How do we report and discuss our performance internally, to community stakeholders and to the public?
4. Where should we focus our limited resources in order to increase our effectiveness today?
5. How do you do more with less?
6. How do you anticipate challenges and identify their sources?

Defining Key Terms

Please take 15 minutes to define the terms below and provide an example of how the court may use each of the terms. If you have experience with term, record recent challenges or lessons learned.

TERM	DEFINITION	EXAMPLE
Effectiveness		
Efficiency		
Time Standards		
Performance Measures		
Benchmarks		
Productivity		

Activity Two: Court Performance Measures and Management Assessment

Purpose

The purpose of this two-part activity is for the participants to assess the court's performance management culture. The first part of the activity is in the form of an individual self assessment and the second part of the activity is to be completed within a small group – preferably with members from the same court.

Notes about Using the Activity

First Activity: For this self assessment, ask each person to identify areas where performance measures have been established and provide examples. Give the participants approximately 15 to 20 minutes to complete the self-assessment. Take approximately 5 to 15 minutes to debrief the group; encourage participants to share their responses.

Second Activity: For this group activity, break the class into small groups. If possible, the groups should be from the same or similar courts to allow the small groups to use the time to assess their own court. One person should be designated as the scribe, and another person should be designated as the spokesperson. After the questions have been answered, groups will be asked to synthesize the information and share their responses.

Relevant Learning Objective

2. Assess the current court performance and management metrics used by the court and the culture around accountability and court performance.

Survey on Use of Performance Measure for Case Management and Resource Management Purposes

Work in small groups to answer each of the questions. One person should be designated as the scribe, and another person should be designated as the spokesperson. After the questions have been answered, groups will be asked to synthesize the information and share their responses.

1. Does your court currently use performance measures for case management purposes? If yes, list examples of measures.

2. Does your court currently use performance measures for resource management purposes? If yes, list examples of measures.

3. Please describe how often these measures are calculated. Are the performance measures reviewed internally? If so, who does the review?

4. Are benchmarks or goals established for any of these measures? Please describe how these benchmarks or goals are set. Are they reviewed internally? If so, who does the review?

5. Have any performance measures been helpful in revealing problem areas, concerns, or improvements to case management or resource management practices?

Activity Three: Better One or Better Two?

Purpose

The purpose of this activity is to encourage participants to provide feedback related to presenting performance data to ensure organization and presentation objectives are achieved for the target audience.

Notes about Using the Activity

Using the charts contained at **Faculty Resources -- Examples of Different Chart Types** or, alternatively, using your own performance measurement data, have small groups of participants discuss and answer the questions about the data. Please see the links below for other data sets that can be used for this activity. Once the participants have had an opportunity to review the data and methods of displaying it, ask the participants to share feedback related to the organization and presentation of the data.

Relevant Learning Objective

3. Organize and present performance measurement data in a format that maximizes the use of the visuals.

Date Sets

Flango, V. E. *Court Performance Measures in Child Abuse and Neglect Cases: Key Measures*
<https://www.ncjrs.gov/pdffiles1/ojdp/223567.pdf>

National Center for State Courts. (2013). *A National Call to Action: Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts*
<http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Call-to-Action.ashx>

Data Presentation Discussion Questions

Please answer the questions below about organization and presentation of performance measurement data that maximizes the use of visuals in your small group. Be prepared to share your answers with the larger group.

What are the pros and cons of the presentation of the data?

How could you improve the data presentation?

If the target audience were different, would the presentation differ?

How does the display differ based on where the information is provided (e.g., website, social media networks)?

Activity Four: Review *CourTools*, Prioritize Performance Measures, and Data Selection

Purpose

The purpose of this activity is to stimulate each participant's thinking about some of the basic indicators of court performance and define data currently collected and additional data needed to measure each of the indicators.

Notes about Using the Activity

Give the participants 10 to 15 minutes to review *CourTools* and ask them to assess the current status of each measure in their courts; ask them to prioritize each measure in *CourTools* based on its relevance in their court. Next, allow the participants 15 to 20 minutes to list the data elements needed to measure each of the indicators. Encourage the participants to define data based on what is already being collected and what still may need to be collected. Although this exercise is intended to be an individual activity, if groups from the same court are in the course, you may wish to have participants complete this activity in small groups.

Relevant Learning Objective

4. Identify relevant performance measures for the court and select data to support those measures.

Review *CourTools*, Prioritize Performance Measures, and Data Selection

The purpose of this activity is to stimulate your thinking about some of the basic indicators of court performance. Review *CourTools*, prioritize each of the *CourTools* according to how important you think the indicator is to the success of your court. Write the priority level in the right column (High, Medium or Low).

Measure	Definition	Priority
1. Access and Fairness Survey	Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.	
2. Clearance Rates	The number of outgoing cases as a percentage of the number of incoming cases.	
3. Time to Disposition	The percentage of cases disposed or otherwise resolved within established time frames.	
4. Age of Active Pending Caseload	The age of active pending before the court, measures as the number of days from filing under the time of measurement.	
5. Trial Date Certainty	The number of times cases disposed by trial are scheduled for trial.	
6. Reliability and integrity of Court Files	The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of contents.	
7. Collection of Monetary Penalties	Payments collected and distributed within established timelines, expressed as a percentage of total monetary penalties ordered in specific cases.	
8. Effective Use of Jurors	Juror Yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Juror Utilization is the rate at which prospective jurors are used at least once in trial or voir dire.	
9. Court Employee Satisfaction	Ratings of court employees assessing the quality of the work environment and relations between staff and management.	
10. Cost per Case	The average cost of processing a single case, by case type.	

Take each performance measure and list the data collected and data needed to measure each of the indicators. When considering each indicator, consider the following questions:

- How closely do the existing indicators in your court compare in form and substance with *CourTools*?
- What performance information represented by *CourTools* is not available currently in your jurisdiction?
- Does the gathering of some data elements look too expensive or time consuming to justify their collection?

Measure	Data Currently Collected	Data Needed	Priority
1. Access and Fairness Survey			
2. Clearance Rates			
3. Time to Disposition			
4. Age of Active Pending Caseload			
5. Trial Date Certainty			
6. Reliability and integrity of Court Files			
7. Collection of Monetary Penalties			
8. Effective Use of Jurors			
9. Court Employee Satisfaction			
10. Cost per Case			

Activity Five: Moving from Court Performance Measurement to Performance Management

Purpose

The purpose of this activity is to provide participants an opportunity to apply critical thinking skills to court administrative scenarios.

Notes about Using the Activity

Divide participants into small groups. Assign each group one of the scenarios and ask them to review it, answer the questions, and use the template to identify the proficiencies required to achieve system orientation. Ask the groups to assign a scribe to take notes for the group and assign a spokesperson. Give the groups 30 to 45 minutes to complete the task. Once complete, debrief the group by seeking volunteers to introduce each scenario and talk about the proficiencies. You may also wish to ask the group to talk about the challenges of completing the task and discuss the difficulties of creating a plan for system orientation.

Relevant Learning Objective

5. Identify, design, and apply performance measures that address the effectiveness of court programs and procedures.

Moving from Court Performance Measurement to Performance Management

In your small group review assigned scenario and, using the template provided, respond to the proficiencies required to achieve system orientation. Assign one group member as scribe and another as the spokesperson.

Scenario 1: Implementation of a Veterans Treatment Court

Our nation and state face a substantial returning population of veterans, some of whom will become involved with the criminal justice system. Experience in other treatment courts has shown that veterans respond more favorably to other veterans in court. Veterans Treatment Court (VTC) links individuals with service providers who either share or understand the unique experience of military service, military life, and the distinctive needs that may arise from that experience. From the court's perspective, participants require a greater need for supervision and support; increased collaboration with law enforcement and Veterans Affairs; speedy identification and referrals of eligible veterans; transferring of cases that traditionally were in other treatment courts (drug, mental health) to a centralized singular calendar of all eligible veterans; vet to vet mentoring to help the veterans build and achieve healthy goals.

The chief judge in your court has asked for you to assist in determining whether or not to implement a VTC or establish a veterans docket in an existing problem-solving court. The impact to the court would likely include operations management, workforce management and budget and fiscal management concerns. Some issues to be resolved may include:

- What judge will preside over VTC?
- Will it be a pre-adjudication court, a post-adjudication court, combination?
- What will be the nature and or number of the offenses?
- How will you define “veteran”?
- How do you identify veterans?
- What is a reasonable time to implement the court?
- Will you use mentors?
- What impact does starting a new court have on other justice partners?
- What are the costs and funding implications or options?
- What performance measures should be factored into the evaluation?
- Would you recommend additional performance measures if implemented?
- How would you apply performance measures to improve court operations and management?

Scenario 2: Budget Management Reallocation Plan

Three months into the current fiscal year, each court jurisdiction received notice from the Office of the State Court Administrator that expenses are exceeding revenues in the State Court Operations Trust Fund and has requested your assistance to develop a plan to address the problem.

The notice requests that the Chief Judge submit a plan to permanently reduce the circuit's budget allocations for the below services for the current fiscal year by three percent. The total budget for these services is \$15 million including 85 FTEs of which six positions are currently vacant (two staff attorneys, one court interpreter, two case managers and one administrative assistant).

This Trust Fund is the funding source for all trial court operations except for Judge and Judicial Assistant salaries. The following resources are funded through this trust fund:

- All business-related services including administration, budget and fiscal, human resources, technology, public information and strategic planning;
- All due process services including court reporting, court interpreting, and expert witnesses;
- Case management services that support the Unified Family divisions (domestic relations, dependency, delinquency and domestic violence);
- Mediation services;
- General Magistrates assigned to the Unified Family divisions and the Guardianship and Mental Health divisions;
- Civil Traffic Hearing Officers;
- Staff Attorneys supporting all divisions of the court;
- Senior Judges' Compensation;
- Compensation for County Judges assigned by Administrative Office of the Courts to cover Circuit divisions.

The impact to the court would likely include operations management, workforce management and budget and fiscal management concerns. Some issues to be resolved may include:

- Who will you involve in the process?
- What role will performance management play in the decision making process?
- How will you reduce resources without substantially impacting court performance?
- Are there opportunities to address inefficient legacy processes and internal cultural practices that diminish court operational effectiveness?
- Would you recommend additional performance measures if implemented?
- How would you apply performance measures to improve court operations and management?

Scenario 3: Determining the Feasibility of a Criminal Court Facility

A proposed new Criminal Court Facility is currently under consideration by the county. Preliminary estimates are that a new facility would cost up to \$300 million. A major decision is where the facility will be located. There are two site locations under review:

- Downtown site next to the primary civil courthouse
- Adjacent to the county jail located approximately 10 miles from downtown civil courthouse

In addition to the budget and fiscal management issues, the impact to the court would likely include operations management and workforce management concerns. Some issues to be resolved may include:

- What factors should be considered in the evaluation?
- Who should be involved in the decision making process?
- What operational issues can the court anticipate?
- What operational issues may other stakeholders anticipate?
- What performance measures should be factored into the evaluation?
- Would you recommend additional performance measures if implemented?

Scenario 4: Using the Right Court Technology Solution

Your court is supported by a legacy case management system (CMS) deployed 15 years ago. The system has undergone multiple upgrades over the years to address ongoing problems with performance. The system is frequently down, negatively affecting court operations. The system lacks user support due to incompatibility with existing court processes; it is reportedly not user friendly and is unable to generate usable case statistical reports. Judges and court staff frequently question the accuracy of the data from the system. The cost of maintaining the CMS far exceeds the value it provides to its users. The large majority of the complaints and problems with performance are with the criminal module of the CMS. Generally, the civil and family modules are operating with limited problems.

The chief judge has appointed a committee of judges to evaluate options for replacing the system. The committee voted to pursue two options:

- Replace existing CMS with new system, or
- Modify or replace the criminal module.

The committee has requested assistance from court administration to evaluate each of the two options and make a recommendation.

The primary impact to the court would likely be to budget and fiscal management but will also include operations and workforce management too. Some issues to be resolved may include:

- What factors should be considered in the evaluation?
- How would a cost benefit analysis assist in outlining the benefits and liabilities of each option?
- Who should be involved in the decision making process?
- What are the other organizational impacts (both internal and external)?
- What performance measures should be factored into the evaluation?
- Would you recommend additional performance measures if implemented?
- How would you apply performance measures to improve court operations and management?

Applying Performance Measures to Improve Court Operations and Management

ADDRESS EXPECTATIONS

- _____
- _____
- _____
- _____

ADDRESS EFFECTIVENESS

- _____
- _____
- _____
- _____

ADDRESS EFFICIENCIES

- _____
- _____
- _____
- _____

DIAGNOSE RESULTS

- _____
- _____
- _____
- _____

ORGANIZE AND PRESENT DATA

- _____
- _____
- _____
- _____

COMMUNICATE

- _____
- _____
- _____
- _____

INTEGRATE TOWARD SYSTEM ORIENTATION

- _____
- _____
- _____
- _____

Activity Six: Applying the Quality Cycle to Improve Performance

Purpose

The purpose of this activity is to provide participants an opportunity to apply critical thinking skills used in court administration scenarios.

Notes about Using the Activity

Divide participants into small groups. Ask each group to review the scenario and work through the quality cycle. Ask the groups to assign a scribe to take notes for the group and assign a spokesperson. Give the groups 20 to 25 minutes to complete the task. Once complete, debrief the group by seeking volunteers and talk about the proficiencies. You may also wish to ask the group to talk about the challenges of completing the task and discuss the difficulties of creating a plan for system orientation.

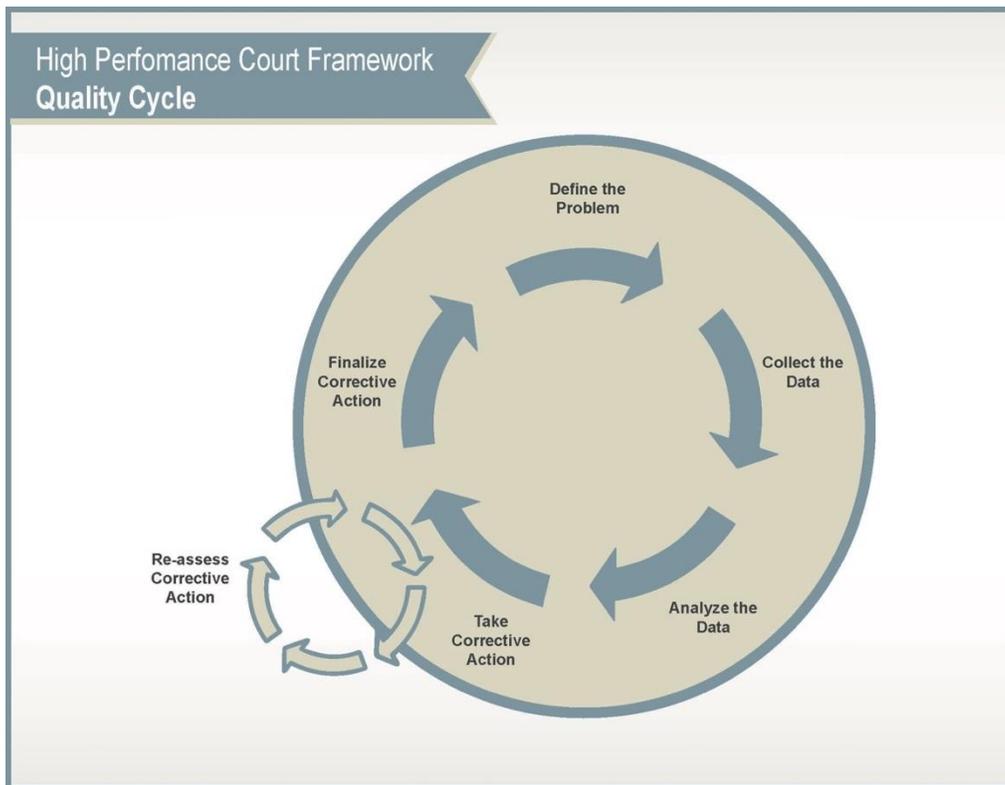
Relevant Learning Objective

6. Diagnose the results of performance measurement and apply findings to improve court performance.

Applying the Quality Cycle to Improve Performance

Time to Disposition

The local bar of Centerville, USA has recently complained to the court about how some civil cases are not taken seriously and continuance are allowed to extend cases into oblivion. Several attorneys have examples of cases that have been active without a resolution for two and three years. The Centerville Court does not use time standards or have any administrative system in place to actually know how long cases take to resolve or whether certain types of cases might languish in the court. The court manager has recently brought together leadership to define if the court does have a caseflow problem and how to solve it.



Define the Problem:

Collect the Data:

Analyze the Data:

Take Corrective Action:

Are there best practice
solutions?

What are the recommended actions and strategies?

Activity Seven: Develop a Communication Strategy

Purpose

The purpose of this activity is to provide participants an opportunity to develop a communication strategy based improvements and corrective actions taken by the court.

Notes about Using the Activity

Split the class into small groups. As a result of the corrective action recommended in the previous activity, generate an effective communication strategy to the target audiences. Ask the groups to assign a scribe to take notes for the group and assign a spokesperson. Give the groups 25 – 30 minutes to complete the task checking in periodically. Once complete, debrief the group by seeking volunteers to talk about the communication plan.

Relevant Learning Objective

7. Develop an effective communication strategy to the public and its public policy partners about the performance of the court in carrying out its constitutional duties.

Develop a Communication Strategy

What is the key message?

Is there more than one target audience?

What is the most effective means of communication?

Who should be involved in developing the content? Who needs to approve it?

What is the timeline?

Activity Eight: Organizational Readiness for Accountability and Performance Assessment

Purpose

The purpose of this activity is to provide a tool for participants to use to develop an education plan to improve their court's readiness for implementing performance measures.

Notes about Using the Activity

Faculty should use this activity according to the composition of the class. In other words, if the class consists of individual court managers from different courts, then the activity should be completed individually. Then the faculty member can ask the individuals to share their thoughts and answers to the questions. If the class is made up of teams from different courts, then the exercise can be completed by those court teams with a similar debrief of the class once the team groups have completed the questions.

Relevant Learning Objective

8. Evaluate current knowledge, skills and abilities to create an educational plan.

Organizational Readiness for Accountability and Court Performance Assessment

Jurisdiction	Completed by:	Date:
Rate your court's ability to:		Level of Capacity/skill (1=Low, 5=High): Circle One
Basic Analytical Skills		
Identify simple performance measures	Not Sure 1 2 3 4 5	
Organized data in forms that facilitates analysis process	Not Sure 1 2 3 4 5	
Analyze data over time and trend analysis, against standards and benchmarks	Not Sure 1 2 3 4 5	
Disseminate information to target audiences	Not Sure 1 2 3 4 5	
Court Proficiencies		
Describe established court performance measures	Not Sure 1 2 3 4 5	
Rank <i>CourTool</i> indicators that may be a priority for court	Not Sure 1 2 3 4 5	
Explain value of High Performance Court – Balanced Scorecard	Not Sure 1 2 3 4 5	
Identify other recognized court performance measures	Not Sure 1 2 3 4 5	
Accountability and Court Performance for System Orientation		
Demonstrate accountability process that leads to system orientation	Not Sure 1 2 3 4 5	
Identify and apply performance measures that address expectations	Not Sure 1 2 3 4 5	
Identify and apply performance measures that address effectiveness	Not Sure 1 2 3 4 5	
Identify and apply performance measures and targeted benchmarks that reveal how resources are allocated	Not Sure 1 2 3 4 5	
Diagnose results of performance measures and apply findings to improve court performance	Not Sure 1 2 3 4 5	
Communicate effectively to the public and public partners	Not Sure 1 2 3 4 5	
Organizational Challenges		
How would current situations in your court affect your educational plan? What are the greatest challenges?		



Educational Planning		
Program/Topic Description Who is the audience? What are the relevant topics? When/where will it occur and in what format? Why is this topic important? How do we coordinate the program (what resources are needed)	Goals What would we like to accomplish with this program?	Outcomes What the anticipated increases or changes to the participants after the course. What are the learning objectives?

Bibliography

- Adult Drug Court Program Logic Model. Retrieved on May 24, 2015, from <http://www.nij.gov/topics/courts/drug-courts/pages/measures-evaluation.aspx#performancemeasures>.
- A History of the Conference of State Court Administrators: 1955- 2005. Retrieved from <http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Web%20documents/History-of-COSCA.ashx>.
- Aikman, A. (2007). *The Art and Practice of Court Administration*. Boca Raton, FL: Auerbach Publications.
- Buckingham, M., & Coffman, C, (1999). *First break all the rules: What the world's greatest managers do differently*. New York, NY: Simon & Schuster.
- Conference of State Court Administrators. (2008). *Promoting a Culture of Accountability and Transparency: Court System Performance Measures [White Paper]*. Retrieved from <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/2028>.
- Cornell, J. (2012), *One Court Looks at Itself in the Mirror: The "Bucket List" Project – A Low-Tech Self-Review*. *Court Manager*, 2012 Vol. 27: 4. Retrieved from https://nacmnet.org/sites/default/files/publications/CourtManager/PRINT_WEB_CM_27%234_BOOK.pdf.
- Courtools. (n.d). Retrieved May 24, 2015, from <http://www.courtools.org>.
- Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide. (2009). U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Court Performance Measures in Child Abuse and Neglect Cases: Report of Allen County's Court Performance Pilot Project. (2012). Retrieved from <http://www.in.gov/judiciary/cip/files/cip-allen-report.pdf>.
- The Forum on the Advancement of Court Technology (FACT) Communication Plan, (2013). Retrieved from http://court-fact.org/wp-content/uploads/2014/06/FACT-Communication-Plan_05302013.pdf.
- Funding Justice: Strategies and Messages for Restoring Court Funding. (2012). Washington, DC: Justice at Stake and National Center for State Courts.
- Gatowski, S., Portune, L. (2009). *Court Performance Measures in Child Abuse and Neglect Cases: Implementation Guide*.
- U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Gerstein, Bocian, Agne. (memorandum communication, December 4, 2014). Memorandum from Gerstein, Bocian and Agne Strategies to National Center for State Courts, Analysis of National Survey of Registered Voters. Retrieved from <http://www.ncsc.org/~media/Files/PDF/Topics/Public%20Trust%20and%20Confidence/2014-State-of-State-Courts-Survey-12042014.ashx>.
- Humpheys, S. (2014). *Connecting Trends and Technologies: "Some Basics for Courts Headed to the Future (and Those Helping Them Get There)*. *Court Manager*, 2014 Vol. 29:1. Retrieved from http://court-fact.org/wp-content/uploads/2014/04/TechFacts_ConnectingTrends.pdf.

- Kelitz, I. (2005). Top 10 Reasons for Performance Measurement. Made2Measure Blog, Court Metrics. Retrieved from <http://made2measure.blogspot.com/2005/09/top-10-reasons-for-performance.htm>.
- Kimball, R. (2014). A Framework for Strategic Facilities Planning in the Fifth Judicial District of Pennsylvania. *Court Manager*, 2014 Vol. 29: 2.
- Knox, P., Bunch, J., Dybas, J., Fowler, C., Martineau, M., Westover, K. (2014) A Guide to Technology Planning for Court Managers: Mastering Successful IT Projects, Williamsburg, VA: National Association for Court Management.
- Locke, E. Latham, G. (2002). Building a Practically Useful Theory of Goal Setting and Task Motivation. *American Psychologist*, 2002 Vol. 57(9) Sep 2002, 705-717. Retrieved from <http://psycnet.apa.org/index.cfm?fa=buy.optionToBuy&id=2002-15790-003>.
- Marlowe, D. National Association of Drug Court Professionals. (2010). Research Update on Adult Drug Courts, National Association of Drug Court Professionals.
- Minnesota Judicial Branch, Fourth District (n.d.) Retrieved May 26, 2015, from <http://www.mncourts.gov/district/4/?page=396>.
- National Center for Public Productivity, Rutgers University. (1997). A Brief Guide for Performance Measurement in Local Government. Newark, N.J.: Rutgers University, National Center for Public Productivity.
- Ostrom, B., Davis, A., Graves, S., Roth, S. (2013). Final Report. The Application of the High Performance Court Quality Cycle in the Superior Court of Arizona in Maricopa County. Williamsburg, VA: National Center for State Courts.
- Ostrom, B. Hanson, R. (2010). Achieving High Performance: A Framework for Courts. Williamsburg, VA: National Center for State Courts: Retrieved from http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/CTF/Achieving_HPC_April_2010.ashx.
- Ostrom, B., Klieman, M. Hanson, R. (2011). The High Performance Court Framework. Future Trends in State Courts. Williamsburg, VA: National Center for State Courts. Retrieved from <http://www.ncsc.org/~media/Microsites/Files/Future%20Trends/Author%20PDFs/Ostrom%20Kleiman%20and%20Hanson.ashx>.
- Ostrom, B., Kleiman, M., Roth, S. (2014). Final Report. DUI Case Management in the Scottsdale City Court: Applying the High Performance Court Framework. Williamsburg, VA: National Center for State Courts.
- Principles of Judicial Administration. (2012). Williamsburg, VA: National Center of State Courts. Retrieved May 24, 2015, from <http://www.ncsc.org/~media/Files/PDF/Information%20and%20Resources/Budget%20Resource%20Center/Judicial%20Administration%20Report%209-20-12.ashx>.
- Rubio, D., Cheesman, F., Federspiel, W. (2008). Performance Measurement of Drug Court: The State of the Art. U.S. Department of Justice, National Drug Court Training and Technical Assistance Initiative: statewide Technical Assistance Bulletin.
- Scottsdale City Court Fiscal Year 2011/2012 Executive Summary. (2012). Retrieved May 26, 2015, from <http://www.scottsdaleaz.gov/Assets/Public+Website/courts/CourtPublications/Annual+Executive+Su>

[mmary+FY+11-12.pdf](#).

Sydow, N. (2010) “Can You Hear Me Now?” Issues and Policy Considerations for Cell Phones and Other Electronic Devices in the Courts. Court Manager, 2010 Vol. 25: 2. Retrieved from <https://nacmnet.org/sites/default/files/images/CellPhones.pdf>.

The Center for Elders and the Courts, National Center for State Courts. Case File Summary Form. Retrieved May 24, 2015 from <http://www.eldersandcourts.org/Elder-Abuse/Toolkits-for-Prosecutors-and-Courts.aspx>.

United States. (1997). Planning Guide for Using the Trial Standards and Measurement System. Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Assistance.

Utah State Courts (n.d.) Retrieved May 24, 2015, from <http://www.utcourts.gov/courtools/reports.asp?measure=access>.

Walter, K., Israel, B. (2012). Policy Brief: Use of Data in Criminal Court Performance Measurement. Chicago, IL: Chicago Appleseed Fund for Justice. Retrieved from <http://www.chicagoappleseed.org/wp-content/uploads/2012/12/Data-in-Criminal-Courts-FINAL.pdf>.