



TRIAL COURT PERFORMANCE

STANDARDS

"TESTING THE MEASURES"

IN

New Jersey

1. Superior Court,
Atlantic County,
Atlantic City
2. Superior Court
Burlington County
Mount Holly
3. Superior Court
Morris County
Morristown
4. Superior Court, Ocean
County, Toms River
5. Superior Court, Somerset
County, Somerville

Virginia

10. Fairfax Circuit Court
Fairfax

Ohio

6. Common Pleas Court, Meigs County
Pomeroy
7. Common Pleas Court, Montgomery
County, Dayton
8. Common Pleas Court, Stark County
Canton
9. Common Pleas Court, Wayne County
Wooster

Washington

11. Superior Court, Spokane County
Spokane
12. Superior Court, Thurston County
Olympia
13. Superior Court, Whatcom County
Bellingham

FINAL REPORT - 1995

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FINAL REPORT

Trial Court Performance Standards:

"Testing the Measures"

AN EVALUATION OF NATIONAL TESTING OF 75
MEASURES OF TRIAL COURT PERFORMANCES
IN COURTS OF OHIO, NEW JERSEY, VIRGINIA AND
WASHINGTON, 1991-1994 (DECEMBER 1994):
final report

*rev'd
1-23-95*

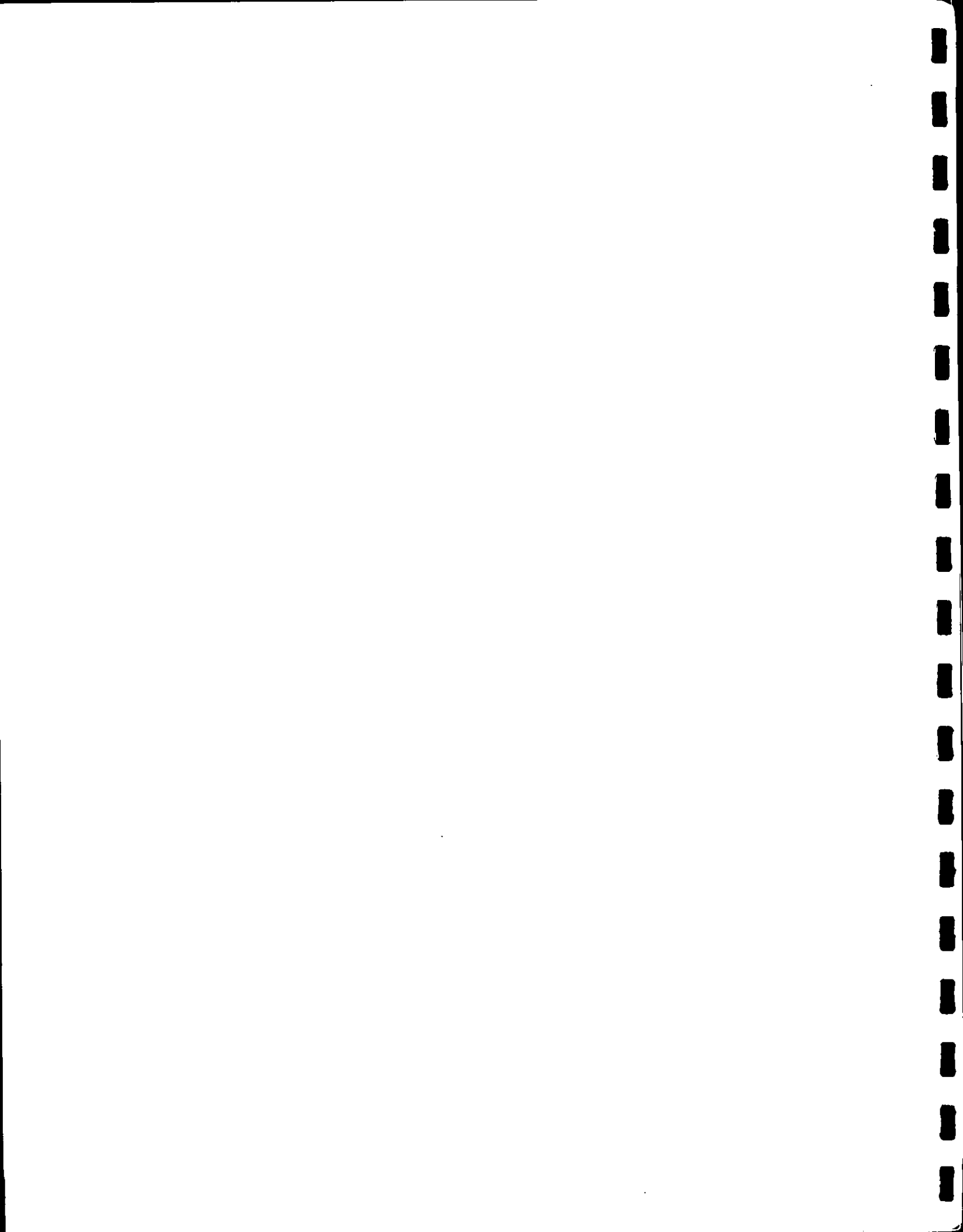
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Part 1. Executive Summary

This report summarizes a four-year period of testing the measures of trial court performance in selected courts of Ohio, New Jersey, Virginia and Washington. The measures are designed to accompany the Trial Court Performance Standards adopted in 1990 by the Commission on Trial Court Performance Standards. The introduction (Part 2) of this report provides the information needed to place the testing process in the context of the states and trial courts where the testing was done. The testing of measures showed that most of them were successful in practical use in real trial court settings (Part 3). The lessons learned from testing that will be of benefit to other courts and the evolving court improvement projects at the test sites are explored (Parts 4 and 5). Finally, appropriate conditions before testing or application in courts during future use of the Trial Court Performance Standards and Measures are discussed (Part 6). Three appendices add further details and information of broad importance to the judicial branches of government.

This report on "Testing the Measures" clearly demonstrates the following important points:

1. that 71 of the 75 measures of trial court performance are useful as originally written and adjusted;
2. the process of testing both encouraged and brought about trial court system improvement;
3. the actual process of applying the standards and measures to trial court performance that was experienced at each of the test sites, or some variation in application, is well worth repeating in any trial court in the nation; and
4. the application of standards and measures requires significant leadership, commitment, time and external assistance.

Part 2 - Introduction and Background of Project

2.1 Introduction and Background to Testing Project for Measures.

In the July, 1990, final report of the Commission on Trial Court Performance Standards, Chief Judge Robert C. Murphy, Chairman, wrote:

“The next phase of the Standards Project will entail extensive testing of the standards and related measures in ...states: ...New Jersey, Ohio, Virginia and Washington.”(p.vii)

The “next phase” is the subject of this report published and distributed in 1995 on the work done during 1991-1994 in New Jersey, Ohio, Virginia and Washington.

Who was involved in this project? Four Supreme Courts of the states, thirteen courts at the trial level in these four states, four offices of state court administrators, the National Center for State Courts, the Commission on Trial Court Performance Standards, the Bureau of Justice Assistance, United States Department of Justice and the State Justice Institute that provided funds to states to cover part of the costs of testing. Each was involved in various ways in the extensive testing envisioned. In each of the thirteen test site communities served by the trial courts, there were many persons other than court officials involved in the testing: volunteer observers, members of the local bar associations, teachers and students in universities, colleges and law schools, local press, jurors, private consulting firms conducting studies, members of the local criminal justice communities (prosecutors, sheriffs, police, clerks, probation, corrections, interpreters and many others) and county governing boards. This list is not exhaustive. The testing done at the suggestion of the Commission on Trial Court

Performance Standards was "extensive" in the true sense of the word used by Chief Judge Murphy. One can only surmise, but it would not be surprising to find at least several hundreds of persons playing a variety of significant roles in the testing process to be evaluated in this report. The testing was genuinely national in scope, and it was thorough in a way that will be explained in more detail in part 4 of this report. The intent of the Commission has been carried out to the fullest extent in the last period of testing from 1991-1994. To avoid repetition in this report commentary, the preface and first six pages of the report of July, 1990 by the Commission on Trial Court Performance Standards entitled, *Trial Court Performance Standards with Commentary*, will be found in Appendix 1 of this report. There you will find the explicit rationale for standards, the purposes to be served by the standards, the important limits to the standards and a brief history of that three year project from August 1987 to July 1990.

To better understand this report it is important to be aware not only of the long term 1987-1994 nature of the Standards Project, but there are certain basic understandings that a reader needs in order to appreciate the significance of what has been done. There are words of art - "trial court", "performance" and "standards and measures" that have developed particular meanings that demand a fuller explanation at the outset. Let us focus next on the test sites - the "trial courts" in the testing project.

2.2 "Trial Courts"

In the testing of the measures, trial courts of general jurisdiction - the most important judicial tribunal for trials in a defined court jurisdiction were volunteers in this 1991-1994 phase of testing measures. Excluded were appellate courts, special courts for juveniles, for traffic or for minor civil and criminal cases of all kinds. The Standards - some 22 statements of sound operational performance - were accepted as facts of

life. There was little or no critical attention paid in 1991-1994 to these framing statements. The standards are divided among five performance areas:

<u>Five Performance Areas</u>	<u>Standards</u>	<u>Measures</u>
1. Access to justice	5	20
2. Expedition and timeliness	3	11
3. Equality, fairness and integrity	6	25
4. Independence and accountability	5	15
5. Public trust and confidence	<u>3</u>	<u>4</u>
	22	75

To make more explicit both of the words of art - "Standards and measures", what follows in this introduction is the bare text of the twenty-two standards and a schematic outline of the 75 measures. This is the design of standards and measures without commentary. With commentary, the measures alone occupied a very large notebook of explanations and forms.

2.3 "The Standards"

TRIAL COURT PERFORMANCE STANDARDS

1. ACCESS TO JUSTICE

Standard 1.1 Public Proceedings

The court conducts its proceedings and other public business openly.

Standard 1.2 Safety, Accessibility, and Convenience

Court facilities are safe, accessible, and convenient to use.

Standard 1.3 Effective Participation

All who appear before the court are given the opportunity to participate effectively without undue hardship or inconvenience.

Standard 1.4 Courtesy, Responsiveness, and Respect
Judges and other trial court personnel are courteous and responsive to the public and accord respect to all with whom they come into contact.

Standard 1.5 Affordable Costs of Access
The costs of access to the trial court's proceedings and records - whether measured in terms of money, time, or the procedures that must be followed are reasonable, fair, and affordable.

2. EXPEDITION AND TIMELINESS

Standard 2.1 Case Processing
The trial court establishes and complies with recognized guidelines for timely case processing while, at the same time, keeping current with its incoming caseload.

Standard 2.2 Compliance with Schedules
The trial court disburses funds promptly, provides reports and information according to required schedules, and responds to requests for information and other services on an established schedule that assures their effective use.

Standard 2.3 Prompt Implementation of Law and Procedure
The trial court promptly implements changes in law and procedure.

3. EQUALITY, FAIRNESS AND INTEGRITY

Standard 3.1 Fair and Reliable Judicial Process
Trial court procedures faithfully adhere to relevant laws, procedural rules, and established policies.

Standard 3.2 Juries

Jury lists are representative of the jurisdiction from which they are drawn.

Standard 3.3 Court Decisions and Actions

Trial courts give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors.

Standard 3.4 Clarity

Decisions of the trial court unambiguously address the issues presented to it and make clear how compliance can be achieved.

Standard 3.5 Responsibility for Enforcement

The trial court takes appropriate responsibility for the enforcement of its orders.

Standard 3.6 Production and Preservation of Records

Records of all relevant court decisions and actions are accurate and properly preserved.

4. INDEPENDENCE AND ACCOUNTABILITY

Standard 4.1 Independence and Comity

A trial court maintains its institutional integrity and observes the principle of comity in its governmental relations.

Standard 4.2 Accountability for Public Resources

The trial court responsibly seeks, uses, and accounts for its public resources.

Standard 4.3 Personnel Practices and Decisions

The trial court uses fair employment practices.

Standard 4.4 Public Education

The trial court informs the community of its programs.

Standard 4.5 Response to Change

The trial court anticipates new conditions or emergent events and adjusts its operations as necessary.

5. PUBLIC TRUST AND CONFIDENCE

Standard 5.1 Accessibility

The trial court and the justice it delivers are perceived by the public as accessible.

Standard 5.2 Expeditious, Fair, and Reliable Court Functions

The public has trust and confidence that the basic trial court functions are conducted expeditiously and fairly and that its decisions have integrity.

Standard 5.3 Judicial Independence and Accountability

The trial court is perceived to be independent, not unduly influenced by other components of government, and accountable.

2.4 "The Measures"

The original 75 measures in 1990 were arranged into five performance areas. To illustrate:

<u>Performance Areas</u>	<u>Measures</u>
1. Access to Justice (8 standards)	1.1.1 Open Hearings and 19 other measures
2. Expedition and Timeliness (3 standards)	2.1.1 Time to Disposition and 10 other measures
3. Equality, Fairness and Integrity (6 standards)	3.1.2 Performance in applying the law and 24 other measures
4. Independence and Accountability (5 standards)	4.1.2 Assessment of Independence and Comity and 14 other measures
5. Public Trust and Confidence (3 standards)	5.[1-3].1 Public Perceptions and 3 other measures

(Because of the large number of measures, they will not be summarized here, but a summary of measures associated with the Trial Court Performance Standards may be found in Appendix 1 at the end of this report. Keep in mind that from 1991 through 1994 and on-going into 1995, the measures of trial court performance have been and will be modified further to be adjusted to real trial court experiences with their application or use. As of December, 1994, the Commission on Trial Court Performance Standards eliminated the following measures: 2.1.5, 4.5.2, 5(1-3).2, 5(1-3).3.)

2.5 "Performance"

Perhaps the key word of art is "performance". The standards proposed to measure court performance were directed towards organizational performance. The standards were not performance of individual persons, not state-wide performance of an entire judicial branch, and not performance of a class of courts. The performance under scrutiny in this system of standards and measures was not directed towards court structure or court organization. Prescriptions on those subjects were already articulated at length by the American Bar Association and other court organization and operation standards dating back in time to 1948, and preceded by Roscoe Pound's famous court organization suggestions found in his 1906 speech to the American Bar Association. These limits on the concept of performance are central to an understanding of how this testing project in 1991-1994 was both different and new in the judicial administration field.

Most important to understanding are these opening words of the 1990 report of the Commission on Trial Court Performance Standards:

Until very recently, court reform has focused on the structures and machinery of the courts, not their performance (what courts actually accomplish with the means at their disposal), and on the needs of judges and court personnel, rather than directly on the needs of those served by the courts. No agreed-

upon *performance* standards or criteria existed for trial courts of general jurisdiction. There was little explicit guidance in the literature of court management on how to measure trial court performance.

One member of the Commission on Trial Court Performance Standards recalls that one of the early uses of the relevant idea of "performance" was in the late 1970's and early 1980's when the Conference of State Court Administrators articulated national trial court speedy trial performance standards. That is, was a trial court being expeditious if it disposed finally of a high percent of the felony cases within a 90-day period measured from the date of public accusation - the indictment or information to the date of trial or sentencing? This is one original root of the word "performance" to consider along with federal trial court speedy trial legislation in the mid-1970's and the various national presidential commissions in the late 1960's and early 1970's that focused upon a special type of trial court performance - trial speed. Expedition in disposing of cases seems to be the root source of one of the meanings of "organizational performance" intended to be measured in the testing period of 1991-1994 in the evaluation. But that single measure was joined with many (74 other) types of measures on many other subjects. That was a major shift of emphasis in evaluating performance.

Furthermore, in 1980, the National Center for State Courts published *Workload Measures in the Court* by Harry O. Lawson and Barbara J. Gletne that was based upon other concepts of "performance" to be measured in courts. This mostly efficiency orientation examined court staffing, judicial complement, case loads and other court operations by using measures from systems logic, engineering, statistics, and economics to determine resource allocation, time standards, forecasting and planning needs and to examine productivity in general. There is some credit to be attributed to this literature for without its influence on court performance thinking, we would lack

appreciation for measurement precision. Some of the literature cited in the bibliography of this report grounds the *Workload Measures in the Court* approach.

Perhaps more remote is a third body of literature (see bibliography) that focuses upon effectiveness of organizations - a key element of which is organizational performance. This literature has found its way into the education of court managers at the graduate education level in many parts of the nation. "Reinventing government" attributed to David Osborne and Ted Gaebler, is part of this public administration literature. Another significant source of literature is that which defines an open society versus a closed society. The late scholar Karl Popper's work in defining an open society is most influential philosophically on a global basis. Finally, one cannot ignore the influence of the national and international human rights movement and its vast literature that focuses upon the civil and political rights of people in the world who must seek justice in courts of law in every nation. All of these aspects of thought and study are influential more or less in the standards project and testing. Efficiency is joined with other values in Trial Court Performance Standards. See the selected bibliography in Appendix 3 for a listing of these resources.

These many sources of grounding for the idea of "performance" are important influences that are both articulated and implicit in the standards and measures of the Trial Court Performance Standards Project. This evaluation is premised upon a belief that no single source is sufficient in itself to explain the emergence of the wide river of concern to make the institutions inside the third branch even more responsive to the needs of citizens. That is, however, what has become the general tenor of the meaning of "performance" as it is used by the trial courts to examine their own organizational behavior in daily operation.

The key themes of openness, learning through self analysis and accountability to the public are woven together to provide a tool of value for trial courts. The obvious purpose of

understanding the truth about one's court operations is central. The significant need to move prudent, careful, conservative and cautious court organizations into a more open posture for self examination is inherent in the standards and measures. And the opening process allows other voices to be heard in a systematic way in evaluation of how well a court is doing in terms of governing humanely in a democratic society. By contrast, in some societies on the globe, courts are closed and secret organizations - not so in the United States. And even more emphatically - not so in those court organizations - the 13 trial courts involved in this testing of the measures. Each of the court organizations was open to self examination. This is a significant tribute to each court participating in this project.

2.6 Trial Courts of General Jurisdiction in Project Testing

The following is a list of all of the trial courts in the testing project:

New Jersey

1. Superior Court,
Atlantic County,
Atlantic City
2. Superior Court
Burlington County
Mount Holly
3. Superior Court
Morris County
Morristown
4. Superior Court, Ocean
County, Toms River
5. Superior Court, Somerset
County, Somerville

Virginia

10. Fairfax Circuit Court
Fairfax

Ohio

6. Common Pleas Court, Meigs County
Pomeroy
7. Common Pleas Court, Montgomery
County, Dayton
8. Common Pleas Court, Stark County
Canton
9. Common Pleas Court, Wayne County
Wooster

Washington

11. Superior Court, Spokane County
Spokane
12. Superior Court, Thurston County
Olympia
13. Superior Court, Whatcom County
Bellingham

The 13 trial courts of general jurisdiction listed above served a 1991 population of 4,215,000. There were 118 trial judges of general jurisdiction. There were about 1750 court employees working in these courts. During the period of the study 1991-1994, there was courthouse planning or construction underway in three of the courts. Major changes were underway in court organization in six of the courts.

Normal court operations were conducted in all of the courts during 1991-1994, and special projects or programs were coupled with the testing project for Trial Court Performance Standards. This "real world" testing condition is exactly what the Commission on Trial Court Performance Standards had envisioned. In other words, in addition to normal work in a courthouse and special projects, the standards and measures were tested as well. The testing project did, in fact, represent added work load for busy operations in trial courts.

2.7 National Center for State Courts Role

The initial work in 1987-1990 was conducted by National Center for State Courts on the Standards Project. This was followed by a further monitoring, technical assistance and reporting role in the 1991-1994 period. Given the expertise developed initially, the NCSC was easily capable of continuing its advisory activity during the testing of the measures. Its newsletters, field visits, phone calls and a myriad of other details were a needed source point of valuable assistance to each of the trial courts. It is with NCSC that the courts filed some of their more significant reports after testing some of the measures. And it is the final resting point of the NCSC library where the results will become available to courts in the rest of the nation and globally. NCSC is now in an ideal long term position to guide and stimulate expansion of interest in the standards and measures through a variety of its programs as it has already begun to do in the probate field.

2.8 Offices of State Court Administrator Roles

One of the variations in the testing process was the way different approaches were taken in the four states by the Court Administrators Office for the states of Ohio, Virginia, Washington and New Jersey. In 1991, each of the state AOC offices contacted courts, sought volunteer courts for testing

measures and arranged funding to assist communities. Over the project operation from 1991-1994, the State AOC offices conducted meetings of participating courts, trained and assigned staff to work with participating trial courts, took a daily active part in gathering data for testing in some states and offered guidance in the testing process for judges and court staffs. There were not uniform roles for state AOC offices in the four states. Each followed its traditional practices of working with the trial courts in its state.

Over the entire period from 1991-1994, the Washington and Virginia state AOC offices and staffs were involved deeply in the testing project. In New Jersey, by contrast, the early part of the testing from 1991-1992, state AOC involvement varied from heavy to light with activities from 1991, and especially by 1994, gradually diminishing. In the state of Ohio, the State AOC participated vigorously with the participating trial courts, but its activity declined toward the end of 1991-1994 period as the communities finished their testing by early 1994.

Each of these state-wide offices played a vital role in guiding the project testing activity in the state. At the trial level, it was acknowledged repeatedly that help from the State AOC was critical and absolutely vital to the success of the testing project in terms of talented personnel who understood courts and in terms of financial resources to test the standards. This testing project helped to unite state and local judicial interest in common ways towards understanding court operations more thoroughly within the common frame work of standards and measures.

This spin-off benefit should not be overlooked from a state or local perspective. The testing process showed the wisdom of the Commission's belief that a common language would emerge to facilitate understandings. This evaluation unequivocally underscores such a common benefit from the standards and measures inside states and among courts in the nation.

2.9 Midway Evaluation Report September, 1992

This evaluation was initiated early in the testing period. An interim report was prepared based upon field work. That report was submitted to the State Justice Institute on September 6, 1992. Some conclusions of that 1991-1992 period are relevant to the 1993-1994 period. They will be woven into this report.

One important clarification and validation from the 1992 report was that the Commission on Trial Court Performance Standards did validly suggest ways to evaluate the 75 measures of the standards:

- | | |
|-----------------|--|
| 1. Utility: | Will the measure work in a practical way? |
| 2. Feasibility: | Can the measure work in this court? |
| 3. Propriety: | Will the measures be acceptable to the people inside and outside of the court? |
| 4. Accuracy: | Is the measure accurately gauging the phenomena it is designed to measure? |

To some extent the four criteria above do represent ways to probe each of the seventy-five measures to determine whether each serves to explicitly determine whether a specific standard is being met. These criteria help to test concordance between measure and standard as well as practicality and acceptability in a community.

2.10 Tools of Analysis

As was indicated above, the critical word "performance" has a variety of roots. Depending upon one's leaning and learning in judicial administration and court management, some tests may be more important than others to an individual or to an organization. One of the most important breakthroughs in learning how to "test the measures" was the need to review a

wider range of tools to probe court operations. Case data was important to court expedition, but case data did not answer questions about court interpreter competence in a specific language. Because of the breadth of 75 measures it was necessary for each of the people in each of the testing courts to familiarize themselves with well known and not so well known tools of analysis. That is, judges, court staffs, consultants, students, experts in statistical analysis, public officials, teachers, and volunteers required a familiarity with the design and operation of some new tools of analysis.

The Measures Guidebook: *Measurement of Trial Court Performance: 1990 Supplement to the Trial Court Performance Standards with Commentary* (NCSC, 1990) was the initial source book to examine some tools of analysis. It was modified subsequently. The guidebook offered at least 18 different ways that one could implement 75 different measures. It is important to list these tools of analysis:

- | | |
|---------------------------|------------------------------|
| 1. Structured observation | 10. Statistical analysis |
| 2. Check lists | 11. Delphi techniques |
| 3. Simulation | 12. Group review |
| 4. Questionnaire surveys | 13. Rating scale |
| 5. Interviews | 14. Nominal group techniques |
| 6. Document review | 15. Idea writing |
| 7. Inventory | 16. Audit |
| 8. Telephone surveying | 17. Modeling |
| 9. Record review | 18. Focus groups |

These are the tools of the social sciences to some extent depending upon the tool used. Legal analysis is inherent in part of the tools - court rule, statutory and case analysis is involved. Public policy analysis is inherent in some of the tools. All of the testing of the measures by whatever tool is used, was aimed finally to get at the truth of the belief about trial court performance using a more analytical, observational, external, objective and user-oriented approach. Much of this approach was brand new to some of the court staffs, others were quite

familiar with the tools, but had not used them before to any extent. In every trial court, for each measure, there was a built-in learning curve to expect for testing of the measures. If learning was to proceed in 13 trial courts with 1750 employees, thousands of lawyers, with over 100 judges serving over 4,000,000 people - then there should be little doubt why the process the first time through was such a painstaking process of self-evaluation. In spite of complexity, the testing of the measures went forward with considerable dispatch in the period 1991-1994 given the nature of the task, both its breadth and novelty.

The proof of the reasonable nature of the standards and measure is to be found in two different and objective examples of long term project management. The first is Meigs County in Ohio with one trial judge in the Court of Common Pleas who kept at the testing of the measures from 1991 through 1993 and then finished the report in 1994 even returning some grant funds unspent. Under normally busy conditions, with constrained financial and staff resources and with cooperation from a wide range of other individuals, it took, objectively about three years to test the measures for most of the standards to the satisfaction of the judge and staffs. The Chief Justice of Ohio took note of this major accomplishment in Meigs County. The second example is in the Spokane Superior Court with 10 judges. It is evaluating the final report of all the work done in Spokane in testing the measures (most of them) in the 1991-1994 period. By late in 1994, those final reviews are being conducted by the court and the state AOC staff. There is a total successful testing process that started, proceeded and is now ending in this long term project. There are project boundaries and project findings, court by court, measure by measure, and there is project testing that is now concluded in an experimental mode. Applying standards and measures to trial courts works in a real setting.

The final reports from testing the measures from all 13 trial courts if stacked together would occupy a stack several

feet high. Over the past four years the participating courts developed an extensive corpus of literature about trial court performance standards. In Part 4 of this report there will be a more detailed examination of the work done in just five of the thirteen courts. These five trial courts offer a window of insight into the testing process that is specific, and detailed in such a way that other trial courts contemplating the use of the standards could determine more exactly what to predict for themselves should they become involved in using the standards and measures of trial court performance.

With this introduction let us next proceed to the basic question of evaluation and the final answers sought in this evaluation.

Part 3. BASIC QUESTION AND FINAL GENERAL ANSWER

The basic question addressed by three years of evaluation was:

Did the measures (all 75) of trial court performance work in a practical sense in the trial courts that tested them?

Up to this point in time, the answer is yes; 71 measures made the grade or, in other words, were tested and found worthy. In its on-going monitoring role, the Commission on Trial Court Performance Standards has eliminated only 4 measures. That is a 94% success rate for life or death of measures. Furthermore, of the 71 measures that tested well, many were modified slightly or forms were redone in one way or another to improve them. If we wanted an answer to whether performance measures can be developed, tested and found comparatively worthwhile and workable - the answer in 1994 is that it is possible for the judicial branch trial courts to evaluate themselves well by using the 22 standards and associated 71 modified measures already developed. A 94% success rate is about as good as it gets in evaluation and testing

work. There remains some work of modification of measures to be conducted by the National Center for State Courts. The Commission will play an important monitoring role.

Part 4. THE LESSONS LEARNED IN FIVE TRIAL COURTS

4.1 Introduction

The purpose of this part of the report is to convey enough of the details of testing the measures in some of the trial courts to assist other courts in America that are thinking about employing the standards and measures in their court. Obviously, this part is not intended as a "how-to-do-it" guidebook, but it is intended to give one insight into the approaches taken by the participating trial courts. There is much learning that has been gained in all 13 trial courts, and this is most clearly evident in the five trial courts to be explored in more depth in the material to follow.

Furthermore, the self-analysis is not ending in any of these courts and more learning is going on at this time and will continue into the future. It is important to realize that the breadth and scope of the standards and measures moves the organization to begin a perpetual process of self-examination. This may not be the fountain of youth that Ponce de Leon sought for people, but is certainly a potential "fountain of youth" for trial courts in America - a process of self-renewal in perpetuity. It is easy to see, once you review part 4, that three years of testing, at least in these courts, is just a launching pad for self-analysis ad infinitum. And, perhaps, that is the way it should be since organizations ossify and age just as people ossify and age. The standards and measures tend to counteract such tendencies.

This examination is focusing upon the lessons learned, that is, some of the most important lessons, not every lesson learned in the trial courts. The order of presentation below is mixed and varied. To some extent it is based upon materials

available to the evaluator at the conclusion of the testing period in 1994. The order of presentation has no particular significance and none should be implied or suggested. The important point is to note the process, the outcome, and the nature of the involvement of the trial courts to deduce what lessons can be learned that will be of value to other courts in the future.

Let us turn next to the four states and five trial courts that illustrate how and why testing of measures can be done in a practical manner to determine whether certain standards are being met by the trial court.

It is helpful to focus on those trial court test sites where the work of testing the measures was most intense in the four states. These courts are:

New Jersey

1. Superior Court of New Jersey, Burlington County
Mount Holly, NJ.

Ohio

2. Meigs County Court of Common Pleas
Pomeroy, Ohio

Virginia

3. Fairfax Circuit Court
Fairfax, VA

Washington

4. Superior Court of Spokane County
Spokane, WA
5. Superior Court of Thurston County
Olympia, WA

These five of the thirteen trial courts are the focal point of this final evaluation for many reasons. They represent a spectrum of one-judge to multi-judge courts up to 15 judges. The courts serve populations from 20,000 to 838,000 in the jurisdiction. The courts range from rural to small city, moderate size city, and large sprawling suburban county in size and types

of community served. There is an important diversity of these courts in geography, legal systems, local legal cultures and many other basic characteristics. Diversity is the hallmark of these five courts and to use one set of standards and measures in a national test should have been about as severe a test of practicality and viability as one could imagine for the Trial Court Performance Standards and Measures.

Other important characteristics of these five trial courts of general jurisdiction are that they exhibited a lot of energy, drive, persistence and commitment in the test period over a long period of time. This is evidence of professional approaches to the subject of performance evaluation. Most of the courts in this group of five tested almost all measures and were capable of achieving a comprehensive perspective of the local court operations. Exceptionally thorough testing is the hallmark of these courts. Full documentation of testing is found in each of the sites in thousands of pages of analysis. Each of the courts was open about the process of testing and objective about the operations to be examined. Each of the courts is a dynamic operation in itself. These characteristics were found in the other sites in the testing program, but not to the degree exhibited by the courts listed. These five state courts emerged as the thorough test site courts in the test group for a variety of reasons just mentioned.

Why were not all 75 measures tested fully in each of the five trial courts? The answer is a combination of local circumstances in each state and in each trial court. For example, one court could not test a measure on bail because it did not legally handle the function. Another circumstance that limited time to test was on-going courthouse construction or renovation. A further circumstance is that one state decided to split the measures in the testing among the courts in that state. A further circumstance is that there was not unlimited funding to test measures. Importantly, the State Justice Institute provided some funds to each of the states to encourage testing and that

helped finance some of the costs of testing. But these funds did not cover all of the costs. Thus, the circumstances and the local willingness to become a volunteer created a flexible testing pattern across the nation. All 75 measures were tested in 1991-1994 in one or more of the thirteen trial court sites, and it is important to keep that fact in mind.

Courts	No. of Judges	Population	Measures tested of 75 proposed
Meigs County Common Pleas Pomeroy, OH	1	22,000	30 measures
Thurston County Superior Court Olympia, WA	6	160,000	48 measures
Spokane County Superior Court Spokane, WA	10	375,000	All but 2
Burlington County Superior Court Mt. Holly, NJ	11	395,000	18 measures in standards 1 and 2
Fairfax County Circuit Court Fairfax, VA	15	838,000	All but 12

For the reasons indicated above, each of these test site trial courts deserves a more thorough evaluation and commentary to understand the work of testing done in each community. In this way we can see how thorough was the testing done in each trial court.

4.2 State of Washington- Spokane and Olympia

Spokane - Spokane County Superior Court

During most of the 1991-1994 period, Presiding Judge James M. Murphy; a Steering Committee called the Spokane Advisory Committee, Trial Court Performance Standards Project; Thomas R. Fallquist, County Clerk; Robert K. Carlberg, Superior Court Administrator; along with many others, were responsible for the Trial Court Performance Standards demonstration effort in Spokane, Washington. Equally responsible for much of the field work in Spokane was Yvonne Pettus, state wide Manager of Court Services and TCPS Project Manager for the State of Washington in all three sites. Steve Stentz and Jeff Hall were both project analysts from the Office of the State of Washington Administrator of the Courts, headed by Mary McQueen in Olympia, WA. In addition, a statewide Advisory Commission on the Standards Project was composed of nine persons who were either judges, court clerks or court administrators from the three courts involved in the project. Also included was a Justice of the Washington Supreme Court, Richard Guy. It should be noted that nothing comparable to this configuration was found in New Jersey, Ohio or Virginia.

At the outset, it is important to notice the complete structure of state and local coordination developed for this project in the State of Washington. While no steering committee at the local level exists in Whatcom County (Bellingham), a similar steering committee but with a different composition exists in Thurston County (Olympia). The State Court Administrator Staff, Yvonne Pettus, Steven Stentz and Jeff Hall worked with all three jurisdictions. The most completely organized state is Washington among the states of New Jersey, Virginia and Ohio. Spokane is the most completely project structured of the courts in the State of Washington. This key feature of process in Washington distinguishes it from other states in the project.

All of the standards and measures were tested in Spokane with an exception of 3.3.1 measure related to bail decisions and one other measure. The Superior Court does not make bail decisions but a lower court does; thus this part of the measures was excluded in Spokane. In general, the reports were based upon extensive field work and measurement.

This evaluation focused upon process in Spokane's demonstration efforts because it is so different and remarkable. The details recited in the following paragraphs are intended to inform and assist the trial courts in other states. The logic of actions in Spokane and the State of Washington are consciously made for a wide variety of sound reasons, that will be examined next.

On May 14, 1991, the mission statement and the subcommittee and task prioritization reports were established for the Spokane County Advisory Committee on Trial Court Performance Standards. The mission statement reads as follows:

MISSION STATEMENT

Spokane County Advisory Committee
Trial Court Performance Standards Project

During the three-year duration of this pilot project, the Spokane County Trial Court Performance Standards Advisory Committee will:

- (1) design, plan and schedule the performance evaluation effort;
- (2) provide advice, guidance, coordination and oversight for the implementation of the performance evaluation plan;
- (3) assess the utility of the performance evaluation upon its completion, and
- (4) recommend a Superior Court action plan based on what the court learns during the pilot project.

Next the subcommittees of the Spokane Advisory Committee were formed for the five major areas of the TCPS:

- A. Access to Justice - Judge Schroeder, chair
- B. Expedition and Timeliness - David Hardy, chair
- C. Equality, Fairness and Integrity - Robert Carlberg, chair
- D. Independence and Accountability - Judge Donohue, chair
- E. Public Trust and Confidence - Commissioner Rielly, chair

The chairpersons were active and sitting judges, court commissioners and court managers. These subcommittees were enlarged to include many other persons in the community. For example, the committee observed in action on Access to Justice on August 18, 1992, included members from the bar, public defender, Sheriff's office, law school, State Administrator of Office of the Courts, and Spokane Court Administrator office working with Judge Schroeder, the chairperson. Such meetings required a high level of prior research on measures being tested. Committee discussion and community involvement in the observer components of the measures was clearly evident. The minutes of the Spokane Advisory Committee and Subcommittees were kept of the actions taken on standards and measures.

Further process steps should be noted. The Spokane judges received a training session on March 15 and 16, 1991, on the TCPS. The Spokane Advisory Committee and Subcommittees met as needed - about 4 times a year. The Spokane process was widely believed to be quite successful by the judges and court staffs.

To further organizational process, on January 17, 1992, the Spokane Bar Association CLE group of about 200 attorneys heard a formal presentation on the TCPS by the court administrator about the Spokane involvement in the national project. Notice of the project to all trial counsel was sent out in January 1992. A survey of the bar began under standards and measures. In addition, three law professors from Gonzaga

University Law School were involved in the project in area 4 (independence and accountability). Graduate students and undergraduates from various colleges in Spokane were involved.

As a consequence of a careful organizational and developmental approach, the TCPS project in Washington, and especially in Spokane, was viewed ultimately as an organizational level analysis - that is true to the original design of TCPS. It is not a "grading" or "comparison" process within the court or of the court with other courts. The court conducted a strategic planning process that fits in quite well with the logic of total quality management, with organizational thinking about strategic planning and evaluation in courts and with the need to innovate in governmental organizations to remain efficient and effective to serve the public.

The first thing that was so obvious in Spokane in the 1991-1994 period is that the TCPS standards were broadly and immediately making a difference in the agenda and priorities of the Spokane trial judges and commissioners and their staffs and other agencies interlocking with court and with various important sectors of the community. The way it was expressed is:

"The TCPS offer us a mirror to look at ourselves - either to pat ourselves on the back for doing well by objective standards, or if we did not know, a way to change, to improve operations."

All of this was being done to bring other viewpoints into consideration as the measures suggest be done.

Because of the breadth of Spokane work on TCPS - the total task seemed overwhelming at first. But part after part was separately examined and the tasks were begun. As the project in experimental form ended in 1994, the court was considering a rolling review process to keep itself assessed in all 5 areas of the standards over a 3-4 year period or longer into the future. A hint of perpetual review seemed evident.

By November, 1994, the final report of the Spokane County Superior Court concluded for the testing areas:

1. Access to Justice

"The court tested all the measures of the five standards in the Access to Justice area."(ii)It found that proceedings were public, safe, accessible, and convenient; the public could participate, and the public was treated with courtesy, responsiveness and respect. The proceedings were affordable.

2. Expedition and Timeliness

"The court tested all the measures of the three standards in the Expedition and Timeliness area." (iv) Cases moved expeditiously, monies were paid promptly and court operations were kept timely.

The balance of the final report offers details of testing successfully the measures in the other three areas of the standards.

A final positive set of outcomes would be reason to be satisfied with the standards and the measures and, most importantly provide satisfaction that the court was ultimately effective - it knew what its goals were and it knew how to achieve them and it did according to the Trial Court Performance Standards and tested measures. The detailed confirming results were stated in a 220-page final report that examined the testing in great detail.

Conclusions

The testing of the measures was so thorough and the results so favorable in general that there is little more to report of a general nature in the way of immediate project or program development. The analysis of the court in all 5 standards areas leads to three conclusions of a general nature:

1. By the thorough testing and analysis of the court performance and with the competence experienced in Spokane in the court staffs and several law school faculty members - the court found both major confirmation of its effectiveness and minor suggestions for improvements in many areas of operation.

2. The court is responsive to one of the most complex of all issues - that of anticipating new conditions or emergent events and it makes adjustment in public policy issues for Standard 4.5 - Response to Change. Three areas - sentencing reform, domestic violence between adults, and drug abuse have each demanded serious and sustained attention over time by the court to adjust to a changing society, or to changes of policy, a changing law and a changing set of practices. Such activity tests the fitness for the future of the court in dealing with major social policy problems and legal issues. As the final report states: "The court responded quickly to each of these issues but thought its response to issues could be improved. An action plan was developed to accomplish this." (183)

3. The Spokane Superior Court is an organization that is truly open, accountable and interested in self assessment of its organizational performance in the community. It is a capable institution as demonstrated by the remarkably thorough study of its operations in the testing process. And its responsiveness is obvious based upon the comments above and those found in the report.

Olympia- Thurston County Superior Court

The Thurston County Superior Court in Olympia, Washington operates within view of the state capitol buildings for the State of Washington. It is located south of Seattle at the end of Puget Sound and just west of Mt. Rainier. The state court staff in the Administrative Office of the Courts works within a few miles of the Thurston County Courthouse. This has produced an exceptional degree of cooperation between the state and county court operations for the testing project. A major change in the office of county clerk produced a major change in procedures, facilities and operations during the 1991-1994 period. The court facilities are fairly new and modern in design.

The court formed a steering committee to guide the study of measures. It was chaired by Judge Richard Strophy and included Diane Oberquell, County Commissioner; Betty Gould, County Clerk; Carolyn Reed, Superior Court Administrator; Linda Enlow, Chief Deputy Clerk, and others including a former president of the Thurston County Bar Association, Steve Henderson. The same state staff that worked in Spokane worked on this project in the Office of the Court Administrator for the Courts.

The results of the testing of 48 measures in three areas of the standards produced confirmation of the sound operating condition of the court.

Conclusions

The tests of the measures in Olympia produced a general concordance of court performance with the standards. The 106-page final report summarizes the process of fine tuning operations and offers a guide to future planning for management. For example, in the period 1991-1994, the Trial Court Performance Standards were used as a guide and they stimulated a new Clerk of Court into making major changes in office organization, in computers and other information systems,

in records and personnel management and in physical renovation of space to become even more user-friendly in that office. Also, the measures pinpointed a need to keep abreast of changes in laws to expand representativeness of the juror selection systems. These practical changes in the court were directly related to, and assisted by, testing the measures.

4.3 State of Ohio
Common Pleas Court
Meigs County
Pomeroy, Ohio

Meigs County was the only general jurisdiction single-judge trial court in the national project. The court was to test 7 standards and the associated 30 measures (excluded were measures in area 2, expedition and timeliness and a scattering of other measures). Common Pleas Judge Fred W. Crow III; Teresa Tyson-Drummer, Court Administrator; Cathy Berkheimer, accountant; Paul Gerard, Assignment Officer; Jeanie Weeks, Court staff and others including two faculty advisors from Ohio University and five students were principally responsible for guiding and conducting the testing work. Others involved included high school students, local volunteer citizens, bar association and others in government. The project began in 1991 and was finished in early 1994. A 394-page final report brought together the work over the 4 year period of on-going testing of measures.

In the final report the conclusion reached about using Trial Court Performance Standards and testing of measures is:

"The Meigs County Common Pleas Court benefited from the project and encourages other courts to become involved. The project is not an easy task but the results can be beneficial to the community and county the court system serves."
(p. 272)

The results in general were to speed up the process of self examination, to become acquainted with resources available to the court and to encourage concrete steps immediately for a number of specific changes during the testing process. The concrete changes which the court undertook were in five areas.

1. Court Security

The first step after a review of security was to change locks and to obtain hand held metal detectors. Other aspects of security were studied and potential problems were identified or eliminated in visits to court and in perceptions of security by people who use the court.

2. Court Access

Improved access for handicapped to the courthouse was initiated. The courthouse sits on a hillside and presents access difficulty. Amplification equipment was obtained to improve audibility in the courtroom.

3. Computer Systems

Computers were installed to track child support cases better and to help in civil and criminal case flow providing a daily calendar printout.

4. Jury Systems

Jury selection procedures were improved to obtain a more representative and random list that was computerized from selection through daily management.

5. Public Awareness

By use of mock trials, field trips for students, allowing classes to sit in hearings and by use of video tapes for public display - the court increased its contacts with a larger share of the public.

These highlights are coupled with a large number of other studies of measures and leads for future analysis. The court reflected on the need for a single project monitor to keep the process of self-examination moving forward. The court, also, noted that measures in smaller-sized courts and the tools of analysis, particularly surveys and sample sizes needed reconsideration and review to adjust to circumstances. Finally, the court was helped by meeting with staff from other courts in Ohio that were conducting parallel and similar testing in other counties. The court was thankful for the help of local university faculty and students. Other courts in Ohio found similar help.

Conclusions

The testing of measures in the Common Pleas Court of Meigs County resulted in immediate court improvements in:

1. Courthouse Security
2. Court Access
3. Computer Systems
4. Jury Systems
5. Public Awareness

The standards and measures were perceived in a very positive light in this court and good results emerged almost immediately from testing the measures in Meigs County.

4.4 State of New Jersey

Burlington County

Superior Court

Mt. Holly, NJ

The Burlington County Superior Court of 11 judges and 220 court staff serves a population of 395,000. The county is east of Philadelphia and south of Trenton in the metropolitan suburban area of New Jersey. The testing of the measures in two phases (1991-1992) and (1993-1994) was headed by Superior Court Assignment Judge Harold B. Wells III; Richard Callanan, Trial Court Administrator; Barbara Sopronyi, Director

of Training and Evaluation; Diane Talty, Director Comprehensive Justice Center and many others in the court and in the community. In November, 1993, a new advisory group was formed to guide the project as it developed further. The Trial Court Performance Standards and measures have become an integral part of the trial court operations in the Burlington County Superior Court over the 1991-1994 period. This was done by conscious design.

The results of the study are found in two reports; the first report covers the period from 1991 to the end of 1992; the second covers 1993 and 1994. These two reports total over 500 pages of description, analysis, forms, charts and graphs examining in some detail the results of the work in the court on testing the measures.

Two major areas are Area 1 - Access to Justice and Area 2 - Expedition and Timeliness.

1. Access to Justice

Four of the standards were measured using 11 measures. The overall findings from the 11 measures established that the court substantially met each of the standards of access to justice. However, the court learned that some users could not use systems or facilities as well as expected. Courthouse security needed improvement. Education about emergency procedures needed revitalization. Courtroom audibility needed improvement. Pro se or self representation material was not advertised or understood as well as anticipated. And, it was found that jurors wanted "softer seats" which were obtained promptly. Each of these findings was addressed by the court in a variety of ways.

The immediate steps taken to respond to access improvements included:

- Information and Referral Centers on 1st and 7th Floors
- Multimedia Project for Public Information on Court Schedules and Services
- Volunteers to staff the Information and Referral Center

- Improved publication of information about indigent services
- New security arrangements - x-ray machines and central screening
- County agreement to purchase a video arraignment system
- Training by sheriff on emergency procedures
- Proposal to upgrade courtroom amplification
- Bar/court committee formed to improve information to the public

By January, 1995, the court plans to have the Public Information Multimedia System in operation. A proposal in 1994 was developed in detail, agreed upon and funding obtained from the State of New Jersey Administrative Office of the Courts. An order was placed in mid-1994 for the equipment needed. This demonstrates a clear state-local cooperative relationship based upon a common understanding of Trial Court Performance Standards.

2. Expedition and Timeliness

The Court worked on the measures testing them in Phase 1 and Phase 2. The court focused upon two standards - case processing and compliance with schedules with their six associated measures. The Comprehensive Justice Center is a local clearing house for data needed in about 20 reports required monthly. With a full time coordinator/analyst, a 486 PC with SPSS programs and strong support from staff divisions, a deep powerful impact was made in this area over the period of study upon case analysis and reporting. Interim event data became more accessible adding to the richness of process information. The court could easily demonstrate prompt disposition of child support monies paid into it for transmission to others. Data generated by the court helped in relations with county offices.

In addition to the management improvements noted above, the court civil division implemented in September, 1993,

a case evaluation program. The Family Case management conducted surveys of two measures and revised forms to improve intake. Criminal case management employed three measures to assess their operations. Jury management used two measures to study access and probation supervision used several measures. This expanded use during Phase 2 shows how the Trial Court Performance Standards and measures opened up inquiry among court staff, court users and judges.

Significant in Burlington County Superior Court is the consideration being given to development of standards or information about the following areas:

- Restitution payments to victims
- Child support payments
- Bail return process
- Family mental health evaluations
- Indigency - time to determination
- Presentence Investigations
- Interpreters services

Conclusions:

The Burlington County Superior Court is obviously open, self-assessing and accountable in the best sense anticipated in developing and testing Trial Court Performance Standards and Measures. The learning curve is still rising in understanding of how to improve court organizational performance and daily operations. In just a short period the court has made remarkable strides of improvement. The court in 1994 registered 38,997 new cases in all calendars. Total dispositions were of 39,026 cases. Based upon case management measures used in the state, the court has developed exceptionally refined case data, graphics capability in explanation of case data and longitudinally refined understanding of court operations from period to period going back in time. The interim event data that was underutilized proved helpful in managing case flow more precisely. Many of these basic changes were initiated by the testing of measures even though the general improvement

framework may have begun before the project was initiated in 1992. The trial court benefitted by the very positive organizational climate stimulated through actions of the New Jersey Administrative Office of the Courts. Both programs and funding helped the trial court improve. Assignment Judges guided the development in a positive manner. A common language helped to achieve this result.

4.5 State of Virginia

Fairfax Circuit Court

Fairfax County, VA

The largest court involved in the testing was the Fairfax Circuit Court located in a suburban setting in Virginia on the western boundary of the Washington, DC metropolitan area. The novelty of testing the measures in such a large court demanded a substantial commitment of time, energy and determination.

At the State Court Administrator's Office, the State Court Administrator, Robert N. Baldwin, Lee Harizanoff, and Beatrice P. Monahan, senior planning analysts in Richmond and Brian Lynch, management analyst in Fairfax conducted the research. Much of the analysis of Fairfax County was done in cooperation with Mark Zaffarano, Court Administrator and Jeff Blanchard, management analyst, and others. Chief Judges Richard J. Jamborsky and F. Bruce Bach guided the testing project in Fairfax County. Two individuals served as clerk of court during the testing period. There were 350 court employees and related staff surveyed, over 800 jurors and 1000 citizens were surveyed. The use of students, volunteer citizens, and members of the bar and others in county offices rounded out the robust court and community involvement in the testing process from 1991-1994.

As the evaluation drew to a close in November, 1994, the work of the testing of measures was on-going in Virginia. Some 39 measures were finished by mid-November, 1994. It is

important to note at the outset that the period of 1991-1994 was not long enough to conclude the testing of the measures in this court. This is significant because it illustrates that testing of many measures in a large trial court takes a long time. The measuring process is slow and time consuming. But such experience is really no different from any of the other courts where it was discovered that the more measures that are tested, the longer time it takes to conduct such testing if done well and thoroughly. Fairfax has not yet prepared a single final written report in Virginia that reflects the experience of those who conducted the testing as there was in the four trial courts reported here. Thus, this evaluation is based upon a reading of the individual final reports of various measures that were tested coupled with interviews of those involved.

The process of testing started with work being conducted by staff of the State Court Administrator in Richmond in 1991 and 1992. In 1993 to mid 1994 the work of testing was conducted in Fairfax. By mid-1994 the work of testing shifted back to the state offices in Richmond. The principal researcher position shifted over the project to three different persons. Four major surveys were conducted of employees (150), related offices (200), jurors (800) and the public (1000 in telephone surveys). A test of courthouse security was conducted. Employees were surveyed for their perceptions of courthouse security. Numerous other more detailed studies were conducted to complete work on the 39 measures finished by late 1994. Final reports were transmitted to the Fairfax Trial Court as they were finished in Richmond.

1. Courthouse Security

Testing of the security and safety measures produced an immediate recognition that employees of the clerk's office and judicial operations did not feel safe in the courthouse - a large multi-story structure. A professional test of security was performed by the National Sheriffs Association and it concluded that external

perimeter security could be improved. Other recommendations ensued. This led to the Sheriff asking the Fairfax County Criminal Justice Advisory Board to determine what was needed. Both personnel and magnetometers were needed at the Judicial Center. As of the late fall of 1994, a full scale security proposal has been submitted in the FY 96 budget proposal of the Sheriff addressed to Fairfax County Board of Supervisors for consideration.

A lesson learned is that employee surveys can generate local self-improvement of working conditions in the trial court. The testing of the measures even in the experimental stage produced the results just mentioned.

2. Caseload Analysis

In conducting a test of the measure 2.1.1 - Time to Disposition, the initial data collected tangentially showed times to disposition for divorce cases that were believed to be inaccurate or impossible. This triggered a more detailed inquiry into the reporting procedure for divorce cases that were reopened revealing that the age of the cases was erroneously recorded. Due to the on-going nature of some divorce cases this led to inaccurate disposition data being reported based upon a mix of initial cases and reopened cases. A correction was inserted in this reporting procedure to make necessary changes and distinctions so that disposition data more accurately reflected reality.

3. Interpreters

The measure 1.3.3 on quality of interpreters triggered a continuing examination in the court as

soon as it was initiated. Testing of interpreters and analysis of results resulted in development of a new plan for interpreters in the trial court. A Committee on Interpreters is studying the information available and developing a unified plan for the Circuit Court, Juvenile Court and the General District Court.

4. Employee Surveys

The surveys of court employees resulted in meetings with the Chief Judge and development of goals to improve training programs and promotional opportunities.

5. Courthouse Expansion

To assess the needs of judges and others in the new wing proposed for Judicial Center, the court and county staffs used group decision software programs to help tap into the thinking of the judges and others in a systematic way without interfering with court operations. This was done by accommodating the judges as their time became available using the Fairfax County group decision facility and facilitators to guide the process for judges and others. A systematic analysis was made of the input of judges and others to guide the eventual design process by architects. Child care facilities were suggested to illustrate a feature that might have been overlooked without systematic group surveys. Group decision support software has various levels of capability and one level has been tested to date by the court. The system is planned for use in some of the group measures in Area 4 of the standards.

6. Other Items

Town meetings on justice issues were stimulated by the Trial Court Performance Standards testing of measures. A major family court proposal was launched independently during the study period.

Conclusions

The testing of the measures for the Trial Court Performance Standards produced almost immediate tangible results in:

1. Courthouse security
2. Caseload analysis
3. Interpreters
4. Employee relations
5. Courthouse expansion planning

The performance standards are premised upon self-analysis leading to self-improvement. It is obvious that good results emerged almost immediately from testing the measures in Fairfax.

Part 5.0 Emerging Court Improvement Programs

The basic question is: Did self analysis in the trial courts lead to self-improvement programs or projects right away? The basic answer is yes - in every trial court the standards and measures helped to pinpoint precise areas of improvement in court organizational operation. In 13 trial courts the actual number of programs or projects is unknown, but in the five trial courts used for illustration purposes in this evaluation there were no less than 25 projects or programs stimulated by the testing of the measures and standards. For example, if courthouse security was tested and found deficient, courts improved the situation with both short term and long term efforts in various programs. Further evaluations over time will determine the success of such programs to improve security.

The following chart portrays the general subject of these programs or projects and the court where they were initiated and in most cases actually completed in the 1991-1994 period of evaluation.

Program or Project Subject	Meigs, Ohio	Fairfax VA	Burlington NJ	Spokane WA	Olympia WA
Security	X	X	X	X	
Jury	X			X	X
Caseflow	X	X	X		
Personnel		X		X	
Emergency Procedures	X	X	X	X	X
Interpreter		X		X	X
Audibility	X		X		
Public Info	X		X		
Computers	X		X		

It is important to note that the 1991-1994 testing of measures was not aimed to produce change in court operations - merely to test the measures for validity, accuracy, propriety, feasibility and utility. The precise outcomes by standard and measure will be the results of analysis and modification conducted by the National Center for State Courts and the Commission on Trial Court Performance Standards. Even so, beyond the funded State Justice Institute study of the testing, this evaluation has established clearly the overt readiness to change programs, procedures and operations to achieve higher degrees of responsiveness and accountability to the public. The salubrious effects are broad and wholesome in the courts involved in the testing. This includes both the 5 courts mentioned in some detail here as well as 8 other courts that tested the measures.

From an evaluation perspective, the reaction of the trial courts in developing the programs and projects is like frosting on a cake. The four-year testing truly went better than anyone had reason to expect, especially in view of the significant economic constraints experienced in various parts of the nation. To move from concepts and tests to action is the best news of this project now going on eight years in age. The paradigm shift designed into the Trial Court Performance Standards and Measures is clearly beginning in a most helpful manner based upon the evidence gleaned from these courts. The values of organizational openness, self-analysis and accountability are being reinforced in many ways in these trial courts.

6.0 Fair Testing Conditions and Management Strategies in Testing or Application

What are some of the most significant findings and advice that can be extracted from the 1991-1994 testing of measures? Judges and court managers should examine both the future applying or testing conditions of the court and should consider the proposed management strategies to employ in analyzing or testing measures and selecting standards. The idea of testing used here is the same as applying a measure and is not the idea of experimental testing used in the 1991-94 period. These two ideas of testing are not the same for the balance of this report since experimental testing is nearly complete.

Future Testing Conditions

Trial courts facing severe budget constraints and revenue shortfalls of major proportions ought to defer testing themselves until conditions improve. Trials courts facing major courthouse renovation, new courthouse construction or other major physical changes may want to consider deferring action in applying measures or testing until this major perturbation is over. Even major legislative or constitutional overhaul of the

courts is not a good time to test the measures and standards in a trial court. The major concern ought to be to test or apply measures and select standards to study during conditions of organizational equilibrium and relative stability for the testing or application period.

Another finding is to seek commitment over a longer period of time to apply or test. Spokane laid out a three-year period and this proved to be very wise in retrospect. Since no one knew before testing just how long it would take in reality, one of the best guesses was made in Spokane. Other courts could foresee a longer testing period the more standards and measures they selected to test. This leads to a significant finding.

No trial court should bite off more of the standards and measures than it can comfortably chew over and digest. This advice was expressed by the Burlington County Trial Court Administrator, Richard Callanan - start small. The quality of analysis is improved, the learning curve of testing or applying standards and measures can grow slowly and the commitment can be sustained over a much longer period with a smaller agenda. In fact, this approach of moderation allows the judges and court managers to consider ways to weave the testing data collection into normal court operations. This is particularly true in gathering more refined process data in the Area 2 - Expedition and Timeliness, but it applies as well to many other areas where testing, surveys and other forms of analysis need to be conducted. Almost everyone in all 13 trial courts expressed the universally held opinion - it takes longer than you think to test the measures. This is reason enough to use a gradual philosophy of testing or applying the standards and measures.

Another reason to take a gradual approach is to enhance the data quality and to utilize computers to the maximum extent possible in capturing and manipulating data in the testing. This approach will help the court go further into the standards and measures with greater confidence over time. The

tools of analysis mentioned at the beginning of this report are complex enough in themselves to require caution in their use so that inherent limits in each tool are not exceeded and unwarranted inferences derived erroneously from misuse of tools.

To develop a group of experienced court staff and judges who want to "champion" the use of the standards and measures over a long period of time - say a decade - the trial courts must approach application or testing carefully, professionally and competently to build trust and confidence in the findings of self-assessment. The advice given in this part of the evaluation is based upon the accumulated experience of many persons involved in the development and testing in the last eight years. Future application of standards and measures can now be grounded in real experience in trial courts.

Management Strategies

Each trial court should take into account the advice given above and develop a management strategy toward the application of standards and measures in it. This strategy should answer such questions:

1. How stable will the court be during the test or application period?
2. What major events may interfere with application or tests?
3. How much should we "bite off" of the standards and measures? Can we apply or test all or most of the measures related to one standard?
4. Can we simplify and consolidate measures?
5. Will we spend enough time at the beginning to review standards and measures with judges, managers and staff? Do they make sense to us? Can we pretest and get interim data? Is this pretest data what we want? Do we know the output desired?

6. What will we need in the way of numbers and qualifications of staff, the type of personal computers and software(SPSS) and other logistical needs to use the various tools of analysis?
7. Can we build data collection into our management information systems and into our daily routine?
8. Should we set up advisory groups and who should we put on them?
9. Once we learn how to use the standards and measures, do we plan to share our experience with other trial courts in the nation?
10. What types of community groups could we get to work with us in application or testing? (Bar associations, paralegals, etc.)
11. How will we feed back our findings to those who took part in the surveys? And when must this be done?

A management strategy appropriate to the community, the trial court, the judges and staff and the intended scope of application or testing can be developed from the considerations outlined above in terms of advice and questions to take into account. To repeat and paraphrase advice from the smallest court - Meigs County:

"The standards and measures are both helpful and a lot of work."

Nothing worthwhile comes easy or comes quickly in testing or applying standards and measures. This should be kept in mind as a major lesson learned in the testing of measures and standards in the 1991-1994 period.

7.0 Anticipated Future Developments

The Commission on Trial Court Performance Standards, the State Justice Institute and the Bureau of Justice Assistance of the United States Department of Justice should ask one major question after eight years of work of developing and testing Trial Court Performance Standards and Measures:

What comes next for trial courts in this area?

The answers are getting clearer:

1. Assist in the spread among trial courts of application of standards and measures.
2. Look for ways to simplify and computerize the tools of analysis.
3. Do not abandon a good thing as it grows in use across the nation.
4. The State Justice Institute and the Bureau of Justice Assistance should support programs that institutionalize the standards and measures process.

These answers are based upon the evaluation in the last four years. This response is the ultimate evaluation - don't let a good thing die.

These are examples that deserve mention to illustrate what future developments seem most likely.

1. One Customer at a Time

SJI is well aware of and supports the Phoenix project to improve access to the courts by those who want to represent themselves. The Lawyers Conference of the American Bar Association Division of Judicial Administration has developed a bibliography and other survey tools are being developed including court automated kiosks. Any court that wants to examine standards of access and measures is going to find significant growth here. In 1995, this area will receive

significant attention from judges and court managers. The bar has been attracted to this as well. These developments should be woven into the Standards framework of development.

2. Group Decision Support Systems

The tools of analysis to test measures include group assessments of judges, lawyers, court staffs and employees, jurors, witnesses, and others. There are now in use in the military, higher education and local government , computerized ways to get groups to interact so that they can:

1. create ideas in their own words anonymously and simultaneously,
2. explore hundreds of ideas in minutes not hours,
3. refine, categorize and consolidate items quickly and easily, and
4. evaluate results in many quantifiable ways to reach true consensus.

The Fairfax County decision support system consists of a 13-PC local area network in a small room with a linked screen and overhead projector. A facilitator has worked with the Court Administrator, trial judges and others to examine future courthouse needs using this group decision enhancing hardware, software and experienced staff. This evaluator has seen demonstrations of two types of software in both a temporary and permanent setting. Portable systems of hardware and software are in use.

For the future it would be a major step forward in testing some measures to use the advanced system to speed up group deliberations. The experience of the 13 trial courts is that it takes a long time to conduct surveys. Anything that speeds up the deliberative group process should be considered and there is little doubt that group decision support systems can be quickly adapted to the situation where trial courts want to survey groups. This area deserves systematic exploration by SJI in the future to improve the tools of analysis suggested in the Measures handbook.

3. State and other Meetings of Court Managers

In November, 1994, the Pennsylvania Association of Court Managers focused upon the Trial Court Performance Standards and Measures in its annual meeting. This two-day program illustrated a need to couple known resources of people, materials and experiences with local interest in applying the measures and using the standards. It revealed a way to design a portable program that other court manager groups across the nation may find helpful in designing their similar educational programs. It is the first time that eight years of development were composed into historical accounts, philosophical explanations, legal orientations, public administration findings and practical test results in the last four years plus - a projection into the future with a review of the program mentioned above - One Customer at a Time. The results of several video tapes, session handouts, and speaker utilization and evaluations may offer a potential national tool that SJI may want to examine for future use. Those who have tested measures have a wealth of experience to tap in the future to benefit others in the trial courts of the nation.

Appendix 1. Excerpt from 1990 report "Trial Court Performance Standards with Commentary" by the Commission on Trial Court Performance Standards; a joint project of the National Center for State Courts and the Bureau of Justice Assistance, United States Department of Justice.

Preface

Although interest in determining how well trial courts are performing is not new, attention to their public accountability and trial court performance standards is a recent phenomenon. This volume is intended for judges, court managers, and all others interested in trial court improvement. The Commission on Trial Court Performance Standards is convinced, based on its own deliberations and extensive advice from many people, that the standards in this volume define a philosophy, and a valid and widely shared conception, of what optimum trial court performance entails. The Commission, the National Center for State Courts, and the Bureau of Justice Assistance of the United States Department of Justice believe that these standards will prove a valuable resource for self-assessment and self-improvement of trial courts and provide better ways of meeting the needs of those served by the courts.

No set of standards is likely to be complete and adequate for all time. These standards should be applied—along with the accompanying measurement system—and, if found wanting, revised as more is learned about their utility, accuracy, and propriety. The next phase of the Standards Project will entail extensive testing of the standards and related measures in six states: Alabama, California, New Jersey, Ohio, Virginia, and Washington.

In its work, the Commission benefited from help from many persons and groups. The Trial Court Performance Standards Project staff prepared a series of "briefing papers," which the Commission utilized in its deliberations. The staff also served as reporters for the Commission and field-tested all the standards and many of the measures in Dayton, Detroit, and Phoenix. Several hundred individuals and groups responded to the Commission's call for review of the *Tentative Trial Court Performance Standards* published and distributed in May 1989. Advice from the field and from the field tests inspired the Commission.

The standards owe their existence to three principal factors: support and guidance from the Bureau of Justice Assistance of the United States Department of Justice; the hard work of the staff of the Standards Project and others at the National Center for State Courts; and the dedicated individuals who composed the membership of the Commission. I extend appreciation and thanks to all who contributed to this work. We hope that this volume, and the accompanying measurement system, will prove of value to those responsible for improving trial court performance nationwide.

ROBERT C. MURPHY
Chief Judge, Court of Appeals of Maryland
Chair, Commission on Trial Court Performance Standards

July 1990

Introduction

[T]he ordinary administration of criminal and civil justice . . . contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards the government.

Alexander Hamilton—*The Federalist* No. 17 (1787)

Until very recently, court reform has focused on the structures and machinery of the courts, not their performance (what courts actually accomplish with the means at their disposal), and on the needs of judges and court personnel, rather than directly on the needs of those served by the courts. No agreed-upon *performance* standards or criteria existed for trial courts of general jurisdiction. There was little explicit guidance in the literature of court management on how to measure trial court performance.

In August 1987, the National Center for State Courts and the Bureau of Justice Assistance of the U.S. Department of Justice initiated the Trial Court Performance Standards Project (Standards Project) to develop measurable performance standards for the nation's general jurisdiction state trial courts. This volume and the supplement, *Measurement of Trial Court Performance: 1990 Supplement to the Trial Court Performance Standards with Commentary* (NCSC, 1990), which is summarized in the last section of this volume, are the major products of the Standards Project. By prescribing what trial courts should accomplish, these materials shift the emphasis from *resources* (e.g., the number of judges, the availability of trained staff to support the efficient operation of courts) and *processes* (e.g., alternatives to formal dispute resolution [ADR], master versus individual calendaring, automated data processing, and one-day/one-trial jury service) to *performance* and its measurement.

This emphasis on performance responds, in part, to current demands for increased accountability throughout government and the private sector. Courts, like other public institutions, are being called upon to account for their use of public resources and to improve their performance.

Purpose

This volume and its 22 standards are designed for use by state general jurisdiction trial courts to assess and to improve their performance.

The Commission on Trial Court Performance Standards (Commission)—the group of individuals who guided the Standards Project—believed that a set of trial court performance standards can and should play a vital role in improving the administration of justice. The Commission foresaw several benefits from the development of sound performance standards for trial courts, including the development of a common language to facilitate description, classification, and communication of court activities; a conceptual framework for understanding and improvement; and, most importantly, a means for self-assessment, self-improvement, and improved accountability. The Commission expected that these standards and accompanying measurement system will prove a valuable management and planning tool for judicial leaders who, increasingly, are being held accountable for the performance of trial courts.

The consequences and impact of any evaluation varies according to where, by whom, and how it is done. The Commission intended these standards to be used by trial courts, in cooperation with state administrative offices of the courts, for purposes of *internal* evaluation, self-assessment, and self-improvement. *The use of the standards as a basis for cross-court comparisons or as part of a national or regional accreditation of state courts is not intended nor recommended.* Such use would foster a host of technical and practical problems of utility, feasibility, propriety, accuracy, and other attributes of sound performance evaluation and is generally agreed to be unacceptable to the courts community.

The standards and accompanying measurement system also are not intended, nor are they appropriate, for gauging the performance of individual judges. The focus of the standards is the individual general jurisdiction state trial court viewed as an organization—a system designed to serve the needs of those who use the courts and involving processes and tasks that are linked together and affect one another. The organization includes not only judges but all who perform judicial and administrative court functions, including judges, clerks of court, managers, probation officers, and other court staff, as well as private lawyers, public defenders, prosecutors, and social service providers (e.g., psychiatrists, social workers, and community mental health workers). A few standards and their associated measurements, of course, involve some court officials more than others. For example, Standard 3.3, which requires that litigants receive individual attention without variation due to judge assignment or legally irrelevant characteristics of the parties (e.g., age, race, gender) depends, for the most part, on the action of judges. However, taken together, the standards emphasize the activities of the trial court as an organization or institution and not the actions of a particular individual.

Taken as a whole, this volume and its 22 standards are a proposed philosophy for trial court self-assessment and self-improvement. They define

what the Commission believes should guide and govern trial court performance.

The Trial Court Performance Standards Project

The first two phases of the Trial Court Performance Standards Project were a three-year effort that began in August 1987 and ended in July 1990. It was agreed at the outset that no standards for trial court performance existed. The National Center for State Courts and the Bureau of Justice Assistance undertook what was perceived to be a needed service by developing and publishing such standards. The following goals were established for the project:

- Development of a manageable number (20 to 25) of standards of trial court performance through a process that included the preparation of a series of "briefing papers" by project staff; deliberations by the 12-member Commission; and the crafting of standards and commentary in five performance areas (ACCESS TO JUSTICE; EXPEDITION AND TIME-LINESS; EQUALITY, FAIRNESS, AND INTEGRITY; INDEPENDENCE AND ACCOUNTABILITY; and PUBLIC TRUST AND CONFIDENCE)
- Development of a comprehensive measurement system, built around the standards, including performance measures or indicators, data collection methods and techniques by which the measures can be taken, requirements for data, and a performance evaluation scheme by which the measurement system can be applied by trial courts throughout the country
- Field testing and application of the performance standards and measurement system in selected "demonstration" courts
- Dissemination, promulgation, and acceptance of the trial court performance standards and measurement system by key judicial organizations and several states

These goals were accomplished by July 1990. By the end of 1989, a tentative version of the performance standards and commentaries, and a companion videotape describing the Standards Project, were widely distributed. Comments and suggestions for improvement of the standards were received from judges; elected and appointed court managers at the state and local level; judicial administration scholars; various national, state, and local judicial administration organizations; and other interested individuals and groups. These comments and suggestions were considered by the Commis-

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sion and incorporated into this volume. At this writing, several states and trial courts have already begun using the standards.

The development of the standards and commentaries took almost three years. Standards and commentaries were written and rewritten through a process involving (1) preparation by project staff of briefing papers inspired, in part, by the testing of the various standards in a number of demonstration courts throughout the country; (2) discussion, debate, and formulation of tentative standards and commentaries by the Commission over the course of ten formal meetings; (3) writing and rewriting of the standards and commentaries by project staff, who served as reporters of the Commission's deliberations; (4) reviews by the Commission of drafts of the standards and commentaries prepared by project staff; (5) refinements based on further discussion and debate; and, finally, (6) the preparation of this volume by the Commission and project staff.

The aim of this process was consensus about the underlying premises of the standards. As might be expected, divergence of opinion among members of the Commission emerged on some issues. In the end, the Commission endorsed the standards and commentaries as they appear in this volume, recognizing that individual differences may still exist among members and that not every member may be in full agreement with the wording or emphasis of every standard and commentary.

In addition to the standards and commentaries, the Standards Project staff developed a measurement system to accompany the standards. This measurement system is summarized in the last section of this volume. It is described in full in a supplemental volume, *Measurement of Trial Court Performance: 1990 Supplement to the Trial Court Performance Standards with Commentary* (NCSC, 1990).

The Future of the Standards

The Commission, the National Center for State Courts, and the Bureau of Justice Assistance expect that the standards will prove a valuable resource for self-regulation and improved judicial administration and will become a basis for better program choices and more-rapid responses to the needs for improvement and greater public accountability. The application of the standards is intended to be a joint effort of general jurisdiction trial courts working cooperatively with their state administrative offices of the courts.

Beginning in August 1990, the Commission and the National Center for State Courts began work with state court personnel and trial court leaders in six states: Alabama, California, New Jersey, Ohio, Virginia, and Washington. The objectives of this final phase of the Standards Project are (1) to move the Standards Project from innovation into limited implementation and institutionalization in selected states, where the actual use of the trial court performance standards and the accompanying measurement system will be

tested; (2) to continue refinement and adaptation of the measurement system to meet the requirements of trial courts and the state administrative offices of the courts; and (3) to provide the foundation for the acceptance of the standards and accompanying measurement system as a useful tool of judicial administration.

Undoubtedly, the widespread acceptance of the trial court performance standards and accompanying measurement system will depend upon their utility at the state and local level. It is unlikely that the trial court performance standards and accompanying measurement system will be institutionalized until explicit attention is given to ways in which the standards can be utilized by the widest possible audience. By moving the "ownership" of the standards from the Bureau of Justice Assistance, the National Center for State Courts, and the Commission toward the nation's general jurisdiction trial courts and the state administrative offices of the courts, it is hoped that institutionalization of the standards will be accomplished.

Overview

This volume is divided into two sections. The first articulates and comments on 22 separate performance standards for general jurisdiction trial courts. The standards are grouped in five performance areas: (1) ACCESS TO JUSTICE, (2) EXPEDITION AND TIMELINESS, (3) EQUALITY, FAIRNESS, AND INTEGRITY, (4) INDEPENDENCE AND ACCOUNTABILITY, and (5) PUBLIC TRUST AND CONFIDENCE. These groupings represent alternative ways of viewing the fundamental responsibilities or purposes of trial courts, such as doing and appearing to do individual justice in individual cases; resolving disputes; upholding federal and state constitutions; working independently of, but in cooperation with, other branches of government; promoting the rule of law; protecting individuals from the arbitrary use of government power; making a formal record of legal proceedings; and encouraging behavior that adheres to societal norms as expressed in statutes, ordinances, and regulations. Standards in two of the performance areas—EXPEDITION AND TIMELINESS and EQUALITY, FAIRNESS, AND INTEGRITY—emphasize the courts' fundamental dispute resolution functions. The standards in the three performance areas of ACCESS TO JUSTICE, INDEPENDENCE AND ACCOUNTABILITY, and PUBLIC TRUST AND CONFIDENCE focus on the functions of trial courts as organizations and their relations with other organizations and the public.

The standards and accompanying commentaries are presented in a common format. A brief overview introduces each of the five performance areas. Within each area, succinct statements—the "black letter" standards—represent the guiding principles of performance. Each standard is followed by commentary, which explains and clarifies it.

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Standards in the area of ACCESS TO JUSTICE—presented first because they address the initial entry of litigants and other court users into the judicial system—require that the structure and machinery of the courts be accessible to those they serve. Standards grouped under EXPEDITION AND TIMELINESS relate not only to the prompt and efficient resolution of disputes but to all court activities. Standards in the performance area of EQUALITY, FAIRNESS, AND INTEGRITY require that trial courts provide due process and individual justice in each case, treat similar litigants equally, and ensure that their actions, and the consequences thereof, are consistent with established law. Standards in the area of INDEPENDENCE AND ACCOUNTABILITY require that trial courts, as a vital component of our tripartite system of government, be independent of and maintain parity with the legislative and executive branches of government. Additionally, standards in this area require that the courts be accountable for what they do with the resources at their disposal and that the courts' personnel practices and decisions establish the highest standards of personal integrity and competence among their employees. Finally, the standards in the last performance area, PUBLIC TRUST AND CONFIDENCE, address the courts' responsibility to instill public trust and confidence that the courts are fairly, efficiently, and effectively operated.

The standards are not rigid rules; they are guiding principles. Specific performance measures and data collection methods and techniques associated with the standards are summarized in the last section of this volume. The summary is intended to allow a reader to understand the general approach and requirement for performance measurement and to reinforce the idea that the use of the standards relies heavily on the understanding and application of data, not on guesswork. Those charged with actually using the measurement system for evaluating trial court performance should refer to the full supplemental volume, *Measurement of Trial Court Performance: 1990 Supplement to the Trial Court Performance Standards with Commentary* (NCSC, 1990).

It should be noted that the measures and methods associated with particular standards—summarized in this last section and fully detailed in the supplement—do not necessarily represent the carefully considered views of the Commission. Whereas the standards and commentary have been approved and endorsed by the Commission, the measures still need to be tested for their utility, feasibility, propriety, and accuracy during the last phase of the Standards Project. Until this test is completed, the measures—taken as a whole—should be viewed as a necessary, but imperfect, beginning.

Following are the 75 original Measures:

Area One

**Summary of Measures Associated with
the Trial Court Performance Standards**

MEASURE	OBJECT OR SUBJECT	METHODS	EVALUATORS
1.1.1 Open hearings	Court proceedings	Structured observation	Volunteers
1.1.2 Understanding courtroom calendar	Court calendar and proceedings	Structured observation	Volunteers
1.1.3 Audibility	Participants in proceedings	Structured observation	Volunteers
1.2.1 Security audit	Courthouse facilities	Checklist	Security consultant Court staff
1.2.2 Test of security	Courthouse facilities	Simulation	Law enforcement officers
1.2.3 Perceptions of courthouse security	Regular users of court	Questionnaire survey	Court staff
1.2.4 Knowledge of emergency procedures	Court employees	Interviews	Court staff Graduate students
1.2.5 Accessibility of information by telephone	Court operations	Simulation	Volunteers
1.2.6 Ease of conducting business	Court facilities	Questionnaire survey	Court staff
1.2.7 Accessibility and convenience	Court facilities	Simulation	Court staff
1.3.1 Legal representation	Legal counsel Involuntary civil commitment hearings	Structured observation Checklist	Volunteer survey
1.3.2 Interpreter services	Cases Case records Court officials Lawyers	Record examination Interviews	Court staff
1.3.3 Quality of Interpreters	Interpreters	Structured observation	Interpretation experts/ consultants
1.3.4 Participation by handicapped persons	Court facilities Court operations	Simulation Checklist	Volunteers with handicaps

APPENDIX, Summary of Measures Associated with the Trial Court Performance Standards, *continued*

MEASURE	OBJECT OR SUBJECT	METHODS	EVALUATORS
1.4.1 Courteousness and responsiveness	Regular users Court personnel	Questionnaire survey	Court personnel
1.4.2 Observers' rating of courtesy and responsiveness	Court personnel	Structured observation Questionnaire	Volunteers
1.4.3 Litigant treatment	Court proceedings	Structured observation Questionnaire	Volunteers
1.5.1 Alternatives for the financially disadvantaged	Court services Court resources	Structured observation Document and Review Interviews Inventory	Data collection team
1.5.2 Civil legal assistance	Court operations	Simulation	Volunteers
1.5.3 Barriers to court services	Court services	Telephone survey	Volunteers

Area 2

2.1.1 Time to disposition	Court records Case management information	Record review	Court staff Statistical expert/ consultant
2.1.2 Case dispositions to case filings	Caseload	Record review	Court staff Statistical expert/ consultant
2.1.3 Age of pending cases	Cases awaiting disposition	Record review	Court staff Statistical expert/ consultant
2.1.4 Trial dates	Court records	Record review	Court staff Statistical expert/ consultant
2.1.5 Progression of cases through system	Case management information	Record review	Court staff Statistical expert/ consultant
2.2.1 Payment of monies	Court financial records	Record review	Court staff
2.2.2 Provision of services	Court services	Record review	Court staff
2.2.3 Provision of information	Information requests	Simulation	Volunteers
2.2.4 Reporting schedule compliance	Court reports	Record review	Court staff
2.3.1 Changes in law	Statutory changes	Record review Surveys Interviews	Volunteer group
2.3.2 Changes in procedure	Procedural changes	Record reviews Interviews Questionnaires	Volunteer group

Area 3

3.1.1 Performance	Relevant law	Record review Interviews	Volunteer panel of experts
3.1.2 Performance in applying the law	Attorneys Court employees	Questionnaire survey	Court staff
3.2.1 Jury source list	Juror source list	Statistical analysis	Court staff
3.2.2 Jury selection procedures	Juror selection	Observation	Court staff
3.3.3 Representativeness of juror pool	Juror pool	Questionnaire	Court staff Consultant
3.3.1 Equality and fairness in bail decisions	Criminal case files Statistical analysis	Record examination	Court staff
3.3.2 Equality and fairness in sentencing	Criminal case files	Record examination Statistical analysis	Court staff Statistical expert/ consultant
3.3.3 Equality and fairness in practicing bar	Bar members	Questionnaire survey	Court staff
3.3.4 Equality and fairness by court users	Court users	Questionnaire survey	Court staff
3.3.5 Equality and fairness in child support	Domestic relations case files	Record examination Statistical analysis	Court committee
3.3.6 Integrity of outcomes	Case files Appellate cases	Record examination	Court staff
3.4.1 Clarity of judgment and sentence	Criminal case files	Record examination	Court staff
3.4.2 Clarity of civil judgments	Civil case files	Record examination	Court staff
3.4.3 Experience with orders and judgments	Court employees	Questionnaire survey Interviews	Court staff
3.5.1 Enforcement	Court organizational structure Administrative practices	Questionnaire survey Interviews Record examination	Court staff
3.5.2 Payments to courts	Probationary orders Bookkeeping records	Record review	Court staff
3.5.3 Child support enforcement	Child support orders	Record review	Court staff
3.5.4 Civil enforcement	Civil judgments	Record examination Interviews	Court staff
3.5.5 Enforcement of case processing rules and orders	Case files	Record examination	Court staff
3.6.1 File control system	Case files	Statistical analysis	Court staff
3.6.2 Storage and preservation of physical records	Records management system	Statistical analysis	Court staff
3.6.3 Case docket system	Court docket	Statistical analysis	Court staff
3.6.4 Case file integrity	Case files	Statistical analysis Interviews	Court staff
3.6.5 Document processing	Legal documents	Record reviews Interviews	Court staff
3.6.6 Verbatim records of proceedings	Attorneys	Questionnaire survey	Court staff

Area 4

4.1.1 Fiscal and organizational barriers to independence	Court organization, budget practices, and fiscal environment	Checklist and rating scale	Court staff
4.1.2 Assessment of independence and comity	Court policies and practices/group input	Nominal Group Technique Delphi Technique Ideawriting	Court steering committee
4.2.1 Judicial activity cost center	Court resources	Modeling	Court staff Court steering committee
4.2.2 Court auditing practices	Financial records and reports	Audit Checklist Rating Scale	Court staff
4.2.3 Accountability for resources	Management data Group input	Nominal Group Technique	Court steering committee
4.3.1 Working conditions	Court employees	Open-ended survey (Crawford Slip Technique)	Court personnel specialist
4.3.2 Employee survey	Court employees	Questionnaire survey	Court staff
4.3.3 Equal employment opportunity	Court employment roster Personnel records	Statistical analysis	Court staff
4.3.4 Personnel practices	Management data Group input	Ideawriting Nominal Group Technique	Court steering committee
4.4.1 Court and media relations	Court policies and practices Media representatives	Checklist Rating scale Survey	Court staff
4.4.2 Community outreach efforts	Public education program materials	Checklist	Court staff
4.4.3 Public service involvement	Court personnel	Questionnaire	Court staff
4.4.4 Public information practices	Management data Group input	Nominal Group Technique Ideawriting	Court steering committee
4.5.1 Responsiveness to past issues	Court records Community leaders	Interviews Narrative account Group review	Volunteer professor Consultant
4.5.2 Anticipation of change	Potential issues	Questionnaire survey Delphi Technique Group review	Court staff Consultant

Area 5

5.[1-3].1 Public perceptions	General public	Telephone survey	Court staff Consultant Graduate student
5.[1-3].2 Community leaders' perceptions	Local bar Law enforcement agencies Local government News media	Focus group	Professional group
5.[1-3].3 Reports of court's performance	Newspaper articles	Statistical analysis	Court staff Graduate student
5.[1-3].4 Court employees' perception	Court employees	Questionnaire survey	Court staff

Appendix 2. List of Some Program Participants

Based upon the work done in this evaluation the following list of offices and individuals would be potential resources to assist other communities considering application of Trial Court Performance Standards and Measures.

New Jersey

Mr. Robert D. Lipscher, Director

Mr. Theodore Fetter, Deputy Director

Administration Office of the Courts, State of New Jersey

CN-037 RJH Justice Complex

Trenton, NJ 08625

(609) 984-0275

Superior Court of New Jersey, Burlington County

Mr. Richard Callanan

Trial Court Administrator

Court Facility

49 Rancocas Road

Mount Holly, NJ 08060

(609) 265-5031

Ohio

Mr. Stephen W. Stover

Administrative Director

Supreme Court of Ohio

State Office Tower

30 East Broad Street

Columbus, OH 43266-0419

(614) 466-4199

Virginia

Mr. Robert N. Baldwin
State Court Administrator
Supreme Court of Virginia
100 N. Ninth Street, 3rd Floor
Richmond, VA 23219
(804) 786-6455

Dr. Mark Zaffarano
Trial Court Administrator
Fairfax Circuit Court
19th Judicial Circuit of Virginia
Fairfax County Judicial Center
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National Center for State Courts

Dr. Pamela Casey
Senior Staff Associate and Project Director
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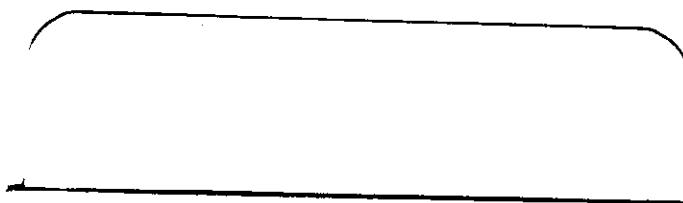
Ms. Mary C. McQueen, Administrator for the Court,
State of Washington
Ms. Yvonne Pettus, Manager of Court Services,
State of Washington
1206 S. Quince Street
Mail Stop EZ-11
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Snohomish County Courthouse
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(206) 358-3798

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