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**DESIGNING ENHANCED PROCEDURES FOR CONDUCTING
COURT OPERATIONAL REVIEWS AND EVALUATIONS (CORE)**

**Institute for Court Management
Court Executive Development Program
Phase III Project
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TABLE OF CONTENTS

Acknowledgments	i
List of Tables	ii
Abstract	iii
Introduction	1
Background	3
Review of Relevant Literature	8
Court Audit Departments	8
Measuring Effectiveness and Evaluating Internal Programs	12
Caseflow Management Review	14
Security Audits	15
Performance Standards and Measurement	16
Methodology	18
Findings	21
Conclusions	30
Bibliography	34
Appendices	36

Appendix A - Test Court Operational Review and Evaluation Report --
Peoria Municipal Court

Appendix B - Customer Service Survey

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LIST OF TABLES

Table 1.	Model Used to Define and Assess Organizational Effectiveness	12
Table 2.	Sampling Error at 95% Confidence Interval	20
Table 3.	Existing Court Operational Review and Evaluation Data	22
Table 4.	Average Length of Time to Complete a Court Operational Review and Evaluation	23
Table 5.	Current Cost to Conduct an Operational Review and Evaluation	24
Table 6.	Matrix on Size and Categorization of Limited Jurisdiction Courts	25

ABSTRACT

In 1993, under the direction of the Chief Justice of the Arizona Supreme Court, the Administrative Office of the Courts (AOC) developed a process for reviewing court operations. This program is now referred to as Court Operational Reviews and Evaluations (CORE). This Phase III project for the Institute for Court Management is designed to enhance the existing CORE process used in Arizona with a focus on achieving four primary goals:

- ▶ Revise existing assessment tools used to conduct operational reviews and evaluations to provide for enhanced objectivity, greater consistency, and the ability to replicate findings and recommendations. Additionally, assessment tools must be user friendly and developed as self-assessment tools judges and court administrators can use to check and maintain court operations.
- ▶ Implement a process for measuring results achieved by courts before and after undergoing a court operational review and evaluation with a focus on effective case management.
- ▶ Enhance the overall process for conducting operational reviews, including the addition of a customer service survey component to obtain feedback on the CORE project and staff.
- ▶ Reduce the amount of time necessary to publish a final operational review and evaluation report while providing more detailed and comprehensive information.

The final project report includes background information necessary to fully understand Arizona's implementation of the CORE program, a literature review which includes a brief overview of different methods used nationally to review or audit court operations along with an explanation of the different philosophy and approach used in Arizona, project methodology, and the findings and results on the test of the new CORE process.

Review of the previous CORE process showed continuous improvements over the past five years, however, the following elements were missing: (1) detailed statistical information on staffing levels and summary narrative information concerning revenues and expenditures; (2) background information in each section describing the situation as it exists in the court being reviewed; (3) positive feedback noting court operations or functions that were accurate, complete, or working well; (4) detailed information on the documents reviewed to reach the conclusions or the sampling method used along with reports on compliance levels or explanation of the extent of problems; (5) detailed case management information, such as case mix, case aging, disposition ratios, or pending case information; and, (6) detailed automation information. The average number of days to complete a review and publish the final report was 220 days. Average costs for completing the review process were calculated totaling \$392

per day. The total cost had a direct correlation to the size of the court undergoing the review and the classification of the problems uncovered during the CORE process. As a result, costs ranged from \$2,926 to \$18,851.

The most important portion of this project included a test of the new CORE procedures. The presiding judge and court administrator of the Peoria Municipal Court agreed to serve as a test site and the new process was used to conduct a court operational review and evaluation at the court. This test of the new CORE process included: (1) adherence to the process outlined in the new policies and procedures manual; (2) use of the enhanced self-assessment tools; (3) analysis of statistical information with a focus on development of performance measures for the court and justification for much needed additional court resources; (4) detailed descriptions of existing court processes with acknowledgment of those areas where the court was doing well; (5) a case inventory using predetermined sample sizes and a random stratified sampling process with a comparison to existing case processing time standards; (6) a financial management inventory using predetermined sample sizes and a random stratified sampling process along with completion of a Minimum Accounting Standards checklist; and, (7) a customer service survey to evaluate the process from the court's perspective. The enhanced CORE process proved effective and resulted in achievement of three project goals. The fourth goal must be evaluated over time as before and after results can only be measured in this manner, however, the foundation to allow for this comparison was achieved during the testing process. A copy of the operational review and evaluation report of the Peoria Municipal Court is included as an appendix to this ICM project paper. And finally, the entire enhanced CORE test process at the Peoria Municipal Court was completed and a final report published in 79 days.

The results obtained during this project are promising. The CORE program should be monitored and necessary evaluative information gathered to continue enhancing the process. In concert with the mission of the CORE program and the vision of the Arizona judiciary, court operational reviews and evaluations are one tool that can be used to ensure courts are accountable to the citizens of Arizona.

Introduction

This project is designed to enhance the process currently used to conduct operational reviews and evaluations in Arizona courts. In 1993, under the direction of the Chief Justice of the Arizona Supreme Court, the Administrative Office of the Courts (AOC) developed a process for reviewing court operations. During the past five years, the focus has been on the limited jurisdiction courts in Arizona. To date, 78 full operational reviews and evaluations and 7 partial operational reviews and evaluations have been completed.

Court operational reviews and evaluations (CORE) are conducted by AOC staff in the Court Services Division. In September of 1995, I became the program manager for the current Court Assistance Unit, which is the unit where the CORE project is managed. Prior to becoming program manager of this unit, I held two different positions in the Court Services Division that involved not only completion of special projects but also included conducting court operational reviews and evaluations upon request. During the past five years, I have conducted CORE reviews, provided on-site training and assistance to many court staff, edited numerous CORE reports, provided guidance and assistance to CORE staff, and most importantly, observed the overall program and attempted to measure achieved results. I believe the CORE process has proven successful, particularly to courts with severe operational problems. However, measuring results has been difficult and the entire operational review and evaluation process is labor intensive and takes more staff resources than originally anticipated. Additionally, as one would expect, the review process is not popular with the trial courts and is viewed by many judges and court staff as intrusive. Thus, this project has been undertaken with the goal of enhancing the

existing operational review process for the AOC and the courts undergoing the court operational reviews and evaluations. Specifically, there are four primary goals:

- Revise existing assessment tool(s) used to conduct operational reviews and evaluations to provide for enhanced objectivity, greater consistency, and the ability to replicate findings and recommendations. Additionally, assessment tool(s) must be user friendly and developed as self-assessment tools judges and court administrators can use to check and maintain operations.
- Implement a process for measuring results achieved by courts before and after undergoing a court operational review and evaluation. Specifically, focus will be placed on effective case management since processing cases is the fundamental purpose of courts.
- Enhance the overall process for conducting operational reviews, including the addition of a customer service survey component to obtain feedback on the CORE project.
- Reduce the amount of time necessary to publish a final operational review and evaluation report despite the completion of a more intensive review and evaluation process. Additionally, the format of the reports and substantive information will provide more detailed and comprehensive information with a goal of acknowledging accomplishments courts have made or processes courts are doing well.

This project is obviously not the usual research project. The approach will be practical and includes a test of the new operational review and evaluation process with achievement of the four goals outlined above in mind. The remainder of this report includes: (1) background information necessary to fully understand Arizona's implementation of the CORE program; (2) a literature review which includes a brief overview of different methods used nationally to review or audit court operations and an explanation of the different philosophy or approach used in Arizona; (3) an overview of project methodology, summary information on the attempt to measure program effectiveness, and implementation and collection of data to measure future

effectiveness; (4) findings and results on the test of the new operational and review process; and, (5) conclusions.

Background

The Arizona judiciary is currently a three-tiered organization comprised of five courts. The Arizona Supreme Court and the Court of Appeals are the appellate courts. There is one Supreme Court and two divisions of the Court of Appeals, one division located in Phoenix and another in Tucson. The Superior Court is the state's only general jurisdiction trial court. There are 15 branches of the Superior Court, one branch in each county located at the county seat. The state has two limited jurisdiction courts: the Justice of the Peace Courts and the Municipal Courts. There are 83 Justice of the Peace Courts and 84 Municipal Courts throughout the state of Arizona. Justice of the Peace Courts serve precincts with geographical boundaries established by the Board of Supervisors in each county. Municipal courts are required by statute (A.R.S. §22-402) in incorporated cities or towns. This court structure creates jurisdictional overlap and a complex judicial system. As a result, it is a difficult system to administer and this fact is compounded by the fragmented funding structure. The Arizona judicial system is funded from approximately 116 funding sources.

While it is important that individual judges retain independence in making judicial decisions, this independence does not extend to administration of the courts in Arizona. Article 6, Paragraph 3, of the Constitution of the State of Arizona gives the Supreme Court administrative supervision over all the courts of the state, to be exercised by the Chief Justice. The Administrative Office of the Courts acts under the direction of the Chief Justice to provide administrative supervision.

For many years, the Supreme Court exercised limited administrative supervision over the courts, relying on the presiding judge of each court to exercise this supervision. In recent years, the growth of the court system has necessitated more centralized and professional administrative management and more standardization of procedures to increase public access to the courts, and to assure service to the public is provided in a fair, accurate and expeditious manner.

Administrative orders are issued by the Chief Justice of the Supreme Court to develop and/or establish policy or procedure for the Arizona courts. Administrative Order 93-30 specifically delineates the Presiding Judge's role and responsibilities regarding the administration of the courts within his/her county. The Presiding Superior Court Judges have been designated as the Chief Judicial Executive Officers of their respective counties and exercise administrative supervision over the superior court and judges thereof, justice of the peace courts, and municipal courts. This administrative supervision includes, but is not limited to: making judicial assignments; supervising court personnel; prescribing the powers and duties of the clerk of the court; appointing associate presiding judges(s) with the approval of the Supreme Court; promulgating local rules as a majority of the judges of the county may approve or as the Supreme Court shall direct; identifying and developing programs that provide alternative methods for the resolution of civil disputes and promulgating such local rules as a majority of the judges of the county may approve establishing and governing such alternative dispute resolution programs; appointing a chief adult probation officer and a law library director; developing and implementing judicial branch personnel systems; coordinating applications for grant funds; coordinating and implementing compatible information systems and technology within the county to increase accessibility and improve efficiency and court management; obtaining statistical reporting compliance; coordinating uniform bond schedules; submitting coordinated

budgets; and approving plans to implement policies on access to court services by persons with disabilities and procedures for implementing sexual harassment policies.

As a function of exercising the Supreme Court's administrative supervision, staff from the Administrative Office of the Courts conduct operational reviews in courts throughout the state. These reviews determine whether courts are meeting legislative and administrative requirements and result in recommendations for correcting deficiencies found in the courts reviewed and for preventing similar problems in other courts. During a full review, staff evaluate administration, case and records management, accounting and cash management, automation, facilities, security, and relationships between the court and related agencies. If needed, on-site technical assistance and training are provided during the reviews to create an immediate, positive impact on operations. Partial reviews, such as accounting and case management only, or automation only, have been conducted in response to special requests or court requirements.

Over the past five years, these reviews have brought to light a number of serious operational problems including cash management irregularities, theft of funds, allegations of ticket fixing, sexual harassment and improper use of court staff. A number of less serious problems such as inefficient case and records management practices and inadequate facilities and security have also been identified. The Supreme Court has taken action to address many of the more serious problems. These efforts include:

- Issuing Administrative Orders 97-29 and 97-46 (replacing Administrative Order 92-06) to adopt forms for protective orders in domestic violence cases
- Issuing Administrative Order 97-41 to replace Administrative Orders 96-33 and 96-27 to adopt a code of conduct for judicial employees
- Issuing Administrative Order 96-37 to adopt policies regarding protective orders in domestic violence cases

- Issuing Administrative Order 96-36 to adopt standards and guidelines for court-connected mediation programs
- Issuing Administrative Order 96-32 to amend Administrative Order 93-30 to provide presiding judges of the counties with the authority to establish court security policies and procedures
- Issuing Administrative Order 95-45 to adopt education policies and standards and Administrative Orders 96-16 and 97-40 to update educational policies and standards
- Issuing Administrative Orders 94-37 to create a strategic initiative for development of a judicial data network, 95-37 to adopt technology standards necessary for connection to the Arizona judicial information network (AJIN), and 97-04 to update technology standards necessary for AJIN
- Adopting Rule 123, Rules of the Supreme Court, to establish and update policies for public access to court records
- Issuing Administrative Order 94-38 to adopt rules prescribing procurement policies for the Arizona judicial branch
- Issuing Administrative Order 93-59 (superseding Administrative Order 93-19) to revise policies and standards governing the creation and administration of an education and training program for judges and court personnel throughout the state
- Issuing Administrative Order 93-52 to implement minimum accounting standards for Arizona courts and Administrative Orders 94-68 and 97-62 to revise and update the minimum accounting standards
- Issuing Administrative Order 93-19 requiring all court personnel to complete ethics training before December 31, 1993 and yearly thereafter.
- Issuing Administrative Orders 93-32 and 92-33 requiring a system of reporting and handling sexual harassment cases.
- Issuing Administrative Order 93-30 delegating administrative responsibility for all the courts in the county to the Presiding Judge of the

Superior Court in each county. This establishes a clear structure for supervising the administrative operations of the courts.

- Sponsoring and funding the Arizona Court Automation Project (ACAP) to implement an automated case and cash management system in nine rural counties. The Arizona Judicial Council's Commission on Technology is working to develop automation standards for all Arizona courts. Statewide automation promotes standardization of case, records and cash management in the courts.
- Expanding and revising the Statistical Reporting System (SRS) for more definitive and detailed reporting to the Supreme Court on events of each case within each court. The detailed data will enable earlier detection of problems in case, records and cash management, as well as providing information necessary for directing efforts toward increased public access to courts.
- Expanding educational opportunities for court staff and judges in case management, records management and financial management.
- Initiating a project to develop minimum case processing and records management standards.

As noted above, court operational reviews and evaluations serve as one of the tools used to administratively supervise operations of the Arizona courts. The mission of the program follows:

MISSION

To ensure, foster and promote professional, ethical and efficient operations and administration in the Arizona courts so that they may better serve the needs of the citizens of Arizona.

A number of goals and objectives have been developed to achieve this mission. Detailed information can be found in the CORE policies and procedures manual.

Review of Relevant Literature

A review of literature indicates that no information exists concerning court operational reviews and evaluations as outlined in this report. In fact, this report may be a first of its kind. However, there is information available concerning court audit departments, measuring program effectiveness and evaluating internal programs, caseload management reviews, security audits, court performance standards and measurement, and general court management. Numerous publications were reviewed to assist with the preparation of this project and are noted in the bibliography.

Court Audit Departments

Recently, Mr. Kent Pankey with the National Center for State Courts inquired via Court2Court and the listserves of the Conference of State Court Administrators (COSCA) about internal audit departments for court systems. Fifteen states responded to this query with eight states reporting they have internal audit departments for their court systems: Arizona, Hawaii, Louisiana, Maryland, New Hampshire, Oregon, Utah, and Virginia. These departments vary in number of staff and range of duties. Three other states indicated that they have staff who perform duties similar to that of an audit department but did not claim to have such a department: Florida, Nebraska, and Missouri. Four remaining states did not have audit departments: Ohio, South Carolina, South Dakota, and West Virginia. West Virginia reported once having an internal auditor but eliminated the position because it “caused a lot of problems.” (Pankey, page 4) Further investigation of the Oregon program shows an audit or review process similar to the one currently used in Arizona. However, Oregon AOC staff report their program is now “defunct” because trial courts were unhappy with the negative nature of the reports issued.

Upon review of these reports of internal court audit departments, one significant difference between the approach currently used in Arizona and those actively used in other states is: **a majority of the other states appear to be employing true “audit” procedures and processes.** The operational review and evaluation process in Arizona is not an “audit.” An audit is defined as a formal or official examination and verification of an account book; a methodical examination and review; or the final report of an examination of books of account by auditors. Audits are performed in Arizona courts, however, these are performed for the Appellate Courts and the Justice of the Peace Courts by the State Auditor General’s Office and by independent auditors for the Superior Courts and Municipal Courts. Minimum Accounting Standards (MAS) adopted by the Arizona Supreme Court in 1994 require all courts to have an audit every three years. It appears as though audits reported by these others states are comparable to audits performed in Arizona by independent financial auditors or the State Auditor General’s Office.

It is important to discuss and explain the different approach adopted in Arizona to better understand this project. This approach is referred to as a “Court Operational Review and Evaluation” (CORE). Court operational reviews and evaluations involve a review of seven primary court operational areas: administration, case management, financial management, records management, automation, facilities, and security. This process differs from an audit because additional operational areas are reviewed (i.e., financial management and accounting are reviewed as **one portion** of the court operational review and evaluation process).

In Arizona, court management specialists (i.e., individuals with several years of court experience) visited trial courts where audits had been performed and found that thefts of funds had occurred, but audits did not reveal this fact. The reason for this is that auditors typically

review financial records such as ledgers, journal entries, receipts, deposit slips, bank statements, canceled checks, voided checks, and other documents to compare transactions and reconcile all financial activities. The piece that was missing was then comparing these transactions back to case files and records. It was discovered that cases were sometimes being dismissed, case file documentation destroyed or manipulated in some fashion, and monies taken. Since documentation was often missing or altered and auditors were unskilled in reviewing court operations and activities, the auditors did not pick up these discrepancies because financial documentation was not traced back and matched to court case documents or records.

Auditors are trained in financial matters, which requires special skills, and most are unfamiliar with court operations. Likewise, while CORE staff review financial management operations, they are not trained auditors. The audit function is extremely important and left to the individuals skilled to perform those tasks (i.e., independent auditors and the State Auditor General's Office). Since it is difficult for auditors to recognize other court operational problems, the Administrative Office of the Courts in Arizona embarked on the CORE project. Please note that the explanation provided herein is not a criticism of auditors. It is simply discussed because this was the impetus for the Administrative Office of the Courts in Arizona to determine that in addition to audits it was necessary for individuals skilled in court operations to conduct more expansive reviews, particularly since the Arizona Supreme Court has administrative responsibility for the operation of all courts in the state. It is also important to note that in recent months, AOC staff have worked more closely with staff from the State Auditor General's Office to ensure both audits and operational reviews and evaluations are comprehensive and accurate.

In 1995, the Los Angeles Superior Court began a comprehensive process of self-evaluation through an internal auditing process referred to as the “Performance Audit and Review (PAR) Program.” This program reviews all performance, management and fiscal aspects of programs, operations, administrative units and processes within the court. It focuses on developing and implementing measures to ensure the efficient and cost effective operation of the court. Upon review of this program, it is primarily used to review existing and proposed projects and programs and evaluate resources required to maintain or implement the program, results achieved, specifically, customer service, whether or not the project or program is mandated by statute, court rule, case law, or court policy, the value the program or project produces for the court, whether or not another entity could provide this service, and what the impact would be if this program or project did not exist.

Los Angeles appears to be focusing on program effectiveness--the success in performing a program (a specific set of behaviors, tasks and purposes defined by the designers or initiators of the program). In Arizona, a similar PAR review process exists, however, it is conducted by a state department in the executive branch of government. The Arizona Budget Reform legislation (Laws 1993, Chapter 252) established the process for Program Authorization Reviews (PARs). The PARs provide an opportunity for the Governor and the Legislature to evaluate the effectiveness and efficiency of state government programs. These program reviews are part of the annual budget process and result in decisions to retain, eliminate, or modify particular programs. Elements of measuring program effectiveness can and will be adopted into the enhanced CORE process.

Measuring Effectiveness and Evaluating Internal Programs

Several administration and management books and articles were reviewed. Evaluation and assessment of institutional and program effectiveness is becoming a widespread activity and both are important to the vitality of organizations. This literature review reveals that no single approach to the evaluation of effectiveness is appropriate in all circumstances or for all organizational types. Effectiveness is an elusive concept that can be approached through several models, none of which is appropriate in all circumstances. Four models exist for defining and assessing organizational effectiveness:

Table 1. Model Used to Define and Assess Organizational Effectiveness

<i>Model</i>	<i>Definition</i>	<i>When Useful</i>
	An Organization is Effective to the extent that.....	
Goal Model	it accomplishes its stated goals	goals are clear, consensual, measurable
System-Resource Model	it acquires needed resources	clear connection between inputs and outputs
Internal Process Model	it has an absence of internal strain, smooth internal functioning	clear connection between processes and primary task
Strategic-Constituencies Model	all strategic constituencies are at least minimally satisfied	constituencies have powerful influence; the organization reacts

(Baugher, page 6)

Some experts argue that all four models must be met for an organization to be effective, however, other experts believe meeting one of the models equates to organizational

effectiveness. Still others believe organizations can be ineffective even when adhering or meeting the goals of all four models. "Organizations may be judged to be ineffective even when meeting the criteria of each approach, or they may be judged to be effective even when not meeting the criteria." (Baugher, page 7)

Measuring effectiveness is not a simple process and effectiveness is often confused with efficiency. Little controversy exists about the definition of efficiency, "*Ratio of organizational inputs to outputs or the amount of resources expended in the production of an organizational output,*" or about how to measure it. (Baugher, page 2.) Such is not the case with effectiveness. An organization or program may be efficient but not effective or effective but meet the wrong program goals. An organization or program may also be ineffective even when acquiring optimal resources.

There are two different kinds of effectiveness: organizational and program. Organizational effectiveness models were discussed above, however, for the purposes of this project, *program* effectiveness is the focus. What then constitutes program effectiveness? Research indicates that it is simply a matter of individual perspective. Thus, elements of program effectiveness must be clearly defined.

Three basic models have been used to evaluate information: (1) accountability, (2) advocacy, and (3) program improvement. Evaluation answers the basic question: "How well is a court operation, program or procedure attaining what it was designed to accomplish?" In order to define the evaluation process and know whether or not something worked, goals and measurable objectives must be set as well as standards for evaluating. The process used for determining what the goals and measurable objectives is also integral to the evaluation process.

Standards for evaluation usually include the ability to do one or more of the following things: (1) compare existing measures, (2) examine other programs, (3) review the current system against a pre-established measure, (4) complete a before/after comparison, (5) compare cross jurisdictional information, or (6) analyze, compare, and contrast information gained over time. No matter which model or standards are used the evaluation goals and objectives must be defined and should include an internal evaluation component.

In summary, review of the literature on measuring effectiveness and evaluating programs shows:

- ▶ No single model of effectiveness exists
- ▶ There is a need for multiple indicators of efficacy
- ▶ One must emphasize the importance of effective measurement
- ▶ The focus must be on solutions to problems, not past mistakes
- ▶ Evaluation must be planned
- ▶ Evaluation is an ongoing process
- ▶ There must be accurate documentation of the evaluation process
- ▶ Appropriate methodological approaches must be used
- ▶ Evaluation information must be carefully communicated
- ▶ The ability to replicate studies or results must exist

In addition to the review of theoretical models and academic research, in the field of court administration and management it is also essential to consider practical experience and research or projects completed by practitioners. The remaining sections of this literature review focus on these more practical aspects.

Caseflow Management Review

How effectively and quickly cases move through a court is the cornerstone of court operations and what courts are all about. A caseflow management review (CMR) is an examination of how a court manages its cases and its overall caseload. Good caseflow

management makes a major difference in a court's ability to process its caseload effectively. This concept has been demonstrated time and time again through many research studies. The principles of a case management review are applicable to all courts, however, the scope of the review can vary depending upon the types of caseloads being studied. There are three main purposes for conducting a CMR:

“(1) to describe the current situation with respect to caseloads and case processing in the court, paying particular attention to data on case-processing times and pending caseloads; (2) to assess the effectiveness of the court's structure and operational procedures in relation to key areas of caseflow management; and (3) through identification of strengths, weaknesses, and key problem areas, to lay the foundation for development of an action plan aimed at improving the court's capacity to handle its caseload effectively.”

(Mahoney, et al, page vii)

The key to completing a successful caseflow management review is planning. Good data collection tools and a well-defined plan outlining the scope of the review are critical. However, collection of data needed for a CMR can be complex and time-consuming and the accessibility of data can be difficult. The goal must be to balance resource availability and the results needed to complete an effective CMR.

Security Audits

An ICM seminar on Court Security Management was held from March 25, - 27, 1996, in Scottsdale, Arizona. Based upon materials received during this seminar, review of additional security literature, and participation in an actual court security audit, a court security audit should: identify existing security measures or strengths, identify security concerns, formulate options/recommendations for improving security, and track court progress in meeting an overall

court security plan. A security audit must include: (1) a procedural audit to review procedure manuals and security practices; (2) an administrative personnel audit to review employment processes, training, and staff supervision (accountability); and, (3) a physical audit to review four zones, including access and egress, (a) facility boundaries, (b) building exterior, © public areas, and (d) restricted areas.. The purposes of the court security audit are to:

- ▶ Identify and reinforce good security practices
- ▶ Identify security practices that put the judiciary, staff, trial participants, and/or general public at risk of losing property, incurring personal injury, or compromising the judicial process
- ▶ Develop and implement specific solutions for security problems
- ▶ Develop and revise a continuous court security plan

Thus, in order to thoroughly conduct a security audit, one of the new, enhanced tools adopted for the new CORE process will be based on a combination of two documents: (1) the “Security Audit Checklist” provided in the materials for the ICM Court Security Management course, and (2) the “AOC Security Checklist” prepared by security staff of the Administrative Office of the Courts in Arizona.

Performance Standards and Measurement

Performance standards exist for many organizations or professions. When one thinks about courts, the standards that immediately come to mind are the Trial Court Performance Standards. The Trial Court Performance Standards are grouped into 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 five areas provide another way to view courts and their operations. When conducting operational reviews

and evaluations, it is crucial to maintain a proper perspective and remember the project's mission which is obviously in line with the Trial Court Performance Standards. It is equally important to remember that these standards are not rigid rules. These standards serve only as guidelines but provide a valuable management and planning tool. For the purposes of the CORE project, Trial Court Performance Standards provide a 'vision' for court operations.

It is also important to note that Chief Justice Thomas Zlaket conducted a live statewide teleconference on January 7, 1998, and presented his vision for the future of the Arizona court system including an umbrella concept referred to as *Justice 2002: Building Trust and Confidence in Arizona Courts*. Justice 2002 contains four primary goals and the fourth goal is "to make the courts more accountable." Additionally, the fourth performance area in the Trial Court Performance Standards includes accountability. The CORE project is one tool to ensure courts are held accountable.

Summary of Literature Review

Completion of the literature review shows the current operational review and evaluation project to be consistent with many of the project goals. The seven areas reviewed in the CORE process mirror the basic functions outlined for effective administration of a court. Other specific areas reviewed, including casflow management reviews and security audits, provided information that can be used to enhance the existing CORE process, which is one of the primary goals of this project. Additionally, measuring program effectiveness requires consistent, clear definitions and must include internal evaluation components. The primary purpose of the CORE project is supported by the Trial Court Performance Standards and consistent with the vision of the Arizona judiciary. Thus, this literature review provided necessary information to strengthen the existing CORE project and provides support to the purpose and goals of this project.

Methodology

As previously discussed, this project is not a typical research project and as a result no true research is involved. The postulate used to complete this project was primarily based on direct experience and observations of the existing court operational review and evaluation (CORE) process. To begin, a thorough review of existing 1996 and 1997 CORE reports, files, assessment tools, and statistical information was completed. Data concerning the existing CORE process was also retrieved and examined, specifically, dates of on-site operational review and evaluations and subsequently the report publication date. In addition to these processes, discussions with CORE specialists and court staff having experienced an operational review and evaluation were held to obtain additional information about the overall process, specific procedures used while conducting an operational review and evaluation, and judges' and court staff perceptions.

After completing research about court audits, evaluation methods, and key components of court administration, thoroughly reviewing the existing court operational review and evaluation processes and records, and discussing the issues with key individuals, I completed the following tasks: (1) prepared and adopted new CORE assessment and data collection tools focusing on self-assessment and gathering information that could be used to measure results of the CORE process; (2) prepared a customer service survey form for judges, court administrators, and court staff to use when a court operational review and evaluation is completed in their court; (3) developed a CORE policies and procedures manual emphasizing data collection methods, preparation before going on-site to a court, and streamlining report development; and, (4)

prepared a template report with past findings and recommendations that can be searched and retrieved to facilitate report preparation.

Another primary concern involved in the new CORE process was consistency and the ability to replicate results of the operational review and evaluation. To this end, additional research was conducted concerning the appropriate sample sizes to be included in the data collection portion of the operational review and evaluation. The objective of inferential statistics, which is to make inferences about a population based on information contained in a sample, was closely examined including two elements: the inference itself and a measure of its goodness. Thus, two key components of sampling error estimates, confidence levels and confidence intervals, were taken into consideration. It was determined that a confidence level or interval of 95 percent was desired. All statistical textbooks pointed out that a sample size must be 30 or more so that the sample would be a good approximate of the population (i.e., representative). The formula for sample size for estimating the population to within a 95 percent confidence interval is:

$$n = \frac{(1.96)^2 pq}{E^2}$$

n = number of test items or cases

1.96 = 95% confidence level

p = probability

q = 1 - p (probability)

E = expected value of successful trial

However, when attempting to calculate sample size based upon a court's caseload, most of the variables needed to apply this formula are unknown. When variables could be determined and the formula was applied, sample sizes were too large. Due to limited amount of staff resources, funding, and time available to conduct on-site operational reviews and evaluations, no more than

12 hours of the total review time, which is usually 40 hours, can be used to complete a case review and inventory. Since one can review approximately 30 cases per hour, the total sample size can not exceed 360 cases. In an effort to find more practical way to determine sample size, more research was conducted. Additional information from an unknown source was obtained that provided a chart outlining sample sizes necessary to achieve a 95 percent confidence level regardless of the population size. The table on the following page presents the sampling error for the total sample and various subgroup sizes.

Table 2. Sampling Error at 95% Confidence Interval

Sample Size	Margin of Error
25	±20.0%
50	±14.2
100	±10.0
200	±7.1
300	±5.8
400	±5.0
500	±4.5
600	±4.1
700	±3.8

(Source Unknown)

As a result of statistical and research information concerning sample sizes, a preliminary determination was made to use sample sizes outlined in the above chart. The determination of sample size was documented as a procedure in the policies and procedure manual.

In order to test the new project tools, policies and procedures, and sample sizes, an operational review and evaluation of the Peoria Municipal Court was conducted using all the new instruments, policies, procedures, and methods. The operation of the Peoria Municipal Court was reviewed from January 7, through January 22, 1998.

Findings

The review of CORE reports showed that the CORE process has evolved over the past five years. Reports published in the last 18 months are more consistent and comprehensive, but this review also showed there is room for improvement. This preliminary review showed the following elements were missing from the reports: (1) detailed statistical information on staffing levels and summary narrative information concerning revenues and expenditures; (2) background information in each section describing the situation as it exists in the court being reviewed; (3) positive feedback noting court operations or functions that were accurate, complete, or working well; (4) detailed information on the documents reviewed to reach the conclusions included in the report along with level of compliance or extent of problem; (5) detailed case management information, such as case mix, case aging, disposition ratios, or pending case information; and, (6) detailed automation information. Additionally, no consistent random case sampling was used so that results could be replicated and no consistent process for conducting an operational review was followed. While reports included information on administration, records management, automation, facilities and security, and a standard questionnaire was used to interview court staff, only a few additional detailed checklists were used to ensure the same elements were routinely reviewed by all CORE specialists. There was nothing in place to ensure reviews were conducted in the same manner each time, specifically, the steps in the operational review process. For example, some specialists may interview judges and court staff first and then conduct a case file review. This approach is more apt to bias results for obvious reasons. Other specialists conduct case file reviews first and interviews later. This approach is more apt to be objective since the factual data is compiled before soliciting and forming opinions.

A review of project files and documentation revealed variances in the amount of documentation and information obtained during an operational review and evaluation. Some of this can be attributed to the extent of problems found at a court, however, a minimal amount of information is required for a comprehensive, thorough review and there was no standard adhered to. Files are maintained in a variety of methods.

Data concerning the existing CORE process was also retrieved and examined. This information confirmed that it was taking too long to publish reports, specifically, an average of 220 days or approximately seven months. However, three key factors negatively impacted publication of these reports: (1) using CORE staff to cover the Court Answer Line (CAL), which is an 800 phone line for court staff to call for assistance with court procedures; (2) using CORE staff to provide pre-implementation and implementation assistance for roll out of the statewide court automation system FACTS; and, (3) allowing presiding judges additional time to submit a response to the report. In some instances, judges received up to five months to provide a written response to the report.

**Table 3. Existing Court Operational Review and Evaluation Data
1996 & 1997**

Average Number of Days to Conduct an Operational Review (On-site)	14
Average Number of Days to Prepare Report	48
Average Number of Days to Review Report	18
Average Number of Days to Revise Report	23
Average Time to Receive Court's Response	117
TOTAL AVERAGE NUMBER OF DAYS TO PUBLISH REPORT	220

A sample of 1996 and 1997 CORE reports was pulled and information regarding the length of time it took to complete operational reviews and evaluations from the on-site review to publication of the report was gathered. This information shows:

**Table 4. Average Length of Time to Complete
a Court Operational Review and Evaluation**

Court Reviewed	Review Completion Date	Report Publication Date	Number of Days to Complete CORE Process
Guadalupe Municipal	2/23/96	10/1/96	219
Eloy Municipal	2/27/96	10/11/96	226
Youngtown	3/1/96	1/31/97	336
Casa Grande Justice	3/15/96	12/19/96	279
Flagstaff Municipal Follow-Up	4/4/96	11/18/96	228
Pine Justice	6/20/96	3/10/97	263
Goodyear Municipal	6/25/96	2/14/97	234
Cave Creek Municipal	8/9/96	5/19/97	283
Mayer Justice	8/16/96	2/4/97	173
Mammoth Justice	9/6/96	5/5/97	241
Kayenta Justice	10/1/96	4/8/97	189
Wellton Justice & Municipal	12/15/96	6/4/97	171
Show Low Municipal	2/1/97	5/21/97	109
Oro Valley Municipal	4/15/97	8/19/97	126

When reviewing existing data pertaining to the CORE project, another critical element affecting publication of the operational review report and the amount of time spent on-site at the court is the number of operational problems uncovered during the review process and the amount of on-site training required. CORE reports are categorized according to the extent of the operational

problems discovered. Costs associated with the CORE process were reviewed for budgetary and planning purposes and will be necessary for proper project management and the future ability to evaluate program effectiveness. Hourly costs were approximated at \$49, thus, daily costs are \$392. These costs include travel, lodging, and per diem, which will vary depending upon the travel distance. Obviously, reviews are also more costly when AOC staff must spend additional time on-site. Reports requiring additional preparation time either due to the volume or severity of the findings and recommendations also cost more. The chart below shows current time and cost involved in conducting a court operational review and evaluation.

Table 5. Current Cost to Conduct an Operational Review and Evaluation

Classification	Average Number of Days On-Site	Average Number of Days to Prepare Report	Cost
Major Operational Problems and Judicial Conduct and/or Criminal Violations	28	45	\$18,851
Major Operational Problems -- Full Review	21	38	\$14,822
Major Financial Problems -- Full Financial Review	14	30	\$10,738
Moderate Problems -- Full Review	7	20	\$ 6,244
No Problems or Minor Problems Only -- Full Review	5	15	\$ 4,585
Partial Review Only -- Moderate, Minor, or No Problems	3	10	\$ 2,926

Currently, classifications are determined by the specialist conducting the review in consultation with the program manager. While specific criteria are used for classification purposes and this process has worked well and proven to be accurate, the evaluating criteria has never been reduced to writing. As a result, the classification process has been defined and is included in the policies and procedures manual.

Another important factor to consider when conducting a court operational review and evaluation is the size of the court. The size of the court is determined by the population it serves and yearly caseload filings. Case mix has also been discussed as another indicator, however, after discussions with operational review staff everyone agreed that the best, simplified method for determining the number of staff to assign to an operational review and evaluation would be total case filings. The size of the court determines the number of specialists assigned to complete the review. Typically, if the court is large, two operational review specialists will be assigned to conduct the court operational review and evaluation. There are three very large courts in the state and conducting a CORE in one of these courts would require a team approach. Analysis of court size shows that four categories of courts exist: very large, large, medium, and small.

Table 6. Matrix on Size and Categorization of Limited Jurisdiction Courts

Court Size	Total Number of Case Filings	Number of Courts
Very Large	75,001 +	3
Large	12,000 - 75,000	21
Medium	5,000 - 11,999	31
Small	< 4,999	108

Review of existing data related to evaluating program effectiveness also pointed to areas where data is missing. Specifically, the mission of the CORE project is to assist local courts so that they may *'better serve the needs of the citizens of Arizona.'* Yet, no concrete information concerning whether or not the courts' operations were better serving the needs of the citizens after an operational review is available. An attempt was made to pull statistical reports and information on courts that had undergone operational reviews and evaluations. However, the statistical information available was nebulous and could not be directly attributable to the result of a CORE (i.e., caseload increases, population increases, implementation of special projects, and other factors could be responsible). It is important to point out that it is obvious through indirect methods, including personal experience, observations, verbal feedback, and existing monthly statistical reporting, that the CORE process has been beneficial to several courts, typically, courts experiencing severe operational problems at the time of the review. Thus, the new CORE process will incorporate mechanisms to obtain relevant information (i.e., information often used to establish performance measures in courts, specifically, relating to case processing since that is the foundation of court operations) in order to determine whether the CORE process is directly benefitting the courts and as a result providing better service to the public.

Involvement in the existing CORE process also re-enforced two other needs: (1) self-assessment (or internal evaluation) for local courts and (2) a mechanism for feedback from local courts. CORE training sessions have been held for judges and court staff to provide them with information on how to prepare for an operational review and evaluation and better understand the process. During these training sessions, one of the goals was to dispel the mystery of the CORE process and emphasize that this evaluation is something judges and court administrators can and

should do periodically themselves to ensure the court is operating well. It then occurred to me that if judges, court administrators, and court staff had a self-assessment tool they could follow they would know what was reviewed and this would dispel the mystery, hopefully, also resulting in a more positive perspective about the CORE process. As a result, a self-assessment tool was developed.

As the program manager for the CORE project, I also found that I would like to obtain information from our customers (i.e., the local courts) to assist with the performance evaluation of CORE specialists and the CORE process. Ongoing improvement is important and I believe one of the best methods to obtain this type of information is through customer service surveys. Since feedback from the local courts has never been solicited on this project, I believe this element should be added to the process and as a result is included in the development of the new CORE process.

After gathering and analyzing existing CORE information and noting the findings outlined above, a new CORE process was developed as outlined in the methodology portion of this report. It was then time to complete the test operational review and evaluation. Eleven days were spent on-site at the Peoria Municipal Court conducting the test operational review and evaluation. All proposed new tools were used, including the new self-assessment tool, new questionnaires, security audit checklist, revised Minimum Accounting Standards compliance checklist using the Compliance Checklist Reviewer's Guide, and data collection tools. In conjunction with the new data collection tools, specific sample sizes were pulled using random stratified sampling and set procedures and events were followed. Random stratified sampling is one method to ensure a complete random sample is pulled. To achieve random stratified

sampling a specific number is determined and that sequence number is used to pull all files and records. For example, if the population size is 500 cases and a sample size of 50 is needed, any number between 1 and 10 will ensure a case sample of 50 is pulled. If the determined number is 8, the following files or records would be inventoried: 8, 16, 24, 32, 40, and so on. The determined number must be selected randomly and this can be achieved by using specialized statistical software and packages or by very rudimentary means. In our new CORE process, the numbers are simply written on pieces of paper, thoroughly mixed in a box or container, and a number is drawn. The number drawn becomes the determined number.

Eighty-eight (88) hours were spent on-site completing the test operational review and evaluation at the Peoria Municipal Court. The most time-consuming process of the operational review was the data collection, specifically, the large sample sizes. It took approximately one hour to review 35 court files and one hour to review 15 financial documents. The final draft report took a total of 34 hours to draft and an additional 5 hours for review and revision. (Please refer to Appendix A) The judge's response deadline date was 30 days from receipt of the final draft report. This entire test operational review and evaluation project took 79 days to complete. Compared with the previous average of 220 days this is a significant improvement. However, in all fairness, the more timely completion of the review process was due to several factors: (1) the Peoria Municipal Court is a well organized, efficient and effective operation; (2) the presiding judge, court administrator, and court staff were extremely accommodating and went out of their way to assist with the project; (3) the presiding judge responded to the report before his deadline date; and, (4) the program manager conducted the review as part of this ICM project.

Additionally, after publication of the operational review and evaluation report the newly developed customer service survey was sent to the presiding judge and court administrator.

(Please refer to Appendix B.)

The initial project goals were reviewed:

- Revise existing assessment tool(s) used to conduct operational reviews and evaluations to provide for enhanced objectivity, greater consistency, and the ability to replicate findings and recommendations. Additionally, assessment tool(s) must be user friendly and developed as self-assessment tools court administrators can use to check and maintain operations.
- Implement a process for measuring results achieved by courts before and after undergoing a court operational review and evaluation. Specifically, focus will be placed on effective case management since processing cases is the fundamental purpose of courts.
- Enhance the overall process for conducting operational reviews, including the addition of a customer service survey component to obtain feedback on the CORE project.
- Reduce the amount of time necessary to publish a final operational review and evaluation report. Additionally, the format of the reports and substantive information will provide more detailed and comprehensive information with a goal of acknowledging accomplishments courts have made or processes courts are doing well.

In summary, three new assessment tools were developed and an existing tool was revised. These tools ensure that a comprehensive, consistent review is conducted. These instruments can be used by anyone, thus, they are self-assessment tools. Data collection tools enable one to compile case aging and disposition information that can be used to monitor and measure operational improvements in courts undergoing a court operational review and evaluation. The development of a customer service survey can be used to obtain feedback on the CORE project. The new project format required additional time on-site (i.e., 11 days compared to the previous

average of 5 for a court with no or minor problems), however, this court would be classified as a large court and two operational review specialists would have been assigned to complete this CORE. Thus, only one additional day was required using the new process. The cost associated with this one additional on-site day averages \$392. The report process was completed in 79 days compared to a previous average of 220 days. This improvement may be attributed to the specific procedures, data collection methods, development of the template report, and use of common findings and operations. Additionally, the format of the reports and substantive information provides more detailed information and includes descriptive information in each of the seven subject areas. Most importantly, within the descriptive sections of the report acknowledgments and positive information about the court's operations are included. Thus, two project goals were clearly met (i.e., the first and third goals), the fourth goal (i.e., reducing the amount of time necessary to publish the reports) was met in this test review process and shows the potential exists to continue meeting this goal, and the foundation has been established for meeting the second project goal (i.e., measuring results achieved by courts before and after undergoing an operational review and evaluation).

Conclusions

The following changes were made to the test operational review and evaluation process:

- (1) Specific policies and procedures were followed to conduct the test operational review and evaluation.
- (2) New enhanced tools were developed using existing tools and adding existing checklists (i.e., superior court checklist, security audit checklist, and caseflow management review information).

- (3) Additional statistical information was gathered, analyzed, and included in the report in chart format with narrative summaries. Automation reports were reviewed.
- (4) Paragraphs were added to the beginning portion of each section describing the situation at the court, specifically, records management, financial management, and automation systems used were described in detail.
- (5) More detailed case, records, and financial information was gathered using newly developed collection instruments, pre-determined sample sizes, and pulling case files and financial documents through a random stratified sampling process. All information about court operations including positive information, such as accuracy rates, was reported.
- (6) More detailed case management information was gathered in an effort to provide meaningful performance measure information that can be used by the local court and tracked to evaluate the potential benefits and effectiveness of the CORE process.
- (7) A follow-up customer service survey was prepared to obtain much needed feedback on the CORE process. This information will be instrumental in evaluating the program.
- (8) A policies and procedures manual was developed.
- (9) A template report with common findings and recommendations was developed.

Overall, this project has been a success. Throughout the test CORE process, one area requiring modification was noted:

- A different method for determining sample size is necessary. Due to limited staffing resources, travel funds, and time constraints, larger sample sizes are just not practical. As a result, the procedures manual was modified to provide a specific mechanism for the program manager to determine the appropriate sample sizes. Numerous factors are taken into consideration. Generally, in large and extremely large courts, a minimum sample size of 200 is required. In medium courts, a minimum sample size of 100 is required. In small courts, a minimum sample size of 50 is required. This is a minimum sample size and if potential problem areas are uncovered during the course of an operational review and evaluation specialists may need to pull additional samples.

Additionally, if I had the project to do over again, I would add the following two components:

- The test review process would include a second court, specifically, a justice court. And, in the best case scenario, the test review would include a court that had moderate to major operational problems. One lingering concern is how the new process will work when it is discovered the court has some serious problems. The tools and process should make no difference, however, the extensiveness of the new tools may reveal more problem areas.
- A survey of those courts undergoing operational reviews and evaluations in 1996 and 1997 would be completed to obtain additional feedback before starting the project. While a survey was not conducted, information was collected through interviews and informal feedback. A conscious decision was made to proceed in this fashion to avoid negative perceptions and, hopefully, solicit more sincere information. Many judges and court staff reported feeling uneasy about completing a formal, written survey and this approach may have limited the feedback received.

There are also a few components that should be added into the new operational review and evaluation process, which were not included in the original project goals:

- A pre-survey for large and very large courts in order to interview a larger sample of court staff and judges. The test interview process was manageable with just one judge and six court staff members. However, with a large staff, it would be difficult to interview everyone at the court due to time constraints and limited resources. Thus, in order to obtain a wide range of perspectives, it would be necessary to survey everyone.
- One or more perception surveys administered approximately 6 - 18 months after completion of the court operational review and evaluation. This survey would be focused on judges' and court administrators' perceptions and opinions about whether or not they believe the CORE process was beneficial to the court and has helped them to provide enhanced services to the citizens of Arizona. Collection of this information will complement the CORE evaluation process.
- An on-site follow-up visit approximately six to nine months after publication of the operational review and evaluation report to see if the court has implemented any of the recommended changes.

The results obtained are promising and show how a comprehensive, timely court operational review and evaluation can be completed and results presented in a more positive format. Most importantly, the procedures and tools can be used by judges and court administrators to conduct a self-assessment of their courts' operations. The CORE program should be monitored and necessary evaluative information gathered to continue enhancing the process. In concert with the mission of the CORE project and the vision of the Arizona judiciary, the CORE process is one tool that can be used to ensure courts are accountable to the citizens of Arizona.

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APPENDICES