



BJA Bureau of Justice Assistance

Trial Court Performance Standards and Measurement System

Program Brief

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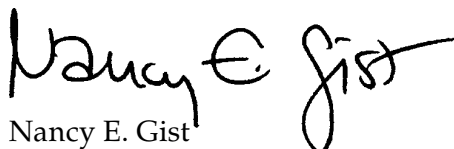
Trial Court Performance Standards and Measurement System

Foreword

The Bureau of Justice Assistance (BJA) is pleased to present this brief overview of the Trial Courts Performance Standards and Measurement System. It is intended for judges, court managers, lawyers, policymakers, and others in a community interested in improving their trial court's responsiveness and effectiveness.

The Trial Courts Performance Standards and Measurement System was created to serve as a common language for describing, classifying, and measuring the performance of trial courts. Developing such a framework was the goal of an 8-year effort, the Trial Court Performance Standards Project, initiated in 1987 by the National Center for State Courts and BJA. Demonstrated successfully in trial courts across the Nation, the measurement system is a valuable resource for helping courts provide fair and efficient adjudication and disposition of cases.

It is our hope that every community in the United States will consult this Program Brief and the companion publications of the Standards Project to begin the process of improving access to justice and its administration with equality, integrity, and timeliness.


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Program Focus

In 1987, in recognition that State court systems were being stretched beyond their capacities and that court personnel were experiencing fatigue and burn-out in attempting to deal with the significant increase in drug-related cases, the Bureau of Justice Assistance (BJA), U.S. Department of Justice, and the National Center for State Courts (NCSC), a nonprofit organization providing leadership and service to State courts, initiated an ambitious program, the Trial Court Performance Standards Project (Standards Project). The program's objective was to increase the capacity of the Nation's trial courts to provide fair and efficient adjudication and disposition of cases. The program's goals included the development of a set of standards and an accompanying measurement system that would define and measure effective trial court performance.

Implicit in the establishment of the Standards Project was recognition by State court leadership that existing judicial and support resources could handle increased caseloads only by pursuing a more focused application and use of those resources. Accordingly, through systematic research, development, and demonstration, the Standards Project resulted in the creation of the Trial Court Performance Standards and Measurement System. Program publications for courts that wish to use the system include *Planning Guide for Using the Trial Court Performance Standards and Measurement System*; *Trial Court Performance Standards With Commentary*; *Trial Court Performance Standards and Measurement System Implementation Manual*; and this document, *Trial Court Performance Standards and Measurement System* (Program Brief).

The Trial Court Performance Standards and Measurement System: A Blueprint for Improved Judicial Administration

The foundation of the Trial Court Performance Standards and Measurement System is the theme of the court as an organization accountable for its performance. The system defines a philosophy of optimum trial court performance. Endorsed by the Conference of Chief Justices, the Conference of State Court Administrators, and the National Association for Court Management and incorporated into the standards of the National College of Probate Judges, the system's performance standards are widely viewed as a blueprint for improving the administration of justice in State trial courts. The measurement system includes:

The foundation of the Trial Court Performance Standards and Measurement System is the theme of the court as an organization accountable for its performance.

- ❑ A common language for the description, classification, and communication of court activities.
- ❑ A conceptual framework for understanding and improving court performance.
- ❑ A means for self-assessment, self-improvement, and accountability to the public.

A hallmark of the measurement system is its dual emphasis on the systematic assessment of a trial court's performance as an organization that serves those who use the court and on the use of the assessment findings to improve that performance. The system is not intended to evaluate the performance of individuals; instead, it views the court as a system of closely interlinked processes and tasks. The collective work of the court involves *all* individuals who perform administrative court functions—including judges, clerks of court, administrators, probation officers, and other court staff, as well as private lawyers, public defenders, prosecutors, and social service providers.

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Overview

This program brief is divided into three main sections, followed by a conclusion and four appendixes. The first main section discusses the goals of the court system in the 5 performance areas into which the 22 performance standards are grouped. These areas are: (1) Access to Justice; (2) Expedition and Timeliness; (3) Equality, Fairness, and Integrity; (4) Independence and Accountability; and (5) Public Trust and Confidence. The second section summarizes the specific performance measures that are associated with the performance standards, including methods of data collection and measurement, sources of data, and primary evaluators. The third main section discusses a seven-step model that provides guidance to courts in implementing the performance standards and measurement system. A brief conclusion summarizes the benefits of systematic implementation of the Trial Court Performance Standards and Measurement System.

The four appendixes to this program brief provide additional information for those who wish to explore trial court performance issues and the implementation of performance standards in greater depth. Appendix A is a bibliography applicable to all four trial court performance documents. Appendix B lists sources for further information about the Trial Court Performance Standards and Measurement System. Appendix C presents a tabular overview of the performance measurement system. Appendix D presents the Court Performance Inventory, a survey instrument that is designed to collect individual perceptions about trial court performance. In addition to the survey questions, Appendix D presents the Court Performance Inventory Response Form and the Court Performance Profile, tools for tabulating survey responses and presenting those responses graphically.

Defining a Court's Mission

The measurement system developed by the 14-member Commission on Trial Court Performance Standards (Commission), which consists of State and local judges, court administrators, scholars in the area of judicial administration, and an elected clerk of the court, sets forth the goals of general jurisdiction trial courts in five areas:

1. Access to Justice
2. Expedition and Timeliness
3. Equality, Fairness, and Integrity
4. Independence and Accountability
5. Public Trust and Confidence

These five performance areas encompass the fundamental purposes and responsibilities of courts and may be considered a court's *mission*. Within each area several standards articulate specific goals for court performance. A total of 22 standards extend across all 5 performance areas. A discussion of these standards follows.

Access to Justice

The standards defining the performance area of Access to Justice require a trial court to eliminate any unnecessary geographic, economic, procedural, language, or psychological barriers to court services.

Specifically, the five standards in this area require a trial court to do the following:

- Conduct its proceedings and other public business openly.
- Maintain facilities that are safe, accessible, and convenient to use.
- Provide an opportunity for all who appear before the court to participate effectively, without undue hardship or inconvenience.
- Ensure that judges and other trial court personnel are courteous and responsive to the public, according respect to all with whom they come in contact.
- Maintain reasonable, fair, and affordable costs of access to trial court proceedings and records—whether the costs are measured in money, time, or the procedures that must be followed.

The standards defining the performance area of Access to Justice require a trial court to eliminate any unnecessary geographic, economic, procedural, language, or psychological barriers to court services.

These five standards encourage a court to think in terms of the court user rather than focusing on the needs of those who work within the system. Taken as a whole, the standards focus on the ability of citizens to maneuver through different aspects of the justice system, despite the public's general unfamiliarity with court facilities and procedures.

Expedition and Timeliness

During the last 10 years, court reform has focused considerable attention on reducing delays in case processing. The standards in the second performance area of Expedition and Timeliness expand the concept of timely case processing to encompass all court activities. The standards recognize that the manner in which a trial court fulfills its responsibilities affects not only litigants but all individuals and organizations involved with the judicial system—including jurors, attorneys, witnesses, criminal justice and social service agencies, and the public.

This emphasis on the timely handling of *all* court services is articulated in three performance standards, which require a court to do the following:

- Establish and comply with recognized guidelines for timely case processing while, at the same time, remaining current with its incoming caseload.
- Disburse its funds promptly, provide reports and information according to required schedules, and respond to requests for information and other services on an established schedule that ensures their effective use.
- Promptly implement changes in law and procedure.

Equality, Fairness, and Integrity

The standards in the third area of court performance—Equality, Fairness, and Integrity—address the constitutional guarantees of due process and equal protection under the law. The standards emphasize fidelity to established laws and procedures, and they require a court not only to be explicit in its orders but also to ensure enforcement of the orders.

Specifically, the six standards in this area direct a trial court to do the following:

- Faithfully adhere to relevant laws, procedural rules, and established policies.
- Maintain jury lists that are representative of the jurisdiction from which they are drawn.
- Give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors.

The manner in which a trial court fulfills its responsibilities affects not only litigants but all individuals and organizations involved with the judicial system.

- ❑ Render decisions that unambiguously address the issues presented and clearly indicate how compliance can be achieved.
- ❑ Take appropriate responsibility for the enforcement of its orders.
- ❑ Monitor records of all relevant court decisions and actions for accuracy and proper preservation.

Independence and Accountability

The standards in the fourth performance area—Independence and Accountability—recognize the importance of judicial independence and the separation of powers. At the same time, however, the standards require trial courts to maintain effective working relationships with other branches of government and other components of the justice system.

This performance area’s standards also focus on the court’s status as a public institution. The standards suggest that, as such, a court take responsibility for developing action plans, obtaining resources to implement the plans, monitoring its operations, and accounting publicly for its performance. Specifically, the five standards instruct that a court do the following:

- ❑ Maintain its institutional integrity and observe the principle of comity in its governmental relations.
- ❑ Responsibly seek, use, and account for its public resources.
- ❑ Use fair employment practices.
- ❑ Inform the community about its programs.
- ❑ Anticipate new conditions and emergent events and adjust its operations as necessary.

Public Trust and Confidence

The judicial system derives its power and legitimacy from those it serves. A court must attend to several constituencies—the general public, community opinion leaders, citizens who have business before the court, and court employees. These constituencies vary by the type and extent of contact they have with the justice system. The standards in this fifth and final performance area, Public Trust and Confidence, ask a court to consider its performance in the other four areas through the eyes of these various constituencies. The three standards in this area urge a trial court to instill public trust and confidence to achieve the following results:

- ❑ The public perceives the trial court and the justice it delivers as accessible.

The standards in the fourth performance area—Independence and Accountability—recognize the importance of judicial independence and the separation of powers.

- ❑ The public has trust and confidence that basic trial court functions are conducted expeditiously and fairly and that court decisions have integrity.
- ❑ The public perceives the trial court as independent, accountable, and not unduly influenced by other components of government.

Measuring Court Performance

Each performance standard in the measurement system is linked to a set of measures. The measures provide court officials with the tools for assessing how well their respective courts are performing with regard to their mission and goals as articulated by the 22 standards. The measures help courts develop a strategic plan based on systematic data rather than intuition and guesswork.

The measures are designed to gather information that the court can use readily in a variety of ways, including budgeting, case management, implementing court improvement projects, and strategic planning. The initial application of the measures aids the court in identifying areas that require immediate attention and those that potentially need improvement. The measures also may be used to establish benchmarks regarding court performance on each standard the court wishes to address. Subsequently, the court can use the measures to determine whether its performance with respect to a particular standard is better, about the same, or worse than when the measures were taken originally. The information gathered through the measures can help to determine whether the improvement efforts the court has implemented are succeeding or need to be altered in some way.

The measures use a variety of data collection methods, including:

- Case and administrative record reviews and searches.
- Group techniques.
- Interviews.
- Observations and simulations.
- Surveys of various reference groups (e.g., the general public, court employees, and attorneys).

Of these data collection methods, courts are most likely to be familiar with case and administrative record reviews.

Just as the measurement techniques vary, different types of evaluators are employed depending on the object of the measure. For example, volunteers conduct structured observations of court proceedings and simulations of public access to information, whereas court staff conduct many of the measures involving record reviews. A few measures, such as data analysis, are best carried out by consultants or court staff with particular expertise.

The measures help courts develop a strategic plan based on systematic data rather than intuition and guesswork.

Demonstration of the Measurement System

As the measurement system evolved, 75 measures were developed, tested, and refined by the Commission and Standards Project staff. Trial courts in Arizona, Michigan, and Ohio cooperated in and contributed to this process by serving as test sites for the draft measures. Following the research and development phase, a 4-year demonstration phase commenced in New Jersey, Ohio, Virginia, and Washington.

A total of 12 trial courts in the 4 States participated in the demonstration, and each of the 75 measures was tested in at least 2 of the courts.¹ The 12 trial courts varied on a number of factors including size, organization, jurisdiction, funding source demographic and economic context, and, of course, State law and court rules. This variation across the courts provided the opportunity to test the measures under diverse conditions and produced a rich body of information relevant to the application of the measurement system in other trial courts throughout the country.

A total of 12 trial courts in 4 States participated in the demonstration, and each of the 75 measures was tested in at least 2 of the courts.

As the demonstration proceeded, the Commission and Standards Project staff reviewed and revised the measures to reflect the experiences of these trial courts in implementing the measurement system. As a result the original 75 measures were refined to a set of 68. A tabular overview of the entire performance measurement system is presented in Appendix C to this program brief. A summary of the measures by performance area follows.

Summary of Measures

Access to Justice

The five standards in the first performance area, Access to Justice, require a trial court to eliminate all unnecessary or inappropriate barriers to its services. Twenty-one specific measures are associated with these five standards. Prescribed methods of measurement include structured observations, interviews, surveys, and record searches and reviews. Many of the measures associated with this and other performance areas can be taken simultaneously.

The method most often prescribed for measuring access to justice is structured observation of court proceedings, operations, and facilities. The information collected includes records of what people see and hear, structured so that it can be examined quantitatively and qualitatively by court personnel. Although observations can be carried out by almost any-

1. In New Jersey the five demonstration courts were the Superior Courts of Atlantic, Burlington, Morris, Ocean, and Somerset Counties. In Ohio the three demonstration courts were the Common Pleas Courts of Meigs, Stark, and Wayne Counties. The demonstration court in Virginia was the Fairfax County Circuit Court. In Washington the three demonstration courts were the Superior Courts of Spokane, Thurston, and Whatcom Counties.

one, the recommended approach is to use citizen volunteers who are relatively naive about the court system and who will yield information and experiences likely to reflect those of ordinary citizens who have infrequent business with the court.

Expedition and Timeliness

Ten specific measures are associated with the three standards in the performance area of Expedition and Timeliness, which highlights the timely performance of all trial court functions. Unlike the measures associated with most of the other standards, several of the measures associated with this performance area (e.g., length of time to disposition, ratio of case dispositions to case filings, and age of pending caseload) will be familiar to judges and court managers. Four other measures draw on State and local sources of information to determine whether the court also is performing its noncase-related functions (e.g., distribution of funds and provision of reports, information, and services) in a timely manner. Satisfactory performance requires not only that provision of reports and services be timely, but also that they be completed in such a manner as to make them useful to the person or agency requesting the information or report. Finally, two other measures relate to the promptness with which a trial court implements externally mandated changes.

Equality, Fairness, and Integrity

A total of 23 measures are associated with the 6 standards in the performance area of Equality, Fairness, and Integrity. For the most part, the measures require similar data elements, data collection procedures, and methods of analysis. For example, five of the six measures associated with the standard on production and preservation of records use some portion of the same pool of cases to examine the extent to which court records are adequately stored. A court that measures a given standard can apply all the measures associated with that standard in a relatively efficient manner.

The most common method of measurement in this performance area is the review and analysis of case-related information. Case files are used as a basic source of data for many of the measures. Mail surveys also are used to assess the views of key reference groups, such as attorneys, jurors, and witnesses.

Independence and Accountability

In contrast to the measurement approach taken in the other four performance areas—which is largely *prescriptive*, detailing specific measures and indices—the measurement approach in the performance area of Independence and Accountability is largely *heuristic*. That is, rather than defining specific measures of performance, it describes methods by which a court proceeds along empirical lines to identify the people, events, and activities

Satisfactory performance requires not only that provision of reports and services be timely, but also that they be completed in such a manner as to make them useful to the person or agency requesting the information or report.

needed to develop valid and workable measures to assess the court's independence and accountability. Rather than initially taking a specific measurement, the court engages in a process that will allow it to make inferences (including preliminary plans for improvement) about its independence and accountability, based on empirical results.

To engage in this process, measures in this area should be undertaken only after the formation of a steering committee composed of judges and court managers. The committee will be involved in planning data collection, discussing the significance of the results, and integrating the findings from all of the measures into an overall view of court performance in this area. Structured group techniques for decisionmaking, such as the Nominal Group Technique and Ideawriting, led by a skilled facilitator, are recommended to save time during steering committee meetings and to maximize objectivity in the committee's work. The use of the steering committee, in conjunction with research efforts that may be undertaken by court staff or consultants, constitutes a process that combines fact gathering, value clarification, decisionmaking, and action.

Measures are intended to examine public perception of court performance with regard to the court's overall administration and operation . . . not the extent of public agreement with individual case decisions.

Public Trust and Confidence

Performance in the area of Public Trust and Confidence is dependent, in large part, on the court's performance in the other four areas. Thus, several of the measures in the other areas that rely on *informed* opinions (i.e., opinions of individuals who have had contact with the court for various reasons) are appropriate to consider for this performance area as well. Three additional measures are included to address all three standards for this area by gauging the perceptions of different groups about court performance. These measures involve a mail survey of court employees, a modified focus group discussion with representatives of the various components of the justice system, and a telephone survey of the general public. The first two measures are likely to provide the court with the most useful information for developing an action plan to improve performance in this area. The third measure will provide a benchmark of general public perception of the court's overall performance. This benchmark then can serve as a gauge for comparing the results of future surveys of the general public.

It is important to note that the measures in this area are intended to examine public perception of court performance with regard to the court's overall *administration and operation*. The measures do not examine the extent of public agreement with individual case decisions made by the court.

Implementation Issues

The Trial Court Performance Standards and Measurement System is crafted for the “generic” general jurisdiction trial court. How the system is applied in an actual court depends on both the needs of the court and the environment in which it operates. For one court the application of the system might involve selecting and conducting one or two measures that address a particular area of concern for the court. For another court the application might involve articulating a strategic plan for the court in which the measurement system plays a central role.

An implementation model, consisting of seven steps, provides guidance to courts that wish to use the measurement system in their jurisdiction. Based on the experiences of the courts demonstrating the measures, the model helps courts translate the philosophy of the measurement system into practical application. The model’s seven steps are outlined below.

Step 1: Create an Impetus for Change

This first step involves identifying the reasons for undertaking a self-improvement effort and generating the momentum to get the effort started and sustained. It does not matter whether the court uses a national or local issue to drive its self-improvement process. What matters is that the identified issue has meaning for, and elicits a reaction from, the individuals who will be involved in the process.

Step 2: Form a Guiding Coalition

A self-improvement effort that remains effective over time should be directed by a Guiding Coalition that can command respect and resources and maintain the energy to keep the project going when resistance is encountered.² The coalition’s core should consist of senior court officials who are willing to commit their time and energy to the project. Although these senior persons need not always be the officials who occupy the court’s positions of highest authority or power, the court’s top management should at least be in agreement philosophically with the effort. The coalition should not necessarily be a task force in which a representative from every potentially relevant group is invited to participate. Involving too many individuals can cause the planning process to supersede the purpose, which is to

A Guiding Coalition can command respect and resources and maintain the energy to keep the project going when resistance is encountered.

2. T.J. Kiely, “Managing Change: Why Reengineering Projects Fail,” *Harvard Business Review* 73(2)(1995), p. 15.

embark on a self-improvement process.³ Representatives from various groups needed for or affected by the self-improvement process are mentioned in specific performance measures, and their cooperation will be solicited along the way. However, these representatives do not all have to be permanent members of the coalition.

Step 3: Create and Communicate a Vision and Mission

The Guiding Coalition should draft a vision statement that builds on the shared values of the individuals who will be involved in the court's self-improvement efforts and clarifies the direction of these efforts.

If a court does not already have a vision statement, the measurement system is a good resource for developing an initial version. Several themes are interwoven throughout the standards component of the system, such as the court as service provider (customer orientation), problem solver, institution builder, and even as active governing agent in the community. The foundation of the measurement system is the theme of the court as an organization accountable for its performance.

Whereas a vision statement describes the court's desired state or position in the future, a mission statement describes its fundamental purpose. As noted earlier the five performance areas—Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; Independence and Accountability; and Public Trust and Confidence—offer a starting point for developing and refining the court's mission statement. Any or all of the fundamental responsibilities articulated in the measurement system could become the focus of a court's mission statement.

A clear vision and mission communicated to the individuals participating in the court's self-improvement plan will sustain the effort during the more mundane and less inspiring days of data collection and analysis.

Step 4: Select Standards Relevant to a Vision and Mission

The next step for the Guiding Coalition is to select one or more standards to focus on. In some instances the selection of certain standards may be obvious. The selection may have been implied in the coalition's prior discussions regarding the court's vision and mission, or a court may be reacting to a particular accusation, such as excessive case processing time or unequal treatment of individuals. In other instances, however, the coalition may not be prepared to set priorities for applying measures without fur-

Whereas a vision statement describes the court's desired state or position in the future, a mission statement describes its fundamental purpose.

3. P. Ellickson and J. Petersilia, *Implementing New Ideas in Criminal Justice*, R-2929-NIJ (Santa Monica, CA: RAND Corporation, 1983), p. 72.

ther discussion. In this case the Court Performance Inventory (CPI) may be helpful in identifying areas on which to focus first. The CPI (presented in Appendix D) is a 50-question instrument designed to document quickly the first impressions of sources who are knowledgeable about court operations. The inventory asks respondents to make judgments about the court with regard to the various performance areas. The CPI can be used as a point of discussion for coalition members. What patterns emerge from responses to the questions? Is there general agreement about the areas in which the court is performing well and about those needing improvement? Do the responses vary by position? For example, do clerical staff rate access to justice lower than judges do? If so, why? The answers to these questions will help the coalition pinpoint the areas to focus on initially.

Step 5: Conduct Measures

The measurement system describes the actual measures in detail. The measures involve several different methods for collecting data and range broadly in difficulty and resources necessary for their application. Courts participating in the demonstration of the system reported the importance of starting off small and focusing on one or two measures to become familiar with the process before tackling some of the more complex and lengthy measures. The demonstration courts also suggested undertaking both short- and long-term data collection efforts to maintain interest in the project during the longer data collection periods of some measures. The results from the short-term measures provide court staff with “small wins” that will help clarify the benefits of the process as well as motivate continuing long-range efforts. In addition, regular status reports of the data collection effort help those involved to stay focused and remind them of the importance of their efforts.

Step 6: Make Improvements

Strategic change—getting from here to there—requires good thinking, planning, and, more important, doing. Doing means actually making improvements based on the results of the first five steps. This sixth step involves performing tasks to accomplish the court’s objectives, goals, mission, and vision. At best, the tasks necessary for improvement become self-evident as a result of performance measurement. (For example, problems associated with the integrity of the court’s document and file management systems may come to light as a result of undertaking the measurements for Standard 3.6, Production and Preservation of Records.) If so, the problems are likely to be amenable to relatively mechanical fixes. These improvements need not be controversial nor take a long time to implement. More often than not, however, formulating an improvement

The CPI is a 50-question instrument designed to document quickly the first impressions of sources who are knowledgeable about court operations.

strategy is an exercise in entrepreneurship, requiring the coordinated effort of the Guiding Coalition. During its strategy formulation, the coalition should consider the following questions:⁴

- Is it suitable?* Does the strategy make sense in light of the court’s vision, mission, and current environment?
- Is it valid?* Is the strategy based on realistic assumptions?
- Is it feasible?* Does the court have the authority, resources, and confidence required to implement the strategy?
- What are the strategy’s vulnerabilities?* What are the risks of implementing the strategy? How likely is the strategy to work as intended? Will anyone in the organization be harmed by the strategy? If so, what compensatory steps will be taken?
- What are the timing requirements?* When must the court see tangible benefits? Are there “windows of opportunity” to consider in implementing the strategy?
- How adaptable is the strategy?* Does the strategy significantly limit or enhance the court’s flexibility to fulfill its mission?
- Is the strategy usable?* Can the court readily implement the strategy?

The planning process should include . . . relatively short measures that confirm hypotheses about positive court performance, as well as hypotheses or suspicions about problem areas.

Step 7: Communicate Progress

Making meaningful and sustainable changes in an organization is not a simple task. Courts engaged in implementation of the measurement system are analogous to companies trying to “remake themselves into significantly better competitors The change process goes through a series of phases that, in total, usually require a considerable length of time.”⁵

When it becomes clear to people that major change will take a long time, organizational inertia reasserts itself and urgency levels are likely to drop. New energy in the form of regular feedback about the process and preliminary results will help overcome the inertia. The planning process also should include some relatively short measures that confirm hypotheses about *positive* court performance, as well as hypotheses or suspicions about problem areas. The Guiding Coalition must nurture the conviction that *new information* itself is a win, regardless of whether the information confirms positive hypotheses or reveals areas in need of improvement. Reviewing and communicating the results of the measurement process will help sustain the urgency level and spur analytical thinking to clarify the court’s vision.

4. Adapted from B.J. Wagenknecht-Ivey, *An Approach to Long-Range Strategic Planning for the Courts: Training Guide* (Denver, CO: Center for Public Policy Studies, 1992), p. 10.

5. J.P. Kotter, “Why Transformation Efforts Fail,” *Harvard Business Review*, 73(2)(1995), p. 59.

Conclusion

“Local level changes in programs, processes, and recording of data will be made as a result of the knowledge gained.”

“Early on it became evident that the standards should not be used on a ‘start and stop’ basis, but rather need to be incorporated into the routine fabric of all work performed. Through continued utilization, emerging work trends could be tracked and impact of change could be measured.”

“Participation in this project has provided us with valuable insight as to how trial courts can more effectively improve judicial service to the public.”

“The 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.”

These comments, offered by participants in the demonstration phase of the Standards Project, underscore the benefits of implementing the measurement system for both the court and the community. As a result of their participation in the program, demonstration courts have already initiated improvement efforts in a variety of areas such as court security, court interpretation, personnel practices and decisions, jury systems, public education, and court access. These improvement efforts directly respond to current demands for increased accountability throughout government and will help ensure a more responsive justice system overall.

Until recently, court reform focused on the structures and machinery of the courts, rather than on their performance, and on the needs of judges and court personnel, rather than on the needs of those served by the courts. The measurement system shifts the focus of reform from *resources* (e.g., the number of judges and trained staff to efficiently operate a court) and *processes* (e.g., alternatives to formal dispute resolution and master versus individual calendaring) to *performance* and its measurement. The measurement system provides a new framework for understanding the unique and important role and responsibility of the courts in State and local governance.

The measurement system shifts the focus of reform from resources . . . and processes . . . to performance and its measurement.

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Sources for Further Information

For further information about the Trial Court Performance Standards and Measurement System, contact:

Bureau of Justice Assistance

Adjudication Branch
810 Seventh Street NW.
Washington, DC 20531
202-514-5943
World Wide Web: <http://www.ojp.usdoj.gov/BJA>

Bureau of Justice Assistance Clearinghouse

P.O. Box 6000
Rockville, MD 20849-6000
Tel: 1-800-688-4252
Fax: 301-519-5212
World Wide Web: <http://www.ncjrs.org>

Department of Justice Response Center

Tel: 1-800-421-6770

National Center for State Courts

300 Newport Avenue
Williamsburg, VA 23185
Tel: 757-253-2000
Fax: 757-220-0449
World Wide Web: <http://www.ncsc.dni.us>

Overview of the Trial Court Performance Standards Measurement System

Performance Area	Standard	Measure
Access to Justice	1.1 Public Proceedings	1.1.1 Access to Open Hearings 1.1.2 Tracking Court Proceedings 1.1.3 Audibility of Participants During Open Court Proceedings
	1.2 Safety, Accessibility, and Convenience	1.2.1 Courthouse Security Audit 1.2.2 Law Enforcement Officer Test of Courthouse Security 1.2.3 Perceptions of Courthouse Security 1.2.4 Court Employees' Knowledge of Emergency Procedures 1.2.5 Access to Information by Telephone 1.2.6 Evaluation of Accessibility and Convenience by Court Users 1.2.7 Evaluation of Accessibility and Convenience by Observers
	1.3 Effective Participation	1.3.1 Effective Legal Representation of Children in Child Abuse and Neglect Proceedings 1.3.2 Evaluation of Interpreted Events by Experts 1.3.3 Test of Basic Knowledge Required of Interpreters 1.3.4 Assessing Non-English Language Proficiency Through Back Interpretation 1.3.5 Participation by Persons With Disabilities
	1.4 Courtesy, Responsiveness, and Respect	1.4.1 Court Users' Assessment of Court Personnel's Courtesy and Responsiveness 1.4.2 Observers' Assessment of Court Personnel's Courtesy and Responsiveness 1.4.3 Treatment of Litigants in Court

Overview of the Trial Court Performance Standards Measurement System (continued)

Performance Area	Standard	Measure
Access to Justice (continued)	1.5 Affordable Costs of Access	1.5.1 Inventory of Assistance Alternatives for the Financially Disadvantaged 1.5.2 Access to Affordable Civil Legal Assistance 1.5.3 Barriers to Accessing Needed Court Services
Expedition and Timeliness	2.1 Case Processing	2.1.1 Time to Disposition 2.1.2 Ratio of Case Dispositions to Case Filings 2.1.3 Age of Pending Caseload 2.1.4 Certainty of Trial Dates
	2.2 Compliance With Schedules	2.2.1 Prompt Payment of Moneys 2.2.2 Provision of Services 2.2.3 Provision of Information 2.2.4 Compliance With Reporting Schedules
	2.3 Prompt Implementation of Law and Procedure	2.3.1 Implementation of Changes in Substantive and Procedural Laws 2.3.2 Implementation of Changes in Administrative Procedures
Equality, Fairness, and Integrity	3.1 Fair and Reliable Judicial Process	3.1.1 Performance in Selected Areas of Law 3.1.2 Assessment of Court Perfor- mance in Applying the Law
	3.2 Juries	3.2.1 Inclusiveness of Jury Source List 3.2.2 Random Jury Selection Procedures 3.2.3 Representativeness of Final Juror Pool

Overview of the Trial Court Performance Standards Measurement System (continued)

Performance Area	Standard	Measure
Equality, Fairness, and Integrity (continued)	3.3 Court Decisions and Actions	3.3.1 Evaluation of Equality and Fairness by the Practicing Bar 3.3.2 Evaluation of Equality and Fairness by Court Users 3.3.3 Equality and Fairness in Sentencing 3.3.4 Equality and Fairness in Bail Decisions 3.3.5 Integrity of Trial Court Outcomes
	3.4 Clarity	3.4.1 Clarity of Judgment and Sentence 3.4.2 Clarity of Civil Judgments 3.4.3 Experience in Interpreting Orders and Judgments
	3.5 Responsibility for Enforcement	3.5.1 Payment of Fines, Costs, Restitution, and Other Orders by Probationers 3.5.2 Child Support Enforcement 3.5.3 Civil Judgment Enforcement 3.5.4 Enforcement of Case Processing Rules and Orders
	3.6 Production and Preservation of Records	3.6.1 Reliability of the File Control System 3.6.2 Adequate Storage and Preservation of Physical Records of the Case Docket System 3.6.3 Accuracy, Consistency, and Utility of the Case Docket System 3.6.4 Case File Integrity 3.6.5 Reliability of Document Processing 3.6.6 Verbatim Records of Proceedings

Overview of the Trial Court Performance Standards Measurement System (continued)

Performance Area	Standard	Measure
Independence and Accountability	4.1 Independence and Comity	4.1.1 Perceptions of the Court's Independence and Comity
	4.2 Accountability for Public Resources	4.2.1 Adequacy of Statistical Reporting Categories for Resource Allocation 4.2.2 Evaluation of Personnel Resource Allocation 4.2.3 Evaluation of the Court's Financial Auditing Practices
	4.3 Personnel Practices and Decisions	4.3.1 Assessment of Fairness in Working Conditions 4.3.2 Personnel Practices and Employee Morale 4.3.3 Equal Employment Opportunity
	4.4 Public Education	4.4.1 Court and Media Relations 4.4.2 Assessment of the Court's Media Policies and Practices 4.4.3 Community Outreach Efforts
	4.5 Response to Change	4.5.1 Responsiveness to Past Issues
Public Trust and Confidence	5.1 Accessibility	1.2.3* Perceptions of Courthouse Security 1.2.6* Evaluation of Accessibility and Convenience by Court Users 1.2.7* Evaluation of Accessibility and Convenience by Observers 1.4.1* Court Users' Assessment of Court Personnel's Courtesy and Responsiveness 1.4.2* Observers' Assessment of Court Personnel's Courtesy and Responsiveness 5.1.1 Court Employees' Perceptions of Court Performance 5.1.2 Justice System Representatives' Perceptions of Court Performance

Overview of the Trial Court Performance Standards Measurement System (continued)

Performance Area	Standard	Measure
Public Trust and Confidence (continued)	5.1 Accessibility (continued)	5.1.3 General Public's Perceptions of Court Performance * This measure from a preceding standard is also appropriate for this standard.
	5.2 Expeditious, Fair, and Reliable Court Functions	3.3.1* Evaluation of Equality and Fairness by the Practicing Bar 3.3.2* Evaluation of Equality and Fairness by Court Users 5.1.1* Court Employees' Perceptions of Court Performance 5.1.2* Justice System Representatives' Perceptions of Court Performance 5.1.3* General Public's Perceptions of Court Performance * This measure from a preceding standard is also appropriate for this standard.
	5.3 Judicial Independence and Accountability	4.1.1* Perceptions of the Court's Independence and Comity 4.3.1* Assessment of Fairness in Working Conditions 4.3.2* Personnel Practices and Employee Morale 4.4.2* Assessment of the Court's Media Policies and Practices 5.1.1* Court Employees' Perceptions of Court Performance 5.1.2* Justice System Representatives' Perceptions of Court Performance 5.1.3* General Public's Perceptions of Court Performance * This measure from a preceding standard is also appropriate for this standard.

Court Performance Inventory

The Court Performance Inventory is intended to familiarize individuals with the Trial Court Performance Standards and Measurement System developed by the Commission on Trial Court Performance Standards, the National Center for State Courts, and the Bureau of Justice Assistance.* The inventory is designed to collect individual perceptions (that may be pooled with the perceptions of others) about specific trial court performance. Results of the inventory graphed onto the Court Performance Profile at the end of this appendix can be used to target further diagnostic efforts and management strategies.

DIRECTIONS: Read each of the attached 50 statements. Based on your experiences with your court or another court of interest to you, determine whether you believe the statement is BROADLY TRUE or BROADLY FALSE about the way the court performs. If you believe the statement is BROADLY TRUE, place an "X" in the corresponding numbered box on the Court Performance Inventory Response Form that follows the last statement. For example, if you believe the first statement to be generally true about the court you are rating, place an "X" in the box with the "1" on the response form. Once you have completed the response form, add the number of boxes marked as BROADLY TRUE for each of the five columns. Each column refers to one of the performance areas. Use the five sums to complete the Court Performance Profile.

1. An observer sitting in any courtroom's public seating area will have no difficulty hearing judges, attorneys, litigants, witnesses, and other participants in the proceedings.
2. The total elapsed time it takes the court to dispose of cases once they are filed complies with national standards.
3. The final juror pools used by the court are representative of the demographic characteristics of the jurisdiction's population.
4. The allocation of personnel resources among case types is defensible and based upon logic and reason.
5. The general public (a) perceives the trial court and the justice it delivers as accessible; (b) has trust and confidence that basic trial functions are conducted expeditiously and fairly and that the court's decisions

* This instrument was devised initially by Daniel H. Straub and further developed and revised by Ingo Keilitz, former director, and staff of the Trial Court Performance Standards Project.

- have integrity; and (c) knows that the trial court is independent, accountable, and not unduly influenced by other government components.
6. An undercover law enforcement official, dressed in plain clothes, will not be able to breach either the court's security systems that protect the public or confidential court files and records.
 7. An examination of court financial records will reveal that the various types of funds for which the court is responsible are disbursed in a timely manner.
 8. An examination of relevant case file documents and court records will reveal that the court closely adheres to key legal requirements.
 9. An analysis of the court as an equal opportunity employer would reveal that race and gender distribution for each job category is generally reflective of the available labor pool for each category.
 10. Justice system representatives (a) perceive the trial court and the justice it delivers as accessible; (b) have trust and confidence that basic trial functions are conducted expeditiously and fairly and that court decisions have integrity; and (c) know that the trial court is independent, accountable, and not unduly influenced by other components of government.
 11. Interpreter services provided by the court are performed by individuals with language proficiency, interpreting skill, and knowledge of professional conduct.
 12. The court promptly implements changes in substantive and procedural laws that are a result of Federal and State legislation and new Federal regulations.
 13. A statistical analysis conducted of data collected from closed files for bail, bond, and release on recognizance decisions will reveal that these decisions are not based on extralegal factors such as the defendant's race or gender, the judge assigned to the case, or the geographic location of the court.
 14. The court does a good job in disseminating information to the public about its programs and operations.
 15. Court employees (a) perceive the trial court and the justice it delivers as accessible; (b) have trust and confidence that basic trial functions are conducted expeditiously and fairly and that court decisions have integrity; and (c) know that the trial court is independent, accountable, and not unduly influenced by other components of government.
 16. Observers of court proceedings are likely to find all court personnel courteous and responsive.
 17. The court keeps up with its incoming caseload by disposing of as many cases as are filed each year.

18. Record examinations and statistical analyses are likely to reveal that sentencing decisions of the court are based mostly on legally relevant factors and not on extralegal factors such as the defendant's race or gender, the judge assigned to the case, or the geographic location of the court.
19. A group of knowledgeable persons both within and outside the court would conclude that the court has acted responsibly in responding to public policy issues of concern within the jurisdiction such as domestic violence, discrimination, substance abuse, or others that could have affected the fair and effective administration of justice by the court.
20. Individuals who have had contact with the court such as litigants, jurors, witnesses, victims, or those conducting other business with the court consider the court's decisions and treatment of individuals as fair and equitable.
21. The court takes measures to reduce costs and facilitates affordable access to the judicial system for financially disadvantaged persons.
22. The court responds promptly to requests for information from the public.
23. A broad examination of appeal outcomes reflects that the trial court adheres to substantive laws and procedural requirements.
24. Selected knowledgeable individuals are likely to conclude that the trial court maintains its independence and institutional integrity, but that it still has good relations with other units of government.
25. Regular users of the court (i.e., court employees, attorneys, probation officers, and jurors) are likely to say that they are able to conduct their business with the court with relative ease and convenience.
26. A person relatively unfamiliar with the court will have no difficulty in locating and actually entering the courtroom in which a particular hearing is taking place.
27. The court promptly implements changes in administrative procedures required by the State supreme court and the administrative office of the courts.
28. The court does a good job of communicating clearly the terms and conditions of criminal sentences.
29. The court's responses to requests for information from the media are accurate and timely.
30. The results of a survey of regular court users, court employees, attorneys, probation officers, and jurors are likely to conclude that judges and other trial court personnel are courteous and responsive to the public and all others with whom they come into contact.

31. A person who attempts to determine the specific time and location of a particular court event will have no difficulty getting this information from the court by telephone.
32. Cases scheduled for trial are heard on the first scheduled trial date.
33. The court is well positioned and organized to enforce or facilitate the enforcement of its orders and judgments.
34. A group of knowledgeable individuals is likely to conclude that court personnel practices and decisions are fair.
35. Citizens are likely to report that access to court services is generally not hindered because of costs or complexity of procedures.
36. Persons with physical disabilities are able to conduct transactions in the court with relative ease.
37. The various services available from the court (such as indigent defense services, interpreter services, and mental health evaluations) are provided promptly.
38. A test of the timely retrieval of individual case files will reveal that the court's file control system is reliable and efficient.
39. The court has adequate statistical reporting capacity to make useful assessments of the relationship between the court's workload and the distribution of court resources.
40. Members of the bar who have appeared regularly in the court in the past year would assess the court's actions and decisions as fair and equitable.
41. Court observers are likely to find that litigants are treated with a high degree of courtesy and individual respect by judges of the court.
42. The number of pending cases exceeding national or State time standards for case processing is low.
43. The court clearly states the terms and conditions of obligations imposed as a result of adjudication of a civil dispute.
44. Court employees and media representatives are likely to be satisfied with policies and practices for responding to media inquiries.
45. Court staff will rate highly the degree of independent control that the court exercises over its fiscal operations, personnel, and services related to case flow.
46. Indigent persons who have never tried to obtain legal assistance are likely to obtain affordable legal assistance with relatively routine legal problems.

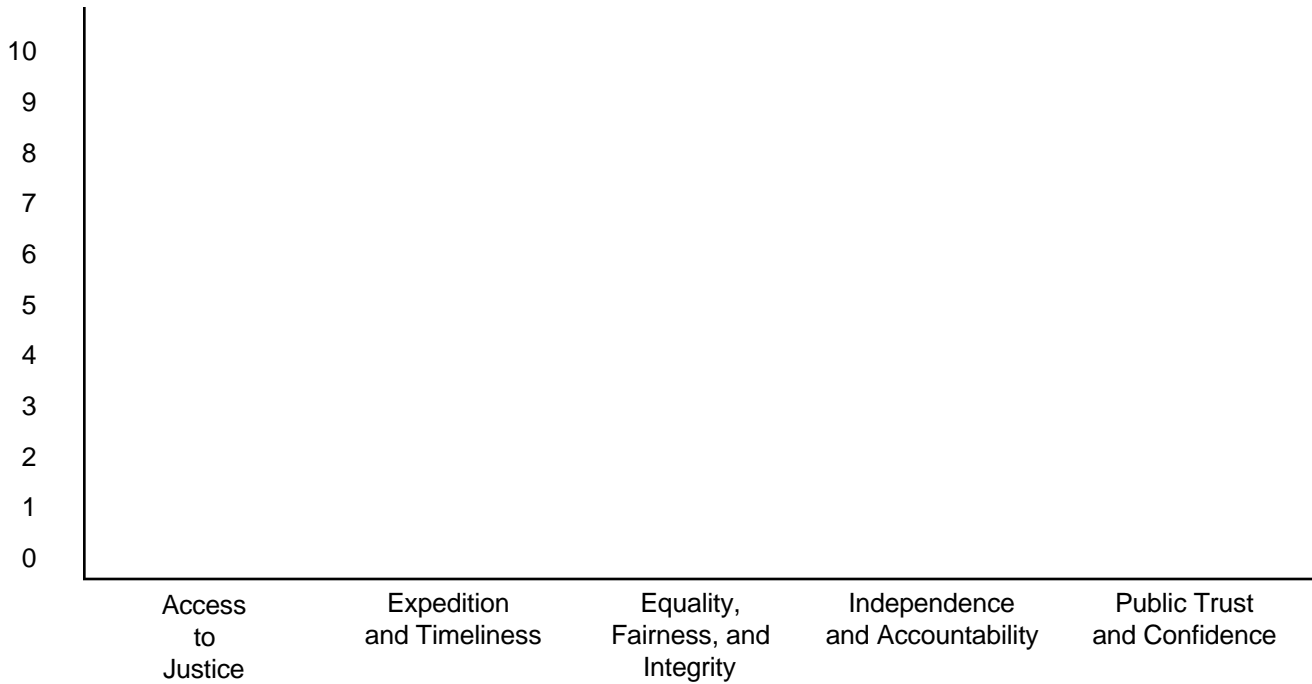
- 47. The court complies with established schedules for routine court reports such as statistical reports required by the State administrative office of the courts and the Equal Employment Opportunity Commission.
- 48. An examination of a sample of case file data will show that most files are complete and accurate.
- 49. The court conducts periodic internal and external audits of its financial practices and responds to auditors' suggestions for improvements.
- 50. Court employee responses to structured questions about fairness in personnel practices related to employee morale and competence are likely to reflect general satisfaction.

Court Performance Inventory Response Form

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50
Access to Justice	Expedition and Timeliness	Equality, Fairness, and Integrity	Independence and Accountability	Public Trust and Confidence

DIRECTIONS: Add the number of X's in each column.

Court Performance Profile



DIRECTIONS: For each performance area, place a dot next to the total number of X's recorded on the response form. For example, if the total number of X's in the Access to Justice column on the response form is 3, place a dot next to the 3 in the first column of the graph. When the total score for each of the five areas has been recorded on the graph, connect the five dots, starting with the dot in the first column and ending with the dot in the fifth column. The lines will depict which areas are rated highest and which are rated lowest. The results can be used to compare perceptions of court performance across court officials and staff and to initiate discussion regarding priorities for targeting improvement efforts.

Bureau of Justice Assistance Information



General Information

Callers may contact the U.S. Department of Justice Response Center for general information or specific needs, such as assistance in submitting grants applications and information on training. To contact the Response Center, call 1-800-421-6770 or write to 1100 Vermont Avenue NW., Washington, DC 20005.

Indepth Information

For more indepth information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with State and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The Clearinghouse can be reached by:

- Mail**
P.O. Box 6000
Rockville, MD 20849-6000
- Visit**
2277 Research Boulevard
Rockville, MD 20850

- Telephone**
1-800-688-4252
Monday through Friday
8:30 a.m. to 7:00 p.m.
eastern time
- Fax**
301-519-5212
- Fax on Demand**
1-800-688-4252
- BJA Home Page**
<http://www.ojp.usdoj.gov/BJA>
- NCJRS World Wide Web**
<http://www.ncjrs.org>
- E-mail**
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