



BJA Bureau of Justice Assistance

Trial Court Performance Standards With Commentary

Monograph

U.S. Department of Justice
Office of Justice Programs
810 Seventh Street NW.
Washington, DC 20531

Janet Reno
Attorney General
U.S. Department of Justice

John C. Dwyer
Acting Associate Attorney General

Laurie Robinson
Assistant Attorney General

Nancy E. Gist
Director, Bureau of Justice Assistance

U.S. Department of Justice Response Center
1-800-421-6770

Bureau of Justice Assistance Clearinghouse
1-800-688-4252

Bureau of Justice Assistance
World Wide Web Home Page
<http://www.ojp.usdoj.gov/BJA>

This document was prepared by the National Center for State Courts, supported by grant numbers 87-DD-CX-0002 and 91-DD-CX-0013(S-1), awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

BJA Bureau of Justice Assistance

**Trial Court
Performance Standards
With Commentary**

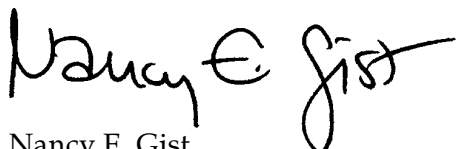
Foreword

The mission of the Bureau of Justice Assistance (BJA) is to improve this Nation's criminal justice system by making it more effective, efficient, and responsive to the diverse needs of our citizenry. More specifically, BJA and its partners at the national, State, and local levels have recognized the need for State trial courts to enhance their ability to provide fair and efficient adjudication and disposition of cases.

To give trial courts and the public a practical tool to do this, a new framework for defining and measuring court performance was needed that focused on self-assessment and self-improvement. Developing such a framework was the goal of the Trial Court Performance Standards Project, initiated in 1987 by the National Center for State Courts and BJA. The result of this 8-year effort, the Trial Court Performance Standards and Measurement System, is a common language for describing, classifying, and measuring the performance of trial courts.

This publication presents 22 standards for trial court performance and provides substantive commentary on the rationale for each standard. It also includes an overview of the measurement system, which is explained in detail in a separate publication entitled *Trial Court Performance Standards and Measurement System Implementation Manual*. The Trial Court Performance Standards emphasizes systematic assessment of the trial court as an organization that serves a great public need and the use of data to make courts as responsive and effective as possible.

It is our hope that communities across the country will consult this guide 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.



Nancy E. Gist
Director

Preface

This publication is intended for judges, court managers, lawyers, policymakers, citizen groups, and all others interested in trial court improvement. The Commission on Trial Court Performance Standards is convinced, based on its own deliberations and extensive advice from many people, that the standards in this publication define a philosophy and a valid and widely shared conception of what optimum trial court performance entails. The Commission, the National Center for State Courts, and the Bureau of Justice Assistance of the U.S. Department of Justice believe that these standards will prove a valuable resource for self-assessment and self-improvement of trial courts and provide better ways of meeting the needs of those served by the courts.

This particular publication is an updated version of a 1990 publication by the same name describing the standards and the associated measurement system. However, this publication is informed by the experience of trial courts that actually have used the measurement system to gauge performance. As a result, whereas the standards themselves are the same in both publications, this publication contains measures that have proved reliable in field testing and omits measures that have proved less than adequate.

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

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

Robert C. Murphy
Chief Judge (Retired), Court of Appeals of Maryland
Chair, Commission on Trial Court Performance Standards

Acknowledgments

The Bureau of Justice Assistance would like to thank the Commission on Trial Court Performance Standards for its dedication and vision in guiding the Trial Court Performance Standards to their fruition. Commission members include the following individuals:

Honorable Robert C. Murphy,
Chair
Chief Judge (Retired)
Court of Appeals of Maryland
Towson, Maryland

Honorable Rebecca A. Albrecht
Associate Presiding Judge
Superior Court of Arizona,
Maricopa County
Phoenix, Arizona

Robert N. Baldwin
State Court Administrator
Supreme Court of Virginia
Richmond, Virginia

Carl F. Bianchi
Director of Legislative Services
Legislative Services Office
Boise, Idaho

Honorable Robert C. Broomfield
Chief Judge, U.S. District Court
District of Arizona
Phoenix, Arizona

John A. Clarke
Executive Officer/Clerk
Los Angeles Superior Court
Los Angeles, California

Judith A. Cramer
Manager, Weed & Seed
Neighborhood
Revitalization Program
Tampa, Florida

Honorable Anne L. Ellington
Assistant Presiding Judge
King County Superior Court
Seattle, Washington

Howard Hanson
County Clerk/Superior Court
Administrator
Marin County
San Rafael, California

Robert D. Lipscher
Administrative Director (Retired)
New Jersey Administrative
Office of the Courts
Trenton, New Jersey

Edward B. McConnell (ex-officio)
President Emeritus
National Center for State Courts
Williamsburg, Virginia

Doris Marie Provine
Chair, Department of Political Science
Syracuse University
Syracuse, New York

Honorable Henry Ramsey, Jr.
Dean, Howard University School
of Law
Washington, D.C.

Honorable Leo M. Spellacy
Judge, Ohio Court of Appeals
Eighth District
Cleveland, Ohio

Whitfield Smith (1987–1991)
Clerk of Court (Former)
Superior Court for DeKalb
County, Georgia
Decatur, Georgia

Honorable Fred B. Ugast
Chief Judge (Retired)
Superior Court of the
District of Columbia
Washington, D.C.

BUREAU OF JUSTICE
ASSISTANCE,
U.S. DEPARTMENT OF JUSTICE

Marilyn Nejetski
Program Manager

Charles Hollis
Chief, Adjudication Branch

NATIONAL CENTER FOR
STATE COURTS

Sally T. Hillsman
Vice President (1992–1995)

Geoff Gallas
Vice President (1987–1991)

TRIAL COURTS PERFORMANCE
STANDARDS PROJECT STAFF

Pamela Casey, Director

Ingo Keilitz,* Director

Hillery Efke

Margaret Fonner

John Goerd

Thomas Hafemeister*

Roger Hanson

William Hewitt

Brenda Jones*

Susan Keilitz

Fred Miller*

Beatrice Monahan*

Pamela Petrakis*

David Rottman*

*denotes former project staff

In addition to those listed above, numerous individuals at the National Center for State Courts and elsewhere gave generously of their time to assist the development and initial testing of the Trial Court Performance Standards and Measurement System, including Stevalynn Adams, David Aday, Carl Baar, Kent Batty, Richard Berk, Chuck Campbell, Joy Chapper, George Cole, Hank Daley, Michael Dann, Tom Dibble, Chris Duncan, Bill Fishback, Gene Flango, Sandy Garcia, Debbie Gause, George Gish, Gordon Griller, Mary Hogan, Cindy Huffman, Michael Jeans, Lynn Jordaans, Carl Kessler, Kay Knapp, Gerald Kuban, Monica Lee, Chris Lomvardias, Kay Loveland, Jennifer Rae Lovko, Robert Lowe, James Lynch, Barry Mahoney, Mary McCall, Craig McEwen, Jan Michaels, Barbara Meierhoefer, Tom Munsterman, Raymond Nimmer, Jessica Pearson, Mike Planet, Maryann Rondeau, Jane Raynes, Teresa Risi, Dalton Roberson, Ronald Rosenberg, Jeffrey Roth, Fred Rusillo, Hisako Sayers, Bob Tobin, Anne Walker, Patricia Wall, Steven Wasby, Joan White, Matt Williams, and Robert Williams.

We also are indebted to the many individuals in the 4 pilot States and the 12 courts for the countless hours and invaluable insights they contributed during the project's 4-year demonstration phase: in New Jersey, Robert D. Lipscher and Theodore Fetter, Administrative Office of the Courts—Atlantic County Superior Court, Burlington County Superior Court, Morris County Superior Court, Ocean County Superior Court, and Somerset County Superior Court; in Ohio, Stephan W. Stover and Ruth Ann Elmer, Supreme Court of Ohio—Meigs County Court of Common Pleas, Stark County Court of Common Pleas, and Wayne County Court of Common Pleas; in Virginia, Robert N. Baldwin and Beatrice P. Monahan, Office of the Administrator for the Courts—Fairfax County Circuit Court; and in Washington, Mary Campbell McQueen and Yvonne Pettus, Office of the Administrator for the Courts—Spokane County Superior Court, Thurston County Superior Court, and Whatcom County Superior Court. We also gratefully acknowledge Richard Van Duizend, Deputy Director of the State Justice Institute (SJI), for his commitment to the project and SJI's financial support of many demonstration phase activities.

The Commission on Trial Court Performance Standards, the National Center for State Courts, and the Bureau of Justice Assistance thank these individuals and the many individuals not named here who assisted in the Trial Court Performance Standards Project in its 8-year duration.

Contents

Chapter 1 Introduction	1
Purpose	1
The Trial Court Performance Standards Project	2
The Future of the Standards	4
Overview	4
Chapter 2 Performance Standards With Commentary	7
Access to Justice	7
Expedition and Timeliness	10
Equality, Fairness, and Integrity	12
Independence and Accountability	17
Public Trust and Confidence	20
Chapter 3 A Performance Measurement System	23
Access to Justice	24
Expedition and Timeliness	26
Equality, Fairness, and Integrity	28
Independence and Accountability	30
Public Trust and Confidence	32
Appendix A Bibliography	35
Appendix B Sources for Further Information	39
Appendix C Summary of Measures Associated With the Trial Court Performance Standards	41

Introduction

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

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

Hamilton's idea should inspire the judicial system to greatness. One way to meet the challenge implicit in Hamilton's message is for courts to take the initiative and to assess their performance. As with most reforms in life, self-directed change is the most meaningful and long lasting. This document is intended to assist courts in such self-assessment efforts.

Until recently, court reform focused on the structures and machinery of the courts rather than on performance—what courts actually accomplish with the means at their disposal—and on the needs of judges and court personnel rather than directly on the needs of individuals served by the courts. No agreed-upon *performance* standards or criteria existed for trial courts of general jurisdiction. There was little explicit guidance in the literature of court management on how to measure trial court performance.

In August 1987, the National Center for State Courts (NCSC) and the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice initiated the Trial Court Performance Standards Project (Standards Project) to develop a system—now known as the Trial Court Performance Standards and Measurement System—to measure the performance of the Nation's general jurisdiction State trial courts. The three major products of the Standards Project are this publication of standards and commentary; the *Planning Guide for Using the Trial Court Performance Standards and Measurement System*; and the *Trial Court Performance Standards and Measurement System Implementation Manual*, which is summarized in this publication. In addition, BJA has developed a brief overview of the system, *Trial Court Performance Standards and Measurement System* (Program Brief).

Purpose

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

The Commission on Trial Court Performance Standards (Commission)—the group of individuals who guided the Standards Project—believed that a set of trial court performance standards could and should play a vital role in improving the administration of justice. The Commission foresaw several benefits from the development of sound performance standards for trial courts, including the development of a common language to facilitate

As with most reforms in life, self-directed change is the most meaningful and long lasting.

This publication and its 22 standards represent a proposed philosophy for trial court self-assessment and self-improvement.

the description, classification, and communication of court activities; a conceptual framework for understanding the work of courts; and, most important, a means for self-assessment, self-improvement, and improved accountability. The Commission expected that these standards and the accompanying measurement system would prove to be a valuable management and planning tool for judicial leaders who, increasingly, are being held accountable for the performance of trial courts.

The consequences and impact of any evaluation vary according to where, by whom, and how it is done. The Commission intended these standards to be used by trial courts, in cooperation with State administrative offices of the courts, for purposes of internal evaluation, self-assessment, and self-improvement. *The use of the standards as a basis for cross-court comparisons or as part of a national or regional accreditation of State courts is not intended or recommended.* Such use would foster a host of technical and practical problems of utility, feasibility, propriety, accuracy, and other attributes of sound performance evaluation and is generally agreed to be unacceptable to the court community.

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

Taken as a whole, this publication and its 22 standards represent a proposed philosophy for trial court self-assessment and self-improvement. They define what the Commission believes should guide and govern trial court performance.

The Trial Court Performance Standards Project

The first two phases of the Standards Project encompassed a 3-year effort that began in August 1987 and ended in July 1990. It was agreed at the outset that no standards for trial court performance existed. The National Center for State Courts and the Bureau of Justice Assistance undertook

what was perceived to be a needed service by developing and publishing such standards. The following goals were established for the project:

- ❑ Development of a manageable number (20 to 25) of standards of trial court performance through a process that included the preparation of a series of briefing papers by project staff, deliberations by the 12-member Commission, and the crafting of standards and commentary in 5 performance areas (Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; Independence and Accountability; and Public Trust and Confidence).
- ❑ Development of a comprehensive measurement system built around the standards, including performance measures or indicators, data collection methods and techniques by which measures can be taken, requirements for data, and a performance evaluation scheme by which the measurement system can be applied by trial courts throughout the country.
- ❑ Field testing and application of the performance standards and measurement system in selected demonstration courts.
- ❑ Dissemination, promulgation, and acceptance of the trial court performance standards and measurement system by key judicial organizations and several States.

By the end of 1989, a tentative version of the performance standards and commentaries and a companion videotape describing the Standards Project were widely distributed. Comments and suggestions for improvement of the standards were received from judges; elected and appointed court managers at the State and local levels; judicial administration scholars; various national, State, and local judicial administration organizations; and other interested individuals and groups. These comments and suggestions were considered by the Commission and incorporated into this publication.

In addition to the standards and commentaries, the Standards Project staff developed a measurement system to accompany the standards. This system is summarized in the last section of this publication. A test version of the measures was prepared for implementation by a pilot group of States.

Beginning in August 1990, the Commission and NCSC began work on the next phase of the Standards Project, which involved testing the feasibility and utility of the measures. The objectives of this phase were (1) to move the Standards Project from innovation to limited implementation and institutionalization in selected States, where the use of the trial court performance standards and their accompanying measurement system could be tested; (2) to continue refining and adapting the measurement system to meet the requirements of trial courts and the State administrative offices of the courts; and (3) to provide the foundation for the acceptance of the standards and measurement system as a useful tool of judicial administration.

The actual testing was conducted in selected trial courts of different sizes in New Jersey, Ohio, Virginia, and Washington. All of the measures were

Testing was conducted in selected trial courts of different sizes in New Jersey, Ohio, Virginia, and Washington.

tested in at least one court, with most measures having multiple applications. These experiences led to a revision of the test measures—including deletion of some measures, simplification of others, and confirmation of most. The revised version is available in *Trial Court Performance Standards and Measurement System Implementation Manual*.

Finally, a third product emerged from the implementation of the measures in the four test States. Courts that want to know how to gain the maximum benefit from the standards and measures should consult the *Planning Guide for Using the Trial Court Performance Standards and Measurement System*. This guide provides information on how the standards are connected to the measures, what benefits might accrue to a court that tries to use the standards and measures, and the ways a court might best go about trying to put the standards in place.

The Future of the Standards

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

Undoubtedly, the widespread acceptance of the Trial Court Performance Standards and Measurement System will depend upon its utility at the State and local levels. It is unlikely that the standards and measurement system will be institutionalized until explicit attention is given to ways in which the standards can be utilized by the widest possible court audience. By moving the “ownership” of the standards from the Bureau of Justice Assistance, the National Center for State Courts, and the Commission toward the Nation’s general jurisdiction trial courts and the State administrative offices of the courts, it is hoped that institutionalization of the standards will be accomplished.

Overview

This publication is divided into two sections. The first articulates and comments on 22 separate performance standards for general jurisdiction trial courts. The 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 groupings represent alternative ways of viewing the fundamental responsibilities or purposes of trial courts, such as providing and appearing to provide individual justice in individual cases; resolving disputes; upholding Federal and State constitutions; working independently of, but

The application of the standards is intended to be a joint effort of general jurisdiction trial courts working in cooperation with their State administrative offices of the courts.

in cooperation with, other branches of government; promoting the rule of law; protecting individuals from the arbitrary use of government power; making a formal record of legal proceedings; and encouraging behavior that adheres to societal norms as expressed in statutes, ordinances, and regulations. Standards in two of the performance areas—Expedition and Timeliness; and Equality, Fairness, and Integrity—emphasize the courts’ fundamental dispute resolution functions. The standards in the three performance areas of Access to Justice, Independence and Accountability, and Public Trust and Confidence focus on the functions of trial courts as organizations and on their relations with other organizations and the public.

The standards are not rigid rules; they are guiding principles.

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

Standards in the area of Access to Justice—presented first because they address the initial entry of litigants and other court users into the judicial system—require that the structure and machinery of the courts be accessible to the individuals they serve. Standards grouped under Expedition and Timeliness relate not only to the prompt and efficient resolution of disputes but to all court activities. Standards in the performance area of Equality, Fairness, and Integrity require that trial courts provide due process and individual justice in each case, treat similar litigants equally, and ensure that their actions and the consequences thereof are consistent with established law. Standards in the area of Independence and Accountability require that trial courts, as a vital component of our tripartite system of government, be independent of and maintain parity with the legislative and executive branches of government. Additionally, standards in this area require that the courts be accountable for what they do with the resources at their disposal and that courts’ personnel practices and decisions establish the highest standards of personal integrity and competence among their employees. Finally, the standards in the last performance area, Public Trust and Confidence, address the courts’ responsibility to instill public trust and confidence that the courts are fairly, efficiently, and effectively operated.

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

In addition, this monograph contains three appendixes that provide additional information for those who wish explore trial court performance issues in greater depth. Appendix A is a bibliography applicable to all four of the trial court performance documents. Appendix B lists sources for further information about the Trial Court Performance Standards and Measurement System. Appendix C is a table that summarizes the measures associated with the trial court performance standards that are discussed in Chapter 3. These measures are more fully discussed in *Trial Court Performance Standards and Measurement System Implementation Manual*.

Performance Standards With Commentary

Access to Justice

Trial courts should be open and accessible. Location, physical structure, procedures, and the responsiveness of personnel affect accessibility. Accordingly, the five standards grouped under Access to Justice require a trial court to eliminate unnecessary barriers to its services. Such barriers can be geographic, economic, and procedural. They can be caused by deficiencies in both language and knowledge of individuals participating in court proceedings. Additionally, psychological barriers can be created by mysterious, remote, unduly complicated, and intimidating court procedures.

The intent of the first two standards is to bring the administration of justice into the open and to make it accessible. Standard 1.1 requires the trial court to conduct its business openly. To ensure that all persons with legitimate business before the court have access to its proceedings, Standard 1.2 requires the trial court to make its facilities safe, accessible, and convenient to use. Accessibility is required not only for those who are guided by an attorney but also for all litigants, jurors, victims, witnesses, and relatives of litigants. Access to trial courts is also required for many other individuals—for example, beneficiaries of decedents in probate matters, parents and guardians in juvenile cases, persons seeking information from public records held by the court, employees of agencies that regularly do business with the courts (e.g., investigators, mental health professionals, sheriff's deputies, and marshals), and the public.

Because a trial court may be accessible to most and still hinder access to some, Standard 1.3 requires the court to provide opportunities for the effective participation of all who appear before the court, including persons with linguistic difficulties and handicaps. To promote access to justice and to enhance citizen confidence and trust in the court, Standard 1.4 urges that all court personnel accord respect, courtesy, and dignity to all with whom they come into contact.

Standard 1.5 recognizes that there are financial and procedural barriers to access to justice. It requires that the fees imposed and procedures established by the court be fair and reasonable. Recognizing the importance of the relationship between public records and access to justice, the standard also requires that public records be preserved and made available at a reasonable cost.

Trial courts should be open and accessible. Location, physical structure, procedures, and the responsiveness of personnel affect accessibility.

Standard 1.1 Public Proceedings

The trial court conducts its proceedings and other public business openly.

Commentary

This standard requires the trial court to conduct all proceedings openly, contested or uncontested, that are public by law or custom. The court must specify proceedings to which the public is denied access and ensure that the restriction is in accordance with the law and reasonable public expectations. Further, the court must ensure that its proceedings are accessible and audible to all participants, including litigants, attorneys, court personnel, and other persons in the courtroom.

Standard 1.2 Safety, Accessibility, and Convenience

Trial court facilities are safe, accessible, and convenient to use.

Commentary

Standard 1.2 considers three distinct aspects of court performance: the security of persons and property within the courthouse and its facilities, access to the courthouse and its facilities, and the reasonable convenience and accommodation of those unfamiliar with court facilities and proceedings. It urges a trial court to be concerned about matters such as the centrality of its location in the community that it serves, adequate parking, the availability of public transportation, the degree to which the design of the court provides a secure setting, and the internal layout of court buildings (e.g., the signs that guide visitors to key locations). Because the attitudes and behavior of trial court personnel can make (or fail to make) the courthouse safer, more accessible, and more convenient to use, Standard 1.2 pertains to the conduct of trial court personnel as well.

Unusual or unexpected conditions, such as bomb threats, records destruction, employee strikes, sting operations, mass arrests, and natural disasters, challenge the routine operations of the court. Mechanisms (both internal and operated in coordination with other justice system agencies) may be required to handle emergent situations that could impede the courts and disrupt daily routines.

Standard 1.3 Effective Participation

The trial court gives all who appear before it the opportunity to participate effectively, without undue hardship or inconvenience.

Commentary

Standard 1.3 focuses on how a trial court accommodates all participants in its proceedings—especially those who have language difficulties, mental

impairments, or physical handicaps. Accommodations made by the court for impaired or handicapped individuals include the provision of interpreters for the deaf and special courtroom arrangements or equipment for blind and speech-impaired litigants.

Standard 1.4 Courtesy, Responsiveness, and Respect

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

Commentary

The intent of Standard 1.4 is to make the justice system more accommodating and less intimidating. A responsive court ensures that judicial officers and other court employees are available to meet both the routine and the exceptional needs of those it serves. Requirements of the standard are particularly important in the understanding shown and assistance offered by court personnel to members of minority or disadvantaged groups and to those unfamiliar with the trial court and its procedures. In keeping with the public trust embodied in their positions, judges and other court employees should reflect by their conduct the law's respect for the dignity and value of all individuals who come before, or make inquiries of, the court. No court employee should by words or conduct demonstrate bias or prejudice based on race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation. These requirements extend to the manner in which the employees of the court treat each other.

Standard 1.5 Affordable Costs of Access

The costs of access to trial court proceedings and records—whether measured in terms of money, time, or the procedures that must be followed—are reasonable, fair, and affordable.

Commentary

Litigants and others who use the services of the trial court (e.g., nonlitigants who require records kept by the courts) face three main financial barriers to effective access to the trial court: court fees, third-party expenses (e.g., deposition costs and expert witness fees), and lawyer fees. Standard 1.5 requires that the trial court minimize its own fees for access and participation in its proceedings and, where possible, scale its procedures and those of others under its influence or control to the reasonable requirements of matters before the court. Means to achieve this include the simplification of procedures and reduction of paperwork in uncontested matters, the use of volunteer lawyers to do pro bono work, simplified pretrial procedures, fair control of pretrial discovery, and establishment of appropriate alternatives for resolving disputes (e.g., referral services for cases that may be re-

solved by mediation, court-annexed arbitration, early neutral evaluation, tentative ruling procedures, or special settlement conferences).

Although a trial court may control its own fees more readily, it can reduce the overall cost of litigation by, for example, conducting telephone conferences in lieu of in-person conferences and by making it easier for citizens to handle uncontested matters (e.g., name changes, stepparent adoptions, or uncontested divorces) without legal representation. As a general rule, simple disputes should be resolved at low cost and by uncomplicated procedures. Procedural accessibility should be enhanced by clear, concise, and understandable language in instructing the parties, witnesses, and jurors about rights, responsibilities, necessary forms, hearings, and court facilities and resources.

Trial courts possess the record of their own public proceedings as well as important documents generated by others (e.g., police records and laboratory analyses of evidence). These records must be available to individuals who are authorized to receive them. Standard 1.5 requires that the court maintain a reasonable balance between its actual costs in providing documents or information and what it charges users.

Expedition and Timeliness

Courts are entrusted with many duties and responsibilities that affect individuals and organizations involved with the judicial system, including litigants, jurors, attorneys, witnesses, criminal justice agencies, social service agencies, and members of the public. The repercussions from untimely court actions in any of these involvements can have serious consequences for the persons directly concerned, the court, allied agencies, and the community at large.

A trial court should meet its responsibilities to everyone affected by its actions and activities in a timely and expeditious manner—one that does not cause delay. Unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court.

Defining delay requires distinguishing between the amount of time that is and is not acceptable for case processing. National and statewide authorities have articulated time standards for case disposition. These standards call for case processing time to be measured beginning with arrest or issuance of a summons in a criminal case, or from the date of filing in a civil case.

The three performance standards under Expedition and Timeliness draw attention not only to the prompt resolution of cases, a requirement expressed by Standard 2.1, but also to the expectation that all trial court functions will be expeditiously performed, a requirement of Standard 2.2. Standard 2.3 emphasizes the importance of expedition and timeliness in anticipating, adapting to, and implementing changes in law and procedure.

Unnecessary delay . . . is a primary cause of diminished public trust and confidence in the court.

Standard 2.1 Case Processing

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

Commentary

The American Bar Association, the Conference of Chief Justices, and the Conference of State Court Administrators have urged the adoption of time standards for expeditious caseload management. Timely disposition is defined in terms of the elapsed time a case requires for consideration by a court, including the time reasonably required for pleadings, discovery, and other court events. Any time beyond that necessary to prepare and conclude a case constitutes delay.

The requirement of timely case processing applies to trial, pretrial, and posttrial events. The court must control the time from civil case filing or criminal arrest to trial or other final disposition. Early and continuous control establishes judicial responsibility for timely disposition, identifies cases that can be settled, eliminates delay, and ensures that matters will be heard when scheduled. Court control of the trial itself will reduce delay and inconvenience to the parties, witnesses, and jurors. During and following a trial, the court must make decisions in a timely manner. Finally, ancillary and postjudgment or postdecree matters need to be handled expeditiously to minimize uncertainty and inconvenience.

In addition to requiring courts to comply with nationally recognized guidelines for timely case processing, Standard 2.1 urges courts to manage their caseloads to avoid backlog. This may be accomplished, for example, by terminating inactive cases and resolving as many cases as are filed.

Standard 2.2 Compliance With Schedules

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

Commentary

As public institutions, trial courts have a responsibility to provide information and services to those they serve. Standard 2.2 requires that this be done in a timely and expeditious manner. The source of the information requests may be internal or external to the court. Services provided to those within the court's jurisdiction may include legal representation or mental health evaluation for criminal defendants, protective or social services for abused children, and translation services for some litigants, witnesses, or jurors.

In addition to adhering to case processing time guidelines, an effective trial court establishes and abides by schedules and guidelines for activities not directly related to case management. Moreover, the court meets reasonable time schedules set by those outside the court for filing reports or providing other information stemming from court activities. When disbursement of funds is necessary, payment is made promptly. Standard 2.2 requires that regardless of who determines the schedules, once established, those schedules are met.

Timely disbursement of funds held by the court is particularly important. Fines, fees, restitution, child support payments, and bonds are categories of moneys that pass through the court to their lawful recipients. Depending on the category involved and the laws of a given jurisdiction, the recipients may include funding agencies (e.g., State, county, or city), public agencies (e.g., police academies and corrections boards), and individuals (e.g., litigants or victims). In addition, courts oversee disbursement of funds from their budgets. These funds go to other branches and units of government, vendors, jurors, litigants, or witnesses. For some recipients, delayed receipt of funds may be an accounting inconvenience; for others, it may create personal hardships. Regardless of who the recipient is, when a trial court is responsible for the disbursement of funds, expeditious and timely performance is crucial.

Standard 2.3 Prompt Implementation of Law and Procedure

The trial court promptly implements changes in law and procedure.

Commentary

Tradition and formality can obscure the reality that both the law and procedures affecting court operations are subject to change. Changes in statutes, case law, and court rules affect what is done in the courts, how it is done, and those who conduct business in the courts. Trial courts must make certain that mandated changes are implemented promptly and correctly. Whether a change can be anticipated and planned or must be responded to quickly, Standard 2.3 requires that the court not only make its own personnel aware of the changes but also notify court users of such changes to the extent practicable. It is imperative that changes mandated by statute, case law, or court rules be integrated into court operations as they become effective. Failure to do so leaves the court open to criticism for noncompliance with the law or required procedures.

Equality, Fairness, and Integrity

Trial courts should provide due process and equal protection of the law to all who have business before them, as guaranteed by the U.S. Constitution and

State constitutions. Equality and fairness demand equal justice under law. These fundamental constitutional principles have particular significance for groups who may have suffered bias or prejudice based on race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation.

Integrity should characterize the nature and substance of trial court procedures and decisions, and the consequences of those decisions. The decisions and actions of a trial court should adhere to the duties and obligations imposed on the court by relevant law as well as administrative rules, policies, and ethical and professional standards. What the trial court does and how it does it should be governed by a court's legal and administrative obligations; similarly, what occurs as a result of the court's decisions should be consistent with those decisions.

Integrity refers not only to the lawfulness of court actions (e.g., compliance with constitutional rights to bail, legal representation, a jury trial, and a record of legal proceeding) but also to the results or consequences of its orders. A trial court's performance is diminished when, for example, its mechanisms and procedures for enforcing its child support orders are ineffective or nonexistent. Performance also is diminished when summonses and orders for payment of fines or restitution are routinely ignored. The court's authority and its orders should guide the actions of those under its jurisdiction both before and after a case is resolved.

The demand for equality, fairness, and integrity is articulated by six performance standards. The first standard encompasses the all-important legal concept of due process and requires that trial courts adhere to relevant law, rules, and policy when acting in their judicial and administrative capacities. The equality and fairness afforded to litigants and disputes are determined not only by judges and court personnel but also by juries. While recognizing that not every jury can be expected to be perfectly fair and equitable, Standard 3.2 requires that trial courts do their utmost to encourage equality, fairness, and integrity by ensuring that individuals called for jury duty are representative of the population from which the jury was drawn.

Standard 3.3 focuses on what many consider to be the essence of justice. The standard requires that the decisions and actions of trial courts be based on legally relevant factors consistently applied in all cases. Furthermore, those decisions and actions should be based on individual attention to each case. In accordance with the call for integrity in court performance, Standard 3.4 urges trial courts to render decisions that clearly state the issues addressed and specify how compliance with their decisions can be achieved. Clarity is a prerequisite for both compliance and enforcement.

Standard 3.5 encourages trial courts to assume responsibility for the enforcement of their orders. Finally, Standard 3.6 requires the prompt and accurate preservation of trial court records. Records of court decisions and the process followed to arrive at decisions constitute, in an important

Integrity refers not only to the lawfulness of court actions . . . but also to the results or consequences of its orders.

sense, the law. Both the accuracy of the records and reliable access to them are fundamental to the achievement of the purposes of trial courts.

Standard 3.1 Fair and Reliable Judicial Process

Trial court procedures faithfully adhere to relevant laws, procedural rules, and established policies.

Commentary

The first standard in the performance area of Equality, Fairness, and Integrity draws on the concept of due process, including notice and a fair opportunity to be informed and heard at all stages of the judicial process. Fairness should characterize the court's compulsory process and discovery. Trial courts should respect the right to legal counsel and the rights of confrontation, cross-examination, impartial hearings, and jury trials. Standard 3.1 requires fair judicial processes through adherence to constitutional and statutory law, case precedent, court rules, and other authoritative guidelines, including policies and administrative regulations. Adherence to established law and procedures contributes to the court's ability to achieve predictability, reliability, and integrity, and to satisfy all parties. Because of its centrality to the court's purpose, Standard 3.1 overlaps with standards in the performance areas of Access to Justice and Public Trust and Confidence, which emphasize that justice should be "perceived to have been done" by those who directly experience the quality of the trial court's adjudicatory process and procedures.

Standard 3.2 Juries

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

Commentary

Courts cannot guarantee that juries always reach decisions that are fair and equitable. Nor can courts guarantee that the group of individuals chosen through voir dire are representative of the community from which they were chosen. Courts can, however, provide a significant measure of fairness and equality by ensuring that the methods employed to compile source lists and to draw the venire provide jurors who are representative of the total adult population of the jurisdiction. Thus, all individuals qualified to serve on a jury should have equal opportunities to participate, and all parties and the public should be confident that jurors are drawn from a representative pool.

Standard 3.2 parallels the American Bar Association's *Standards Relating to Juror Use and Management* (1993). These standards emphasize that "the opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or any other factor that discriminates against a cognizable group in the jurisdiction" served by the court. Procedures designed to achieve representative-

ness include combining regularly maintained lists of registered voters and licensed drivers and using random selection procedures at each step of the jury selection process.

Standard 3.3 Court Decisions and Actions

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

Commentary

Standard 3.3 requires that litigants receive individual attention without variation due to judge assignment or legally irrelevant characteristics of the parties, such as race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation. Persons similarly situated (e.g., criminal defendants faced with or found guilty of similar offenses and having similar criminal histories) should receive similar treatment. The standard further requires that court decisions and actions be in proper proportion to the nature and magnitude of the case and to the characteristics of the parties. Variations should not be predictable due to legally irrelevant factors, nor should the outcome of a case depend on which judge within a court presides over a hearing or trial. The standard refers to all decisions, including sentences in criminal cases, the conditions of bail, the amount of child support ordered, the appointment of legal counsel, and court-supervised alternatives to formal litigation.

Standard 3.4 Clarity

The trial court renders decisions that unambiguously address the issues presented to it and clearly indicate how compliance can be achieved.

Commentary

An order or decision that sets forth consequences or articulates rights but fails to tie the actual consequences resulting from the decision to the antecedent issues breaks the connection required for reliable review and enforcement. A decision that is not clearly communicated poses problems both for the parties and for judges who may be called upon to interpret or apply it.

Standard 3.4 requires that it be clear how compliance with court orders and judgments is to be achieved. Dispositions for each charge or count in a criminal complaint, for example, should be easy to discern, and terms of punishment and sentence should be associated clearly with each count upon which a conviction is returned. Noncompliance with court pronouncements and subsequent difficulties of enforcement sometimes occur because orders are not stated in terms that are readily understood and capable of being monitored. An order that requires a minimum payment per month on a restitution obligation, for example, is clearer and more enforceable than an

order that establishes an obligation but sets no time frame for completion. Decisions in civil cases, especially those unraveling tangled webs of multiple claims and parties, also should connect clearly each issue and its consequences.

Standard 3.5 Responsibility for Enforcement

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

Commentary

Courts should not direct that certain actions be taken or be prohibited and then allow those bound by their orders to honor them more in the breach than in the observance. Standard 3.5 encourages a trial court to ensure that its orders are enforced. The integrity of the dispute resolution process is reflected in the degree to which parties adhere to awards and settlements arising out of them. Noncompliance may indicate miscommunication, misunderstanding, misrepresentation, or lack of respect for or confidence in the courts.

Obviously, a trial court cannot assume responsibility for the enforcement of all of its decisions and orders. Court responsibility for enforcement and compliance varies from jurisdiction to jurisdiction, program to program, case to case, and event to event. It is common and proper in some civil matters for a trial court to remain passive with respect to judgment satisfaction until called on to enforce the judgment. Nevertheless, no court should be unaware of or unresponsive to realities that cause its orders to be ignored. For example, patterns of systematic failures to pay child support and to fulfill interim criminal sentences are contrary to the purpose of the courts, undermine the rule of law, and diminish public trust and confidence in the courts. Monitoring and enforcing proper procedures and interim orders while cases are pending are within the scope of this standard.

Standard 3.5 applies also to those circumstances when a court relies upon administrative and quasi-judicial processes to screen and divert cases by using differentiated case management strategies and alternative dispute resolution. Noncompliance remains an issue when the trial court sponsors such programs or is involved in ratifying the decisions that arise out of them.

Standard 3.6 Production and Preservation of Records

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

Commentary

Equality, fairness, and integrity in trial courts depend in substantial measure upon the accuracy, availability, and accessibility of records. Standard 3.6 requires that trial courts preserve an accurate record of their proceed-

ings, decisions, orders, and judgments. Relevant court records include indexes, dockets, and various registers of court actions maintained for the purposes of inquiry into the existence, nature, and history of actions at law. Also included are the documents associated with cases that make up official case files as well as the verbatim records of proceedings.

Preservation of the case record entails the full range of responsible records management practices. Because records may affect the rights and duties of individuals for generations, their protection and preservation over time are vital. Record systems must ensure that the location of case records is always known, whether the case is active and in frequent circulation, inactive, or in archive status. Inaccuracy, obscurity, loss, or untimely availability of court records seriously compromises court integrity and subverts the judicial process.

Independence and Accountability

The judiciary must assert and maintain its distinctiveness as a separate branch of government. Within the organizational structure of the judicial branch of government, trial courts must establish their legal and organizational boundaries, monitor and control their operations, and account publicly for their performance. Independence and accountability permit government by law, access to justice, and the timely resolution of disputes with equality, fairness, and integrity; and they engender public trust and confidence. Courts must both control their proper functions and demonstrate respect for their coequal partners in government.

Because judicial independence protects individuals from the arbitrary use of government power and ensures the rule of law, it defines court management and legitimates its claim for respect. A trial court possessing institutional independence and accountability protects judges from unwarranted pressures. It operates in accordance with its assigned responsibilities and jurisdiction within the State judicial system. Independence is not likely to be achieved if the trial court is unwilling or unable to manage itself. Accordingly, the trial court must establish and support effective leadership, operate effectively within the State court system, develop plans of action, obtain resources necessary to implement those plans, measure its performance accurately, and account publicly for its performance.

The five standards in the performance area of Independence and Accountability combine the principles of separation of powers and judicial independence with the need for comity and public accountability. Standard 4.1 requires the trial court to exercise authority; to manage its overall caseload and other affairs; and to realize the principles of separation of powers, interdependence of the executive, legislative, and judicial branches of government, and comity in its governmental relations. Standard 4.2 requires a trial court to seek adequate resources and to account for their use. Standard 4.3 extends the concept of equal treatment of litigants to the court's own

Independence and accountability permit government by law, access to justice, and the timely resolution of disputes with equality, fairness, and integrity.

employees by requiring every trial court to operate in accordance with personnel practices and decisions that are free of bias on the basis of race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation. Standard 4.4 requires the trial court to inform the public of its programs and activities. Finally, Standard 4.5 acknowledges that the court's organizational character and activities must allow for adjustments to emergent events, situations, and social trends.

Standard 4.1 Independence and Comity

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

Commentary

For a trial court to persist in both its role as preserver of legal norms and as part of a separate branch of government, it must develop and maintain its distinctive and independent status. It also must be conscious of its legal and administrative boundaries and vigilant in protecting them.

Effective trial courts resist being absorbed or managed by the other branches of government. A trial court compromises its independence, for example, when it merely ratifies plea bargains, serves solely as a revenue-producing arm of government, or perfunctorily places its imprimatur on decisions made by others. Effective court management enhances independent decisionmaking by trial judges.

The court must achieve independent status, however, without damaging the reciprocal relationships that it maintains with others. Trial courts are necessarily dependent upon the cooperation of other components of the justice system over which they have little or no direct authority. For example, elected clerks of court are components of the justice system, yet in some matters many function independently of trial courts. Sheriffs and process servers perform both a court-related function and a law enforcement function. If a trial court is to attain institutional independence, it must clarify, promote, and institutionalize effective working relationships with all other components of the justice system. The boundaries and effective relationships between the trial court and other segments of the justice system must therefore be apparent both in form and in practice.

Standard 4.2 Accountability for Public Resources

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

Commentary

Effective court management requires sufficient resources to do justice and

to keep costs affordable. Standard 4.2 requires that a trial court responsibly seek the resources needed to meet its judicial responsibilities, use those resources prudently (even if they are inadequate), and account for their use.

Trial courts must use available resources wisely to address multiple and conflicting demands. Resource allocation to cases, categories of cases, and case processing are at the heart of trial court management. Assignment of judges and allocation of other resources must be responsive to established case processing goals and priorities, implemented effectively, and evaluated continuously.

Standard 4.3 Personnel Practices and Decisions

The trial court uses fair employment practices.

Commentary

The trial court stands as an important and visible symbol of government. Equal treatment of all persons before the law is essential to the concept of justice. Extended to the court's own employees, this concept requires every trial court to operate free of bias—on the basis of race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation—in its personnel practices and decisions.

Fairness in the recruitment, compensation, supervision, and development of court personnel helps ensure judicial independence, accountability, and organizational competence. Court personnel practices and decisions should establish the highest standards of personal integrity and competence among its employees.

Standard 4.4 Public Education

The trial court informs the community about its programs.

Commentary

Most members of the public do not have direct contact with the courts. Information about the courts is filtered through sources such as the media, lawyers, litigants, jurors, political officeholders, and employees of other components of the justice system. Public opinion polls indicate that the public knows very little about the courts, and what is known is often at odds with reality. Standard 4.4 requires trial courts to inform and educate the public. Effective informational brochures and annual reports help the public understand and appreciate the administration of justice. Participation by court personnel in public affairs commissions also is effective. Moreover, courts can effectively educate and inform the public by including able public representatives on advisory committees, study groups, and boards.

Standard 4.5 Response to Change

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

Commentary

Effective trial courts are responsive to emergent public issues such as drug abuse, child and spousal abuse, AIDS, drunken driving, child support enforcement, crime and public safety, consumer rights, gender bias, and the more efficient use of fewer resources. Standard 4.5 requires trial courts to recognize and respond appropriately to such public issues. A trial court that moves deliberately in response to emergent issues is a stabilizing force in society and acts consistently with its role of maintaining the rule of law.

Courts can support, tolerate, or resist societal pressures for change. In matters for which the trial court may have no direct responsibility but nonetheless may help identify problems and shape solutions, the trial court may take appropriate actions to inform responsible individuals, groups, or entities about the effects of these matters on the judiciary and about possible solutions.

“Justice should not only be done, but should be seen to be done!”

Public Trust and Confidence

Compliance with law depends, to some degree, on public respect for the court. Ideally, public trust and confidence in trial courts should stem from the direct experience of citizens with the courts. The maxim “Justice should not only be done, but should be seen to be done!” is as true today as in the past. Unfortunately, there is no guarantee that public perceptions reflect actual court performance.

Several constituencies are served by trial courts, and all should have trust and confidence in the courts. These constituencies vary by the type and extent of their contact with the courts. At the most general level is the local community, or the “general public”—the vast majority of citizens and taxpayers who seldom experience the courts directly. A second constituency served by trial courts is a community’s opinion leaders (e.g., the local newspaper editor, reporters assigned to cover the court, the police chief, local and State executives and legislators, representatives of government organizations with power or influence over the courts, researchers, and members of court watch committees). A third constituency includes citizens who appear before the court as attorneys, litigants, jurors, or witnesses, or who attend proceedings as representatives, family friends, or victims of someone before the court. This group has direct knowledge of the routine activities of a court. The last constituency consists of judicial officers, other employees of the court system, and lawyers—both within and outside the jurisdiction of the trial court—who may have an “inside” perspective on how well the court is performing. The trust and confidence of all these constituencies are essential to trial courts.

The central question posed by the three standards in this final area is whether trial court performance—in accordance with standards in the areas of Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; and Independence and Accountability—actually instills public trust and confidence. Standard 5.1 requires that the trial court be perceived by the public as accessible. Standard 5.2 requires that the public believe that the trial court conducts its business in a timely, fair, and equitable manner and that its procedures and decisions have integrity. Finally, Standard 5.3 requires that the trial court be seen as independent and distinct from other branches of government at the State and local levels and that the court be seen as accountable for its public resources.

Ideally, a court that meets or exceeds these performance standards is recognized by the public as doing so. In fulfilling its fundamental goal of resolving disputes justly, expeditiously, and economically, the court will not always be on one side of public opinion. Nevertheless, where performance is good and communications are effective, public trust and confidence are likely to be bolstered. When public perception is distorted and understanding unclear, good performance may need to be buttressed with educational programs and more effective public information. In addition, because in some instances a court may be viewed as better than it actually is, it is important for courts to rely on objective data and public perceptions in assessing court performance.

Standard 5.1 Accessibility

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

Commentary

The five standards grouped in the area of Access to Justice require the removal of barriers that interfere with access to trial court services. Standard 5.1 focuses on the perceptions of different constituencies about court accessibility. A trial court should not only be accessible to those who need its services but also be perceived as accessible by those who may need its services in the future.

Standard 5.2 Expeditious, Fair, and Reliable Court Functions

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

Commentary

As part of effective court performance, Standard 5.2 requires a trial court to instill in the public trust and confidence that basic court functions are conducted in accordance with the standards in the areas of Expedition and Timeliness and Equality, Fairness, and Integrity.

Standard 5.3 Judicial Independence and Accountability

The public perceives the trial court as independent, not unduly influenced by other components of government, and accountable.

Commentary

The policies and procedures of the trial court, and the nature and consequences of interactions of the trial court with other branches of government, affect the perception of the court as an independent and distinct branch of government. A trial court that establishes and respects its role as part of an independent branch of government and diligently works to define its relationships with the other branches presents a favorable public image. Obviously, the opinions of community leaders and representatives of other branches of government are important to perceptions of the court's institutional independence and integrity. Perceptions of other constituencies (e.g., those of court employees) about court relationships with other government agencies, its accountability, and its role within the community also should not be overlooked as important contributions to a view of the court as both independent and accountable.

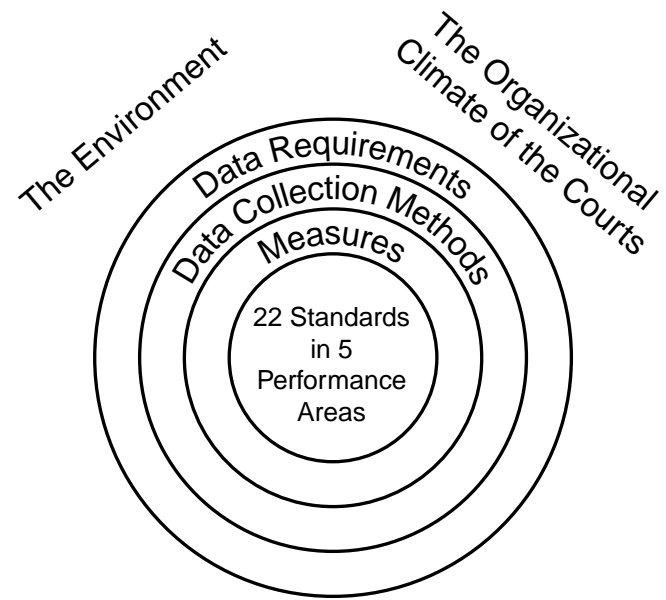
A Performance Measurement System

The Trial Court Performance Standards are guiding principles, not stringent rules. The comprehensive measurement system built on these guiding principles and summarized below addresses four sets of questions in a comprehensive, conceptually coherent manner: (1) What standards should guide the evaluation of trial court performance? (2) What measures and indicators should be applied to gauge a court's performance on the standards? (3) What data collection methods and techniques should be used to measure performance? (4) How should trial courts and State court leaders use the measurement system? The relationship among the standards, measures, and methods suggested by these questions is depicted in Figure 1 and described more fully in the *Planning Guide for Using the Trial Court Performance Standards and Measurement System*.

The *Planning Guide* indicates how the performance standards and measures are interconnected. What is the rationale behind the standards? How do the measures help to gauge performance? What can a court do with the information gathered from the measurement process? Before a court applies any of the performance measures, a review of the *Planning Guide* will help the court maintain focus on the positive value of performance standards and thus keep the measurement process in perspective.

This section of this document provides a narrative and summary of the comprehensive measurement system fully described in the *Trial Court Performance Standards and Measurement System Implementation Manual*. This summary gives a general rationale for the measures within each performance area, followed by a brief description of each measure. Application of the measures involves the use of various data collection methods and techniques, including systematic observation, structured interviews, case record searches, surveys of various reference groups, group techniques, simulations, and public opinion polls. A table summarizing each measure and the primary data collection method, the primary evaluators, and the subject or source of the data associated with each measure is included as Appendix C. As suggested by the concentric circles in Figure 1, the development of the trial court performance measurement system is a dynamic, evolving process beginning with a broad conceptualization of performance standard areas and ending with the

Figure 1. Developing a Trial Court Performance Measurement System



measurement process and its application by trial courts and the State administrative offices of the courts.

Access to Justice

The five standards in this first performance area 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 Access to Justice 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 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 the information can be examined quantitatively and qualitatively by court personnel. Although observations can be carried out by almost anyone, the recommended approach is to use citizen volunteers who are relatively naive about the court system and will yield information and experiences likely to reflect those of ordinary citizens who have infrequent business with the court.

Standard 1.1 Public Proceedings

The trial court conducts its proceedings and other public business openly.

Three relatively simple, straightforward measures requiring structured observations are associated with this standard. Measure 1.1.1 allows verification that court proceedings that should be open to the public are open. Measure 1.1.2, a logical extension of the first measure, gauges whether an observer can obtain information about the status of specific court proceedings on the court calendar. Finally, Measure 1.1.3 documents whether judges and other participants in court proceedings can be heard.

Standard 1.2 Safety, Accessibility, and Convenience

Trial court facilities are safe, accessible, and convenient to use.

The seven measures for this standard address each of its three components: safety, accessibility, and convenience. The first four measures examine courthouse security, defined as the *feeling* of safety combined with the steps taken to encourage that feeling. Measure 1.2.1 assesses the physical security of the courthouse, using a formal audit of security measures carried out by a security consultant. Measure 1.2.2 requires trained law enforcement officers to test courthouse security by attempting to evade court security measures. Measure 1.2.3 surveys the general sense of safety, as perceived by regular users of the court, including court employees. Measure 1.2.4 uses interviews to determine court employees' knowledge of existing

emergency security procedures as well as their training in the use of those measures.

Accessibility and convenience are addressed in the three remaining measures associated with the standard. Measure 1.2.5, addressing the accessibility of information by telephone, and Measure 1.2.7, addressing the accessibility and convenience of court facilities, rely on observers to simulate typical interactions with the court. Measure 1.2.6 uses a survey to obtain opinions of regular users of the courthouse (e.g., lawyers, police officers, and probation officers) regarding the ease and convenience of conducting business with the court.

Standard 1.3 Effective Participation

The trial court gives all who appear before it the opportunity to participate effectively, without undue hardship or inconvenience.

Five measures are proposed to address the special needs of four groups of people: children who require special treatment by counsel and the court in order to be represented effectively in court proceedings; hearing-impaired or speech-impaired persons who require the services of interpreters to participate effectively in court proceedings; non-English-speaking individuals who also require the services of interpreters; and persons with physical disabilities that impede their ability to get to and move around the courthouse with a reasonable degree of ease and autonomy.

Measure 1.3.1 examines the effectiveness of legal representation provided to children in child abuse and neglect proceedings through case record reviews, surveys, and interviews. Measures 1.3.2, 1.3.3, and 1.3.4 examine interpreter services. Relying on observation data, Measure 1.3.2 examines the quality of interpreter services and their conformity with interpreter standards. Measures 1.3.3 and 1.3.4 evaluate interpreters on their knowledge of basic legal and justice system terminology and concepts and on their knowledge of a language other than English; both of these measures require administering tests to interpreters. Finally, Measure 1.3.5 relies on volunteers with physical disabilities to conduct real or simulated business in the court and to indicate the extent to which they were able, or would be able, to conduct business in the court and to participate in legal proceedings without undue hardship or inconvenience.

Standard 1.4 Courtesy, Responsiveness, and Respect

Judges and other trial court personnel are courteous and responsive to the public, and accord respect to all with whom they come in contact.

Measure 1.4.1, the first of three measures associated with this standard, uses survey questionnaires to ask regular court users about their treatment by court personnel. In addition, court employees are surveyed about the

courtesy and responsiveness they observe, or fail to observe, in the courthouse. The remaining two measures rely on observations by volunteers of the behavior of court staff toward court users. Measure 1.4.2 asks volunteers to complete a questionnaire that summarizes their overall impressions of the courtesy and responsiveness of court personnel. Measure 1.4.3 asks observers to record what they see and hear regarding the treatment of litigants generally.

Standard 1.5 Affordable Costs of Access

The costs of access to trial court proceedings and records—whether measured in terms of money, time, or the procedures that must be followed—are reasonable, fair, and affordable.

Measure 1.5.1, the first of three measures associated with this standard, requires observations, document review, and interviews conducted by a team of three individuals (e.g., a practicing lawyer, a court official, and a member of a social service agency). The team is asked to complete an inventory of resources and services that the court provides to improve access to affordable services or to promote the establishment of these services for the financially disadvantaged. Measure 1.5.2 calls for observers to simulate the circumstances of individuals of limited means who need to address a routine civil legal problem and to make records of what they experience in attempting to access affordable legal assistance. Measure 1.5.3 involves a telephone survey of members of the general public regarding the degree to which they believe access to court services is a problem due to the costs or complex procedures.

Expedition and Timeliness

Ten specific measures are associated with the three standards in this performance area, which highlights the general requirement that all trial court functions be performed within a proper, suitable, and reasonable period of time. Unlike the measures associated with most of the other standards in this publication, the four quantitative measures associated with Standard 2.1 (i.e., time to disposition, ratio of case dispositions to case filings, age of pending caseload, and certainty of trial dates) will be familiar to judges and court managers. Four other measures determine whether a court distributes funds and provides reports, information, and services in a timely manner. Both timeliness and quality (e.g., the accuracy of the information provided) are required elements of satisfactory performance. Finally, the two measures for the final standard in this performance area relate to the promptness with which a trial court implements changes that are externally mandated.

All trial court functions [must] be performed within a proper, suitable, and reasonable period of time.

Standard 2.1 Case Processing

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

The four measures associated with this standard require the use of several types of court records and the collection of case management information to determine both the court's compliance with case processing time standards and its ability to keep up with its incoming caseload. Using a large sample of closed cases, Measure 2.1.1 determines the time required to dispose of them and compares these data to case processing time standards. Relying on yearend filings and dispositions data, Measure 2.1.2 assesses how well a court keeps up with its incoming caseload. Measure 2.1.3 requires a review of all cases awaiting disposition and determination of the percentage of cases representing case backlog. Measure 2.1.4 assesses the extent to which cases are heard when scheduled.

Standard 2.2 Compliance With Schedules

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

Taken together, the four measures associated with this standard indicate whether a court provides information and services and disburses funds in a timely manner. Measure 2.2.1 requires an examination of court financial records to assess whether funds for which the courts are responsible (e.g., bail and bond moneys, child support payments, and payments to jurors) are disbursed within established time periods. Measure 2.2.2 determines how promptly a court provides its services. Based on information obtained from local citizen "role players," Measure 2.2.3 assesses how quickly the court responds to requests for information from the public. Measure 2.2.4 requires an examination of reporting schedules to determine whether various reports to other agencies and offices are filed in a complete and timely manner.

Standard 2.3 Prompt Implementation of Law and Procedure

The trial court promptly implements changes in law and procedure.

Application of the two measures associated with this standard will vary considerably from State to State and from year to year because they are based upon a court's response to specific changes in law and procedure. Using record reviews, surveys, or interviews, both Measures 2.3.1 and 2.3.2 involve two steps: identifying changes to which a court should be responding and determining the extent of court compliance with the changes. The

first step entails collecting and reviewing information obtained from the State administrative office of the courts. The second step could involve data collection from one of several sources, depending on the nature of the changes examined. For example, final orders may need to be read to determine if required provisions are included (e.g., insurance coverage for children of parents granted divorce decrees), or court files may need to be reviewed to determine if required forms have been filed.

Equality, Fairness, and Integrity

The demand for equality, fairness, and integrity is articulated by six performance standards. Twenty-three measures are associated with these standards. 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 Standard 3.6 use some portion of the same pool of cases to examine the extent to which court records are adequately stored. A trial court measuring a given standard can apply all the measures associated with the 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.

The most common method of measurement in this performance area is the review and analysis of case-related information.

Standard 3.1 Fair and Reliable Judicial Process

Trial court procedures faithfully adhere to relevant laws, procedural rules, and established policies.

Measure 3.1.1 requires panels of expert practitioners to assess the court's adherence to legal requirements by examining documents, case files, and other court records. Separate expert panels are asked to identify 5 to 10 requirements for critical review in 3 areas of law: civil, criminal, and domestic relations. Measure 3.1.2 complements the panels' assessment by surveying court employees and practicing attorneys regarding their views on the extent to which they believe legal requirements are met.

Standard 3.2 Juries

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

The first of three measures associated with this standard, Measure 3.2.1, focuses on the inclusiveness of the source lists from which the names of prospective jurors in the pool are drawn. Inclusiveness is measured by comparing the size of the source list with the number of age-eligible persons in the population of the jurisdiction. Although inclusiveness does not ensure complete representativeness, high levels of inclusiveness make representativeness more probable. Measure 3.2.2 focuses on the court's use of

random juror selection procedures. The method requires careful assessment of each stage of the juror selection process. Measure 3.2.3 focuses on the representativeness of the final juror pool. Representativeness is gauged by the degree to which persons in the pool reflect the demographic characteristics (e.g., race, ethnic affiliation, gender, occupation, and education) of the population from which the juror pool is drawn.

Standard 3.3 Court Decisions and Actions

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

Using survey methods, the first two measures associated with this standard focus on the views of practicing attorneys (Measure 3.3.1) and court users (Measure 3.3.2) regarding equality and fairness of the decisions and actions of the court. Measures 3.3.3 and 3.3.4, which focus on criminal cases, are among the most complex measures recommended. They focus on the extent to which legally relevant factors (rather than legally irrelevant factors such as a defendant's race or gender) account for a court's sentencing decisions (Measure 3.3.3) and bail decisions (Measure 3.3.4) in criminal cases. Data gathered through a review of closed case files are examined to gauge whether a problem of disparity and discrimination exists. Finally, Measure 3.3.5 examines the integrity of court decisions as indicated by the outcomes of civil and criminal appeals.

Standard 3.4 Clarity

The trial court renders decisions that unambiguously address the issues presented to it and clearly indicate how compliance can be achieved.

Measure 3.4.1 reviews criminal case files to determine how well a court communicates the terms and conditions of the criminal sentences it imposes. Measure 3.4.2 examines civil case files to assess the clarity of civil judgments. Using survey methods, Measure 3.4.3 complements the first two measures by reviewing the clarity of sentencing and other judgments from the perspective of court officials (e.g., judges, probation officers, attorneys, and clerk's office staff) and employees of title companies who regularly read and interpret court orders and judgments.

Standard 3.5 Responsibility for Enforcement

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

The four measures associated with this standard first establish and evaluate the contexts for enforcement of court orders (i.e., the court's level of direct involvement in the administration of systems for monitoring compliance with court orders), and then examine the degree to which the court takes

responsibility for the enforcement of its orders within those contexts. The measures focus on how closely particular types of court orders and policies are followed. Measure 3.5.1 considers probationary orders; Measure 3.5.2 considers child support orders; Measure 3.5.3 considers civil judgments; and Measure 3.5.4 considers case processing rules and orders. All four measures call for collection, analysis, and interpretation of pertinent data from closed case files.

Standard 3.6 Production and Preservation of Records

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

The measures for this standard rely on descriptive statistics (i.e., averages and percentages) as a basis for assessment of the accuracy, reliability, and availability of court records. Measure 3.6.1 tests whether the file control system used by the court permits timely retrieval of individual case files. Measure 3.6.2 assesses whether the court's records management system preserves information about closed cases consistent with State law and with sound records management principles. Measure 3.6.3 tests whether the case docket system conforms to State law and serves the purposes for which it was intended (e.g., provides names of parties involved, documents filed, and a historical summary of each case). Measure 3.6.4 determines the integrity of case files. Measure 3.6.5 determines how well the court handles the flow of legal documents from the time they are executed or filed until they are placed in individual case files. Finally, through the use of a mail survey, Measure 3.6.6 gauges attorney views regarding the integrity of records of court proceedings.

Instead of initially taking a specific measurement, the court engages in a process that allows it to make inferences . . . about its independence and accountability based on observation and experience.

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 approach taken in the measurement of performance in this area is largely *heuristic*. That is, rather than defining specific measures of performance, the approach describes methods by which a court can proceed along empirical lines to identify the people, events, and activities needed to develop valid and workable measures to assess the court's independence and accountability. Instead of initially taking a specific measurement, the court engages in a process that allows it to make inferences (including preliminary plans for improvement) about its independence and accountability based on observation and experience.

To engage in this heuristic process, a steering committee composed of judges and court managers must be formed before any of the performance area measures are undertaken. The steering 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 the

court's performance in the area of Independence and Accountability. Led by a skilled facilitator, structured group techniques for decisionmaking, such as the Nominal Group Technique and Ideawriting, are recommended to maximize both the efficiency and objectivity of the steering committee's work. Using the steering committee in conjunction with research efforts of court staff or consultants combines fact gathering, value clarification, decisionmaking, and action. Courts that undertake this process are likely to better understand the complex problems associated with the area of Independence and Accountability and become actively engaged in self-improvement.

Standard 4.1 Independence and Comity

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

One data collection measure is included for this standard. Measure 4.1.1 is a survey of the opinions and perceptions of judges, court employees, and representatives of law enforcement and other government organizations about issues related to the independence of the court and the quality of its relations with professional constituent groups and other government agencies.

Standard 4.2 Accountability for Public Resources

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

The three measures for this standard address the following issues related to the standard's three dimensions: seeking resources, using resources, and accounting for resources. Measure 4.2.1 provides a way for the court to assess the adequacy and utility of its caseload statistical reporting capacity and to make any improvements that are indicated after the measure has been completed. Measure 4.2.2 provides a framework for a structured inquiry into whether a court is allocating its personnel resources in a prudent manner. The factors include (1) how the court defines and conceptualizes its services (i.e., the court's case categories), (2) how the court's judges and operational staff are organized and allocated in relation to those case categories, and (3) what the demand is with regard to those case categories (i.e., case-filing data). Measure 4.2.3 is a structured review of the court's formal auditing practices (or lack of them), and a search for weaknesses in the way the court accounts for its resources that would allow for misappropriation of public funds.

Standard 4.3 Personnel Practices and Decisions

The trial court uses fair employment practices.

Each of the three measures for this standard uses a different approach to

assess the fairness of the court's employment practices. Measure 4.3.1 elicits unstructured information about fairness in court personnel practices directly from employees through an open-ended survey. Measure 4.3.2 gathers similar information regarding employee views toward court practices through a confidential written survey. To determine if the court's employment practices may be biased, a review of court administrative records in Measure 4.3.3 assesses how well the demographic compositions of the court's personnel and the community match.

Standard 4.4 Public Education

The trial court informs the community about its programs.

The three measures for this standard assess how well the trial court informs the community of its programs. Measure 4.4.1 involves a review of court policies, procedures, and practices for responding to media requests. Measure 4.4.2 consists of two interview surveys—one for media representatives and one for court employees—that obtain information about these two groups' perspectives on court policies and practices in responding to media inquiries. The court's community involvement is assessed in Measure 4.4.3 through an examination of the existence and extent of both community outreach programs and individual court employee participation in community organizations.

Standard 4.5 Response to Change

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

The single measure associated with this standard attempts to determine the responsiveness of the trial court to changes in its environment that manifest themselves as public policy issues—for example, gender bias, alternative dispute resolution, drunken driving, and child support. Measure 4.5.1 is a retrospective assessment of how the court has responded to public policy issues in the past. It requires that the court construct a narrative account or case study of its responses to selected issues.

Public Trust and Confidence

Performance with regard to Public Trust and Confidence depends, in large part, on the court's performance in the other four performance areas of Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; and Independence and Accountability. 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 measures specifically address the three standards for this area—Accessibility (Standard 5.1); Expedient, Fair, and Reliable Court Functions (Standard 5.2); and Judicial Independence and Accountability (Standard 5.3)—by gauging the perceptions of

different groups about the court's performance. The measures involve a mail survey of court employees (Measure 5.1.1), a modified focus group discussion with representatives of the various components of the justice system (Measure 5.1.2), and a telephone survey of the general public (Measure 5.1.3). 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 provides a benchmark of the general public's 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. A court undertaking measures in this area may find it helpful to work with professionals skilled in research design, particularly for the survey of the general public.

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

Standard 5.1 Accessibility

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

In addition to the three measures described above, several measures from the Access to Justice performance area are useful for measuring court performance for this standard. They include:

- ❑ Measure 1.2.3 Perceptions of Courthouse Security.
- ❑ Measure 1.2.6 Evaluation of Accessibility and Convenience by Court Users.
- ❑ Measure 1.2.7 Evaluation of Accessibility and Convenience by Observers.
- ❑ Measure 1.4.1 Court Users' Assessment of Court Personnel's Courtesy and Responsiveness.
- ❑ Measure 1.4.2 Observers' Assessment of Court Personnel's Courtesy and Responsiveness.

Standard 5.2 Expeditious, Fair, and Reliable Court Functions

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

In addition to Measures 5.1.1, 5.1.2, and 5.1.3, two measures from the Equality, Fairness, and Integrity performance area also are useful indicators for this standard. They are:

- ❑ Measure 3.3.1 Evaluation of Equality and Fairness by the Practicing Bar.
- ❑ Measure 3.3.2 Evaluation of Equality and Fairness by Court Users.

Several of the measures in the other areas that rely on informed opinions . . . are appropriate to consider for this performance area as well.

Standard 5.3 Judicial Independence and Accountability

The public perceives the trial court as independent, not unduly influenced by other components of government, and accountable.

In addition to Measures 5.1.1, 5.1.2, and 5.1.3, four measures from the Independence and Accountability performance area are useful to review for this standard. They are:

- Measure 4.1.1 Perceptions of the Court's Independence and Comity.
- Measure 4.3.1 Assessment of Fairness in Working Conditions.
- Measure 4.3.2 Personnel Practices and Employee Morale.
- Measure 4.4.2 Assessment of the Court's Media Policies and Practices.

Bibliography

- American Bar Association. *Standards Relating to Juror Use and Management*. Chicago, IL: American Bar Association. 1983.
- Belasco, J.A., and R.C. Stayer. *Flight of the Buffalo: Soaring to Excellence, Learning To Let Employees Lead*. New York: Warner Books. 1993.
- Blankenship, M.B., J.B. Spargar, and W.R. Janikowski. "Accountability v. Independence: Myths of Judicial Selection." *Criminal Justice Policy Review* 6(1)(1992), pp. 69–79.
- Bureau of the Census. *Statistical Abstract of the United States, 1988*. Washington, DC: U.S. Department of Commerce. 1989.
- Bureau of Justice Assistance. *Planning Guide for Using the Trial Court Performance Standards and Measurement System*. Washington, DC: U.S. Department of Justice. 1997.
- Bureau of Justice Assistance. *Trial Court Performance Standards With Commentary*. Washington, DC: U.S. Department of Justice. 1997.
- Bureau of Justice Assistance. *Trial Court Performance Standards and Measurement System (Program Brief)*. Washington, DC: U.S. Department of Justice. 1997.
- Bureau of Justice Assistance. *Trial Court Performance Standards and Measurement System Implementation Manual*. Washington, DC: U.S. Department of Justice. 1997.
- Chapper, J., and R. Hanson. *Three Papers on Understanding Reversible Error in Criminal Appeals*. Williamsburg, VA: National Center for State Courts. 1979.
- Citizens' Commission to Improve Michigan Courts. *Final Report and Recommendations to Improve the Efficiency and Responsiveness of Michigan Courts*. Lansing, MI: Michigan Supreme Court. 1986.
- Clynch, E., and D.W. Neubauer. "Trial Courts as Organizations: A Critique and Synthesis." In *Administration and Management of Criminal Justice Organizations: A Book of Readings*, Stan Stokjovic et al. (eds.) 2nd ed. Prospect Heights, IL: Waveland Press, Inc. 1994.
- Cooper, C.S. *Expedited Drug Case Management*. Washington, DC: U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Assistance. 1994.
- Covey, S.R. *Principle-Centered Leadership*. New York: Summit Books. 1991.
- Duren v. Missouri*, 439 U.S. 357 (1979).
- Ellickson, P., and J. Petersilia. *Implementing New Ideas in Criminal Justice (R-2929-NIJ)*. Santa Monica, CA: RAND Corporation. 1983.
- Flemming, R., P. Nardulli, and J. Eisenstein. "The Timing of Justice in Felony Trial Courts." *Law and Policy* 9(2)(April 1987), pp. 179–206.
- Gallas, G., and E.C. Gallas. "Court Management Past, Present, and Future: A Comment on Lawson and Howard." *Justice System Journal* 15(2)(1991), pp. 605–616.
- GMA Research Corporation. *Washington State Judicial Survey*. Olympia, WA: Office of the Administrator for the Courts, State of Washington. 1988.
- Goerdts, J.A., et al. *Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts, 1987*. Williamsburg, VA: National Center for State Courts. 1989.
- Goerdts, J.A., C. Lomvardias, and G. Gallas. *Reexamining the Pace of Litigation in 39 Urban Trial Courts*. Washington, DC: U.S. Department of Justice. Bureau of Justice Assistance. 1991.

- Goldkamp, J., and M. Gottfredson. *Guidelines for the Pretrial Release Decision: Superior Court of Arizona, Maricopa County; Circuit and County Courts, Dade County; Boston Municipal Court; and Suffolk County Superior Court*. Bail Guidelines Project. Philadelphia, PA: Temple University. 1985.
- Goodman, M.L. "Effective Case Monitoring and Timely Dispositions: The Experience of One California Court." *Judicature* 76(5)(February–March 1993), pp. 254–257.
- Gray, E.B. "Day in the Life of a Multi-Door Courthouse." *Negotiation Journal* 9(3)(July 1993), pp. 215–221.
- Hardenbergh, D. "Planning and Design Considerations for Trial Courtrooms." *State Court Journal* 14(4)(Fall 1990), pp. 32–38.
- Headley-Edwards, N., and D.A. Ryan. *Comprehensive Adjudication of Drug Arrestees (CADA) Project, 1988–1990*. San Jose, CA: Santa Clara County Office of the County Executive. 1990.
- Herbert, A., and R. Colton. *Tables for Statisticians*. New York: Barnes and Noble. 1963.
- Hewitt, W. *Court Interpretation: Model Guides for Policy and Practice in the State Courts*. Williamsburg, VA: National Center for State Courts. 1995.
- Jacoby, J.E. "Expedited Drug Case Management Programs: Some Lessons in Case Management Reform." *Justice System Journal* 17(1)(1994), pp. 19–40.
- Jacoby, J.E., E.C. Ratledge, and H.P. Gramckow. *Expedited Drug Case Management Programs: Issues for Program Development, Executive Summary*. Washington, DC: U.S. Department of Justice. National Institute of Justice. 1992.
- Johnson, S.S., and P. Yerawadekar. "Courthouse Security." *Court Management Journal* 3(1981), pp. 8–12.
- Kairys, D., J.B. Kadan, and J.P. Lehoczky. "Jury Representation, A Mandate for Multiple Source Lists." *California Law Review* 65(1977), pp. 776–827.
- Kiely, T.J. "Managing Change: Why Reengineering Projects Fail." *Harvard Business Review* 73(2)(1995), p. 15.
- King County Department of Public Safety. *King County Department of Public Safety 1989 Annual Report*. Seattle, WA. 1990.
- Knuth, D.J. *The Art of Computer Programming, Vol. 2, Semi-Numerical Algorithms*. Reading, MA: Addison-Wesley Publishing Company. 1969.
- Kotter, J.P. "Why Transformation Efforts Fail." *Harvard Business Review* 73(2)(1995), pp. 59–67.
- Krueger, R.A. *Focus Groups: A Practical Guide for Applied Research*. Beverly Hills, CA: Sage Publications. 1988.
- Luskin, M., and R. Luskin. "Why So Fast, Why So Slow: Explaining Case Processing Time." *Journal of Criminal Law and Criminology* 77(1)(Spring 1986), pp. 190–214.
- MacCoun, R.J., and T.R. Tyler. "Basis of Citizens' Perceptions of the Criminal Jury: Procedural Fairness, Accuracy, and Efficiency." *Law and Human Behavior* 12(3)(September 1988), pp. 333–352.
- Maddi, D. *Judicial Performance Polls*. Chicago: American Bar Foundation. 1977.
- Mahoney, B., et al. *Changing Times in Trial Courts: Caseflow Management and Delay Reduction in Urban Trial Courts*. Williamsburg, VA: National Center for State Courts. 1988.
- Martin, J.A. *Approach to Long-Range Strategic Planning for the Courts*. Alexandria, VA: State Justice Institute. 1992.
- Menaster, Spooner, and Greenberg. "Getting a Fair Cross-Section of the Community." *Forum* (1989), pp. 14–21.
- Moore, C. *Group Techniques for Idea Building*. Applied Social Research Methods Series, Vol. 9. Beverly Hills, CA: Sage Publications. 1987.

- Morgan, D. *Focus Groups as Qualitative Research*. Beverly Hills, CA: Sage Publications. 1988.
- Munsterman, G.T., and J.T. Munsterman. "The Search for Jury Representativeness." *Justice System Journal* 11(1986), pp. 59–78.
- Nagel, I. "The Legal/Extra-Legal Controversy: Judicial Decisions in Pretrial Release." *Law and Society Review* 17(1983), pp. 481–515.
- National Center for State Courts. *The Americans with Disabilities Act: Title II Self-Evaluation*. Williamsburg, VA. 1992.
- National Center for State Courts. *Methodology Manual for Jury Systems*. Williamsburg, VA. 1981.
- National Center for State Courts. *A Supplement to the Methodology Manual for Jury Systems: Relationships to the Standards Relating to Juror Use and Management*. Williamsburg, VA. 1987.
- National Institute of Law Enforcement and Criminal Justice. *Multiple Lists for Juror Selection: A Case Study for San Diego Superior Court*. Washington, DC: U.S. Department of Justice. Law Enforcement Assistance Administration. 1978.
- National Sheriffs' Association. *Court Security: A Manual of Guidelines and Procedures*. Washington, DC: U.S. Department of Justice. Law Enforcement Assistance Administration. 1978.
- Osborne, D., and T. Gaebler. *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector*. Reading, MA: Addison-Wesley Publishing Company. 1992.
- Philip, C. *How Bar Associations Evaluate Sitting Judges*. New York: Institute for Judicial Administration. 1976.
- Press-Enterprise Co. v. Superior Court of California*, 464 U.S. 501 (1984).
- Press-Enterprise Co. v. Superior Court of California for Riverside*, 478 U.S. 106 (1986).
- Schultz, W.L., C. Bezold, and B.P. Monahan. *Reinventing Courts for the 21st Century: Designing a Vision Process*. Williamsburg, VA: National Center for State Courts. 1993.
- Sponzo, M.J. "Independence vs. Accountability: Connecticut's Judicial Evaluation Program." *Judge's Journal* 26(2)(Spring 1987), pp. 13–17.
- Task Force on Principles for Assessing the Adequacy of Judicial Resources. *Assessing the Need for Judicial Resources: Guidelines for a New Process*. Williamsburg, VA: National Center for State Courts. 1983.
- Taylor v. Louisiana*, 419 U.S. 526 (1975).
- Tyler, T. "What Is Procedural Justice? Criteria Used by Citizens to Assess the Fairness of Legal Procedures." *Law and Society Review* 22(1988), pp. 103–139.
- U.S. Congress. Senate. Committee on the Judiciary. *Juvenile Courts: Access to Justice: Hearing Before the Subcommittee on Juvenile Justice*. 102d Cong., 2d sess., March 4, 1992.
- U.S. Department of Health and Human Services. *Final Report on the Validation and Effectiveness Study of Legal Representation Through Guardian Ad Litem*. Washington, DC. 1994.
- Wagenknecht-Ivey, B.J. *An Approach to Long-Range Strategic Planning for the Courts: Training Guide*. Denver, CO: Center for Public Policy Studies. 1992.
- Williams, R.J. "Envisioning the Courts: Old Myths or New Realities?" *The Court Manager* 9(4)(1994), p. 45.
- Yankelovich, Skelly, and White, Inc. *The Public Image of Courts: Highlights of a National Survey of the General Public, Judges, Lawyers, and Community Leaders*. Williamsburg, VA: National Center for State Courts. 1978.
- Yin, R. *Case Study Research Design and Methods*. Beverly Hills, CA: Sage Publications. 1984.

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>

Summary of Measures Associated With the Trial Court Performance Standards			
1. Access to Justice			
Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 1.1 Public Proceedings			
1.1.1 Access to Open Hearings	Observation/simulation	Volunteer observers	Record of access for selected court proceedings
1.1.2 Tracking Court Proceedings	Observation/simulation	Volunteer observers	Selected court proceedings
1.1.3 Audibility of Participants During Open Court Proceedings	Observation/simulation	Volunteer observers	Selected court proceedings
Standard 1.2 Safety, Accessibility, and Convenience			
1.2.1 Courthouse Security Audit	Observation/simulation	Security consultant	Security checklist of courthouse facilities
1.2.2 Law Enforcement Officer Test of Courthouse Security	Observation/simulation	Law enforcement officials	Security tests of courthouse facilities
1.2.3 Perceptions of Courthouse Security	Survey	Skilled survey methodologist	Perceptions of regular users of the court (including court employees, attorneys, jurors, and probation officers)
1.2.4 Court Employees' Knowledge of Emergency Procedures	Interviews	Skilled interviewers	Court employee interviews
1.2.5 Access to Information by Telephone	Observation/simulation	Volunteer observers	Phone calls to court about specific cases

Summary of Measures Associated With the Trial Court Performance Standards (continued)

Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 1.2 Safety, Accessibility, and Convenience (continued)			
1.2.6 Evaluation of Accessibility and Convenience by Court Users	Survey	Skilled survey methodologist	Perceptions of regular court users (including court employees, attorneys, jurors, and probation officers)
1.2.7 Evaluation of Accessibility and Convenience by Observers	Survey	Skilled survey methodologist	Perceptions of volunteer observers
Standard 1.3 Effective Participation			
1.3.1 Effective Legal Representation of Children in Child Abuse and Neglect Proceedings	Record review and survey	Court staff	Case file documents; information from judges, guardians ad litem, and caseworkers
1.3.2 Evaluation of Interpreted Events by Experts	Observation/simulation	Court interpretation consultants	Court proceedings involving interpreters
1.3.3 Test of Basic Knowledge Required of Interpreters	Written test	Court staff knowledgeable about interpretation issues	Skills of court interpreters
1.3.4 Assessing Non-English Language Proficiency Through Back-Interpretation	Oral test	Court staff or consultant with highly developed English language skills	Skills of court interpreters
1.3.5 Participation by Persons With Disabilities	Observation/simulation	Volunteer observers	Court facilities and services

Summary of Measures Associated With the Trial Court Performance Standards (continued)

Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 1.4 Courtesy, Responsiveness, and Respect			
1.4.1 Court Users' Assessment of Court Personnel's Courtesy and Responsiveness	Survey	Skilled survey methodologist	Perceptions of regular users of the court (including court employees, attorneys, jurors, and probation officers)
1.4.2 Observers' Assessment of Court Personnel's Courtesy and Responsiveness	Survey	Skilled survey methodologist volunteer observers	Perceptions of court personnel
1.4.3 Treatment of Litigants in Court	Observation/simulation	Volunteer observers	Selected court proceedings
Standard 1.5 Affordable Costs of Access			
1.5.1 Inventory of Assistance Alternatives for the Financially Disadvantaged	Record review, observation/simulation, and interviews	Data collection team consisting of a court official, a practicing attorney, and a representative of a local social service agency	Administrative documents, court facilities, and interviews with court staff
1.5.2 Access to Affordable Civil Legal Assistance	Observation/simulation	Volunteer observers	Court operations and services
1.5.3 Barriers to Accessing Needed Court Services	Survey	Survey research organization	Perceptions of the general public

Summary of Measures Associated With the Trial Court Performance Standards (continued)

2. Expedition and Timeliness			
Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 2.1 Case Processing			
2.1.1 Time to Disposition	Record review	Court staff and statistical analyst	Case file documents
2.1.2 Ratio of Case Dispositions to Case Filings	Record review	Court staff and statistical analyst	Case management records
2.1.3 Age of Pending Caseload	Record review	Court staff and statistical analyst	Case file documents
2.1.4 Certainty of Trial Dates	Record review	Court staff and statistical analyst	Case file documents
Standard 2.2 Compliance With Schedules			
2.2.1 Prompt Payment of Moneys	Record review	Court staff	Court financial records
2.2.2 Provision of Services	Record review	Court staff	Case file documents
2.2.3 Provision of Information	Observation/simulation	Volunteer observers	Court operations and services
2.2.4 Compliance With Reporting Schedules	Record review	Court staff	Administrative documents
Standard 2.3 Prompt Implementation of Law and Procedure			
2.3.1 Implementation of Changes in Substantive and Procedural Laws	Record review	Court staff	Administrative documents
2.3.2 Implementation of Changes in Administrative Procedures	Record review	Court staff	Administrative documents

Summary of Measures Associated With the Trial Court Performance Standards (continued)

3. Equality, Fairness, and Integrity			
Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 3.1 Fair and Reliable Judicial Process			
3.1.1 Performance in Selected Areas of Law	Structured group techniques, record review, observation/simulation, and interviews	Panels of practitioners in basic areas of law and court staff	Case file documents, court proceedings, and perceptions of judges, court employees, and attorneys
3.1.2 Assessment of Court Performance in Applying the Law	Survey	Skilled survey methodologist	Perceptions of court employees and attorneys
Standard 3.2 Juries			
3.2.1 Inclusiveness of Jury Source List	Record review	Court staff	Juror source list
3.2.2 Random Jury Selection Procedures	Record review	Court staff	Juror source list
3.2.3 Representativeness of Final Juror Pool	Survey	Expert in demographic studies	Demographics of jurors
Standard 3.3 Court Decisions and Actions			
3.3.1 Evaluation of Equality and Fairness by the Practicing Bar	Survey	Skilled survey methodologist	Perceptions of attorneys
3.3.2 Evaluation of Equality and Fairness by Court Users	Survey	Skilled survey methodologist	Perceptions of regular court users (including litigants, jurors, witnesses, and victims)
3.3.3 Equality and Fairness in Sentencing	Record review	Expert statistical consultant	Case file documents
3.3.4 Equality and Fairness in Bail Decisions	Record review	Expert statistical consultant	Case file documents

Summary of Measures Associated With the Trial Court Performance Standards (continued)

Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 3.3 Court Decisions and Actions (continued)			
3.3.5 Integrity of Trial Court Outcomes	Record review	Court staff	Appellate case files
Standard 3.4 Clarity			
3.4.1 Clarity of Judgment and Sentence	Record review	Court staff	Criminal case file documents
3.4.2 Clarity of Civil Judgments	Record review	Court staff	Civil case file documents
3.4.3 Experience in Interpreting Orders and Judgments	Survey	Court staff	Perceptions of judges, attorneys, probation officers, and clerks
Standard 3.5 Responsibility for Enforcement			
3.5.1 Payment of Fines, Costs, Restitution, and Other Orders by Probationers	Record review	Court staff	Court probationary orders and bookkeeping records
3.5.2 Child Support Enforcement	Record review	Court staff	Child support orders and bookkeeping records
3.5.3 Civil Judgment Enforcement	Record review	Court staff	Civil judgment docket
3.5.4 Enforcement of Case Processing Rules and Orders	Record review	Court staff	Case file documents

Summary of Measures Associated With the Trial Court Performance Standards (continued)

Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 3.6 Production and Preservation of Records			
3.6.1 Reliability of the File Control System	Record review	Court staff	Case files
3.6.2 Adequate Storage and Preservation of Physical Records	Record review	Court staff	Case file documents
3.6.3 Accuracy, Consistency, and Utility of the Case Docket System	Record review	Court staff	Case docket system
3.6.4 Case File Integrity	Record review	Court staff	Case files
3.6.5 Reliability of Document Processing	Record review	Court staff	Legal documents
3.6.6 Verbatim Records of Proceedings	Survey	Court staff	Perceptions of attorneys

Summary of Measures Associated With the Trial Court Performance Standards (continued)

4. Independence and Accountability			
Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 4.1 Independence and Comity			
4.1.1 Perceptions of the Court's Independence and Comity	Survey	Court research staff and steering committee	Perceptions of regular users of the court (court personnel, including judges, attorneys, law enforcement, and other government agency representatives)
Standard 4.2 Accountability for Public Resources			
4.2.1 Adequacy of Statistical Reporting Categories for Resource Allocation	Structured group techniques	Judges, clerks, other court operations personnel, and steering committee	Statistical case types classification
4.2.2 Evaluation of Personnel Resource Allocation	Structured group techniques	Judges, court operations personnel, and steering committee	Case filings and staffing patterns
4.2.3 Evaluation of the Court's Financial Auditing Practices	Record review and interviews	Financial consultant (optional) and steering committee	Administrative audit reports
Standard 4.3 Personnel Practices and Decisions			
4.3.1 Assessment of Fairness in Working Conditions	Survey	Noncourt employees to administer survey and steering committee	Perceptions of court employees
4.3.2 Personnel Practices and Employee Morale	Survey	Skilled survey methodologist and steering committee	Perceptions of court employees
4.3.3 Equal Employment Opportunity	Record review	Steering committee and court personnel	Court personnel records

Summary of Measures Associated With the Trial Court Performance Standards (continued)

Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 4.4 Public Education			
4.4.1 Court and Media Relations	Record review	Trial court manager and steering committee	Court policies and practices
4.4.2 Assessment of the Court's Media Policies and Practices	Interviews	Court staff, skilled interviewers (noncourt employees), and steering committee	Perceptions of court employees and media representatives
4.4.3 Community Outreach Efforts	Record review and interviews	Public information specialist, court employee, and steering committee	Public education documents and court employee's outreach efforts
Standard 4.5 Response to Change			
4.5.1 Responsiveness to Past Issues	Structured group techniques and interviews	Group facilitator and steering committee	Opinions of representatives of the justice system or other related organizations

Summary of Measures Associated With the Trial Court Performance Standards (continued)

5. Public Trust and Confidence			
Measure	Primary Data Collection Method	Primary Evaluators	Subject/Source of Data
Standard 5.1 Accessibility			
5.1.1 Court Employees' Perceptions of Court Performance	Survey	Skilled survey methodologist	Perceptions of court employees
5.1.2 Justice System Representatives' Perceptions of Court Performance	Structured group techniques	Group facilitator	Perceptions of representatives of other components of the justice system and other related agencies
5.1.3 General Public's Perceptions of Court Performance	Survey	Survey research organization	Perceptions of the general public
See also Measures 1.2.3, 1.2.6, 1.2.7, 1.4.1, and 1.4.2.			
Standard 5.2 Expedient, Fair, and Reliable Court Functions			
See Measures 3.3.1, 3.3.2, 5.1.1, 5.1.2, and 5.1.3.			
Standard 5.3 Judicial Independence and Accountability			
See Measures 4.1.1, 4.3.1, 4.3.2, 4.4.2, 5.1.1, 5.1.2, and 5.1.3.			

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**
askncjrs@ncjrs.org
- JUSTINFO Newsletter**
E-mail to listproc@ncjrs.org
Leave the subject line blank
In the body of the message,
type:
subscribe justinfo [your name]

BJA

BJA World Wide Web Address

**For a copy of this document online,
as well as more information on BJA,
check the BJA Home Page at
<http://www.ojp.usdoj.gov/BJA>**

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, DC 20531

Official Business
Penalty for Private Use \$300

BULK RATE
POSTAGE & FEES PAID
DOJ/BJA
Permit No. G-91