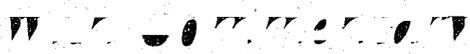


12-5-91
MF2

131143



NOV 1991
FBI/DOJ

NOV 1991
FBI/DOJ
UNITED STATES DEPARTMENT OF JUSTICE



Commission on Trial Court Performance Standards

Robert C. Murphy, Chair
Chief Judge, Court of Appeals, Maryland

Robert N. Baldwin
State Court Administrator, Virginia

Carl F. Bianchi
Administrative Director of the Courts, Idaho

Robert C. Broomfield
Judge, U.S. District Court, Arizona

John A. Clarke
Trial Court Administrator, Superior Court, Essex County, New Jersey

Judith A. Cramer
Court Administrator, Court of Common Pleas, General Division, Montgomery County, Ohio

Robert D. Lipscher
Administrative Director of the Courts, New Jersey

Doris Marie Provine
Professor of Law and Political Science, Syracuse University, New York

Henry Ramsey, Jr.
Judge, Superior Court, Alameda County, California

Whitfield Smith
Clerk of Court, Superior Court for DeKalb County, Georgia

Leo M. Spellacy
Presiding/Administrative Judge, Court of Common Pleas, Cuyahoga County, Ohio

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

Bureau of Justice Assistance, United States Department of Justice

Jay Marshall
Chief, Courts Branch, Bureau of Justice Assistance

National Center for State Courts

Larry Sipes
President

Geoff Gallas
Vice President, Research and Technical Services

Ingo Keilitz
Director, Trial Court Performance Standards Project

Edward B. McConnell
President (Retired)

Trial Court Performance Standards Project Staff

Pamela Casey
Geoff Gallas
Thomas Hafemeister (1989-90)
Roger Hanson

William Hewitt
Brenda Jones
Ingo Keilitz
Fred Miller (1987-88)

Beatrice Monahan
Pamela Petrakis
David Rottman (1987-88)

A Project of the Bureau of Justice Assistance, U.S. Department of Justice and the National Center for State Courts



Trial Court Performance Standards

with Commentary



*Commission on
Trial Court Performance Standards*

*A joint project of the
National Center for State Courts and
the Bureau of Justice Assistance,
United States Department of Justice*

Trial Court Performance Standards with Commentary
Trial Court Performance Standards Project
National Center for State Courts
300 Newport Avenue, Williamsburg, Virginia 23187-8798
Publication Number R-121

Copyright © 1990
by the National Center for State Courts
ISBN 0-89656-103-8

Library of Congress Cataloging-in-Publication Data

Trial court performance standards with commentary : a joint project of the National Center for State Courts and the Bureau of Justice Assistance, United States Department of Justice / Commission on Trial Court Performance Standards.

p. cm. — (Publication / National Center for State Courts ; no. R-121)

ISBN 0-89656-103-8

1. Court administration—United States—Standards. 2. Courts of first instance—United States. I. National Center for State Courts. II. United States. Bureau of Justice Assistance.

III. Commission on Trial Court Performance Standards (U.S.)

IV. Series : Publication (National Center for State Courts) ; R-121.

KF8732.A88 1990

347.73'13—dc20

[347.30713]

90-47481

CIP

This volume was prepared as part of the Trial Court Performance Standards Project. Support was provided by a grant (No. 87-DD-CX-0002) to the National Center for State Courts from the Bureau of Justice Assistance, United States Department of Justice. Points of view presented in this volume do not necessarily represent the official position or policy of the Bureau of Justice Assistance or the National Center for State Courts.

July 1990. All rights reserved.

Contents

	<i>Page</i>
<i>Acknowledgments</i>	v
<i>Preface</i>	vii
<i>Introduction</i>	1
<i>Purpose</i>	1
<i>The Trial Court Performance Standards Project</i>	3
<i>The Future of the Standards</i>	4
<i>Overview</i>	5
<i>Performance Standards with Commentary</i>	7
1. ACCESS TO JUSTICE	7
2. EXPEDITION AND TIMELINESS	10
3. EQUALITY, FAIRNESS, AND INTEGRITY	13
4. INDEPENDENCE AND ACCOUNTABILITY	17
5. PUBLIC TRUST AND CONFIDENCE	20
<i>A Performance Measurement System</i>	23
1. ACCESS TO JUSTICE	24
2. EXPEDITION AND TIMELINESS	27
3. EQUALITY, FAIRNESS, AND INTEGRITY	29
4. INDEPENDENCE AND ACCOUNTABILITY	32
5. PUBLIC TRUST AND CONFIDENCE	34
<i>Appendix</i>	37

131143

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material in microfilm only has been granted by
National Center for State
Courts

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Acknowledgments

In addition to the individuals listed on the inside of the title page of this volume, numerous individuals at the National Center for State Courts and elsewhere gave generously of their time to assist the Trial Court Performance Standards Project: Stevalynn Adams, David Aday, Carl Baar, Kent Batty, Richard Berk, Chuck Campbell, Joy Chapper, George Cole, Hank Daley, Michael Dann, Tom Dibble, Bill Fishback, Gene Flango, Sandy Garcia, Debbie Gause, George Gish, John Goerd, 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, James Lynch, Barry Mahoney, Mary McCall, Craig McEwen, Jan Michaels, Tom Munsterman, Barbara Neierhofer, 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, Steven Wasby, Joan White, and Robert Williams. The Commission on Trial Court Performance Standards, the National Center for State Courts, and the Bureau of Justice Assistance thanks these individuals and others who may have been inadvertently omitted from this list.

Preface

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

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

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

The standards owe their existence to three principal factors: support and guidance from the Bureau of Justice Assistance of the United States Department of Justice; the hard work of the staff of the Standards Project and others at the National Center for State Courts; and the dedicated individuals who composed the membership of the Commission. I extend appreciation and

thanks to all who contributed to this work. We hope that this volume, and the accompanying measurement system, will prove of value to those responsible for improving trial court performance nationwide.

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

July 1990

Introduction

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

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

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

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

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

Purpose

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

2 • Trial Court Performance Standards

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

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

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

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

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

The Trial Court Performance Standards Project

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

- Development of a manageable number (20 to 25) of standards of trial court performance through a process that included the preparation of a series of "briefing papers" by project staff; deliberations by the 12-member Commission; and the crafting of standards and commentary in five performance areas (ACCESS TO JUSTICE; EXPEDITION AND 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 the measures can be taken, requirements for data, and a performance evaluation scheme by which the measurement system can be applied by trial courts throughout the country
- Field testing and application of the performance standards and measurement system in selected "demonstration" courts
- Dissemination, promulgation, and acceptance of the trial court performance standards and measurement system by key judicial organizations and several states

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

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

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

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

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

The Future of the Standards

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

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

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

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

Overview

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

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

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

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

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

Performance Standards with Commentary

1. ACCESS TO JUSTICE

Trial courts should be open and accessible. Because location, physical structure, procedures, and the responsiveness of its personnel affect accessibility, 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 language and the 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 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 others—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 (investigators, mental health professionals, sheriff's deputies, marshals, etc.), 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 those with linguistic difficulties and handicaps. To promote access to justice and to enhance citizens' 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 reasonable cost.

Standard 1.1 Public Proceedings

The court conducts its proceedings and other public business openly.

Commentary

This standard requires the trial court to conduct openly all proceedings, contested or uncontested, that are public by law or custom. The court must specify proceedings to which the public is denied access and assure 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

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 the court's facilities and proceedings. It urges a trial court to be concerned about such things 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 important 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 clog the courts and disrupt daily routines.

Standard 1.3 Effective Participation

All who appear before the court are given 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 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 position, 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 the trial court's proceedings and records—whether measured in terms of money, time, or the procedures that must be followed—are reasonable, fair, and affordable.

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, expert witness fees), and lawyers' 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 a matter 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 alternative

methods for resolving disputes (e.g., referral services for cases that might be resolved by mediation, court-annexed arbitration, early neutral evaluation, tentative ruling procedures, or special settlement conferences).

Although a trial court may control more readily its own fees, it can reduce the overall cost of litigation by, for example, conducting telephone conferences and by making it easier for citizens to handle uncontested matters (e.g., name changes, stepparent adoptions, 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 have in their possession the record of their own public proceedings as well as important documents generated by others (e.g., police records, laboratory analyses of evidence). These records must be available to those who are authorized to receive them. Standard 1.5 requires that the court maintain a reasonable balance between its actual cost in providing documents or information and what it charges users.

2. EXPEDITION AND TIMELINESS

Courts are entrusted with many duties and responsibilities that affect those 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 (i.e., 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. To meet these standards, case processing time must be measured beginning with arrest or issuance of a summons in a criminal case and 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.

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 to conclude a case constitutes delay.

The requirement of timely case processing applies to trial as well as to 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 assures 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 for 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, it meets reasonable time schedules set by those outside the court for filing reports or providing other information stemming from court activities. When disbursements of funds are 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 monies 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, city), public agencies (e.g., police academy, corrections boards), and individuals (e.g., litigants, victims). In addition, courts oversee disbursements 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 reacted to quickly, Standard 2.3 requires that the court not only makes its own personnel aware of the changes but also notifies 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 failure to comply with the law or required procedures.

3. 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 federal and state constitutions. Equality and fairness demand equal justice under law. These fundamental constitutional principles have particular significance for those 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 the trial court's procedures, decisions, and the consequences of those decisions. The decisions and actions of a trial court should adhere to 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 its legal and administrative obligations; and 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, 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 altogether nonexistent. It 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. Recognizing that perfect equality cannot always be expected of juries, Standard 3.2 requires that trial courts do their utmost to encourage equality, fairness, and integrity by ensuring that those called for jury duty are representative of the population from which the jury was drawn. Standard 3.3 focuses on what many consider the essence of justice. It 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 accord with the call for integrity in a court's 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 the decisions constitute, in an important sense, the law. 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 area of EQUALITY, FAIRNESS, AND INTEGRITY draws from 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 the parties. Because of its centrality to the court's purpose, Standard 3.1 overlaps with standards in the areas of ACCESS TO JUSTICE and PUBLIC TRUST AND CONFIDENCE, which emphasize that justice also 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 reach decisions that are always fair and equitable. Nor can they 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 assuring 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 those 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* (1983). These standards emphasize that jury duty should not be denied or limited on the basis of any factor discriminating against a "cognizable group" in the jurisdiction served by the court. Such a group can be "an economical, occupational, social, religious, racial, political, or geographical group in the community such as physicians, blacks, Protestants, or welfare recipients." Procedures designed to achieve representativeness 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. It further requires that the court's decisions and actions be in proper proportion to the nature and magnitude of the case and the characteristics of the parties. Variations should not be predictable from legally irrelevant factors nor should the outcome of a case depend on which judge within a court presides over a hearing or a 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

Decisions of the trial court unambiguously address the issues presented to it and make clear 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 more clear and enforceable than one 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 ought not direct that certain things be done or certain actions taken 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 toward 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 the public's trust and confidence in the courts. Monitoring and enforcement of 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 to 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

FAIRNESS, EQUALITY, AND INTEGRITY 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 proceedings, 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 particular 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 of court records, or untimely availability of such records seriously compromises the court's integrity and subverts the judicial process.

4. 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 timely resolution of disputes with equality, fairness, and integrity. 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 manage-

ment 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 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, the interdependence of the three 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 employees by requiring 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. 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, or social trends.

Standard 4.1 Independence and Comity

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

Commentary

In order for a trial court to persist both in 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 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 decision making by trial judges.

The court's independent status, however, must be achieved without avoidable damage to the reciprocal relationships that must be maintained 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 as to some matters, many function independent 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 the other components of the justice system. The boundaries and the effective relationships between the trial court and other segments of the justice system must, therefore, be apparent both in form and 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 is 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 its 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. The court's 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 of its programs.

Commentary

Most members of the public do not have direct contact with the courts. Information about the courts is filtered through, among others, 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 on public affairs commissions is also 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 or emergent events and adjusts its operations as necessary.

Commentary

Effective trial courts are responsive to emergent public issues such as drug abuse, AIDS, child and spousal abuse, drunken driving, child support enforcement, crime and public safety, consumer rights, gender bias, and the need to do more with fewer resources. Standard 4.5 requires trial courts to recognize and to 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 consistent 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, responsiveness means that the trial court takes appropriate actions to inform responsible individuals, groups, or entities about the effects of these matters on the judiciary and about possible solutions.

5. PUBLIC TRUST AND CONFIDENCE

Compliance with law is dependent to some degree upon public respect for the court. Ideally, public trust and confidence in trial courts stem from the many contacts citizens have 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, the reporter assigned to 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 those citizens who have appeared before the court as attorneys, litigants, jurors, or witnesses or who have attended proceedings as a representative, a family friend, or a victim of someone before the court. This group has direct knowledge of the routine activities of a court. The last constituency consists of judicial officers and other employees of the court system and lawyers—within and outside of 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 performance area is whether a trial court's 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 believes 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 level and that the court be seen as accountable for its public resources.

Ideally, a court that meets or exceeds these performance standards is recognized as doing so by the public. Of course, in service of its fundamental goal to resolve disputes justly, expeditiously, and economically, the court will not always be on the side of public opinion. Nevertheless, where performance is good and public communications are effective, trust and confidence are likely to be present. Where public perception is distorted and understanding unclear, good performance may need to be buttressed with educational programs and more effective public information. A court may even be viewed as better than it actually is. Because of this, it is important for courts to rely on objective data as well as public perceptions in assessing court performance.

Standard 5.1 Accessibility

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

Commentary

The five standards grouped in the area of ACCESS TO JUSTICE require the removal of barriers that interfere with access to a trial court's services. Standard 5.1 focuses on the perceptions of the court's accessibility held by different constituencies. A trial court not only should be accessible to those who need its services, but it also should be so perceived 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 the basic trial court functions are conducted expeditiously and fairly and that its 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 its basic 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 trial court is perceived to be independent, not unduly influenced by other components of government, and accountable.

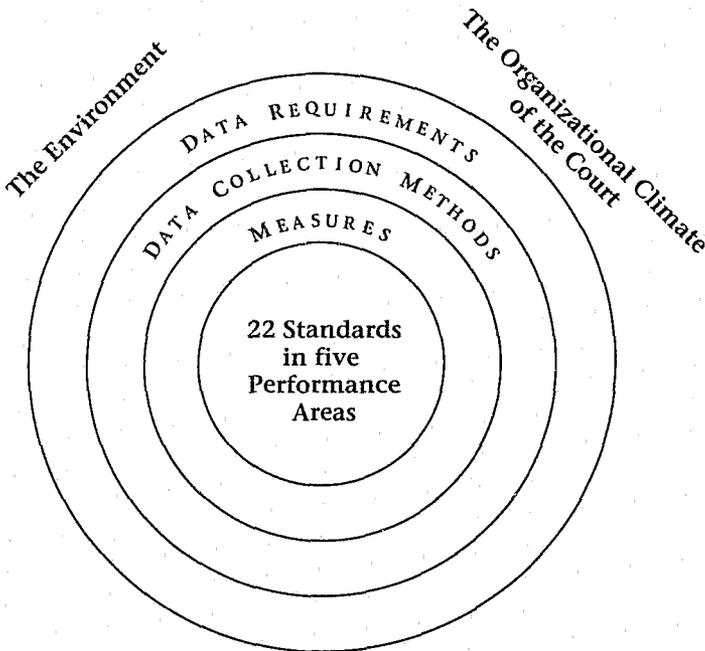
Commentary

The policies and procedures 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 own 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 when considering perceptions of the court's institutional independence and integrity. Other constituencies' perceptions (e.g., those of court employees) of the court's relationships with other government agencies, its accountability, and its role within the community should not be overlooked as important contributions to the view of the court as both an independent and accountable institution.

A Performance Measurement System

The trial court performance standards are guiding principles, not mechanical 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) How good is performance according to these standards? What performance measures and indicators should be applied, and how do these relate to the satisfaction of 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 the figure.

A Trial Court Performance Measurement System



At the core of the framework for a comprehensive measurement system are 22 separate trial court performance standards grouped in five performance areas that reflect generally accepted goals and functions of trial courts. These standards are associated with specific measures. Application of the measures involves the use of various types of data collection methods and techniques, including systematic observation, structured interviews, case record searches, surveys of various reference groups, group techniques (e.g., brainstorming, Nominal Group Technique), checklists, simulations, and public opinion polls. The use of the measures and methods will allow the specification of individualized definitions and decision rules regarding the satisfaction of given standards in particular situations. The final parts of the measurement system are the specifications of the data to be collected for each measure of trial court performance in the settings—the organizational climate and the environment of the court—in which it is to be collected. As suggested by the concentric circles in the figure, the development of the trial court performance measurement system is a dynamic, evolving process beginning with a broad conceptualization of performance standards areas and ending with the measurement processes and their application by trial courts and the state administrative offices of the courts.

This section provides a narrative and tabular summary of the comprehensive measurement system fully described in the 1990 supplement, *Measurement of Trial Court Performance: 1990 Supplement to the Tentative Trial Court Performance Standards with Commentary* (NCSC, 1990). Following the general format used to present the standards in the previous section, each of the 22 standards is associated with one or more approaches, including specific measures, methods, and data requirements. An overview that gives a general rationale for all the measures within each of the performance areas is followed by a summary of the measures for each standard.

The table following the narrative summary identifies the specific measures associated with the standards, the object or subject of the measurement (what is measured), methods (how it is done), and the individuals responsible for taking the particular measure (by whom the measure is applied). The three digits of the number identifying each measure, respectively, refer to one of the five performance areas, a particular standard within the area, and the specific measure associated with the standard and narrative summaries.

1. 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 specific measures are associated with these five standards. Prescribed meth-

ods 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 general method most often prescribed for measuring access to justice is structured observation of court proceedings, operations, and facilities. The information collected are records of what people see and hear, structured so that it can be examined quantitatively as well as qualitatively by court personnel. While 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 relatively infrequent business with the court.

Standard 1.1 Public Proceedings

The 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 observers' understanding of the courtroom calendar and determines whether and when the events to be observed actually occur. Finally, Measure 1.1.3 documents whether judges and other participants in court proceedings actually can be heard.

Standard 1.2 Safety, Accessibility, and Convenience

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 both 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 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 perceived by regular users of the court. Measure 1.2.4 surveys courthouse employees by interviews regarding the knowledge they have of existing emergency security measures and their training in the use of these measures.

Accessibility and convenience are addressed in the three remaining measures associated with the standard. Measure 1.2.5, relating to the accessibility of information by telephone, and Measure 1.2.7, relating to the

accessibility and convenience of court facilities, rely on observers who are asked to simulate typical interactions with the court. Finally, Measure 1.2.6 uses a survey to obtain opinions of regular users of the courthouse (e.g., lawyers, police officers, probation officers) regarding the ease and convenience of conducting business with the court.

Standard 1.3 Effective Participation

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

Four measures are proposed to address the special needs of four groups of people: mentally disabled persons who require specialized skills and treatment by counsel and the court in order to participate effectively in legal proceedings; hearing- or speech-impaired persons who require the services of interpreters or other specialists in order to participate effectively in court proceedings; persons who do not speak English; and persons with physical handicaps that impede their ability to get to and move around the courthouse with a reasonable degree of ease and autonomy.

Measure 1.3.1 requires observation and assessment of the effectiveness of legal counsel in involuntary civil commitment proceedings as an indicator of the extent to which effective participation in court proceedings by individuals with alleged mental disabilities is assured. Measure 1.3.2 entails interviews or examination of case records to determine the extent to which interpreter services are provided to persons with speech or hearing impairments (and to others who do not speak English). Measure 1.3.3 examines the quality of the interpretation itself by requiring experts to evaluate recordings of the work of interpreters or to directly observe and evaluate interpreters at work in open court. Finally, Measure 1.3.4 relies on volunteers with handicaps to transact business in the court and to complete a checklist indicating the extent to which they were able, or would be able, to conduct business in the court or 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 into contact.

Using survey questionnaires, the first of three measures associated with this standard (Measure 1.4.1) asks regular users of the court about how they are treated by court personnel. The measure also involves surveying court employees about the courtesy and respect they observe, or fail to observe, in the courthouse. The remaining two measures rely on observations by

volunteers of the behaviors of court staff toward court users. The volunteers are asked to complete a questionnaire that summarizes their overall impressions of the courtesy and responsiveness of court personnel (Measure 1.4.2). In addition, they are asked to record what they see and hear that relates to the treatment of litigants generally (Measure 1.4.3).

Standard 1.5 Affordable Costs of Access

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

Measure 1.5.1, the first of three measures associated with this standard, requires observations, review of documents, and interviews conducted by a team of three individuals (e.g., a practicing lawyer, a court official, a member of a social service agency) who are asked to complete an inventory of resources and services the court provides to improve access to affordable services or to promote the establishment of those services. 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. Measure 1.5.3 requires a telephone survey of members of the general public regarding the degree to which access to court services is a problem due to costs or complexity of procedures.

2. EXPEDITION AND TIMELINESS

Eleven 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 time. Unlike the measures associated with most of the other standards in this volume, the quantitative measures associated with Standard 2.1 (e.g., time to disposition, ratio of case disposition to case filings, age of pending caseload) will be familiar to judges and court managers. Four measures, each addressing a separate element of Standard 2.2—distribution of funds, provision of reports, provision of information, and provision of services—draw on state and local sources of information to determine whether the court is performing its non-case-related functions in a timely manner. Satisfaction of the standard requires not only that provision of reports and services be timely but also that they be completed in such a manner as to make them useful to the person or agency requesting the information or report. Both timeliness and quality 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.

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 five measures associated with this standard require the use of several types of court records and the collection of case management information to determine the court's compliance with case processing time standards and its ability to keep up with its incoming caseload. Using a large sample of cases, Measure 2.1.1 examines closed cases to determine the time required to dispose them and compares that time to case processing time standards. Relying on pending caseloads in the beginning of a year, year-end filings, and dispositions, Measure 2.1.2 assesses how well a court is keeping up with its incoming caseload. Measure 2.1.3 requires a review of all cases awaiting disposition and the determination of the percentage of cases representing case backlog. Measure 2.1.4 assesses the extent to which cases are heard when scheduled. Finally, Measure 2.1.5 indicates how well active cases progress through the court.

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.

The four measures associated with this standard, taken together, indicate whether a court is performing its non-case-related functions in a timely manner and how well a court meets both internally and externally established schedules for disbursing funds, providing reports and information, and responding to requests for other services. 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 monies, child support payments, payments to jurors) are disbursed in a timely manner. Measure 2.2.2 entails observations and an assessment of how promptly a court provides services available through the court. Using simulation, 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 or 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 changes in law and procedure. Using record reviews, surveys, or interviews, both Measure 2.3.1 and 2.3.2 are designed to be administered by someone outside the courts to avoid the appearance of bias in the selections of changes to be evaluated. Identifying the changes in law and procedure to which a court should be responding entails collecting and reviewing information obtained from the state administrative office of the courts. Final orders, for example, may need to be read to determine if required provisions are included (e.g., insurance coverage for children of divorce decrees), and court files may need to be reviewed to determine if required forms have been filed.

3. EQUALITY, FAIRNESS, AND INTEGRITY

The demand for equality, fairness, and integrity is articulated by six performance standards. A total of 25 measures are associated with those standards. For the most part, the measures require similar data elements, data collection procedures, and methods of analysis. For example, 5 of the 6 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 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 18 of the 25 measures. Mail surveys are used to assess the views of key reference groups by 6 measures.

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 five to ten requirements for critical review in different areas of the law, i.e., civil, criminal, and domestic relations. Measure 3.1.2 complements the panels' assessments. It requires a survey of court employees and practicing attorneys

regarding their views on the extent to which legal requirements are actually 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 perspective jurors in the pool are drawn. Inclusiveness is measured by comparing the size of the source list with the number of persons qualified to serve as jurors in the population of the jurisdiction. Though not ensuring 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 jurors in the pool are drawn.

Standard 3.3 Court Decisions and Actions

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

The first two of the six measures associated with this standard, Measures 3.3.1 and 3.3.2, which focus on criminal cases, are among the most complex measures recommended for any standard. 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 bail decisions (Measure 3.3.1) and sentencing decisions (Measure 3.3.2) in criminal cases. Data gathered through a review of closed case files are examined to gauge whether a problem of disparity and discrimination exists. Using survey methods, the next two measures focus on the views of practicing attorneys (Measure 3.3.3) and court users (Measure 3.3.4) regarding the decisions and actions of the court. Measure 3.3.5 requires an examination of closed cases to determine the extent to which court decisions concerning child support orders in domestic relations cases meet standards of equality and justice. Finally, Measure 3.3.6 examines the equality, fairness, and integrity of court decisions as indicated by the outcomes of civil and criminal appeals.

Standard 3.4 Clarity

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

By an examination of criminal case files, Measure 3.4.1 examines how well a court performs in communicating the terms and conditions of criminal sentences imposed. 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 by reviewing the clarity of sentencing and other judgments from the perspective of court officials (e.g., judges, probation officers, attorneys, clerk's office staff) and employees of title companies.

Standard 3.5 Responsibility for Enforcement

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

The five measures associated with this standard first identify and evaluate various contexts of enforcement and then examine the degree to which the court takes responsibility for the enforcement of its orders within those contexts. Measure 3.5.1 focuses on the extent to which a court is organized to enforce its orders and judgments. It involves surveying the state administrative office of the courts to determine the context and capacity for effective enforcement. The remaining four measures focus on the extent to which various types of court orders and policies are carried out, including probationary orders (Measure 3.5.2), child support orders (Measure 3.5.3), civil judgments (Measure 3.5.4), and case processing rules and orders (Measure 3.5.5). All four measures call for collection, analysis, and interpretation of 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., average and percentages) as a basis for assessments of the accuracy, reliability, and availability of court records. Measure 3.6.1 tests whether the file control system used by the court is adequate to permit 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 purpose for which it was intended. 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 the individual case files. Finally, Measure 3.6.6 gauges attorneys' views regarding the integrity of records of court proceedings through the use of a mail survey.

4. 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 to the measurement of performance in this area is largely *heuristic*. That is, rather than defining specific measures of performance, it describes methods by which a court proceeds along empirical lines to describe the people, events, and activities to determine valid and workable measures associated with the concepts of independence and accountability. Rather than initially taking a specific measurement, the court engages in a process that will allow it to make inferences (including preliminary plans for improvement) about its independence and accountability based on empirical results. Many of the measures rely on one or more group techniques (e.g., Nominal Group Technique, Ideawriting) for generating, developing, and selecting ideas of the groups. The highly structured group techniques are used because the groups who are affected by any particular problem can produce solutions that are generally superior to what individual members could produce, because the structure provides a way to obtain the views of many who are affected by a problem and creates a commitment on the part of those individuals for solutions, and, finally, because the structure provides a way for groups to address complex, ill-defined problems, such as those related to judicial independence, comity, and public accountability.

Standard 4.1 Independence and Comity

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

A single composite measure associated with this standard adapts two applied social science research techniques—the Nominal Group Technique and the Delphi Technique—that use groups to evaluate a court's performance in achieving institutional integrity (independence and comity) in intergovernmental relations. The techniques gather judgments of various individuals and, through discussion and refinement, build on them to

through an examination of the existence and extent of both community outreach programs (Measure 4.3.3) and court participation in community organizations (Measure 4.4.3). Finally, the information from all three of these measures is used as part of a group evaluation (Measure 4.4.4).

Standard 4.5 Response to Change

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

Two measures are associated with this standard. They attempt to determine how responsive the court is to changes in its organizational climate or in public policy (e.g., gender bias, alternative dispute resolution, drunken driving, child support). Measure 4.5.1 is a retrospective assessment of how the court has responded to changes in the past. It requires a person from outside of the court (e.g., a university professor, consultant) to write an account of the court's responses to selected issues. Using an expanded Delphi Technique, Measure 4.5.2 is a prospective assessment of how the court may respond to public policy issues in the future.

5. PUBLIC TRUST AND CONFIDENCE

What the courts do and how well they do it is measured, challenged, and changed by public opinion. A performance measurement system that includes standards of public trust and confidence can provide valuable information about whether public expectations are met by the court. The same four measures are associated with each of the three standards in this area: a telephone survey of the general public (Measure 5.[1-3].1), a "focus group" interview of community leaders and members of the media (Measure 5.[1-3].2), a compilation and review of a sample of newspaper articles about the trial court (Measure 5.[1-3].3), and a survey of court employees (Measure 5.[1-3].4). Depending upon a trial court's own resources and those within its jurisdiction (e.g., universities, research groups), a court may collect data using one or all of these four measures.

The different reference groups or constituencies surveyed—court employees, community leaders, and the general public—represent different perspectives and experiences with the trial court. On a day-to-day basis, court employees are more familiar with the court and its activities than any other group. They have an insider perspective on how the court is performing in the various standard areas. If they are dissatisfied with the trial court's performance, they are not likely to reflect a positive image of the court to the

general public. Community leaders and members of the media observe and comment on the trial court's performance. They provide the perspective of informed observers. Their perceptions of the court's performance are important because they often serve as primary sources of information about the courts. Finally, members of the general public generally have little first-hand knowledge of a court's performance. Their perceptions generally are based on what they read in secondary sources and hear from others.

APPENDIX

Summary of Measures Associated with the Trial Court Performance Standards

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

38 • Trial Court Performance Standards

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

MEASURE	OBJECT OR SUBJECT	METHODS	EVALUATORS
1.4.1 Courteousness and responsiveness	Regular users Court personnel	Questionnaire survey	Court personnel
1.4.2 Observers' rating of courtesy and responsiveness	Court personnel	Structured observation Questionnaire	Volunteers
1.4.3 Litigant treatment	Court proceedings	Structured observation Questionnaire	Volunteers
1.5.1 Alternatives for the financially disadvantaged	Court services Court resources	Structured observation Document and Review Interviews Inventory	Data collection team
1.5.2 Civil legal assistance	Court operations	Simulation	Volunteers
1.5.3 Barriers to court services	Court services	Telephone survey	Volunteers
2.1.1 Time to disposition	Court records Case management information	Record review	Court staff Statistical expert/ consultant
2.1.2 Case dispositions to case filings	Caseload	Record review	Court staff Statistical expert/ consultant
2.1.3 Age of pending cases	Cases awaiting disposition	Record review	Court staff Statistical expert/ consultant
2.1.4 Trial dates	Court records	Record review	Court staff Statistical expert/ consultant
2.1.5 Progression of cases through system	Case management information	Record review	Court staff Statistical expert/ consultant
2.2.1 Payment of monies	Court financial records	Record review	Court staff
2.2.2 Provision of services	Court services	Record review	Court staff
2.2.3 Provision of information	Information requests	Simulation	Volunteers
2.2.4 Reporting schedule compliance	Court reports	Record review	Court staff
2.3.1 Changes in law	Statutory changes	Record review Surveys Interviews	Volunteer group

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

MEASURE	OBJECT OR SUBJECT	METHODS	EVALUATORS
2.3.2 Changes in procedure	Procedural changes	Record reviews Interviews Questionnaires	Volunteer group
3.1.1 Performance	Relevant law	Record review Interviews	Volunteer panel of experts
3.1.2 Performance in applying the law	Attorneys Court employees	Questionnaire survey	Court staff
3.2.1 Jury source list	Juror source list	Statistical analysis	Court staff
3.2.2 Jury selection procedures	Juror selection	Observation	Court staff
3.3.3 Representativeness of juror pool	Juror pool	Questionnaire	Court staff Consultant
3.3.1 Equality and fairness in bail decisions	Criminal case files Statistical analysis	Record examination	Court staff
3.3.2 Equality and fairness in sentencing	Criminal case files	Record examination Statistical analysis	Court staff Statistical expert/ consultant
3.3.3 Equality and fairness in practicing bar	Bar members	Questionnaire survey	Court staff
3.3.4 Equality and fairness by court users	Court users	Questionnaire survey	Court staff
3.3.5 Equality and fairness in child support	Domestic relations case files	Record examination Statistical analysis	Court committee
3.3.6 Integrity of outcomes	Case files Appellate cases	Record examination	Court staff
3.4.1 Clarity of judgment and sentence	Criminal case files	Record examination	Court staff
3.4.2 Clarity of civil judgments	Civil case files	Record examination	Court staff
3.4.3 Experience with orders and judgments	Court employees	Questionnaire survey Interviews	Court staff
3.5.1 Enforcement	Court organizational structure Administrative practices	Questionnaire survey Interviews Record examination	Court staff
3.5.2 Payments to courts	Probationary orders Bookkeeping records	Record review	Court staff

40 • Trial Court Performance Standards

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

MEASURE	OBJECT OR SUBJECT	METHODS	EVALUATORS
3.5.3 Child support enforcement	Child support orders	Record review	Court staff
3.5.4 Civil enforcement	Civil judgments	Record examination Interviews	Court staff
3.5.5 Enforcement of case processing rules and orders	Case files	Record examination	Court staff
3.6.1 File control system	Case files	Statistical analysis	Court staff
3.6.2 Storage and preservation of physical records	Records management system	Statistical analysis	Court staff
3.6.3 Case docket system	Court docket	Statistical analysis	Court staff
3.6.4 Case file integrity	Case files	Statistical analysis Interviews	Court staff
3.6.5 Document processing	Legal documents	Record reviews Interviews	Court staff
3.6.6 Verbatim records of proceedings	Attorneys	Questionnaire survey	Court staff
4.1.1 Fiscal and organizational barriers to independence	Court organization, budget practices, and fiscal environment	Checklist and rating scale	Court staff
4.1.2 Assessment of independence and comity	Court policies and practices/group input	Nominal Group Technique Delphi Technique Ideawriting	Court steering committee
4.2.1 Judicial activity cost center	Court resources	Modeling	Court staff Court steering committee
4.2.2 Court auditing practices	Financial records and reports	Audit Checklist Rating Scale	Court staff
4.2.3 Accountability for resources	Management data Group input	Nominal Group Technique	Court steering committee
4.3.1 Working conditions	Court employees	Open-ended survey (Crawford Slip Technique)	Court personnel specialist

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

MEASURE	OBJECT OR SUBJECT	METHODS	EVALUATORS
4.3.2 Employee survey	Court employees	Questionnaire survey	Court staff
4.3.3 Equal employment opportunity	Court employment roster Personnel records	Statistical analysis	Court staff
4.3.4 Personnel practices	Management data Group input	Ideawriting Nominal Group Technique	Court steering committee
4.4.1 Court and media relations	Court policies and practices Media representatives	Checklist Rating scale Survey	Court staff
4.4.2 Community outreach efforts	Public education program materials	Checklist	Court staff
4.4.3 Public service involvement	Court personnel	Questionnaire	Court staff
4.4.4 Public information practices	Management data Group input	Nominal Group Technique Ideawriting	Court steering committee
4.5.1 Responsiveness to past issues	Court records Community leaders	Interviews Narrative account Group review	Volunteer professor Consultant
4.5.2 Anticipation of change	Potential issues	Questionnaire survey Delphi Technique Group review	Court staff Consultant
5.[1-3].1 Public perceptions	General public	Telephone survey	Court staff Consultant Graduate student
5.[1-3].2 Community leaders' perceptions	Local bar Law enforcement agencies Local government News media	Focus group	Professional group
5.[1-3].3 Reports of court's performance	Newspaper articles	Statistical analysis	Court staff Graduate student
5.[1-3].4 Court employees' perception	Court employees	Questionnaire survey	Court staff

