Materials provided by:

Glenn Lawrence
Amitav Thamba
Marion Superior Court

Marion Superior Court
CourTools Team

Hon. Steven Eichholtz
Hon. Bob Altice
Glenn Lawrence, Court Administrator
Amitav Thamba, CTO

NCSC
National Center for State Courts

CourTools

are a set of ten trial court performance measures that offers court managers a balanced perspective on court operations.

CourTools

- Measure 1 Access and Fairness
- Measure 2 Clearance Rates
- Measure 3 Time to Disposition
- Measure 4 Age of Active Pending Caseload
- Measure 5 Trial Date Certainty
- Measure 6 Reliability and Integrity of Case Files
- Measure 7 Collection of Monetary Penalties
- Measure 8 Effective Use of Jurors
- Measure 9 Court Employee Satisfaction
- Measure 10 Cost Per Case

CourTools Measure 2

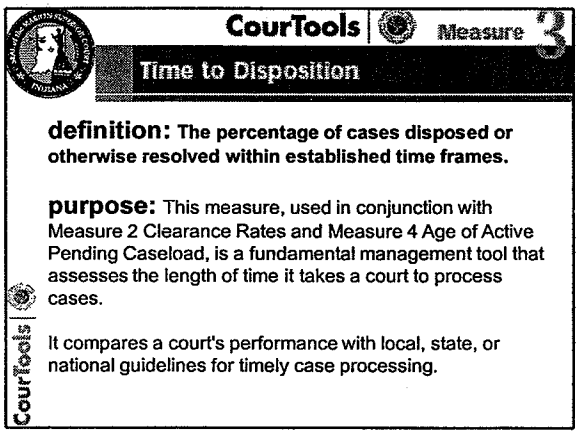
Clearance Rates

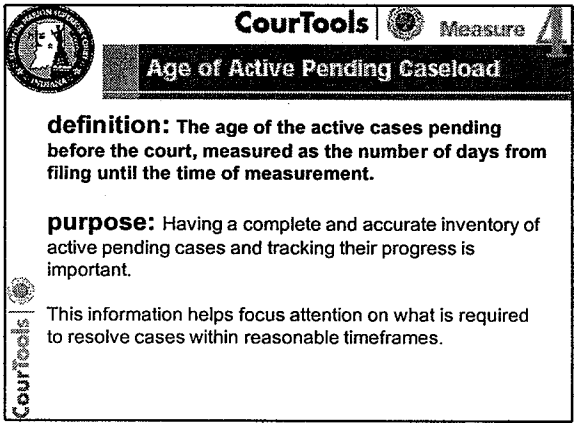
definition: **The number of outgoing cases as a percentage of the number of incoming cases.**

purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow.

This measure is a single number that can be compared within the court for any and all case types, on a monthly or yearly basis, or between one court and another.

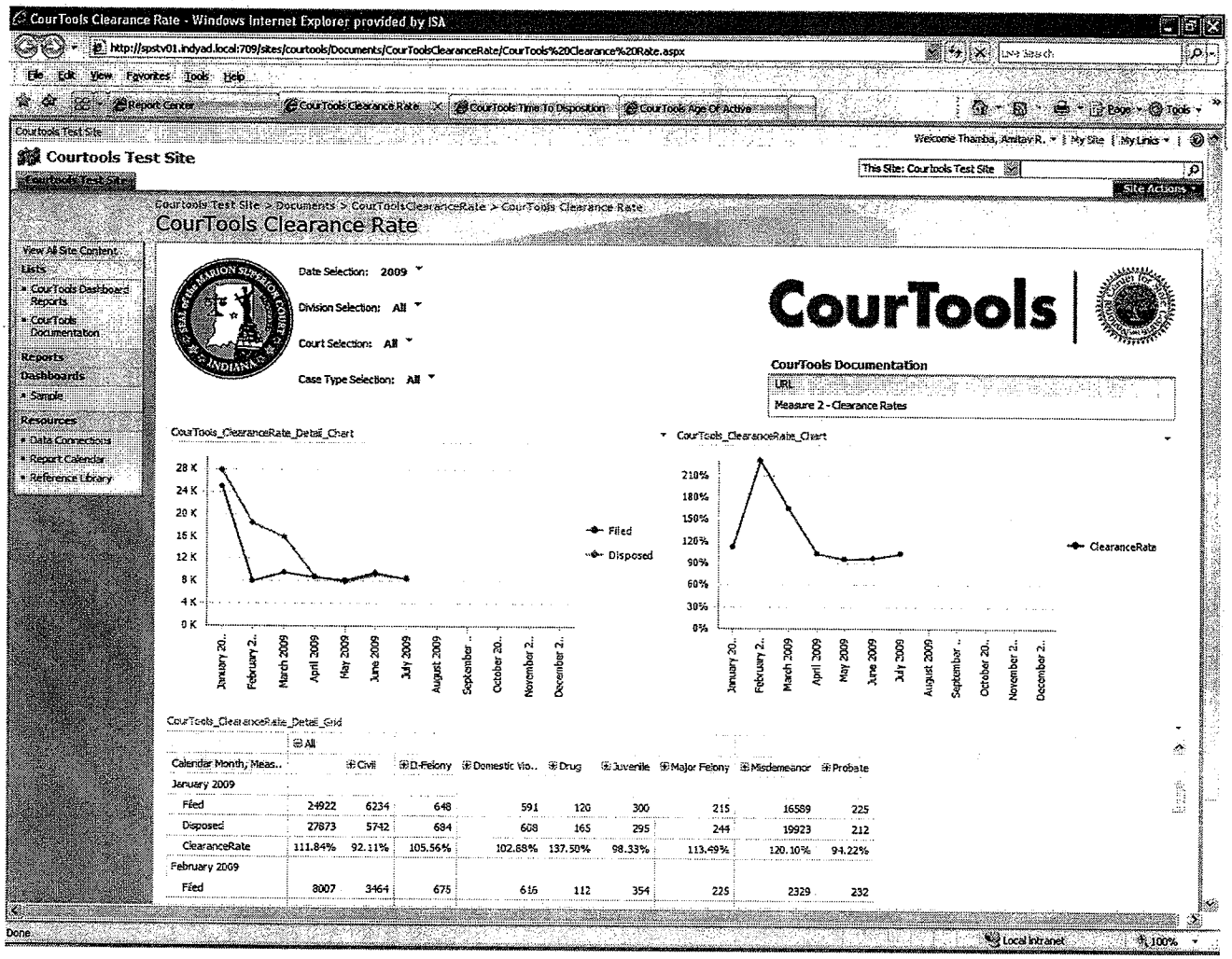
CourTools


CourTools
Measure 3
Time to Disposition
definition: The percentage of cases disposed or otherwise resolved within established time frames.
purpose: This measure, used in conjunction with Measure 2 Clearance Rates and Measure 4 Age of Active Pending Caseload, is a fundamental management tool that assesses the length of time it takes a court to process cases.
It compares a court's performance with local, state, or national guidelines for timely case processing.
CourTools


CourTools
Measure 4
Age of Active Pending Caseload
definition: The age of the active cases pending before the court, measured as the number of days from filing until the time of measurement.
purpose: Having a complete and accurate inventory of active pending cases and tracking their progress is important.
This information helps focus attention on what is required to resolve cases within reasonable timeframes.
CourTools

CourTools

CourTools Measure 2 - Clearance Rate



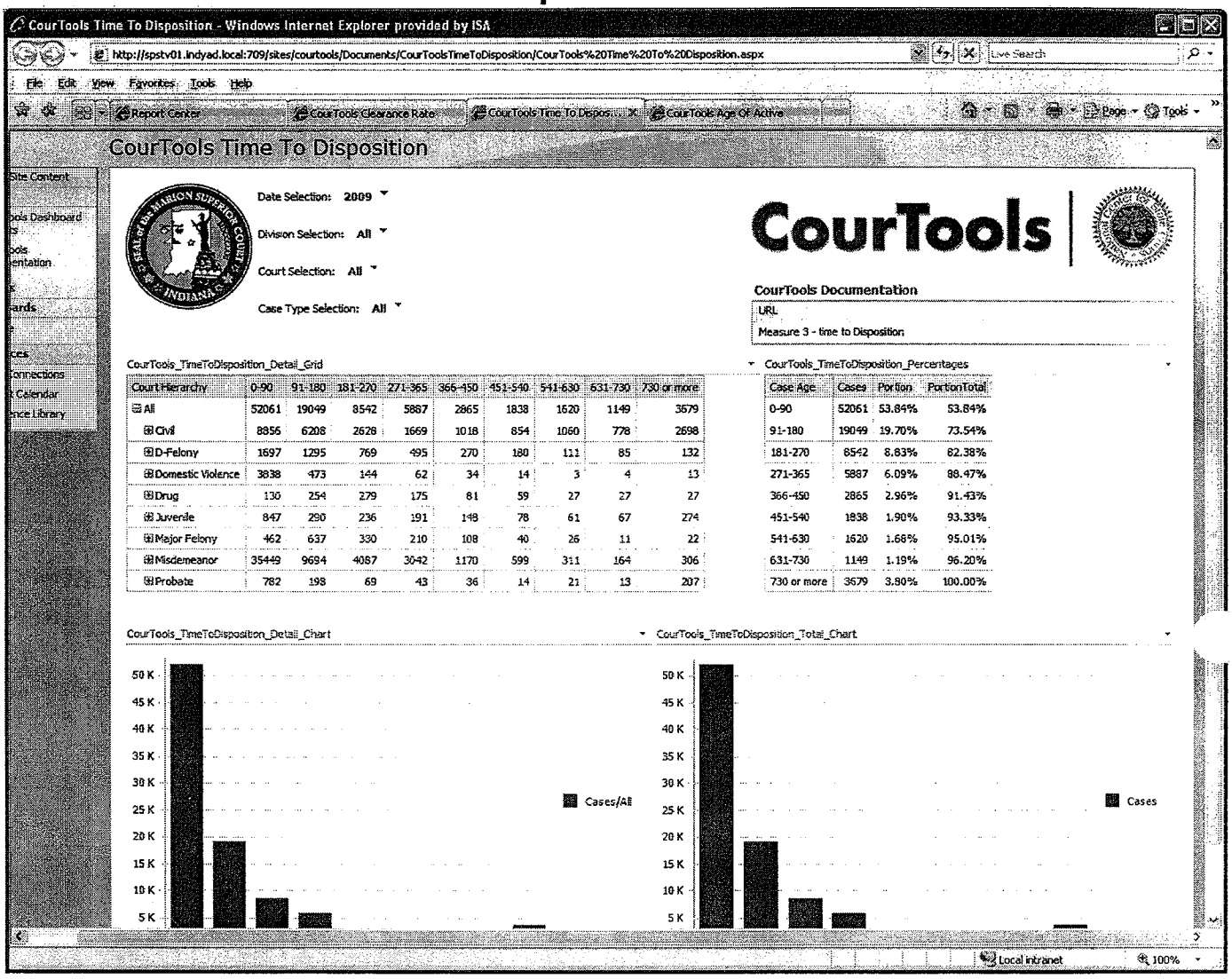
Calendar Month; Meas..	All	Civil	D-Felony	Domestic Vio..	Drug	Juvenile	Major Felony	Misdemeanor	Probate
January 2009									
Filed	24922	6234	648	591	120	300	215	16589	225
Disposed	27873	5742	684	608	165	295	244	19923	212
ClearanceRate	111.84%	92.11%	105.56%	102.88%	137.50%	98.33%	113.49%	120.10%	94.22%
February 2009									
Filed	8007	3464	675	616	112	354	225	2329	232

Detail Chart

This chart displays the comparison between cases filed and cases disposed for specific time periods. This provides the detail filed and disposed counts as well as the calculated clearance rates

CourTools

CourTools Measure 3 – Time to Disposition



Court Hierarchy	0-90	91-180	181-270	271-365	366-450	451-540	541-630	631-730	730 or more
All	52061	19049	8542	5887	2865	1838	1620	1149	3679
Civil	8855	6208	2628	1669	1018	854	1060	778	2698
D-Felony	1697	1295	769	495	270	180	111	85	132
Domestic Violence	3838	473	144	62	34	14	3	4	13
Drug	130	254	279	175	81	59	27	27	27
Juvenile	847	290	236	191	148	78	61	67	274
Major Felony	462	637	330	210	108	40	26	11	22
Misdemeanor	35449	9694	4087	3042	1170	599	311	164	306
Probate	782	198	69	43	36	14	21	13	207

Case Age	Cases	Portion	PortionTotal
0-90	52061	53.84%	53.84%
91-180	19049	19.70%	73.54%
181-270	8542	8.83%	82.38%
271-365	5887	6.09%	88.47%
366-450	2865	2.96%	91.43%
451-540	1838	1.90%	93.33%
541-630	1620	1.68%	95.01%
631-730	1149	1.19%	96.20%
730 or more	3679	3.80%	100.00%

Detail Grid

This grid provides the count of cases organized by the number of days taken to disposition the case, listed by Court.

Percentages

This grid lists the total count of cases organized by the number of days taken to disposition the case, along with computations of the percentage of total, and cumulative percentage across the time categories.

Detail Chart

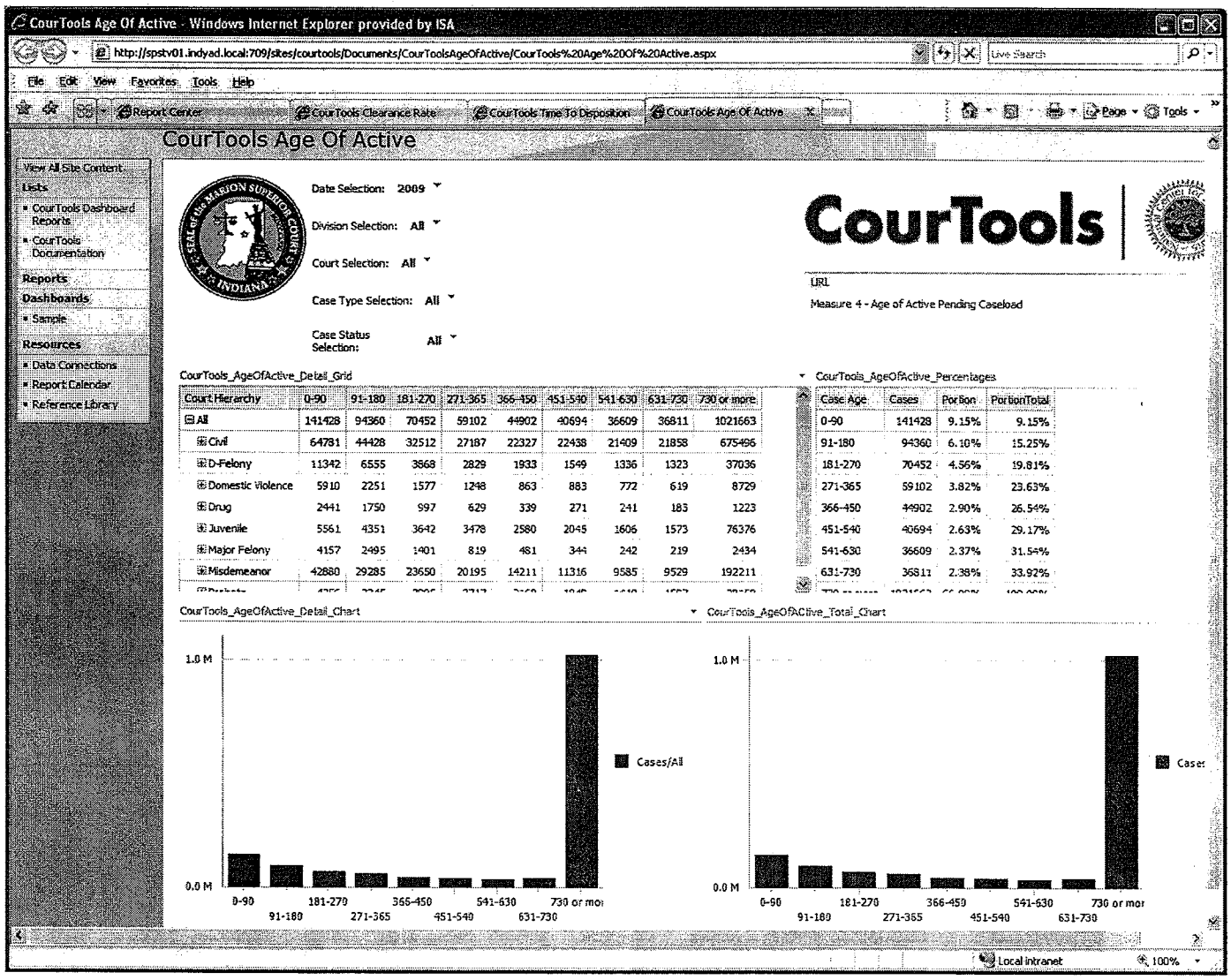
This chart displays the comparison of case counts for Courts within age categories.

Total Chart

This chart displays the overall total counts of cases across the age categories.

CourTools

CourTools Measure 4 – Age of Active Pending CaseLoad



Court Hierarchy	0-90	91-180	181-270	271-365	366-450	451-540	541-630	631-730	730 or more
All	141428	94360	70452	59102	44902	40694	36609	36811	1021663
Civil	64781	44428	32512	27187	22327	22438	21409	21858	675496
D-Felony	11342	6555	3868	2829	1933	1549	1336	1323	37036
Domestic Violence	5910	2251	1577	1248	863	883	772	619	8729
Drug	2441	1750	997	629	339	271	241	183	1223
Juvenile	5561	4351	3642	3478	2580	2045	1606	1573	76376
Major Felony	4157	2495	1401	819	481	344	242	219	2434
Misdemeanor	42880	29285	23650	20195	14211	11316	9585	9529	192211

Case Age	Cases	Portion	PortionTotal
0-90	141428	9.15%	9.15%
91-180	94360	6.10%	15.25%
181-270	70452	4.56%	19.81%
271-365	59102	3.82%	23.63%
366-450	44902	2.90%	26.54%
451-540	40694	2.63%	29.17%
541-630	36609	2.37%	31.54%
631-730	36811	2.38%	33.92%

Detail Grid

This grid provides the count of cases organized by the number of days that the case has been open, listed by Court.

Percentages

This grid lists the total count of cases organized by the number of days that the case has been open, along with computations of the percentage of total, and cumulative percentage across the time categories.

Detail Chart

This chart displays the comparison of case counts for Courts within age categories.

Total Chart

This chart displays the overall total counts of cases across the age categories.

The 10 Core Measures

Access and Fairness 1

definition: Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.

purpose: Many assume that "winning" or "losing" is what matters most to citizens when dealing with the courts. However, research consistently shows that positive perceptions of court experience are shaped more by court users' perceptions of how they are treated in court, and whether the court's process of making decisions seems fair. This measure provides a tool for surveying all court users about their experience in the courthouse. Comparison of results by location, division, type of customer, and across courts can inform court management practices.

Clearance Rates 2

definition: The number of outgoing cases as a percentage of the number of incoming cases.

purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed of in a timely manner, a backlog of cases awaiting disposition will grow. This performance measure is a single number that can be compared within the court for any and all case types, on a monthly or yearly basis, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements can be made.

Time to Disposition 3

definition: The percentage of cases disposed or otherwise resolved within established time frames

purpose: This measure, used in conjunction with Clearance Rates (Measure 2) and Age of Active Pending Caseload (Measure 4), is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing.

Age of Active Pending Caseload 4

definition: The age of the active cases pending before the court, measured as the number of days from filing until the time of measurement.

purpose: Knowing the age of the active cases pending before the court is most useful for addressing three related questions: Does a backlog exist? Which cases are a problem? Given past and present performance, what is expected in the future?

Trial Date Certainty 5

definition: The number of times cases disposed by trial are scheduled for trial.

purpose: A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of calendaring and continuance practices. For this measure, "trials" includes jury trials, bench trials (also known as nonjury trials), and adjudicatory hearings in juvenile cases.

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185
800-466-3063

Copyright © 2005
copies and updates at
www.ncsonline.org/d_research

© 2005 National Center for State Courts

Reliability and Integrity of Case Files

definition: The percentage of files that can be retrieved within established time standards, and that meet established standards for completeness and accuracy of contents.

purpose: A reliable and accurate case file system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions. The maintenance of case records directly affects the timeliness and integrity of case processing. This measure provides information regarding (a) how long it takes to locate a file, (b) whether the file's contents and case summary information match up, and (c) the organization and completeness of the file.

Collection of Monetary Penalties

definition: Payments collected and distributed within established timelines, expressed as a percentage of total monetary penalties ordered in specific cases.

purpose: Integrity and public trust in the dispute resolution process depends in part on how well court orders are observed and enforced in cases of noncompliance. In particular, restitution for crime victims and accountability for enforcement of monetary penalties imposed on criminals are issues of intense public interest and concern. The focus of this measure is on the extent to which a court takes responsibility for the enforcement of orders requiring payment of monetary penalties.

Effective Use of Jurors

definition: Juror yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Juror utilization is the rate at which prospective jurors are used at least once in trial or voir dire.

purpose: The percentage of citizens available to serve relates to the integrity of source lists, the effectiveness of jury management practices, the willingness of citizens to serve, the efficacy of excuse and postponement policies, and the number of exemptions allowed. The objective of this measure is to minimize the number of unused prospective jurors-the number of citizens who are summoned, qualified, report for jury service, and who are not needed.

Court Employee Satisfaction

definition: Ratings of court employees assessing the quality of the work environment and relations between staff and management.

purpose: Committed and loyal employees have a direct impact on a court's performance. This measure is a powerful tool for surveying employee opinion on whether staff have the materials, motivation, direction, sense of mission, and commitment to do quality work. Knowing how employees perceive the workplace is essential to facilitate organizational development and change, assess teamwork and management style, enhance job satisfaction, and thus improve service to the public.

Cost Per Case

definition: The average cost of processing a single case, by case type.

purpose: Monitoring cost per case, from year to year, provides a practical means to evaluate existing case processing practices and to improve court operations. Cost per case forges a direct connection between how much is spent and what is accomplished. This measure can be used to assess return on investment in new technologies, reengineering of business practices, staff training, or the adoption of "best practices."

© 2005 National Center for State Courts

CourTools

Developed by the NCSC Court Performance Community of Practice.

Project Directors: Brian J. Ostrom and Daniel J. Hall
Series Editor: Richard Y. Schauffler
Senior Contributors: William E. Hewitt and Ingo Kellitz
Information Design: Neal B. Kauder
Design and Layout: Graphics 3

© 2006 National Center for State Courts

CourTools

Giving Courts the Tools to Measure Success

Implementing CourTools

Performance measurement can fundamentally change the way courts do business. For performance measurement to deliver its full benefit, it must be integrated with a court's key business processes and day-to-day management. The National Center for State Courts has formulated an implementation process for facilitating direction, conceptual clarity, and systematic method in the development of a performance measurement system.

- **Step 1: Getting Started**
- **Step 2: Review Feasibility & Utility of *CourTools***
- **Step 3: Determine Specificity**
- **Step 4: Apply & Test Measures**
- **Step 5: Review & Interpret Results**
- **Step 6: Use, Refine, & Institutionalize Measures**
- **Implementation Assistance**

To maintain an appropriate sense of proportion in what implementations entails, each step consists of key questions to guide a thoughtful and manageable performance inquiry. Although the steps are laid out in a linear fashion, the process will be iterative in practice. The answers to one set of questions refines and shapes the other steps.

© 2006 National Center for State Courts

Step 1: Getting Started

The first step is deciding exactly what will be assessed, how the measures will be defined, and agreeing on the rationale for gathering of performance related information. Engaging in this activity informs a court of the scope and the kinds of work to be done. As a result, members of the bench and staff have a clear expectation of the overall magnitude of this initiative. A court's leadership team is in a prime position to articulate the appropriate scope, rationale, and level of effort to put a sound performance plan in place.

What does the court hope to get out of performance measurement? Help in assessing the extent to which current activities and programs contribute to meeting our mission and desired outcomes? Do we know where real problems exist? How can we use a performance system to demonstrate improvements?

What are the key ingredients in acheving a successful measurement system? Have we identified the key performance areas to be investigated? How can staff and judges be best involved in the design and implementation of the measurement system? How do we keep the court informed of our progress?

In what ways does the court currently measure its performance? How are the current measures distributed across core performance areas? Is some desired performance information presently unavailable? What work is required to gather missing information?

How does the court expect to use the results? As a means to assess and provide staff with feedback on service quality? To allow for comparisons of performance between court divisions or with other courts? To provide reliable data to the public, funding sources, and other interested observers?

Who is the audience for the results? To whom and how often should results be distributed? At what point will information on the court be available to the public, the media, the bar or anyone interested in the court? Is the information to be available on a court's website?

© 2006 National Center for State Courts

Step 2: Review Feasibility & Utility of *CourTools*

The next step is to review the proposed design, method, and implementation strategy provided in the *CourTools* measures. Using *CourTools* as a firm foundation, a court does not need to invest its limited resources in "reinventing the wheel," especially when the NCSC and others have already made that investment.

How feasible are the ten CourTools measures? Does the court already collect pertinent data? On which measures? How closely do the existing measures compare in form and substance with the *CourTools*? What specific and desired performance information is not available presently? What new measures should be put into place?

How clear are the CourTools? Are the steps provided for the completion of each measure understandable? Are there any perceived gaps, ambiguities, or areas requiring clarification? Does each measure tell how the results are to be interpreted in terms of improvements in policy, procedures and practices?

How are the performance data to be gathered? Do the measures provide sufficient guidance on the precise data to be collected for each measure? The number of observations? Approaches to gauge the statistical significance of the results?

© 2006 National Center for State Courts

Step 3: Determine Specificity

The measures suggested in *CourTools* are general in their definitions of cases, participants in the legal process, and employees of the court. A court needs to decide what degree of differentiation is necessary and appropriate for the results to be useful for internal court management and to be comprehensible to audiences outside the court. The ultimate choice of measurement categories depends in part of the availability of necessary data and the cost of gathering more finely grained data.

What categories of court cases should be used? Should the classification conform to the different possible organizational divisions in a court, such as criminal, juvenile, civil and family law? Are there important case characteristics that should be measured along with case types to take into account case complexity and make the results more understandable, such as offense severity, manner of disposition, and use of mediation or arbitration?

Is desired information supported by the automated data processing system? Do current reports contain the desired information? Do the existing systems provide sufficient detail?

How are participants in the process to be classified in terms of their role, position and legal status? What is the appropriate number of participant categories to be used in the access and fairness survey? Should a court distinguish men from women? Between jurors and witnesses? Between family and friends of litigants? How is the desire for fine distinctions to be reconciled with the time and effort required to collect, analyze and interpret information?

What sorts of distinctions in the types of employees are essential to examine? Is the measure of employee satisfaction relevant only for fulltime workers? Is it important to separate management from staff? If so, how are groups to be defined? What are the best ways to distinguish workers in different court divisions and court locations without compromising confidentiality and validity of responses?

© 2006 National Center for State Courts

Step 4: Apply & Test Measures

The next step is organizing and mobilizing the court's resources to get the work done. The goal is to clarify the division of labor needed to put a system of performance assessment in place. Procedures for planning and preparations for the measures, data sources, data collection methods, analysis, and distribution and use of the measures should be carefully prescribed. Determining who will do what and when and how it will be done provides a clear roadmap for all involved in the business of performance assessment.

A court should try to apply multiple measures simultaneously. Measures cutting across different performance areas or areas of service delivery can be set in motion at the same time so that a court can speak to the question of how well it is serving its multiple goals. This may require some sequencing and phasing in of measures over time as data and logistical issues are overcome. However, choosing to try out only the measures relevant for some pressing problem or only those most easily enacted diverts the initiative from integrating performance assessment into the operational management of a court.

Should a court strive to implement all CourTools at once? Or should the applications be tried sequentially with additional measures added with each subsequent effort? What measures are top priority and why? Does a court want to speak to particular audiences on particular issues with greater urgency than it speaks to other audiences on other issues?

How does the court best coordinate the data collection effort? When and how should the performance data be collected? In what format and on what schedule should the performance information be conveyed and presented?

© 2006 National Center for State Courts

Step 5: Review & Interpret Results

Engaging in this step requires doing the job of analysis, interpretation, and presenting results to the court and its broader community of interested persons, related organizations and institutional partners. Courts need to explore and interpret the results. Managers and court staff need to become familiar with the functions of the performance measures—baselining and benchmarking, trend spotting, problem diagnosis, and operational and strategic planning—for the court as a whole and for their particular area of responsibility.

How are data assembled for presentation? Is the process a manual effort? What automated procedures are suitable for each of the ten *CourTools* measures? How can the compiled information be organized to tell an accurate and compelling story of how well the court is doing?

What do the results say? What is the current performance level? Is perfomance changing over time? What are the acceptable upper and lower boundaries of the particular measure? What are the problems identified by the measure?

How are critical relationships to be highlighted? What sort of presentation will demonstrate the message that the court wants to communicate most clearly to all consumers of the results? How are performance results best put into an appropriate context suitable to minimize misinterpretation of the results? In what ways can the results be tailored in specificity and content for different audiences?

© 2006 National Center for State Courts

Step 6: Use, Refine, & Institutionalize Measures

Performance results achieve maximum utility when they become part of daily routine management. Hence, performance measures will undergo refinement as judges, court managers, and staff adjust the measures to provide results that speak to the ongoing work of the court.

Is the right information getting to the right people? What do court customers like about the form and substance of the performance results? How can those reactions be combined with internal feedback from judges and court staff to refine how performance data are collected, examined, and disseminated?

Does the presentation of performance data effectively communicate the results? Do the results provide evidence of service quality? Does the data allow appropriate comparisons within the court or among other courts? How best to use the information in facilitating continuous improvement?

© 2006 National Center for State Courts

Implementation Assistance

Addressing the questions within the implementation process may lead a court to seek additional help. Individual trial courts should consider asking for the assistance of the state court administrator's office to maximize the experience and knowledge on performance assessment.

Additionally, both individual trial courts and state administrative offices have access to the experience and expertise of the staff of The National Center for State Courts and related consultants. General approaches to performance assessment vary from state to state and court to court depending on local needs and circumstances. However, all performance initiatives require professional crafting to achieve clear, coherent, and comprehensible results. Because the NCSC is in the business of performance assessment both in terms of specific policy evaluation and broader institutional achievement, cooperation between the court community and the consulting arm of the NCSC should further the aim of courts to reach sound, interpretable, and meaningful results.

Considering these questions casts light on what a court needs to decide in putting a performance system into place. Moreover, these questions identify the sorts of experience and expertise a court or a state administrative office might want to consider in implementing more advanced performance assessment plans, methodology and dissemination that logically follow from the fundamental issue of performance and accountability.

Giving Courts the Tools to Measure Success **CourTools**

Contact the National Center's Court Services Division to learn more about implementing **CourTools** in your court.

Call us toll-free at:
800-466-3063
Download a free copy of CourTools at:
www.courtools.org
Send an email to:
courtools@ncsc.dni.us

NCSC
National Center for State Courts

Court Consulting Services
707 Seventeenth Street
Suite 2900
Denver, CO 80202-3429
800-466-3063

Headquarters:
300 Newport Avenue
Williamsburg, VA 23185-4147
800-616-6109
www.ncsconline.org