

Notes from the Field

By practitioners – for practitioners

Notes from the Field is a new section of *Examining the Work of State Courts*, written by court practitioners. These short articles describe noteworthy efforts of courts and Administrative Offices of the Courts to improve the quality, use, and understanding of their data.

The inspiration for this new section was a roundtable discussion on data quality, data management, and utilization and reporting of court data organized by the Court Statistics Project. At this roundtable were representatives from ten state court research/statistics departments, a representative from the Bureau of Justice Statistics, and the information design expert who works closely on all CSP electronic and print publications.

This discussion was a first effort in creating enhanced communication between state court data specialists through the country. Among the common concerns that provided the basis for a rich discussion were

issues related to the implementation of the *State Court Guide to Statistical Reporting*, data validity, training and retaining personnel, and the difficulties associated with accurately and clearly presenting court data to non-technical audiences.

Notes from the Field represents our effort to reach a wider audience in this discussion, to promote the improvement in the quality of court data, broaden the use of sophisticated techniques for reporting that data, and thus enhance the use of court data in court management and policy decisions.

New Jersey Court Statistics: Making Every Picture Tell a Story

Contributed by

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Charts make court data easier to read and digest, but creating data graphics to present data across courts or jurisdictions of various sizes can be particularly challenging. Significant differences in county sizes make it difficult to fairly and accurately compare all courts in a single picture. New Jersey has grappled with this issue in our statistics reporting, since the state's largest county is almost twenty times larger than its smallest. The following exhibits display recent New Jersey statistics and contain easy-to-construct charts that demonstrate how a data presentation can be improved to provide a picture of court activity that accounts for size.

Judges and administrators rely on New Jersey's rich set of trial court data to manage more than one million cases per year. The organizational context of this discussion of statistics can be briefly summarized as follows: New Jersey's state courts are located in its 21 counties. The 21 general jurisdiction courts are supplemented by 534 limited jurisdiction municipal courts. The Administrative Office of the Courts, working under the direction of the New Jersey Supreme Court, is responsible for the administration of the judicial branch throughout the state. New Jersey's combination of strong centralized policy-making and regional governance through its 15 vicinages has proven to be an effective framework for its judiciary.

The foundation of the statistical system is the collection of monthly aggregate reports of filings, dispositions, and pending cases for every county and every case type. Details about filings (new, reopened, reactivated, etc.), disposition types (trials, settlements, dismissals, etc.) and pending (by age of case) are very similar to the categories recommended in the *State Court Guide to Statistical Reporting*. Two specific approaches to understanding court data must be mentioned here. First, in addition to New Jersey expressing clearance as a percentage (clearance percentage) it also reports clearance in terms of numbers of cases (clearance). Second, New Jersey has established time standards by case type, and any case that is not disposed within that time period is classified as "backlog." New Jersey's courts have built a statewide dataset that contains over twenty-five years of monthly snapshots of activity.

In 2006, New Jersey's filings grew by 4 percent, the state achieved a net positive clearance of 2,175 cases, and the backlog decreased by a little less than 1 percent to 22,765 cases. Exhibit 1 displays three side-by-side vertical bar charts for filings, clearance, and backlog by county. The filings chart shows the number of cases for two years. Since the chart includes counties with large differences in filing volume (Essex had almost 150,000 cases and Hunterdon had less than 10,000 cases), the y-axis scale required to fit all courts on one chart makes the differences between 2005 and 2006 almost impossible to see, especially for the small counties. The

clearance chart is easy to read, but the backlog chart has the same problems as the filings chart: it is difficult to see the differences between 2005 and 2006.

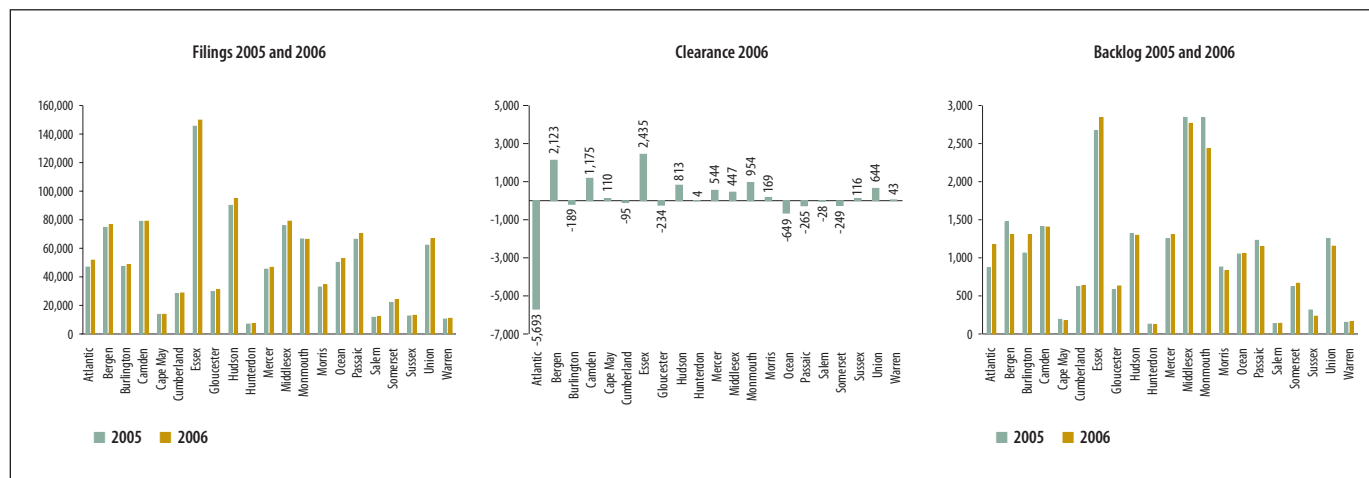
The overall picture in Exhibit 1 is accurate but does not clearly convey the story to the reader. Even though we are interested in the 2006 activity, the filings and backlog charts tell us more about the sizes of the counties than about what is happening within them.

Exhibit 2 (on the following page) improves the presentation by using filings and backlog growth and groups the information by county size, based on filings volume. The new picture provides an expanded view that quickly tells more compelling stories: 1) every medium county grew by at least 1 percent; 2) none of the small counties grew by more than 5 percent; 3) most of the large and small counties cleared their cases while most of the medium counties accumulated cases; 4) most of the large counties reduced backlog in 2006, while most medium counties had backlog growth; 5) Atlantic had the largest filing growth, accumulated the most cases, and had

the largest backlog growth (further investigation revealed this was due to mass tort activity); and, 6) Sussex had modest filings growth, the largest clearance of any small county, and the largest backlog reduction in the state.

Just as charts can be tailored for county size, statistical reports can be tailored for different audiences. New Jersey has many audiences, including trial court administrators, judges, managers, analysts, the Judicial Council, and the Administrative Council. Trial court administrators use a report that focuses on individual counties, with comparisons of performance across time. The Judicial Council (chief justice, assignment judges, presiding judge conference chairs, administrative director, and deputy director) uses a report that focuses on case types, with comparisons of performance across counties. The Administrative Council (trial court administrators and AOC directors) uses a report that focuses on backlog reduction, with comparisons of backlog statistics across time and across counties. Analyses that accompany New Jersey's monthly reports include sets of newly created charts each month. Since the reports are

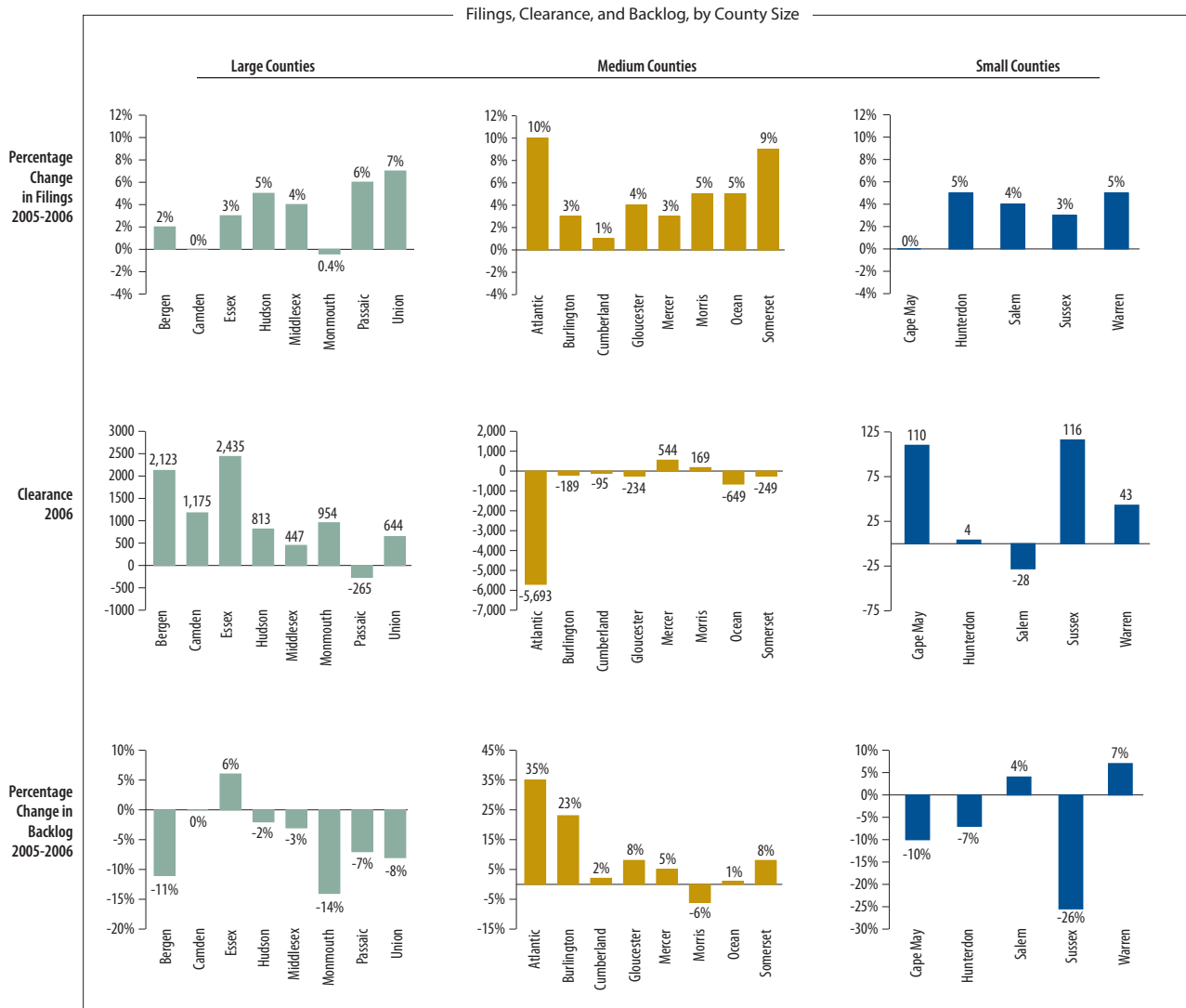
Exhibit 1



designed for specific audiences, the charts are carefully tailored for the audiences. The wide variety of charts that are presented each month with the regular reports allows judges and managers to continue to take fresh looks at the data.

Controlling for county size with the format below is one approach that we use to improve the way we tell important statistical stories to our readers and thus improve court management.

Exhibit 2



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Creating standardized data collection practices in a non-unified court system presents many challenges. The first is to reach agreement among the jurisdictions on what data elements are considered critical, and agree on their precise definition and counting rules. Second, and often most important, is to find funding sources for the agreed-upon standards and technology requirements. In this article we describe the approach taken in Nevada to create a more comprehensive court statistics reporting system and create a statewide data model.

The Nevada judiciary is guided by the Nevada Supreme Court, which oversees nine judicial districts comprising seventeen district courts, forty-two justice courts, and seventeen municipal courts. Each of the trial courts reports their caseload statistics to the Administrative Office of the Courts (AOC). Geographically, Nevada is the nation's seventh largest state, and the area covered by the nine judicial districts is expansive. Las Vegas and Reno, the state's two major metropolitan areas, are separated by more than four hundred miles. Throughout most of the state, trial courts are in rural jurisdictions.

While the Nevada Supreme Court guides the state's judiciary, the judicial system is not unified; all counties and cities provide facilities and staff for the respective district, justice, and municipal courts. District courts function under a hybrid funding system, with the Supreme Court funding the district court judges, while staff and facilities are funded by the county.

In this environment, courts are also responsible for acquisition of their own case management systems, which are used for operational purposes and for reporting caseload statistics for the AOC. A variety of case management systems are currently in use throughout Nevada. Some courts do not have any case management systems (data collection is done manually).

On June 15, 1999, in recognition of the previous difficulties encountered in trying to facilitate statistical reporting by the trial courts, the Supreme Court issued Administrative Docket 295 (ADKT). The intent of that order, as stated therein, was that "sufficient information concerning the caseload of the Nevada Judiciary should be available to the Supreme Court, to the Legislature, to local governments, and to the public." Just two weeks after issuance of the ADKT, the Nevada judiciary began collecting and reporting standardized statistics. The project defined by this administrative docket and the Nevada Revised Statutes is known as the Uniform System for Judicial Records (USJR). Crucial to this project are the data dictionary that defines standards of the data elements collected and the reporting worksheets sent to the AOC on a monthly basis from each court.

Leading into the ADKT, the Supreme Court created a commission to review the technology in use by trial courts throughout the state and their reporting capabilities. Following this assessment, committees were formed to determine and define the appropriate data elements for statewide data collection of

court statistics. This first effort was known in Nevada as USJR Phase I. A separate, related effort was started to bring updated and more efficient technology to many of the Nevada courts, especially those in rural areas. To support local court operations and to promote more consistent and uniform reporting of caseload statistics, the AOC was tasked with selecting a case management system that would be sponsored and supported by the Administrative Office of the Courts. The state selected a vendor and product and offered support to local courts for adoption of the system, promoting the idea that a common case management system would benefit all courts; most courts agreed to adopt this system. The Supreme Court assured the trial courts that adopted this new, state-sponsored case management system that this system would be able to generate the required USJR statistics and that any future changes would be part of the support and maintenance agreement. With the appropriate technology and project management guidelines in place, Nevada began the phased development of its new model for statewide court statistics.

Phase I: Initial Statewide Data Collection

Prior to this standardized collection effort, Nevada had been one of a few states that did not provide comprehensive statistical information for analysis and publication by its own Administrative Office of the Courts or for reporting in the annual publications of the Court Statistics Project of the National Center for State Courts. Before the development of the USJR, only partial civil and family filings data were gathered from the general jurisdiction courts. For Phase I, Nevada trial courts agreed to submit data for caseload inventory (filings) and manner of disposition. These data are collected for each of our four main case categories – criminal (including traffic), civil, family, and juvenile.

As with all data collection projects, the aim to gather consistent, accurate, and comparable data proves to be no easy task. A couple key lessons became apparent shortly

after implementation. The first lesson is that the specification of an appropriate set of case types must be well defined, mutually exclusive, and exhaustive; that is, the case types must allow for the entire caseload to be represented accurately. We soon discovered some deficiencies in our initial data model. For example, we had divided the criminal case category into three subcategories: felony, gross misdemeanor, and misdemeanor cases, with case types of crimes against persons and crimes against property.

What we failed to realize was that we had not provided a reporting option for criminal offenses that person or property case types do not encompass, such as DUI/DWI cases, nor did we provide for a definitive "Other" category. As a result, early in our statewide data collection effort we were forced to choose between leaving a large number of criminal cases uncounted because they did not fit in these classifications, or forcing them up into these classifications but not using the data at this level. Rather than misclassify or omit cases, we chose to simply report in our annual report the gross totals at the highest levels, temporarily sacrificing our ability to make finer distinctions.

Other challenges included distinguishing non-traffic misdemeanors from traffic misdemeanors; these case types had been lumped together simply as criminal misdemeanors. We also faced the problem of defining and counting final dispositions on civil cases, some of which remain without a final disposition for six years or longer as a result of how the cases are processed.¹ Juvenile cases presented a similar set of issues when it was discovered that many jurisdictions processed these cases differently, again resulting in inconsistent counting.

Eventually, as we uncovered and addressed all of these issues, our originally scheduled

¹ In Nevada, judgments can be renewed every 6 years and the case is considered open (although adjudicated) until the judgment is paid or no renewal is received. Phase II modifications are expected to eliminate this final disposition category for the inactive caseload category.

date for phasing in the tracking of case related events and the status of pending cases had passed. Initially, these two enhancements were to be added during Phases II and III, respectively, of the expanded statistics collection. With the publication of the *State Court Guide to Statistical Reporting* (national model) and the growing reliance on USJR data by state and local governmental decision-making bodies, judicial branch leadership felt that Phase II should include both enhancements. A third phase was therefore no longer necessary.

Phase II: Enhancing the State Data Model

To initiate the enhancement of the state data model, the AOC extended invitations to a broad cross-section of judges, court administrators, and court clerks throughout the state to participate in the USJR Phase II Committee (Committee). This broad representation was critical and ensured that courts have a voice in the development of the expanded data model, have a chance to offer insights based on their court operations or case processing practices (where it affects counting), and resolve any inconsistencies in reporting. In this manner, court officials and representatives take ownership of the new standards and instantly become knowledge sources for their colleagues throughout the judiciary.

At the initial Committee meeting in February 2006, NCSC Court Statistics Project (CSP) staff provided invaluable assistance. One of their most useful contributions was a comparison of the national model with the USJR reporting dictionary and reporting worksheets.² Overall, USJR compared favorably in terms of case subcategories for tracking filings and associated disposition types. However, as mentioned previously, our criminal reporting was confined to only a few case types and lacked

much of the depth of the national model (see the table on the following page). The comparison provided great insights into the strengths and weaknesses of USJR.

Following this detailed presentation of the national model, extensive discussion ensued regarding the Phase I data. The Committee decided that the best plan of action would be to divide into subcommittees by jurisdiction and case category. The subcommittees would make the initial determinations for their assigned case category (criminal, civil, family, and juvenile) and propose specific reporting requirements to the Committee. The criminal category was selected as the first to be reviewed by the subcommittees, largely because the reporting in this category was furthest from the national model. The benefits of increased reporting in this category would also be the greatest.

The review process for criminal took about one year, which was not unexpected considering the differences between the two models. During this time, CSP staff at the NCSC received iterative drafts and provided comments and clarifications on specific issues. The end result of applying the national model to the USJR is shown below. Differences between the USJR and the national statistical model are now minor and based on specific requirements of the Nevada Revised Statutes or Supreme Court AOC policies for data collection.

Ultimately, the timing of the NCSC's *State Court Guide to Statistical Reporting* was perfect for Nevada. The publication was released as we were preparing to launch the Phase II effort to expand the data collection and reporting elements. The definition of a national model helped us move more quickly to supplement our initial statewide data collection. By adopting the standards (i.e., counting rules and data definitions) from the national model, the Nevada trial courts will gain greater insights into their caseload and caseflow management practices, and will begin to benefit from being able to compare themselves in a meaningful way with other courts across the state and throughout the country.

² It is important to recognize that regardless of a court's ability to provide statistics electronically, the AOC does not have authority to pull data from a courts database or case management system. This necessitated the creation of worksheets that could be filled in locally and submitted monthly to the AOC.

Previous Nevada Criminal Case Types	NCS State Court Guide to Statistical Reporting Case Types	Revised Nevada USJR Criminal Case Types
Felony Death Penalty Crimes Against Persons Crimes Against Property	Felony Person Domestic Violence Elder Abuse ¹ Property Drug Weapon Public Order Motor Vehicle – DUI Motor Vehicle – Reckless Motor Vehicle – Other Other Felony	Felony Death Penalty Crimes Against Person(s) Domestic Violence Elder Abuse Child Abuse Protection Order Violation Crimes Against Property Drugs Weapons Motor Vehicle – DUI Motor Vehicle – Reckless Driving Motor Vehicle – Other Public Order Other Felony
Gross Misdemeanor Crimes Against Persons Crimes Against Property	<i>Not a Subcategory for National Statistical Reporting</i>	Gross Misdemeanor Crimes Against Person(s) Domestic Violence Elder Abuse Child Abuse Protection Order Violation Crimes Against Property Drugs Weapons Motor Vehicle – Other Public Order Other Gross Misdemeanor
Misdemeanor Non-traffic Traffic	Misdemeanor Person Domestic Violence Elder Abuse Property Drug Weapon Public Order Motor Vehicle – DUI Motor Vehicle – Reckless Motor Vehicle – Other Protection Order Violation Other Misdemeanor	Misdemeanor – Non-traffic Crimes Against Person(s) Domestic Violence Elder Abuse Child Abuse Protection Order Violation Crimes Against Property Drugs Weapons Public Order Other Non-Traffic Misdemeanors Misdemeanor – Traffic Motor Vehicle – DUI Motor Vehicle – Reckless Driving Traffic

¹Elder Abuse will appear as a case type under the Criminal category in a revision of the *State Court Guide to Statistical Reporting* due for release in late 2007.

Process for Implementation

As each Phase II sub-committee completes their review of case types in their assigned case category, the Court Administration Committee of the Judicial Council of the State of Nevada reviews and recommends approval to the Nevada Supreme Court. The Supreme Court has final approval before full implementation. As each case category receives approval from the Court Administration Committee, the related data dictionary and reporting

worksheets for that case category are provided to the courts to begin the process for modification of existing case management systems.

The three remaining case categories (civil, family, and juvenile) will be examined using a process similar to that of the criminal category.

As each case category is revised and approved by the Supreme Court, the AOC will begin training court staff on the data definitions,

case counting rules, and reporting procedures. We expect to present this training on a regional basis to maximize attendance and participation of local court officials and staff. We are also poised to take advantage of opportunities to explain and educate the courts about the content and benefits of the new data model at conferences of judges and court staff.

Lessons Learned

The expertise mobilized by our working committees proved vital to our success. One instance where this was most clear arose when discussing the case types of Nevada's intermediate criminal case subcategory called gross misdemeanors. Most states, and the national model, do not use this designation. The experience of some committee members with law enforcement backgrounds facilitated the identification of criminal offenses in which gross misdemeanor case types were or were not appropriate. In another instance, a limited jurisdiction court staff attorney who had participated in the design of standardized forms for Nevada protection orders used this knowledge to help fine tune the definitions and location of protection order violations. Finally, we benefited from having CSP staff from the NCSC help launch the project and provide review throughout the process. Their participation helped our courts understand the benefits of uniform reporting at the local, state, and national levels.

Plans for Remaining Case Categories

We expect the timeframe for completion for the remaining categories to be shorter, since fewer substantive changes are needed. In addition, many of the committee members have gained experience in the process through their work on the criminal category. We hope to complete the remaining categories of the Phase II project in late 2008 or early 2009.

The effort for the family and juvenile case categories began in summer 2007, following the end of the State biennial legislative session. These general jurisdiction subcommittees have been reassembled and provided an initial

draft proposal by AOC staff, which incorporates the national model into the Nevada model. Family and juvenile working groups will proceed simultaneously, with the aim of completing their work in six to nine months.

Immediately following the conclusion of the work on the family and juvenile categories, modification of the civil case category will begin. Again, review time will likely be minimal due to the committee members' familiarity with the process. For the civil category, we expect this to take perhaps only six months. The final data dictionary and reporting worksheets will be presented to the Judicial Council of the State of Nevada and the Supreme Court for approval. Court staff will receive training before the new forms and data elements are required by the AOC.

Conclusion

USJR statistics have become an excellent tool for demonstrating judicial accountability to the public and to legislative bodies at the state and local levels. Moving forward, these data will also provide the underlying data required for workload assessment and performance measurement for internal court management. Statistical data also provide a solid foundation to enhance or justify budget requests to the local and state legislative bodies. The first annual report of the Nevada judiciary was published in 2000 and was based on the Phase I data model. Even though these data are not as rich as those being developed in Phase II, the subsequent annual reports are often referred to by the Legislature when evaluating bills and budgets. The judicial branch in Nevada is already reaping the benefits of its data improvement effort; an outcome we expect will only be improved upon as we complete the elaboration of our data model and court statistics reporting system.

Good Data Makes for Good Management: The Massachusetts Court Metrics Project

Contributed by

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Trial Court of Massachusetts

The Massachusetts Trial Court initiated a performance measurement project in 2006 known as the Court Metrics Project. The purpose was to improve the administration of justice in Massachusetts through implementing performance measures to manage the courts more efficiently and effectively. The Administrative Office of the Trial Court decided to focus on promoting the more timely and expeditious disposition of cases and adopted four relevant CourTools measures—clearance rate, time to disposition, age of pending caseload, and trial date certainty—and applied these to all seven court departments. Chief Justice for Administration and Management Robert A. Mulligan and the chief justices of the seven court departments provided executive leadership to the project, with guidance and support from the Court Management Advisory Board, consisting of leaders from the business, academic, and legal communities. Implementation and technical assistance oversight was provided by the Court Metrics Working Group, comprised of representatives of each court department. The effort entailed establishing time standards for all court departments, adopting common measures of court performance, setting specific goals for each measure, and publishing regular reports on progress. The full results of this statewide project are reported in “[Enhancing the Delivery of Quality Justice](#)”.

To better understand how Massachusetts approached the Court Metrics project and implemented statewide performance measures, the Court Statistics Project (CSP) asked **Chief Justice Robert A. Mulligan** to respond to the following questions.

The Trial Court went forward with its metrics project prior to the full implementation of the new statewide case management system. Can you explain why you took that approach, and what you learned about your current and future data as a result?

There was considerable discussion at the outset on whether to go forward with the metrics project in advance of the full implementation of MassCourts, our new, comprehensive case management system. MassCourts had been implemented in only one of the seven Trial Court departments—the Land Court. The remaining six departments relied on their own separate legacy computer systems of varying degrees of sophistication.

Some were inclined to delay the implementation of the court metrics project until MassCourts was fully available in all court departments so that we could produce uniform and complete metrics data. However, acknowledging Voltaire’s admonition that “the best is the enemy of the good” (interestingly, also the operating principle of General George S. Patton), we decided to proceed with the court metrics project

and to begin compiling court metrics data in 2006. We made this decision with an understanding of the limitations of the existing legacy systems. While reliance on the legacy systems placed some constraints on an ideal implementation of the court metrics project, the decision to proceed proved fruitful.

In the District Court department, our largest, implementation of the metrics project coincided with the rollout of MassCourts. The convergence of these two developmental efforts created a dynamic synergy that benefited both initiatives. The work on the court metrics project informed the development of MassCourts, serving to improve the final product—especially with respect to reporting capabilities. At the same time, MassCourts provided accurate and systematic metrics data for the District Court when its rollout was completed.

You note in your preface to the Report that this metrics initiative is transforming the culture of the Trial Court. Can you describe the cultural shift that is taking place, and the view of data (i.e., the value of good data and its uses) that is part of that?

The purpose of the metrics project was to improve the quality of justice in Massachusetts by achieving a more timely and expeditious disposition of cases. We had earlier established criminal and civil time standards for all seven court departments. But we realized that the establishment of time standards would be a hollow achievement unless we could measure the extent to which the flow of cases was consistent with the time standards. Fortuitously, the NCSC had just published CourTools and we adopted the four CourTools metrics that

focused on timeliness and expedition as a common set of metrics for all seven court departments. The availability of CourTools was a tremendous benefit because it saved us significant developmental work and ensured that our metrics would be consistent with national norms.

The transformation of the Trial Court culture is associated with the systematic compilation and dissemination of empirical data designed to

measure progress toward stated goals. There is a new sense of accountability and transparency in the Trial Court.

We now strive to formulate policies and make management decisions based on objective data, rather

than intuition or anecdotes. Dissemination of the metrics report throughout the Trial Court and to the Legislature and beyond reflects the new transparency. I believe that this represents a radical departure from our traditional court practice.

We noticed that the quality of the metrics data improved with each quarterly report as we used the information to inform decisions. Departmental chief justices “drilled down” into the metrics database and produced management reports that were more specific than the “dashboard” reports of the Trial Court as a whole. In the area of timeliness and expedition, we began to experience the impact of the adage that “what gets measured gets done.”

“The approach that all Trial Court departments have embraced in this initiative represents a radical departure from traditional court practice. The new approach reflects the commitment to transforming the culture of the Trial Court to ‘a culture of high performance and accountability,’ in which management decisions and policies are informed by performance-based data, rather than anecdotes and intuition.”

Enhancing the Delivery of Quality Justice

Metric 2: Time to Disposition by Court Department, Calendar Year 2006

Court Department	Baseline	Within Time Standard	After Time Standard	Total	% Within Time Standard
Boston Municipal					
Civil	91.0%	37,896	5,394	43,290	87.5%
Criminal	93.0%	31,372	1,657	33,029	95.0%
Sub-Total	92.0%	69,268	7,051	76,319	90.8%
District Court					
Civil	90.7%	59,408	2,234	61,642	96.4%
Criminal	92.0%	130,613	11,231	141,844	92.1%
Sub-Total	93.2%	190,021	13,465	203,486	93.4%
Housing Court					
	44.9%	32,176	70,814	102,990	31.2%
Juvenile Court					
Civil	72.3%	13,172	4,903	18,075	72.9%
Criminal	72.0%	24,943	7,492	32,435	76.9%
Sub-Total	72.1%	38,115	12,395	50,510	75.5%
Land Court					
	39.0%	1,702	1,630	3,332	51.1%
Probate and Family Court					
	76.4%	26,151	9,859	36,010	72.6%
Superior Court					
Civil	50.0%	12,890	11,117	24,007	53.7%
Criminal	28.0%	1,654	3,859	5,513	30.0%
Sub-Total	47.0%	14,544	14,976	29,520	49.3%
Total	78.5%	371,977	130,190	502,167	74.1%

You decided to set some very aspirational goals for each of the metrics. Why did you take that approach? How did you determine how high to set the goal? What were the challenges and benefits of taking that approach?

We wanted to set goals that represented a “stretch” for the Trial Court so that we could have a noticeable impact on the timely disposition of cases. We also wanted to have a common set of goals for all departments. For example, for pending cases beyond the disposition date set by the time standards, we set an ambitious, common goal of reducing the number of cases in that category by 33 percent. Bear in mind that this is a “moving target” because some cases were moving into the “aged” category on a daily basis. For some departments, the number of aged cases was modest; for others, it was considerable; but, for all it was a shared goal of a 33 percent reduction.

We recognized that there was a risk associated with setting such ambitious goals.

The chances of falling short on some of the goals were real and adverse reactions were anticipated. We found that the very exercise of setting and promulgating the goals – goals that were not easily attainable – was a positive process that infused energy into the metrics project. We promoted the notion that falling short of a goal did not constitute failure. And so we set aspirational goals based on our experience and a limited amount of existing data. Incidentally, I would note that we reached agreement on our aspirational goals more readily than we did on our ultimate commitment to full transparency on the final metrics report.

The project was driven in part through quarterly reports of results. Who reviewed and responded to those reports?

An important component of the court metrics project was the production of quarterly reports. These brief statistical reports took

the form of “dashboard metrics” – summary statistics that monitor court system performance at a high level. The quarterly reports provided a common set of information across all court departments on a uniform set of performance measures for the first time in the history of the Trial Court. The departmental chief justices and I reviewed the quarterly reports and discussed the policy implications. These quarterly reports were also regularly reviewed by the Court Management Advisory Board (CMAB), a group of prominent business, legal, and academic leaders, established by statute to assist in improving the management of the courts. The CMAB made many thoughtful suggestions that enhanced the metrics project.

One policy decision that was made after review of the second quarterly report was to place an extra emphasis on the reduction of cases that were beyond the disposition date set by the time standards because we agreed that this was an area of special concern within the Trial Court and beyond. This resulted in a substantial decrease in the number of aged cases in most departments and a striking decrease in some departments. The latter sharp reduction was affected by the effort to identify cases in the system that had actually been disposed earlier, but remained open on docket books. This “cleanup” effort, promoted by the project, resulted in much improved data quality in the affected departments.

We also learned of the interrelationships among the CourTools metrics. The emphasis on reducing the aged cases had a positive effect on that metric and on the clearance rate. But it adversely affected the metric pertaining to the number of cases disposed within the time standards. We found that it is important to take a holistic approach to the four metrics on timeliness and expedition and to consider the four CourTools metrics in combination.

What advice would you give other jurisdictions that are considering undertaking performance measurement in their trial courts?

I well recognize that court systems in other states are different from Massachusetts, and each state has its own issues and challenges to address. So I would not presume to give advice to other jurisdictions.

However, it was important for us to take the leap – to launch the project with the commitment to full transparency without any pilot program or practice period. We recognized that conditions would probably never be ideal and decided to forge ahead. Once we made that crucial decision, and those who work in our system knew that we were committed to it, we experienced excellent cooperation and, indeed, a gratifying commitment to the project by those who toiled in the trenches to make this initiative a success.

The Monan Committee

Convened by Supreme Judicial Court Chief Justice Margaret H. Marshall to “provide an independent perspective on management in the state’s courts and recommendations for improvement” and chaired by Boston College Chancellor J. Donald Monan, S.J. (and popularly known as the Monan Committee), this widely respected group of business and academic leaders crafted a comprehensive blueprint for achieving managerial excellence in the Trial Court. The Monan Committee, while praising the quality of justice delivered, identified the need to “create a culture of high performance and accountability” in the Trial Court – particularly as it relates to the more timely and expeditious disposition of cases.

Spotlight on the Housing Court Department

Although all seven court departments in Massachusetts participate in Court Metrics reporting, it is useful to capture more foundational detail on how Court Metrics evolved by examining one specific department—the Housing Court. The Housing Court is a limited jurisdiction court that has jurisdiction over the use of any real property and activities conducted thereon as such use affects the health, welfare, and safety of any resident, occupant, user, or member of the general public and which is subject to regulation by local and state rules and statutes. This jurisdiction extends to almost all areas that relate to residential housing. For example, the Housing Court has zoning jurisdiction and can address general nuisance problems that may afflict homeowners within a neighborhood. In landlord-tenant matters, the court has jurisdiction over all contracts, torts, and equity matters. The Housing Court Department also has jurisdiction over the Consumer Protection statute and criminal jurisdiction for some misdemeanor and ordinance violations. The following interview with **Paul Burke**, Director of Court Operations for the Housing Court Department, describes the Housing Court's experience implementing Court Metrics.

Massachusetts started its Metrics Project by adopting goals for each of the four measures. How did your management team in the Housing Court decide where to start with those four measures, and which measure did you decide to focus on first?

We looked at the four measures that were chosen by the Chief Justice for Administration and Management Robert A. Mulligan. Once he set the policy and the goals, we brought together the key players from each of our courts within the Housing Court Department, gave them an overview of the project, and asked them to dedicate a certain amount of staff within each courthouse to complete this project.

Anecdotally, we knew here in the Housing Court that we had a number of cases that were still listed as pending but which had in fact been adjudicated, so as a result we concentrated on Metric I, which is clearance rate. We suspected that the cases had not been properly coded as having been disposed, so we began by establishing a clear definition of what disposed means. We concentrated on this measure initially because we thought it would show the most progress.

The Housing Court achieved a 236 percent clearance rate for calendar year 2006, which is clearly exceptional for the reasons that you noted. How did the court managed to clean up that data and achieve that result?

It became a basic, simple process to train people within the courthouses to pull a certain number of cases during the course of each day, review them and go back into the data management system and properly code them. We convinced people that if they did a little bit of work on the cases each day, by the end of the year we would see significant progress. This turned out to be true, and gave people confidence that we could manage this. It also reinforced the idea that, moving forward, they could

ensure our progress by making sure the cases were properly coded.

What was the judges' reaction to the whole performance measurement effort initially and how did you bring them onboard and keep them involved?

Initially I think there was some apprehension. The concern was that we were measuring simply mathematical output of cases, rather than concentrating on the quality of justice. But once they realized that we had set definitive time standards for each case type, and that we did so in a collaborative effort that everybody, including all the judges, had the opportunity to weigh in on, then it became a question of reinforcing that with the clear understanding that there's always going to be exceptions to the rule.

The most important issue there is to make sure that you've got the leadership from on high; and I can tell you that the leadership for the Metrics Project in Massachusetts came from the highest levels. The Supreme Judicial Court Chief Justice Margaret H. Marshall, Chief Justice for Administration and Management Robert A. Mulligan, and our own Housing Court Department Chief Justice Steven D. Pierce all continually reinforced the concept that this was not a one-time deal, this was something that we were going to be looking at for the rest of time.

In 2006 the state-wide goal was to reduce the number of cases pending beyond the time standards by a rather bold 33 percent. How did the Housing Court double that goal?

As I said, that was because we were dealing with many old cases. Quite frankly there was some concern that it wasn't fair to include those cases, but in hindsight I think that was a bold decision by Chief Justice Mulligan and I think it made us pay a little more attention to that entire caseload out there, not just cases filed since the implementation of time standards. It forced us to look at the entire caseload and I think in the long run that's to our benefit.

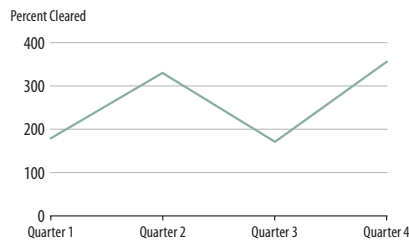
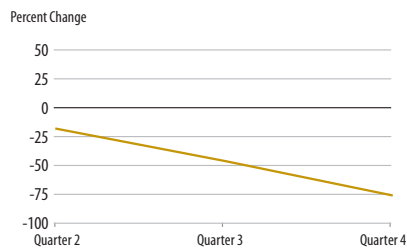
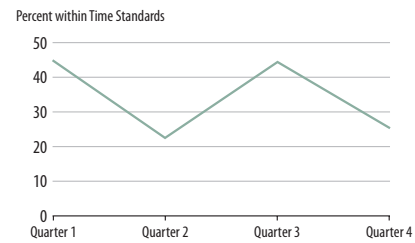
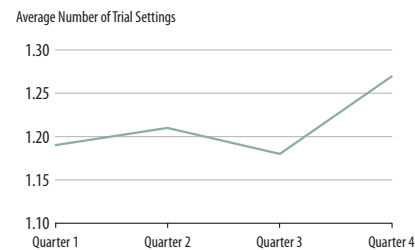
The fourth measure that Massachusetts adopted was trial date certainty. By the end of 2006, the Housing Court had achieved the best ranking on that measure. How did you accomplish that? Did you find that your data allowed you to accurately count these trial settings?

Initially, we found some data quality issues. We found that many of our people weren't necessarily correctly coding cases when they were actually disposed by trial. Once we made that discovery, and we gave some remedial training to people as to how they should properly code these events, the quality of information drastically improved.

As you look back over the calendar year of 2006, how were you able to build and sustain the momentum and keep the judges and court staff informed and involved?

At every opportunity we reinforced the importance of this project. We hold two state-wide conferences of all our key players from our courts and we always made sure that that the Metrics Project was on the agenda. At those conferences we would have representation from the chief justices that I mentioned before, and each one of them always underlined this message.

We also created quarterly reports that showed the progress of each of our courts, in each metric, broken out by each case type. This gave us the ability to identify, by a particular case type, by a particular metric, where areas of concern might be. By producing those reports within a two-to-three week period and sharing them with each courthouse, it gave court staff better than ten weeks in the existing quarter to concentrate on a certain area. And we would go out to each courthouse, review their metrics with them, and decide on the specific area that, for the next eight to ten weeks, they would concentrate on. The other benefit of producing those reports is that it actually produced somewhat of a healthy competitive spirit among the courthouses; they would compete against their colleagues across the state in a particular case type to achieve the best possible results.

Housing Court, Quarterly Summary, Calendar Year 2006**Metric 1: Clearance Rate****Metric 3: Number of Pending Cases Beyond the Time Standards****Metric 2: Time to Disposition****Metric 4: Trial Date Certainty**

The ability to make use of performance measures rests on data that is reliable, consistent, and of high quality. What will be the key to sustaining the kind of progress that you've made with respect to data quality and data definitions?

I think it's important to come up with uniform definitions and to constantly reinforce them with all your people. I can assure you from my perspective that this will be part of our semiannual Housing Court conferences; we will always have something on the agenda to this effect and

"For the first time in Trial Court history, civil and criminal time standards are in place in all departments; common goals and uniform metrics have been adopted for all departments; and systematic performance-based reports are periodically generated for all departments."

Enhancing the Delivery of Quality Justice

we will always reinforce those things that we've already established and reexamine things that may need to be reestablished. This is not static; we will be redefining what time standards should be and reevaluating what our goals should be.

As we move forward to our new Mass-Courts statewide case management system, our hopes are that this will allow us to capture more information to examine our case management practices more closely with additional reports and more detailed breakdowns.

What advice would you give to courts contemplating making performance measurement part of their court management approach?

Don't be afraid. If you continue to come up with excuses as to why this is not the best time to do it, you'll develop those excuses every single quarter, year, and never do it. Jump into it, find out where you are. If you're open and honest and release these reports, people will realize that you're trying to do the right thing. Once that information's available and you can analyze it, make a plan as to how you can improve.