

Trial Court Performance Standards Implementation Profiles

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*The National Center for State Courts continues to collect information on state and local jurisdictional efforts to implement the Trial Court Performance Standards. If you have information about your state's efforts, please contact Pam Casey at (757) 259-1508 or pcasey@ncsc.dni.us.

Trial Court Performance Standards Implementation Process in California

1. Please describe the process your state followed in seeking to implement the Trial Court Performance Standards (TCPS).

In 1995, the Los Angeles Municipal Court's Implementation Committee met for the first time and began a project to implement the TCPS and measures. Los Angeles eventually implemented 48 of the measures. Of the remaining 22, 11 were combined with other measures or used a different methodology, and 11 were omitted.

In 1996, the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committees formed a joint subcommittee to study the Trial Court Performance Standards and make recommendations to the Judicial Council and the AOC regarding implementation of the Standards. Later that year, a workshop was held to give Judicial Council members an overview of the Standards.

In 1997, the Judicial Council of California hosted a conference on the TCPS. The Los Angeles Municipal Court (LAMC) presented information on its experiences with the Standards and measures. The presentation pointed out that implementing the Standards was well worth the effort, and implementation involves the use of significant staff resources and expense.

Following the workshop, a number of smaller courts requested an abbreviated version of the measurement system. Four courts volunteered to participate in an effort to make the Standards more practical for smaller jurisdictions. A streamlined version of the Standards was developed based on a "drill-down" method—courts begin learning about their performance using very broad and easy-to-administer tools, and as time and resources permit, can follow-up with additional measurement.

In 1999, the Judicial Council approved several recommendations related to the TCPS. Among these were to retain section 30 of the Standards of Judicial Administration on the TCPS (see question 2, below), to encourage trial courts to implement the first two levels of the streamlined TCPS measurement system for self-assessment and for guidance in local strategic planning efforts, to have the AOC seek funding for an automated survey system as a means of encouraging courts to implement the streamlined system, and to have the Center for Judicial Education Research explore incorporating education on the TCPS at appropriate training sessions.

2. When did your state formally adopt the Standards?

In 1994, the Judicial Council created the Select Coordination Implementation Committee to, in part, articulate the goals of administrative and judicial coordination and recommend specific measures to improve court operations through administrative and judicial coordination. One of the Committee's recommendations was the adoption of a new

California Standard of Judicial Administration on trial court performance. The TCPS were incorporated into the new standard. The Judicial Council adopted the recommendations of the Committee in January 1995.

3. How long did the process take?

The work of the Select Coordination Implementation Committee took only a few months but benefited from several years of prior work by other committees. A second review of the TCPS was begun in 1996 and completed in 1999 with the Judicial Council's retention of Section 30 of the Standards of Judicial Administration on TCPS.

4. What additional resources were needed to implement the TCPS?

The Los Angeles Municipal Court committed one full-time staff member for almost two years to conduct all of the TCPS measures. An SJI grant helped support the implementation process. The purpose of developing the "streamlined" version of the TCPS was to help courts implement performance measurement that would not require substantial additional resources.

5. What were the three key elements of your implementation process?

Having people on the pilot team that believed in the process and the Standards was critical. All of the participants on the Committee were positive, eager and enthusiastic—there was no need to "sell" the Standards. Their commitment also made it easier to present the final product later.

6. What barriers did you encounter during the process, and how did you overcome them?

The Presiding Judges Committee expressed initial concerns about the Standards. In particular, they were afraid that the results would be used to compare counties.

7. If you were instructing others who are planning a statewide implementation of the TCPS, what would you encourage them to do differently?

No information available

8. In what activities related to the Standards has your state been involved since their adoption?

Although the Standards received an initial positive response from the Court Executives Committee of the Judicial Council, too many other things were going on at the same time so the Standards did not receive much more attention.

9. What are your state's plans for continuing implementation of the TCPS?

No information available

Information drawn, in part, from:

- Anabasis-Straub. (no year). *Implementation & institutionalization of the trial court performance standards (TCPS)*. Los Angeles: Los Angeles Municipal Court.
- Anabasis Straub. (1998). *The essentials of trial court performance: A handbook for California Courts*. San Francisco: California Administrative Office of the Courts. Available on-line at <http://www.courtinfo.ca.gov/reference/documents/handbook-tcps.pdf>
- Kennedy, J. W., & Ohlrich, F. (September 24, 1999). *Memorandum: Implementation of Trial Court Performance Standards*. San Francisco: California Administrative Office of the Courts.
- Kennedy, J. W., Ohlrich, F., & Collier, F. (August 12, 1999). *Memorandum: Implementation of Trial Court Performance Standards*. San Francisco: California Administrative Office of the Courts.
- Select Coordination Implementation Committee. (1995). *Report of the Select Coordination Implementation Committee as amended and approved by the Judicial Council of California*. San Francisco: California Administrative Office of the Courts.

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Trial Court Performance Standards Implementation Process in Delaware

1. Please describe the process your state followed in seeking to implement the Trial Court Performance Standards (TCPS).

The chief judge appointed a steering committee to develop both standards and the measures for the family court. From there, focus groups were created around each of the 5 performance standards to develop standards specifically for the family court. One thing, by way of explanation, is that we took the national trial court performance standards and adapted those for use in the family courts. We wrote a set of standards specifically for the Delaware family courts and we are continuing to work on the measures to go with those standards. We received approval from the judiciary and are now working on ratings measures. We hope to have Family Courts Performance Measures completed by this fall. We are working with Ingo Keilitz who is serving as a consultant to us as we work on this. We felt that it was more appropriate for the family court to have its own standards and measures.

2. When did your state formally adopt the standards?

We did adopt them, but we don't know when. The Family Court Performance Standards (FCPS) were written and adopted in 1999. I would estimate that the court adopted the national measures in 1995.

3. How long did the process take?

For the FCPS process, it took about a year to write and implement these standards. I'm assuming it took about the same amount of time to implement the national standards.

4. What additional resources are needed to implement the TCPS?

The only additional resource was the consultant.

5. What were the three key elements of your implementation process?

The 3 key elements were: commitment by the chief judge and the entire judiciary, commitment by the other 2 branches of government to the process (legislative and executive), and involvement of court staff at all levels of the development of the standards and measures.

6. What barriers did you encounter during the process, and how did you overcome them?

There were some questions as to the utility of the standards and the measures, and we overcame them by increasing their (i.e. judges, court staff, etc.) knowledge of the standards.

7. If you were instructing others who are planning a statewide implementation of the TCPS, what would you encourage them to do differently?

I really can't say I'd do anything differently because I think we learned from other states' mistakes. We've had legislative and judicial commitment.

8. In what activities related to the Standards has your state been involved since their adoption?

As an example, we have worked clearly on the access area by opening what we call resource centers for the self represented litigants coming before the court. We have worked in the expedition and timeliness area by developing management reports to help us evaluate our performance. I believe that the greatest activity we've been involved in is the development of the family court measures. It shows that we are not just saying we believe in the measures, we are actually doing it.

9. What are your state's plans for continuing implementation of the TCPS?

As I've stated, we have written our FCPS. We are in the process of writing and implementing family court performance measures and developing timelines for implementing these measures. We believe that this is a continuing process.

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Trial Court Performance Standards Implementation Process in Johnson County, Kansas

1. Please describe the process your state followed in seeking to implement the Trial Court Performance Standards (TCPS).

The State has not; our Court, the District Court of Johnson County, has. The process was for the standards to be distributed to all Judges (18), discussed in a regular meeting of all judges, and adopted by majority vote.

2. When did your state formally adopt the standards?

The Court adopted them in 1999 or 2000.

3. How long did the process take?

About 12 weeks.

4. What additional resources are needed to implement the TCPS?

Copies of the Standards for the Judges to review, and the time to do it.

5. What were the three key elements of your implementation process?

Information, distribution re the Standards, patient discussion, and a knowledgeable Advocate to promote adoption.

6. What barriers did you encounter during the process, and how did you overcome them?

Judges who could not understand why we should adopt if 1) these were not new to the trial courts and were in fact what trial courts always tried to do anyway, and 2) we were setting standards which could make the courts look bad for failing to accomplish, and 3) cynical judges who seemed to think this was a big waste of time. Overcome by patient discussion, and a statement to the effect that we were adopting them as “goals and objectives” in other words, something to work toward, not something we claimed was present. Since they are aspirational in nature, this was not a problem.

7. If you were instructing others who are planning a statewide implementation of the TCPS, what would you encourage them to do differently?

Groundwork among judges, local and statewide judicial leadership, and have some court(s) selected in advance who are willing and committed to implement them. Also need follow up information distribution re their use and success. This is much the same as Missouri attempted a couple years ago I believe.

8. In what activities related to the Standards has your state been involved since their adoption?

Our local court has done a broad Court Performance Inventory and a follow up to that, a committee to focus on treatment of staff was set up. The committee has adopted several new programs including a newsletter, employee awards, employee training re the court and its departments, staffs, and objectives, etc.

9. What are your state's plans for continuing implementation of the TCPS?

I don't know that Kansas has any plans to attempt to adopt or implement TCPS; it will require an Advocate with time to do so. I think we have a few Advocates of TCPS now, but they all have other professional but non-judicial activities consuming the available time. What really needs to be done is for some national body to keep it in front of the judges and judicial leaders on a regular basis in the form of "Has your (Court) (State) adopted the TCPS, here is what it can do for you." Don't fall into the trap of assuming incorrectly that it has been done once or done before and therefore need not be done again. Nothing could be further from the truth. Adoption of the TCPS with any other change requires judicial leadership, and judicial leadership (Chief Justices and Trial Court Presiding Judges) changes regularly and much more often than we stop to think in many jurisdictions. The first problem is we don't have a national advocate with time and second, we don't have the funding or staff time.

A possible answer which I would suggest and in fact recommend would be for NCSC to identify known supporters and invite them to participate in a phone conference to discuss what can be done with the limited resources we have. It is important to view the TCPS as a foundational step from which most if not all the other changes the NCSC wants to advocate could develop. If the NCSC could take the lead and give clear precedence to nationwide adoption of TCPS relegating all other trial court changes below it, and work hard for say 3 years and at the same time develop a plan for promoting other changes building from the TCPS, we could accomplish a lot. Without funding it is very hard if at all possible for NCSC to do much. On the other hand, NCSC has exceptionally capable leadership at all levels who if asked to carry out this approach with priority to the very best of their finances and ability, I know without a moment's hesitation, that a lot could be accomplished! Start with Bonnie Sudderth AJA Immediate Past President, a TCPS supporter with access to Texas, her Chief Judge Tom Phillips. Bring in Judge Brian MacKenzie a strong supporter from Michigan another state with many judges. There are others, get them involved. Figure out what resources you have and what is the most you can do with those resources giving the TCPS priority over the next three years. Then do it.

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Trial Court Performance Standards Implementation Process in Louisiana

1. Please describe the process your state followed in seeking to implement the Trial Court Performance Standards (TCPS).

In 1997, the Supreme Court of Louisiana authorized the formation of two commissions to develop performance standards for the appellate (1 Supreme Court and 5 courts of appeal) and trial courts of Louisiana (46 trial courts, 50+ parish/city courts). The Commissions each included approximately 13 judges. They reviewed the Appellate Court Performance Standards and the TCPS and modified them to fit Louisiana law and practice.

The resulting appellate standards follow the national standards closely; only minor adjustments were needed. The TCPS were modified more broadly to fit Louisiana practices, in particular to address the heavy judicial reliance on clerks for records, and the physical facilities of courthouses. As a result, the language “the court shall work with other people/agencies” was frequently substituted for “the court shall.”

The Commission recommended the adoption of the Standards in 1997.

2. When did your state formally adopt the Standards?

The modified standards were adopted in 1997 by Supreme Court rule. The measures have not been adopted; they are provided as optional tools.

3. How long did the process take?

The two Commissions (appellate and trial court) reviewed the national standards and modified them over a 9-month period.

4. In what activities related to the Standards has your state been involved since their adoption?

The Trial Court Commission created a pilot program to implement the measures. One court volunteered to implement all the measures. Other pilot courts took selected standards and piloted those.

In 1999, the Louisiana Legislature passed the Judicial Budget Performance and Accountability Act.¹ The Act required the appellate and trial courts of Louisiana to develop a

¹The Louisiana Legislature passed a performance budgeting law that applied to all government agencies—including the judiciary—in 1995. The law required agencies to develop goals and objectives as well as measures that would be associated with the budget process. The legislation also authorized the legislative auditor to conduct performance audits of all agencies based on 12 key points. The Judicial Branch considered the approach a violation of the separation of powers doctrine. In response, the judiciary negotiated with the Auditor from 1996 to 1999. The Auditor eventually agreed that the Legislature should not be directly auditing courts. The Judicial Branch and the Legislative Appropriations Committee agreed that the court system would construct its own plan for incorporating strategic planning into the appropriations process.

strategic plan by December 1999; courts of limited jurisdiction were required to have a plan by 2003. The plans were to be implemented during a five-year cycle.

The strategic (operating) plan is linked to the budget through two mechanisms: (1) performance indicators developed by the court, and (2) an operational plan that is sent to the legislature with the proposed appropriation budget bill. Past appropriations for programs are accepted. Detailed information is provided for new programs that require resources, and for existing programs in which a 50 percent increase in funding is requested.

The Judicial Branch agreed to conduct one performance audit of a judicial branch activity each year. In addition, a Performance Report (http://www.lasc.org/press_room/annual_reports/reports/1999_jp.pdf) that is tied to the strategic plan is produced each year. The Report is prepared for the Supreme Court, and copies are provided to the legislature, governor, and the general public. (In this way, the Judicial Branch is not reporting directly to the Legislature.)

To develop the strategic plans, the AOC turned to the formerly adopted performance standards related to each level of court. Each performance area was identified as a goal and the individual standards became the objectives. The AOC also developed strategies to meet each objective. Using the performance standards allowed the judiciary to account for critical practices that might have been omitted in a legislative plan because the practices could not be quantified. The Standards are not oriented in terms of quantification and avoid a “bean counting” mentality.

The strategic planning process has been underway since 1999. It works because it is integrated into other activities. In the Performance Report, each jurisdiction is reported separately, whether there has been activity or not. Thus the Performance Report serves as a motivator for courts.

The Performance Audits also provide incentives to change. As of 2001, two performance audits had been conducted (ADA and AFSA compliance). Courts that were audited were given specific information on deficiencies and suggestions for addressing them. The reports were sent to all courts (not just those audited) to inform other courts of possible deficiencies and tools to correct them. The audits also provide judicial administrators a platform for acting.

As a result of these efforts, all courts above the justice of the peace level will have performance standards (translated into strategic plans) and will have organized strategies to implement the strategic plan. All courts in Louisiana use the performance standards as the basis for their strategic plans.

The AOC uses questionnaires to gather information from the district/city& parish courts about court activities. The questionnaire serves as another motivator for court action and change. The questionnaire includes both open-ended and directed questions (e.g., how many courts think X is a problem, how many are doing different things?). All courts respond to the questionnaire.

5. What additional resources were needed to implement the TCPS?

The AOC relies on its Outreach Office to do much of the work and has borrowed staff from other parts of the Supreme Court to assist with particular strategies. Additional staff has been brought in for specific assignments.

6. What were the three key elements of your implementation process?

The implementation process worked because it went beyond just adoption of the Standards and provided incentives for courts to focus on the Standards. The strategic plan required by the legislature and resulting reporting mechanisms (e.g., performance indicators, Annual Performance Report, and the Performance Audit) provided the incentives.

The implementation process also included concrete strategies and creative ideas to help courts make improvements related to the Standards. When officials met with court administrators to review the strategic plan, the measures were identified as tools and offered creative ways to use them. For example, empirical measures can help document the existence of specific problems to justify more funding to local government officials. Further, if you use citizens in the measurement process, then additional political possibilities emerge as the citizens can be your champions within local government.

Finally, the process benefited from the involvement of the stakeholders; they had an opportunity to see how the Standards could be helpful to them.

7. What barriers did you encounter during the process, and how did you overcome them?

Following publication of the Standards in the Supreme Court Rules, little activity in implementing the Standards occurred. The lack of interest in the Standards and measures as an improvement tool paralleled that in other court improvement activities (e.g., ADA compliance, Court Improvement projects). The challenge faced by the AOC was how to get courts and judges with heavy caseloads and little staff to engage in the process.

The judges also were very hesitant about the measures. The judiciary in Louisiana is elected (1600+ elected officials in the judicial system), and some were concerned about implementing practices that appear to rate judges. Many of the measures also seemed complicated, and although the AOC attempted to simplify some of them, they remained too demanding for the average court to undertake. Judicial staff available in the vast majority of courts is too few to conduct the measures. As a result, the Judicial Office de-emphasized the measures. The measures were recommended as tools to be used when courts deemed them helpful.

Another barrier to implementation is that courts are very dependent on others to get things accomplished. (For example, in the case of ADA, courts need resources and funding from the government to update buildings for compliance). The judiciary needs to make clear what the problems are and where resources are needed and then use its influence to get other entities

to act. The AOC also reminded judges that there were some modifications within their power (e.g., accommodations in the courtroom), some of which they were not aware. As a result of the strategic plan, the District Courts are adopting a uniform rule on ADA compliance that defines “compliance,” places the burden on the litigant/attorney to ask for an accommodation, and requires clerks to include the information in the summons.

8. If you were instructing others who are planning a statewide implementation of the TCPS, what would you encourage them to do differently?

You need to recognize to determine how to make the TCPS work politically. You also need to be less academic about the Standards and measures. The Standards are relevant and are the basis for improvement. The Standards seek to help courts make continuous improvement. The measures exist to help you do that. If they don't serve that purpose, then don't use them. As courts buy-in to the Standards, over time they will see the value of the measures.

9. What are your state's plans for continuing implementation of the TCPS?

We will continue the process of strategic planning/performance indicators/performance reporting in conjunction with the yearly appropriations bill.

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Trial Court Performance Standards Implementation Process in Michigan and the 52-1 District Court in Novi

1. Please describe the process your state followed in seeking to implement the Trial Court Performance Standards (TCPS).

In 1998, the Michigan Supreme Court created a task force with two major subcommittees to modify the model trial court performance standards. The Legislature indicated its support for the development of Trial Court Performance Standards in the enactment of Public Act 374 of 1996, Section 238. Trial court judges, court administrators, State Court Administrative Office representatives, and research professionals served on the committees.

A project plan with four phases was developed. Phase I included project research, planning and development teams and task force organization. Phase II included development of primary areas and standards. Phase III included development of measurements to complement the performance areas and standards, and Phase IV included implementation and training.

When the development phases were completed, the Michigan standards (which were very consistent with the TCPS) were sent to every trial court judge in the state. However, plans for a two-year intensive orientation and training program for more than 480 trial court judges and administrators were not implemented because of the lack of funding.

Because of its interest in the TCPS, the 52-1 District Court volunteered to begin implementing the standards. The Supreme Court designated it as a pilot court for implementing the standards.

2. When did your state formally adopt the standards?

The state has not formally adopted the Standards.

3. How long did the process take?

The subcommittee reviews of the TCPS took approximately 18 months.

4. What additional resources are needed to implement the TCPS?

No additional resources were provided.

5. What were the three key elements of your implementation process?

1) The task force created by the Supreme Court to modify the national standards. 2) A trial court or courts willing to begin the implementation process. 3) Communication and coordination between this court or courts and the state court administrators office.

6. What barriers did you encounter during the process, and how did you overcome them?

A lack of funds to implement the standards. The District Court has focused on doing one standard at a time and looked for creative ways to carry the Standards out. For example, in area of public trust, instead of hiring a polling firm to ask the public questions about the court, a series of three town hall meetings were conducted. As part of this effort, four different newspapers printed the public opinion questionnaire in their papers. Over three hundred responses were returned at no cost to the court.

7. If you were instructing others who are planning a statewide implementation of the TCPS, what would you encourage them to do differently?

Develop a funding mechanism for implementation. Start small with demonstration courts so that the trial bench can see how the standards can improve matters.

8. In what activities related to the Standards has your state been involved since their adoption?

The 52-1 district court has implemented the following standards: 5.1.3 public perception of court performance; 1.2.1 courthouse security audit; 1.3.5 participation by person with disabilities; 4.3.1 assessment of fairness in working conditions; 4.3.2 personnel practices and employee morale; 5.1.2 justice system representatives perception of court performance. A number of other courts have followed the 52-1 district court's approach to testing public trust and confidence.

9. What are your state's plans for continuing implementation of the TCPS?

For the moment the one pilot court will continue to implement the standards and report to the Supreme Court on its progress.

Information drawn, in part, from:

- *Michigan Supreme Court Report*, 1998, 2(1).
- Michigan Supreme Court, State Court Administrative Office. (1998). *Trial Court Performance Standards Project planning guide*. Lansing, MI: Author.

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Trial Court Performance Standards Implementation Process in North Carolina

1. Please describe the process your state followed in seeking to implement the Trial Court Performance Standards (TCPS).
 - In 1999 the North Carolina General Assembly mandated the North Carolina State Judicial Council to recommend performance standards to the Chief Justice for North Carolina's court system.
 - In 2000, the North Carolina State Judicial Council established the Performance Standards Committee (PSC) to research, identify, and recommend performance standards to the State Judicial Council for its approval and recommendation to the Chief Justice.
 - The PSC studied and received assistance from the NCSC and a national expert on the "Trial Court Performance Standards and Measurement System."
 - Through presentations to the associations of all court officials, overall support from local court officials was solicited and received for the *general concept* of the Standards System.
 - In August 2001, the State Judicial Council approved the recommendations of the PSC for the adoption and pilot testing of the Standards System.

2. When did your state formally adopt the Standards?

In October 2001, Chief Justice I. Beverly Lake, Jr. adopted the Standards System for use in North Carolina and directed the AOC to carry out pilot projects for their implementation.

3. How long did the process take?

Approximately one year.

4. What additional resources were needed to implement the TCPS?

The AOC obtained federal grant funding provided by the North Carolina Governors Crime Commission, and a state grant match funded by the Z. Smith Reynolds Foundation to conduct pilot projects for implementation of the Standards at local and state levels. The grant provides for a full-time planner/administrator for support and oversight of the pilots, and a national expert to facilitate local judicial district pilots.

5. What were the three key elements of your implementation process?

- Leadership: on-going commitment and involvement from the Chief Justice, Judicial Council, the PSC and all local court officials.
- Pilot testing the implementation of the Standards in order to develop a sound approach by which we can measure court performance, identify key areas in need of improvements, establish approaches to implement improvements in those areas, and re-measure on an on-going basis.

- Using the results from the pilots to provide the AOC with the knowledge and experience it needs to learn how to implement the Standards System in future years.

6. What barriers did you encounter during the process, and how did you overcome them?

So far, most of the barriers have been concerns expressed by court officials. Several of their concerns are listed as follows:

- **Concern** about the Standards System focusing on individual performance rather than the performance of the court as a system.

Action taken: The PSC and the Judicial Council members are reassuring the court officials in their local areas that the Standards will be used to measure the performance of the court as a system and not individuals.

- **Concern** about the use and implementation of the Standards.

Action taken: Pilot projects are being conducted to determine the best approach for implementation of the Standards.

- **Concern** that the media would focus only on the court's failures to meet its own Standards and not on its efforts to improve its performance.

Action taken: A proactive public relations campaign is planned for positive promotion of the project.

- **Concern** about the need for and lack of resources to implement the Standards.

Action taken:

- (a) Grant funding was received for pilot projects.
- (b) Community volunteers are being solicited to assist with the statewide pilot.
- (c) Promoting the message that the resources devoted to performance standards will be a good investment in terms of the efficiency and quality gained, thus our budget request will be better documented and more credible, and therefore better funded.

7. If you were instructing others who are planning a statewide implementation of the TCPS, what would you encourage them to do differently?

Nothing at this time.

8. In what activities related to the Standards has your state been involved since their adoption?

Implementation of pilot projects on two related levels. First, pilot testing for the implementation of the Standards system in five individual volunteer judicial districts, and second, pilot testing for the implementation of one or a few of the selected Standards on a statewide basis.

District Pilots: Presently, there are three volunteer judicial district pilot sites participating in the pilot, with two more judicial districts seriously considering volunteering as pilot sites. Also, the AOC is in the process of recruiting a national expert on TCPS to provide technical assistance to local court officials and steering committees.

Statewide Pilot: For statewide pilot testing, the AOC, with the guidance of the PSC, is pilot testing Standard 1.4, which is designed to measure and improve court responsiveness and courtesy to the public. The AOC is implementing a statewide initiative using surveys and observation methods to assess the public's perceptions of court personnel courtesy and responsiveness. The AOC, with input and suggestions from staff and the PSC, developed a survey that will be distributed in all county courthouses statewide. Observation testing methods are also being developed that will be used to observe courtroom activities. This initiative is scheduled to be pre-tested in two or more county courthouses beginning in January 2003, and then implemented statewide in all county courthouses beginning in March 2003. The AOC is also in the process of soliciting community volunteers to partner with the local courts to help with the survey distribution and observation process. By reaching out and involving community volunteers in the project we hope to enhance the public's image of our courts.

9. What are your state's plans for continuing implementation of the TCPS?

The success of our pilot projects will provide the AOC with a sound approach to extend the use of the standards for on-going statewide implementation for years to come. The goal of the Judicial Branch is to become a performance-based court system, promoting the most effective and efficient trial court operations for the public it serves.

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Trial Court Performance Standards Implementation Process in Virginia

1. Please describe the process your state followed in seeking to implement the Trial Court Performance Standards.

Following the demonstration of the Standards and Measures in Virginia (Fairfax County), the Judicial Council of Virginia conducted a study of the Standards for possible adoption. The Standards were reviewed in light of Virginia laws and practices over a 3-month period. Several changes were made, including:

- Standard 1.4 was separated into 2 standards with a separate standard on responsiveness.
- Standard 2.1 was modified to include the voluntary case processing guidelines previously adopted by Virginia.
- Standards 3.2, 3.4, 4.4 and 5.3 were reworded resulting in some substantive changes to add or reduce the issues covered by the Standard.
- Standard 4.5 (Emergent Issues) was deleted.

The Standards were disseminated to all trial courts judges and clerks of court in the Circuit and District Courts of Virginia in July 1996. The Judicial Council did not make compliance with the standards mandatory – implementation is a voluntary process. Information on the measures was made available to the court community through training, but there was not a formal process to implement the measures.

Training activities. Staff of the Technical Assistance Department of the Office of the Executive Secretary (OES) participated in training on the measures. Staff uses the measures as tools when conducting evaluations or providing technical assistance in Virginia courts. (The Technical Assistance Department primarily works with the District Courts in Virginia). The training resulted in the Technical Assistance Department incorporating different pieces of the TCPS package into its regular technical assistance tools.

A day-long training on the standards and measures also was provided to the District Court Clerks through 5-6 regional sessions in 1997. (See more on the results and impressions of training below). The District Court Clerks were targeted for the training because the OES regularly provides training for them. The OES has less opportunity to provide training to the clerks in the Circuit Courts (courts of general jurisdiction) because they are elected and more independent.

2. When did your state formally adopt the Standards?

The Standards (as revised) were adopted by the Judicial Council in March of 1996.

3. How long did the process take?

The process to review each of the Standards took approximately 3 months. The training and other activities of the OES continued from 1996 – 1998.

4. What additional resources were needed to implement the TCPS?

The Supreme Court of Virginia committed resources to conduct training. Virginia was fortunate to have a knowledgeable expert on the Standards already on staff.

5. What were the three key elements of your implementation process?

- 1) General distribution of the Standards to raise awareness
- 2) Educational initiatives
- 3) Technical assistance – The TA Department incorporated them as an on-going tool for its work. OES staff is available to consult with courts that want more information

6. What barriers did you encounter during the process, and how did you overcome them?

The training for the District Court Clerks (see above) came at a time when staff was badly overworked, understaffed and under paid. The clerks generally were not receptive to something that they perceived as adding more work. The training tended to work better with larger courts with greater administrative structure than with smaller courts. The larger jurisdictions more readily saw the management value of the standards and measures.

The overall reaction to the Standards is usually positive. The Standards are seen as clear and sensible; people don't argue with them. Many are critical, however, of the time it takes to undertake the measurement process, particularly in smaller courts with clerks who have not been exposed to the data gathering processes in the past. The concept/process of performance measurement is foreign to them and seen as a burden.

The larger courts were more likely to have a structure that allowed them to work the measures into the things that they were already doing – these courts saw the TCPS as more of a challenge than a burden.

During the District Court Clerks training, the clerks were asked to develop an action plan. Follow-up six months after the training revealed that some clerks had taken some initial steps to talk with people about processes or conduct a survey. The training underscored the importance of disseminating information about the Standards. The clerks brought home ideas that surfaced during the training and implemented them (even if this was short of actually implementing the measures.)

7. If you were instructing others who are planning a statewide implementation of the TCPS, what would you encourage them to do differently?

Consider teams to tailor the measures specifically for their state or jurisdiction. This process helps to achieve the needed buy-in from people in the courts and creates more of a sense of ownership for the Standards and measures within the state.

Tailor the presentation of the Standards and measures to the type of courts that are participating. Give a different presentation to the smaller courts than to the larger courts. It

may not be worth exposing smaller jurisdictions to something that they really can't do – the result is that they are overwhelmed and the “doable” things are lost.

8. In what activities related to the Standards has your state been involved since their adoption?

They have relied on the Standards to support concepts of special projects (for instance to SJI).

The Technical Assistance Department regularly uses the measures in its work (for instance, the surveys are used as models and the facilities checklist is used as part of security responses.)

The Juvenile and Domestic Relations Court in Lynchburg started a process to implement the Standards and measures following the initial training. A guiding coalition was established. The team attended an NCSC 1998 training session in Florida. The court focused initially on the Access Standards. They developed informational brochures and obtained contributions from other agencies to develop an information kiosk. A concurrent statewide initiative to establish Judicial Performance Evaluation put a hold on further activities in Lynchburg as they waited for results from the Virginia study.

9. What are your state's plans for continuing implementation of the TCPS?

The TCPS is incorporated into the routine operations of the OES. The Standards are called upon when it is appropriate.

Knowledge and integration of the TCPS into the work of the OES staff is limited to pockets of people, particularly those with more direct contact with the courts (TA, Planning, Education and to a lesser degree MIS, Legal Research and the Court Improvement Program).

The state has an initiative on caseload management. Staff has conducted extensive training in the J&DR courts and is starting training for the circuit courts. While not specifically a result of the TCPS, expediting case processing is part of the standards and there is now have a major initiative to support this activity.

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