



# Court Performance Measures: “What You Count, Counts!”

By Janet G. Cornell

Court performance measures have been important to courts and court managers for several decades. Consider that our courts have strived to apply time standards, assessed operations against national trial court performance standards, used statistical reporting guidelines, and tabulated information for the National Center for State Courts' *CourTools* areas.

Indeed, it is important for courts to be able to count “what they do.” If a court can produce such data, it will accomplish several things: making the funding authority aware of court workload and utilization of resources; demonstrating accountability and transparency; providing management with tools for policy and strategic decisions; laying foundations for

reengineering; and demonstrating strong court leadership. “What you count, counts!” has been attributed to researchers and philosophers, including Albert Einstein. Well, comprehensive court performance metrics allow a court to demonstrate, “what you count, counts.”

This article suggests practical examples of counting mechanisms, which can be useful to produce and publish data about court operations. Some are simple and some are elaborate. The counting tools are summarized below:

- traditional monthly statistics on cases filed and adjudicated with the court;
- expanded monthly workload measures with month-to-month comparisons;
- use of the National Center for State Courts' *CourTools* measures (with locally applied methodology);

- creation of a counting process to identify "touch points" whereby the court identifies the number of times interactions occur per case;
- a process to count workload times, by action on a case;
- a task inventory project, known as the "bucket list," in which court tasks and work volumes are tallied and assessed; and
- court accomplishments noted and grouped in High Performance Courts strategy areas or quadrants.

Each of the counting mechanisms will be described and illustrated below.

## The Counting Mechanisms

**Traditional monthly statistics** typically provide aggregate, or groupings, of numbers of cases initiated, cases adjudicated, and remaining pending cases at end of the cycle. Usually, the volumes are noted in large counting areas and for predesignated case-reporting areas. Many of us will recognize this format and these categories as ones that courts report on monthly or annually. An example is displayed below:

CRIMINAL TRAFFIC CASES				
	DUI Cases	Serious Traffic Cases	All Other Violations	Total
<b>PENDING 1ST OF MONTH</b>				
Filed				
Transferred In During Month				
<b>SUBTOTAL</b>				
Transferred Out				
Other Terminations				
<b>TOTAL TERMINATIONS</b>				
Statistical Corrections				
<b>PENDING END OF MONTH</b>				

While these are very useful, they only tell a portion of the "court's story" about what has occurred with its caseload. Therefore, let's look at some other ways to provide data.

**Expanded workload measures** relate to court statistics from a variety of operational areas. In the example on page 16, the monthly statistics in selected areas are arrayed and compared month to month, and current month

to last month. Some of the typical counting categories seen in the prior example are used here. But others are included, as well. A variety of categories can be used for these workload comparisons. The counting categories can include such things as cases filed, charges filed, and specific case events that may be pertinent to compare, since they reveal where court work and resources are being dedicated. Some

measures come from case management system statistics, and some derive from manual counting or sampling protocols. This example is from actual court data collected over several cycles, as can be seen by the labels and comparisons.



Measure	Sept-09		Sept-10		Sept-11		Aug-12		Sept-12
		% change from current month		% change from current month		% change from current month		% change from current month	
Criminal Cases Filed-Total	1,090	-13.9%	1,051	-10.7%	1,084	-13.4%	948	-0.9%	939
Criminal Charges Filed-Total	2,859	-42.3%	2,968	-44.4%	2,648	-37.7%	1,742	-5.2%	1,651
Criminal Walk Ins	642	-22.3%	618	-19.3	618	-19.3%	578	-13.7%	499
Warrants Issued	354	-25.1%	369	-28.2%	323	-18.0%	335	-20.9%	265
Criminal Appeals Filed	11	-36.4%	9	-22.2%	8	-12.5%	9	-22.2%	7
Jail Court Cases	323	-21.7%	313	-19.2%	341	-25.8%	375	-8.0%	253
DUI Charges Filed	463	17.7%	596	-8.6%	629	-13.4%	586	-7.0%	545
Civil Charges Filed-Total, Inclu PE	5,299	-12.7%	5,977	-22.6%	5,728	-19.3%	6,375	-27.5%	4,625
Civil Cases Filed-Total, Exclu PE	2,248	65.2%	1,990	86.6%	1,446	156.8%	2,059	80.4%	3,714
Civil Charges Filed-Total, Exclu PE	3,324	-34.1%	2,975	-26.3%	2,342	-6.4%	3,325	-34.1%	2,192
Civil Traffic Filed-Non Photo Enfrct	3,899	-49.9%	3,579	-45.5%	2,702	-27.8%	3,104	-37.1%	1,952
Civil Walk Ins	833	-34.6%	701	-22.3%	806	-32.4%	767	-28.9%	545
Defaults Issued	847	-13.6%	854	-14.3%	964	-24.1%	829	-11.7%	732
Civil Appeals Filed	30	-60.0%	19	-36.8%	24	-50.0%	10	20.0%	12
Photo Enfrct Filings-All Types	1,975	23.2%	3,002	-19.0%	3,386	-28.1%	3,050	-20.2%	2,433
Photo Enfrct-Red Light	717	13.5%	804	1.2%	625	30.2%	993	-18.0%	814
Photo Enfrct-Speed-All Types	1,258	28.7%	2,198	-26.3%	2,761	-41.4%	2,057	-21.3%	1,619
Photo Enfrct-Non Loop 101	1,975	23.2%	3,002	-19.0%	3,386	-28.1%	3,050	-20.2%	2,433
Photo Enfrct Filings-Loop 101	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Parking	239	0.4%	264	-9.1%	371	-35.3%	221	8.6%	240
OP Filed	42	n/a	43	7.0%	49	-6.1%	49	-6.1%	46
IH Filed	36	n/a	40	-42.5%	32	-28.1%	32	-28.1%	23
Search Warrant Issued	42	-40.5%	26	-3.8%	25	0.0%	56	-55.4%	25
Abatements Filed (Emerg)	n/a	n/a	11	-72.7%	6	-50.0%	9	-66.7%	3
Jury Trials Held	8	-12.5%	10	-30.0%	8	-12.5%	8	-12.5%	7
Bench Trials Held	37	10.8%	32	28.1%	35	17.1%	35	17.1%	41
Civil Traffic Hearings Held	284	-49.3%	161	-10.6%	181	-20.4%	157	-8.3%	144
Interpreter Events Held	191	-77.0%	128	-65.6%	137	-67.9%	40	10.0%	44
Lobby Customers # Entering Bldg	12,986	-33.6%	11,503	-25.0%	10,379	-16.9%	9,818	-12.1%	8,626
Incoming Phone Calls-Total	13,233	-10.8%	12,522	-5.7%	12,664	-6.7%	15,176	-22.2%	11,810
QMatic- Customers Served	6,563	-34.3%	5,971	-27.8%	5,674	-24.0%	4,988	-13.6%	4,312
Receipts Issued	9,327	-3.4%	9,364	-3.7%	9,889	-8.8%	10,120	-10.9%	9,014
Written Correspd	3,175	-50.9%	2,325	-32.9%	2,325	-32.9%	2,031	-23.2%	1,560
Fax Correspd	1,429	-22.6%	1,218	-9.2%	1,218	-9.2%	1,512	-26.9%	1,106
EDM Documents	27,367	-14.3%	27,729	-15.4%	27,729	-15.4%	27,364	-14.3%	23,458
Records Requests Filed	n/a	n/a	237	3.8%	264	-6.8%	241	2.1%	246

Note: In the chart above, PE means photo enforcement; Loop 101 means the local photo enforcement (traffic) program; OP means order of protection; IH means injunction against harassment; and EDM means the electronic document management system in use.

*CourTools* is a methodology published by the National Center for State Courts, with the intent to have simple, yet realistic court-based measures to explain the work of courts. Courts have increasingly used these methodologies. Courts have used the measures for several years with success; this example created positive expectations from the funding authority on how the court reported on the utilization of court resources. The chart below provides an example of this use of *CourTools* measures.

Performance Measures	Actual 2010/11	Estimated 2011/12	Projected 2012/13
CourTools © 1: Access and fairness survey	81%	N/A	82%
CourTools © 2: Clearance rates for all cases	109%	107%	107%
CourTools © 3: Time to disposition	98%	98%	98%
CourTools © 4: Age of active pending caseload	98%	97%	98%
CourTools © 5: Trial date certainty	85%	88%	98%
CourTools © 6: Reliability and integrity of case files	95%	98%	98%
CourTools © 7: Collection of monetary penalties	69%	67%	68%
CourTools © 8: Effective use of jurors	34%	35%	35%
CourTools © 9: Court employee satisfaction	87%	82%	85%
CourTools © 10: Cost per court case	\$63.80	\$67.56	\$67.66
(11) Total cases filed per judicial officer	12,703	12,583	12,667
(12) Total cases / charges filed for City Court 104,696	76,220 / 99,905	75,500 / 100,600	76,000 /

National Center for State Courts *CourTools* © performance measures are used. 1) Goal is 85% for overall rating by court visitors answering "Strongly Agree" or "Agree" to survey questions about fairness and accessibility. 180 surveys were received over a 1.5 day sample time frame. 2) Goal is 100%. The Court averages 6,205 incoming cases and 6,659 outgoing cases per month (Clearance rate equals outgoing cases / incoming cases). 3) Standard is 100%. Percentage of cases resolved within established guideline of 180 days. The average age of a disposed case is 60 days. 71% of all cases are disposed within 90 days while 74% of all cases are disposed within 120 days. The Court averages 6,659 outgoing cases per month. 4) Standard is 93% of all pending cases have an age less than 180 days. The average age of a pending case is 4 days. 80% of all pending cases have an age less than 90 days, while 92% of all pending cases have an age less than 120 days. The Court averages about 6,205 incoming cases a month. 5) Goal is 100% of bench and jury trials are held in less than 2 trial settings. The Court averages 39 trials per month with 33 cases, or 82% meeting the criteria (Jury – 3 cases, 60% and Bench – 30 cases, 83%). 6) Standard is 90%. Percentage of cases retrieved within established time frames that met standards for completeness and accuracy. The sample used for this measure was 200 cases (100 pending and 100 closed). 7) Goal 65%. Payments and restitution collected as a percentage of monetary penalties ordered prior to being sent to collection agency. Previous year goal 60%. Sample period Jul – Dec of 2011 with \$2.98 million ordered. 8) Goal is 35%. Goal is measured as a percentage of the total potential jurors available compared to the net actual jurors available. Reports from courts around the nation put the average juror yield between 20-30%. 9) Goal is 85% of court staff answering "Strongly Agree" or "Agree" to workplace satisfaction questions about work environment and relationship with management. 35 surveys were received (out of a possible 57). 10) Goal is \$68.0. Previous year goal was \$70.00. 11) Number of cases filed per judicial officer. 12) Total Number of cases/charges filed for City Court. A single case can have multiple charges.

A process dubbed "touch points" is an additional counting mechanism. The touch points are the events, times, or interactions when the court (including staff and judicial officers) handles or touches a case. It also includes instances when court staff and judges provide official actions for the litigant. Measures used to count the touches include the following:

#### Typical Touch Points Utilized to Measure Court Interactions with Litigants

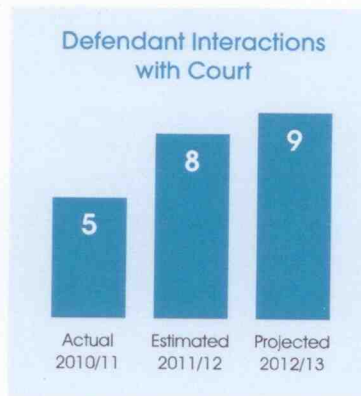
- Security-screening magnetometer to record volume of individuals on site within the court
- Queuing system for on-site customers/defendants served at the court customer counter
- Telephone interactive voice response (IVR) system for volume and time duration per call
- Internet and Web counts of interactions conducted
- Counts of incoming documents, e-mails, faxes, and financial payments submitted to the court
- Case management system docket codes for events and case actions



For this example, the touch-point calculation methodology includes the following:

1. Assume that “touch points” include all transactions during a month—for example, customers appearing in the court on-site, by phone, by document submittal, by financial payment or transaction, by court hearing or trial, and by any court event—including a scheduled case status review, non-appearance court proceeding, or document issuance.
2. Upon receipt of the official monthly statistics, the calculation is performed.
3. Add up the volume of all new incoming charges (or cases) filed that month—for example, criminal, civil, family case, protective orders, search warrants, and petitions for specific court remedy or actions.
4. Add up all volumes for phone calls; on-site visitor numbers; records requests; mail or fax or e-mail requests; payment or financial transaction receipts; queuing-system counts; court dates; walk-ins or ex parte appearances; trials; other proceedings such as hearings in absentia, telephonic hearings, pretrial or trial-readiness conferences; probation violations; jail court hearings, protective order hearings; defaults; appeals; warrants issued; and any continuances ordered.
5. The totals for all interactions in #4 above are the touches required during the month.
6. Divide total touches by total charges or cases filed. The result is the number of touches per month required for an average case coming before the court.

This data set may be simplistic, but it can be useful in determining the volumes of work handled by a court and in equipping the court manager to talk knowledgeably about workloads. Below is a picture of how a court may use the “touch points” data in the budget process and documents. The numbers indicate the volumes of interactions for each single case filed at the court. In this example, the data indicates that the number of litigant interactions is increasing for each case filed. This can cause court management to investigate whether and why the actual litigant requests for court actions are increasing or decreasing, whether the numbers are affected by increases or decreases in the incoming filing volumes, or whether to seek further information about other trends that may be occurring.



**Measuring actual work task times** is also a common way to count what the court does. This is useful when a court is faced with a new type of caseload or new case-processing protocols. Below is an example of how a court could use this type of measure. This example comes from a photo enforcement workload, which was anticipated to create much new work for the court. This process positions the court to consider the task and time needed for case processing, particularly beneficial when resource justification may be required.

Average times for photo-enforcement-case-related activities:

1. Contested hearings—13 to 15 minutes per case in the courtroom
2. Phone calls—2 to 3 minutes per incoming call
3. Correspondence—opening and posting mail and documents—4 to 6 minutes per document handled
4. Judge time in courtroom—4 to 5 minutes, per case
5. Bailiff time in courtroom—6 to 8 minutes, per case
6. Entering “affidavit of service” document—2 to 3 minutes, per document (if not electronically received; if electronic, time would be less)
7. Front-counter customer interaction—3 to 5 minutes if there is no need to scan or save litigant document into the document management system; 5-7 minutes when document scan required by the court staff member

Initial case-filing-document handling was not included in this calculation as it was electronically directed from law enforcement to the court. The photo enforcement example above indicates that some 47 minutes of court staff time are required on a single case, based upon the example case-handling steps used. These data were helpful to determine the number of staff required for the court caseload increase in the photo enforcement program. See also prior articles on photo enforcement operational workload in *Court Manager*, vol. 22, no. 2, and vol. 24, no.4. While the example noted here is on one specific case type, it can be modified to apply to other operational tasks.

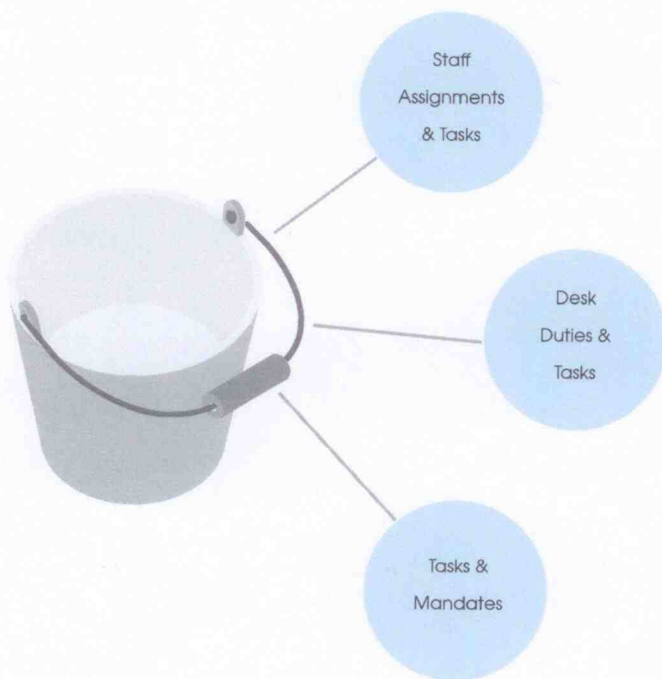
“The Bucket List” project was utilized in the author’s court, first piloted in 2009, and then replicated and expanded in 2011. The objective was to count duties and tasks by court work areas. Essentially, it was an inventory process whereby court staff tasks were identified and grouped by court operational or team assignment areas (the “bucket”). The inventory process and results were assembled into charts and diagrams, with tasks into discreet team areas. The chart below provides a simplified list of how the tasks and duties were categorized. The inventory results could be grouped in different categories (e.g., by staff assignments, by operational area, by mandate, by type of duty, or by some other label beneficial to management).

Court management can use the bucket-list process to assist in task simplification and process reengineering and to identify discretionary time available for other purposes. See a prior

article in *Court Manager*, vol. 27, no. 4, for expanded details on the bucket list.

**The National Center for State Courts’ High Performance Courts Framework** is another methodology to promote information about court operations and workload. Categories used in the High Performance Courts Framework are used in this example: customer service and treatment of participants; innovation and adaption or adjustment to challenges; internal operations and efficient business management; and social value or responsiveness to the community. These categories were used as high-level areas and were combined with notations of accomplishments and operational data. The example below illustrates this combination of court accomplishments with actual *CourTools* data and within the High Performance Courts perspectives.

The objective (of “The Bucket List” Project) was to count **duties and tasks** by court work areas. Essentially, it was an **inventory process** whereby court staff tasks were identified and grouped by court operational or team assignment areas (the “bucket”).





### Customer Perspective: Treatment of Participants

- Customer satisfaction surveys are conducted every two years; the next one will be administered in December 2012 (CourTool #1).
- 85% of the court's bench and jury trials happened within two trial settings or less (CourTool #5).
- 2,462 people reported for jury service, and 552 people were seated on a trial—a juror utilization of 22% (CourTool #8).
- Completed over 380 bench trials in FY11/12, a 4% increase over FY10/11.
- Revised and simplified photo enforcement citation for user ease.
- Enhanced website with new content and functionality.
- Upgraded Queuing system, which includes calling numbers in Spanish and the installation of new lobby monitors.
- Installed new court entry doors including enhancing/improving ADA access.

### Internal Operating Perspective: Managing Efficiently

- Case clearance rate was 107%, which means the court is disposing its cases in a timely manner (CourTool #2).
- Audit determined staff could locate files in less than 1 minute 98% of the time (CourTool #2).
- Conducted the 9th annual staff satisfaction survey to assess work environment quality with an 82% positive rating (CourTool #9).
- The net cost per case for FY 11/12 was \$63.23, a decrease of almost 1% from the previous year (CourTool #10).
- Completed space-planning-needs assessment in preparation for future City bond election.
- Enhanced payment contract processes to expand services and litigant access.

### Innovation Perspective: Adapting to Challenges

- Disposed of 98% cases within 180 days, with the average case being resolved within 60 days (CourTool #3).
- The average age of a pending case was 48 days and as of July 1, 2012, only 435 cases were older than 180 days (less than 3.2% of total caseload) (CourTool # 4).
- Completed technology enhancements—phones and jury software.
- Upgraded hardware for paper-on-demand in courtrooms.
- Resolved 27% more new cases at the initial appearance in jail court with a 15% savings to the police jail cost budget.
- Continued to meet mandated duties through process efficiency, while staying within budget.
- Completed 22,377 audio-dialer calls to litigants, an increase of 114% over prior year.

### Social Value Perspective: Responsibility to the Community

- Collected \$160,025 in victim restitution on 248 cases (CourTool #7).
- Participation in the Regional Homeless Court began in October 2011 resulting in the completion of 2,629 hours of community restitution in lieu of fines to resolve defendants' cases.
- Participation in the Arizona Veteran's Stand Down began in February 2012, resulting in a streamlined process for case resolution for homeless and at-risk veterans.
- Enhanced court-ordered community restitution screening and referrals resulting in 8,388 restitution hours for the community.
- Initiated case analysis and service coordination for defendants diagnosed with serious mental illness.
- Expanded protective order calendar to additional courtroom.
- Participated in local, regional, and national court improvement committees.

## Conclusions

Among the results of using these counting mechanisms were the following:

1. Interest and support from the funding agency and local government leaders for regular updates using the data, indicating an increased understanding of the business of the court;
2. Availability of performance data to understand the work of the court and useful to talk realistically about the court business (to tell the court's story);
3. Greater data accessibility to leaders and decision makers, internally and externally to the court, about what constituted the court workload; and
4. Increased confidence in the court operation and its management, particularly useful in tight fiscal times.

There were some "aha's" from deploying these counting mechanisms. Lessons learned from the process included:

- Court managers should be willing to start small and start somewhere;
- Court management must clearly define the data to be collected to ensure what is acquired and published is what was intended and will be useful;
- Data can be collected from a sampling process, if needed;
- It is important to consider the ability to maintain or sustain the production of this type of data and statistics;

- Court leaders should review websites from other courts to determine the types of data published;
- Management should assess and consider which measures are most important to use, including which measures are key and which will tell the court's story, or which will best serve the court in informing and influencing resources and funding, or in informing the public; and
- Materials prepared on performance metrics are also useful for public records requests or media inquiries on court operations.

Finally, it is suggested that court managers consider these elements when your court either begins the counting or expands upon what may already be in place:

1. Performance measures: What are the key performance categories for your court?
2. Sources: Do you have ways and methods to capture a count for a certain measure? Can you create the counting mechanism needed to produce the measures? What do you already have in place? Have the data already been created or will you need to create new data? Do you have the case management system codes needed? (Code for each case action or event scheduled; calendar event codes, event outcomes, disposition actions, codes for upcoming or future court dates, or codes for upcoming case review, e.g., sentence review date).
3. Data use: What do you need, by way of structure, to use the data? Is it regular management meetings for review and discussion? Is it publication of a report or form on a regular basis?
4. Publication and communication: What channels should you use to promote and disseminate the data or information? Data created are nothing without publication or use. Consider the appropriate dissemination structure or ways to discuss and promote the data or performance measures.

It can be valuable and rewarding for a court to have a "statistical presence," by creating performance measures, sharing them, and demonstrating transparency. Remember, what you count, counts!

## Resource List

- *CourTools*: [www.courttools.org](http://www.courttools.org)
- High Performance Court Framework: <http://www.ncsc.org/Information-and-Resources/High-Performance-Courts.aspx>
- "The Balanced Scorecard: Measures that Drive Performance" (*Harvard Business Review*): <http://hbr.org/product/balanced-scorecard-measures-that-drive-performance/an/R0507Q-PDF-ENG>
- "The Struggle to Measure Performance" (*Business Week*): <http://www.businessweek.com/stories/2006-01-08/the-struggle-to-measure-performance>

### ABOUT THE AUTHOR

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