

# ***PERFORMANCE METRICS AND THE COURTS***

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“Benchmarking isn’t just the hard measure of where someone else is; it’s how they are doing it.”

–former Xerox chief executive David Kearns

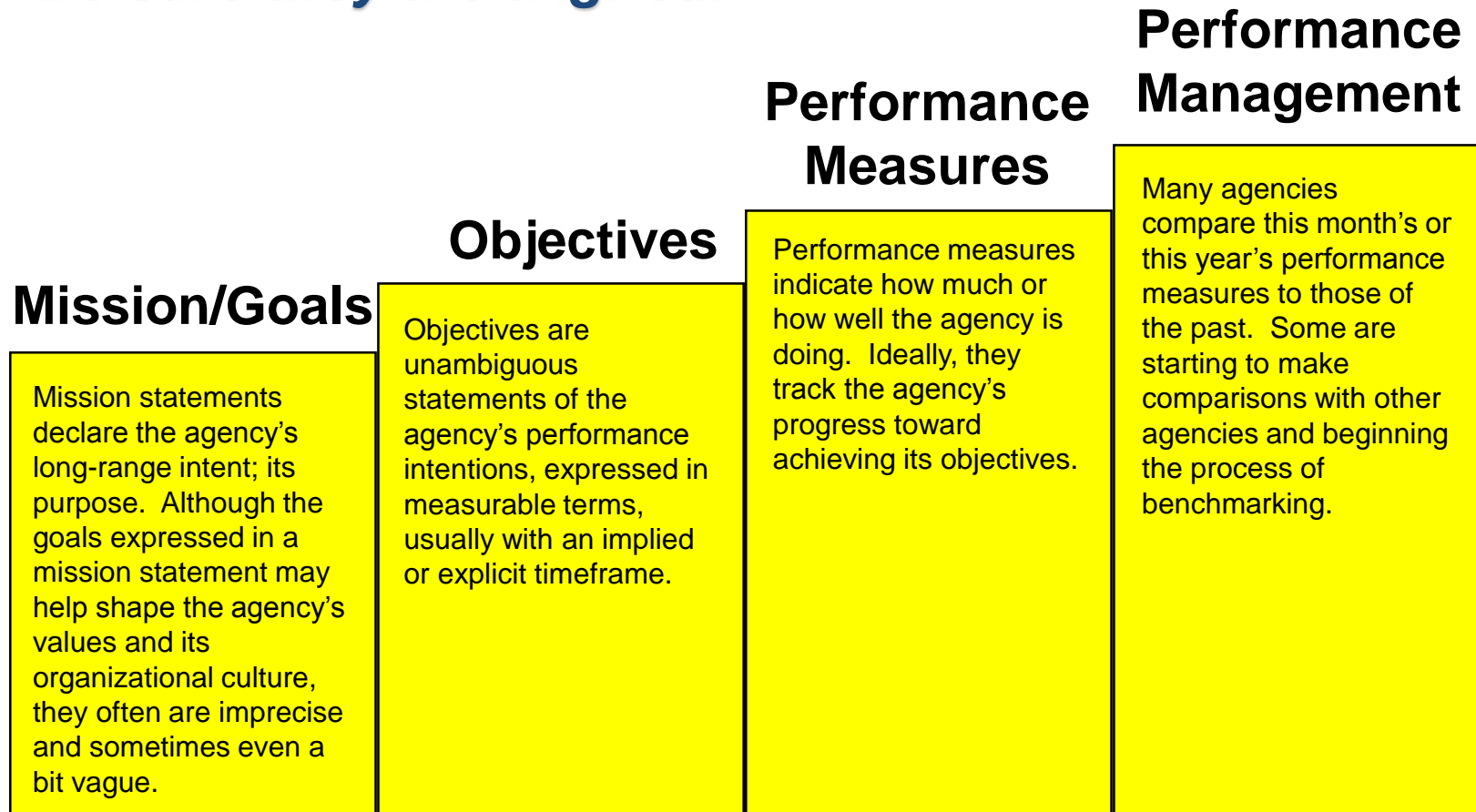
# Accountability

# *Why Measure Performance?*

- Accountability/Communication
- Support of Planning/Budgeting Efforts
- To Motivate Operational Improvement
- Program Evaluation
- Reallocation of Resources
- Directing Operations/Contract Monitoring
- Benchmarking

# Climbing the Steps Toward Performance Management

*Be sure they are aligned!*



# *Performance measurement can...*

- help your work units focus on top priorities
- help you identify performance deficiencies and clarify the need for addressing them
- help you test your strategies to be sure they are working.

- case clearance
- on-time processing
- aging case index (backlog)



# *CourTools*

## Ten Major Dimensions of Performance in Court Operations

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

# CourTools’ “Access and Fairness Survey”

## Access and Fairness Survey

### Section I: Access to the Court

Circle the Number.

1. Finding the courthouse was easy.
2. The forms I needed were clear and easy to understand.
3. I felt safe in the courthouse.

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
	1	2	3	4	5
1. Finding the courthouse was easy.	1	2	3	4	5
2. The forms I needed were clear and easy to understand.	1	2	3	4	5
3. I felt safe in the courthouse.	1	2	3	4	5

### Section II: Fairness

- |   |   |   |   |   |   |     |
|---|---|---|---|---|---|-----|
| 11. The way my case was handled was fair.   | 1 | 2 | 3 | 4 | 5 | n/a |
| 12. The judge listened to my side of the story before he or she made a decision.  | 1 | 2 | 3 | 4 | 5 | n/a |
| 13. The judge had the information necessary to make good decisions about my case. | 1 | 2 | 3 | 4 | 5 | n/a |
| 14. I was treated the same as everyone else.                                      | 1 | 2 | 3 | 4 | 5 | n/a |
| 15. As I leave the court, I know what to do next about my case.                   | 1 | 2 | 3 | 4 | 5 | n/a |

### Section III: Background Information

What did you do at the court today?  
(Check all that apply)

- Search court records/obtain documents
- File papers
- Make a payment
- Get information
- Appear as a witness
- Attorney representing a client
- Jury duty
- Attend a hearing or trial
- Law enforcement/probation/social services staff
- Party to a legal matter

What type of case brought you to the courthouse today?

- Traffic
- Criminal
- Civil matter
- Divorce, child custody or support
- Juvenile matter
- Probate
- Small Claims
- Other: \_\_\_\_\_

How do you identify yourself?

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Other Pacific Islander
- White
- Mixed Race
- Other: \_\_\_\_\_

How often are you typically in this courthouse?  
(Choose the closest estimate)

- First time in this courthouse
- Once a year or less
- Several times a year
- Regularly

What is your gender?

- Male
- Female

# How shall we use our performance metrics?

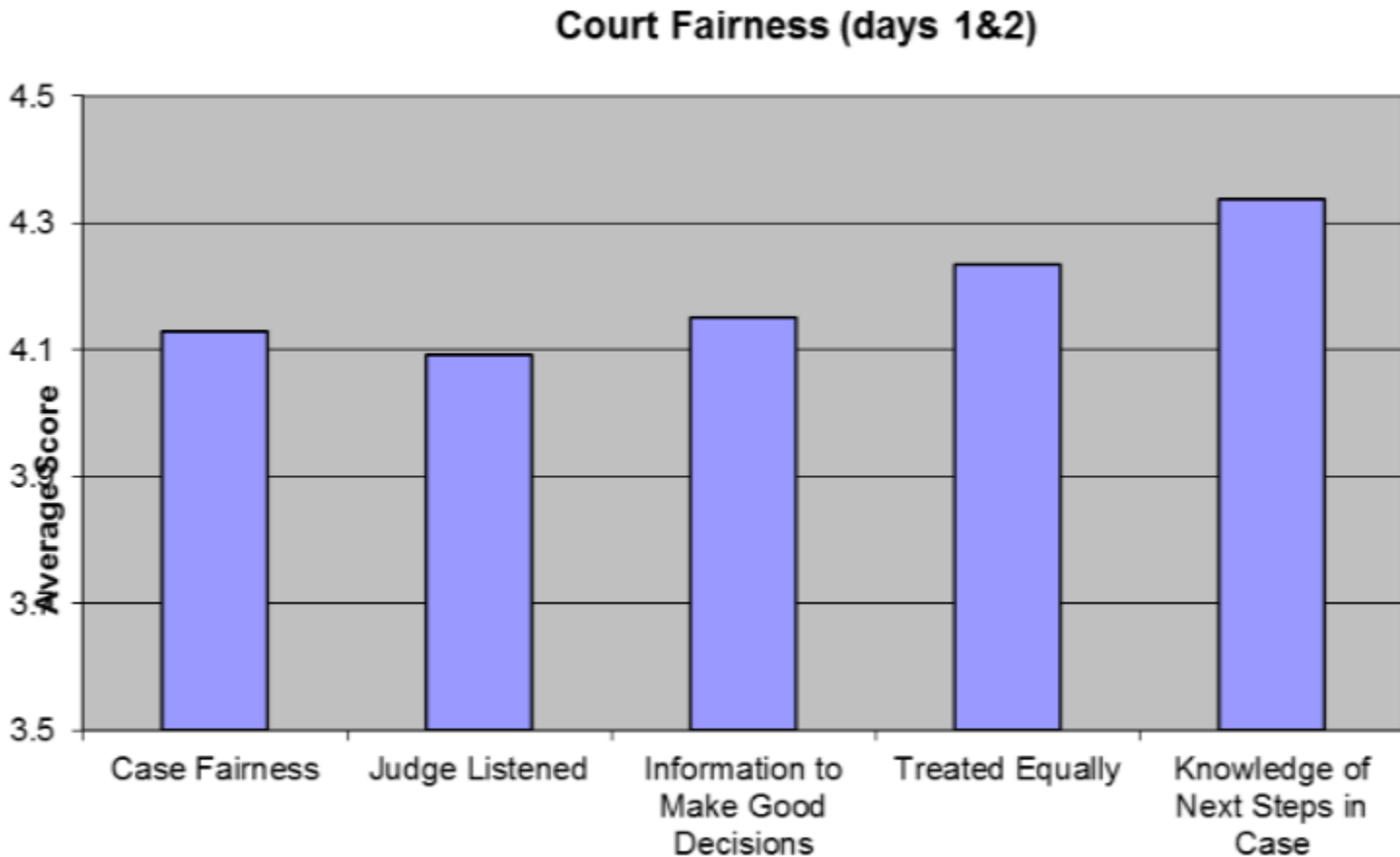
- Accountability only?
- Accountability AND performance improvement?



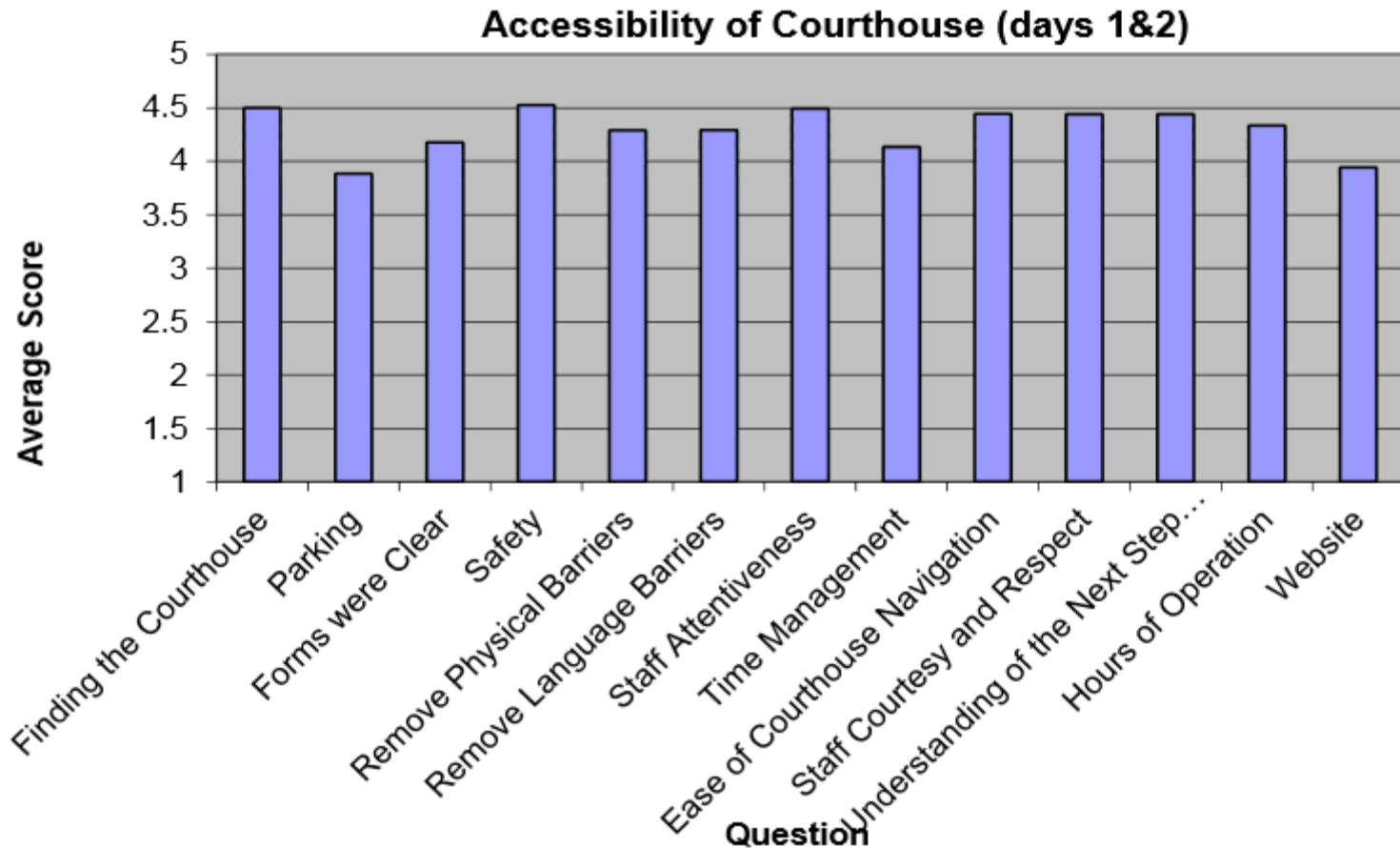
## North Carolina Judicial District 14

# Durham County Courts' Use of *CourTools*

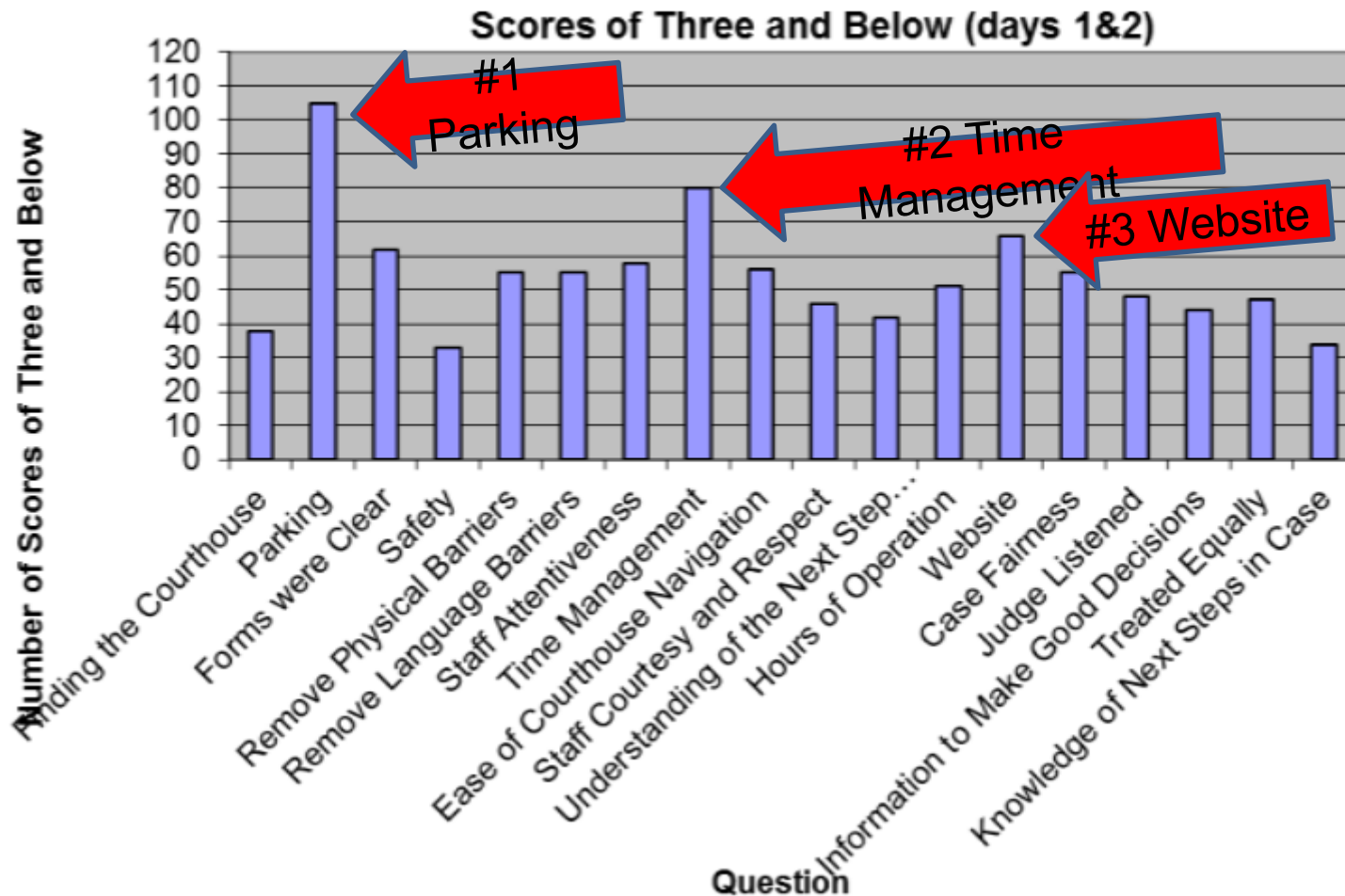
## “Court Fairness”—Average Scores



# Durham County Courts' Use of *CourTools* “Accessibility”—Average Scores



# How many respondents gave “fairness and access” a low score?



# Drilling Down for Details on Juror Utilization Durham County Courts

JUROR UTILIZATION <sup>9</sup> 2015							
	Superior Criminal		Superior Civil		District Civil		Total \$ Spent on Unused Jurors <sup>10</sup>
	Panels Requested	Panels Used	Panels Requested	Panels Used	Panels Requested	Panels Used	
Jan, '15	4	3	1	0	1	0	\$1,080
Feb, '15	9	4	1	1	1	0	\$2,160
Mar, '15	6	3	4	4	1	0	\$1,440
Apr, '15	10	6	0	0	1	0	\$1,800
May, '15	5	4	2	2	1	0	\$720
Jun, '15	8	5	3	1	1	0	\$2,160
Jul, '15	13	8	1	0	1	0	\$2,520
Aug, '15	6	5	2	1	1	0	\$1,080
Sep, '15	7	2	1	1	2	0	\$2,520
Oct, '15	8	4	2	1	0	0	\$1,800
Nov, '15	8	3	3	1	1	0	\$2,880
Dec, '15							
CY 2015 Cumulative	76	44	17	11	10	0	
% of Total		58%		65%		0	
Total \$ Spent on Unused Jurors <sup>11</sup>		\$13,320		\$2,880		\$3,960	\$20,160





## North Carolina Judicial District 19A

# Lessons from Durham, Cabarrus, and Elsewhere

- Performance measurement can work; and it works best with a feedback loop.

“People measure things that matter...or maybe things matter because they are measured.”

–Jim Drennan, as cited by Judge Marty McGee

“Making a metric known is probably going to affect behavior.”

–Judge Marty McGee

“What gets measured gets done.”

“You get what you measure and reward.”

# Lessons from Durham, Cabarrus, and Elsewhere

- Performance measurement can work; and it works best with a feedback loop.
- Performance measures must be valid, actionable, and focused on important dimensions of performance.
- Systematic performance measures often confirm the impressions we hold; but sometimes measures correct our misperceptions.

# Lessons from Durham, Cabarrus, and Elsewhere (continued)

- Performance strategy sessions are important.
- Performance management works best at the program level, pursued by committed professionals.
- Technology is important, but commitment to data-driven decisions is even more important.

“Modern realities and budgetary concerns demand that our courts function in a manner that demonstrates effective and efficient stewardship of the resources entrusted to us.”

--Chief Justice Mark Martin, addressing the North Carolina Commission on the Administration of Law and Justice, September 30, 2015

# Suggestions to the Commission

- *Consider the development and use performance measures for management purposes as well as accountability.*
- *Consider the adequacy of current and prescribed metrics.*
  - Are the dimensions of court operations addressed by CourTools and AOC measures important dimension of performance? Are they the most important dimensions?
  - Are there gaps in the measures prescribed by CourTools or in the measures being collected by the AOC?
- *Discontinue the collection of any measures having no value or use.*

# Suggestions to the Commission

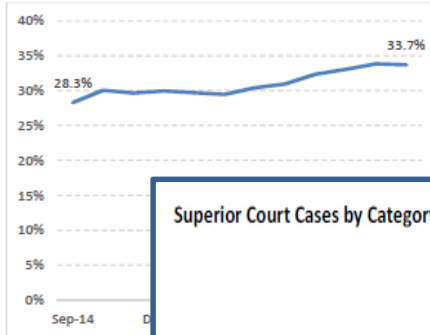
(continued)

- *Make the information needs of court officials a high priority.*
- *Consider the adequacy of the system by which measures are collected, compiled, and distributed.*
  - Does the system for collecting, compiling, and distributing performance information maximize efficiency and ease of access and use?
  - Are measures and data provided in a format most usable for management purposes?



**SUPERIOR COURT**

**On-Time Processing Standard**  
Percent of Cases Meeting Timeliness Standards



**Aging Case Index**  
Percent of Pending Cases Past Ultimate Time Standard



**Percent of Cases Meeting Final Deadline**  
Percent of Disposed Cases Meeting Final Time Standard

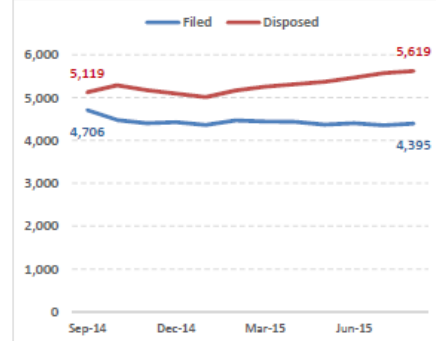


Operations  
Dashboard for  
Cabarrus  
County  
Superior  
Court—  
Timeliness and  
Caseload

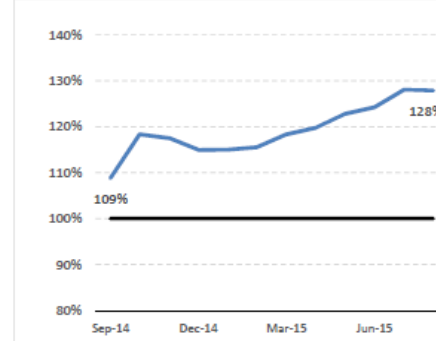
**Superior Court Cases by Category**

Case Category	Filed	Disposed	Pending at End of Period	Case Clearance Rate	Average Monthly Rates			
					On-Time Process	Aging Case Index	Meeting Completion Standard	Standard for 100% Completion
Superior Court								
Civil	3,100	3,839	243	124%	77%	9.2%	84%	730 days
Misdemeanors	870	732	51	84%	106%	6.8%	95%	545
Misdemeanor Appeals	5,786	7,431	396	128%	27%	33.9%	27%	180
Murder	60	82	15	137%	0%	12.0%	57%	730
Other Felonies	17,841	22,691	1,084	127%	61%	13.7%	74%	545
Estates	12,987	13,791	1,063	106%	0%	21.3%	86%	730
Special Proceedings	12,576	14,857	554	118%	0%	4.8%	95%	730
<b>Superior Total</b>	<b>53,220</b>	<b>63,423</b>	<b>3,406</b>	<b>119%</b>	<b>31%</b>	<b>15.1%</b>	<b>77%</b>	

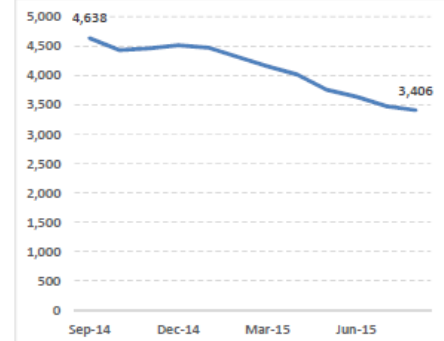
**Superior Court Cases by Month**



**Superior Clearance Rate by Month**



**Superior Pending Cases by Month**



Highlighted timeliness standards are those in the lowest quartile (red) or second lowest quartile (yellow), both below the median performance level for timely completion of cases.

Highlighted clearance rates are those above 100%. Clearance rate is Disposed/Filed.

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supplied data.

# Suggestions to the Commission

(continued)

- *Make the information needs of court officials a high priority.*
- *Consider the adequacy of the system by which measures are collected, compiled, and distributed.*
  - Does the system for collecting, compiling, and distributing performance information maximize efficiency and ease of access and use?
  - Are measures and data provided in a format most usable for management purposes?

