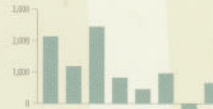
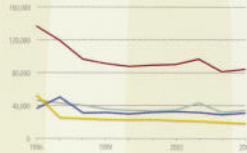


Examining the Work of State Courts

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

Contributed by

Robert A. Mulligan, Chief Justice
Administration and Management
Administrative Office of the Trial Court

Paul Burke, Director
Court Operations for the Housing Court Dept.
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 CourtTools 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. Fortunately, 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.

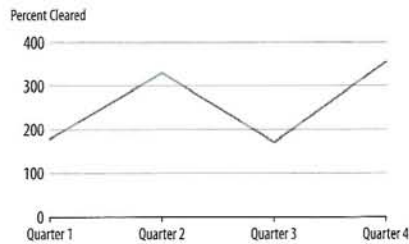
As you look back over the calendar year of 2006, how were you able to build and sustain the momentum and keep the judges and court staff informed and involved?

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.

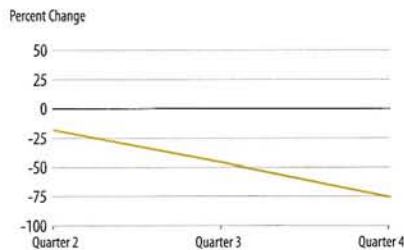
We also created quarterly reports that showed the progress of each of our courts, in each metric, broken out by each case type. This gave us the ability to identify, by a particular case type, by a particular metric, where areas of concern might be. By producing those reports within a two-to-three week 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



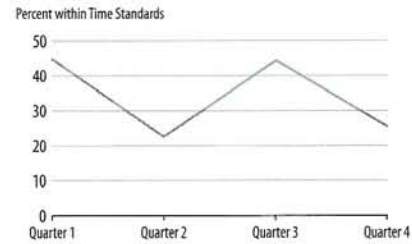
The ability to make use of performance measures rests on data that is reliable, consistent, and of high quality. What will be the key to sustaining the kind of progress that you've made with respect to data quality and data definitions?

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

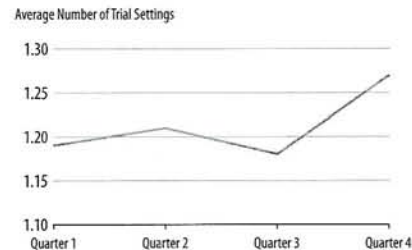
"For the first time in Trial Court history, civil and criminal time standards are in place in all departments; common goals and uniform metrics have been adopted for all departments; and systematic performance-based reports are periodically generated for all departments."

Enhancing the Delivery of Quality Justice

Metric 2: Time to Disposition



Metric 4: Trial Date Certainty



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.