

Trial Court Performance Measures

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The private sector has long been engaged in the pursuit of quality. We've become acquainted with terms such as quality assurance, continuous improvement, and total quality management. Many companies and corporations have divisions within their organizational frameworks devoted to the production of quality – not

only in their products but also in their business processes and operations.

Workers who do "quality control" define standards of acceptable performance and then measure the extent to which the organization complies with those standards. Compliance with the standards is a bench mark used by the organizations to measure quality.

It seems as though the public sector usually plays catch-up to the private sector when it comes to benchmarking quality as a measure of performance. But as far as the courts are concerned, the National Center for State Courts (NCSC) has long been an advocate of performance measures to help courts "focus attention on performance, self-assessment, and self-improvement."

Years ago the NCSC adopted trial court performance measures and actively promoted them for use by trial courts so the courts could assess their performance, relative to the measures, across any number of processes, functions or operations. As stated on the NCSC's Web site, the measures relate to five areas of court performance – access to justice; timeliness of justice; equality, fairness and integrity; independence and accountability; and public trust and confidence.

Within each of these areas specific performance measures have been adopted. The measures help courts generate and evaluate data from which to draw conclusions as to the performance of a division, function, operation, process, etc., and whether the courts should focus attention on them to improve their effectiveness.

Perhaps the best way to determine if improvements are needed is to establish a baseline against which future performance may be evaluated. Qualitative and quantitative data can be compiled and analyzed to help administrators and managers measure the performance that produced the baseline. Future measurements can be made to help determine whether changes in operations, procedures, etc., lead to improved performance relative to the baseline.

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About two years ago I was privileged to be asked by the State Court Administrator to participate on the Trial Court Performance Measures Committee to promote the use of performance measures and assist courts in establishing a dialogue between themselves and their funding units regarding court performance, and to develop strategies to accomplish these objectives.

Note that the committee's mission did not include the establishment of performance measures. We believe that each court should identify performance standards relative to their priorities. And so it will be left to each court to decide whether to utilize performance measures, and if so, which measures to implement in evaluating performance.

I am an advocate of performance measures because I believe that courts should always strive for improvement. The mere fact that trial courts engage in performance measurements is in itself an incentive to help judges and administrators assess performance and make business decisions for improvement. It helps take the guesswork out of decision making and allows an organization to hone in on specific changes that directly impact performance, access, timeliness, etc.

Our court has utilized performance measures over the years for any number of reasons including justifying

budgetary needs, demonstrating productivity and performance, guiding management toward issues where attention should be focused and stimulating competition.

The Trial Court Performance Measures Committee made a presentation to the judiciary at the Annual Judicial Conference in late 2009, and has continued to meet periodically to talk about strategies to help courts utilize performance measures to make reasoned business decisions and how to communicate improvements in court performance to their funding units, the public and media.

Quality isn't something that should be the focus of the private sector only. Judges and court employees are public servants and as such we must constantly strive for quality in what we do and how we do it. We are, after all, accountable to the public and so it naturally follows that treading water in terms of how we run our operation isn't good enough. I'm thankful that our judges and employees are always looking for ways to improve – which is the very cornerstone of the philosophy of performance measures.

Anyone interested in the viewing the performance measures adopted by the National Center for State Courts may go to http://www.ncsconline.org/D_Research/Cour-Tools/index.html#.

Until next time...

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Seated (l to r): Michael H. Whiting, James P. Davey, Justice Marilyn J. Kelly, Miroslav P. Vlcko, Sarah N. Wildgen and Edgar W. Pugh Jr.

Not Pictured: Paul J. Bernhard, Willis C. Bullard Jr., Marie Garian, Leonard D. Givens, Philip J. Goodman, Kalman G. Goren, Thomas G. Herrmann, James C. Johnston Jr., Charles M. Lax, Bruce J. Lazar, Charles C. Lillie, Russell J. Martin, Anthony V. Trogan Jr., Donald F. Tucker and Richard B. Worsham