



CourTools

**Giving
Appellate
Courts
the
Tools to
Measure
Success**

Implementing Appellate CourTools

Performance measurement can fundamentally change the way courts do business. For performance measurement to deliver its full benefit, it must be integrated with a court's key business processes and day-to-day management. The National Center for State Courts has formulated an implementation process for facilitating direction, conceptual clarity, and a systematic approach to the development of a performance measurement system.

Step 1: Getting Started

Step 2: Review Feasibility & Utility of CourTools

Step 3: Determine Specificity

Step 4: Apply & Test Measures

Step 5: Review & Interpret Results

Step 6: Use, Refine, & Institutionalize Measures

Implementation Assistance

To maintain an appropriate sense of proportion in what implementations entails, each step consists of key questions to guide a thoughtful and manageable performance inquiry. Although the steps are laid out in a linear fashion, the process will be iterative in practice. The answers to one set of questions refines and shapes the other steps.

Step 1: Getting Started

The first step is deciding exactly what will be assessed, how the measures will be defined, and agreeing on the rationale for the gathering of performance related information. Engaging in this activity informs a court of the scope and the kinds of work to be done. As a result, members of the bench and staff have a clear expectation of the overall magnitude of this initiative. A court's leadership team is in a prime position to articulate the appropriate scope, rationale, and level of effort to put a sound performance plan in place.

What does the court hope to get out of performance measurement?

Help in assessing the extent to which current activities and programs contribute to meeting our mission and desired outcomes? Do we know where real problems exist? How can we use a performance system to demonstrate improvements?

What are the key ingredients in achieving a successful measurement system?

Have we identified the key performance areas to be investigated? How can staff and judges be best involved in the design and implementation of the measurement system? How do we keep the court informed of our progress?

In what ways does the court currently measure its performance? How are the current measures distributed across core performance areas? Is some desired performance information presently unavailable? What work is required to gather missing information?

How does the court expect to use the results? As a means to assess and provide staff with feedback on service quality? To allow for comparisons of performance between court divisions or with other courts? To provide reliable data to the public, funding sources, and other interested observers?

Who is the audience for the results? To whom and how often should results be distributed? At what point will information on the court be available to the public, the media, the bar or anyone interested in the court? Is the information to be available on a court's website?

Step 2: Review Feasibility & Utility of Appellate CourTools

The next step is to review the proposed design, method, and implementation strategy provided in the *Appellate CourTools* measures. Using *Appellate CourTools* as a firm foundation, a court does not need to invest its limited resources in “reinventing the wheel,” especially when the NCSC and others have already made that investment.

How feasible are the six Appellate CourTools measures? Does the court already collect pertinent data? On which measures? How closely do the existing measures compare in form and substance with the *Appellate CourTools*? What specific and desired performance information is not available presently? What new measures should be put into place?

How clear are the Appellate CourTools? Are the steps provided for the completion of each measure understandable? Are there any perceived gaps, ambiguities, or areas requiring clarification? Does each measure tell how the results are to be interpreted in terms of improvements in policy, procedures and practices?

How are the performance data to be gathered? Do the measures provide sufficient guidance on the precise data to be collected for each measure? The number of observations? Approaches to gauge the statistical significance of the results?

Step 3: Determine Specificity

The measures suggested in *Appellate CourtTools* are general in their definitions of cases, participants in the legal process, and employees of the court. A court needs to decide what degree of differentiation is necessary and appropriate for the results to be useful for internal court management and to be comprehensible to audiences outside the court. The ultimate choice of measurement categories depends in part of the availability of necessary data and the cost of gathering more finely grained data.

What categories of court cases should be used? Should the classification conform to the different types of cases heard by the court, such as appeals and original proceedings? Are there important issues that should be considered regardless of the case type in which the issue is presented, such as challenges to the state constitution? Are there important case characteristics that should be measured along with case types to take into account case complexity and make the results more understandable, such as by right (i.e., mandatory) or by permission (i.e., discretionary) jurisdiction, the presence of a self-represented appellant, manner of disposition, and case outcome?

Is desired information supported by the automated data processing system? Do current reports contain the desired information? Do the existing systems provide sufficient detail?

How are participants in the process to be classified in terms of their role, position and legal status? Should self-represented appellants be asked to complete the quality of services survey or should respondents be limited to judges and appellate attorneys? Should a court distinguish men from women? Between judges in different trial court divisions or different administrative agencies? How is the desire for fine distinctions to be reconciled with the time and effort required to collect, analyze and interpret information?

What sorts of distinctions in the types of employees are essential to examine? Is the measure of employee satisfaction relevant only for fulltime workers? Is it important to separate management from staff? If so, how are groups to be defined? What are the best ways to distinguish workers in different court divisions and court locations without compromising confidentiality and validity of responses?

Step 4: Apply & Test Measures

The next step is organizing and mobilizing the court's resources to get the work done. The goal is to clarify the division of labor needed to put a system of performance assessment in place. Procedures for planning and preparations for the measures, data sources, data collection methods, analysis, and distribution and use of the measures should be carefully prescribed. Determining who will do what and when and how it will be done provides a clear roadmap for all involved in the business of performance assessment.

A court should try to apply multiple measures simultaneously. Measures cutting across different performance areas or areas of service delivery can be set in motion at the same time so that a court can speak to the question of how well it is serving its multiple goals. This may require some sequencing and phasing in of measures over time as data and logistical issues are overcome. However, choosing to try out only the measures relevant for some pressing problem or only those most easily enacted diverts the initiative from integrating performance assessment into the operational management of a court.

Should a court strive to implement all Appellate CourTools at once? Or should the applications be tried sequentially with additional measures added with each subsequent effort? What measures are top priority and why? Does a court want to speak to particular audiences on particular issues with greater urgency than it speaks to other audiences on other issues?

How does the court best coordinate the data collection effort? When and how should the performance data be collected? In what format and on what schedule should the performance information be conveyed and presented?

Step 5: Review & Interpret Results

Engaging in this step requires doing the job of analysis, interpretation, and presenting results to the court and its broader community of interested persons, related organizations and institutional partners. Courts need to explore and interpret the results. Managers and court staff need to become familiar with the functions of the performance measures—baselining and benchmarking, trend spotting, problem diagnosis, and operational and strategic planning—for the court as a whole and for their particular area of responsibility.

How are data assembled for presentation? Is the process a manual effort? What automated procedures are suitable for each of the six *Appellate CourtTools* measures? How can the compiled information be organized to tell an accurate and compelling story of how well the court is doing?

What do the results say? What is the current performance level? Is performance changing over time? What are the acceptable upper and lower boundaries of the particular measure? What are the problems identified by the measure?

How are critical relationships to be highlighted? What sort of presentation will demonstrate the message that the court wants to communicate most clearly to all consumers of the results? How are performance results best put into an appropriate context suitable to minimize misinterpretation of the results? In what ways can the results be tailored in specificity and content for different audiences?

Step 6: Use, Refine, & Institutionalize Measures

Performance results achieve maximum utility when they become part of daily routine management. Hence, performance measures will undergo refinement as judges, court managers, and staff adjust the measures to provide results that speak to the ongoing work of the court.

Is the right information getting to the right people? What do court customers like about the form and substance of the performance results? How can those reactions be combined with internal feedback from judges and court staff to refine how performance data are collected, examined, and disseminated?

Does the presentation of performance data effectively communicate the results? Do the results provide evidence of service quality? Does the data allow appropriate comparisons within the court or among other courts? How best to use the information in facilitating continuous improvement?

Implementation Assistance

Addressing the questions within the implementation process may lead a court to seek additional help. Courts should consider asking for the assistance of the state court administrator's office to maximize the experience and knowledge on performance assessment.

Additionally, both individual appellate courts and state administrative offices have access to the experience and expertise of the staff of The National Center for State Courts and related consultants. General approaches to performance assessment vary from state to state and court to court depending on local needs and circumstances. However, all performance initiatives require professional crafting to achieve clear, coherent, and comprehensible results. Because the NCSC is in the business of performance assessment both in terms of specific policy evaluation and broader institutional achievement, cooperation between the court community and the consulting arm of the NCSC should further the aim of courts to reach sound, interpretable, and meaningful results.

Considering these questions casts light on what a court needs to decide in putting a performance system into place. Moreover, these questions identify the sorts of experience and expertise a court or a state administrative office might want to consider in implementing more advanced performance assessment plans, methodology and dissemination that logically follow from the fundamental issue of performance and accountability.

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Contact the National
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about implementing
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CourTools**
in your court.

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