

HIGH PERFORMANCE COURT Framework

A Road Map for Improving Court Management

The High Performance Court Framework, building on previous efforts promoting court excellence, introduces a structured series of activities to achieve and sustain quality administration. These activities include the following:

- articulating what judges and managers care about in quality administration,
- demonstrating how court culture can be made conducive to high performance,
- identifying coherent categories of performance measurement and,
- suggesting how performance results can be assembled and used to make a difference in performance improvement.

Taking these activities together creates a quality cycle that illustrates the dynamic character of performance improvement.

Administrative Principles

The High Performance Framework begins with the premise that performance rests on four principals that are a mixture of fundamental values and desired behaviors widely shared among judges and court managers. These values and corresponding behaviors define effective court administration.

Administrative principles include the following: (1) giving every case individual attention, (2) treating cases proportionately, (3) demonstrating procedural justice, and (4) exercising judicial control over the legal process. Because these are principles, and not

abstract ideals or lofty standards, they are sufficiently tangible in the real world. However, their application depends on the local court context surrounding the judges and managers. Despite the broad agreement on the importance and relevance of the principles, they do not necessarily lead to universal practices due to substantial differences in court cultures.

Four Administrative Principles are Emphasized in the Framework

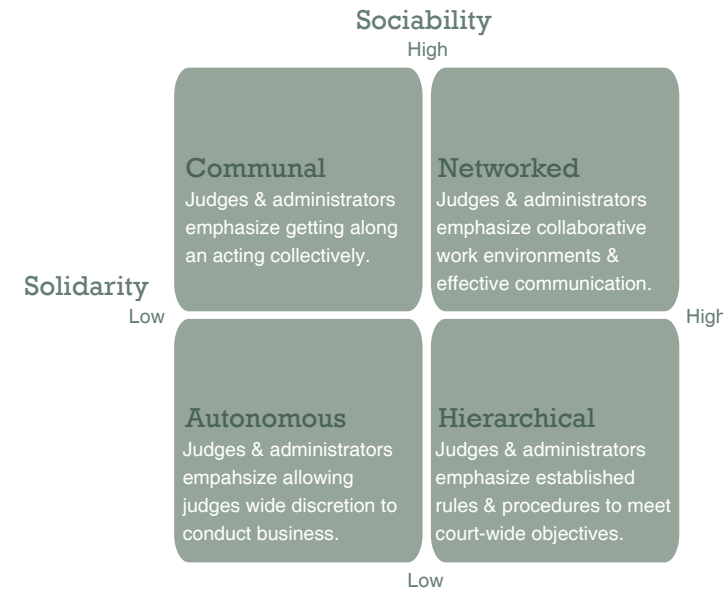
- Giving every case individual attention
- Treating cases proportionately
- Demonstrating procedural justice
- Exercising judicial control over the legal process

Court Culture and Change Management

Court Culture is the way judges and managers believe work gets done currently and the way they would like to see it get done in the future. Court culture acts as a filter between principles and practices. Different cultures apply the same administrative principles differently.

The ingredients of culture are solidarity and sociability. Solidarity is the degree to which individuals pursue common goals and sociability is the degree to which individuals work cooperatively. An essential lesson from field research is that solidarity is necessary to support performance

initiatives. Hence, a challenge for court leaders is to encourage and facilitate collective decision making among individual judges on what is best for the court as a whole. As a result, by focusing on solidarity and building consensus, a court can overcome the structural impediments promoting fragmentation and isolation.



Performance Measurement and Performance Management

The High Performance Framework proposes the concept of perspectives for determining the scope of court activities properly subject to performance assessment. Perspectives concern how the interests and positions of different individuals and groups involved in the legal process are affected by administrative practices. The Framework's four perspectives are the customer, the internal operating, the innovation, and the social value perspective. Combining these four perspectives provides an integrated approach to performance measurement and management, as shown in The High Performance Court Framework at a Glance.

The areas of performance in the first two perspectives are measurable and can ultimately be documented with systematic data. Illustrative measures of the performance areas are drawn from the set of *CourTools* previously developed by the NCSC.

In a complementary way, the third and fourth perspectives emphasize a court's dynamic use and management of information, not just anecdotes, informal feedback or intuition. The third perspective outlines management strategies to introduce practices likely to produce more positive results on an ongoing basis (summarized as capitals in the graphic). It offers an approach courts can use to augment problem solving skills so as to more adroitly diagnose and forecast problems while they are still small.

The fourth perspective stresses the use of information in communicating the work of the court to its partners in the justice system as well as members of the public and policy makers. A sharing of information is vital and its absence an institutional weakness.



The High Performance Court Framework at a Glance

The High Performance Court (HPC) Framework provides a comprehensive set of organizing concepts that describe what a high-performing court seeks to accomplish. It is based on the premise that courts seek to conduct business according to four guiding administrative principles. These principles help identify important areas of performance to measure. Moreover, the Framework shows how a court can and should develop a managerial culture supportive of adapting to a constantly changing environment.

Customer Perspective

How should we treat cases and all participants in the legal process?

Internal Operating Perspective

What does a well functioning court do to excel at managing its entire caseload?



Innovation Perspective

How can court personnel learn to adapt to new circumstances and challenges?



Social Value Perspective

What is a court's responsibility to the public and funding bodies?



HPC Measurement: A Balanced Scorecard

Effectiveness

gauges the match between stated goals and their achievement

CourTools and Other Measures:

Measure 5: Trial Date Certainty
Measure 7: Enforcement of Penalties
Measure 8: Juror Usage

Procedural Satisfaction

gauges if customers perceive the court is providing fair & accessible service

CourTools and Other Measures:

Measure 1: Access
Measure 1: Fairness
Transaction time

Efficiency

gauges the variability and stability in key processes

CourTools and Other Measures:

Measure 2: Clearance Rate
Measure 4: Age of Pending Caseload
Measure 6: Case File Integrity

Productivity

gauges whether processes make the best use of judge and staff time

CourTools and Other Measures:

Measure 10: Cost Per Case
Measure 3: Time to Disposition
Workload Assessment

HPC Management: The Four Capitals

Organizational Capital

Judge and staff member work is organized to achieve the best use of time in pursuing common goals and communicating those goals clearly to justice system partners.

Technological Capital

Using technology to achieve greater efficiency and quality, while managing it competently. The use of innovative applications is regularly reviewed.

Human Capital

Promoting the sharing of information and ideas on performance strategies, targets and results. Input and feedback are solicited by court leaders from all personnel.

Information Capital

Pursuing a credible evidence based system to evaluate court performance. Ongoing attention to measurement and analysis help to ensure data are valid and meaningful.

HPC Management: Strengthening the Role of Courts

Public Trust and Confidence

Public support is recognized as critical for legitimacy and compliance with decisions. As a result, a court will seek to demonstrate and communicate a record of high job performance.

Support of Legitimizing Authorities

Adequate funding from other branches of government is sought on the basis of court performance, especially the efficient use of public resources.

Quality Cycle

The Framework for activities forms a functional system that can be called a “quality cycle.” The court administration quality cycle consists of five main steps: determining the scope and content of administrative quality, data collection, data analysis, taking action, and evaluation.

In many courts, the road to high performance begins with a collegial commitment to see how the four administrative principles are working out in practice and using systematic data to gauge what

“working out” means. In other words, the cycle starts when a court has come to agree on what constitutes desirable administration on two levels.

The collection of data relevant to gauging the extent to which the principles are actually being applied is the next key element of the quality cycle. A court can begin by consulting the Framework’s proposed set of performance areas and accompanying measures. The Framework provides a menu of ways to assess whether the court is living up to its principles on what constitutes sound administration.

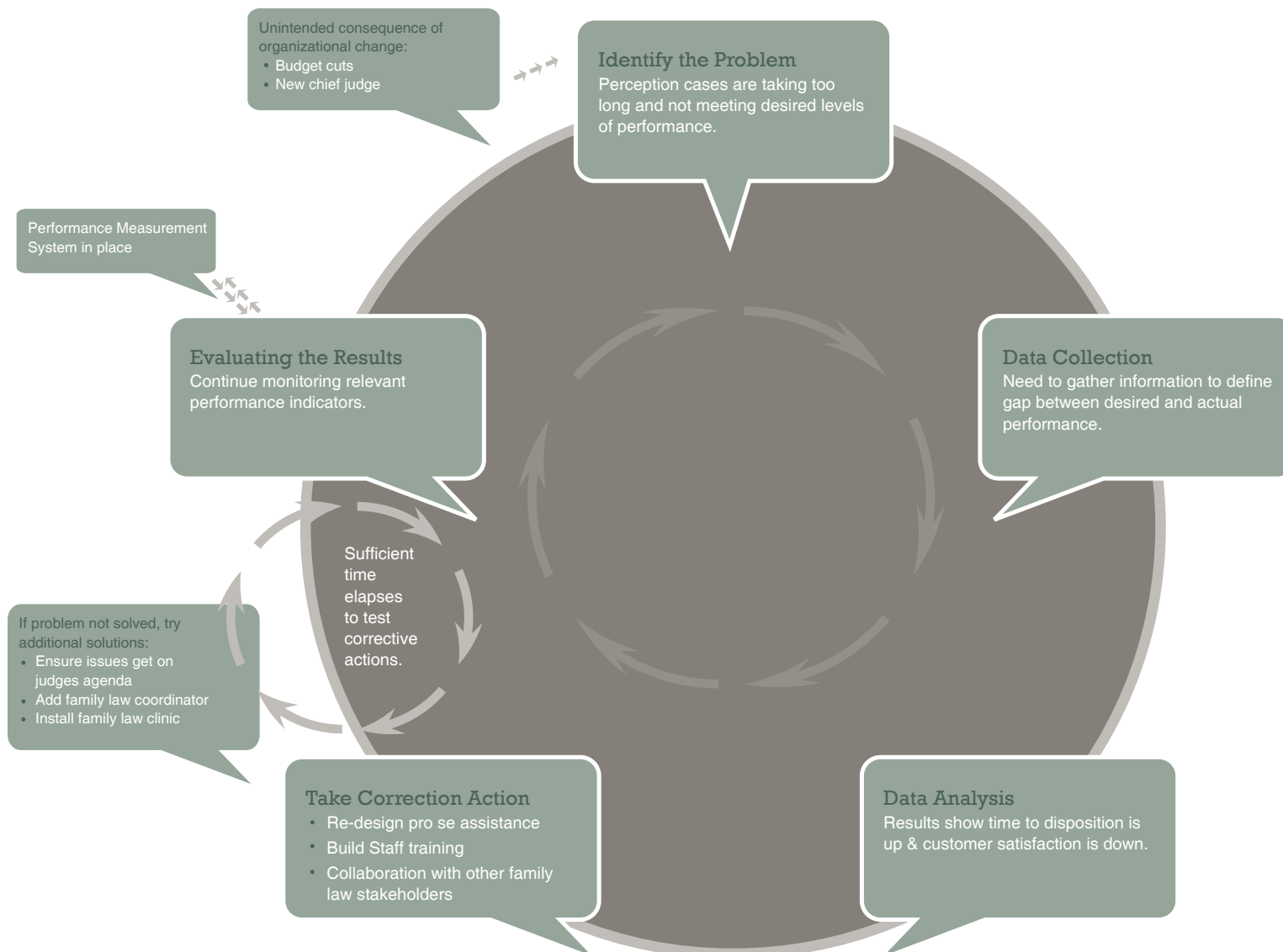
The third step in the cycle is analyzing and interpreting the results from the data collection and drawing out their implications. Bringing data to bear help judges, management and staff more clearly identify the real causes of the problem(s) and what actions might be taken to solve the problem(s). This step is clearly iterative. Once the basic character of a problem is identified, additional information can be gathered to further narrow and refine the problem.

After digesting the results, the fourth step in the cycle is taking action to implement the appropriate change. Clearly specifying the problem allows court managers to identify the particular business

processes involved. Based on this analysis, potential business process refinements and staff capability improvements can be considered to solve the problem.

The fifth step involves checking to see whether the solutions have had the intended result. By continuing to seek input from appropriate judges and court staff and monitoring the relevant performance indicators, the court can determine if the problem is really fixed. The goal is not to temporarily get problems under control, but to achieve continuous and sustainable improvements in the process and in customer satisfaction.

Quality Cycle: Family Law Case Example



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