

**Quality Comes First: Assessing Cass County's
Criminal Court Records**

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By Kathy Ouren

ABSTRACT

Performance measurement involves closely examining how an organization functions and carries out its responsibilities. It means studying the quality of the work that is produced and the environment in which the organization’s business is conducted. For an accurate self-assessment to take place, internal and external perspectives must be considered so that a thorough, objective, and honest evaluation can be made. Only then will efforts to improve the quality of work be effective. This examination should not be undertaken lightly—the process takes courage and will likely demand change.

The driving force behind this project is a strong desire to support the mission of the courts in North Dakota, which is to “provide equal access to fair and timely resolution of disputes under the law” (North Dakota Supreme Court, 2012). The Clerk of Court’s staff supports this mission by preserving the court’s record accurately and timely, ensuring that everyone who needs the record has consistent access to current, reliable information. Quality of the court’s record is a key component of the administration of justice, and therefore, the focus of this project.

It makes sense that the first step to ensure quality court records is to assess the current records’ quality. In order to take that first step, this project undertook a performance audit of the court record. Adult criminal records were selected as the

starting point for review of the Clerk's records management. In the future, the review will extend to encompass all of the court records maintained by the Clerk's Office.

Several measures were used to evaluate the quality of criminal court records. The National Center for State Courts' CourTool 1 (Access and Fairness), CourTool 6 (Reliability and Integrity of Court Case Files), and CourTool 9 (Employee Satisfaction) were chosen to measure the performance of the Clerk's Office, focusing specifically on management of adult criminal court records. Data collection involved six steps:

- A public survey conducted at the courthouse to gauge citizens' perceptions of the quality of work provided by the Clerk's Office.
- A random audit of criminal files to determine the accuracy of file documentation for fourteen critical criminal case activities.
- A report that provided data on the time elapsed between document filing and entry into Odyssey, North Dakota's court information system.
- A judges' survey and an attorney/support staff survey that gathered feedback about the perceptions of criminal court records management by the Clerk's Office.
- An employee satisfaction survey completed by Clerk staff to explore perceptions of their work and work needs.

The study findings indicate that there is cause for celebration as well as opportunity for growth with regard to the management of criminal court records. The file audit revealed a 95% or higher accuracy rating in seven of the fourteen case activities. In addition, judges reported a high degree (88%) of confidence in the accuracy and reliability of criminal court

records. The employee satisfaction survey showed that 96% of staff members are proud to work for the courts, and 86% believe that they do their jobs well. On the other hand, the attorney (70%) and citizen (78%) surveys indicated a lower level of confidence in the accuracy of criminal court records. The employee satisfaction survey also indicated that staff feel communication needs to be improved (18%), that additional training is appropriate (33%), and that a more equitable distribution of work is necessary in order to improve performance (38%).

As a result of these findings, nine recommendations are made to improve the overall performance of the Clerk's Office with regard to criminal court records management. Among the recommendations are:

- regular collection, analysis, and dissemination of data on criminal case activity;
- regular review of Odyssey reports to ensure even/fair allocation of work and that case records are current within two working days;
- completion of periodic judges', attorneys'/support staff, and citizens' survey ;
- completion of the "automatic notice" function in Odyssey;
- additional staff training offered at regular intervals;
- reduction in supervisors' casework by approximately 25% to allow sufficient time to monitor criminal file data on a regular basis;
- addition of two staff members to align staff size more closely to the state staffing study;
- completion of Employee Satisfaction Survey annually;

- improvement in communication at all levels in all directions within the organization;
- creation of a mission statement for the Clerk's Office.

This court project "opened the door" for a thorough self-assessment of adult criminal records management by the Clerk's Office. It inspired performance measurement in all areas of operations. It reflects the beginning of a determined focus by the entire Clerk's Office staff on core values of quality, respect, communication, and employee and customer satisfaction in its day-to-day operations. Lastly, this court project offered a realistic, ongoing performance measurement plan which will result in continuous improvement of job performance and the achievement of the primary goals of the Clerk's Office - ensuring that quality *a/ways* comes first.

INTRODUCTION

The trial court system in the United States is, in some ways, very dynamic and in other ways constant. The phrase “the more things change, the more they stay the same” comes to mind when thinking about its history and its future. There have been so many changes to the court business over the past thirty years that it is hard to keep them all straight. For example, changes in technology have resulted in significant modifications to business practices and case management, as well as how the courts communicate and interact with both stakeholders and the public. Likewise, re-engineering has resulted in new, statewide organizational and governance structures in courts; revised performance measurements have streamlined the processes for monitoring the court’s work to enhance quality and accountability; and performance measurement plans celebrate achievements and identify necessary improvements, establishing new court cultures that are accepting of change. Perhaps that is the biggest change of all – a willingness to be innovative in how the courts conduct business.

Yet, while change is happening in all aspects of court operations throughout the United States, some things remain constant. The quest to preserve the independence of the judiciary is as vibrant today as it was in the days of the Founding Fathers. Alexander Hamilton (1788) states in Federalist Paper - #78, quoting Montesquieu, that “there is no liberty, if the power of judging be not separated from the legislative and executive powers” (p.163). Judicial administration today plays a key role in protecting

the court's independence by setting policies that focus on protecting the rights and responding to the needs of the public. This is accomplished by implementing procedures that inject efficiency and accuracy into the day-to-day record keeping functions of the courts; by ensuring that financial resources are managed effectively and responsibly; and by working collaboratively with judges and stakeholders to effect strong caseflow management.

The need to maintain the public's trust and confidence in the court's ability to provide fair, equal, and timely resolution of cases is as important and challenging today as during the nation's infancy. Roscoe Pound (1906), in his speech "The Causes of Popular Dissatisfaction with the Administration of Justice" states that "dissatisfaction with the administration of justice is as old as law" (p. 2). Court leaders recognize the importance of accountability, transparency, fairness, and respect in earning the public's trust and confidence, and must continually strive to incorporate those attributes into the court culture. They understand that public satisfaction with how the court treats individual people and their cases is critical to the court's perceived credibility and legitimacy. They also understand that it is necessary to find a balance between efficiency and the obligation to provide due process while also maintaining critical court services for all persons who conduct business with the court. This is especially true in hard economic times when budget cuts and automated procedures offer tempting solutions.

To achieve these goals, court leaders and staff must continuously improve performance by setting and communicating goals, plotting a path to realize these goals, and continually assessing organization performance. In fact, these competencies are now more widely recognized as necessities than ever before. This study explores the concept of court performance more deeply by examining one aspect of court administration – the function of the Clerk’s Office. Specifically, this study examines the implications of criminal case file accuracy on the perceptions of the court’s trustworthiness and credibility through a case study of the Cass County Clerk of Court’s Office in Fargo, North Dakota.

The Cass County District Court is the largest court of general jurisdiction in North Dakota. The Clerk’s Office has a staff of twenty-five full-time employees, including the Clerk of Court, and one full-time temporary staff member. It processes approximately 25,000 cases each year, 4,500 of which are criminal.

The Clerk’s operations in Cass County have undergone significant changes in the last three years. In October 2009, a totally new case management system was implemented that incorporated e-filing and electronic files into case processing procedures. In April 2010, a new software program was implemented that changed courtroom clerking from a manual, handwritten process to a computerized, real-time process. A new office structure was introduced in March 2011 that changed work assignments for staff from a specialized model (Criminal/Traffic, Civil/Family, Juvenile/Probate/Mental Health) to a fully cross-trained model (Case Intake/Case

Detail) (see Appendices A and B). During this time of change, the focus was on learning new procedures and keeping backlogs and mistakes to a minimum; however, backlogs of two weeks occurred and mistakes were discovered through outside sources. Examples include warrants not withdrawn resulting in wrongful arrests; inaccurate or incomplete criminal judgments; unfiled documents resulting in incomplete files for judges during hearings; and sealed records remaining unsealed and accessible to the public. Having successfully implemented these new procedures, the time has come for the Clerk's Office to switch its focus to best practices and customer and employee satisfaction.

The purpose of this study is to determine the current quality level of criminal case records maintained by the Clerk's Office. The results will be used to set a goal for future quality of criminal case records, and to create and implement a performance measurement plan that is realistic and will serve as a "compass" for management and staff as they move forward in their efforts to make records quality the number one priority. To accomplish these goals, this report situates the project within the context of the relevant court performance literature, presents the methods used to collect the data that serves as the foundation of the project, discusses findings from the research, and concludes with a series of recommendations that take into account the project's findings.

The court performance literature relevant to this project discusses potential variables that influence how work gets done in the Clerk's Office. Local court culture

institutionalizes certain practices and mindsets about who does what and the level of responsibility placed on Clerk staff as they manage the court's records. The literature also offers information that describes highly functioning courts and what can be done to attain and maintain high levels of performance. For example, the National Center for State Courts' performance standards and measurements, and more recently, CourTools, provide the means for monitoring specific areas of performance to identify achievements, as well as areas that need improvement.

In addition to the literature, it is important to know how public defenders, prosecutors, judges and citizens view the work produced by the Clerk's Office, as well as the quality of service they receive through interaction with staff. To gather this information, surveys of judges, attorneys and their support staffs, and court users are utilized to provide an outside view of the Clerk's operations and service quality as it pertains to criminal cases. This information provides the Clerk's Office with a third-party perspective that allows for corroboration between agencies, better self-assessment, and a starting point from which to begin.

It is also important to learn how Clerk staff perceive the quality of their work and work life. Understanding the importance and value of the work, and those who carry it out, makes a difference in commitment to the court's mission. Without this foundation, positive staff engagement in the operational processes of self-assessment is difficult to sustain. A survey of staff provides an opportunity for self-reflection. Staff need the

opportunity to consider what they do, how they do it, who they do it with, and why they do it, as well as to offer ideas for making their work for the courts more meaningful.

Following a discussion of data collection methods, the report analyzes the data collected to establish research findings. In this portion of the report, the data is summarized and interpreted to highlight key results. These findings then serve as the basis for conclusions and recommendations regarding the performance of the Clerk's Office in relation to criminal records management.

There are several outcomes that result from this research project. The first outcome is a better understanding of how performance measurements are applied to the day-to-day functions of criminal case management to establish and maintain a standard of excellence. A second outcome of the study includes creation of a mission statement for the Clerk's Office that compliments the mission of the North Dakota Court system, and that serves as the centerpiece for the work of Clerk staff. Another outcome is a performance measurement plan for the Clerk's Office that is realistic and manageable, and that provides an opportunity for ongoing performance assessment, goal setting, and improvement. Finally, this project generates recommendations for reducing errors in criminal record keeping and a set of goals to continuously reach toward the achievement of excellence in court records management.

LITERATURE REVIEW

A review of the literature relating to performance standards, performance measurement, and high performing courts reveals several interesting points about effective court management. No court is perfect, and therefore, courts across the United States must always seek to improve operations and services. A court cannot improve its operations without first evaluating its current performance; therefore, it must engage in self-evaluation and self-assessment. The self-evaluation process is never-ending because high performing courts always seek to improve upon past improvements; the process is an iterative one. Reaching goals of continuous improvement only happens with hard work and a focus on what that work is about – in the case of court performance, the court’s mission serves as its compass.

Research and studies that spotlight the business of court administration offer a roadmap for court managers and staff to create performance plans and goals. These studies point to a mindset and work culture of continuous improvement – one that settles for nothing less than excellence.

History of Courts and Court Administration – Why Court Performance Matters

In order to understand the business of modern courts and the importance of judicial and court administration, it is worthwhile to look at the evolution of the court system throughout United States history. As people settled into the original thirteen colonies, the government and laws were patterned after those of England. There was no distinction between the judicial, legislative, and executive branches; the legislative

branch exercised all judicial power. Each colony developed its own autonomous court system, and the highest appellate courts resembled the House of Lords or the Kings Bench in England (Klein, 1981, p. 2). To meet the needs of its communities and to conform to the area cultures, each colony created its own local courts of general jurisdiction, courts of equity, criminal jurisdiction, and specialty-type courts (Klein, 1981, p. 2).

After the Revolutionary War, the Founding Fathers worked diligently to form a new government that respected and protected the rights of all citizens. They believed that a system of checks and balances was essential to prevent abuses of power. This understanding led to a separation of the courts from the legislative and executive branches. Ultimately, multi-tiered court systems emerged and remained as states were added to the Union. These court systems were independent of each other, with no centralized administration (Klein, 1981, p. 3). The United States Constitution was ratified in 1787, formally establishing the three branches of government. Congress then passed the Judiciary Act of 1789, which created one Supreme Court of the United States.

Throughout the nineteenth century, court structures in each state developed with common characteristics – a supreme tribunal to review the work of the courts of general jurisdiction, an appellate court, and a court of general jurisdiction (Klein, 1981, p. 8). Until 1906, when Roscoe Pound made his famous speech to the American Bar Association, the administration of the courts was not a priority or even recognized as

necessary for the delivery of justice. Pound pointed out that there was broad dissatisfaction with the courts, identified the causes of that dissatisfaction, and suggested the need for court reform. It was at this point that individuals and professional organizations began to direct their attention to “improvement in the courts, in their structure and procedures and in every aspect of the administration of justice” (Klein, 1981, p. 8). Goals of court reform were established to give direction to the movement toward better state court systems. These goals were: (a) consolidation of court structure and jurisdiction; (b) simplification of court procedures; (c) merit selection of trained judges who are financially protected; (d) centralized court administration under the Supreme Court; (e) professionally trained court administrators at the state and local levels who have the most modern equipment and technology to aid in record keeping, information gathering, and problem-solving; and (f) state funded courts (Klein, 1981, p. 10).

As reforms were made, improvement in how courts conducted business began to be realized. States simplified court structures. In some states, judges were selected by a merit selection system. Participation in education and training for judges was expected. Lastly, court administration became a recognized profession.

The court reform movement, and the changes it inspired, accelerated throughout the 1970s and 1980s. Court administration as an area of court operations experienced major change during this time. The business of the courts increased in complexity as organizational governance and structures changed to meet the demands and

expectations of the public, other court professionals, and those charged with funding the courts. The link between judicial administration and court administration became clear, while the need for trained, skilled administrators became apparent. The desire to place professional managers in court administrator positions grew.

Opportunities for high level, quality training for court professionals became available through colleges and universities, and organizations such as the Institute for Court Management (ICM) and the National Center for State Courts (NCSC). For example, NCSC conducted research and provided training that resulted in information and tools focused upon managing and monitoring court operations. When ICM merged with NCSC in 1984, NCSC's ability to broaden its educational curriculum and services was strengthened (Low, 1991, p.37). NCSC continues to provide an important support for the nation's courts today. It continues to offer training programs for court executives that are nationally renowned. NCSC also conducts research and serves as a "clearinghouse" for court information from all sources. For example, NCSC was key in developing the Court Performance Standards and Measurements that helped courts gauge operations management and service delivery. One set of performance standards, CourTools, has had a particularly effective impact on court performance.

CourTools provide the means for courts to easily assess performance in several areas of operations. As a result, courts are able to determine what business practices work as well as areas of operations that need to be improved. These performance

measurements support sound business decisions that set a course for highly effective court management and top quality court services.

Effective court management is more important than ever in these times of reduced budgets and increased scrutiny of public institutions. However, the need to be efficient must be balanced with the court's obligation to be accountable, responsive, and respectful to those it serves. The responsibility of court administration to maintain accurate court records, offer equal and easy access to quality court services, and support the courts' purpose to resolve issues fairly, consistently, timely, and in accordance with the law, must remain a priority for court administration as innovation and re-engineering projects inject unprecedented changes into the courts' business practices. The challenge for the courts continues to be, as it was in the first days of the United States, to remain flexible and responsive to people's needs. That challenge has expanded in scope as courts struggle to meet demands for service within the context of current community culture and social trends, while also maintaining the core values of an independent judiciary that ensures fair, equal, and accessible justice for all.

Court Performance and Measurement

The High Performance Court Framework: A foundation for performance assessment.

The work of the courts, at every level, is critical to the core value of U.S. democracy – justice for all. It is clear that a high level of performance throughout the court system instills public trust and confidence in the court's ability to fully contribute to

that ideal. Trust and confidence in how the courts do their work provides a source of credibility. It is crystal clear that courts cannot achieve or maintain a standard of excellence in delivery of justice without first knowing at what level they currently perform. Similarly, no matter what the current level of performance, improvements can be made. Excellence must always remain the goalpost.

“A high performance court is an organization that gets the job done and done well” (Clark, Schaufler, Ostrom, Ostrom, & Hanson, 2008, p. 1). State court systems, as well as individual courts at the local level, must adopt the mindset, or re-direct their culture, to one that is willing to continuously seek improvement, knowing that there is always “room for improvement” somewhere in the organization’s processes (Ostrom, Hanson, & Burke, 2011, p. 35). When they do, they will move forward toward achievement of excellence.

NCSC has developed the High Performance Court (HPC) Framework in recognition of the fact that there is “always room for improvement” in every court, at every level (National Center for State Courts, 2010, p. 1). Because no court operates perfectly, courts must continuously work to improve business practices. This HPC Framework helps courts organize efforts to improve performance in all areas for everyone involved in the court experience, creating both a better legal process for litigants and a better workplace for judges and court staff. The framework describes:

“what a high-performing court seeks to accomplish, demonstrates how a court’s objectives are affected by its managerial culture, identifies measurable categories of performance and suggests approaches on how to assemble and use performance information” (NCSC, 2010, p. 4).

It teaches court leaders what high court performance looks like and offers a process for working toward achieving high quality service.

There are four administrative principles that serve as the foundation for the HPC Framework and that direct the course toward high court performance. The administrative principles are: (a) giving every case individual attention, (b) treating cases proportionately, (c) demonstrating procedural justice, and (d) exercising judicial control over the legal process (NCSC, 2010, p. 4). These principles help to define court values that guide the work of those responsible for judicial administration. They are effective tools for performance improvement because they can be applied to actual case files and the day-to-day work that goes into each case.

According to the HPC Framework, there are four perspectives to consider when examining court functions and how they are implemented. They are the: (a) customer perspective, (b) internal operating perspective, (c) innovation perspective, and (d) social value perspective (NCSC, 2010, p. 6). Recognizing these four perspectives is critical to the creation and implementation of a performance measurement plan that will improve court operations and service in a meaningful way.

There are four performance areas that shape the customer and internal operating perspectives of the HPC Framework. The areas of performance for the customer perspective include effectiveness and procedural satisfaction (NCSC, 2010, p. 6). For the internal operating perspective, the performance areas include efficiency and productivity (NCSC, 2010, p. 6). These four areas of performance are all measurable. NCSC's CourTools provide the means for gathering pertinent information in each performance area, which gives courts an idea of how well they are doing in each of these four performance areas. The HPC Framework asserts that these areas of performance are linked to the administrative principles, and together, offer structure to the performance measurement and improvement process that courts must reach to achieve their performance goals.

The third perspective, the innovation perspective, suggests management strategies that result in better business practices (NCSC, 2010, p. 6). This perspective anticipates problems and trends, and intends that court leaders be proactive in addressing problems and trends before they become more serious. This perspective also advocates that adjustments in procedures and practices be made on an ongoing basis so that steps are continuously taken to improve operations. Enhancing improvements to achieve even greater effectiveness becomes part of a culture that consistently strives for higher performance.

The fourth perspective, the social value perspective, suggests that sharing information about the courts and its performance enhances public trust and confidence.

Healthy courts engage in open communication at all levels with all people. As a result, informed customers, both internal and external, develop an understanding of the court's purpose and recognize its responsibilities with regard to the community's court-related needs.

The HPC Framework provides court leaders with a series of steps to make performance improvement a part of everyday operations (NCSC, 2010, p. 6). There are five steps that, taken together, are called the "quality cycle." These five steps are: "determining the scope and content of administrative quality, data collection, data analysis, taking action, and evaluation" (NCSC, 2010, p. 7). Each of these steps guides court administration through the quality cycle: (a) identifying the areas of operations to be improved upon, (b) collecting information to determine the current level of performance in that area, (c) assessing the difference between current performance level and desired performance level, (d) planning and taking action necessary to reach or maintain the desired performance level, and (e) evaluating the effectiveness of the actions and directing any adjustments to the plan that may be necessary to continue the improvement process.

What makes the quality cycle so valuable is that it can be applied on a large or a small scale. It is a necessary tool for management and front-line staff as they work together to take incremental, manageable steps toward improved day-to-day operations – in the case of this project, toward an established level of accuracy in criminal court records maintained by the Clerk's Office. The beauty of the HPC Framework is that it

can be, and necessarily will be, an ongoing process to attain the level of change necessary to meet performance goals. The five steps of the quality cycle provide a dynamic process by which to attain those goals, as well as a direction that keeps management and staff “on course” for high performance.

Through the HPC Framework, Clerk staff have the context to understand how their work impacts the performance of the Clerk’s Office and the larger court system. This context connects the day-to-day work to the “big picture” work of the courts and the crucial role it plays in delivering justice for all. With a sense of importance and an eye on the court’s and Clerk’s missions, it is the hope that Clerk staff will embrace efforts to become a high performance court.

The HPC Framework applied.

In 1988 and 1989, NCSC conducted a study of six courts across the United States that were known for their high level of performance with regard to court administration. The study revealed common characteristics present in each of these courts and that clearly contributed to the ability to function effectively as a court. The study also confirmed the assertion that no court is perfect, and that there is a need and desire to continually improve performance. While these six courts performed well, there were areas for each that needed improvement to maintain a high level of performance.

The courts at the focus of this study were: (a) Montgomery County Court of Common Pleas, Dayton, Ohio; (b) Detroit Recorder’s Court, Detroit, Michigan; (c) Fairfax Circuit Court, Fairfax, Virginia; (d) Maricopa County Superior Court, Phoenix,

Arizona; (e) Wayne County Circuit Court, Detroit, Michigan; and (f) Sedgwick County District Court, Wichita, Kansas. Each of these courts had clear performance goals that were effectively communicated to staff at all levels (Hewitt, Gallas, & Mahoney, 1990, pp. 15-21, 36-43, 70-79, 93,100, 147-155). The courts exhibited continuity of leadership from presiding judges and trial court administrators, who were committed to the goals established by the courts (Hewitt, et al., 1990, pp. 15-21, 36-43, 70-79, 93,100, 147-155). Attention was given to these goals through the monitoring of reports and data to ensure that processes were carried out pursuant to statutes, rules and procedures, and that the work was done accurately and timely. Judges and staff were all held accountable for their performance (Hewitt, et al., 1990, pp. 15-21, 36-43, 70-79, 93,100, 147-155). If any problems were identified, they were discussed and addressed promptly with those involved. In each of these courts, open communication was valued (Hewitt, et al., 1990, pp. 15-21, 36-43, 70-79, 93,100, 147-155). Meetings were held formally and informally on a regular basis – monthly judges’ meetings, staff meetings, staff and other agency meetings, and meetings with administrative staff and presiding judges. Communication also occurred through written policies, new employee orientation, continuing education, and joint seminars with the bar. Problems and controversial issues were discussed openly, not avoided. Also present in these courts was a sense of comradery and cooperation among the judges, and a belief that each individual’s work contributes to the court’s overall success (Hewitt, et al., 1990, pp. 15-21, 36-43, 70-79, 93,100, 147-155).

These six courts understood that clear goals, coupled with monitoring and measuring performance in relation to these goals and the court's values, along with action taken to correct or continually improve performance, is critical to success. They also believed that these efforts were achieved through open communication throughout the court system.

Performance Standards and Measurements

In August 1987, NCSC and the Bureau of Justice Assistance, United States Department of Justice, initiated the Trial Court Performance Standards Project to develop measurable performance standards for state trial courts (U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 1997, p. 1). To carry out this project, NCSC established the Commission on Trial Court Performance Standards (U.S. Department of Justice, 1997, p. 1). The Commission was made up of trial judges, court managers, and scholars, all of whom were assisted by project staff.

In 1990, the Trial Court Performance Standards with Commentary was published. It was endorsed by the Conference of Chief Judges, the Conference of State Court Administrators, and the National Center for Court Managers, and adapted by the National College of Probate Judges (U.S. Department of Justice, 1997, p. 1). During the next four years, trial courts in Ohio, New Jersey, Virginia, and Washington applied the standards and tested the measurements. Revisions to the Trial Court Performance Standards and Measurements (TCPSM) system were made based on the experiences of these courts, and ultimately, 68 measurements of performance were established.

The TCPSM system includes 22 standards for effective performance in five areas of court responsibility. The five areas include: (a) access to justice, (b) expedition and timeliness, (c) equality, fairness, and integrity, (d) independence and accountability, and (e) public trust and confidence (U.S. Department of Justice, 1997, p. 1). For the 22 standards, there are 68 performance measurements applied to assess how well the courts perform (U.S. Department of Justice, 1997, p. 1).

The purpose of the TCPSM system was to evaluate the court as an organization, not the performance of individual judges. This performance system allowed courts to engage in self-assessment, which led to self-improvement with a focus on court goals and outcomes. The focus of the assessment and improvement process was on those who use the courts and how to improve services to the public (Schauffler, 2007, p. 119).

While the TCPSM system offered state courts an internal look at how courts fulfill their purpose and complete day-to-day functions, the use of the standards and measurements and the accompanying success in effecting change were not realized in any broad sense across individual courts. There were too many measurements to make the use of TCPSM manageable. Court information systems were not designed to collect the data necessary for the measurement plan. In addition, an improved economic environment reduced motivation levels for making an effort to determine performance levels or seek procedural changes to enhance efficiency. As a result, interest in implementing performance measurement plans declined throughout the 1990s (Schauffler, 2007, p. 119).

Another recession in the early 2000s, along with improved technology, revitalized the performance measurement movement early in the new century. NCSC reviewed the Trial Court Performance Standards, and in 2005 developed CourTools in response to concerns expressed by the courts that the original Trial Court Performance Standards were too difficult to implement. CourTools is “a set of ten performance measures designed to evaluate a small set of key functions of the court” (Schauffler, 2007, p. 119). The ten CourTools are: (a) Access and Fairness, (b) Clearance Rates, (c) Time to Disposition, (d) Age of Active Pending Caseload, (e) Trial Date Certainty, (f) Reliability and Integrity of Case Files, (g) Collection of Monetary Penalties, (h) Effective Use of Jurors, (i) Employee Satisfaction, and (j) Cost per Case (Schauffler, 2007, p. 121). In applying these performance measurements to operations, courts gauge financial responsibility, employee satisfaction and engagement, client-customer satisfaction, and effectiveness and efficiency of internal processes (Schauffler, 2007, p. 121). As a result, today, many courts at the state and local levels have implemented performance measurement programs. Among these courts, several publish results on their websites. Others share this information with NCSC for other courts to view and replicate in their own efforts toward self-assessment and self-improvement.

The key to making a performance measurement plan successful is for all staff members to commit to regular organizational self-assessment in order to determine the level of performance at a given point in time. This is also necessary to make decisions based on the results of that self-assessment and to promote continuous improvement in

all functions of the court's operations. For a performance measurement plan to be effective, it must be designed to provide useful information for managing cases in a consistent and efficient manner (Ostrom, Kleiman, LaFountain, Schauffler, Hanson, Kauder, & Ostrom, 2007, p. 1). It must identify areas of current operations that are successful in meeting the organization's goals, as well as areas where improvement is necessary. Additionally, the data provided through the case management system must be readily available and consistently reliable for applying the set of measurements (Ostrom, et al., 2007, p. 1).

Performance standards and measures applied.

The need for court personnel at all levels to commit to regular organizational self-assessment in order to be a high performing court was borne out as the California court system began its efforts to implement performance management in 2007. The California Judicial Council is committed to continuous improvement of the delivery of justice throughout California's court system. It recognized the necessity of effectively measuring performance in California's individual courts for this goal to be realized. In 2007, the Judicial Council initiated a pilot test of a "coherent set of performance indicators" in two of its medium-sized superior courts – one located at San Joaquin County and one located in San Mateo County (Ostrom, et al., 2007, p. 1). The pilot test confirmed that the performance measurements that make up the ten CourTools are an effective way to determine performance levels in individual courts. It was recommended that performance measurement become the focus of individual courts going forward.

As expanded implementation of performance measurements was contemplated, several lessons learned from the two-county pilot test were considered. The five lessons identified are:

- Lesson 1: Implementation Requires Sufficient Start-Up Time – Time to organize an implementation team, to develop a strategy, and communicate the intentions and goals of the performance measurement plan to judges, court staff, justice partners and the public (Ostrom, et al., 2007, p. 12).
- Lesson 2: Data Must Be Complete and Accurate – For performance measurement to be valid and useful, the data resulting from measured functions must be accurate and reliable. When performance measurements direct business decisions toward high performance levels, the commitment to accurate and consistent data grows (Ostrom, et al., 2007, p. 12).
- Lesson 3: Create a Sustainable System of Performance Measurement - In order for performance measurement to be successful, it must be manageable over an extended period of time. When a court can measure aspects of its performance at specified intervals, it will identify the direction of its services with regard to quality and responsiveness to its customers' needs, and it will reveal

opportunities for continual improvement in all areas of operations.

(Ostrom, et al., 2007, p. 12).

- Lesson 4: Statewide Assistance with Implementation – State Court Administration must commit to obtaining comprehensive and accurate trial court data to ensure that required data elements are incorporated into the court’s information system (Ostrom et al., 2007, p. 12).
- Lesson 5: Incorporate CourTools in Overall Response to Senate Bill 56¹ – CourTools helps courts to generate pertinent information relative to their performance outcomes (Ostrom, et al., 2007, p. 13).

Continued and expanded implementation of performance measurements in the California courts will undoubtedly result in the improved delivery of justice for all in the years to come.

In their report, *Building a Performance Measurement System for the Office of the District Clerk, Collin County, Texas*, John Douglas, Ingo Keilitz, and Daniel Hall (2007) identified six specific steps necessary to develop a performance measurement plan at the local, operational level. These six steps include:

- Inventory and Assessment – Inventory and assess the performance measurements currently utilized.
- The Right Measures – Identify core performance measures needed to help achieve goals.

¹ This legislation required the Judicial Branch to report on “standards and measures that promote the fair and efficient administration of justice” (Ostrom, et al., 2007, p. 13).

- Measurement Hierarchies – Develop hierarchies of performance measures.
- Testing – Test the measurements.
- Data Collection and Distribution – Create data collection and distribution methods that are timely and useful.
- Performance Data Displays – Get measurement results to users in the most useful way (Douglas, Keilitz, & Hall, 2007, p. 8)

The elements named in these six steps, when implemented collectively, will move the organization toward efficient and effective operations (Douglas, et al., 2007, p. 8). The authors also proposed to the court's Performance Measurement Design Team three key requirements for an effective performance measurement system that align with the six steps. This required identifying, designing, and developing performance measures that help the team achieve its goals for improved performance (Douglas, et al., 2007, p. 11). Once the measures were developed, the team became responsible for ensuring that the performance measures were made available to the court staff for accurate extraction of the necessary data. The data can then be used to drive performance improvements.

The first four steps in the implementation process address the first requirement, and the last two steps address the second requirement identified by the authors (Douglas, et al., 2007, p. 11). The third requirement noted by the authors is to incorporate performance measurement into management decisions in all areas of

operations, strategic planning, and staff development so that it becomes a part of the culture of the District Clerk's Office (Douglas, et al., 2007, p. 11). The court's Performance Measurement Design Team proceeded to identify six key areas of performance as the focus of its performance measurement system, and assigned measurements to each area. The key areas of performance selected to make up the performance measurement system are: (a) access to justice, (b) court record reliability and integrity, (c) accountability for public funds, (d) effective use of jurors, (e) efficiency, and (f) district clerk work force strength (Douglas, et al., 2007, p.13). The team decided on a total of eight performance measurements that would be applied within the six key performance areas. Five of the measurements originate from NCSC's CourTools. The remaining three measurements were determined based on the team's desired outcomes and the relationship of those outcomes to the District Clerk's Office's stated mission, goals, values, and operations. These measurements must be fully developed by applying steps one and two of the six steps identified by Douglas, Keilitz, and Hall (2007) as necessary in developing a performance measurement plan at the local, operational level of the courts, as noted above. Careful thought should be given to their viability and relationship to the mission, goals, data collection, and desired outcomes identified by the court.

The value of a performance measurement system is that it can be designed for a specific court based on its needs. Douglas, Keilitz, and Hall (2007) suggest that a "one-size-fits-all" performance measurement system is not effective since no operation is

exactly the same, and such a system is not likely to succeed (p. 17). It is appropriate, then, for a court to determine what it wants to measure (key success factors) even though those factors may be outside the parameters of CourTools. This includes how the court will measure the factors, what the information means, and what action should be taken in light of the information gathered.

The process for implementing a performance measurement system laid out by Douglas, Keilitz, and Hall (2007) is a helpful guide in identifying the right blend of performance areas and measurements to track and utilize when working toward a high level of performance. It reiterates the need for courts to commit to self-assessment and self-improvement through performance measurement as a reflection on the court's purpose and mission. The process directs courts to look at how they perform now and how they want to perform in the future. It dictates that courts set measurable goals to achieve that vision of high performance and then determine/measure the court's success in accomplishing those goals. A performance measurement plan implies a continuous cycle of self-evaluation, goal setting, self-improvement, celebration of accomplishments, and resetting of forward-moving goals. Creating a performance measurement plan is the easy part, relatively speaking, of performance improvement. Actually implementing the plan to find out how the day-to-day work of the office is accomplished, and then making changes for the better on a level that is sustainable is the hard part. It takes commitment and hard work to monitor case processes

effectively, and to use those results to improve the processes that serve the people who seek justice in the courts. The effort is so worth it!

There has been a lot of hard work completed in the area of performance measurement over the past three decades, and great strides have been made to develop useful measurement tools to steer the court's focus toward performance improvement, performance outcomes, and customer service/satisfaction. As this work continues, there is a growing recognition that, while the current performance measurement systems are effective for measuring justice-based performance – age of pending caseload, clearance rates, etc. – there needs to be a way to measure operational performance at the “front line” level. The broader measures of court performance must link with the performance measurement of individual Clerk's Office operations, which represent the front line of justice administration.

Jake Chatters, in his article “Defining Operational Success: Measuring the Performance of a Court's Front-Line Staff” (2009), states that operational-level performance measures focus on the “timeliness and quality of the activities performed by line staff” (p. 118). Examples of operational-level performance measures include percentage of documents processed within a certain number of days and percentage of minute orders returned for correction (Chatters, 2009, p. 118). These measures provide the vehicle for quality improvement in the Clerk's Office and for creating a culture of pride that comes with important work done well.

Traditionally, front-line performance was measured by the amount of backlog in case processing. If the backlog was low, it was assumed that performance was good. Chatters (2009) points out that this should not define operational performance because it has a negative connotation and will “hinder” staff’s motivation to succeed (p. 119). It implies an expectation that there will be a backlog, so the goal is to minimize the backlog of work rather than an expectation that work can and will be done within a realistic, acceptable period of time on a consistent basis. He also points out that the backlog measurement looks at what is not done, instead of focusing on what has been accomplished.

Measuring front-line performance and expecting a high-level of work quality, and then celebrating excellence, motivates staff to maintain that high-level performance and instills the importance of their role in administering justice. As with the more overall justice-related measures, operational-level measures provide the information necessary to assess current levels of performance and compare them to desired performance levels, but at the front-line of court operations. It is impossible to reach the goal of excellence without looking at the day-to-day activities performed by staff and knowing at what quality level they are completed. Not knowing prevents staff from celebrating achievements, no matter how big or small.

Chatters shared eight implementation principles that staff in two of the major divisions at the Superior Court of Placer County discussed as they contemplated the use of operational performance measures. The eight implementation principles are:

- “Justice’ measures do not always serve us well, and there is a need for ‘operational’ measures;
- There is a demonstrated need to define success and develop related measures;
- Measurement can be a motivational tool – not a ‘gotcha’ but an ‘atta team’;
- Start small. We have limited resources so we must focus on a small number of measures (three to five);
- Keep the measures balanced. Don’t measure timeliness in the absence of quality;
- Good measures are quantifiable, meaningful, and can be influenced by our actions;
- What we measure influences behavior;
- Accept that we may not be able to measure exactly what we would like to measure” (Chatters, 2009, p. 120).

This type of performance measurement lends itself to a plan that is useful and valuable to individual Clerk Offices. Managers and staff can decide what areas of activity they should measure to effectively gauge progress toward established goals. When staff see how work contributes to that progress, they have a sense of why they do what they do – that they matter. Dan Straub (2006) asserts that it is imperative to communicate the “message” consistently and “constantly” (p. 9). The message must

include a clear statement of goals, the activities involved in reaching those goals, and how each individual staff member's efforts impact those goals. Staff must understand how their efforts and achievements are measured, and then receive feedback on the outcomes that result from those efforts and achievements. Real change can happen when people understand that their work supports the overall mission of the courts and that they, and what they do each day, constitute the "front-line" in the administration of fair and equal justice for the public.

The Important Role of the Mission Statement

It only makes sense, then, that a clear, well-communicated mission statement serves as the centerpiece for the court's efforts and effectiveness. A mission statement "defines a court's purpose and its fundamental values" (Aikman, 2007, p. 344). Those values remain constant even though new challenges result in operational changes. They inspire ownership, agreement, and commitment to the mission throughout the organization. It is the mission that drives the work to achieve goals that ultimately results in improved performance and service. The mission statement gives staff a sense of direction and common purpose, as well as a focal point when daily work becomes busy, complex, and challenging. When the mission is understood, the purpose of the work does not get buried in the piles of paperwork, flood of phone calls, and customer visits to the counter that happen every day.

Creating a mission statement is worth the effort. It may take some time to draft a meaningful mission statement that everyone "buys into," but it does not have to be a

complicated process. The mission statement should keep in mind what the Clerk's Office does at the time the statement is contemplated. It should describe how staff does the work and incorporate the organization's core values into the description (Ward, n.d.). Then it should indicate why staff do what they do. Once the mission statement is created, it must be communicated to all employees to the point that it becomes the basis for what they do and how they do it. Along with the goals and the organization's vision, it is the central point of consideration in management decisions. Such decisions must always consider whether the proposed decision supports the mission.

The mission of the North Dakota Supreme Court is "to provide the people, through an independent Judiciary, equal access to fair and timely resolution of disputes under law" (North Dakota Supreme Court, 2012). It is the responsibility of the Cass County Clerk of Court's staff to fully support that mission in the work that we do on behalf of the North Dakota Judicial Branch. In preserving the court's record accurately and timely, and ensuring that it is accessible to those within the court system whose work depends on it, as well as citizens who have a right to access the court's public record and to whom the courts are accountable, we contribute to the effective administration of justice. By applying performance measurements to day-to-day operations, we know whether we fulfill our responsibilities to the North Dakota Judicial Branch and the people we serve. If we are, it is cause for celebration and recognition of staff achievements. If we are not, it is an opportunity to adjust existing processes to improve performance and maintain a top standard of excellence in all that we do.

Applying the lessons learned from the literature as the foundation upon which to build the Clerk's Office performance initiative, the next section of this report describes the research design for the initiative and the data collection methods used.

METHODS

The research design for this study includes a six step process for data collection. The types of data identified for collection are based upon the court performance literature, which indicates that it is necessary to consider both the customer and the internal operating perspectives of the court (NCSC, 2010, p. 6). Drawing upon these two perspectives of the HPC Framework, this initiative gathers information to assess the opinions that both customers (judges, attorneys, and citizens) have about criminal court records management as well as those of Clerk staff. This provides valuable information about the first two perspectives of the HPC Framework and allows the Clerk's Office to use this information as a foundation to leverage the innovation and social value perspectives, the remaining two perspectives of the HPC Framework. The data collection plan also incorporates advice from Douglas, Keilitz, and Hall (2007) which suggests that it is necessary to inventory and assess performance, as well as from Chatters (2009) who indicates that it is necessary to evaluate court performance on the court's front line.

The data collection methods are divided into multiple parts because the Clerk's Office has three primary groups of customers. In order to assess perceptions about criminal records management from each of these groups, it is necessary to create

three separate data collection tools: one each for judges, attorneys and their staff, and citizens. A fourth data collection tool is necessary to gather information from Clerk's staff to assess the internal perspective. These four data collection tools all focus on perceptions of performance; the fifth and sixth data collection tools permit an objective assessment of the accuracy and timeliness of criminal court records. By combining these data collection methods, the study is able to capture a complete self-evaluation of the actual and the perceived quality of criminal records management by the Clerk's Office.

Three of the CourTools were used in this project to evaluate the records management function for adult criminal court records maintained by the Clerk's Office.

These CourTools are:

- CourTool 1 – Access and Fairness: This CourTool offers insight into how citizens perceive the quality of the work and service that is conducted by the Clerk's Office. It is used as a data collection method that provides information about the level of confidence that the public has in the accuracy of criminal records, in the knowledge of criminal procedures possessed by Clerk staff, and in the way citizens are treated by Clerk staff as they conduct business in the criminal area of the Clerk's operations.
- CourTool 6 – Reliability and Integrity of Case Files: This CourTool examines specific case-related activities in a random sample of criminal cases to determine records accuracy. It also utilizes case management

reports from 2010, 2011, and 2012 that reveal the amount of time between document filing to document entry into Odyssey to determine the timeliness with which criminal case records are maintained. CourTool 6 permits the use of data from actual cases managed by court staff to assess the degree of accuracy and timeliness. Through surveys, it also permits feedback to be gathered from judges and attorneys in order to compare the actual level of accuracy and timeliness to the perceived level of accuracy and timeliness by those who regularly work in the criminal area of the court. Having both actual and perceived information about the accuracy and timeliness of criminal court records provides a more complete understanding of the effectiveness of criminal records management.

- CourTool 9 – Court Employee Satisfaction: This CourTool reveals how Clerk staff perceive management of court records, how they feel about the work they do on behalf of the courts in North Dakota, and if they have necessary resources to carry out the Clerk’s work. Used as a survey, this CourTool permits gathering of feedback from employees who are directly involved in records management. Including the perspective of these employees is an important element in gathering a clear and complete picture of criminal records management in the Clerk’s Office.

Reliability and Integrity of Case Files: Four Data Collection Steps

CourTool 6 was the starting point for an assessment of the accuracy and timeliness of criminal court records management by the Clerk's Office. This CourTool was used to measure the reliability and integrity of adult criminal court files, including infractions, misdemeanors, and felonies. To assess the accuracy and timeliness of criminal case records, four data collection steps were used: (a) a file audit was conducted by clerk staff who are responsible for case management; (b) three timing reports, from 2010, 2011, and 2012, were generated from the Odyssey court information system; (c) a survey was distributed to judges; and (d) a survey was distributed to attorneys and their staff. This approach collects data on both the accuracy and the timeliness of records management, as well as perceptions of file accuracy and timeliness from the perspectives of these two customer groups.

Step One: Case file audit.

The first data collection step was the case file audit. To facilitate collection of the data, a file audit checklist was developed to identify key points in the life of a criminal case where record accuracy is critical. The checklist was pre-tested and staff who participated in the audit were trained on how to use the checklist. A copy of the audit checklist is in Appendix C.

The population for the case audit was a random population of 340 adult criminal cases identified in Excel by using the RandBetween formula. This represents 7% of the adult criminal records for the time period. The high and low file numbers were identified

through a case index report generated by the Odyssey court information system for a desired twelve-month period. Seven file numbers were identified as duplicate file numbers in the random population. The duplicate numbers were removed, leaving a total of 333 criminal cases in the final random population. Of the 333 adult criminal cases that were reviewed, 258 (77%) were misdemeanors, 67 (20%) were felonies, and 6 (2%) were infractions.

The case file checklist for the audit was pre-tested by three supervisors and the Clerk of Court. The pre-test confirmed that the audit took approximately five minutes per case. During the pre-test, it was discovered that the file population identified for audit must be adjusted. The original population included 334 cases with filing dates between August 2011 and August 2012. However, too many of the cases identified for audit were pending, which yields incomplete audit results. To obtain the most complete information, it was decided that the case population identified for audit should come from an older sampling of criminal cases filed no sooner than six months prior to the file audit; this allows sufficient time for a disposition to be reached in the cases. As a result, the population of criminal files was selected from misdemeanor and felony cases filed between March 1, 2011 and February 29, 2012. The pre-test also identified additional case activities that should be added to the checklist.

To conduct the audit, the population of 340 cases was broken down into 10 sets of 34 cases each to distribute the audit work evenly among staff members. A staff meeting was held to discuss the purpose of the criminal file audit and to provide detailed

instructions to staff about how to conduct the file audit. The researcher went through each item on the checklist, explaining what each meant and answering questions raised by staff members.

The actual audit took place from September 10, 2012 through September 21, 2012. Several questions were raised during the audit; these were answered by e-mail to all staff auditors. Since Clerk staff audited case records that they are tasked to maintain, it was important to take additional steps to ensure the validity of the data collected and to prevent bias. The first step was to assign each of the case lists for audit to two different staff members. The audit results from each pair of auditors were compared for consistency by the Clerk of Court. All discrepancies were resolved by the Clerk of Court through further review of the criminal cases under audit. In addition, all staff auditors were instructed not to audit their own cases. Each staff member identified any case he or she had personally managed; those cases were then redistributed to other staff members for auditing.

To keep track of the results of the case audit, all audit responses were entered into SurveyMonkey. Further analysis of the data was completed using Excel.

Step Two: Odyssey timing report.

The second step of data collection involved three timing reports that provide information regarding the length of time between document filing and document entry into Odyssey. The purpose of this data collection step is to offer insight into the timeliness of adult criminal court records management by the Clerk's Office. The

reports were generated from a query of the Odyssey court information system. By eliminating weekends and holidays from the timing calculations, the query took into account the number of “working days” it took to enter filed documents into Odyssey. The query was conducted by North Dakota Supreme Court Information Technology staff for 2010, 2011, and 2012. Data from these reports was summarized in charts created in Excel.

Steps Three and Four: Electronic surveys.

The third and fourth steps of data collection using CourTool 6 included two electronic surveys. One survey was directed to the eight judges chambered in Cass County, and the second survey was directed to fifty-three attorneys and their support staffs who regularly work in the criminal area of court proceedings in Cass County. These surveys posed a series of statements answered using a five-point Likert scale. The statements evaluate how judges and attorneys/support staff perceive criminal case management and file integrity in the Clerk’s Office. Both surveys were conducted via SurveyMonkey.

Step Three: Survey of judges.

The judge survey was pre-tested by Rod Olson, Trial Court Administrator for the East Central and Southeast Judicial Districts in North Dakota, prior to distribution. The pre-test identified that two statements were indistinguishable. As a result, emphasis was added to both statements to distinguish them from each other (see Appendix D).

On September 17, 2012, the judge survey was e-mailed to all eight judges chambered in Cass County. The e-mail explained the purpose of the survey and the importance of judicial input to the performance initiative. It also provided the Internet link to complete the survey using SurveyMonkey. All eight judges completed the survey for a 100% response rate.

Step Four: Attorney and support staff survey.

The attorney survey was pre-tested by four attorneys and one support staff member – two prosecuting attorneys, two public defenders, and one public defense support staff member. As a result of these pre-tests, it was determined that the attorney survey took one to two minutes to complete. Two attorneys suggested that space for comments be provided immediately after each question to allow respondents to explain responses, rather than limiting comments to the end of the survey. This change was made to the survey prior to distribution (see Appendix E).

On September 21, 2012, the attorney survey was e-mailed individually to 53 attorneys and support staff within Cass County. The e-mail explained the court project, the purpose of the survey, and the importance of receiving the respondent's feedback. It also provided the Internet link to complete the survey using SurveyMonkey. A reminder e-mail was sent out to the same attorneys and support staff on October 3, 2012 in an effort to increase the number of responses to the survey. 39 responses were received, for a response rate of 74%. Of those 39 who responded, 49% represent prosecution, and 51% represent defense practice.

Access and Fairness: Data Collection Step 5

CourTool 1 is the basis for the fifth data collection step, focused on citizens' perceptions of criminal court records management by the Clerk's Office. To apply CourTool 1 to criminal case records management, a public trust and confidence survey was conducted from September 5, 2012 through October 9, 2012. The survey tool solicited information to assess how court staff performance is perceived by the public with regard to criminal record keeping and customer service. Survey statements 1, 5, 11, and 12 are based on questions included in the Access and Fairness survey established by CourTool 1. Statements 2, 3, 4, 6, 7, 8, 9, and 10 were generated by the researcher based on specific information necessary to evaluate public perception with regard to the quality of criminal court records maintained specifically in the Cass County Clerk of Court's Office. The survey provided a series of statements to which individuals responded using a five-point Likert scale. The survey was distributed in hard copy to members of the public who visited the Clerk's Office from September 5, 2012 through October 9, 2012.

The survey tool was pre-tested prior to distribution. It was given to four family members of the researcher who represented both genders and ranged in age from 21 to 54. The pre-test revealed that it took approximately two minutes to complete the survey, and that the survey was understandable to individuals unfamiliar with court operations. No adjustments to the survey tool were needed (see Appendix F).

The surveys were numbered 1-100 in order to track, with certainty, the return rate of surveys distributed. Court personnel who distributed surveys were given verbal and written instructions about what to do and say when members of the public appeared at the counter regarding criminal matters. Individuals were asked if they would agree to participate in the survey; the survey was given only to those who agreed to participate. Participants were given the survey on a clipboard and asked to drop the completed survey in a dropbox located down the hallway from the front counter of the Clerk's Office. A poster was displayed above the labeled dropbox to make it clear where completed surveys were to be returned. It was important to offer the participants a neutral location to return the surveys in order to assure anonymity of the respondents. The surveys were collected at the end of each day and maintained in a folder by the Clerk of Court in her desk until data analysis was complete. At the end of the survey period, all survey responses were manually entered into SurveyMonkey by a Court Administration support staff member. Ninety-three surveys were received. A copy of the survey is available in Appendix E.

Court Employee Satisfaction: Data Collection Step 6

The final data collection step is based on CourTool 9. This data collection step was undertaken to incorporate the internal operating perspective into the performance initiative. As CourTool 9 explains, "committed and loyal employees have a direct impact on a court's performance" (NCSC, n.d.). There is a direct link between the level of

employee satisfaction and commitment to work quality in an organization; therefore, it is imperative to measure employee satisfaction as part of this project.

The survey tool used was the Employee Satisfaction survey from CourTool 9 (see Appendix G). There was no need to pre-test the survey or to take steps to ensure the validity of the data since the survey was thoroughly vetted by staff at NCSC prior to publication of the CourTools.

A brief meeting was held to explain to all staff members the purpose and importance of the survey. The survey was distributed by e-mail and conducted anonymously. Responses were recorded electronically using SurveyMonkey. Staff members were given one week to complete the survey. A 100% response rate was recorded, with 24 staff members completing the survey.

FINDINGS

This section of the report describes the results obtained from the six data collection steps described above. The data reveals many areas for which the quality of adult criminal records management is high and worthy of celebration. It also reveals areas of concern that require close attention by the Clerk's Office to reach desired levels of accuracy and timeliness. The overall finding is that the adult criminal records maintained by the Cass County Clerk of Court's Office are reliable.

CourTool 6: Reliability and Integrity of Case Files

Criminal case file audit.

Finding 1: The overall accuracy rating for criminal case files averaged 92%.

Fourteen critical case activities that cover the lifespan of the case, from initiation to disposition, were audited for each of the files selected. The case file audit results indicate that seven of the 14 case activities are processed with an accuracy rate of 95% or higher. These items are:

1. Charges/counts recorded in Odyssey
2. Bond disposition recorded in Odyssey
3. Docket currency up-to-date and accurate in Odyssey
4. No Contact Orders recorded accurately/No Contact Order flags added and No Contact Order flags removed on the case correctly in Odyssey
5. Case status and aging clock recorded accurately in Odyssey

In contrast, four of the 14 case activities are processed with an accuracy rate of 85% or lower:

1. Criminal Judgment matched clerk's notes
2. Time standard correctly set/completed when sentence involved Order Deferring Imposition
3. Cases dismissed and restricted at the end of the deferred imposition period, when appropriate to do so

4. Time standards completed timely

The full results of the case file audit for each of the 14 case activities is found in Table 1 below.

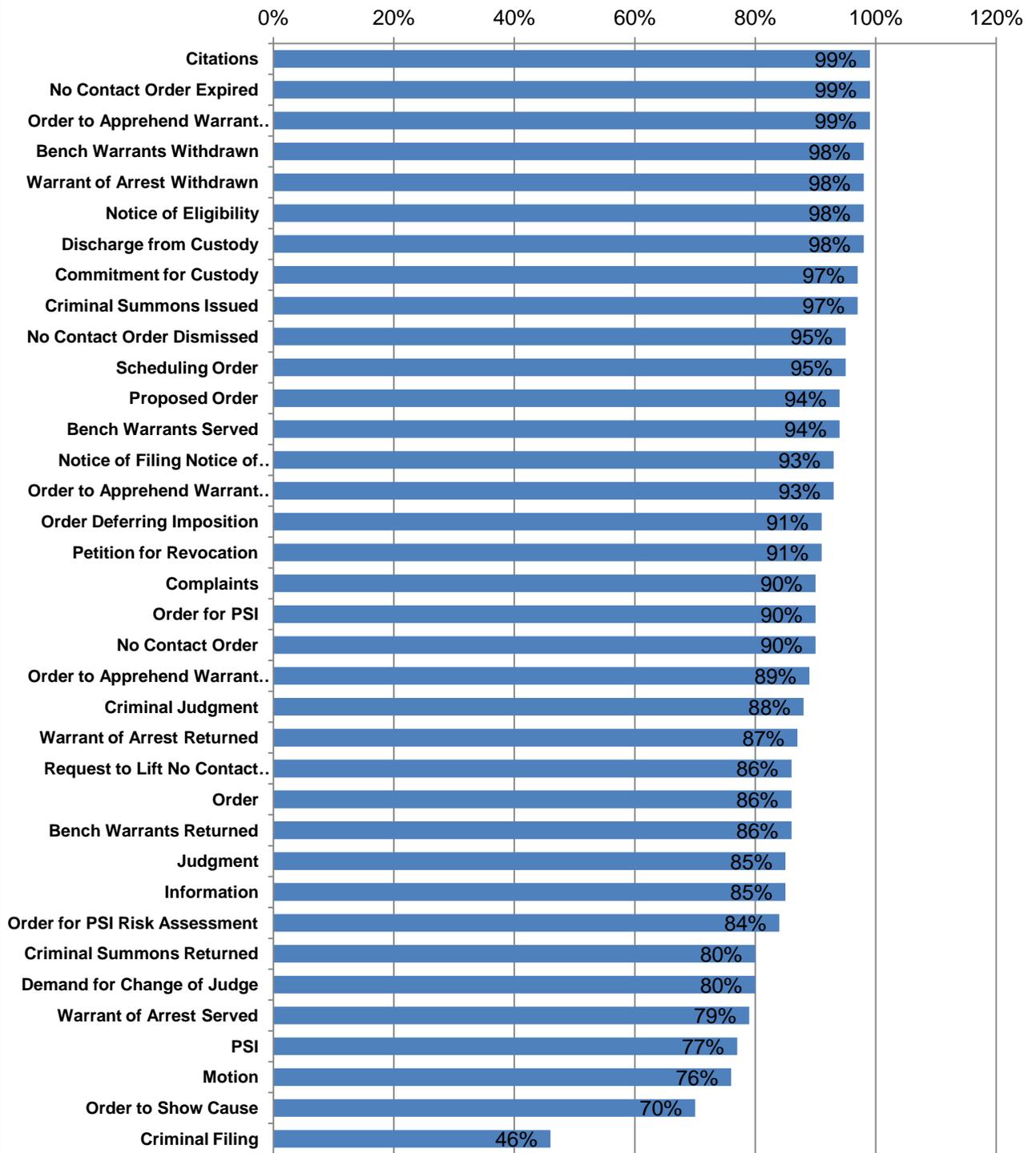
Table 1. ADULT CRIMINAL FILE AUDIT				
SURVEY STATEMENT	YES	NO	NOT APPLICABLE	ACCURACY
5. Charges/counts on the charging document match the charges entered in Odyssey.	329	3	1	99%
6. Was an amended charge ordered? If so, is it correctly reflected on Disposition Tab?	54	6	273	90%
7. Sentencing information on the Criminal Judgment matches the clerk's notes on the pink/white sheet.	241	52	40	82%
8. Sentencing information entered in Odyssey matches the Criminal Judgment.	277	20	36	93%
9. The time standard was correctly set/completed when the sentence involved an Order Deferring Imposition.	70	19	244	79%
10. The case was dismissed & restricted at the end of the Deferred Imposition period, when appropriate to do so.	27	7	299	79%
11. Bond was disposed of correctly & timely.	159	7	167	96%
12. Active warrant is still valid.	24	2	307	92%
13. Docket Currency is up-to-date.	307	12	14	96%
14. Time standards are completed timely.	81	16	236	84%
15. Pre-post disposition no contact order is active/vacated according to most recent order.	37	0	296	100%
16. Was no contact order flag correctly added to the case when pre-post disposition no contact order was ordered?	32	1	300	97%
17. Was the no contact order flag correctly removed from the case when the pre-post disposition no contact order was vacated/expired?	19	0	314	100%
18. Case status & aging clock reflect current case activity.	322	6	5	98%

Odyssey timing report.

Finding 2: Of the 36 criminal case events reviewed, 20 events were entered into Odyssey within two days of filing 90% of the time.

Entry of case events was studied for a three year time period from 2010 to 2012. The data revealed that, on average, nine criminal case events were entered into Odyssey within two days of filing 97-99% of the time. An additional 11 case events were entered within two days of filing 90-96% of the time. The remaining 16 events were entered into Odyssey within two days less than 90% of the time (see Figure 1).

Figure 1. Avg. Percentage of Criminal Events Filed Within 2 Days (2010-2012)



Judges' survey.

Finding 3: The judges of the East Central Judicial District indicate a high level of confidence in the accuracy and reliability of criminal court records.

Only two areas of concern were identified by the judges' responses. These areas reference item number 2, "case activity in criminal files is processed in Odyssey in a timely manner" (within two days of hearing or filing), and item number 4, "the court file is complete when I reference it for court hearings and case work." The first item, number 2, received six responses (75%) that indicated agreement with the statement. None of the judges disagreed. The second item, number 4, was the only item to receive a negative response. One judge (12%) disagreed, while six other judges (75%) agreed with the statement (see Table 2).

Table 2. CRIMINAL CASE FILE INTEGRITY – ECJD DISTRICT COURT JUDGE SURVEY			
SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	% AGREEMENT
1. Criminal court records maintained by Clerk of Court staff are accurate & reliable	7	0	88%
2. Case activity in criminal files is processed in Odyssey in a timely manner (within two days of hearing or filing).	6	0	75%
3. Criminal judgments accurately reflect my court order.	8	0	100%
4. The court file is complete when I reference it for court hearings and case work.	6	1	75%

SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	% AGREEMENT
5. Communication from Clerk of Court staff is understandable/accurate when a criminal case is detailed to me for action.	7	0	88%
6. Communication from Clerk of Court staff is TIMELY when detailed to me for action.	8	0	100%
7. If problems with criminal records or procedures are identified, they are resolved timely and effectively.	7	0	88%
8. Overall, I have confidence in the criminal records maintained by Clerk of Court staff.	8	0	100%

Attorney and staff surveys.

Finding 4: The attorney and attorney staff surveys reveal a lower rate of confidence in the accuracy and timeliness of criminal court records than demonstrated by the case file audit and judges’ survey.

Seventy-nine percent of the attorneys and support staff who responded to the survey agree with item number 10, “overall, I have confidence in the criminal court records maintained by Clerk of Court staff”. This survey identified two areas of particular concern. The first issue references item number 6, “criminal court records maintained in Odyssey are current/up-to-date within two days of hearing or filing.” This statement received the lowest average rating by attorneys and their staffs. Only 46% of responders agreed with the statement, while 38% disagreed. Comments received on

the survey reveal frustration with the length of time it takes for notices, scheduling orders, and judgments to be filed.

The second area of concern relates to item number 9, “I receive the case related information I need in a timely manner to perform my responsibilities as they relate to criminal prosecution/defense (hearing notices, court orders, etc.).” Only 59% of attorneys and their staffs agreed with this statement. Comments received expressed frustration that attorneys do not receive or are not served with specific types of documents, and that they must print the documents from the Odyssey system themselves (see Table 3).

Table 3. CRIMINAL CASE FILE INTEGRITY – ATTORNEY SURVEY			
SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	% AGREEMENT
1. Criminal charges (original & amended) are accurately recorded in Odyssey.	27	9	69%
2. Criminal judgments accurately reflect the judges' orders.	32	5	82%
3. Financial information, including bond & restitution, is accurately recorded in Odyssey.	26	2	67%
4. The electronic file contains all documents filed in the criminal case.	30	3	77%
5. Information contained in the electronic court file is understandable.	29	3	74%
6. Criminal court records maintained in Odyssey are current/up-to-date within two days of hearing or filing.	18	15	46%

SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	% AGREEMENT
7. Clerk of Court staff are able to answer my questions as they relate to criminal court records or procedures.	28	2	72%
8. If problems with criminal court records or procedures arise, they are addressed by Clerk of Court staff timely and effectively.	28	5	74%
9. I receive the case related information I need in a timely manner to perform my responsibilities as they relate to criminal prosecution/defense (hearing notices, court orders, etc.).	23	12	59%
10. Overall, I have confidence in the criminal court records maintained by Clerk of Court staff.	31	2	79%

CourTool 1: Access and Fairness

Finding 5: The public is pleased with the customer service that is provided by the Clerk’s staff.

Finding 6: The public rates the accuracy of records maintained by the Clerk’s staff less positively than customer service.

The overall rating for the public trust and confidence survey shows an approval rating of 78%, while a 75% approval rating is obtained for accuracy (see Table 4). As a result, the public’s perception of the accuracy level of criminal court records is roughly comparable to that reported by attorneys and their support staffs. This finding is considerably lower than that of the judges’ perceptions and contrasts sharply with the results of the case file audit.

Table 4. PUBLIC TRUST AND CONFIDENCE SURVEY - CRIMINAL			
SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	% AGREEMENT
Clerk of Court Staff:			
1. are friendly & courteous.	85	5	91%
2. respond in a timely manner when I am at the counter.	88	5	95%
3. know the answers to my questions as they relate to criminal court records/proceedings.	70	6	75%
4. are willing to take time to explain things to me.	73	5	78%
5. paid attention to my needs	79	4	85%
Court Records in My Criminal Case:			
6. are complete & accurately reflect proceedings held in the case.	65	7	70%
7. are readily available when I need to see them.	69	5	76%
8. are current & up-to-date	72	4	79%
I Am Satisfied:			
9. with the service I received from Clerk of Court staff.	80	4	86%
10. that my criminal file is an accurate record of case activity & court orders.	69	5	74%
11. That as I leave the Clerk of Court's Office, I know what to do next about my case.	54	3	58%
12. That I was able to get my business done in a responsible amount of time.	61	7	66%

CourTool 9: Employee Satisfaction

Finding 7: The employee satisfaction survey of Clerk staff yielded mixed results.

The Court Employee Satisfaction survey assesses employee satisfaction in ten areas: (a) Communication, (b) Performance, (c) Skills, (d) Respect, (e) Valued, (f) Work Relationships, (g) Training/Tools, (h) Work Environment, (i) Pride, and (j) Progressive.

The data demonstrates that overall, Clerk staff agree that they understand the importance of their jobs and what is expected of them. They believe that the work environment is conducive to good job performance and that performance is high. They are proud to work for the courts. They somewhat agree that Clerk staff have the resources and training necessary to perform their jobs, are respected at work, and have positive work relationships. They indicate concern about communication, work distribution, whether their skills are fully utilized, and whether they are valued at work. Results of the survey are reported below by category and in Table 5.

Communication.

The first category of statements addresses communication within the Clerk's Office. Statements 2, 12, 16, 24, 25, 28, 32, and 34 all relate to communication. When responses to these statements are averaged 56% of staff agree that there is effective communication within the organization.

Performance.

The second category of statements addresses the job performance of Clerk staff. Statements 37 and 38 relate to job performance. Eighty-six percent (86%) of staff report that the level of performance by the Clerk's Office is high.

Skills.

There are four statements in the survey that relate to how well employees' skills are put to use in the course of their work – items 3, 6, 17, and 21. Slightly more than half (54%) of Clerk staff report that they are given opportunities to develop their skills,

along with new responsibilities to use those skills in their jobs. Only 6% disagree, while 40% neither agree nor disagree.

Respect.

The fourth category of statements deals with respect – how employees are treated by various groups of people they interact with at work and how well they treat each other. Statements 4, 8, 30, 35, and 36 fall into this category. Seventy-two percent (72%) of staff members agreed that they are treated with respect while at work. Eight percent (8%) feel that they are not treated with respect, while 20% neither agree nor disagree.

Valued.

Statements 9, 11, and 27 relate to feeling valued at work. Forty-seven percent (47%) of staff agreed that they are thanked for a job well done, valued for their knowledge and contributions, and free to express their opinions on how to do the work. An average of 26% of the Clerk's staff disagree that they are valued, and 26% neither agree nor disagree.

Work relationships.

Work relationships have a significant impact on an employee's sense of satisfaction at work, whether positive or negative. Statements 5, 14, and 26 address work relationships. Overall, 78% of Clerk staff report positive relationships with co-workers. Of 72 responses to the three questions in this category, only four responses were negative.

Tools and training.

The seventh category of the survey addresses employees' sense that they have the resources, equipment, and information they need to do their jobs. Statements 7, 18, 19, 22, 23, 31, 33, 39, and 40 address these issues. Overall, 92% of staff know how their jobs contribute to court's mission, what it means to be successful at their jobs, and what is expected of them. An average of 58% of Clerk staff agree that they have the training necessary to do their jobs, that they are given adequate information/direction regarding policies and procedures that pertain to their work, and that they understand the criminal procedures involved in criminal case records management. Eighty-three percent (83%) of staff feel that they have the resources necessary to do their jobs, while 71% agree that their jobs are clearly defined. Only 42% of staff feel that work is fairly allocated among staff members, while 38% disagreed with this assertion.

Work environment.

The eighth category of questions in the Employee Satisfaction Survey relates to work environment. Statements 10 and 41 are included in this category. Of the 24 staff members who responded, 18 (75%) feel that their work environment enables them to do their jobs well. When it comes to feeling safe at work, 88% of staff have a sense that they are safe while at work in the Clerk's Office.

Pride.

Statements 13, 20, and 42 all relate to the pride felt by staff in the work they do

for the courts. There is a high sense of pride among Clerk staff that they work for the North Dakota courts, and specifically, for the Cass County Clerk of Court's Office. Seventy-five percent (75%) of staff agree that they enjoy coming to work, while 96% agree that they are proud to work in the Clerk's Office and for the North Dakota court system.

Improving court operations.

The last set of statements in the Employee Satisfaction Survey relate to improving court operations. Statements 1, 15, and 29 address this issue. Seventy-five percent (75%) of staff agree that the court's leaders, managers, and supervisors seek improvement in work processes and procedures. However, only 33% of staff feel that their ideas for improvement receive follow-up by managers and supervisors.

Table 5. EMPLOYEE SATISFACTION SURVEY – CASS COUNTY CLERK OF COURT'S OFFICE			
SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	SATISFACTION LEVEL
1. My work unit looks for ways to improve processes & procedures.	17	1	71%
2. I am kept informed about matters that affect me at work.	11	5	46%
3. As I gain experience, I am given responsibility for new & exciting challenges at work.	14	2	58%
4. The court is respected in the community.	13	3	54%
5. The people I work with can be relied upon when I need help.	22	1	92%
6. I have an opportunity to develop my own special abilities.	10	3	42%

SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	SATISFACTION LEVEL
7. I understand how my job contributes to the overall mission of the court.	23	0	96%
8. I am treated with respect.	19	0	79%
9. When I do my job well, I am likely to be recognized & thanked by my supervisor.	11	8	46%
10. My working conditions & environment enable me to do my job well.	18	1	75%
11. I feel valued by my supervisor based on my knowledge & contributions to my division.	14	2	58%
12. My court's leaders communicate important information to me in a timely manner.	11	6	46%
13. I enjoy coming to work.	18	1	75%
14. The people I work with take a personal interest in me.	18	4	75%
15. Managers & supervisors follow up on employee suggestions for improvements in services & work processes.	8	10	33%
16. My meetings with my supervisor are useful & meaningful.	14	2	58%
17. When appropriate, I am encouraged to use my own judgment in getting the job done.	14	0	58%
18. I have the resources (materials, equipment, supplies, etc.) necessary to do my job well.	20	1	83%
19. On my job, I know exactly what is expected of me.	21	0	88%
20. I am proud to work in the court.	23	0	96%
21. The court uses my time & talent well.	14	1	58%

SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	SATISFACTION LEVEL
22. I get the training I need to do the job well.	12	8	50%
23. I know what it means for me to be successful on the job.	22	0	92%
24. My supervisor is available when I have questions or need help.	16	2	67%
25. Communication within my division is good.	13	5	54%
26. My co-workers work well together.	16	0	67%
27. I have opportunities to express my opinion about how things are done in my division.	9	9	38%
28. In the last 6 months, a supervisor/manager has talked with me about my performance/career development.	15	4	63%
29. The court & its leaders are dedicated to continuous improvement.	19	0	79%
30. I am treated with respect by the public.	17	2	71%
31. Duties of my position are clearly defined.	17	3	71%
32. I feel that I am given adequate feedback regarding my job performance.	15	4	63%
33. Work is fairly allocated among all Clerk of Court employees.	10	9	42%
34. There is fair opportunity for all Clerk of Court employees to air grievances & have them addressed.	12	6	50%
35. Clerk of Court employees are treated fairly & respectfully by their supervisors/Clerk of Court.	21	1	88%

SURVEY STATEMENT	AGREE/STRONGLY AGREE	DISAGREE/STRONGLY DISAGREE	SATISFACTION LEVEL
36. Clerk of Court employees are courteous, helpful, & polite to their co-workers.	16	4	67%
37. The Clerk's Office responds quickly to changes in law.	18	1	75%
38. In general, members of the public can obtain information on a case quickly & easily from the Clerk's Office.	23	0	96%
39. I feel that I am given adequate information/direction regarding the procedures & policies that pertain to my work.	13	6	54%
40. I have a good understanding of the various procedures involved in criminal case processing.	17	2	71%
41. I feel safe while at work in the Clerk's Office.	21	3	88%
42. I am proud to work for the North Dakota Court system in the Cass County Clerk of Court's Office.	23	0	96%

CONCLUSIONS AND RECOMMENDATIONS

The data collected in this project provides the Clerk's Office with a strong foundation on which to build a performance measurement program that incorporates continuous operations improvement in its day-to-day business. The findings above demonstrate that the Clerk's staff accurately and effectively manages criminal court records, provides excellent customer service, and takes great pride in the work it performs on behalf of the courts and citizens of North Dakota. Those same findings

also inspire a close look at specific areas of criminal records management for further improvement. The recommendations that follow are just the beginning of a continuous effort to improve both the work quality and work life of the individuals employed by the Cass County Clerk of Court's Office.

Conclusion 1: Adult criminal court records are maintained with a high level of accuracy, but there is still room for improvement.

The file audit of randomly selected criminal cases revealed that of the 14 critical criminal case activities, seven had a 95% or higher rate of accuracy, while nine were accurate at least 90% of the time. Five case activities had accuracy rates that range from 79% to 89%. This leaves some room for improvement in accuracy of criminal case records.

Recommendation 1: Establish a standard for accuracy of adult criminal court records. Regularly monitor and report accuracy of criminal court records; take corrective action as necessary to ensure that records are consistently accurate and reliable.

It is recommended that the Clerk's Office adopt an accuracy standard of 97% for adult criminal records. To reach this goal, improvement in accuracy would be necessary. Although the findings indicate that the current degree of accuracy is lower than desired, improvements to reach the goal of 97% are both realistic and manageable. For example, the lowest current accuracy rate provides a modest improvement goal of 18%.

Improvements in the accuracy of court records can only be achieved by regularly monitoring performance. To monitor accuracy of court records, it is recommended that the Clerk's Office should conduct quarterly audits of 100 randomly selected adult criminal records. To facilitate quarterly audits, the audit tool should be reviewed to ensure that all critical case activities are adequately represented. Information gathered via the audit should be summarized in a report and communicated to Clerk staff and court administration for informational purposes, goal-setting, problem-solving, and recognition of achievement. Corrective action should be implemented to address discrepancies in case file accuracies.

Conclusion 2: Case information is recorded in Odyssey in a timely manner in greater than 50% of the case events reviewed, indicating that there is still room for improvement.

Timeliness of the court's record is an important indicator of the quality of that record. Although the majority of case events are recorded in a timely manner, sixteen of the case events reviewed were recorded timely less than 90% of the time.

Recommendation 2A: Review caseload assignments to insure that work is allocated fairly so that documents filed are processed within two working days.

In order for court records to be complete and accessible when needed, case activity must be entered into Odyssey within two working days. To accomplish this goal, it is imperative that the heavy workload of the Clerk's Office is allocated evenly amongst staff so that cases are processed timely and effectively. Staff shortages will periodically

arise that require redistribution of cases. For periods of longer staff shortages, such as two weeks, it is recognized that the goal of 97% processing of all files within two days be may be temporarily relaxed.

Recommendation 2B: Use Odyssey to monitor and report processing of case files on a monthly basis to ensure that records are current within the two-day standard.

To assess progress toward this goal, a monthly review of Odyssey reports, along with implementation of corrective action when necessary, is recommended. As with case accuracy, results of the monthly reports should be communicated to Clerk staff and court administration. This recommendation will enhance caseflow and ensure that individuals who depend on the court's record have access to current and accurate files when needed. In addition, publishing the rate at which the two-day time standard is met will dispel perceptions of delay by attorneys, stakeholders, and citizens.

Recommendation 2C: Reduce casework for supervisors by approximately 25% to provide adequate time to monitor criminal court records management. Add two additional staff members to align staff size more closely with staffing study findings.

Because the Attorney and Public Trust and Confidence Surveys both indicated a lower level of confidence in the accuracy and timeliness of criminal court records maintained by the Clerk's Office, addressing these issues must be a priority. In order to address these concerns, it is proposed that supervisors' casework be realigned to

provide sufficient time to monitor records management on an ongoing basis. Adopting performance measurement standards will demonstrate to all court customers, both internal and external, the actual quality of court records, as well as identify areas that need improvement. Clerk staff will then be in a better position to identify targeted strategies to strengthen performance in these areas.

In order to implement an effective performance measurement program, both time and staff are necessary; it is difficult to maintain a high level of quality service in the long-term when there is a shortage of available staff. Therefore, it is recommended that two additional staff be added to more closely align with the findings of the staffing study. This recommendation is not undertaken lightly; only when efficiencies have been implemented and all options for a long term resolution explored is the addition of staff appropriate.

Conclusion 3: Judges, attorneys/support staffs, and citizens all indicate confidence in the accuracy and reliability of adult criminal court records. However, attorneys/support staffs and citizens indicate a lower level of confidence than judges, indicating opportunities for improvement.

Judges responded with 100% agreement when asked whether they agreed with the statement “Overall, I have confidence in the criminal records maintained by Clerk of Court staff.” Out of 64 responses received from the judges, only one comment was negative. This negative response is directly related to timeliness of record entry, and

will be examined closely in that context. It is anticipated that the measures recommended above will address this concern.

In contrast, responses from attorneys and their support staffs indicated concern about the timeliness of records and the accuracy of charges entered into Odyssey. In addition, they expressed frustration that they are not directly served with court orders and scheduling orders. The questions raised regarding the accuracy of charges entered into Odyssey do not match the findings in the file audit for this case activity. The charges the attorneys question are Simple Assault-Domestic Violence, and certain drug related offenses. These offenses are entered accurately into Odyssey, as the file audit shows; however, the North Dakota Century Code does not offer specific charging codes for these offenses to distinguish them from other Simple Assault charges or various drug-related charges. The frustration that attorneys expressed with regard to service of court orders stems from a change in procedure in the Clerk's Office, not clerk error. The attorneys receive daily notification of the filing of orders via an Odyssey report that is automatically e-mailed to them. After receiving the report, they have to print the documents they file if copies are desired.

Citizens also indicated a lower level of confidence in the accuracy and timeliness of criminal court records, consistent with the perception of attorneys and their support staffs. Once again, this concern is not supported by the data. As citizens are an important part of the population served by the Clerk's Office, these concerns must be studied closely so that they can be resolved effectively.

Recommendation 3A: Conduct periodic surveys to assess the level of confidence that judges, attorneys/support staff, and citizens have in adult criminal court records.

In order to continually pursue improved customer service, it is necessary to gather information about customer needs, experiences, and concerns. It is recommended that periodic surveys, perhaps annual or bi-annual, are given to judges, attorneys and their support staffs, and citizens to assess perceptions of the Clerk's Office. The information gathered in response should be used to address any concerns raised in the surveys. In addition, performance should be compared across time. For example, the information collected for this study may serve as a benchmark for comparison against future survey results. This also provides an effective method for the Clerk's Office to identify performance improvement over time

Recommendation 3B: State IT staff should pursue the "automatic notice" function in Odyssey so that notices of filing are emailed to attorneys of record.

An automatic notice of filing, with the pertinent document attached, will serve the attorneys well. Such a function would need to be thoughtfully developed so that it meets attorneys' needs without creating new concerns. State IT should pursue this option as a way to alleviate the frustration expressed by attorneys.

Conclusion 4: Clerk staff takes pride in their work and sustains a high level of performance. However, there are opportunities for the Clerk of Court to partner with staff to further improve the work environment.

The findings of this study confirm that Clerk staff maintains a high level of performance on behalf of the citizens of Cass County. The Employee Satisfaction Survey indicates recognition by Clerk staff that their work is important and that it contributes to the mission of the North Dakota Court System; this is a source of pride for Clerk staff. However, the survey also revealed some areas for improvement, including effective communication, recognition of achievement, and availability of training.

Recommendation 4A: The Clerk's Office should strive to improve communication, recognize staff accomplishments, and encourage staff input.

Effective communication at all levels and from all directions within the Clerk's Office is important to ensure that every staff member has the information necessary to apply processes and procedures correctly. It also ensures that staff members understand job expectations and demonstrate respect toward others. Communication reinforces the importance of high performance. By communicating with staff about a job done well, or to correct performance, the Clerk staff are given necessary feedback about performance. Such communication presents the perfect opportunity to let a staff member know how much their efforts are appreciated and achievements valued. Finally, effective communication encourages staff to share their ideas and concerns, and provides reassurance that their input is valued, given careful consideration, and acted upon when appropriate.

Recommendation 4B: The Clerk of Court and supervisors should develop a training plan that establishes a monthly schedule for training and team meetings.

By offering monthly training sessions, the Clerk's Office will increase the availability of training for staff. Input for training should be provided by both supervisors and Clerk staff. For example, soliciting suggestions for training topics from staff is a good way to ensure that Clerk staff are trained in the areas they perceive as representing the most significant need. In addition, incorporating monthly team meetings will provide informal opportunities to address issues, review procedures, and answer questions from staff. Additional training topics may be identified during these meetings.

Conclusion 5: A mission statement articulates an organization's vision and represents a fundamental component of any effort to attain high performance.

The literature supports that mission statements are an important part of articulating an organization's vision and central focus. They serve as both an inspiration and a rallying point for an organization's members. By undertaking efforts to attain high performance, the Clerk's Office is embracing high performance as part of its mission.

Recommendation 5: The Clerk's Office should create a mission statement that supports the mission of the North Dakota Courts while providing direction and inspiration for its high performance goals.

In order to be successful in its efforts to achieve high performance, it is necessary that each and every member of the Clerk's Office share in its vision. The process of creating a mission statement brings staff together to dialogue about the organization's goals, its strengths, and its weaknesses. Through this dialogue, a shared vision is created. Therefore, it is recommended that the Clerk's Office undertake the process to create its own mission statement within the context of the North Dakota Court System.

The mission statement created by the Clerk staff should incorporate some familiar components. It should define the purpose of the Clerk's Office, identify its core values, and articulate its central focus. Because the Clerk's Office does not fulfill its responsibilities in a vacuum, it is also important that the mission of the Clerk's Office articulate its own mission within the context of its services to the North Dakota Courts. Finally, it should serve as a reminder of the pride that Clerk staff have in their jobs. Appendix H offers a sample mission statement that incorporates these components that may serve as the starting point for this dialogue within the Cass County Clerk of Court's Office.

CONCLUDING REMARKS

When contemplating this project, the author understood that self-evaluation is a worthy, but difficult undertaking. It takes courage to look closely at how well things are done, knowing that all things are not perfect. However, it is exciting to know that the Cass County Clerk's Office makes a valuable contribution to the achievement of the

mission of the North Dakota Court system on a daily basis, and that the challenges that are encountered can be resolved and overcome with a commitment to quality. The findings of this study confirm that that the Clerk of Court staff do a great job and have cause to celebrate the big and small achievements they make each day. The findings of this study also provide the Clerk of Court's Office with the information necessary to set the direction, goals, and performance plans that will provide them with opportunities to improve. In addition, relevant findings were shared with the North Dakota State Legislature as they make decisions regarding staffing levels for the Clerk's Office during the 2013 legislative session.

Before this project, it was difficult to make/take time to measure operational performance – the day-to-day responsibilities took priority. After this project, it is apparent that performance measurement is manageable and necessary, and that achieving consistent quality is a realistic goal. There is no doubt that the knowledge gained from this and future performance measurement projects is highly valuable as Clerk staff place an emphasis on quality. Performance measurement must be a top priority going forward, with assurance that the required investment of time and resources is well worth the end result – a high performance Clerk of Court's Office of which each and every Clerk staff member is proud to be a part.

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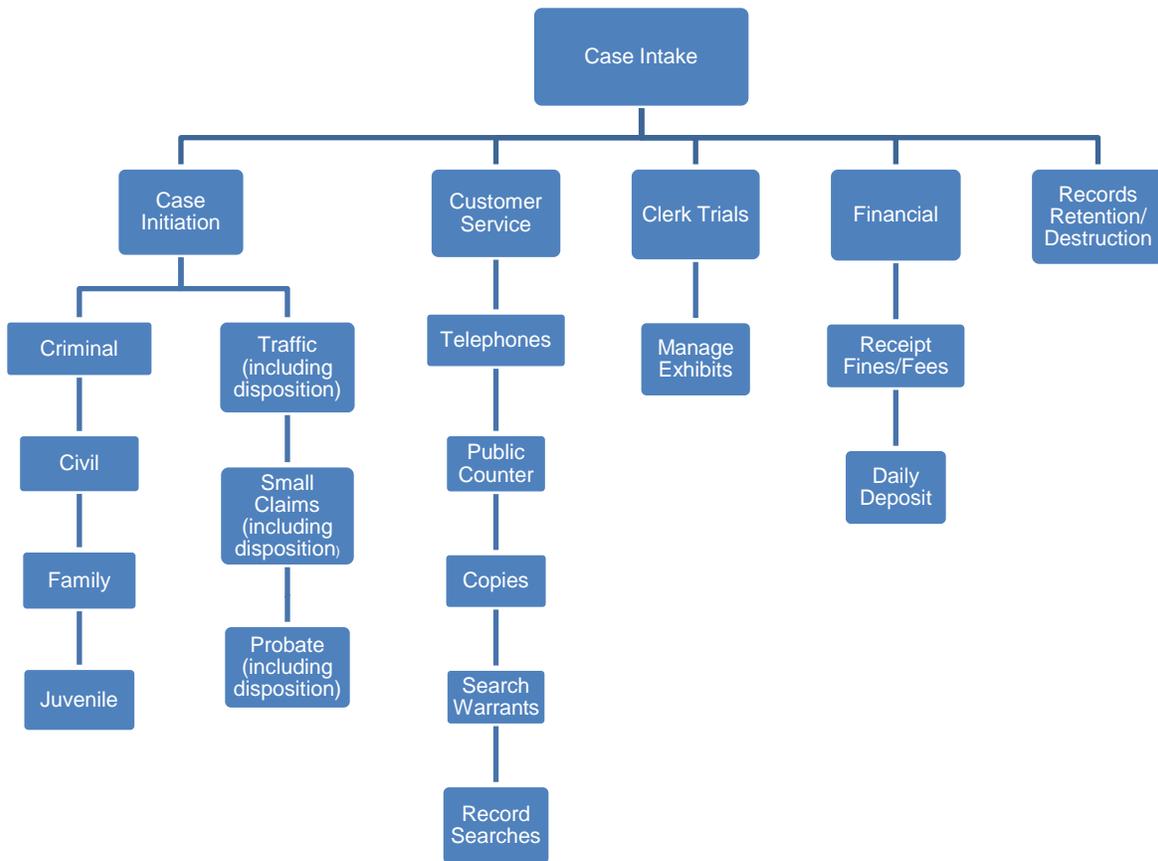
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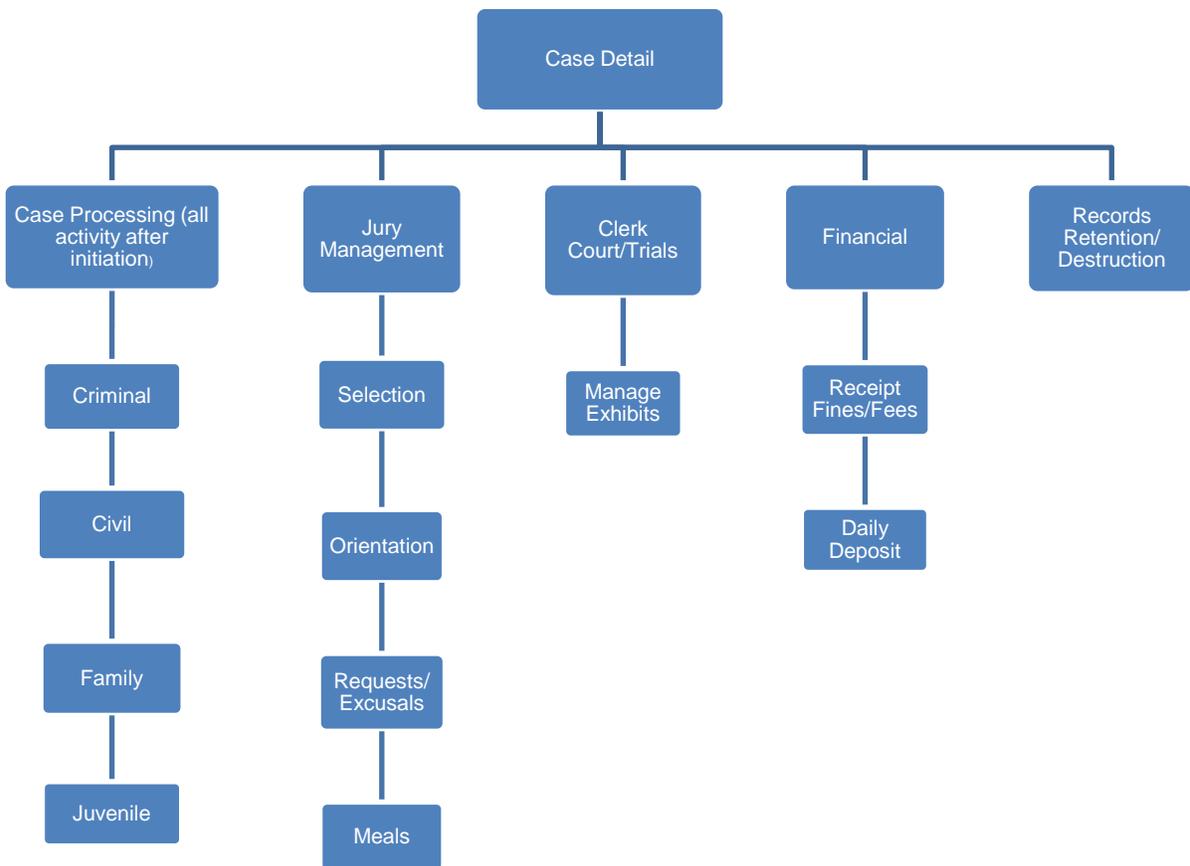
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Appendix A
Cass County Clerk of
Court Office Structure –
Case Intake



Appendix B

Cass County Clerk of Court Office Structure – Case Detail



Appendix C

Criminal File Audit Check List - Cass County Clerk of Court Office

Staff (Auditor) Name: _____

Date: _____

Case File Number: _____

_____ Misdemeanor

_____ Felony

YES

NO**

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Charges/counts on the charging document match the charges entered in Odyssey. |
| _____ | _____ | 2. Was an amended charge ordered? If so, is it correctly reflected on Disposition Tab? |
| _____ | _____ | 3. Sentencing information on the Criminal Judgment matches the clerk's notes on the pink/white sheet. |
| _____ | _____ | 4. Sentencing information entered in Odyssey matches the Criminal Judgment. (If done in Session Works, automatic "Yes") |
| _____ | _____ | 5. The time standard was correctly set/completed when the sentence involved an Order Deferring Imposition. |
| _____ | _____ | 6. The case was dismissed and restricted at the end of the Deferred Imposition period, when appropriate to do so. |
| _____ | _____ | 7. Bond was disposed of correctly and timely (applied, forfeited, refunded, exonerated). |
| _____ | _____ | 8. Active warrant is still valid? (non-payment-fine/fees remain unpaid; fail to appear-no subsequent appearance made for specified hearing; etc.). |

- _____ 9. Docket currency is up-to-date (a pending activity or a meaningful time standard exists in the open case).
- _____ 10. Time standards are completed timely.
- _____ 11. Pre/post disposition no contact order is active/vacated according to most recent court order.
- _____ 12. Was the no contact order flag correctly added to the case when pre-post disposition no contact order was ordered?
- _____ 13. Was the no contact order flag correctly removed from the case when the pre-post disposition no contact order was vacated/expired?
- _____ 14. Case status and aging clock reflect current case activity.

****If the finding is “NO”, please explain the inaccuracy in notes below – number your explanation with the corresponding activity above.**

NOTES:

Appendix D

CASE FILE INTEGRITY – CRIMINAL DISTRICT COURT JUDGE (ECJD) SURVEY CASS COUNTY CLERK OF COURT'S OFFICE FARGO, ND

The purpose of this survey is to solicit your views on the quality of criminal court records maintained by the Cass County Clerk of Court staff, based on your experience. This information will be used to improve criminal case processing where necessary and to build on strengths where they exist. All information obtained through this survey is anonymous. Please indicate the extent to which you agree or disagree with each statement by circling the appropriate response.

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
1. Criminal court records maintained by Clerk of Court staff are accurate and reliable.	1	2	3	4	5
2. Case activity in criminal files is processed in Odyssey in a timely manner (within 2 days of hearing or filing).	1	2	3	4	5
3. Criminal Judgments accurately reflect my court order.	1	2	3	4	5
4. The court file is complete when I reference it for court hearings and case work.	1	2	3	4	5
5. Communication from Clerk of Court staff is <u>understandable</u> /accurate when a criminal case is detailed to me for action.	1	2	3	4	5

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
6. Communication from Clerk of Court staff is <u>timely</u> when detailed to me for action.	1	2	3	4	5
7. If problems with criminal court records or procedures are identified, they are resolved timely and effectively.	1	2	3	4	5
8. Overall, I have confidence in the criminal court records maintained by Clerk of Court staff.	1	2	3	4	5

Comments:

Appendix E

CASE FILE INTEGRITY – CRIMINAL ATTORNEY SURVEY CASS COUNTY CLERK OF COURT’S OFFICE FARGO, ND

The purpose of this survey is to solicit your views on the quality of criminal court records maintained by the Cass County Clerk of Court staff, based on your experience. This information will be used to improve criminal case processing where necessary and to build on strengths where they exist. All information obtained through this survey is anonymous. Please indicate the extent to which you agree or disagree with each statement by checking the appropriate response.

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
1. Criminal charges (original and amended) are accurately recorded in Odyssey. Comment: _____	1	2	3	4	5
2. Criminal Judgments accurately reflect the judges’ orders. Comment: _____	1	2	3	4	5
3. Financial information, including bond and restitution, is accurately recorded in Odyssey. Comment: _____	1	2	3	4	5
4. The electronic file contains all documents filed in the criminal case. Comment: _____	1	2	3	4	5

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
5 Information contained in the electronic court file is understandable. Comment: _____	1	2	3	4	5
6 Criminal court records maintained in Odyssey are current/up-to-date within two days of hearing or filing. Comment: _____	1	2	3	4	5
7 Clerk of Court staff are able to answer my questions as they relate to criminal court records or procedures. Comment: _____	1	2	3	4	5
8 If problems with criminal records or procedures arise, they are addressed by Clerk of Court staff timely and effectively. Comment: _____	1	2	3	4	5
9 I receive the case related information I need in a timely manner to perform my responsibilities as they relate to criminal prosecution/defense (hearing notices, court orders, etc.). _____ _____	1	2	3	4	5

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
10 Overall, I have confidence in the criminal court records maintained by the Clerk of Court staff. Comment: _____	1	2	3	4	5

I work in the area of:

Prosecution

Defense

Appendix F

PUBLIC TRUST AND CONFIDENCE – CRIMINAL PUBLIC SURVEY CASS COUNTY CLERK OF COURT’S OFFICE FARGO, ND

The purpose of this survey is to solicit your views on the quality of your experience with the Cass County Clerk of Court’s Office and the quality of criminal court records maintained by the office. This information will be used to improve criminal case processing where necessary and to build on strengths where they exist. The information collected through this survey is anonymous. Please indicate the extent to which you agree or disagree with each statement by circling the appropriate response.

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
Clerk of Court Staff:					
1. are friendly and courteous.	1	2	3	4	5
2. respond in a timely manner when I am at the counter.	1	2	3	4	5
3. know the answers to my questions as they relate to criminal court records/proceedings.	1	2	3	4	5
4. are willing to take time to explain things to me.	1	2	3	4	5
5. paid attention to my needs.	1	2	3	4	5
Court records in my criminal case:					
1. are complete and accurately reflect proceedings held in the case.	1	2	3	4	5
2. are readily available when I need to see them.	1	2	3	4	5

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
3. are current and up-to-date.	1	2	3	4	5

I am satisfied:

1. with the service I received from Clerk of Court staff.	1	2	3	4	5
2. that my criminal file is an accurate record of case activity and court orders.	1	2	3	4	5
3. that as I leave the Clerk of Court's Office, I know what to do next about my case.	1	2	3	4	5
4. that I was able to get my business done in a reasonable amount of time.	1	2	3	4	5

What did you do at the Clerk of Court's Office today? (check all that apply)

Search court records
 Obtain documents
 File papers
 Make a payment
 Get information
 Other

On average, how often do you conduct business with the Cass County Clerk of Court's Office?

Daily
 Weekly
 Monthly
 Several Times a Year
 Once a Year or Less
 This is My First Visit

Gender: Female Male

Age: ___ 18-24 ___ 25-34 ___ 35-44 ___ 45-54 ___ 55-65

___ Other _____

I identify myself as:

___ American Indian or Alaska Native ___ Asian ___ Black or African American

___ Hispanic or Latino ___ Native Hawaiian or Other Pacific Islander ___ White

___ Mixed Race ___ Other

Comments:

Appendix G

EMPLOYEE SATISFACTION SURVEY CASS COUNTY CLERK OF COURT'S OFFICE FARGO, ND

The purpose of this survey is to solicit your views on how we function as a Clerk of Court staff/office. This information will be used to build and celebrate our strengths, enhance the quality of our work life, and improve criminal case processing if warranted. Please indicate the extent to which you agree or disagree with each statement by checking the appropriate response. Your answers are anonymous and will be compiled collectively with those of all staff members.

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
1. My work unit looks for ways to improve processes and procedures.	1	2	3	4	5
2. I am kept informed about matters that affect me in my workplace.	1	2	3	4	5
3. As I gain experience, I am given responsibility for new and exciting challenges at work.	1	2	3	4	5
4. The court is respected in the community.	1	2	3	4	5
5. The people I work with can be relied upon when I need help.	1	2	3	4	5
6. I have an opportunity to develop my own special abilities.	1	2	3	4	5

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
7. I understand how my job contributes to the overall mission of the court.	1	2	3	4	5
8. I am treated with respect.	1	2	3	4	5
9. When I do my job well, I am likely to be recognized and thanked by my supervisor.	1	2	3	4	5
10. My working conditions and environment enable me to do my job well.	1	2	3	4	5
11. I feel valued by my supervisor based on my knowledge and contribution to my division.	1	2	3	4	5
12. My court's leaders communicate important information to me in a timely manner.	1	2	3	4	5
13. I enjoy coming to work.	1	2	3	4	5
14. The people I work with take a personal interest in me.	1	2	3	4	5
15. Managers and supervisors follow up on employee suggestions for improvements in services and work processes.	1	2	3	4	5
16. My meetings with my supervisor are useful and meaningful.	1	2	3	4	5

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
17. When appropriate, I am encouraged to use my own judgment in getting the job done.	1	2	3	4	5
18. I have the resources (materials, equipment, supplies, etc.) necessary to do my job well.	1	2	3	4	5
19. On my job, I know exactly what is expected of me.	1	2	3	4	5
20. I am proud to work in the court.	1	2	3	4	5
21. The court uses my time and talent well.	1	2	3	4	5
22. I get the training I need to do the job well.	1	2	3	4	5
23. I know what it means for me to be successful on the job.	1	2	3	4	5
24. My supervisor is available when I have questions or need help.	1	2	3	4	5
25. Communication within my division is good.	1	2	3	4	5

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
26. My co-workers work well together.	1	2	3	4	5
27. I have opportunities to express my opinion about how things are done in my division.	1	2	3	4	5
28. In the last 6 months, a supervisor/manager has talked with me about my performance/ career development.	1	2	3	4	5
29. The court and its leaders dedicated to continuous improvement.	1	2	3	4	5
30. I am treated with respect by the public.	1	2	3	4	5
31. Duties of my position are clearly defined.	1	2	3	4	5
32. I feel that I am given adequate feedback regarding my job performance.	1	2	3	4	5
33. Work is fairly allocated among all Clerk of Court employees.	1	2	3	4	5
34. There is fair opportunity for all Clerk of Court employees to air grievances and have them addressed.	1	2	3	4	5

	Strongly Disagree	Disagree	Neither Agree/ Disagree	Agree	Strongly Agree
35. Clerk of Court employees are treated fairly and respectfully by their supervisors/Clerk of Court.	1	2	3	4	5
36. Clerk of Court employees are courteous helpful, and polite to their co-workers.	1	2	3	4	5
37. The Clerk's Office responds quickly to changes in law.	1	2	3	4	5
38. In general, members of the public can obtain information on a case quickly and easily from Clerk's office.	1	2	3	4	5
39. I feel that I am given adequate information/direction regarding the procedures and policies that pertain to my work.	1	2	3	4	5
40. I have a good understanding of the various procedures involved in criminal case processing.	1	2	3	4	5
41. I feel safe while at work in the Clerk's Office.	1	2	3	4	5
42. I am proud to work for the North Dakota Court system in the Cass County Clerk of Court's Office.	1	2	3	4	5

Comments:

Suggestions:

Appendix H

Proposed Sample Mission Statement

The Mission of the Cass County Clerk of Court's Office is to Support the Administration of Justice by Conducting Court Business:

- accurately and timely, where quality is assumed and celebrated;
- with respect for everyone we work with and serve;
- with open, respectful, and thorough communication that enables everyone to achieve their best;
- in a way that ensures consistent employee and customer satisfaction.