

TRIAL COURT PERFORMANCE STANDARDS
An Assessment of the
Second Judicial District Court, Washoe County,
Reno, Nevada

Institute for Court Management
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ABSTRACT

Consistent with Nevada's increased focus on court performance, the Second Judicial District Court (Court) has and is reviewing its performance for the purpose of self-improvement and accountability. This review includes a study of the history of the Trial Court Performance Standards (TCPS) and its success; two contracted past studies of the Court; the Court's relation to the Nevada Uniform System for Judicial Records (USJR) and the results of 507 Court Inventory Performance Surveys completed by court personnel, district attorney's office, public defender's office and randomly selected 2005 jurors.

The primary goal of this study is to evaluate the perceptions of court performance, using the template provided by the TCPS, as viewed by court personnel, including judges, court administration, masters, division managers and direct line staff, as well as others from the district attorney's office, public defender's office and jurors. This study reviews the Court's current measurement system, recommendations from past studies conducted in the Court, its culture and leadership style.

The relevant literature, along with the compiled research reveals a comparative analysis of the overall perception of the Court and identifies its priority improvement areas. The overall purpose of this project was to analyze the findings of the research to identify which court performance areas need the most focus and recommend the appropriate TCPS performance areas and measures that can be used by the Court to improve its self-assessment and accountability.

Research methodology utilized in this project included two primary data collection processes. Data collection involved a survey of court personnel, district attorney's

office, public defender's office and randomly selected 2005 jurors to learn perceptions of the Court's performance through the use of the Court Performance Inventory Survey. This survey collected individual perceptions regarding five performance areas: Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; Independence and Accountability; and Public Trust and Confidence. This study also includes research conducted through a feedback group consisting of representatives of the judges, court administration, and direct line staff to gain perspective on the results of the survey.

This study proved successful because it identifies and compares the discrepancies of the court performance areas as they are viewed by the different groups tested. The scores show the need to implement a measurement system.

Based on the research conducted, as described above, recommendations are proposed for developing a structure for self-improvement and accountability. These recommendations include: 1) a comprehensible review of this project; 2) adopting an adaptable measurement system to assist in management of the Court' caseflow and reporting of data to the State Administrative Office of the Courts. The recommended measurement system focuses on the Expedition and Timeliness performance area, specifically the measures involving Standard 2.1 Case Processing; 3) management of the new measurement system by utilizing the TCPS Measures associated in CourTools, specifically Measure 2-Clearance Rates, Measure 3-Time to Disposition and Measure 4-Age of Active Pending Caseload; 4) ensuring success of the new measurement system through a committee to oversee its adoption and implementation, beginning by reviewing the Court's current reported statistical data and establishing a timeframe to gather data; 5) clearly communicating the Court's strategic plan to all levels of court

personnel; 6) maintaining communication relationships with interagencies and intergovernmental entities; and 7) publishing this study and its results to all levels of court personnel, district attorney's office and public defender's office to increase the Court's credibility.

The concept of developing a self-assessment and improvement system for courts is to focus on actual court performance. The purpose is to review the Court as an organization not individual judges, staff or their personal effectiveness. This report demonstrates additional benefits to implementing a measurement system within in the Court, which includes consistent management of the court, development of inter-governmental relationships through better communication, and an increase of the Court's influence in statewide data collection as supported by data collected during this study, as well as recommended future steps.

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With my deepest appreciation and gratitude, I acknowledge the following people for their contributions to the implementation of the Trial Court Performance Standards in the Second Judicial District Court: Chief Judge Jerry Polaha, Court Administrator Ronald A. Longtin, Jr., General Jurisdiction Assistant Court Administrator John M. Powell, and Family Court Assistant Court Administrator Darin Conforti for their support and vision to better our court. The TCPS feedback group: Chief Judge Jerry Polaha, John Powell, Ann Marie Simpson, Christine Kuhl, Allison Cole, George Velarde and Wanda Lopshire; Mary Rytting; Ingo Keilitz and Pam Casey for their assistance with this project. The participation of the Second Judicial District Court staff, the Washoe County District Attorney, the Assistant District Attorney and their staff; the Washoe County Public Defender and his staff; and the selected jurors who served and provided their valuable input.

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INTRODUCTION

The Second Judicial District Court (Court) is located within the County of Washoe, in the State of Nevada. There are 13 judicial officers elected to the Court, eight in General Jurisdiction and five in Family Court Jurisdiction. General Jurisdiction and Family Court Jurisdiction courts are located in separate buildings across the street from one another. The court administration team consists of a Court Administrator/Clerk of Court, Assistant Court Administrator-General Jurisdiction and Jurisdiction Assistant Court Administrator-Family Court.

On December 17, 2001, the Bench of the Court, under the guidance of then Chief Judge James Hardesty, planned to review this Court's performance areas for the purpose of self-improvement and increased accountability. Further, Chief Judge Hardesty provided the Bench of judicial officers with a memorandum of goals, which included the adoption of the Trial Court Performance Standards (TCPS) and stating the need for a mechanism to track the Court's performance. TCPS provides a structure for defining the effectiveness of trial courts by focusing on performance, self-assessment, and self-improvement. The TCPS utilizes 22 standards to establish goals for effective court performance in five areas: Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; Independence and Accountability; and Public Trust and Confidence. The TCPS includes 68 measures that are linked to five standard areas and 22 standards to evaluate actual court performance. In 2001, Chief Judge Hardesty also discussed the recommendations by the National Center for State Courts (NCSC) Second Judicial District Court Management Review Final Report dated July 2000, which included the discussion of caseload management and implementing management programs.¹ This initiated the Court's discussion of the TCPS measurement system.

¹ See Appendix A for a copy of the memo written by former Chief Judge Hardesty.

Prior to the December 2004 judicial retreat all district judges were provided with information on the TCPS. On August 4, 2005, now presiding Chief Judge Jerry Polaha addressed the passage of time since the Bench discussed the review of the Court's performance areas and discussed his belief that research on the court performance areas would benefit the Court and prove to be a "win-win" for the Court and the community. After further discussion and identification of this Court's performance areas and the completed survey input of all levels of court personnel, court users and jurors, the Chief Judge felt the Court would be able to initiate effective ways for its self-assessment, self-improvement and accountability.

On August 5, 2005, Chief Judge Polaha provided the district judges with an e-mail on the subject of TCPS.² Court Administrator, Ron Longtin, followed up that e-mail on August 15, 2005 with a memorandum providing the TCPS with Commentary and the Court Performance Inventory Survey (Survey) to all district judges wherein he stated, "We are fortunate in that Tiffany Clements is working on her ICM Fellowship and the research work used in obtaining the performance measures is done as part of her overall study," and requested their response on the subject by August 26, 2005.³

With no response having been received from the judges, this study began by disseminating the Survey to court personnel, including judges, masters, court administration, division managers and direct line staff; the Washoe County district attorney and public defender offices; and jurors who had served during 2005.

This study is the first attempt by this Court to learn the framework needed for this Court to utilize a measurement system appropriately. The aim of the research is to identify the priority court performance areas and standards on which the Court should focus. These efforts are to be based on the perceptions of the judges, court

² See Appendix B for a copy of the email memo written by Chief Judge Polaha.

³ See Appendix C for a copy of the memo written by Ron Longtin.

administration, management, staff and court users including the district attorney's office, public defender's office and jurors. These efforts should create a finer balance between self-improvement, self-assessment and accountability. This study begins with a basic review of the court performance areas and Nevada's progress towards addressing court performance, specifically in the Second Judicial District Court in Washoe County, Nevada.

Nevada has not had a centralized system of court statistical data until 1999 when the Nevada Supreme Court established the Uniform System for Judicial Records (USJR). The USJR requires the nine judicial districts to submit information defined in its statistical reporting to the State's Administrative Office of the Courts (AOC) monthly. The development of the USJR is Nevada's attempt at collecting statistics to keep reliable, uniform records, assist in managing the courts better and provide valuable information to the public.

The research conducted and presented includes surveying of court personnel, court users and jurors as previously mentioned. It also includes research conducted through a feedback group consisting of representatives of the judges, court administration, division managers and direct line staff. The relevant literature, along with the compiled research will reveal a comparative analysis of the overall perception of the Court and identify priority areas for improvement. The major rationale for this study will be to survey the perceptions of court personnel and court users, analyze the findings of the research, identify and prioritize the court performance areas and standards that need the most focus, and recommend the appropriate TCPS standards and measures that can be used to improve the Court.

LITERATURE REVIEW

The following literature review draws upon several references regarding the TCPS, this Court and the USJR. It includes the history of the TCPS, definition of the performance areas and standards, discussion of two previous studies conducted in the Court and discussion of the establishment of the USJR, which ties back into the TCPS. Further, it compares the culture data of the previous studies to discussion of court culture research by professional consultants. Taken together, the literature review identifies the success of the TCPS, the Court's need for a measurement system as recommended in past studies and the link of the USJR to the TCPS.

History of the Trial Court Performance Standards

The TCPS is based on "...four related guiding principles and civic ideals."⁴ In the words of Ingo Keilitz (2002), the TCPS Project Director:

1. Courts are, first and foremost, accountable for their performance, for the benefits they achieve, not just the ways and means they use to achieve them.
2. The focus of court accountability is the result or outcome of their programs and services for the participants in the programs or recipients of the services - the citizens. Courts should be operated and managed with an orientation toward those served by the courts rather than those running the courts.
3. Courts are complex public organizations, not merely judges hearing cases, settling disputes and issuing orders.
4. Courts are crucial to the governance of the communities and the citizens in their jurisdiction.⁵

These guiding principles are aligned with the three TCPS tools -- five areas of court performance, 22 specific court performance standards and 68 measures of court performance.

The NCSC (2002) states:

The Trial Court Performance Standards and Measurement System expresses a new philosophy and framework for defining and understanding the effectiveness

⁴ Ingo Keilitz, "Doing What Counts, Counting What Matters," NASJE, Manager's Briefcase, Spring 2002. <http://nasje.unm.edu/archives/spring02/managers/whatcounts.htm>, page 1.

⁵ Ibid, pages 1-2.

of trial courts by focusing attention on performance, self-assessment, and self-improvement. The 22 standards in the system establish goals for effective court performance in five areas: access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence. The measurement component consists of 68 field-tested measures for evaluating how well courts meet these performance standards.⁶

The NCSC and the United States Department of Justice, Bureau of Justice Assistance, U.S. Department of Justice, initiated the TCPS measurement system in August 1987, "To develop measurable performance standards for State trial courts."⁷

The Trial Courts Performance Standards and Measurement System (2002):

Is an approach to self-assessment that courts can adapt to meet their individual needs, which is neither intended nor suited for comparing performance across courts? A hallmark of the system is its emphasis on the systematic assessment of a trial court's performance as a service organization and on the application of those findings to improve performance. This assessment applies to the court as a whole and does not include evaluation of judges or other individual performance. The court is viewed as a system involving processes and tasks that are linked together and affect one another. The collective work of the court involves not only judges, but all who perform administrative court functions, including clerks of court, administrators, probation officers, and other court staff, as well as private lawyers, public defenders, prosecutors, and social service providers."⁸

The TCPS contains the five performance areas, 22 standards and 68 measures. In the pages to follow the performance areas, standards and measures are listed, as outlined in U.S. Department of Justice publication (1997):

Performance Area 1: Access to Justice - Trial courts should be open and accessible. Location, physical structure, procedures, and the responsiveness of personnel affect accessibility. Accordingly, the five standards grouped under Access to Justice require a trial court to eliminate unnecessary barriers to its services. This performance area includes the following standards:

- Standard 1.1 – Public Proceedings: The trial court conducts its proceedings and other public business openly. See Appendix D for the measures associated with this standard.

⁶ Trial Court Performance Standards & Measurement System, National Center for State Courts CD-ROM (Williamsburg, VA 2002), page 6.

⁷ Loc. Cit.

⁸ Loc. Cit.

- Standard 1.2 - Safety, Accessibility and Convenience: Trial court facilities are safe, accessible, and convenient to use. See Appendix D for the measures associated with this standard.
- Standard 1.3 - Effective Participation: The trial court gives all who appear before it the opportunity to participate effectively, without undue hardship or convenience. See Appendix D for the measures associated with this standard.
- Standard 1.4 - Courtesy, Responsiveness and Request: Judges and other trial court personnel are courteous and responsive to the public, and accord respect to all with whom they come in contact. See Appendix D for the measures associated with this standard.
- Standard 1.5 - Affordable Costs of Access: The costs of access to trial court proceedings and records-whether measured in terms of money, time, or the procedures that must be followed-are reasonable, fair, and affordable. See Appendix D for the measures associated with this standard.

Performance Area 2: Expedition and Timeliness - A trial court should meet its responsibilities to everyone affected by its actions and activities in a timely and expeditious manner--one that does not cause delay. Unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court. This performance area includes the following standards:

- Standard 2.1 - Case Processing: The trial court establishes and complies with recognized guidelines for timely case processing while, at the same time, keeping current with its incoming caseload. See Appendix D for the measures associated with this standard.
- Standard 2.2 - Compliance with Schedules: The trial court disburses funds promptly, provides reports and information according to required schedules, and responds to requests for information and other services on an established schedule that assures their effective use. See Appendix D for the measures associated with this standard.
- Standard 2.3 – Prompt Implementation of Law and Procedure: The trial court promptly implements changes of law and procedure. See Appendix D for the measures associated with this standard.

Performance Area 3: Equality, Fairness and Integrity - Trial courts should provide due process and equal protection of the law to all who have business before them, as guaranteed by the U.S. Constitution and State constitutions. This performance area includes the following standards:

- Standard 3.1 – Fair and Reliable Judicial Process: The trial court procedures should faithfully adhere to relevant laws, procedural rules, and established policies. See Appendix D for the measures associated with this standard.
- Standard 3.2 – Juries: Jury lists are representative of the jurisdiction from which they are drawn. See Appendix D for the measures associated with this standard.
- Standard 3.3 – Court Decisions and Actions: Trial courts give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors. See Appendix D for the measures associated with this standard.
- Standard 3.4 – Clarity: The trial court renders decisions that unambiguously address the issues presented to it and clearly indicate how compliance can be achieved. See Appendix D for the measures associated with this standard.

- Standard 3.5 – Responsibility for Enforcement: The trial court takes appropriate responsibility for the enforcement of its orders. See Appendix D for the measures associated with this standard.
- Standard 3.6 – Production and Preservation of Records: Records of all relevant court decisions and actions are accurate and properly preserved. See Appendix D for the measures associated with this standard.

Performance Area 4: Independence and Accountability - The judiciary must assert and maintain its distinctiveness as a separate branch of government. Within the organizational structure of the judicial branch of government, trial courts must establish their legal and organizational boundaries, monitor and control their operations, and account publicly for their performance. This performance area includes the following standards:

- Standard 4.1 – Independence and Comity: The trial court must maintain its institutional integrity and observes the principle of comity in its governmental relations. See Appendix D for the measures associated with this standard.
- Standard 4.2 – Accountability for Public Relations: The trial court responsibly seeks, uses, and accounts for its public resources. See Appendix D for the measures associated with this standard.
- Standard 4.3– Personnel Practices and Decisions: The trial court uses fair employment practices. See Appendix D for the measures associated with this standard.
- Standard 4.4 – Public Education: The trial court informs the community about its programs. See Appendix D for the measures associated with this standard.
- Standard 4.5 – Response to Change: The trial court anticipates new conditions and emergent events and adjusts its operations as necessary. See Appendix D for the measures associated with this standard.

Performance Area 5: Public Trust and Confidence - Compliance with law depends, to some degree, on public respect for the court. Ideally, public trust and confidence in trial courts should stem from the direct experience of citizens with the courts. Further, several constituencies are served by trial courts, and all should have trust and confidence in the courts. This performance area includes the following standards:

- Standard 5.1 – Accessibility: The public perceives the trial court and the justice it delivers as accessible. See Appendix D for the measures associated with this standard.
- Standard 5.2 – Expeditious, Fair and Reliable Court Functions: The public has trust and confidence that basic trial court functions are conducted expeditiously and fairly, and that court decisions have integrity.
- Standard 5.3 – Judicial Independence and Accountability: The public perceives the trial court as independent, not unduly influenced by other components of government, and accountable.⁹

⁹ U.S. Department of Justice, Bureau of Justice Assistance, Trial Court Performance Standards with Commentary, July 1997. pages 7-22.

Keilitz (2002) also states,

“The TCPS encourages courts to conduct continuous self-assessment and improvement as part of routine court management, planning and leadership. To this end, the system’s measurement component is designed to gather information that the court can use in a variety of ways, including budgeting, case management, implementing court improvement projects, and strategic planning.”¹⁰

The Office of the Executive Secretary Supreme Court of Virginia describes the background of the TCPS as follows:

In 1990, the Commission of TCPS published *Trial Court Performance Standards with Commentary* and disseminated them nationally to the courts’ community. Focusing on the outcome of activities in the general jurisdiction trial courts, the Standards provided a framework within which to evaluate the workings of the courts.¹¹

As discussed with Ingo Keilitz¹², the TCPS measurement system has been tested in selected trial courts of different sizes in New Jersey, Ohio, Virginia and Washington. Further, the TCPS has been demonstrated in Arizona, California, Colorado, Delaware, Florida, Louisiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, North Carolina, Ohio, Oregon, Virginia and Washington, as well as being used in some manner by all or most of the states. They are also used in several foreign countries including Australia, Canada, New Zealand and Russia. Furthermore, the TCPS are endorsed by the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Management, the American Judges Association and the National College of Probate Judges.

An important point Ingo Keilitz relayed was that although the TCPS can be utilized to effectively and continually measure performance areas, but the measures cannot all be “plugged in” at one time for one final “fix all.” He further stated that past

¹⁰ Ingo Keilitz, “Doing What Counts, Counting What Matters,” NASJE, *Manager’s Briefcase*, Spring 2002. <http://nasje.unm.edu/archives/spring02/managers/whatcounts.htm>, page 4.

¹¹ Office of the Executive Secretary Supreme Court of Virginia. [Testing the Trial Court Performance Standards’ Measurement System: The Virginia Experience](#). page 1.

¹² Ingo Keilitz, Telephone Interview, 04 Nov. 2005.

research had shown that no court should attempt to apply the use of all the measures related to the TCPS, as it would set itself up for failure. The key to the successful implementation of the TCPS would be to focus on one performance area with a few measures to keep the burdens of measurement at a manageable level.

This study is an attempt to try to clarify for court administration what approach would be best to consider and/or implementing the TCPS, bearing in mind the research from past studies and possible resistance by the Bench.

Perspective of Past Studies and Review of Culture of the Second Judicial District Court, Washoe County, Nevada

The review of the NCSC and The Pacific Institute studies in the Court reveal both the relevant history of the TCPS within this Court and the negative culture of the Court due to the Court's past practices and leadership style.

In the fall of 1999, the judges voted to have the NCSC conduct a management review and pay/classification study to parallel the pay/classification study being conducted by Washoe County. The study was conducted as follows:

The NCSC was requested to conduct a management review of the operations of the Second Judicial District Court. A team was assigned to the project, which began in October 1999. The team gathered information by conducting on site visits to observe operations and interviewing judges and staff members. The study involved an organization and management review of the Court covering selected aspects of the operations, workload, staffing and procedures of the Court. Specifically, the work plan for the study had three components, each representing a distinct subject area of organization, personnel and staffing; workflow and caseflow management. The overall goals of this project were to identify specific opportunities for improving the efficiency and the effectiveness of the Court and to assess the adequacy of staffing levels and other court resources. The NCSC approached the accomplishment of this goal using several methodologies. NCSC consulting team gathered and analyzed information including organization charts, work schedules, staff rosters, planning documents, position descriptions, policies and procedures manual, relevant statutes, budgets, and workload data. NCSC also developed and administered a caseflow management self-assessment as well as an employee questionnaire addressing staffing, work schedules, and organizational and supervisory relationships. Additionally, the NCSC project team reviewed national data

regarding organizational trends and used the TCPS as a yardstick to assess office operations against recommended performance standards.¹³

The NCSC made 57 recommendations relating to the areas of organization; personnel and staffing; workflow and caseflow management to guide future court improvements.

Although resistant to adopting a measurement system, in the latter part of 2000, the judges voted to initiate further research through The Pacific Institute, noting that this research was addressing quite different areas from that of the NCSC. The Pacific Institute utilized its own Organizational Culture and Effectiveness survey. This survey consisted of several measures: culture, organizational effectiveness, leadership effectiveness and personal effectiveness. Together these four measures provide a model for understanding organizational change. The Pacific Institute (2001) defines organizational effectiveness as, “a function of the culture; the culture is a function of the personal and leadership effectiveness.”¹⁴ The Pacific Institute worked toward improving the Court by steering its culture toward improving the Court’s personnel, their leadership and organizational effectiveness. Very significant, The Pacific Institute report did not include conclusions. On January 9, 2006, this issue arose during an interview with Assistant Court Administrator –General Jurisdiction, John Powell.¹⁵ Powell explained that the contractor of The Pacific Institute who had conducted the research met with court administration to discuss the results of the Survey. The Pacific Institute coordinator told court administration that the court’s management is weak and its culture is negative. During this meeting and in consideration of the resistant behavior of the judges, the contractor stated that he thought it best if he did not write a formal

¹³ National Center for State Courts, Second Judicial District Court Washoe County, Nevada Management Review, Final Report, July, 2000, page 1.

¹⁴ The Pacific Institute, Organizational Culture and Effectiveness Survey Full Report of the Second Judicial District Court, January 2001, page 5.

¹⁵ John Powell, Interview, 09 Jan. 2006.

conclusion. Apparently, the contractor did not want to jeopardize his opportunity to continue facilitating The Pacific Institute work within the Court. Therefore, the results of The Pacific Institute survey were presented to the judges to allow them to make their own conclusions. The Pacific Institute's assessment of the Court's management as weak foreshadowed the possibility of difficulties with this study.

There is some indication, but no direct evidence because no specific research on the subject in this study, that the Court exudes an autonomous culture.¹⁶ According to Ostrom, et al. (2005) court culture value matrix, an autonomous culture is defined as follows in five work areas:

Self-managing: Limited discussion and agreement on the importance of court-wide performance goals exist. Individual judges are relatively free to make their own determinations on when key procedural events are to be completed.

Personal loyalty: Individual judges use their own criteria to monitor, evaluate, and motivate courtroom and other staff. Judges have made discretion in how they recruit, manage, and organize their courtroom support staff.

Continuity: Judges resist a rule – a process-bound organizational setting. Centralized change initiatives may be considered unfeasible because each judge exercises a wide scope of latitude in the choice of case process practice, and judges are perceived to resist court-wide monitoring.

Independence: Centralized court leadership is inhibited because judges prefer to work with few external controls. Each judge and corresponding courtroom staff members are concerned primarily with their own daily responsibilities and exhibit little interest in efforts aimed at improving court or system-wide performance.

Sovereignty: Courtroom practices reflect the policies and practices employed by individual and autonomous judges. Therefore, accepted practices are slow to change, stability and predictability are emphasized, and confrontation minimized.¹⁷

Review of the Ostrom, et al. (2005) article, "Court Cultures and Their Consequences," suggests that The Pacific Institute's diagnosis of this Court has merit. By adopting an appropriate measurement system the Court might find improvement in

¹⁶ Ostrom, Brian, Roger Hanson, Charles Ostrom and Matthew Kleiman, "Court Cultures and Their Consequences," Court Manager, Volume 20, Number 1, Spring 2005, pages 14-15.

¹⁷ Ibid, Ostrom, at page 16.

its case management and personnel relations thereby accomplishing goals set by the Court's leadership and inspiring the court.

Ostrom, et al. (2005), define court culture as:

The expectations and beliefs that judges and court administrators have about the way work gets done and also state culture can be described and its influence clarified across fundamental work areas, such as case management, judicial-staff relations, and courthouse leadership.¹⁸

Ostrom, et al. (2005), further contend:

The significance of clarity on court culture is reflected in the implications culture poses for modern court management, such as: 1) different views between judges, court administration and staff; 2) systematic cultural self-assessment; 3) difficulty in the adoption of best practices and 4) the communication of court values.¹⁹

This Court continues to face these issues and will need to deal with them and hopefully eventually overcome by adopting a measurement system within the Court.

Upon review of the results from The Pacific Institute survey, the judges saw the culture as a major factor in court management, voted to measure the Court and contracted with The Pacific Institute to improve the strength of the Court's culture. Soon after the in-house facilitators were trained the program was abandoned due to budgetary restraints and an aura of distrust may have developed among court staff towards the leadership of the Court.

Trial Court Performance Standards' Relation to the Uniform System for Judicial Records

In June 1999, the Nevada Supreme Court established the USJR. The USJR requires trial courts to submit information defined in the Nevada USJR Court Statistical Reporting Model to the State's AOC monthly. The Supreme Court of Nevada ordered compliance with the USJR to ensure compliance of the statistical reporting.²⁰ The idea for Nevada's USJR evolved from two sources. One, Nevada Chief Justice Robert E.

¹⁸ Ibid, page 15.

¹⁹ Ibid, page 22.

²⁰ Robin Sweet, E-mail interview, 08 Sept. 2005.

Rose attended a national meeting where individual state numbers were discussed and compared. Only two states were not included -- Nevada and one other. Chief Justice Rose pushed for Nevada to come up with a system to begin reporting these statistical numbers. The second source was the Nevada Legislature. The legislature had requested information from the Judicial Branch for years. From the mid-80s until USJR, the statistics reflected only the civil filings for district courts only. A 1995 legislative audit stated, "There is no assurance that a uniform system [for judicial records] will ever be achieved."²¹ The Planning and Analysis Division of the AOC was established soon after and began efforts on Phase I of what is now known as the USJR.

The Court responded to conform to the USJR by updating its case management system and adhering to the reporting of its civil cases filed and disposed; criminal cases filed and disposed; family cases filed and disposed; and statistics on cases per judicial position and specialty courts. By collecting and reporting this data, the Court allows itself to be measured against other courts and therefore held accountable for its own self-assessment, efficiency and productivity.

Presently, the second phase of the USJR is coming into play and a new committee is being formed to review court statistics in more detail, such as average case length. The USJR Phase II committee is scheduled to meet in February 2006. It has taken six years for the Nevada courts to realize they need to start looking at statistics that other courts across the nation have been reviewing for a decade.

The Court specifically linked itself to performance accountability by reporting its statistics to meet the requirements stated by the AOC and USJR. Now with the assistance of this project, the Court and its follow up may be able to derive information to present to the USJR Phase II committee, show what this Court needs to measure

²¹ Loc. Cit.

and further enable the USJR to measure itself and compare like data from all the Nevada courts.

Currently a member of this Court's administration is on the statewide USJR committee and will discuss the results of this study at the next meeting scheduled in February. Court administration has an interest in establishing the need for measurement in the Expedition and Timeliness standard area and now, with this study, has the data to substantiate the validity of its interests in measurement of its case processing performance.

METHODOLOGY

Independent from the literature review and Nevada State court administration's relationship to the TCPS described in the previous sections, two primary data collection processes were conducted in researching the issues addressed in this report. First and most important, the data collection involved a survey to learn perceptions of the Court's performance through the use of the Court Performance Inventory.²² Second, a feedback group was used to gain perspective on the results of the Survey.

The planning guide generated through the U.S. Department of Justice, Bureau of Justice Assistance (1997) states,

The Court Performance Inventory Survey is intended to familiarize individuals with the Trial Court Performance Standards and Measurement System developed by the Commission on the Trial Court Performance Standards, the National Center for State Courts, and the Bureau of Justice Assistance. The inventory collects individual perceptions (that may be pooled with the perceptions of others) about specific trial court performance and thus provides direction about needed future work. Results of the inventory can be used to target further diagnostic efforts and management strategies.²³

²² See Appendix E, for copy of the Court Performance Inventory.

²³ U.S. Department of Justice, Bureau of Justice Assistance, "Planning Guide for Using the Trial Court Performance Standards and Measurement System," July 1997, page 157.

The Survey is based on the TCPS, which are not an accurate measurement of a court's performance, rather it produced perceptions of those who are in contact with it, and addresses each of the five court performance areas: Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; Independence And Accountability; and Public Trust and Confidence, in a systematic fashion.

The Survey contains three sections. Section I - INTRODUCTION: An explanation of the Court Performance Inventory Survey's intention to gather individual perceptions, an assurance that the responses would be held in confidence, and specific directions to answer the questions as broadly true or broadly false by marking an "X" in the corresponding number box. Section II – PERCEPTIONS OF COURT PERFORMANCE: 50 questions, consisting of ten questions directly relating to each of the five court performance areas, including a repetition of the directions from Section I, and a Response Form set in a table format to allow the individual to mark an "X" in the corresponding question's number box. Finally, Section III – LOCATION, JOB CATEGORY AND DEMOGRAPHIC DATA: A request for the individual's location, if at the DA, PD, General Jurisdiction or Family Court; job title; and length of employment at their organization. Section III text was not included in the Survey to the jurors.

Additionally, research was gathered through the cooperation of a feedback group consisting of court representatives including judges, court administration and direct line staff. This feedback group received findings from the Court Performance Inventory, the TCPS with Commentary and discussion questions. The history leading up to the production of the data using the Court Performance Inventory is important.

On July 19, 2005, a meeting was held with the Court's Education and Training Committee to discuss presenting the Survey at the next court-wide quarterly mandatory employee training in September 2005. The Education and Training Committee

responded that it was not prepared to have a training session in September and the court-wide mandatory training would be delayed until December 2005. After several cancelled meetings, a meeting was held with the Chief Judge, Court Administrator and Assistant Court Administrator - General Jurisdiction to discuss a plan in which to disseminate the Survey to court personnel that would effectuate the highest response rate. Court administration strongly relayed that this project was an assignment of research and therefore the Survey would be distributed to court personnel, district attorney's office and public defender's office through the Chief Judge and court administration. The Chief Judge further indicated it was important to review the public's perception and directed jurors who had served on jury duty in 2005 be surveyed as well. A goal of a 75% total return rate was set, discussion ensued regarding distribution of the Survey and the targeted groups, noting that the data could be severed into several subgroups: judges, court administrators, masters, division managers, court staff, district attorney's office, public defender's office and jurors.

On August 25, 2005, cover letters from the Chief Judge and Court Administrator were drafted indicating a return date for September 9, 2005 for court personnel, district attorney's office and public defender's office and September 16, 2005 for the 2005 jurors.

Survey of Second Judicial District Court Personnel

On August 29, 2005, the Survey was distributed to 163 court personnel via hand delivery by the court administrator's administrative secretary with a cover letter from the Chief Judge and Court Administrator indicating a return date of September 9, 2005.²⁴

²⁴ See Appendix F for letter from Chief Judge Polaha and Ron Longtin with attached Court Performance Inventory Survey.

TABLE 1 -Second Judicial District Court Personnel

Distribution and Response of Court Performance Inventory Survey

Measure	Type of participant	Number Distributed	Number returned	Response rate and percentage returned
Court Inventory Performance Survey	Judges	12	4	33%
	Masters	10	1	10%
	Administration	3	3	100%
	Div. Managers	9	3	33%
	Direct Line Staff	129	64	50%
	TOTAL	163	75	46%

Court personnel include 12 judges, four in Family Court and eight in General Jurisdiction; ten masters, eight in Family Court, one special master and one in General Jurisdiction; three court administrators, one Court Administrator/Clerk of Court, one Assistant Court Administrator-Family Court, and one Assistant Court Administrator-General Jurisdiction; nine division managers, five in Family Court and four in General Jurisdiction; and 129 direct line staff, 44 in Family Court and 85 in General Jurisdiction – totaling 163 court personnel.

Table 1 reveals a total of 163 surveys were distributed to court personnel during this study. This resulted in four responses from 12 judges, producing a response rate of 33%; one response from the ten masters, producing a response rate of 10%; three responses from three court administrators, producing a response rate of 100%; three responses from nine division managers, producing a response rate of 33%; and 64 responses from 129 direct line staff, producing a response rate of 50%. Overall, the court personnel provided 75 responses, resulting in an overall response rate of 46%.

A back up plan was established in the case that little response was received from court personnel; the Assistant Court Administrator-General Jurisdiction would seek further responses individually from them.

Upon receipt of the Survey, several direct line staff employees spoke with court administration refusing to respond to the Survey. On September 13, 2005, a judge from the General Jurisdiction division sent an email to all court users stating, "I do not believe this is a helpful tool (the Court Performance Inventory Survey) to obtain information," then went on to articulate the flaws of the Survey.²⁵ On September 15, 2005, a lengthy memo ensuring the validity of the TCPS and listing a chronology of the Court's history related to the TCPS was sent to the Chief Judge in order to keep his support of the research of this project.²⁶ Additionally, court administration received emails from a Family Court judge and master with regard to their reluctance to participate in the Survey.

By September 15, 2005, 24 survey responses had been received from court personnel.

On September 27, 2005, discussion ensued with the Court Administrator, Assistant Court Administrator – General Jurisdiction and Assistant Court Administrator – Family Court wherein court administration decided they would encourage individual responses themselves and reduced the total response rate goal to 50%.

The Assistant Court Administrator – General Jurisdiction met with several division managers and encouraged their departments to respond to the Survey. No responses having been received from that meeting, individual research was conducted during the week of September 26 through 30, 2005. This research included individual meetings with positive reinforcement through candy and chewing gum upon completion of the Survey. By October 3, 2005, 75 total responses were received from court personnel.

²⁵ See Appendix G for email memo written by Judge Adams.

²⁶ See Appendix H for memo written by Tiffany Clements.

Survey of Washoe County District Attorney's Office

On August 10, 2005, further research was discussed with the District Attorney, Richard Gammick, and Assistant District Attorney, John Helzer. The District Attorney was open to the idea of the Court measuring its performance areas, as he felt it could foster improvement to benefit his deputies. The Assistant District Attorney offered to assist in distribution of the Survey to their deputy attorneys, investigators and secretarial staff.

On August 29, 2005, a cover letter from the Chief Judge and Court Administrator, along with the Survey were distributed via hand delivery to John Helzer, Assistant District Attorney, indicating a deadline of September 9, 2005.²⁷

On September 12, 2005, upon collection of the district attorney's office's Survey responses, the Assistant District Attorney's secretary advised that the Survey was distributed to only 25 criminal deputy district attorneys. After discussion of the miscommunication with the Assistant District Attorney, John Helzer, a meeting with the court administration team was scheduled. At this September 14, 2005, meeting the Assistant Court Administrator-General Jurisdiction advised that time was of the essence and further research of the district attorney's office would cause this project undue delay and declared the research for this particular group complete.

By September 12, 2005, 18 total responses were received from the criminal deputy district attorneys. A total of 100 surveys were delivered to the district attorney's office for distribution during this study. However due to a miscommunication, the Survey was only distributed to 25 criminal deputy district attorneys. Table 2 reveals this group resulted in 18 responses from the 25 criminal deputy district attorneys, producing a response rate of 72%. Considering the miscommunication in the district attorney's

²⁷ See Appendix I for letter from Chief Judge Polaha and Ron Longtin with attached Court Performance Inventory Survey.

office the response rate showed a high level of participation and willingness to assist the Court in improving its performance.

TABLE 2 – District Attorney’s Office

Distribution and Response of Court Performance Inventory Survey

Measure	Type of participant	Number Distributed	Number returned	Response rate and percentage returned
Court Inventory Performance Survey	District Attorney’s Office – Criminal deputies	25	18	72%

Survey of Washoe County Public Defender’s Office

On August 11, 2005, a meeting was held with Valerie Evans, executive assistant to Public Defender Jeremy Bosler. From previous phone conversations, Miss Evans reviewed the concept of court performance area measurement with Public Defender Bosler, who approved his office’s participation in the Survey.

On August 29, 2005, with the assistance of the Public Defender’s executive assistant, the Survey was disseminated to 53 employees, including 31 deputy attorneys, nine investigators and 13 secretarial staff.²⁸

By September 12, 2005, 14 total responses were received from the public defender’s office. Table 3 reveals a total of 53 surveys were delivered to the public defender’s office for distribution during this study. The Survey was distributed to 31 deputy attorneys, nine investigators and 13 secretarial staff. This resulted in 14 responses from the public defender’s office, producing a response rate of 26%.

²⁸ See Appendix J for letter from Chief Judge Polaha and Ron Longtin with attached Court Performance Inventory Survey.

TABLE 3 – Public Defender’s Office

Distribution and Response of Court Performance Inventory Survey

Measure	Type of participant	Number Distributed	Number returned	Response rate and percentage returned
Court Inventory Performance Survey	Public Defender’s Office – deputy attorneys, investigators, secretarial staff	31	10	32%
		9	1	11%
		13	3	23%
	TOTAL	53	14	26%

Survey of Randomly Selected 2005 Jurors

Pursuant to Chief Judge Polaha’s request and with the assistance of the jury commissioner, a random computerized sampling pool of 266 jurors, who had served on jury duty in the year 2005, was compiled.

The Survey and cover letter were disseminated on September 1, 2005 to 266 jurors via first class mail through the United States Postal Service with a requested return date of September 16, 2005.²⁹

By October 1, 2005, 52 total responses were received from the randomly selected 2005 jurors. Table 4 reveals a total of 266 surveys were delivered to the jurors via first class mail through the United States Postal Service for distribution. The Survey was distributed to 266 randomly selected jurors who had served on jury duty in 2005. This resulted in 52 responses from the jurors, producing a response rate of 20%.

²⁹ See Appendix K for letter from Chief Judge Polaha and Ron Longtin with attached Court Performance Inventory Survey.

TABLE 4 –Randomly selected 2005 Jurors

Distribution and Response of Court Performance Inventory Survey

Measure	Type of participant	Number Distributed	Number returned	Response rate and percentage returned
Court Inventory Performance Survey	Jurors who had served in 2005	266	52	20%

Feedback Group Commentary

A feedback group consisting of court representatives consisting of judges, court administration and direct line staff was used to provide perspective about the data collected from the Court Performance Inventory, as described above.

On November 17, 2005, a memo was sent to the Chief Judge confirming a meeting for November 18, 2005 and enclosing the materials for the feedback group discussion. The meetings scheduled for November 18, 2005 and November 23, 2005 with the Chief Judge and court administrators were cancelled. On December 5, 2005, a meeting was held with the Chief Judge and Assistant Court Administrator-General Jurisdiction to discuss the effectiveness of a feedback discussion group and its effectiveness. A directive was given to engage a group of ten or less court personnel to include the Chief Judge, three court administrators and myself as part of that group, and further provide that group with sufficient materials for review prior to meeting. The Chief Judge further stated his intention to share the results of the data collection with the judges at the December 9, 2005 retreat.

On December 6, 2005, the feedback group was selected randomly: Wanda Lopshire, jury commissioner and division manager; Allison Cole, court services officer; Ann Marie Simpson, civil filing office deputy; George Velarde, criminal filing office

deputy; and Christine Kuhl, judicial assistant. These individuals were personally invited to participate in the TCPS feedback group.

On December 7, 2005, email invitations were sent to a Family Court judge, master and filing office staff but no response was received with regard to their participation in the feedback group.

On December 9, 2005, the feedback group received the following materials for their review prior to the December 21, 2005 meeting:

- 1) Trial Court Performance Standards with Commentary;
- 2) Court Performance Inventory Survey;
- 3) Results from the court performance area data collection; and
- 4) Discussion questions.³⁰

The final feedback group consisted of eight participants:

Jerry Polaha, Chief Judge
John Powell, Assistant Court Administrator-General Jurisdiction
Wanda Lopshire, Jury Commissioner and Division Manager
Allison Cole, Court Services Officer
Ann Marie Simpson, Civil Filing Office Deputy
George Velarde, Criminal Filing Office Deputy
Christine Kuhl, Judicial Assistant
Tiffany Clements, Court Clerk

On December 21, 2005, the feedback discussion group met and utilized the previously distributed materials as the outline for discussion of the meeting. Chief Judge Polaha moderated the meeting and Tiffany Clements assisted by recording the discussion items on poster paper for the group to review during the one and one-half hour meeting. The feedback discussion was outlined as follows:

1. From the data provided, what performance areas do you perceive need improvement?

³⁰ See Appendix L for memo to Trial Court Performance Areas Feedback Discussion Group including reference materials.

2. Do you believe it would benefit the court to address these needs on a regular basis? Why?
 - A. In what ways?
3. Do you believe the Court Performance Inventory Survey was an effective tool to collect data?
 - A. What tools would be better to utilize?
4. Who do you think should be researched in the Court?
5. Do you believe to be worthwhile to expend funds to measure the Court's performance areas? Why?
6. What obstacles do you foresee by utilizing the Trial Court Performance Standards in our Court?
7. Do you think it would be effective to publish the improvements to be made in these performance areas on the Web? To Court staff? Why?

This methodology depicts two types of research tools. Initially, the Court Performance Inventory Survey was distributed to court personnel, including judges, masters, court administration and direct line staff; court users, namely the district attorney and public defender offices and randomly selected 2005 jurors. Subsequent to the data collection via the Survey, a formal feedback group was randomly selected with representatives from the bench, court administration, division managers and direct line staff.

FINDINGS and DISCUSSION

The results from the Survey are grouped in two categories: what was learned from the process of collecting the data and the data itself. The findings that emerge from the study process itself and the survey data demonstrates that improvement is needed in the Court. The need for improvement in this Court is not unique. Every trial court can be improved. This study provides direction about where to focus the Court's future improvement initiatives.

Additionally, this study identified the difficulties in the data process collection itself and the importance of communication throughout the organization, buy-in from all

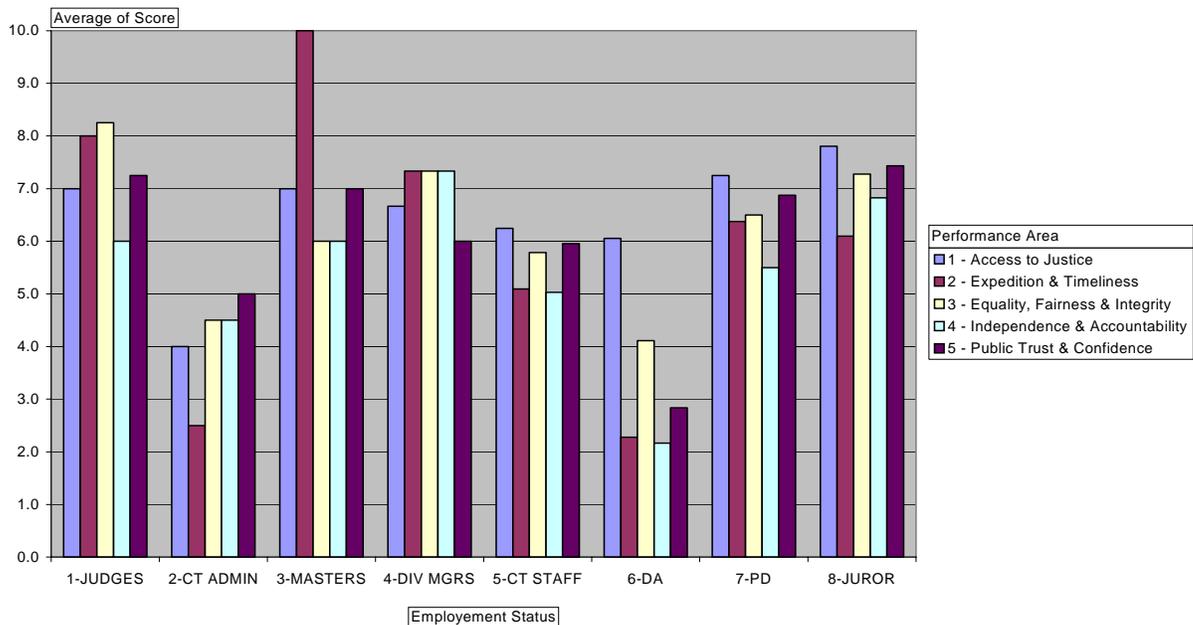
levels of personnel, simplicity and length of the Survey materials and collection of the data itself in a format that all participants can be secured and appropriated time to complete the requested materials.

The 159 respondents from the 507 distributed surveys allowed the data to be separated into several subgroups including: judges, court administrators, masters, division managers, court staff, district attorney's office, public defender's office and jurors. Additional research from police agencies would have provided valuable input to this type of study, as the Court is in constant contact with these groups and many others who are involved with other case types than criminal.

Total number of responses received during this study was lower than expected. This may be a result of an increased negativity formed from past studies, miscommunication with interagencies and lack of knowledge of the subject in question. The data shows the responses received produced mixed results from all subgroups. The initial distribution of the Survey resulted in 75 responses from court personnel, 18 responses from the district attorney's office, 14 responses from the public defender's office, and 52 from the jurors. See Table 1, page 17; Table 2, page 20; Table 3, page 21; and Table 4, page 22. This appears to be a large discrepancy in the response success. Further, court personnel data collection was attempted through positive reinforcement upon completion of the Survey. A total of 33 additional responses were collected with this style of individual one-on-one approach. This still does not fully explain the low response rate. Respondents may have been less attracted to respond due to the lack of organizational and interagency communication, and public information conveyed from the Court.

The results from individual subgroups are diverse showed in the tables to follow scoring on a value axis from 0 to 10, 0 equaling a rating of poor and 10 equaling a rating of excellent.

TABLE 5 - Overall Perception of Five Court Performance Areas by Groups Surveyed



The judges score each of the performance areas above average indirectly contrasts with the results from court administration and the district attorney's office. Court administration's perspective of the Court's performance areas score low, especially in the Expedition and Timeliness performance area. The masters' single response revealed the Court performing above average, scoring Expedition and Timeliness at the top of the range and contradicting the overall average, court administration's and the district attorney office's perspectives of that performance area. The masters' subgroup also communicates an agreement with the judges' perspective of performance. The division managers score the performance above the average; however also maintain close agreement with the judges' perspective. The court staff's

score takes more of a neutral stance against other court personnel, showing agreement with the overall averages by scoring the Expedition and Timeliness, and Independence and Accountability performance areas the lowest.

The district attorney office's scores four of the five performance areas lower than any other subgroup, leaving Access to Justice scoring just above average. This subgroup also agrees with the overall average and identifies Expedition and Timeliness and Independence and Accountability as the lowest. Surprisingly, the public defender office's scores differ from the district attorney office. This subgroup scores the court's performance areas all above average, indicating its lowest score in the Independence and Accountability performance area. Comparatively, this subgroup resembles the results from the judges' subgroup.

The jurors' subgroup, having the least knowledge of the courts, scored the performance areas at above average, however scoring the Expedition and Timeliness performance area as the lowest. Comparatively, the study results identify Performance Area 2: Expedition and Timeliness and Performance Area 4: Independence and Accountability as needing the most attention.

This snapshot of data, shown in Table 5, provides the average score for each performance area separated by subgroup. The eight subgroups scored the five court performance areas as follows:

Table 6 - Performance Area 1-Access to Justice Average Scores

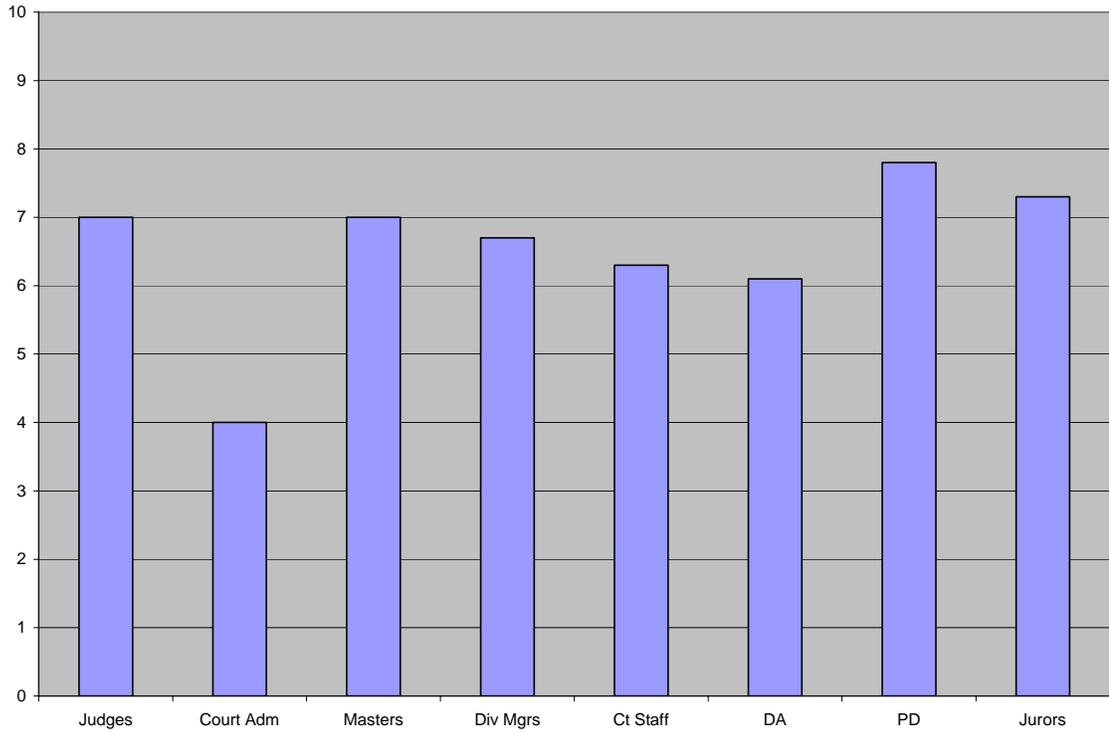
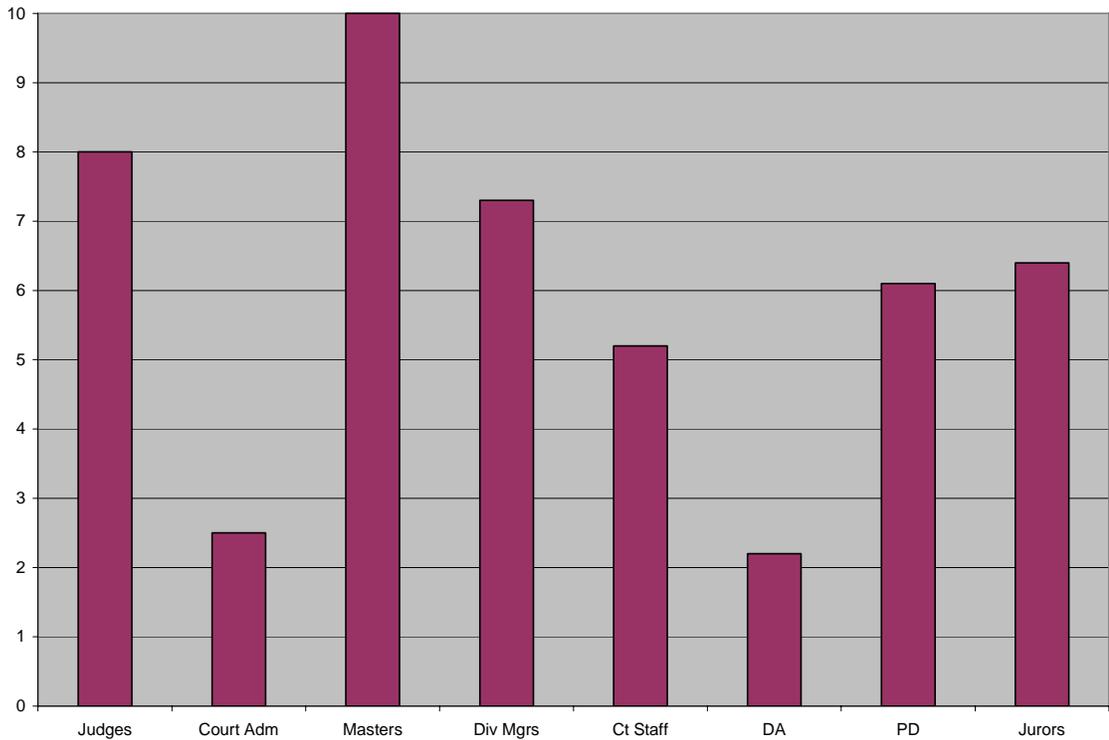
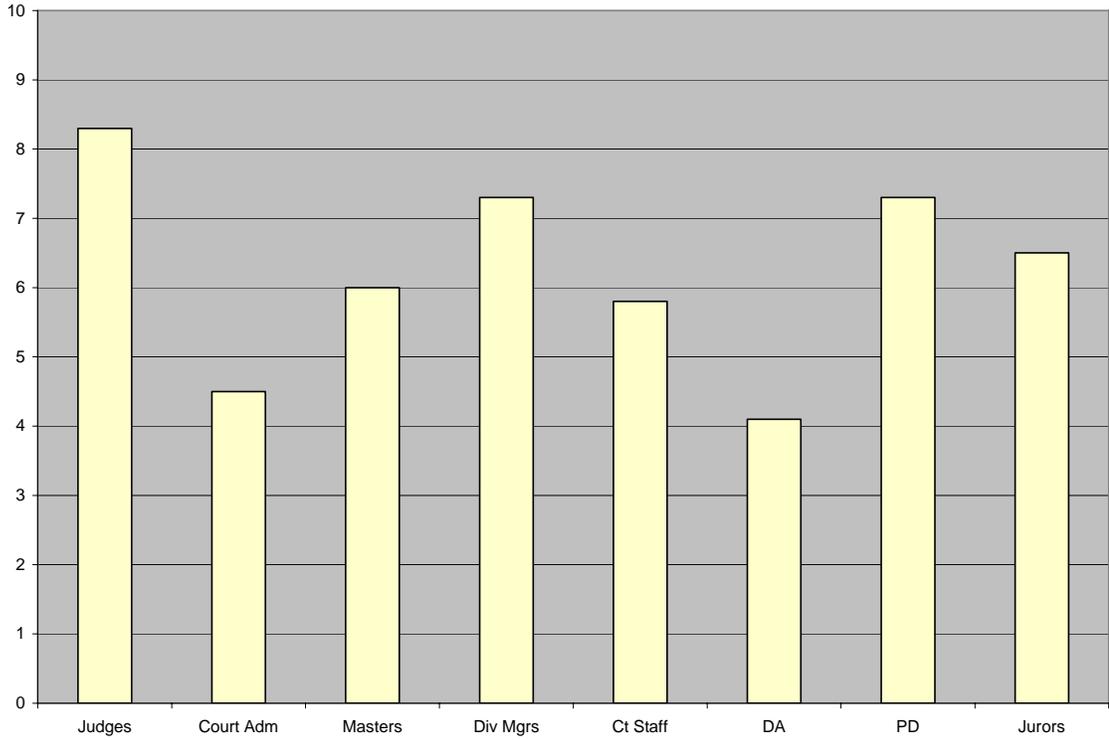


Table 7 – Performance Area 2-Expedition and Timeliness Average Scores



**Table 8 - Performance Area 3-Equality, Fairness and Integrity
Average Scores**



**Table 9 - Performance Area 4-Independence and Accountability
Average Scores**

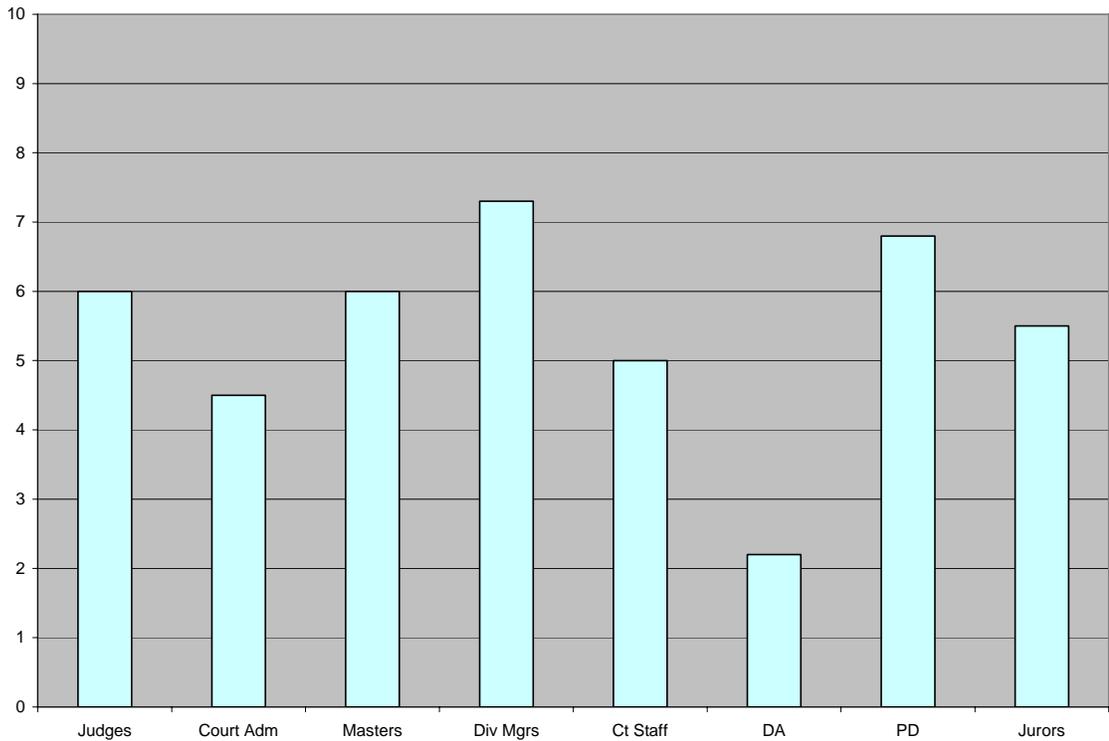
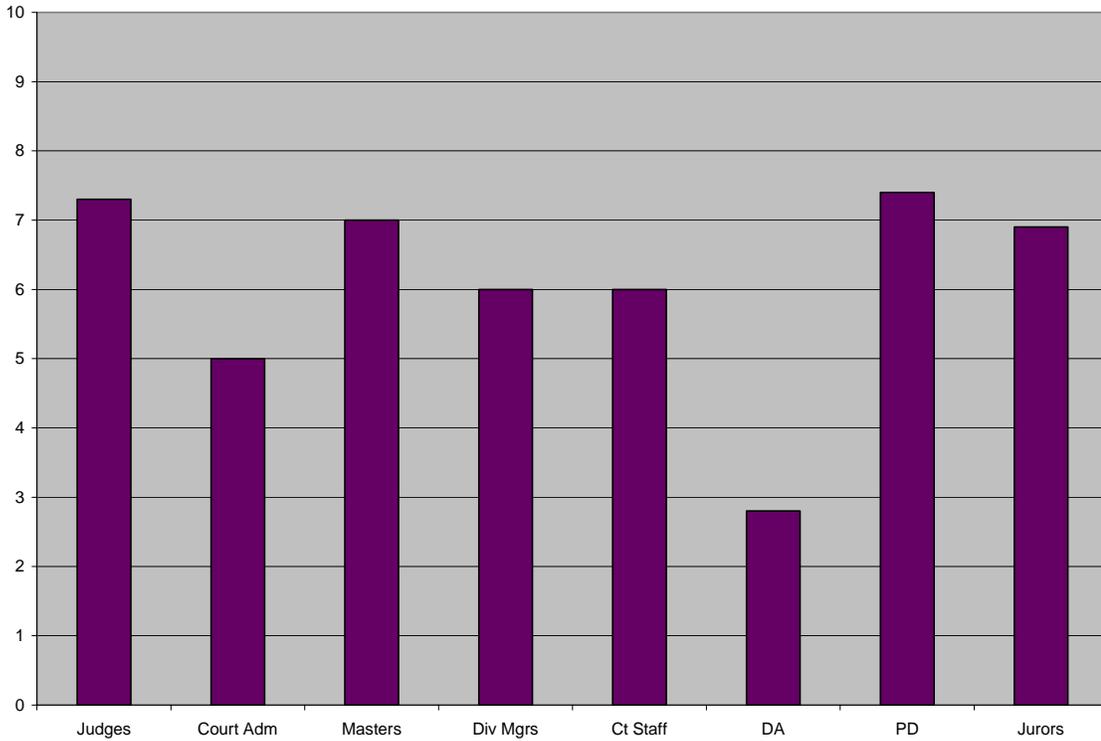
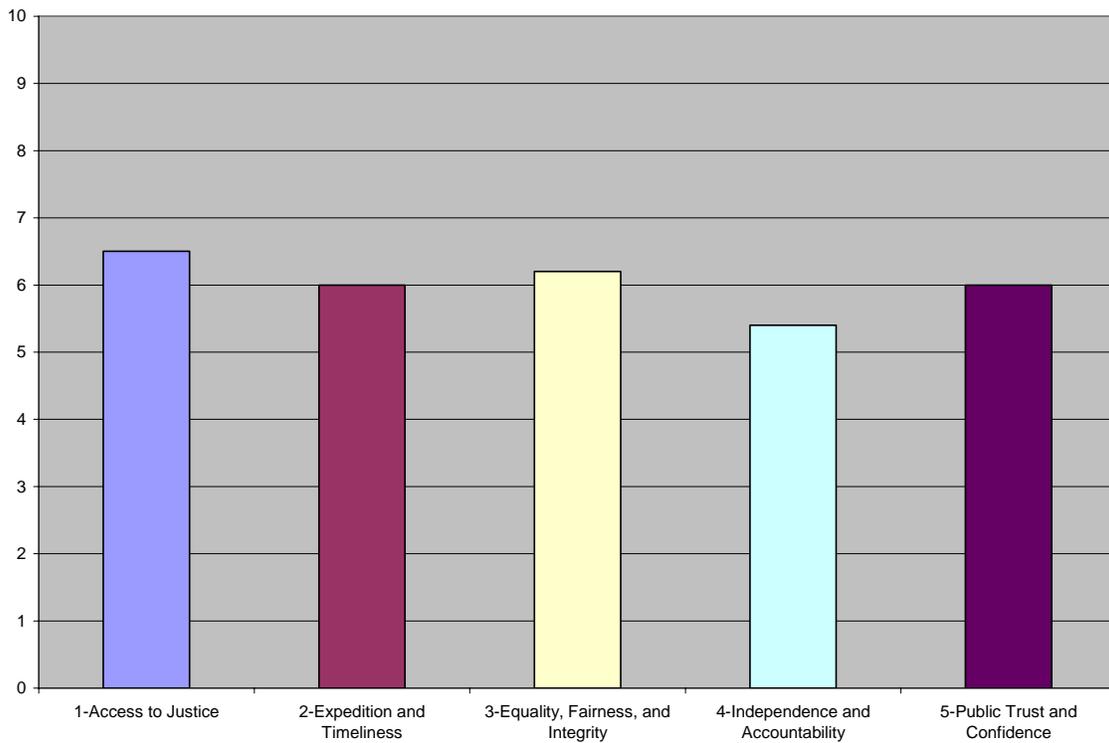


Table 10 – Performance Area 5-Public Trust and Confidence Average Scores



Overall, the study results revealed the performance areas averaging at:

Table 11 – All Court Performance Areas Average Scores



Also revealing how data can be skewed from the representative participation of a certain subgroup. For instance, without calculating the one response received from the masters' subgroup, the averages remain the same among all performance areas except Expedition and Timeliness, which averages at 5.4, ranking it the lowest with the Independence and Accountability performance area.

A closer review of this data reveals the Performance Area 2: Expedition and Timeliness as scoring the lowest in each subgroup, except the subgroup of Masters, which included only one response.

Findings from Survey of Second Judicial District Court Personnel

Considering this Court's likeness to the autonomous culture type defined by the Ostrom et al. research (see above pages 11 and 12) the reaction of resistance conveyed by the court personnel during the data collection process is not surprising. Surveying the court personnel met with resistance as evidenced by a lack of participation, with the low response rate of 46% of 163 employees. The autonomous culture was further emphasized by the judge who articulated the flaws of the Survey in an e-mail memo to all court users. (See above page 18 and Appendix G, page 86.) This e-mail spawned negativity among court staff and nearly immobilized this project. Further review into this resistant behavior, revealed through anonymous interviews, identified employees as nonsupportive of one another, resentful of court administration's management style, bitter toward employee career goal achievement, distrust of a court structure offering promotional opportunity and that positive change within the Court is problematic owing in part to the lack of knowledge of the Court's values. It also identified the wildfire-like assumptions that spread throughout the Court on all staffing levels, including but not limited to the incorrect assumption of the allocation of \$40,000.00 of court resources to fund this project. Additional difficulties were

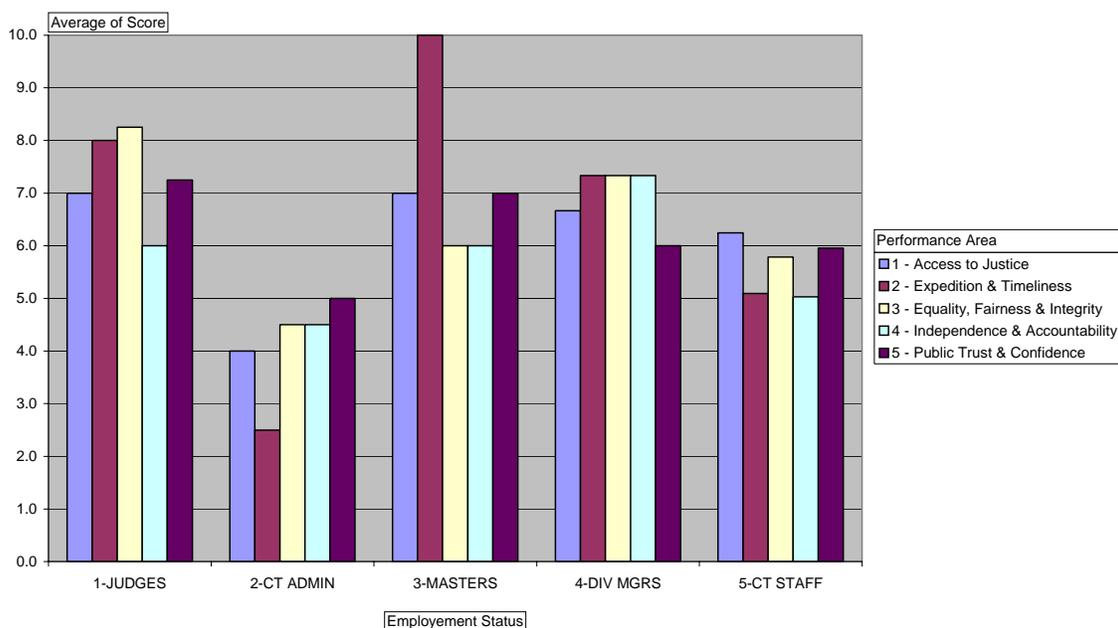
encountered during the data collection from court personnel due to the assumption by employees that the Court was funding the entire education of this researcher.

Therefore, in response an educational timetable with payment history was produced.

The negative culture identification is further supported by The Pacific Institute’s Organizational Culture and Effectiveness Survey Full Report of the Second Judicial District Court, wherein the court culture was diagnosed as weak. Considering the 46% participation rate in the Survey of the court personnel, noting the continual complaints from court staff of the Survey’s length, grammar structure and relevancy, the process of data collection was bleak. This did, however, identify court personnel’s perceptions of the Court’s performance areas and negative court atmosphere. Perhaps those that did respond have more of positive attitudes and would score the Court higher than those that did not respond.

There is an apparent difference in the perceptions of court personnel, especially between court administration and the judges. (See Table 12, below.)

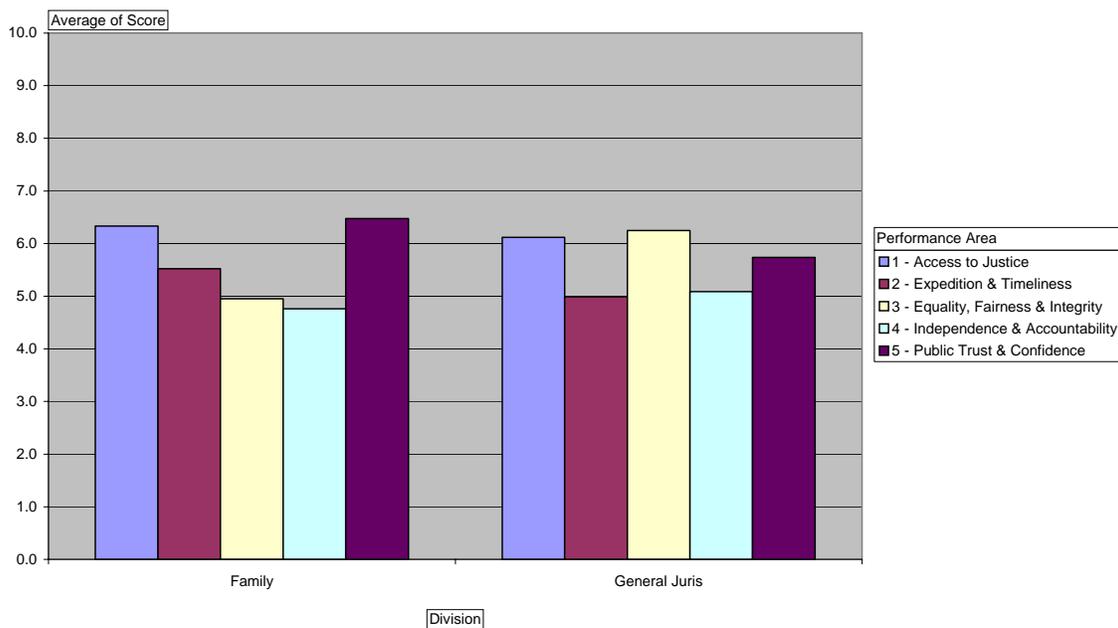
TABLE 12 – Overall Perception of All Court Personnel



The perception of the judges may not be anchored in reality, as they viewed the Court as above average and court administration clearly ranked the court performance areas as insufficient. The data reflects a mixed opinion from court staff. A review of the judges' perception against the court staff's perception indicates a disconnect between the combined leadership of court administration and judges, as well as a disconnect between the leadership and the court staff. See Table 12. This also may be the reason for the court staff's focus of improvement needed on the Performance Area 4 – Independence and Accountability, which directly addresses use of fair employment practices in its standards.

There is a possibility that there may have been a larger difference in perceptions between the Family Court and General Jurisdiction personnel, however basically the perceptions from both court divisions were similar to one another, as shown in Table 13.

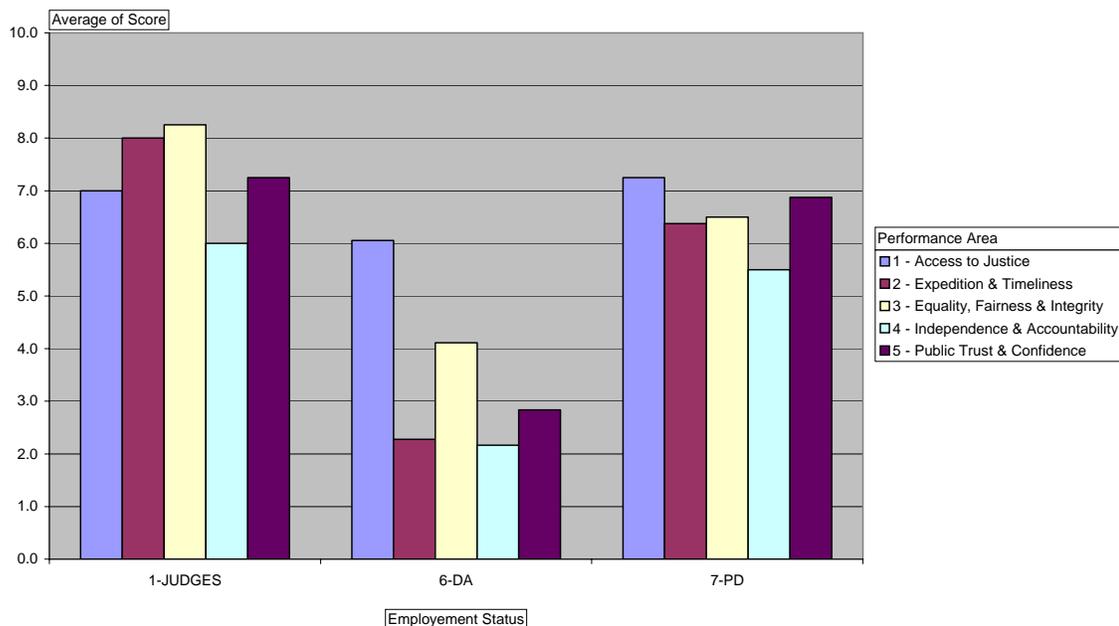
TABLE 13 – Overall Perception of Family Court and General Jurisdiction



Findings from Survey of Washoe County District Attorney's Office

Initial discussions with the District Attorney found the Survey well received, however resulted in a significant difference of perception between the district attorney's office and the judges in four of the five performance areas. The district attorney's office clearly identifies the Court needing improvement in the Performance Area 2: Expedition and Timeliness and Performance Area 4: Independence and Accountability, scoring both areas low at a 2.2, as shown in Table 14.

TABLE 14 – Overall Perception of Judges, District Attorney and Public Defender



Hallway conversations also revealed additional comments from the district attorney deputies relating to the concern of their knowledge of the questions relating to court resources and employee satisfaction. Further, the deputies were extremely interested in participating in surveys conducted on individual judicial departments.

Findings from Survey of Washoe County Public Defender's Office

Due to the miscommunication within the district attorney's office, Table 14 reflects the perceptions of the district attorney's criminal deputies and the public

defender deputy attorneys. From the perspective of the public defender deputy attorneys, the court performance areas result as average but also indicate Performance Area 4: Independence and Accountability as scoring the lowest at 6.1.

The public defender's office was willing to participate in the Survey and supportive in assisting the Court progressing its performance. To that end, the Survey revealed that both the district attorney's office and public defender's office met the Survey with interest, expediency and confidence that the Court's efforts in bettering itself would eventually improve their offices as well.

Findings from Survey of Randomly Selected 2005 Jurors

Considering the mail distribution to this group, the research shown in Table 5, page 26, revealed a more positive outcome overall than the other study groups. The Jurors' perception of the Court's performance areas identified the performance area of Expedition and Timeliness as the lowest among all the performance areas. The jurors' written commentary stated their concern of the lack of knowledge of the Court's operations indicating future surveys might be more informative if the questions were better focused toward their experience in the Court.

Findings from Feedback Group

The feedback group found that measuring the Court's performance areas would be challenging considering the Court's complexity and the finding that most of the judges believed measurement is a waste of time. The feedback group concluded that regular review of the court performance areas would be a wise use of the court resources and could benefit the Court. More importantly, the feedback group found that more unity of the Court's leadership and staff were key to future court improvement.

Further, this group identified that dialogue and communication are also crucial elements and strongly suggested the Survey results be published to the all court

personnel, district attorney's office and public defender's office to establish credibility and the development of a "team" of justice.

The feedback group identified three performance areas from the Survey results that were in need of discussion: 1) Expedition and Timeliness; 2) Equality, Fairness and Integrity; and 3) Independence and Accountability.

Discussion ensued of the concern of the perception of the district attorney's office with regard to Expedition and Timeliness and the communication levels between the Court and other agencies. The Independence and Accountability discussion identified the negativity of court direct line staff and the group discussed that improvement of the other performance areas would lead to improvement of the Equality, Fairness and Integrity performance area. Discussion of the effectiveness of gathering the research through the Survey revealed that a higher participation rate would be achieved by making the Survey simple and obtaining the information in a training arena. As a whole, the feedback group agreed the Court would benefit if the Court's performance areas were addressed on a regular basis and could result in improved the teamwork, work environment and the Court's culture.

The Chief Judge appeared to be taken aback by the responses of the discussion group; engrossed in the global desire to improve the Court's self-assessment, accountability and efficiency; as well as intrigued at their interest in securing a measurement system within the Court. When asked for his approval to publish this study and its results to all court personnel, the Chief Judge said, "Go for it!"

In addition, this study finds relevance in the TCPS, and the clear links to the USJR, especially in the Timeliness and Expedition performance standard area. Resistance from the judiciary about statistics also ties into the TCPS because, in this district, the TCPS are interpreted as measuring judge performance. Although the Court

has collected and reported statistical data to meet the requirements of the AOC and USJR since July 2000, it seems that these previous attempts were feeble at best. The collection and reporting of data appears to be a positive course of action but reveals an absence of integrity due to the judges' lack of review of data related to their performance to improve the Court's efficiency, effectiveness and accountability. Consequently, the TCPS continue to cause controversy and discussion among the members of the bench.

On the other end of the spectrum, court administration is driving toward the adoption of a measurement system to enable the Court to be prepared to present specific criteria for discussion by the USJR Phase II committee. Further, court administration envisions the TCPS as part of the statistical process to assist USJR in its next phase, as well as being a major contributor of relevant data to persuade and guide the USJR's research.

The overall perception of the subgroups identifies all the court performance areas as needing improvement, but the highest priority is clearly the Expedition and Timeliness performance area. The link to the reporting of data to the USJR is obvious.

The overall data supports the 2000 NCSC Management Review study that recommended to the Court that it adopt management and measurement systems to assist in the overall efficiency and accountability of the Court, particularly in regards to case processing performance.

CONCLUSIONS and RECOMMENDATIONS

Many courts that collect information on its case dispositions, realizes there are guidelines to maintain, and that the courts serve the community by interpreting and applying the law. The groups researched in this study, by no means, singularly can represent the perception of the whole community, but do identify its importance as a

starting point in reviewing the court performance areas. It explains why there is a need to review all contacts with the Court in order to retrieve the overall view of its users, inside and out. Moreover, this data is not generally accessible. It is important that the Court take responsibility of its actions in order to present itself as an independent branch of government and the public view the Court as efficient, fair and impartial.

The data collected tells me the Court appears to have lost its compass and has become like a ship in the wind. This impacts the caseload, personnel, budget and identification of its strategic plan and interest in measuring performance. Future effort must aim to allow this ship to stop drifting aimlessly. At present, this ship continues to drift towards the current thinking or trends and adopts them, but does not objectively measure how it is doing as compared to past standards and past performance.

For example, the judges of the district gravitated toward using specialty courts, drug court and mental court. Both have taken a sizeable amount of budgetary resources. No statistical or performance measures were developed to support those programs or to monitor their effectiveness. Currently, the judges are requesting funding from the AOC's senior judge program to keep the specialty courts available. Yet have no measurement or information of neither the specialty courts' effectiveness nor the insight that these programs helped the Court's overall caseload. If the Court is to continue to pursue specialty courts it would do so because of their popularity throughout the nation. This effectuates the need for performance area standards and measures that compare past and present caseloads, thereby showing the effectiveness of the Court and justifying the specialty courts.

What can be learned from the literature review is that the history, validity and credibility of the TCPS are accepted nationwide as a successful and viable measurement system. The states are using the TCPS more and more to compare and

preserve their accountability for performance. Taking into consideration that a measurement system would hold the court accountable, it could improve efficiency and communication with other agencies.

Five years has passed since the NCSC and the Pacific Institute conducted their studies and made recommendations for improvement and self-assessment. Even with continued discussions by the past and current Chief Judges of the District, the judges continue to take no interest in a measurement system, presumably due to the risk of being published thereby affecting the public's view of the Court's productivity. It is apparent that the premature submission of this data to the judges and due to its lack of inclusion of this study's complete research resulted in a negative vote to adopting of a measurement system within the Court. Perhaps these results could be kept in-house as to not threaten any judges or administrators but could still be implemented to improve the Court.

The Court has complied with Nevada's USJR since 2000 and unknowingly linked itself to the Expedition and Timeliness performance area by updating its case management system and reporting its civil cases filed and disposed; criminal cases filed and disposed; family cases filed and disposed and statistics per judicial position. The judges realize the necessity of reporting the data to the USJR and meeting the requirements of the AOC, however they clearly admit that having a measurement system in place could threaten their positions politically. Albeit an extraordinary assumption, I learned it directly conflicts with attempts by court administration to improve the Court. Further, I learned by adopting an appropriate measurement system the Court could find improvement in its case management and personnel relations thereby accomplishing goals set by the Court's leadership.

A caveat to consider is the research NCSC initially conducted in selected trial courts. This research conveyed the success of the TCPS relied upon keeping its implementation at a manageable level. Additionally, this research recognized the ultimate consequence of a court's adoption of the entire measurement system would result in failure. Further this research realized the need to focus on the Expedition and Timeliness performance area.

This study suggests that in order to achieve success, full cooperation must be established from the leadership and participants prior to conducting this type of study. The methodology identified that additional groups related to the court's workings should be surveyed, keeping the Survey short and concise, requiring mandatory participation of all participants.

The results from this study identify the difficulties in the data process collection itself and how it reiterated the importance of communication throughout the organization, "buy-in" from all levels of personnel, simplicity and length of Survey materials and collection of the data itself in a format that all participants can be secured and appropriated time to complete the requested materials. It identified the overall difference of perceptions of the judges, court administration, masters, division managers and direct line staff. It also identified an apparent disconnect between the combined leadership of court administration and judges from the direct line staff, as well as a disconnect between the leadership and the court staff. Further, research confirmed the employees' resentment towards the Court's leadership and the lack of communication of the Court's values.

The study results from the district attorney's office and public defender's office demonstrate that "buy-in" and "full participation" attitudes are important and that communication is the key to success. The study also identified the significant difference

of perception between the district attorney's office and the judges in four of the five performance areas, sending a possible message that the Court needs improvement in all performance areas. Both the district attorney's office and public defender's office met the study with interest and confidence that the Court's efforts in bettering itself would eventually improve their operations as well.

The results, as to the jurors, also conveyed the importance of keeping the Survey short, simple and guided toward lay persons. A larger response rate may have been obtained from the jurors, if they were surveyed upon checking out with the jury commissioner's office, thereby eliminating the cost of mail distribution and likeliness of the Survey being thrown away or put aside for completion later.

Results from the discussion among the feedback group participants identified that the unity of the Court's leadership and staff were key to success. Clearly, the Court would benefit by addressing the Court's performance areas on a regular basis, that the end result would improve the teamwork and work environment thereby redeveloping the Court's culture.

Finally, the overall average scores of the performance areas showed general perceptions that the Court is performing at an average level and identified Performance Area 2: Expedition and Timeliness and Performance 4: Independence and Accountability as ranking the lowest, thereby arguably needing the most improvement.

The resistance from the judiciary with regard to statistics ties into the TCPS because, in this district, the TCPS are interpreted as measuring judge performance – a difficult assumption to overcome. Consequently, the TCPS continue to cause controversy and discussion among the members of the bench. On the other end of the spectrum, court administration is driving toward the adoption of a measurement system to enable the Court to be prepared to present specific data, completing its vision of

having the TCPS, as part of the statistical process to assist USJR in its next phase, as well as being a major contributor of relevant data to persuade and guide the USJR's research.

The overall perception of the subgroups identifies all the court performance areas as needing improvement, and suggesting concentration on the Expedition and Timeliness performance area. More specifically, case processing, which is described in the TCPS, Performance Area 2 -Expedition and Timeliness, Standard 2.1, is perceived as needing the most attention. Standard 2.1 focuses its measures directly toward time to disposition, ratio of case disposition to case filings, age of pending caseload and certainty of trial dates. All of these measures are associated with the reporting of data related to the USJR.

This study then brings us to the purpose of this project - to analyze which court performance areas need the most focus and to make recommendations that can be used to benefit the Court in improving its self-assessment and accountability.

I concur with court administration's proactive vision and believe the benefits to implementing a measurement system within in the Court include consistent management of the court; focus toward case processing with regard to case dispositions, ratio of case dispositions to case filings, age of pending caseload and certainty of trial dates; development of inter-governmental relationships through better communication and an increase of the Court's influence as its statements are now supported by data.

Based on literature review, research, results and discussion from this study of the Second Judicial District Court personnel, Washoe County district attorney and public defender offices and randomly selected 2005 jurors, I submit that this Court would benefit from the following seven recommendations.

- 1) Reviewing this project in its entirety, taking a second look at adopting a measurement system and considering the TCPS, Court's past studies, research and results of this study to assist the Court's leadership in initiating a systematic manner of self-assessment, self-improvement and accountability.
- 2) Adopting an adaptable measurement system such as the TCPS. The TCPS would provide a viable option to the Court and associate well with management of the court. The TCPS would also assist in the Court's reporting of data to the AOC and the USJR along with making informed suggestions to the USJR. Also,
 - a. Upon adoption of a viable measurement system, the Court should review the Expedition and Timeliness standards and measures to ensure success. Specifically, Standard 2.1, Case Processing, directly focuses on time to disposition, ratio of case dispositions to case filings, age of pending caseload and certainty of trial dates.
- 3) The Chief Judge could manage this new measurement system by utilizing TCPS Measures associated in CourTools.³¹ CourTools offers court performance measures that can be adapted to the court in a practical and cost effective manner.
 - a. CourTools TCPS Measure 2 – Clearance Rates results can compare numbers within the courts for any and all case types, month to month and year to year thereby pinpointing emerging problems and indicate where improvements can be made. The Clearance Rates data can assist the Court in its compliance with the AOC and USJR reporting requirements.

³¹ CourTools, National Center for State Courts CourTools (Williamsburg, VA 2005), http://www.ncsconline.org/D_Research/CourTools/Images/10%20index.pdf, pages 1-2.

- b. CourTools TCPS Measure 3 – Time to Disposition can assess to length of time its takes a court to process case, compares a court’s performance with local, state, or national guidelines for timely case process and provides a framework for meaningful measurement across all case types, while also complying with the AOC and USJR reporting requirements.
 - c. CourTools TCPS Measure 4 – Age of Active Pending Caseload can provide a complete and accurate inventory and tracking of active pending cases to allow the court to focus attention on ensuring cases are brought to completion within reasonable timeframes, again complying with the AOC and USJR reporting requirements.
- 4) The Chief Judge could lead the success of this new measurement system by appointing a committee to oversee the adoption and implementation of the measurement system. This overseeing committee should be representative of judges, court administrators, masters, division managers and direct line staff of both the family and general jurisdiction and the district attorney’s office, public defender’s office and the civil, criminal and family county bar association to ensure buy-in and input from all levels of court personnel and its users. This committee could assist the Court’s leadership with implementation, project direction and provide support for the measurement system. Further this committee would be responsible for development of a project plan, organizing, and tracking the implementation process.
 - a. The committee could begin the implementation of this measurement system by reviewing its reported data of civil cases filed and disposed; criminal cases filed and disposed; family cases filed and disposed; and

statistics on cases per judicial position and specialty courts. This data is compiled by the Court's current case management system and could be adapted to work with the CourTools while complying with the AOC and USJR guidelines. This current data will assist in generating the data associated with clearance rates, time to disposition and age of active pending caseload. The committee should establish a timeframe of approximately six to nine months to gather the appropriate data selected by case type. The time it takes to obtain actual measurements should be greatly reduced by the use of the Court's existing statistical data.

- 5) The Chief Judge's leadership would benefit by clearly communicating the Court's strategic plan to all levels of court personnel, including its vision, mission, goals, objectives, and strategies for achieving them.
- 6) The Chief Judge could effectively manage the implementation of new processes by attempting to maintain communication relationships with interagencies and intergovernmental entities.
- 7) The Chief Judge and the leadership of the Court will achieve credibility by publishing this study and results to all court personnel, district attorney's office and public defender's office. All levels of court personnel and court users affect the workings of the court and can only better assist in achieving the Court's strategic plan with this knowledge.

A measurement system focusing on self-assessment, improvement and accountability, sends a message to the public of a strong, team-oriented accountable court; highlights the court's commitment to serve, improve and contribute to the community; shows the court's objective to provide expeditious justice with neutrality and

impartiality; and demonstrates an effort toward the preservation of the dignity of the courts.

Finally, the true reality of this study reveals the past lack of coherent, consistent performance measures in this Court has resulted in the Court not setting consistent policies, no long term focused strategic plan and has made it increasingly difficult to obtain increased resources in the annual budget process. In short, without change the Court could continue to drift aimlessly. Adoption of a viable measurement system holds many possible benefits for both the Court and the community it serves.

APPENDICES

Appendix A

Memo from Chief Judge James Hardesty to District Court Judges
dated December 17, 2001

MEMO

To: District Court Judges
Cc: Ron Longtin; John Powell; Greg Ireland
From: Judge Hardesty
Subject: December 19 Retreat
Date: December 17, 2001

On Wednesday, we will be discussing the Employee Manual and the Court's goals for the next two years. There are a number of issues I believe the Bench should address.

For the past several days, I have been meeting with Court administration, department supervisors and other employees. As part of those discussions, I solicited their input for the Court's objectives. I was really pleased to receive several outstanding recommendations.

In an effort to focus our discussions on December 19, I have compiled a list of areas and topics. Included with this Memo are copies of some of the memos I received from Court administration and employees. I have also attached a copy of the recommendations by the National Center for State Trial Courts for your reference. Please excuse my handwritten notes in the margin. The status of the National Center recommendations should be part of our discussions on Wednesday. Any items remaining should certainly be included in the Bench's goals for the next two years.

We clearly do not have enough time to take positions on the various topics listed in this Memo. Rather, I suggest we simply identify and prioritize the goals we agree to pursue. Specific positions can be taken in future Judges' meetings after we get additional research, staff input and/or committee recommendations. Once the Bench sets its goals, I'll make assignments to deal with each area or topic.

Following is a list of the tasks and/or topics I would like to propose to the Bench. This list includes recommendations from our staff. The list is not presented in any order of priority but, as I have indicated, the Bench may wish to prioritize these subjects.

District Court Judges

cc: Ron Longtin; John Powell; Greg Ireland

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December 17, 2001

1. Complete the Amy Harvey transition and adoption of the ADKT.
2. Complete the ADKT process to adopt the Local Criminal Rules. In that regard, I recently received comments from the Supreme Court submitted by Dick Gammick which are enclosed.
3. Conclude the WCEA litigation in the Supreme Court. Evaluate collective bargaining for court employees.
4. Complete the Employee Manual and establish a protocol for regular review and future amendment to the Manual.
 - (A) Resolve pay and classification for the filing office and I.T. department.
5. Study and implement, as necessary, the human resource needs of the Court.
6. Implement the recommendations of the Jury consultant provided to the Bench in December, 1998, as well as other modifications suggested by the Jury Commissioner's memo attached.
7. Resolve the Court's statistical information and computer systems. This would include a continued expansion of the Court's new web page, the development of an electronic filing system, and other suggestions set forth in the memorandum of Craig Franden attached.
8. Study and adopt a standard for case disposition and aging.
9. Study the random assignment of cases for both criminal and civil, and consider implementing a weighted case assignment system.
10. Restructure the filing office to address a number of customer service complaints. See a list of suggestions in the memo provided by Heidi Shaw attached.
 - case load and scheduling
 - 21-day sentencings for in-custody cases
 - dedicated P&P officers to each department

District Court Judges
cc: Ron Longtin; John Powell; Greg Ireland
Page 3
December 17, 2001

11. Study and modify, as appropriate, the criminal calendaring within the Court.
12. Study the uniformity, or lack thereof, in policies and procedures between departments.
13. Complete the study of and adopt a uniform set of criminal jury instructions.
14. Establish a committee within the Bench-Bar to amend the Nevada Pattern Jury Instructions and add additional instructions, as appropriate.
15. Adopt trial court performance standards. As you know, we have already approved standards established by the ABA as set forth in the National Center study. However, we need a mechanism for tracking compliance.
16. Review and modify, as necessary, the Court's pretrial order and consider making uniform the party responsible for initiating the order. See Wes Ayres' memo attached.
17. Study and modify the arbitration procedures. See Wes Ayres' memo attached. To his suggestions, I would add the need for an evaluation process of the Arbitrators who serve the Court. Clark County's Commissioner regularly attends and observes arbitrations and writes evaluations of arbitrators to parties and lawyers.
18. Research and study Court security issues, including supervision of personnel and security practices employed by them.
19. Review bailiff assignment, orientation and training.
20. Develop a master plan for future space and physical needs within the courthouse and the Pioneer Inn site.
21. Review the Washoe County Historical Society and support that may be provided by the Court.

District Court Judges

cc: Ron Longtin; John Powell; Greg Ireland

Page 4

December 17, 2001

22. Continue the development, funding and implementation of the Mental Health Court.
23. Review the administration and data management system for specialty courts.
24. Establish a Legislative Committee to formulate and monitor legislation.
25. Establish a case flow management system to assist the Chief Judge in reviewing and equalizing the case load of the various departments.
26. Review the needs and affects of Family Court expansion.
27. In addition to Item 25, Greg Ireland and Judge Jordan have developed a comprehensive list of other issues to be addressed in Family Court. See Greg Ireland's and Phil Bushard's memos attached.
28. Examine the staffing needs in the Probate division and consider transferring guardianship functions to the Family Court. See Pam Gullihur's memo attached.
29. Provide a method for informing all court employees of available training and expand participation in various training programs.
30. Examine Court Services' operation and the budgetary constraints imposed on the Court to serve other jurisdictions. In addition, see other matters raised by Carl Hinxman in his memo attached.
31. Conduct a thorough review of the Court's budget, establish funding priorities based upon the goals and objectives set by the Court and develop a plan for implementing the funding needs.
32. Examine the continuation of the Pacific Institute program.
33. Establish an ombudsman program for the Bench and Bar.

District Court Judges

cc: Ron Longtin; John Powell; Greg Ireland

Page 5

December 17, 2001

34. With respect to settlement conferences:
 - (A) Develop statistical reporting;
 - (B) Recommend amendments to SCR 252 on issues of good faith participation;
 - © Recommend amendments to NRCP 16(a)(5) to secure jurisdiction over insurance companies; and
 - (D) Develop a uniform order compelling parties and their insurance companies to participate in settlement conferences.

35. Develop a protocol to consolidate mass tort- and construction defect-type cases, i.e., phen fen or the child abuse case civil litigation.

36. Develop a protocol to share jury verdicts and court rulings that may affect cases in other departments, i.e., rulings on the constitutionality of a criminal statute.

37. Review judicial evaluations with the Washoe County Bar Association.

Also, enclosed are lists of goals and objectives from Ron Longtin and John Powell. Their lists provide additional commentary to other topics in this memo and add several other items for us to consider.

See you at the retreat.

Appendix B

Email Memo from Chief Judge Jerry Polaha to District Judges

dated August 5, 2005

Longtin, Ron
From: Polaha, Jerry
Sent: Monday, August 08, 2005 4:34 PM
To: Longtin, Ron
Subject: RE: FYI

Ron, here's a copy for your info.

-----Original Message-----
From: Polaha, Jerry
Sent: Friday, August 05, 2005 5:16 PM
To: WashoeCourts Judges
Subject: FYI

Colleagues:

Here are some items you ought to be aware of:

- (1) Senior Judges - I just heard (unconfirmed) that Clark County is asking about a permanent position (and staff) for settlement conferences. They originally asked for a two day every other week with us getting an equal amount the rest of the time. By the way, I have not received a response, except for 1, to what do we want for senior judges outside of specialty court? If we don't need them, or ask for them, we'll not get them. Vegas will.
 - (2) Be careful about Lakes Crossing matters - there is a law suit pending in Fed Crt and the DA and AGO want to bring us into it. So look and listen to what they say in court and what your orders require. We have a committee looking into & working on attenuating the delay problems over there but there is only so much we can do - the PD, DA ,the WCSO and Lakes and the STATE have more responsibilities in this area than do we. Be cautious. Also we have orders prepared that will be circulated for your comments with the thought they will be uniformly used and transmitted by our clerks in NRS 178. matters.
 - (3) You will get a BJA Trial Court Performance Standard packet shortly. Please review it and get back to me re your opinion about having this survey get done. It will cost us nothing and will give us an idea of how we are perceived by the public and our court users.
 - (4) Washoe Legal Services would like us to endorse their request to the BCC to increase the filing fees by another \$5.00 or \$10.00 which will go the WLS to cover their increased costs of their increased provided services and their required match to some of the federal grants they rely upon. Paul Elcano, their ExDir, advises that the need is critical. If you all are in agreement I will send the letter to the BCC. Please respond ASAP.
 - 5) If you wish, you may prohibit guns from being brought into your courtrooms.(+/-). Let me know if you want. I will advise the DA & Sheriff and it will be taken care of.
- Regards,
C.J Polaha

Appendix C

Memo from Ronald Longtin to All District Judges dated August 15, 2005

SECOND JUDICIAL DISTRICT COURT

WASHOE COUNTY
STATE OF NEVADA



Office of Court Administration
P. O. Box 30083, Reno, NV 89520-3083
Phone: 775-328-3119 • FAX: 775-325-6601
Ronald A. Longtin, Jr., Court Administrator

MEMORANDUM

To: All District Judges

From: Ron Longtin

cc: Chief Judge Polaha
John Powell, Assistant District Court Administrator, General Jurisdiction
Darin Conforti, Assistant District Court Administrator, Family Division

Date: August 15, 2005

Subject: Trial Court Performance Standards with Commentary

Dear Judge:

The Chief Judge provided you with an e-mail on the subject during August 5, 2005.

I do not believe you received the background information regarding trial court performance standards. That is the purpose of this memorandum.

I am attaching general information regarding the standards and a sample of questions posed in the process. The ultimate purpose is to receive feedback that will be used in determining steps believed to be appropriate for a court to improve upon. We are fortunate in that Tiffany Clements is working on her ICM Fellowship and the research work used in obtaining the performance measures is done as a part of her overall study. The information obtained in the process of evaluating our Court using the standard performance measures will only be shared with the bench and necessary staff.

The use of performance standards was a goal set by then Chief Judge Hardesty several years back and was up for discussion during the last judges' retreat. So, the task has always been an objective our District wished to implement.

Please respond by August 26, 2005 if you wish to ask more questions or if you have concerns regarding this goal. You are welcome to call John Powell, Darin Conforti, Tiffany Clements or me if you have any questions regarding this goal.

RAL:ral

Attachments:

H:\Docs\Judges Correspondence\Memo to All Judges re Performance Measures
081505.document14

-----Original Message-----

From: Polaha, Jerry
Sent: Friday, August 05, 2005 5:16 PM
To: WashoeCourts Judges
Subject: FYI

Colleagues:

Here are some items you ought to be aware of:

- (1) Senior Judges - I just heard (unconfirmed) that Clark County is asking about a permanent position (and staff) for settlement conferences. They originally asked for a two day every other week with us getting an equal amount the rest of the time. By the way, I have not received a response, except for 1, to what do we want for senior judges outside of specialty court? If we don't need them, or ask for them, we'll not get them. Vegas will.
- (2) Be careful about Lakes Crossing matters - there is a law suit pending in Fed Crt and the DA and AGO want to bring us into it. So look and listen to what they say in court and what your orders require. We have a committee looking into & working on attenuating the delay problems over there but there is only so much we can do - the PD, DA, the WCSO and Lakes and the STATE have more responsibilities in this area than do we. Be cautious. Also we have orders prepared that will be circulated for your comments with the thought they will be uniformly used and transmitted by our clerks in NRS 178. matters.
- (3) You will get a BJA Trial Court Performance Standard packet shortly. Please review it and get back to me re your opinion about having this survey get done. It will cost us nothing and will give us an idea of how we are perceived by the public and our court users.
- (4) Washoe Legal Services would like us to endorse their request to the BCC to increase the filing fees by another \$5.00 or \$10.00 which will go the WLS to cover their increased costs of their increased provided services and their required match to some of the federal grants they rely upon. Paul Elcano, their ExDir, advises that the need is critical. If you all are in agreement I will send the letter to the BCC. Please respond ASAP.
- 5) If you wish, you may prohibit guns from being brought into your courtrooms.(+/-). Let me know if you want. I will advise the DA & Sheriff and it will be taken care of.

Regards,
CJ Polaha

Bureau of Justice Assistance, Trial Court Performance Standards with Commentary,
Washington, DC: U.S. Department of Justice, July 1997.
Available at: <http://www.ncjrs.org/pdffiles1/161570.pdf>

THE COURT PERFORMANCE INVENTORY

Section I: INTRODUCTION

This inventory is based on the *Trial Court Performance Standards and Measurement System (TCPS and Measurement System)* developed by the National Center for State Courts. It is intended to familiarize individuals with the principles enunciated in the *TCPS*. This inventory is designed as a means of collecting **individual perceptions** (which may be pooled with others) about specific trial court performance. Results of the inventory can be used to target further diagnostic efforts and management strategies.

We want to assure you that your responses will be treated in the strictest confidence, and that the court will receive only the aggregate results. No individuals will be identified in any way.

***DIRECTIONS:** Read each of the attached 50 statements. Based on your experiences with the Second Judicial District Court, determine whether you believe the statement is BROADLY TRUE or BROADLY FALSE of the way the court performs. If you determine the statement to be BROADLY TRUE, make an "X" in the corresponding number box on the Response Form, which is the last page attached to this packet.*

Section II: PERCEPTIONS OF COURT PERFORMANCE

1. An observer sitting in a courtroom's public seating area will have no difficulty hearing judges, attorneys, litigants, witnesses and other participants in the proceedings.
2. The total elapsed time it takes the court to dispose of cases once they are filed complies with national standards.
3. The final juror pools used by the court are representative of the jurisdiction's population.
4. The distribution of the court's resources among case types is defensible and based upon logic and reason.
5. The general public perceives the trial court and the justice it delivers as accessible, and has trust and confidence that the basic trial functions are conducted expeditiously and fairly and that the court's decisions have integrity, and knows that the trial court is independent, accountable, and not unduly influenced by other components of government.
6. An undercover law enforcement official, dressed in plain clothes, will not be able to breach the court's security systems that protect the public and confidential court files and records.
7. An examination of the court's financial records will reveal that the various types of funds for which the court is responsible are disbursed in a timely manner.
8. An examination of relevant documents, case files, and court records will reveal that the court closely adheres to key legal requirements.
9. An analysis of the court's performance as an equal opportunity employer would reveal that race and gender distribution for each job category is generally reflective of the available labor pool for each category.
10. Justice system representatives perceive the trial court and the justice it delivers as accessible, have trust and confidence that the basic trial functions are conducted expeditiously and fairly and that its decisions have integrity, and know that the trial court is independent, accountable, and not unduly influenced by other components of government.
11. Interpreter services provided by the court are performed by individuals with knowledge of professional conduct, language proficiency, and interpreting skill.
12. The court promptly implements changes in substantive and procedural laws.
13. A statistical analysis conducted of data collected from closed files for bail, bond, and release on recognizance decisions will reveal that those decisions are not

based on extra-legal factors such as the defendant's race or gender, the judge assigned to the case, the geographic location of the court, and so forth.

14. The court does a good job in disseminating information about its programs to the public.
15. Court employees perceive the trial court and the justice it delivers as accessible, have trust and confidence that the basic trial functions are conducted expeditiously and fairly and that its decisions have integrity, and know that the trial court is independent, accountable, and not unduly influenced by other components of government.
16. Observers of court proceedings are likely to find all court personnel courteous and responsive.
17. The court keeps up with its incoming caseload by disposing of as many cases as are filed each year.
18. Record examinations and statistical analyses are likely to reveal that sentencing decisions of the court are based mostly on legally relevant factors and not on extra-legal factors such as defendant's race or gender, the judge assigned to the case, the geographic location of the court, and so forth.
19. A group of knowledgeable persons both within and outside the court would conclude that the court has acted responsibly in responding to the public policy issues in the past.
20. Court employees and media representatives are likely to be satisfied with policies and practices for responding to media inquiries.
21. The court takes measures to reduce costs and facilitates affordable access to the judicial system to financially disadvantaged persons.
22. The court responds promptly to requests for information from the public.
23. A broad examination of appeals taken from the trial court's judgments reflects good adherence by the court to substantive laws and procedural requirements.
24. Selected knowledgeable individuals are likely to conclude that the trial court maintains its independence and institutional integrity but still has good relations with other units of government.
25. Regular users of the court (court employees, attorneys, probation officers, and jurors) are likely to say that they are able to conduct their business with the courts with relative ease and convenience.
26. A person relatively unfamiliar with the court will have no difficulty in locating and actually entering the courtroom in which a particular hearing is taking place.
27. The court promptly implements changes in administrative procedures required by the state supreme court and the administrative office of the courts.

28. The court does a good job in communicating clearly the terms and conditions of criminal sentences.
29. A group of knowledgeable individuals would conclude that the court's actual allocation of judicial resources is consistent with stated priorities.
30. The results of a survey of regular court users, court employees, attorneys, probation officers and jurors is likely to conclude that judges and other trial court personnel are courteous, responsive to the public and all with whom they come into contact.
31. A person who is attempting to find out the specific time and location of a particular court event will have no difficulty in getting this information from the court by telephone.
32. The cases scheduled for trial are actually heard when scheduled.
33. The court is well positioned and organized to enforce or to facilitate the enforcement of its orders and judgments.
34. A group of knowledgeable individuals is likely to conclude that the court's personnel practices and decisions are fair.
35. Citizens are likely to report that access to court services is generally not hindered because of costs or complexity of procedures.
36. Persons with disabilities are able to conduct transactions in the court with relative ease.
37. The various services available from the court (e.g., indigent defense services, interpreter services, mental health evaluations) are provided promptly.
38. A test of the timely retrieval of individual case files will reveal that the court's file control system is reliable.
39. The court has adequate statistical reporting capacity to make useful assessments of the relationship between the court's workload and how its resources are distributed.
40. Members of the bar who regularly have appeared in the court in the past year are likely to have a very favorable assessment of the fairness and equality of the court's actions and decisions.
41. Court observers are likely to find that litigants are treated with a high degree of courtesy and individual respect by judges of the court.
42. The court has a relatively low percentage of pending cases "older" than the maximum acceptable length of time it should take to resolve cases.
43. The rate of compliance with child support orders in the jurisdiction is within acceptable limits.

44. Judges and other court employees participate in intergovernmental, community, and public service activities.
45. Court staff will rate highly the degree of independent control that the court exercises over its fiscal operations, personnel, and services related in case flow.
46. Indigent persons who have never tried to obtain legal assistance are likely to obtain affordable legal assistance with relatively routine legal problems.
47. The court complies with established reporting schedules for court activities such as statistical reports required by the state court administrative office and EEOC reports required by another government agency.
48. An examination of a sample of case file data will show that most files are complete and accurate.
49. The court makes good use of financial audit procedures and uses those procedures effectively in holding the court accountable for its financial practices.
50. Court employees' responses to structured questions about fairness in personnel practices related to employee morale and competence are likely to reflect general satisfaction.

DIRECTIONS: Detach this sheet. Read each of the attached 50 statements. Based on your experiences with the Second Judicial District Court, determine whether you believe the statement is **BROADLY TRUE** or **BROADLY FALSE** of the way the court performs. If you determine the statement to be **BROADLY TRUE**, make an "X" in the corresponding number box on the Response Form.

Court Performance Inventory Response Form

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50

Section III: LOCATION, JOB CATEGORY AND DEMOGRAPHIC DATA

Please indicate your location (DA, PD, Gen. Juris. Ct or Family Ct): _____

Please indicate your job title: _____

Please indicate how long you have been employed this organization: _____

Appendix D

Trial Court Performance Standards and Measures

Performance Area 1: Access to Justice

- Standard 1.1 – Public Proceedings
 - Measure 1.1.1: Access to Open Hearings
 - Measure 1.1.2: Tracking Court Proceedings
 - Measure 1.1.3: Audibility of Participants During Open Court Proceedings

- Standard 1.2 - Safety, Accessibility and Convenience
 - Measure 1.2.1: Courthouse Security Audit
 - Measure 1.2.2: Law Enforcement Officer Test of Courthouse Security
 - Measure 1.2.3: Perceptions of Courthouse Security
 - Measure 1.2.4: Court Employees' Knowledge of Emergency Procedures
 - Measure 1.2.5: Access to Information by Telephone
 - Measure 1.2.6: Evaluation of Accessibility and Convenience by Court Users
 - Measure 1.2.7: Evaluation of Accessibility and Convenience by Observers

- Standard 1.3 - Effective Participation
 - Measure 1.3.1: Effective Legal Representation of Children in Child Abuse and Neglect Proceedings
 - Measure 1.3.2: Evaluation of Interpreted Events by Experts
 - Measure 1.3.3: Test of Basic Knowledge Required of Interpreters
 - Measure 1.3.4: Assessing Non-English Language Proficiency Through Back Interpretation
 - Measure 1.3.5: Participation by Persons with Disabilities

- Standard 1.4 - Courtesy, Responsiveness and Request
 - Measure 1.4.1: Court Users' Assessment of Court Personnel's Courtesy and Responsiveness
 - Measure 1.4.2: Observers' Assessment of Court Personnel's Courtesy and Responsiveness
 - Measure 1.4.3: Treatment of Litigants in Court

- Standard 1.5 - Affordable Costs of Access
 - Measure 1.5.1: Inventory of Assistance Alternatives for the Financially Disadvantaged
 - Measure 1.5.2: Access to Affordable Civil Legal Assistance
 - Measure 1.5.3: Barriers to Accessing Needed Court Services

Performance Area 2: Expedition and Timeliness

- Standard 2.1 - Case Processing
 - Measure 2.1.1: Time to Disposition
 - Measure 2.1.2: Ratio of Case Dispositions to Case Filings
 - Measure 2.1.3: Age of Pending Caseload
 - Measure 2.1.4: Certainty of Trial Dates
- Standard 2.2 - Compliance with Schedules
 - Measure 2.2.1: Prompt Payment of Moneys
 - Measure 2.2.2: Provision of Services
 - Measure 2.2.3: Provision of Information
 - Measure 2.2.4: Compliance with Reporting Schedules
- Standard 2.3 – Prompt Implementation of Law and Procedure
 - Measure 2.3.1: Implementation of Changes in Substantive and Procedural Law
 - Measure 2.3.2: Implementation of Changes in Administrative Procedures

Performance Area 3: Equality, Fairness and Integrity

- Standard 3.1 – Fair and Reliable Judicial Process
 - Measure 3.1.1: Performance in Selected Areas of Law
 - Measure 3.1.2: Assessment of Court Performance in Applying the Law
- Standard 3.2 – Juries
 - Measure 3.2.1: Inclusiveness of Jury Source List
 - Measure 3.2.2: Random Jury Selection Procedures
 - Measure 3.2.3: Representatives of Final Juror Pool
- Standard 3.3 – Court Decisions and Actions
 - Measure 3.3.1: Evaluation of Equality and Fairness by the Practicing Bar
 - Measure 3.3.2: Evaluation of Equality and Fairness by Court Users
 - Measure 3.3.3: Equality and Fairness in Sentencing
 - Measure 3.3.4: Equality and Fairness in Bail Decisions
 - Measure 3.3.5: Integrity of Trial Court Outcomes
- Standard 3.4 – Clarity
 - Measure 3.4.1: Clarity of Judgment and Sentence
 - Measure 3.4.2: Clarity of Civil Judgments
 - Measure 3.4.3: Experience in Interpreting Orders and Judgments
- Standard 3.5 – Responsibility for Enforcement
 - Measure 3.5.1: Payment of Fines, Costs, Restitution, and Other Orders by Probationers
 - Measure 3.5.2: Child Support Enforcement
 - Measure 3.5.3: Civil Judgment Enforcement
 - Measure 3.5.4: Enforcement of Case Processing Rules and Orders

- Standard 3.6 – Production and Preservation of Records
 - Measure 3.6.1: Reliability of the File Control System
 - Measure 3.6.2: Adequate Storage and Preservation of Physical Records
 - Measure 3.6.3: Accuracy, Consistency, and Utility of the Case Docket System
 - Measure 3.6.4: Case File Integrity
 - Measure 3.6.5: Reliability of Document Processing
 - Measure 3.6.6: Verbatim Records of Proceedings

Performance Area 4: Independence and Accountability

- Standard 4.1 – Independence and Comity
 - Measure 4.1.1: Perceptions of the Court’s Independence and Comity
- Standard 4.2 – Accountability for Public Relations
 - Measure 4.2.1: Adequacy of Statistical Reporting Categories for Resource Allocation
 - Measure 4.2.2: Evaluation of Personnel Resource Allocation
 - Measure 4.2.3: Evaluation of the Court’s Financial Auditing Practices
- Standard 4.3– Personnel Practices and Decisions
 - Measure 4.3.1: Assessment of Fairness in Working Conditions
 - Measure 4.3.2: Personnel Practices and Employee Morale
 - Measure 4.3.3: Equal Employment Opportunity
- Standard 4.4 – Public Education
 - Measure 4.4.1: Court and Media Relations
 - Measure 4.4.2: Assessment of the Court’s Media Policies and Practices
 - Measure 4.4.3: Community Outreach Efforts
- Standard 4.5 – Response to Change
 - Measure 4.5.1: Responsiveness to Past Issues

Performance Area 5: Public Trust and Confidence

- Standard 5.1 – Accessibility
 - Measure 5.1.1: Court Employees’ Perceptions of Court Performance
 - Measure 5.1.2: Justice System Representatives’ Perceptions of Court Performance
 - Measure 5.1.3: General Public’s Perceptions of Court Performance³²

³² U.S. Department of Justice, Bureau of Justice Assistance, Trial Court Performance Standards with Commentary, July 1997. pp.7-22

Appendix E

Court Performance Inventory Survey

THE COURT PERFORMANCE INVENTORY

Section I: INTRODUCTION

This inventory is based on the *Trial Court Performance Standards and Measurement System (TCPS and Measurement System)* developed by the National Center for State Courts. It is intended to familiarize individuals with the principles enunciated in the *TCPS*. This inventory is designed as a means of collecting **individual perceptions** (which may be pooled with others) about specific trial court performance. Results of the inventory can be used to target further diagnostic efforts and management strategies.

We want to assure you that your responses will be treated in the strictest confidence, and that the court will receive only the aggregate results. No individuals will be identified in any way.

***DIRECTIONS:** Read each of the attached 50 statements. Based on your experiences with the Second Judicial District Court, determine whether you believe the statement is BROADLY TRUE or BROADLY FALSE of the way the court performs. If you determine the statement to be BROADLY TRUE, make an "X" in the corresponding number box on the Response Form, which is the last page attached to this packet.*

Section II: PERCEPTIONS OF COURT PERFORMANCE

1. An observer sitting in a courtroom's public seating area will have no difficulty hearing judges, attorneys, litigants, witnesses and other participants in the proceedings.
2. The total elapsed time it takes the court to dispose of cases once they are filed complies with national standards.
3. The final juror pools used by the court are representative of the jurisdiction's population.
4. The distribution of the court's resources among case types is defensible and based upon logic and reason.
5. The general public perceives the trial court and the justice it delivers as accessible, and has trust and confidence that the basic trial functions are conducted expeditiously and fairly and that the court's decisions have integrity, and knows that the trial court is independent, accountable, and not unduly influenced by other components of government.
6. An undercover law enforcement official, dressed in plain clothes, will not be able to breach the court's security systems that protect the public and confidential court files and records.
7. An examination of the court's financial records will reveal that the various types of funds for which the court is responsible are disbursed in a timely manner.
8. An examination of relevant documents, case files, and court records will reveal that the court closely adheres to key legal requirements.
9. An analysis of the court's performance as an equal opportunity employer would reveal that race and gender distribution for each job category is generally reflective of the available labor pool for each category.
10. Justice system representatives perceive the trial court and the justice it delivers as accessible, have trust and confidence that the basic trial functions are conducted expeditiously and fairly and that its decisions have integrity, and know that the trial court is independent, accountable, and not unduly influenced by other components of government.
11. Interpreter services provided by the court are performed by individuals with knowledge of professional conduct, language proficiency, and interpreting skill.
12. The court promptly implements changes in substantive and procedural laws.
13. A statistical analysis conducted of data collected from closed files for bail, bond, and release on recognizance decisions will reveal that those decisions are not

based on extra-legal factors such as the defendant's race or gender, the judge assigned to the case, the geographic location of the court, and so forth.

14. The court does a good job in disseminating information about its programs to the public.
15. Court employees perceive the trial court and the justice it delivers as accessible, have trust and confidence that the basic trial functions are conducted expeditiously and fairly and that its decisions have integrity, and know that the trial court is independent, accountable, and not unduly influenced by other components of government.
16. Observers of court proceedings are likely to find all court personnel courteous and responsive.
17. The court keeps up with its incoming caseload by disposing of as many cases as are filed each year.
18. Record examinations and statistical analyses are likely to reveal that sentencing decisions of the court are based mostly on legally relevant factors and not on extra-legal factors such as defendant's race or gender, the judge assigned to the case, the geographic location of the court, and so forth.
19. A group of knowledgeable persons both within and outside the court would conclude that the court has acted responsibly in responding to the public policy issues in the past.
20. Court employees and media representatives are likely to be satisfied with policies and practices for responding to media inquiries.
21. The court takes measures to reduce costs and facilitates affordable access to the judicial system to financially disadvantaged persons.
22. The court responds promptly to requests for information from the public.
23. A broad examination of appeals taken from the trial court's judgments reflects good adherence by the court to substantive laws and procedural requirements.
24. Selected knowledgeable individuals are likely to conclude that the trial court maintains its independence and institutional integrity but still has good relations with other units of government.
25. Regular users of the court (court employees, attorneys, probation officers, and jurors) are likely to say that they are able to conduct their business with the courts with relative ease and convenience.
26. A person relatively unfamiliar with the court will have no difficulty in locating and actually entering the courtroom in which a particular hearing is taking place.
27. The court promptly implements changes in administrative procedures required by the state supreme court and the administrative office of the courts.

28. The court does a good job in communicating clearly the terms and conditions of criminal sentences.
29. A group of knowledgeable individuals would conclude that the court's actual allocation of judicial resources is consistent with stated priorities.
30. The results of a survey of regular court users, court employees, attorneys, probation officers and jurors is likely to conclude that judges and other trial court personnel are courteous, responsive to the public and all with whom they come into contact.
31. A person who is attempting to find out the specific time and location of a particular court event will have no difficulty in getting this information from the court by telephone.
32. The cases scheduled for trial are actually heard when scheduled.
33. The court is well positioned and organized to enforce or to facilitate the enforcement of its orders and judgments.
34. A group of knowledgeable individuals is likely to conclude that the court's personnel practices and decisions are fair.
35. Citizens are likely to report that access to court services is generally not hindered because of costs or complexity of procedures.
36. Persons with disabilities are able to conduct transactions in the court with relative ease.
37. The various services available from the court (e.g., indigent defense services, interpreter services, mental health evaluations) are provided promptly.
38. A test of the timely retrieval of individual case files will reveal that the court's file control system is reliable.
39. The court has adequate statistical reporting capacity to make useful assessments of the relationship between the court's workload and how its resources are distributed.
40. Members of the bar who regularly have appeared in the court in the past year are likely to have a very favorable assessment of the fairness and equality of the court's actions and decisions.
41. Court observers are likely to find that litigants are treated with a high degree of courtesy and individual respect by judges of the court.
42. The court has a relatively low percentage of pending cases "older" than the maximum acceptable length of time it should take to resolve cases.
43. The rate of compliance with child support orders in the jurisdiction is within acceptable limits.

44. Judges and other court employees participate in intergovernmental, community, and public service activities.
45. Court staff will rate highly the degree of independent control that the court exercises over its fiscal operations, personnel, and services related in case flow.
46. Indigent persons who have never tried to obtain legal assistance are likely to obtain affordable legal assistance with relatively routine legal problems.
47. The court complies with established reporting schedules for court activities such as statistical reports required by the state court administrative office and EEOC reports required by another government agency.
48. An examination of a sample of case file data will show that most files are complete and accurate.
49. The court makes good use of financial audit procedures and uses those procedures effectively in holding the court accountable for its financial practices.
50. Court employees' responses to structured questions about fairness in personnel practices related to employee morale and competence are likely to reflect general satisfaction.

DIRECTIONS: Detach this sheet. Read each of the attached 50 statements. Based on your experiences with the Second Judicial District Court, determine whether you believe the statement is **BROADLY TRUE** or **BROADLY FALSE** of the way the court performs. If you determine the statement to be **BROADLY TRUE**, make an "X" in the corresponding number box on the Response Form.

Court Performance Inventory Response Form

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
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26	27	28	29	30
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36	37	38	39	40
41	42	43	44	45
46	47	48	49	50

Section III: LOCATION, JOB CATEGORY AND DEMOGRAPHIC DATA

Please indicate your location (DA, PD, Gen. Juris. Ct or Family Ct): _____

Please indicate your job title: _____

Please indicate how long you have been employed this organization: _____

Appendix F

Letter and Court Performance Inventory Survey to court personnel dated August 25,
2005



SECOND JUDICIAL DISTRICT COURT
WASHOE COUNTY
STATE OF NEVADA

JEROME M. POLAHA
DISTRICT JUDGE
DEPARTMENT THREE

75 COURT STREET
RENO, NEVADA 89501
(775) 328-3189

August 25, 2005

On behalf of the Second Judicial District Court and Court Administration, we would like to thank you for taking the time to complete the attached Court Performance Inventory. Our court is currently performing a study to identify our strengths and weaknesses. This study, known as the Trial Court Performance Standards, will identify these traits and enable us to improve our service.

As you take the time to complete the following questionnaire, remember, you are an integral part of the judicial system, your opinion and observations matter and your responses will be treated in the strictest confidence. Please answer each of the questions to the best of your ability on the response form provided and return it to Mary Rytting by 5:00 p.m. on September 9, 2005.

Once again, thank you for assisting us in improving our service to you and our community. Your responses to the following questionnaire will provide a basis for the process of improving our service to all individuals that our court serves.

Sincerely,

Handwritten signature of Jerome Polaha in cursive script.

HON. JEROME POLAHA,
Presiding Chief Judge

Handwritten signature of Ron Longtin in cursive script.

RON LONGTIN,
Court Administrator and Clerk of Court

THE COURT PERFORMANCE INVENTORY

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Section III: LOCATION, JOB CATEGORY AND DEMOGRAPHIC DATA

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Please indicate your job title: _____

Please indicate how long you have been employed this organization: _____

Appendix G

Email Memo from Judge Brent Adams to Ron Longtin and Washoe Court Users dated
September 13, 2005

From: Adams, Brent
Sent: Tuesday, September 13, 2005 3:22 PM
To: Adams, Brent; Longtin, Ron; WashoeCourts Users
Subject: RE: Court Performance Standards Survey

P.S. Another very serious flaw in the Court Performance Inventory is that it often asks, not for information known by the respondent, but for the respondent's speculation about how some other, vaguely-defined group of people would respond. Eg., "an observer sitting in a courtroom's public seating area" (question 1), "the final juror pools" (question 3), "the general public" (question 5), "justice system representatives" (question 10), "a statistical analysis" (question 13), "court employees" (question 15), "observers of court proceedings" (question 16), "record examinations and statistical analyses are likely to reveal" (question 18), "a group of knowledgeable persons both within and outside the court" (question 19), "court employees and media representatives" (question 20), "selected knowledgeable individuals" (question 24), "regular users of the court" (question 25), "a person relatively unfamiliar with the court" (question 26), "citizens" (question 35), "a test...will reveal" (question 38), "and so forth" (question 13.) If we want to scientifically sample the opinions of the public about the legal system, we should do so. For a good example, you may wish to consult the survey of the California Judicial Council published one week ago today. It is available at www.courtinfo.ca.gov/reference/4_37pubtrust.htm. It is summarized in an article by Bob Egelko on page B2 of the San Francisco Chronicle for Thursday, September 8, 2005. Bottom line: Two thirds of those polled approve of the state courts.

-----Original Message-----

From: Adams, Brent
Sent: Tuesday, September 13, 2005 1:31 PM
To: Longtin, Ron; WashoeCourts Users
Subject: RE: Court Performance Standards Survey

Colleagues,

Twice I have tried, without success, to complete the Court Performance Inventory of the National Center for State Courts. I cannot do it. These are "canned" statements evidently reproduced from some National Center form. I donot recall any vote of the judges authorizing use of this form, nor does it seem to directly relate to the decision of the judges several years ago about comprehensive case management or application of the case disposition standards of the American Bar Association. Many of the questions are lengthy statements which cannot be endorsed or rejected wholesale (see, "questions" 5, 10, 13, and 15). I donot believe this is a helpful tool to obtain information.

-----Original Message-----

From: Longtin, Ron
Sent: Tuesday, September 13, 2005 11:33 AM
To: WashoeCourts Users
Subject: Court Performance Standards Survey

Dear User:

Our Court is embarking upon the use of Court Performance Standards. This was a goal established through the Bench several years ago and now we are attempting to implement the process. The survey is a critical part of that process. Please take time to take the attached survey and provide the last page with your entries to Mary Rytting by September 30, 2005. Thank you for your assistance in completing this goal. If you already completed the survey and provided it to Mary, then disregard this request. Again, my thanks.

Ron

Ronald A. Longtin Jr.
District Court Administrator and Clerk of the Court
P.O. Box 30083

Reno, Nevada 89520-3083
Phone: 775-328-3119
FAX: 775-325-6601
Cell: 775-232-0903
E-Mail: Ron.Longtin@Washoecourts.us

"If the present tries to sit in judgment of the past, it will lose the future." Winston Churchill

Appendix H

Memo from Tiffany Clements to Chief Judge Polaha dated September 15, 2005

Memorandum

To: Chief Judge Polaha

CC: Ron Longtin, Court Administrator; John Powell, Asst. Court Administrator;
Darin Conforti, Asst. Court Administrator

From: Tiffany Clements, Court Clerk II

Date: 9/15/05

Re: Trial Court Performance Standards – Court Performance Inventory Survey

In response to Judge Adams email (attached hereto), I would like to assure you that I acknowledge his concerns and researched his suggestions. By way of background, please recall the chronology of events, which have led us to where we are today:

- 1) Prior to the December 2004 judicial retreat all district judges were provided with information on the Trial Court Performance Standards,
- 2) On August 5, 2005 you provided the district judges with an email on the subject of Trial Court Performances Standards (TCPS), and,
- 3) Ron Longtin followed up that email on August 15, 2005 with a memo providing the TCPS with Commentary and the Court Performance Inventory Survey for response by the judges by August 26, 2005.

Upon review of the survey of the California Judicial Council at www.courtinfo.ca.gov/reference/4_37pubtrust.htm, it appears that the California Courts are a step ahead of us. As stated on page 1, Part I: Findings and Recommendations, Trust and Confidence in the California Courts, 2005, the California courts did their initial survey of their courts' performance areas [Access to Justice; Expedition and Timeliness; Equality, Fairness and integrity; Independence and Accountability and Public Trust and Confidence] in November 2004 and February 2005. This is the point where we are in our research of the TCPS for our court. Although Judge Adams comments are valid, he is putting the cart before the horse. We are still at the initial stages of research in our court. Once this initial research is complete, then we can move to the next phase and focus on specific performance areas like the California courts did with the Public Trust and Confidence performance area. Further, some of the performance areas are difficult to scientifically research. They are "softer" issues and difficult to record with hard data, such as numbers or disposition dates. To that end, our court is doing well by reporting the required data to the AOC to conform with the Uniform System for Judicial Records (USJR) as ordered by the Nevada Supreme Court. That data will assist us in our research with regard to the Expedition and Timeliness performance area.

CONFIDENTIAL

I spoke with Dr. David Rottman, the Principal Research Consultant of the National Center for State Courts (NCSC) who assisted the authors of the California report, to which Judge Adams refers. I asked Dr. Rottman if he utilized the Court Performance Inventory Survey with his research, he indicated he did not because Dr. Daniel Straub was developing the Court Performance Inventory Survey at the same time he was conducting his initial research. Dr. Straub is a faculty member at the NCSC, biographical sketch attached hereto, who I received permission from to use the Court Performance Inventory Survey, who assured that it had been tested nationally and has been successful. With many hours of collaboration with Dr. Straub and my NCSC advisor, Geoff Gallas, biographical sketch attached hereto, the Court Performance Inventory Survey was the plan of action we chose to go forward with to assess the performance areas of this court. To that end, Judge Adams is correct in that this survey requests the “respondent’s speculation.” Just as indicated in the directions of how to complete the survey, “This inventory is designed as a means of collecting *individual perceptions* about specific trial court performance.” This type of data collection will assist us in assessing where the focus is needed with regard to Access to Justice; Equality, Fairness and Integrity; Independence and Accountability; and Public Trust and Confidence performance areas. The filings, case types and case dispositions that is input to our computer system will assist our research in assessing the Expedition and Timeliness performance area.

The question may arise, “Why this project?”

This project was originally addressed by our court’s leadership at the December 2001 judicial retreat and in Chief Judge Hardesty’s December 17, 2001 memo (attached hereto) topic #15 (Adopt trial court performance standards and need for mechanism for tracking compliance) and further recommended by the NCSC in its Second Judicial District Court Management Review Final Report wherein it discussed caseload management and implementing management programs. This project further ties into topic #7 (resolve statistical information and computer systems), which involves the expansion of the Court’s web page and is more commonly known as Court Automation Enhancement Project (CAEP) wherein the TCPS will be implemented in Phase IV, see attached August 10, 2005, CAEP Newsletter. This research will assist in the smooth implementation of CAEP’s Phase IV and thereby benefit our Court as a whole.

I wanted to provide you with this research information in case this becomes a topic of discussion in the future and was hoping you would consider sending a brief email to all court users confirming your support of this project explaining this research is designed to help the court and you support it because of its potential benefits.

If you should have any questions or comments, please do not hesitate to call me to discuss. I would appreciate your input and thank you for your continued support in this endeavor.

From: Adams, Brent
Sent: Tuesday, September 13, 2005 3:22 PM
To: Adams, Brent; Longtin, Ron; WashoeCourts Users
Subject: RE: Court Performance Standards Survey

P.S. Another very serious flaw in the Court Performance Inventory is that it often asks, not for information known by the respondent, but for the respondent's speculation about how some other, vaguely-defined group of people would respond. Eg., "an observer sitting in a courtroom's public seating area" (question 1), "the final juror pools" (question 3), "the general public" (question 5), "justice system representatives" (question 10), "a statistical analysis" (question 13), "court employees" (question 15), "observers of court proceedings" (question 16), "record examinations and statistical analyses are likely to reveal" (question 18), "a group of knowledgeable persons both within and outside the court" (question 19), "court employees and media representatives" (question 20), "selected knowledgeable individuals" (question 24), "regular users of the court" (question 25), "a person relatively unfamiliar with the court" (question 26), "citizens" (question 35), "a test...will reveal" (question 38), "and so forth" (question 13.) If we want to scientifically sample the opinions of the public about the legal system, we should do so. For a good example, you may wish to consult the survey of the California Judicial Council published one week ago today. It is available at www.courtinfo.ca.gov/reference/4_37pubtrust.htm. It is summarized in an article by Bob Egelko on page B2 of the San Francisco Chronicle for Thursday, September 8, 2005. Bottom line: Two thirds of those polled approve of the state courts.

-----Original Message-----

From: Adams, Brent
Sent: Tuesday, September 13, 2005 1:31 PM
To: Longtin, Ron; WashoeCourts Users
Subject: RE: Court Performance Standards Survey

Colleagues,

Twice I have tried, without success, to complete the Court Performance Inventory of the National Center for State Courts. I cannot do it. These are "canned" statements evidently reproduced from some National Center form. I donot recall any vote of the judges authorizing use of this form, nor does it seem to directly relate to the decision of the judges several years ago about comprehensive case management or application of the case disposition standards of the American Bar Association. Many of the questions are lengthy statements which cannot be endorsed or rejected wholesale (see, "questions" 5, 10, 13, and 15). I donot believe this is a helpful tool to obtain information.

-----Original Message-----

From: Longtin, Ron
Sent: Tuesday, September 13, 2005 11:33 AM
To: WashoeCourts Users
Subject: Court Performance Standards Survey

Dear User:

Our Court is embarking upon the use of Court Performance Standards. This was a goal established through the Bench several years ago and now we are attempting to implement the process. The survey is a critical part of that process. Please take time to take the attached survey and provide the last page with your entries to Mary Rytting by September 30, 2005.

Thank you for your assistance in completing this goal. If you already completed the survey and provided it to Mary, then disregard this request. Again, my thanks.

Ron

Ronald A. Longtin Jr.

District Court Administrator and Clerk of the Court

P.O. Box 30083

Reno, Nevada 89520-3083

Phone: 775-328-3119

FAX: 775-325-6601

Cell: 775-232-0903

E-Mail: Ron.Longtin@Washoecourts.us

"If the present tries to sit in judgment of the past, it will lose the future." Winston Churchill

BIOGRAPHICAL SKETCHES

DANIEL H. STRAUB, Ph.D. is a senior member of the faculty at the Institute for Court Management of the National Center for State Courts. He is President of Straub&Associates, a national court management consulting firm with offices in Los Angeles and Pittsburgh. He is currently a member of the faculty at Geneva College in the Master of Science in Organizational Leadership Program and former Director of the Geneva Leadership Institute. He also served on the faculty of the University of Southern California, School of Public Administration for twenty-six years where he taught graduate level management courses in the Judicial Administration Program. Dr. Straub has also been a member of the National Judicial College faculty.

Dr. Straub has been a consultant to public and private sector organizations for the past thirty years. His clients have included Fortune 500 corporations and agencies of federal, state and local government, including the U.S. Department of Justice, the National Institute of Corrections, the Federal Judicial Center, numerous states including Alaska, Arizona, California, Colorado, District of Columbia, Florida, Georgia, Kansas, Minnesota, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Vermont, Washington, West Virginia, Wisconsin, and hundreds of local court jurisdictions throughout the United States. He has worked with the U.S. District Courts, U.S. Bankruptcy Courts, U.S. Immigration Courts, federal and local Probation Offices as well as District Attorney offices at the local level. He has served the judiciary in Mexico and Trinidad and Tobago.

Private sector clients have included Rockwell International, Northrop Corporation, Hughes Aircraft Company, HTI, the Santa Barbara Research Center, Lloyd's Bank, First Interstate Bank, PNC Bank, Imperial Savings, Glendale Savings, Sharp Health Systems, Scripps Clinic and Research Foundation, the Southern California Gas Company, ISD Corporation, IBM Corporation, Ernst and Young LLP, Morrison and Forester LLP, Bayer Corporation, ComDoc Corporation, Adtranz Daimler Benz Corporation and Lehigh University and Grove City College.

Dr. Straub is a former Director of the Office of Program Development at the University of Southern California and a former faculty member at the University of San Francisco. He has served as Vice-Chairman of the Los Angeles County Housing Commission, Board of Directors of the Teacher Excellence Foundation and Board of Directors of the California Chamber Symphony. He is currently an Advisory Director of Stanton Chase International, and a member of the Institute for Court Management Advisory Council. He received the 1999 Star Award for excellence in court education from the Institute for Court Management. He is the 2001 recipient of the Warren E. Burger Award for outstanding achievement in the field of court administration.

Dr. Straub received his undergraduate degree from Allegheny College and his M.P.A. and his Ph.D. from the University of Pittsburgh. Dr. Straub is also a Fellow of the Institute for Court Management.

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BIOGRAPHICAL SKETCHES

GEOFF GALLAS, DPA is President of AEQUITAS, Inc.; senior faculty for the Institute for Court Management (ICM) of the National Center for State Courts (NCSC); and a lead education consultant to the National Association for Court Management (NACM). Previously as Executive Administrator of the First Judicial District in Pennsylvania (1991-96), he oversaw the Philadelphia Court of Common Pleas, the Municipal Court, and the Traffic Court, 120 judges, and 2400 judicial employees. Prior to Philadelphia, Gallas was the Vice President of Research and Technical Services for the NCSC for six years; the Dean of the ICM Court Executive Development Program for 16 years; faculty at the University of Southern California (USC) School of Public Administration; and a private consultant. At NCSC, he was responsible for NCSC federal and other grants including the Trial Court Performance Standards, a multi year project that he conceived and directed. From 1970 to the present, his clients have included for and not for profit organizations, judicial improvement organizations, the federal judiciary, and courts and other justice agencies in 39 states, the District of Columbia, and Puerto Rico. He is the project director and lead author of the NACM Core Competency Curriculum Guidelines.

Gallas, who was the Editor in Chief of the Justice System Journal for five years, is widely published. He has a bachelor's degree from Wesleyan University; master degrees from Harvard University and USC; and a doctorate from USC. Gallas is an ICM Fellow from the first class in 1970, the first recipient of the NACM Award of Merit, and a winner of the ICM Star Award.

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MEMO

To: District Court Judges
Cc: Ron Longtin; John Powell; Greg Ireland
From: Judge Hardesty
Subject: December 19 Retreat
Date: December 17, 2001

On Wednesday, we will be discussing the Employee Manual and the Court's goals for the next two years. There are a number of issues I believe the Bench should address.

For the past several days, I have been meeting with Court administration, department supervisors and other employees. As part of those discussions, I solicited their input for the Court's objectives. I was really pleased to receive several outstanding recommendations.

In an effort to focus our discussions on December 19, I have compiled a list of areas and topics. Included with this Memo are copies of some of the memos I received from Court administration and employees. I have also attached a copy of the recommendations by the National Center for State Trial Courts for your reference. Please excuse my handwritten notes in the margin. The status of the National Center recommendations should be part of our discussions on Wednesday. Any items remaining should certainly be included in the Bench's goals for the next two years.

We clearly do not have enough time to take positions on the various topics listed in this Memo. Rather, I suggest we simply identify and prioritize the goals we agree to pursue. Specific positions can be taken in future Judges' meetings after we get additional research, staff input and/or committee recommendations. Once the Bench sets its goals, I'll make assignments to deal with each area or topic.

Following is a list of the tasks and/or topics I would like to propose to the Bench. This list includes recommendations from our staff. The list is not presented in any order of priority but, as I have indicated, the Bench may wish to prioritize these subjects.

District Court Judges

cc: Ron Longtin; John Powell; Greg Ireland

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December 17, 2001

1. Complete the Amy Harvey transition and adoption of the ADKT.
2. Complete the ADKT process to adopt the Local Criminal Rules. In that regard, I recently received comments from the Supreme Court submitted by Dick Gammick which are enclosed.
3. Conclude the WCEA litigation in the Supreme Court. Evaluate collective bargaining for court employees.
4. Complete the Employee Manual and establish a protocol for regular review and future amendment to the Manual.
 - (A) Resolve pay and classification for the filing office and I.T. department.
5. Study and implement, as necessary, the human resource needs of the Court.
6. Implement the recommendations of the Jury consultant provided to the Bench in December, 1998, as well as other modifications suggested by the Jury Commissioner's memo attached.
7. Resolve the Court's statistical information and computer systems. This would include a continued expansion of the Court's new web page, the development of an electronic filing system, and other suggestions set forth in the memorandum of Craig Franden attached.
8. Study and adopt a standard for case disposition and aging.
9. Study the random assignment of cases for both criminal and civil, and consider implementing a weighted case assignment system.
10. Restructure the filing office to address a number of customer service complaints. See a list of suggestions in the memo provided by Heidi Shaw attached.
 - case load and scheduling
 - 21-day sentencings for in-custody cases
 - dedicated P&P officers to each department

District Court Judges
cc: Ron Longtin; John Powell; Greg Ireland
Page 3
December 17, 2001

11. Study and modify, as appropriate, the criminal calendaring within the Court.
12. Study the uniformity, or lack thereof, in policies and procedures between departments.
13. Complete the study of and adopt a uniform set of criminal jury instructions.
14. Establish a committee within the Bench-Bar to amend the Nevada Pattern Jury Instructions and add additional instructions, as appropriate.
15. Adopt trial court performance standards. As you know, we have already approved standards established by the ABA as set forth in the National Center study. However, we need a mechanism for tracking compliance.
16. Review and modify, as necessary, the Court's pretrial order and consider making uniform the party responsible for initiating the order. See Wes Ayres' memo attached.
17. Study and modify the arbitration procedures. See Wes Ayres' memo attached. To his suggestions, I would add the need for an evaluation process of the Arbitrators who serve the Court. Clark County's Commissioner regularly attends and observes arbitrations and writes evaluations of arbitrators to parties and lawyers.
18. Research and study Court security issues, including supervision of personnel and security practices employed by them.
19. Review bailiff assignment, orientation and training.
20. Develop a master plan for future space and physical needs within the courthouse and the Pioneer Inn site.
21. Review the Washoe County Historical Society and support that may be provided by the Court.

District Court Judges

cc: Ron Longtin; John Powell; Greg Ireland

Page 4

December 17, 2001

22. Continue the development, funding and implementation of the Mental Health Court.
23. Review the administration and data management system for specialty courts.
24. Establish a Legislative Committee to formulate and monitor legislation.
25. Establish a case flow management system to assist the Chief Judge in reviewing and equalizing the case load of the various departments.
26. Review the needs and affects of Family Court expansion.
27. In addition to Item 25, Greg Ireland and Judge Jordan have developed a comprehensive list of other issues to be addressed in Family Court. See Greg Ireland's and Phil Bushard's memos attached.
28. Examine the staffing needs in the Probate division and consider transferring guardianship functions to the Family Court. See Pam Gullihur's memo attached.
29. Provide a method for informing all court employees of available training and expand participation in various training programs.
30. Examine Court Services' operation and the budgetary constraints imposed on the Court to serve other jurisdictions. In addition, see other matters raised by Carl Hinxman in his memo attached.
31. Conduct a thorough review of the Court's budget, establish funding priorities based upon the goals and objectives set by the Court and develop a plan for implementing the funding needs.
32. Examine the continuation of the Pacific Institute program.
33. Establish an ombudsman program for the Bench and Bar.

District Court Judges
cc: Ron Longtin; John Powell; Greg Ireland
Page 5
December 17, 2001

34. With respect to settlement conferences:
 - (A) Develop statistical reporting;
 - (B) Recommend amendments to SCR 252 on issues of good faith participation;
 - © Recommend amendments to NRCP 16(a)(5) to secure jurisdiction over insurance companies; and
 - (D) Develop a uniform order compelling parties and their insurance companies to participate in settlement conferences.
35. Develop a protocol to consolidate mass tort- and construction defect-type cases, i.e., phen fen or the child abuse case civil litigation.
36. Develop a protocol to share jury verdicts and court rulings that may affect cases in other departments, i.e., rulings on the constitutionality of a criminal statute.
37. Review judicial evaluations with the Washoe County Bar Association.

Also, enclosed are lists of goals and objectives from Ron Longtin and John Powell. Their lists provide additional commentary to other topics in this memo and add several other items for us to consider.

See you at the retreat.

CAEP News

Court Automation Enhancement Project



CAEP Updates

In an effort to provide more in-depth information about this project and its various phases, this newsletter will be the medium during the projects course.

Phase I News

The last Upgrade to the courts case management system was back in the spring of 2001. Since that time the product has been improved upon both technically and functionally. The court will see benefits from this upgrade from both a technical and functional standpoint.

I won't bother to get too in-depth into the technical aspects of the upgrade, but this new release moves Banner, Courts4.1 (now Contexte 5.0) into a web-based direction. When I say web-based, don't think of this as being available on the Internet, but through

the use of a web browser on your pc on our local network.

Other technical stuff includes an upgrade to the Oracle database (the engine that drives Contexte 5.0), and new server hardware that the whole system runs on.

There are functional changes to the system that will benefit users directly, with more flexibility for corrections to the system. Most notably, the duplicate id issue has been addressed, allowing a user to consolidate id's when a duplicate has been found. The CMADISP screen has also been modified. There will be greater flexibility (for the end user) on the CMADISP screen for charges, pleas, dispositions, and sentencing.

These are just two of the changes that will be coming and it will be the task for the CAEP team and the Phase I team to document and train on the various changes to the upgraded system.

We anticipate that Contexte 5.0 will be available sometime after the November 21st, 2005 timeframe for users to look at and test. This is only an anticipated timeframe and shouldn't be considered as definite.

The look and feel of the new system is nearly identical to the product we are using now.

For the testing phase (prior to Go-Live) the testing server will contain a copy of our live data. Thus, you will be able to work with 'real' cases in the testing/training environment.

—Craig

**Phase I & II
Timeline at a Glance**
Major Milestones
More Detailed Milestones in a later issue!

Training Database
Accessible
Week of 11/21/2005

Phase I. Team Functional
Training
Week of 12/5/2005

Phase II. Document
Imaging Training
Week of 2/24/2006

Begin Imaging Pilot
Group (Probate)
March 1, 2006

Anticipated Phase I & II
Go-Live April 7, 2006

Phase II — What is Document Imaging?

Document imaging... in a nutshell, is creating a digital image from a paper document.

Fairly self explanatory.

One of the major benefits of upgrading to Contexte 5.0 is the ability to integrate document imaging with the case management system. What does this mean? Well, again, the short answer is that users will be able to view documents from within Contexte 5.0.

From several screens, CDI-DOCT, CMAINIT, CPAIDEN to

name a few, you will be able to see any associated documents for either a case, person, or docket entry.

And, the flexibility is not just limited to paper documents. The system has the ability to store any digital file. For example, a picture associated to a party on CDAPRTY can be stored and retrieved for viewing, a video in digital format, etc.

Document Imaging, for paper documents, involves a process of bar-coding and then scan-

ning. Bar coding of documents will take place in multiple user locations and scanning will take place in essentially two centralized locations in both filing offices.

This will involve changes in the paper workflow that the CAEP team is nearly finished in completing the change process.

I will continue this portion of the news letter in September. If you have any questions, please don't hesitate to email me.
—Craig

Volume I, Issue 2

August 10, 2005

*Next Issue:
September 5, 2005

Four Phases of Implementation

- Phase I: Upgrade Courts4.1 (Banner) to Contexte 5.0 (Banner)
- Phase II: Integrate Document Imaging
- Phase III: Implement Electronic Filing
- Phase IV: Implement CourtMetric—Court Performance Standards.

Next Issue

- What is Document Imaging — Part 2?
- More...

Appendix I

Letter and Court Performance Inventory Survey to Washoe County District Attorney's

Office dated August 25, 2005



SECOND JUDICIAL DISTRICT COURT
WASHOE COUNTY
STATE OF NEVADA

JEROME M. POLAHA
DISTRICT JUDGE
DEPARTMENT THREE

75 COURT STREET
RENO, NEVADA 89501
(775) 326-3189

August 25, 2005

On behalf of the Second Judicial District Court and Court Administration, we would like to thank you for taking the time to complete the attached Court Performance Inventory. Our court is currently performing a study to identify our strengths and weaknesses. This study, known as the Trial Court Performance Standards, will identify these traits and enable us to improve our service.

As you take the time to complete the following questionnaire, remember, you are an integral part of the judicial system, your opinion and observations matter and your responses will be treated in the strictest confidence. Please answer each of the questions to the best of your ability on the response form provided and return it in the enclosed envelope to John Helzer for inter-office mailing by 5:00 p.m. on September 9, 2005.

Once again, thank you for assisting us in improving our service to you and our community. Your responses to the following questionnaire will provide a basis for the process of improving our service to all individuals that our court serves.

Sincerely,

Handwritten signature of Jerome Polaha in black ink.

HON. JEROME POLAHA,
Presiding Chief Judge

Handwritten signature of Ron Longtin in black ink.

RON LONGTIN,
Court Administrator and Clerk of Court

THE COURT PERFORMANCE INVENTORY

Section I: INTRODUCTION

This inventory is based on the *Trial Court Performance Standards and Measurement System (TCPS and Measurement System)* developed by the National Center for State Courts. It is intended to familiarize individuals with the principles enunciated in the *TCPS*. This inventory is designed as a means of collecting **individual perceptions** (which may be pooled with others) about specific trial court performance. Results of the inventory can be used to target further diagnostic efforts and management strategies.

We want to assure you that your responses will be treated in the strictest confidence, and that the court will receive only the aggregate results. No individuals will be identified in any way.

***DIRECTIONS:** Read each of the attached 50 statements. Based on your experiences with the Second Judicial District Court, determine whether you believe the statement is BROADLY TRUE or BROADLY FALSE of the way the court performs. If you determine the statement to be BROADLY TRUE, make an "X" in the corresponding number box on the Response Form, which is the last page attached to this packet.*

Section II: PERCEPTIONS OF COURT PERFORMANCE

1. An observer sitting in a courtroom's public seating area will have no difficulty hearing judges, attorneys, litigants, witnesses and other participants in the proceedings.
2. The total elapsed time it takes the court to dispose of cases once they are filed complies with national standards.
3. The final juror pools used by the court are representative of the jurisdiction's population.
4. The distribution of the court's resources among case types is defensible and based upon logic and reason.
5. The general public perceives the trial court and the justice it delivers as accessible, and has trust and confidence that the basic trial functions are conducted expeditiously and fairly and that the court's decisions have integrity, and knows that the trial court is independent, accountable, and not unduly influenced by other components of government.
6. An undercover law enforcement official, dressed in plain clothes, will not be able to breach the court's security systems that protect the public and confidential court files and records.
7. An examination of the court's financial records will reveal that the various types of funds for which the court is responsible are disbursed in a timely manner.
8. An examination of relevant documents, case files, and court records will reveal that the court closely adheres to key legal requirements.
9. An analysis of the court's performance as an equal opportunity employer would reveal that race and gender distribution for each job category is generally reflective of the available labor pool for each category.
10. Justice system representatives perceive the trial court and the justice it delivers as accessible, have trust and confidence that the basic trial functions are conducted expeditiously and fairly and that its decisions have integrity, and know that the trial court is independent, accountable, and not unduly influenced by other components of government.
11. Interpreter services provided by the court are performed by individuals with knowledge of professional conduct, language proficiency, and interpreting skill.
12. The court promptly implements changes in substantive and procedural laws.
13. A statistical analysis conducted of data collected from closed files for bail, bond, and release on recognizance decisions will reveal that those decisions are not

based on extra-legal factors such as the defendant's race or gender, the judge assigned to the case, the geographic location of the court, and so forth.

14. The court does a good job in disseminating information about its programs to the public.
15. Court employees perceive the trial court and the justice it delivers as accessible, have trust and confidence that the basic trial functions are conducted expeditiously and fairly and that its decisions have integrity, and know that the trial court is independent, accountable, and not unduly influenced by other components of government.
16. Observers of court proceedings are likely to find all court personnel courteous and responsive.
17. The court keeps up with its incoming caseload by disposing of as many cases as are filed each year.
18. Record examinations and statistical analyses are likely to reveal that sentencing decisions of the court are based mostly on legally relevant factors and not on extra-legal factors such as defendant's race or gender, the judge assigned to the case, the geographic location of the court, and so forth.
19. A group of knowledgeable persons both within and outside the court would conclude that the court has acted responsibly in responding to the public policy issues in the past.
20. Court employees and media representatives are likely to be satisfied with policies and practices for responding to media inquiries.
21. The court takes measures to reduce costs and facilitates affordable access to the judicial system to financially disadvantaged persons.
22. The court responds promptly to requests for information from the public.
23. A broad examination of appeals taken from the trial court's judgments reflects good adherence by the court to substantive laws and procedural requirements.
24. Selected knowledgeable individuals are likely to conclude that the trial court maintains its independence and institutional integrity but still has good relations with other units of government.
25. Regular users of the court (court employees, attorneys, probation officers, and jurors) are likely to say that they are able to conduct their business with the courts with relative ease and convenience.
26. A person relatively unfamiliar with the court will have no difficulty in locating and actually entering the courtroom in which a particular hearing is taking place.
27. The court promptly implements changes in administrative procedures required by the state supreme court and the administrative office of the courts.

28. The court does a good job in communicating clearly the terms and conditions of criminal sentences.
29. A group of knowledgeable individuals would conclude that the court's actual allocation of judicial resources is consistent with stated priorities.
30. The results of a survey of regular court users, court employees, attorneys, probation officers and jurors is likely to conclude that judges and other trial court personnel are courteous, responsive to the public and all with whom they come into contact.
31. A person who is attempting to find out the specific time and location of a particular court event will have no difficulty in getting this information from the court by telephone.
32. The cases scheduled for trial are actually heard when scheduled.
33. The court is well positioned and organized to enforce or to facilitate the enforcement of its orders and judgments.
34. A group of knowledgeable individuals is likely to conclude that the court's personnel practices and decisions are fair.
35. Citizens are likely to report that access to court services is generally not hindered because of costs or complexity of procedures.
36. Persons with disabilities are able to conduct transactions in the court with relative ease.
37. The various services available from the court (e.g., indigent defense services, interpreter services, mental health evaluations) are provided promptly.
38. A test of the timely retrieval of individual case files will reveal that the court's file control system is reliable.
39. The court has adequate statistical reporting capacity to make useful assessments of the relationship between the court's workload and how its resources are distributed.
40. Members of the bar who regularly have appeared in the court in the past year are likely to have a very favorable assessment of the fairness and equality of the court's actions and decisions.
41. Court observers are likely to find that litigants are treated with a high degree of courtesy and individual respect by judges of the court.
42. The court has a relatively low percentage of pending cases "older" than the maximum acceptable length of time it should take to resolve cases.
43. The rate of compliance with child support orders in the jurisdiction is within acceptable limits.

44. Judges and other court employees participate in intergovernmental, community, and public service activities.
45. Court staff will rate highly the degree of independent control that the court exercises over its fiscal operations, personnel, and services related in case flow.
46. Indigent persons who have never tried to obtain legal assistance are likely to obtain affordable legal assistance with relatively routine legal problems.
47. The court complies with established reporting schedules for court activities such as statistical reports required by the state court administrative office and EEOC reports required by another government agency.
48. An examination of a sample of case file data will show that most files are complete and accurate.
49. The court makes good use of financial audit procedures and uses those procedures effectively in holding the court accountable for its financial practices.
50. Court employees' responses to structured questions about fairness in personnel practices related to employee morale and competence are likely to reflect general satisfaction.

DIRECTIONS: Detach this sheet. Read each of the attached 50 statements. Based on your experiences with the Second Judicial District Court, determine whether you believe the statement is **BROADLY TRUE** or **BROADLY FALSE** of the way the court performs. If you determine the statement to be **BROADLY TRUE**, make an "X" in the corresponding number box on the Response Form.

Court Performance Inventory Response Form

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50

Section III: LOCATION, JOB CATEGORY AND DEMOGRAPHIC DATA

Please indicate your location (DA, PD, Gen. Juris. Ct or Family Ct): _____

Please indicate your job title: _____

Please indicate how long you have been employed this organization: _____

Appendix J

Letter and Court Performance Inventory Survey to Washoe County Public Defender's

Office dated August 25, 2005



SECOND JUDICIAL DISTRICT COURT
WASHOE COUNTY
STATE OF NEVADA

JEROME M. POLAHA
DISTRICT JUDGE
DEPARTMENT THREE

75 COURT STREET
RENO, NEVADA 89501
(775) 328-3189

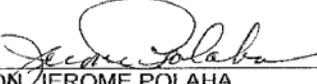
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As you take the time to complete the following questionnaire, remember, you are an integral part of the judicial system, your opinion and observations matter and your responses will be treated in the strictest confidence. Please answer each of the questions to the best of your ability on the response form provided and return it in the enclosed envelope to Valerie Evans for inter-office mailing by 5:00 p.m. on September 9, 2005.

Once again, thank you for assisting us in improving our service to you and our community. Your responses to the following questionnaire will provide a basis for the process of improving our service to all individuals that our court serves.

Sincerely,


HON. JEROME POLAHA,
Presiding Chief Judge


RON LONGTIN,
Court Administrator and Clerk of Court

THE COURT PERFORMANCE INVENTORY

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4. The distribution of the court's resources among case types is defensible and based upon logic and reason.
5. The general public perceives the trial court and the justice it delivers as accessible, and has trust and confidence that the basic trial functions are conducted expeditiously and fairly and that the court's decisions have integrity, and knows that the trial court is independent, accountable, and not unduly influenced by other components of government.
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28. The court does a good job in communicating clearly the terms and conditions of criminal sentences.
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35. Citizens are likely to report that access to court services is generally not hindered because of costs or complexity of procedures.
36. Persons with disabilities are able to conduct transactions in the court with relative ease.
37. The various services available from the court (e.g., indigent defense services, interpreter services, mental health evaluations) are provided promptly.
38. A test of the timely retrieval of individual case files will reveal that the court's file control system is reliable.
39. The court has adequate statistical reporting capacity to make useful assessments of the relationship between the court's workload and how its resources are distributed.
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41. Court observers are likely to find that litigants are treated with a high degree of courtesy and individual respect by judges of the court.
42. The court has a relatively low percentage of pending cases "older" than the maximum acceptable length of time it should take to resolve cases.
43. The rate of compliance with child support orders in the jurisdiction is within acceptable limits.

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50. Court employees' responses to structured questions about fairness in personnel practices related to employee morale and competence are likely to reflect general satisfaction.

DIRECTIONS: Detach this sheet. Read each of the attached 50 statements. Based on your experiences with the Second Judicial District Court, determine whether you believe the statement is **BROADLY TRUE** or **BROADLY FALSE** of the way the court performs. If you determine the statement to be **BROADLY TRUE**, make an "X" in the corresponding number box on the Response Form.

Court Performance Inventory Response Form

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46	47	48	49	50

Section III: LOCATION, JOB CATEGORY AND DEMOGRAPHIC DATA

Please indicate your location (DA, PD, Gen. Juris. Ct or Family Ct): _____

Please indicate your job title: _____

Please indicate how long you have been employed this organization: _____

Appendix K

Letter and Court Performance Inventory Survey to selected 2005 jurors

dated August 25, 2005



SECOND JUDICIAL DISTRICT COURT
WASHOE COUNTY
STATE OF NEVADA

JEROME M. POLAHA
DISTRICT JUDGE
DEPARTMENT THREE

75 COURT STREET
RENO, NEVADA 89501
(775) 328-3189

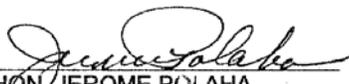
August 25, 2005

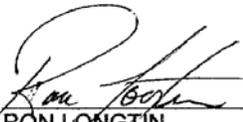
On behalf of the Second Judicial District Court and Court Administration, we would like to thank you for taking the time to complete the attached Court Performance Inventory. Our court is currently performing a study to identify our strengths and weaknesses. This study, known as the Trial Court Performance Standards, will identify these traits and enable us to improve our service.

As you take the time to complete the following questionnaire, remember, you are an integral part of the judicial system, your opinion and observations matter and your responses will be treated in the strictest confidence. Please answer each of the questions to the best of your ability on the response form provided and return it in the enclosed envelope to Tiffany Clements by September 16, 2005.

Once again, thank you for assisting us in improving our service to you and our community. Your responses to the following questionnaire will provide a basis for the process of improving our service to all individuals that our court serves.

Sincerely,


HON JEROME POLAHA,
Presiding Chief Judge


RON LONGTIN,
Court Administrator and Clerk of Court

THE COURT PERFORMANCE INVENTORY

Section I: INTRODUCTION

This inventory is based on the *Trial Court Performance Standards and Measurement System (TCPS and Measurement System)* developed by the National Center for State Courts. It is intended to familiarize individuals with the principles enunciated in the *TCPS*. This inventory is designed as a means of collecting individual perceptions (which may be pooled with others) about specific trial court performance. Results of the inventory can be used to target further diagnostic efforts and management strategies.

We want to assure you that your responses will be treated in the strictest confidence, and that the court will receive only the aggregate results. No individuals will be identified in any way.

DIRECTIONS: Read each of the attached 50 statements. Based on your experiences with the Second Judicial District Court, determine whether you believe the statement is **BROADLY TRUE** or **BROADLY FALSE** of the way the court performs. If you determine the statement to be **BROADLY TRUE**, make an "X" in the corresponding number box on the Response Form, which is the last page attached to this packet.

Section II: PERCEPTIONS OF COURT PERFORMANCE

1. An observer sitting in a courtroom's public seating area will have no difficulty hearing judges, attorneys, litigants, witnesses and other participants in the proceedings.
2. The total elapsed time it takes the court to dispose of cases once they are filed complies with national standards.
3. The final juror pools used by the court are representative of the jurisdiction's population.
4. The distribution of the court's resources among case types is defensible and based upon logic and reason.
5. The general public perceives the trial court and the justice it delivers as accessible, and has trust and confidence that the basic trial functions are conducted expeditiously and fairly and that the court's decisions have integrity, and knows that the trial court is independent, accountable, and not unduly influenced by other components of government.
6. An undercover law enforcement official, dressed in plain clothes, will not be able to breach the court's security systems that protect the public and confidential court files and records.
7. An examination of the court's financial records will reveal that the various types of funds for which the court is responsible are disbursed in a timely manner.
8. An examination of relevant documents, case files, and court records will reveal that the court closely adheres to key legal requirements.
9. An analysis of the court's performance as an equal opportunity employer would reveal that race and gender distribution for each job category is generally reflective of the available labor pool for each category.
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Appendix L

Memo to Trial Court Performance Areas Feedback Discussion Group dated
December 9, 2005 including reference materials

Memorandum

To: Trial Court Performance Area Feedback Discussion Group

From: Tiffany Clements, Court Clerk

Date: 12/9/05

Re: Trial Court Performance Standards Project

Thank you for agreeing to participate in the Trial Court Performance Standards Project. Your input will be a valuable asset in the research process of this project.

Chief Judge Polaha has scheduled a feedback discussion group meeting for December 21, 2005 at 12:00 p.m. where lunch will be provided in Department Three's jury room. At this meeting, Chief Judge Polaha plans to discuss the results of the Court Performance Inventory Survey. Attached for your review prior to the meeting are the following materials:

- 1) Trial Court Performance Standards with Commentary,
- 2) The Court Performance Inventory Survey,
- 3) Results from that court performance area data collection, and
- 4) Feedback Group Session questions.

Please be prepared to discuss the foregoing at the meeting on December 21st. Again, thank you for your participation on this project.

CONFIDENTIAL

Bureau of Justice Assistance, Trial Court Performance Standards with Commentary,
Washington, DC: U.S. Department of Justice, July 1997.
Available at: <http://www.ncjrs.org/pdffiles1/161570.pdf>

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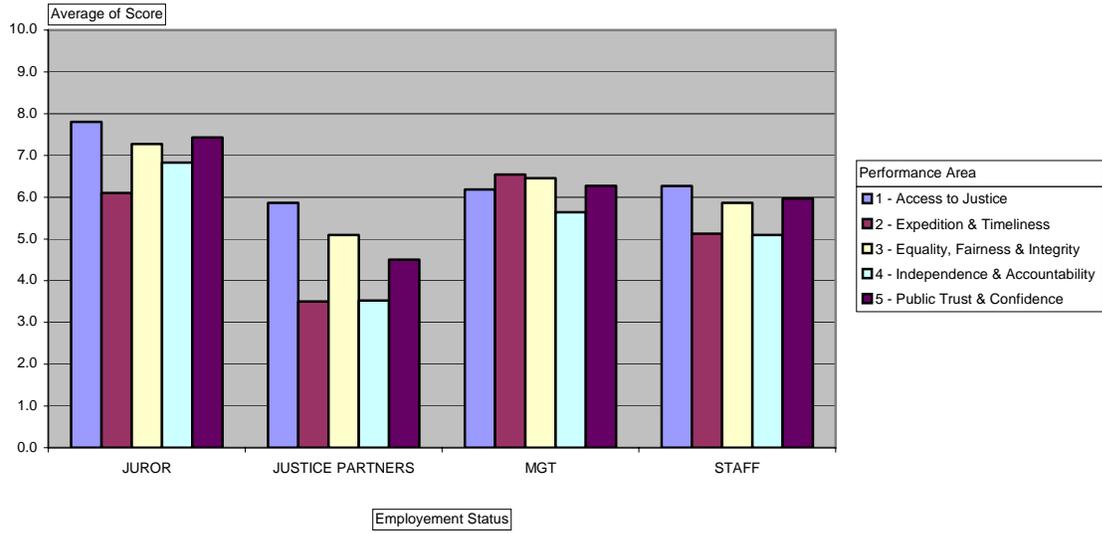
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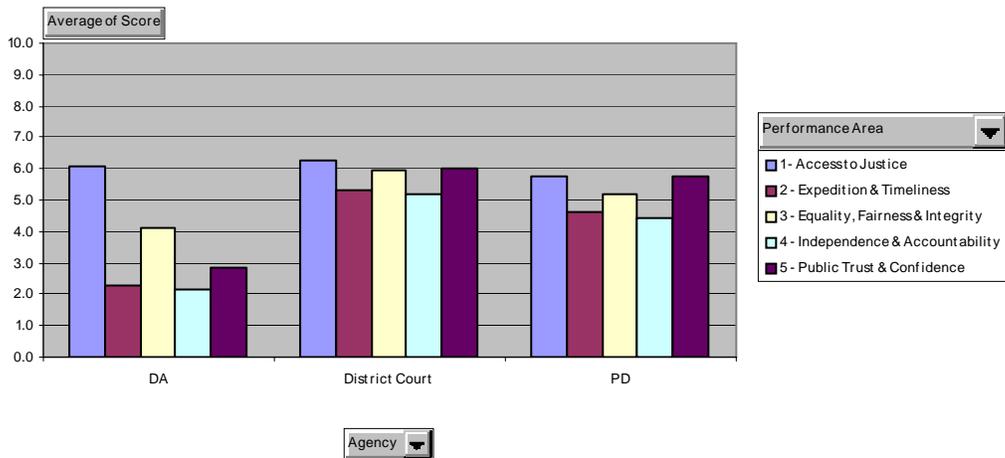
Please indicate how long you have been employed this organization: _____

Performance Areas: Overall Perception

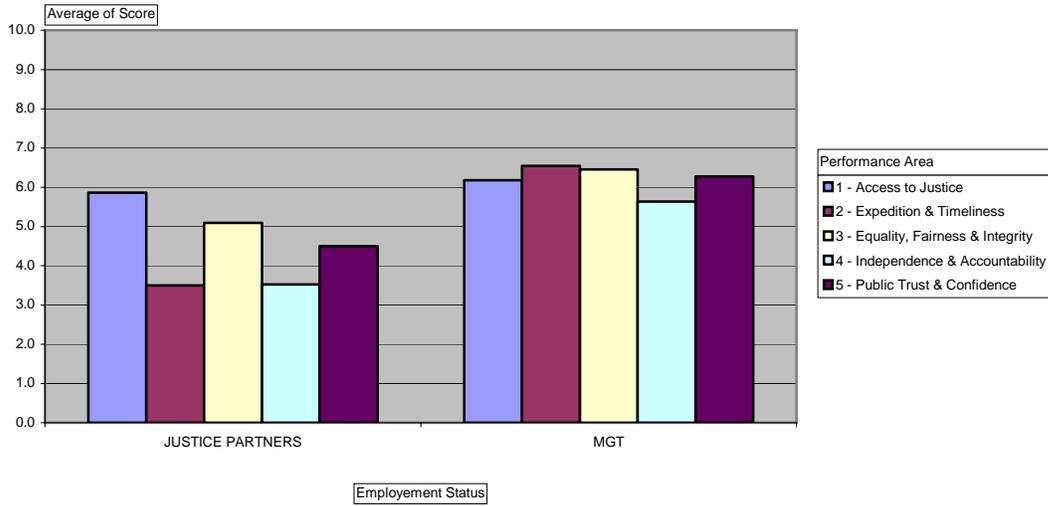


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Performance Areas: JUSTICE PARTNERS vs. DISTRICT COURT

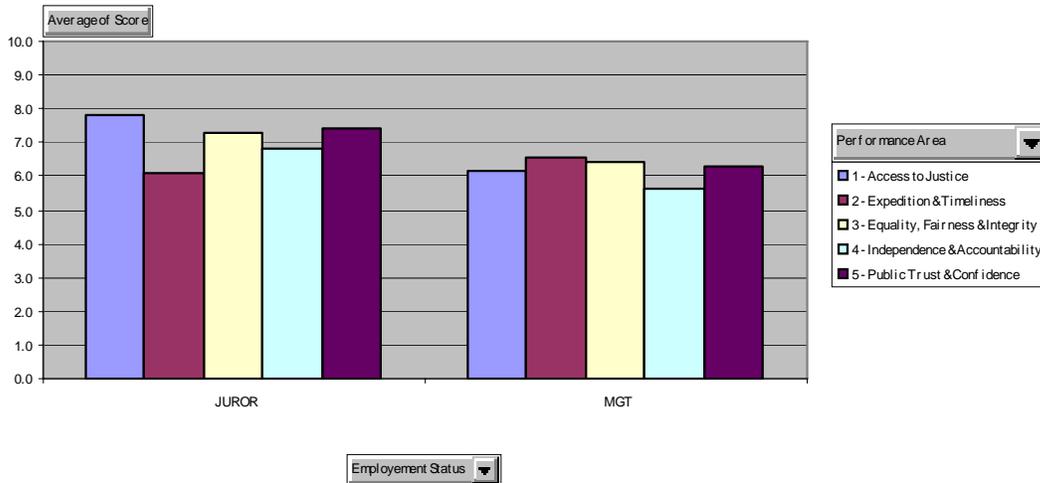


Performance Areas: JUSTICE PARTNERS vs. MGT

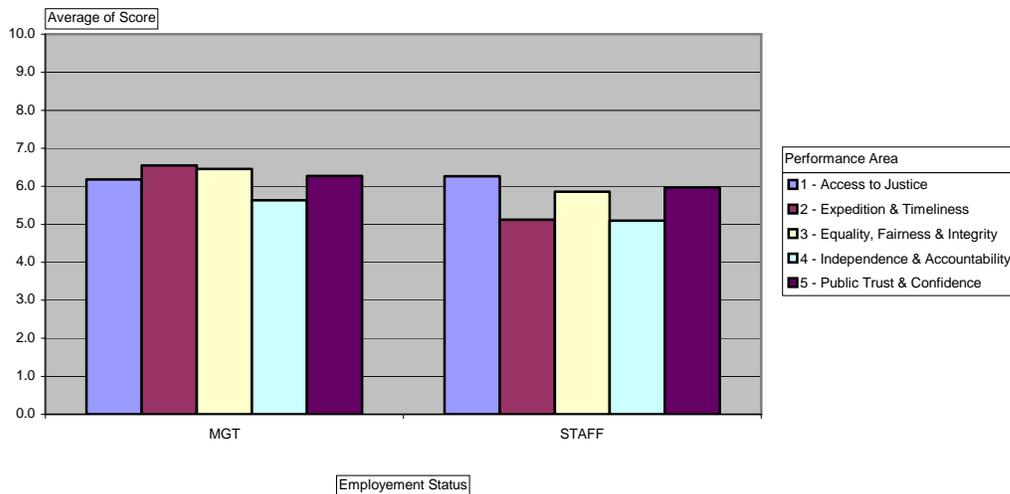


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Performance Areas: JUROR vs. MGT

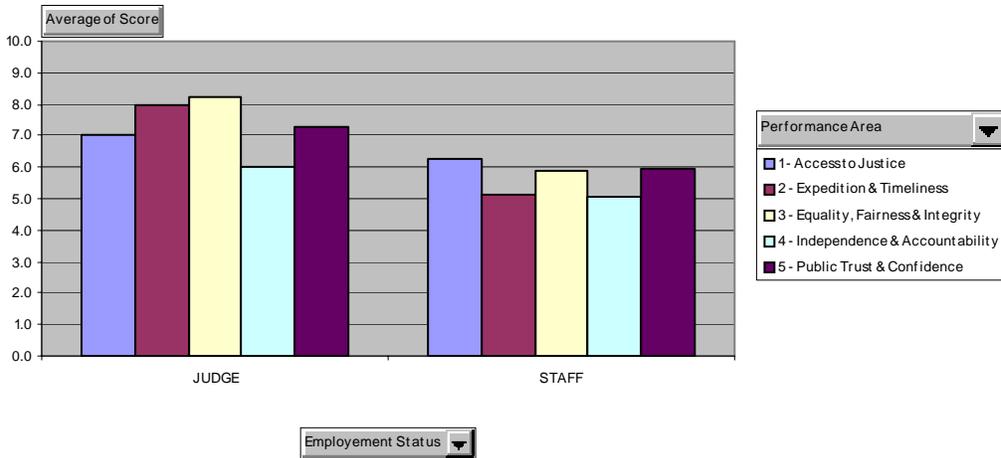


Performance Areas: MGT vs. STAFF

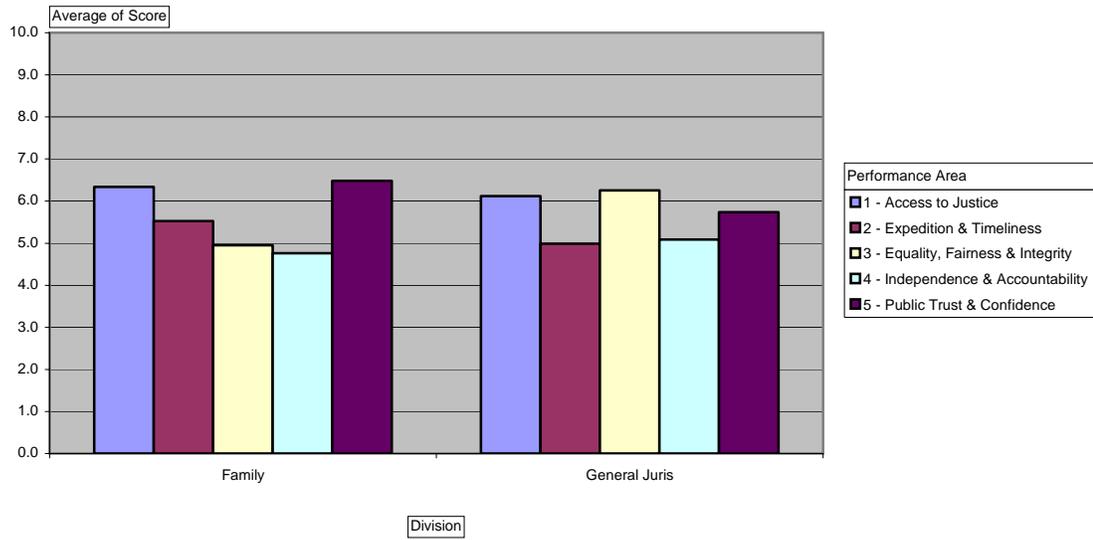


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Performance Areas: Judges vs. Staff



Performance Areas: FAMILY COURT vs. GENERAL JURISDICTION COURT



FEEDBACK GROUP SESSION

1. From the data provided, what performance areas do you perceive need improvement?
2. Do you believe it would benefit the court to address these needs on a regular basis? Why? In what ways?
3. Do you believe the Court Performance Inventory Survey was an effective tool to collect data? What tools would be better to utilize?
4. Who do you think should be researched in the Court?
5. Do you believe to be worthwhile to expend funds to measure the Court's performance areas? Why?
6. What obstacles do you foresee by utilizing the Trial Court Performance Standards in our Court?
7. Do you think it would be effective to publish the improvements to be made in these performance areas on the Web? To Court staff? Why?

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