

A Critical Evaluation of Delay in an Ohio Criminal Trial Court

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James D. Wallis, Court Administrator
22nd Judicial Circuit, McHenry County
Woodstock, Illinois

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List of Acronyms:

ABA.....	American Bar Association
CCJ.....	Conference of Chief Justices
COSCA.....	Conference of State Court Administrators
DCM.....	Differentiated Case Management
NACM.....	National Association for Court Management
NCSC.....	National Center for State Courts
OACA.....	Ohio Association of Court Administrators
ORS.....	Ohio Rules of Superintendence
OSC.....	Ohio Supreme Court
PSI.....	Pre-Sentence Investigation
TCA.....	Trial Court Administrator
TCPS.....	Trial Court Performance Standards

Abstract

Quantitative and qualitative data from the Morrow County (Ohio) Common Pleas Court is analyzed to understand the court's felony case processing performance. In addition the attempt is to evaluate the court's performance and ascertain whether or not the court is operating in accordance with the time standards established by the Ohio Supreme Court? The Ohio Supreme Court's Rules of Superintendence state that criminal felony cases should be disposed of within six months of the date of filing. Time guidelines are of particular interest to Ohio trial court leaders due to a recent landmark Supreme Court, which publicly reprimanded a sitting Common Pleas Court Judge for failing to dispose of cases within the established time guidelines and for delaying decisions (2007-2294. *Disciplinary Counsel v. Sargeant*, Slip Opinion No. 2008-Ohio-2330). Following the decision, Chief Justice Thomas Moyer wrote:

“The timely resolution of cases is fundamental to the judicial system.... Lengthy, unjustified delays in the disposition of a court's docket compromise the interests of parties and diminish confidence in the judiciary and the legal system.” (Moyer, 2008, p. 8).

This project sought answers to five questions:

- What does the objective, archival data (clearance rate, time to disposition, and age of the pending caseload) reveal about Morrow County felony case processing performance?
- How do court employees feel about the speed at which cases move through the system, the court's leadership and other court practices and processes?
- What, if any, disparity exists between judge and court employee perceptions about how the court functions as compared to their ideal court culture?
- Does subjective, qualitative data from the court support or refute the objective archival data?

- Can the court make changes to come into compliance with established disposition guidelines? If so, what are they?

Building upon the National Center of State Courts CourTools Measures 2, 3 and 4, research examined the number of cases filed and disposed, the length of time it takes to dispose felony cases, and the age of the active pending felony caseload for the 2007 calendar year.

In addition two surveys were carried out. The first survey adapted the work completed by Barry Mahoney, Maureen Solomon, Antoinette Bonacci-Miller and Holly Blake entitled the Trial Court Self-Assessment Questionnaire, specifically questions relating to leadership and felony case management performance and practices.

The second survey gathered judge and court staff perceptions about the current and preferred court culture, specifically relating to case management, judge/staff relationships, courthouse leadership and change management. The Court Culture Survey designed by Brian Ostrom, Charles Ostrom, Jr., Roger Hanson and Matthew Kleiman was used.

Quantitative archival data revealed that during calendar year 2007, the court disposed of only 92 percent of its criminal case filings. In 2007, 41 percent of disposed felony cases were beyond the mandated time guidelines. A later evaluation of the pending caseload on January 1, 2008 revealed that 38 percent of the caseload was beyond the established timelines.

Responses to the first survey, the Trial Court Self-Assessment Questionnaire, revealed that there were two areas that judicial officers and court employees identified as “problematic”. Consistent with archival data respondents believe that there are many cases pending beyond time guidelines and also expressed concern over ineffective scheduling of court events.

Court culture survey results exposed several differences between judge and court staff perceptions concerning both current and preferred culture related to case management,

judge/staff relations, change management and courthouse leadership. The surveys also reveal a significant difference in the judges' preferences for case management versus the preferences of the staff.

Conclusions and recommendations follow from the truism that in any court, the judges are ultimately responsible for how well the court performs. Because judges have authority over the litigants and attorneys appearing before them, they are uniquely positioned to set the tone for case management. Judges who don't tolerate attorneys who are chronically late or ill prepared can profoundly and positively impact case management.

Clearly the Morrow County Court of Common Pleas would benefit from a change in case management philosophy and practice, and by adoption of a differentiated case management (DCM) case management system. The recommended DCM system has three (Basic, Standard and Complex) DCM felony tracks. Each track has specific time standards and specific events which occur within a specific timeframe. The process is very predictable and provides attorneys and litigants enough time to prepare, but not enough time to forget what must occur. In addition, the court should focus efforts on managing its calendar more efficiently, scheduling events to reduce conflicts between attorney's time, courtroom availability and the judge's time.

Introduction

The focus of this project is to determine whether there is a correlation between the perceptions of court personnel relating to caseload management and the disposition rate of felony cases in the Morrow County Court of Common Pleas. The first portion of this project evaluates delays in the criminal division of the Morrow County Court of Common Pleas using the court's data. Using the National Center for State Courts' (NCSC) CourTools Measure 2 (Clearance Rates), Measure 3 (Time to Disposition) and Measure 4 (Age of Active Pending

Caseload), the researcher examined the number of criminal cases filed with the court in 2007, the number of criminal cases terminated in 2007, the age of the terminated cases and the age of the pending criminal caseload on January 1, 2008. In addition, court employees were asked to complete two surveys for the purpose of assessing court culture, leadership, communication, and court standards. Results were used to determine whether cases could reach disposition earlier and within time guidelines established by the Ohio Supreme Court, Ohio Rules of Superintendence, if the culture and expectations of the court were changed. Filings related to probation violations or other post-conviction dispositions were not evaluated.

Ohio Judiciary

Ohio has a non-unified court system where each court is governed by the United States Constitution, Ohio Constitution, various administrative and criminal statutes, Ohio Rules of Superintendence and various other guiding principles. However, each court of general jurisdiction within Ohio is free to operate independently. Funding is the responsibility of the home county.

The Ohio Supreme Court (OSC) is established by the Ohio Constitution. The OSC is the court of last resort in Ohio, as most of its cases are appeals from the 12 district courts of appeals (Ohio Supreme Court, 2008). The Ohio Constitution grants the OSC exclusive authority to regulate admission to the practice of law, the discipline of attorneys admitted to practice, and all other matters relating to the practice of law. In addition, the OSC has the authority to prescribe rules governing practice and procedure in all courts of the state and to exercise general superintendence over all state courts (Ohio Supreme Court, 2008).

Each county in Ohio has a Common Pleas Court. Each Common Pleas Court is comprised of four distinct divisions. These divisions include the general division, which includes

the civil and criminal docket; the juvenile division; the probate division and the domestic relations division. All indictable cases fall under the criminal docket of the Court of Common Pleas. Indictable offenses are typically fifth, fourth, third, second and first degree felonies. Fifth degree felonies include felony non-support, vandalism and domestic violence. First degree felonies are the most severe criminal offenses such as murder, rape and kidnapping. Each Common Pleas Court has an administrative judge who oversees the administrative functions of the court.

In 1996, the Ohio General Assembly passed Senate Bill 2, which was designed to restructure the sentencing laws in Ohio and develop “truth” in sentencing. In addition to the restructuring, Senate Bill 2 established preferences for sentencing. For fourth and fifth degree felonies, Senate Bill 2 prefers that judges do not send offenders to the Ohio Department of Rehabilitation and Correction; rather that offenders receive some type of local services to help them overcome the offense they committed. There is no preference in sentencing for felonies of the third degree. For first and second degree felonies, Senate Bill 2 prefers that judges separate offenders from society through the adult prison system.

One of the goals of Senate Bill 2 was to make local courts responsible for taking care of local problems. The Bill encouraged county courts to become leaders in their communities by creating effective sanctions to rehabilitate offenders. The new guidelines provided an incentive for local communities to take an active role in helping minor offenders become law-abiding citizens.

There is, however, a contradiction between Ohio law and the Ohio Rules of Superintendence. While the ORS requires criminal cases to be disposed of in six months, the

Ohio Revised Code (ORC) says that courts have 270 days (nine months) to provide a speedy trial.

There are time guidelines established by the Ohio Rules of Superintendence (ORS) for all cases which come before Common Pleas Courts. Rule 39 of the ORS outlines the following time guidelines for criminal cases:

Table 1 – Ohio Case Time Guidelines

Case Type	Benchmark Time Guidelines	Mandatory Time Guidelines
Professional Tort	90% at 18 months	24 months
Product Liability	95% at 18 months	24 months
Other Torts	95% at 18 months	24 months
Worker's Compensation	90% at nine months	12 months
Foreclosures	90% at nine months	12 months
Administrative Appeals	90% six months	9 months
Complex Litigation	90% 24 months	36 months
Other Civil	95% at 18 months	24 months
Criminal	90% four months	Six months

(Ohio Supreme Court, 2008)

ORS Rule 35 created the Case Management Division of the OSC to perform the following functions:

- Receive, analyze, maintain, audit, and publish, at the direction of the Chief Justice, statistical data from the courts of Ohio, including an annual compilation of the reports required by Sup. R. 37;
- Assist and train judges, court administrators, clerks, and other court personnel in performing the reporting functions required by these rules;
- Monitor statistical reporting by conducting audits of the various courts in accordance with statistical auditing standards and procedures;
- Review audit results with judges and court personnel involved and report

unresolved irregularities to the Chief Justice;

- Prepare and provide an implementation manual that contains commentary and explanatory material pertaining to these rules and the report forms required by these rules.
- Make ongoing recommendations to the Chief Justice regarding amendments to the Rules of Superintendence to remain current with changes in the law and auditing standards so that the Section can effectively accomplish its stated objectives. (Ohio Rules of Superintendence, 2008)

Pursuant to ORS 37, General Division judges of the Common Pleas Court must submit monthly reports to the OSC outlining the number of cases pending at the beginning of the reporting period, number of cases filed, number of cases disposed, the disposition of each case and how many cases are pending beyond the established time guidelines.

Morrow County General Division, Criminal Docket

The General Division of the Common Pleas Court is comprised of both the Criminal and Civil Docket. With the exception of criminal arraignments, which can be heard by magistrates, these cases must be brought before a judge. In Morrow County, felony level offenses are disposed in the Criminal Division, therefore individuals who are indicted by the Morrow County Grand Jury will appear in the Common Pleas Court. Cases heard in the Court of Common Pleas range from low fourth and fifth degree felonies such as theft, driving under the influence of drugs and/or alcohol and drug possession, to the higher first and second degree felonies including murder, kidnapping and rape.

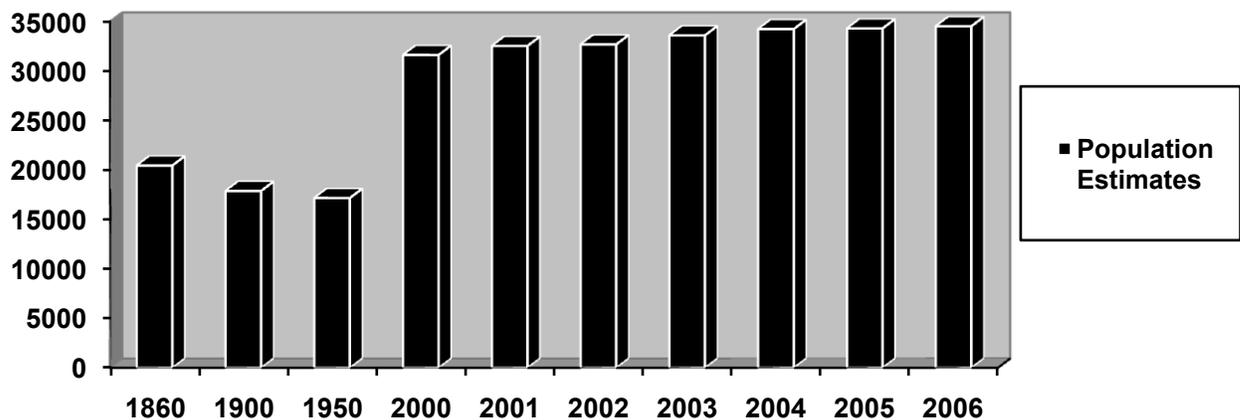
Morrow County is comprised of 406 square miles and has seven incorporated villages.

There is a solid infrastructure, including state routes and two points of access to Interstate 71 for commuting to Columbus, Mansfield, or Cleveland.

The 1990 Census report indicated that Morrow County had a population of 27,749. In 2000, the Census found that the population had grown to 31,628 -- an increase of 14 percent. For this same reporting period, the overall growth rate for the State of Ohio was 4.7 percent.

Population estimates from the US Census Bureau indicate that the population for Morrow County had increased to 34,529 by July 1, 2006 (U.S. Census Bureau, 2008). According to the Annual Estimates of the Population for Counties of Ohio: April 1, 2000 to July 1, 2006, the only Ohio Counties which grew faster than Morrow County were Medina, Union, Fairfield, Warren, and Delaware Counties.

Table 2 - Population Estimates of Morrow County



In 1950 Morrow County's population was 17,168. Recent estimates indicate that the population has increased by 50 percent, or 17,361 residents, over the past 56 years. The greatest increase occurred during the 1970's, when the population grew by 19 percent in 10 years – a statistic which can be attributed to the fact that several sources of oil were discovered in the county during this time.

Estimates indicate that the first decade of the 21st century will be on par with or exceed the population growth of the 1970's. The following tables demonstrate that ,while Morrow County's population has exploded, it has not been accompanied by a greater level of education, higher level of employment or an increase in taxable revenue. All of these factors combine to create an atmosphere in which the Common Pleas Court must manage an ever increasing caseload without the benefits of greater revenue or higher levels of education – factors which usually increase in times of population growth.

Table 3 – Population Estimates by Area

Largest Areas	Census 2000	Estimate 2007
Mount Gilead Village	3,290	3,531
Bennington Township	2,366	2,475
Congress Township	2,366	2,464
Harmony Township	2,040	2,145
Gilead Township	2,141	2,056
(without Mt. Gilead Village)		
Perry Township	1,970	2,065
Cardington Village	1,849	2,003
(without Cardington Village)		
North Bloomfield Township	1,866	1,958
Chester Township	1,462	1,938
Lincoln Township	1,672	1,843

Table 4 – People and Income

People & Income overview (By place of Residence)	Value
Population (2007)	34,322
Growth % since 2000	8.5%

Households	11,536
Labor Force(persons 2007)	18,300
Unemployment Rate (2007)	5.7
Per Capita Personal Income	\$26,117
Median Household Income	\$40,882
Poverty Rate	6.6

Table 5 – Demographics

Population by Race	Number	Percent	Population by Age	Number	Percent
Total Population (2000)	31,628	100.0%	Total Population (2000)	31,628	100.0%
White	31,235	98.8%	Under 6 years	2,494	7.9%
Hispanic	191	0.6%	6 to 17 years	6,148	19.4%
Two or more races	166	0.5%	18 to 24 years	2,395	7.6%
African-American	75	0.2%	25 to 44 years	9,345	29.5%
Native American	73	0.2%	45 to 64 years	7,635	24.1%
Other	47	0.1%	65 years or more	3,611	11.4%
Asian	32	0.1%			
TOTAL MINORITY	537	1.7%	MEDIAN AGE	36.5	

Table 6 – Travel Time to Work

Travel Time to Work	Number	Percent
Workers 16 and over	15,083	100%
Less than 15 minutes	3,190	21.1%
15 to 29 minutes	4,288	28.4%
30 to 44 minutes	3,559	23.6%
45 to 59 minutes	1,845	12.2%
60 minutes or more	1,643	10.9%
Work at home	558	3.7%
Mean Travel Time	30.4 Minute Commute	

Table 7 – Education

Public Schools	16
Students (Average Daily Attendance)	5,671

Teachers (Full Time Equivalent	335.2
Student :Teacher Ratio	16.9
Expenditure per student	\$7,691
Graduation Rate	94.9
Non-Public Schools	1
Number of Students	187
4 Year Universities (Public)	0
Branches	0
2 Year Colleges (Public)	0
Private Colleges	0
Public Libraries	4
Branch Libraries	0

Table 8 – Educational Levels

Educational Attainment	Number	Percent
Persons 25 years and over	20,591	100%
No High School Diploma	4,409	21.4%
High School Graduate	9,730	47.3%
Some College, No Degree	3,617	17.6%
Associate Degree	889	4.3%
Bachelor’s Degree	1,366	6.5%
Master’s Degree or Higher	610	3.0%

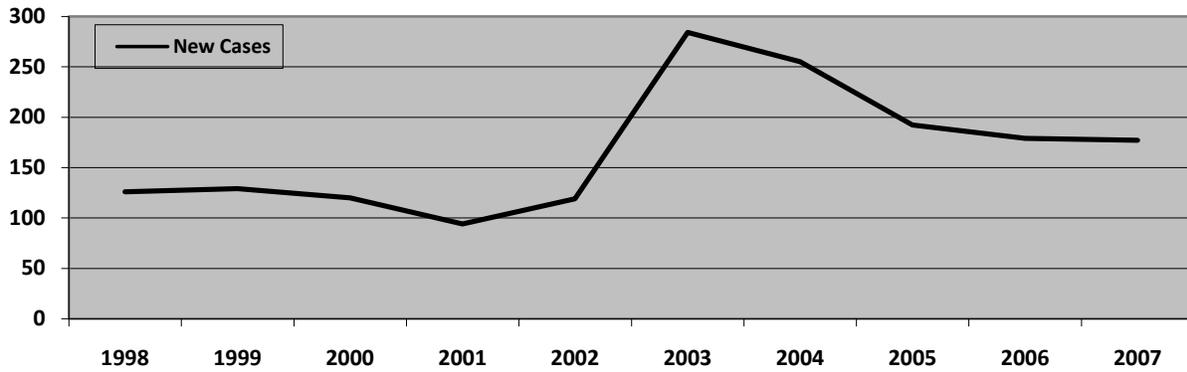
These statistics illustrate that Morrow County has no significant industrial or commercial development. Only slightly more than one-fifth of its residents live within a 15 minute drive from their workplaces. This is significant because it demonstrates that there is a lack of both local industry and commerce which could help fund county operations. If economic development continues to lag as the population grows, the court could be plagued by inadequate funding well into the future.

Case Information

Due to the increase in population, the Morrow County Court of Common Pleas has a significant number of criminal case filings for a county of its size. Table 9 illustrates the number of new

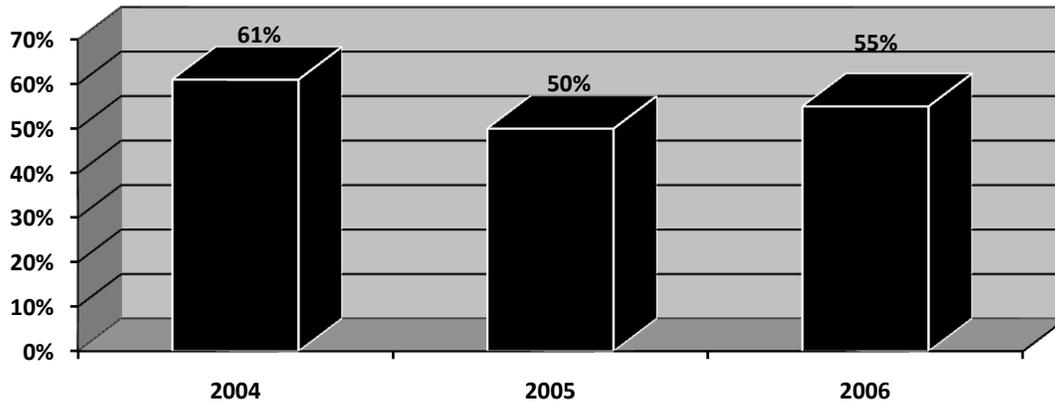
criminal cases filed, but does not take into account reactivations for post-conviction motions or probation violations.

Table 9 - Criminal Cases Filings



Historically, the criminal division of the Morrow County Court of Common Pleas has not been in compliance with established time guidelines. Table 10 shows the percentage of criminal cases which have been pending beyond the six-month time standard.

Table 10 - Percentage of cases pending beyond time guidelines



In December 2006, the court participated in case management training provided by the OSC Case Management Division. In addition to Common Pleas Court personnel, representatives from the Morrow County Prosecutors Office, Morrow County Defense Bar, Morrow County Clerk of Courts, Morrow County Commissioners Office, Morrow County Sheriff, and others attended the training.

The court made small changes during 2007. On December 20 of that year, the court met with judicial partners to outline a case management plan. Since that time, implementation has been slow and there has been little progress. The future will determine the ultimate impact of those changes.

Literature Review

Caseflow management is the process by which courts attempt to process cases efficiently from the time of filing to closure (National Association for Court Management, 2004, p. 6).

Case management is what courts do. Dissatisfaction with the administration of justice is as old as law (Pound, 1906, p. 7). In an address to the American Bar Association (ABA) in 1906, law professor Roscoe Pound stated that society, in general, was dissatisfied with how courts operate. He cited the necessarily mechanical operation of rules; the inevitable difference in rate of

progress between law and public opinion; the general popular assumption that the administration of justice is an easy task, to which anyone is competent, and the popular impatience of restraint (Institute for Court Management, 2008) as factors which contributed to the public's dissatisfaction.

Even though 102 years have passed since Pound commented on the public's dissatisfaction with the courts, sentiment about the courts is nearly the same today. One of the major issues facing courts is the length of time to dispose of criminal cases. Delays in our justice system are so common that they are reflected in our everyday vernacular. Most Americans are familiar with the phrase "the wheels of justice turn slowly," but it is a misconception that delay is inevitable. In many cases, delays can be avoided, so it is especially regrettable that, perhaps more than any other factor, delays diminish justice. Courts must remove all barriers to case disposition if they hope to achieve and maintain public trust and confidence. The judicial system is charged with the responsibility of ensuring the rights of plaintiffs and defendants. A great number of litigants, especially those involved in family court cases or serious felonies, have difficulty moving on with their lives until their cases are resolved. For many litigants, legal closure is a prerequisite for personal healing. While efficient justice is an invaluable public service it also has a tremendous impact on private lives.

The judicial system is one of three independent, but equal, branches of government established by the Constitution of the United States. As an independent branch, courts are accountable not only to the other two branches of government, but ultimately to the public, for institutional actions (Conference of State Court Administrators, 2001, p. 2) Therefore, the judiciary must establish systems in the best interest of the public to allow for fair, but

expeditious, justice. Judges, court administrators and attorneys must not mistake activity as accomplishment. A busy court is not necessarily an effective court.

Finally, the judiciary must be fiscally responsible. Particularly during difficult economic times, budgetary constraints will be imposed upon all branches of government. Courts may need to be creative in developing and implementing a case management system. As the United States economy continues to recover from post September 11th lows, due to federal priorities, states should not expect much help from the federal government (Peters, Kauder, Campell, & Flango, 2005, p. 70).

According to one study completed by the National Center for State Courts, courts which are efficient in the timely disposition of cases have clear policies that address the pace of litigation. In addition, these courts also have the highest measures of overall case processing quality perceived by prosecutors and attorneys. In contrast, courts which had low measurements of overall quality also had the slowest disposition speed (Ostrom & Hason, 1999, p. 17).

Unfortunately, people often do not trust what they do not understand and many believe that the administration of justice is a simple act. A 1978 survey showed a distinct lack of confidence in state courts. Only 23 percent of respondents indicated they held a high degree of confidence in the judiciary. One-third indicated that they had very little or no confidence in the judicial system (Yankelovich, 1978).

Yankelovich's findings are particularly disturbing in light of Alexander Hamilton's Federalist Papers. In Federalist Paper #17, Hamilton states;

“...the ordinary administration of criminal and civil justice...It is that which, being the immediate and visible guardian of life and property, having its benefits and its terrors in constant activity before the public eye... contributes, more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence towards the government.” (Hamilton, 1787)

At any time, millions of Americans are directly or indirectly involved in court cases. The judiciary is uniquely positioned to be the leader in establishing public trust in the government.

A ubiquitous theme in court research is that leadership is key in the reduction of delay and the implementation of caseload management programs (Steelman, Goerdt, & McMillan, 2004, p. 64). Effective leaders inspire shared visions. Successful leaders define goals, examine what plans are in place to achieve the vision and evaluate conditions to see if the vision has been achieved (Thompson, Strickland, & Gamble, 2008, p. 15). This practice is referred to as strategic management.

Successful management begins when an organization identifies its preferred state. After identifying the vision, leaders must be willing to challenge the process (Kouzes & Posner, 2006, p. 71). Courts must identify what they do now, what they do well, what they do not do well and what they can stop doing.

While this idea has existed for the past 50 years in the corporate world, it is only now starting to take root in the American judicial system. Historically, judges were meant to judge through the application of law to the facts of the individual case. Now, judges must function as strategic leaders of complicated organizations.

According to the Conference of State Court Administrators (COSCA), courts must understand the judiciary's responsibility to society.

“ The administration of justice should reside with the courts, both as a constitutional matter - judicial administration is inherent in the courts adjudicative role - and as good governance. [However], with judicial governance on the rights and interests of the other branches of government and the public to hold the judiciary accountable for effective management of court business” (quoted in Ostrom, Ostrom, Hanson, & Kleiman, 2007, Pg, 1).

Therefore, in order to effectively take care court business, courts must manage their caseloads successfully. NACM's Professional Development Advisory Committee reported that:

“The quality of justice is enhanced when Judicial Administration is organized around the requirements of acted Caseload management... and it is the process by which courts convert their “inputs” into “outputs”. The quality of this process is determines how well courts achieve their most fundamental and substantive objectives and purposes. Properly understood caseload management is the absolute heart of court management.” (NACM Professional Development Advisory Committee, 1998, p. 6)

Courts must dictate the pace of litigation. This is a critical point for court leadership to understand when trying to eliminate unnecessary delay. Effective leadership of caseload cannot be passive (National Association for Court Management, 2004, pp. 16-20). Court leaders cannot simply sit back and allow all the business of the court to occur. The court environment is dynamic. Litigants, attorneys, cases and the laws themselves are constantly changing; therefore, courts which are committed to effective caseload management must be willing evaluate and adapt themselves constantly. Not all the issues concerning caseload will be resolved quickly or completely. Only dedicated and persistent leaders will be successful in management practices.

In addition to leadership, several fundamentals must be implemented to successfully manage a court’s docket. As courts and technology continue to evolve, new practices are adopted in order to meet ever-changing needs.

One urban court in Ohio adopted the following practices to manage their caseload:

- early screening and continuous case-control by both the prosecutor and the courts
- use of arraignment upon the indictment as a key control point for case management in the Common Pleas Court
- early discovery, with packets containing key documents provided by prosecutor to defense counsel between indictment and arraignment.
- early pretrial conferences between prosecutor and defense counsel, usually held a week after arraignment

- a scheduling conference conducted by judges one to two weeks after the pretrial conference, to accept pleas or to establish dates for filing and hearing motions, and for trial.
- establishing a firm trial date, with provisions in case another trial is ready to go on the same date
- acquisition and effective use of management information to monitor caseflow management effectiveness (Hewitt, Gallas, & Mahoney, 1990, p. 7).

Although the preceding guides were used by one court in Ohio, similar practices could be adopted by courts throughout the country. Many courts might also benefit from evaluating their continuance rates and striving to reduce them when possible. Sluggish courts which either cannot or will not embrace change will perpetuate delayed justice.

Rural courts such as the one in Morrow County do not have the resources larger courts may have. When compared to metropolitan courts, rural courts have a significantly smaller defense bar, archaic technology, inadequate facilities, minimal staff and there may be different courts which “compete” for attorneys. Researchers of a Rural Justice Center study indicated that “the dominant driving force in rural court systems is comity” and outlined the following:

“ Attorneys accommodate each other to survive economically. Prosecutors are often unwilling to screen out weak cases because they do not want offend law-enforcement. Attorneys and part-time prosecutors earn most of their income from civil practice, so that the ongoing relationship with the bar may be more important than the facts or outcome of a given case. Court managers often see their job as “keeping the peace in the family.” Judges are often pressured to accommodate attorneys and court staff. “We all get along here” is the course sung in court after court.” (Steelman, Goerd, & McMillan, 2004, p. 21)

In courts with lax continuance policies, the bar or prosecutors often control the progress of case litigation (Solomon, 1973, p. 33). Judicial independence is threatened when judges do not exercise their authority in the courtroom.

While there are many techniques to reduce delay, none has found more favor over the past 20 years than differentiated case management (DCM). DCM is a sophisticated means of categorizing cases in their infancy in order to facilitate case management. Each case moves through the system according to its type, with the procedures, informational support, speed and resources appropriate for the particular category (Henderson, Munsterman, & Tobin, 1990, p. 2).

The appeal of differentiated case management is that it can contribute to increased productivity without sacrificing quality. Increased productivity, in turn, contributes to increased timeliness. Thus, more cases will be disposed of within established time guidelines as well as providing judicial staff time to dedicate to more complex issues.

The opposite of differentiated case management is to treat all cases alike. There is no screening involved, other than court processing, regardless of degree of complexity. Cases are handled on a first-in, first-out basis under the same basic procedures and practices. As a result, there is considerable uniformity in the time taken to resolve cases. For example, theft cases will take almost as long as sex cases or Child Support Enforcement Agency (CSEA) cases will take the same amount of time burglary cases (Burke & Labrosse, 2006, pp. 17-19).

Traditionally, DCM categorizes cases into three types:

- Cases that proceed quickly with only a modest need for court oversight,
- Cases that have contested issues calling for conferences with a judge of court hearings but that otherwise do not present great difficulties, and
- Cases that call for ongoing and extensive involvement of a judge, because of the number of attorneys or participants involved complexity or novelty of the legal issues presented (Steelman, Goerd, & McMillan, 2004, p. 4)

Another concept which has an impact upon caseload management is what has been termed as “court culture” and “local legal culture.” As previously stated, there may be a need for attorneys to work together for mutual survival in rural courts. Research completed by NCSC in 1976 by Tom Church, et al. returned a conclusion which stated:

“...both speed and backlog are determined in large part by established expectations, practices, and informal rules of behavior of judges and lawyers. For want of a better team, we have called this cluster of factors the local legal culture.” (Church, Lee, Carlson, & Tan, 1978, p. 54)

In more current research, the term “court culture” has been defined as the expectations and beliefs that judges and court administrator have about the “way work gets done.” (Ostrom, Ostrom, Hanson, & Kleiman, 2007, p. 22). Regardless of the terminology, both “court culture” and “local legal culture” refer to expectations of the judiciary. It is reasonable to assume that in an atmosphere where the primary concern among members of the judiciary is to maintain peace for personal reasons, cases are likely to linger and not be disposed of in a timely manner. Conversely, when attorneys are accountable for their actions, when all parties are ready for events and the court and judicial partners understand and accept time guidelines for case disposition, then courts should be able to manage their dockets efficiently and effectively.

Courts which are not “working smart” need to change practices and methodology (Gallas, 2006, p. 26). Courts which are unwilling or unable to break free from past practices are not only archaic, as Pound stated in his 1906 address to the American Bar Association, they also contribute to the public’s mistrust of the government. According to Ostrom, et al., court culture goes beyond the just the timely disposition of cases and actually speaks to the court’s access and fairness (Ostrom, Hanson, Ostrom, & Kleiman, 2006, p. 20). Ostrom asserts that the type of culture within the court system has a direct bearing upon how cases are processed.

To analyze the data from the Morrow County Common Pleas Court, the researcher used and adapted existing works to provide statistical analysis. The CourTools measures were invaluable in this endeavor. One of the two surveys used was developed by the National Center for State Courts, with work by Barry Mahoney, Maureen Solomon, Antoinette Bonacci-Miller and Holly Blake. The team developed a trial court self assessment questionnaire which was given to both judges and the staff in Morrow County. An additional survey created by Brian Ostrom, Charles Ostrom, Roger Hanson and Matthew Kleiman was also used.

Methods

The CourTools measurements were one of three evaluations used in this project. They were developed to rate Trial Court Performance Standards (TCPS) and measures ten areas of performance to provide court managers a balanced perspective on court operations (National Center for State Courts, 2008). For this evaluation, CourTools Measure 2, Clearance Rates; CourTools Measure 3, Time to Disposition; and CourTools Measure 4, Age of Pending Caseload, were used. The archival data used in this study came from the Morrow County Common Pleas Court computerized information system, CourtView by Maximus. While the computer system was not designed to produce reports such as those included in this report, the raw data was exported into Excel spreadsheets for analysis.

CourTools Measure 2 – Clearance Rates

Definition: The number of outgoing cases as a percentage, compared to the number of incoming cases.

Purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for all case types, from month to month and year to year, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements may be made. Courts should aspire to clear (i.e., dispose of) at least as many cases as have been filed/reopened/reactivated in a period by having a clearance rate of 100 percent or higher.

Method: Computing a clearance rate requires a count of incoming cases and outgoing cases during a given time period (e.g., year, quarter, or month).

Measure 3 – Time to Disposition

Definition: The percentage of cases disposed or otherwise resolved within established time frames.

Purpose: This measure, used in conjunction with *Measure 2 Clearance Rates* and *Measure 4 Age of Active Pending Caseload*, is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing. When the underlying data conform to the *State Court Guide to Statistical Reporting*, the measure takes into account periods of inactivity beyond the court's control (e.g., absconded defendants, cases suspended pending decision on an appeal) and provides a framework for meaningful measurement across all case types. The case processing time standards published by the American Bar Association (ABA) and those published by the Conference of State Court Administrators (COSCA)

provide a starting point for determining guidelines. Many states and individual courts have adopted their own guidelines, and certain case types (e.g., juvenile) have been the focus of more detailed guidelines by a variety of organizations. Courts should take note of existing guidelines and rules of court in their jurisdiction when developing their own guidelines for each case type.

Method: This measure should be reviewed on a regular (e.g., monthly, quarterly, annual) basis. If reviewed regularly, the court can observe trends as they develop, then aggregate the data for annual reporting. For each case type, the first task is to compile a list of all cases that were disposed or otherwise resolved during the reporting period. For the purpose of this measure, "disposed or otherwise resolved" is defined as having had an *Entry of Judgment*. If the data for the measure are not available in automated form, and data collection requires manual review of case files, then the measure will likely need to be taken on an annual basis

Measure 4 – Age of Pending Cases

Definition: The age of the active cases that are pending before the court, measured as the number of days from filing until the time of measurement.

Purpose: Cases filed but not yet disposed make up the court's pending caseload. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this pool of cases potentially requires court action. Examining the age of pending cases makes clear, for example, the number and type of cases drawing near or about to surpass the court's case processing time standards. Once the age spectrum of cases is determined, the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

Method: For each case type being analyzed, the court should produce a report that calculates the time, in days, from filing of the case until the date established for the reporting period being examined (e.g., last day of the month, last day of the year).

These tools were adapted from the original Court Performance Measures which were developed and published in 1990. The Trial Courts Performance Standards and Measurement System (TCPS) express a philosophy and framework for defining and understanding the effectiveness of trial courts by focusing attention on performance, self-assessment, and self-improvement. The measurement component consists of 68 field-tested measures for evaluating how well a court is meeting established standards (Trial Court Performance Standards, 2008).

Surveys

In addition to the raw data analyzed for this report, responses to two surveys were also evaluated. The first survey was an adaption of the work completed by Barry Mahoney, Maureen Solomon, Antoinette Bonacci-Miller and Holly Blake entitled the Trial Court Self-Assessment Questionnaire. Only questions relating to leadership and case management were chosen in order to elicit the most appropriate responses for this project. The questionnaire uses a Likert scale in which responses range from a score of 1 to 5, with “1” indicating that the respondent strongly disagrees and “5” indicating the respondent strongly agrees.

The original questionnaire by Mahoney, Solomon, Bonacci-Miller and Blake was validated by experts from around the United States including court administrators and various judicial officers. A copy of the questionnaire is located in Appendix D.

In addition to the raw data analyzed for this report, responses to two surveys were also evaluated. The first survey was an adaption of the work completed by Barry Mahoney,

Maureen Solomon, Antoinette Bonacci-Miller and Holly Blake entitled the Trial Court Self-Assessment Questionnaire. Only questions relating to leadership and case management were chosen in order to elicit the most appropriate responses for this project. The questionnaire uses Quinn developed their “competing values” approach to culture, surmising that culture can and does change. In addition, Cameron and Quinn determined that there are six key dimensions of organizational culture, which include; Dominant Characteristics, Organizational Leadership, Management of Employees, Organizational Glue, Strategic Emphasis and Criteria for Success (Cameron & Quinn, 1999, p. 59).

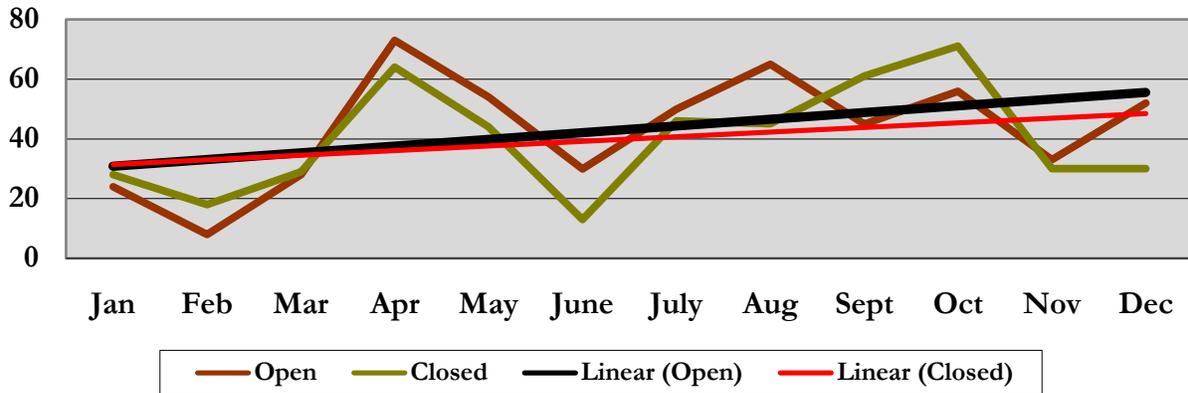
Responses to the second survey were tallied and plotted on kite diagrams. The diagrams are divided into four quadrants where the vertical axis represents sociability and the horizontal axis represents solidarity. The upper left quadrant is labeled “Communal.” This quadrant represents the degree which judges and court administrators emphasize getting along and acting collectively. This quadrant can also be defined as the degree of flexibility and collegiality. Conversely, the lower right quadrant is labeled “Hierarchical.” This quadrant represents the emphasis judges and court administrators place on structured relationships based on rules and procedures. Hierarchical environments are rule-oriented, highly structured and follow a strict chain of command.

The upper right quadrant is labeled “Networked.” It represents the degree that judges and administrators emphasize a shared view of what needs to be accomplished. Policies and procedures come from a consensus of all parties. In opposition, the lower left quadrant is labeled “Autonomous.” In autonomous courts, judges and administrators tend to allow one another to conduct business as they see fit (Ostrom, Ostrom, Hanson, & Kleiman, 2007, p. 43). The Court Culture Survey is located in the appendix E of the appendix section.

Findings

The following tables record the trends occurring in the Morrow County Court of Common Pleas based on its own records. Each table represents a different measurement of the data and the data is formatted to display the findings comprehensively.

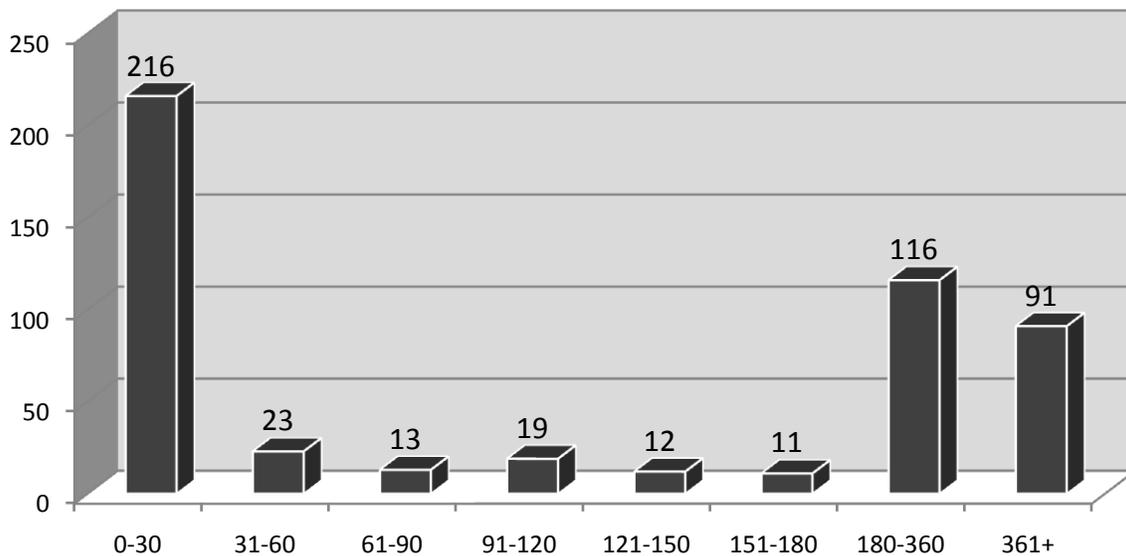
Table 11 - Courtool Measure 2 - Clearance Rates



Overall Clearance Rate 92%

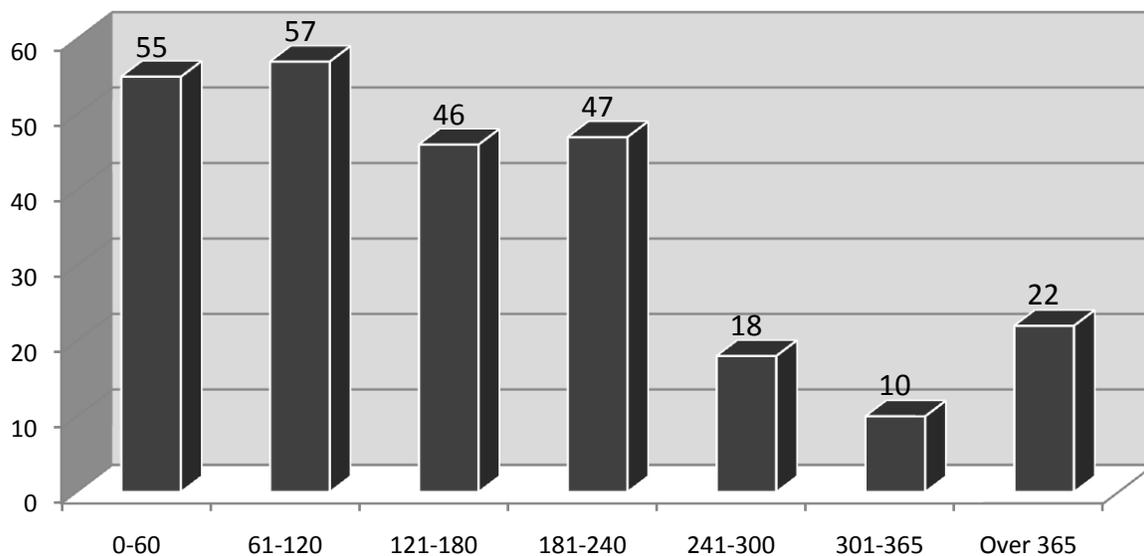
Table 11 indicates that the Common Pleas Court in Morrow County did not dispose of the same number of cases that were filed during the year. As the trend lines show, the court fell further behind as the year progressed. It should be noted that a second criminal division judge took the bench in January 2007.

Table 12 - CourTools Measure 3 - Time to Disposition



Of the 501 terminations analyzed, 207 (41 percent) of the cases were terminated beyond the time guidelines established by the Ohio Supreme Court.

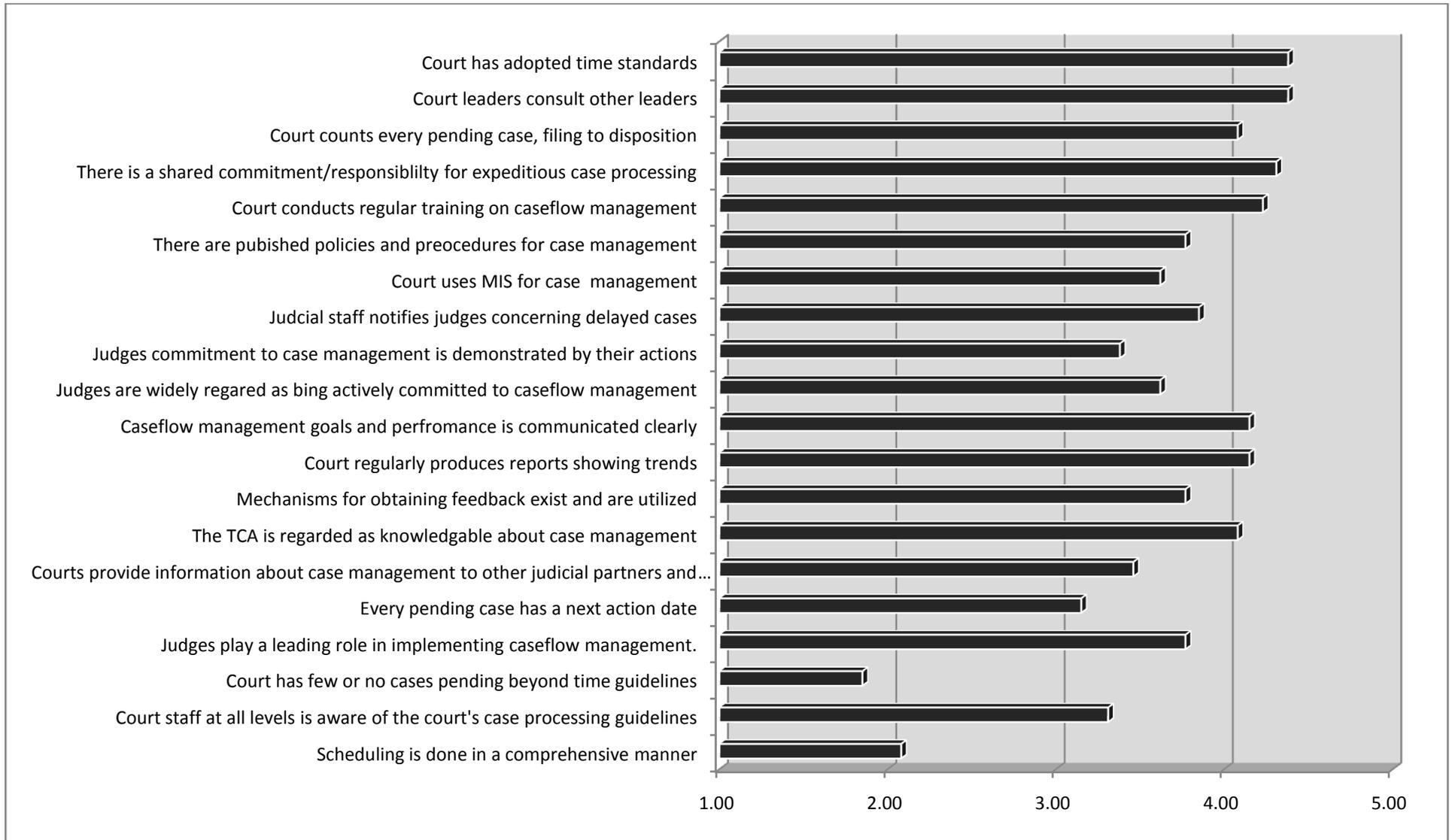
Table 13 - Courtool Measure 4 - Age of Active Pending Felony Cases



On January 1, 2008, the court had 255 pending criminal cases. Of those cases, 97, or 38 percent, were beyond established time to disposition guidelines.

The following tables record the responses elicited by the two previously referenced surveys.

Table 14 - Trial Court Performance Questionnaire Responses



Survey respondents were asked to use a Likert scale with “1” representing a “strongly disagree” response; “2” representing a “disagree” response; “3” representing a “neither agree or disagree” response; “4” representing a “agree” response; and “5” representing a “strongly agree” response. The bars characterize the average responses of all of the respondents.

Table 14 shows that the employees and judicial officers agree that the court had adopted time guidelines. Respondents believed there was a shared commitment to moving cases through the system expeditiously. Further, there was overwhelming agreement that a significant number of cases were pending beyond time guidelines.

Court Culture Survey – Judicial Responses

Table 15 - Current Case Management Style Current/Preferred

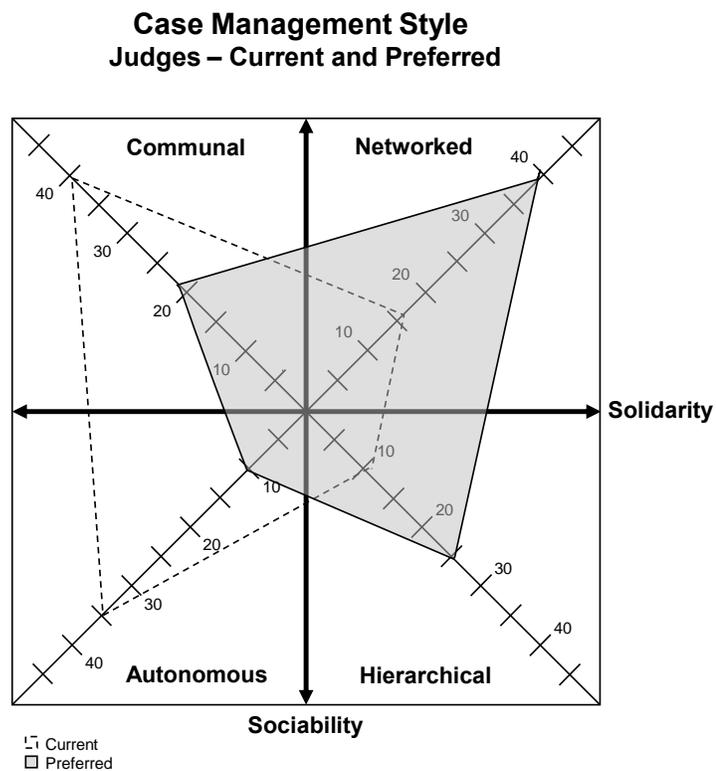


Table 15 indicates that Morrow County’s Common Pleas Court judges believe that the court is a communal court as it relates to case management. Judges involve others in the case management process in order to facilitate the disposition of cases. Judicial officers overwhelmingly prefer a networked court where there is continual communication between the court and other judicial partners to manage the caseload. According to Ostrom, et.al., communal

courts in this case management style have a “somewhat” looser version of the national time standards and judges emphasis collegial decision making (Ostrom, Ostrom, Hanson, & Kleiman, 2007, p. 70)

Table 16 – Judge- Staff Relations Current / Preferred

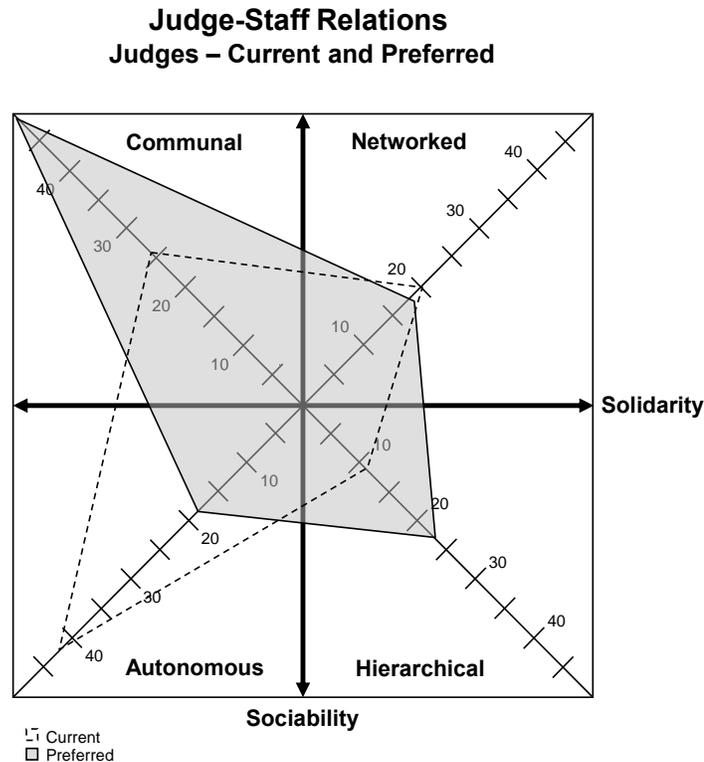
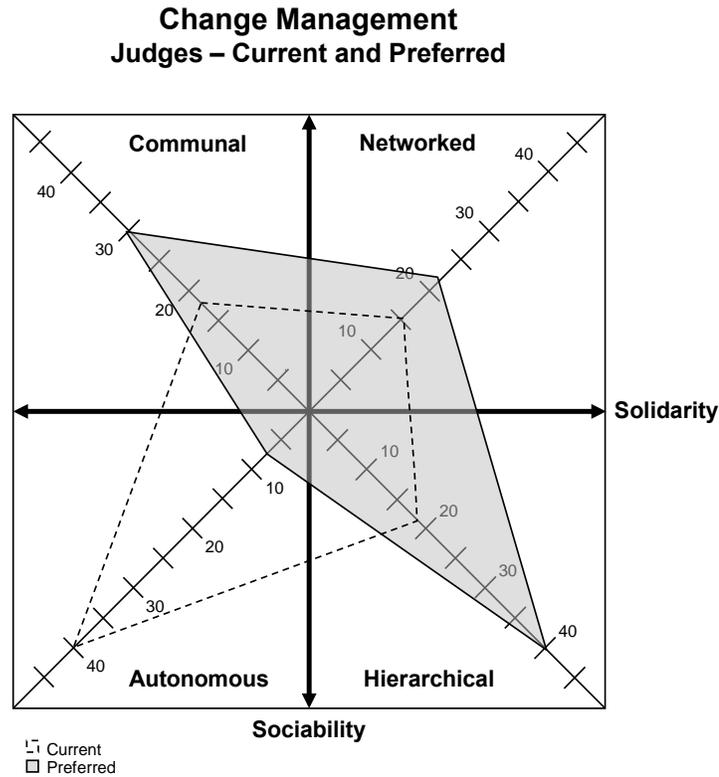


Table 16 reveals that the judges see their relationship with staff as being autonomous, indicating a close relationship between the judges and staff. This appears to be an accurate depiction of the court’s culture where staff members are very loyal and do what is necessary to complete required tasks.

The judges’ responses indicate that they prefer the judge/staff relationship typically found in a communal court. In this setting, there would be a lessening of the “psychological gap” between judges, administrators and staff (Ostrom, Ostrom, Hanson, & Kleiman, 2007, p. 72).

While rules and policies may exist, the rules would only be loosely followed and there may not be sufficient oversight of case management or time guidelines.

Table 17 – Change Management Style Current / Preferred



The judges’ responses in Table 17 demonstrate a strong preference for autonomous change management. This indicates that the judges are somewhat constrained and rigid in the scope of their roles. Research indicates that in this type of court, new programs and procedures are difficult to develop and implement (Ostrom, Ostrom, Hanson, & Kleiman, 2007, p. 82).

The judges indicated their preferred state of change management would be that of a hierarchical court. This type of change management would be the more traditional “top down” approach. As indicated previously in the Trial Court Self Assessment Questionnaire, the court does have an automated case management information system and there tends to be an

embracing of technology to enhance case management. Judges in hierarchical courts are generally open to practices which enhance case management.

Table 18 – Courthouse Leadership Current / Preferred

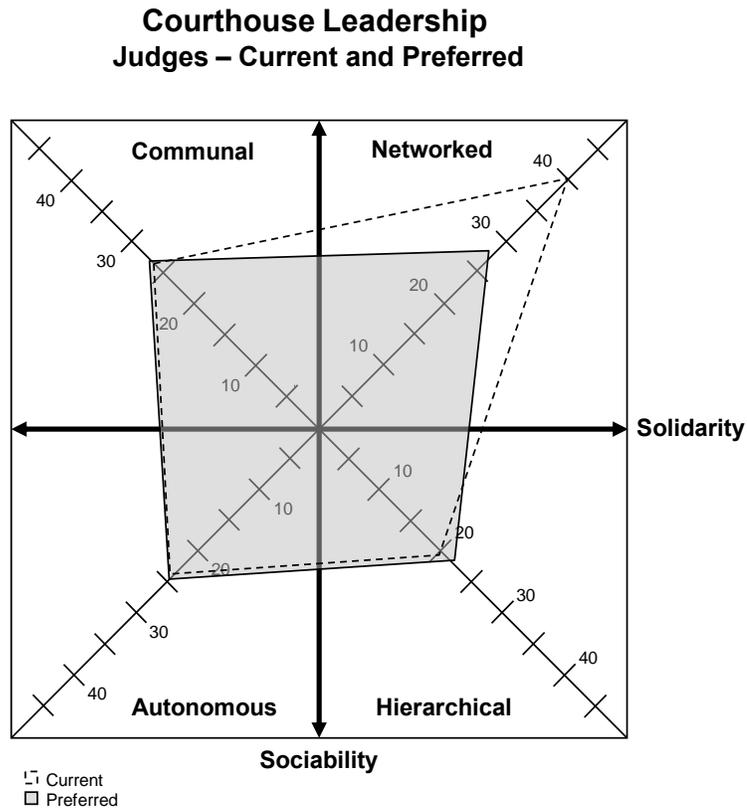


Table 18 shows that the judges view their court as networked which is an accurate assessment of the Morrow County Common Pleas Court. Networked courts attempt to build effective relationships with various judicial partners (Ostrom, Hanson, Ostrom, & Kleiman, 2006, p. 78). For the Morrow County Court of Common Pleas, this would include the staff, local bar and the Morrow County Board of County Commissioners.

Court Culture Survey – Court Employee Responses

Table 19 – Case Management Style Current / Preferred

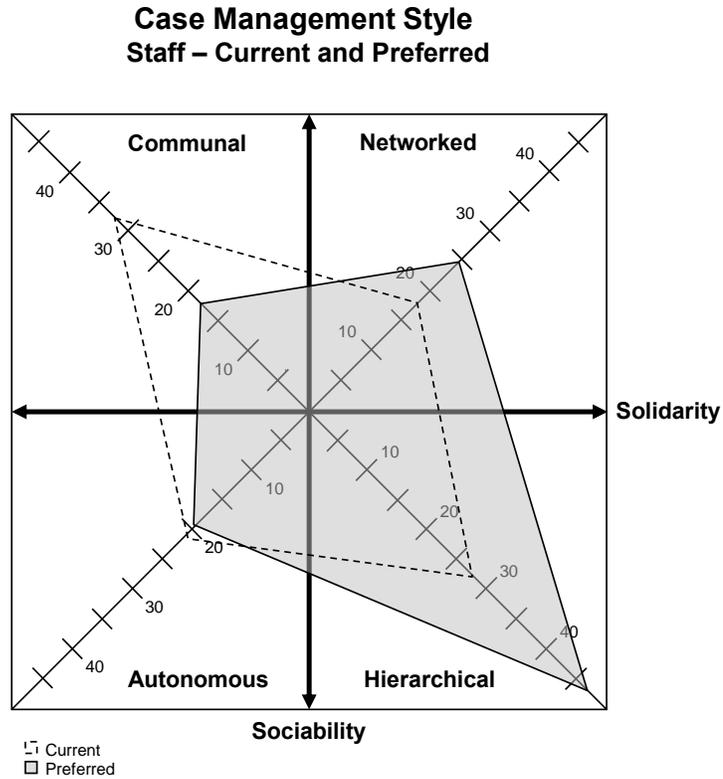


Table 19 shows the court staff agreed with the judges that the court is a communal court. However, employees expressed an overwhelming preference for a hierarchical case management style which differed significantly from the judges. In hierarchical courts there is a commitment to case management and the effective use of judicial officer time. There is an assumption that judges’ orders will be followed and that attorneys will prepare and meet early in the life of the case as a means to promote timely disposition. (Ostrom, Ostrom, Hanson, & Kleiman, 2007, p. 85)

Table 20 – Judge – Staff Relations Current / Preferred

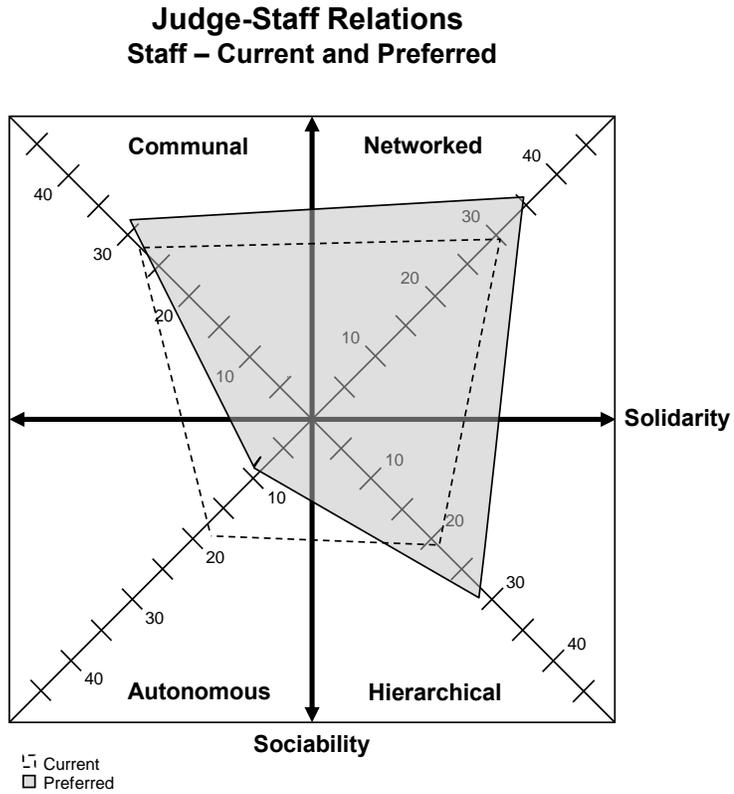


Table 20 shows that court staff members perceived the current culture as it relates to judge/staff relationship as being networked in nature. This differed with the perception of the judges who felt the judge/staff relations were more autonomous.

Table 21 – Change Management Current / Preferred

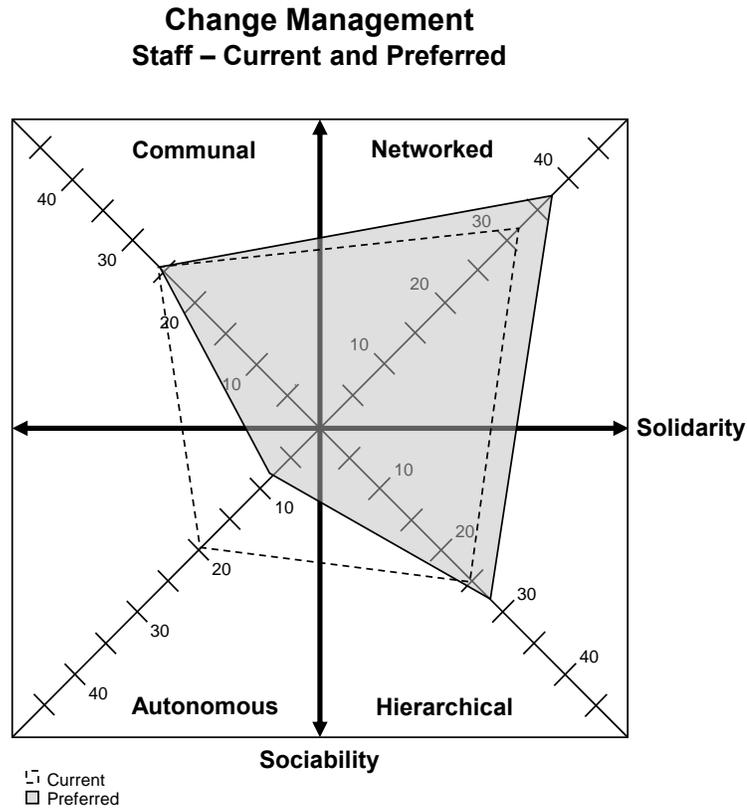


Table 21 shows another difference in how the staff members' perceptions differ with those of the judges. While the staff feels the court's change management status is that of a networked court, the judges felt that the court was more autonomous, although they preferred to be more hierarchical. Staff members felt that the court was networked, but preferred to be networked to a greater degree.

Table 22 – Courthouse Leadership Current / Preferred

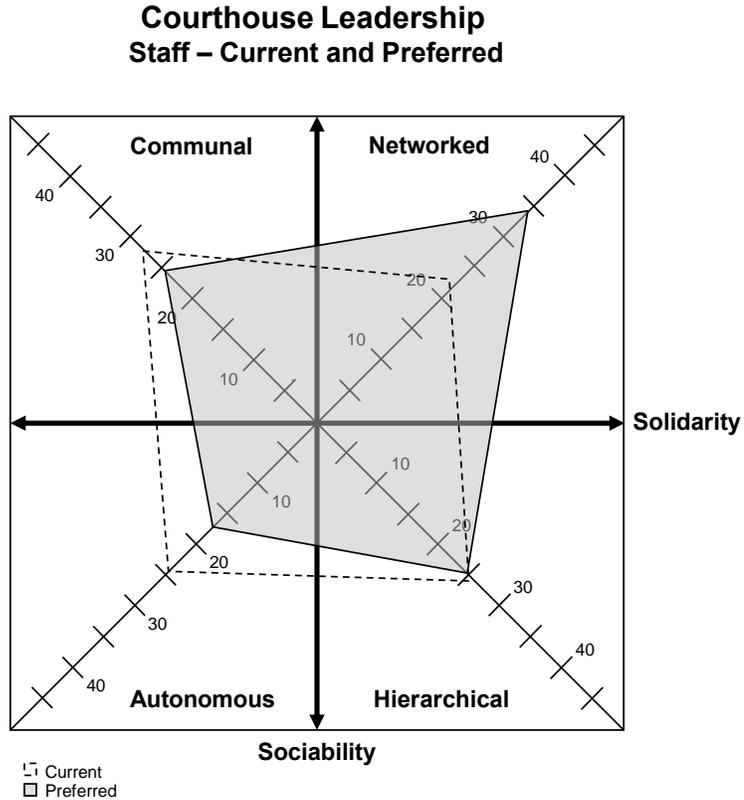


Table 22 shows the staff feels the courthouse leadership style is communal, but they preferred a future state of being networked. The judges felt that the court was networked and their preferred state was to remain a networked.

Conclusions and Recommendations

CourTools Measure 2, Clearance Rates, indicated that the court is falling farther and farther behind in case dispositions. There is not much consistency in the number of cases filings versus the number of case dispositions, rather there is a great deal of fluctuation indicated by the peaks and valleys in Table 11. However, there were more months where the number of cases

filed exceeded the number of cases disposed, resulting in a low clearance rate. This trend is easily seen when trend lines were applied to the table. As the year progressed, the clearance rate continued to drop and the distance between the trend lines widened.

In addition, CourTools Measure 3, Time to Disposition, indicates the court does a good job of disposing of many cases early. However, when reviewing the data, many of the cases that were closed within 30 days involved warrants being issued or other service-related factors. This number also included cases which were re-opened for administrative action and cases where motions to revoke community control sanctions (probation) were filed and disposed of.

Under the Ohio Rules of Superintendence, felony cases are to be disposed of within six months from the date of service. In Morrow County's Court of Common Pleas, 41.31 percent of all of the criminal cases disposed of were beyond time guidelines. Furthermore, 91 of the cases which had been disposed of had been pending for more than one year.

CourTools Measure 4, Age of Active Pending Caseload, revealed that 38 percent of the active pending criminal cases were beyond established time guidelines.

The CourTools Measures clearly indicate that the Morrow County Court of Common Pleas, Criminal Division has a caseload management problem, but these findings are only a symptom.

A review of the Trial Court Self Assessment Questionnaire, reveals that two of the questions returned negative answers consistently. Judges and staff both recognized that there are many pending cases beyond guidelines and that scheduling is not done in a consistent manner. The court has had problems for many years with scheduling cases and too frequently conflicts between judges, attorneys and courtroom availability arise. During the time of this study, scheduling was done manually, using a calendar book. Cases were scheduled first and later

entered into a computer system to cross-check for conflicts. The remaining answers on the questionnaire were generally positive and reveal that the vast majority of the individuals questioned agree that court has had adopted time standards and that there is a willingness to manage the caseload.

Because there is a high degree of willingness to change and a positive environment in which to express ideas, it is interesting that such a backlog exists and that the delay in case disposition has been allowed to continue in the manner that it has.

While the court culture research does not indicate the reason for a caseflow management problem, it shows that there is a difference between what the staff and the judges feel must be done to improve it. The greatest disparity between the judicial officers and staff is in the case management measure. The judges desire a future state which is networked in nature, while the staff would like to see a vastly more hierarchical court.

The judges would like to be facilitators who assume a portion of the responsibility of case management. Conversely, the staff is waiting for a leader to emerge in case management, and they are looking to the judges to take on that role, demanding compliance with case management rules.

Recommendations

The following recommendations are specific for the Morrow County Court of Common Pleas and are meant to be a guideline to address case disposition delay.

Recommendation 1: The Morrow County judges must take an active role in caseflow management.

Judges must become the champions of caseflow management. Judges have more authority than any other officer of the court and can choose to exercise that authority to improve

timely disposition of justice. Officers of the court are the leaders of the judiciary. The court must adopt a firm continuance policy, time standards and a means for holding parties who are not prepared for court accountable. While the judicial system in Morrow County may be small, there is no reason that attorneys and prosecutors should not be prepared to move cases forward.

According to the American Bar Association's Standard 2.50;

“ From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery and court events is unacceptable and should be eliminated.”

Judges must create a culture where there is an expectation that attorneys, prosecutors and litigants know that meaningful events will occur when the events are scheduled. The judiciary must control the pass of litigation. If the court does not, the attorneys and the litigants will and the judiciary will not be in control of its own functions. Further, each scheduled hearing must result in an action which moves each case closer to disposition. The court in January 2007 added a second all division judge. Adding the judgeship has not reduced the delay that is experienced in the criminal division.

While judges must set aside the time for the various functions of the court and individual cases, staff and administrative duties should not be micromanaged. This practice reduces the amount of time judges can devote to deciding cases. Judges should trust their support staff to make decisions about day-to-day operations, policy writing and program monitoring.

Recommendation 2: The Morrow County Court of Common Pleas must implement a differentiated case management in order to comply with the Ohio Rules of Superintendence.

Abraham Lincoln said that “the dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew.”

Change can be difficult. Court leaders must have stalwart resolve to weather the storm of change. The Morrow County Court of Common Pleas must implement differentiated case management in order to comply with the Ohio Rules of Superintendence. Such a change would be drastic for this small court where the key players' lives intersect on many professional and personal levels. Proposed changes are likely to be met with monumental resistance, especially since such a change would require a complete overhaul of the current system. Exemplary leadership which anticipates resistance, yet continues to lead with quiet, steadfast confidence, is vital.

The court, not attorneys, must control the pace of litigation. Adopting a DCM system would result in a reduction of case backlog and time to disposition within the Morrow County Court of Common Pleas.

This effort will be difficult to implement because it requires drastic changes from the court, defense attorneys and prosecution. Significant reluctance can be anticipated, even though the court is not in compliance with the Rules of Superintendence. The judiciary must establish systems which are in the best interest of the public to allow for fair but expeditious justice. A busy court is not necessarily accomplishing its goals, being effective, or serving the best interests of the public. If the court assumes the responsibility for the timely and efficient administration of justice, public trust and confidence can be expected to grow.

Caseflow management should be goal-oriented and a DCM system should provide equal treatment of all litigants. Timely dispositions should never override the individual circumstances of specific cases simply in the interest of speed.

The court should do everything possible to reduce delay beginning at the commencement of litigation all the way through to the resolution. Time other than what is reasonable for pleadings, discovery or court events should be eliminated (American Bar Association, 2004).

It is imperative that the court understands that while the judiciary is an institution established by the Constitution of the United States of America, the court serves the people. Some courts may lose sight of why they were established. As early as 1612, King James I, recognized that laws were founded upon reason and that others, beside judges, have reason. Courts must establish meaningful systems which are reasonable to the average citizen.

Public trust and confidence is paramount as relates to judiciary (National Association for Court Management, 2004). Courts get their power from societies which believe and trust in them. If courts cannot be trusted to handle the affairs brought before them in a timely manner, people will lose faith in them.

Judiciary delays cannot be ascribed to court size, caseload, case mix or trial rate. Adding additional court resources or more judges may not necessarily reduce delay. Only through procedural and rule changes backed by committed leaders can case management be improved. Court leaders must have a long-term commitment to actively manage the pace of litigation (Institute for Court Management, 2008)

One of the keys to effective judicial leadership is vision. Judges who have passion and a vision for the future will inspire others in the judiciary to work toward common goals. The court must create meaningful case events and manage the time which is between each event. It must be long enough to allow for preparation, but also short enough to encourage preparation. The judges must understand the early work of Earnest Friesen and the Institute of Court Management;

1. The court must take early control of cases
2. The court must continually control the pace of litigation
3. Cases must be maintained on a short schedule
4. There must be an expectation that events will occur when they are scheduled
5. Continuances must be

Recommendation 3: For a system such as this to be effective, analytical data must be monitored and shared with the judiciary and various judicial partners.

For a system such as this to be effective, analytical data must be monitored and shared with the judiciary and various judicial partners. Clearance rates are one of the easiest ways to measure case management. By tracking clearance rates it is possible to determine whether there is a backlog of cases within a court system. It is also necessary to monitor the age of the pending case load. This assessment also assists in predicting how long it takes for specific cases to proceed through the court system.

Lastly, the court should know how long it takes for cases to process through the system from the time of filing to the time of disposition. By looking at a specific block of time, the court can determine how long it took to dispose of all of the cases which were closed during that period. This reveals how well the court is processing cases. There have been studies done to determine the effectiveness of the implementation of differentiated case management systems. One study completed in 1990 (Henderson, Munsterman & Tobin) determined that DCMs reduce the number of cases and their time to disposition; that they substantially reduce the number of cases exceeding time guidelines; that they increase certainty in scheduling and that participant satisfaction in courts with DCM was highly favorable. All of these factors would be of great benefit to Morrow County.

Recommendation 4: The judicial leadership must define the mission and vision for the Morrow County Court of Common Pleas

The judges and key leadership of the Morrow County Common Pleas Court must identify the preferred future state of the court. This vision must be communicated clearly to the other employees of the court, judicial partners, county administration and the public.

Research indicates that all courts, including Morrow County's, can operate efficiently. Competent judicial leadership can promote its vision, sometimes with words and sometimes through rich nonverbal or symbolic forms of communication (Kouzes & Posner, 2006).

The cornerstone of successfully inspiring a willingness to change is to first identify why it is necessary. Judicial leadership should be prepared to outline how proposed changes will positively affect the public as well as members of the judiciary.

As Benjamin Franklin stated, repeatedly doing things the same way yet expecting different results is the definition of insanity. There is a wealth of institutional knowledge available to help court officials through the implementation phase. People almost always prefer to participate in change, rather than being subjected to it. Using empirical data to support the evolution of the court while clearly illustrating the desired outcome can help people overcome any fear they might experience in favor of having a role in a new beginning.

Recommendation 5: The judicial team, comprised of the judicial officers, court administration, assignment commission and the other employees must adopt a philosophy of change and lead by example.

As the primary leaders, judges must be fully committed to what is in the best interest of both the court and the public. Alterations to current policies should be presented by leaders who

are convinced of their value and can articulate their benefits clearly. Convincing leadership will inspire others.

The judicial team, comprised of the judicial officers and the court employees will need to lead by example. A disturbing trend in the Morrow County Common Pleas Court is that it rarely operates on time. Attorneys are late, judicial officers fail to show up on time or litigants fail to appear. There are variables that the court cannot control; however, the court should demonstrate that it can hear cases at the scheduled time.

The court must take a firm stand against barriers to timeliness which it can control. This may include reducing the number of scheduled events to provide more time to complete events within scheduled time frames. Judicial officers should also refrain from unnecessary conversation about unrelated topics during pretrial conferences or hearings. This will help the court stay on time throughout the day.

By demonstrating commitment to begin events when they are scheduled, the court sends a message to litigants, court officers, staff and the public that their time is valuable and that the judicial atmosphere is one of professionalism and efficiency.

If the court expects to facilitate change, it must be willing to hold itself accountable. If the court atmosphere is such that parties consistently show up late for scheduled events, the result will be that attorneys and litigants will continue to show up late. However, if the culture or expectation changes to represent that the court will begin and end on time, the results should be that the judicial partners will be ready to begin on times. Courts should “begin with the end in mind” (Covey, 2004, p. 32).

It is of vital importance that attorneys understand why rule changes are necessary, not solely from a rule of law point of view, but from the practical human side as well. Involving

attorneys from the beginning, through a series of meetings in which they are encouraged to participate, will provide an opportunity for the idea of change to “grow on them” gradually. The first meeting should explain why the court cannot continue to operate as it has in the past. After attorneys understand why the court must adapt to the current environment, their input can contribute to making changes as seamless as possible.

While the government of United States is comprised of three distinct and separate branches of government, it is only the Judicial Branch who serves the public directly. Government was designed as government of the people, by the people, for the people (Lincoln, 1863). Courts have the responsibility to change to serve the people. What worked 20 years ago simply will not work in today's courtroom. Laws change, sentencing structure changes, and the roles and responsibilities of courts have changed over the last quarter of a century.

There should never be a time that courts are not trying to determine what will better serve the public. Self-assessment is an invaluable tool for courts.

Recommendation 6: Court leadership must be willing to evaluate current systems and challenge them to make improvements or enhancements.

The Morrow County Court of Common Pleas should identify innovative ways to continue introducing change to its unique environment. Even after an overhaul of the case management system, the process will need to be challenged and explored to produce further benefits.

The process of implementing a positive case management system is one of the most comprehensive and difficult changes that a court can make. People such as the assignment commissioner, assistants to the judges, attorneys, bailiffs, deputy clerks and probation

officers will need to be encouraged and reminded of the vision.

Judicial officers must be willing to allow synergy to develop, take over and to build on divergent strengths. This is also a time to leverage creative collaboration and embrace innovation by permitting individual employees to act to be part of a successful team. The result of everyone working together in a positive manner will result in a process which would exceed the sum of what each individual member could achieve on his or her own (Covey, 2004, p. 262).

This practice will build employee trust and confidence. Many people are not given the authority to exercise discretion and creativity. Employees who are confident and who trust their leadership will develop honest communication styles and become loyal, motivated partners. Individuals who are allowed to make decisions and learn from their mistakes are likely to invest themselves in the process of change and ongoing self-assessments.

The adage that it is better to make a decision based on current information and be wrong, rather than make no decision at all, applies.

Recommendation 7: The court must develop a compressive system that evaluates and controls the number of continuances which are granted.

Continuances should only be granted following the filing of a written motion with a memorandum indicating the basis for such request or by oral motion in court with opposing counsel or parties present. Furthermore, continuances should only be granted for good cause. Written motions for continuances should bear the signature of the client moving for the continuance, which will serve as acknowledgment and agreement for the filing. This will ensure that all parties know who is initiating the continuance. No case should be continued on the date of hearing except for good cause shown. As long as there are no time issues concerning the case, the motion may be granted

without hearing, so long as the opposing counsel or the opposing party does not object and consents to the continuance. However, the moving party should be obligated to obtain a new date and time for the matter to be heard, which shall clear the court's calendar as well as the calendars of all other attorneys and parties to the action. The burden shall be upon the moving party to be certain that this is done in a proper manner. Oral motions could be made in situations where they are justified. If the opposing counsel or parties do not consent to the continuance, then the matter must be set for hearing on the motion before the court as soon as possible after the filing of the motion. The court should not approve continuances based solely on the agreement of prosecution and counsel.

Failure to manage continuances can exponentially increase the workload of staff. When a continuance for a hearing is granted, staff members are required to complete work that has already been completed previously. This can be extremely discouraging for staff and can lead to job dissatisfaction and dissatisfaction in the judiciary.

Recommendation 8: The court must adopt a policy where scheduling of events is done in a comprehensive manner.

The court must adopt a policy where all of scheduling done in a comprehensive manner. Judges need to have time to work in the courtroom and cannot have too many cases set before them. There must be a healthy balance between having too many events scheduled and not enough.

The court should use the computer system as a means to prevent double-booking of attorneys, judges and courtrooms. The computer will take into consideration the variables of scheduling. If the computer system cannot take into account all of the variables in a user-friendly manner, the court will need to acquire technology to simplify scheduling.

Given the unique nature of a small criminal defense bar, an integrated system which takes into account the availability of the attorneys would be preferable. Whether this system is built upon the existence of the current calendaring system or if another application should be sought is

up to the discretion of the court. An application such as Microsoft SharePoint Server 2007, could be utilized as an integrated calendaring system.

Lastly, the court should consider whether additional training for the current assignment commissioner would be beneficial. The current assignment commissioner has been at the court for many years and has not had sufficient opportunity to see how business is conducted in other courts. Adopting a policy and procedure outlining how cases are to be scheduled should also be considered. The assignment commissioner should have significant input on the policy. However, the judges should take an active role in developing this procedure and its enforcement.

Recommendation 9: The court should explore the possibility of implementing a policy that trials are not scheduled until all attempts at disposition are exhausted.

The court currently sets dates after the first or second pretrial and uses the trial date as a means to dispose of cases; however, less than one half of one percent of all of the criminal cases is disposed of by jury trial. Therefore, much effort and work is expended on calling jurors for a trial that in most cases will not happen. Trial dates should not be set until very late in the life of the case and only when all attempts at disposition have been explored and exhausted. This in conjunction with a change in culture, judicial leadership must create an expectation that trials will occur only when a trial is necessary to dispose of case. When attorneys and litigants are faced with the realization that the case must proceed to a jury trial, there should be an expectation that the trial will occur.

Every scheduled event should be utilized to dispose of cases. Attorneys must be prepared at all points to dispose of the case.

Recommendation 10: Trial/plea cut off dates should be implemented in order to reduce jury costs and establish a firm trial calendar.

Trials are expensive, yet necessary when they occur. National research indicates that less than 5 percent criminal cases are disposed of by jury trials. In the Morrow County Court of Common Pleas, trials are scheduled to begin on Mondays. Often the cases scheduled to begin trial wait until the Friday prior to the trial date to accept a plea offering. This is a tremendous waste of time and resources.

The court should implement a plea cutoff date policy. Twenty one days prior to the trial date a conference should be held to determine whether or not a resolution to the case can be reached. If a case can be resolved, the case will be removed from the trial calendar and the case would be set for a change of plea hearing and/or sentencing. This will reduce the number of cases set on a given Monday and will keep cases from being stacked for trial.

If a resolution for the case cannot be reached the attorneys and litigants will be informed that there will be no further negotiations and the case will proceed to trial. After the plea cutoff date has passed the litigant can only avoid trial by entering a plea on the original indictment. Judges will need to firmly apply the policy as attorneys will realize that if the policy is not followed, they will control the pace of litigation.

Recommendation 12: The court should develop a plan to manage the existing backlog.

While changes to caseflow management policy will have an impact on how cases are managed, the court will have to take measures to manage the existing backlog of cases. Ideally the court could establish a settlement week or “slaughter call” of cases beyond by time guidelines. It may be necessary for the court to approach the OSC as a means to secure the necessary judicial officers in order to dispose of the cases. Once identified, the litigants and

attorneys must be served a notice to appear for a pretrial conference. The conference would be used to identify the issues which have caused the case to be delayed and to define what the next steps of the case will be. All of the necessary events will be scheduled with firm dates. If cases are ready to proceed they will be put on the trial calendar and the plea cutoff policy will apply.

DCM Proposal

This proposal is specific for the Criminal Division of the Morrow County Court of Common Pleas, based on statistical analysis, which demands immediate attention. Additional DCM systems can be implemented for other dockets with relative ease after the criminal system is established.

The framework for a case management system has already been provided by the Ohio General Assembly in Senate Bill 2. If all judicial partners can agree on the sentencing presumptions of the law, cases can move along different tracks based upon their filings.

The appeal of differentiated case management is that it can contribute to increased productivity without sacrificing quality. The Morrow County Court of Common Pleas DCM system should consist of three tracks. These tracks will be termed Basic, Standard, and Complex.

Definitions:

Basic Track: Will consist of cases which are Fourth and Fifth Degree Felonies as identified below.

Vandalism, Breaking and Entering, Theft, Passing Bad Checks, Receiving Stolen Property, Inducing Panic, Felony Non-Support, Domestic Violence, Possession of Drugs, Drug Abuse, DUI, Failure to Register as a Sex Offender, Illegal Processing of Drug Documents, Deception to Obtain Dangerous Drugs, Fleeing and Eluding, Unauthorized Use of the Motor Vehicle, or any other offense which would not require significant court oversight.

Standard Track: Will consist of cases which are Third and Fourth Degree Felonies.

Felonious Assault, Unlawful Sexual Contact with a Minor, Gross Sexual Imposition, Safecracking, Burglary, Intimidation, Perjury, Escape, Failure to Comply with a Lawful Order, or any case which is deemed to require more court oversight

Complex Track: Will consist of cases which are First and Second Degree Felonies.

Murder, Aggravated Murder, Rape, Attempted Rape, Burglary, or any other case which will require significant oversight by the court and require considerable amount of court docket time.

Basic Track Guideline

- Case is indicted as Fourth or Fifth Degree Felony
- Case is set for Arraignment
- Arraignment Held
- Defense counsel appointed

If defense counsel is unavailable the case is rescheduled for the next arraignment date

At arraignment, if /when defense counsel is available, defense will be made aware of DCM Track, further; defense will request “Open File Discovery”, which will be supplied to the extent possible by the prosecutor. The prosecutor will also provide to Defense Counsel the “best deal” that will be offered, if it has been determined by the Prosecutor to offer a negotiated plea.

The case will recess to provide time for the defense counsel to confer with the defendant.

Once the information is reviewed the defendant will be required to enter a plea of guilty or not guilty

If a plea of not guilty is entered the following should occur:

- A pre-dispositional conference will be held within sixty(60) days from the date of arraignment.

- The expectation will be that all pertinent discovery will be completed fourteen (14) days prior to the pre-dispositional conference.
- All motions will be required to be submitted prior to the pre-dispositional conference date
- All negotiations will be made in an attempt to move the matter to disposition.

If there is no agreement, the case will immediately be set for trial within sixty (60) days. The case will then proceed to trial. If an agreement is reached prior to the trial date, the Supplemental Arraignment/Change of Plea Hearing will be set at the earliest possible time (no later than three weeks after the agreement is reached) The case will be referred for Presentence Sentence Investigation and set approximately six (6) weeks from the Supplemental Arraignment date.

- Defendant is sentenced and the case is disposed of within four to six months.

Standard Track Guideline

- Case is indicted as a Third or Fourth Degree Felony
- Case is set for Arraignment
- Arraignment Held
- Defense counsel appointed

If defense counsel is unavailable the case is rescheduled for the next arraignment date

At arraignment, if /when defense counsel is available, defense will be made aware of DCM Track, further, defense will request “Open File Discovery “, which will be supplied to the extent possible by the prosecutor. The prosecutor will also provide to Defense Counsel the “best deal” that will be offered, if it has been determined by the Prosecutor to offer a negotiated plea.

The case will recess to provide time for the defense counsel to confer with the defendant.

Once the information is reviewed the defendant will be required to enter a plea of guilty or not guilty

If a plea of not guilty is entered the following shall occur:

- Pre dispositional conference is scheduled at approximately 60 days, the expectation will be that all pertinent discovery will be completed fourteen (14) days prior to the pre-dispositional conference.
- If necessary, after the predispositional conference, a motion hearing will be scheduled at approximately 45 days.
- A second predispositional conference will be scheduled at approximately 60 days after the motion hearing; all pending decisions shall be rendered prior to the pretrial conference and submitted to the attorneys with time to review the decisions. This will ensure that this conference is a meaningful event. If an agreement has not been reached at this point; the matter will be immediately set for trial

The trial date will be within 45-60 days of the second predispositional conference.

If an agreement is reached prior to the trial date, the Supplemental Arraignment/Change of Plea Hearing will be set at the earliest possible time (no later than three weeks after the agreement is reached) The case will be referred for Presentence Sentence Investigation and set approximately six (6) weeks from the Supplemental Arraignment date.

- Defendant is sentenced and the case is disposed of within six to nine months.

Complex Track Guideline

- Case is indicted as a First or Second Degree Felony
- Case is set for Arraignment
- Arraignment Held

- Defense counsel appointed

If defense counsel is unavailable the case is rescheduled for the next arraignment date

At arraignment, if /when defense counsel is available, DCM defense will be made aware of DCM Track, further, defense will request “Open File Discovery “, which will be supplied to the extent possible by the prosecutor. The prosecutor will also provide to Defense Counsel the “best deal” that will be offered.

The case will recess to provide time for the defense counsel to confer with the defendant.

Once the information is reviewed the defendant will be required to enter a plea of guilty or not guilty. If a plea of not guilty is entered the following shall occur:

- Pre dispositional conference is scheduled at approximately 60 days, the expectation will be that all pertinent discovery will be completed fourteen (14) days prior to the pre-dispositional conference.
- After the predispositional conference, a motion hearing will be scheduled at approximately 45 days later..
- A second pre-dispositional conference will be set 30 days after the motion hearing. All decisions relating to the motion hearing shall be rendered prior to the conference.
- A second motion hearing will be scheduled approximately 45 days after the second predispositional conference. This will allow the parties to continue to move to disposition, while maintaining a tight calendar on the proceedings.
- A final predispositional conference will be scheduled 60 days after the second motion hearing. If the matter cannot be resolved at this point, a trial date will be immediately established approximately 60 days from the conference.

If an agreement is reached prior to the trial date, the Supplemental Arraignment/Change of Plea Hearing will be set at the earliest possible time (no later than three weeks after the agreement is reached) The case will be referred for Presentence Sentence Investigation and set approximately six (6) weeks from the Supplemental Arraignment date.

- Defendant is sentenced and the case is disposed of within 9 months to 1 year.

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Appendix

Appendix A – CourTools Measure 2 – Clearance Rates

Clearance Rates

Measure 2

Definition: The number of outgoing cases as a percentage of the number of incoming cases.

Purpose: Clearance rate measures whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, a backlog of cases awaiting disposition will grow. This measure is a single number that can be compared within the court for any and all case types, from month to month and year to year, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements may be made. Courts should aspire to clear (i.e., dispose of) at least as many cases as have been filed/reopened/reactivated in a period by having a clearance rate of 100 percent or higher.

Method: Computing a clearance rate requires a count of incoming cases and outgoing cases during a given time period (e.g., year, quarter, or month).

Step 1

Incoming cases are summed using three kinds of cases: *New Filings*, *Reopened* cases, and *Reactivated* cases. If *Reopened* and *Reactivated* cases cannot be counted, just use *New Filings*.

Sum incoming cases	New Filings	812
	Reopened Cases	+ 162
	Reactivated Cases	+ 109
	Total Incoming Cases	= 1,083

Step 2

Outgoing cases are summed by using three kinds of dispositions: *Entry of Judgment*, *Reopened Dispositions*, and *Placed on Inactive Status*. If *Reopened Dispositions* and *Placed on Inactive Status* cases cannot be counted, just use *Entry of Judgment* cases.

Sum outgoing cases	Entry of Judgment	684
	Reopened Disposition	+ 137
	Placed on Inactive Status	+ 92
	Total Outgoing Cases	= 913

Step 3

The clearance rate is calculated by dividing the result of Step 2 by the result of Step 1.

Calculate clearance rate	$913 \div 1,083 = 84\%$
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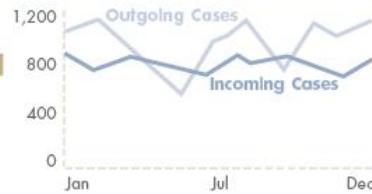




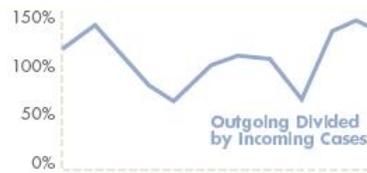
Analysis and Interpretation

The process...

Plot incoming and outgoing cases over time



Calculate a clearance rate



	Outgoing	+	Incoming	=	Clearance Rate
Apr	855	+	843	=	101%
May	734	+	825	=	89%
June	635	+	774	=	82%
July	1,016	+	965	=	105%

partial data shown

Set a clearance rate goal



Monitor, analyze, take action



Clearance Rates

Measure **2**

This chart shows clearance rates for two case types (Civil and Criminal) for six months. The Civil clearance rate was above the target level of 100 percent at the beginning of this period. However, the Criminal clearance rate was falling significantly below the target level. The court implemented new caseload management practices and redirected resources from the Civil calendar to the Criminal calendar to improve Criminal case processing. The chart shows that the Criminal clearance rate improved. By the end of the six-month period, the clearance rates for the two case types were in balance. Clearance rate data allow the court to see whether its caseload management changes had the desired effect.



Further analysis shows how clearance rates can be compared on an annual basis to assess the impact of new policies. For example, highlighting districts that reach a clearance rate target allows court managers to assess the effectiveness of caseload management practices across court divisions, court locations, or courtroom by courtroom.

District	Criminal Cases	Above 100%	Civil Cases	Above 100%
District 1	87%		103%	X
District 2	105%	X	92%	
District 3	93%		102%	X
District 4	90%		101%	X
District 5	107%	X	83%	

Three years of data provides a more representative picture of clearance rate trends by smoothing yearly fluctuations.

District	2002	2003	2004	3-Year Average
District 3	105%	114%	99%	106%
District 2	106%	100%	101%	102%
District 1	100%	99%	97%	99%
District 4	99%	98%	95%	97%
District 5	96%	90%	89%	91%



Terms You Need to Know

Entry of Judgment: A count of cases for which an original entry of judgment—the court’s final determination of the rights and obligations of the parties to a case—has been filed. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

New Filing: A count of cases that have been filed with the court for the first time.

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court’s active pending caseload.

Reactivated: A count of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Reopened: A count of cases in which judgments have previously been entered but which have been restored to the court’s pending caseload due to the filing of a request to modify or enforce the existing judgments. When a Reopened Case is disposed of, report the disposition as a Reopened Disposition.

Reopened Disposition: A count of cases that were disposed of by a modification to, and/or enforcement of, the original judgment of the court. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

For a full discussion of these definitions, see the *State Court Guide to Statistical Reporting*, available at: www.ncsconline.org/d_research/statistical_reporting.



Appendix B – CourTools Measure 3 – Time to Disposition

CourTools

Trial Court Performance Measures

National Center for State Courts

Time to Disposition

Measure 3



CourTools

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185
800-468-3083

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copies and updates at
www.courttools.org

Definition: The percentage of cases disposed or otherwise resolved within established time frames.

Purpose: This measure, used in conjunction with *Measure 2 Clearance Rates* and *Measure 4 Age of Active Pending Caseload*, is a fundamental management tool that assesses the length of time it takes a court to process cases. It compares a court's performance with local, state, or national guidelines for timely case processing. When the underlying data conform to the *State Court Guide to Statistical Reporting*, the measure takes into account periods of inactivity beyond the court control (e.g., absconded defendants, cases suspended pending decision on an appeal) and provides a framework for meaningful measurement across all case types.

The case processing time standards published by the American Bar Association (ABA) and those published by the Conference of State Court Administrators (COSCA) provide a starting point for determining guidelines. Many states and individual courts have adopted their own guidelines, and certain case types (e.g., juvenile) have been the focus of more detailed guidelines by a variety of organizations. Courts should take note of existing guidelines and rules of court in their jurisdiction when developing their own guidelines for each case type.

COSCA Case Processing Standards

Civil

- Non-Jury Trial – 100% within 12 months
- Jury Trial – 100% within 18 months

Criminal

- Felony – 100% within 180 days
- Misdemeanor – 100% within 90 days

Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
 - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
 - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

Domestic

- Uncontested – 100% within 3 months
- Contested – 100% within 6 months

ABA Case Processing Standards

Civil

- 90% within 12 months
- 98% within 18 months
- 100% within 24 months

Criminal

- Felony
 - 90% within 120 days
 - 98% within 180 days
 - 100% within 1 year
- Misdemeanor
 - 90% within 30 days
 - 100% within 90 days

Juvenile

- Detention and Shelter Hearings – 100% 24 hours
- Adjudicatory or Transfer Hearings
 - Concerning a juvenile in a detention or shelter facility – 100% within 15 days
 - Concerning a juvenile not in a detention or shelter facility – 100% within 30 days

Domestic

- 90% within 3 months
- 98% within 6 months
- 100% within 1 year

Source: National Center for State Courts Web site, www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf.

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Method: This measure should be reviewed on a regular (e.g., monthly, quarterly, annual) basis. If reviewed regularly, the court can observe trends as they develop, then aggregate the data for annual reporting.

For each case type, the first task is to compile a list of all cases that were disposed or otherwise resolved during the reporting period. For the purpose of this measure, "disposed or otherwise resolved" is defined as having had an *Entry of Judgment*. If the data for the measure are not available in automated form, and data collection requires manual review of case files, then the measure will likely need to be taken on an annual basis. Sampling is an option in courts where case volumes are high.

Sampling

This measure should be calculated for all cases disposed or otherwise resolved during the reporting period. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires: a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling where only the first case is randomly selected and then every *n*th case from a list is selected for the sample, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3000/300=10$).

Which Cases Are Included?

There are two kinds of cases for which the time to disposition can be computed. The first are typical cases that move through the system without interruption. When these cases are disposed or otherwise resolved by *Entry of Judgment* during the reporting period, they should be counted. The filing dates for these cases will vary, but what qualifies them for inclusion is the fact that the disposition dates all fall within the reporting period (e.g., the calendar year).

The second kind are cases that had their progress interrupted and underwent a period of inactivity, but were *Reopened* or *Reactivated* by the court and disposed of during the reporting period. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes and is disposed. Another example is a criminal case in which the defendant absconds after the case was filed. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case resumes and is disposed.

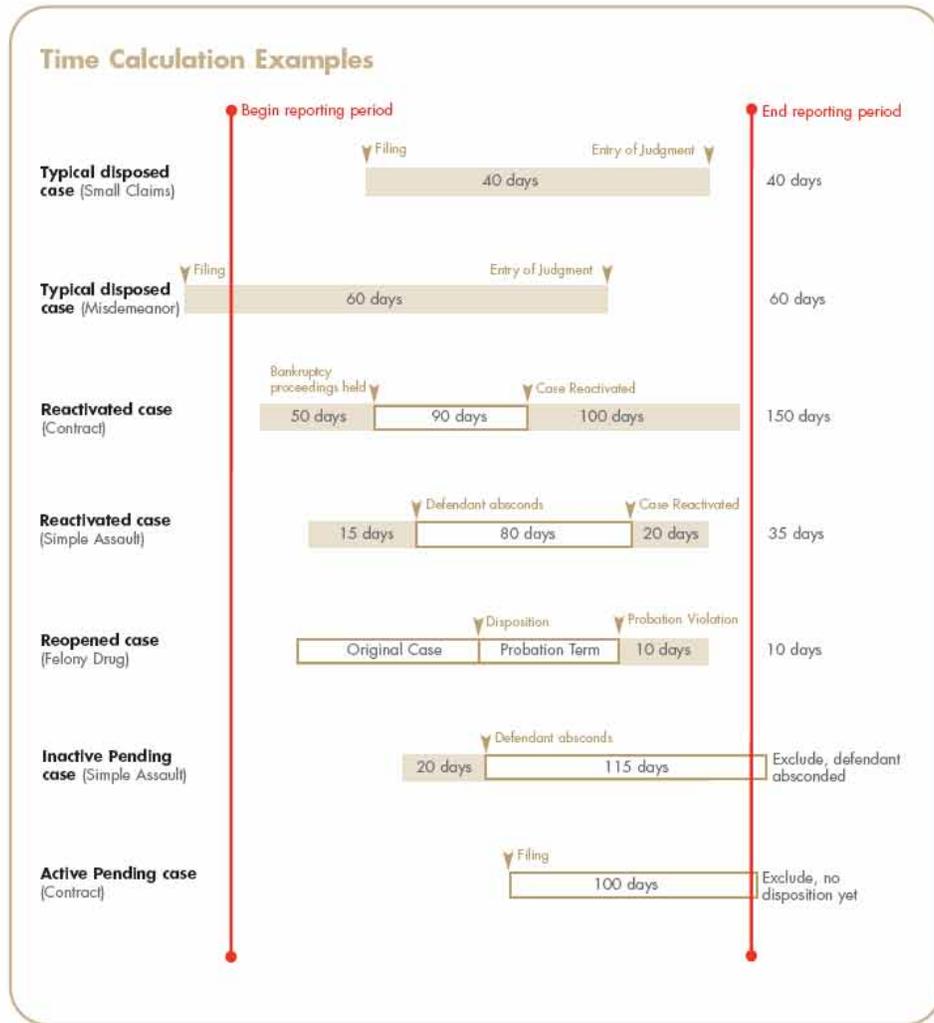
Cases in which judgment was previously entered but which have been *Reopened* due to a request to modify or enforce existing judgments are also included. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case. In juvenile cases, a case might be reopened due to violation of probation, or due to failure of parents to comply with a court order. When these *Reopened* cases are disposed during the reporting period, they should be included in this measure. In all these examples, the time that is counted starts when the case is reopened, not with the date of the original filing.

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Cases that are in an official period of inactivity at the end of the reporting period should *not* be included in this measure. As this type of case is considered to be among the court's *Inactive Pending* cases at the end of the reporting period (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this), they should be excluded from the analysis. *Active Pending* cases are excluded from analysis, since no disposition has been reached.

Time Calculation Examples





Time to Disposition

Measure **3**

Analysis and Interpretation

Superior Court

Division	Percentage of Cases Disposed				Number of Days	
	180 days		365 days		Mean	Median
	Current	Goal	Current	Goal		
Criminal	70%	98%	97%	100%	170	121
Civil	82%	na	95%	90%	151	93
Domestic	90%	98%	92%	100%	158	105

This table summarizes time to disposition in one court across three case types. The court is almost meeting its 365-day standard in criminal cases, exceeding its 365-day standard in civil cases, and lagging behind in domestic cases. The court should examine criminal caseload management in the first 180 days, the period in which the court is furthest from its goal.

Time to Disposition in Felony Cases-100% at 365-Day Time Standard



This court has adopted the ABA standard for felony cases. The court was steadily improving, and nearly met this goal in June, but in the months following, time to disposition increased. The court needs to examine what happened in July and October to determine the source of the periodic drops in performance.

Comparing Time to Disposition in Civil and Criminal Cases (using a 365-Day Time Standard)

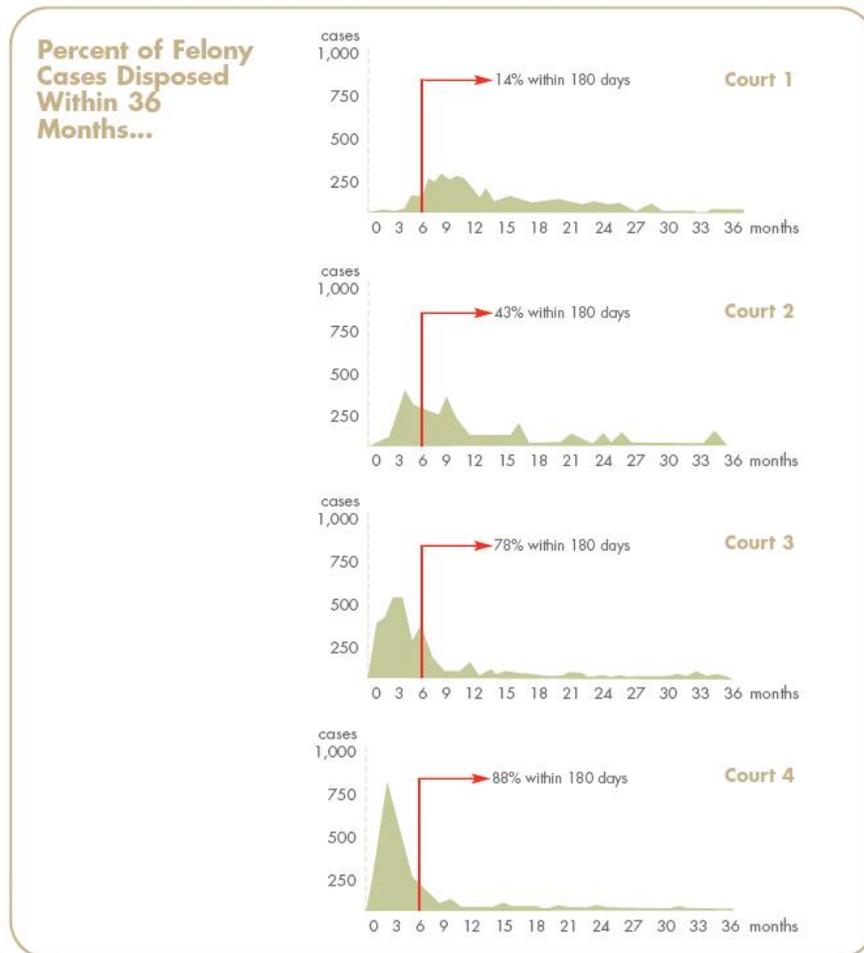


Increases in the criminal caseload caused the court to shift judicial officers from civil to criminal cases and initiate caseload management improvements in June. Time to disposition for criminal cases did improve, but not without an increase in time to disposition for civil cases.



The graphics here show one way to display time to disposition data for felony cases in four courts. The data show that the vast majority of cases are resolved within six months in the two faster courts, compared to about eighteen months in the two slower courts. The profile of felony case time to disposition in different courts may vary due to the seriousness of the case mix, charging and pleading practices, and the manner of disposition. Of course, differences in time to disposition will also result from variation in court case management practices. Documenting differences in case processing time among courts is the first step in analyzing the reasons for those differences.

For all types of cases, time to disposition is a basic court management tool. Compiling data on the timing of key case events, consistent definition of terms, and distinguishing between active and inactive cases are basic ingredients to understanding and improving caseload management.



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Terms You Need to Know

Active Pending: A count of cases that, at the end of the reporting period, are awaiting disposition.

Entry of Judgment: A count of cases for which an original entry of judgment—the court’s final determination of the rights and obligations of the parties to a case—has been filed. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved.

Mean: The average value of a set of numbers, equal to the sum of all values divided by the number of values.

Median: The middle value in a distribution of numbers. Half of the values will be above this point, half will be below.

Percentile: A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged 120 days represent the 90th percentile of a court’s pending caseload, it means that 90% of those cases are aged 120 days or less. Spreadsheet and statistical software can calculate percentile ranking of data.

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court’s active pending caseload.

Random Sample: A sample chosen that minimizes bias in the selection process. A random sample of case files is typically generated by a computer or selected from a random number table. Systematic samples require a randomly selected starting point, then the taking of every *n*th case, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3,000 \div 300 = 10$).

Reactivated: A count of cases that had previously been placed in an Inactive Pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Reopened: A count of cases in which judgments have previously been entered but which have been restored to the court’s pending caseload due to the filing of a request to modify or enforce the existing judgment.

Reopened Disposition: A count of cases that were disposed of by a modification to and/or enforcement of the original judgment of the court.

Time Standards: An acknowledged measure of comparison, measured as the time (in days) it takes to process a case, from filing to disposition. A time standard is expressed in terms of the percentage of cases that should be resolved within a certain time frame (e.g., 98% within 180 days).



CourTools

Developed by the NCSC Court Performance Community of Practice

Project Directors: Brian J. Ostrom and Daniel J. Hall
Series Editor: Richard Y. Schauffler
Senior Contributors: William E. Hewitt and Iigo Kellitz
Information Design: Neal B. Kauder
Design and Layout: Graphics 3



Appendix C – CourTools Measure 4 – Age of Active Pending Caseload

CourTools

Trial Court Performance Measures

National Center for State Courts

Age of Active Pending Caseload

Measure 4

Definition: The age of the active cases that are pending before the court, measured as the number of days from filing until the time of measurement.

Purpose: Cases filed but not yet disposed make up the court's pending caseload. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this pool of cases potentially requires court action. Examining the age of pending cases makes clear, for example, the number and type of cases drawing near or about to surpass the court's case processing time standards. Once the age spectrum of cases is determined, the court can focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

Method: For each case type being analyzed, the court should produce a report that calculates the time, in days, from filing of the case until the date established for the reporting period being examined (e.g., last day of the month, last day of the year). A report, similar to the one below, can be used to display the age of pending cases in time periods relevant to the court. Success in achieving a particular case processing time goal is easily monitored by referring to the Cumulative Percent column. In the example below, 85 percent of the General Civil cases are being disposed in 540 days or less, close to meeting the court's goal of resolving 90 percent within this timeframe.

Age of Active Pending Caseloads

General Civil				Felony			
Age (days)	Number of Cases	Percent	Cumulative Percent	Age (days)	Number of Cases	Percent	Cumulative Percent
0-90	344	18%	18%	0-60	438	21%	21%
91-180	410	21%	39%	61-120	559	26%	47%
181-270	245	13%	52%	121-180	785	37%	84%
271-365	267	14%	66%	181-240	82	4%	88%
366-450	189	10%	76%	241-300	92	4%	92%
451-540	168	9%	85%	301-365	123	6%	98%
541-630	90	5%	90%	over 365	32	2%	100%
631-730	124	6%	96%				
over 730	76	4%	100%				
Total	1,913			Total	2,111		

Approaches the court's goal of resolving 90% of cases within 18 months.

This measure should be used in conjunction with *Measure 2 Clearance Rates* and *Measure 3 Time to Disposition* to get an accurate picture of how a court is managing its caseload. For example, a court may have a high clearance rate, and score well on Measure 2, yet still be building up an inventory of older cases (evaluated by using Measure 4). This measure differs from *Measure 3 Time to Disposition* in that the cases being analyzed here have not reached a disposition in the court.



CourTools

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185
800-466-3063

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To use this measure accurately, a court must be able to identify and count cases that have been *Placed on Inactive Status*. These are cases that have ceased movement toward a disposition as the result of events beyond the court's control (e.g., a defendant who absconds, the initiation of bankruptcy proceedings, etc.). The ability of a court to track its pending cases will also allow the court to return an *Inactive* case to *Active* status if the case has been *Reactivated*. At the time of measurement, the court should remove *Inactive* cases from the pending inventory because these cases are not directly comparable to *Active* cases and will exaggerate the age of the pending caseload.

This measure should be taken on a regular (e.g., monthly, quarterly, or annual) basis. The measure can be used to report age of the pending caseload for any case type. (Primary case types are defined in the *State Court Guide to Statistical Reporting*.)

Sampling

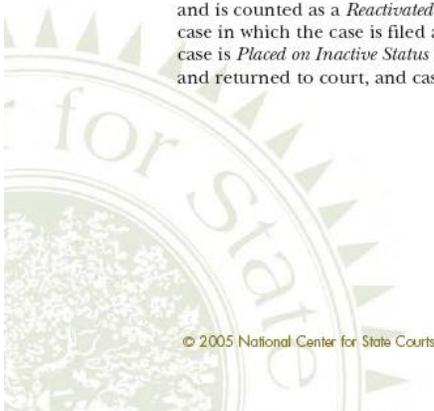
This measure should be calculated for all cases in the Active Pending inventory. However, sampling will be necessary in courts where case volumes are high if a complete report cannot be produced by the case management system. In most instances, a sample of 300 cases will be sufficient. To obtain a random sample requires: a list of all cases in the population, a unique identification number for each case, and a method for selecting cases. A straightforward method is systematic sampling where only the first case is randomly selected and then every *n*th case from a list is selected for the sample, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3000/300=10$).

Which Cases Are Included?

Only *Active Pending* cases are included in this measure, and other cases should be excluded. Rules for counting, as defined in the *State Court Guide to Statistical Reporting*, are summarized below and illustrated in the figure.

The most straightforward cases to count are those that are moving through the system without interruption and are active and pending at the time of measurement.

A second category are cases that had their progress interrupted and underwent a period of inactivity but were *Reactivated* by the court prior to the time of measurement. An example of this is a contract case that is *Placed on Inactive Status* pending the outcome of bankruptcy proceedings. Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, and case is *Reactivated*.





Following those proceedings, the contract case resumes, and is counted as a *Reactivated* case (not as a new filing). Another example is a criminal case in which the case is filed and the defendant absconds for a period of time. The case is *Placed on Inactive Status* during this time, but when the defendant is apprehended and returned to court, the case is *Reactivated*.

A third category are cases in which judgment was previously entered, but which have been *Reopened* due to a request to modify or enforce existing judgments. These cases have been restored to the court's *Active Pending* caseload. For example, the court might grant a motion to consider newly discovered evidence, and thus reopen a case.

A fourth category are cases that should not be included in this measure. These are cases that are in an official period of inactivity at the date of report. As these cases are considered to be among the court's *Inactive Pending* cases (i.e., they are not moving toward disposition for a known and legitimate reason and the court is aware of this) they should be excluded from the analysis.





Age of Active Pending Caseload

Measure 4

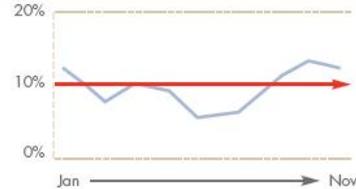
Analysis and Interpretation

The data collected for this measure allow the court to look at cases that are exceeding its time standards. *Measure 3 Time to Disposition* asks, "What percentage of our cases are being processed within our time standards?" *Measure 4* asks, "What percentage of our cases exceed our time standards?" A court may be handling its current caseload, but at the same time have old cases that are lingering on. The top graph indicates that this court is managing its caseload effectively, and at the 180-day mark, the court is close to its goal of having no more than 10 percent of its active cases pending beyond 180 days.

The bottom graph indicates, however, that the court is having a harder time meeting its standard at the 365-day mark. The red line indicates the goal is to have no more than 2 percent of its active caseload pending at 365 days from time of filing. The court is unable to meet this standard.

Identifying specific cases and analyzing their status (e.g., by location, by judge, by type of proceeding) will allow the court to know whether the active pending cases are being appropriately managed. In this example, the court has extracted descriptive information on cases pending beyond 365 days to begin its case-level analysis.

Percent of Cases Pending Beyond 180 days

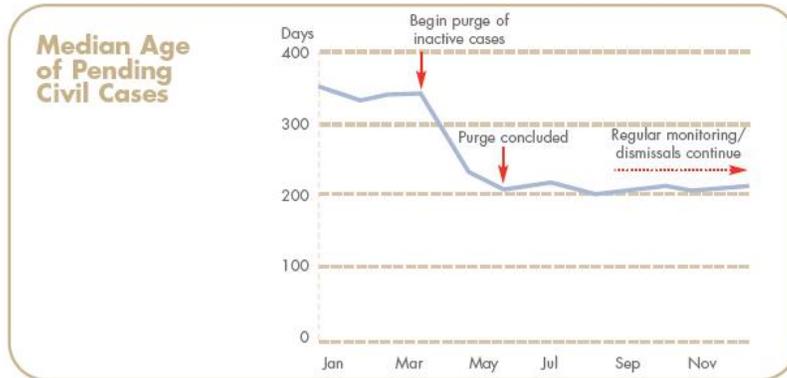


Percent of Cases Pending Beyond 365 days



Focusing on the cases that exceed 365 days...

Case Numbers	Case Type	Age-Days	Next Action	Location	Judge
SC-F-136	Murder	536	Jury Trial	Scott	Jones
SC-F-468	Drug-Sale	382	Motion Hearing	Colton	Smith
SC-F-771	Fraud	439	Bench Trial	Jersey	Kearn



Analysis of the age of the *Active Pending* caseload over time can be used to determine whether caseload management practices are having their intended effects. This figure shows how a court's decision to undertake an intensive program to identify and dispose of stagnant civil cases has caused a noticeable drop in the median age of its pending civil caseload. These stagnant cases appeared to be active cases, but examination of the files and communication with parties revealed the cases had either settled out of court or were no longer being pursued.

Who Sets Time Standards?

The Conference of State Court Administrators (COSCA) and the American Bar Association (ABA) have offered specific time standards for case processing. The question of whether these standards are attainable is an empirical one that remains largely unanswered. Time standards are expressed as the percentage of cases that should be resolved within a certain elapsed period. For example, the ABA offers the following standards:

Civil cases	Domestic cases	Felony cases
90% within 12 months	90% within 3 months	90% within 120 days
98% within 18 months	98% within 6 months	98% within 180 days
100% within 24 months	100% within 12 months	100% within 1 year

Juvenile cases

- Detention & shelter: 100% within 24 hours
- Adjudicatory or transfer (Detention or shelter): 100% within 15 days
- Adjudicatory or transfer (Not in Detention or shelter): 100% within 30 days

Source: National Center for State Courts Web site, www.ncsconline.org/WC/Publications/KIS_CasManCPTSPub.pdf.





Terms You Need to Know

Active Pending: A count of cases that, at the end of the reporting period, are awaiting disposition.

Inactive Pending: A count of cases that, at the end of the reporting period, have been administratively classified as inactive. Such circumstances may be defined by statewide court administrative rule or order.

Percentile: A percentile is a score below which a given percentage of the cases falls. Thus, if cases aged 120 days are in the 90th percentile of a court's pending caseload, it means that 90% of those cases are aged 120 days or less. Spreadsheet and statistical software can calculate percentile ranking of data. The percentiles a court selects should be chosen based on its own state or local time standards or those suggested by the Conference of State Court Administrators (COSCA) or the American Bar Association (ABA).

Placed on Inactive Status: A count of cases whose status has been administratively changed to inactive because the court will take no further action in the case until an event restores the case to the court's *Active Pending* caseload.

Random Sample: A sample chosen that minimizes bias in the selection process. A random sample of case files is typically generated by a computer or selected from a random number table. Systematic samples require a randomly selected starting point, then the taking of every *n*th case, i.e., if the total number of civil cases in a court was 3,000 and the sample size was to be 300 cases, select every tenth case ($3,000 \div 300 = 10$).

Reactivated: A count of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Reopened: A count of cases in which judgments have previously been entered but which have been restored to the court's pending caseload due to the filing of a request to modify or enforce the existing judgments.



CourTools

Developed by the NCSC Court
Performance Community of Practice.

Project Directors: Briton J. Cannon and Daniel J. Hall
Series Editor: Richard Y. Schouffler
Senior Contributors: William E. Hewitt and Igo Kellitz
Information Design: Niall B. Kandler
Design and Layout: Graphics 3



Appendix D – Trial Court Self-Assessment Questionnaire

Trial Court Self-Assessment Questionnaire

Instructions:

Choose one of the following numerical responses for each question:

- 1- Strongly disagree
- 2- Disagree
- 3- Neither Agree nor Disagree
- 4- Agree
- 5- Strongly agree

- 1) Score the court on each question. If you are uncertain, use your best estimate. Circle the number which represents your answer.
- 2) After completing the form, please return your answer sheet to the researcher.

Thank you for taking the time to complete this questionnaire. The information you are providing is **valuable and will be used in an effort to improve Ohio's judicial system**. Once completed, survey results will be shared with all interested parties.

Trial Court Self-Assessment Questionnaire
adapted from the work of:

Berry Mahoney
Maureen Solomon
Antoinette Bonacci – Miller
Holly C. Blake

1. The court has adopted time standards which establish time limits from the time of filing to disposition.

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

2. When caseload management programs or procedures are being considered, court leaders consult with leaders of other organizations which may be affected (local bar, prosecutor, sheriff, clerk of courts, etc).

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

3. Judges share a commitment for ensuring expeditious case processing.

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

4. The Court regularly conducts training on caseload management principles and techniques for judges and support staff.

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

5. There are published policies and procedures governing caseload process which are readily available to judges, court support staff members, bar members or other interested parties.

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

6. The court utilizes a computerized case information system which provides to the judges, support staff or other interested parties, all necessary information regarding case management in a complete, comprehensive and easy to understand format.

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

7. Judicial staff members notify the judges of cases which have been pending for long periods of time and/or cases in which there have been multiple continuances.

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

8. The judges' commitment to caseload management is demonstrated by their actions including holding attorneys to schedules, limiting the number of continuances and restricting continuances to a short duration of time.

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

9. The judges are widely regarded by support staff, prosecutors, local bar, and other interested parties as being actively committed to reducing delays by implementing effective the caseload management procedures.

1 **2** **3** **4** **5**
Strongly Disagree **Disagree** **Neither Agree nor Disagree** **Agree** **Strongly Agree**

10. The court's caseload management goals and performance is regularly communicated to all judicial partners.

1 **2** **3** **4** **5**

Appendix E – Court Culture Survey Tool

Part I Instructions & Survey

In this section, you are asked to provide two independent ratings of your court’s organizational culture - one as it currently exists and one as you wish it to be in five years. There are four tables, with each table devoted to a particular area of work such as case management or courthouse leadership.

You are asked to divide a total of 100 points among all alternatives in each work area, depending on the extent to which the statement describes the situation in your own organization. Give a higher number of points to the statement that is most similar to your court organization. One way to think about this task is: "what percent of time does this particular statement reflects what happens in my court?"

For each work area table, the left-hand response column is labeled "current." These responses mean that you are assessing your court organization as it is currently. Complete that column first.

When you have finished, think of your court as you think it should be in five years to be "the best court in the country." Then complete the instrument again, this time responding to the items as if your court has achieved extraordinary success. Rate these responses in the "preferred" column on the right side of the page.

As an example, consider the table below labeled case management. There are three basic steps. First, read the definition for case management followed by the statements I to IV.

Second, assign points in the current column. If you think the alternative III is most similar to the current emphasis in your court, alternative I is somewhat similar, and alternatives II and IV are hardly similar at all, you might give 70 points to III, 20 points to I, and 5 points to II and IV. Please remember that the points allocated to responses I, II, III and IV should total 100.

Current	Case Management Style - a courts perspective on scheduling, arranging and conducting case events	Preferred
20	I. Judges follow accepted principles for the timing of key procedural events, but are comfortable fashioning their own approach to “do the right thing.”	40
5	II. Judicial expectations concerning the timing of key procedural events are developed and implemented through policy guidelines built on the deliberate involvement and consensus of the entire branch.	10
70	III. Individual judges are relatively free to make their own determinations on when and how key procedural events are to be completed.	10
5	IV. Judges are committed to the uniform use of standard Casflow management techniques (e.g., early case control, case coordination and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures governing what judges do.	40
100	<< TOTAL MUST EQUAL 100 >>	100

Third, do the same sort of point allocation under the preferred column. You may feel that alternatives I and IV should be emphasized in your court while alternatives II and III should receive much less emphasis. To reflect on these preferences, you might give 40 points to I and IV and 10 points to II and III (See example above).

Your snap judgment is exactly what is needed to be known. There is no need to labor over each statement. There are no correct or incorrect responses.

Judicial Officer Survey

Current	Case Management Style - a courts perspective on scheduling, arranging and conducting case events	Preferred
	I. Judges follow accepted principles for the timing of key procedural events, but are comfortable fashioning their own approach to “do the right thing.”	
	II. Judicial expectations concerning the timing of key procedural events are developed and implemented through policy guidelines built on the deliberate involvement and consensus of the entire branch.	
	III. Individual judges are relatively free to make their own determinations on when and how key procedural events are to be completed.	
	IV. Judges are committed to the uniform use of standard Caseflow management techniques (e.g., early case control, case coordination and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures governing what judges do.	
100	<< TOTAL MUST EQUAL 100 >>	100

Current	Judge -- Staff Relations - The design and maintenance of work relationships as well as the development and training of the courthouse workforce.	Preferred
	I. Characterized by teamwork, cooperation and participation. Judges, court managers and staff work things out flexibly as they go along. Judges agree all individual staff members should obtain satisfaction from work, but no said training program applies to all staff uniformly.	
	II. Characterized by commitment to innovation, diversity of areas and widespread managerial and courtroom staff development. Attention is paid to developing effective court wide communication. Regular systematic performance evaluations are encouraged.	
	III. Characterized by personal loyalty to individual judges. Nonstandardized procedures are the norm as judges have a wide discretion in how they recruit, manage and reward their court support staff.	
	IV. Characterized by formal rules and policies, with people following clear guidelines and written instructions about work. Reasons for awards and demerits are clear. Poor performance is dealt with quickly. Maintaining a smooth running organization is important	
100	<< TOTAL MUST EQUAL 100 >>	100

Current	Change Management - How the court responds to new or existing problems	Preferred
	I. The change process tends to occur incrementally through negotiation and agreement. Procedures are seldom rigid so that the actual application of policy changes may reflect revision in compromise among work teams of individual judges in corresponding court managers and staff.	
	II. The change process tends to be proactive in order to achieve desired goals. Judges and court managers are open to new challenges and acquiring new resources to support innovation. Monitoring and reacting to broad court performance targets are encouraged.	
	III. The change process tends to occur sporadically as the court is generally content to preserve established ways of doing business. Centralize change initiatives are a challenge because each judge exercises a wide scope of latitude in the choice of practices and procedures.	
	IV. The change process tends to emphasize and prove deficiency in using new techniques to measure the way work is done. Judges and court managers seek and use court performance information, data and technologies to make better business decisions.	
100	<< TOTAL MUST EQUAL 100 >>	100

Current	Courthouse leadership - The manner of setting the agenda for the exercise of key procedural events by judges, court managers and court staff.	Preferred
	I. Leadership and the court is generally considered to exemplify building personal relationships and confidence among all judges and Court employees; and seeking to reconcile differences through informal channels.	
	II. Leadership and the court is generally considered to exemplify innovation, inclusion and coordination by the presiding judge and/or court management team to establish a collaborative work environment.	
	III. Leadership in the court is generally considered to exemplify preserving individual judicial discretion, allowing judges to use their own criteria and defining success and not necessarily relying on the same indicators of achievement.	
	IV. Leadership and the court is generally considered to exemplify centralize control and organization to achieve administrative efficiency. A presiding judge and/or court management team typically has authority to establish a clear division of labor and set court wide expectations.	
100	<< TOTAL MUST EQUAL 100 >>	100

In this section, you are asked to provide two independent ratings of your court's organizational culture - one as it currently exists and one as you wish it to be in five years. There are four tables, with each table devoted to a particular area of work such as case management or courthouse leadership.

You are asked to divide a total of 100 points among all alternatives in each work area, depending on the extent to which the statement describes the situation in your own organization. Give a higher number of points to the statement that is most similar to your court organization. One way to think about this task is: "what percent of time does this particular statement reflects what happens in my court?"

For each work area table, the left-hand response column is labeled "current." These responses mean that you are assessing your court organization as it is currently. Complete that column first.

When you have finished, think of your court as you think it should be in five years to be "the best court in the country." Then complete the instrument again, this time responding to the items as if your court has achieved extraordinary success. Rate these responses in the "preferred" column on the right side of the page.

As an example, consider the table below labeled case management. There are three basic steps. First, read the definition for case management followed by the statements I to IV.

Second, assign points in the current column. If you think the alternative III is most similar to the current emphasis in your court, alternative I is somewhat similar, and alternatives II and IV are hardly similar at all, you might give 70 points to III, 20 points to I, and 5 points to II and IV. Please remember that the points allocated to responses I, II, III and IV should total 100.

Current	Case Management Style - a courts perspective on scheduling, arranging and conducting case events	Preferred
20	V. Judges follow accepted principles for the timing of key procedural events, but are comfortable fashioning their own approach to "do the right thing."	40
5	VI. Judicial expectations concerning the timing of key procedural events are developed and implemented through policy guidelines built on the deliberate involvement and consensus of the entire branch.	10
70	VII. Individual judges are relatively free to make their own determinations on when and how key procedural events are to be completed.	10
5	VIII. Judges are committed to the uniform use of standard Caseflow management techniques (e.g., early case control, case coordination and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures governing what judges do.	40
100	<< TOTAL MUST EQUAL 100 >>	100

Third, do the same sort of point allocation under the preferred column. You may feel that alternatives I and IV should be emphasized in your court while alternatives II and III should receive much less emphasis. To reflect on these preferences, you might give 40 points to I and IV and 10 points to II and III (See example above).

Your snap judgment is exactly what is needed to be known. There is no need to labor over each statement. There are no correct or incorrect responses.

Judicial Officer Survey

Current	Case Management Style - a courts perspective on scheduling, arranging and conducting case events	Preferred
	V. Judges follow accepted principles for the timing of key procedural events, but are comfortable fashioning their own approach to “do the right thing.”	
	VI. Judicial expectations concerning the timing of key procedural events are developed and implemented through policy guidelines built on the deliberate involvement and consensus of the entire branch.	
	VII. Individual judges are relatively free to make their own determinations on when and how key procedural events are to be completed.	
	VIII. Judges are committed to the uniform use of standard Caseflow management techniques (e.g., early case control, case coordination and firm trial dates) with the support of administrative and courtroom staff. Written court rules and procedures governing what judges do.	

100

<< TOTAL MUST EQUAL 100 >>

100

Current	Judge -- Staff Relations - The design and maintenance of work relationships as well as the development and training of the courthouse workforce.	Preferred
	V. Characterized by teamwork, cooperation and participation. Judges, court managers and staff work things out flexibly as they go along. Judges agree all individual staff members should obtain satisfaction from work, but no said training program applies to all staff uniformly.	
	VI. Characterized by commitment to innovation, diversity of areas and widespread managerial and courtroom staff development. Attention is paid to developing effective court wide communication. Regular systematic performance evaluations are encouraged.	
	VII. Characterized by personal loyalty to individual judges. Nonstandardized procedures are the norm as judges have a wide discretion in how they recruit, manage and reward their court support staff.	
	VIII. Characterized by formal rules and policies, with people following clear guidelines and written instructions about work. Reasons for awards and demerits are clear. Poor performance is dealt with quickly. Maintaining a smooth running organization is important	

100

<< TOTAL MUST EQUAL 100 >>

100

Current	Change Management - How the court responds to new or existing problems	Preferred
	V. The change process tends to occur incrementally through negotiation and agreement. Procedures are seldom rigid so that the actual application of policy changes may reflect revision in compromise among work teams of individual judges in corresponding court managers and staff.	
	VI. The change process tends to be proactive in order to achieve desired goals. Judges and court managers are open to new challenges and acquiring new resources to support innovation. Monitoring and reacting to broad court performance targets are encouraged.	
	VII. The change process tends to occur sporadically as the court is generally content to preserve established ways of doing business. Centralize change initiatives are a challenge because each judge exercises a wide scope of latitude in the choice of practices and procedures.	
	VIII. The change process tends to emphasize and prove deficiency in using new techniques to measure the way work is done. Judges and court managers seek and use court performance information, data and technologies to make better business decisions.	
100	<< TOTAL MUST EQUAL 100 >>	100

Current	Courthouse leadership - The manner of setting the agenda for the exercise of key procedural events by judges, court managers and court staff.	Preferred
	V. Leadership and the court is generally considered to exemplify building personal relationships and confidence among all judges and Court employees; and seeking to reconcile differences through informal channels.	
	VI. Leadership and the court is generally considered to exemplify innovation, inclusion and coordination by the presiding judge and/or court management team to establish a collaborative work environment.	
	VII. Leadership in the court is generally considered to exemplify preserving individual judicial discretion, allowing judges to use their own criteria and defining success and not necessarily relying on the same indicators of achievement.	
	VIII. Leadership and the court is generally considered to exemplify centralize control and organization to achieve administrative efficiency. A presiding judge and/or court management team typically has authority to establish a clear division of labor and set court wide expectations.	
100	<< TOTAL MUST EQUAL 100 >>	100