

MEASURE

Quality of Services Survey

DEFINITION

Appellate lawyers' and trial court judges' ratings on the quality of the appellate court's judicial and administrative services.

PURPOSE

An appellate court should adequately consider each case and resolve it in accordance with the law. This involves balancing the expeditious resolution of a case with thoughtful review of its unique facts and legal complexities in the context of the parties' assignments of error, arguments, and existing precedent. This balance should be characterized by fairness, equity, clarity, transparency, and integrity. At the same time, the appellate court should also manage its administrative functions and meet its regulatory responsibilities at a high level of quality. The information that this survey yields is used to promote accountability and transparency and to improve the quality of services delivered by the court.

Trial court judges and members of the appellate bar are uniquely positioned to assess how well the appellate court is fulfilling its responsibility to consider each case and resolve it in accordance with the law. Surveying how well these groups believe the court is fulfilling its duties indicates the court's overall success in delivering quality justice when resolving appeals. Although perceptions are likely to vary and will be influenced by a number of factors, a broad cross-section of responses from these survey respondents will provide insights into ways in which the appellate court's policies, processes, and procedures can be improved.

METHOD

This measure can easily be accomplished by a simple, self-administered survey, using either paper surveys or a Web-based survey form. The advantage of the latter is that it eliminates the need for mailing and data entry and is thus faster and more cost effective. The survey should be repeated on an annual basis to allow the court time to analyze, interpret, and act on the results in between surveys. The frequency of the survey should be timed to allow any changes to be implemented and for the effect of those changes to be gauged in subsequent surveys. The survey can be administered by the court itself, by a local college in partnership with the court, or by a survey research firm.



Step 1: Prepare the Survey

The survey asks questions on the timeliness and thoughtfulness of appellate court decisions, the affordability and accessibility of the court, and background information about the respondents. These items are designed to be concise, clear statements that provide actionable management information. The survey is readily understood and easy to complete.

The survey may be supplemented by one or two open-ended questions to give respondents an opportunity to address their particular concerns. Data from these questions can be used to interpret the findings of the survey and to improve future surveys. However, it must be understood that the addition of such questions will require greater analytical time and effort to compile and interpret the comments received.

In order to promote the comparability and consistency needed to obtain the best information from the survey over time, it is recommended that the survey

- maintain the wording of survey items as they appear here
- limit demographic questions about the respondents to those select few that will help evaluate the data
- be kept short and focused

Step 2: Identify Respondents

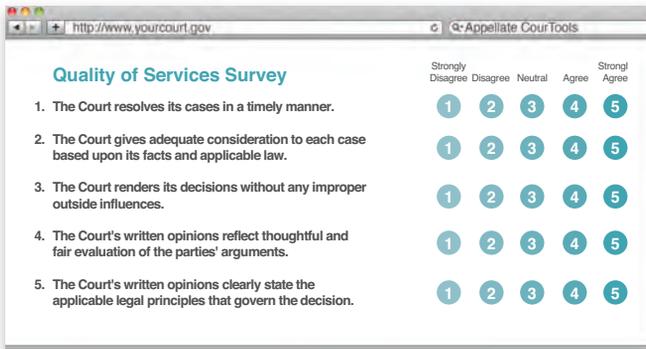
The survey should be administered to trial court judges and attorneys who were associated with at least one appellate case that was disposed of within the selected measurement period. In order to identify those judges and attorneys the court first needs to determine the time period that the survey should cover. For example, an appellate court might decide to include cases decided by the court within one year prior to the date of the survey.

Second, the court needs to determine the universe of respondents. One option is for the survey to be sent to all of the trial court judges and appellate attorneys involved in cases decided during the measurement period. Alternatively, the survey can be administered to a smaller, random sample of those judges and attorneys. Judges and attorneys associated with more than one appellate case need only be surveyed once. The objective is to achieve the desired number of participants with useful and relevant experience.

In many jurisdictions, an appellate case management system can be queried to obtain the names, addresses, and email addresses of the trial court judges and appellate practitioners who are associated with those appellate cases disposed of within the measurement period. If such a query does not serve as a practical way to identify the universe of respondents, a manual search of court files may be necessary.

Step 3: Administer the Survey

The survey can be administered online via the Internet using any inexpensive, commercially available survey application. The Chief Justice or Chief Judge should send an email to introduce the survey and its purpose to all potential respondents, provide clear instructions about accessing the online survey and provide assurances regarding confidentiality to encourage participation.



Timely email reminders to respondents will encourage those who have not completed the survey to do so. A suggested time period for responses is two weeks; at the end of that period, depending on response rate, this might be extended by one additional week.

Should the court choose to administer the survey in paper format, that mailing should also include a cover letter from the Chief

Justice or Chief Judge as well as a postage-paid return envelope. Email can still be used as the means to remind respondents to return their completed surveys.

Quality of Services Survey

- | | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
|--|-------------------|----------|---------|-------|----------------|
| 1. The Court resolves its cases in a timely manner. | 1 | 2 | 3 | 4 | 5 |
| 2. The Court gives adequate consideration to each case based upon its facts and applicable law. | 1 | 2 | 3 | 4 | 5 |
| 3. The Court renders its decisions without any improper outside influences. | 1 | 2 | 3 | 4 | 5 |
| 4. The Court's written opinions reflect thoughtful and fair evaluation of the parties' arguments. | 1 | 2 | 3 | 4 | 5 |
| 5. The Court's written opinions clearly state the applicable legal principles that govern the decision. | 1 | 2 | 3 | 4 | 5 |
| 6. The Court's written opinions clearly inform the lower courts and parties of what additional steps, if any, must be taken. | 1 | 2 | 3 | 4 | 5 |
| 7. The Court treats trial court judges with courtesy and respect in its written opinions. | 1 | 2 | 3 | 4 | 5 |
| 8. The Court treats attorneys with courtesy and respect. | 1 | 2 | 3 | 4 | 5 |
| 9. The Clerk's Office staff responds well to inquiries. | 1 | 2 | 3 | 4 | 5 |
| 10. The cost of appealing a case is affordable for litigants. | 1 | 2 | 3 | 4 | 5 |
| 11. The Court's Web site provides useful information. | 1 | 2 | 3 | 4 | 5 |
| 12. The Court communicates its decisions and orders in a timely manner. | 1 | 2 | 3 | 4 | 5 |
| 13. The Court makes good use of information technology to provide easy access to case information. | 1 | 2 | 3 | 4 | 5 |

Background Information

a. Are you a:

- Judge
 Appellate Attorney

b. What is your gender?

- Male
 Female

c. How do you identify yourself?

- American Indian or Alaska Native
 Asian
 Black or African American
 Hispanic or Latino
 Native Hawaiian or Other Pacific Islander
 White
 Mixed Race
 Other

d. If you are a judicial officer, indicate the number of years you have served on the bench:

- Less than 1 year
 1-3 years
 4-10 years
 More than 10 years

e. If you are an appellate attorney, indicate the approximate number of appeals you have participated in during your career.

- 1-10
 11-25
 26-50
 51-100
 101+

f. If you are an appellate attorney, indicate the approximate number of appeals you participated in during [the measurement period].

- 1-5
 6-10
 11-20
 20+

g. If you are an appellate attorney, indicate the primary court in which you practice:

[Court can include this question, customized to its state, if appropriate]

- District 1
 District 2
 District 3

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ANALYSIS & INTERPRETATION

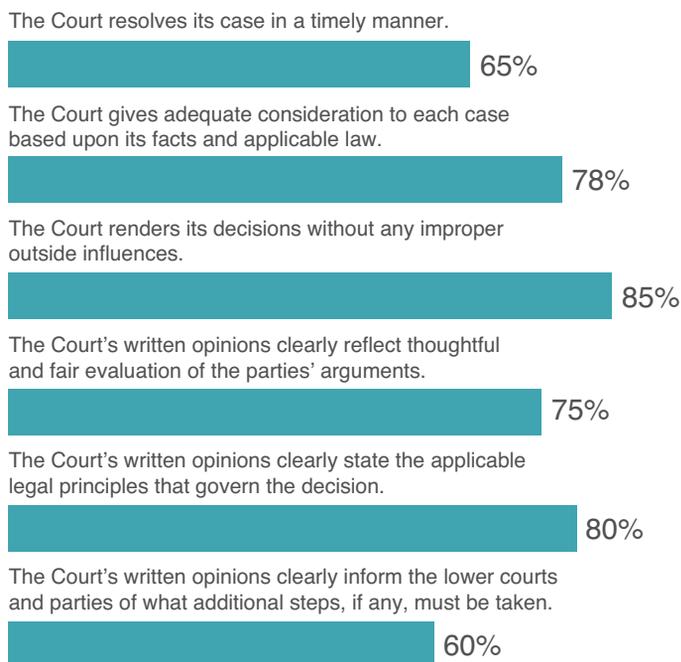
There are two basic ways to analyze the survey results. First, the range of views about the quality of service is seen by examining the distribution of responses (how many 1s, 2s, 3s, 4s, and 5s) for each of the survey items. For example, the court might decide that a score of 4 (Agree) is an acceptable standard of quality and thus may wish to combine those respondents that rated the court’s services as either a 4 (Agree) or 5 (Strongly Agree) into a single category of positive responses. To easily represent these opinions, the total number of 4 and 5 responses can be converted into a percentage of all valid responses. The required formula is:

$$\frac{\text{(count of scores 4 and 5)}}{\text{(count of all valid scores)}} \times 100 = \% \text{ Agree/ Strongly Agree}$$

Thus, if 25 of the 100 respondents rate the court a 4 and 50 rate the court a 5, the percent Agree/ Strongly Agree is 75% $((25+50)/100) \times 100$.

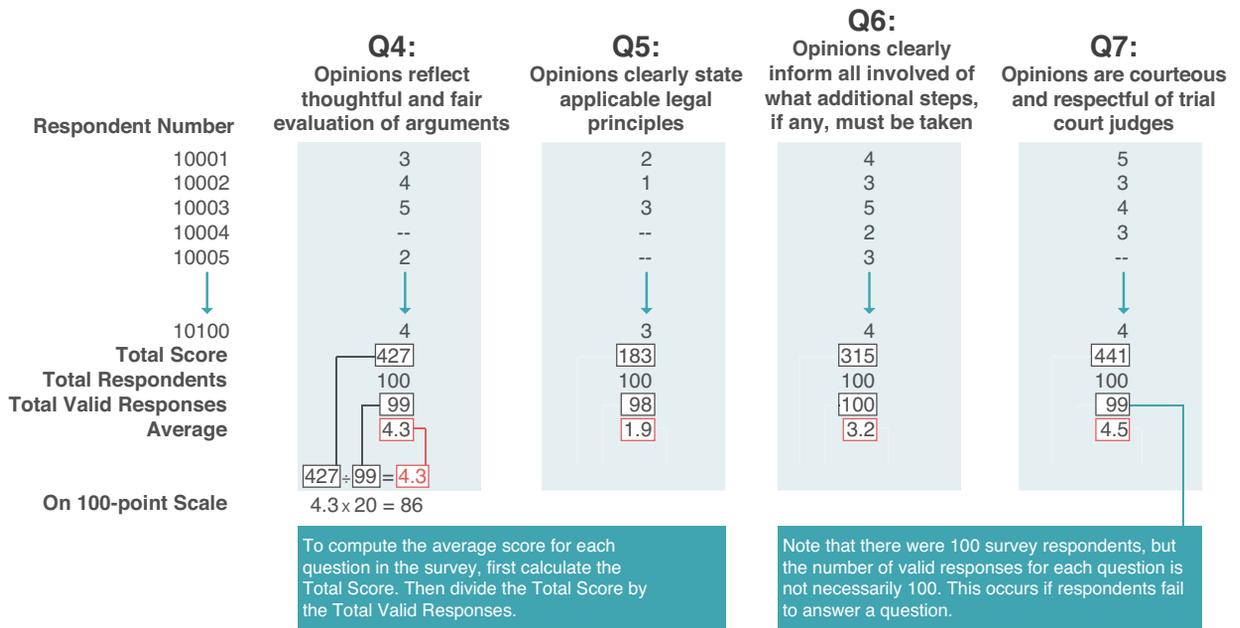
As seen in the figure below, respondents thought that the court rendered its decisions without improper outside influence and that its written opinions clearly stated the law that the court used to decide the case. However, respondents thought that the court did not perform as well regarding the timely resolution of cases or the clarity of its written opinions in providing instructions for further action required by the attorneys and parties.

Percent of respondents reporting they agree/ strongly agree with each survey item



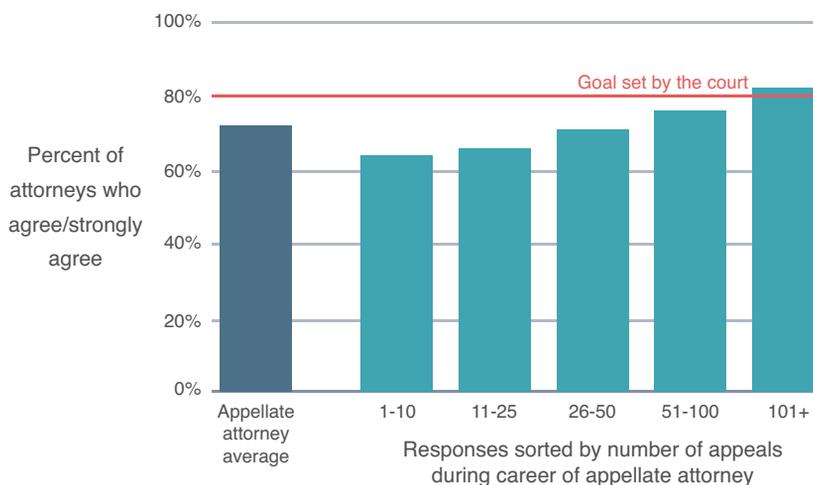
Calculating the average response to each survey item is a second type of analysis that provides insight into overall attitudes. The average score on each item can be computed for all respondents, then broken out by different types of respondents (e.g., judge or attorney). Note that there were 100 respondents to the survey, but the number of valid responses for each question is not necessarily 100. This will occur if respondents fail to answer a question. To ease interpretation, convert the result into a 100-point scale by multiplying by 20. Below, the 4.3 average becomes a score of 86.

Computing the Average Scores



Opinions about the appellate court may vary by respondent, by years of experience, or by frequency of contact with the appellate court. The figure below shows that attorneys with more experience rate the appellate court clerk’s office staff more highly on how well staff responds to inquiries. The court may wish to discuss this finding with staff to determine how less experienced attorneys might be handled to ensure they are receiving the information they are seeking in a timely manner.

Q9: The Clerk’s Office staff responds well to inquiries



The court should establish a baseline, set its own performance measure goals, and seek to improve over time. Comparisons of survey results over time and across jurisdictions (if applicable) can be a useful tool for identifying trends or successful improvement strategies.

OPTIONS FOR EXPANDING THE QUALITY OF SERVICES SURVEY

The clients of the appellate courts can be divided into three groups: the professionals (attorneys and trial court judges), the litigants (individual and business parties to appellate cases), and members of the public. The *Quality of Services Survey* includes only the professionals, primarily because—relative to trial courts—few litigants appear in appellate courts or receive appellate services directly.

However, the *Quality of Services Survey* can be expanded to include these and other constituencies. Depending upon an appellate court's goals, the survey could include all members of the state bar (or its appellate section), law school faculty, self-represented litigants, or even the general public, though these last two constituencies would not easily be accommodated by the online survey method of this measure. The utility of expanding the survey hinges on the appellate court's objectives and whether responses from additional constituencies would add valuable information to that provided by the appellate attorneys and trial court judges.

Terms You Need To Know

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

Trial Court Judge: The judicial officer (judge, commissioner, referee, magistrate, etc.) hearing a case in the court of original jurisdiction. For purposes of this survey, the functional equivalent for some case types may be an administrative board or agency or a hearing officer.

Random Sample: A sample chosen that minimizes bias in the selection process. A random sample of attorneys can be generated from a list of attorneys by picking an arbitrary starting point on that list, then taking every n th attorney. For example, if the total number of attorneys on the list was 1,000, and the desired sample size was 100, then every tenth attorney would be selected ($1,000/10 = 100$).

Valid Responses: Responses that should be counted for purposes of analysis. For example, missing or nonsensical responses are not included.

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