

# Enhancing the Delivery of Quality Justice

Boston Municipal Court Department  
Court Metrics Project:

Reliability and Integrity of Case Files



**ADMINISTRATIVE OFFICE OF THE TRIAL COURT**

**Honorable Robert A. Mulligan**  
**Chief Justice for Administration & Management**

**BOSTON MUNICIPAL COURT DEPARTMENT**

**Honorable Charles R. Johnson**  
**Chief Justice**

**September 2008**



*Dear Chief Justice Mulligan:*

*The mission of the Boston Municipal Court Department is to protect constitutional rights and to ensure that all those seeking justice will have equal access to our courts. To that end, we are committed to a culture of high performance and accountability, and to a collaborative and innovative approach to the delivery of quality justice. This department has been at the forefront of several initiatives designed to identify and measure major areas of court performance, and we most recently completed a review of case file reliability and integrity in all eight divisions. The reliability and integrity of case files project recognizes that inaccessible or incomplete case files can compromise a court's integrity, undermine the judicial process, and diminish the public's confidence in a court. Therefore, while we are pleased with our successful implementation of this project, we are even more satisfied with the results of the case file review and the empirical evidence of this department's high standards of excellence in its maintenance of both civil and criminal case files.*

*We have met individually with the First Justice and Clerk-Magistrate of each court division to discuss each court's case file review results, and how these results may be improved upon with new or modified business practices. Because we consider the reliability and integrity of case files to be key components in the delivery of quality justice throughout the Commonwealth, the Boston Municipal Court Department strongly encourages the use of this measure in all Trial Court Departments, and we are available to assist other court departments with the case file review implementation process should they elect to avail themselves of our experience.*

*Thank you for your confidence in our ability to undertake such an important project, and for the opportunity to be of service to the Trial Court in furthering our common mission to ensure access to justice for all persons in the Commonwealth of Massachusetts.*

**Charles Ray Johnson**  
**Chief Justice**



# Boston Municipal Court Department Court Metrics Project:

## Reliability and Integrity of Case Files

### Executive Summary

The Reliability and Integrity of Case Files Project, implemented as a Boston Municipal Court Department initiative, is part of an ongoing commitment by the Massachusetts Trial Court to demonstrate accountability and to continue to improve the delivery of justice throughout the Trial Court. Reliability and integrity of case files are key components in the delivery of quality justice and vital to the public interest and the public's confidence in the judicial process. The timely availability of complete and reliable information through the case file system supports the daily operations of a quality justice system. Inaccessible or incomplete case files can compromise a court's integrity, undermine the judicial process, and diminish the public's confidence in our courts.

The Case File Project measured three essential components of the quality of information in the case files: retrieval, reliability, and completeness. Retrieval measured how long it took to locate a case file. Reliability measured the extent to which a case file's contents corresponded to the case docket, and the extent to which entries on a case docket corresponded to the documents contained in the case file. Completeness measured whether key documents were contained in a case file. Case files were deemed to be of high quality if they were available to the user in a timely fashion, if the information was reliable and well organized, and if all essential information was contained in the case file.

The Case File Project was coordinated and implemented by a Boston Municipal Court Department committee staffed by experienced and respected court personnel from various court divisions and the departmental Administrative Office.

The committee developed the detailed methodology set out in the Technical Notes contained herein, and conducted the selection and review of a total of 1600 case files, or 200 case files in each of eight court divisions comprising:

- 50 pending criminal case files
- 50 closed criminal case files
- 50 pending civil case files
- 50 closed civil case files.

The results of the Case Files Project provided interesting and encouraging results:

- 99.8% of the case files were retrieved in a timely fashion – retrieved within fifteen minutes of the initial request;
- 81.1% of the case files were reliable – all documents were included in the docket and all docketed items were present in the case file; and,
- 82.4% of the cases files were complete – all essential documents were present in the case files.

The Case File Project highlights the need for the development of clear standards for case file content. The committee is not aware of any official Trial Court policy relative to case file content, but suggests that Trial Court guidelines for case file content should be established for each department.

The success of the Case File Project is due to the cooperation of court staff at all Boston Municipal Court divisions. This Project will serve as a model for other court departments within the Commonwealth, and the information gathered from the Project will be used by all court departments to guide further improvements in the delivery of quality justice for the citizens of the Commonwealth.

# Boston Municipal Court Department Court Metrics Project:

## Reliability and Integrity of Case Files

### Introduction

The Massachusetts Trial Court continues to improve the delivery of justice through performance measures with the Boston Municipal Court Department's implementation of the Reliability and Integrity of Case Files Project. Reliability and integrity of case files are key components in the delivery of quality justice, and vital to the public interest and public confidence in the judicial process. The Case File Project furthers access to justice by evaluating a court's case files using three measurements of quality: timeliness of retrieval, accuracy and reliability of contents, and completeness of case file information. This report describes the methodology used in this Boston Municipal Court Department initiative and summarizes the key results of this Project.

#### **Visiting Committee on Management in the Courts**

- Convened by the Supreme Judicial Court under the leadership of Chief Justice Margaret H. Marshall.
- Popularly known as the Monan Committee after its chair, Boston College Chancellor J. Donald Monan, S.J.
- Its purpose was to "provide an independent perspective on management in the State's courts and recommendations for improvement."

Greater accountability and transparency represent a commitment to transforming the culture of the Massachusetts Trial Court in an effort to enhance the delivery of quality justice. This commitment to transformation was urged by the Visiting Committee on Management in the Courts, which challenged the Trial Court to "create a culture of high performance and accountability." The Court Management Advisory Board (CMAB) observed that "the much needed transformation of the management of the court system requires data collection, analytic tools,

performance goals and public measurement to spur system-wide improvement and change.”

**Court Metrics.** A key aspect of this commitment to transform the culture of the Trial Court was the development of performance-based measures and the compilation of objective data to better inform management policies and decisions. The first performance-based metrics

initiative focused on the timely and expeditious disposition of cases – an area the Visiting Committee found in need of improvement.

**CourTools.** The Trial Court has benefited greatly from the existence of CourTools – ten core trial court performance measures developed by the National Center for State Courts (NCSC). The Trial Court first adopted the four

metrics that target timeliness and expedition of case management. The Trial Court has issued annual reports for 2006 and 2007 with systemic data on case flow in the Trial Court based on established time standards and common goals related to these four metrics.

**Access and Fairness.** A fifth CourTool measure uses a survey methodology for eliciting and interpreting data on users’ perceptions of the court’s accessibility and it’s treatment of users in terms of fairness, equality and respect. The Trial Court identified user perceptions as critical data for its ongoing transformation and adopted the CourTool Access and Fairness Survey instrument, which had been tested by the NCSC for reliability and validity.

In calendar year 2007, the Boston Municipal Court Department piloted and implemented the Access and Fairness survey in its eight court divisions under the leadership of Chief Justice Charles Johnson. The results of the survey were positive and provided empirical evidence regarding access to the court system in those court divisions. The goal of the Administrative Office of the Trial Court is to

#### **Court Management Advisory Board**

- › A “high-profile and respected advisory board” recommended by the Visiting Committee and established by the Legislature in 2003.
- › Provides thoughtful guidance and strong support to the Trial Court in pursuing Visiting Committee recommendations – particularly the development of performance-based metrics and the integration of empirical data into the management of the courts.

implement the Access and Fairness Survey in all remaining court departments during calendar year 2008.

**Reliability and Integrity of Case Files.** A sixth CourTool measure sets forth a methodology for evaluating the reliability and integrity of case files. In calendar year 2008, the Boston Municipal Court Department implemented the Reliability and Integrity of Case Files metric in its eight court divisions under the leadership of Chief Justice Charles Johnson. By considering the quality of information in case files from the perspective of retrieval, reliability, and completeness, the case file metric has provided additional valuable information to the Administrative Office of the Trial Court in its mission to improve the quality of justice for the citizens of the Commonwealth.

## Reliability and Integrity of Case Files

The reliability and integrity of case files are integral to the delivery of quality justice and public confidence in the judicial process. The Reliability and Integrity of Case Files Project furthers access to justice by evaluating the case files on three components of quality: timeliness of retrieval, accuracy and reliability of case file contents, and completeness of case file information.

Definition	Purpose	Method
<i>The percentage of files that can be retrieved within established time standards, and that meet established standards for completeness and accuracy of contents.</i>	<i>A reliable and accurate case file system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions. The maintenance of case records directly affects the timeliness and integrity of case processing. This measure provides information regarding (a) how long it takes to locate a file, (b) whether the file's contents and case summary information match up, and (c) the organization and completeness of the file.</i>	<p><b>Timeliness of Retrieval</b> <i>Randomly identify equal numbers (but at least 50) of pending case files and closed case files in each case type being evaluated. Record how long it takes to find each case file.</i></p> <p><b>Accuracy and Reliability</b> <i>For each case file in the Pending and Closed samples examined in the first element of Measure 6, review the case file summary and the case file contents and determine whether they match up.</i></p> <p><b>Completeness of Case File</b> <i>Based on the criteria defined by the court for each case type, examine each of the files in the sample of cases selected, record whether the files meet the criteria, and summarize the findings on a data collection form.</i></p>

Source: National Center for State Courts, *CourTools Trial Court Performance Measures*, 2005.

## Reliability and Integrity of Case Files Implementation Team

### Committee Chair

Honorable Eleanor C. Sinnott,  
First Justice  
Charlestown Division

### Committee Members

Anthony S. Owens  
Clerk Magistrate  
Dorchester Division

Sandra A. Caggiano,  
First Assistant Clerk Magistrate  
East Boston Division

Linda M. Scanlon  
Assistant Clerk Magistrate  
Roxbury Division

Lisa A. Yee  
Administrative Attorney  
Administrative Office

Joanne Hoey  
Fiscal Operations Supervisor  
Administrative Office

Nancy L. Morelli  
Administrative Coordinator  
Administrative Office

Marcella Gerardi,  
Administrative Coordinator  
Administrative Office

### Additional Assistance Provided by:

Beverly J. Mahan,  
First Assistant Clerk Magistrate  
South Boston Division

Christopher Yuu  
Office Manger  
Roxbury Division

## Methodology

**Committee.** On March 28, 2008, Chief Justice Charles Johnson appointed a committee to implement the metric measuring the reliability and integrity of case files. This committee included respected and experienced court personnel representing judges and clerks from various court divisions of the Boston Municipal Court Department and administrative staff from the departmental Administrative Office. The committee members coordinated and managed every aspect of the project from selecting random case files by type and developing the data collection forms, to scheduling data collection dates and conducting the case file reviews at each court division.

The committee established the following goals for the Project:

- to complete eight court divisions in eight weeks (May to June 2008);
- to have three to five member teams review each court; and,
- to make the case file review as convenient as possible for each court division.

**Outreach to Court Leadership.** The Case File Project enjoyed strong support from the judges and clerks at all court divisions. Prior to conducting the Project at a court location, a letter from Chief Justice Johnson was sent to all first justices and clerk magistrates notifying them of the Reliability and Integrity of Case Files Project. First Justice Eleanor Sinnott, as chair of the committee, then met personally with all clerk magistrates to further explain the Project and answer any questions. At each court's file review, the clerk magistrate was informed of any issues and provided an opportunity to comment.

**Case File Content Standards.** One challenge facing the committee was establishing the criteria for case file content. The committee was not aware of any official Trial Court policy relative to case file content. In lieu of an established policy, the committee determined which documents should be contained in a civil or criminal case file consistent with best practices within the Boston Municipal Court Department. One policy implication of the project is that Trial Court guidelines for case file content should be established for each department.

For criminal case files, the following documents were identified as essential:

- Date / Time recorded
- All documents match parties
- Application
- Complaint
- Proof of Service
- Police Report
- NAC or appearance of counsel
- Current status / disposition recorded

For civil case files, the following documents were identified as essential:

- Date / Time recorded
- All documents match parties
- Complaint
- Return of service
- Answer or default
- Current status / disposition recorded

For criminal files, the proof of service and appearance of counsel forms were only required in certain types of files. For civil files, the return of service and answer or default documents were only required in certain types of files.

## Boston Municipal Court Department

Honorable Charles R. Johnson  
Chief Justice

Brighton Division  
Honorable David T. Donnelly  
First Justice  
James B. Roche, Clerk Magistrate

Central Division  
Honorable Paul K. Leary  
First Justice  
Daniel J. Hogan, Esq., Clerk Magistrate

Charlestown Division  
Honorable Eleanor C. Sinnott  
First Justice  
John Whalen, Esq., Clerk Magistrate

Dorchester Division  
Honorable Sydney Hanlon  
First Justice  
Anthony S. Owens, Clerk Magistrate

East Boston Division  
Honorable Robert Ronquillo, Jr.  
First Justice  
Joseph R. Faretra, Clerk Magistrate

Roxbury Division  
Honorable Edward R. Redd  
First Justice  
Michael W. Neighbors, Clerk Magistrate

South Boston Division  
Honorable Michael C. Bolden  
First Justice  
Margaret F. Albertson, Esq., Clerk Magistrate

West Roxbury Division  
Honorable Kathleen E. Coffey  
First Justice  
Richard L. Walsh, Esq., Clerk Magistrate

A copy of a sample data collection instrument for both civil and criminal cases is included in this Report.

**Case File Selection Strategy.** A multi-tiered, stratified selection strategy was developed for the Case File Project. The committee felt it was important to review a large number of case files, both civil and criminal, and both open and closed cases. For each court division, the final study sample consisted of the random selection of 50 pending criminal cases, 50 closed criminal cases, 50 pending civil cases, and 50 closed civil cases, for a total of 200 case files reviewed. The total sample size for the Boston Municipal Court Department was 1600 case files.

In order to randomly select criminal cases, for each court division, lists of docket numbers were generated for all criminal cases open or pending as of March 31, 2008 and for all criminal cases closed between January 1, 2007 and March 31, 2008. The total number of pending criminal cases and the total number of closed criminal cases were each divided by 55 in order to randomly select the 50 criminal cases to be reviewed, plus 5 extra cases in the event a case file was unavailable, i.e., sealed or pulled for a court session, on the day of the review.<sup>1</sup> The selected docket numbers were then entered on the respective data collection forms for each court division.

For civil cases, the case file selection process was complicated by the inability to generate lists of docket numbers and the many types of civil matters. The civil case types that the committee included in the Project were small claims, summary process, “straight” civil, and supplementary process.<sup>2</sup> Because the committee felt it was important to randomly select civil cases by type in

<sup>1</sup> The committee felt it was important to not intrude on the daily business of a court when conducting the case file review. Therefore, if a selected case was located in a court session, an “extra” case file was substituted and reviewed, resulting in no delays or intrusions to the court.

<sup>2</sup> The committee decided to exclude the civil case types of civil commitments, restraining orders, and motor vehicle appeals because they represented a small percentage of civil matters and were considered too unusual in nature to conform to the data collection forms.

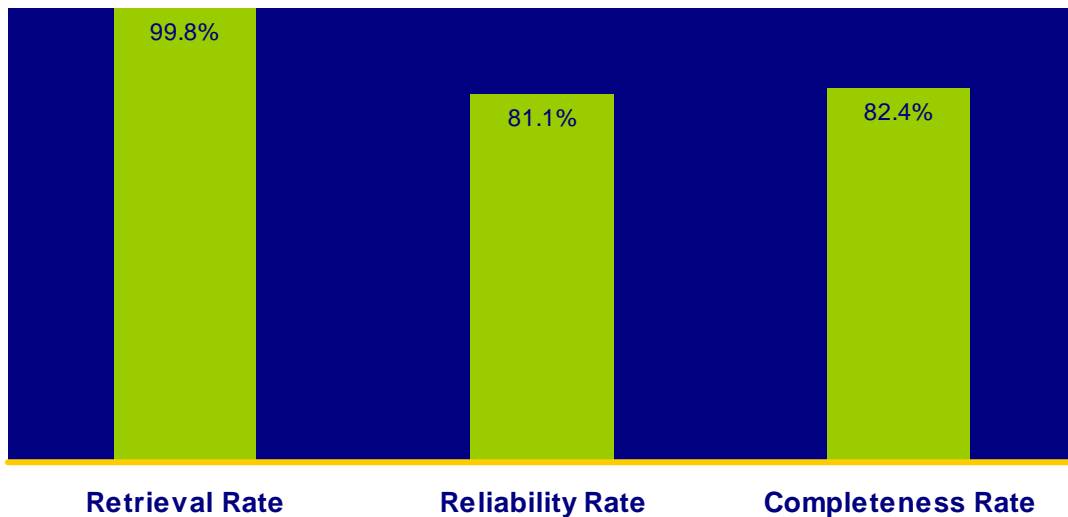
representative proportions to the total number of civil cases, case file selection of civil cases was customized for each court division, and was based upon calculations that provided for both proportion and frequency of selection. In addition, there was some over-selection to create a list of substitute cases if a selected case file was in active use. These calculations are explained in the detailed methodology set out in the Technical Notes contained in this Report.

## Results

The results of the Case File Project are presented in this section. A detailed table showing the results for each of the key measures by court division, case type, and case status can be found in this Report.

### Overall Results.

- The retrieval rate was 99.8% - that is 99.8% of all case files were available within fifteen minutes of request. During the Project, 100% of all requested case files were located.
- The reliability rate was 81.1% - that is 81.1% of all case files had every document docketed and every docket entry corresponded to an accompanying document
- The completeness rate was 82.4% - that is 82.4% of all case files had every essential document included.



## Retrieval Rate

The retrieval rate measures the proportion of case files retrieved within fifteen minutes of the request. Overall, 100% of all case files requested were retrieved; 99.8% of all case files were retrieved within fifteen minutes of the request. The retrieval rate was very high across all categories of case type and case status, and at all court divisions. The National Center for State Courts suggests a 98% retrieval rate and a 90% retrieval rate within fifteen minutes. All court divisions of the Boston Municipal Court Department and all case files were found to meet or exceed these standards.

**Retrieval Rate by Case Type and Case Status,  
All Court Divisions**

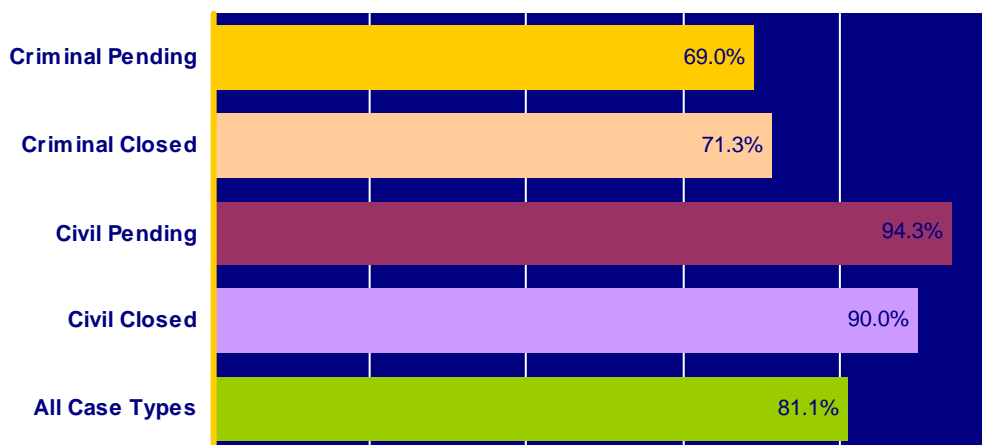


## Reliability Rate

In assessing the reliability and accuracy of case files, two measures were taken - first, whether every docketed document was present in the case file, and second, whether every document in the case file corresponded to a docket entry. A very strict standard was imposed and case files had to meet both tests in order to be counted as fully reliable. The overall reliability rate for all court divisions was 81.1%. The reliability rate was generally higher for civil cases than criminal cases. This is perhaps due to the complexity and voluminous nature of some of the criminal cases in the Boston Municipal Court Department. The results suggest that the establishment of uniform standards for the maintenance of case files by type should be considered. Of all cases:

- 81.1% of case files had all docket entries and documents corresponding;
- 10.6% of case files had one or more docket entries with no supporting documentation;
- 6.1% of case files had one or more documents with no corresponding docket entry; and,
- 2.2% of case files had both types of reliability issues.

### Reliability Rate by Case Type and Case Status, All Court Divisions



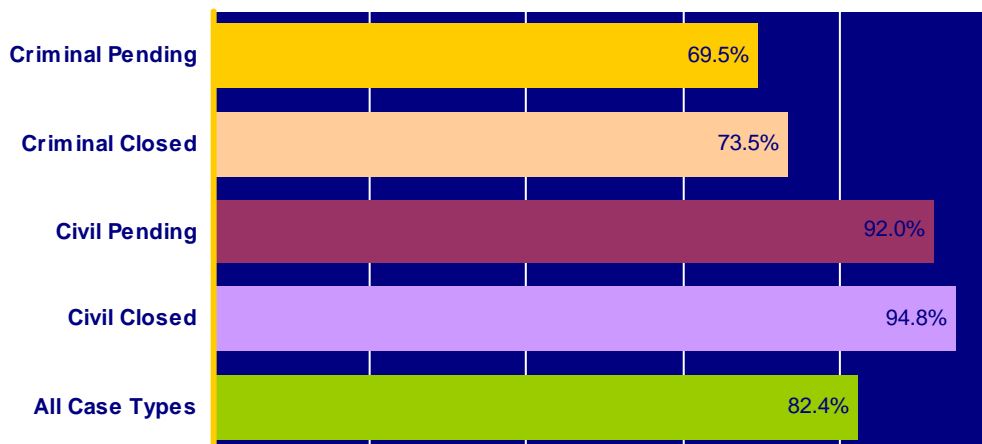
## Completeness Rate

To assess the completeness of case files, the committee developed a list of the essential documents for each case type. For criminal cases, there were eight essential documents, and the document that was most frequently missing was the appearance of counsel form, which the courts relied upon counsel to submit. For civil cases, there were six essential documents, and the document that was most frequently missing was the disposition or status.

The overall completeness rate for all court divisions of the Boston Municipal Court Department was 82.4%. The completeness rate was generally higher for civil cases than criminal cases. Again, this may be due to the complexity and voluminous nature of some of the criminal cases in the Boston Municipal Court Department. The results suggest that the establishment of uniform standards for the maintenance of case files by type should be considered. Of all cases:

- 82.4% had all essential documents;
- 14.8% had one essential document missing;
- 2.5% had two essential documents missing; and
- 0.3% had three or more essential documents missing.

**Completeness Rate by Case Type and Case Status,  
All Court Divisions**



## Conclusion

The overall results of the Case File Project indicate that the quality of case files was good. The highest results were in the timeliness of retrieval – all case files were located and virtually all were available within fifteen minutes of request.

Key to the successful implementation of the Case File Project was a committee that was proficient at reviewing case files. The multi-stage selection strategy ensured that a proportionate cross-section of case types were selected for review by the committee members at each court division.

One of the conclusions reflected by the results of this Project is the need to develop standard policies and procedures across all court divisions for similar case types. The committee is not aware of any official Trial Court policy relative to case file content, but suggests that Trial Court guidelines for case file content should be established for each department.

# Appendix

## Reliability and Integrity of Case File Metrics By Court Division

Court Metric, Case Type and Case Status	Brighton Division	Central Division	Charlestown Division	Dorchester Division	East Boston Division	Roxbury Division	South Boston Division	West Roxbury Division	All Divisions
<b>Retrieval Rate</b>									
Criminal Pending	100.0%	100.0%	100.0%	100.0%	100.0%	96.0%	100.0%	100.0%	99.5%
Criminal Closed	100.0%	100.0%	100.0%	98.0%	100.0%	100.0%	100.0%	100.0%	99.8%
Civil Pending	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Civil Closed	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
All Case Types	100.0%	100.0%	100.0%	99.5%	100.0%	99.0%	100.0%	100.0%	99.8%
<b>Reliability Rate</b>									
Criminal Pending	82.0%	94.0%	82.0%	62.0%	98.0%	74.0%	16.0%	44.0%	69.0%
Criminal Closed	70.0%	98.0%	76.0%	70.0%	100.0%	46.0%	24.0%	86.0%	71.3%
Civil Pending	96.0%	92.0%	90.0%	94.0%	98.0%	92.0%	98.0%	94.0%	94.3%
Civil Closed	92.0%	96.0%	78.0%	82.0%	100.0%	80.0%	98.0%	94.0%	90.0%
All Case Types	85.0%	95.0%	81.5%	77.0%	99.0%	73.5%	59.0%	79.5%	81.1%
<b>Completeness Rate</b>									
Criminal Pending	60.0%	92.0%	78.0%	68.0%	92.0%	68.0%	36.0%	62.0%	69.5%
Criminal Closed	64.0%	100.0%	76.0%	72.0%	96.0%	62.0%	42.0%	76.0%	73.5%
Civil Pending	76.0%	94.0%	98.0%	86.0%	98.0%	96.0%	98.0%	90.0%	92.0%
Civil Closed	80.0%	96.0%	94.0%	96.0%	100.0%	96.0%	98.0%	98.0%	94.8%
All Case Types	70.0%	95.5%	86.5%	80.5%	96.5%	80.5%	68.5%	81.5%	82.4%

# Sample Civil Data Collection Form- Roxbury Division, Civil, Closed

Docket	File Retrieval					Reliability				Completeness						Current Status/Disposition Recorded
	0-15 Mins.	16-30 Mins.	31-60 Mins.	60+ Mins.	Not Found	Every docket entry has a corresponding document.		Every document has a corresponding docket entry.		Date/Time Recorded	All documents match parties	Complaint	Return of Service	Answer or Default		
						Yes	No	Yes	No							
07/CV08S	X					X		X		X	X	X	X	X	X	no
07/CV75	X					X		X		X	X	X	X	X	X	no
07/CV50	X					X		X		X	X	X	X	X	X	no
07/CV75	X					X		X		X	X	X	X	X	X	no
07/CV875	X					X		X		X	X	X	X	X	X	no
07/CV700S	X					X		X		X	X	X	X	X	X	no
06/CV08	X					X				X	X	X	X	X	X	X
06/CV75	X					X				X	X	X	X	X	X	no
06/CV50S	X					X		X		X	X	X	X	X	X	X
07/CV50	X					X				X	X	X	X	X	X	no
07/CV75	X					X				X	X	X	X	X	X	no
07/CV125	X					X				X	X	X	X	n/a	X	X
07/CV129	X					X		X		X	X	X	X	X	X	X
07/CV200S	X					X		X		X	X	X	X	X	X	X



# Technical Notes

## FILE INTEGRITY METHODOLOGY

### PREMISE:

This methodology begins with the premise that review of a file will take 10 minutes on average so that review of 200 files would take approximately 4.5 days if performed by one person. Recognizing that more reviewers will speed up the process, teams of 3-5 people will be conducting the file review over the course of 1-2 days at each division. This methodology was created for the Boston Municipal Court Department, which consists of 8 courts, with the goal of reviewing all eight courts in an eight week period.

### CHOOSE REVIEW TEAM MEMBERS:

- 1) To collect data on a one court/week basis, create a review team of 6-8 people minimum. (Clerk Magistrates & Assistant Clerk Magistrates ideally, but any staff person with case file experience is welcome).
  - At least 2 members should be proficient at reviewing civil case files/dockets.
  - The other members should be proficient at reviewing criminal case files/dockets.
  - To supplement the review team members as needed, have each court ready to provide a volunteer (who is proficient at case file review) to assist in the review of another court.
  
- 2) The ideal review team size is 4 members:
  - Adjust team size depending on space availability at the court being visited and the complexity of case files to be reviewed.
  - The team should consist of at least one member proficient at reviewing civil case files/dockets.

### CREATE A SCHEDULE

- 1) Create a schedule allowing for 1-2 days per week per court.
  - Mix up team members for different courts.
  - No member should conduct the file review of his/her "home" court.
  - Each team member will visit 3-4 different courts.

## NOTICE:

- 1) As soon as possible, send a letter to the First Justice and Clerk-Magistrate of each court explaining CourTool 6 and the scope of the data collection, and asking for their cooperation.
- 2) As soon as possible after the letters are received by the courts, the Chair of the Committee should meet with the Clerk-Magistrate and First Justice of each court to explain the case file review process and address any concerns.
- 3) As soon as the schedule for review is established, it should be sent out to the courts with the following request:
  - That 2 individuals, assigned by the Clerk-Magistrate, be available to pull cases on the designated days.
  - That space be set aside for the team to review files.
  - That the space be located as near to the clerk's counter as possible.

## PREPARATION FOR THE REVIEW:

- 1) The committee shall ensure that prior to the first day of review, forms containing the following information have been generated:
  - 50 random civil pending case file docket #s
  - 50 random criminal pending case file docket #s
  - 50 random civil closed, on-site case file docket #s
  - 50 random criminal closed, on-site case file docket #s
  - 5 extra #s for each of the above 4 categories for situations such as sealed files.
- 2) The committee shall ensure that each team member has all the necessary forms and understands how to fill out the forms. The committee strongly recommends that in the future, the data collection forms provide space for comments pertaining to each individual file so that a court may determine if there is a pattern to their missing documents or incomplete files.
- 3) Data issues:
  - If a docket # is found to be a sealed record or being used in a session, that docket # shall not be used and one of the "extra" numbers shall be used instead.
  - For "File Organization and Completeness" in criminal cases, the "Proof of Service" shall be a "N/A" (not applicable) where the defendant was

- brought in on a warrant or arrest, or arraigned immediately after a probable cause hearing.
- For civil cases, restraining orders, civil commitments and traffic appeals shall not be included.

#### REVIEW PROCESS:

- 1) To minimize the disruption to court business, each team member shall review case files in batches of no more than 10 docket numbers at a time.
- 2) Assuming a team of four members, each member shall be assigned to review a specific case type (pending criminal, closed criminal, pending civil, and closed civil) and to complete the corresponding data collection form. If there are not enough team members with civil experience to conduct the file review, the committee found that it was possible for a single member with civil experience to review all 100 civil files in one day. However, a minimum of two team members was often needed to review 100 criminal cases in one day.
- 3) To begin, one team member assigned to civil cases and one team member assigned to criminal cases will ask their respective assigned individual for one file at a time. The assigned individual will retrieve the file and the team member will check off the appropriate box indicating how long it took to retrieve the file.
  - This will continue until 10 files are retrieved by each team member for a total of 20 files.
  - Once the 20 files are retrieved, the 3rd and 4th team members can then work with the two assigned individuals to retrieve an additional 20 files.
  - During this retrieval, the 1st and 2nd team members, can complete their file reviews, and then return their initial 10 files for an additional 10 files.
- 4) This process repeats until 200 files are reviewed.
- 5) Team members shall ensure the forms are filled out completely. Any issues with a case file should be noted both on the data collection form and on a post-it stuck on the file. All such files should be segregated for discussion with the clerk-magistrate at his/her convenience. If a recurring issue is noted, the team member may wish to engage the clerk-magistrate in discussion immediately.

- 6) Team members shall note any logistics or differences in the courts that may explain why certain information is missing or takes longer to retrieve.

## CIVIL FILE SELECTION

1. Lists of docket numbers for pending and closed civil cases were not available via computer, even with civil BasCOT. Because no division physically segregated or distinguished pending civil cases from closed civil cases, for all divisions civil cases were selected by hand and in person by Attorney Lisa Yee.
2. An added complication to selecting civil cases was due to the various types or categories of civil matters in each court, namely, small claims, supplementary process, "straight" civil, and sometimes summary process. The committee felt it was important to select civil cases in the various categories in representative percentages of the total civil caseload. Other types of cases were not included in the case selection, including restraining orders, civil commitments, and motor vehicle appeals, because of their small numbers and unusual nature.
2. Prior to the site visit to select civil cases, Attorney Yee obtained the total number of civil cases by type for the years 2004 through present. In each division, a total number of cases by category was obtained, and divided into the grand total number of civil cases for the same time period in order to determine the percentage of cases by type. For example, in the Brighton Division, small claim matters constituted 46% of total civil matters for 2004 to present, while summary process matters constituted 6%.
3. Once the percentage for each category was determined, each percentage was used to calculate the number of cases in each category that would total the 50 pending and 50 closed civil cases to be randomly selected. For example, in the South Boston Division, small claim matters constituted 47% of all civil cases, or 24 out of 50 cases, supplementary process cases constituted 19% or 9 out of 50 cases, and straight civil cases constituted 34% or 17 out of 50 cases.
4. A final calculation that served as a starting point for randomly selecting civil cases, but was not usually successful in selecting small claims, supplementary process, and summary process cases, was to determine the selection frequency. The total number of cases in each category was divided by the number of cases to be selected in that category to determine the selection frequency, i.e.,

every 18<sup>th</sup> case, or every 30<sup>th</sup> case, etc. Unfortunately, small claims, supplementary process and summary process cases resolved so quickly that often no pending cases could be identified and selected beyond 2008 and late 2007.

5. Once on-site, cases were physically identified and pulled within each category, and then determined to be either pending or closed. Separate lists of cases were generated for pending and closed cases by type. When it became clear that the selection frequency would not generate enough pending cases, the frequency was altered, i.e., from every 18<sup>th</sup> to every 10<sup>th</sup>, etc., until sufficient pending cases were selected for the category. Selecting enough closed cases did not pose any problems.
6. In two divisions, small claims and supplementary process cases were filed using a hearing date system, rather than being held in a central filing system. In these two instances, selection of pending cases was made by hearing date, relying on the natural randomness of case scheduling.
7. Once the 50 pending and 50 closed civil cases were randomly selected, plus 4-5 extra cases in each category, the docket numbers were typed onto the spreadsheet form that was then used by team members for their file review in each court division. The spreadsheet form used a system of checkmarks or NO or N/A responses in the three areas of review: file location (measures the time to locate a file), file content reliability (measures the degree of correspondence between the case docket and the file contents), and file organization and completeness (measures whether key documents are processed appropriately or missing).
8. After completing the review of 100 civil cases in each division, the handwritten results were collected and transferred to a master spreadsheet, which was then forwarded to the Sentencing Commission to be tabulated and statistically analyzed.

## **CIVIL FILE REVIEW**

### **SMALL CLAIMS**

1. For Date/Time Recorded, if there is no separate date stamp at the time of filing on the plaintiff's statement of small claims, then we will accept the date stamp from the payment of the fees if noted on the plaintiff's statement form, or a notation of the date of filing on the case jacket.
2. The plaintiff's statement of small claim is what constitutes the Complaint.
3. If the date of mailing box is filled out on the docket form or noted on the front of the case jacket, then we will accept that as Return of Service. Before 2005, there may be a green certified mail receipt as the return of service. If there is no indication of a mailing on the docket sheet or elsewhere in the file, then the appropriate entry is "NO" for Return of Service.
4. There is not usually a formal answer filed in small claim matters so we will accept a defendant's motion or appearance at court for a hearing, etc. as the equivalent of an Answer. A defendant's oral agreement to pay that is not reflected in a document filed with the court is not accepted as an answer.
5. If there is no answer by appearance, and no request for default by the plaintiff, then the proper notation on the form for Answer or Default should be N/A.
6. Entries made in civil BasCOT and on the case jacket will be considered as part of the docket sheet when reviewing the file, assuming public access to the same information.

### **SUPPLEMENTARY PROCESS**

1. For Date/Time Recorded, if there is no separate date stamp at the time of filing on the plaintiff's application for supplementary process, then we will accept the date stamp from the payment of the fees if noted on the plaintiff's application form, or a notation of the date of filing on the case jacket.

2. The plaintiff's application for supplementary process is what constitutes the Complaint.
3. Because there is a summons issued for service on the defendant with a specific return date, there should be a return of service filed with the court prior to the return date. If the summons was issued and service was not made by the plaintiff in a timely manner, then the appropriate notation for Return of Service is N/A because it is not the court's fault there is no return of service in the file.
4. There is not usually a formal answer filed in supplementary process matters so we will accept a defendant's motion or appearance at court for a hearing, etc. as the equivalent of an answer. A defendant's oral agreement to pay that is not reflected in a document filed with the court is not accepted as an answer.
5. Entries made in civil BasCOT and on the case jacket will be considered as part of the docket sheet when reviewing the file, assuming public access to the same information.

### **SUMMARY PROCESS**

1. For Date/Time Recorded, if there is no separate date stamp at the time of filing on the plaintiff's application for summary process, then we will accept the date stamp from the payment of the fees if noted on the plaintiff's application form, or a notation of the date of filing on the case jacket.
2. The plaintiff's application for summary process may constitute the Complaint, or there may be a Summary Process Summons and Complaint form.
3. The summons with an officer's return noted thereon should be filed with the court before the hearing date. If no return of service is filed with the court, the appropriate notation should be N/A because it is not the court's fault if service was not timely made or no return was filed.
4. Entries made in civil BasCOT and on the case jacket will be considered as part of the docket sheet when reviewing the file, assuming public access to the same information.

## CIVIL

1. For Date/Time Recorded, if there is no separate date stamp at the time of filing on the plaintiff's complaint, then we will accept the date stamp from the payment of the fees if noted on the plaintiff's complaint, or a notation of the date of filing on the case jacket.
2. Because there is a summons issued for service on the defendant, there should be a return of service filed with the court. If none is found in the file, the proper notation for Return of Service should be N/A because it is not the court's fault if service could not be made or no return was filed.
3. There is usually a formal answer filed in civil actions. If there is no answer filed, and no default requested and entered, then the appropriate notation for Answer or Default should be N/A.
4. Entries made in civil BasCOT and on the case jacket will be considered as part of the docket sheet when reviewing the file, assuming public access to the same information.
5. In civil matters, while the better practice is to note each motion filed as a separate docket entry, we will accept a list of motions filed on the same day as one docket entry. There also should be a separate docket entry for when each motion is decided, but we will also accept a list of motions in a single docket entry if decided on the same day.
6. We will accept the practice in civil matters of not docketing notices of appearances/withdrawals of appearances, minor certifications, and motions for process server, BUT affidavits and certifications that are crucial to the decision of a motion, such as an affidavit/certification in support of a motion for assessment of damages should be docketed when filed.

## CRIMINAL FILE SELECTION

1. For each division, lists of docket numbers for all criminal cases closed between January 1, 2007 and March 31, 2008, and docket numbers for all criminal cases open or pending as of March 31, 2008, were generated. Each list was totaled, and then divided by 55 (50 cases to be reviewed plus 5 extra cases in the event a case was unavailable, i.e. pulled for a court session on the day of review) in order to generate the random number of cases to be reviewed.
2. Once the 50 pending and 50 closed criminal cases were randomly selected, plus 4-5 extra cases in each category, the docket numbers were typed onto the spreadsheet form that was then used by team members for their file review in each court division. The spreadsheet form used a system of checkmarks or NO or N/A responses in the three areas of review: file location (measures the time to locate a file), file content reliability (measures the degree of correspondence between the case docket and the file contents), and file organization and completeness (measures whether key documents are processed appropriately or missing).
3. After completing the review of 100 criminal cases in each division, the handwritten results were collected and transferred to a master spreadsheet, which was then forwarded to the Sentencing Commission to be tabulated and statistically analyzed.

## CRIMINAL FILE REVIEW

1. For Date/Time Recorded, there should be a date and signature at the bottom of the application for criminal complaint.
2. For certain crimes, such as dog violations, the police citation constitutes the application for criminal complaint. Prior to 2005, motor vehicle citations also constituted the application for criminal complaint.
3. If the defendant initially appeared in court due to an arrest, or was arraigned immediately after a probable

cause hearing, then the proper notation under Proof of Service should be N/A. If the application indicates a summons issued, then there should be proper proof of service in the file.

4. Prior to 1989, no police reports were required in criminal cases, and no police reports are required for charges of failing to appear for jury duty.
5. If the docket indicates the appointment of counsel, there should be a Notice of Appearance (NAC) form in the file. If private counsel was retained on behalf of the defendant, there also should be an appearance filed. If no counsel was appointed, and it cannot be determined whether private counsel was retained by the defendant, then the proper notation for NAC or Appearance of Counsel should be N/A. Some divisions have indicated difficulty with obtaining NAC forms from defense counsel.
6. If the criminal docket refers to a warrant or warrant recall or *habeas corpus*, then a copy of the particular document must be in the file.