

By Judge Robert A. Mulligan

## Metrics in the Trial Court: Creating a Culture of High Performance



Robert A. Mulligan became Chief Justice for Administration and Management on October 1, 2003. He was Chief Justice of the Superior Court from 1994-1999.

The Massachusetts Trial Court has long been recognized for excellence in the quality of justice. However, there was also a recognized need for improvement in the delivery of justice – i.e., in the timely and expeditious disposition of cases before the courts.

The Visiting Committee on Management in the Courts, a widely-respected group of business, legal, and academic leaders that crafted a blueprint for achieving managerial excellence in the Trial Court in March, 2003, acknowledged the excellent quality of justice and identified the need to “create a culture of high performance and accountability” in the Trial Court – particularly as it relates to the more timely and expeditious disposition of cases.

The Court Management Advisory Board (CMAB), created by the Legislature in the wake of the Visiting Committee report, also observed that “the Massachusetts judicial system is without peer in the quality of its decision making,” and highlighted the importance of improving timeliness and expedition in the disposition of cases. The CMAB also recommended the adoption of empirical measures to document progress.

To improve timeliness and expedition, the Trial Court has: (1) established time standards for all court departments; (2) adopted common metrics for measuring the timely disposition of cases; (3) set common goals for each of these metrics; and, (4) produced regular reports on progress toward reaching the goals.

Civil and criminal time standards were in place in all court departments by November 2004. To measure the extent to which caseload is consistent with the time standards, we turned to the National Center for State Courts, which had just promulgated *CourTools*, a set of ten key trial court performance measures. Four of the *CourTools* measures focus on timeliness and expedition: (1) clearance rate, (2) time to disposition, (3) age of pending caseload, and (4) trial date certainty. The Trial Court adopted these four *CourTools* measures as a common set of metrics.

With adoption of the metrics came performance goals, which were established through collaboration among all departmental chief justices and were designed to be uniform, ambitious, aspirational and applicable to all case types in all Departments. For 2006, the clearance rate goal was 110%, i.e., eleven cases closed for every ten opened. For cases disposed within the period set by the appli-

*continued on page 6*

cable time standard, the goal was relative - each department was to increase such timely dispositions by 10%. On age of pending caseload, the goal was to reduce by 33% the number of pending cases beyond the applicable time limit. Finally, each department was to seek a 25% reduction in the number of trial dates assigned to a case before it was actually reached for trial.

Metrics and goals would have limited impact without a reporting mechanism, so, beginning with the first quarter of 2006, each department began to generate “dashboard metrics,” i.e., summary statistics that monitor court system performance at a high level. In implementing the first year of the court metrics project, several court departments were working with legacy computer systems that were unable to produce reports for every case type. Despite such constraints, the first year of court metrics information provided valuable insight into the operations of the seven Trial Court departments. Data quality improved as the project proceeded and as MassCourts, the Trial Court’s automated case-management system, was deployed in the District and Boston Municipal Court Departments to handle criminal business. As MassCourts is further deployed, the quality of information available for future reports will continue to improve.

Some policy decisions also affected the metrics project. Because November, 2004, was the first month in which time standards were in place in all Departments, we faced the decision of whether to include only those cases that were filed after November, 2004, or to include all pending cases. We decided to include all pending cases, even though that decision meant that the project would begin with a substantial number of cases that were beyond the disposition date set by the time standards.

Then, toward the end of the third quarter, we decided to concentrate on those cases that were beyond the time standards disposition date to try to reduce the number in that category as much as possible. This focus on the aged cases was productive. Although our aggressive goal was to reduce the number of these old cases by 33%, the number was actually cut in half during the year, from 177,129 to 87,506 cases. Some of that 51% reduction is attributable to updating records of closed cases that had remained open on docket books, but much of the reduction was due to our focus on actually resolving these older cases.

There is a significant interrelationship among the metrics. For example, our focus on reducing the number of older cases (Metric 3) had a positive effect on Metric 1, the

clearance rate. The actual clearance rate was 116%, exceeding our ambitious goal of 110%. On the other hand, our concentration on older cases adversely affected Metric 2, the percentage of cases disposed within the applicable time standard, which actually slipped from the baseline percentage of 78.5% to 74.1%. More work, too, is needed in relation to Metric 4, trial date certainty, which remained essentially unchanged at 1.5 trial dates set before a trial occurred. The important general point, though, is that, for the first time, we have accurate and uniform numbers across the entire Trial Court. In analyzing those numbers, it is crucial to adopt a holistic perspective. No single metric will tell the whole story. It is important to view the four CourtTools metrics in combination.

This integrated enterprise of creating time standards, adopting metrics, setting goals, and measuring outcomes is aimed at improving the timely and expeditious delivery of justice and further enhancing the quality of justice delivered in Massachusetts courts. The approach all Trial Court departments have embraced in this initiative represents a radical departure from traditional court practice. The new approach reflects the commitment to transforming the culture of the Trial Court to one in which management decisions and policies are informed by performance-based data, rather than anecdotes and intuition.



Whether you're looking for banking services for your firm, your partners or your staff, Sovereign Bank brings it all together. We have what you need for your firm—including sophisticated financial management services, credit and investment solutions. **For details, call Gayle Rosenfeld, Senior Vice President, Professional Services, at 617-757-3482.**

**We're proud to support the Boston Bar Association.**

1.877.768.1145  
sovereignbank.com

