

# Enhancing the Delivery of Quality Justice Report of the Court Metrics Project Calendar Year 2006



**ADMINISTRATIVE OFFICE OF THE TRIAL COURT**

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

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From the Chief Justice for Administration and Management:

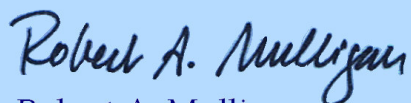
*The Massachusetts Trial Court has long been recognized for excellence in the quality of justice. All who work in the Trial Court are proud to be part of that longstanding tradition of excellence. However, we also recognize the need for improvement in the delivery of justice by reducing delay in the processing of cases.*

*The purpose of this metrics report is to present our efforts to improve the quality of justice by achieving the more timely and expeditious disposition of cases. The report describes: the promulgation of time standards and the setting of common goals for all departments; the adoption of nationally-recognized metrics for measuring progress; the publication of metrics-based quarterly reports – and, ultimately, this annual report – for management review and action.*

*The metrics project reflects the hard work and determination of departmental chief justices, judges, clerks, and other Trial Court employees. The insights and suggestions of the Court Metrics Working Group and the technical support of the Trial Court Information Services department were instrumental in implementing this project.*

*The Court Management Advisory Board (CMAB) provided thoughtful guidance and strong support for this undertaking. Consistent with the advice of the CMAB, the Trial Court went forward with the metrics project prior to the full implementation of MassCourts, notwithstanding the limitations of existing legacy computer systems. This approach proved to be doubly beneficial as the metrics project helped to inform the reporting requirements for MassCourts, and MassCourts facilitated the production of systematic metrics data in those courts where it had been rolled out.*

*Most important, this initiative is transforming the culture of the Trial Court – a transformation whereby empirical data inform policies and drive management decisions, enabling us to increase our accountability and assess our progress, while maintaining our unwavering commitment to quality substantive justice. We stand committed to build on the momentum and energy generated by this effort and to continue to enhance the quality of justice delivered to all who come before the courts of Massachusetts.*



Robert A. Mulligan  
Chief Justice for Administration and Management



# Enhancing the Delivery of Quality Justice

## Report of the Court Metrics Project

### Calendar Year 2006

### Executive Summary

*This is the first annual report on the court metrics project. The court metrics project represents a dynamic initiative aimed at enhancing the delivery of quality justice by systematically promoting the more timely and expeditious disposition of cases. This initiative is consistent with the emerging national emphasis on developing and applying objective measures of performance in courts and other governmental entities as a critical step toward improving management. To achieve the general goal of improved timeliness and expedition, the Trial Court:*

- *established time standards for all court departments;*
- *adopted common metrics for measuring improvement on the timely disposition of cases;*
- *set common, specific goals for each of these metrics across all court departments; and,*
- *produced regular reports on progress toward achieving the goals.*

*The court metrics project relied extensively on the CourTools performance measures promulgated by the National Center for State Courts. The Court Management Advisory Board worked closely with the Trial Court throughout the development of the project and their thoughtful suggestions improved the reporting system. The court metrics project coincided with the rollout of MassCourts, the Trial Court's automated case management system. The work on the court metrics project at this critical time further informed the development of MassCourts, serving to improve the final product that will be the foundation of the Trial Court information system for many years to come.*

*The performance-based approach adopted in this initiative represents a radical departure from traditional court practice and a transformation of court culture. The success of this four phase effort was due to the extraordinary commitment of all members of the court community - judges, clerks, members of the bar, and other Trial Court employees. The focus on the timely disposition of cases improved the delivery of quality justice throughout the Massachusetts court system. The Trial Court will continue its commitment to performance measurement in 2007 and in future years.*

#### Trial Court Performance Measures for Calendar Year 2006

##### **Metric 1: Clearance Rate**

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

##### **Metric 2: Time to Disposition**

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

##### **Metric 3: Age of Pending Cases**

The number of active pending cases that are beyond the disposition date set by the time standards.

##### **Metric 4: Trial Date Certainty**

The number of times cases disposed by trial were scheduled for trial.



# Enhancing the Delivery of Quality Justice

## Report of the Court Metrics Project - Calendar Year 2006

**Introduction.** Performance measurement is becoming a well established method for improving desired results in both public and private sector organizations. In the Massachusetts Trial Court, the enterprise of creating time standards, adopting metrics, setting goals, and measuring outcomes has been an integrated and comprehensive effort directed toward the objective of improving the timely and expeditious delivery of justice and, ultimately, enhancing the quality of justice. The court metrics project provides a framework for analyzing and managing court operations and serves as a foundation for continued improvement in the delivery of justice. This report describes the background of the court metrics project, discusses the four key components of the project (time standards, metrics, goal setting, and reporting), and presents the results of the court metrics project for 2006.

**Monan Committee.** Recent assessments of Trial Court management have emphasized the importance of developing and applying objective measures of court performance as a critical step toward improving court management.

Foremost among such assessments was the well-researched and insightfully written report of the Visiting Committee on Management in the Courts, published in March 2003. Convened by Supreme Judicial Court Chief Justice Margaret H. Marshall to “provide an independent perspective on management in the state’s courts and recommendations for improvement” and chaired by Boston College Chancellor J. Donald Monan, S.J. (and popularly known as the Monan Committee), this widely-respected group of business and academic leaders crafted a comprehensive blueprint for achieving managerial excellence in the Trial Court.

The Monan Committee, while praising the quality of justice delivered, 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.

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**Court Management Advisory Board.** Consistent with the Monan Committee recommendation that a “high-profile and respected advisory board” be created to assist in improving the management of the courts, the Legislature established the Court Management Advisory Board (CMAB) in 2003, G.L. c. 211B, s.6A. The CMAB highlighted in its 2005 Annual Report the challenge confronting the Trial Court:

*“One of the major criticisms of the judicial system in the Monan Report was the lack of expeditiousness and timeliness in the delivery of justice. The Monan Report acknowledges – appropriately -- that the Massachusetts judicial system is without peer in the quality of its decision making -- both at the trial and appellate level. The Monan Report also acknowledges that court personnel are working diligently. Those facts, however, do not mean that a lack of timeliness and expeditiousness in the movement of cases through the system does not have a qualitative and adverse impact on how the public perceives the justice it receives.*

*Efficiency and timeliness are not incompatible with the delivery of high quality justice. In fact, they must be part of the delivery of high quality justice. For too long, the Massachusetts court system’s excellent decision-making has been obscured in the minds of the public (and in the legal community) by instances of inordinate delays, inadequate or uneven staffing, and other indices of inefficiencies.”*

## Addressing Timeliness and Expedition

The Massachusetts Trial Court has made substantial progress in achieving the general goal of improved timeliness and expedition. The Trial Court has:

- established time standards for all court departments;
- adopted common metrics for measuring improvement in the timely disposition of cases;
- set common goals specific to each of these metrics across all court departments; and
- produced regular reports on progress toward reaching the goals.



This report describes the background leading up to the implementation of the court metrics, as well as the goals established for calendar year 2006 and the results of the on-going court metrics project.

## Establishing Time Standards

Answering the challenge to deliver justice in a more timely manner, the Trial Court established time standards in all departments, for both criminal and civil cases, by November 2004. Under the time standards, cases were classified according to their complexity, and time frames were set from filing to disposition with specific time metrics for key decision points in the course of a case. The time standards were necessary for setting the parameters for the timely disposition of cases.

*The adoption of time standards reflects a core consensus that timeliness is essential to the delivery of quality justice.*

The adoption of time standards reflects a core consensus that timeliness is essential to the delivery of quality justice. Since the Monan Committee and the CMAB found that the quality of justice was excellent, it is important to ensure that the emphasis on timeliness and expedition does not adversely affect the existing quality of justice. Intuitively, it seems reasonable to expect that, as cases are resolved more expeditiously, the quality of justice will be improved. There is empirical evidence to support this intuition. A National Center for State Courts study of nine state criminal trial courts concluded that timeliness in case processing is associated with improved case processing quality.<sup>1</sup>

Time standards provide benchmarks to measure and enhance the movement of cases, both civil and criminal, through the litigation process. Ultimately, the goal is to realize a more expeditious and cost-effective resolution of disputes.

## Selection of Court Metrics

Although time standards set the parameters for the disposition of cases, they were only a means to improve timely case processing. The next step was to develop the capacity to measure the extent to which the flow of cases was consistent with the time standards.

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<sup>1</sup> Brian J. Ostrom and Roger A. Hanson, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts*, National Center for State Courts, 1999.

***CourTools: Metrics for  
Timeliness and Expedition***

***Clearance Rates  
Time to Disposition  
Age of Active Pending Caseload  
Trial Date Certainty***

*More information is available from  
the National Center for State Courts  
at: [www.courttools.org](http://www.courttools.org).*

The Administrative Office of the Trial Court looked to the work of the National Center for State Courts (NCSC) in the development of performance metrics for Massachusetts. The NCSC has worked in the area of trial court performance measurement for many years. In the 1990's the NCSC developed the *Trial Court Performance Standards*, a set of performance measures specifically designed for measuring court performance in five areas: access to justice; expedition and timeliness; equality, fairness and integrity; independence and accountability; and public trust and confidence.

In 2005 the NCSC developed *CourTools*, a streamlined set of trial court performance measures. These measures resulted from the integration of the major performance areas defined earlier in the *Trial Court Performance Standards* with work found in other public and private sector organizations. The *CourTools* were published in a highly visual and accessible format that focused on outcomes, reflected the fundamental vision of the courts, and were feasible to implement.

The development of *CourTools* in 2005 proved to be fortuitous for the Massachusetts court metrics project. Four of the *CourTools* measures developed by NCSC focus on timeliness and expedition: *clearance rate, time to disposition, age of pending caseload, and trial date certainty*. The Administrative Office of the Trial Court adopted these four *CourTools* measures as a common set of metrics for all seven court departments.

## Metric 1: Clearance Rate

### 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 of in a timely manner, a backlog of cases awaiting disposition will grow. This performance measure is a single number that can be compared within the court for any and all case types, on a monthly or yearly basis, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements can be made.

### Goal

The clearance rate goal for all departments is 110%. In order to address any backlog of cases in court departments it is necessary that the clearance rate be over 100%, i.e. - the number of cases disposed has to exceed the number of new cases filed. For calendar year 2006 an aggressive target of a clearance rate of 110% was set for all court departments in order to seek to address any backlog of pending cases.

## Metric 2: Time to Disposition

### Definition

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

### Purpose

This measure, used in conjunction with Clearance Rates (Measure 1) and Age of Active Pending Caseload (Measure 3), is a fundamental management tool that assesses the length of time it takes a court to process cases. It measures a court's ability to meet prescribed time standards.

### Goal

The goal for improving time to disposition is to increase the percentage of cases disposed within established time standards by ten percentage points - e.g., if 75% of cases are currently being disposed within the parameters set by the time standards, the goal is to increase that percentage to 85%.

## Metric 3: Age of Pending Cases

### Definition

The number of pending cases that are beyond the disposition date set by the time standards.

### Purpose

Knowing the age of the active cases pending before the court is most useful for addressing three related questions: Does a backlog exist? Which cases are a problem? Given past and present performance, what is expected in the future?

### Goal

The goal is to reduce the number of pending cases that are beyond the disposition date set by time standards by 33%.

## Metric 4: Trial Date Certainty

### Definition

The number of times cases disposed by trial are scheduled for trial.

### Purpose

A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of calendaring and continuance practices. For this measure, "trials" includes jury trials, bench trials (also known as nonjury trials), and adjudicatory hearings in juvenile cases.

### Goal

The goal for improving trial date certainty is to reduce the average number of trial date settings by 25% - e.g., if the average number of trial date settings for a given case type is four, the goal is to reduce the average number of trial date settings to three.

## Development of Common Set of Goals

*Performance goals were chosen to be uniform, ambitious and aspirational.*

In addition to adopting common metrics, the Trial Court selected common goals for the timely disposition of cases. There was a specific goal for each metric. The time standards provide the benchmarks for timely disposition; the *CourTools* metrics provide the measures for assessing consistency with the time standards; and, the goals provide the targets for improving timeliness and expedition in case management. Performance goals were chosen to be uniform, ambitious and aspirational.

## Quarterly Reporting on Metrics

An important component of the court metrics project was the production of quarterly reports. These brief statistical reports took the form of “dashboard metrics” – i.e., summary statistics that monitor court system performance at a high level. The quarterly reports provided a common set of information across all court departments on a uniform set of performance measures for the first time in the history of the Trial Court. The quarterly reports were essential to the success of the project by allowing staff in each court department to develop the process of gathering and reporting metrics. The quarterly reports were closely reviewed by the Chief Justice for Administration and Management in conjunction with the chief justices of each court department, and the policy implications were considered. Chief justices “drilled down” from the general dashboard data to derive more specific information on their departmental court operations to help inform management decisions. These quarterly reports have also been regularly reviewed by the CMAB whose members supported the metrics project and made thoughtful suggestions for improving the reporting system.

## The Key Role of MassCourts

The focused effort for greater timeliness through time standards and performance measurement coincided with the Trial Court's major project for integrated statewide automation. MassCourts is the web-based electronic case management system that will permit all components of the Trial Court to work effectively and efficiently with each other, and with individuals and organizations outside of the Trial Court, to achieve justice in a timely and cost-effective manner and to enhance the Trial Court's sound management. When fully implemented, MassCourts will easily and quickly yield reports that are essential for effective management of the Trial Court. Today, substantial components of MassCourts are in place statewide; employees in high-volume courts are instantaneously sharing important criminal identity information; and, a foundation for operating efficiencies and cost reductions has been put in place.

With MassCourts in the midst of its implementation process, the Trial Court faced the important decision of whether to wait for the full implementation of MassCourts before starting the metrics project or to forge ahead immediately. Some counseled waiting for MassCourts to be fully available in all Trial Court departments before initiating the metrics project. Waiting for MassCourts would ensure uniformity, consistency, and ease of compilation of metrics data. Forging ahead would require a significant effort to accommodate the constraints of legacy computer systems, including the likelihood of manual data collection in some instances.

Ultimately, the decision was made to proceed immediately with the court metrics project and to begin compiling court metrics data in 2006. This decision was made with an understanding of the implications of relying on existing legacy systems and the constraints on an ideal implementation of the court metrics project. In the end, the decision to proceed proved fruitful. The work on the court metrics project further informed the development of MassCourts, serving to improve the final product by refining the statistical reporting requirements. At the same time, MassCourts provided accurate and systematic metrics data for those courts in which it was operational.

*Today, substantial components of MassCourts are in place statewide; employees in high-volume courts are instantaneously sharing important criminal identity information; and, a foundation for operating efficiencies and cost reductions has been put in place.*

Calendar year 2006 witnessed substantial progress for MassCourts. The courts' accomplishments with respect to court metrics are all the more significant because they occurred in conjunction with the MassCourts implementation. This required additional work on many fronts, including simultaneous training efforts, changing business practices, further modifications to legacy computer systems, reporting on cases that spanned old and new systems, and, in some courts, extensive data cleanup efforts. But these two simultaneous developments have also introduced an exciting synergy that propelled MassCourts and metrics forward in tandem.

## Court Metrics Calendar Year 2006

In this section the results of the court metrics project are presented. Two tables are presented for each metric; the first table summarizes the results for the entire calendar year and the second table provides detailed results for each calendar quarter.

*When looking at the court metrics, a holistic approach is essential.*

In considering the information provided in these tables it is important to recognize that for calendar year 2006, the court metrics project does not represent a complete enumeration of every case coming before the courts. 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. Some high volume case types have statutorily imposed time standards and were not included for the purposes of court metrics. Details on the method used by each court department in compiling the court metrics can be found in the endnotes section. Despite the constraints on data collection and reporting, the first year of court metrics information provides valuable insight into the operations of the seven Trial Court departments. The first year of the court metrics project has improved the quality of information available in the automated information systems. As the MassCourts information system is further developed, the quality of information available for future reports on court metrics will continue to improve.

It is also important to note the inter-relationships among the metrics. As court departments work to reduce the inventory of aged cases (metric 3), the clearance rate (metric 1) may increase, but time to disposition (metric 2) may decrease. When looking at the court metrics, a holistic approach is essential.

## Metric 1: Clearance Rate

### 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 of in a timely manner, a backlog of cases awaiting disposition will grow. This performance measure is a single number that can be compared within the court for any and all case types, on a monthly or yearly basis, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements can be made.

### Goal

The clearance rate goal for all departments is 110%. In order to address any backlog of cases in court departments it is necessary that the clearance rate be over 100%, i.e. - the number of cases disposed has to exceed the number of new cases filed. For calendar year 2006 an aggressive target of a clearance rate of 110% was set for all court departments in order to seek to address any backlog of pending cases.

## Metric 1: Clearance Rate by Court Department Calendar Year 2006

Court Department	New Cases	Disposed Cases	Clearance Rate
<b>Boston Municipal Court</b>			
Civil	41,059	43,290	105%
Criminal	36,497	33,030	91%
Sub-Total	77,556	76,320	98%
<b>District Court</b>			
Civil	63,162	61,403	97%
Criminal	227,461	233,009	102%
Sub-Total	290,623	294,412	101%
<b>Housing Court</b>	40,644	103,883	256%
<b>Juvenile Court</b>			
Civil	16,134	18,075	112%
Criminal	36,492	32,435	89%
Sub-Total	52,626	50,510	96%
<b>Land Court</b>	23,039	50,498	219%
<b>Probate and Family Court</b>	68,552	70,123	102%
<b>Superior Court</b>			
Civil	23,181	24,066	104%
Criminal	5,823	5,496	94%
Sub-Total	29,004	29,562	102%
<b>Total</b>	<b>582,044</b>	<b>675,308</b>	<b>116%</b>



**Metric 1** measures the clearance rate or the number of cases disposed as a percentage of the number of incoming cases. In order to reduce the number of pending cases, the Trial Court adopted a clearance rate goal of 110%.

The number of new cases reported for the purpose of court metrics is conservative. For some court departments not all case types were included in the calendar year 2006. For example, due to statutorily imposed time standards or legacy computer systems, the District Court does not include small claims,

restraining orders, mental health or supplementary process cases.

The number of disposed cases includes some cases that appear as open in the automated systems but were actually closed in an earlier time period. In some court departments the process of “cleaning up” these cases was a major initiative, i.e., the Housing Court and the Land Court.

### Metric 1: Clearance Rate by Court Department Quarterly Summary, Calendar Year 2006

Court Department	Quarter 1	Quarter 2	Quarter 3	Quarter 4	2006 Cumulative
<b>Boston Municipal Court</b>					
Civil	90%	96%	118%	114%	105%
Criminal	87%	89%	90%	96%	91%
Sub-Total	89%	92%	105%	106%	98%
<b>District Court</b>					
Civil	105%	89%	93%	104%	97%
Criminal	100%	92%	101%	117%	102%
Sub-Total	101%	91%	99%	114%	101%
<b>Housing Court</b>	178%	330%	171%	357%	256%
<b>Juvenile Court</b>					
Civil	92%	135%	131%	101%	112%
Criminal	94%	86%	86%	90%	89%
Sub-Total	93%	100%	97%	94%	96%
<b>Land Court</b>	102%	114%	112%	456%	219%
<b>Probate and Family Court</b>	94%	95%	108%	112%	102%
<b>Superior Court</b>					
Civil	112%	104%	97%	102%	104%
Criminal	110%	92%	82%	93%	94%
Sub-Total	111%	101%	94%	100%	102%
<b>Total</b>	104%	109%	107%	144%	116%

## Metric 2: Time to Disposition

### Definition

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

### Purpose

This measure, used in conjunction with Clearance Rates (Measure 1) and Age of Active Pending Caseload (Measure 3), is a fundamental management tool that assesses the length of time it takes a court to process cases. It measures a court's ability to meet prescribed time standards.

### Goal

The goal for improving time to disposition is to increase the percentage of cases disposed within established time standards by ten percentage points - e.g., if 75% of cases are currently being disposed within the parameters set by the time standards, the goal is to increase that percentage to 85%.

## Metric 2: Time to Disposition by Court Department Calendar Year 2006

Court Department	Baseline	Cases Disposed			% Within Time Standard
		Within Time Standard	After Time Standard	Total	
<b>Boston Municipal Court</b>					
Civil	91.0%	37,896	5,394	43,290	87.5%
Criminal	93.0%	31,372	1,657	33,029	95.0%
Sub-Total	92.0%	69,268	7,051	76,319	90.8%
<b>District Court</b>					
Civil	90.7%	59,408	2,234	61,642	96.4%
Criminal	92.0%	130,613	11,231	141,844	92.1%
Sub-Total	93.2%	190,021	13,465	203,486	93.4%
<b>Housing Court</b>	44.9%	32,176	70,814	102,990	31.2%
<b>Juvenile Court</b>					
Civil	72.3%	13,172	4,903	18,075	72.9%
Criminal	72.0%	24,943	7,492	32,435	76.9%
Sub-Total	72.1%	38,115	12,395	50,510	75.5%
<b>Land Court</b>	39.0%	1,702	1,630	3,332	51.1%
<b>Probate and Family Court</b>	76.4%	26,151	9,859	36,010	72.6%
<b>Superior Court</b>					
Civil	50.0%	12,890	11,117	24,007	53.7%
Criminal	28.0%	1,654	3,859	5,513	30.0%
Sub-Total	47.0%	14,544	14,976	29,520	49.3%
<b>Total</b>	<b>78.5%</b>	<b>371,977</b>	<b>130,190</b>	<b>502,167</b>	<b>74.1%</b>

**Metric 2** measures the time to disposition in relation to the time standard for the case and indicates whether the case was disposed within the applicable time standard. For all disposed cases, the number disposed within established time standards is shown and the number that were disposed after the date set by the time standards is also shown.

For calendar year 2006 the goal was to improve by 10% the proportion of cases that were disposed of within time standards, up to a maximum of 100%. It is noteworthy that for some court departments the baseline figure was already high – e.g., District Court.

For some court departments, the reported number of cases disposed for metric 2 differs from the reported number of cases disposed for metric 1. These differences are related to the range of cases for which time standards have been adopted; the ability of automated systems to report the relationship between time standards and time to disposition; and, the manner in which cases which appear as pending in automated systems but were disposed of in an earlier time period were counted.

## Metric 2: Time to Disposition by Court Department Quarterly Summary, Calendar Year 2006

Court Department	% Within Time Standards Calendar Year 2006					
	Baseline	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Cumulative
<b>Boston Municipal Court</b>						
Civil	91.0%	94.1%	89.7%	84.1%	85.2%	87.5%
Criminal	93.0%	93.2%	95.9%	96.7%	94.0%	95.0%
Sub-Total	92.0%	93.7%	92.6%	89.1%	88.8%	90.8%
<b>District Court</b>						
Civil	90.7%	96.1%	96.3%	96.6%	96.5%	96.4%
Criminal	N.A.	92.0%	92.5%	92.5%	91.4%	92.1%
Sub-Total	N.A.	93.2%	93.6%	93.7%	93.0%	93.4%
<b>Housing Court</b>	N.A.	44.9%	22.5%	44.4%	25.3%	31.2%
<b>Juvenile Court</b>						
Civil	N.A.	72.3%	76.6%	70.8%	70.7%	72.9%
Criminal	N.A.	72.0%	78.6%	81.1%	76.3%	76.9%
Sub-Total	N.A.	72.1%	77.8%	77.7%	74.3%	75.5%
<b>Land Court</b>	39.0%	50.2%	52.4%	46.9%	53.9%	51.1%
<b>Probate and Family Court</b>	N.A.	76.4%	76.5%	63.7%	75.4%	72.6%
<b>Superior Court</b>						
Civil	50.0%	48.8%	54.1%	57.5%	55.3%	53.7%
Criminal	28.0%	26.1%	33.5%	30.0%	31.1%	30.0%
Sub-Total	47.0%	44.4%	50.3%	52.6%	50.7%	49.3%
<b>Total</b>	N.A.	78.5%	70.8%	78.2%	70.1%	74.1%

## Metric 3: Age of Pending Cases

### Definition

The number of pending cases that are beyond the disposition date set by the time standards.

### Purpose

Knowing the age of the active cases pending before the court is most useful for addressing three related questions: Does a backlog exist? Which cases are a problem? Given past and present performance, what is expected in the future?

### Goal

The goal is to reduce the number of pending cases that are beyond the disposition date set by time standards by 33%.

### Metric 3 Number of Pending Cases Beyond the Time Standards Cases Pending as of December 31, 2006

Court Department	Baseline	Year-End	Difference
<b>Boston Municipal Court</b>			
Civil	1,841	303	-83.5%
Criminal	1,776	492	-72.3%
Sub-Total	3,617	795	-78.0%
<b>District Court</b>			
Civil	802	391	-51.2%
Criminal	3,640	2,469	-32.2%
Sub-Total	4,340	2,860	-34.1%
<b>Housing Court</b>	90,818	21,271	-76.6%
<b>Juvenile Court</b>			
Civil	3,949	3,443	-12.8%
Criminal	7,824	7,174	-8.3%
Sub-Total	11,773	10,617	-9.8%
<b>Land Court</b>	22,188	16,728	-24.6%
<b>Probate and Family Court</b>	34,572	21,953	-36.5%
<b>Superior Court</b>			
Civil	10,209	10,674	4.6%
Criminal	3,093	2,608	-15.7%
Sub-Total	13,302	13,282	-0.2%
<b>Total</b>	177,129	87,506	-50.6%

**Metric 3** addresses the inventory of aged cases. With the adoption of time standards, all trial court departments could, for the first time, consider all pending cases and determine which cases were pending beyond the disposition date set by the applicable time standard. The calendar year 2006 court metrics project is the first time a systematic compilation of the number of such cases was made.

For calendar year 2006 an aggressive goal was set to reduce the number of cases pending beyond the disposition date set by time standards by 33%. A baseline measurement was established as the inventory of aged cases

at the end of calendar year 2005 or at the end of the first quarter of calendar year 2006 where the earlier data were not available.

For some court departments there are cases that were actually disposed of in a timely fashion in an earlier reporting period but were not closed properly and appear as pending in automated systems. Many of these cases were corrected or cleaned up in the automated system during calendar year 2006. Accordingly, the quality of the data available for future reporting has been improved as a result of the metrics project.

### Metric 3 Number of Pending Cases Beyond the Time Standards Quarterly Summary, Calendar Year 2006

Court Department	Quarter 1	Actual Change Baseline to:		
		Quarter 2	Quarter 3	Quarter 4
<b>Boston Municipal Court</b>				
Civil	-15.1%	-23.0%	-69.4%	-83.5%
Criminal	-61.4%	-66.7%	-67.2%	-72.3%
Sub-Total	-37.8%	-44.4%	-68.3%	-78.0%
<b>District Court</b>				
Civil	-12.7%	-15.0%	-38.9%	-51.2%
Criminal	N.A.	2.4%	-10.5%	-32.2%
Sub-Total	N.A.	1.6%	-13.6%	-34.1%
<b>Housing Court</b>	N.A.	-19.1%	-47.1%	-76.6%
<b>Juvenile Court</b>				
Civil	N.A.	-6.8%	-5.0%	-12.8%
Criminal	N.A.	-7.5%	-5.4%	-8.3%
Sub-Total	N.A.	-7.3%	-5.3%	-9.8%
<b>Land Court</b>	-5.7%	-11.0%	-13.4%	-24.6%
<b>Probate and Family Court</b>	N.A.	9.7%	7.9%	-36.5%
<b>Superior Court</b>				
Civil	-3.8%	-2.7%	1.9%	4.6%
Criminal	-15.1%	-12.7%	-20.4%	-15.7%
Sub-Total	-6.4%	-5.0%	-3.3%	-0.2%
<b>Total</b>	N.A.	-9.1%	-24.6%	-50.6%

## Metric 4: Trial Date Certainty

### Definition

The number of times cases disposed by trial are scheduled for trial.

### Purpose

A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition. This measure provides a tool to evaluate the effectiveness of calendaring and continuance practices. For this measure, "trials" includes jury trials, bench trials (also known as nonjury trials), and adjudicatory hearings in juvenile cases.

### Goal

The goal for improving trial date certainty is to reduce the average number of trial date settings by 25% - e.g., if the average number of trial date settings for a given case type is four, the goal is to reduce the average number of trial date settings to three.

## Metric 4: Trial Date Certainty Calendar Year 2006

Court Department	Baseline	Average Number of Trial Date Settings		
		Number of Trials	Number of Trial Settings	Average Number of Trial Date Settings
<b>Boston Municipal Court</b>				
Civil	1.30	1,660	N.A.	1.50
Criminal	1.90	3,179	N.A.	1.27
Sub-Total	1.70	4,839	N.A.	1.34
<b>District Court</b>				
Civil	1.77	1,864	3,330	1.79
Criminal	1.47	29,612	44,198	1.49
Sub-Total	1.49	31,476	47,528	1.51
<b>Housing Court</b>	1.19	3,920	4,855	1.24
<b>Juvenile Court</b>				
Civil	1.17	378	505	1.34
Criminal	1.05	242	317	1.31
Sub-Total	1.13	620	822	1.33
<b>Land Court</b>	1.60	58	79	1.36
<b>Probate and Family Court</b>	1.35	860	1,162	1.35
<b>Superior Court</b>				
Civil	3.05	1,059	3,147	2.97
Criminal	3.11	617	1,828	2.96
Sub-Total	3.08	1,676	4,975	2.97
<b>Total</b>	1.53	35,943	54,551	1.52

**Metric 4** addresses trial date certainty. The calendar year 2006 goal for metric 4 was to reduce by 25% the average number of trial date settings. A threshold average of 1.25 was established - i.e. those courts where the average number of trial dates was 1.25 or less were determined to have met the goal.

#### Metric 4: Trial Date Certainty Quarterly Summary, Calendar Year 2006

Court Department	Baseline	Average Number of Trial Date Settings				Cumulative
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	
<b>Boston Municipal Court</b>						
Civil	1.30	1.40	1.52	1.70	1.39	1.50
Criminal	1.90	1.30	1.32	1.34	1.14	1.27
Sub-Total	1.70	1.30	1.39	1.46	1.23	1.34
<b>District Court</b>						
Civil	1.77	1.77	1.75	1.84	1.80	1.79
Criminal	1.47	1.47	1.49	1.47	1.53	1.49
Sub-Total	1.49	1.49	1.50	1.49	1.54	1.51
<b>Housing Court</b>	1.19	1.19	1.21	1.18	1.27	1.24
<b>Juvenile Court</b>						
Civil	1.17	N.A.	1.17	1.25	1.67	1.34
Criminal	1.05	N.A.	1.05	1.22	1.68	1.31
Sub-Total	1.13	N.A.	1.13	1.24	1.67	1.33
<b>Land Court</b>	1.60	1.57	1.25	1.42	1.15	1.36
<b>Probate and Family Court</b>	1.35	1.35	1.39	1.26	1.37	1.35
<b>Superior Court</b>						
Civil	3.05	2.73	3.10	3.37	2.80	2.97
Criminal	3.11	N.A.	3.11	2.71	3.07	2.96
Sub-Total	3.08	N.A.	3.11	3.05	2.92	2.97
<b>Total</b>	1.53	N.A.	1.53	1.51	1.52	1.52

## Discussion

*The number of aged cases was cut in half during the year, from 177,129 to 87,506 cases – a reduction of 50.6%.*

Some policy decisions affected the metrics project. As noted earlier, time standards for all court departments were established by November 2004. The Trial Court faced the decision as to whether to include in the metrics project only those cases that were filed after November 2004 or to include all pending cases. The policy decision was to include all pending cases, which 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, the policy decision was made to concentrate on those cases that were beyond the disposition date set by the time standards in an effort to significantly reduce the number in that category. As indicated by the Metric 3 data, this focus on the aged cases was productive. The goal for Metric 3, which was considered to be aggressive, was to reduce the number of these old cases by 33%. The number of aged cases was cut in half during the year, from 177,129 to 87,506 cases – a reduction of 50.6%.

This substantial reduction was due in part to the focus on these older cases and in part to a “clean-up” effort in certain departments whereby cases that had actually been disposed earlier, but not officially closed, were remediated.

It is important to reiterate the point made earlier, that there is a significant interrelationship among the metrics. For example, the focus on reducing the number of older cases (Metric 3) had a positive effect on the clearance rate (Metric 1). Whereas the clearance rate goal was an ambitious 110%, the actual clearance rate was 116%. On the other hand, the concentration on older cases adversely affected the percentage of cases disposed within the applicable time standard (Metric 2). The larger number of aged cases considerably increased the denominator, thereby reducing the percentage of cases that were disposed within the disposition date set by the time standards. This helps to explain why the percentage of cases that were disposed within the time standards during 2006 (74.1%) was somewhat lower than the baseline percentage (78.5%).



The important general point to emerge from this review of the metrics statistics is that it is crucial to adopt a holistic perspective in weighing the metrics data. No single metric will tell the whole story. It is important to view the four CourTools metrics in combination.

## Conclusion

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. For the first time in Trial Court history, civil and criminal time standards are in place in all departments; common goals and uniform metrics have been adopted for all departments; and, systematic, performance-based reports are periodically generated for all departments.

The approach that 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 “a culture of high performance and accountability,” in which management decisions and policies are informed by performance-based data, rather than anecdotes and intuition.

The Trial Court will continue its commitment to performance measurement in 2007 and in future years. Goals for 2007 have been set and refinements to the metrics reporting system have been adopted. The Trial Court stands committed to enhancing the delivery of quality justice by selecting performance-based initiatives, setting goals, measuring progress empirically, and reporting outcomes transparently.

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# Endnotes

## District Court Department

**Criminal** - Case information was obtained from MassCourts Lite (MCL), the Warrant Management System (WMS), JMS, Criminal BasCOT case management systems and CARI. Only cases that could be matched with CARI were included in the reports. Due to technological limitations Springfield, Brockton, Barnstable, Worcester, and Woburn were excluded for purposes of Metrics 2, 3 and 4.

**Civil** - Case information was obtained from the Civil BasCOT case management system and does not include supplementary process, summary process, mental health, restraining orders, and small claims cases.

### District Court Department - Metric 1: Clearance Rate

#### *Civil*

Both legacy and non-legacy civil cases were counted.

### District Court Department - Metric 2: Time to Disposition

#### *Criminal*

E. Hampshire was excluded for technical reasons.

#### *Civil*

The two year time standard was applied.

### District Court Department - Metric 3: Age of Pending Cases

#### *Criminal*

Cases that appeared as disposed in CARI and pending in WMS or MCL were considered disposed. Cases filed before January 1, 2004 were not included in this report. East Hampshire also was excluded for technical reasons.

#### *Civil*

The two year time standard was applied.

### District Court Department - Metric 4: Trial Date Certainty

#### *Criminal*

The statistics measure the raw number of trials scheduled per disposed case for the reporting period. Orange also was excluded from this metric for technical reasons.

#### *Civil*

The Civil BasCOT system was used to manually evaluate disposed cases which were scheduled for trial during the reporting period.

## Housing Court Department

The Housing Court has the ability with its current legacy Electronic Case Management System to measure and report on all case types within its jurisdiction. The Department was able to achieve the high percentage of clearance not because the matters were adjudicated, but rather through individual case review and remedial data entry indicating the matters were indeed disposed. The percentage of cases disposed within the Time Standards is low as a result of the inclusion of cases filed before the implementation of Time Standards and as a result of the remedial data entry as mentioned above. It must be noted as well that in summary process cases, the most voluminous case type in the Housing Court, the parties are automatically entitled to a rescheduled trial date by rule of court when request for discovery is timely filed.

## **Juvenile Court Department**

These numbers include those cases that cannot be resolved, i.e., default warrants, competency cases and diversion matters. The current case management system is unable to exclude these cases from the count.

## **Land Court Department - Metric 2: Time to Disposition**

These numbers include both pre-time standards and post-time standards cases, so that all cases are treated as if time standards had always been in force. For the purposes of this metric the Land Court did not include the pre-MassCourts cases completed prior to the quarter, but closed on the docket during the quarter.

## **Land Court Department - Metric 4: Trial Date Certainty**

The number of cases in Metric 1 exceeds the number of cases in Metric 2 because: (1) Metric 1, unlike Metric 2, includes both time standards and non-time standards cases. A large number of Land Court cases, including Mortgage Foreclosure cases and "S-Cases", relating to registered land, are not subject to time standards. The vast majority of these cases are disposed of in less than six months time; and (2) Metric 1, unlike Metric 2, includes all cases disposed of during the quarter, including pre-MassCourts cases that had been completed prior to the quarter, but remained open and undisposed on the docket.

## **Probate and Family Court Department - Metric 1: Clearance Rate**

This report does not represent all cases filed and disposed in the Probate and Family Court Department. Due to limitations of the Probate and Family Court indexing and docketing program, BasCOT, (not the same program as District Court BasCOT) we are not able to obtain reliable case disposition information on all case types. The case types are: Adoption, Change of Name, Paternity, Divorce, Guardianship and Conservatorship, Probate Estates and Administration, and Equity.

We have attempted to obtain the most reliable information on case disposition, however, due to limitations on the categorization of case disposition in the Probate and Family Court indexing and docketing program, BasCOT, we cannot be certain that the dispositional information for the Paternity and Divorce case types is 100% accurate. When we convert to MassCourts we hope to have more reliable categorization of dispositions.

## **Probate and Family Court Department - Metric 2: Time to Disposition**

This report does not represent all cases filed and disposed in the Probate and Family Court Department. Due to limitations of the Probate and Family Court indexing and docketing program, BasCOT, (not the same program as District Court BasCOT) we are not able to obtain reliable case disposition information on all case types. The case types are: Paternity, Divorce, Guardianship and Conservatorship, Probate Estates and Administration, and Equity.

The results reflect a project undertaken to review divorce cases pending beyond the Time Standards in order to reduce the number of these cases. The result of this review is the disposition of a significant number of cases (many for failure to serve or inactivity) beyond the Time Standards time periods.

## **Probate and Family Court Department - Metric 3: Age of Pending Cases**

This report only includes cases filed after January 1, 2003.

This report does not represent all cases filed after January 1, 2003 and still pending in the Probate and Family Court Department. Due to limitations of the Probate and Family Court indexing and docketing program, BasCOT, (not the same program as District Court BasCOT) we are not able to obtain reliable case disposition information on all case types. The case types are: Paternity, Divorce, Guardianship and Conservatorship, Probate Estates and Administration, and Equity.

### **Probate and Family Court Department - Metric 4: Trial Date Certainty**

Due to limitations of the Probate and Family Court case management program, BasCOT, (not the same program as District Court BasCOT) we are not able to obtain the information for this report in an automated fashion. We have had to manually compile this data. Therefore, the data represent a sample of all cases disposed by trial during the period of July 1, 2006 through December 31, 2006. A total of seven Divisions were sampled.

### **Superior Court Department - Metric 2: Time to Disposition**

The report contains all cases (pre-time standards and post-time standards) that reach disposition during the stated time period and assume that the time standards apply to all cases. The statistics do not include 68 unassigned criminal cases disposed of during the 3<sup>rd</sup> quarter (cases never assigned to a track).

### **Superior Court Department - Metric 3: Age of Pending Cases**

The report contains all cases (pre-time standards and post-time standards) that are pending beyond the given time period per track and assumes that the time standards apply to all cases.

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