

# Enhancing the Delivery of Quality Justice

## Court Metrics Report - Calendar Year 2008



**ADMINISTRATIVE OFFICE OF THE TRIAL COURT**

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

**Administrative Office of the Trial Court**

Honorable Robert A. Mulligan  
Chief Justice for Administration & Management

**Trial Court Departments**

Honorable Paula M. Carey  
Chief Justice, Probate and Family Court Department

Honorable Lynda M. Connolly  
Chief Justice, District Court Department

Honorable Michael F. Edgerton  
Chief Justice, Juvenile Court Department

Honorable Charles R. Johnson  
Chief Justice, Boston Municipal Court Department

Honorable Steven D. Pierce  
Chief Justice, Housing Court Department

Honorable Barbara J. Rouse  
Chief Justice, Superior Court Department

Honorable Karyn F. Scheier  
Chief Justice, Land Court Department

*In 2008, faced with escalating fiscal challenges and workforce reductions, the Massachusetts Trial Court expanded its emphasis on performance measurement as a critical foundation of the court's commitment to quality, substantive justice. This third annual report on court performance reinforces our ongoing commitment to accountability and transparency.*

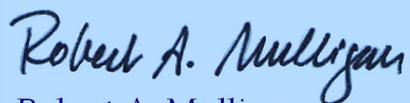
*The departmental chief justices, judges, clerks and many Trial Court employees have demonstrated energetic leadership and commitment in using measurements to improve the way daily business is managed. The Court Management Advisory Board also continues to provide valuable guidance to the chief justices on issues of management and accountability.*

*The cooperation of the Trial Court's partners in the justice system, particularly members of the bar, also ensures the effectiveness of this effort. In 2008, more than 1,000 attorneys provided valuable input on court management practices to the Trial Court judges and Chief Justices at five regional sessions across the state.*

*The CourTools metrics developed by the National Center for State Courts provide a simple, effective framework that enables us to focus on critical performance areas. For the third full year we used the four metrics that target the timely and expeditious delivery of justice. They reflect a reduction of more than 100,000 aged cases over three years and the percentage of cases disposed or resolved within time standards has improved to 89 percent.*

*In 2008, completion of the Access and Fairness survey by more than 9,000 court users at all 106 courthouses provided a very favorable review of court staff and court operations but also reflected the need for continued focus on timeliness. In addition, the Boston Municipal Court department piloted a new metric on file reliability and integrity.*

*As budget challenges further reduce staffing in courthouses across the state, these performance measures will enable us to quantify the impact of limited resources on the delivery of justice. They also will enable data-driven management efforts to adopt new practices, as we identify ways to deliver quality justice to the citizens of Massachusetts in a difficult fiscal climate.*



Robert A. Mulligan  
Chief Justice for Administration & Management



# Enhancing the Delivery of Quality Justice

## Court Metrics Report - Calendar Year 2008

### Executive Summary

*The use of court metrics represents a dynamic initiative for enhancing the delivery of quality justice by enabling more effective operation of the Massachusetts Trial Court. This initiative is consistent with the emerging national emphasis on developing and applying objective measures of performance in courts and other governmental entities as the critical step toward improving management. In the third year of implementation the Trial Court continued its focus on timeliness and expedition, evaluated access and fairness, and began to analyze the reliability and integrity of case files. To address timeliness and expedition, the Trial Court:*

- *utilizes time standards for all court departments;*
- *applies common metrics to monitor changes in the timeliness of case disposition;*
- *establishes common, specific goals for each of these metrics across all court departments; and,*
- *produces regular reports on progress toward achieving these goals.*

*The third year of focus on timely disposition of cases continued to address the delivery of quality justice throughout the Massachusetts Court system. Using CourtTools, a set of performance measures promulgated by the National Center for State Courts, the Trial Court achieved the following in 2008:*

- *cleared cases at the rate of 97.0%;*
- *disposed of 89.4% of cases within established time standards;*
- *reduced the number of cases pending beyond time standards by 6.0%-- from 73,580 to 69,135; and,*
- *began 78.0% of all trials by the second trial date.*

*The Trial Court improved the proportion of cases disposed within established time standards. In 2008, 89.4% of disposed cases were*

#### **Trial Court Performance Measures: Calendar Year 2008**

##### **Timeliness & Expedition**

###### **Clearance Rate**

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

###### **Time to Disposition**

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

###### **Age of Pending Cases**

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

###### **Trial Date Certainty**

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

*resolved within time standards, compared to 85.8% in 2007. This was short of the goal of 95.0%, but reflected steady improvement over three years. Similarly, the 6.0% decline in the number of cases pending beyond time standards fell short of the goal of 33%, but represented a three-year reduction of more than 100,000 aged cases.*

*In terms of the clearance rate, Trial Court Departments disposed of fewer cases than were filed, which did not meet the clearance rate goal of 105%. The methodology for assessing trial date certainty changed in 2007 to create more consistency with national reporting models. As to those cases disposed by trial, 78.0% were tried by the second trial date, which fell short of the goal of 88%.*

*The Massachusetts Trial Court completed implementation of a new performance measurement. The Trial Court assessed the satisfaction of court users through the Access and Fairness Survey in the eight divisions of the Boston Municipal Court Department in the latter half of 2007, and implemented the survey in all other Trial Court Departments during 2008. The use of this measure reinforced the Trial Court's focus on accountability and supported ongoing efforts to enhance access to justice. Use of the 16-question, written survey has furthered the empirical approach to accountability through the collection of data on the experiences of more than 9,000 court users. The results will be used by management to further improve court operations and services.*

*In 2008, the Massachusetts Trial Court began to assess the reliability and integrity of case files in the eight divisions of the Boston Municipal Court Department. A total of 1,600 case files, representing both active and inactive civil and criminal cases, were randomly selected and reviewed.*

*The performance-based approach adopted by the Massachusetts Trial Court represents a radical departure from traditional court practice and reflects an ongoing transformation of court culture. The success of these efforts is due to the extraordinary commitment of all members of the court community – judges, clerks, other Trial Court staff, and members of the bar. The Court Management Advisory Board continues to provide valued guidance and support of these efforts. The Trial Court will continue to expand its commitment to data-driven decision making and performance measurement in 2009 and the years ahead.*

# Enhancing the Delivery of Quality Justice

## Court Metrics Report - Calendar Year 2008

**Introduction.** 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. It was initially directed toward improving the timely and expeditious delivery of justice and, has since expanded to other areas which also enhance the quality of justice. This process is introducing transparency and accountability into the management of all Trial Court operations. Court metrics provide a framework for analyzing and managing court operations and serve as a foundation for continued improvement in the delivery of justice.

This is the third annual report on court metrics. This report describes the background leading up to the implementation of the court metrics, as well as the goals established for calendar year 2008, and presents three years of data on key measures of Trial Court performance with respect to the timeliness and expedition of case disposition. The report also presents summary results of two additional metrics which were implemented or piloted in 2008: access and fairness, and case file reliability and integrity. The first three years of metrics are transforming Trial Court culture and improving the delivery of quality justice for the citizens of the commonwealth.

**Background.** A comprehensive blueprint for achieving managerial change in the Trial Court was set forth by the Visiting Committee on Management in the Courts 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,” the Visiting 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 regarding the more timely and expeditious disposition of cases.

Consistent with the Visiting Committee recommendation that a “high-profile and respected advisory board” be created to advise on the management of the courts, the Legislature established the Court Management Advisory Board (CMAB) in 2003.

**Court Management Advisory Board**

**Chair**

*Michael B. Keating, Esq.  
Foley Hoag LLP*

**Members**

*Leo V. Boyle, Esq.  
Meehan, Boyle, Black & Fitzgerald*

*Linda K. Carlisle  
Management Consultant*

*Gene D. Dahmen, Esq.  
Verrill Dana, LLP*

*Janet E. Fine  
Massachusetts Office of Victim  
Assistance*

*David S. Friedman, Esq.  
Office of the Attorney General*

*David G. Fubini  
McKinsey & Company*

*Robert P. Gittens, Esq.  
Northeastern University*

*Honorable Neil L. Lynch  
Retired Justice of the Massachusetts  
Supreme Judicial Court*

*Anne H. Margulies  
Executive Office of Administration  
and Finance*

*Thomas O'Brien, Ph.D.  
University of Massachusetts*

*Elizabeth Pattullo  
Beacon Health Strategies*

Members of the trial bar are important partners in ensuring the delivery of quality justice. In her annual address to the legal community, Supreme Judicial Court Chief Justice Margaret Marshall praised the partnership and communication between judges and lawyers in their efforts to improve the delivery of justice in the Massachusetts court system: *"The Judiciary's groundbreaking management reforms could not have come about, and cannot be sustained, without the full cooperation of the organized bar."*

In 2008, the Trial Court conducted a series of five open forums for lawyers entitled "Open Dialogues on Court Practices," in partnership with the Court Management Advisory Board (CMAB) and Massachusetts Bar Association. The purpose of these meetings was to elicit comments from the bar concerning case management initiatives implemented by the Trial Court. Topics such as fair and firm trial dates and efficient case scheduling were discussed.<sup>1</sup> The following sessions were held:

- May 29, 2008 - Brockton
- June 17, 2008 - Lawrence
- September 17, 2008 - Boston
- October 2, 2008 - Springfield
- October 16, 2008 - Worcester

<sup>1</sup> <http://www.mass.gov/courts/open-court-dialogue>.

## Addressing Timeliness and Expedition

Recognizing that timeliness is an integral component of high quality justice, the 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
- reported regularly and publicly on progress toward reaching these goals.

This effort addresses a main recommendation of the Visiting Committee and remains a priority of the CMAB.

**Establishing Time Standards.** Confronting 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. Time standards provide benchmarks to measure and manage 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 cases, while maintaining the existing high standard for quality substantive justice. This third annual metrics report contains information on three full years of experience working with established time standards across all departments.

## CourTools Performance Measures

### ***CourTools:***

- ***Access and Fairness***
- ***Clearance Rates***
- ***Time to Disposition***
- ***Age of Active Pending Caseload***
- ***Trial Date Certainty***
- ***Reliability and Integrity of Case Files***
- ***Collection of Monetary Penalties***
- ***Effective Use of Jurors***
- ***Court Employee Satisfaction***
- ***Cost Per Case***

*For more information from the National Center for State Courts go to: [www.courtools.org](http://www.courtools.org).*

To measure the extent to which the flow of cases was consistent with the time standards, 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. In 2005 the NCSC developed *CourTools*, a streamlined set of ten trial court performance measures. 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*. In 2006, the Trial Court adopted these four *CourTools* measures as a common set of metrics for all seven court departments.

In 2007, the Boston Municipal Court Department implemented a fifth *CourTools* metric – the Access and Fairness Survey – which measures the ratings by court users on accessibility, fairness, equality, and respect. The Access and Fairness Survey was implemented in all other Trial Court Departments during calendar year 2008.

In 2008, another *CourTools* measures was introduced in the Trial Court: *Reliability and Integrity of Case Files*. While this third annual report on the court metrics mainly focuses on the four measures that address timeliness and expedition of case processing, some information is presented on those other performance metrics.

# Case Management Metrics

## 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 105%. 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 2007 an aggressive target of a clearance rate of 105% was set for all court departments in order to seek to address any backlog of pending cases.

## 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%.

## 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%.

## 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

For metric 4, the annual goal will be to have 90% of the cases that are disposed by trial actually go to trial by the second trial date setting for all departments except for the Superior Court. For the Superior Court, the annual goal will be to have 75% of the cases that are disposed by trial actually go to trial by the second trial date setting.

## Common Set of Goals Developed

In addition to adopting common metrics, the Trial Court developed ambitious goals for the timely disposition of cases with 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. For 2008 the goals used for the metrics were:

- maintain a clearance rate of 105%;
- improve by 10% the proportion of cases that were disposed of within time standards;
- reduce the number of cases pending beyond the disposition date set by time standards by 33%; and,
- begin the trial of 90% of the cases resolved by trial by the second trial date setting (75% in the Superior Court).

## Reports Issued Regularly

An important component in measuring performance is the continued production of regular reports.

Quarterly reports provide systematic 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 are analyzed by the Chief Justice for Administration & Management in conjunction with the Chief Justices of each court department, and the policy implications are discussed. Chief Justices drill down from the summary data to derive more specific information on their departmental court operations to help inform management decisions. These quarterly reports also are regularly reviewed by the CMAB whose members supported the use of metrics and made thoughtful suggestions for improving the reporting system.

The annual report of the metrics data extends the Trial Court's accountability and transparency to a broader audience. The report is widely distributed through printed media and via the Trial Court's web-site.

## 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 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 instantaneously share important criminal identity information; and a foundation for operating efficiencies and cost reductions has been put in place. Calendar year 2008 witnessed substantial progress for MassCourts as the Trial Court began implementation in Probate and Family Court.

Accomplishments by the court departments 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.

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

## Court Metrics: Calendar Year 2008

Court metrics data on timeliness and expeditious case management for 2008 are detailed below and where possible compared with results from 2006 and 2007. The court metrics do not encompass every case before the courts, since several court departments continue to work with legacy computer systems that are unable to produce data for every case type. In addition, some high volume case types have statutorily imposed time standards and are not included. Despite the constraints on data collection and reporting, the first three years of court metrics information provide valuable insight into the operations of the seven Trial Court departments. The Trial Court continues to improve the quality of information available in its automated information systems and, as the MassCourts information system is further developed, the quality of information available on performance results will continue to improve.

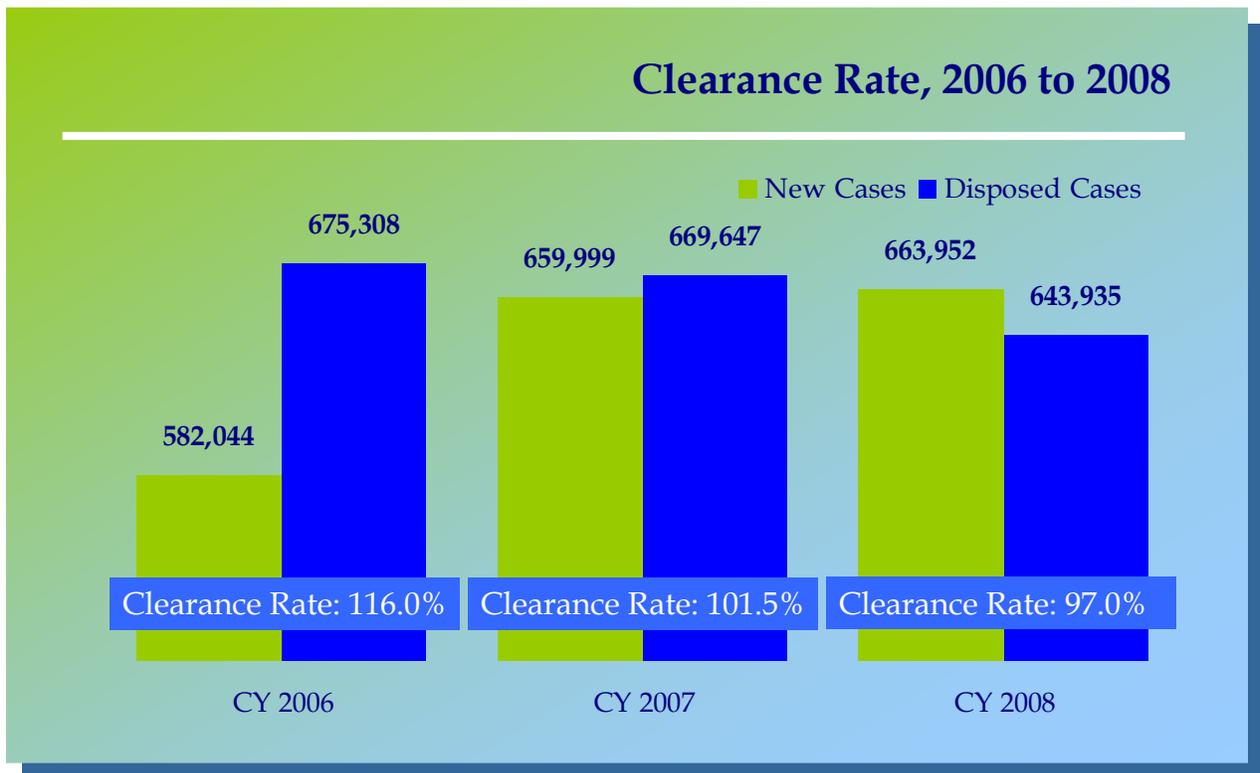
*When looking at the court metrics, a holistic approach is essential.*

It is important to note the inter-relationship among the metrics. As court departments work to reduce the inventory of aged cases and the number of new cases filed continues to increase, the clearance rate will be impacted. Therefore, when looking at the court metrics data, a holistic approach is essential.

**Clearance Rate.** The clearance rate measures 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 105%.

The actual clearance rate achieved by the Trial Court in calendar year 2008 was 97.0%, which indicates that the Trial Court disposed of fewer cases than the number of new cases filed. The continued increase in the number of new cases filed, particularly evident in civil case filings in the Boston Municipal Court Department and the District Court Department, can impact clearance rates as resources are devoted to meet these demands.

With respect to the number of new cases filed and cases disposed, some of the year-over-year changes can be attributed to modifications in reporting systems. The earlier clearance rates benefited from the clean up activity that many court departments undertook in the automated systems. The benefit of further cleanup to the metrics no longer exists. The large number of new filings, along with the large volume of pending cases, presents a challenge to continued improvement in the timely disposition of cases, as measured by the clearance rate: particularly as resources diminish due to fiscal constraints.



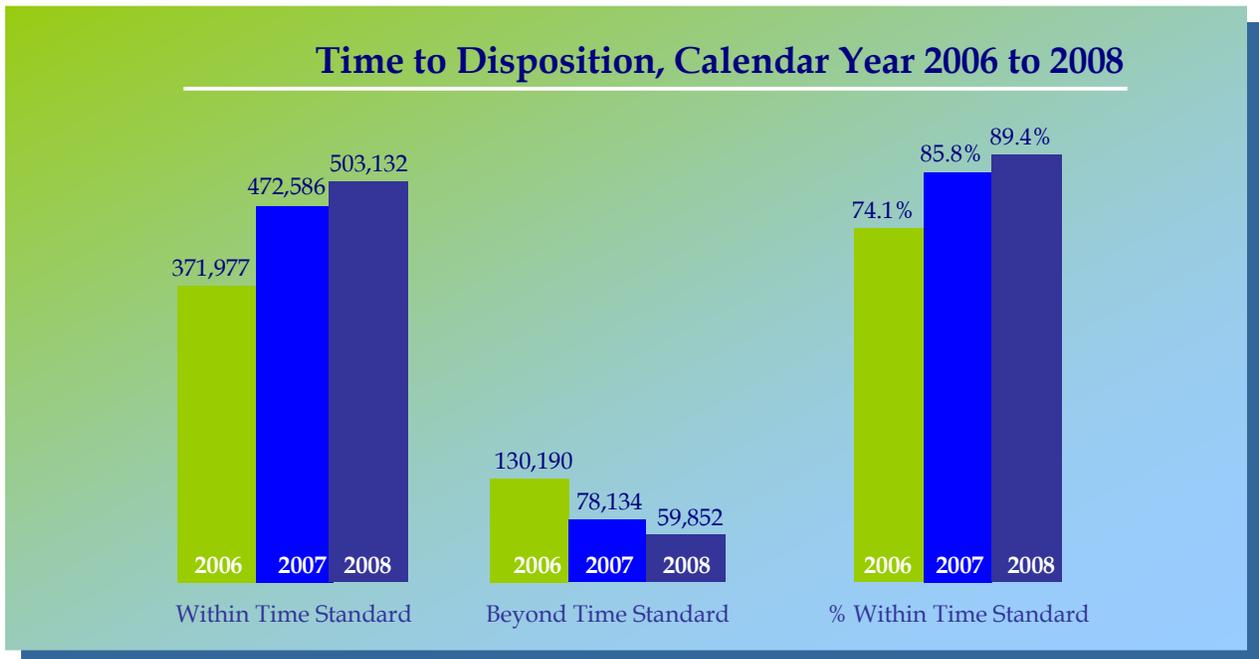
## Clearance Rate, 2006 to 2008

Court Department	2006			2007			2008		
	New Cases	Disposed Cases	Clearance Rate	New Cases	Disposed Cases	Clearance Rate	New Cases	Disposed Cases	Clearance Rate
<b>Boston Municipal Court</b>									
Civil	41,059	43,290	105.4%	45,848	44,933	98.0%	67,362	62,490	92.8%
Criminal	36,497	33,030	90.5%	38,486	38,668	100.5%	39,456	40,203	101.9%
Sub-Total	77,556	76,320	98.4%	84,334	83,601	99.1%	106,818	102,693	96.1%
<b>District Court</b>									
Civil	63,162	61,403	97.2%	111,702	109,470	98.0%	123,059	119,063	96.8%
Criminal	227,461	233,009	102.4%	232,784	232,171	99.7%	230,082	225,535	98.0%
Sub-Total	290,623	294,412	101.3%	344,486	341,641	99.2%	353,141	344,598	97.6%
<b>Housing Court</b>	40,644	103,883	255.6%	45,620	55,086	120.7%	44,731	42,050	94.0%
<b>Juvenile Court</b>									
Civil	16,134	18,075	112.0%	16,230	17,052	105.1%	16,238	16,358	100.7%
Criminal	36,492	32,435	88.9%	34,765	30,885	88.8%	30,086	26,832	89.2%
Sub-Total	52,626	50,510	96.0%	50,995	47,937	94.0%	46,324	43,190	93.2%
<b>Land Court</b>	23,039	50,498	219.2%	33,276	29,992	90.1%	25,330	23,659	93.4%
<b>Probate and Family Court</b>	68,552	70,123	102.3%	70,794	80,631	113.9%	57,490	56,136	97.6%
<b>Superior Court</b>									
Civil	23,181	24,066	103.8%	24,558	24,855	101.2%	24,558	25,882	105.4%
Criminal	5,823	5,496	94.4%	5,936	5,904	99.5%	5,560	5,727	103.0%
Sub-Total	29,004	29,562	101.9%	30,494	30,759	100.9%	30,118	31,609	105.0%
<b>Total</b>	<b>582,044</b>	<b>675,308</b>	<b>116.0%</b>	<b>659,999</b>	<b>669,647</b>	<b>101.5%</b>	<b>663,952</b>	<b>643,935</b>	<b>97.0%</b>

**Time to Disposition.** Time to disposition measures the time to resolve a case in relation to the time standard established for the case type and shows whether the case was disposed within the applicable time standard.

For calendar year 2008, the goal was to improve by 10% the proportion of cases that were disposed within time standards, up to a maximum of 95%. It is noteworthy that for some court departments the 2007 result was high, which set the time to disposition goal for 2008 at 95%.<sup>2</sup> In 2008, the time standard for the disposition of civil cases in the Boston Municipal Court Department and District Court Department was reduced from 24 months to a more challenging 18 months. The metrics data informed the decision to modify the time standard for these cases by showing that achievement of a more ambitious goal was possible.

In 2008, 89.4% of the cases were disposed of within the applicable time standards, more than the 85.8% reported in 2007. While the Trial Court did not reach its goal, it continued to make progress in the more timely disposition of cases.



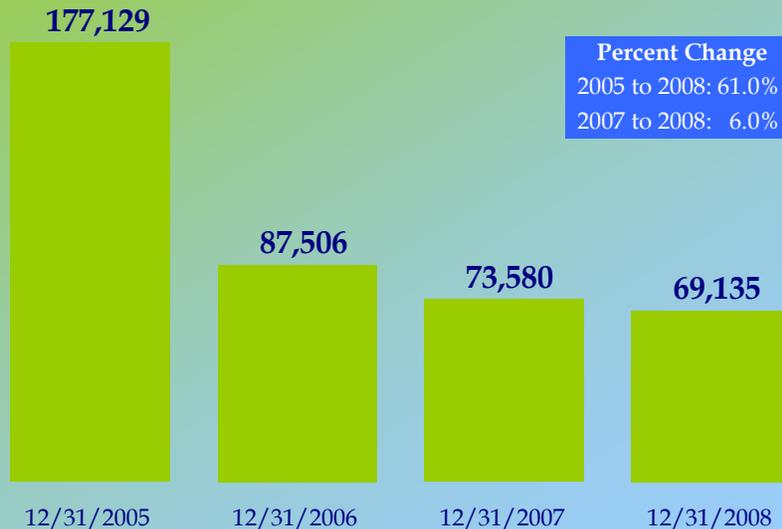
<sup>2</sup> For some court departments, the reported number of cases disposed for this metric differs from the reported number of cases disposed for the clearance rate. These differences relate to the range of cases for which time standards have been adopted; the ability of automated systems to report the relationship between time standards and time to disposition; and, the manner in which cases were counted when they appear as pending in automated systems but were disposed of in an earlier time period.

## Time to Disposition, Calendar Year 2008

Court Department	Calendar Year 2006	Calendar Year 2007	Calendar Year 2008 Cases Disposed			
			Within Time Standard	After Time Standard	Total	% Within Time Standard
<b>Boston Municipal Court</b>						
Civil	87.5%	91.4%	59,350	3,140	62,490	95.0%
Criminal	95.0%	89.3%	37,598	2,605	40,203	93.5%
Sub-Total	90.8%	90.4%	96,948	5,745	102,693	94.4%
<b>District Court</b>						
Civil	96.4%	98.8%	116,856	2,759	119,615	97.7%
Criminal	92.1%	92.5%	210,170	16,064	226,234	92.9%
Sub-Total	93.4%	94.6%	327,026	18,823	345,849	94.6%
<b>Housing Court</b>	31.2%	65.4%	36,381	5,669	42,050	86.5%
<b>Juvenile Court</b>						
Civil	72.9%	78.3%	12,882	3,467	16,349	78.8%
Criminal	76.9%	77.9%	20,369	6,463	26,832	75.9%
Sub-Total	75.5%	78.1%	33,251	9,930	43,181	77.0%
<b>Land Court</b>	51.1%	48.4%	1,432	1,015	2,447	58.5%
<b>Probate and Family Court</b>	72.6%	76.7%	35,203	9,598	44,801	78.6%
<b>Superior Court</b>						
Civil	53.7%	57.1%	17,327	8,260	25,587	67.7%
Criminal	30.0%	33.1%	1,780	3,637	5,417	32.9%
Sub-Total	49.3%	52.7%	19,107	11,897	31,004	61.6%
<b>Total</b>	<b>74.1%</b>	<b>85.8%</b>	<b>503,132</b>	<b>59,852</b>	<b>562,984</b>	<b>89.4%</b>

**Number of Cases Pending Beyond Time Standards.** This metric 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 2008 court metrics data reflect the third systematic compilation of the number of such cases.

## Percent Change in the Number of Cases Pending Beyond the Time Standards, 2005 to 2008



For calendar year 2008, the Trial Court continued the use of the aggressive goal to reduce the number of cases pending beyond the disposition date by 33% from the end of the prior year. The baseline total for 2006 shows the remarkable progress made in three years.

In 2008, the number of pending cases beyond the time standards was reduced from 73,580 to 69,135, a reduction of 6.0%. While the Trial Court did not reach the goal established for this metric, on the whole it made additional progress towards addressing the inventory of aged cases. As noted earlier, in 2008 the time standard for the disposition of civil cases in the Boston Municipal Court Department and District Court Department was reduced from 24 months to 18 months, thereby increasing the number of cases pending beyond the time standard. The metrics data informed the decision to modify the time standard to be more ambitious for this case type.

## Number of Pending Cases Beyond the Time Standards

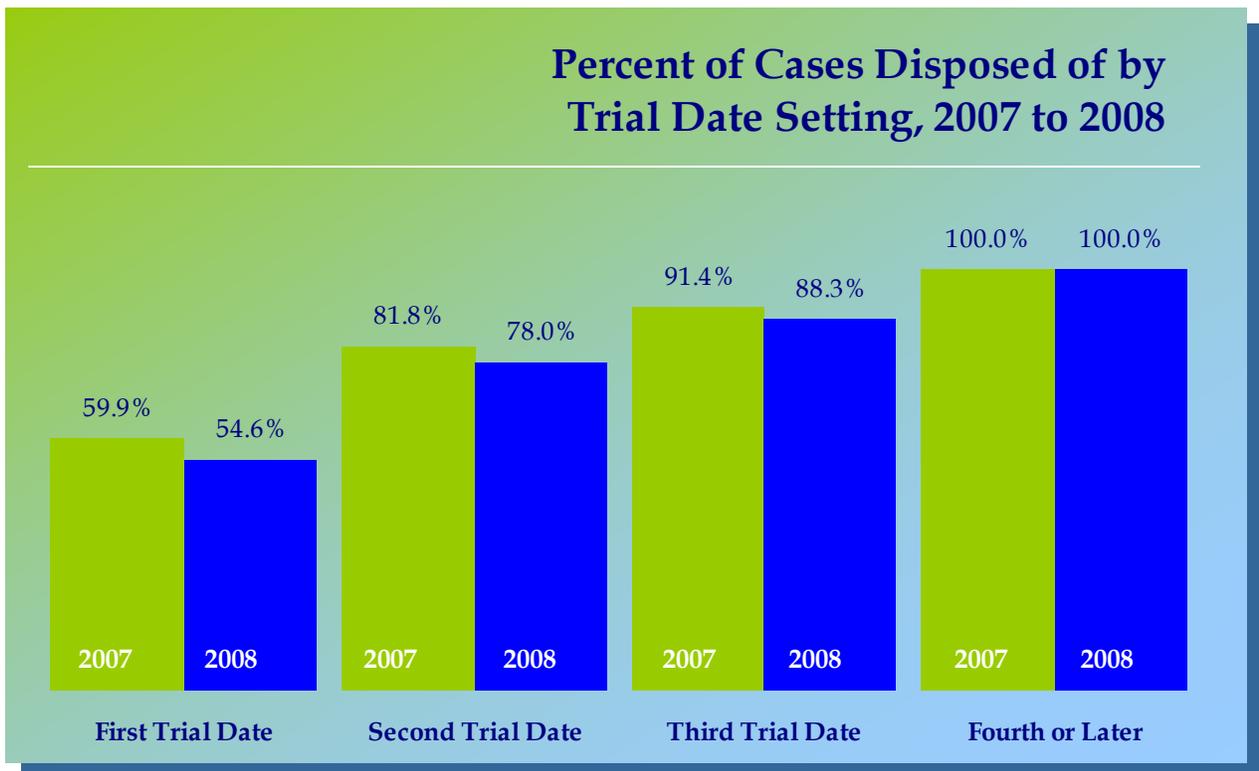
Court Department	2006 Baseline	2006 Year-End	2007 Year-End	2008 Year-End	2007 to 2008 Difference
<b>Boston Municipal Court</b>					
Civil	1,841	303	168	309	83.9% <sup>3</sup>
Criminal	1,776	492	682	591	-13.3%
Sub-Total	3,617	795	850	900	5.9%
<b>District Court</b>					
Civil	700	391	132	348	163.6% <sup>4</sup>
Criminal	3,640	2,469	3,459	3,782	9.3%
Sub-Total	4,340	2,860	3,591	4,130	15.0%
<b>Housing Court</b>	90,818	21,271	8,966	5,673	-36.7%
<b>Juvenile Court</b>					
Civil	3,949	3,443	3,187	3,142	-1.4%
Criminal	7,824	7,174	6,720	6,766	0.7%
Sub-Total	11,773	10,617	9,907	9,908	0.0%
<b>Land Court</b>	22,188	16,728	11,956	10,920	-8.7%
<b>Probate and Family Court</b>	34,572	21,953	25,586	28,817	12.6%
<b>Superior Court</b>					
Civil	10,209	10,674	10,205	6,373	-37.6%
Criminal	3,093	2,608	2,519	2,414	-4.2%
Sub-Total	13,302	13,282	12,724	8,787	-30.9%
<b>Total</b>	177,129	87,506	73,580	69,135	-6.0%

<sup>3</sup> In 2008 the time standard for the disposition of civil cases in the Boston Municipal Court Department was reduced from 24 months to 18 months.

<sup>4</sup> In 2008 the time standard for the disposition of civil cases in the District Court Department was reduced from 24 months to 18 months.

**Trial Date Certainty.** The annual goal for this measurement targets 90% of the cases disposed of by trial to actually reach trial by the second trial date setting for all departments except for the Superior Court. For the Superior Court, the annual goal was to have 75% of the cases disposed of by trial actually go to trial by the second trial date setting. In 2008, the Trial Court measured the number of cases disposed of by trial and the number of trial date settings that occurred for each case -- one, two, three, or four or more.

The combined goal for the Trial Court was to begin 88% of trials by the second trial date. In 2008, 78.0% of the cases disposed of by trial actually went to trial by the second trial date setting, compared to 81.8% in 2007. The Trial Court did not achieve the overall goal.



## Trial Date Certainty, 2008

Court Department	Number of Trial Date Settings					Total	% Two or Less
	One	Two	Three	Four or More			
<b>Boston Municipal Court</b>							
Civil	831	161	28	5	1,025	96.8%	
Criminal	694	389	83	53	1,219	88.8%	
Sub-Total	1,525	550	111	58	2,244	92.5%	
<b>District Court</b>							
Civil	374	174	85	82	715	76.6%	
Criminal	3,410	1,589	815	1,051	6,865	72.8%	
Sub-Total	3,784	1,763	900	1,133	7,580	73.2%	
<b>Housing Court</b>	1,476	363	119	63	2,021	91.0%	
<b>Juvenile Court</b>							
Civil	253	94	35	30	412	84.2%	
Criminal	113	42	34	23	212	73.1%	
Sub-Total	366	136	69	53	624	80.4%	
<b>Land Court</b>	46	15	3	0	64	95.3%	
<b>Probate and Family Court</b>	431	256	57	0	744	92.3%	
<b>Superior Court</b>							
Civil	336	214	126	241	917	60.0%	
Criminal	308	261	174	227	970	58.7%	
Sub-Total	644	475	300	468	1,887	59.3%	
<b>Total</b>	8,272	3,558	1,559	1,775	15,164	78.0%	

## Analysis of Timeliness and Expedition Results

In calendar year 2008, the Trial Court's efforts to measure timely case processing reflected the following:

- *cleared cases at the rate of 97.0%;*
- *disposed of 89.4% of cases within established time standards;*
- *reduced the number of cases pending beyond time standards by 6.0% -- from 73,580 to 69,135; and,*
- *began 78.0% of all trials by the second trial date.*

The Trial Court improved the proportion of cases disposed within time standards. The Trial Court experienced reductions in the number of cases pending beyond the time standards but did not achieve the annual goal. The Trial Court's clearance rate showed that it disposed of fewer cases than were filed, reflecting both an increase in filings and the completion of data "clean-up" efforts which increased dispositions in previous years.

The important point to emerge from this review of the metrics statistics is that it is crucial to report the results objectively and to adopt a holistic perspective in weighing those results. No single metric tells the whole story. It is important to view the metrics on caseload processing with the combined perspective of all of the measures over time.

# Access and Fairness Survey

## Access and Fairness

### Definition

Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality and respect.

### Purpose

Many assume that "winning" or "losing" is what matters most to citizens when dealing with the courts. However, research consistently shows that positive perceptions of court experience are shaped more by court users' perceptions of how they are treated in court, and whether the court's process of making decisions seems fair. This measure provides a tool for surveying all court users about their experience in the courthouse.

*National Center for State Courts  
CourtTools*

Access and fairness are key components in the delivery of quality justice. The Access and Fairness Survey, developed as one of the performance metrics in *CourtTools* by the National Center for State Courts, is a 16-question written survey which seeks feedback from all types of court users on their experiences in accessing the courthouse and conducting business there. The use of the Access and Fairness Survey in Massachusetts is part of an ongoing commitment to demonstrate accountability and continue to improve the delivery of justice throughout the Trial Court.

The Massachusetts Trial Court began to assess the satisfaction of court users through the Access and Fairness Survey in the eight divisions of the Boston Municipal Court Department in the latter half of 2007. The Trial Court implemented the survey in all other Trial Court Departments during 2008. The use of this measure reinforced the Trial Court's focus on accountability and supported ongoing efforts to enhance access to justice. Use of the anonymous survey furthered the empirical approach to accountability through the collection of data on the experiences of more than 9,000 court users. The results will be used by management to further improve court operations and services.

A total of 9,046 court users participated in the project including:

- 1,507 in the eight divisions of the Boston Municipal Court Department during 2007; and,
- 7,539 in 98 additional court locations across the Commonwealth during 2008.

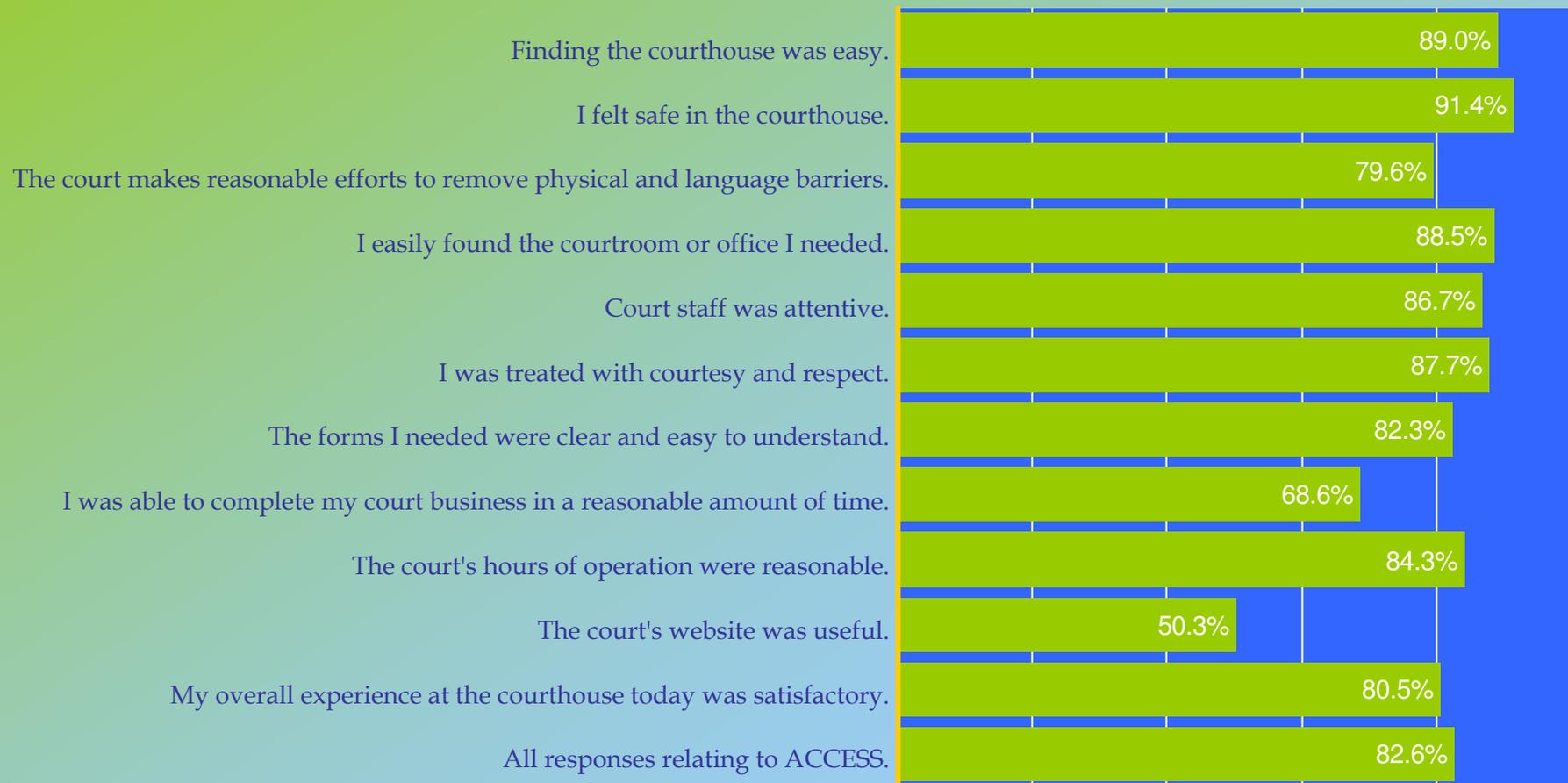
The results of the Access and Fairness project provide interesting and valuable data as indicated by the following responses from the 9,046 court users surveyed:

- 80.5% agreed or strongly agreed that their overall experience at the courthouse was satisfactory;
- 87.7% agreed or strongly agreed that they were treated with courtesy and respect;
- 91.4% agreed or strongly agreed that they felt safe in the courthouse; and,
- 68.6% agreed or strongly agreed that they were able to complete their court business in a reasonable amount of time.

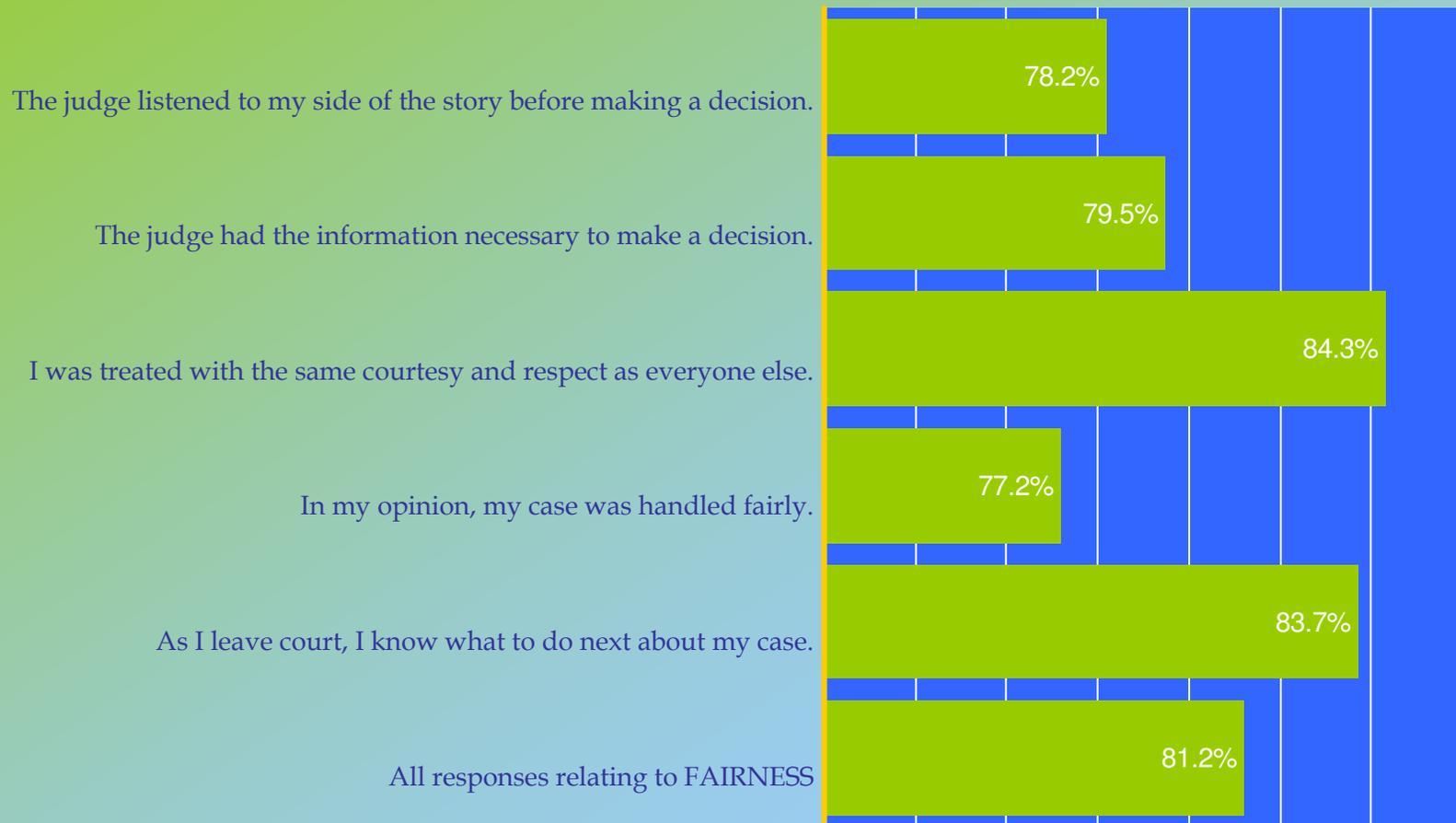
The project was coordinated by implementation teams with representation from all court departments. The success of the project was due to the cooperation of court staff at all locations and the willing participation of the court user community. At every court location, judges, clerks, registers, probation officers, security staff, and court facilities staff supported the implementation teams to ensure that the survey process accommodated a maximum number of court users without disruption of the ongoing court activities. At each site, court users of all types – attorneys, defendants, probationers, litigants, victims, police officers, jurors and others – took the time to complete the survey. Implementation of the survey created good will among court users, who generally welcomed the opportunity to provide input to the Trial Court.

The information gathered from the survey will be used by all court departments to guide further improvements in the delivery of quality justice for the citizens of the Commonwealth. The Trial Court achieved its ambitious goal to implement the Access and Fairness survey in all court locations by the end of calendar year 2008.

## Access - All Court Users



## Fairness - All Court Users



# Case File Reliability and Integrity

## Reliability and Integrity of Case Files

### Definition

The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of contents.

### Purpose

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.

*National Center for State Courts  
CourTools*

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 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.

Using the *CourTool* for Reliability and Integrity of Case Files developed by the National Center for State 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 a detailed methodology, and conducted the random selection and review of a total of 1,600 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 highlighted the need for the development of clear standards for case file content. The results suggested 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.

## Conclusion

*The Trial Court stands committed to enhancing the delivery of quality justice by introducing performance-based initiatives, setting goals, measuring progress empirically, and reporting outcomes transparently.*

The integrated enterprise of creating time standards, adopting metrics, setting goals, and measuring outcomes has improved the timely and expeditious delivery of justice, which enhances the quality of justice in Massachusetts courts. Civil and criminal time standards are in place in all departments; common goals and uniform metrics on case processing have been adopted for all departments; and systematic, performance-based reports are periodically generated for all departments.

All Trial Court departments have embraced and expanded this initiative through the introduction of new performance measures in 2008. This represents a radical departure from traditional court practice. The new approach reflects a commitment to transforming 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 2009 and in future years. Goals for 2009 have been set and refinements to the metrics reporting system have been adopted. Additional performance measures will continue to be introduced throughout the Trial Court. The Trial Court stands committed to enhancing the delivery of quality justice by introducing performance-based initiatives, setting goals, measuring progress empirically, and reporting outcomes transparently. This commitment is critical in view of looming fiscal challenges.