

Enhancing the Delivery of Quality Justice

Court Metrics Report - Calendar Year 2009



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 2009, faced with escalating fiscal challenges and workforce reductions, the Massachusetts Trial Court reinforced its emphasis on performance measurement as a critical foundation of the court's commitment to quality, substantive justice. This fourth annual report on court performance underscores 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.

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 fourth full year we used the four metrics that target the timely and expeditious delivery of justice. They reflect a reduction of aged cases over four years and the percentage of cases disposed or resolved within time standards has improved to 90.4 percent.

Since an effective and efficient jury system is essential to the functioning of the justice system, this year the Trial Court reports on juror utilization rates which improved to 38.9% in 2009. Access and fairness are also key components in the delivery of quality justice. The Trial Court completed the Access and Fairness survey in every court location by the end of calendar year 2008. The appointment of a Special Advisor on Access to Justice Initiatives and the completion of a survey on access to justice needs will continue important work to address these issues.

As the Commonwealth's fiscal challenges result in continued staffing reductions in courthouses across the state, these performance measures will enable us to quantify the impact of diminishing 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 2009

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 fourth year of implementation the Trial Court continued its focus on timeliness and expedition, and increased focus on juror utilization. To address these issues, the Trial Court:

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

The fourth year of focus on court performance measurement continued to address the delivery of quality justice throughout the Massachusetts Court system. Using CourTools, a set of performance measures promulgated by the National Center for State Courts, the Trial Court achieved the following in 2009:

- *cleared cases at the rate of 98.3%;*
- *disposed of 90.4% of cases within established time standards;*
- *identified 83,436 cases pending beyond time standards;*
- *began 76.0% of all trials by the second trial date;*
- *utilized 38.9% of all jurors; and,*
- *appointed a Special Advisor for Access to Justice Initiatives and conducted a survey of Access to Justice needs.*

Trial Court Performance Measures: Calendar Year 2009

Case Management

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.

Juror Utilization

The percentage of prospective jurors who are impanelled, challenged, or excused.

Access and Fairness

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

The Trial Court improved the clearance rate from 97.0% in 2008 to 98.3% in 2009, but did not meet the established goal of 105%. The Trial Court also improved the proportion of cases resolved within time standards, from 89.8% to 90.4% in 2009. The number of cases pending beyond time standards increased for the first time since the beginning of this initiative. Some of this increase is due to improved reporting of case status due to expanded Trial Court automation.

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, 76.0% were tried by the second trial date, which is less than the 78.0% achieved in 2008.

The Trial Court began tracking juror utilization in 2007 and established a system-wide goal of 40% for 2009. Rates have continued to improve each year and in 2009 reached 38.9%.

Access and fairness are key components in the delivery of quality justice. The Trial Court completed implementation of the Access and Fairness survey at all court locations in 2008 with participation of over 9,000 court users. The results of the survey were published in early 2009.

A Special Advisor on Access to Justice initiatives was appointed in June 2009 and an Access to Justice survey was completed with participation of over 2,000 Trial Court employees.

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 2010 and the years ahead.

Enhancing the Delivery of Quality Justice

Court Metrics Report - Calendar Year 2009

Introduction. In the Massachusetts Trial Court, the enterprise of creating 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 fourth 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 2009, and presents four 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 data on an additional performance metric – juror utilization. The first four 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.

Members of the trial bar are important partners in ensuring the delivery of quality justice. In her annual address to the legal community on October 21, 2009, Supreme Judicial Court Chief Justice Margaret Marshall praised the partnership and communication

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
(left CMAB, December 2009)*

*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 as of December 31, 2009

between judges and lawyers in their efforts to improve the delivery of justice in the Massachusetts court system: *“With your help I know that our courts will emerge from these challenging times more vital, vibrant, and effective in the delivery of more perfect justice.”*

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 fourth annual metrics report contains information on four full years of experience working with established time standards across all departments.

CourTools Performance Measures

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 cases*, 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 introduced another *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 implemented in the Boston Municipal Court: Reliability and Integrity of Case Files.

Information on these metrics is available in the Court Metrics Report for Calendar Year 2008. In 2009 the Court Metrics Report includes data on the Trial Court's efforts on another *CourTools* metric – juror utilization.

This fourth annual report on the court metrics mainly focuses on the five measures that address timeliness and expedition of case processing and juror utilization.

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 2009 the goals used for the metrics were:

- maintain a clearance rate of 105%;
- improve by 10% the proportion of cases disposed 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).

CourTools:

- *Access and Fairness*
- *Clearance Rates*
- *Time to Disposition*
- *Age of Pending Cases*
- *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

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 2009 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.

Reports Issued Regularly

An important component in measuring performance is the continued publication 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 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 in five and seven court departments; 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 2009 witnessed substantial progress for MassCourts as the Trial Court completed 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

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.

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.

Case Management Metrics

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

Court metrics data on timeliness and expeditious case management for 2009 are detailed below and compared with results from previous years. The court metrics do not encompass every case before the courts, since some 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 four 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 extended, the quality of information available on performance results will continue to improve.

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.

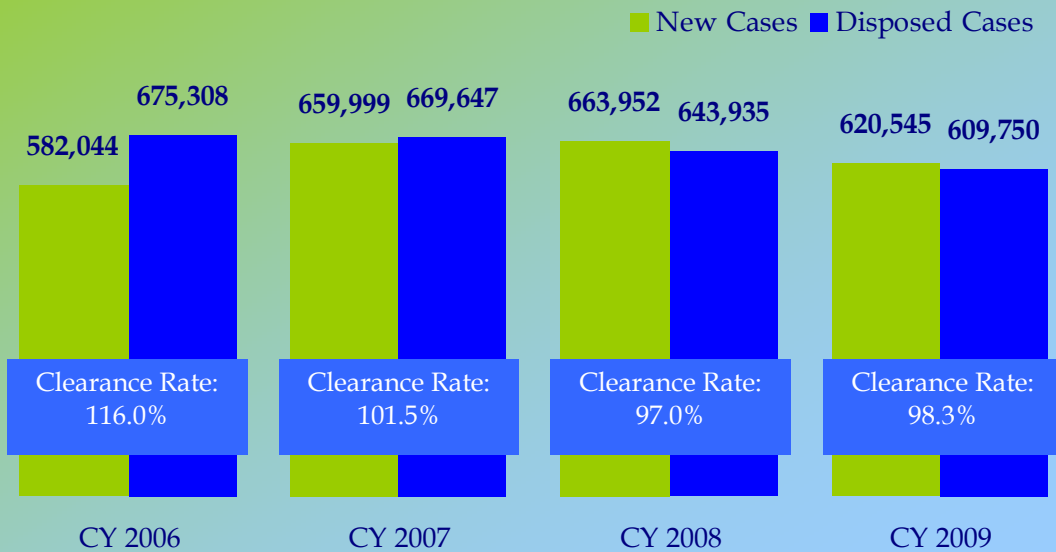
Clearance Rate. The clearance rate measures the number of cases disposed as a percentage of the number of incoming cases. In order to reduce the number of pending cases, the Trial Court adopted a clearance rate goal of 105%.

The actual clearance rate achieved by the Trial Court in calendar year 2009 was 98.3%, which indicates that the Trial Court disposed of fewer cases than the number of new cases filed.

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 with diminished resources due to fiscal constraints.

Clearance Rate, 2006 to 2009



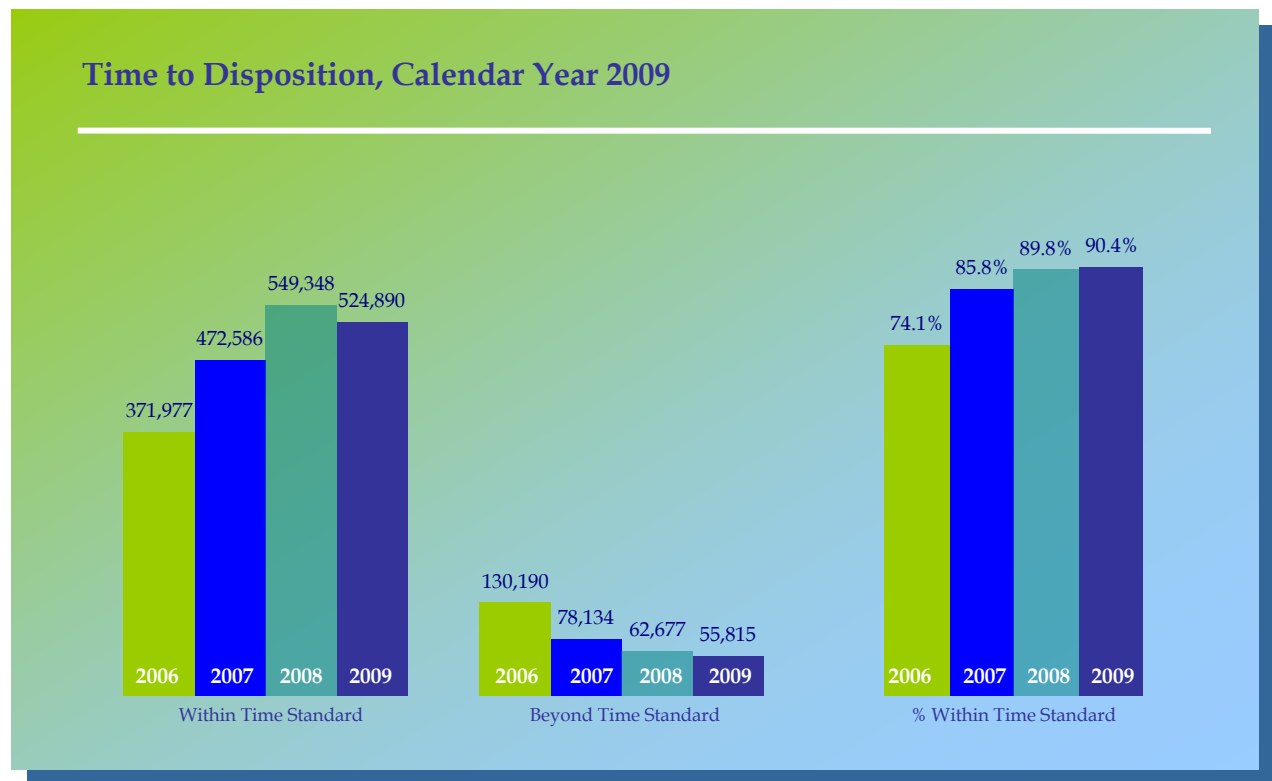
Clearance Rate, 2006 to 2009

Court Department	2006			2007			2008			2009		
	New Cases	Disposed Cases	Clearance Rate	New Cases	Disposed Cases	Clearance Rate	New Cases	Disposed Cases	Clearance Rate	New Cases	Disposed Cases	Clearance Rate
Boston Municipal Court												
Civil	41,059	43,290	105.4%	45,848	44,933	98.0%	67,362	62,490	92.8%	60,235	62,769	104.2%
Criminal	36,497	33,030	90.5%	38,486	38,668	100.5%	39,456	40,203	101.9%	35,899	38,220	106.5%
Sub-Total	77,556	76,320	98.4%	84,334	83,601	99.1%	106,818	102,693	96.1%	96,134	100,989	105.1%
District Court												
Civil	63,162	61,403	97.2%	111,702	109,470	98.0%	123,059	119,063	96.8%	111,904	116,507	104.1%
Criminal	227,461	233,009	102.4%	232,784	232,171	99.7%	230,082	225,535	98.0%	204,525	203,701	99.6%
Sub-Total	290,623	294,412	101.3%	344,486	341,641	99.2%	353,141	344,598	97.6%	316,429	320,208	101.2%
Housing Court	40,644	103,883	255.6%	45,620	55,086	120.7%	44,731	42,050	94.0%	42,066	43,640	103.7%
Juvenile Court												
Civil	16,134	18,075	112.0%	16,230	17,052	105.1%	16,238	16,358	100.7%	14,855	14,717	99.1%
Criminal	36,492	32,435	88.9%	34,765	30,885	88.8%	30,086	26,832	89.2%	24,546	22,124	90.1%
Sub-Total	52,626	50,510	96.0%	50,995	47,937	94.0%	46,324	43,190	93.2%	39,401	36,841	93.5%
Land Court	23,039	50,498	219.2%	33,276	29,992	90.1%	25,330	23,659	93.4%	31,568	22,684	71.9%
Probate and Family Court	68,552	70,123	102.3%	70,794	80,631	113.9%	57,490	56,136	97.6%	64,829	54,681	84.3%
Superior Court												
Civil	23,181	24,066	103.8%	24,558	24,855	101.2%	24,558	25,882	105.4%	24,880	25,429	102.2%
Criminal	5,823	5,496	94.4%	5,936	5,904	99.5%	5,560	5,727	103.0%	5,238	5,278	100.8%
Sub-Total	29,004	29,562	101.9%	30,494	30,759	100.9%	30,118	31,609	105.0%	30,118	30,707	102.0%
Total	582,044	675,308	116.0%	659,999	669,647	101.5%	663,952	643,935	97.0%	620,545	609,750	98.3%

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 2009, 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 high 2008 results set the time to disposition goal for 2009 at 95%.¹

In 2009, 90.4% of the cases were disposed within the applicable time standards, more than the 89.8% reported in 2008. While the Trial Court did not reach its goal; it continued to make progress in the more timely disposition of cases.

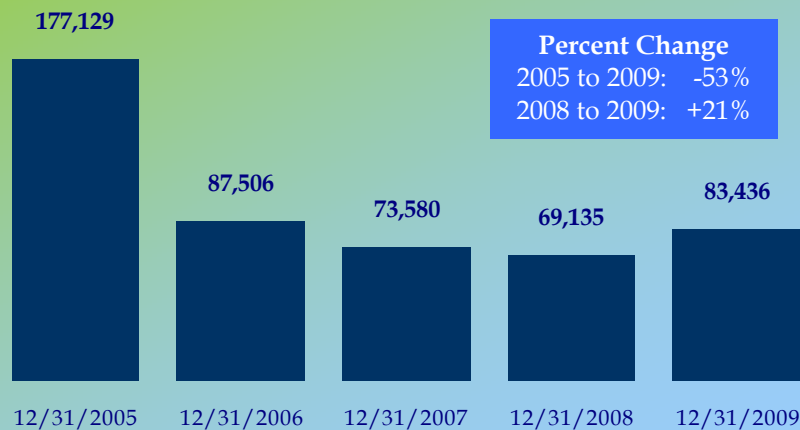


¹ For some court departments, the reported number of cases disposed for this metric differs from the reported number of cases disposed for the clearance rate. These differences relate to the range of cases for which time standards have been adopted; the ability of automated systems to report the relationship 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 2009

Court Department	Calendar Year 2006	Calendar Year 2007	Calendar Year 2008	Calendar Year 2009 Cases Disposed			
				Within Time Standard	After Time Standard	Total	% Within Time Standard
Boston Municipal Court							
Civil	87.5%	91.4%	95.0%	61,839	930	62,769	98.5%
Criminal	95.0%	89.3%	93.5%	35,714	2,506	38,220	93.4%
Sub-Total	90.8%	90.4%	94.4%	97,553	3,436	100,989	96.6%
District Court							
Civil	96.4%	98.8%	97.7%	125,988	2,502	128,490	98.1%
Criminal	92.1%	92.5%	92.9%	173,721	13,699	187,420	92.7%
Sub-Total	93.4%	94.6%	94.6%	299,709	16,201	315,910	94.9%
Housing Court	31.2%	65.4%	86.5%	36,016	7,624	43,640	82.5%
Juvenile Court							
Civil	72.9%	78.3%	78.8%	11,756	2,961	14,717	79.9%
Criminal	76.9%	77.9%	75.9%	16,279	5,845	22,124	73.6%
Sub-Total	75.5%	78.1%	77.0%	28,035	8,806	36,841	76.1%
Land Court	51.1%	48.4%	58.5%	1,560	1,244	2,804	55.6%
Probate and Family Court	72.6%	76.7%	78.6%	41,448	8,886	50,334	82.3%
Superior Court							
Civil	53.7%	57.1%	67.7%	18,890	6,246	25,136	75.2%
Criminal	30.0%	33.1%	32.9%	1,679	3,372	5,051	33.2%
Sub-Total	49.3%	52.7%	61.6%	20,569	9,618	30,187	68.1%
Total	74.1%	85.8%	89.8%	542,890	55,815	580,705	90.4%

Percent Change in the Number of Cases Pending Beyond the Time Standards, 2005 to 2009



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 2009 court metrics data reflect the fourth systematic compilation of the number of such cases.

For calendar year 2009, 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. There has been remarkable progress in this metric since the baseline measurements four years ago, up until this year.

At the end of calendar year 2009, the number of pending cases beyond the time standards was 83,436. This is the first increase in this metric since the inception of this initiative. Some of the initial decrease and the more recent increase in the number of cases pending beyond time standards can be partly attributed to the ongoing automation efforts throughout all Trial Court Departments, which have included more comprehensive case data.

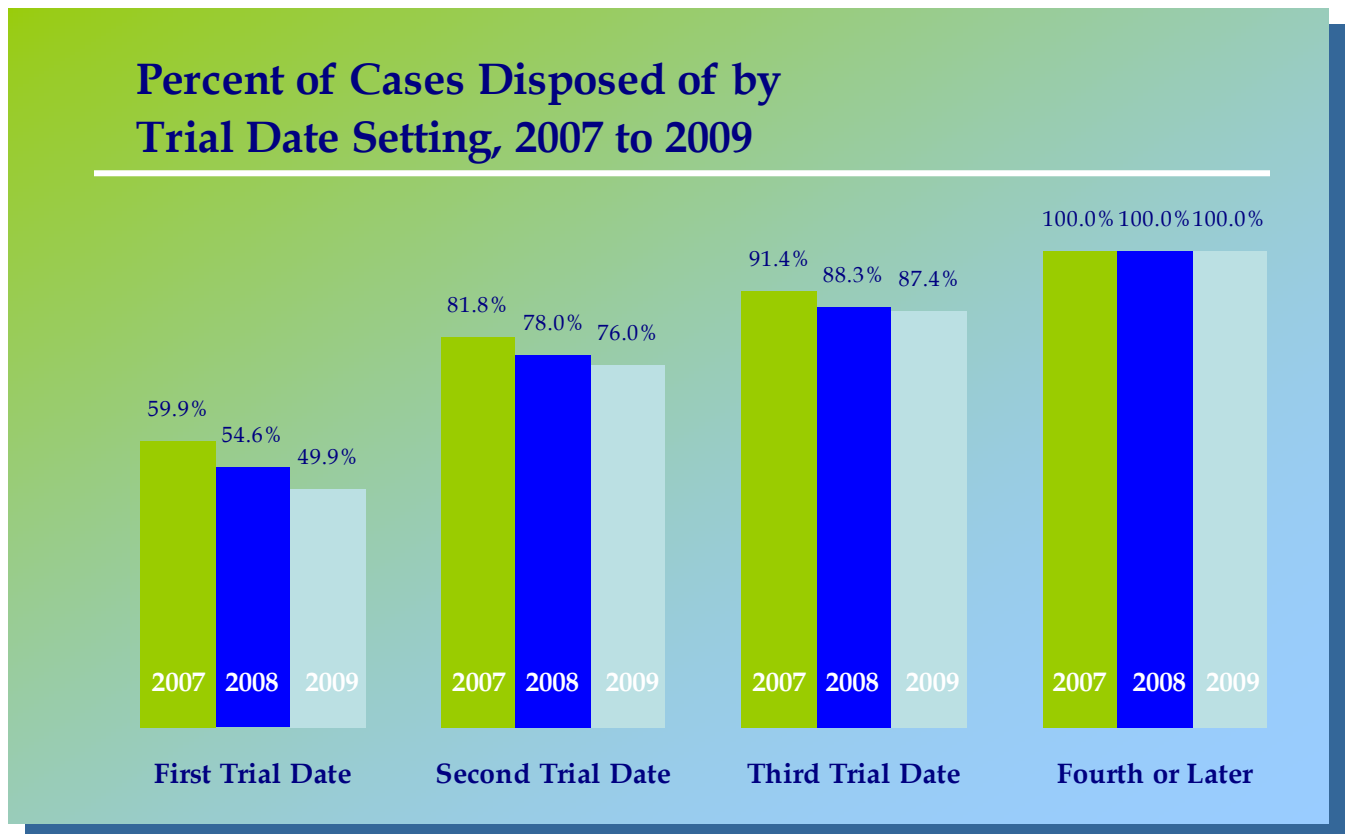
As Trial Court Departments automated case records, there were some decreases in the number of cases identified as pending due to substantial data cleanup efforts in several court departments and there were also some increases due to better identification and inclusion of cases.

Number of Pending Cases Beyond the Time Standards

Court Department	2006 Baseline	2006 Year-End	2007 Year-End	2008 Year-End	2009 Year-End	2008 to 2009 Difference
Boston Municipal						
Civil	1,841	303	168	309	218	-29.4%
Criminal	1,776	492	682	591	496	-16.1%
Sub-Total	3,617	795	850	900	714	-20.7%
District Court						
Civil	700	391	132	348	287	-17.5%
Criminal	3,640	2,469	3,459	3,782	4,055	7.2%
Sub-Total	4,340	2,860	3,591	4,130	4,342	5.1%
Housing Court	90,818	21,271	8,966	5,673	1,741	-69.3%
Juvenile Court						
Civil	3,949	3,443	3,187	3,142	4,094	30.3%
Criminal	7,824	7,174	6,720	6,766	6,210	-8.2%
Sub-Total	11,773	10,617	9,907	9,908	10,304	4.0%
Land Court	22,188	16,728	11,956	10,920	10,699	-2.0%
Probate and Family	34,572	21,953	25,586	28,817	47,247	64.0%
Superior Court						
Civil	10,209	10,674	10,205	6,373	5,999	-5.9%
Criminal	3,093	2,608	2,519	2,414	2,390	-1.0%
Sub-Total	13,302	13,282	12,724	8,787	8,389	-4.5%
Total	177,129	87,506	73,580	69,135	83,436	20.7%

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 2009, 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 2009, 76.0% of the cases disposed of by trial actually went to trial by the second trial date setting, compared to 78.0% in 2008. The Trial Court did not achieve the overall goal.



Trial Date Certainty, 2009

Number of Trial Date Settings

Court Department	One	Two	Three	Four or More	Total	% Two or Less
Boston Municipal Court						
Civil	116	57	29	37	239	72.4%
Criminal	611	328	115	105	1159	81.0%
Sub-Total	727	385	144	142	1398	79.5%
District Court						
Civil	319	146	66	69	600	77.5%
Criminal	3,069	1,652	764	948	6,433	73.4%
Sub-Total	3,388	1,798	830	1,017	7,033	73.7%
Housing Court	812	287	105	84	1,288	85.3%
Juvenile Court						
Civil	210	87	38	29	364	81.6%
Criminal	134	52	19	11	216	86.1%
Sub-Total	344	139	57	40	580	83.3%
Land Court	48	9	0	0	57	100%
Probate and Family Court	624	361	95	0	1,080	91.2%
Superior Court						
Civil	323	255	114	193	885	65.3%
Criminal	365	246	163	205	979	62.4%
Sub-Total	688	501	277	398	1,864	63.8%
Total	6,631	3,480	1,508	1,681	13,300	76.0%

Analysis of Case Management Results

In calendar year 2009, the Trial Court's efforts to measure timely case processing reflected the following:

- *cleared cases at the rate of 98.3%;*
- *disposed of 90.4% of cases within established time standards;*
- *identified 83,436 cases pending beyond time standards; and,*
- *began 76.0% of all trials by the second trial date.*

The Trial Court improved its clearance rate and the proportion of cases disposed within time standards. The Trial Court also experienced an increase in the number of cases pending beyond the time standards for the first time since the inception of this initiation.

An 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.

Effective Use of Jurors

Effective Use of Jurors

Definition

Juror Utilization is the rate at which prospective jurors are impanelled, challenged, or excused as a percentage of the total number of prospective jurors qualified and available to serve (yield).

Purpose

The percentage of citizens available to serve relates to the integrity of source lists, the effectiveness of jury management practices, the willingness of citizens to serve, the efficacy of excuse and postponement policies, and the number of exemptions allowed. The objective of this measure is to minimize the number of unused prospective jurors—the number of citizens who are summoned, qualified, report for jury service, and who are not needed.

National Center for State Courts CourtTools

The willingness of our citizens to serve on juries is essential to the functioning of the system of justice. It is the responsibility of the Trial Court to commit to doing everything possible to ensure public confidence in our jury system. The presence of jurors at the courthouse is a valuable and necessary measure to resolve cases. Balanced against this reality is the responsibility of the court system to ensure that only the number of jurors needed for the court to fulfill its mission to administer justice are brought to courthouses each day.

The Jury Management Advisory Committee and the Office of Jury Commissioner have devoted a considerable amount of time and effort to the examination of juror utilization in the Massachusetts court system. The Administrative Office of the Trial Court drew from the National Center for State Court's CourtTools to establish the Massachusetts definition of Juror Utilization.

Juror Utilization is the percentage of all jurors appearing for service who are used in an impanelment: either impanelled, excused, or challenged. Juror utilization is one important measure of efficient court management, because it allows the court and the Office of Jury Commissioner to track how many jurors are needed to meet the requirements of the courts to conduct jury trials. It also provides important information on the experience of the jurors with the courts, such as whether they were sent to a courtroom or used in an impanelment.

The most effective method of improving juror utilization thus far has been to reduce the number of jurors appearing at the courthouse, either through jury pool reductions or daily cancellation. Changes to the jury session schedule can have the same effect. Improvements can also be realized through better management of the jurors who do appear.

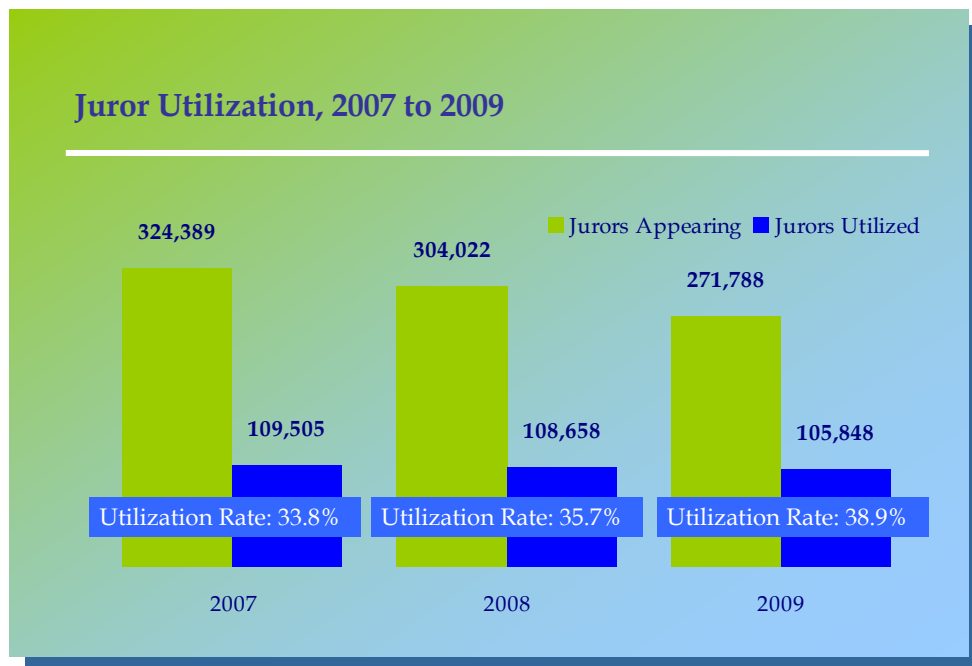
The Supreme Judicial Court and the Administrative Office of the Trial Court have made improved juror utilization a priority, and the courts have made great strides in this area by reducing the size of jury pools, adjusting court schedules, and canceling jurors when possible. The close examination of courts with consistently good utilization rates reveals that effective communication lies at the heart of good utilization. Establishing a routine flow of information between judges, jury pool officers, clerks, and parties leads to more efficient case management, improved utilization, and a better experience for

the jurors, who are the court's primary constituency among the general public.

The goal of sharing the best practices of courts and judges with good utilization is to enable all courts to benefit from the positive experiences of their colleagues. Since the inception of the juror utilization initiative, the savings of time and money to the courts, the jurors, and the business community has been substantial. With the widespread adoption of best practices, the savings and efficiencies will increase.

These techniques and others resulted in 32,000 fewer citizens reporting to court for jury service in 2009 as compared to 2008, saving the courts and the business community millions of dollars. The juror utilization rate in 2009 was 38.9%, compared to the goal of 40%, and represents an improvement from the previous year's rate of 35.7%.

The Office of Jury Commissioner will continue to work with the courts to provide individualized reports and recommendations to pursue this goal. Ultimately, it is the courts themselves that reap the benefits of improved utilization through more efficient case management and great goodwill in the juror and business communities.



Access to Justice

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 CourTools

Access and fairness are key components in the delivery of quality justice. Beginning in 2007 and continuing throughout calendar year 2008, the Trial Court implemented the Access and Fairness Survey. This survey, developed as one of the performance metrics in *CourTools* 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 this measure reinforced the Trial Court's focus on accountability and supported ongoing efforts to enhance access to justice. 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.

Use of the anonymous survey furthered the empirical approach to accountability through the collection of data on the experiences of many court users. The results were 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.

In June 2009 the Chief Justice of the Supreme Judicial Court and the Chief Justice for Administration and Management appointed a Special Advisor for Access to Justice Initiatives in the Trial Court. This appointment recognized the critical role of the judicial branch during a challenging economy when data confirm that more people seek

recourse from the courts. As social, linguistic, and economic diversity in the Commonwealth grows, as laws become more complex, and as increasing numbers of poor and middle class individuals represent themselves in legal matters, ensuring court-based access services to litigants is an integral part of the mission of the judicial branch. The Special Advisor will guide and coordinate resources within the Trial Court to broaden access to civil justice for all litigants, including self represented litigants, individuals of modest means, those of limited or no English proficiency, and individuals with mental or physical disabilities.

An Interim Report on Access to Justice Initiatives in the Trial Court was released in 2009. The report reviews the work done since the initiative was announced in June 2009, and summarizes the results of the Access to Justice Survey of Trial Court employees conducted last fall. It also identifies priority projects and an organizational structure for undertaking those projects.

A total of 2,082 surveys were received representing an overall response rate of 29% for all Trial Court employees. In response to the question “What additional access to justice services would you like to see where you work?” the most frequently mentioned items were:

- Instruction materials in other languages (n=818);
- Court forms that can be completed on the internet (n=805);
- Wireless access in the courthouse (n=790); and
- Staff who can speak and read other languages (n=770).

Insuring that the promise of justice is accessible to all is a core responsibility of the judicial branch. The rule of law does not exist for any unless it exists for all. This initiative is intended to support the ongoing efforts of many people in the Trial Court who are committed to fulfilling our core mission.

*Honorable Dina Fein,
First Justice
Western Housing Court and
Special Advisor for Access to Justice
Initiatives*

Conclusion

The Trial Court stands committed to enhancing the delivery of quality justice through performance-based management: setting goals, measuring progress empirically, and reporting outcomes transparently.

The integrated enterprise of creating 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 regularly generated for all departments.

All Trial Court departments have embraced and expanded this initiative, representing a radical departure from traditional court practice. This 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 2010 and in future years. Goals for 2010 have been set and refinements to the metrics reporting system have been adopted. Opportunities to introduce additional performance measures will continue to be identified 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 ongoing fiscal challenges.