

Enhancing the Delivery of Quality Justice Court Metrics Report - Calendar Year 2007



ADMINISTRATIVE OFFICE OF THE TRIAL COURT

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Performance measurement continued to provide the foundation for court management reform efforts in the Massachusetts Trial Court in 2007, as we maintained our unwavering dedication to quality substantive justice. This second annual metrics report reinforces our ongoing commitment to accountability and transparency.

Our continued success can be attributed to the departmental chief justices, judges, clerks and many Trial Court employees who have demonstrated energetic leadership in using these measurements to improve the way we manage the daily business of the Trial Court. In addition, the Court Management Advisory Board provides valuable guidance to the chief justices regarding measurement tools that focus on 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.

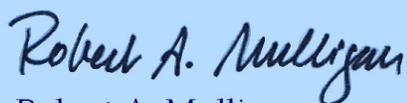
Court metrics, called CourTools, developed by the National Center for State Courts have provided a simple, effective framework that enables us to focus on critical performance areas. Agreement by all court departments on a common set of goals has created benchmarks that make the measurements meaningful.

For the second full year we used the four metrics that target the timely and expeditious delivery of justice. I am pleased that the court's continued focus on cases that are beyond the time standards has resulted in a two-year reduction of more than 100,000 aged cases. And in 2007 the percentage of cases disposed or resolved within time standards improved by 12 percentage points to 86 percent.

We also piloted and implemented a new metric that examines access and fairness of the courts from the perspective of court users in the eight divisions of the Boston Municipal Court Department. That implementation team is providing guidance and support, as the other Trial Court Departments introduce this measurement in 2008.

As we move forward in the area of performance measurement, we are revising time standards, piloting a new metric on case file integrity, setting goals in the area of juror utilization and seeking more public input. In addition, we recognize the need to reinforce our existing efforts through the introduction of audit processes and systematic analysis and planning.

All of these new management practices represent a positive cultural shift to an organization that uses performance measures and adopts best practices to deliver the highest quality justice to the citizens of Massachusetts.



Robert A. Mulligan
Chief Justice for Administration & Management

Enhancing the Delivery of Quality Justice

Court Metrics Report - Calendar Year 2007

Executive Summary

The use of court metrics represents a dynamic initiative for enhancing the delivery of quality justice by continuing to promote the 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 second year of implementation the Trial Court continued its focus on timeliness and expedition and began to evaluate access and fairness. To improve timeliness and expedition, the Trial Court:

- *utilized existing time standards for all court departments;*
- *continued use of common metrics to measure improvement on the timely disposition of cases;*
- *established common, specific goals for each of these metrics across all court departments; and,*
- *produced regular reports on progress toward achieving the goals.*

A second year of focus on timely disposition of cases continued to improve 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 2007:

- *cleared cases at the rate of 101.5%;*
- *disposed of 85.8% of cases within established time standards;*
- *reduced the number of cases pending beyond time standards by 15.9%-- from 87,506 to 73,580; and,*
- *conducted 81.8% of all trials by the second trial date.*

Trial Court Performance Measures: Calendar Year 2007

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.

The Trial Court exceeded its goal of increasing by ten percent the number of cases disposed within established time standards. In 2007, 85.6% of disposed cases were resolved within time standards, compared to 74.1% in 2006. In terms of the clearance rate, Trial Court Departments disposed of more cases than were filed, but did not meet the clearance rate goal of 105%.

Similarly, the 15.9% decline in the number of cases pending beyond time standards fell short of the goal of 33%, but represented a two-year reduction of more than 100,000 aged cases. 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, 81.8% were tried by the second trial date, which fell short of the goal of 89%.

Comparisons of data for 2006 and 2007 reflect the impact of significant data 'clean up' in 2006 in some court departments. The interrelationship among the metrics continues as a key consideration, since the extent of reductions in older cases inversely impacts the percentage of cases disposed within time standards.

In the latter half of 2007, the Massachusetts Trial Court began to assess the satisfaction of court users through the Access and Fairness Survey, another CourTool developed by the National Center for State Courts. The introduction of this new measurement by the Boston Municipal Court Department 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 1,500 court users. The results will be used by a management task force to further improve court operations and services. The Trial Court will implement the survey in all other Trial Court Departments during 2008.

The performance-based approach adopted by the Massachusetts Trial Court represents a radical departure from traditional court practice and has launched a 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 and expand its commitment to performance measurement in 2008 and the years ahead.

Enhancing the Delivery of Quality Justice

Court Metrics Report - Calendar Year 2007

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 initially directed toward the objective of improving the timely and expeditious delivery of justice and, ultimately, enhancing 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 second 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 2007 and presents two years of data on key measures of Trial Court performance with respect to the timeliness and expedition of case disposition. The first two 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. On June 5, 2007, the two groups gathered together for the first time to discuss major court management initiatives implemented by the Trial Court to meet recommendations of the Visiting Committee. The court metrics, time standards, staffing models, and the use of MassCourts in producing data were discussed. In an account of the joint meeting, the chairs of the Visiting Committee and the CMAB reported that:

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 G. Fubini
McKinsey & Company

Robert P. Gittens, Esq.
Northeastern University

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

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

"Such efforts signal that accountability, transparency, and continuous improvement are becoming the norm within the court . . . Our courts are delivering on their commitment to provide leadership and accountability in assuring substantive improvements in access to quality justice throughout the Commonwealth." ¹

Members of the trial bar are important partners in ensuring the delivery of quality justice. The Court Management Advisory Board sponsored an open forum for trial lawyers on May 29, 2007. The purpose of the meeting was to elicit comments from the trial bar concerning case management initiatives implemented by the Trial Court. Topics such as fair and firm trial dates and efficient case scheduling were discussed. In 2008, a series of five "Open Dialogues on Court Practices" will continue this discussion with key partners at venues across the Commonwealth.²

In February 2008, more than 300 court employees and community leaders attended a symposium to mark the fifth anniversary of the issuance of the Visiting Committee's Report. The event, sponsored by the Court Management Advisory Board, noted management reforms introduced since the report and identified the need for continued improvement of court practices. The program included a keynote address by the Chief Justice of the Supreme Court of California, a panel on organizational change with legal and business leaders, and a video featuring court employees commenting on the impact of recent management initiatives on court operations.

¹ J. Donald Monan and Michael B. Keating, "Efficient Courts Enhance Access to Justice," *Boston Globe*, September 15, 2007.

² <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 the 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 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. This second annual metrics report contains information on two 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.

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 will be implemented in all other Trial Court Departments during calendar year 2008.

In 2008, other *CourTools* measures also will be introduced in the Trial Court: *Effective Use of Jurors* and *Reliability and Integrity of Case Files*. This second annual report on the court metrics mainly focuses on the four measures that address timeliness and expedition of case processing.

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 2007 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,
- dispose of 90% of the cases resolved by trial within two trial date settings (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 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 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 instantaneously share important criminal identity information; and, a foundation for operating efficiencies and cost reductions has been put in place.

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Calendar year 2007 witnessed substantial progress for MassCourts as the Trial Court completed its rollout of MassCourts Lite to 63 divisions of the District and Boston Municipal Court Departments. MassCourts Lite is the core of the system's criminal case management component, which improves public safety through better information sharing and more reliable identification of criminal defendants, and provides many cost efficiencies in court operations.

Also in 2007, the Housing Court and Trial Court Information Services completed the successful conversion to full MassCourts functionality in the first multi-site department. Planning and training continue for the conversion in Probate and Family Court in mid-2008. The scanning of documents in the Registry of Probate continues to build the database of records in MassCourts. As of December 31, 2007, MassCourts included over four million cases and 12 million calendar events.

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 2007

Court metrics data on timeliness and expeditious case management for 2007 are detailed below and where applicable compared with 2006 results. 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 two 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 the clearance rate may increase, but the percentage of cases disposed within the time standards may decrease, due to the increased number of disposed aged cases. Therefore, when looking at the court metrics data, a holistic approach is essential.

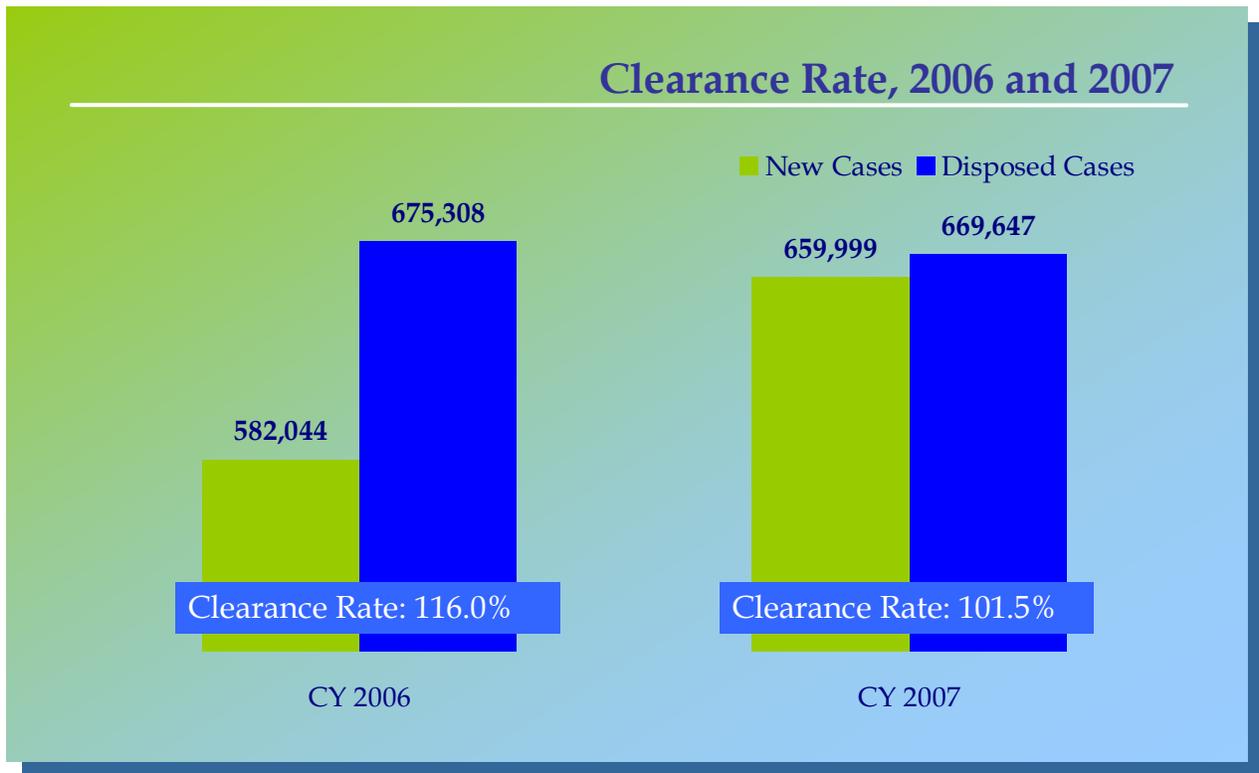
Clearance Rate. The clearance rate measures the number of cases disposed as a percentage of the number of incoming cases. In order to reduce the number of pending cases, the Trial Court adopted a clearance rate goal of 105%.

The actual clearance rate achieved by the Trial Court in calendar year 2007 was 101.5%, which indicates that the Trial Court disposed of more cases than the number of new cases filed, although it did not meet the goal. The change in the number of new cases over the two year period is noteworthy. From 2006 to 2007, the number of new cases filed increased by 78,000 cases and the number of disposed cases remained relatively stable.

With respect to the number of new cases filed, some of the year-over-year increase can be attributed to changes in reporting systems. However, much of the increase represents expansion in the work load of the courts due to new incoming matters. For example, the number of new cases filed in the Land Court increased by 10,237 or 44.4%.

The increase in 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.

In 2006, the Trial Court reported a clearance rate of 116.0%. Some of the cases cleared in 2006 had actually been disposed earlier, but had never been closed out on the various legacy automation systems. The process of “cleaning up” these cases was a major initiative, especially in the Housing Court and the Land Court.

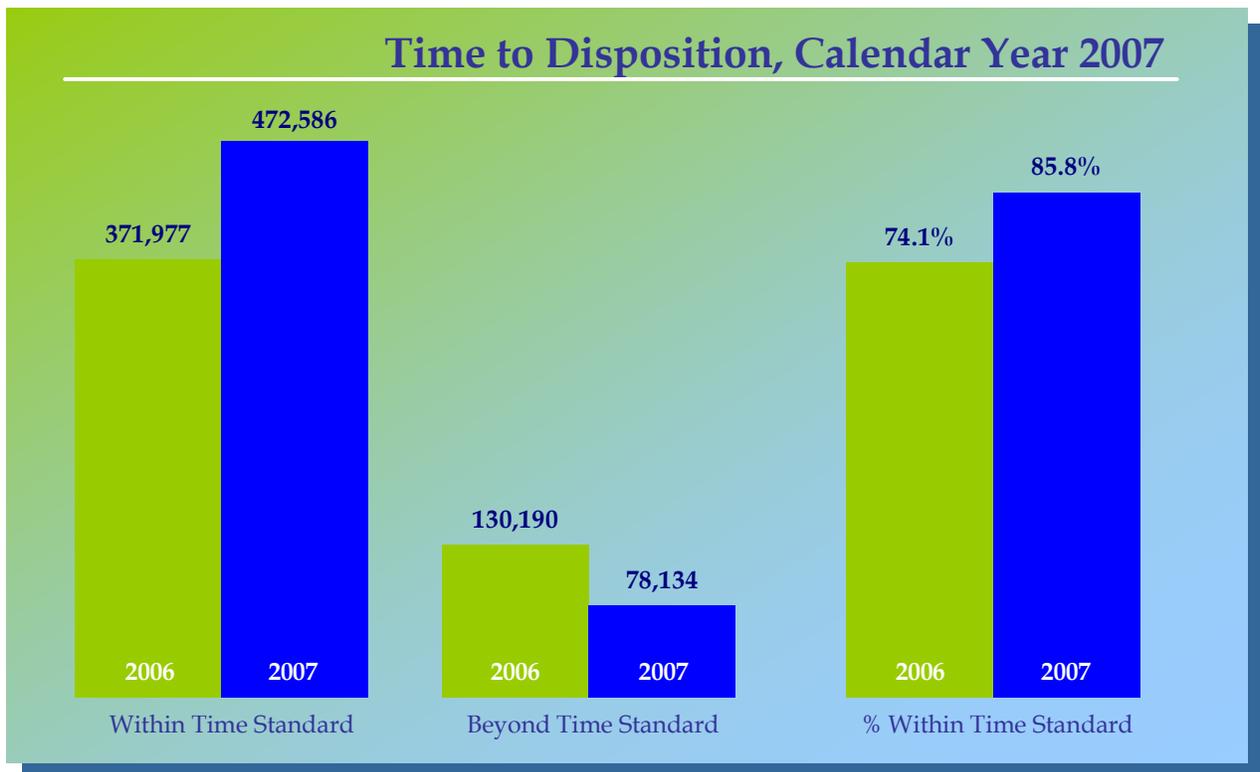


Clearance Rate, 2006 and 2007

Court Department	New Cases	2006		Clearance Rate	2007		Clearance Rate
		Disposed Cases			New Cases	Disposed Cases	
Boston Municipal Court							
Civil	41,059	43,290	105.4%	45,848	44,933	98.0%	
Criminal	36,497	33,030	90.5%	38,486	38,668	100.5%	
Sub-Total	77,556	76,320	98.4%	84,334	83,601	99.1%	
District Court							
Civil	63,162	61,403	97.2%	111,702	109,470	98.0%	
Criminal	227,461	233,009	102.4%	232,784	232,171	99.7%	
Sub-Total	290,623	294,412	101.3%	344,486	341,641	99.2%	
Housing Court	40,644	103,883	255.6%	45,620	55,086	120.7%	
Juvenile Court							
Civil	16,134	18,075	112.0%	16,230	17,052	105.1%	
Criminal	36,492	32,435	88.9%	34,765	30,885	88.8%	
Sub-Total	52,626	50,510	96.0%	50,995	47,937	94.0%	
Land Court	23,039	50,498	219.2%	33,276	29,992	90.1%	
Probate and Family Court	68,552	70,123	102.3%	70,794	80,631	113.9%	
Superior Court							
Civil	23,181	24,066	103.8%	24,558	24,855	101.2%	
Criminal	5,823	5,496	94.4%	5,936	5,904	99.5%	
Sub-Total	29,004	29,562	101.9%	30,494	30,759	100.9%	
Total	582,044	675,308	116.0%	659,999	669,647	101.5%	

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 all disposed cases, the number disposed within established time standards and the number disposed after the date set by the time standards are both shown. For calendar year 2007 the goal was to improve by 10% the proportion of cases that were disposed within time standards, up to a maximum of 100%. It is noteworthy that for some court departments the 2006 result was high, which set the time to disposition goal for 2007 at 100%.³



³ 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.

In 2007, 85.8% of the cases were disposed of within the applicable time standards, more than 10% higher than the 74.1% reported in 2006. The Trial Court as a whole achieved its goal for timely case disposition in calendar year 2007.

After two years of experience with time standards and performance metrics, the Trial Court departments reviewed the standards in light of the data and made certain adjustments. For example, after reviewing the 2007 data, the time standard for the disposition of civil cases in the District Court and the Boston Municipal Court Departments was reduced from 24 months to 18 months.

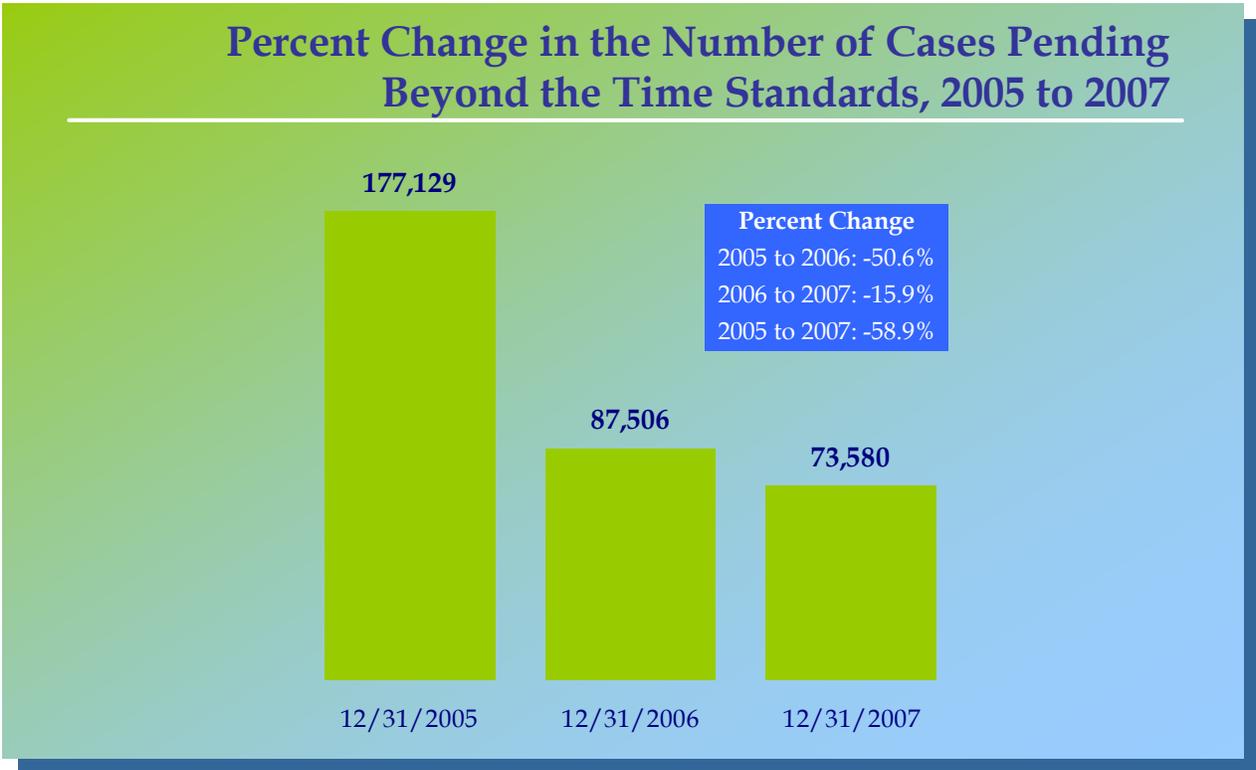
Time to Disposition, Calendar Year 2007

Court Department	Calendar Year 2006	Calendar Year 2007 Cases Disposed		Total	% Within Time Standard
		Within Time Standard	After Time Standard		
Boston Municipal Court					
Civil	87.5%	41,070	3,863	44,933	91.4%
Criminal	95.0%	34,538	4,130	38,668	89.3%
Sub-Total	90.8%	75,608	7,993	83,601	90.4%
District Court					
Civil	96.4%	99,513	1,222	100,735	98.8%
Criminal	92.1%	177,252	14,431	191,683	92.5%
Sub-Total	93.4%	276,765	15,653	292,418	94.6%
Housing Court	31.2%	36,043	19,043	55,086	65.4%
Juvenile Court					
Civil	72.9%	13,360	3,692	17,052	78.3%
Criminal	76.9%	24,066	6,819	30,885	77.9%
Sub-Total	75.5%	37,426	10,511	47,937	78.1%
Land Court	51.1%	1,660	1,773	3,433	48.4%
Probate and Family Court	72.6%	29,146	8,848	37,994	76.7%
Superior Court					
Civil	53.7%	14,080	10,561	24,641	57.1%
Criminal	30.0%	1,858	3,752	5,610	33.1%
Sub-Total	49.3%	15,938	14,313	30,251	52.7%
Total	74.1%	472,586	78,134	550,720	85.8%

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 2007 court metrics data reflect the second systematic compilation of the number of such cases.

For calendar year 2007 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 two years.

In 2007, the number of pending cases beyond the time standards was reduced from 87,560 to 73,580, a reduction of 15.9%. While the Trial Court did not reach the goal, on the whole it made significant progress. It is noteworthy that the focus on aged cases produced a reduction of over 100,000 of these cases, or 58.9%, during the two years of metrics reporting.

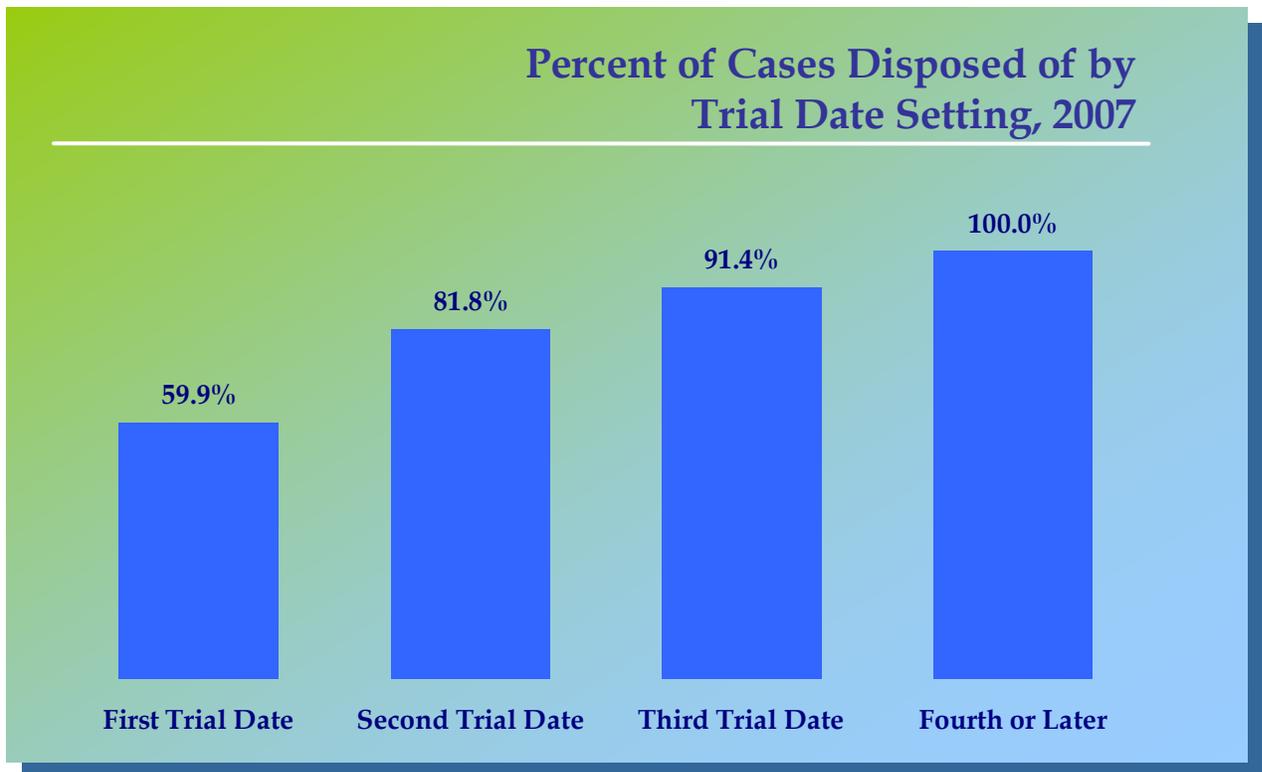


Number of Pending Cases Beyond the Time Standards

Court Department	2006 Baseline	2006 Year-End	2007 Year-End	2006 to 2007 Difference
Boston Municipal Court				
Civil	1,841	303	168	-44.6%
Criminal	1,776	492	682	38.6%
Sub-Total	3,617	795	850	6.9%
District Court				
Civil	8002	391	132	-66.2%
Criminal	3,640	2,469	3,459	40.1%
Sub-Total	4,340	2,860	3,591	25.6%
Housing Court	90,818	21,271	8,966	-57.8%
Juvenile Court				
Civil	3,949	3,443	3,187	-7.4%
Criminal	7,824	7,174	6,720	-6.3%
Sub-Total	11,773	10,617	9,907	-6.7%
Land Court	22,188	16,728	11,956	-28.5%
Probate and Family Court	34,572	21,953	25,586	16.5%
Superior Court				
Civil	10,209	10,674	10,205	-4.4%
Criminal	3,093	2,608	2,519	-3.4%
Sub-Total	13,302	13,282	12,724	-4.2%
Total	177,129	87,506	73,580	-15.9%

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 2007, 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 89% disposition by the second trial date. In 2007, 81.8% of the cases disposed of by trial actually went to trial by the second trial date setting. The Trial Court did not achieve the overall goal but did implement a more meaningful measure of this aspect of court performance, which can be used as a benchmark for 2008.



The Trial Court changed its method to measure trial date certainty from 2006 to 2007 to be more consistent with the National Center for State Courts' CourTools model. Further, the results of this revised metric are easier to interpret. The calendar year 2006 goal for trial date certainty was to reduce by 25% the average number of trial date settings. Because of this methodological change, no comparison to calendar year 2006 can be made.

Trial Date Certainty, 2007

Court Department	Number of Trial Date Settings					Total	% Two or Less
	One	Two	Three	Four or More			
Boston Municipal Court							
Civil	1,242	208	38	13	1,501	96.6%	
Criminal	1,611	599	257	132	2,599	85.0%	
Sub-Total	2,853	807	295	145	4,100	89.3%	
District Court							
Civil	470	228	105	109	912	76.5%	
Criminal	6,575	2,683	1,226	1,048	11,532	80.3%	
Sub-Total	7,045	2,911	1,331	1,157	12,444	80.0%	
Housing Court	1,825	299	42	5	2,171	97.8%	
Juvenile Court							
Civil	245	114	49	47	455	78.9%	
Criminal	155	66	30	33	284	77.8%	
Sub-Total	400	180	79	80	739	78.5%	
Land Court	42	11	4	3	60	88.3%	
Probate and Family Court	434	161	49	0	644	92.4%	
Superior Court							
Civil	386	219	135	265	1,005	60.2%	
Criminal	297	273	189	252	1,011	56.4%	
Sub-Total	683	492	324	517	2,016	58.3%	
Total	13,282	4,861	2,124	1,907	22,174	81.8%	

Analysis of Timeliness and Expedition Results

In calendar year 2007, the Trial Court's efforts to measure timely case processing reflected the following:

- *cleared cases at the rate of 101.5%;*
- *disposed of 85.8% of cases within established time standards;*
- *reduced the number of cases pending beyond time standards by 15.9% -- from 87,506 to 73,580; and,*
- *conducted 81.8% of all trials by the second trial date.*

The Trial Court exceeded the 2007 goal established for disposition within time standards. The Trial Court's clearance rate reflected that it disposed of more cases than were filed but did not achieve its goal. The Trial Court experienced significant reductions in the number of cases pending beyond the time standards but did not achieve the annual goal. Finally, the Trial Court established a new benchmark against which to measure continued progress in the area of trial date certainty.

A review of the second year of metrics data requires understanding of the significant interrelationship among the metrics, which makes achievement of all of the goals within a calendar year very challenging. For example, while there was a continued focus on reducing the number of older cases, the smaller reduction in pending cases beyond the time standards had a less positive effect on the clearance rate in 2007, compared to 2006. The pending case goal was a reduction of 33%, and the actual reduction in pending cases was 15.9%. The clearance rate goal was 105% and the actual clearance rate was 101.5%.

There is an inverse relationship between the number of disposed aged cases and the percentage of cases disposed within the time standards. Generally, the larger the number of disposed aged cases, the lower the percentage of cases disposed within the time standards. Therefore, it is impressive that the Trial Court was able to meet its goal and increase the percentage of cases resolved within the time standards by 11.7 percentage points -- from 74.1% to 85.8% -- while, at the same time, reducing the number of aged cases by 15.9%.

The review of the clearance rate data noted that there was a large increase in the number of new filings during calendar year 2007 in comparison with 2006. That larger number of new cases will impact the clearance rate, along with other metrics as the Trial Court manages an increased work load.

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 Overview

In 2007, the Massachusetts Trial Court expanded its focus on improving the delivery of justice through performance measurement by piloting and implementing a fifth CourTools metric, the Access and Fairness Survey developed by the National Center for State Courts, in the Boston Municipal Court Department. The 16-question, anonymous, written survey seeks feedback from all types of court users on their experiences in accessing the courthouse and conducting business there.

The survey supports two major priorities of the Trial Court. Just as the Trial Court has emphasized accountability to improve the quality of justice, it also has advanced initiatives that promote access to justice. The Access and Fairness Survey not only furthers the empirical approach to accountability, but also produces data on the experiences of court users that will better inform Trial Court efforts to improve access to justice.

The Boston Municipal Court Department formed an implementation team of experienced, respected court staff who coordinated and managed all aspects of the pilot project. Leadership at each court site ensured support of the data collection effort. Over 1,500 court users participated in this initiative by responding to the questions and providing thoughtful comments.

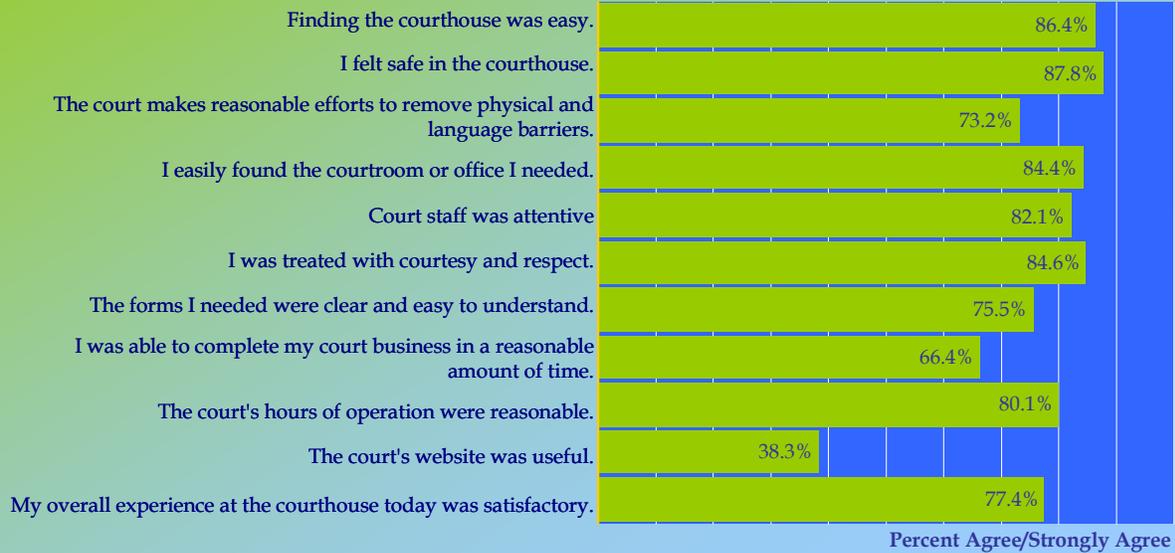
In March 2008, the Administrative Office of the Trial Court issued a detailed report on the Boston Municipal Court Department Access and Fairness Survey Project.⁴ Highlights of the survey findings are presented in the graphs on the following page.

The results of the Access and Fairness Survey in the Boston Municipal Court are being used to improve court operations and services. A management task force, which includes a member of the CMAB, is reviewing survey results and existing practices within each BMC court division and will make recommendations to address issues identified in the survey. The Trial Court will form an interdepartmental Access and Fairness Working Committee to implement the survey in all other Trial Court departments during 2008.

⁴ Administrative Office of the Trial Court, *Enhancing the Delivery of Quality Justice, Report of the Boston Municipal Court Department Access and Fairness Survey Project*, March 2008.

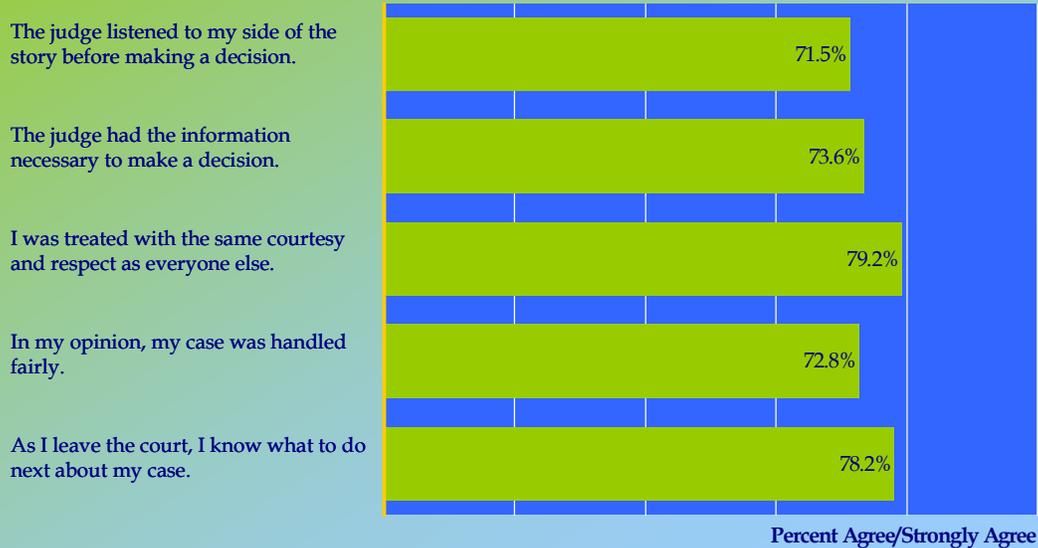
Access and Fairness Survey Boston Municipal Court

Access



Access and Fairness Survey Boston Municipal Court

Fairness



Conclusion

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 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 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 2008 and in future years. Goals for 2008 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.

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