

Enhancing the Delivery of Quality Justice

Court Metrics Report - Calendar Year 2011



ADMINISTRATIVE OFFICE OF THE TRIAL COURT

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

June, 2012

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 2011, amid continued fiscal challenges and workforce reductions, performance measurement remained an important component of the Trial Court's commitment to quality, substantive and timely justice and helped us monitor the impact of diminished resources on the delivery of justice.

For the sixth year we used four of the ten CourTools metrics developed by the National Center for State Courts to provide a simple, effective framework for our focus on the timely and expeditious delivery of justice. In 2011, these metrics reflected the impact of constrained resources on the timeliness of case disposition – the clearance rate declined, the number of cases pending beyond time standards increased, and the percentage of cases disposed or resolved within time standards declined.

The Trial Court also measures juror utilization, since an efficient jury system ensures our ability to engage our fellow citizens in the effective delivery of justice. The statewide juror utilization rate continued its annual improvement in 2011. Since implementation of a new jury management system in 2007, the number of jurors reporting for service has declined by more than 100,000 annually.

Throughout the Trial Court, departmental chief justices, judges, clerks, probation and other staff have been challenged by significant understaffing, yet continue to demonstrate their commitment to accountability in using measurements to monitor operations. Members of the bar and other justice partners also have supported our case management efforts to improve the timeliness and predictability of case disposition.

The Trial Court recently launched a strategic planning process to develop a comprehensive assessment of the court system, a future vision and practical action plans to accomplish that vision. Performance metrics will help to inform that process and will enable the identification of additional data-driven efforts to improve the delivery of justice to the people of Massachusetts in a challenging fiscal climate.



Robert A. Mulligan
Chief Justice for Administration & Management

Enhancing the Delivery of Quality Justice

Court Metrics Report - Calendar Year 2011

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 sixth 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 the effective utilization of jurors;*
- *establishes specific goals for these metrics across all court departments; and,*
- *produces regular reports on progress.*

The sixth year of focus on court performance measurement continued to monitor 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 2011:

- *cleared cases at the rate of 95.6%;*
- *disposed of 89.6% of cases within established time standards;*
- *identified 65,910 cases pending beyond time standards;*
- *began 76.9% of all trials by the second trial date; and,*
- *utilized 45.4% of all jurors who reported to courthouses..*

Trial Court Performance Measures: Calendar Year 2011

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 percentage of trials that are initiated by the second trial date.

Juror Utilization

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

The Trial Court clearance rate dropped slightly from 96.9% in 2010 to 95.6% in 2011, and did not meet the established goal of 100%. The proportion of cases resolved within time standards edged downward from 90.4% in 2010 to 89.6% in 2011. The baseline for cases pending beyond time standards was adjusted in 2010, from 92,417 to 53,555. The adjusted baseline reflects the disposal of a large number of Probate and Family Court cases that had gone without activity for at least 24 months. Also a factor in the adjusted baseline was an increase in the number of District Court civil cases captured for analysis due to improved reporting of case status associated with expanded Trial Court automation. At the end of 2011, the number of cases pending beyond time standards totaled 65,910.

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, 76.9% were tried by the second trial date, an increase over the 2010 rate of 75.5%.

Efforts to improve juror utilization – the number of jurors appearing for service that are impaneled, challenged or excused – have resulted in 109,032 fewer people appearing in court for jury duty in 2011 than in 2007 when the Trial Court began focusing on this measurement. With a goal of 45%, the utilization rate for 2011 was 45.4%, an improvement of 11.6% over five years.

In response to the fiscal challenges facing the Commonwealth, the Trial Court implemented a hiring freeze in October 2008, resulting in staffing reductions in all court departments. In calendar year 2011, Trial Court staffing levels declined by 254 or 3.8%, from 6,613 on January 1, 2011 to 6,359 on January 1, 2012. Since July, 2007, (through January 1, 2012), the staffing level has declined by 1,270 employees or 16.6%. The use of performance measures provides a way to objectively measure the impact of diminished staff resources on Trial Court operations.

The performance-based approach adopted by the Massachusetts Trial Court represented 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, probation and other Trial Court staff, and members of the bar. The Court Management Advisory Board played an important role in guiding and supporting these efforts. The Trial Court will continue its commitment to data-driven decision making and performance measurement in 2012 and the years ahead.

Enhancing the Delivery of Quality Justice

Court Metrics Report - Calendar Year 2011

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 sixth 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 2011, and presents six 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 six years of metrics are transforming Trial Court culture and serving as a basis for 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 also important partners in ensuring the delivery of quality 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 which was supported and guided by 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 sixth annual metrics report contains information on six 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. The survey was completed by 9,046 court users at each of the 106 courthouses.

In 2008, another *CourTools* measure 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. Beginning in 2009 the Court Metrics Report included data on the Trial Court's efforts on another *CourTools* metric – juror utilization.

This sixth 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 initially 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. Recognizing the fiscal constraints, the 2011 goals used for the metrics were:

- maintain a clearance rate of 100%;
- maintain the proportion of cases disposed within time standards;
- avoid an increase in the number of cases pending beyond the disposition date set by time standards; 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 National Center for State Courts go to:
www.courttools.org.

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 100%. 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 2011 a modest target of a clearance rate of 100% was set for all court departments reflecting the constrained court resources across the judiciary.

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 time to disposition is to maintain the percentage of cases disposed within established time standards. Again this more modest goal reflects constrained resources.

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

Trial Date Certainty

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 time to disposition is to maintain the percentage of cases disposed within established time standards. Again this more modest goal reflects constrained resources.

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. In the developmental stage, these quarterly reports also were 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 of 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.

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.

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.

Case Management Metrics

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

Court metrics data on timeliness and expeditious case management for 2011 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 six 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.

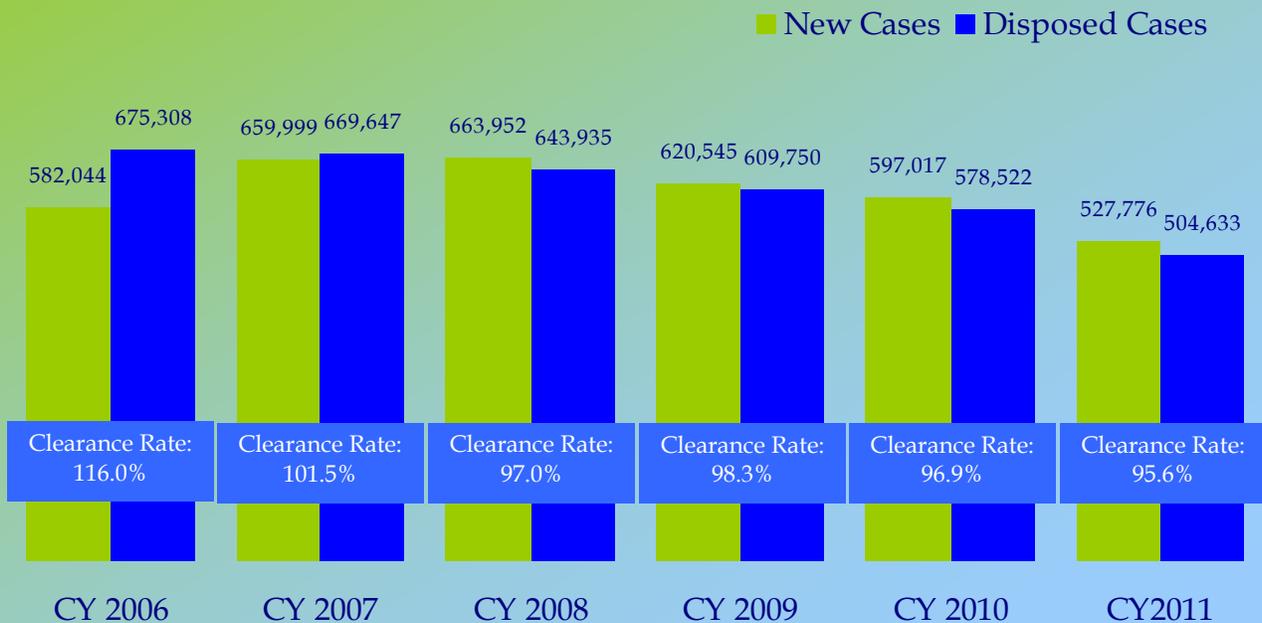
It is important to note the inter-relationship among the metrics. As court departments work to reduce the inventory of aged cases, the clearance rate will be impacted. Further, it is important to consider the reduced resources available to the Trial Court. In calendar year 2011 Trial Court staffing levels declined by 254 or 3.8%, from 6,613 on January 1, 2011 to 6,359 on January 1, 2012. 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 maintain a constant level of pending cases, the Trial Court adopted a clearance rate goal of 100%.

The actual clearance rate achieved by the Trial Court in calendar year 2011 was 95.6%, which indicates that the Trial Court disposed of fewer cases than the number of new cases filed. Even modest reductions in clearance rates will impact case backlogs. For example, the 95.6% clearance rate for 2011 reflected 23,143 more filings than dispositions, thereby increasing the number of pending cases by 23,143.

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 initial clearance rates benefited from the clean up activity that many court departments undertook in the automated systems. In contrast, the clearance rates during the period CY 2008 to CY 2011 were relatively stable, ranging from 95.6% to 98.3%. Staffing shortages became more pronounced over this period, but a 20.5% decrease in case filings during this same time may have helped clearance rates from falling more dramatically.

Clearance Rate



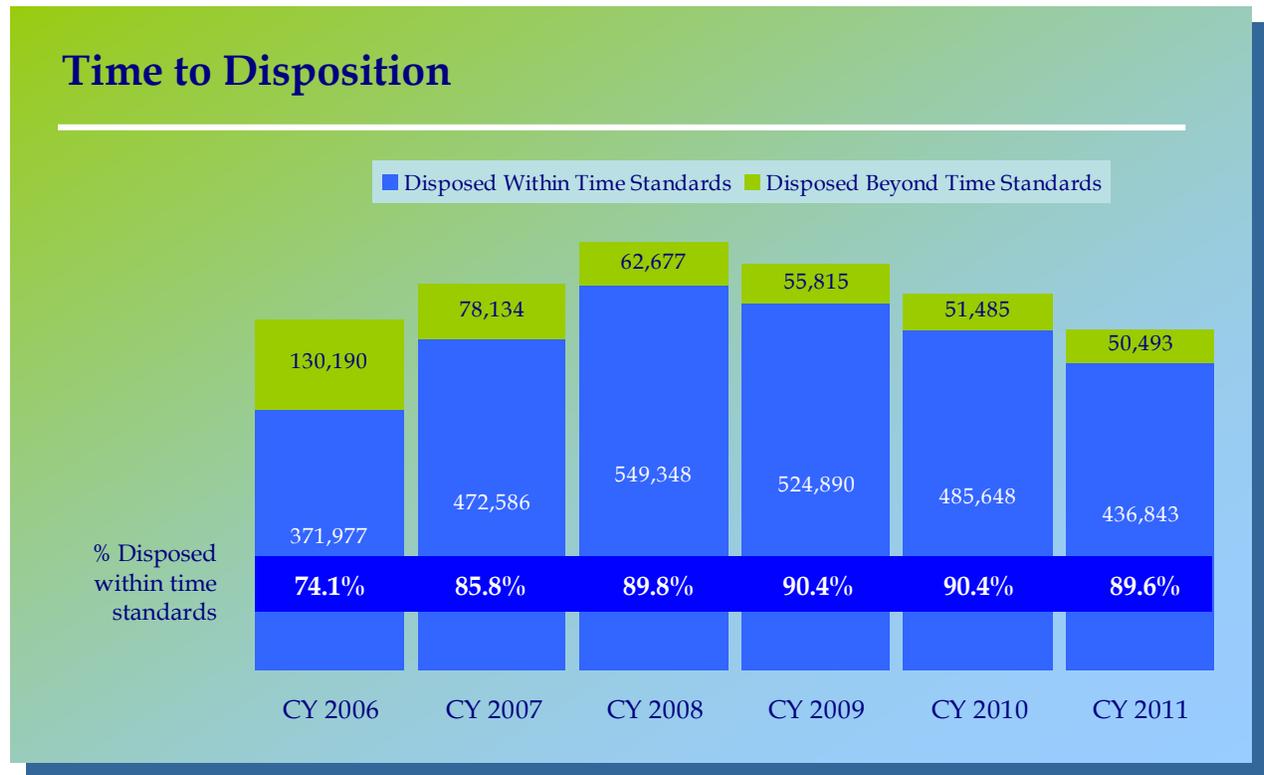
Clearance Rate, CY2007 to CY2011

Court Department	2007			2008			2009			2010			2011		
	New Cases	Disposed Cases	Rate												
Boston Municipal Court															
Civil	45,848	44,933	98.0%	67,362	62,490	92.8%	60,235	62,769	104.2%	47,023	50,666	107.7%	37,748	40,802	108.1%
Criminal	38,486	38,668	100.5%	39,456	40,203	101.9%	35,899	38,220	106.5%	31,682	31,475	99.3%	28,896	28,657	99.2%
Sub-Total	84,334	83,601	99.1%	106,818	102,693	96.1%	96,134	100,989	105.1%	78,705	82,141	104.4%	66,644	69,459	104.2%
District Court															
Civil	111,702	109,470	98.0%	123,059	119,063	96.8%	111,904	116,507	104.1%	116,421	117,249	100.7%	106,128	104,410	98.4%
Criminal	232,784	232,171	99.7%	230,082	225,535	98.0%	204,525	203,701	99.6%	198,822	191,264	96.2%	170,236	161,964	95.1%
Sub-Total	344,486	341,641	99.2%	353,141	344,598	97.6%	316,429	320,208	101.2%	315,243	308,513	97.9%	276,364	266,374	96.4%
Housing Court	45,620	55,086	120.7%	44,731	42,050	94.0%	42,066	43,640	103.7%	42,112	41,747	99.1%	42,356	40,472	95.6%
Juvenile Court															
Civil	16,230	17,052	105.1%	16,238	16,358	100.7%	14,855	14,717	99.1%	13,867	13,921	100.4%	12,685	12,548	98.9%
Criminal	34,765	30,885	88.8%	30,086	26,832	89.2%	24,546	22,124	90.1%	22,616	20,160	89.1%	19,531	17,007	87.1%
Sub-Total	50,995	47,937	94.0%	46,324	43,190	93.2%	39,401	36,841	93.5%	36,483	34,081	93.4%	32,216	29,555	91.7%
Land Court	33,276	29,992	90.1%	25,330	23,659	93.4%	31,568	22,684	71.9%	27,226	25,763	94.6%	15,778	15,022	95.2%
Probate & Family Court	70,794	80,631	113.9%	57,490	56,136	97.6%	64,829	54,681	84.3%	68,054	56,196	82.6%	67,125	55,422	82.6%
Superior Court															
Civil	24,558	24,855	101.2%	24,558	25,882	105.4%	24,880	25,429	102.2%	23,684	24,882	105.1%	22,104	23,294	105.4%
Criminal	5,936	5,904	99.5%	5,560	5,727	103.0%	5,238	5,278	100.8%	5,510	5,199	94.4%	5,189	5,035	97.0%
Sub-Total	30,494	30,759	100.9%	30,118	31,609	105.0%	30,118	30,707	102.0%	29,194	30,081	103.0%	27,293	28,329	103.8%
Total	659,999	669,647	101.5%	663,952	643,935	97.0%	620,545	609,750	98.3%	597,017	578,522	96.9%	527,776	504,633	95.6%

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 2011, the goal was to maintain the proportion of cases that were disposed within time standards during the previous year.¹

In 2011, 89.6% of the cases were disposed within the applicable time standards, indicating that the Trial Court did not reach its goal for the year. After consistent improvement over the past several years, 2011 was the first year that marked a reduction (albeit a small one) in the percentage of cases disposed within time standards.



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, CY2007 to CY2011

Court Department	Calendar Year 2007	Calendar Year 2008	Calendar Year 2009	Calendar Year 2010	Calendar Year 2011 Cases Disposed			
					Within Time Standard	After Time Standard	Total	% Within Time Standard
Boston Municipal Court								
Civil	91.4%	95.0%	98.5%	98.2%	39,630	1,172	40,802	97.1%
Criminal	89.3%	93.5%	93.4%	93.9%	26,527	2,130	28,657	92.6%
Sub-Total	90.4%	94.4%	96.6%	96.6%	66,157	3,302	69,459	95.2%
District Court								
Civil	98.8%	97.7%	98.1%	97.6%	103,009	1,947	104,956	98.1%
Criminal	92.5%	92.9%	92.7%	92.5%	142,957	14,003	156,960	91.1%
Sub-Total	94.6%	94.6%	94.9%	94.4%	245,966	15,950	261,916	93.9%
Housing Court	65.4%	86.5%	82.5%	89.7%	36,879	3,593	40,472	91.1%
Juvenile Court								
Civil	78.3%	78.8%	79.9%	78.4%	9,910	2,638	12,548	79.0%
Criminal	77.9%	75.9%	73.6%	71.4%	11,814	5,193	17,007	69.5%
Sub-Total	78.1%	77.0%	76.1%	74.3%	21,724	7,831	29,555	73.5%
Land Court	48.4%	58.5%	55.6%	62.2%	1,535	986	2,521	60.9%
Probate and Family Court	76.7%	78.6%	82.3%	83.8%	45,831	9,487	55,318	82.9%
Superior Court								
Civil	57.1%	67.7%	75.2%	75.6%	17,043	6,243	23,286	73.2%
Criminal	33.1%	32.9%	33.2%	34.5%	1,708	3,101	4,809	35.5%
Sub-Total	52.7%	61.6%	68.1%	68.8%	18,751	9,344	28,095	66.7%
Total	85.8%	89.8%	90.4%	90.4%	436,843	50,493	487,336	89.6%

Number of Cases Pending Beyond the Time Standards



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 2011 court metrics data reflect the sixth systematic compilation of the number of such cases.

For calendar year 2011, the Trial Court adopted a goal to avoid an increase in the number of cases pending beyond the disposition date from the end of the prior year.

By the end of calendar year 2011, the number of pending cases beyond the time standards had increased by 12,355 cases (23.1%), from 53,555 on December 31, 2010, to 65,910 on December 31, 2011².

² The number of cases pending beyond the time standards at the end of 2010 was adjusted to reflect the increase in the number of District Court civil cases captured for analysis due to improved reporting of case status due to expanded Trial Court automation, and to reflect the disposal of a large number of Probate and Family Court cases that had gone without activity for at least 24 months.

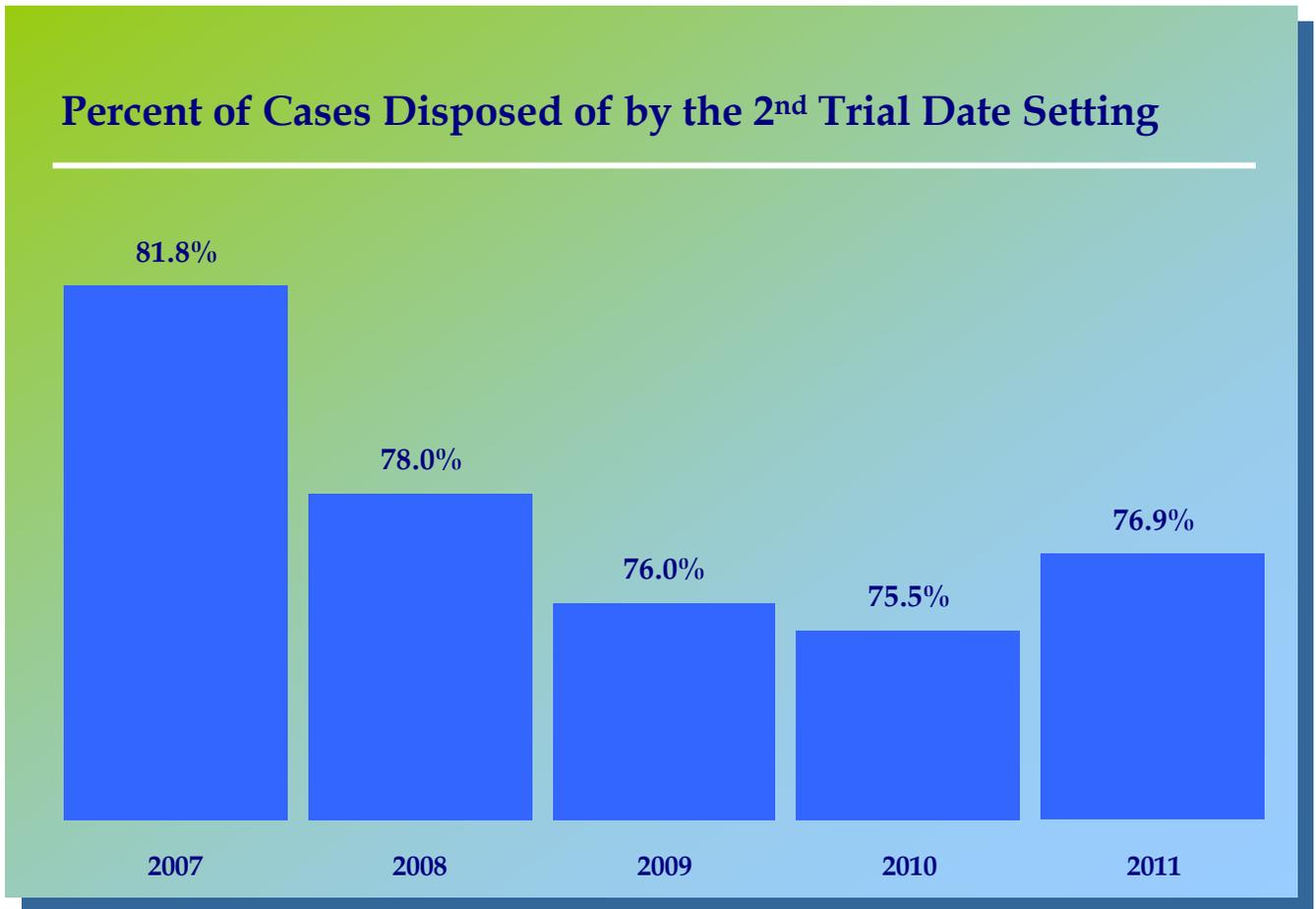
Number of Pending Cases Beyond the Time Standards, CY2007 to CY2011

Court Department	2007 Year-End	2008 Year-End	2009 Year-End	2010 Year -End	2011 Year-End	2010 to 2011 Difference
Boston Municipal Court						
Civil	168	309	218	180	227	26.1%
Criminal	682	591	496	598	503	-15.9%
Sub-Total	850	900	714	778	730	-6.2%
District Court						
Civil	132	348	287	2,627*	6,879	161.9%
Criminal	3,459	3,782	4,055	4,918	6,445	31.0%
Sub-Total	3,591	4,130	4,342	7,545	13,324	76.6%
Housing Court	8,966	5,673	1,741	1,490	2,168	45.5%
Juvenile Court						
Civil	3,187	3,142	4,094	4,409	4,389	-0.5%
Criminal	6,720	6,766	6,210	5,938	5,514	-7.1%
Sub-Total	9,907	9,908	10,304	10,347	9,903	-4.3%
Land Court	11,956	10,920	10,699	10,521	10,237	-2.7%
Probate and Family Court	25,586	28,817	47,247	14,493*	21,135	45.8%
Superior Court						
Civil	10,205	6,373	5,999	5,979	5,866	-1.9%
Criminal	2,519	2,414	2,390	2,402	2,547	6.0%
Sub-Total	12,724	8,787	8,389	8,381	8,413	0.4%
Total	73,580	69,135	83,436	53,555	65,910	23.1%

*The number of cases pending beyond the time standards at the end of 2010 was adjusted to reflect the increase in the number of District Court civil cases captured for analysis due to improved reporting of case status due to expanded Trial Court automation, and to reflect the disposal of a large number of Probate and Family Court cases that had gone without activity for at least 24 months.

Trial Date Certainty. The annual goal for this measurement targets 90% of the cases disposed 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 by trial actually go to trial by the second trial date setting. In 2011, the Trial Court measured the number of cases disposed 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 2011, 76.9% of the cases disposed of by trial actually went to trial by the second trial date setting, a slight increase over the 2010 rate of 75.5%. The Trial Court, however, did not achieve the overall goal.



Trial Date Certainty, CY2011

Number of Trial Date Settings

Court Department	One	Two	Three	Four or More	Total	% Two or Less
Boston Municipal Court						
Civil	106	32	14	4	156	88.5%
Criminal	419	217	82	38	756	84.1%
Sub-Total	525	249	96	42	912	84.9%
District Court						
Civil	132	66	33	17	248	79.8%
Criminal	1,708	863	430	657	3,658	70.3%
Sub-Total	1,840	929	463	674	3,906	70.9%
Housing Court	935	395	144	123	1,597	83.3%
Juvenile Court						
Civil	386	125	63	44	618	82.7%
Criminal	82	31	17	3	133	85.0%
Sub-Total	468	156	80	47	751	83.1%
Land Court	36	9	5	0	50	90.0%
Probate and Family Court	978	112	24	0	1,114	97.8%
Superior Court						
Civil	259	230	110	181	780	62.7%
Criminal	245	203	140	144	732	61.2%
Sub-Total	504	433	250	325	1,512	62.0%
Total	5,286	2,283	1,062	1,211	9,842	76.9%

Analysis of Case Management Results

In calendar year 2011, the Trial Court's efforts to measure timely case processing reflected the following:

- *cleared cases at the rate of 95.6%;*
- *disposed of 89.6% of cases within established time standards;*
- *identified 65,910 cases pending beyond time standards; and,*
- *began 76.9% of all trials by the second trial date.*

The Trial Court did not improve its clearance rate nor the proportion of cases disposed within time standards. Cases pending beyond the time standards increased, but reporting changes in the District and Probate and Family Court departments likely obscured any actual trend in the data. The proportion of trials begun by the second trial date improved in 2011.

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 CourTools

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 substantial 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 CourTools 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.

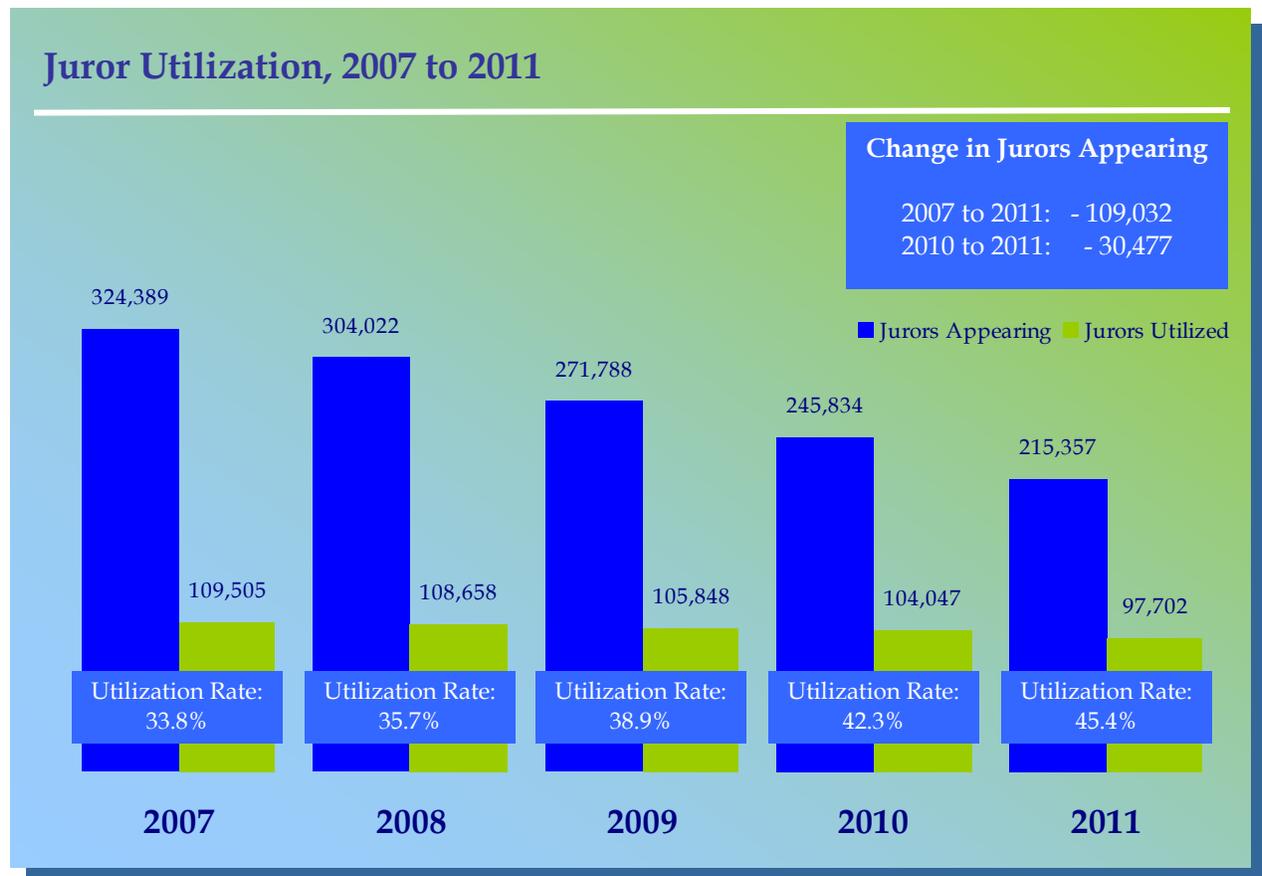
The Supreme Judicial Court and the Administrative Office of the Trial Court have made improved juror utilization a priority, and the courts have made great strides in this area by reducing the size of jury pools, adjusting court schedules, and canceling jurors when possible. The close examination of 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 an important court 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 30,477 fewer citizens reporting to court for jury service in 2011 as compared to 2010. Since 2007, 109,032 fewer citizens reported to jury duty, saving the courts and the business community millions of dollars. The juror utilization rate has increased steadily since 2007, and surpassed its goal of 45% with a utilization rate of 45.4% in 2011.

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



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 2012 and in future years. Despite declining resources, goals for 2012 have been set to maintain 2011 levels in all performance areas and refinements to the metrics reporting system have been adopted. 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.

Consistent with this commitment to continuous improvement, the Trial Court will re-convene the Metrics Working Group to review the current case flow metrics system, identify strengths and weaknesses, and make recommendations for improvements.