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DEFINING OPERATIONAL SUCCESSES: MEASURING THE PERFORMANCE OF A COURT'S FRONT-LINE STAFF*

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Court performance measurement systems are vital for management and planning. But “front-line” measurement of day-to-day work is equally vital for improving court performance.

Six years ago, the courts were facing a cyclical budget crisis similar to the one we face today. The Superior Court of Sacramento County chose to address that crisis, in part, by establishing a business-process-reengineering program. During the past several years I have been asked whether the program has been successful. I think the answer is yes, but for different reasons than I would have anticipated at the beginning.

While some concrete examples of hard savings and more intuitive processes arose directly from the reengineering projects, those are not the big changes. The major benefit of the reengineering program was to establish a culture willing to look for change. The program's ultimate goal was to find ways to be more efficient and to challenge those processes that “we've always done this way.” Whether a manager implemented a specific change recommended by my team or found a new, perhaps better, solution on his or her own, the court benefited.

Having a culture in which managers and staff are willing to look for change does not guarantee that the culture accepts change. While there is a desire to improve and a

“The major benefit of the reengineering program was to establish a culture willing to look for change.”

- Jake Chatters, Superior Court of Sacramento County, California

drive to make a process easier for ourselves or the public, we, like most people, still fight the battle against aversion to change. But that desire to look and to question “what is” has proved invaluable over the past half-decade.

In 2007 we implemented the California Court Case Management System in civil law and probate while simultaneously transforming to a paper-on-demand environment. We have gone to paperless files in traffic cases and adopted Second Generation Electronic Filing Specifications (2GEFS) and 2GEFS-compliant e-filing for unlawful-detainer actions. Most recently, severe county budget cuts forced us to quickly revamp our entire criminal-pretrial-release processes. These changes were not easy, but a culture supportive of change, even if individuals struggle with the specific change, was invaluable in making these transitions.

The Need to Measure Operational Performance

If a culture of change was the great side benefit of the last budget crisis, what might we hope to improve as a result of the one we now face? Each trial court, presiding judge, and executive officer may answer that question differently. What I hope is that we leave this crisis with an organization that understands the need for and embraces the use of operational performance measures.

First, a quick differentiation: The trial courts in California and across the country have a growing history of strong justice-based performance measures. Measures like age of pending caseload and clearance rates fall into this category. These measures tell us a great deal about how we are administering justice in our communities. These measures are expanding to include customer and employee satisfaction. The National Center for State Courts (NCSC) *CourTools* project is designed to standardize these measures nationwide so there is a common base by which to measure court performance. These measures describe our organizations and provide accountability to the public we serve. They are vital for management and planning purposes.

But while these measures are extremely valuable for judges, court executives, high-level court managers, the Administrative Office of the Courts, and the general public, they often provide little value to most staff, supervisors, and line managers. This budget crisis presents a great opportunity to develop operational-level performance measures that will be meaningful to this latter group.

What is an operational-level performance measure? These measures should focus on the timeliness and quality of the activities performed by line staff—whether a mediator, a courtroom clerk, or the staff at the front counter. Operational measures are extremely valuable to front-line staff and supervisors for both motivational and measurement purposes.

Examples of Operational-Level Performance Measures

- Percentage of documents processed within a certain number of days
- Percentage of minute orders returned for correction
- Number of “lost file” requests

Today in our court, the front lines generally report performance on “backlog reports.” When backlogs are low, there is a perception of quality performance. As court leaders, we should not be satisfied with “backlog” as our default definition of operational performance. Our use of this measure highlights our need for a greater focus on front-line statistics.

First, the use of “backlog” as a performance measure has an inherent negativity. It says to our staff that we don’t expect them to finish their work; that we acknowledge it isn’t possible before they even begin. While certainly we need to know if we have a backlog and how big it is, using that as the primary measure hinders motivation. Why try if everyone already knows they can’t possibly succeed?

Second, measuring only what has not been done and staying silent on both what has been done and its quality fail to give credit and emphasis on the key role that all staff play in maintaining the public’s trust. Our staff should be proud to work for the court, and we need to articulate why what they do is vital to our court system.

Third, as we enter another cyclical downturn in funding we need to determine where cuts can be made and at what price. But can we adequately answer that question? Eighteen months from now when positions have been held vacant and ancillary services have been reduced, will we be able to quantify the impact? Can we reasonably predict the outcomes? While we believe, or intuitively know, that reducing customer service staff could result in declining quality, we have no way to monitor this assumption or to mitigate impacts early. Instead, leadership can only react if problems create major complaints or impact the key justice measures. For

example, as workload is spread over fewer staff, error rates may rise. Knowing early that, for example, minute-order accuracy is declining may allow us to address the problem before it begins to impact future hearings or delays in formal orders after hearing.

The need for operational-level performance measures is not new. Certainly some courts in California have strong systems of measurement and reporting already in place. Others may recall the NCSC’s *Trial Court Performance Standards and Measurement System*—the precursor to *CourTools*—which included many operational measures. But this system failed to become the norm for courts because of the sheer volume of measures required and the cost to collect and maintain the information.

The collection and use of operational-level performance measures are constrained by the inherent cost of measurement. The previous NCSC effort, and perhaps previous efforts in many courts, failed because of its size and complexity. How do you run a courtwide performance-management effort in the midst of a budget crisis? When judges, management, and staff are working to deal with shortages, it is extremely difficult to divert organization-level attention to front-line statistics. On the other hand, a crisis presents a great opportunity for organizational culture change.



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The Use of Measures to Celebrate Successes

There is no easy solution to this problem. A top-down approach to performance measurement may lead to concern that the measures will be used against those lower in the hierarchy. The key may be in how we look at defining the need for performance metrics. Do we want statistics so we can identify problems, or is the primary reason to identify and celebrate successes? If we truly support and embrace

performance measurement as a way to highlight successful programs and efforts and not as a punishment tool, they may become less threatening.

As an example, at a recent meeting of upper-level managers in our court, an individual lamented that we place greater emphasis on completing projects on our operational plan than we do on our day-to-day work. This happens, simply, because we know how to measure a completed project. We can say it is done. It is implemented. But we have not adequately defined our operational success. In the absence of information, we cannot celebrate the great work our staff does every day.

How are we going to change the culture and instill the need for front-line performance measures? This past May we discussed this question with the management and supervisory teams in two of our major divisions. We focused on the need to collect operational performance measures and to do so with several principles, which are summarized in the chart below.

Operational Performance Measures: Implementation Principles

- “Justice” measures do not always serve us well, and there is a need for “operational” measures.
- There is a demonstrated need to define success and develop related measures.
- Measurement can be a motivational tool—not a “gotcha” but an “atta team.”
- Start small. We have limited resources so we must focus on a small number of measures (three to five).
- Keep the measures balanced. Don’t measure timeliness in the absence of quality.
- Good measures are quantifiable and meaningful and can be influenced by our actions.
- What we measure influences behavior.
- Accept that we may not be able to measure exactly what we would like to measure.

We hope to let the units decide what to measure and then let them measure it. The intent is to allow the staff, supervisor, and manager to informally discuss what they think would be useful. The best possible outcome is to have the units define what success is and to build comfort with performance-based measurement.

We will know the outcome of this effort in a year or two. Six years ago, we did not know if our business-process-improvement projects would be successful, but now our culture is more open to change. With some luck, perhaps the silver lining of the current budget downturn will be an acceptance of the benefit of front-line performance measurement.

ENDNOTES

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