Michigan Supreme Court
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Chad C. Schmucker
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MEMORANDUM

DATE: June 21, 2012

TO: Trial Court Chief Judges and Judges
cc: Court Administrators
Probate Registers

FROM: Chad C. Schmucker

RE: ***Courts working smarter for a better Michigan*** **-** Focus Groups Results

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As you may recall, in March I shared with you a new initiative of the State Court Administrative Office called ***Courts working smarter for a better Michigan***. Thanks to the many judges, court administrators, and others who gave generously of their time and talents to this initiative, we now have some information for you, for your comment and feedback, about court performance measures.

The catalyst for this initiative was the report of the Trial Court Performance Measures Committee, which recommended that each trial court adopt and publish performance measures.[1] The committee's work was guided by the National Center for State Courts' earlier recommendation that courts utilize its "CourTools" to measure performance.[2] The report of the State Bar's Judicial Crossroads Task Force also influenced the committee's work.[3]

As Phase 1 of the initiative, eight "court" focus groups, consisting of judges, referees, court administrators, prosecutors, friends of the court, and others, met in April and May. In addition, one focus group of external stakeholders met in Lansing. We had many in-depth, candid discussions about performance measurement in the judiciary.

Participants identified specific measures that are important to assessing court performance. They then voted on the measures that are most important to them, the measures that should be published, and the measures that they believe are important to the public. The

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[1]See http://www.courts.michigan.gov/scao/resources/publications/reports/TCPM2011.pdf.
[2]The CourTools are described at http://www.ncsconline.org/D_Research/CourTools/index.html.
[3]See http://www.michbar.org/judicialcrossroads/.

measures from all focus groups were categorized; the votes in each category were tabulated and can be found in Tables 1 and 2. Table 1 displays the votes each category received from the "court" focus groups. As you can see, eight of the top ten measures are CourTools. The two other measures in the top ten are offender compliance/success rates and wait time. Table 2 contains the measures that were identified by the "stakeholder" focus group. The stakeholders focused more on effective use of technology and cost-effectiveness. The stakeholders and courts have three common measures that they identified as most important to them: customer satisfaction, collection rates, and wait time.

Table 3 provides added detail on the measures. At each focus group, individual participants identified measures they thought were important without providing specific definitions of each measure. For example, "collection rates" was often listed as an important performance measure but during the discussion of "collection rates" some people indicated they were referring to the amount of restitution collected, while others were referring to the amounts collected divided by amounts assessed. The facilitators did not require the groups to define each measure in great detail, only enough detail for participants to feel comfortable that they understood what they were voting for. Table 3 shows, within each category, each measure as identified by the participants.

During the focus groups, participants offered questions, concerns, and comments about the performance measures initiative, which were categorized into general topic areas. Table 4 provides each topic area, the session in which the comment was made, and the comment. The nine focus groups who met over the past several months, and whose work is the substance of this report, underscored the need for a measured implementation of the initiative, as well as close communication between SCAO and the trial courts. I heard from the focus groups that SCAO should assist courts in developing and publishing performance measures.

SCAO is using the focus groups' feedback to prepare, in conjunction with the Trial Court Performance Measures Committee, for Phase 2 of this initiative. In this second phase, SCAO will work with the courts to implement and publish performance measures.

I am grateful to the focus group members for their honesty, insights, and hard work. A list of participants is attached to this memo. Please know how much I appreciate your involvement.

All of us in the judicial branch place a high value on service to the public, or we wouldn't be here. ***Courts working smarter for a better Michigan*** is not a one-time project, or another report that will end up gathering dust on a shelf. Instead, it is an opportunity for all of us, including SCAO, to share ideas that work.

We want your questions and feedback. Please contact me with questions or comments about the overall initiative. If you have questions about how the focus groups were conducted or the attached materials, please contact your Regional Administrator.

Attachments

Table 1: Performance Measures Identified by Judges and Court Administrators

Category	Votes		
	Important	Publish	Important to Public
Timeliness - Case Dispositions	76	78	49
Clearance Rates	58	73	34
Collection Rates	46	31	25
Customer Service / Fairness	45	26	53
Juror Utilization	42	31	51
Reliability and Integrity of Case Files	41	11	5
Offender Compliance and Success	37	50	40
Trial Date Certainty	36	19	25
Age of Pending Caseload	30	26	10
Wait Time	20	16	34
Child Support Collections	9	13	11
Case Filings	7	13	6
Employee Satisfaction	7	2	0
Appointed Counsel Cost	6	8	5
Court Staffing	6	12	2
Collection Efforts	6	5	0
Timeliness - Orders/Matters/Motions	5	1	7
Cost Benefit - Community Service	5	0	4
Access through Phones or Web	4	2	6
Court Budget Trends	4	17	6
Appointed Counsel Performance	4	6	2
Customer Service, Access, Wait Time	3	4	9
Timeliness - Hearings	3	3	4
Effective Use of Subpoenaed Witnesses	3	0	1
Timeliness - Juvenile Cases	3	4	1
Resolution Rate for Mediation	2	2	3
Timeliness - FOC	2	0	2
Accuracy of Title IV-E Orders	2	0	0
Technology - Videoconferencing	1	4	2
Effective Court Scheduling	1	0	0
Number of Mental Health Hearings Per Judge	1	0	0
Number of Overruled Cases	1	0	0
Technology - E-filing	1	0	0
Number of Trials/Proceedings and Their Outcomes	0	2	14
Technology - Cost Effectiveness	0	4	5
Timeliness - Arraignments	0	0	4
Technology - E-records	0	0	3
No Measures	0	8	0
Courthouse Security	0	0	0
Number of Post Judgment Motions	0	0	0
Technology - E-payment	0	0	0
Child Care Fund	0	0	0
Cost Benefit - Efficiency Audit	0	0	0
Counsel Performance	0	0	0
Employee Turnover	0	0	0
FOC Training	0	0	0
Timeliness - SOS Abstracting	0	1	0

Table 2: Performance Measures Identified by External Stakeholders

Category	Votes		
	Important	Publish	Important to Public
Technology - Videoconferencing	12	6	2
Cost Benefit - Efficiency Audit	10	6	1
Technology - Cost Effectiveness	5	2	5
Technology - Electronic Data Exchange	5	0	1
Collection Rates	4	12	4
Outcomes of NA Cases	4	2	4
Customer Service Survey	3	5	11
Number of Sentencing Departures	3	4	0
Wait Time	3	0	0
Access to Investigators and Experts	2	0	0
Allocation of Judicial Resources	2	1	7
Courthouse Facilities	2	0	5
Number of Sentencing Errors	2	0	0
Reliability and Integrity of Case Files	2	0	0
Standardization of Commitment Forms	2	0	0
Timeliness - Case Dispositions	2	6	2
Court Budget Trends	1	5	3
Courthouse Security	1	3	4
Employee Satisfaction	1	0	0
Juror Utilization	1	0	4
Number of Attorneys Appointed Before Bail Decision	1	0	0
Number of Pro Se Litigants	1	3	2
Offender Compliance and Success	1	2	10
Standardization of Probation Services	1	0	0
Timeliness - Orders/Matters/Motions	1	4	5
Age of Pending Caseload	0	2	0
Clearance Rates	0	2	0
Number of Delinquent Fiduciaries (and Percent)	0	0	0

Table 3: Performance Measure Categories

Category	Measure Name	Important	Publish	Important to Public
Access through Phones or Web	Number of phone inquires responded to	0	0	0
	Access to information	1	0	3
	Efficiency of phones and technology	0	0	1
	Public's access to the court through technology	3	2	2
Access to Investigators and Experts	Access to investigators and experts	2	0	0
Accuracy of Title IV-E Orders	Accuracy of Title IV-E orders	2	0	0
Age of Pending Caseload	Age of pending caseload	24	26	10
	Average age of caseload	6	2	0
Allocation of Judicial Resources	Right-size courts	2	1	7
Appointed Counsel Cost	Cost of court appointed counsel	1	1	5
	Cost of court appointed counsel by judge	0	0	0
	Court-appointed counsel fees	5	7	0
Appointed Counsel Performance	Percentage and number of jury trials conducted by court appointed attorneys	4	6	2
Case Filings	Caseload by case type	2	7	0
	Caseload increase/decrease - new filings trends over time	2	1	6
	New case filings	3	5	0
Child Care Fund	Effective use of child care fund	0	0	0
Child Support Collections	Percentage of support collected by FOC	0	2	1
	Charges to collection ratio of child support	4	2	3
	Child support collections	1	4	2
	Collection of FOC arrearages	0	1	1
	Percent of current child support collected	3	3	4
	Percentage of support collected	0	0	0
	Percentage of support collected and distributed	1	1	0
	Raw support collected	0	0	0
	Timeliness of disbursement support/restitution	0	0	0
Clearance Rates	Clearance rates	48	62	32
	Clearance rates - numbers and percents	10	13	2
Collection Efforts	Collection on day of sentencing	2	0	0
	Obstacles to collections	0	0	0
	Revenue/distribution/number of employees	4	5	0

Table 3: Performance Measure Categories

Category	Measure Name	Important	Publish	Important to Public
Collection Rates	Assessments of fines and costs by judge and collections of them	1	0	0
	Collection and disbursement of restitution	0	0	5
	Collection of monetary penalties (number of people paying; percentage increase)	6	3	4
	Collection rates	18	14	3
	Collections	8	7	6
	Collections including FOC and rate of compliance with court ordered fines and costs	8	8	6
	Collections - measure what is uncollected; percentage collected versus uncollected	4	4	0
	Number of cases that go to collection	0	0	0
	Restitution ordered verses restitution collected	1	6	2
	Revenues and collections	4	1	3
Cost Benefit - Community Service	Community service providers - are they getting the bang for their buck (for example, how much "money" is contributed to the community through community service)	5	0	4
Cost Benefit - Efficiency Audit	Cost/benefit and efficiency analysis	8	6	0
	Efficiency audit of court processes	0	0	0
	Maximize funding sources	2	0	1
Counsel Performance	Counsel performance and civility	0	0	0
Court Budget Trends	Budget trends	0	8	0
	Court meeting budget	1	5	3
	Justify expenditures (general fund) - track over time and compare; 10-year average	4	9	6
Court Staffing	Case to staff ratio	1	3	0
	Court resources, budget, staffing, and cuts	5	9	2
Courthouse Facilities	Does court have private meeting space for attorney and client	1	0	0
	Separate waiting area for victims	1	0	5
Courthouse Security	Courthouse security	0	0	0
	Security at the courthouse	1	3	4

Table 3: Performance Measure Categories

Category	Measure Name	Important	Publish	Important to Public
Customer Service / Fairness	Court user surveys (including survey of attorneys)	9	6	9
	Customer satisfaction	10	5	19
	customer satisfaction (for example, treated fairly)	4	2	3
	Customer service	4	7	11
	Customer service survey	12	3	0
	Measure of public understanding of proceedings	1	0	0
	User satisfaction - at end of case	4	3	4
	User/outcome satisfaction	3	5	11
	Defendant's impression that they have been heard and in a timely fashion	0	0	3
	Judge's fairness and integrity	1	0	4
Customer Service, Access, Wait Time	Access to the court	3	4	9
Effective Court Scheduling	Time management - scheduled events that end up being resolved without hearing (example - book Friday for Smith divorce trial and then, if settles, have empty day)	1	0	0
Effective Use of Subpoenaed Witnesses	How many times does a trial or preliminary hearing go when subpoenaed witness appears (versus witness is called in and then case settles, preliminary is waived, etc)	3	0	1
Employee Satisfaction	Employee satisfaction	6	1	0
	Employee satisfaction rates	2	1	0
Employee Turnover	Employee turnover	0	0	0
FOC Training	Success of court offered training	0	0	0
Juror Utilization	Effective use of jurors	14	5	21
	Effective use of jurors - number called in versus number who serve; also frequency of bringing jurors in	4	1	4
	Juror utilization	16	17	17
	Jury selection process (how often are citizens summoned to serve; make up of jury pool - is it representative of the community)	0	1	1
	Representation of jury pool	1	0	4
	Use of jurors (number called versus number used)	8	7	8
No Measures	No measures	0	8	0
Number of Attorneys Appointed Before Bail Decision	Number of attorneys appointed prior to decision on bail	1	0	0
Number of Delinquent Fiduciaries (and Percent)	Number and percentage of fiduciaries who are delinquent	0	0	0
Number of Mental Health Hearings Per Judge	Number of mental illness cases heard by judge (actual number)	1	0	0
Number of Overruled Cases	Number of cases overruled on appeal	1	0	0
Number of Post Judgment Motions	Number of postjudgment motions	0	0	0
Number of Pro Se Litigants	How many litigants are pro se	1	3	2
Number of Sentencing Departures	Departures from sentencing guidelines	3	4	0
Number of Sentencing Errors	Errors in sentencing	2	0	0

Table 3: Performance Measure Categories

Category	Measure Name	Important	Publish	Important to Public
Number of Trials/Proceedings and Their Outcomes	Number of trials or proceedings and their outcomes	0	2	14
Offender Compliance and Success	Community report card for juvenile recidivism	1	3	2
	Effectiveness of diversion programs	3	2	0
	Effectiveness of the programs used for probationers and in juvenile delinquency and child protective cases (number of cases that end up in termination)	2	0	0
	Juvenile recidivism	5	5	6
	Measuring success of treatment programs	4	1	2
	Number of problem-solving court participants that complete the program	1	3	0
	Offender compliance; success of sentencing tools (community service completion, successful treatment completion)	4	5	4
	Participation rates of problem-solving courts	0	0	0
	Percentage of successful probationers	3	1	1
	Probation violations	0	0	0
	Problem-solving court graduation rates	0	5	2
	Problem-solving court recidivism rates	0	5	2
	Rate of compliance with court ordered payment plans	2	0	0
	Recidivism	1	2	10
	Recidivism - juvenile and specialty courts	1	2	6
	Recidivism of problem-solving courts/programs	1	4	0
	Recidivism rates	0	0	1
	Recidivism rates (juvenile)	4	2	4
	Recidivism rates, especially for specialty courts	3	0	5
	Success rates of specialty courts and diversion programs	3	6	2
	Successful completion of specialty court program	0	6	3
Outcomes of Child Protective Cases	When are families in child protective cases kept together	4	2	4
Percent of Cases with No Next Action Date	Percent of cases with no next action dates	0	0	0
Reliability and Integrity of Case Files	Accuracy of computer versus paper files	3	0	0
	File completeness and accuracy	3	0	0
	File retrieval rates and file content accuracy	7	1	0
	Case file reliability	9	3	0
	Integrity, completeness, and accuracy of files and data entry	4	0	0
	Reliability and integrity of court files	17	7	5
Resolution Rate for Mediation	Number of cases sent to mediation; number of those that are resolved prior to coming to court	2	2	3
	How many cases settle as a result of mediation or alternative dispute resolution (ADR)	0	0	0

Table 3: Performance Measure Categories

Category	Measure Name	Important	Publish	Important to Public
Standardization of Commitment Forms	Standardized court commitment forms	2	0	0
Standardization of Probation Services	Standardize probation services	1	0	0
Technology - Cost Effectiveness	Cost effective technology	5	2	5
	Cost savings by using technology	0	4	5
Technology - E-filing	How many pleadings were e-filed and how much paper it saved	0	0	0
	Number of e-file documents	1	0	0
Technology - E-payment	Percentage of civil infractions paid on-line	0	0	0
Technology - E-records	Public's access to signed orders	0	0	3
Technology - Electronic Data Exchange	Electronic data exchange	5	0	1
Technology - Videoconferencing	Reduction in need to transport prisoners to court	5	1	0
	Use of polycom - percentage of court events that could be handled by polycom that are actually handled by polycom	1	4	2
	Using tools to avoid court appearances	7	5	2
Timeliness - Arraignments	Time from arrest to arraignment	0	0	4
Timeliness - Case Dispositions	Case age	8	7	0
	Case age disposition rates	7	5	8
	Case age summary - time to disposition	9	11	6
	Judge performance (time guidelines)	2	10	4
	Time guidelines	2	6	2
	Time guidelines - 100% guideline only	7	4	0
	Time to disposition	35	34	27
	Time to disposition (time it takes to resolve case)	8	7	4
Timeliness - FOC	FOC processing time from referral to recommendation	1	0	2
	Number of custody evaluations done within a certain time period	1	0	0
Timeliness - Hearings	Average time from pleading to seeing judge	2	3	4
	Time from filing to first scheduled event	1	0	0
	Time from motion filing to hearing date	1	0	0
Timeliness - Juvenile Cases	Time from event to petition to hearing in juvenile cases	3	4	1
Timeliness - Orders/Matters/Motions	Delay in matters submitted	0	0	0
	Emergency response time from initial call to temporary resolution	0	0	0
	Length from evidentiary hearing to decision	3	1	4
	Time between when a child support motion is filed and court order is issued	0	0	3
	Time to produce an order	0	0	2
	Timeliness of custody/support	1	4	3
	Timeliness of postjudgment motions	2	0	0
Timeliness - SOS Abstracting	Abstract timeliness	0	1	0
	SOS abstracting timeliness	0	0	0

Table 3: Performance Measure Categories

Category	Measure Name	Important	Publish	Important to Public
	Timely submission of abstracts	0	0	0
Trial Date Certainty	Average number or appearances to disposition	1	0	2
	Number of times litigants must return to court	1	1	3
	Trial date certainty - adjournment rate	4	4	2
	Trial date certainty	30	14	18
Wait Time	Average number of minutes from time a person comes into courthouse to time they leave courthouse (counter or courtroom after hearing)	2	0	2
	Average number of minutes a patron waited in line	0	1	0
	Docket wait time	4	6	10
	How many minutes late a hearing starts	3	1	0
	Respect for counsel's time	3	0	0
	Time judge starts docket	2	0	5
	Time judge took the bench	2	6	0
	Time that the judge takes the bench versus docket schedule	2	0	8
	Timeliness of daily court calendar	5	2	9

Table 4: Additional Questions and Comments

General Topic	Session	Question or Comment
Why Are We Doing This?	R3 5/03/12	Are these going to become "standards" that courts must meet?
	R4 4/25/12	Dashboards are really about transparency and accountability. Don't do it if it just makes a lot of work for court staff. Staff is already stretched thin. Should not measure under guise of transparency if it is really for compliance or control.
	R4 4/25/12	Must be done for the right reasons. To justify the state providing less money to the locals is not a good reason.
	R4 4/18/12	What is important? - Numbers versus quality. Afraid trend is to measure numbers instead of quality of justice.
	R4 4/25/12	What is our goal? To measure what we're good at or to measure what we need to improve on?
	R2 5/23/12	Public relations goal versus performance goals. For example, is purpose to enhance public perception of courts? Who is the audience?
	R3 5/02/12	Why are we doing this? What is the problem we are trying to solve? Courts transparent to whom and for what reason?
Relationship Between MSC/SCAO and Courts	R4 4/25/12	After the past year, there is now a wedge between the judges in this region, perhaps the whole state, and SCAO - if performance measures are not reasonable, it will create an even larger wedge.
	R1 4/11/12	How it is presented is very important. It will be unpopular with some judges. It is about improvement, not punishment. Legislation is bad - it says not from judiciary. Need to know that SCAO is there to back up the courts. It needs to be easily measured and allow courts to look good publicly. Data needs to be easily maintained. Acknowledge more than just the top five. Highlight something different each year.
	R4 4/25/12	Process should be cooperative rather than adversarial. Courts are perceiving an adversarial relationship from SCAO; tension exists.
	R3 5/02/12	Recommend a full session of focus groups with Chad and Chief Justice Young. Issues are important and large meeting can have traction depending on the motives of the powers that be.
	R3 5/02/12	Supreme Court should post their own measures.
Costs of Measuring Performance	R3 5/03/12	Be careful that his does not have a negative impact on judges performance and decisions. Example: dismissing cases, not ordering restitution, etc.
	Stakeholders	Concern for the cost to courts to implement performance measures.
	R4 4/25/12	How much time is spent gathering the data to be used in performance measurement (time cost) - should be automated as much as possible.
	R4 4/18/12	If doing county by county reporting, am leery because all courts and counties don't have same resources to gather and publish data.
	Stakeholders	Look at the cost of collecting data: new funding for new reporting.
	R2 5/23/12	Need technical assistance for smaller courts.
	R4 4/18/12	Not all courts have web page or information technology personnel to post dashboards.

Table 4: Additional Questions and Comments

General Topic	Session	Question or Comment
Context Is Important	R4 4/18/12	Are we comparing apples to apples?
	R3 5/02/12	Comparing courts is not reasonable. Example: Access in a court with electronic records will be better than one without, although they are likely both doing equally good jobs.
	R2 4/12/12	Context is important.
	R3 5/02/12	Difficult to measure a judge's performance when different judges handle the same case or when judges cover for each other.
	R3 5/03/12	Distinction between courts. Relevancy of certain measures for certain courts.
	R4 4/25/12	In order to compare yourself to other similarly situated courts, need access to those other courts' data.
	R3 5/03/12	Need for good comparables and/or statewide averages. Need to be reported in context.
	Stakeholders	Need to put measures in context and identify where the "handoffs" exist. For example where/how the case comes into the court, where it goes after the court. The court can not control those factors.
	R2 5/23/12	Quality of decision making versus "performance" data points (Do "good numbers" equal good decision-making? Not necessarily.)
	R4 4/18/12	Numbers are meaningless unless they are related to something.
	R2 4/12/12	Resource disparity.
	R3 5/03/12	Should be able to explain outliers in data.
	R3 5/03/12	Tyranny of small number of cases.
Publish or Internal?	R3 5/02/12	Courts should be allowed to choose what is published. Need to slow down and start small.
	R3 5/03/12	Distinction between public that actually deals with the court and general public.
	R4 4/18/12	If measures are ~~standardized~~ published (sic), need explanatory footnotes.
	R4 4/18/12	Internal versus external publication?
	R3 5/02/12	Public interests are likely to be more subjective and tougher to measure.
	R3 5/02/12	Public will be skeptical and won't fully understand the data.
	R2 4/12/12	Purpose: Public/Internal.
	R4 4/25/12	There can be more flexibility if measures are for local use only.
	R1 4/11/12	Some measures should be worked on to improve performance without being made public. SCAO should back up a court that tries out these measures when the media asks for them.
	Stakeholders	Some performance measures should be for internal use only, while others should be made public.
	R4 4/18/12	Transparency is a good idea, but must be meaningful.
	R2 5/23/12	Should keep performance measures understandable to public.
	R3 5/02/12	The numbers are not interesting to the public.
	R4 4/18/12	Who is the audience needs to be known.

Table 4: Additional Questions and Comments

General Topic	Session	Question or Comment
Where to Publish?	R1 4/11/12	Concerns: what to measure, inequality of court assets, why doesn't SCAO do it for us to allow for comparison, measure what is important to citizens, measures that don't make all big courts or all small courts look bad, provide customers with the opportunity to be heard, courts need to drive the program. Smarter Courts = More Positive Outcomes.
	R3 5/02/12	If SCAO has the data, they should publish it. The cost and work should not be forced on funding units. SCAO has the information and should publish on their website and allow courts to link to SCAO website. This would allow for standardization.
	R2 5/23/12	Required data - SCAO reporting for each court as opposed to making this an additional requirement for each court.
	R4 4/18/12	If state wants county by county measurement, need state infrastructure for that.
	R4 4/18/12	Three levels - statewide, standardized measures, individual court measures.
	R3 5/02/12	One size does not fit all. Some issues are important in one county that might not be important in another county.
	R1 4/11/12	Consensus was to provide options, not mandate any. This is important so that courts "own it," it accounts for differences in courts, and it is important to each court's community. If SCAO mandates some measures, then they should post them for courts.
	R4 4/18/12	Want ability to fit dashboards (performance measures) to local audience.
	R3 5/02/12	Value to public - Why can't the public be referred to what is out there already? Isn't it just as effective to tell them where to get the information?
	R4 4/25/12	Where reported comments: Some counties can't run their own websites - don't have staff or information technology people to do this. On state website with possibly a link to county. Non-required measurements could be posted on local website. If all reported on state website, would be easier to compare and would be uniform. Should group courts/counties of similar size (adds value), perhaps by population or number of cases processed so you are comparing apples to apples.
Publish by Judge?	R3 5/02/12	By judge data is not accessible for consolidated courts. Consolidated courts cannot provide by judge data because judges come into a case at different times.
	R1 4/11/12	Most participants started by saying measurements should be by court NOT by judge. Several then spoke up and said it needs to be by judge to bring improvement up. It was noted that this should happen on a measure by measure basis.
	R1 4/12/12	Publishing - Consensus was that all courts should measure by judge, but there was no clear consensus about publishing by judge. Discussion included that the public wants to see by judge, the judge may change his or her behavior to prioritize toward electable measures (teach to the test concept), and by judge publishing could lead to conflict among the judges but also identify useful information.
	R4 4/25/12	Report by judge or report by court comments: Most Region 4 courts are one-judge courts. If doing both, it is easier to identify different problems. If by judge that may become more of a political tool, but it does make judges accountable; may be a problem when judges are cross-assigned and are responsible for cases not within their traditional court.
	Stakeholders	Reporting by judge or bench: May punish a good judge. A poor judge can hide in the aggregate data. Metric dependant. If publishing by judge improves the system then okay to publish by judge, however if it does not improve the system, then publish by court.
	R4 4/18/12	Should they be by court or by judge? - judge by judge for internal use; court by court for external release.

Table 4: Additional Questions and Comments

General Topic	Session	Question or Comment
Publishing Format?	R4 4/25/12	Bar graphs work well for some measures, others would be better as percentages (for example, if reported just once a year).
	R1 4/11/12	Consensus was that reports should be standardized by SCAO. This will have resistance because of election implications. Question arises if it is fair to compare data in courts with different resources. When they are standardized, context needs to be provided.
	R4 4/25/12	How should these performance measures be reported? (for example, time guidelines - should actual number be reported or show percentage change from one year to next?)
	R4 4/18/12	If required, should be standardized; easy to measure and report - FOC person only.
	Stakeholders	If SCAO requires measures, they should be reported in a standardized format. Sometimes this will depend on the measure.
	R4 4/18/12	Let us run our own dashboards and see how it goes before deciding to standardize.
	R3 5/03/12	Published data should be understandable (marked with comments) and standardized.
	R4 4/25/12	Should be uniform if required at state level.
	R1 4/12/12	Standardized publishing format? - Yes, for the mandated measures. Preferred format was to show improvement and rates over time rather than snapshots or static numbers.
	R3 5/02/12	What does a court with multiple counties do?
Which Measures?	Stakeholders	Avoid perception that other data isn't/can't be collected.
	R4 4/25/12	Certain things just aren't quantifiable.
	R3 5/02/12	Data reported should be geared to encourage more consolidated courts with judges crossing jurisdictions.
	R4 4/25/12	Don't track just to track - if you are going to measure something, it needs to be valuable.
	R3 5/02/12	Important to measure how many hits "dashboard" gets. This may be indication of importance of the information being posted.
	R4 4/25/12	Make it simple (doable) and meaningful.
	R4 4/25/12	Need simple tools if required at state level - court administrators and staff do not have a lot of time available.
	R4 4/25/12	Report on what is already being reported to the state.
	R1 4/12/12	SCAO mandated measure or court selected measures? - No consensus but commented on phasing it in, mandating some basics (CourTools), leaving it up to the court, giving a mandated list but leaving options up to the court.
	R4 4/25/12	Should be meaningful if required at state level.
	R4 4/18/12	Should be ones (performance measures) that are easy and objective to measure.
	Stakeholders	What is the "Standard of Care" for courts. Citizens care about the larger puzzle - the before and after with the court as a piece.

Table 4: Additional Questions and Comments

General Topic	Session	Question or Comment
Comment on a Specific Measure	R3 5/03/12	Age of pending caseload more important than age at disposition.
	R3 5/03/12	Clearance rates more important than time guidelines.
	R2 4/12/12	Control of records (circuit court).
	Stakeholders	Coordination interface to work with judges to ensure that lab techs are only where they need to be.
	R3 5/03/12	Delay in Criminal Proceedings (DCP) reporting - Should we require an explanation why the case is time delayed? We lost this requirement when we went to DCP. Causes less review by courts of delayed cases.
	R4 4/18/12	District court versus circuit court versus FOC versus jail - all looking for dollars; coordination needed.
	Stakeholders	Effective use of bonds - why are some bonds returned.
	R4 4/18/12	Employee satisfaction and cost per case are too difficult to measure, too subjective, many differences court to court.
	R4 4/18/12	If time guidelines are published, they are no longer guidelines.
	R4 4/25/12	Is a case really a case? - there are a lot of variables - especially staffing - affects how quickly things are done.
	R3 5/03/12	Juvenile statistics are different than many of the measures for other courts.
	R3 5/03/12	Need time category for cases that are being held so as not to affect overall guidelines.
	R4 4/25/12	Polycom issues: When there is no direct feed, there are quality issues. Paper flow issues need to be addressed as well.
	Stakeholders	Preliminary exam reform (to improve efficiency).
	Stakeholders	Probation at Department of Corrections versus local - need to standardize across courts.
	R4 4/18/12	Probation review hearings to monitor compliance; signing discharge orders.
	R3 5/03/12	Restitution should be clarified in collections statistics.
	R4 4/18/12	Service provider evaluations.
	Stakeholders	Sheriff's deputy should be at every courthouse entrance. (Not private security firms.)
	R4 4/25/12	Some sentence assessments cannot be satisfied with community service - remain outstanding. How long should the court pursue (for example, when do you write them off?)
	R3 5/03/12	Specialty courts should report separately from court's data.
	R3 5/03/12	Things outside the court's control that impact performance - forensics, witnesses, number of prosecutors, etc.
	R4 4/18/12	Time guidelines - If we use those we assume guidelines are realistic - not true for divorce with minors and preliminary examinations for felonies.
	R3 5/02/12	Time is important to the public. Stress level is alleviated if case moves quicker.
	R4 4/25/12	Time management issues: Use final settlement conference to help with scheduling issues (divorce cases). Determine role of technology in addressing time management issues (to help alleviate problem of traveling attorneys). Determine the best use of your facility (sometimes this is a problem because of lack of facility space).
	R4 4/18/12	What stops the clock for time guidelines - should be realistic as well.
	R3 5/03/12	Would like to see "standard" court staffing levels based on caseload (judicial resources recommendations (JRR) for court staff). How many staff should a court have and how should staff be utilized?
Other Comment	R4 4/18/12	Best practices for each court.
	R2 4/12/12	Use of administrative tools to correct deficiencies.

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Hon. David B. Herrington
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FOCUS GROUP PARTICIPANTS – April and May 2012

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