



Trial Court Performance Standards Desk Reference Manual

*Developed by the Research Division of the National Center for State Courts
to provide the court community with examples of ways courts have implemented
projects and programs that address the Trial Court Performance Standards.*

©2003 National Center for State Courts
ISBN 0-89656-220-4

This project was supported by Grant No. 96-DD-BX-0041 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

Trial Court Performance Standards
Desk Reference Manual

National Center for State Courts

Staff

Pamela Casey
Project Director

Nancy Ross
Senior Court Researcher

Antoinette Marty
Research Assistant

Sara Lewis
Director of Communications

Lynn Grimes
Administrative Manager

TABLE OF CONTENTS

INTRODUCTION..... 1

ACCESS TO JUSTICE..... 3

Standard 1.1 Public Proceedings 3
Electronic Access Program..... 3

Standard 1.2 Safety, Accessibility And Convenience..... 4
Court Security Procedures Manual..... 4
Court Security Program 5
Circuit Court Visitor's Center..... 5

Standard 1.3 Effective Participation 6
Elder Law Hotline..... 6
Multilingual Lawline 7

Standard 1.4 Courtesy, Responsiveness and Respect..... 7
Customer Service Workbook 8
Counter Intelligence 8

Standard 1.5 Affordable Costs of Access..... 9
Mediation for Indigent and Low Income Parties..... 10
Standardization of Fee Waivers..... 10
E-FileProject 11

EXPEDITION AND TIMELINESS..... 13

Standard 2.1 Case Processing 13
Complex Litigation Docket..... 14
Time Standards..... 15

Standard 2.2 Compliance with Schedules 15
Financial Management System 17
Payment to Jurors..... 17

Standard 2.3 Prompt Implementation of Law and Procedure..... 18
Distance Learning..... 18

EQUALITY, FAIRNESS AND INTEGRITY 19

Standard 3.1 Fair and Reliable Judicial Process..... 19
Rules of Evidence..... 20

Standard 3.2 Juries 21
Jury Automated System 21
Jury Pool Management System..... 22

Standard 3.3 Court Decisions and Actions..... 22
Access and Fairness Advisory Committee..... 23
Race Data Collection 23

Standard 3.4 Clarity 24
Uniform Support Orders (USO)..... 24

Standard 3.5 Responsibility for Enforcement	25
<i>Automatic Protective Order Registry and Statewide Interface</i>	26
<i>Court of Common Pleas Financial Management System</i>	26
Standard 3.6 Production and Preservation of Records.....	27
<i>Record Retention and Destruction Schedule</i>	27
INDEPENDENCE AND ACCOUNTABILITY	29
Standard 4.1 Independence and Comity	29
<i>Inter-Branch Forum</i>	30
Standard 4.2 Accountability for Public Resources.....	31
<i>Justice At Work</i>	31
<i>Financial Integrated Accounting System</i>	32
Standard 4.3 Personnel Practices and Decisions	32
<i>Employee Mediation Program for EEO</i>	33
<i>Exit Interview Program</i>	33
Standard 4.4 Public Education	34
<i>Court With Class</i>	34
Standard 4.5 Response to Change	35
<i>Understanding Community Concerns</i>	35
PUBLIC TRUST AND CONFIDENCE.....	37
Standard 5.1 Accessibility.....	37
<i>Public Satisfaction Survey</i>	38
<i>Public Opinion Feedback on World Wide Web</i>	38
Standard 5.2 Expeditious, Fair and Reliable Court Functions	39
<i>Customer Satisfaction Survey for Petit Jurors</i>	39
Standard 5.3 Judicial Independence and Accountability.....	40
<i>Ride Along Program</i>	40

INTRODUCTION

This *Reference Manual* provides examples of court programs and initiatives that address each of the Trial Court Performance Standards. The Standards identify the fundamental goals and responsibilities of courts within five performance areas: access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence. The Standards were developed by a commission of judges and court managers and have been endorsed by the Conference of Chief Justices, the Conference of State Court Administrators, the American Judges Association, and the National Association for Court Management. They have been incorporated into the National Probate Court Standards and have been used as a model by countries around the world that are developing their own standards. For more information about the Standards, see the accompanying CD-ROM or visit the National Center for State Courts' Web site at http://www.ncsconline.org/D_Research/TCPS/index.html.

The Trial Court Performance Standards focus on court goals and outcomes. The *Reference Manual* provides examples of projects and programs courts have implemented that address the goals and outcomes. The projects were identified from the Conference of State Court Administrators' State Court Projects Listing and from information obtained from court professionals through the National Center's Public Trust and Confidence Initiative (see http://www.ncsconline.org/Projects_Initiatives/PTC/index.htm). The highlighted programs are illustrative and not exhaustive of the numerous court improvement efforts underway in courts across the country. Individuals reading this *Manual* are encouraged to send information about court programs that address specific standards to tcps@mail.ncsc.dni.us.

Staff thanks the many court professionals across the country who contributed information about their programs. Staff also is grateful to the Bureau of Justice Assistance, Office of Justice Programs, for its ongoing support of the Trial Court Performance Standards and acknowledges Mr. Charles Hollis and Ms. Jeannie Santos for their guidance and assistance.

ACCESS TO JUSTICE.

“Trial courts should be open and accessible. Location, physical structure, procedures, and the responsiveness of personnel affect accessibility.”

The five standards grouped under Access to Justice require a trial court to eliminate unnecessary barriers to its services. Such barriers can be geographic, economic, and procedural. They can be caused by deficiencies in both language and knowledge of individuals participating in court proceedings. Additionally, psychological barriers can be created by mysterious, remote, unduly complicated, and intimidating court procedures.

Standard 1.1 Public Proceedings

The trial court conducts its proceedings and other public business openly.

This standard requires the trial court to conduct all proceedings openly, contested or uncontested, that are public by law or custom. The court must specify proceedings to which the public is denied access and ensure that the restriction is in accordance with the law and reasonable public expectations. Further, the court must ensure that its proceedings are accessible and audible to all participants, including litigants, attorneys, court personnel, and other persons in the courtroom.

Electronic Access Program

Description

This program provides on-line access to statewide, automated indexes and docketing systems. Information such as case type, documents filed, proceeding dates and case disposition is available. Civil Judgment and Order Docket (CJ&OD) and the Automated Traffic System (ATS) information is also available.

Resources

Public access terminals; dial-up subscription access for law offices and businesses available upon request.

Contact

Kate McCann
Records Manager
Superior Court of New Jersey
Office of the Clerk
P.O. Box 971
Trenton, NJ 08625
(609) 984-3235
kate.mccann@judiciary.state.nj.us

Standard 1.2 Safety, Accessibility and Convenience

Trial court facilities are safe, accessible and convenient to use.

Standard 1.2 considers three distinct aspects of court performance: the security of persons and property within the courthouse and its facilities, access to the courthouse and its facilities, and the reasonable convenience and accommodation of those unfamiliar with court facilities and proceedings. It urges a trial court to be concerned about matters such as the centrality of its location in the community that it serves, adequate parking, the availability of public transportation, the degree to which the design of the court provides a secure setting, and the internal layout of court buildings (e.g., the signs that guide visitors to key locations). Because the attitudes and behavior of trial court personnel can make (or fail to make) the courthouse safer, more accessible, and more convenient to use, Standard 1.2 pertains to the conduct of trial court personnel as well.

Unusual or unexpected conditions, such as bomb threats, records destruction, employee strikes, sting operations, mass arrests, and natural disasters, challenge the routine operations of the court. Mechanisms (both internal and operated in coordination with other justice system agencies) may be required to handle emergent situations that could impede the courts and disrupt daily routines.

Court Security Procedures Manual

Description

The Court Security Procedures Manual outlines court security procedures and is used by the Court Security Officer (CSO) to ensure a safe court environment for judges, employees, officers, and the public. Specific information about the duties and responsibilities of the CSO is included. An additional manual covers information about each individual court. The information is provided to a CSO prior to assuming security duties in a particular court.

Resources

Staff time and budget to write and produce.

Contact

Jim O'Neil
Security Manager
2 Nobel Drive
Concord, NH 03301
(603) 271-2521
joneil@courts.state.nh.us

Court Security Program

Description

The Administrative Office of the Court's Court Security services assists the sheriff's offices in their service to the judiciary by coordinating security efforts during high profile trials, providing security equipment and personnel for high profile trials, inspecting court facilities and recommending needed changes, and providing and conducting training.

Resources

Security task force of circuit clerks and judges.

Contact

John Conley
Commander of Court Security Services Program
100 Millcreek Park
Frankfurt, KY 40601
(502) 573-2350
JohnConley@mail.aoc.state.ky.us

Circuit Court Visitor's Guide

Description

Schematic guides have been developed to help visitors familiarize themselves with Wisconsin's courthouses. The state bar organized the layout of the guides.

Resources

Local courthouse staff to organize information; court information officer to edit; graphic design and production.

Contact

Amanda Todd
WI Supreme Court
P.O. Box 1688
Madison, WI 53701-1688
(608) 264-6256
amanda.todd@courts.state.wi.us

Standard 1.3 Effective Participation

The trial court gives all who appear before it the opportunity to participate effectively, without undue hardship or inconvenience.

Standard 1.3 focuses on how a trial court accommodates all participants in its proceedings—especially those who have language difficulties, mental impairments, or physical handicaps. Accommodations made by the court for impaired or handicapped individuals include the provision of interpreters for the deaf and special courtroom arrangements or equipment for blind and speech-impaired litigants.

Elder Law Hotline

Description

Arizona residents over 60 years old can speak with attorneys and ask pertinent questions about legal matters via the Elder Law Hotline. Cases are usually cleared within a week of a call. The program is funded by a general appropriation from the legislature.

Resources

Attorneys to take calls, funds to pay attorneys, funds to market program.

Contact

Karen Kretschman, J.D.
Manager, Court Programs Unit
Court Services Division
Administrative Office of the Courts
Arizona Supreme Court
1501 W. Washington St.
Phoenix, AZ 85007
(602) 524-9274
kkretsch@supreme.sp.state.az.us

Multilingual Lawline

Description

Multilingual LawLine offers free recorded telephone messages on law-related topics in various languages. Immigrant service providers were surveyed to identify their clients' information needs and high demand languages. The messages target immigrants with limited-English ability and little or no knowledge of the American legal system.

Resources

Staff time to coordinate project, survey service providers, draft scripts, conduct outreach and publicity; bilingual persons to translate and test scripts; bilingual readers for recording; technical expertise and/or funds for production.

Contact

L. Dew Kaneshiro
Project Director
Equality and Access to the Courts
State of Hawaii Judiciary
426 Queen Street #B6
Honolulu, HI 96813
(808) 539-4860
dew.l.kaneshiro@courts.state.hi.us

Standard 1.4 Courtesy, Responsiveness and Respect

Judges and other trial court personnel are courteous and responsive to the public, and accord respect to all with whom they come in contact.

The intent of Standard 1.4 is to make the justice system more accommodating and less intimidating. A responsive court ensures that judicial officers and other court employees are available to meet both the routine and exceptional needs of those it serves. Requirements of the standard are particularly important in the understanding shown and assistance offered by court personnel to members of minority or disadvantaged groups and to those unfamiliar with the trial court and its procedures. In keeping with the public trust embodied in their positions, judges and other court employees should reflect by their conduct the law's respect for the dignity and value of all individuals who come before, or make inquiries of, the court. No court employee should by words or conduct demonstrate bias or prejudice based on race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation. These requirements extend to the manner in which the employees of the court treat each other.

Customer Service Workbook

Description

Customer service groups conduct public surveys throughout the year, then discuss common customer service issues during a yearly training session. A Customer Service Workbook presents judicial branch employees with Twelve Customer Service Standards. Employees discuss the standards (i.e. “treat all customers with respect”; “focus your attention on the customer”) and develop fundamental customer service implementation skills.

Resources

Staff support to organize, write, and produce the workbook.

Contact

Liz Strong
Staff Development Administrator
Colorado State Court Administrator’s Office
1301 Pennsylvania St., Ste. 300
Denver, CO 80203
(303) 837-3657
liz.strong@judicial.state.co.us

Counter Intelligence

Description

Training sessions focus on handling difficult customer service issues and understanding how interactions affect the individual. Counter Intelligence sessions are divided into three main parts:

- 1) Internal customer relations – personality type interactions
- 2) External customer service – role-play giving advice and handling difficult problems, and
- 3) Advanced customer service issues – includes staff development sessions in areas such as projecting professional image, professional ethics, and diverse customers.

Resources

Training facility, personality tests

Contact

Brenda Aiken
Resource Development Officer
Alaska Court System
825 West Fifth Avenue
Anchorage, AK 99501
(907) 264-0514
baiken@courts.state.ak.us

Standard 1.5 Affordable Costs of Access

The costs of access to trial court proceedings and records—whether measured in terms of money, time or the procedures that must be followed—are reasonable, fair and affordable.

Litigants and others who use the services of the trial court (e.g., nonlitigants who require records kept by the courts) face three main financial barriers to effective access to the trial court: court fees, third-party expenses (e.g., deposition costs and expert witness fees), and lawyer fees. Standard 1.5 requires that the trial court minimize its own fees for access and participation in its proceedings and, where possible, scale its procedures and those of others under its influence or control to the reasonable requirements of matters before the court. Means to achieve this include the simplification of procedures and reduction of paperwork in uncontested matters, the use of volunteer lawyers to do pro bono work, simplified pretrial procedures, fair control of pretrial discovery, and establishment of appropriate alternatives for resolving disputes (e.g., referral services for cases that may be resolved by mediation, court-annexed arbitration, early neutral evaluation, tentative ruling procedures, or special settlement conferences).

Although a trial court may control its own fees more readily, it can reduce the overall cost of litigation by, for example, conducting telephone conferences in lieu of in-person conferences and by making it easier for citizens to handle uncontested matters (e.g., name changes, stepparent adoptions, or uncontested divorces) without legal representation. As a general rule, simple disputes should be resolved at low cost and by uncomplicated procedures. Procedural accessibility should be enhanced by clear, concise, and understandable language in instructing the parties, witnesses, and jurors about rights, responsibilities, necessary forms, hearings, and court facilities and resources.

Trial courts possess the record of their own public proceedings as well as important documents generated by others (e.g., police records and laboratory analyses of evidence). These records must be available to individuals who are authorized to receive them. Standard 1.5 requires that the court maintain a reasonable balance between its actual costs in providing documents or information and what it charges users.

Mediation for Indigent and Low Income Parties

Description

Grant monies are sought and administered to help indigent and low-income parties with mediation costs. The courts identify individuals and send them to the Office of Dispute Resolution for service through this program.

Resources

Staff to acquire and administer grant(s) and to keep records, schedule, log/time sheet.

Contact

Robert Smith
ODR Projects Manager
Colorado Office of Dispute Resolution
1301 Pennsylvania Street, Ste. 110
Denver, CO 80203
(303) 837-2356
robert.smith@judicial.state.co.us

Standardization of Fee Waivers

Description

Circuit courts must use a uniform fee waiver income scale to grant service-related fee waivers for programs and services provided by Family Division/Family Services Program Grant funds.

Resources

Family Division/Family Services Grant Funds.

Contact

Pamela Cardullo Ortiz
Executive Director, Department of Family Services Program
Maryland Judicial Center
580 Taylor Avenue
Annapolis, MD 21401
(410) 260-1258
pamela.ortiz@courts.state.md.us

E-File Project

Description

As of January 2001, this system went statewide in all general jurisdiction courts in Colorado. The project provides attorneys and courts with an electronic filing system that is accessed through the internet. The fee for this service represents a fraction of what it would cost to otherwise file the pleading.

Resources

Network with adequate bandwidth; high speed printers; programming staff to interface the e-filing system with case management system.

Contact

Bob Roper
CIO
Colorado Judicial Branch
1726 Cole Blvd
Bldg 22, Suite 300
Denver, CO 80401
(720) 921-7835 (Office)
(303) 356-7209 (Cell)
bob.ropers@judicial.state.co.us

EXPEDITION AND TIMELINESS

“Unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court.”

Courts are entrusted with many duties and responsibilities that affect individuals and organizations involved with the judicial system, including litigants, jurors, attorneys, witnesses, criminal justice agencies, social service agencies, and members of the public. The repercussions from untimely court actions in any of these involvements can have serious consequences for the persons directly concerned, the court, allied agencies, and the community at large.

A trial court should meet its responsibilities to everyone affected by its actions and activities in a timely and expeditious manner—one that does not cause delay. Unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court.

Standard 2.1 Case Processing

The trial court establishes and complies with recognized guidelines for timely case processing, while at the same time, keeping current with its incoming caseload.

The American Bar Association, the Conference of Chief Justices, and the Conference of State Court Administrators have urged the adoption of time standards for expeditious caseload management. Timely disposition is defined in terms of the elapsed time a case requires for consideration by a court, including the time reasonably required for pleadings, discovery, and other court events. Any time beyond that necessary to prepare and conclude a case constitutes delay.

The requirement of timely case processing applies to trial, pretrial, and post trial events. The court must control the time from civil case filing or criminal arrest to trial or other final disposition. Early and continuous control establishes judicial responsibility for timely disposition, identifies cases that can be settled, eliminates delay, and ensures that matters will be heard when scheduled. Court control of the trial itself will reduce delay and inconvenience to the parties, witnesses, and jurors. During and following a trial, the court must make decisions in a timely manner. Finally, ancillary and post judgment or post decree matters need to be handled expeditiously to minimize uncertainty and inconvenience.

In addition to requiring courts to comply with nationally recognized guidelines for timely case processing, Standard 2.1 urges courts to manage their caseloads to avoid backlog. This may be accomplished, for example, by terminating inactive cases and resolving as many cases as are filed.

Complex Litigation Docket

Description

In order to ensure timely resolution, Judges receive complex litigation cases before pleadings, motions, and trials. The earlier receipt of information allows additional time for planning and scheduling.

Resources

Staff to plan and coordinate, space for exhibits and equipment.

Contact

Judge John Langenbach
Superior Court
95 Washington Street
Hartford, CT 06106
(860) 548-2792
(860) 548-2887 Fax

Time Standards

Description

The Maryland Judicial Council developed and adopted case time standards for all major case types heard in Maryland trial courts. Subsequent to the adoption of the standards, an independent assessment of all trial courts was conducted and resulted in all courts developing case management improvement plans. Maryland's second case time assessment is underway to measure the progress of individual courts in meeting the time standards.

Resources

A consultant to help with the development and assessment of time standards, and meetings with various stakeholders involved in the effort.

Contact

Frank Broccolina
State Court Administrator
Administrative Office of the Courts
Maryland Judicial Center
580 Taylor Avenue
Annapolis, MD 21401
(410) 260-1295
frank.broccolina@courts.state.md.us

Standard 2.2 Compliance with Schedules

The trial court disburses funds promptly, provides reports and information according to required schedules, and responds to requests for information and other services on an established schedule that assures their effective use.

As public institutions, trial courts have a responsibility to provide information and services to those they serve. Standard 2.2 requires that this be done in a timely and expeditious manner. The source of the information requests may be internal or external to the court. Services provided to those within the court's jurisdiction may include legal representation or mental health evaluation for criminal defendants, protective or social services for abused children, and translation services for some litigants, witnesses, or jurors.

In addition to adhering to case processing time guidelines, an effective trial court establishes and abides by schedules and guidelines for activities not directly related to case management. Moreover, the court meets reasonable time schedules set by those outside the court for filing reports or providing other information stemming from court activities. When disbursement of funds is necessary, payment is made promptly. Standard 2.2 requires that regardless of who determines the schedules, once established, those schedules are met.

Timely disbursement of funds held by the court is particularly important. Fines, fees, restitution, child support payments, and bonds are categories of moneys that pass through the court to their lawful recipients. Depending on the category involved and the laws of a given jurisdiction, the recipients may include funding agencies (e.g., State, county, or city), public agencies (e.g., police academies and corrections boards), and individuals (e.g., litigants or victims). In addition, courts oversee disbursement of funds from their budgets. These funds go to other branches and units of government, vendors, jurors, litigants, or witnesses. For some recipients, delayed receipt of funds may be an accounting inconvenience; for others, it may create personal hardships. Regardless of who the recipient is, when a trial court is responsible for the disbursement of funds, expeditious and timely performance is crucial.

Financial Management System

Description

A point-of-sale system programmed for the court handles all receipts and disbursement. The module includes full reporting capability and the system is constantly being updated.

Resources

Personnel for planning and staffing, hardware and software.

Contact

Mike Carroll
Information Officer
300 Dexter Avenue
Montgomery, AL 36104
(334) 242-0838
mike.carroll@alacourt.state.al.us

Payment to Jurors

Description

Efficiency of payment and availability of records are enhanced by entering juror information into a computerized system. The system disburses and audits payments and provides reports.

Resources

Funding and personnel to develop system and provide technical assistance.

Contact

Tom Nevlud
Business Systems Manager
c/o Administrative Office of the Courts
P.O. Box 2448
Raleigh, NC 27602
(919) 755-5360
(919) 755-6368 Direct
tom.v.nevlud@nccourts.org

Standard 2.3 Prompt Implementation of Law and Procedure

The trial court promptly implements changes in law and procedure.

Tradition and formality can obscure the reality that both the law and procedures affecting court operations are subject to change. Changes in statutes, case law, and court rules affect what is done in the courts, how it is done, and those who conduct business in the courts. Trial courts must make certain that mandated changes are implemented promptly and correctly. Whether a change can be anticipated and planned or must be responded to quickly, Standard 2.3 requires that the court not only make its own personnel aware of the changes but also notify court users of such changes to the extent practicable. It is imperative that changes mandated by statute, case law, or court rules be integrated into court operations as they become effective. Failure to do so leaves the court open to criticism for noncompliance with the law or required procedures.

Distance Learning

Description

Distance learning in California is an expansion of traditional education programs designed to keep judges, justices, and staff updated on recent changes to the administration of the court system. The program includes (1) satellite broadcasts of education events, (2) videotape and Internet summaries of the broadcast events, expert lecturers, and selected live presentations, (3) computer-based training, (4) videoconference colloquy and training, and (5) video/workbook training materials. During the broadcasts, participants are encouraged to telephone, fax, or e-mail questions to panelists and are provided with group exercises to complete at their local site. The program is directed toward all personnel in the court system and includes individual programs for all judges on issues of universal concern, broadcasts for appellate judges, and weekly broadcasts for court staff.

Resources

Center for Judicial Education and Research staff to compile information and produce the broadcasts.

Contact

The Administrative Office of the Courts' Education Division
Center for Judicial Education and Research
cjerinfo@courtnfo.ca.gov

EQUALITY, FAIRNESS AND INTEGRITY

“Integrity refers not only to the lawfulness of court actions but also the results or consequences of its orders.”

Trial courts should provide due process and equal protection of the law to all who have business before them, as guaranteed by the U.S. Constitution and State constitutions. Equality and fairness demand equal justice under law. These fundamental constitutional principles have particular significance for groups who may have suffered bias or prejudice based on race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation.

Integrity should characterize the nature and substance of trial court procedures and decisions, and the consequences of those decisions. The decisions and actions of a trial court should adhere to the duties and obligations imposed on the court by relevant law as well as administrative rules, policies, and ethical and professional standards. What the trial court does and how it does it should be governed by a court’s legal and administrative obligations; similarly, what occurs as a result of the court’s decisions should be consistent with those decisions.

Integrity refers not only to the lawfulness of court actions (e.g., compliance with constitutional rights to bail, legal representation, a jury trial, and a record of legal proceeding) but also to the results or consequences of its orders. A trial court’s performance is diminished when, for example, its mechanisms and procedures for enforcing its child support orders are ineffective or nonexistent. Performance also is diminished when summonses and orders for payment of fines or restitution are routinely ignored. The court authority and its orders should guide the actions of those under its jurisdiction both before and after a case is resolved.

Standard 3.1 Fair and Reliable Judicial Process

Trial court procedures faithfully adhere to relevant laws, procedural rules and established policies.

The first standard in the performance area of Equality, Fairness, and Integrity draws on the concept of due process, including notice and a fair opportunity to be informed and heard at all stages of the judicial process. Fairness should characterize the court’s compulsory process and discovery. Trial courts should respect the right to legal counsel and the rights of confrontation, cross-examination, impartial hearings, and jury trials. Standard 3.1 requires fair judicial processes through adherence to constitutional and statutory law, case precedent, court rules, and other authoritative guidelines, including policies and administrative

regulations. Adherence to established law and procedures contributes to the court's ability to achieve predictability, reliability, and integrity, and to satisfy all parties. Because of its centrality to the court's purpose, Standard 3.1 overlaps with standards in the performance areas of Access to Justice and Public Trust and Confidence, which emphasize that justice should be "perceived to have been done" by those who directly experience the quality of the trial court's adjudicatory process and procedures.

Rules of Evidence

Description

The Rules of Evidence are adopted by the Supreme Court of Pennsylvania to provide statewide uniformity in practice in all the courts in Pennsylvania. The Court has appointed an advisory committee made up of lawyers and judges from around the state and staffed by a full time attorney. The Committee on Rules of Evidence makes recommendations to the Court for new rules and changes to the existing Rule of Evidence, but it is the Court that adopts any rules or rule changes.

The rule-making process is the same for rules of procedure governing practice and procedure in the Civil, including domestic relations, criminal, orphans court, juvenile, appellate, and minors judiciary areas of law.

Resources

Research, normal rule-making procedures.

Contact

Richard L. Kearns
Staff Council
Committee on Rules of Evidence
5035 Ritter Rd., Ste. 800
Mechanicsburg, PA 17055
(717)795-2100
richard.kearns@supreme.court.state.pa.us

Standard 3.2 Juries

Jury lists are representative of the jurisdiction from which they are drawn.

Courts cannot guarantee that juries will always reach decisions that are fair and equitable. Nor can courts guarantee that the group of individuals chosen through voir dire are representative of the community from which they were chosen. Courts can, however, provide a significant measure of fairness and equality by ensuring that the methods employed to compile source lists and to draw the venire provide jurors who are representative of the total adult population of the jurisdiction. Thus, all individuals qualified to serve on a jury should have equal opportunities to participate, and all parties and the public should be confident that jurors are drawn from a representative pool.

Standard 3.2 parallels the American Bar Association's *Standards Relating to Juror Use and Management* (1993). These standards emphasize that "the opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or any other factor that discriminates against a cognizable group in the jurisdiction" served by the court. Procedures designed to achieve representativeness include combining regularly maintained lists of registered voters and licensed drivers and using random selection procedures at each step of the jury selection process.

Jury Automated System

Description

JAS is a network jury management system that is operated statewide in New Jersey (21 counties). It offers local control of jurors (e.g., number summoned, number made to report, qualification process) but it capitalizes on the greater efficiency and reduced costs that result from centralization of certain functions, such as list merger, printing of questionnaire/summons, and production of juror checks. As noted, it standardizes jury management practices and also allows production of statewide juror usage reports.

Resources

Technical planning and development, staff oversight.

Contact

Michael Garahan
Jury Programs Specialist
NJ Judiciary
P.O. Box 988
Trenton, NJ 08625
(609) 292-2364
Michael.garahan@judiciary.state.nj.us

Jury Pool Management System

Description

Jurors' names are maintained on the central computer located at the AOC. When any court requests jury venires, names of potential jurors are randomly selected from the computerized list. Computer-generated qualifying and summoning forms are printed and mailed to prospective jurors. Data is also collected regarding the summoning yield, cost of jurors' service, and days of service to assist local courts in analyzing juror usage.

Resources

System development staff and hardware.

Contact

Trisha Campbell
Assistant Director of the Trial Court Services Division
Administrative Office of Courts
Judicial Building
300 Dexter Avenue
Montgomery, Alabama 36104-3741
(334)242-0364
Trish.Cambell@alacourt.state.al.us

Standard 3.3 Court Decisions and Actions

Trial courts give individual attention to cases, deciding them without undue disparity among like cases and upon relevant factors.

Standard 3.3 requires that litigants receive individual attention without variation due to judge assignment or legally irrelevant characteristics of the parties, such as race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation. Persons similarly situated (e.g., criminal defendants faced with or found guilty of similar offenses and having similar criminal histories) should receive similar treatment. The standard further requires that court decisions and actions be in proper proportion to the nature and magnitude of the case and to the characteristics of the parties. Variations should not be predictable due to legally irrelevant factors, nor should the outcome of a case depend on which judge within a court presides over a hearing or trial. The standard refers to all decisions, including sentences in criminal cases, the conditions of bail, the amount of child support ordered, the appointment of legal counsel, and court-supervised alternatives to formal litigation.

Access and Fairness Advisory Committee

Description

The committee was established to monitor issues related to access and fairness. Projects that address issues such as disabilities, gender, sexual orientation, and racial and ethnic bias have been implemented.

Resources

Grants to fund projects.

Contact

Donna Clay-Conti
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Ave.
San Francisco, CA 94102-3660
(415) 865-7680
donna.clay-conti@jud.ca.gov

Race Data Collection

Description

The Minnesota Supreme Court's Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts is overseeing a statewide court race data collection project. Every court currently collects self-reported race data at the first court appearance in traffic, criminal, and juvenile cases. The goal is to understand whether bias enters into decisions made in the criminal justice system, and to work to address those problems so that everyone is treated fairly.

Resources

Court staff time to enter necessary race data and Administrative Office staff time to provide analysis.

Contact

Bridget C. Gernander
State Court Administrator's Office
Court Services Division
105 Judicial Center
25 Constitution Avenue
St. Paul, MN 55105
bridget.gernander@courts.state.mn.us

Standard 3.4 Clarity

The trial court renders decisions that unambiguously address the issues presented to it and clearly indicates how compliance can be achieved.

An order or decision that sets forth consequences or articulates rights but fails to tie the actual consequences resulting from the decision to the antecedent issues breaks the connection required for reliable review and enforcement. A decision that is not clearly communicated poses problems both for the parties and for judges who may be called upon to interpret or apply it.

Standard 3.4 requires that it be clear how compliance with court orders and judgments is to be achieved. Dispositions for each charge or count in a criminal complaint, for example, should be easy to discern, and terms of punishment and sentence should be associated clearly with each count upon which a conviction is returned. Noncompliance with court pronouncements and subsequent difficulties of enforcement sometimes occur because orders are not stated in terms that are readily understood and capable of being monitored. An order that requires a minimum payment per month on a restitution obligation, for example, is clearer and more enforceable than an order that establishes an obligation but sets no time frame for completion. Decisions in civil cases, especially those unraveling tangled webs of multiple claims and parties, also should connect clearly each issue and its consequences.

Uniform Support Orders (USO)

Description

A Superior Court Uniform Support Order, Uniform Support Order – Standing Order, and Instructions for Completion of the Uniform Support Order is used in all child support cases. A computerized program extracts and disseminates information to keep current and encourages awareness of issues like protective orders.

Resources

Network and software to collect and disseminate encrypted data.

Contact

Thomas Edwards
Director of Information Services
Administrative Office of the Courts
New Hampshire Supreme Court
Two Noble Drive
Concord, NH 03301
(603) 271-2521
(603) 271-3977 Fax
tedwards@courts.state.nh.us

Standard 3.5 Responsibility for Enforcement

The trial court takes appropriate responsibility for enforcement of its orders.

Courts should not direct that certain actions be taken or be prohibited and then allow those bound by their orders to honor them more in the breach than in the observance. Standard 3.5 encourages a trial court to ensure that its orders are enforced. The integrity of the dispute resolution process is reflected in the degree to which parties adhere to awards and settlements arising out of them. Noncompliance may indicate miscommunication, misunderstanding, misrepresentation, or lack of respect for or confidence in the courts.

Obviously, a trial court cannot assume responsibility for the enforcement of all of its decisions and orders. Court responsibility for enforcement and compliance varies from jurisdiction to jurisdiction, program to program, case to case, and event to event. It is common and proper in some civil matters for a trial court to remain passive with respect to judgment satisfaction until called on to enforce the judgment.

Nevertheless, no court should be unaware of or unresponsive to realities that cause its orders to be ignored. For example, patterns of systematic failures to pay child support and to fulfill interim criminal sentences are contrary to the purpose of the courts, undermine the rule of law, and diminish public trust and confidence in the courts. Monitoring and enforcing proper procedures and interim orders while cases are pending are within the scope of this standard.

Standard 3.5 applies also to those circumstances when a court relies upon administrative and quasi-judicial processes to screen and divert cases by using differentiated case management strategies and alternative dispute resolution. Noncompliance remains an issue when the trial court sponsors such programs or is involved in ratifying the decisions that arise out of them.

Automatic Protective Order Registry and Statewide Interface

Description

The Nevada Supreme Court has mandated the use of 12 standardized forms relating to domestic violence for all Nevada courts. Data from the forms is entered, saved, and merged with files in a statewide electronic repository. Judges and law enforcement have access to criminal histories and information through this system.

Resources

Budget depends on how up-to-date the courts are; major portion of the budget goes toward equipment and communication.

Contact

Susan Strauss
Supervising Court Services Analyst
Administrative Office of the Courts
201 South Carson St.
Carson City, NV 89701
(775) 684-1712
(775) 684-1723 Fax
sstrauss@nvcourts.state.nv.us

Court of Common Pleas Financial Management System

Description

In Delaware, computer systems bring order to the process of collection where flexible payment agreements have been reached. While flexibility is incorporated, the financial management system ensures that schedules are met and that there are consequences for failure to make payments.

Resources

Systems implementation and staff commitment.

Contact

Carole B. Kirshner
Court Administrator
1000 North King Street
Wilmington, DE 19801
ckirshner@state.de.us

Standard 3.6 Production and Preservation of Records

Records of all relevant court decisions and actions are accurate and properly preserved.

Equality, fairness, and integrity in trial courts depend in substantial measure upon the accuracy, availability, and accessibility of records. Standard 3.6 requires that trial courts preserve an accurate record of their proceedings, decisions, orders, and judgments. Relevant court records include indexes, dockets, and various registers of court actions maintained for the purposes of inquiry into the existence, nature, and history of actions at law. Also included are the documents associated with cases that make up official case files as well as the verbatim records of proceedings.

Preservation of the case record entails the full range of responsible records management practices. Because records may affect the rights and duties of individuals for generations, their protection and preservation over time are vital. Record systems must ensure that the location of case records is always known, whether the case is active and in frequent circulation, inactive, or in archive status. Inaccuracy, obscurity, loss, or untimely availability of court records seriously compromises court integrity and subverts the judicial process.

Record Retention and Destruction Schedule

Description

This schedule outlines how long records and transcriptions should be kept and summarizes the process for destroying circuit, probate, municipal, and trial court documents. The schedule includes 22 court-operating rules and is a reference for procedures to maintain or destroy documents.

Resources

Development and production of schedule and procedures guide.

Contact

Christy Kempker
Court Specialist
2112 Industry Boulevard
Jefferson City, MO 65110-4480
christy.kempker@osca.state.mo.us

INDEPENDENCE AND ACCOUNTABILITY

“Independence and accountability permit government by law, access to justice, and the timely resolution of disputes with equality, fairness, and integrity.”

The judiciary must assert and maintain its distinctiveness as a separate branch of government. Within the organizational structure of the judicial branch of government, trial courts must establish their legal and organizational boundaries, monitor and control their operations, and account publicly for their performance. Independence and accountability permit government by law, access to justice, and the timely resolution of disputes with equality, fairness, and integrity; and they engender public trust and confidence. Courts must both control their proper functions and demonstrate respect for their coequal partners in government.

Because judicial independence protects individuals from the arbitrary use of government power and ensures the rule of law, it defines court management and legitimates its claim for respect. A trial court possessing institutional independence and accountability protects judges from unwarranted pressures. It operates in accordance with its assigned responsibilities and jurisdiction within the State judicial system. Independence is not likely to be achieved if the trial court is unwilling or unable to manage itself. Accordingly, the trial court must establish and support effective leadership, operate effectively within the State court system, develop plans of action, obtain resources necessary to implement those plans, measure its performance accurately, and account publicly for its performance.

Standard 4.1 Independence and Comity

The trial court maintains its institutional integrity and observes the principle of comity in governmental relations.

For a trial court to persist in both its role as preserver of legal norms and as part of a separate branch of government, it must develop and maintain its distinctive and independent status. It also must be conscious of its legal and administrative boundaries and vigilant in protecting them.

Effective trial courts resist being absorbed or managed by the other branches of government. A trial court compromises its independence, for example, when it merely ratifies plea bargains, serves solely as a revenue-producing arm of government, or perfunctorily places its imprimatur on decisions made by others. Effective court management enhances independent decisionmaking by trial judges.

The court must achieve independent status, however, without damaging the reciprocal relationships that it maintains with others. Trial courts are necessarily dependent upon the cooperation of other components of the justice system over which they have little or no direct authority. For example, elected clerks of court are components of the justice system, yet in some matters many function independently of trial courts. Sheriffs and process servers perform both a court-related function and a law enforcement function. If a trial court is to attain institutional independence, it must clarify, promote, and institutionalize effective working relationships with all other components of the justice system. The boundaries and effective relationships between the trial court and other segments of the justice system must therefore be apparent both in form and practice.

Inter-Branch Forum

Description

At least once a year, 20 legislators and 20 judges meet to discuss issues that are of mutual interest and concern. As directed by the state's strategic plan, the group strives to improve relations and enhance understanding by participating in this inter-branch forum.

Resources

Clear purpose and convenient time to gather as a group.

Contact

Janet Marshall
Inter-Governmental Relations Liaison
130 MN Judicial Center
25 Re. Dr. Martin Luther King, Jr., Blvd.
St. Paul, MN 55155
janet.marshall@courts.state.mn.us

Standard 4.2 Accountability for Public Resources

The trial court responsibly seeks, uses and accounts for its public resources.

Effective court management requires sufficient resources to do justice and to keep costs affordable. Standard 4.2 requires that a trial court responsibly seek the resources needed to meet its judicial responsibilities, use those resources prudently (even if they are inadequate), and account for their use.

Trial courts must use available resources wisely to address multiple and conflicting demands. Resource allocation to cases, categories of cases, and case processing are at the heart of trial court management. Assignment of judges and allocation of other resources must be responsive to established case processing goals and priorities, implemented effectively, and evaluated continuously.

Justice At Work

Description

Justice At Work: The State of Judicial Performance in Louisiana is an annual report of Louisiana's performance accountability program. The report includes (1) a brief description of the strategies being pursued by courts to improve their performance based on their respective strategic plans; (2) a detailed analysis of the Supreme Court's progress in creating a data gathering system that will provide additional measures of performance; (3) a description of the uniform reporting standards that will be used to guide the development of the data gathering system, and; (4) an analysis of the barriers confronted by the courts in establishing the data gathering system.

Resources

Judicial Administration staff to compile information on performance and produce the report.

Contact

Valerie Williard
Judicial Administrator
Consumer Relations Department
LA Supreme Court
1555 Poydras St., Ste. 1540
New Orleans, LA 70112
vsw@lajao.org

Financial Integrated Accounting System

Description

FIAS is a module of the automated case tracking system that accounts for all revenue and trust funds received and distributed by the state court system.

Resources

Technology services

Contact

Allen Hanawalt
Customer Support and Training
1163 State Street
Salem, OR 97301
(503) 986-5589
alan.e.hanawalt@ojd.state.or.us

Standard 4.3 Personnel Practices and Decisions

The trial court uses fair employment practices.

The trial court stands as an important and visible symbol of government. Equal treatment of all persons before the law is essential to the concept of justice. Extended to the court's own employees, this concept requires every trial court to operate free of bias—on the basis of race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation—in its personnel practices and decisions.

Fairness in the recruitment, compensation, supervision, and development of court personnel helps ensure judicial independence, accountability, and organizational competence. Court personnel practices and decisions should establish the highest standards of personal integrity and competence among its employees.

Employee Mediation Program for EEO

Description

Mediation is made available to court personnel in employee relations matters, including EEO and interpersonal disputes.

Resources

A program development manual is available that includes references to additional resources.

Contact

H. Clifton Grandy
Senior Court Manager
The District of Columbia Courts
500 Indiana Avenue, NW
Washington, DC 20001
(202) 879-1700
(202) 879-4829 Fax
grandyc@dcsc.gov

Exit Interview Program

Description

Employee separation from court administration offices is documented and examined in order to make improvements and answer concerns. A questionnaire probes issues like training, workload, supervision, and work environment and encourages separating employees to state opinions and offer suggestions.

Resources

Compilation of data and research.

Contact

Judith Anderson
Employee Relations Manager
Human Resources Office
580 Taylor Ave., Bldg. A-1
Annapolis, MD 21401
judith.anderson@courts.state.md.us

Standard 4.4 Public Education

The trial court informs the community about its programs.

Most public citizens do not have direct contact with the courts. Information about the courts is filtered through sources such as the media, lawyers, litigants, jurors, political officeholders, and employees of other components of the justice system. Public opinion polls indicate that the public knows very little about the courts, and what is known is often at odds with reality. Standard 4.4 requires trial courts to inform and educate the public. Effective informational brochures and annual reports help the public understand and appreciate the administration of justice. Participation by court personnel in public affairs commissions also is effective. Moreover, courts can effectively educate and inform the public by including able public representatives on advisory committees, study groups, and boards.

Court With Class

Description

This program helps high school students learn about the work of the Wisconsin Supreme Court by watching a one-hour oral argument and meeting with a justice during the noon break to discuss court process and ask questions.

Resources

Staff and resources to organize, send information, and schedule.

Contact

Amanada Todd
Court Information Officer
WI Supreme Court, P.O. Box 1688
Madison, WI 53701-1688
(608) 264-6256
amanda.todd@courts.state.wi.us

Standard 4.5 Response to Change

The trial court anticipates new conditions and emergent events and adjusts its operations as necessary.

Effective trial courts are responsive to emergent public issues such as drug abuse, child and spousal abuse, AIDS, drunken driving, child support enforcement, crime and public safety, consumer rights, gender bias, and the more efficient use of fewer resources. Standard 4.5 requires trial courts to recognize and respond appropriately to such public issues. A trial court that moves deliberately in response to emergent issues is a stabilizing force in society and acts consistently with its role of maintaining the rule of law.

Courts can support, tolerate, or resist societal pressures for change. In matters for which the trial court may have no direct responsibility but nonetheless may help identify problems and shape solutions, the trial court takes appropriate actions to inform responsible individuals, groups, or entities about the effects of these matters on the judiciary and about possible solutions.

Understanding Community Concerns

Description

During three town hall meetings held in 1998, participants told the judges of the 52-1 District Court that the Court needed to focus on the larger needs of the community and not simply on managing dockets. In response, the Court has created advisory committees to address issues such as domestic violence and teen alcohol and drug use and has implemented program such as the Sobriety Court. The Court now produces an annual report and maintains a Web site to keep the community informed about its efforts.

Resources

Judicial commitment, volunteers

Contact

Judge Brian W. MacKenzie
52/1 District Court
48150 Grand River Avenue
Novi, MI 48374-1222
(248) 305-6066
mackenzieb@co.oakland.mi.us

PUBLIC TRUST AND CONFIDENCE

“Justice should not only be done, but should be seen to be done!”

Compliance with law depends, to some degree, on public respect for the court. Ideally, public trust and confidence in trial courts should stem from the direct experience of citizens with the courts. The maxim "Justice should not only be done, but should be seen to be done!" is as true today as in the past. Unfortunately, there is no guarantee that public perceptions reflect actual court performance.

Several constituencies are served by trial courts, and all should have trust and confidence in the courts. These constituencies vary by the type and extent of their contact with the courts. At the most general level is the local community, or the "general public"—the vast majority of citizens and taxpayers who seldom experience the courts directly. A second constituency served by trial courts is a community's opinion leaders (e.g., the local newspaper editor, reporters assigned to cover the court, the police chief, local and State executives and legislators, representatives of government organizations with power or influence over the courts, researchers, and members of court watch committees). A third constituency includes citizens who appear before the court as attorneys, litigants, jurors, or witnesses, or who attend proceedings as a representative, a family friend, or a victim of someone before the court. This group has direct knowledge of the routine activities of a court. The last constituency consists of judicial officers, other employees of the court system, and lawyers—both within and outside the jurisdiction of the trial court—who may have an "inside" perspective on how well the court is performing. The trust and confidence of all these constituencies are essential to trial courts.

Standard 5.1 Accessibility

The public perceives the trial court and the justice it delivers is accessible.

The five standards grouped in the area of Access to Justice require the removal of barriers that interfere with access to trial court services. Standard 5.1 focuses on the perceptions of different constituencies about court accessibility. A trial court should not only be accessible to those who need its services but also be perceived as accessible by those who may need its services in the future.

Public Satisfaction Survey

Description

This survey collects comments from the public to provide the administration with feedback and indicate areas that need improvement. Survey forms are available in public areas and throughout the state courts offices.

Resources

Staff to develop survey, maintain supplies, tabulate results.

Contact

Marsha Kitagawa
Public Affairs Office
Hawaii State Judiciary
417 South King Street
Honolulu, HI 96813
(808) 539-4900
judpao@pixi.com

Public Opinion Feedback on World Wide Web

Description

A court operations questionnaire is available via the Internet. The responses serve as suggestions for improvements that may be incorporated in the strategic planning process.

Resources

Development staff to design questions and technical staff to implement form.

Contact

Kathy Mays
Director of Judicial Planning for the Office of the Executive Secretary of the Superior Court of Virginia
100 North Ninth Street
Richmond, VA 23219
(804) 786-6455
kmays@courts.state.va.us
www.courts.state.va.us/feedback.htm

Standard 5.2 Expeditious, Fair and Reliable Court Functions

The public has trust and confidence that basic trial court functions are conducted expeditiously and fairly, and that court decisions have integrity.

As part of effective court performance, Standard 5.2 requires a trial court to instill in the public trust and confidence that basic court functions are conducted in accordance with the standards in the areas of Expedition and Timeliness and Equality, Fairness, and Integrity.

Customer Satisfaction Survey for Petit Jurors

Description

A survey collects information about juror satisfaction to improve the jury duty experience. The survey questions processes like check-in, schedules, and payment and includes a section to probe juror attitudes.

Resources

Staff to develop survey and conduct analyses; computers and printers.

Contacts

Roy Wynn
Jury Officer
(202) 879-4837
wynnrs@dcsc.gov

Suzanne Bailey Jones
Jury Officer
(202) 879-1267
baileyjs@dcsc.gov

Standard 5.3 Judicial Independence and Accountability

The public perceives the trial court as independent, not unduly influenced by other components of government, and accountable.

Standard 5.3 requires that the trial court be seen as independent and distinct from other branches of government at the State and local levels and that the court be seen as accountable for its public resources. The policies and procedures of the trial court, and the nature and consequences of interactions of the trial court with other branches of government, affect the perception of the court as an independent and distinct branch of government. A trial court that establishes and respects its role as part of an independent branch of government and diligently works to define its relationships with the other branches presents a favorable public image. Perceptions of other constituencies (e.g., those of court employees) about court relationships with other government agencies, its accountability, and its role within the community also should not be overlooked as important contributions to a view of the court as both independent and accountable.

Ride Along Program

Description

This program matches judges with legislators in their home districts and gives lawmakers an opportunity to spend a day on the bench. The program is also designed for county board members, the media, and other groups, to give them a bird's eye view of challenges in the court.

Resources

Staff to set dates, write press releases, send follow-up questionnaires.

Contact

Amanda Todd
Court Information Officer
WI Supreme Court, P.O. Box 1688
Madison, WI 53701-1688
(608) 264-6256
amanda.todd@courts.state.wi.us