



BJA Bureau of Justice Assistance Fact Sheet

Nancy E. Gist, Director

Trial Court Performance Standards and Measurement System

In 1987, in recognition that State court systems were being stretched beyond their capacity and that court personnel were experiencing fatigue and burnout in attempting to deal with the significant increase in drug-related cases, an ambitious program was initiated by the Bureau of Justice Assistance (BJA), U.S. Department of Justice, and the National Center for State Courts (NCSC)—a nonprofit organization providing leadership and service to State courts. The program's objective was to increase the capacity of the Nation's trial courts to provide fair and efficient adjudication and disposition of cases. The program's goals included the development of a set of standards and an accompanying measurement system that would define and measure effective trial court performance.

Implicit in the establishment of the resulting Trial Court Performance Standards Program was recognition by State court leadership that existing judicial and support resources could handle increased caseloads only by pursuing a more focused approach. Accordingly, through systematic research, development, and demonstration, the Trial Court Performance Standards Program created the Trial Court Performance Standards and Measurement System (TCPS).

TCPS: A Blueprint for Improved Judicial Administration

TCPS defines optimal trial court performance. It is endorsed by the Conference of Chief Justices, the Conference of State Court Administrators, and the National Association for Court Management, and is incorporated

into the standards of the National College of Probate Judges; today TCPS is widely viewed as a blueprint for improving the administration of justice in State trial courts. The TCPS program of action includes:

- ❑ A common language for the description, classification, and communication of court activities.
- ❑ A conceptual framework for understanding and improving court performance.
- ❑ A means for court self-assessment, self-improvement, and accountability to the public.

A hallmark of TCPS is its dual emphasis on the systematic assessment of a trial court's performance as an organization serving those who use the court, and on the use of the assessment findings to improve that performance. TCPS is not intended to evaluate the performance of individuals; instead, it views the court as a system of processes and tasks that are intimately interlinked. The collective work of the court involves **all** individuals who perform administrative court functions—including judges, clerks of court, administrators, probation officers, and other court staff, as well as private lawyers, public defenders, prosecutors, and social service providers.

Overview of TCPS

Developed by a 14-member TCPS Commission consisting of State and local judges, court administrators, scholars in the area of judicial administration, and an elected clerk of the court, TCPS identifies five **performance areas** that encompass the fundamental purposes and responsibilities of courts and that may be considered a court's mission:

- Access to justice.
- Expedition and timeliness.
- Equality, fairness, and integrity.
- Independence and accountability.
- Public trust and confidence.

Within each performance area, TCPS **performance standards** articulate specific goals for court performance. The 22 standards include:

- Ensuring that court facilities are safe, accessible, and convenient to use (Standard 1.2).
- Establishing and complying with recognized guidelines for timely case processing, while keeping current with incoming caseloads (Standard 2.1).
- Taking appropriate responsibility for the enforcement of court orders (Standard 3.5).
- Anticipating new conditions or emergent events, and adjusting court operations as necessary (Standard 4.5).
- Ensuring that the trial court is perceived to be both independent—i.e., not unduly influenced by other components of government—and accountable (Standard 5.3).

Each performance standard also is linked to a set of **performance measures**. The measures provide court officials with the tools to assess how well their respective courts are performing with regard to their mission and goals, as set forth by the 22 standards. The measures allow courts to develop a strategic plan based on systematic data, rather than intuition and guesswork. The 68 measures use a variety of data collection methods, including:

- Case and administrative record reviews and searches, e.g., Measure 2.1.2—Ratio of Case Disposition to Case Filings.
- Group techniques, e.g., Measure 5.1.2—Justice System Representatives' Perceptions of Court Performance.
- Interviews, e.g., Measure 4.4.2—Assessment of the Court's Media Policies and Practices.
- Observations and simulations, e.g., Measure 1.1.3—Audibility of Participants During Open Court Proceedings.
- Surveys of various reference groups (e.g., attorneys, court employees, and the general public), e.g., Measure 3.3.3—Evaluations of Equality and Fairness by the Practicing Bar.

TCPS Demonstration Projects

As part of TCPS development, 75 performance measures were created, tested, and refined in 1990 by the TCPS Commission and NCSC project staff. Trial courts in Arizona, Michigan, and Ohio contributed to this process by serving as test sites for the draft measures. Following the research and development phase, a 4-year demonstration phase, from 1991 through 1995, commenced in Ohio, New Jersey, Virginia, and Washington. A total of 12 trial courts in these 4 States participated in the demonstration. As the demonstration phase proceeded, the TCPS Commission and NCSC staff reviewed and revised the performance measures to reflect the experiences of the trial courts implementing TCPS. As a result of this process, the original 75 performance measures were refined to a set of 68.

Impact of TCPS on the Justice System

The creation of TCPS is one of the most significant events in judicial administration in the last 10 years. Bringing attention to trial court performance, self-assessment, and consumer orientation, TCPS has provided a new framework for understanding the practical effectiveness of trial courts and their unique local legal cultures. The improved court performance that can result from application of TCPS helps ensure a more responsive justice system in a variety of ways, including:

- Helping victims get through the system as expeditiously as possible, while ensuring that they are treated with dignity and respect.
- Ensuring that child support orders are enforced.
- Encouraging interagency communication and coordination in cases involving drugs, domestic violence, and mental illness.

Additional Publications

Several new BJA publications related to the Trial Court Performance Standards program will be available from the BJA Clearinghouse in late 1995. These documents include:

- Planning Guide for Using the Trial Court Performance Standards and Measurement System*. The *Planning Guide* provides direction for using TCPS as a planning, evaluation, and monitoring

tool and addresses many of the questions and issues courts are likely to encounter when embarking on the process of self-evaluation and self-improvement.

- ❑ *Trial Court Performance Standards With Commentary* (1995 version). This summary document covers each of the 22 performance standards and provides an excellent starting point for individuals and courts contemplating an assessment of court performance.
- ❑ *Trial Court Performance Standards and Measurement System*. This lengthy volume covers both the performance standards and the measurement system, including the rationale and detailed instructions for conducting the 68 measures of court performance. It also includes an introduction that describes the development, testing, and demonstration of TCPS.
- ❑ *Trial Court Performance Standards: Program Brief*. This document provides policymakers and court officials with an overview of the development, testing, and implementation of TCPS.

For Further Information

For further information about TCPS, contact:

Court/Prosecution Branch

Bureau of Justice Assistance

633 Indiana Avenue NW.
Washington, DC 20531
Tel: 1-202-307-1430 or
1-202-307-2924

National Center for State Courts

300 Newport Avenue
Williamsburg, VA 23187-8798
Tel: 1-804-253-2000

Bureau of Justice Assistance Clearinghouse

P.O. Box 6000
Rockville, MD 20849-6000
Tel: 1-800-688-4252
Fax: 1-301-251-5212
Bulletin Board System: 1-301-738-8895
Internet: look@ncjrs.aspsys.com

U.S. Department of Justice Response Center

Tel: 1-800-421-6770

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