

# [ COURT AND CASE MANAGEMENT: TRIAL COURT PERFORMANCE STANDARDS & MEASUREMENT ]

## BENCHBOOK FOR TRIAL COURT JUDGES

### COURT AND CASE MANAGEMENT: TRIAL COURT PERFORMANCE STANDARDS AND MEASUREMENT SYSTEM

#### 1. INTRODUCTION

This System focuses attention on performance, self-assessment and self-improvement on five (5) Key Performance Areas around each of which standards were created. Those Areas are:

1. Access to Justice
2. Expedition and Timelines
3. Equality, Fairness and Integrity
4. Independence and Accountability
5. Public Trust and Confidence

To determine if a court is meeting its selected performance standard, measurement or evaluation tools have been provided consisting of procedure for systematically collecting and analyzing data and tools for drawing conclusions from collected and collated data and identifying spheres in need of attention. The System is flexible in that a court is free to set up its own performance benchmark and choose the means to find out how it is faring thereon.

Some measures can be applied independently, as in the case of determining courtroom security, while other measures build on others. For example, before a court measures case backlog, it is best to evaluate first the extent in which it is keeping pace with its incoming caseload or clearance rate.

#### II. KEY ELEMENTS OF MEASURES

##### 1. Methods

The Methods are:  
Observations  
Role-playing or simulation  
Interviews  
Surveys or opinion polls  
Court record reviews  
Group techniques

##### 2. Tools

The Tools are:

- Checklists
- Questionnaires
- Rating Scales
- General public
- Inventories
- Statistical analyses

### 3. People

The People (that is, the courts' various publics) are:

- Judges
- Court Personnel
- Attorney
- Court watchers
- Media persons
- Local executives
- Litigants
- Witnesses
- General Public

## **III. CREATION OF CORE TEAM**

Having the tools for improvement and making use of them are, of course, two different things. Like the concept of Total Quality Management, TCPSM needs a core team within a court branch that can command respect and resources and maintain the energy to keep it going when resistance is encountered. The team's composition will depend on the size and needs of the court.

The team should be headed by a Coordinator, preferably the judge. S/he should be committed to the court's mission (the court's fundamental expressed purpose) and vision (the court's preferred future that touches and moves all); has the time to devote to the effort; and has the perceived authority to ensure that the process stays on track. The Coordinator must be familiar with the measure, can be the repository of data gathered in their application and can interpret the results of the measure utilized. The core team's efforts are mainly focused on: (a) planning/operation/strategy; (b) making data collection forms; (c) data collection; (d) data analysis; and (e) report preparation

## **IV. APPLICATION OF MEASURES**

### 1. Court Reviews and Case Data Examination.

Because Philippine courts are courts of record, court and case record reviews are the most familiar of the measures. These reviews require the staff to consult case files, dockets and administrative reports. They provide primarily quantitative information and are more objective than surveys and interviews which usually reflect responded perceptions.

The results of such reviews provide a good insight into such performance standards

as (a) compliance with case disposition timeframes; (b) caseload and case file management practices; (c) compliance with reporting requirements; and (d) timeliness in implementing changes in law and procedure.

The following illustrates how to arrive at a clearance ratio.

	Formula: $\frac{\text{Case Disposed}}{\text{Cases Filed}}$				
Filings	17	18	19	18	21
Disposition	5	43	16	17	24
Clearance Ratio	0.29	2.39	0.84	0.94	1.14

A consistent trend of 1:1 ratios is evidence that a court is keeping pace with its incoming caseload. A court with clearance ratios well below 1.0 should examine the size and characteristics of its pending caseloads with a view to determining if a backlog is brewing or an existing one is increasing.

## 2. Observations and Simulations

These measurement tools rate the (a) audibility of court hearings; (b) information about the time and location of proceedings by telephone; or (d) accessibility of the courthouse and of court’s facilities.

These methods can be done in combination. The observers and/or simulators or role-players are asked to record in systematically prepared forms what they see and hear. The results are then examined to identify any problem in the area being examined and how to solve it.

It is suggested that whatever information has been observed from questionnaires and checklists be augmented by observer/simulator interview for a more productive qualitative analysis.

## 3. Surveys and Questionnaires

Surveys or opinion polls seek a variety of information from the court’s different publics. While some information elicited from surveys are factual, most surveys are designed to determine opinions, such as the fairness, integrity and equality of court proceedings and actions. A cost-effective type of survey is the exit survey wherein the respondent is asked to rate (e.g. good, bad, no comment) the courts personnel’s performance in providing needed services or information. Exit surveys are important tools in Total Quality Management.

## 4. Interviews

This measurement tool may be used in tandem with other approaches, such as surveys, or as an alternative thereto, particularly where far more detailed responses may result than a written survey might yield, such as (a) employee familiarity with emergency procedures; or (b) situations where court policies or actions are

governed less by written than by unwritten practices and rules; or court adherence to laws and procedures.

## 5. Group Technique

This technique requires the creation of groups preferably of knowledgeable practitioners. A Facilitator to guide the group through their activity has to be appointed. This technique works well in the 4th key performance area of independence and accountability inasmuch as performance in this area requires the exchange of ideas among knowledgeable court users.

# **TOTAL QUALITY MANAGEMENT**

## **I. CONCEPT**

Total Quality Management (TQM) is a management strategy that enlists the participation of all members of an organization in meeting and exceeding the expectations of their clients or customers by integrating quality into every process that is performed, product produced or service delivered by their enterprise. Its basic principles are suitable for private business and government.

Applied to the judiciary, it means continuous improvement of court services by injecting quality thereto to satisfy the needs of those who deal with the courts. Its goal is to provide quality service to court users.

## **II. RATIONALE**

A court is an organized whole or an assembly of interdependent parts so that a change in one part affects the whole system. Its administrative functions and processes are so closely linked with each other such that the proper discharge of one depends on the proper discharge of others. TQM finds applicability in a court system since processing court cases involves a series of administrative steps performed by various court employees from the commencement of an action to its final disposition. Quality can be integrated into these processes to satisfy and delight court users, thus enhancing the effective administration and delivery of justice.

## **III. ORGANIZING A TQM-CORE TEAM**

### 1. Developing Leadership Qualities

To effectively implement TQM in a court system, the presiding judge must organize a management team composed of him/herself and all court personnel. Because of the nature of the office, s/he is the Team Leader. As such, s/he must cultivate the following leadership abilities:

1.1 S/He must continually search for opportunities to challenge existing processes and improve the court organization. A leader thinks "outside of the frame." S/He experiments and takes risks.

1.2 S/He must inspire a shared vision. A leader thinks in the future tense and has a clear idea of the goals of his/her court. S/He moves the team towards this vision.

1.3 S/He must empower others to act. A leader actively involves his/her

team members under an atmosphere of creativity, trust and respect for human dignity.

- 1.4 S/He must lead the way. Leaders create standards of excellence and set examples for others to follow.
- 1.5 S/He must recognize the contributions of each team member. A leader celebrates team accomplishments and make his/her members feel like heroes.<sup>[1]</sup>

## 2. Applying Teamwork Concepts

The judge must instill teamwork among all members. The word TEAM should mean Together, Everybody Achieves More. The catchword is Together. This stresses the need for "alignment," a situation where persons in a group function as a whole. A team is aligned when the individual energies and intelligence of the members are harnessed and harmonized. This results in a sense of oneness, a shared purpose and vision.

## 3. Formulating Vision and Mission Statements and Implementing Strategies

The Judge as Team Leader sets a date, time and place for the initial meeting of this TQM-Core Team. The purpose of the meeting is to define the three important TQM concepts of Vision, Mission and Strategy.

- 3.1 To formulate a Vision Statement, each member of the TQM-Core Team must express what s/he thinks the court should be known for. The ideas of all members must be integrated in a written Vision Statement. This way, each member feels responsible for helping formulate a vision for his court.
- 3.2 To formulate a Mission Statement, the team leader asks each member his/her idea of why courts of justice exist, what are the purposes of the court and what s/he wants his court to achieve. Again, these ideas are synthesized into a single written Mission Statement.
- 3.3 The Vision and Mission Statements of the court must be posted at a conspicuous place in the courtroom.
- 3.4 Strategies are courses of action that the Team should implement to fully achieve the mission of the court. This involves: (a) cooperation; (b) respect for one another; (c) encouragement of personal growth, innovation, initiative and foresight; (d) recognition of the unique nature of the judiciary; and (e) accessibility of the court to everyone.

These courses of action all relate to certain values that must be shared by the team members.

## 4. Values

Values are beliefs upon which conduct and behavior are based. The Team should be clear and definite about the values by which its court is to be managed. These may consist of respect for the individual, due process, fairness, equality, integrity and accessibility.

## **IV. SETTING UP AN IDEAL CLIMATE FOR TQM IMPLEMENTATION**

The three (3) determinants for setting an ideal climate for implementing TQM are