

# “Doing What Counts -

## Counting What Matters”

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III Inter-American Seminar on Judicial Management

Managua, Nicaragua

October 6, 2005

# Introduction

- What is counted counts and what counts is counted!

In other words what we measure or count is what is important.

And what is important should be what we measure - count.

# Topics Of Discussion

During the next hour we will discuss:

- Purposes of Courts
- The 10 Core Competencies developed by the National Association for Court Management (NACM) that all court leaders should know and be able to do, and
- The Court Performance Standards (CPS), their four principles, five performance area, 22 standards and, 60+ performance measures

# Why do Courts Exist?

In the United States the purposes of courts are:

1. To do individual justice in individual cases:
  2. To appear to do individual justice in individual cases;
  3. To provide formal resolution of legal disputes;
  4. To protect the individual from the arbitrary use of government power;
  5. To make a formal record of legal status;
  6. To deter criminal behavior;
  7. To rehabilitate convicted persons;
  8. To separate convicted persons from society.
- Architects say that form follows function. Therefore how we structure the courts depends on the courts purpose.

# A shorter list says that courts exist:

- To do justice,
- To guarantee liberty,
- To enhance social order,
- To resolve disputes,
- To maintain rule of law,
- To provide for equal protection, and
- To ensure due process of law.

Courts do not exist so that court leaders can manage them.

Courts must be managed well so that judges can do justice.

# NACM'S Core Competencies

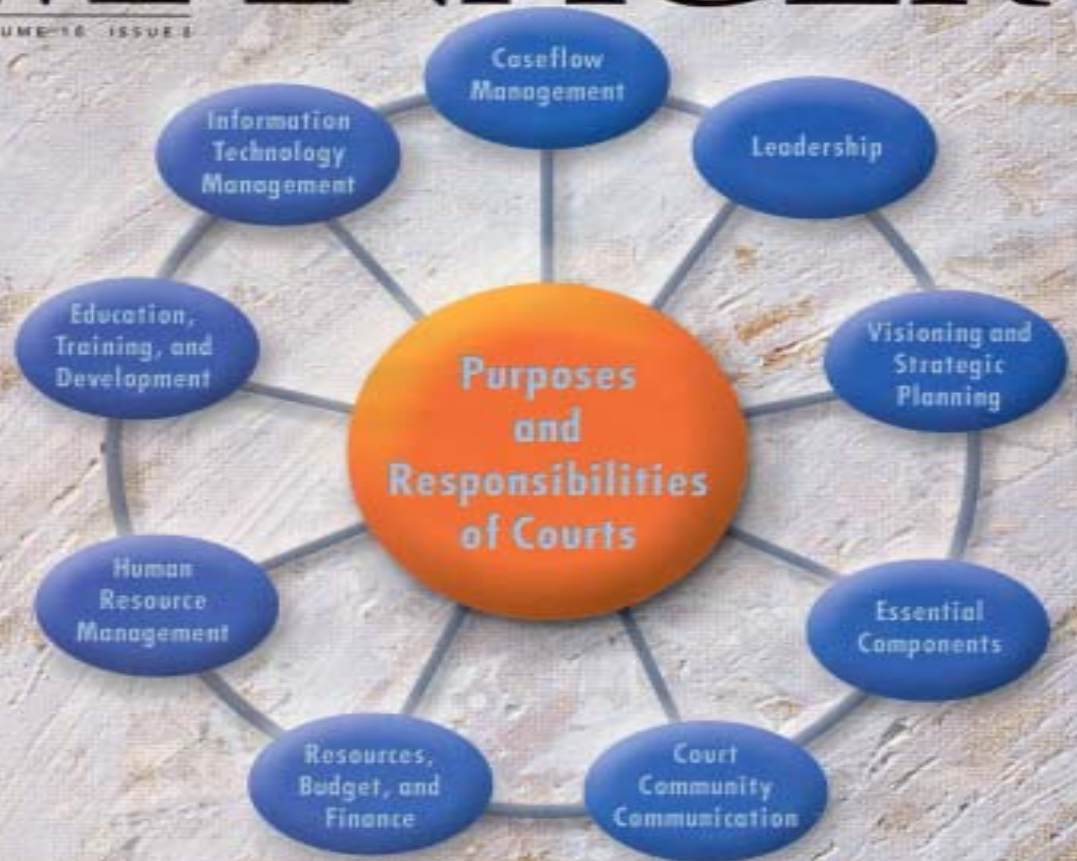
If courts exist to do these things, then as court leaders what do we need to know and be able to do?

- Purposes and Responsibilities of Courts
- Caseflow Management
- Leadership
- Visioning and Strategic Planning
- Essential Components
- Court Community Communication
- Resources, Budget and Finance
- Human Resource Management
- Education, Training and Development
- Information Technology Management

# COURT MANAGER

A Publication of the National  
Association for Court Management

VOLUME 16 ISSUE 2



**Core Competency Curriculum Guidelines:  
What Court Leaders Need to Know and Be Able to Do**

If courts exist to do these things and this is what we as court leaders do, then we are doing what counts.

- Question: How do we count what matters?
- Answer: One way is by using the Court Performance Standards (CPS)

# The power of standards

- Standardizing outcomes (ends) instead of means resolves conflict between differences in people and demands for results.
- Permits most efficient paths from point A to point B.
- Encourages each person to take responsibility.

# Court Performance Standards are structured around:

- Four principles and civic ideals;
- Five performance areas;
- 22 standards and,
- 60+ performance measures

# Guiding Principles and Civic Ideals:

- Focus on Performance Outcomes
- Service Orientation
- Courts are public organizations
- Courts are crucial to the community

# I Access to Justice (five standards)

1.1 Public Proceedings: The trial court conducts its proceedings and other public business openly

Measurement: Questionnaires

1.2 Safety, Accessibility, and Convenience: Trial Court facilities are safe, accessible, and convenient to use

Measurement: Checklist, surveys, and interviews

# I Access to Justice Continued

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

Measurement: Evaluation

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 into contact.

Measurement: Questionnaire for courteous and responsive treatment

# I Access to Justice Continued

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.

Measurement: Checklist, Data Collection Forms and Public Perceptions of Court Performance.

## II Expedition and Timeliness (three standards)

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.

Measurement: Data Collection Forms, ratio of dispositions to filings, age of pending caseload

# II Expedition and Timeliness continued

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.

Measurement: Data Collection Form and checklist of services

## II Expedition and Timeliness continued

### 2.3 Prompt implementation of Law and Procedures

Measurement: When was it issued  
compared to when it was implemented

# III Equality, Fairness, and Integrity (six standards)

3.1 Fair and Reliable Judicial Procedures: Trial court procedures faithfully adhere to relevant laws, procedural rules, and established policies.

Measurement: Questionnaire

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

Measurement: Data collection

# III Equality, Fairness, and Integrity continued

3.3 Court Decisions and Actions:  
Trial courts give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors.

Measurement: Questionnaire, sentencing data collection form and outcomes in appeals

## III Equality, Fairness, and Integrity continued

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

Measurement: Data collection forms and questionnaires.

# III Equality, Fairness, and Integrity continued

3.5 Responsibility for Enforcement: The trial court takes appropriate responsibility for the enforcement of its orders:

Measurement: Data Collection

3.6 Production and Preservation of Records: Records of all relevant court decisions and actions are accurate and properly preserved.

Measurement: Data Collection forms and questionnaires

# IV Independence and Accountability (five standards)

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

Measurement: Questionnaire

4.2 Accountability for Public Resources: The trial court responsibly seeks, uses and accounts for its public resources.

Measurement: Auditing checklist

4.3 Personal Practices and Decisions: The trial court uses fair employment practices.

Measurement: Survey and data collection forms

## IV Independence and Accountability continued

4.4 Public Education: The trial court informs the community about its programs.

Measurement: Checklist and survey

4.5 Response to Change: The trial court anticipates new conditions and emergent events and adjusts its operations as necessary.

Measurement: No forms available

# V Public Trust and Confidence (three standards

5.1 Accessibility: The public perceives the trial court and the justice it delivers as accessible.

Measurement: court employees perceptions of court performance and public perceptions of court performance

## V Public Trust and Confidence continued

5.2 Expeditious, Fair and Reliable  
Court Functions: The public has  
trust and confidence that basis trial  
court functions are conducted  
expeditiously and fairly, and that  
court decisions have integrity.

Measurement: Questionnaire and  
survey

# V Public Trust and Confidence continued

5.3 Judicial Independence and Accountability: The public perceives that trial courts are independent, not unduly influenced by other components of government, and are accountable.

Measurement: Questionnaire

## For more information contact:

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- The National Association for Court Management at 757/259-1537 or at [www.nacmnet.org](http://www.nacmnet.org), or
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