

# **APPELLATE COURTOOLS COMMITTEE FINAL REPORT PRESENTED TO THE ARIZONA JUDICIAL COUNCIL (MAY 2009)**

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## **INTRODUCTION**

Following the successful Arizona trial courts' implementation of performance measurements, which were based on the National Center for State Courts (NCSC) CourTools® methodology, Arizona's appellate courts also embraced the concept of performance measurement and undertook this project. This initiative not only is consistent with Goal # 4 of *Good to Great*, the 2005-2010 strategic agenda (*Being Accountable*), which requires the courts to adopt a system of standards to measure operations and performance, but also reflects the commitment of the leaders of the Arizona Judicial Branch to transparency and accountability at all levels of the judicial system.

Performance measurement for the appellate court judiciary requires evaluation of the overall appellate court system and programs. It relies upon both a quantitative and a qualitative assessment of court effectiveness, encompassing the perception of appellate court users, the effectiveness of court employees, and the presentation and analysis of case management data. The advantages of developing and implementing effective performance measurement systems, in addition to transparency and accountability, include consensus building, focus, standardization, and consistency.<sup>1</sup>

Arizona is proud to be one of only four appellate court systems across the country that have embraced a project of this nature and the first to implement the measures simultaneously in both divisions of the court of appeals and the supreme court.

## **FORMATION AND COMPOSITION OF THE COMMITTEE**

Chief Justice Ruth V. McGregor established the Appellate CourTools Committee on June 4, 2008, comprised of leaders from the appellate judiciary, court clerks, attorneys and a public member. The State Justice Institute provided grant funding to enable the committee to work with consultants from the National Center for State Courts, who facilitated the process and provided advice, consultation, and technical assistance based on their experience in other jurisdictions.

## **WORK OF THE COMMITTEE**

The committee was charged with evaluating and recommending measures through which Arizona's appellate courts can track and improve performance. Because only a few other states have undertaken similar projects at the appellate court level, reference information is limited. The committee reviewed print and electronic research material from policy organizations such as

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<sup>1</sup> *White Paper on Promoting a Culture of Accountability and Transparency: Court System Performance Measures*, Conference of State Court Administrators, December 2008.

the American Bar Association and NCSC on topics such as appellate performance measures, survey design, and administration and data collection formulations. In addition, the committee considered implementation philosophies from other states and individual counties, including Massachusetts, Montana, Utah, Colorado and Yuma County, Arizona.

The committee set an aggressive schedule. After reviewing and considering numerous performance measures, the committee developed recommendations for six core measures. These measures, described below, will allow internal review by each appellate court and provide enhanced accountability and transparency for appellate court users and the general public.

To address the identified issues, the committee divided into two subcommittees related to specific measures. The Survey Subcommittee focused on the quality of the judicial process, measured by one survey sent to the appellate bar and trial bench and another survey sent to court employees. The Data Elements Subcommittee focused on case processing measures. The full committee held ten meetings over a period of eleven months. Each subcommittee also met, on average, once a month. Both subcommittees consulted with staff from the Administrative Office of the Courts, including the Information Technology and Human Resources Divisions, throughout the course of this project. The State Justice Institute grant allowed the committee to solicit input and guidance from court performance consultants through the National Center for State Courts, who were an integral part of the project between June 2008 and March 2009.

Although the committee originally intended to submit a final report of its recommendations to the Arizona Judicial Council by March 2009, the Committee's tenure was extended through June 30, 2009, to permit development of integration plans for the performance measures. The final report was presented and adopted at the June 2009 Arizona Judicial Council meeting.

## 2008–2009 COMMITTEE MEMBERSHIP

Chief Justice Ruth V. McGregor  
Appellate Courts Committee Chair  
Arizona Supreme Court

Honorable Rachelle M. Resnick  
Clerk of Court  
Arizona Supreme Court

Chief Judge Ann A. Scott Timmer  
Arizona Court of Appeals  
Division One

Honorable Phil Urry  
Clerk of Court  
Arizona Court of Appeals, Division One

Chief Judge John Pelander  
Arizona Court of Appeals  
Division Two

Honorable Jeff Handler  
Clerk of Court  
Arizona Court of Appeals, Division Two

Mr. Timothy Berg  
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Ms. Ellen Crowley  
Chief Staff Attorney  
Arizona Supreme Court

Mr. Jones Osborn  
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Ms. Barbara Vidal Vaught  
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