

1 **New Hampshire Citizens Commission on State Courts**
 2 **Draft Recommendations for Consideration March 13, March 20**

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 5 **Recommendation #10**

6 **Research Committee:** The Courts as a Business

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 8 **Recommendation:** Performance Management

9 The Judicial branch today is managed largely on the basis of process, i.e.,
 10 rules that define the approved approach to each circumstance. While this
 11 approach is essential to the operation of the Courts, the Courts as a Business
 12 Research Committee recommends that that focus on managing process be
 13 balanced by equal emphasis on outcomes or performance management, e.g.,
 14 time to dispose of a filing, cost per case, constituent satisfaction. To that
 15 end, the Committee recommends a five step process:

- 16 1. Assemble a leadership group of judges and staff to recommend
 17 outcomes based performance objectives and specific metrics for
 18 consideration and approval by the Chief Justice and the
 19 Administrative Judges.
- 20 2. Use that same leadership group to develop recommendations for
 21 reporting and review processes to be employed on quarterly and
 22 annual bases for the ongoing management of the New Hampshire
 23 Judicial Branch.
- 24 3. Use these performance objectives and metrics and reporting and
 25 review processes to actively manage performance throughout the
 26 entire judiciary.
- 27 4. Report on the Judiciary's performance against these objectives and
 28 metrics to the Judicial Branch's constituencies, e.g., the Legislature,
 29 Governor, and Judicial Council, the New Hampshire Bar, and the
 30 public on at least an annual basis.
- 31 5. Review and evolve the objectives, metrics, and management processes
 32 on a continuing basis.

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 34 **Rationale:**

35 While process is critical to operations, the Judicial Branch's various
 36 constituencies are more interested in performance against the outcomes that
 37 they regard as important to them, e.g., timely justice, equal access, customer
 38 service, and cost. Without recognizing those desired outcomes, measuring
 39 performance against those outcomes, and managing against those objectives,

1 excellence in performance will always be more a matter of chance and
2 exceptional effort than real management and leadership. Further, where an
3 institution views its performance only against process, there is, almost by
4 definition, no progress. Approved processes either are or are not followed.
5 By focusing on outcomes the entire judiciary can be engaged in innovation
6 and investments to efficiently and effectively drive performance
7 improvements. And such measures and reporting would enrich the Judicial
8 Branch's communication with its constituencies.
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1 **Recommendation # 11**

2 **Research Committee:** The Courts as a Business

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4 **Recommendation:** Information Technology

5 The Courts as a Business Research Committee recommends that the Judicial
6 Branch significantly accelerate its deployment and management use of
7 information technology in the context of a technology plan to improve the
8 Courts' effectiveness and efficiency. Specifically, the Research Committee
9 recommends that:

- 10 A. The implementation of the Odyssey case management system be
11 accelerated and that courts' management fully utilize the outcomes
12 and productivity measures embedded in Odyssey consistent with the
13 second recommendation above.
- 14 B. The Judicial Branch adopt benchmark technologies, e.g., electronic
15 filing and notification, digital voice recording, and electronic
16 scheduling and adopt new practices and processes to impact the
17 efficiency and effectiveness of the judiciary in terms of the outcomes
18 discussed in the Performance Management recommendation discussed
19 above.
- 20 C. The Judicial Branch put in place an Information Technology Advisory
21 Board, perhaps from the Judicial Council, to provide ongoing,
22 independent expert counsel on best practices in the application of
23 information technology.
- 24 D. The Judicial Branch develop a technology plan to provides a
25 framework for technology investment and the technical evolution of
26 the courts. As a part of that plan, the Courts should establish a limited
27 set of IT principles to guide that plan, e.g., that the court's various
28 constituencies should be free to choose their preferred medium of
29 exchange: telephone, hardcopy, e-mail, or the internet and that
30 processes should be designed so that each keystroke is captured only
31 once to avoid duplication of effort and increased error rates.

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33 **Rationale:**

34 Information Technology represents one of the key tools available to the
35 Judicial Branch that can both improve the quality of service and lower costs.
36 The Judiciary should judge its technological opportunities against the tests
37 of real outcomes measures, e.g., reductions in time to close cases and lower
38 cost per case. Against those tests, acceleration of the Odyssey
39 implementation, in particular, is essential to the implementation of real
40 performance based management across the Judicial Branch and the gains in

1 effectiveness that will follow. But here, like many of the applications of
2 technology, effective use of technology involves more than investment; it
3 requires changes in management processes and practice. In addition, there
4 are other immediate opportunities for technology driven improvements in
5 Judicial Branch functioning, e.g., electronic filing and notification, and there
6 will be continuing, effective new applications of technology available.
7 Finally, an independent advisory board can add an expert, external
8 perspective on the best use of technology.