



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

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Director

### MEMORANDUM

DATE: March 3, 2016

TO: All Judges  
Court Administrators  
Probate Registers  
County Clerks  
Clerks

FROM: Jennifer D. Warner, Director of Trial Court Services

RE: Trial Court Performance Measures Implementation Plan

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The [Trial Court Performance Measures Implementation Plan](#) has been updated to reflect a new measure regarding jury management and continued pilot testing of future measures.

In 2015 SCAO pilot tested four performance measures: budgeting, probation services, employee satisfaction, and juror management. On January 15, 2016, the Trial Court Performance Measures Committee reviewed the results of the pilot tests and recommended adoption of the juror management measure, additional pilot test of the budgeting measure, and removal of the pilot probation services measure. The Committee also recommended that employee satisfaction not be adopted as a statewide performance measure, but encouraged interested courts to work with SCAO to conduct the survey and analyze the results.

Additional details regarding the Committee recommendations:

#### **Budgeting Performance Measure**

Five courts participated in a pilot for budgeting. The purpose of the measure was to determine if the court operated within its budget and if it did not, why it did not. The measure helps judges and court employees be more aware of budgeting issues and allows SCAO to identify and provide assistance to courts in need. The Committee recommended that the budgeting measure be further refined and piloted. SCAO is conducting additional pilot tests this spring.

### **Probation Services Programs**

The Committee had previously recommended that a probation services performance measure be developed. During the process of developing the measure it became apparent that probation staffing levels and the responsibilities of probation officers vary greatly from court to court. The first step in the measure was to determine the appropriate staffing level for a probation program. Only two of the eleven courts that were contacted participated in the pilot. After reviewing the pilot results, the Committee voted to remove this performance measure from the development process.

### **Employee Satisfaction Surveys**

Employees are the most valuable and costly court resource. Knowing how employees perceive the workplace is essential to enhance job satisfaction and improve service to the public. Four courts participated in the employee engagement performance measure, and another three courts provided feedback on the survey instruments. The Committee determined that the employee satisfaction surveys are an excellent tool for court management but should not be adopted as a statewide performance measure. Any court that is interested in pursuing an employee engagement survey can contact SCAO for more information. We are willing to assist the courts by providing the court with the materials for conducting the survey and analyzing the results.

### **Jury Management**

In 2015 jury management was piloted in five courts. This measure is designed to assess the effectiveness of jury management in a trial court. The data provides information necessary to determine if the court is maximizing the use of citizens in the jury process. SCAO tested formulas to calculate juror yield and juror utilization. Both formulas were easy to calculate, easy to understand, and effectively communicated the efficiency of the court's jury management process.

The first jury management measurement is **juror yield**, which is the percentage of jurors who were sent qualification questionnaires that were qualified and available to serve.

The second jury management measurement is calculated using the following three percentages:

1 - **Percentage of Jurors Summoned Who Were Told to Report** = the number of jurors who were told to report divided by the number of jurors who were summoned. This number is an indication of whether the court is summoning more jurors than necessary.

2 - **Percent of Jurors that are Sent for Jury Selection** = the number of jurors that are sent to a courtroom for voir dire divided by the number of jurors that are told to report to the court. This number is important to determine if the court is telling more jurors to report for service than is necessary.

3 - **Percentage of the Panel Used** = the total number of jurors that were seated plus the number that were challenged and excused divided by the number of jurors that were sent

to the courtroom. This number is important because it demonstrates whether the court is sending more jurors to the courtroom than are necessary for the jury process.

The **final juror utilization rate** is calculated by taking the above three percentages and multiplying them together.

The Committee unanimously adopted Jury Management as a statewide performance measure. In 2016 courts will be required to submit data to determine their **juror yield, percentage of jurors summoned who were told to report, and percentage of jurors sent for jury selection**. In 2017 courts will be required to submit data to determine the percentage of the panel that was used. Specific reporting instructions are currently being developed. As soon as the reporting requirements are finalized all courts will be notified.

#### **Performance Measures Implementation Plan**

Additional performance measures are currently being developed. They include an Internal Controls System, Integrity of Court Records, and a Human Resource-related performance measure. These measures, along with the refined budgeting measure, are being piloted in 2016.

If you have questions, comments, or interest in participating as a pilot, please contact me at [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov) or 517-373-7454. The [Trial Court Performance Measures Committee members](#) also welcome your feedback.