



Performance Management

From Measuring and Reporting To Continuous
Organizational Improvement in the Nineteenth
Judicial Circuit, Circuit Court of Lake County, Illinois

By Robert J. Verborg & Robert A. Zastany

Good government must have as its core purpose the achievement of results. No program, however worthy in its **goal and high-minded** in its name, is entitled to continue perpetually unless it can demonstrate it is actually **effective** in solving problems.

White House Office of Management and Budget (2004)
Rating the Performance of Federal Programs

Courts are **created** to serve basic human needs and we cannot serve our high purpose on sentiment, tradition, or folklore. We must **monitor and control** our operations, and account publicly for our **performance**.

Strategic Plan of the Nineteenth Judicial Circuit Court (2009)

Courts are essentially customer-driven organizations. Each day, the Nineteenth Judicial Circuit Court of Lake County, Illinois, serves thousands of people who enter its courthouses and other facilities seeking justice on issues that span the range of human experience. They come as lawyers and litigants, as jurors and witnesses, as defendants and probationers, as family members, friends, and community members. The authority and viability of the justice system relies heavily on the willingness of these various

customers to accept and obey the orders of the court. This willingness is influenced by how they feel about how we, as stewards of the third branch of government, do our work. Their perceptions are often dependent on the totality of what they observe and experience through their interactions with the court organization. Such interactions are not exclusive to the opinions and decisions rendered by the judiciary, but extend to the individual actions of those who perform the most basic and indispensable of functions in

the judicial system: probation officers, juvenile counselors, court clerks, security personnel, and support staff.

In a customer-driven organization, vision, mission, objectives, and strategies must be aligned to meet the various needs and expectations of its customers. The vision and mission of the court provides a long-term philosophical sense of purpose for the court organization in Lake County and emphasizes the central role of its customers — *to foster public trust, understanding, and confidence in the*

Devising a strategy, however, is a **dynamic process**; it is a future-oriented activity, and the resulting strategy serves as a plan-of-action for getting from one point to another.

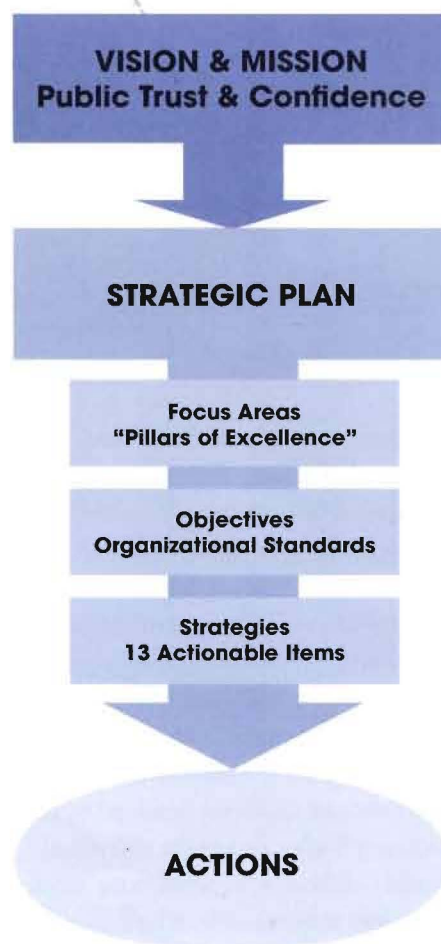
judicial system. This fundamental mission of the court organization is the foundation for all other principles and actions undertaken by the court. Our objectives — *Access to Justice; Expedition and Timeliness; Equality, Fairness, and Integrity; and Independence and Accountability* — provide the quality standards for all operational divisions and employee levels throughout our organization. In the development and delivery of the best possible services, the Nineteenth Judicial Circuit considers the needs of both internal (stakeholders and justice partners) and external (citizens and clients) customers equally. Our strategies, which address the needs of various customer groups with whom the court interacts, translate the mission and objectives of the court organization into specific, measurable, and relevant terms. These core elements of a customer-driven organization are emphasized throughout the court's strategic plan.

The strategic plans of most organizations, including many court organizations, typically end up on a shelf — safe from critical minds and eyes — until years later when the planning process is completed again. Court leaders, supervisors, managers, and employees can often go about their day-to-day work lives, busily completing the tasks at hand, giving little thought or attention to the philosophical foundation, organizational standards, or sense of direction that make up their strategic plan. Within

such an environment, a strategic plan is little more than an historical document, which describes where an organization once was and what it was doing at that time. Reporting, when it is utilized at all, tends to focus on whether a given task was completed, not whether it had the intended impact.

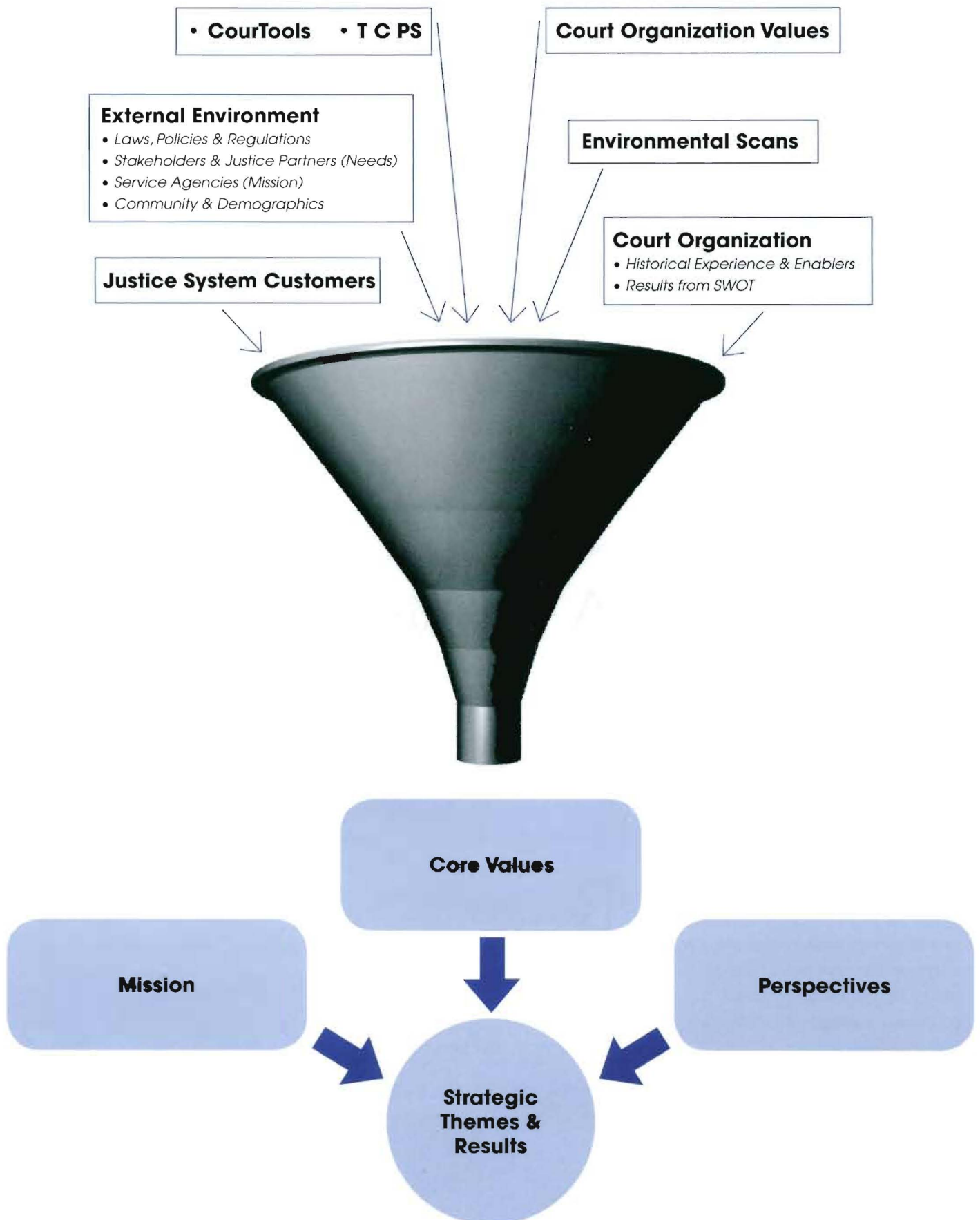
Devising a strategy, however, is a dynamic process; it is a future-oriented activity, and the resulting strategy serves as a plan-of-action for

getting from one point to another. The recurrent development of actions within the context of a dynamic strategic plan spotlights what the court, as an organization, is currently doing in order to be more responsive to the changing needs of its customers and to best achieve public trust and confidence in the judicial system for the immediate future. Addressing **why**, **what**, and **how** to achieve public trust and confidence, both during the strategic planning cycle and throughout its implementation, is essential to this process. Within this process, our own strategic plan¹ states the broader vision and mission of the court organization — the “**why**” we do it; outlines our objectives and standards of performance — the “**what**” we hope to accomplish; and addresses the various strategy areas — “**how**” we will do it. The miscellaneous programs, projects, services, and supportive actions implemented by the court — at all levels of the organization — are aligned with the preceding elements of the strategic plan. In order to determine that these actions provide real value to the court organization and its customers, performance must be measurable and manageable.



Strategic Alignment

The figure on page 23 illustrates how our court organization assembles input for the strategic plan and how those elements come together to form



strategies. The strategic elements are gathered from various sources internal and external to the court organization, including court organizational historical scans, organizational obstacles and enablers (from a SWOT analysis — *Strengths, Weaknesses, Opportunities, and Threats*), customer value inputs and perspectives, and external environmental scans that identified factors affecting the court organization (e.g., regulations, laws, policies, customer, stakeholder and justice partner needs, other service agency missions, growth in our community and demographics). These elements are assembled to create the court's guiding principles, which include the vision, mission, and core values of the organization, and are translated into an effective strategy to direct the court's activities over the life of the plan.

Genuine strategic thinking requires more than just tallying a task list, but reframing effectiveness and success in terms of the **value** that court programs and services hold for customers, stakeholders, and justice partners. A continuous strategic process links a shared vision of the future with the delivery of results associated with customer-centric programs, projects, services, and activities. Such a focus requires thinking vertically, from higher-level philosophical ideals contained in the strategic plan through the impacts of ground-level interactions with court consumers. For this reason, the Nineteenth Judicial Circuit Court recently introduced performance management within its existing strategic planning process. Performance management provides a system of organizational performance measures and continuous improvement efforts in order to better align the activities of the court organization with the court's strategic plan and to ensure that programs, projects, and services

are being conducted in an effective and efficient manner. The following chart depicts the "Continuous Strategic Process."

The performance management process adopted by the Nineteenth Judicial Circuit is characterized by the acronym SMAART — Specific, Measureable, Aggressive, Achievable,

Relevant, and Time-sensitive. Each of these elements is important to the development of results-oriented activities within the court system. In general, the acronym is used to assist staff in deciding upon measures relative to the intended outcome of their projects:

Specific
Outcome-based goals, standards, benchmarks, or targets of achievement

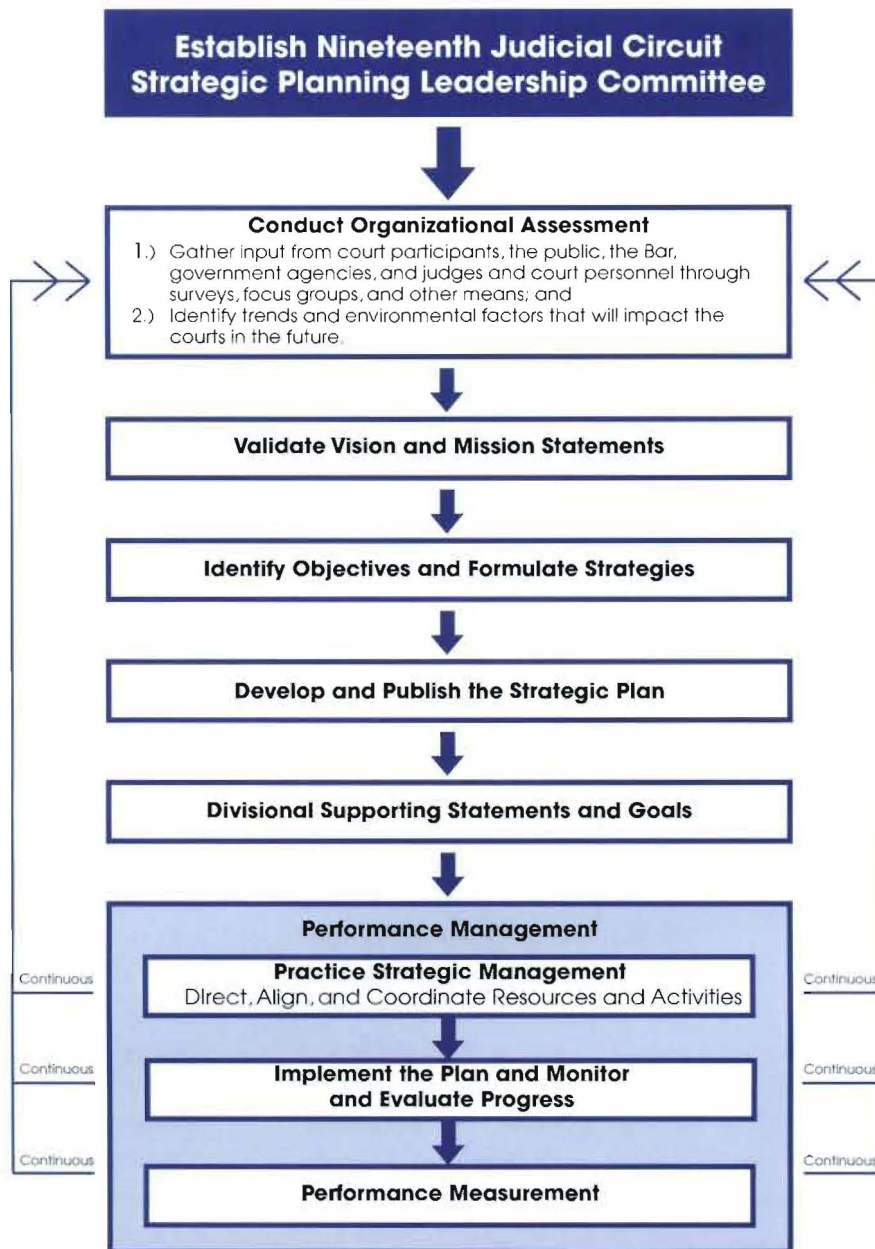
Measureable
Demonstrated qualities or quantities expressed as a calculation or comparison

Aggressive
Ambitious or challenging levels of organizational success

Achievable
Realistic and attainable based on existing resources and staffing

Relevant
Directly related to the challenges at hand or reflected in the court's strategic plan

Time-sensitive
As close to real-time as possible; reflective of closure and target dates



The SMAART Performance Management Program is a forward-looking process, one which uses frequent measurement of court activities and the services it provides to the public in order to better respond to issues when they arise, assist problem-solving, inform decisions, and gauge the impact of improvement efforts. An essential component of the SMAART Performance Management Program is performance measurement. Court performance measurement

requires the use of data analysis and statistical evidence to determine whether court functions are operating within established parameters and, consequently, making progress toward achieving the court's strategies and objectives. The court organization establishes performance parameters — or benchmarks — based on industry standards or evidence-based targets for key programs, services, and support activities, which indicate whether the investments of human and financial

resources are successful in achieving organizational effectiveness, enhancing customer value, and fostering public trust and confidence in the court system.

Courts of all sizes have begun to use performance measures to help direct decisions, policy development, and service delivery. The introduction of the National Center for State Courts (NCSC) CourTools initiative in 2005 has served to advance this trend. The Nineteenth Judicial Circuit has

The **rationale** behind the major shift in the SMAART Program was our **desire to embrace** an ongoing, systematic approach to **improving results** through evidence-based decision making, **continuous organizational learning**, and a focus on **accountability for performance**.

embraced the CourTools initiative, integrating these performance measures within the broader context of the SMAART Performance Management Program. Not all trial courts, however, have benefitted from integrating what their measures indicate with how well their court is performing. This observation is based on the limited amount of data that is being shared by courts as part of the CourTools initiative and dialogues within the court community. The Circuit Court of Lake County is attempting to shift its organizational culture toward one that fully incorporates performance measurement practices within a comprehensive performance management system. This process will allow us to better utilize the objective information derived from user surveys, budget data, internal processes, and outcome evaluations to improve services and assist policy and program decisions. Given the nature of local and state governments, coupled with the traditional and conservative nature of the judiciary, initial small steps are the current target of developing a more robust system in the near future. Success breeds success is the philosophy of our current efforts.

The SMAART Performance Management Program has its origins in the Nineteenth Judicial Circuit dating back to 2000. The original SMAART Program was an internal

performance measurement process designed to increase the insight of both staff and stakeholders into the various functions of the court and to highlight successful court operations. The shift from performance measurement to performance management in the Nineteenth Judicial Circuit started early in 2009 with the publication of our third strategic plan. The recent change involved a transition from a strict measuring and reporting system — information often presented long after the fact — to a dynamic performance management system in which current data is used to make program and policy decisions with the purpose of improving organizational results. While strategic planning remains a central element in directing court activities, the new SMAART Performance Management Program provides a more holistic, albeit more demanding, approach to measuring results and making continuous organizational improvements. As an organization, we learned that any single-dimensional performance measure was unlikely to provide all of the information we anticipated or desired to meaningfully impact organizational effectiveness. It was necessary to develop a more balanced approach to performance measurement, one which included budgeting, process, and customer data as well as program outcomes. In addition, performance data needed

to be tied to the various levels of the strategic planning process. Finally, and more importantly, our court's organizational capacity for performance management was sorely lacking during the two previous strategic planning cycles. Court leaders must be committed to objectively reviewing projects and making policy decisions based on the available data.

The rationale behind the major shift in the SMAART Program was our desire to embrace an ongoing, systematic approach to improving results through evidence-based decision making, continuous organizational learning, and a focus on accountability for performance. The court leadership is moving toward integrating this type of performance management into all aspects of the court organization, attempting to alter our management and leadership culture, enhancing the policy and decision-making process, and transforming our practices so they are more focused on achieving improved services for the public. The following are four performance-based management concepts that our change process is built upon:

- ***Management decisions are based on furthering the vision and mission of the court organization.***

The court's vision and mission statements provide a long-term philosophical sense of purpose that supersedes any short-term decision



making. This purpose is the foundation for all other principles and actions taken by the court organization. Court leadership strives to work, grow, and align the whole organization toward this common purpose.

- ***Being results-focused enhances decision making, actions, and outcomes.***

Continuous learning from performance often reveals the right processes that will produce the right results at the right time. Traditionally, government management practices and decision-making policies have emphasized a process-dependant definition of performance rather than an outcome-based definition grounded in achieving results. Strict adherence with prescribed processes may assure fairness, but (without regard for issues such as

customer value and continuous improvement) also promotes mediocrity, substandard outcomes, and poor service delivery to the public. Such approaches are also often too slow to change in response to new conditions or emergent events. Having an alignment of court actions with the mission, objectives, and strategies of the court organization focuses individual efforts on achieving timely outcomes that are critical to the organization.

- ***Transparency of information, decisions, and processes drives organizational learning and promotes public trust and confidence.***

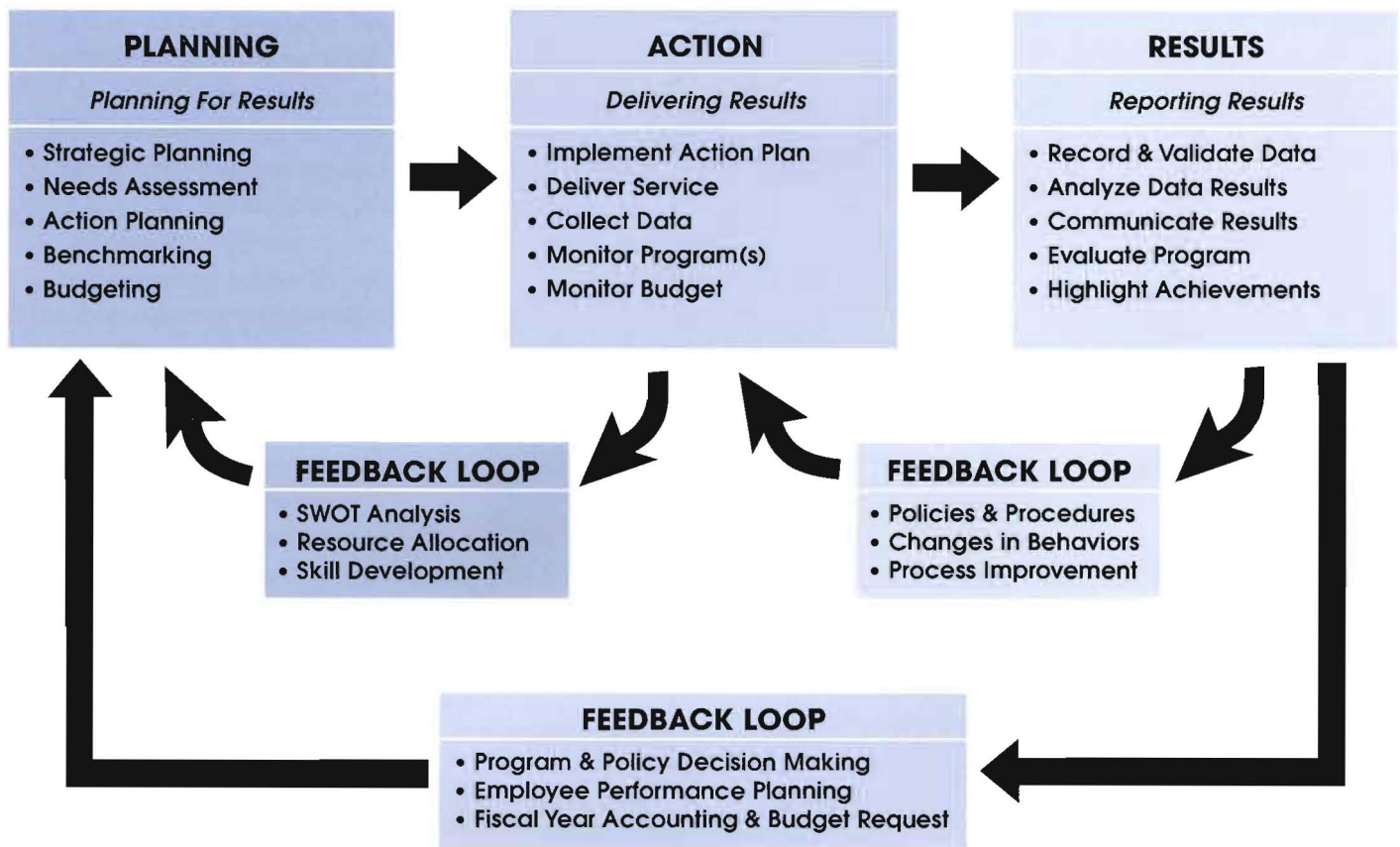
The court organization wanted to assure that information was not only available, but also that the methods of sharing that information (e.g., data reports,

snapshots, research studies) were well-organized, accessible, and easy to understand. Information that is known only to a small group or an individual does little to foster evidence-based planning, budgeting, and decision making. Greater transparency was also needed in order to maintain or build public trust and confidence in the court organization. The current court website was redeveloped to include a very visible section that supports the performance management system that has been put into place. All studies, reports, snapshots, and other such information are posted for all to see. In addition, these same materials are provided directly to key stakeholders and justice system partners via email for review prior to those materials being posted for public view. Refer to our website for additional information: <http://19thcircuitcourt.state.il.us>

- ***Organizational improvement efforts must be sustainable over time.***

Making a change to performance management is not an event, a stopgap, or a quick-fix designed to address only current issues, but a long-term process. Through that process, a new culture is created. The court organization desires to be successful in this area and to sustain its organizational improvement efforts. Leadership of the court organization believes that performance management is not simply a mechanical process that can be imposed and routinely maintained. Rather, our leadership understands that this is a process that must constantly be embraced and revised in order to remain vital.

The SMAART Action Research Framework for the Circuit Court of Lake County, Illinois



Making the change from a simple measurement and reporting system to performance management means focusing all of the court's efforts on attaining measurable and meaningful results throughout each phase of a project, from planning to action to reporting results. This requires an expansion of our current efforts to incorporate evidence-based practices and processes (e.g., judicial, managerial, or correctional approaches that research has proven to be effective) toward establishing evidence-based targets and outcomes (e.g., performance-based benchmarks) for activities throughout the court organization. Employee commitment, participation, and cooperation are essential to this endeavor. This shift also requires a new

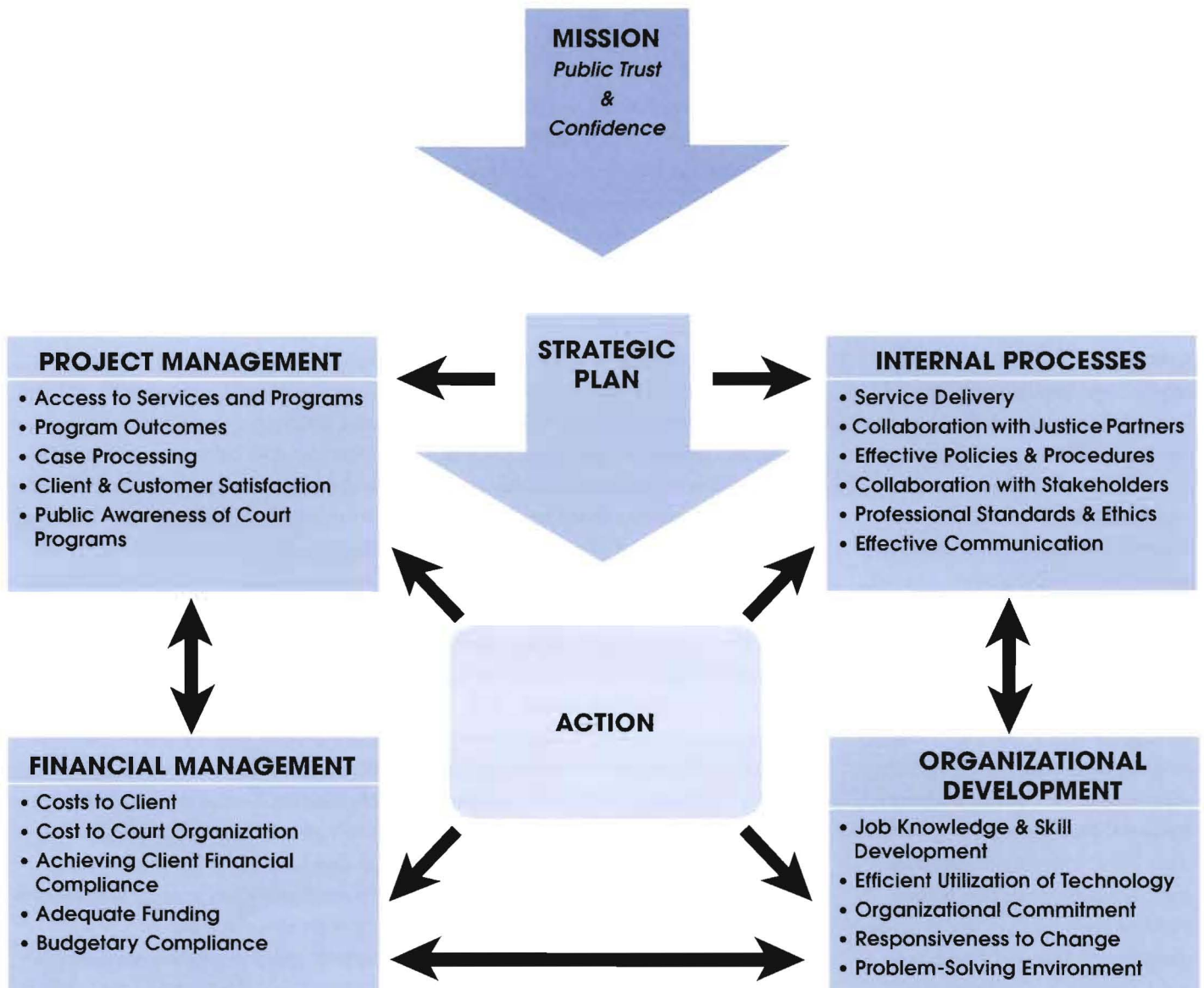
leadership ethos for court managers — one in which performance data plays a vital role in policy decisions and the delivery of services. Again, noting the conservative nature of the environment in which this change must take place, it is fully anticipated that progress will be slow, often contested, and sometimes resisted. The senior management team of the Nineteenth Judicial Circuit Court of Illinois is committed to taking up this challenge for the benefit of the entire court organization.

The current version of SMAART embraces performance management, a system of organizational performance measures and continuous improvement efforts, in order to align the activities of the entire court organization with the court's strategic plan and ensure

that programs, projects, and services are being conducted in an effective and efficient manner. The SMAART Performance Management Program is based on an action research model; this framework provides a template for the process of aligning court actions (e.g., services, programs, and support activities) with the various levels of the strategic plan, measuring the impact of those actions using a balanced scorecard approach, and planning continuous improvements in order to enhance outcomes.

Court organizational effectiveness is a measure of how successful the court is in progressing toward achieving its mission and fulfilling its vision *to best serve the public while seeking the highest possible understanding,*

**The SMAART Balance Scorecard Approach
of the
Circuit Court of Lake County, Illinois**



Performance is considered the sum of behavior and results, and it is a direct outcome of effective management practices and continuous improvement processes.

trust, and confidence. This concept of organizational effectiveness, however, is much too broad and abstract to be measured directly. In addition, each of the court's six divisions — administrative services, adult probation services, judicial information and technology services, judicial operations, juvenile probation and detention services, and psychological services — support the mission of the court in a manner specific to its respective scope of operations and area of expertise, which makes a single measure of effectiveness impossible to determine. Rather than assessing organizational effectiveness directly, the court organization has selected a number of proxy measures and intended outcomes that represent effectiveness: **Project Management** (e.g., access to services, program outcomes, case processing, client satisfaction, public awareness), **Financial Management** (e.g., reducing client costs, reducing organizational costs, achieving projected budget, securing grant funding, client financial compliance), **Internal Processes and Controls** (e.g., efficiency of service delivery, collaboration with justice partners, compliance with policies and procedures, adherence to ethical and professional standards, communications), and **Organizational Development and Innovation** (e.g., job knowledge and skill development, utilization of technology, organizational

commitment, problem solving, responsiveness). These measures compose the court's balanced scorecard.

The balanced scorecard is a performance management tool for measuring whether the smaller-scale, operational activities of the court organization are aligned with the court's larger-scale strategies, objectives, and overall mission in terms of project management, financial management, internal processes, and organizational development. Focusing not only on financial outcomes as the single most important measure of organizational effectiveness, but also considering other impacts associated with these activities, the balanced scorecard helps to provide a more comprehensive view of the court organization and its functions. This balanced perspective of effectiveness helps court staff, stakeholders, and the public better understand the functions of the court and the role the court organization has within the community. Coupled with the SMAART performance benchmarks, the balanced scorecard provides an instrument with which to thoroughly describe the activities of the court organization and a reasonable means with which to assess court organizational effectiveness.

Performance is considered the sum of behavior and results, and it is a direct outcome of effective management practices and continuous improvement processes. Performance

management is about creating a workplace environment and culture that encourages and values individual, unit, division, and organization-wide success. The SMAART Performance Management Program is just as much a process of measuring how well the court organization does in terms of serving customer needs, meeting targets, and producing desired impacts as it is a system for creating an organizational culture of collaboration and commitment with an emphasis on active learning, inclusion, and building internal motivation for success. Setting organizational performance targets can make a positive contribution to court performance by focusing organizational attention on particular outputs and outcomes and aligning the behavior of employees with the overall mission of the court. This new philosophy of effective problem solving and efficient work processes can be applied across all divisions and work units of the court organization in order to transform strategic initiatives into concrete actions, guide organizational behavior during times of uncertainty and change, and seamlessly adapt to targets of opportunity. The motivational factors present within the court culture and the application of performance-based management principles ensure that court performance is **done the right way, for the right reasons, and with the right outcomes.**

The goal of the SMAART Performance Management Program is to **improve** the court organization's capacity to monitor, **manage**, and **enhance** its services, programs, and support activities.

The goal of the SMAART Performance Management Program is to improve the court organization's capacity to monitor, manage, and enhance its services, programs, and support activities. The SMAART Performance Management Program provides the tools and a common language in order to define success consistently across the entire court organization. The SMAART balanced scorecard results are intentionally transparent and regularly reported within the organization and to external stakeholders through:

- Executive Level Measures
- Key Performance Indicators
- Program Snapshots
- Program Evaluations
- Documented Action Plans
- Improved Management Practices
- Updated Policies and Procedures

The SMAART Program provides valuable data and statistical evidence of court programs and services that can better inform program and policy decision making for the judiciary, senior management team, court employees, and the Lake County board and administrators. Additional benefits of the SMAART Program include:

- **Financial Health of the Court System**
 - Reduces costs, including time, resources, and waste
 - Aligns budget with strategic priorities and goals
 - Documents and communicates the need for resources
 - Provides transparency for resource allocation and project results
- **Improved Management Control**
 - Is flexible and responsive to immediate needs (e.g., targets of opportunity)
 - Displays data relationships
 - Assists in internal auditing of programs and services
 - Simplifies communication of strategic planning
- **Motivated Workforce**
 - Improves employee engagement by increasing understanding of how individual efforts contribute to the organization's higher-level goals
 - Creates transparency in the achievement of goals throughout the organization
 - Aligns professional development plans with achievement of organizational strategic goals

In theory, using performance data to make operational decisions is a common-sense, logical approach to performance-based management. This was not the case with our first two strategic plans (c. 2000, 2003), during which we simply completed tasks, compared them post hoc with the strategies and objectives of the strategic plan, and considered these an accomplishment toward achieving the mission of the court. Any performance measurement, if done at all, was used only to illustrate our precipitant sense of accomplishment. In practice, this process, which is based heavily on hierarchical position within the organization, perceived professional expertise, and tradition, is counter to the court's own expectation of responsible decision making, which is founded on the systematic collection, analysis, and evaluation of all available data.

Since this revitalization of our SMAART Program with the transition to performance management, continuous improvements have been introduced throughout the court organization. For example: the senior management team has been proactive in making organization-wide and division-level adjustments to policy and procedures based on results from the annual court employee survey (CourTools Measure 9); improved communication and collaboration with our community-

based substance abuse providers has resulted in a more effective and cost-efficient use of our internal urinalysis testing procedure; an internal audit of our juvenile residential program resulted in the introduction of several additional evidence-based treatment approaches; and we were able to eliminate an under-performing, gender-specific program and reallocate human resources to better serve

this population. As we continue to improve upon the court's performance management system, we hope to expand these improvement efforts and transform the culture of our organization as well.

The SMAART Performance Management Program operates on a revolving 500-day (approximately 18-month) cycle. Approximately two to four SMAART cycles would make

up a single strategic planning cycle. Projects included under the SMAART Performance Management Program are limited to new (or substantially revised) initiatives or evaluations of existing programs. Day-to-day, routine court activities are not included. The expectation is that the evaluation period for any individual project will be no longer than six to 12 months. Outcome data generated during this

Initial SMAART Projects List

DIVISION OF ADMINISTRATIVE SERVICES

- Standardized Exit Process of Court Employees
- Evaluation of the TONE (Training of New Employees) Program
- Performance Standards for Substance Abuse Providers
- Contingency Plan for Staff Reductions

DIVISION OF ADULT PROBATION SERVICES

- Evaluation of the Administrative Sanctions Program
- Evaluation of Drug Testing Program
- Policy for External Research Activities
- Implementation of Caseload Explorer (Internal Database) System

DIVISION OF JUDICIAL OPERATIONS

- Court Forms Project
- Lake County Visitation Center — Neutral Exchange and Visitation Site
- Judicial Operation Staff Cross Training

DIVISION OF JUDICIAL INFORMATION AND TECHNOLOGY

- Courts Daily Project (Staff Intranet Site)
- Disaster Recovery Plan

DIVISION OF JUVENILE PROBATION AND DETENTION SERVICES

- Evaluation of APEX Digital Learning System
- Juvenile Offender Compliance with Court Attendance and Fees
- Juvenile Low-Risk Supervision — Group Reporting Project
- Pre-Employment Program

DIVISION OF PSYCHOLOGICAL SERVICES

- Juvenile Offender Domestic Violence Assessment and Treatment
- Evaluation of Group Psychological Testing
- Tutoring Program for Juvenile Probationers
- Women FIRST — Gender Specific Group and Referral Program for Adult Women Probationers

timeframe is considered sufficient to make program and policy decisions regarding whether a project is making considerable progress and should either be continued or even expanded, or requires modifications or should be discontinued.

Early in 2010, management teams from each of the divisions developed a preliminary list of programs with which to begin our effort (see page 32) that began July 1, 2010. As these programs cycle through their respective evaluation cycle, we envision that court staff from all levels of the organization will provide the spark for other programs to be added as part of the performance management process. Through an ambitious training effort, we have successfully introduced the program to all employees of the organization, spread among its six divisions, across three primary campuses.

In addition to court staff, we are also actively engaged with those community vendors with whom we contract for services; we are in the process of working with these service providers to develop performance benchmarks for the delivery and outcomes associated with the respective services that they provide for the court and court customers. Our long-term goal in this regard is to move toward full implementation of performance-based contracting; future requests for proposals (RFPs) will contain a requirement for the measurement of performance in the delivery of court services. The court has a great deal of respect for and values the services provided by contracted vendors, and views them as an extension of the court organization. As we challenge ourselves to grow and develop as an organization, we will also assist our justice partners in the community to set meaningful performance targets and the means to achieve them. A team consisting

of administrative services staff, the senior researcher, chief psychologist, and community service coordinators from both adult probation services and juvenile probation and detention services have been tasked with the responsibility of moving this initiative forward.

The process that began approximately two years ago has been both interesting and challenging. The progression from the collective thought processes of the senior management team, circuit judges, key staff, and court stakeholders to the development of a framework for measuring performance throughout the entire court organization has been a rewarding effort. Those both internal and external to the organization who have had the opportunity to preview this project with us have been excited and inspired by this new direction. As with most organizational change efforts, however, the SMAART Performance Management Program is an unhurried, yet time-consuming endeavor. Those staff most directly involved with the program must find time around their existing work schedules for the additional tasks of program development, staff training, and coordination among diverse user groups. In addition, the demands associated with a new monitoring and improvement program add to the job requirements of a workforce that is already stretched thin due to reduced resources. Despite these factors, we are very pleased with the progress that has been made to this point with our transition from performance measurement to performance management. More so, we acknowledge that this is the right time to be proactive with this project, as the benefits of this approach promise to assist the court not only to do more with less, but effectively to do less with less — targeting court resources

where they are likely to have the greatest impact for customers and the public, with the least amount of waste (e.g., group and remote reporting for low-risk probationers, reducing the redundancy contained in court forms, cross-training initiatives, discretionary drug testing procedures, etc.).

Ineffective and inefficient programs can no longer be supported by the court, nor anticipated to be paid for at the expense of taxpayers. We are hopeful that the SMAART Program will assist the court in this effort and have a strong positive impact on the trust and confidence placed in the Circuit Court of Lake County by its most important customers: the public.

ABOUT THE AUTHORS:

Robert J. Verborg has served as judicial research analyst of the Administrative Office of the Nineteenth Judicial Circuit, Lake County, Illinois, since November 2004. He manages and facilitates the SMAART Performance Management Program, which assists and supports judicial staff in developing, monitoring, and communicating the results of projects that are aligned with the court's strategic plan.

Robert A. Zastany has served as executive director of the Administrative Office of the Nineteenth Judicial Circuit, Lake County, Illinois, since April 1984. He is responsible for coordination of the administrative affairs of a unified general jurisdiction court consisting of 37 judges and more than 250 court personnel. He is a Fellow of the Institute for Court Management of the National Center for State Courts (Class of 1988) and a Certified Government Performance Manager of the Performance Institute (2009).

NOTES

1. Nineteenth Judicial Circuit Court of Lake County, Illinois (2009). *Strategic Plan*. Waukegan, IL. www.19thcircuitcourt.state.il.us/resources/Documents/Reports/StrategicPlan_012009web.pdf