

**State Bar Court  
of California**

**2009 Report  
Court Performance  
Standards and Assessment**

# Court Performance Standards Assessment

## A Study of the State Bar Court

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**State Bar Court of California**  
**Court Performance Standards Assessment**  
**Introduction**

Since 2004, the State Bar Court has utilized the Court Performance Standards Assessment (CPSA) as a tool to measure the ability of our court to serve its constituents and as a means of evaluating our overall performance. Our court has a diverse constituency including, most notably, the Supreme Court of California, the litigants in nearly 1,000 pending cases, the Board of Governors of the State Bar along with the nearly 220,000 licensees it represents, and the people of California. The CPSA assists us in ascertaining whether we are adequately fulfilling the varied needs of our constituency. In addition, by using the CPSA, we hope to identify potential issues or problems before they become systemic trends.

We examine court performance measures in five specific areas:

1. Access to Justice
2. Expedition and Timeliness
3. Equality, Fairness and Integrity
4. Independence and Accountability
5. Public Trust and Confidence

The performance measures, which are defined in “Core Performance Measures”, were formulated from those recommended for courts of record by the National Center for state courts. The nine measures adopted by our court include important standards from the first four court performance areas. The fifth area does not have a definitive measurement as Public Trust and Confidence are achieved when the first four court performance areas have been satisfied.<sup>1</sup> Several of the measures are based on existing State Bar Court timelines, which derive from the applicable rules of procedure and pendency standards similar to those of the American Bar Association.

Our goal has been to conduct a review that comprehensively measures our performance at a modest cost in time and money. Toward that end, using our case management computer system, we are able to regularly generate reports to gauge our progress.

A primary objective is to maintain our performance in the areas where the court has measured well. We also strive to improve our performance in other areas, and are currently specifically focusing on timely case processing and backlog reduction. To the credit of our court, we have adopted very high standards of court performance to better serve our constituents. We will endeavor to meet, if not exceed, those standards whenever possible while continuing to demonstrate the objectivity, effectiveness, and competence associated with our court.

I wish to acknowledge and thank the other judges of our court and the members of our CPSA steering committee for their hard work on this important endeavor: Hon. Pat McElroy, Hearing Department Supervising Judge; Colin Wong, Court Chief Administrative Officer; Marilyn Tichenor, San Francisco Court Administrator; Michelle Cramton, Los Angeles Court Administrator; and Doug Hull, State Bar Court Administrative Specialist.

Joann M. Remke  
Presiding Judge  
August, 2010

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<sup>1</sup>Anabasis—Straub, *Essentials of Trial Court Performance: A Handbook for California Courts* (1998) note 1 at p. 14.

**State Bar Court of California  
Core Performance Measures**

<b>MEASURE</b>	<b>PERFORMANCE AREA</b>	<b>OPERATIONAL DEFINITION</b>	<b>METHODOLOGY</b>	<b>STANDARD</b>
1. Survey of Court Performance	Area 1: Access to Justice	A survey administered to obtain perceptions about the court from litigants in five performance areas: Access to Justice; Equality, Fairness and Integrity; Expedition and Timeliness; Independence and Accountability; Effectiveness and Quality	Using a consultant's services, administer the Court Performance Inventory (CPI) Survey; distribute the survey to various litigants with a cover letter and due date; compile and review the results.	Improve performance in targeted areas; maintain performance in other areas; resurvey in 24-36 months.
2. Caseload Clearance	Area 2: Expedition and Timeliness	Number of cases "cleared" (completed) as a percent of total number of cases filed	Calculate the total number of cases closed in the State Bar Court and compare to the total number of cases filed during the same time period. Express results as a percentage.	100% clearance rate or a 1:1 ratio of dispositions to case filings.
3. On Time Case Processing	Area 2: Expedition and Timeliness	<b>Closed Cases:</b> Percent of cases reaching the first final outcome (i.e. resolved, disposed, or concluded) within established timeframes	For closed matters, calculate the number of days a case was open in Hearing, in Review, and in Effectuations. Using existing SBC Timelines, express results as the percentage of cases meeting the timeframes established at each level.	For Hearing and Review Departments, 90% of cases to be processed within case type timelines; 100% of cases to be processed within 150% of case type timelines; for Effectuations 100% of cases to be processed within timeline.
4. Case Backlog	Area 2: Expedition and Timeliness	<b>Open Cases:</b> Total workload represented by the pending cases that are "older" than the established time guidelines for these cases	For open matters, calculate the number of days the case has been open in Hearing, in Review, and in Effectuations. Using the existing SBC Timelines, express results as the percentage of open cases which exceed the guidelines.	For Hearing and Review Departments, backlog not to exceed 10%; for Effectuations, no backlog or 0%.
5. Commencement of Trials & Oral Arguments; Timeliness of Submissions	Area 2: Expedition and Timeliness	The percent of trials and oral argument commenced within established timeframes, and the percent of cases under submission in which the decision, order or opinion are filed within established timeframes	For Trials and Oral Argument conducted, calculate the number of days the case was pending before the Trial or Oral Argument commenced, and report the percent commenced within the SBC Timelines. For decisions, orders and opinions filed, calculate the number of days a case was under submission, and report the percent of cases in compliance with the SBC Timelines.	For Trials and Oral Arguments, 90% of cases commence Trial/Oral Argument within case type timelines; 100% commence within 150% of timelines.  For Submission time, 100% compliance with case type timelines.

**State Bar Court of California  
Core Performance Measures**

<b>MEASURE</b>	<b>PERFORMANCE AREA</b>	<b>OPERATIONAL DEFINITION</b>	<b>METHODOLOGY</b>	<b>STANDARD</b>
6. Case File Reliability and Accuracy	Area 3: Equality, Fairness and Integrity	Percentage of case files meeting established criteria of accuracy and completeness (integrity)	Establish criteria regarding timeliness and accuracy of case processing. Select a sample of various case types and compare to the established criteria to verify timely and accurate processing. Express results as the percentage of case files which met the criteria.	100% compliance with established audit criteria
7. Accountability for Public Resources	Area 4: Independence and Accountability	Review of adopted budget as compared to actual expenditures	Compare the monthly and cumulative expenditures to the adopted budget. Report basis for over/under expenditures. Determine and report the impact of the current expenditure rate.	Operate within authorized budget
8. Public Education - Outreach Events	Area 4: Independence and Accountability	Assessment of Court's Community Outreach efforts	Assign responsibility for documenting and coordinating the State Bar Court's outreach efforts. Develop an evaluation survey to distribute at the close of each session; tabulate and report the results of the surveys.	Conduct at least 1 Annual Bench/Bar Meeting; Present at least 1 program at Section Education Institute and/or Annual Meeting; participate in at least 10 outreach activities per year; increase the written and electronic dissemination of materials.
9. Court Workforce Strength	Area 4: Independence and Accountability	A survey administered to court employees to obtain their views and opinions regarding Resources; Vision, Goals and Priorities; Management and Leadership; Job Satisfaction and Nature of Work; Communication; Teamwork; Structure and Organization.	Re-survey staff regarding resources, goals, leadership, job satisfaction, communication, teamwork and organizational structure. Compile and review the results. Compare with prior survey results.	Improve performance in targeted areas; maintain performance in other areas; resurvey staff in 24-36 months.

**State Bar Court of California**  
**Timelines** (not applicable to expedited proceedings)

<b>Day</b>	<b>Accountable Unit or Department</b>	<b>Activity</b>
<b>Track 1 - Hearing Department (decision)</b>		
1	Hearing	Case filed
5	Hearing	Case assigned to judge
10	Hearing	Notice of assignment prepared; Notice of 1st status conference served
25	Hearing	Response due (assumes date of filing and service are the same)
45	Hearing	1st status conference held; discovery cut off date confirmed; pre-trial conference and trial dates set
80	Hearing	2nd status conference held; settlement opportunities explored; referred for settlement (as appropriate)
125	Hearing	Discovery period ends
130	Hearing	3rd status conference held (as needed)
150	Hearing	Voluntary settlement conference held
160	Hearing	4th status conference held (parties report on settlement efforts)
160	Hearing	Exhibits and witness list due
170	Hearing	Pre-trial conference held
180	Hearing	Trial held
185	Hearing	Case submitted (when 5 or less days of trial required)
190	Hearing	Case submitted (when 5-10 days of trial required)
200	Hearing	Case submitted (when culpability and mitigation/aggravation phases are bifurcated)
290	Hearing	Decision filed
325	Hearing	Case closed out (sent to Effectuation) or forwarded to Review Department
365	Effectuation	Case transmitted to Supreme Court (probation, suspension, disbarment cases only)
<b>Track 2 - Hearing Department (motion for reconsideration)</b>		
310	Hearing	Last day to file motion for reconsideration (as appropriate)
320	Hearing	Opposition due
330	Hearing	Ruling on motion for reconsideration due
365	Hearing	Case closed out (sent to Effectuation) or forwarded to Review Department
395	Hearing	Case transmitted to Supreme Court (probation, suspension, disbarment cases only)
<b>Track 1 - Review Department</b>		
1 / 365	Review	Request for plenary review filed
45 / 410	Review	Transcript prepared, received by court, served on parties
95 / 460	Review	Opening brief due
130 / 495	Review	Responsive brief due
150 / 515	Review	Reply brief due; case assigned to judge/counsel
275 / 640	Review	Oral argument held; case submitted
365 / 730	Review	Opinion filed
385 / 750	Review	Case transmitted to Effectuations
415 / 780	Review	Case transmitted to Supreme Court (probation, suspension, disbarment cases only)

**State Bar Court of California  
Timeline Standards by Case Type**

Case Type (see following page for descriptions)	Timeline standards in days and Court Performance Measure(s) utilizing this standard							
	Hearing Pendancy ( <i>Time spent open in the Hearing Department</i> ) (Measures 3 and 4)	Review Pendancy ( <i>Time spent open in Review Department</i> ) (Measures 3 and 4)	Effectuations Pendancy ( <i>Time spent open in Effectuations</i> ) (Measures 3 and 4)	Pendancy at Time of Trial ( <i>Time spent open in the Hearing Department at commencement of trial</i> ) (Measure 5)	Pendancy at Time of Oral Argument ( <i>Time spent open in Review Department at time of Oral Argument</i> ) (Measure 5)	Hearing Submission Time ( <i>Number of days matter was submitted for decision in the Hearing Department</i> ) (Measure 5)	Review Submission Time ( <i>Number of days the matter was submitted for Opinion in the Review Department</i> ) (Measure 5)	Hearing Submission Time for Stips ( <i>Number of days matter was submitted for order re: stipulation in the Hearing Department</i> ) (Measure 5)
AE	98	385	30	50	*	30	*	30
C	325	385	30	180	275	90	90	30
G	325	385	30	180	275	90	90	30
H	325	385	30	180	275	90	90	30
J	270	385	30	145	275	90	90	30
M	395	385	30	276	275	90	90	30
N	310	385	30	185	275	90	90	30
O	325	385	30	180	275	90	90	30
PM	135	385	30	70	275	30	90	30
Q	0	0	30	0	0	0	0	0
R	395	385	30	276	275	90	90	30
S	255	385	30	110	275	90	90	30
TB	83	385	30	35	*	30	*	30
TE	67	385	30	35	*	10**	*	10**
TH	93	385	30	61	*	10**	*	10**
TR	84	385	30	36	*	30	*	30
TT	365	385	30	240	275	90	90	30
V	115	385	30	82	*	15	*	15
ZA	93	385	30	45	*	30	*	30
ZB	163	385	30	85	*	60	*	30
ZE	117	385	30	85	*	10**	*	10**
ZH	117	385	30	85	*	10**	*	10**
ZR	163	385	30	85	*	60	*	30
ZT	93	385	30	45	*	30	*	30

\* = matters that are not subject to plenary review

\*\* = court days

**State Bar Court of California  
Case Types and Descriptions**

<b>Case Type</b>	<b>Description</b>
AE	Fee Arbitration Enforcement
C	Conviction Referral
G	Legal Services Trust Fund
H	Rule 9.19 (Violation of reproof conditions)
J	Discipline in Other Jurisdiction
M	Moral Character
N	Rule 9.20 (Duties of Disbarred, Resigned, Suspended Attorneys)
O	Original Matter
PM	Probation Revocation - Motion
Q	Resignation with Charges Pending
R	Reinstatement
S	Legal Specialization
TB	Inactive Enrollment §6007(b)(1) (Insanity Defense)
TE	Inactive Enrollment §6007(c) (Substantial Threat of Harm)
TH	Interim Remedies §6007(h) (Restricted Practice)
TR	Inactive Enrollment §6007(b)(2) (Court Jurisdiction of Law Practice)
TT	Inactive Enrollment §6007(b)(3) (Mental Illness/Substance Abuse)
V	Standard 1.4(c)(ii) (Relief from Actual Suspension)
ZA	Return from Inactive Arbitration Enforcement
ZB	Return from Inactive §6007(b)(1) (Insanity Defense)
ZE	Return from Inactive §6007(c) (Substantial Threat of Harm)
ZH	Interim Remedies §6007(h) (Restriction Lifted)
ZR	Return from Inactive §6007(b)(2) (Court Jurisdiction of Law Practice)
ZT	Return from Inactive §6007(b)(3) (Mental Illness/Substance Abuse)

# **Measure 1**

## **Survey of Court Performance**

### **Definition**

*Measure 1 of Court Performance falls under the category of Access to Justice. This measure reports the results of a survey administered to obtain perceptions about the court from litigants in the following performance areas: Access to Justice; Equality, Fairness and Integrity; Expedition and Timeliness; Independence and Accountability; Effectiveness and Quality.*

### **Standard**

Based on the first survey results in 2004, the following standard was adopted:

Identify and improve performance in targeted areas; maintain performance in other areas; re-survey in 24-36 months.

### **Methodology**

In 2008, the Court contracted with a consultant, Dr. Brenda J. Wagenknecht-Ivey, to re-administer the survey of court users. Utilizing a consultant outside the court was important to ensure survey responses would be kept confidential.

The survey used in this measure evolved from a combination of surveys used by courts of record to assess their performance. The survey questions were adapted to reflect the processes and procedures of the State Bar Court. The population surveyed included attorneys from the Office of Chief Trial Counsel, Probation, Fee Arbitration, Respondents and Respondents' Counsel. As a result of the survey, we agreed to focus on the following three areas: 1) Procedural fairness; 2) Perception of independence; and 3) Timeliness.

Due to cost containment measurements, re-administration of the survey has been postponed indefinitely.

## Measure 2 Caseload Clearance

### Definition

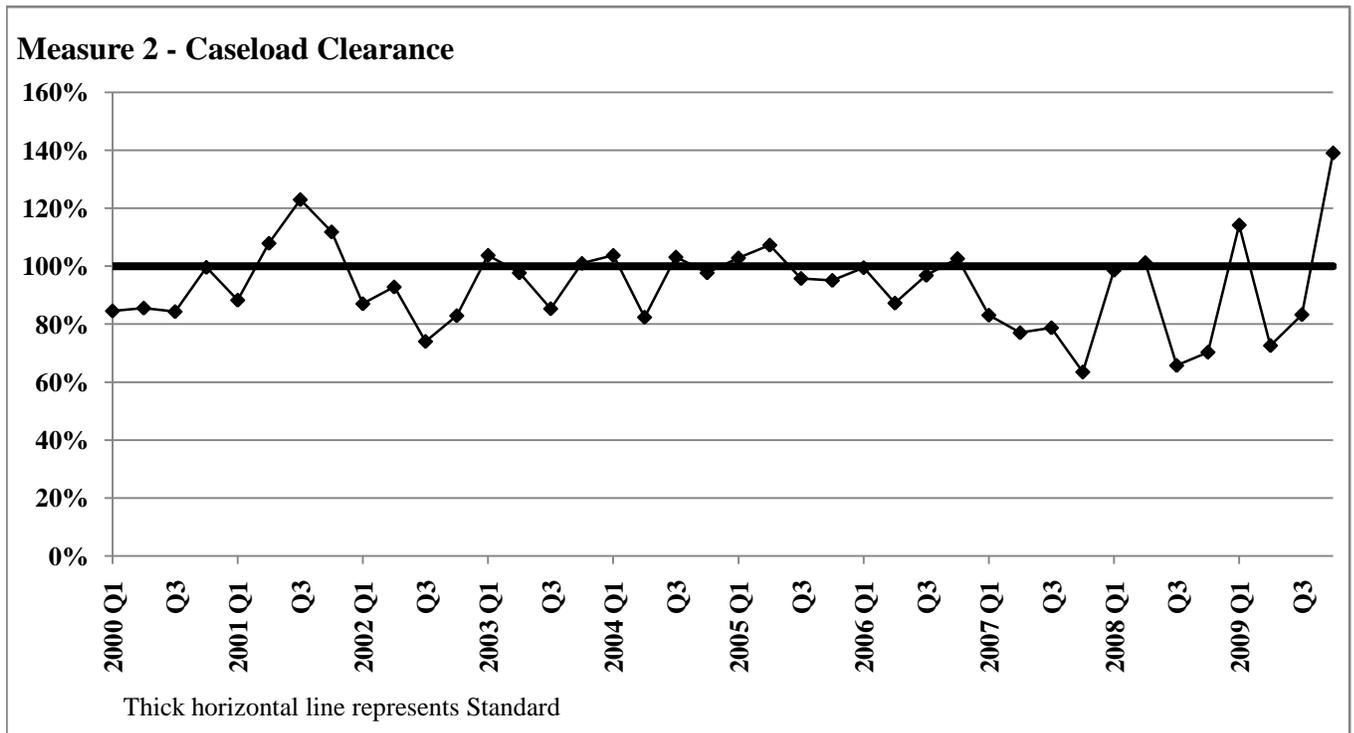
The comparison of the number of cases closed to the number of cases filed, expressed as a percentage.

### Standard

100% clearance rate or a 1:1 ratio of dispositions to case filings.

### Methodology

The number of cases cleared (closed) was calculated and compared to the number of cases filed during a given quarter. The results were reported for each quarter and then cumulatively for each calendar year. If the court cleared as many cases as were filed during the same period, the percent cleared would be 100%. If the court cleared fewer cases than were filed, the percentage would be less than 100%; and if the court cleared more cases than were filed, the percentage would be greater than 100%. Generally accepted court performance standards suggest that courts should aspire to clear at least as many cases as are filed within the reporting period. Over time, the clearance rate data becomes more meaningful and useful in identifying long-term trends associated with abated cases, judicial turnover, and the introduction of new programs.



## Measure 2 - Caseload Clearance

	Cases Cleared	Cases Filed	Percent Cleared
2000 Q1	153	181	85%
Q2	183	214	86%
Q3	236	280	84%
Q4	230	231	100%
2001 Q1	203	230	88%
Q2	260	241	108%
Q3	257	209	123%
Q4	265	237	112%
2002 Q1	194	223	87%
Q2	232	250	93%
Q3	185	250	74%
Q4	184	222	83%
2003 Q1	167	161	104%
Q2	211	216	98%
Q3	197	231	85%
Q4	217	215	101%
2004 Q1	223	215	104%
Q2	210	255	82%
<i>Adoption of CPS Standards</i> Q3	231	224	103%
Q4	212	217	98%
2005 Q1	218	212	103%
Q2	177	165	107%
Q3	202	211	96%
Q4	174	183	95%
2006 Q1	185	186	99%
Q2	205	235	87%
Q3	182	188	97%
Q4	197	192	103%
2007 Q1	152	183	83%
Q2	144	187	77%
Q3	133	169	79%
Q4	111	175	63%
2008 Q1	137	139	99%
Q2	167	165	101%
Q3	134	204	66%
Q4	156	222	70%
2009 Q1	169	148	114%
Q2	119	164	73%
Q3	159	191	83%
Q4	242	174	139%

## Measure 3 On Time Case Processing

### Definition

The percentage of cases reaching their first final outcome (resolved, disposed or concluded) within established timeframes.

### Standard

Hearing and Review:

- 90% of cases to be processed within the case type timeline;
- 100% of cases to be processed within 150% of case type timelines.

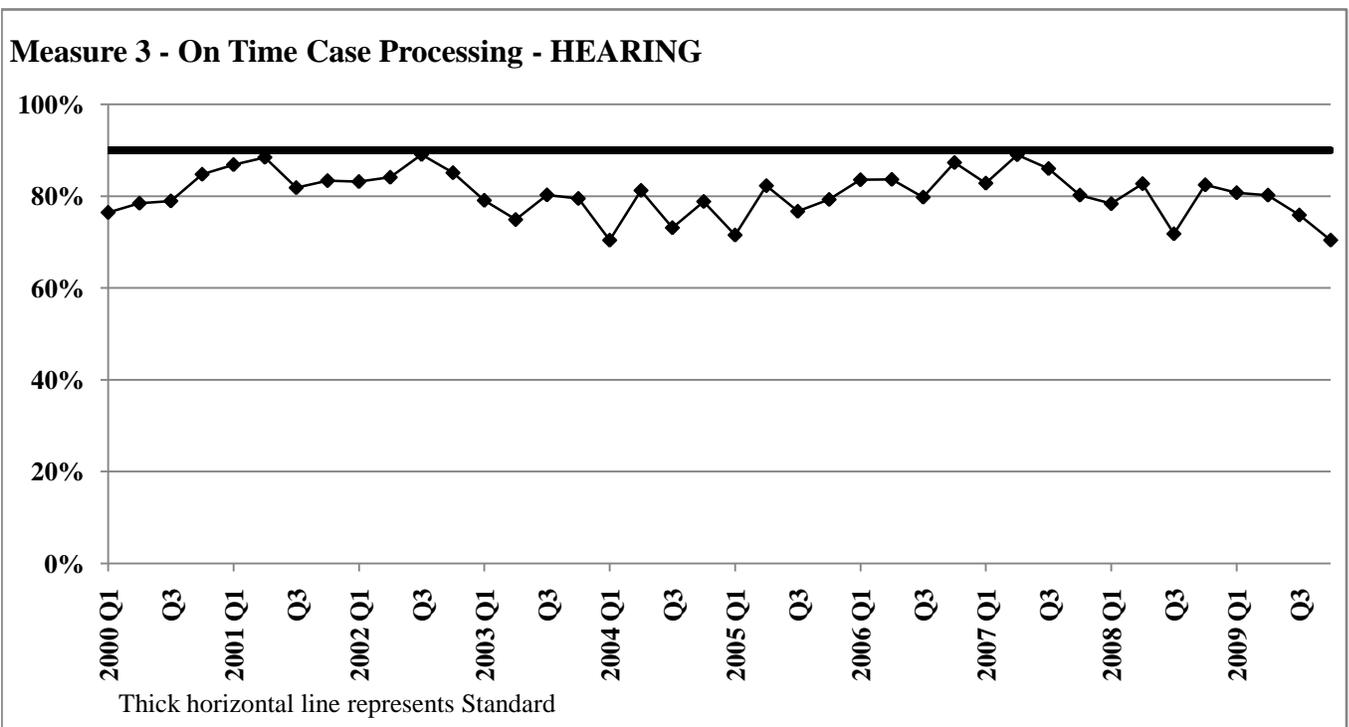
Effectuations:

- 100% of cases to be processed within the timeline.

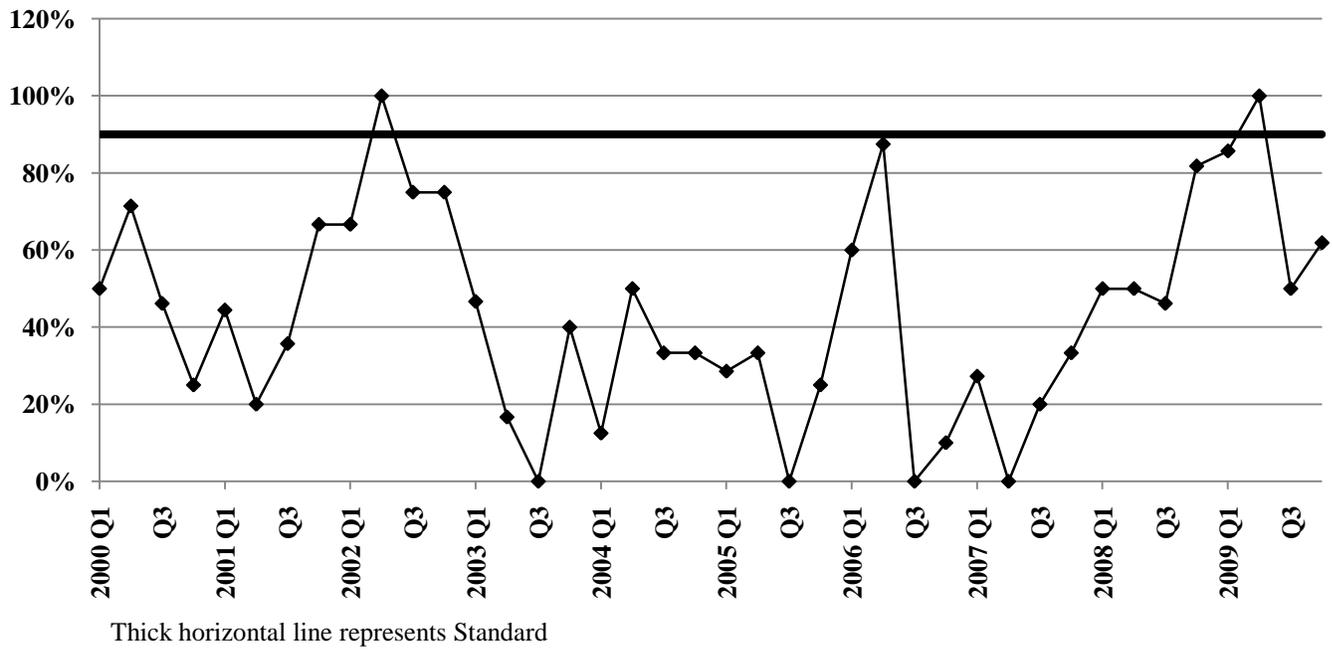
### Methodology

The population of cases examined included cases closed during the reporting period. For all closed cases, the number of days each case was open was calculated for the Hearing Department, the Review Department, and the Effectuation function. The number of days open was then compared to the existing State Bar Court timelines according to each case type (see "Timeline Standards by Case Type"), and the results were reported as the percent of cases meeting the established timeframes.

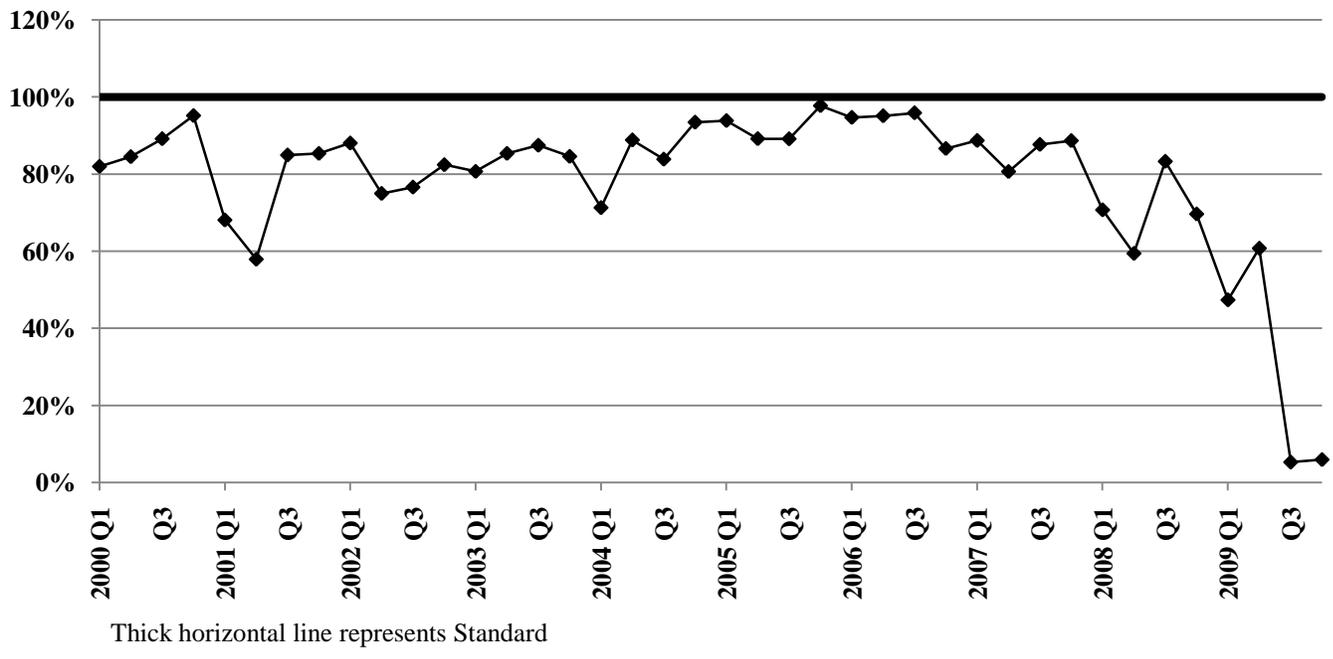
An open case is one which was pending in a particular department, which was not abated, and was not in the State Bar Court's Alternative Discipline Program ("Program"). Only the time that was attributable to the specified court department or function was used in calculating pendency. For example, only the time that a matter was open in the Hearing Department was factored in when pendency was calculated in the Hearing Department; abated time and Program time were excluded. If the case was in open status in a court department more than once, all open time was added together to determine total pendency.



### Measure 3 - On Time Case Processing - REVIEW



### Measure 3 - On Time Case Processing - EFFECTUATIONS



### Measure 3 - On Time Case Processing - Hearing

	Cases Closed	Cases Within Timeline	Percentage Within Timeline	Cases Within 150% of Timeline	Percentage Within 150% of Timeline
2000 Q1	140	107	76%	*	*
Q2	153	120	78%	*	*
Q3	204	161	79%	*	*
Q4	203	172	85%	*	*
2001 Q1	167	145	87%	*	*
Q2	216	191	88%	*	*
Q3	220	180	82%	*	*
Q4	246	205	83%	*	*
2002 Q1	172	143	83%	*	*
Q2	201	169	84%	*	*
Q3	155	138	89%	*	*
Q4	154	131	85%	*	*
2003 Q1	148	117	79%	*	*
Q2	187	140	75%	*	*
Q3	167	134	80%	*	*
Q4	185	147	79%	*	*
2004 Q1	206	145	70%	*	*
Q2	181	147	81%	*	*
Q3	197	144	73%	178	90%
Q4	184	145	79%	165	90%
2005 Q1	193	138	72%	169	88%
Q2	152	125	82%	145	95%
Q3	180	138	77%	159	88%
Q4	159	126	79%	148	93%
2006 Q1	164	137	84%	152	93%
Q2	177	148	84%	168	95%
Q3	153	122	80%	139	91%
Q4	173	151	87%	165	95%
2007 Q1	122	101	83%	116	95%
Q2	118	105	89%	114	97%
Q3	114	98	86%	110	96%
Q4	106	85	80%	102	96%
2008 Q1	120	94	78%	110	92%
Q2	127	105	83%	120	94%
Q3	124	89	72%	115	93%
Q4	148	122	82%	140	95%
2009 Q1	140	113	81%	134	96%
Q2	106	85	80%	100	94%
Q3	145	110	76%	128	88%
Q4	223	157	70%	198	89%

*Adoption of  
CPS Standards*

\* Prior to the adoption of the CPS Standards, the measurement of 150% of the timeline had not been suggested. It was not calculated at the time the initial CPS measurements were developed.

### Measure 3 - On Time Case Processing - Review

	Cases Closed	Cases Within Timeline	Percentage Within Timeline	Cases Within 150% of Timeline	Percentage Within 150% of Timeline
2000 Q1	4	2	50%	*	*
Q2	7	5	71%	*	*
Q3	13	6	46%	*	*
Q4	8	2	25%	*	*
2001 Q1	9	4	44%	*	*
Q2	5	1	20%	*	*
Q3	14	5	36%	*	*
Q4	6	4	67%	*	*
2002 Q1	6	4	67%	*	*
Q2	3	3	100%	*	*
Q3	4	3	75%	*	*
Q4	4	3	75%	*	*
2003 Q1	15	7	47%	*	*
Q2	6	1	17%	*	*
Q3	4	0	0%	*	*
Q4	5	2	40%	*	*
2004 Q1	8	1	13%	*	*
Q2	4	2	50%	*	*
Q3	6	2	33%	3	50%
Q4	6	2	33%	4	67%
2005 Q1	7	2	29%	4	57%
Q2	3	1	33%	2	67%
Q3	7	0	0%	2	29%
Q4	12	3	25%	5	42%
2006 Q1	15	9	60%	11	73%
Q2	8	7	88%	8	100%
Q3	5	0	0%	1	20%
Q4	10	1	10%	8	80%
2007 Q1	11	3	27%	6	55%
Q2	5	0	0%	2	40%
Q3	5	1	20%	3	60%
Q4	9	3	33%	7	78%
2008 Q1	4	2	50%	4	100%
Q2	4	2	50%	3	75%
Q3	13	6	46%	12	92%
Q4	11	9	82%	10	91%
2009 Q1	7	6	86%	7	100%
Q2	2	2	100%	2	100%
Q3	6	3	50%	6	100%
Q4	21	13	62%	20	95%

*Adoption of  
CPS Standards*

\* Prior to the adoption of the CPS Standards, the measurement of 150% of the timeline had not been suggested. It was not calculated at the time the initial CPS measurements were developed.

### Measure 3 - On Time Case Processing - Effectuations

	Cases Closed	Cases Within Timeline	Percentage Within Timeline
2000 Q1	89	73	82%
Q2	110	93	85%
Q3	176	157	89%
Q4	146	139	95%
2001 Q1	116	79	68%
Q2	145	84	58%
Q3	173	147	85%
Q4	171	146	85%
2002 Q1	109	96	88%
Q2	160	120	75%
Q3	107	82	77%
Q4	114	94	82%
2003 Q1	83	67	81%
Q2	130	111	85%
Q3	96	84	88%
Q4	130	110	85%
2004 Q1	122	87	71%
Q2	99	88	89%
Q3	118	99	84%
Q4	123	115	93%
2005 Q1	115	108	94%
Q2	102	91	89%
Q3	120	107	89%
Q4	90	88	98%
2006 Q1	114	108	95%
Q2	103	98	95%
Q3	98	94	96%
Q4	105	91	87%
2007 Q1	80	71	89%
Q2	88	71	81%
Q3	57	50	88%
Q4	62	55	89%
2008 Q1	82	58	71%
Q2	106	63	59%
Q3	84	70	83%
Q4	89	62	70%
2009 Q1	95	45	47%
Q2	51	31	61%
Q3	95	5	5%
Q4	152	9	6%

*Adoption of  
CPS Standards*

## Measure 4 Case Backlog

### Definition

The total workload or cases which are open with a comparison of which cases are older than the established time frame for each case type.

### Standard

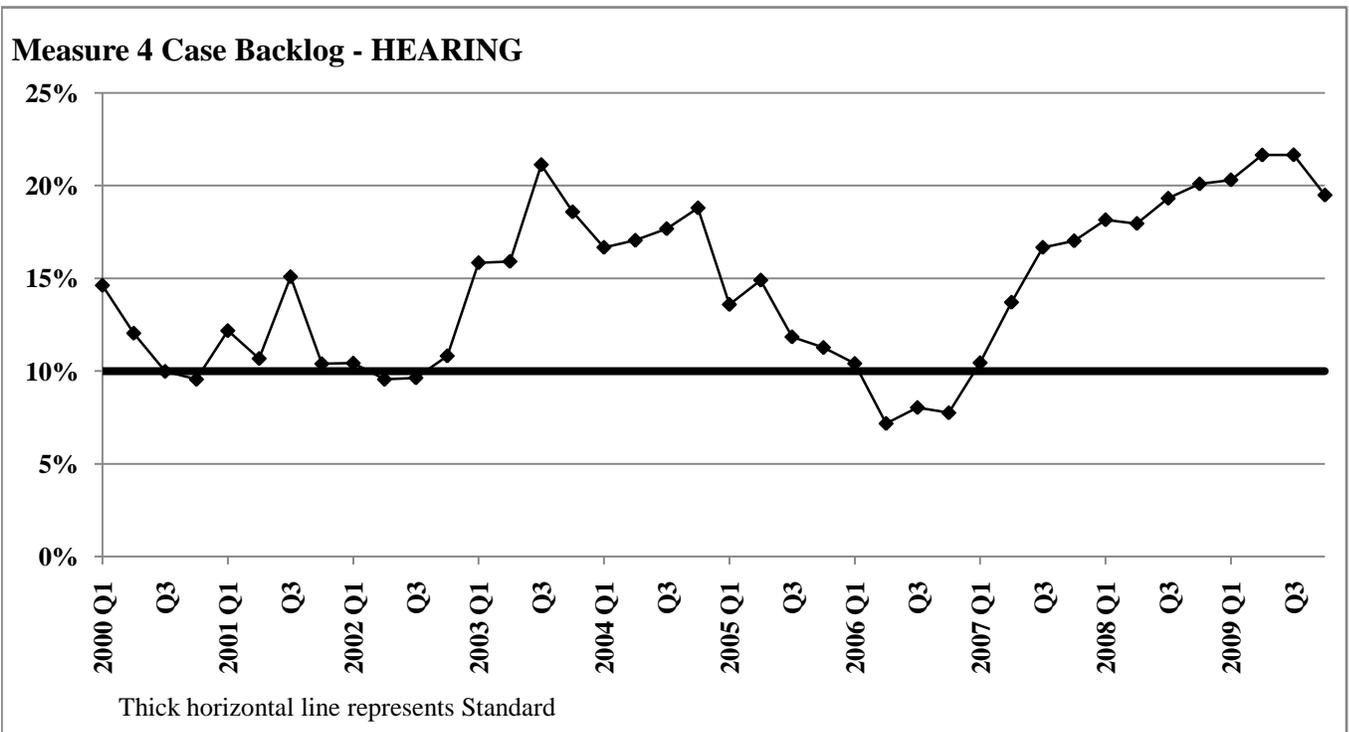
Hearing and Review: Backlog not to exceed 10%.

Effectuations: No Backlog or 0%.

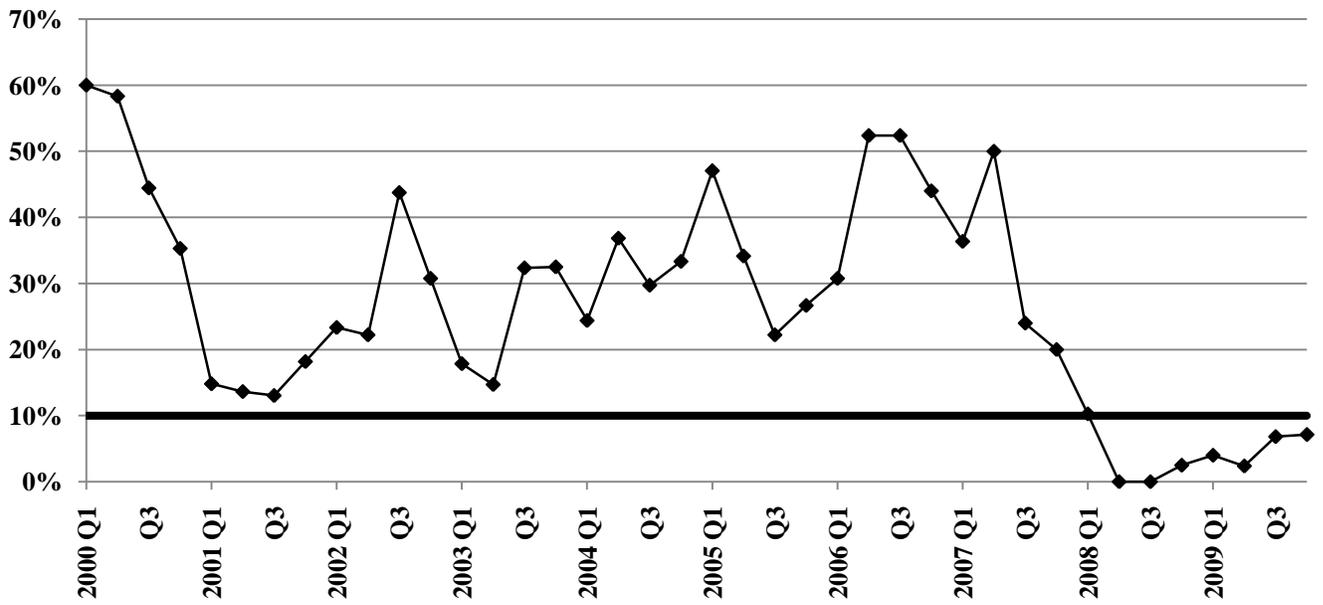
### Methodology

Cases open in Hearing, Review and Effectuations were reviewed, and the number of days open in each area was calculated. The resulting calculation was then compared to the existing State Bar Court timeline according to case type (see "Timeline Standards by Case Type"), and the percent of cases exceeding the timeline was reported as the backlog.

An open case is one which was pending in a particular department, which was not abated, and was not in the State Bar Court's Alternative Discipline Program ("Program"). Only the time that was attributable to the specified court department or function was used in calculating pendency. For example, only the time that a matter was open in the Hearing Department was factored in when pendency was calculated in the Hearing Department; abated time and Program time were excluded. If the case was in open status in a court department more than once, all open time was added together to determine total pendency.

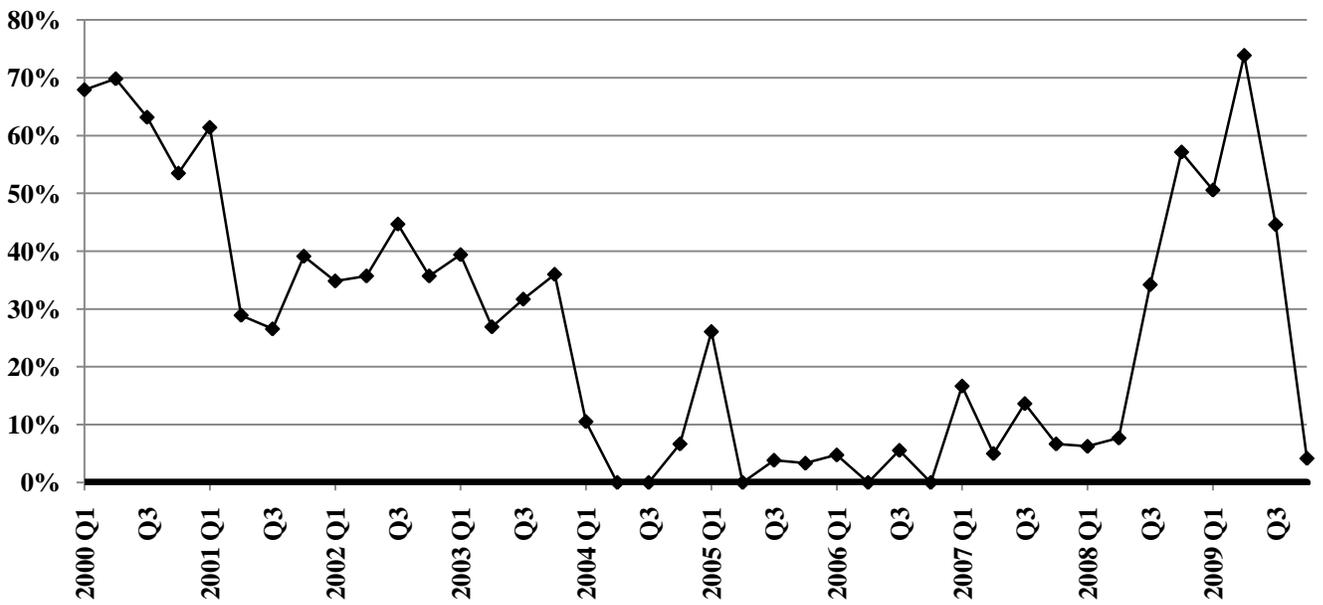


### Measure 4 Case Backlog - REVIEW



Thick horizontal line represents Standard

### Measure 4 Case Backlog - EFFECTUATIONS



Thick horizontal line represents Standard

## Measure 4 Case Backlog - Hearing

	Cases Open	Cases in Backlog	Percentage in Backlog
2000 Q1	342	50	15%
Q2	324	39	12%
Q3	411	41	10%
Q4	419	40	10%
2001 Q1	460	56	12%
Q2	403	43	11%
Q3	358	54	15%
Q4	337	35	10%
2002 Q1	355	37	10%
Q2	419	40	10%
Q3	457	44	10%
Q4	481	52	11%
2003 Q1	423	67	16%
Q2	440	70	16%
Q3	407	86	21%
Q4	409	76	19%
2004 Q1	390	65	17%
Q2	434	74	17%
Q3	413	73	18%
Q4	399	75	19%
2005 Q1	368	50	14%
Q2	302	45	15%
Q3	321	38	12%
Q4	293	33	11%
2006 Q1	298	31	10%
Q2	321	23	7%
Q3	299	24	8%
Q4	310	24	8%
2007 Q1	316	33	10%
Q2	321	44	14%
Q3	324	54	17%
Q4	376	64	17%
2008 Q1	358	65	18%
Q2	362	65	18%
Q3	409	79	19%
Q4	443	89	20%
2009 Q1	389	79	20%
Q2	388	84	22%
Q3	374	81	22%
Q4	313	61	19%

*Adoption of  
CPS Standards*

## Measure 4 Case Backlog - Review

	Cases Open	Cases in Backlog	Percentage in Backlog
2000 Q1	40	24	60%
Q2	36	21	58%
Q3	36	16	44%
Q4	34	12	35%
2001 Q1	27	4	15%
Q2	22	3	14%
Q3	23	3	13%
Q4	22	4	18%
2002 Q1	30	7	23%
Q2	36	8	22%
Q3	32	14	44%
Q4	26	8	31%
2003 Q1	28	5	18%
Q2	34	5	15%
Q3	34	11	32%
Q4	40	13	33%
2004 Q1	41	10	24%
Q2	38	14	37%
Q3	37	11	30%
Q4	39	13	33%
2005 Q1	34	16	47%
Q2	41	14	34%
Q3	45	10	22%
Q4	45	12	27%
2006 Q1	39	12	31%
Q2	21	11	52%
Q3	21	11	52%
Q4	25	11	44%
2007 Q1	22	8	36%
Q2	20	10	50%
Q3	25	6	24%
Q4	30	6	20%
2008 Q1	39	4	10%
Q2	34	0	0%
Q3	29	0	0%
Q4	40	1	3%
2009 Q1	50	2	4%
Q2	42	1	2%
Q3	44	3	7%
Q4	42	3	7%

*Adoption of  
CPS Standards*

### Measure 4 Case Backlog - Effectuations

	Cases Open	Cases in Backlog	Percentage in Backlog
2000 Q1	53	36	68%
Q2	53	37	70%
Q3	57	36	63%
Q4	86	46	53%
2001 Q1	57	35	61%
Q2	83	24	29%
Q3	64	17	27%
Q4	69	27	39%
2002 Q1	66	23	35%
Q2	56	20	36%
Q3	47	21	45%
Q4	42	15	36%
2003 Q1	33	13	39%
Q2	52	14	27%
Q3	41	13	32%
Q4	25	9	36%
2004 Q1	19	2	11%
Q2	18	0	0%
Q3	18	0	0%
Q4	15	1	7%
2005 Q1	23	6	26%
Q2	12	0	0%
Q3	26	1	4%
Q4	30	1	3%
2006 Q1	21	1	5%
Q2	20	0	0%
Q3	18	1	6%
Q4	20	0	0%
2007 Q1	6	1	17%
Q2	20	1	5%
Q3	22	3	14%
Q4	15	1	7%
2008 Q1	32	2	6%
Q2	26	2	8%
Q3	38	13	34%
Q4	56	32	57%
2009 Q1	176	89	51%
Q2	153	113	74%
Q3	74	33	45%
Q4	24	1	4%

*Adoption of  
CPS Standards*

## Measure 5 Commencement of Trials - Hearing Department

### Definition

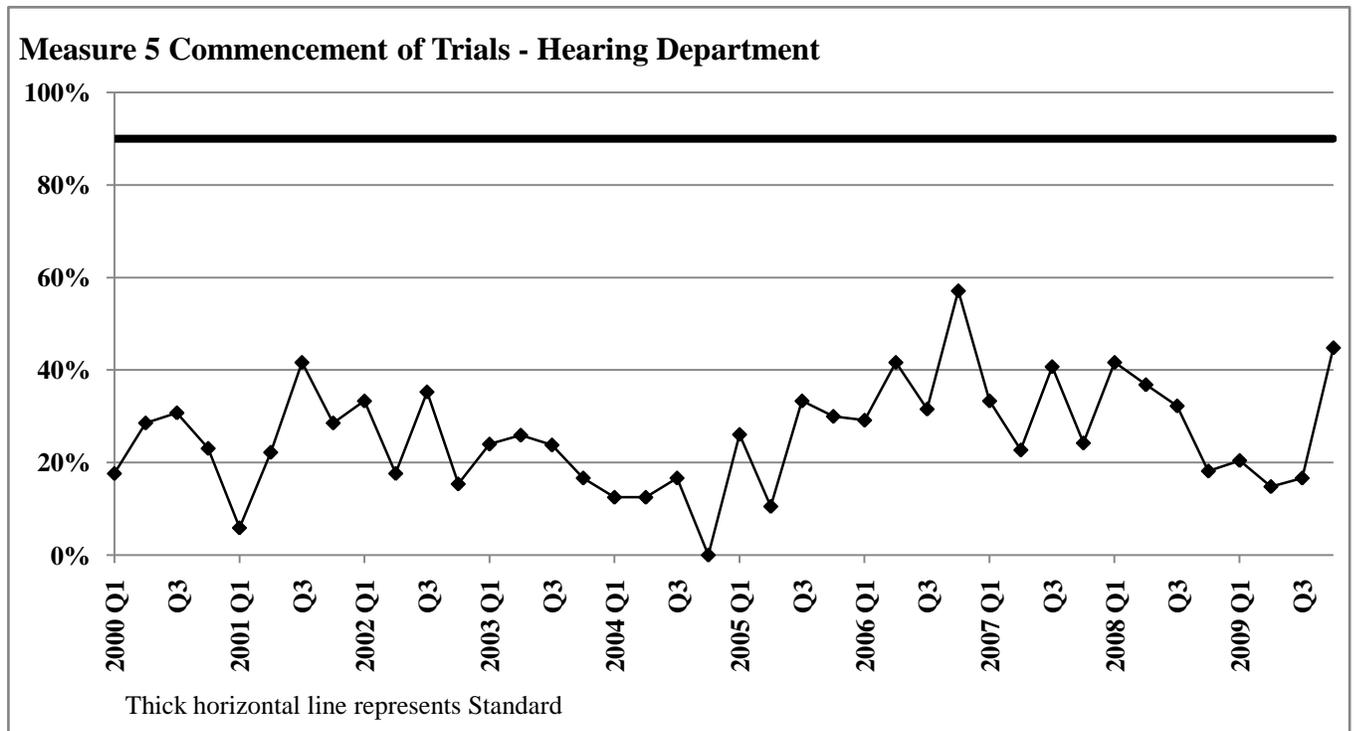
*The percentage of Trials commenced within established time frames. The commencement date is the first date the Trial was held in a matter.*

### Standard

90% of cases are to commence Trial within case type timelines;  
100% of cases are to commence Trial within 150% of case type timelines.

### Methodology

The first part of this measure examines the pendency of cases in the Hearing Department at the time of commencement of trial. For cases in which trials were conducted, the number of days each case was pending in the Hearing Department at the time the trial commenced was calculated. This figure was compared to the State Bar Court timeline for each case type (see "Timeline Standards by Case Type"). The percentage of cases where trials commenced within timelines was then calculated and reported. Only contested cases were measured.



## Measure 5 Commencement of Trials - Hearing Department

	Cases Trial Commenced	Cases Within Timeline	Percentage Within Timeline	Cases Within 150% of Timeline	Percentage Within 150% of Timeline
2000 Q1	17	3	18%	*	*
Q2	14	4	29%	*	*
Q3	13	4	31%	*	*
Q4	13	3	23%	*	*
2001 Q1	17	1	6%	*	*
Q2	27	6	22%	*	*
Q3	12	5	42%	*	*
Q4	7	2	29%	*	*
2002 Q1	21	7	33%	*	*
Q2	17	3	18%	*	*
Q3	17	6	35%	*	*
Q4	13	2	15%	*	*
2003 Q1	25	6	24%	*	*
Q2	27	7	26%	*	*
Q3	21	5	24%	*	*
Q4	12	2	17%	*	*
2004 Q1	16	2	13%	*	*
Q2	16	2	13%	*	*
Q3	18	3	17%	10	56%
Q4	15	0	0%	7	47%
2005 Q1	23	6	26%	17	74%
Q2	19	2	11%	13	68%
Q3	6	2	33%	5	83%
Q4	10	3	30%	8	80%
2006 Q1	24	7	29%	15	63%
Q2	12	5	42%	9	75%
Q3	19	6	32%	11	58%
Q4	7	4	57%	7	100%
2007 Q1	21	7	33%	16	76%
Q2	22	5	23%	14	64%
Q3	27	11	41%	18	67%
Q4	33	8	24%	17	52%
2008 Q1	36	15	42%	28	78%
Q2	38	14	37%	24	63%
Q3	31	10	32%	22	71%
Q4	22	4	18%	14	64%
2009 Q1	44	9	20%	31	70%
Q2	27	4	15%	12	44%
Q3	24	4	17%	16	67%
Q4	29	13	45%	18	62%

*Adoption of  
CPS Standards*

\* Prior to the adoption of the CPS Standards, the measurement of 150% of the timeline had not been suggested. It was not calculated at the time the initial CPS measurements were developed.

## **Measure 5**

### **Timeliness of Submissions - Hearing Department**

#### **Definition**

*The percentage of cases under submission in which the decision or order was filed within the established time frames.*

#### **Standard**

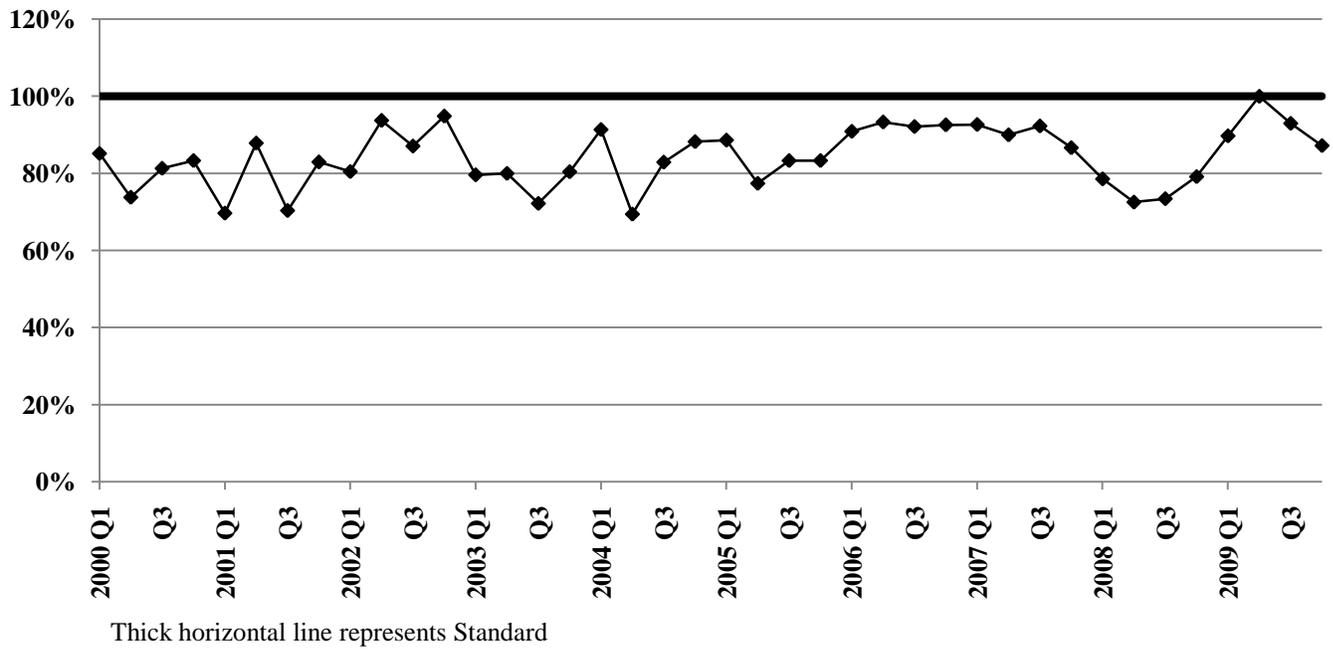
100% compliance with case type timelines for submission of decisions and stipulations.

#### **Methodology**

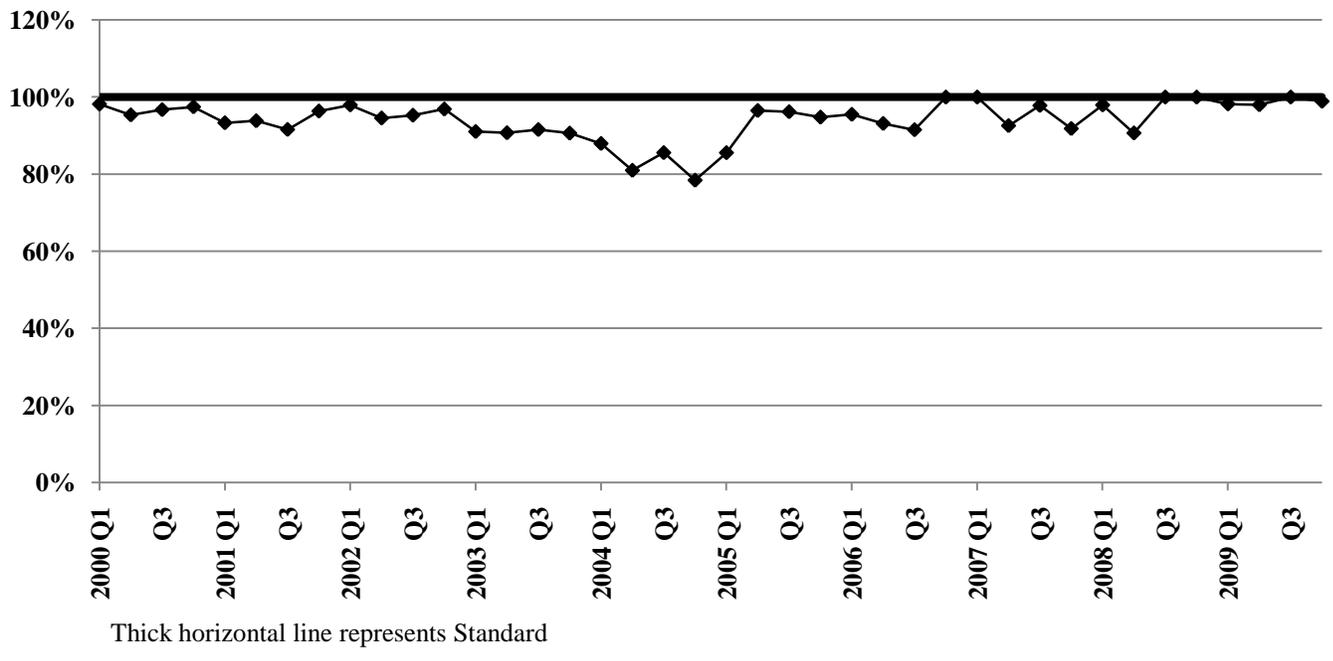
The second part of this measure examines the submission time of State Bar Court cases. For closed cases disposed of by decision or order approving stipulation, the number of days a case was under submission was calculated and compared to the timeline each case type (see "Timeline Standards by Case Type"). The percent of cases in compliance with the timelines was reported for the Hearing Department, and the results are presented in two parts—Decisions and Stipulations.

See chart next page.

**Measure 5 Timeliness of Submissions - Hearing Dept. - DECISIONS**



**Measure 5 Timeliness of Submissions - Hearing Dept. - STIPULATIONS**



**Measure 5 Timeliness of Submissions - Hearing Department - Decisions**

	Cases Submitted	Cases Meeting Timeline	Percentage Meeting Timeline
2000 Q1	27	23	85%
Q2	42	31	74%
Q3	75	61	81%
Q4	54	45	83%
2001 Q1	33	23	70%
Q2	33	29	88%
Q3	54	38	70%
Q4	47	39	83%
2002 Q1	41	33	80%
Q2	48	45	94%
Q3	31	27	87%
Q4	39	37	95%
2003 Q1	54	43	80%
Q2	60	48	80%
Q3	36	26	72%
Q4	46	37	80%
2004 Q1	58	53	91%
Q2	36	25	69%
Q3	41	34	83%
Q4	34	30	88%
2005 Q1	44	39	89%
Q2	31	24	77%
Q3	54	45	83%
Q4	48	40	83%
2006 Q1	55	50	91%
Q2	45	42	93%
Q3	51	47	92%
Q4	54	50	93%
2007 Q1	41	38	93%
Q2	40	36	90%
Q3	39	36	92%
Q4	30	26	87%
2008 Q1	42	33	79%
Q2	51	37	73%
Q3	64	47	73%
Q4	48	38	79%
2009 Q1	39	35	90%
Q2	26	26	100%
Q3	57	53	93%
Q4	86	75	87%

*Adoption of  
CPS Standards*

## Measure 5 Timeliness of Submissions - Hearing Department - Stipulations

	Cases Submitted	Cases Meeting Timeline	Percentage Meeting Timeline
2000 Q1	55	54	98%
Q2	65	62	95%
Q3	92	89	97%
Q4	119	116	97%
2001 Q1	75	70	93%
Q2	114	107	94%
Q3	143	131	92%
Q4	166	160	96%
2002 Q1	98	96	98%
Q2	129	122	95%
Q3	85	81	95%
Q4	97	94	97%
2003 Q1	56	51	91%
Q2	108	98	91%
Q3	95	87	92%
Q4	107	97	91%
2004 Q1	108	95	88%
Q2	100	81	81%
Q3	111	95	86%
Q4	102	80	78%
2005 Q1	97	83	86%
Q2	86	83	97%
Q3	79	76	96%
Q4	77	73	95%
2006 Q1	67	64	96%
Q2	73	68	93%
Q3	59	54	92%
Q4	71	71	100%
2007 Q1	48	48	100%
Q2	54	50	93%
Q3	46	45	98%
Q4	49	45	92%
2008 Q1	49	48	98%
Q2	43	39	91%
Q3	37	37	100%
Q4	75	75	100%
2009 Q1	56	55	98%
Q2	50	49	98%
Q3	67	67	100%
Q4	92	91	99%

*Adoption of  
CPS Standards*

## Measure 5 Commencement of Oral Arguments - Review Department

### Definition

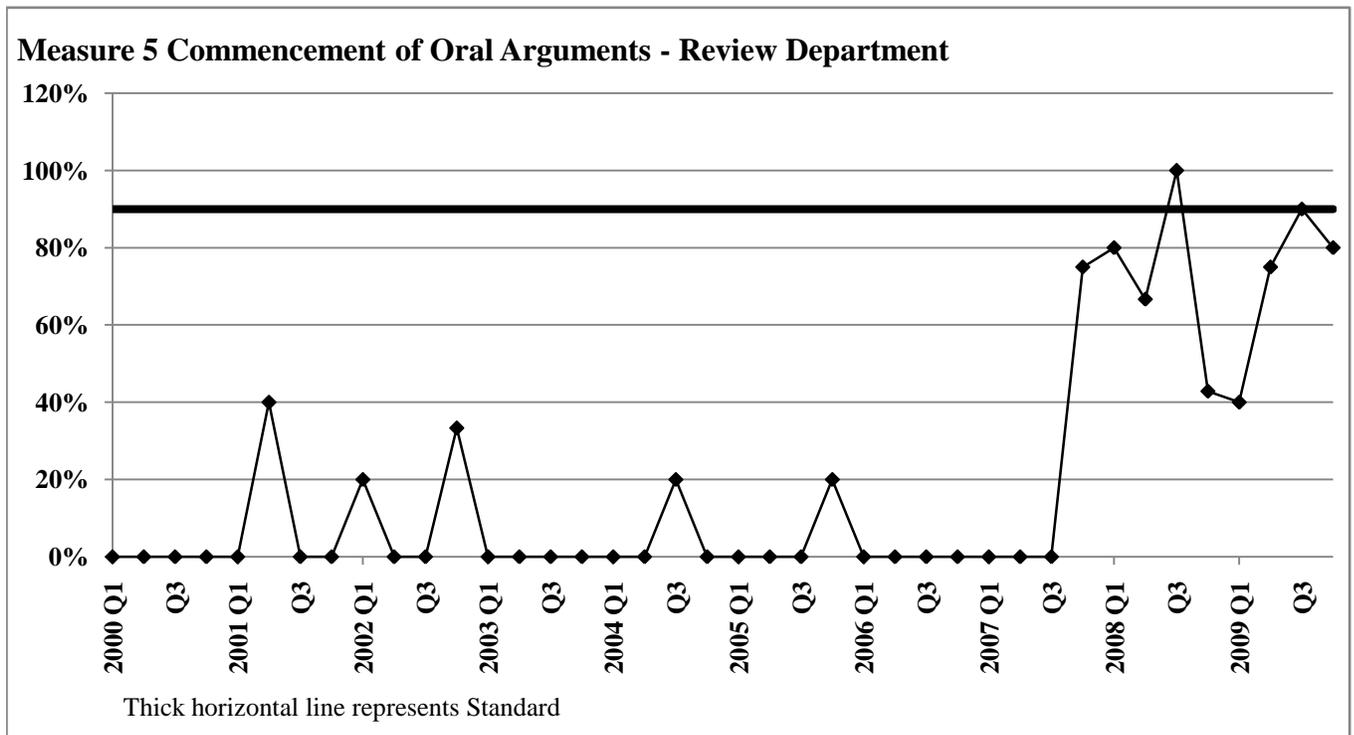
The percentage of Oral Arguments commenced within established time frames. The commencement date is the first date the Oral Argument was held in a matter.

### Standard

90% of cases are to commence Oral Argument within Review Department timelines;  
100% of cases are to commence Oral Argument within 150% of Review Department timelines.

### Methodology

The first part of this measure examines the pendency of cases in the Review Department at the time of commencement of oral argument. For cases in which Oral Arguments were conducted, the number of days pending was calculated for each case pending in the Review Department at the time the oral argument commenced. The percentage of cases meeting the standard was then calculated.



### Measure 5 Commencement of Oral Arguments - Review Department

	Cases Oral Argument Commenced	Cases Within Timeline	Percentage Within Timeline	Cases Within 150% of Timeline	Percentage Within 150% of Timeline
2000 Q1	4	0	0%	*	*
Q2	3	0	0%	*	*
Q3	8	0	0%	*	*
Q4	1	0	0%	*	*
2001 Q1	5	0	0%	*	*
Q2	5	2	40%	*	*
Q3	1	0	0%	*	*
Q4	1	0	0%	*	*
2002 Q1	5	1	20%	*	*
Q2	1	0	0%	*	*
Q3	8	0	0%	*	*
Q4	3	1	33%	*	*
2003 Q1	1	0	0%	*	*
Q2	3	0	0%	*	*
Q3	2	0	0%	*	*
Q4	5	0	0%	*	*
2004 Q1	4	0	0%	*	*
Q2	2	0	0%	*	*
Q3	5	1	20%	3	60%
Q4	6	0	0%	0	0%
2005 Q1	5	0	0%	1	20%
Q2	4	0	0%	0	0%
Q3	3	0	0%	1	33%
Q4	5	1	20%	3	60%
2006 Q1	1	0	0%	0	0%
Q2	4	0	0%	1	25%
Q3	2	0	0%	0	0%
Q4	6	0	0%	2	33%
2007 Q1	5	0	0%	2	40%
Q2	4	0	0%	2	50%
Q3	6	0	0%	2	33%
Q4	4	3	75%	4	100%
2008 Q1	5	4	80%	5	100%
Q2	6	4	67%	6	100%
Q3	4	4	100%	4	100%
Q4	7	3	43%	7	100%
2009 Q1	5	2	40%	5	100%
Q2	8	6	75%	8	100%
Q3	10	9	90%	10	100%
Q4	10	8	80%	10	100%

*Adoption of  
CPS Standards*

\* Prior to the adoption of the CPS Standards, the measurement of 150% of the timeline had not been suggested. It was not calculated at the time the initial CPS measurements were developed.

## Measure 5 Timeliness of Submissions - Review Department

### Definition

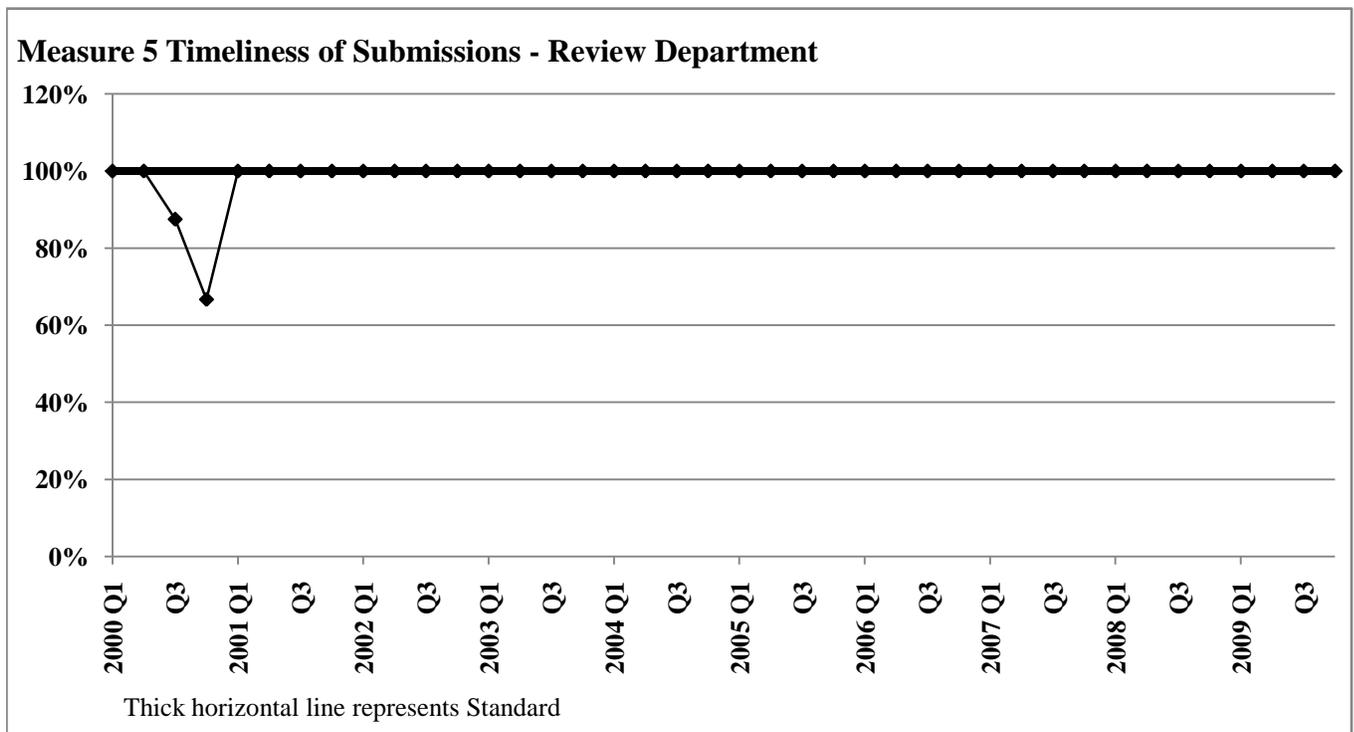
The percentage of cases under submission in which the opinion or order was filed within the established time frames.

### Standard

100% compliance with timeline for submission.

### Methodology

The second part of this measure examines the submission time of Review Department cases. For closed cases disposed of by opinion, the number of days a case was under submission was calculated and compared to the timeline (see "Timeline Standards by Case Type"). The percentage of cases in compliance with the timeline standard was then calculated.



## Measure 5 Timeliness of Submissions - Review Department

	Cases Submitted	Cases Meeting Timeline	Percentage Meeting Timeline
2000 Q1	4	4	100%
Q2	4	4	100%
Q3	8	7	88%
Q4	6	4	67%
2001 Q1	4	4	100%
Q2	4	4	100%
Q3	9	9	100%
Q4	2	2	100%
2002 Q1	5	5	100%
Q2	2	2	100%
Q3	2	2	100%
Q4	2	2	100%
2003 Q1	7	7	100%
Q2	5	5	100%
Q3	5	5	100%
Q4	3	3	100%
2004 Q1	7	7	100%
Q2	3	3	100%
Q3	5	5	100%
Q4	5	5	100%
2005 Q1	5	5	100%
Q2	2	2	100%
Q3	7	7	100%
Q4	9	9	100%
2006 Q1	7	7	100%
Q2	1	1	100%
Q3	4	4	100%
Q4	6	6	100%
2007 Q1	7	7	100%
Q2	5	5	100%
Q3	3	3	100%
Q4	6	6	100%
2008 Q1	5	5	100%
Q2	1	1	100%
Q3	8	8	100%
Q4	8	8	100%
2009 Q1	5	5	100%
Q2	1	1	100%
Q3	5	5	100%
Q4	14	14	100%

*Adoption of  
CPS Standards*

## **Measure 6**

### **Case File Reliability and Accuracy**

#### **Definition**

*The percentage of case files meeting established criteria of accuracy and completeness (integrity).*

#### **Standard**

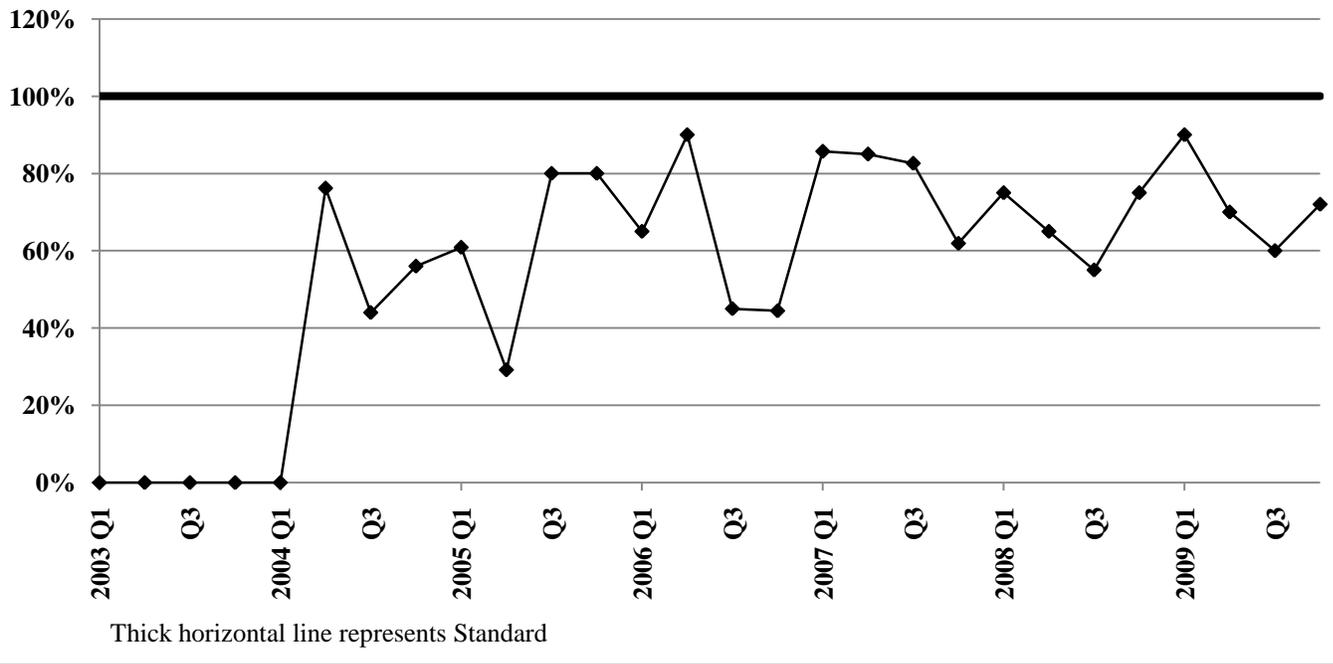
100% compliance with established audit criteria.

#### **Methodology**

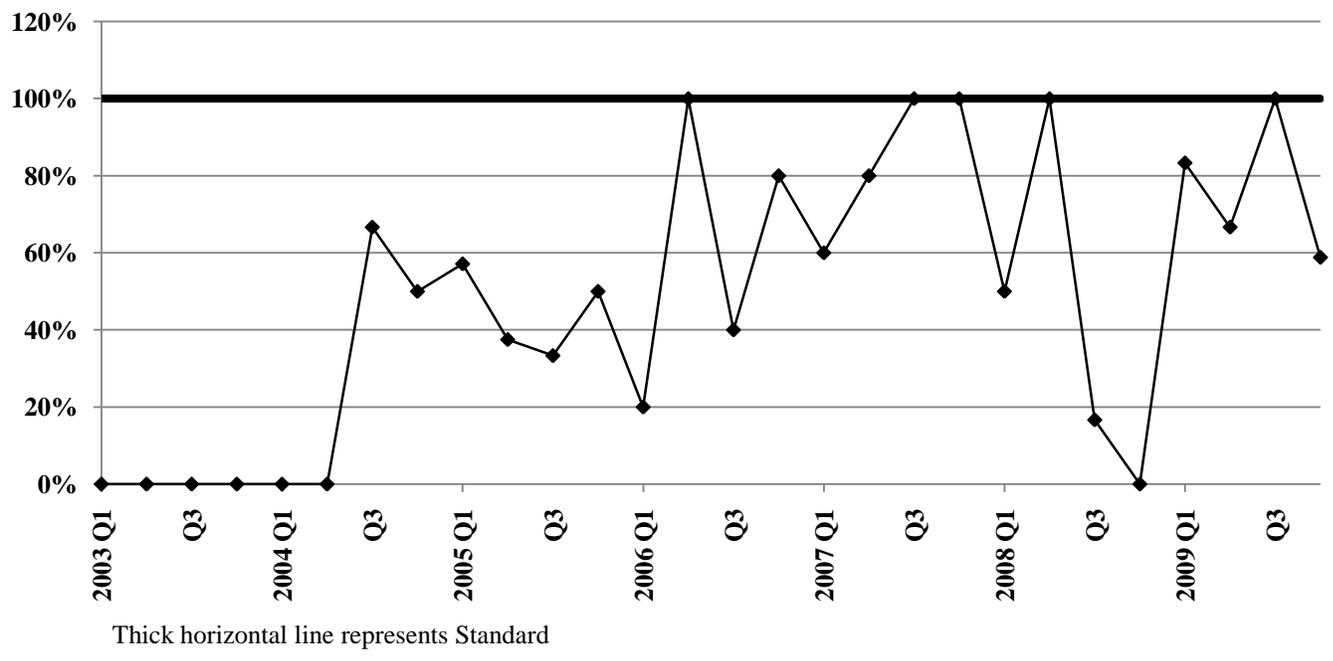
The initial assessment was based on 24 different criteria covering the content, timeliness and accuracy of the court case files. For each quarter reported, 25 case files are selected randomly for audit. Of the 25 case files selected for audit not all files were available, thus reducing the number of files audited for that period. In 2004 – 2006 the audits indicated a high degree of compliance with 22 of the 24 criteria. Two criteria, Timely Issuance of the Notice of Assignment (referred to in the chart and graph as Timeliness) and the accuracy of Exhibits (marking, indexing and assembly) have been the sole focus of the recent measurements. Cases identified randomly for audit are checked for the timely issuance of the Notice of Assignment and the accurate processing of Exhibits.

See chart next page.

### Measure 6 Case File Reliability and Accuracy - Timeliness



### Measure 6 Case File Reliability and Accuracy - Exhibits



**Measure 6 Case File Reliability and Accuracy - Timeliness**

	Cases Audited	Cases in Compliance	Percentage in Compliance
2003 Q1	*	*	*
Q2	*	*	*
Q3	*	*	*
Q4	*	*	*
2004 Q1	*	*	*
Q2	21	16	76%
Q3	25	11	44%
Q4	25	14	56%
2005 Q1	23	14	61%
Q2	24	7	29%
Q3	20	16	80%
Q4	20	16	80%
2006 Q1	20	13	65%
Q2	20	18	90%
Q3	20	9	45%
Q4	18	8	44%
2007 Q1	21	18	86%
Q2	20	17	85%
Q3	23	19	83%
Q4	21	13	62%
2008 Q1	20	15	75%
Q2	20	13	65%
Q3	20	11	55%
Q4	20	15	75%
2009 Q1	20	18	90%
Q2	20	14	70%
Q3	25	15	60%
Q4	25	18	72%

*Adoption of  
CPS Standards*

\* Baseline data not gathered.

**Measure 6 Case File Reliability and Accuracy - Exhibits**

	Cases Audited	Cases in Compliance	Percentage in Compliance
2003 Q1	*	*	*
Q2	*	*	*
Q3	*	*	*
Q4	*	*	*
2004 Q1	*	*	*
Q2	2	0	0%
<i>Adoption of CPS Standards</i> Q3	6	4	67%
Q4	4	2	50%
2005 Q1	7	4	57%
Q2	8	3	38%
Q3	3	1	33%
Q4	4	2	50%
2006 Q1	5	1	20%
Q2	5	5	100%
Q3	5	2	40%
Q4	5	4	80%
2007 Q1	5	3	60%
Q2	5	4	80%
Q3	2	2	100%
Q4	3	3	100%
2008 Q1	4	2	50%
Q2	1	1	100%
Q3	6	1	17%
Q4	7	0	0%
2009 Q1	6	5	83%
Q2	3	2	67%
Q3	3	3	100%
Q4	17	10	59%

\* Baseline data not gathered.

## Measure 7 Accountability for Public Resources

### Definition

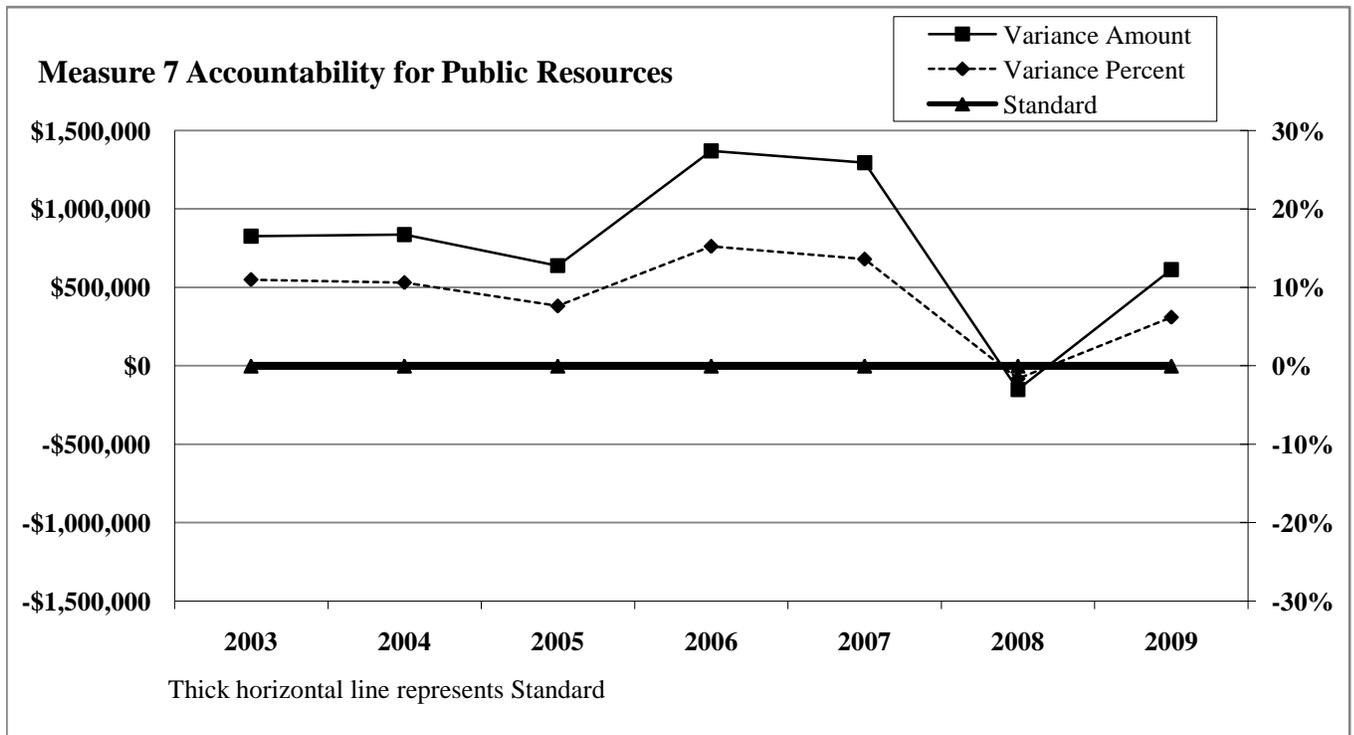
*This measure allows the court to account for its fiscal resources, which are funded by attorney membership dues and approved by the State Bar Board of Governors and allocated to the State Bar Court pursuant to Bus. & Prof. Code Sec. 6140.6 et. seq.*

### Standard

Operate within Authorized Budget.

### Methodology

For a given quarter, year-to-date actual expenditures were compared to the year-to-date budgets. The variance amounts were then compared to the overall budget and expressed as a percentage. Budgets are monitored monthly and research is routinely conducted to understand the reasons for both positive and negative variances.



**Measure 7 Accountability for Public Resources**

	Annual Budget	Year End Operating Expense	Variance Amount	Percentage of Variance
2003	\$7,515,090	\$6,687,866	\$827,224	11.01%
2004	\$7,871,961	\$7,035,235	\$836,726	10.63%
2005	\$8,373,309	\$7,733,891	\$639,418	7.64%
2006	\$8,988,764	\$7,617,630	\$1,371,134	15.25%
2007	\$9,522,479	\$8,226,286	\$1,296,193	13.61%
2008	\$9,140,703	\$9,291,343	-\$150,640	-1.65%
2009	\$9,895,655	\$9,281,928	\$613,727	6.20%

## Measure 8 Public Education - Outreach Events

### Definition

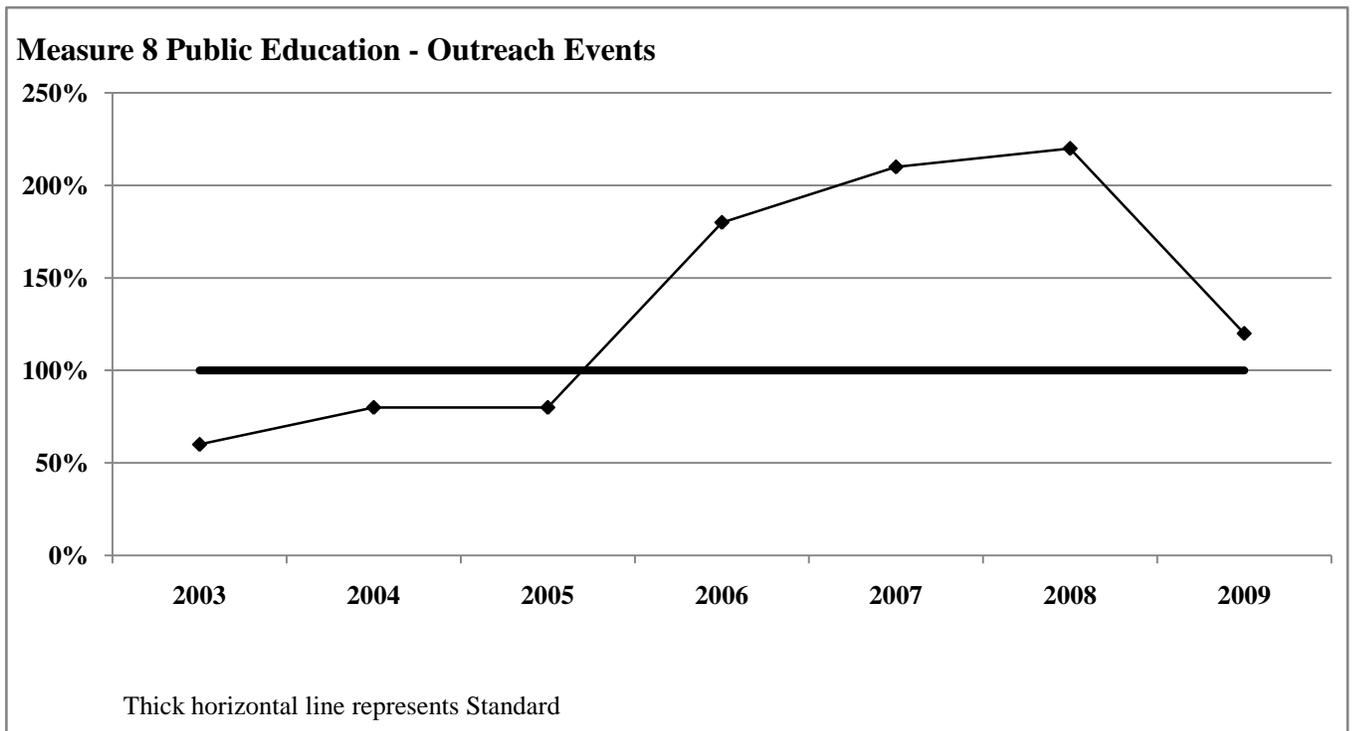
*Assess community outreach efforts and measure the extent the State Bar Court disseminates information about its purpose, operations and programs to State Bar personnel, the public, attorneys and professional or regulatory agencies.*

### Standard

- 1) Conduct at least one Bench/Bar conference per year,
- 2) Present at least one program at Section Education Institute and/or Annual Meeting,
- 3) Judicial officers and/or court staff to participate in a total of a least ten outreach activities per year,
- 4) Increase the written and electronic dissemination of materials.

### Methodology

For the initial assessment, two types of measurement were implemented because the court's outreach efforts had been almost completely dormant for several years. First, an employee was designated to coordinate, document and track outreach efforts so that data could be collected and assessed. Second, an outreach *Program Evaluation Form* was created and implemented to obtain feedback on presentations.



**Measure 8 Public Education - Outreach Events**

	Year End Total	Goal to Participate in Events Per Year	Percentage of Compliance with Goal at Year End	Year End Total Number of Attendees
2003	6	10	60%	*
2004	8	10	80%	*
2005	8	10	80%	** 140
2006	18	10	180%	** 999
2007	21	10	210%	** 370
2008	22	10	220%	1053
2009	12	10	120%	664

\* Data not gathered.

\*\* Incomplete data.

## **Measure 9**

### **Court Workforce Strength**

#### **Definition**

*This measure reports the results of a survey administered to all court employees to obtain their view and opinions about the following performance areas -- Resources; Vision/Goals/Priorities; Management/Leadership; Job Satisfaction/Nature of Work; Communication; Teamwork; Structure/Organization.*

#### **Standard**

Improve performance in targeted areas; maintain performance in other areas; re-survey staff in 24-36 months.

#### **Methodology**

In May 2003, all court employees were asked to provide input through the use of a survey. The survey covered seven performance categories: (1) Resources, (2) Vision/Goals/Priorities, (3) Management/Leadership, (4) Job Satisfaction/Nature of Work, (5) Communication, (6) Teamwork, (7) Structure/Organization. In May 2004, the identical survey was re-administered by Dr. Wagenknecht-Ivey, who had administered the initial survey in 2003. The 2004 survey results were compared to the 2003 results, and that comparison illustrated four priority areas for improvement: (1) Teamwork, (2) Management Structure, (3) Communication, and (4) Employee Recognition.

Due to cost containment measurements, re-administration of the survey has been postponed indefinitely.