An Evaluation and Performance Measurement Framework for Online Dispute Resolution Programs:

ASSESSING IMPROVEMENTS IN ACCESS TO JUSTICE

FIRST EDITION

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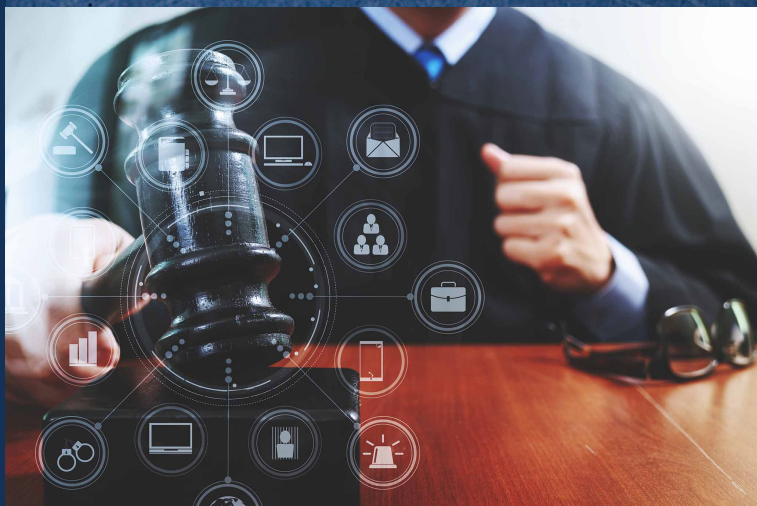
Acknowledgments

Executive Summary

The inability of individuals to access the American justice system to address routine legal problems has reached a critical level.

The cost of hiring a licensed attorney for assistance in civil cases often exceeds the financial means of lower-income and even middle-class individuals, and large majorities of civil cases have at least one self-represented litigant (SRL). As a result, too many civil cases are uncontested and ultimately close by default judgment or dismissal.

One type of programming designed to improve access to justice for civil litigants is online dispute resolution (ODR). ODR generally consists of an internet-based software platform on which litigants can resolve legal problems, including negotiating settlements or exchanging information to narrow the factual and legal issues in a formal court hearing. ODR programs were first developed by online commercial businesses such as PayPal, eBay, and Amazon to resolve disputes more effectively between buyers and sellers, but they are still a relatively new innovation in courts, with most programs launching within the past three years.

ODR programs are intended to increase access to justice, especially for SRLs, while decreasing costs. They aim to achieve these goals by increasing convenience, case processing efficiency, and awareness of litigant options. Generally, litigants try to resolve their disputes on the ODR platform first, and those who are unable to do so divert back to the traditional in-court process. The term online dispute resolution encompasses a wide variety of programmatic features that often make it difficult to compare program effectiveness, either to traditional litigation processes or to other ODR programs. This report provides a brief summary of the history of ODR and describes the ways in which ODR programs vary from jurisdiction to jurisdiction.

SECTION 1: Evaluation Framework

As new ODR programs are implemented, it is important to evaluate their effectiveness. Section 1 describes the data and analyses needed to thoroughly evaluate a new ODR program. Program evaluation helps the court determine whether a new ODR program is meeting its goals. These measures compare the effectiveness of different aspects of the ODR system to the corresponding aspects of traditional in-court processes.

The balanced scorecard that underlies the Evaluation Framework is illustrated below. The horizontal axis distinguishes between measures that assess *micro* criteria, or the ODR program's effects on individual cases and court users, from measures that assess *macro* criteria, or the ODR program's effects on the legal system as a whole. The vertical axis distinguishes between measures that assess the *internal* effects of the ODR program on the legal system and the courts from measures that assess the *external* effects of the ODR program on society and court users. Although the measures divide along these two spectrums and can be categorized into four quadrants, they all address the same underlying primary question: **To what extent does the ODR program improve access to justice over traditional in-court processes?**

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Evaluation and Performance Measurement Framework
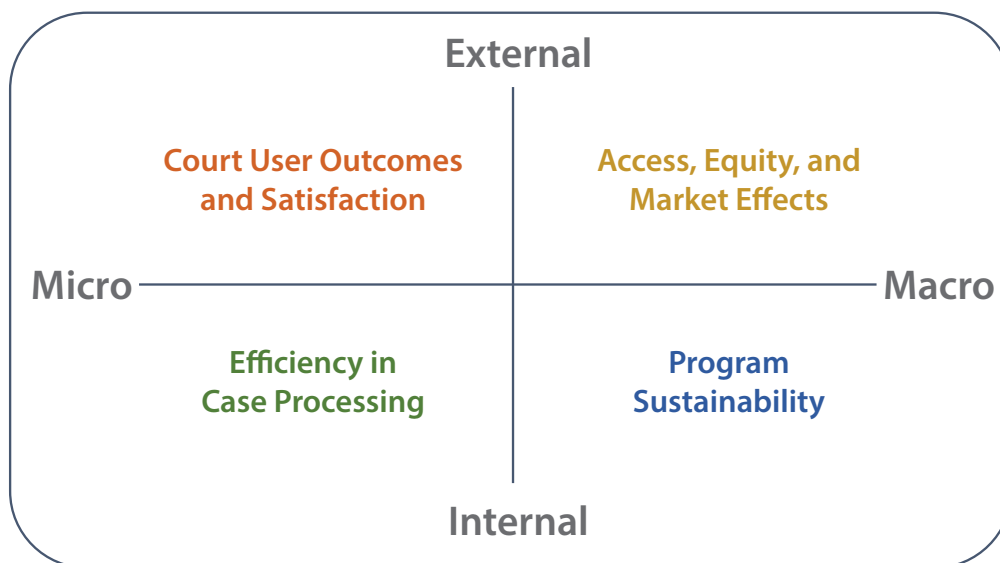
External

Court User Outcomes
and Satisfaction

Access, Equity, and
Market Effects

Micro ———————————————————— **Macro**

Efficiency in
Case Processing

Program
Sustainability

Internal

Together, the horizontal Micro-Macro axis and the vertical Internal-External axis create four quadrants: Court User Outcomes and Satisfaction; Access, Equity, and Market Effects; Efficiency in Case Processing; and Program Sustainability. Each of these measurement categories is described in detail in Section 1.

Appendix 1 lists all evaluation indicators by category. Appendix 2 explains in more detail how to measure each evaluation indicator.

SECTION 2: Performance Measurement Framework

As established ODR programs age and evolve over time, it is important to monitor their performance for changes in effectiveness. Section 2 describes the data and analyses needed to conduct ongoing performance measurement. Performance measurement seeks to provide a continuous, high-level overview of program processes and outcomes. In most jurisdictions, court staff responsible for hosting the ODR platform will collect data for the performance measures; if the platform is hosted by another entity (e.g., community mediation organization or other nonprofit organization), that entity should collect the data. The goal of performance measurement is to monitor changes in ODR program performance over time and to compare performance against established benchmarks.

Appendix 3 lists all performance measures by category. Appendix 4 explains each performance measure in more detail.

Conclusions

Courts should prepare for both the evaluation process and the performance measurement process as they plan and implement new ODR programs. Although these processes take place at different times, they depend on the existence of high-quality underlying data that are collected from the outset of program implementation.

The civil access-to-justice gap in the American legal system has reached a crisis point. As more courts develop ODR programs and other self-help resources for SRLs, it will become increasingly important to examine how well these programs perform. This report provides both a framework for evaluating the effectiveness of new ODR programs and a framework for monitoring the ongoing stability of established ODR programs. Our hope is that with this guidance, alongside tailored technical assistance from the National Center for State Courts (NCSC), courts will be well prepared to develop and support ODR programs that promote equity in access to justice.

Introduction

The inability of individuals to access the American justice system to address routine legal problems has long since reached a critical level. The cost of hiring a licensed attorney for assistance in civil cases often exceeds the financial means of lower-income and even middle-class individuals. Studies of state court caseloads have repeatedly found that large majorities of civil cases have at least one self-represented litigant (SRL).[1] As a result, few cases are ultimately adjudicated on the merits. Instead, most are uncontested and ultimately close by default judgment or dismissal.

State court response to the influx of SRLs has shifted over time. In the 1980s and 1990s, state courts encouraged increased funding for Legal Aid/Legal Services programs for low-income people and urged the private bar to provide pro bono legal services for those who did not qualify for such assistance.[2] However, when the supply of lawyers providing free or low-cost legal services failed to keep pace with demand, courts developed a variety of self-help resources, including simplified forms and instructional materials. As internet access improved, many of those resources migrated to court and legal aid websites.[3] The most recent development in self-help services for civil litigants is online dispute resolution (ODR), which generally consists of an internet-based software platform on which litigants can resolve legal problems, including negotiating settlements or exchanging information to narrow the factual and legal issues in a formal court hearing.[4] ODR programs were first developed by online commercial businesses such as PayPal, eBay, and Amazon to resolve disputes more effectively between buyers and sellers, but they are still a relatively new innovation in courts, with most programs launching within the past few years.[5]

Online Dispute Resolution Programs

Broadly speaking, ODR programs are intended to increase access to justice, especially for SRLs, while decreasing costs.[6] They aim to achieve these goals by increasing convenience, case processing efficiency, and awareness of litigant options. Generally, litigants try to resolve their disputes on the ODR platform first, and those who are unable to do so divert back to the traditional in-court process. As a practical matter, however, the

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[1] Paula Hannaford-Agor, Lydia Hamblin, Brittney Via & Natalie Knowlton, The Landscape of Domestic Relations Cases in State Courts (NCSC 2018); Paula Hannaford-Agor, Scott Graves & SHelley Spacek Miller, The Landscape of Civil Litigation in State Coursts (NCSC 2015).

[2] See, e.g., Alan Houseman & Linda Perle, Securing Equal Justice For All: A Brief History of Civil Legal Assistance in the United States, Center for Law and Social Policy (December 2013), available at
https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/Securing-Equal-Justice-for-All-2013-Revision.pdf.

[3] American Bar Association, Self-Help Centers,
https://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/self_service_centers/.

[4] American Bar Association Center for Innovation, Online Dispute Resolution in the United States (Sept. 2020), available at
https://www.americanbar.org/content/dam/aba/administrative/center-for-innovation/odrvisualizationreport.pdf.

[5] ODR programs have been planned or implemented on a pilot basis in Alaska, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Iowa, Kansas, Kentucky, Michigan, Nevada, New Mexico, New York, Ohio, Tennessee, Texas, and Utah; this list may not be exhaustive. See also Online Dispute in the United States: Data Visualizations (September 2020), American Bar Association Center for Innovation,
https://www.americanbar.org/content/dam/aba/administrative/center-for-innovation/odrvisualizationreport.pdf.

[6] See Bulinski, Maximilian A. and J.J. Prescott, Online Case Resolution Systems: Enhancing Access, Fairness, Accuracy, and Efficiency, 21 Michigan Journal of Race and Law, 205 (2016).

generic term online dispute resolution encompasses a wide variety of programmatic features[7] that often make it difficult to compare program effectiveness, either to traditional litigation processes or to other ODR programs.

For example, the types of cases eligible for ODR programs vary from court to court, but include noncriminal traffic, small claims, consumer debt collection, landlord/tenant, child support modifications and enforcement, and simplified divorce and related child custody and visitation disputes. Case processing rules and practices vary substantially by case type and across jurisdictions.

Operational and procedural requirements for participating in ODR also differ from program to program.[8] Common variations include the criteria for litigant eligibility,[9] including whether litigants have a right to opt-in or opt-out of the program and whether the program is designed to resolve disputes before or after a lawsuit is filed.[10] Many programs feature a streamlined process with greatly shortened timeframes in which to complete ODR compared to existing in-court procedures.[11]

Some ODR programs interface seamlessly with court-based e-filing and case management systems while others are stand-alone programs that require litigants and/or court staff to manually transfer case and litigant information from the ODR platform to the court system or vice versa. Within a particular court system, some cases start within the ODR platform and then go to court; often when this happens, these cases have better outcomes than they otherwise would have due to starting out in the ODR platform.

Finally, ODR platforms can involve a broad array of technical functionality, such as assistance with legal document preparation; e-filing; embedded educational resources for litigants; asynchronous litigant-to-litigant settlement negotiation; payment plans to pay traffic fines and court costs; document sharing and storage; and online mediation (asynchronous or synchronous remote mediation).

Overview of the First Edition

Few court-annexed ODR programs have been in operation long enough to assess their impact either on access to justice or on court operations more generally.[12] Fewer still have

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[7] See Danielle Hirsch and Zach Zarnow (2020), *Key Decision Points,* National Center for State Courts, https://www.ncsc.org/odr/KeyDecisionPoints.

[8] In addition to programmatic variations, structural differences across states also complicate comparative analyses of ODR programs. For example, the monetary threshold for smalls claims cases ranges from $1,500 (Kentucky) to $25,000 (Alaska), which greatly affects the size and composition of those caseloads; statutory timeframes for hearing petitions for residential eviction also vary widely, affecting the time to disposition for those cases; and statutory waiting periods ranging from 30 days (e.g., Missouri) to one year (e.g., Maryland, North Carolina, Virginia) for divorce/dissolution cases are common in many states.

[9] E.g., New York ODR pilot project for small claims cases excludes cases other than claims by individuals concerning the sale of goods and services. See New York City Civil Court, *Online Dispute Resolution,* https://www.nycourts.gov/courts/nyc/civil/CORONA/SmallClaimsODR.shtml.

[10] See generally ONLINE DISPUTE RESOLUTION DESIGN FRAMEWORK (NCSC & AMERICAN BAR FOUNDATION July 2017)(available at https://www.ncsc.org/__data/assets/pdf_file/0028/39583/ABF-and-NCSC-ODR-Resolution-Design-Framwork.pdf).

[11] E.g., Utah's ODR Pilot Project. See Supreme Court of the State of Utah, Standing Order No. 13 (revised Jan. 27, 2021), available at https://www.utcourts.gov/resources/rules/urap/docs/13.pdf.

[12] PAULA HANNAFORD-AGOR et al., IMPACT OF THE UTAH ONLINE DISPUTE RESOLUTION (ODR) PILOT PROGRAM: FINAL REPORT, National Center for State Courts (Dec. 10, 2020), available at https://www.ncsc.org/__data/assets/pdf_file/0025/57823/NCSC-UT-final-2020.pdf; STACY BUTLER et al., THE UTAH ONLINE DISPUTE RESOLUTION PLATFORM: A USABILITY EVALUATION AND REPORT, Innovation for Justice Program (Sept. 8, 2020), available at https://law.arizona.edu/utah-online-dispute-resolution-platform-usability-evaluation-and-report.

been around long enough to assess long-term performance (see Table 1[13] below). It is critical that courts identify data elements and put in place data collection practices with which to evaluate and monitor performance over time, as court-based ODR programs become more numerous and their functionality evolves.

Table 1: ODR Program Launch Dates

State	Court	Case Type	Launch Date
Alaska	Alaska Court System	Small claims	
Arizona	Superior Court of Arizona in Maricopa County	Civil Debt, Family Law	July 2018
	Superior Court of Arizona in Yuma County	Family Law	December 2018
	Scottsdale City Court	Criminal, Parking	January 2019
	Pinal County Superior Court	Family Law	March 2019
Arkansas	Sherwood District Court	Traffic, Warrant	January 2018
	Faulkner Van Buren County District Courts	Traffic, Warrant	June 2018
	Guy District Court	Traffic, Warrant	July 2019
	Mayflower District Court	Traffic, Warrant	July 2019
	Vilonia District Court	Traffic, Warrant	July 2019
	Bentonville District Court	Traffic, Warrant	October 2019
California	Yolo County Superior Courts	Civil Debt	October 2019
	San Joaquin Superior Court	Traffic	October 2020
	Los Angeles Superior Court	Family Law	2020
Colorado	Fort Collins Municipal Court	Traffic	April 2020
Connecticut	New Haven Judicial District	Contract Collection	January 2019
	Hartford Judicial District	Contract Collection	January 2019
	Hartford Judicial District	Small claims	December 2020
	New Britain Judicial District	Small claims	December 2020
	Bridgeport Judicial District	Small claims	December 2020
Delaware	Justice of the Peace Courts	Landlord/tenant	November 2020
Florida	Ninth Judicial Circuit	Small claims	April 2020
	Third Judicial Circuit	Small claims	May 2020
	Eleventh Judicial Circuit	Traffic	May 2020
Georgia	DeKalb County State Court - Traffic Division	Traffic	July 2018
	Fulton County Small Claims	Small claims, Landlord/Tenant	February 2019
	Coweta County State Court	Traffic	July 2020
	DeKalb County Magistrate Court	Small Claims	October 2020
	Gwinnett County Recorders Court	Traffic	April 2021

[13] Adapted and updated from Online Dispute Resolution in the United States: Data Visualizations (September 2020), American Bar Association Center for Innovation, https://www.americanbar.org/content/dam/aba/administrative/center-for-innovation/odrvisualizationreport.pdf.

State	Court	Case Type	Launch Date
Hawaii	Hawaii State Judiciary	Small claims	
Illinois	10th Judicial Circuit Court	Family Law	2019
Iowa	Iowa District Court for Carroll County	Traffic	September 2020
	Iowa District Court for Black Hawk County	Small claims consumer debt	
	Iowa District Court for Story County	Landlord/tenant	
Kansas	Kansas Judicial Branch	Family	March 2021
Kentucky	Jefferson County District Court	Traffic	May 2018
Michigan	14A District Court	Traffic, Warrant, Criminal, Driver's License	May 2014
	74th District Court	Traffic, Warrant, Past Due Judgments	September 2014
	30th District Court	Traffic, Warrant	June 2015
	54B District Court	Traffic, Warrant, Parking, Criminal	June 2015
	61st District Court	Traffic, Warrant, Parking	August 2015
	54A District Court	Traffic, Warrant, Parking, Tax	September 2015
	29th District Court	Traffic, Warrant	September 2015
	55th District Court	Traffic	March 2016
	16th District Court	Traffic Warrant	April 2016
	32A District Court	Traffic, Criminal	April 2016
	65A District Court	Traffic	April 2016
	14B District Court	Traffic, Warrant, Past Due Judgments, Driver's License	April 2016
	1st District Court	Traffic, Warrant	August 2016
	46th District Court	Traffic, Warrant, Parking	October 2016
	22nd District Court	Traffic	October 2016
	31st District Court	Traffic, Past Due Judgments	November 2016
	20th Circuit Court	Family Law	December 2016
	23rd District Court	Traffic, Past Due Judgments, Warrant	September 2017
	21st District Court	Traffic	October 2017
	4th Circuit Court	Family Law	October 2017
	10th District Court	Criminal	January 2018
	12th District Court	Traffic, Warrant	May 2018
	41B District Court	Traffic, Past Due Judgments	August 2018
	22nd Circuit Court	Family Law	August 2018
	65B District Court	Traffic	November 2018
	60th District Court	Traffic	January 2019
	15th District Court	Criminal, Warrant, Past Due Judgments	February 2019
	50th District Court	Traffic	February 2019
	The Resolution Center	Civil Debt, Landlord/Tenant, Contract Collection	May 2019

State	Court	Case Type	Launch Date
Michigan Continued	Community Mediation Services	Civil Debt, Landlord/Tenant, Contract Collection	May 2019
	Wayne Mediation Center	Civil Debt, Landlord/Tenant, Contract Collection	May 2019
	25th District Court	Traffic	September 2019
	19th District Court	Traffic, Warrant	January 2020
	17th District Court	Probation,Traffic	May 2020
Mississippi	Picayune Muncipal Court	Traffic	April 2021
Nevada	Clark County Family Court	Divorce	April 2018
New Mexico	2nd District	Civil Debt	September 2019
	Curry County Magistrate & 9th District	Civil Debt	September 2019
	Grant County Magistrate & 6th District	Civil Debt	September 2019
	Hildago County Magistrate & 6th District	Civil Debt	September 2019
	Luna County Magistrate & 6th District	Civil Debt	September 2019
	Roosevelt County Magistrate & 9th District	Civil Debt	September 2019
New York	Civil Court of the City of New York	Small claims	January 2021
	Suffolk County Traffic and Parking Violations Agency	Traffic	November 2020
Ohio	Franklin County Municipal Court	Small Claims, Tax	October 2016
	Cleveland Municipal Court	Tax	January 2018
	Ohio Court of Claims	Public Records Requests	July 2018
Tennessee	Hamilton County General Sessions Court	Medical debt	April 2021
Texas	Farmers Branch Municipal Court	Traffic, Criminal, Warrants	January 2018
	Travis County Small Claims	Small Claims	August 2018
	Williamson County	Small Claims	August 2019
	Collin County Justice Court	Small Claims, Civil Debt	September 2019
	Colleyville-Keller Municipal Courts	Traffic	May 2020
Utah	West Valley City Justice Court	Small Claims	September 2018
	Orem City Justice Court	Small Claims	August 2019
	Carbon County Justice Court	Small Claims	August 2019
Virginia	Fairfax County General District Court	Small Claims	April 2021

In this first edition, we describe a detailed measurement framework for the evaluation of ODR programs and ongoing performance measurement. The measures described below fall into two discrete categories: evaluation measures and performance measures. Evaluation measures are used to assess the extent to which ODR programs are meeting the intended program goals and objectives, especially as compared to cases managed through traditional in-court procedures. Performance measures, in contrast, track *changes* in performance over time and compare performance to empirically-based *benchmarks*, many of which have already been developed for monitoring case

processing.[14] The evaluation framework and performance measures are designed to be broadly applicable to different varieties of ODR.

Future editions may include illustrated examples of data collection and calculations as these examples become available. As ODR programs become more numerous and new models emerge, there may be new factors for courts to consider and new recommendations for best practices. Future editions may also update the recommendations for the collection of demographic data as social norms and measurement best practices evolve. In the meantime, the National Center for State Courts (NCSC) is available to provide technical assistance to court systems that plan to implement an ODR program and prepare a plan for evaluation and performance measurement.

Conclusions

As new ODR programs are implemented, it will be important to evaluate their effectiveness and make ongoing adjustments as needed. Carefully planned data collection and evaluation are crucial components of the implementation of any new program designed to promote access to justice.[15]

In Section 1, we describe the data and analyses needed to thoroughly evaluate a new ODR program. Program evaluation helps the court determine whether a new ODR program is meeting its goals. These measures compare the effectiveness of different aspects of the ODR system to the corresponding aspects of traditional in-court processes. Program evaluation is aimed at informing all stakeholders of the ODR program's outcomes.

In Section 2, we describe the data and analyses needed to conduct ongoing performance measurement. Performance measurement seeks to provide a continuous, high-level overview of program processes and outcomes. In most jurisdictions, court staff responsible for hosting the ODR platform will collect data for the performance measures; if the platform is hosted by another entity (e.g., community mediation organization or other nonprofit organization), that entity should collect the data. The goal of performance measurement is to monitor changes in ODR program performance over time and to compare performance against established benchmarks. Implementing performance measurement after the completion of program evaluation can allow a court to track improvements and setbacks over time.

The court should prepare for both the evaluation process and the performance measurement process as it plans and implements the new ODR program. Although these processes take place at different times, they depend on the existence of high-quality underlying data that are collected from the outset of program implementation.

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[14] *E.g.,* the NCSC has developed a recommended set of trial court performance measures that have been widely adopted by state courts.
[15] Am. Acad. of Arts and Sci., Measuring Civil Justice for All (2021), https://www.amacad.org/sites/default/files/publication/downloads/2021-Measuring-Civil-Justice-for-All.pdf.

Overview of the Evaluation Framework

Essential to any newly established court program is the development of a measurement plan to evaluate whether the program is achieving its goals. In many cases, the evaluation of an ODR program will depend on courts preparing to collect the right data *before* the program has launched. It is therefore crucial that courts prepare for a complete evaluation process from the outset. This section provides an overview of essential data elements needed for evaluation.

The Balanced Scorecard Approach

This Evaluation Framework was informed by the previous work of Miller, Hannaford-Agor, and Genthon[16] and by the performance measurement literature more broadly. This framework uses the Balanced Scorecard approach, which was originally developed for use in for-profit businesses[17] and then adapted for use in the state courts in the High Performance Court Framework.[18] The Balanced Scorecard approach organizes performance indicators in four quadrants, spanning two axes. The purpose of adopting this approach is to guard against overreliance on one type of indicator at the expense of another. Different entities and stakeholders are often involved in the creation of an ODR program, and the balanced scorecard approach is intended to ensure that different indicators of program quality (that may be of varying interest to different stakeholder groups) are all considered during program evaluation.

The Evaluation Framework identifies two key, high-level domains of concern in the assessment of ODR programs: Macro-Micro effects and Internal-External effects. By developing measures in each of these domains, this Framework provides a means of comprehensively assessing the effectiveness of ODR programs. Although the measures divide along these two spectrums and can be categorized into four quadrants, they all address the same underlying primary question: To what extent does the ODR program improve access to justice over traditional in-court processes?[19]

Elements of the Evaluation Framework

The Evaluation Framework is illustrated in Figure 1. In the framework, evaluation indicators are located on two axes. The horizontal axis distinguishes between measures that assess *micro* criteria, or the ODR program's effects on individual cases and court users,

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[16] Andrea L. Miller, Paula Hannaford-Agor, & Kathryn Genthon (2021), *An Evaluation Framework for Allied Legal Professional Programs: Assessing Improvements in Access to Justice,* National Center for State Courts.

[17] Robert S. Kaplan & David P. Norton, *The Balanced Scorecard: Measures that Drive* Performance, 70 HARVARD BUS. REV. , Jan.-Feb. 1992, https://hbr.org/1992/01/the-balanced-scorecard-measures-that-drive-performance-2.

[18] See Brian Ostrom & Roger Hanson, Achieving High Performance: A Framework for Courts (working paper, Nat'l Center for State Courts, 2010), https://www.ncsc.org/__data/assets/pdf_file/0024/15189/achieving_hpc_april_2010.pdf.

[19] Some ODR programs are designed to resolve disputes *before* a lawsuit is filed, which by definition could not use traditional in-court processes as a baseline comparison. Instead, a possible indicator of improved access to justice might be a *reduction* in the number of lawsuits filed in that jurisdiction. Depending on the type of cases eligible for ODR, other exogenous factors may simultaneously affect filing rates. Courts should consult competent program evaluation professionals to ensure that evaluation analyses appropriately take such factors into account.

from measures that assess *macro* criteria, or the ODR program's effects on the justice system as a whole. The vertical axis distinguishes between measures that assess the *internal* effects of the ODR program on the court system from measures that assess the *external* effects of the ODR program on society and court users.

Together, the horizontal Micro-Macro axis and the vertical Internal-External axis create four quadrants, which are described in more detail below. Each quadrant of the Framework is color coded; the data elements described below are likewise organized by the corresponding quadrant.

Court User Outcomes and Satisfaction. Evaluation indicators that assess court user outcomes and satisfaction with the ODR program fall under the Micro/External quadrant of the Framework. These measures capture whether court users experience case processes and outcomes that are at least as high quality as they would be in traditional in-court procedures.

Access, Equity, and Market Effects. Evaluation indicators that assess the ODR program's impact on Access to Justice fall under the Macro/External quadrant of the Framework. These indicators capture the extent to which litigants choose the ODR program or the traditional in-court process as the preferred venue for resolving their case. In addition, these measures indicate the extent to which litigant choice of venue differs for traditionally underserved populations, such as people of color, persons with limited English proficiency, and persons with disabilities.
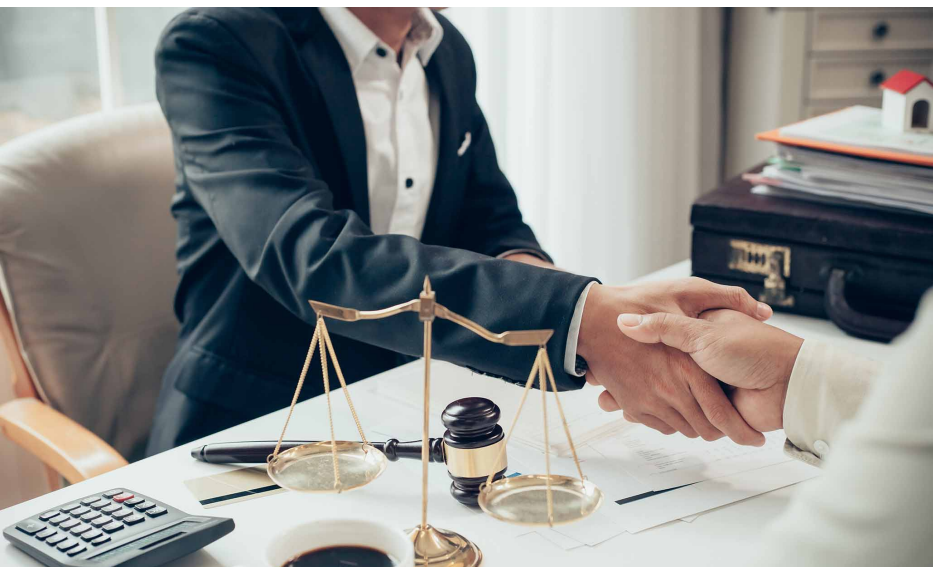
Efficiency in Case Processing. Evaluation indicators that assess the efficiency of the ODR program fall under the Micro/Internal quadrant of the framework. These indicators capture how quickly and inexpensively cases move through the ODR system, relative to the traditional in-court process.

Program Sustainability. Evaluation indicators that assess the sustainability of the ODR program fall under the Macro/Internal quadrant of the Framework. These indicators capture whether the ODR program will receive the ongoing financial and political support that it needs to survive.

Using the Evaluation Framework

As described above, the Balanced Scorecard approach lays out a comprehensive set of measures to guard against overreliance on one type of indicator at the expense of others. The remainder of this section lays out each of the four evaluation indicator categories in the Framework, as well as the cross-cutting data elements that are used across categories. For each category, we discuss conceptually what information needs to be captured (see

Appendix 1) and describe the specific data elements needed (see **Appendix 2**). Note that some indicators are derived from the court's case management system and some are obtained through surveys of court users.

Timing the Evaluation. Courts should carefully consider the appropriate timing for conducting a thorough evaluation of the new ODR program. If the program is designed as an opt-out program—that is, participation on the ODR platform is the default choice for litigants and they must affirmatively choose the traditional in-court process—it is critical to collect baseline data, especially concerning litigant satisfaction measures, before the ODR program launches. Regardless of whether the ODR program is designed as an opt-in or opt-out program, data collection on cases processed through the ODR platform should begin as soon as the ODR program is implemented. However, several of the evaluation indicators depend on a critical mass of ODR cases. Therefore, data collection should continue until the new ODR program has been fully established, and the evaluation should not be conducted until that time. The amount of time it takes for a new ODR program to reach this critical mass will vary by area of law and jurisdiction.

Repeated Evaluations. The first time a program evaluation is conducted, it may reveal some aspects of the new ODR program that are falling short of their goals and need some extra attention and support. In this situation, the court may wish to repeat the program evaluation process again after program developers have had time to address these areas of need. Once a program evaluation indicates that the new ODR program is meeting its goals across all quadrants of the balanced scorecard, the court should consider moving from the ODR Evaluation Framework into a performance evaluation framework, which allows the court to monitor the ongoing stability and maintenance needs of the program over time.

Relationship between Evaluation Indicators, NODS, and CourTools. Wherever possible, the evaluation indicators described below, particularly those measured using CMS data, correspond to data elements from the National Open Court Data Standards (NODS)[20] or CourTools.[21] This correspondence ensures that courts that have implemented these standards can capitalize on the data collection they are already engaged in as they develop evaluation plans for their ODR programs. **Appendix 2** describes in detail how the relevant evaluation indicators map onto existing NODS and CourTools data elements.

Cross-cutting Evaluation Data Elements

Case Type. If multiple case types are processed within the same ODR program, the court should indicate case type in CMS. Program evaluation should be conducted for each case type separately, as the ODR program might be more effective or efficient for one case type than for another. The remainder of this report assumes that all calculations and evaluations are conducted within a particular case type.

The first time a program evaluation is conducted, it may reveal some aspects of the new ODR program that are falling short of their goal and need some extra attention and support.

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[20] National Center for State Courts, National Open Court Data Standards (NODS), https://www.ncsc.org/services-and-experts/areas-of-expertise/court-statistics/national-open-court-data-standards-nods.

[21] National Center for State Courts, CourTools, https://www.courtools.org/.

Platform. To compare the effectiveness of the ODR program to traditional in-court processes, the court must indicate in its case management system (CMS) whether each case proceeds through the ODR platform or through the traditional in-court process. Depending on the nature of the ODR program, this might be a binary choice (i.e., ODR versus in-court), or the court may need to indicate the point in the case at which the litigants entered and exited the ODR process. Additionally, the court must collect data for all of the evaluation measures in both ODR cases and comparable in-court cases (i.e., cases within the same case type as those in the ODR program).

Litigant Role. The court should collect information in the CMS that indicates the role of each litigant in the case (i.e., plaintiff/petitioner or defendant/respondent). Depending on case type, litigant role may need to be captured on either a per case or a per claim basis.

Litigant Type. The court should also collect information in the CMS that indicates whether each litigant is an individual or an organization (if these litigant types exist in the particular case types involved).

Representation Status. The court should collect information in the CMS that distinguishes between litigants who are self-represented and those who are represented or assisted in some way (e.g., by attorneys, allied legal professionals). Depending on the nature of the ODR program and the case types involved, representation status may need to be measured on either a per-case basis or a per-event basis for each litigant.

Amount in Dispute. Finally, if the case types involved in the ODR program involve monetary claims, the courts should indicate the amount in dispute in the CMS.

Because case type, platform, litigant role, litigant type, representation status, and amount in dispute are necessary underlying data elements for multiple categories of evaluation indicators, rather than measures of program success themselves, they are listed first in **Appendices 1 and 2**.

Court User Outcomes and Satisfaction

Manner of Disposition. In order for an ODR program to achieve its goals, the disposition of cases should occur on the merits more often in the ODR system as in the traditional in-court process. Specifically, if court users who proceed through the ODR platform are better able to navigate court rules and procedures than those proceeding in-person, they should be more likely to see their cases decided on the merits or decided through mediation or settlement, rather than being dismissed administratively for failure to prosecute or, in the case of defendants or respondents, decided as default judgments. Accordingly, courts should measure each case's manner of disposition in the CMS. If the ODR program is succeeding in this domain, the percentage of ODR cases decided on the merits should be at least as high as the percentage of in-court cases decided on the merits.

Court User Satisfaction. For an ODR program to achieve its goals, court users must be at least as satisfied with the ODR process as they are with the traditional in-court process. Accordingly, courts should survey samples of court users from both platforms (see **Appendix 2** for recommended survey item text). Survey instruments should be designed to both compare court user satisfaction across comparable aspects of the in-court and ODR process and also address the effectiveness of the different ODR platform functionalities. If the ODR program is succeeding in

this domain, satisfaction ratings in ODR cases should be at least as high as satisfaction ratings in in-court cases, and various functionalities within the ODR platform should be functioning as intended.

Access, Equity, and Market Effects

ODR Participation Rate. In order for an ODR program to achieve its goals, a critical mass of court users must choose to use the ODR platform. Depending on the nature of the ODR program, participation rates might take the form of either the percentage of litigants opting in to ODR or the percentage of litigants opting out of ODR. Before collecting the data, the court might determine its goal for participation rates and compare the findings against that standard. The court should also break down its analysis of participation rates by case type, litigant type, and representation status. This will allow the court to examine the extent to which the ODR platform increases access to justice among different types of cases and litigants; for example, if the ODR system is disproportionately used by well-funded organizations who are repeat-players in the court system or by litigants who are represented by counsel, it may be falling short of its access-to-justice goals.
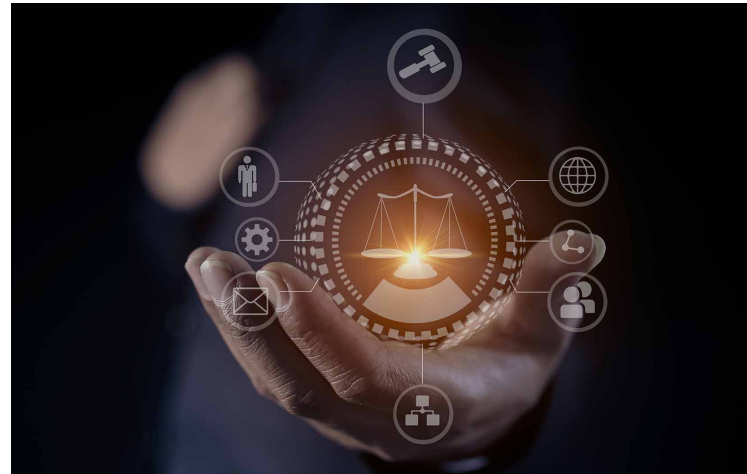
ODR Usage in Underserved Populations. For an ODR program to achieve its goals, it should increase access to justice in segments of the population that have historically been underserved. Underserved populations might include a variety of demographic categories, depending on the particular jurisdiction and areas of law involved, but they are likely to include low-income individuals, African Americans, Indigenous individuals, Latine or Latinx individuals, women, noncitizens, people with disabilities, people with limited English proficiency, people who live in rural areas, and people who have difficulty accommodating the limited hours of operation of the courts. The digital divide may be of particular concern with respect to ODR insofar that underserved populations may either lack devices or internet connectivity to use the platform or the platform may not be well-designed for use on a smartphone or other mobile device compared to use on a computer. The court should track the relevant litigant demographic characteristics that correspond to the disparities they are interested in measuring (e.g., socioeconomic status, race, disability status) in the CMS. There are several analyses the court might explore to determine whether the ODR program is meeting its goals: 1) the proportion of court users who belong to underserved groups should be higher in ODR cases than in traditional in-court cases; 2) manner of disposition and satisfaction ratings should be more favorable for members of underserved groups who use the ODR system than for members of underserved groups who use the traditional in-court process; and 3) group disparities in manner of disposition and satisfaction should be lower in the ODR system than in the traditional in-court process. The court should employ a competent program evaluator to help select the comparisons and equity analyses that are most relevant and appropriate for the particular jurisdiction and case types involved.

Efficiency in Case Processing

Time to Disposition. For an ODR program to achieve its goals, it should result in faster case processing. The court should measure time to disposition in the CMS. If the ODR program is succeeding in this domain, cases that proceed through the ODR system should resolve more quickly than cases that go through the traditional in-court process.

Hearings to Disposition. For an ODR program to achieve its goals, it should make it possible to resolve cases with fewer synchronous hearings (i.e., hearings in which the parties must convene at the same time). The court should measure the number of synchronous hearings in each case in the CMS. If the ODR program is succeeding in this domain, cases that proceed through the ODR system should resolve in fewer hearings than cases that go through the traditional in-court process.

Sustainability

Program Costs. An ODR program will be better equipped to promote access to justice to the extent that it is financially sustainable. The court should calculate the overhead costs of operating the program and determine whether these overhead costs can be sustained long-term.

Judgment Finality. Another factor in sustainability is the extent to which disposed cases stay disposed, as opposed to returning to the court because the parties fail to comply with final judgments. Lack of compliance places burdens on court resources and threatens financial sustainability if it results in the courts re-litigating issues that should have been resolved. (Note: Lack of compliance may also suggest that the ODR program is not seen by court users as a legitimate part of official court functions. Accordingly, this evaluation measure also touches on issues that fall under the Micro/External quadrant). Depending on the particular case types involved, judgment finality might be measured by whether the final judgment in the case is satisfied (e.g., the tenant vacates the property, the defendant pays the damages), or judgment finality might be measured by the amount of time until a modification petition (e.g., the amount of time a child custody order is adhered to before it is no longer satisfactory to both parents) or judgment enforcement motion (e.g., petition for garnishment or asset seizure) is filed. The court should measure judgment finality in the CMS. If the ODR program is succeeding in this domain, judgment finality should be higher in cases that proceed through the ODR system than in traditional in-court cases.

Program-Specific Evaluation Measures

This evaluation framework is designed to lay out a balanced, feasible evaluation plan that can be applied by any court developing a new ODR program. There are also additional evaluation measures, not covered in the framework above, for which we encourage courts to collect data. The measures in this section fall outside the scope of the balanced scorecard because they will vary widely depending on a particular jurisdiction's ODR program and the case types involved. However, these measures should be considered an important part of any new ODR program evaluation. These measures are listed in **Appendix 1** but are not laid out in detail in **Appendix 2**. We strongly encourage the courts to collaborate with both researchers and community stakeholders to develop specific data elements that are tailored to their jurisdictions.

ODR Platform Functionality. As part of the evaluation process, courts should ensure that the ODR platform is functioning as intended and that the various technological capabilities of the platform are user-friendly and accessible. This element of program evaluation is not part of the balanced scorecard described above, because it is not possible to compare the ODR platform and the traditional in-court process on this dimension. By definition, the ODR platform will contain functionalities that do not exist in court (e.g., the ability for parties to communicate asynchronously outside of the court's business hours). Accordingly, the court should conduct a survey of ODR platform users to assess the extent to which each of the platform's functionalities are working, are easy to use, and are seen as useful and relevant by participants. The court should also examine metadata from the ODR platform to determine which of the functionalities are being used and by whom. Finally, the court should ensure that all platform functionalities are accessible to people with a variety of disabilities, English-language proficiency levels, and access needs. If the ODR program is succeeding in this domain, various functionalities within the ODR platform should be functioning as intended and fully accessible to all court users.

Case Outcome Favorability. Depending on the case types being processed through the ODR system, courts may also wish to measure case outcome favorability. This is particularly important in areas of law in which there are systematic imbalances of power between the parties. These might include cases in which one party tends to be an organization and one party is an individual, cases in which one party is more likely to be represented by an attorney (e.g., landlord-tenant), and cases in which one party is likely to be low-income (e.g., consumer debt). In these situations, an ODR system might promote equity by creating better average case outcomes for traditionally disadvantaged parties than they would receive in court. Courts should consult with both researchers and community stakeholders to determine the best way to measure case outcomes in the case types involved. One approach might be to compare dollar amounts in the initial demand to dollar amounts in the final settlement. Another approach would be to measure non-monetary aspects of case outcomes, such as the length of time for debt repayment or whether a tenant is removed from the home. However case outcome favorability is measured, courts will need to collect outcome data in both ODR cases and traditional in-court cases in order to make this direct comparison.

Conclusions: Evaluation Framework

As courts develop new ODR programs, it will be important to evaluate the extent to which these programs are meeting their access-to-justice goals. This section describes measures for evaluation that span the full scope of the balanced scorecard, evaluate the effectiveness of the ODR program in relation to traditional in-court processes, and can be implemented by courts cost-effectively. It is essential that courts prepare for a complete evaluation process alongside the development of the new ODR program, so that the appropriate data can be collected from the outset.

SECTION 2: Performance Measures for ODR Programs

Overview of the Performance Measurement Framework

Once a new ODR program has been established and an evaluation indicates that it is meeting its most fundamental goals, the court should transition from the evaluation framework to the performance measurement framework. Performance measurement allows courts to track high-level changes in performance over time and compare program performance against established benchmarks. As with the evaluation framework described above, the successful implementation of a performance measurement plan often depends on courts preparing to collect the right data *before* the program has launched. It is therefore crucial that courts prepare for a complete performance measurement process from the outset, even if they do not begin *analyzing* the performance measurement data until later.

The Performance Measurement Framework is based on the same Balanced Scorecard that is illustrated above in **Figure 1**. Together, the horizontal Micro-Macro axis and the vertical Internal-External axis create four quadrants, which are described in more detail below. As with the evaluation indicators in Section 1, the performance measures here are color-coded and organized by the corresponding quadrants from the balanced scorecard.

Using the Performance Measurement Framework

The measures in this Framework were selected because they cover the full scope of the balanced scorecard but require minimal time and effort to measure repeatedly at regular intervals. The remainder of this section lays out each of the four evaluation indicator categories in the Framework, as well as the cross-cutting data elements that are used across categories. For each category, we discuss conceptually what information needs to be captured (see **Appendix 3**) and describe the specific data elements needed (see **Appendix 4**).

The timing of performance measurement. The measures in this Framework are designed to assess the performance of an ODR program on an ongoing basis. Whereas the measures in the evaluation framework were designed to compare aspects of the ODR system to the traditional in-court process, these performance measures are designed to help the courts monitor ODR program performance *over time*. The court should therefore plan to collect these measures for review at regular intervals; depending on the nature of the ODR program, this might be quarterly, every six months, or once per year. Performance measurement should occur frequently enough that court personnel can identify areas that need maintenance or improvement relatively quickly, but the intervals between measurement should be long enough that court personnel have time to address problems that arise. In this way, the court can both track improvements and setbacks over time and respond to these insights with program improvements.

Relationship between Performance Measures, NODS, and CourTools. As with the evaluation indicators in Section 1, the performance measures described below correspond to data elements from NODS and CourTools wherever possible. **Appendix 4** describes in detail how the relevant evaluation indicators map onto existing NODS and CourTools data elements.

Cross-cutting Performance Measures

Case Type. If multiple case types are processed within the same ODR program, the court should indicate case type in CMS. Performance measurement should be conducted for each case type separately. This is because the ODR program might be more effective or efficient for one case type than for another. The remainder of this report assumes that all calculations and evaluations are conducted within a particular case type.

Platform. In order to monitor the effectiveness of the ODR system over time, the court must indicate in its case management system (CMS) which cases proceed through the ODR platform. Depending on the nature of the ODR program, this might be a binary choice (i.e., ODR versus in-court), or the court may need to indicate the point in the case at which the litigants entered and exited the ODR process.

Litigant Role. The court should collect information in the CMS that indicates the role of each litigant in the case (i.e., plaintiff/petitioner or defendant/respondent). Depending on the nature of the ODR program and the case types involved, litigant role may need to be measured on either a per-case basis or a per-claim basis.

Litigant Type. The court should also collect information in the CMS that indicates whether each litigant is an individual or an organization (if these litigant types exist in the particular case types involved).

Representation Status. The court should collect information in the CMS that distinguishes between litigants who are self-represented and those who are represented by counsel. Depending on the nature of the ODR program and the case types involved, representation status may need to be measured on either a per-case basis or a per-event basis for each litigant.

Amount in Dispute. Finally, if the case types involved in the ODR program involve monetary claims, the courts should indicate the amount in dispute in the CMS.

Because case type, platform, litigant role, litigant type, representation status, and amount in dispute are necessary underlying data elements for multiple performance measures, rather than measures of program performance themselves, they are listed first in **Appendices 3 and 4**.

Court User Outcomes and Satisfaction

Manner of Disposition. One indicator of ODR program performance is the extent to which cases are disposed on the merits. Specifically, if court users who proceed through the ODR platform are able to adequately navigate court rules and procedures, they should see their cases decided on the merits or decided through mediation or settlement, rather than being

dismissed administratively for failure to prosecute or, in the case of defendants or respondents, decided as default judgments. Accordingly, courts should measure each case's manner of disposition in the CMS. By monitoring these outcomes over time, courts can proactively address any unexpected fluctuations in performance by investigating and addressing the causes of high-level changes.

Court User Satisfaction. Another indicator of program performance is court user satisfaction. Accordingly, courts should survey samples of court users of the ODR platform and monitor average satisfaction over time (see **Appendix 4** for recommended survey item text). The survey instrument should assess the effectiveness of the different ODR platform functionalities. By monitoring court user satisfaction over time, courts can identify any unexpected decreases in satisfaction and ensure that the ODR platform continues to function as intended.

Access, Equity, and Market Effects

ODR Participation Rate. An important indicator of an ODR program's ongoing impact on access to justice is the ODR participation rate. Depending on the nature of the ODR program, participation rates might take the form of either the percentage of litigants opting in to ODR or the percentage of litigants opting out of ODR. However participation is measured, the court should monitor these percentages over time. The court should also break down its analysis of participation rates by case type, litigant type, and representation status. This will allow the court to ensure that the ODR platform continues to serve different types of litigants in different types of cases. By monitoring this performance measure over time, the court can be on guard against drops in participation that may be symptomatic of an underlying problem.

ODR Usage in Underserved Populations. Another indicator of program performance is the extent to which an ODR program continues to promote access to justice in segments of the population that have historically been underserved. Underserved populations might include a variety of demographic categories, depending on the particular jurisdiction and areas of law involved, but they are likely to include low-income individuals, African Americans, Indigenous individuals, Latine or Latinx individuals, women, noncitizens, people with disabilities, people with limited English proficiency, people who live in rural areas, and people who have difficulty accommodating the limited hours of operation of the courts. The court should track the relevant litigant demographic characteristics that correspond to the disparities they are interested in measuring (e.g., socioeconomic status, race, disability status) in the CMS. The court should monitor the ongoing proportion of the ODR user population that belongs to each of these sub-groups. By monitoring this performance measure over time, the court can ensure that access to the program's benefits isn't drifting away from the segments of the population that need it most.

Efficiency in Case Processing

Time to Disposition. An important indicator of ODR program efficiency is the speed of case processing. The court should measure ongoing time to disposition in the CMS. By monitoring case processing efficiency over time, courts can identify any unexpected lags in processing and address them.

Hearings to Disposition. Another indicator of program efficiency is the number of synchronous hearings (i.e., hearings in which the parties must convene at the same time) it takes to dispose of cases. The court should measure the number of synchronous hearings in each case in the CMS. By monitoring case average hearings over time, courts can identify any increases in hearings that may signal an underlying problem with the functionalities of the ODR system.

Sustainability

Program costs. An ODR program will be more financially sustainable to the extent that it keeps the court's overhead costs down. The court should calculate the average cost per case for cases in the ODR system. By monitoring cost per case over time, the court can ensure that the ODR program continues to be financially sustainable as other market- and economy-related events cause resources to fluctuate.

Judgment Finality. Another factor in sustainability is the extent to which disposed cases stay disposed, as opposed to returning to the court because the parties fail to comply with final judgments. Lack of compliance places burdens on court resources if it results in the courts re-litigating issues that should have been resolved. Lack of compliance may also suggest that the ODR program is not seen as a legitimate part of official court functions. Depending on the particular case types involved, compliance might be measured by whether the final judgment in the case is satisfied (e.g., the tenant vacates the property, the defendant pays the damages) or compliance might be measured by the amount of time until a modification petition is filed (e.g., the amount of time a child custody order is adhered to before it is no longer satisfactory to both parents). The court should measure ongoing compliance rates in the CMS. By monitoring compliance over time, courts can identify any unexpected decreases in compliance and address them.

Conclusions: Performance Measurement Framework

As ODR programs become established and mature over time, it is important for courts to monitor their ongoing performance. Building in data collection and analysis practices allow the courts to be on guard against unforeseen changes and provide warning signs when underlying problems develop. This section describes performance measures that span the full scope of the balanced scorecard, monitor the ongoing effectiveness of the ODR program, and can be implemented by courts cost-effectively. It is essential that courts prepare for a complete performance measurement process alongside the development of the new ODR program, so that the appropriate data can be collected from the outset.

The civil access-to-justice gap in the American legal system has reached a crisis point. As more courts develop ODR programs and other self-help resources for SRLs, it will become increasingly important to examine how well these programs perform. Our hope is that with this guidance, alongside tailored technical assistance from the National Center for State Courts (NCSC), courts will be well prepared to develop and support ODR programs that promote equity in access to justice.

Appendix 1: Evaluation Indicators by Category

Evaluation Indicator	Definition
All Categories	
Case Type	Type of case (if applicable)
Platform	ODR or In-court
Litigant Role	On which side of the case each litigant sat
Litigant Type	Individual or Organization (if applicable)
Representation Status	Type of representation (if any) for each litigant
Amount in Dispute	Amount of monetary claim in dispute (if applicable)
Court User Outcomes and Satisfaction	
Manner of Disposition	Percentage of ODR cases that were decided on the merits
Court User Satisfaction	Average satisfaction ratings of ODR litigants
Access, Equity, and Market Effects	
ODR Participation Rate	Percentage of litigants using ODR platform, compared to percentage of litigants using in-court process (by litigant type and representation status)
ODR Usage in Underserved Populations	Percentage of litigants from underserved groups in ODR cases, compared to those in in-court cases; satisfaction ratings of underserved groups in ODR cases, compared to ratings in in-court cases; group disparities in manner of disposition and satisfaction in ODR cases, compared to disparities in in-court cases
Efficiency in Case Processing	
Time to Disposition	Average time to disposition in ODR cases, compared to average in in-court cases
Hearings to Disposition	Average number of synchronous hearings per case in ODR cases, compared to average in in-court cases
Program Sustainability	
Program Costs	Projected annual overhead costs of ODR program
Judgment Finality	Percentage of ODR cases in which judgment is satisfied, compared to percentage in in-court cases or average time to modification petition in ODR cases, compared to average time in in-court cases
Program-Specific Evaluation Measures	
ODR Platform Functionality	Average ratings of platform functionality, ease of use, and accessibility; Usage rates for different functionalities in platform metadata
Case Outcome Favorability	Favorability of case outcomes in ODR cases, compared to outcome favorability in in-court cases

Appendix 2: Evaluation Framework Data Elements

If the ODR platform is used for multiple case types, indicate case type in the CMS. Conduct all analyses separately by case type.

Platform

    Notes: none
    Data elements needed: platform
    Calculations needed: none

Data Element Name	Values
Platform	1 = ODR 2 = in-court

Litigant Role

    Notes: Depending on case type, litigant role may need to be measured on either a per-case basis or a per-claim basis
    Data elements needed: role
    Calculations needed: none

Data Element Name	Values	Mapping to NODS Data Elements
role	1 = plaintiff or petitioner 2 = defendant or respondent	1 = • Relationship to Action–Civil: plaintiff/ petitioner on a primary claim, plaintiff/ petitioner in a counterclaim, plaintiff/ petitioner in a cross-claim, plaintiff/ petitioner in a third-party claim • Relationship to Action–Probate, Family, Dependency: petitioner 2 = • Relationship to Action–Civil: defendant/ respondent on a primary claim, defendant/ respondent in a counter-claim, defendant/respondent in a cross-claim, defendant/ respondent in a third-party claim • Relationship to Action–Probate, Family, Dependency: respondent

Litigant Type

    Notes: Collect this data element if both individuals and organizations are involved in cases in the ODR platform.
    Data elements needed: litiganttype
    Calculations needed: none

Data Element Name	Values	Mapping to NODS Data Elements
litigantype	1 = individual 2 = organization	1 = Entity type: Individual 2 = Entity type: Insurance Company, Hospital/Clinic, Nursing Home/Rehab, Education, Law Enforcement, Other Agency, Other Business, Other Government Agency

Representation Status

Notes: Depending on case type, representation may need to be measured on either a per-case basis or a per-event basis.

Data elements needed: representation, representationstart *[if applicable],* representationend *[if applicable]*

Calculations needed: none

Data Element Name	Values	Mapping to NODS Data Elements
representation	1 = SRL 2 = Allied Legal Professional 3 = Attorney 4 = Other advocate	2 = Attorney Type: Allied Legal Professional 3 = Attorney Type: private attorney, public defender, legal aid/legal services attorney, protection and advocacy (P&A) attorney, GAL/best-interest attorney, other 4 = Advocate Type: navigator, CASA/non-attorney GAL, court visitor, other
representationstart	Date when representation began	Attorney/Advocate Entry Date
representationend	Date when representation ended	Attorney/Advocate Entry Date

Amount in Dispute

Notes: none

Data elements needed: demandamount, damagesamount

Calculations needed: none

Data Element Name	Values	Mapping to NODS Data Elements
demandamount	Amount of damages demanded in Complaint/Petition	Amount in Controversy
damagesamount	Amount of damages awarded to plaintiff in judgment or settlement	Monetary Damages

Manner of Disposition

Notes: The types of disposition that are possible (and which types are considered "on the merits") may depend on case type.

Data elements needed: platform, disposition

Calculations needed:

1. Among ODR cases, calculate the percentage of cases decided on the merits (ODR cases decided on merits ÷ all ODR cases).
2. Among in-court cases, calculate the percentage of cases decided on the merits (in-court cases decided on merits ÷ all in-court cases).
3. Compare the percentages from steps 1 and 2.

Data Element Name	Values	Mapping to NODS Data Elements
disposition	1 = decided on merits by adjudication 2 = ended in settlement 3 = dismissed for failure to prosecute 4 = default judgment 5 = other	**Case Disposition Detail:** 1 = jury trial verdict, bench trial judgment, summary judgment, arbitration award, administrative judgment (by non-judicial officer) 2 = settled/pled during jury trial period, settled/pled during bench trial period, stipulated judgment, settled/pled pre-trial 3 = dismissal: stipulated/voluntary/nolle prosequi/withdrawn, dismissal: no service, dismissal: failure to prosecute 4 = default judgment 5 = transfer, removal, consolidation

Court User Satisfaction

Notes: none

Data elements needed: platform, satisfaction1, satisfaction2, satisfaction3, satisfaction4, satisfaction5, satisfaction6

Calculations needed:

1. For each ODR litigant, calculate overall satisfaction score (sum of all satisfaction[#] items ÷ 6). Higher scores indicate greater satisfaction.
2. For each in-court litigant, calculate overall satisfaction score (sum of all satisfaction[#] items ÷ 6). Higher scores indicate greater satisfaction.
3. Calculate the average satisfaction score for ODR litigants (sum of all satisfaction scores from ODR litigants ÷ number of ODR litigants).
4. Calculate the average satisfaction score for in-court litigants (sum of all satisfaction scores from in-court litigants ÷ number of in-court litigants).
5. Compare the averages from steps 3 and 4.

Data Element Name	Survey Question	Response Options
satisfaction1	I got my entire case done in a reasonable amount of time.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree
satisfaction2	I had the information I needed to resolve my case.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree

Data Element Name	Survey Question	Response Options
satisfaction3	It was convenient for me to participate in the different parts of my case and complete the necessary processes and procedures.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree
satisfaction4	My case was handled fairly.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree
satisfaction5	I knew where to ask for help if I needed it.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree
satisfaction6	I am satisfied with the outcome of my case.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree

ODR Participation Rate

Notes: none

Data elements needed: platform, litiganttype, representation, demandamount

Calculations needed:

1. Calculate the overall percentage of participants using the ODR platform (either by opting in or by not opting out) (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
2. Calculate the percentage of participants with particular characteristics using the ODR platform:
   a. Litigant type:
      i. Among individual litigants (litiganttype = 1), calculate the percentage of participants using the ODR platform (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
      ii. Among organizational litigants (litiganttype = 2), calculate the percentage of participants using the ODR platform (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
      iii. Compare the percentages from steps 2(a)(i) and 2(a)(ii).
   b. Representation status:
      i. Among SRLs (representation = 1), calculate the percentage of participants using the ODR platform (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
      ii. Among litigants who are represented (litiganttype = 2 or 3 or 4), calculate the percentage of participants using the ODR platform (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
      iii. Compare the percentages from steps 3(a)(i) and 3(a)(ii).

ODR Usage in Underserved Populations

Notes:

1. Relevant equity analyses will vary by case type and by jurisdiction; courts should choose which demographic categories to measure according to local conditions. Courts might also wish to measure more specific ethnic subcategories than the ones listed here if there are particular ethnic groups of substantial size within their jurisdictions (e.g., immigrant communities from certain regions of the world, specific Indigenous nations).

2. Many of these equity variables are designed to map onto NODS data elements. Note, however, that best practices for measuring demographics may change over time as societal norms change and social science research better addresses the needs of marginalized groups. We recommend that courts use up-to-date measurement category labels where applicable. For further guidance on the collection of race and ethnicity data, see "Collecting Race and Ethnicity Data."

Data elements needed: platform, disposition, satisfaction1, satisfaction2, satisfaction3, satisfaction4, satisfaction5, equity1 *[if applicable]*, equity2 *[if applicable]*, equity3 *[if applicable]*, equity4 *[if applicable]*, equity5 *[if applicable]*, equity6 *[if applicable]*, equity7 *[if applicable]*

Calculations needed: Select the relevant demographic groups to examine and conduct these calculations separately for each equity[#] data element:

1. Compare the proportion of court users who belong to underserved groups in ODR cases and in traditional in-court cases:
   a. Among ODR cases, calculate the proportion of court users that belongs to each underserved group category (number of people in group ÷ number of ODR court users).
   b. Among in-court cases, calculate the proportion of court users that belongs to each underserved group category (number of people in group ÷ number of in-court court users).
   c. For each group comparison to be made, compare the proportions from steps 1(a) and 1(b).

2. Compare manner of disposition and satisfaction ratings for members of underserved groups in ODR cases and in traditional in-court cases:
   a. Manner of Disposition:
      i. Among members of the relevant underserved group in ODR cases, complete the Manner of Disposition calculations (see Manner of Disposition above).
      ii. Among members of the relevant underserved group in traditional in-court cases, complete the Manner of Disposition calculations (see Manner of Disposition above).
      iii. Compare the percentages from steps 2(a)(i) and 2(a)(ii).
   b. Court User Satisfaction:
      i. Among members of the relevant underserved group in ODR cases, complete the Court User Satisfaction calculations (see Court User Satisfaction above).
      ii. Among members of the relevant underserved group in traditional in-court cases, complete the Court User Satisfaction calculations (see Court User Satisfaction above).
      iii. Compare the averages from steps 2(b)(i) and 2(b)(ii).

3. Compare group disparities in manner of disposition and satisfaction in ODR cases and in traditional in-court cases:
   a. Manner of Disposition:
      i. Among ODR cases, complete the Manner of Disposition calculations (see Manner of Disposition above) for each group category measured as a value within the data element (cases decided on merits for members of the demographic group ÷ all cases for members of the demographic group).

ii. For each group comparison to be made, find the extent of group-based disparity in the manner of disposition (percentage from step 3(a)(i) for disadvantaged/minority group – percentage from step 3(a)(i) for advantaged/majority group).

iii. Among in-court cases, complete the Manner of Disposition calculations (see Manner of Disposition above) for each group category measured as a value within the data element (cases decided on merits for members of the demographic group ÷ all cases for members of the demographic group).

iv. For each group comparison to be made, find the extent of group-based disparity in the manner of disposition (percentage from step 3(a)(iii) for disadvantaged/minority group – percentage from step 3(a)(iii) for advantaged/majority group).

v. Compare the disparities from steps 3(a)(ii) and 3(a)(iv).

b. Court User Satisfaction:

i. Among ODR cases, complete the Court User Satisfaction calculations (see Court User Satisfaction above) for each group category measured as a value within the data element (cases decided on merits for members of the demographic group ÷ all cases for members of the demographic group).

ii. For each group comparison to be made, find the extent of group-based disparity in average satisfaction ratings (percentage from step 3(b)(i) for disadvantaged/minority group – percentage from step 3(b)(i) for advantaged/majority group).

iii. Among in-court cases, complete the Court User Satisfaction calculations (see Court User Satisfaction above) for each group category measured as a value within the data element (cases decided on merits for members of the demographic group ÷ all cases for members of the demographic group).

iv. For each group comparison to be made, find the extent of group-based disparity in average satisfaction ratings (percentage from step 3(b)(iii) for disadvantaged/minority group – percentage from step 3(b)(iii) for advantaged/majority group).

v. Compare the disparities from steps 3(b)(ii) and 3(b)(iv).

Data Element Name	Values	Mapping to NODS Data Elements
equity1 *[Litigant's self-identified ethnicity]*	0 = Litigant did not identify as Hispanic or Latinx 1 = Litigant identified as Hispanic or Latinx	**Ethnicity:** 0 = non-Hispanic 1 = Hispanic
equity2 *[Litigant's self-identified race; allow litigant to select all categories that apply]*	1 = Litigant identified as Black or African American 2 = Litigant identified as American Indian or Alaska Native 3 = Litigant identified as Asian 4 = Litigant identified as White 5 = Litigant identified as Native Hawaiian or other Pacific Islander 6 = Litigant identified as another race (_____)	**Race – self-identified:** 1 = Black or African American 2 = American Indian or Alaska Native 3 = Asian 4 = White 5 = Native Hawaiian or other Pacific Islander 6 = Other

Data Element Name	Values	Mapping to NODS Data Elements
equity3 *[Perceived race as indicated by clerk or other court actor interacting with litigant; select all that apply]*	1 = Litigant appears Black or African American 2 = Litigant appears American Indian or Alaska Native 3 = Litigant appears Asian 4 = Litigant appears White 5 = Litigant appears Native Hawaiian or other Pacific Islander 6 = Litigant appears to be another race	**Race – perceived:** 1 = Black or African American 2 = American Indian or Alaska Native 3 = Asian 4 = White 5 = Native Hawaiian or other Pacific Islander 6 = Other
equity4	1 = Litigant identified as a woman or female 2 = Litigant identified as a man or male 3 = Litigant identified as non-binary or another gender (_____)	**Gender:** 1 = female 2 = male 3 = non-binary
equity5	0 = Litigant identified as cisgender or did not identify as transgender 1 = Litigant identified as transgender	**Transgender:** 0 = No 1 = Yes
equity6	0 = Litigant identified as cisgender or did not identify as transgender 1 = Litigant identified as transgender	**Special Needs/ADA Flag:** 0 = No 1 = Yes
equity7	0 = Litigant did not request an interpreter or other language accommodation 1 = Litigant requested an interpreter or other language accommodation	**Interpreter Flag:** 0 = No 1 = Yes *[if the interpreter was used to assist this particular litigant]*

Time to Disposition

Notes: None

Data elements needed: platform, filingdate, dispositiondate

Calculations needed:

1. For each case, calculate the number of days to disposition (dispositiondate – filingdate).
2. Among ODR cases, calculate the average number of days to disposition (total number of days to disposition in ODR cases ÷ number of ODR cases).
3. Among in-court cases, calculate the average number of days to disposition (total number of days to disposition in in-court cases ÷ number of in-court cases).
4. Compare the averages from steps 2 and 3.

Data Element Name	Values	Mapping to NODS Data Elements
filingdate	Date of initial case filing	Case Initial Filing Date
dispositiondate	Date of disposition	Case Closed Date

Hearings to Disposition

Notes: None

Data elements needed: platform, hearings

Calculations needed:

1. Among ODR cases, calculate the average number of synchronous hearings (sum of all synchronous hearings in ODR cases ÷ number of ODR cases).
2. Among in-court cases, calculate the average number of hearings (sum of all hearings in in-court cases ÷ number of in-court cases).
3. Compare the averages from steps 1 and 2.

Data Element Name	Values	Mapping to NODS Data Elements
hearings	Number of hearings (in-court) or synchronous hearings (ODR)	Number of case events in which Hearing/Event Outcome = held

Program Costs

Notes: none

Data elements needed: cost

Calculations needed: Evaluate projected annual costs against budget.

Data Element Name	Values
cost	Estimated annual cost to run ODR platform

Judgment Finality

Notes: Specific indicators of judgment finality to be measured will depend on case type.

Data elements needed: platform, dispositiondate, judgment1 *[if applicable]*, judgment2 *[if applicable]*

Calculations needed:

1. If measuring judgment1:
   a. Among ODR cases, calculate the percentage of cases in which the final judgment is satisfied (number of ODR cases in which final judgment is satisfied ÷ number of ODR cases).
   b. Among in-court cases, calculate the percentage of cases in which the final judgment is satisfied (number of in-court cases in which final judgment is satisfied ÷ number of in-court cases).
   c. Compare the percentages from steps 1(a) and 1(b).
2. If measuring judgment2:
   a. For cases in which no modification petition has yet been filed, calculate the total number of months since disposition. Enter this number for judgment2.
   b. Among ODR cases, calculate the average time to modification petition (total months to modification petition in all ODR cases ÷ number of ODR cases).
   c. Among in-court cases, calculate the average time to modification petition (total months to modification petition in all in-court cases ÷ number of in-court cases).
   d. Compare the average times from steps 2(b) and 2(c).

Data Element Name	Values
judgment1	0 = final judgment is not satisfied 1 = final judgment is satisfied
judgment2	Number of months until modification petition is filed

Appendix 3: Performance Measures by Category

Evaluation Indicator	Definition
All Categories	
Case Type	Type of case (if applicable)
Platform	ODR or In-court
Litigant Role	On which side of the case each litigant sat
Litigant Type	Individual or Organization (if applicable)
Representation Status	Type of representation (if any) for each litigant
Amount in Dispute	Amount of monetary claim in dispute (if applicable)
Court User Outcomes and Satisfaction	
Manner of Disposition	Percentage of ODR cases that were decided on the merits
Court User Satisfaction	Average satisfaction ratings of ODR litigants
Access, Equity, and Market Effects	
ODR Participation Rate	Percentage of litigants using ODR platform (by litigant type and representation status)
ODR Usage in Underserved Populations	Percentage of litigants in ODR cases who belong to traditionally underserved groups
Efficiency in Case Processing	
Time to Disposition	Average time to disposition in ODR cases
Hearings to Disposition	Average number of synchronous hearings per case in ODR cases
Program Sustainability	
Program Costs	Average cost per case in ODR cases
Judgment Finality	Percentage of ODR cases in which judgment is satisfied or average time to modification petition in ODR cases

Appendix 4: Performance Measurement Data Elements

If the ODR platform is used for multiple case types, indicate **case type** in the CMS. Conduct all analyses separately by case type.

Platform

> *Notes:* none
> *Data elements needed:* platform
> *Calculations needed:* none

Data Element Name	Values
Platform	1 = ODR 2 = in-court

Litigant Role

> *Notes:* Depending on case type, litigant role may need to be measured on either a per-case basis or a per-claim basis
> *Data elements needed:* role
> *Calculations needed:* none

Data Element Name	Values	Mapping to NODS Data Elements
role	1 = plaintiff or petitioner 2 = defendant or respondent	1 = • Relationship to Action–Civil: plaintiff/ petitioner on a primary claim, plaintiff/ petitioner in a counterclaim, plaintiff/ petitioner in a cross-claim, plaintiff/ petitioner in a third-party claim • Relationship to Action–Probate, Family, Dependency: petitioner 2 = • Relationship to Action–Civil: defendant/ respondent on a primary claim, defendant/ respondent in a counter-claim, defendant/ respondent in a cross-claim, defendant/ respondent in a third-party claim • Relationship to Action–Probate, Family, Dependency: respondent

Litigant Type

> *Notes:* Collect this data element if both individuals and organizations are involved in cases in the ODR platform.
> *Data elements needed:* litiganttype
> *Calculations needed:* none

Data Element Name	Values	Mapping to NODS Data Elements
litiganttype	1 = individual 2 = organization	1 = Entity type: Individual 2 = Entity type: Insurance Company, Hospital/Clinic, Nursing Home/Rehab, Education, Law Enforcement, Other Agency, Other Business, Other Government Agency

Representation Status

   Notes: Depending on case type, representation may need to be measured on either a per-case basis or a per-event basis.
   Data elements needed: representation, representationstart *[if applicable],* representationend *[if applicable]*
   Calculations needed: none

Data Element Name	Values	Mapping to NODS Data Elements
representation	1 = SRL 2 = Allied Legal Professional 3 = Attorney 4 = Other advocate	2 = Attorney Type: Allied Legal Professional 3 = Attorney Type: private attorney, public defender, legal aid/legal services attorney, protection and advocacy (P&A) attorney, GAL/best-interest attorney, other 4 = Advocate Type: navigator, CASA/non-attorney GAL, court visitor, other
representationstart	Date when representation began	Attorney/Advocate Entry Date
representationend	Date when representation ended	Attorney/Advocate Entry Date

Amount in Dispute

   Notes: none
   Data elements needed: demandamount, damagesamount
   Calculations needed: none

Data Element Name	Values	Mapping to NODS Data Elements
demandamount	Amount of damages demanded in Complaint/Petition	Amount in Controversy
damagesamount	Amount of damages awarded to plaintiff in judgment or settlement	Monetary Damages

Manner of Disposition

   Notes: The types of disposition that are possible (and which types are considered "on the merits") may depend on case type.
   Data elements needed: platform, disposition
   Calculations needed: Among ODR cases, calculate the percentage of cases decided on the merits (ODR cases decided on merits ÷ all ODR cases).

Data Element Name	Values	Mapping to NODS Data Elements
disposition	1 = decided on merits by adjudication 2 = ended in settlement 3 = dismissed for failure to prosecute 4 = default judgment 5 = other	**Case Disposition Detail:** 1 = jury trial verdict, bench trial judgment, summary judgment, arbitration award, administrative judgment (by non-judicial officer) 2 = settled/pled during jury trial period, settled/pled during bench trial period, stipulated judgment, settled/pled pre-trial 3 = dismissal: stipulated/voluntary/nolle prosequi/withdrawn, dismissal: no service, dismissal: failure to prosecute 4 = default judgment 5 = transfer, removal, consolidation

Court User Satisfaction

Notes: none

Data elements needed: platform, satisfaction1, satisfaction2, satisfaction3, satisfaction4, satisfaction5, satisfaction6

Calculations needed:

1. For each ODR litigant, calculate overall satisfaction score (sum of all satisfaction[#] items ÷ 6). Higher scores indicate greater satisfaction.
2. For each in-court litigant, calculate overall satisfaction score (sum of all satisfaction[#] items ÷ 6). Higher scores indicate greater satisfaction.
3. Calculate the average satisfaction score for ODR litigants (sum of all satisfaction scores from ODR litigants ÷ number of ODR litigants).
4. Calculate the average satisfaction score for in-court litigants (sum of all satisfaction scores from in-court litigants ÷ number of in-court litigants).
5. Compare the averages from steps 3 and 4.

Data Element Name	Survey Question	Response Options
satisfaction1	I got my entire case done in a reasonable amount of time.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree
satisfaction2	I had the information I needed to resolve my case.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree

Data Element Name	Survey Question	Response Options
satisfaction3	It was convenient for me to participate in the different parts of my case and complete the necessary processes and procedures.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree
satisfaction4	My case was handled fairly.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree
satisfaction5	I knew where to ask for help if I needed it.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree
satisfaction6	I am satisfied with the outcome of my case.	1 = Strongly Disagree 2 = Disagree 3 = Neither Agree nor Disagree 4 = Agree 5 = Strongly Agree

ODR Participation Rate

Notes: none

Data elements needed: platform, litiganttype, representation, demandamount

Calculations needed:

1. Calculate the overall percentage of participants using the ODR platform (either by opting in or by not opting out) (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
2. Calculate the percentage of participants with particular characteristics using the ODR platform:
    a. Litigant type:
        i. Among individual litigants (litiganttype = 1), calculate the percentage of participants using the ODR platform (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
        ii. Among organizational litigants (litiganttype = 2), calculate the percentage of participants using the ODR platform (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
        iii. Compare the percentages from steps 2(a)(i) and 2(a)(ii).
    b. Representation status:
        i. Among SRLs (representation = 1), calculate the percentage of participants using the ODR platform (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
        ii. Among litigants who are represented (litiganttype = 2 or 3 or 4), calculate the percentage of participants using the ODR platform (number of ODR litigants ÷ number of litigants eligible to use ODR platform).
        iii. Compare the percentages from steps 3(a)(i) and 3(a)(ii).

ODR Usage in Underserved Populations

Notes:

1. Relevant equity analyses will vary by case type and by jurisdiction; courts should choose which demographic categories to measure according to local conditions. Courts might also wish to measure more specific ethnic subcategories than the ones listed here if there are particular ethnic groups of substantial size within their jurisdictions (e.g., immigrant communities from certain regions of the world, specific Indigenous nations).

2. Many of these equity variables are designed to map onto NODS data elements. Note, however, that best practices for measuring demographics may change over time as societal norms change and social science research better addresses the needs of marginalized groups. We recommend that courts use up-to-date measurement category labels where applicable. For further guidance on the collection of race and ethnicity data, see "Collecting Race and Ethnicity Data."

Data elements needed: platform, disposition, satisfaction1, satisfaction2, satisfaction3, satisfaction4, satisfaction5, equity1 *[if applicable],* equity2 *[if applicable],* equity3 *[if applicable],* equity4 *[if applicable],* equity5 *[if applicable],* equity6 *[if applicable],* equity7 *[if applicable]*

Calculations needed: Conduct these calculations separately for each equity[#] data element:

1. Complete the ODR Participation Rate calculations (see ODR Participation Rate above) for each group category measured as a value within the data element (number of ODR litigants who are members of the demographic group ÷ all members of the demographic group).

2. For each group comparison to be made, find the extent of group-based disparity in the ODR Participation Rate (percentage from step 1 for disadvantaged/minority group – percentage from step 1 for advantaged/majority group).

Data Element Name	Values	Mapping to NODS Data Elements
equity1 *[Litigant's self-identified ethnicity]*	0 = Litigant did not identify as Hispanic or Latinx 1 = Litigant identified as Hispanic or Latinx	**Ethnicity:** 0 = non-Hispanic 1 = Hispanic
equity2 *[Litigant's self-identified race; allow litigant to select all categories that apply]*	1 = Litigant identified as Black or African American 2 = Litigant identified as American Indian or Alaska Native 3 = Litigant identified as Asian 4 = Litigant identified as White 5 = Litigant identified as Native Hawaiian or other Pacific Islander 6 = Litigant identified as another race (_____)	**Race – self-identified:** 1 = Black or African American 2 = American Indian or Alaska Native 3 = Asian 4 = White 5 = Native Hawaiian or other Pacific Islander 6 = Other

Data Element Name	Values	Mapping to NODS Data Elements
equity3 *[Perceived race as indicated by clerk or other court actor interacting with litigant; select all that apply]*	1 = Litigant appears Black or African American 2 = Litigant appears American Indian or Alaska Native 3 = Litigant appears Asian 4 = Litigant appears White 5 = Litigant appears Native Hawaiian or other Pacific Islander 6 = Litigant appears to be another race	**Race – perceived:** 1 = Black or African American 2 = American Indian or Alaska Native 3 = Asian 4 = White 5 = Native Hawaiian or other Pacific Islander 6 = Other
equity4	1 = Litigant identified as a woman or female 2 = Litigant identified as a man or male 3 = Litigant identified as non-binary or another gender (_____)	**Gender:** 1 = female 2 = male 3 = non-binary
equity5	0 = Litigant identified as cisgender or did not identify as transgender 1 = Litigant identified as transgender	**Transgender:** 0 = No 1 = Yes
equity6	0 = Litigant identified as cisgender or did not identify as transgender 1 = Litigant identified as transgender	**Special Needs/ADA Flag:** 0 = No 1 = Yes
equity7	0 = Litigant did not request an interpreter or other language accommodation 1 = Litigant requested an interpreter or other language accommodation	**Interpreter Flag:** 0 = No 1 = Yes *[if the interpreter was used to assist this particular litigant]*

Time to Disposition

Notes: None

Data elements needed: platform, filingdate, dispositiondate

Calculations needed:

1. For each ODR case, calculate the number of days to disposition (dispositiondate – filingdate).
2. Among ODR cases, calculate the average number of days to disposition (total number of days to disposition in ODR cases ÷ number of ODR cases).

Data Element Name	Values	Mapping to NODS Data Elements
filingdate	Date of initial case filing	Case Initial Filing Date
dispositiondate	Date of disposition	Case Closed Date

Hearings to Disposition
Notes: None
Data elements needed: platform, hearings
Calculations needed: Among ODR cases, calculate the average number of synchronous hearings (sum of all synchronous hearings in ODR cases ÷ number of ODR cases).

Data Element Name	Values	Mapping to NODS Data Elements
hearings	Number of hearings (in-court) or synchronous hearings (ODR)	Number of case events in which Hearing/Event Outcome = held

Program Costs
Notes: none
Data elements needed: ostpercase
Calculations needed: See CourTools M10: Cost per case

Data Element Name	Values	Mapping to CourTools[22]
costpercase	Cost per case	M10 (Cost per case)

Judgment Finality
Notes: Specific indicators of judgment finality to be measured will depend on case type.
Data elements needed: platform, dispositiondate, judgment1 *[if applicable],* judgment2 *[if applicable]*
Calculations needed:
1. If measuring judgment1: Among ODR cases, calculate the percentage of cases in which the final judgment is satisfied (number of ODR cases in which final judgment is satisfied ÷ number of ODR cases).
2. If measuring judgment2:
   a. For cases in which no modification petition has yet been filed, calculate the total number of months since disposition. Enter this number for judgment2.
   b. Among ODR cases, calculate the average time to modification petition (total months to modification petition in all ODR cases ÷ number of ODR cases).

Data Element Name	Values
judgment1	0 = final judgment is not satisfied 1 = final judgment is satisfied
judgment2	Number of months until modification petition is filed

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[22] National Center for State Courts, CourTools: Trial Court Performance Measures, https://www.courtools.org/trial-court-performance-measures.