

# COURT MANAGER



*30 Years*

## IN THIS ISSUE

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Honors and Awards • Exhibit Show • Conference Sponsors  
Social Event • NACM Board of Directors Sworn In

A PUBLICATION OF THE NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Volume 30 Number 3 Fall 2015



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# President's Message

STEPHANIE HESS

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“We make a living by what we get, but we make a life by what we give.”

attributed to Winston Churchill

I was taught at a young age that volunteerism is important. My grandmother volunteered once a week at our local hospital, and then there were the food baskets, mitten trees, toiletry drives—the list goes on and on. As I progressed through my career, it seemed natural to me that I should look for a way to volunteer my time to the advancement of our profession. My involvement with the National Association for Court Management has been extremely rewarding, and I am honored to serve as NACM's 31st president.

The upcoming year promises to be exciting. On its 30th anniversary, it is fitting that the NACM Board continues to focus its efforts on how we can provide the highest rate of return for our members—how we can make sure that each NACM member realizes a value-added to their professional lives by being a part of NACM. The first step in that process will be a reboot of our strategic plan. Through that process, NACM will have an opportunity to think globally and to develop a strategic agenda, which will drive our work for the next several years. In doing so, NACM will retain its focus on our most valuable asset: our members.

NACM is also continuing its work on the new NACM Core (<http://nacmcore.org/>). As I'm sure you have heard, we plan to release curriculum templates for each competency before the end of 2015. Judges, court administrators, managers, and other court leaders will

be able to take these curricula and use them for new employee orientation and various forms of professional development for staff. Be sure to also look for NACM's latest guide, *The Core in Practice*, on the Resources page at [nacmnet.org](http://nacmnet.org). The guide provides an excellent overview of the multitude of ways that courts can benefit through application, use, and implementation of the NACM Core.

These are just two of the current projects that are underway. The NACM committees (<https://nacmnet.org/committee-corner.html>) have already begun work to develop their goals for 2015-2016 and have identified a number of additional areas of focus. I encourage each of you to review the current committee list and identify an area that interests you. We invite all members to participate on committee conference calls and to get involved to whatever extent possible. You can even submit an online Committee Service Form (<https://nacmnet.org/committee-service-form>)—it is so easy to get involved, and with the variety of current projects, there is surely something that will interest everyone.

NACM is committed to excellence in the field of court administration. Please consider becoming active in NACM and make your mark on our profession—you have an opportunity to help us make the 31st year NACM's best year yet.



## Editor's Notes

PHILLIP KNOX

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“Injustice anywhere is a threat to justice everywhere.”

Martin Luther King, Jr.,  
Letter from the Birmingham Jail,  
April 16, 1963

The words of our keynote speakers during the annual conference in Louisville, Kentucky, might have us ask the question,

[Is the leap from personal integrity to a global conscious awareness of doing the right thing possible?](#)

Dr. Ernie Friesen spoke of the maturation of his career and experiences in the legal/judicial system and the development of the judicial system in American society in general.

Dr. Bruce Weinstein provided a definition of honesty—doing the right thing even when no one would know the difference.

We might debate whether it is possible to develop character and integrity in our workforce that might ultimately lead to a comprehensive conscious awareness. We have all heard of individuals and even organizations that have had questionable ethics that led to devastating outcomes for their constituency. Dr. Friesen and Dr. Weinstein provided detailed backgrounds of failures of individual character and of failed systems.

They both, however, leave us with promise and hope. This optimism and desire to make a difference, a difference for those that may be vulnerable and need it most, goes a long way to ensure that the judicial branch will flourish in the future.

When it came time for me to write to you in this issue, I struggled to place even these few words down. There was no sense of reference, no sense of community or of sharing. For the first time in years, I did not attend the NACM annual conference. What became apparent to me is the importance of people in all aspects of our lives. All of the annual conferences are structured to offer consistency of format. There is always value in the educational sessions, and even the “veterans” learn something new. But it is the richness and warmth offered by the extended family of NACM that brings an appreciable quality of membership to this organization. Once I was able to consider my experiences from earlier conferences and speak to some who had been in Louisville, I developed a sense of community and a connection took hold.

Whether you were able to attend the conference in July or not, please join me in enjoying the photographs, stories, and session descriptions.

In some measure we can take part in that community of those who, like us, wish to make a difference through our work.

Until next time, thanks for reading.

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THE 2016 MIDYEAR CONFERENCE: FEBRUARY 14-16, MOBILE, ALABAMA





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2015 NACM Annual Conference

# Committed to Excellence Yesterday, Today, and Tomorrow

Louisville, Kentucky, July 12-16



Chief Justice John D. Minton, Jr

Louisville, Kentucky, played host to the 30th annual gathering of the National Association for Court Management July 12-16. For its anniversary year, NACM chose the conference theme *Committed to Excellence Yesterday, Today, and Tomorrow*, and keynotes and workshops explored how courts can successfully continue to improve the excellence of courts into the future.

Before most attendees had arrived, court-related association leaders from seven states gathered for the annual State Association Leadership Seminar on Sunday. Presenters led discussions on Leadership and Decision Making

Models in the Judiciary, Latest Research Findings from the Field, Personal Leadership, and Procedural Justice. Class was also in session for those attending Purposes and Responsibilities of Courts, a hybrid class led by the Institute for Court Management that began online and finished in the classroom in Louisville.

The conference officially kicked off Monday morning with a warm welcome from Kentucky's chief justice, John D. Minton, Jr. Ethics Guy Bruce Weinstein followed with a keynote on Ethical Intelligence, and signed copies of his book *The Good Ones* were given to attendees. Weinstein's workshop



on the 10 crucial qualities of high-character employees followed, along with workshops on topics such as adult guardianship, human trafficking, innovative courts, trying terrorism cases, and promoting collaboration.

Court administration icon Ernie Friesen took the stage Tuesday morning



# erence



Chief Justice Dennis Smith, NCMC



for his keynote on Unfinished Business: Improving Justice System Governance from the Magna Carta to Today. Tuesday's workshops included topics as diverse as building sustainable mental health courts to cyber and information safeguarding. Six shared-interest groups met to discuss jury management, international court administration, and other hot topics.

Wednesday began with a boot-camp fitness session with past president David Slayton for those who dared. Committee meetings and workshops were followed by the annual Exhibit Show (page 61).

This year attendees had the opportunity to visit nearly 50 exhibitors and see their products and services firsthand. Lunch in the exhibit hall offered up lots of local flavors to enjoy.

Kimberly Papillon expanded everyone's thinking Thursday morning with a keynote on The Neuroscience of Decision Making in Court Management.



Mark your calendar for the 2016 NACM Midyear Conference, **February 14-16**, in Mobile, Alabama, with the theme *Extending Out from the Core: The Profession in Practice*, and the 2016 NACM Annual Conference, **July 10-14**, in Pittsburgh, Pennsylvania.

Her follow-up session was well-attended as participants looked for solutions to challenges posed in the keynote. Other workshops explored management of counselors and mediators, customer-driven courts, and court websites.

A new board of directors took the oath of office Thursday afternoon, with Stephanie Hess of Ohio accepting the gavel from outgoing president Michele Oken. Three new members joined the board this year: Jeff Chapple (Missouri), Kathy Griffin (Michigan), and Dawn Palermo (Louisiana).

Social events provided attendees with opportunities to relax and network with their peers, and this year's conference had great events to offer. Beginning with the Welcome Reception and First-time Attendee Reception to the fun-filled evening of Bridles, Bonnets, and Bowties at Churchill Downs and our annual Fun Run/Walk, there was truly something for everyone.







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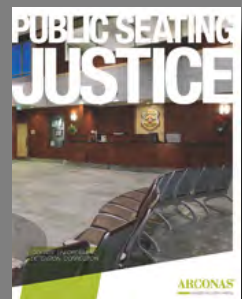
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# Keynotes and Educational Workshop Summaries

Monday, July 13

# Monday

## Keynote—Ethical Intelligence



PRESENTER: **Bruce Weinstein**

REPORTER: **Sarah Couture**

Ethical intelligence is not just the right thing to do; it is the smart thing to do. Practicing ethical intelligence can benefit you in very tangible ways. There are five basic principles of ethical intelligence.

The first principle is the most basic: “Do No Harm.” Think about harm not only to yourself but also to others, physically and mentally. The second principle is “Make Things Better.” This principle is also about taking care of ourselves, not just others. As an analogy, think about a flight attendant who instructs you to put your oxygen mask on first before you put a mask on the child you are traveling with should oxygen masks fall from the ceiling. If you do not listen to the instructions and pass out because of the lack of oxygen, you are not going to be of any help to yourself or the child. The third principle is “Respect Others.” This principle embodies the rule of respecting confidentiality, telling the truth, and keeping promises. The fourth and fifth principles are

“Be Fair” and “Care.” Besides being the right thing to do, practicing these five principles will also enrich your life.

To help avoid potential ethical situations in the workplace, there are four topics you should avoid discussing with coworkers: politics, religion, sex, and how much money you made last year. Discussing those topics will likely cause harm, not make any situation better, disrespect someone, be perceived as unfair, and display a lack of care for coworkers.



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*Dr. Bruce Weinstein, “The Ethics Guy,” is the author of Ethical Intelligence; [Bruce@TheEthicsGuy.com](mailto:Bruce@TheEthicsGuy.com).*



*Sessions with the camera icon next to the title were videotaped and are available at the NACM website: [www.nacmnet.org](http://www.nacmnet.org).*

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# Achieving Excellence: Walk the Talk as a Court Leader

PRESENTER: Janet G. Cornell

REPORTER: Sarah Couture



This breakout session looked at the challenges, influences, and qualities of leadership, along with best practices and tools for being the best leader one can be in the court system. To discover what type of leader the session attendees are or want to be, Janet Cornell challenged them to answer three questions: 1) The best leader I ever had did \_\_\_\_? 2) What I expect from my leader is \_\_\_\_? 3) As a court leader I want to be known for \_\_\_\_?

Walking the talk as a court leader is much easier said than done due to emotions, insecurities, and egos. A list of hindrances to being the best leader

you can be includes taking things personally, trying to make everyone happy, and dealing with personality conflicts.

Achieving excellence as a court leader is not easy. You have to ask yourself what is your goal, what is your reality, what options do you have, and what do you choose to do? According to Peter Drucker, a good leader will ask, act, and say “we.” Having credibility and trust are essential to walking the talk as a leader. The NACM Core addresses the qualities of leadership ([www.nacmcore.org](http://www.nacmcore.org)). You also have to take risks as a leader to achieve excellence.



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*Janet G. Cornell is a court consultant, facilitator, and educator with a background in general- and limited-jurisdiction courts.*

# Adult Guardianship WINGS Initiative

PRESENTERS: David W. Slayton, Amanda Stites, and Erica F. Wood

REPORTER: Dominic J. Rossi

A rapidly increasing aging population has raised awareness of the need to reevaluate national, state, and local processes used to protect the rights of individuals aged 65 and above, who are vulnerable to being abused, neglected, or exploited.

Erica Wood described a series of National Guardianship Network (NGN) meetings spanning three decades, which resulted in a recommendation in 2011 that states create Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) for short- and long-term planning and action to improve a state’s guardianship system. The recommendation lists ten “Hallmarks,” including that the state WINGS be ongoing and sustainable and part of a national network.

NGN selected Texas as one of four pilot sites in 2013. Coordinator Amanda Stites described the critical steps used in forming a state WINGS: identifying initial priorities via a brief survey of stakeholders; scheduling and holding meetings; distributing minutes; establishing and supporting various workgroups; drafting recommendations; and planning for WINGS sustainability.

David Slayton stated that approximately 500 professional guardians currently oversee more



than 8,000 guardianships. He suggested that non-WINGS states review their guardianship processes and make necessary changes, even if only addressing “low-hanging fruit.” For more information, see Texas’s guardianship study, which was

instrumental in the adoption of reforms (House Bill 39), effective September 1, 2015: [www.txcourts.gov/media/884278/GUARDIANSHIP-STUDY\\_030315-FINAL.PDF](http://www.txcourts.gov/media/884278/GUARDIANSHIP-STUDY_030315-FINAL.PDF)

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*David W. Slayton is administrative director, Texas Office of Court Administration, and past NACM president; [DavidSlayton@txcourts.gov](mailto:DavidSlayton@txcourts.gov).*

*Amanda Stites is a research specialist, Texas Office of Court Administration; [Amanda.Stites@txcourts.gov](mailto:Amanda.Stites@txcourts.gov).*

*Erica F. Wood is assistant director, American Bar Association Commission on Law and Aging; [Erica.wood@americanbar.org](mailto:Erica.wood@americanbar.org).*



## Human Trafficking and Prostitution (Parts 1 and 2)

PRESENTER: **Paul Herbert**

REPORTER: **Tasha Ruth**

In Ohio, the definition for prostitution and human trafficking contain the phrase “engaging in sexual activity for hire.” In his two-part account of starting Ohio’s first human-trafficking specialized docket, Judge Paul Herbert explained that victims of human trafficking are often considered prostitutes by definition.

As a municipal court judge, Judge Herbert started his CATCH Court (Changing Actions to Change Habits) about six years ago to help prostitutes struggling with drug addiction break the cycle of abuse. The women are placed on probation, given strict rules to follow, are provided a mentor, and receive community support and counseling. Graduates of his two-year program will have their records expunged. A study showed that 72 percent of the women accepted into CATCH have not recidivated.

Recognizing that prostitutes who come before the court are victims, not defendants, could help end the revolving door of multiple prostitution arrests and save thousands of dollars in costs associated with confining these women. Judge Herbert pointed out that CATCH Court costs \$200,000 a year, which pays for his treatment-team staff. One estimate shows that arresting, trying, and imprisoning the sex-worker



population in Columbus costs millions of dollars each year.

“World’s oldest profession?” Herbert asked. “More like world’s oldest oppression.” In 2008 he was presiding over an arraignment court filled with domestic-violence victims facing their abusers. After a parade of battered and bruised women being assisted by a victim’s advocate, he turned to the next “defendant.” There he saw a woman who looked just like these victims, but her file read “Soliciting.” This juxtaposition caused him to start researching the criminology of prostitution.

Because most of the women who come before him have suffered sexual or physical abuse, Judge Herbert takes a “trauma-informed approach” when presiding over human-trafficking cases. He is helping these women to reclaim their lives. Many of the women in his program have been reunited with their children, graduated from college, returned to gainful employment, and become mentors and advocates for other human-trafficking victims.

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*Paul Herbert is a municipal court judge, Franklin County, Ohio.*

## Innovative Courts Encourage Dissent

**PRESENTER: Kevin Burke**

**MORNING SESSION REPORTER: Nicole Armstrong**

Kevin Burke shared how effective court leaders encourage dissent, which leads to more engaged employees and a higher-performing court. He explained that fear in speaking up is detrimental to court effectiveness, but policies, procedures, and court culture are improved when leaders encourage dissent. There are three types of dissent: 1) displaced—the employee does not provide feedback, but complains to family and friends; 2) latent—the employee believes their supervisor is unreceptive to his or her concerns, does not provide feedback, but complains to coworkers; and 3) articulated—the employee provides constructive feedback to the supervisor.

Creating a better environment for dissent starts with the leader. As a leader, ask yourself the following questions: What is the culture in your courthouse? Does your staff believe that you only want to hear “the company line”?

Leaders must also deal with groupthink. General George S. Patton, Jr., said, “If everyone is thinking alike, then someone isn’t thinking.” Even when there is someone who does not agree with the group, they may not speak up because they figure the majority is probably correct or they do not want to stick out. However, it is important to question things that have been long taken for granted. For

example, what reports does your court keep? And do you use them? Burke suggested to make it a point to put question marks in the courthouse.



**PRESENTER: Kevin Burke**

**AFTERNOON SESSION REPORTER: Hisashi Yamagata**

In this session, Judge Burke discussed the importance of creating a court environment that values and embraces dissent. Court leaders must build a culture of trust among disparate groups within the court (judges, court managers, and line workers) by facilitating open communication.

Constructive dissent provides valuable information for organizational leaders because it can provide an alternative view and challenge organizations to be innovative. However, staff are often reluctant to bring such “negative” ideas to their superiors. Effective leaders create opportunities that encourage staff to

share their thoughts and opinions openly. For example, they use open-ended questions during discussions with staff, invite them to lunch for informal information gathering, and proactively seek information from those with differing opinions.

Courts are inherently not suited to handle dissent effectively due to their organizational structure and tendency toward deference and precedents. Court leaders must consider the size of their courts (i.e., the number of judges) and the court’s overall culture in analyzing how dissent is processed (or not) and devise strategies to develop a court culture that values and embraces

dissent. There are four steps court leaders can take to foster constructive dissent:

1. Share all the information; build trust.
2. Listen first, talk second, with a focus on facilitating discussion, not leading it.
3. Don’t shoot the messenger; focus on task conflict, not personality conflict.
4. Assign someone as the Devil’s Advocate and intentionally create an environment to bring opposing opinions and ideas.

*For further information about encouraging dissent and combating groupthink, the following were recommended: Kevin Burke’s article in Trends in State Courts 2015 and the video Abilene Paradox.*

*Kevin Burke is a judge, Hennepin County District Court, Minneapolis.*



# Keynote Follow Up—The Good Ones: Ten Crucial Qualities of High-Character Employees

PRESENTER: **Bruce Weinstein**

REPORTER: **Kevin McKay**

Dr. Bruce Weinstein described the ten crucial qualities of employees of high character, which are more fully described in his book *The Good Ones*: honesty, accountability, care, courage, fairness, gratitude, humility, loyalty, patience, and presence. The primary benefits to having employees of high character are that courts will get people who are morale boosters, are productive, and are loyal, and they usually enhance lives and reflect well on the organization.

Weinstein believes courts should incorporate the ten qualities into their core competencies, vision, and values. Courts should also describe character qualities and high ethical standards in job descriptions and postings and use the ten qualities in hiring, disciplinary, and termination decisions.

He believes the most important quality for employees to have is honesty, and the attendees were asked to think about and describe “an honest thing you’ve done in a previous job (or elsewhere) that shows you’re committed to doing the right thing, even when no one would know the difference.” This question (and others) are great discussion starters in job interviews when you want to hire employees of high character. On the accountability issue, ask applicants to “describe a situation in which you took responsibility for a mistake you made. What were the consequences to you for doing so?” To find out if they have courage, ask them to “describe a time when you had to disagree with someone in authority and stand your ground.

What was the situation, and how did the other person react?”

Weinstein pointed out that “we hire for competence, but fire for character.” However, we should hire for competency and character, so we should only hire high-character employees and avoid the firing all together.



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Dr. Bruce Weinstein, “The Ethics Guy,” is the author of *Ethical Intelligence* and *The Good Ones*; [Bruce@TheEthicsGuy.com](mailto:Bruce@TheEthicsGuy.com).

# The Role of Quasi-Judicial Officers

PRESENTERS: Richard Eadie, Paul Sherfey, and Mark Weinberg

Most court systems have appointed judicial officers who are hired by the court, either a chief judge or the judges en banc. They process many high-volume minor disputes, adjudicate pretrial matters (e.g., settlement conferences, initial hearings, defaults, court trials, non-dispositive motions, etc.), and sentence or rule on lesser controversies that are frequently appealable to elected or retained judges. Increasingly in some jurisdictions, they are entrusted with greater numbers of cases and higher-order, more-complex matters. In other jurisdictions, where caseloads may be declining as they are in a number of courts across the country, their numbers are dwindling, and judges are left to assume what many judges conclude is more mundane, routine work. As caseloads ebb and flow, austere government budgets continue to dominate, and Baby Boomer referees, magistrates, commissioners, and hearing officers retire in larger



numbers, how should court leaders organize, develop, and manage judicial adjuncts in the years ahead? These important positions, regardless of the state or court in which they exist, generally have the same function: to

ease the burden upon full-time judges and expedite justice in a timely, cost-efficient manner.

Most court systems have appointed judicial officers who are hired by the court, either a chief judge or the judges en banc.

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*Richard Eadie is a judge, King County Superior Court, Washington.*

*Paul Sherfey is chief administrative officer, King County Superior Court, Washington.*

*Mark Weinberg is court administrator, Seventh Judicial Circuit, Florida.*



# COSCA Policy Paper 2014: Four Essential Elements Required to Deliver Justice in Limited-Jurisdiction Courts in the 21st Century

PRESENTER: Arthur W. Pepin

REPORTER: Peter Kiefer



To date, 46 states have at least one level of limited-jurisdiction court, and some have multiple court types, including municipal courts, justice courts, magistrate courts, county courts, and even mayor's courts. These limited-jurisdiction courts, which resolve the vast majority of America's legal issues, are often presided over by non-lawyer judges. There are arguments for maintaining the status quo, such as rural areas suffer a shortage of attorneys willing to serve as judges, thus forcing non-attorney judges to step in; the present system of non-lawyer judges in many states works well; non-lawyer judges often reflect the sentiments of the community more than attorney judges; and the use of non-lawyer judges comports with the American ideal that the law should be easily understood by ordinary people.

The Conference of State Court Administrators (COSCA), on the other hand, in its 2014 policy paper drove home the view that due to the complexity of legal issues even in minor cases, all judges, including those in limited-jurisdiction courts, should be law trained. The paper made four recommendations: 1) limited-jurisdiction courts should be staffed by qualified judges; 2) limited-jurisdiction court proceedings should be on the record to eliminate trials de novo; 3) limited-jurisdiction judges should be independently appointed or stand for election, and a corollary, 3A) court funding should foster judicial independence; and, 4) limited-jurisdiction courts should have professional court managers.



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*Arthur W. Pepin is director, New Mexico Administrative Office of the Courts.*

# Juvenile Court Data Sharing: A Case Study and Lessons Learned

PRESENTERS: Kevin Bowling and Sandra Metcalf

REPORTER: Dawn Palermo

This session followed the data-collection and information-sharing process of the 20th Judicial Circuit Court in Michigan and their Juvenile Justice Vision 20/20 Executive Team. The session highlighted the steps Michigan used for statewide data sharing in juvenile justice and why multijurisdictional data sharing is important.

The session clarified that not all jurisdictions have to rely on the same case management system; rather, they use a central information clearinghouse. Of vital importance to the project was establishing a data-definition glossary for all jurisdictions. The centralized data-collection-and-sharing systems have been used for state funding. The uniform data collection was also used to justify the existence of the juvenile justice system.

Juvenile Justice Vision 20/20 identified five strategic focus areas: the unique purpose of the juvenile court; effective outcomes for youth, families, and communities; juvenile court operational performance data; adequate and sustainable funding; and a strong juvenile justice workforce. The highlights of the data-sharing model are that the data are entered into a central repository; data flows are bidirectional; federated query capability



allows the courts to share/exchange data across jurisdictions; and the system answers key questions regarding court performance. (Who are in the courts? What has been done with the juveniles? Where are the juveniles, or where have they been?) The benefits of the system have been improved responsiveness to address the specific needs of juvenile transfer cases, consistent language among courts, improved outcomes, and improved data entered into the central repository.



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Kevin Bowling ([kbowling@miottawa.org](mailto:kbowling@miottawa.org)) is trial court administrator and attorney referee, and Sandra Metcalf ([smetcalf@miottawa.org](mailto:smetcalf@miottawa.org)) is director, Juvenile Services Division, 20th Judicial Circuit Court, Michigan. Both are members of the Juvenile Vision 20/20 Executive Team.

# Making a Case for Judicial Tools: Shifting the Paradigm for Judicial Caseflow Management

MODERATOR: Yolanda L. Lewis

PRESENTERS: Jean Bousquet, Laurie K. Dudgeon, and Constance Russell

REPORTER: Giuseppe M. Fazari

The presenters discussed the need and benefits of implementing judicial tools. Attendees reviewed a white paper that introduced judicial caseflow management (JCFM) for shaping future technology discussions and identified considerations and recommendations in creating configurable judicial tools for judicial needs.

Judge Constance Russell started the discussion. One of her most salient points was the need for the technological application to be configurable so that it can assist judges in the day-to-day management of unstructured, often disconnected processes that are not necessarily reflected in the official record. Systems should be designed for the people that use them—in this case, judges.

Laurie Dudgeon discussed some of the key lessons learned in Kentucky. Some of the most noteworthy points included conducting a thorough business analysis of processes, which clearly documents the needs of judges; configuring tools so judges can pull information out of the case management system; forming strategic partnerships with all affected stakeholders; and piloting the concept in courts that range in location, volume, and scope. Jean Bousquet discussed the judicial



dashboard, which displays proceedings (what the judge is doing) and measures (how the judge is doing). She also presented various scenarios regarding the court's technological maturity stage in case information, case management information, electronic documents, chambers work, court events, and communications. The court's overall infrastructure determines the appropriate strategy.

Several inquiries were raised, including one about specific features of the platform that allow users to open up the charts and graphs to obtain

more specific information related to individual cases. Judge Russell said that the most significant challenge will be “selling” the idea to those who will be directly affected by it. She provided an example of how the challenge that accompanies change can be mitigated by showing judges and staff how it will directly benefit them.

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*Jean Bousquet is chief information officer, Wisconsin.*

*Laurie K. Dudgeon is state court administrator, Kentucky.*

*Yolanda L. Lewis is district court administrator, Atlanta Judicial Circuit, and court administrator, Superior Court of Fulton County.*

*Constance Russell is a judge, Fulton County Superior Court, Georgia.*



# NACM Core

PRESENTERS: Elaine Borakove and Paul DeLosh

REPORTER: Jeffrey M. Tsunekawa

In 2010 NACM's leadership requested a review of its current core competencies to ensure that they reflected the increasing responsibilities, new demands of staff, and changes in the environment in which court managers work (e.g., political, economic, technological). The multiyear effort included input from court leaders and professionals from around the country, resulting in the Core.

The Core's tag line, "Strengthening Court Professionals," defines NACM's goal in updating its core competencies. The CORE provides a road map to the profession—from the foundational knowledge of the enduring principles that every individual working in the court system should possess to the more complex and advanced areas required to be an effective court professional.

The Core not only encourages competencies for court administration professionals but also promotes excellence in the administration of justice. A set of core competencies provides guidance on court management knowledge, skills, abilities, and responsibilities required for effective performance and NACM's educational programming. The Core provides a comprehensive, detailed description of what individuals working in court administration need to know and be able to do within three Core modules, which are broken down into several guiding competencies:

### Principle

- Public Trust and Confidence
- Purposes and Responsibilities

### Practice

- Caseload and Workflow
- Budget Resources and Fiscal Management
- Public Relations
- Operations Management
- Ethics
- Accountability and Court Performance
- Educational Development
- Workforce Management

### Vision

- Leadership
- Strategic Planning
- Court Governance



To find out more about the new NACM Core, please visit <http://www.nacmcore.org>.

Elaine Borakove is president, Justice Management Institute; (703) 940-0323; [elainen@jmijustice.org](mailto:elainen@jmijustice.org).

Paul DeLosh is director of judicial services, Supreme Court of Virginia; (804) 786-1730; [paul@nacmnet.org](mailto:paul@nacmnet.org).

# Why Don't They Understand? Getting Beyond the Obstacles in Integrated Justice Information Systems

PRESENTERS: Mark B. Bittner and Joseph D. K. Wheeler

Many justice communities struggle to establish, maintain, and evolve justice partner information system interoperability. Many of these struggles come from hurdles and disconnects inherent in the relationships between courts and their partners. This session identified those barriers and provided insights to surmount them.



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*Mark B. Bittner is manager, Project Management Office, Judicial Information Systems, Maryland Judiciary.*

*Joseph D. K. Wheeler is founding member and CEO, MTG Management Consultants, LLC.*

# Why Should Anyone Be Led by You?

PRESENTERS: Patricia Costello and Gordon Griller

Gordon Griller began the session by asking a pointed question: “Why should anyone be led by you?” The question is also the title of an article in the *Harvard Business Review* from September 2000. What are the differences between a supervisor, a manager, and a leader?:

- supervisors deal with the day-to-day operations
- managers deal more with the overall success and productivity of a group
- leaders deal with the big picture and are visionaries

To be a good leader one must know oneself. Do not be afraid to ask, “How am I doing?” This could be a frightening thought as you do not know what the response is going to be. A leader also has a vision. This person sees a problem that needs to be fixed or a goal that needs to be achieved. It may be something that no one else sees or simply something that no one else wants to take on.

Individuals cannot be leaders unless they have followers, and followers want to be led by a person—not a position. Followers want authenticity, significance, excitement, and a sense of community from a leader.



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*Patricia Costello is assignment judge, Superior Court of New Jersey, Essex County.*

*Gordon Griller is principal court management consultant and director of trial court leadership programs, Court Consulting Services, National Center for State Courts.*

## Active Shooter: Best Practices in Court Security

PRESENTERS: J.D. Gingerich and Chelsea Woodall

REPORTER: Jeff Chapple



In an effort to train Arkansas court security officers more efficiently, the Arkansas Administrative Office of the Courts, in partnership with the National Center for State Courts and with funding from the State Justice Institute, created an innovative, highly interactive online training course. J. D. Gingerich discussed the how this training started as an in-person course but evolved into an online course that any state could use.

In 2003 the Conference of Chief Justices/Conference of State Court Administrators convened a Court Security and Emergency Preparedness Committee to determine state court needs and effective practices in

court security, resulting in the “Ten Essential Elements for Court Safety and Security.” The Arkansas AOC used these principles as the guide for creating a statewide security and emergency preparedness program. The Arkansas Supreme Court established committees, which ultimately led to Act 576 of 2007 (Court Security Act). Grants were awarded and funds shared equally across the state for trainings. They then decided on an online training course, which could be used as needed and save traveling and teaching resources.

Chelsea Woodall demonstrated this innovative eCourse, which can be found at <http://www.icmcourtacademy.org/course/arkansas-court-security-officer-training/>.

The eCourse is certified by the Arkansas Commission on Law Enforcement and qualifies for training/education credits. This course walks the trainee through scenario-based situations, placing them in the mindset of the active shooter and the victims. It contains a drag-and-drop interactive test, actual CCTV video of active shooter events, and “Run, Hide, Fight” interactive training.

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*J. D. Gingerich is director, Arkansas Administrative Office of the Courts.*

*Chelsea Woodall is director of instructional technology, National Center for State Courts.*



# Let It Go: Change Never Bothered Me Anyway

PRESENTERS: T.J. BeMent, Dexter Thomas, and David Wasson

REPORTER: Rhonda Wharton

After a rendition of “Let it Go,” David Wasson stated: “Court managers want to change the world and make things better. Change is hard and you may hit a wall when you try to implement change in your organization. We all deal with positive and negative changes all the time. If you can dream it, you can do it! At least as long as you can get people onboard with you.”

Dexter Thomas and T. J. DeMent used examples from Dr. Spencer Johnson’s *Who Moved My Cheese?* The main characters Sniff and Scurry find ways to make changes, while Hem and Haw make excuses and do not want to change. The Hems and Haws either get left behind by the Sniffs and Scurrys of this world or are forced into unwanted change.

Thomas discussed what he had done to get a new building constructed for the Maricopa County Justice Courts. He identified the need, started to work, found the people who could help him get what he wanted, and started finding resources to get his project done. His courts are now getting a new building. This new building will not have a file room; they are going to e-file everything. Have they even gotten e-filing software yet? No. But that did not stop Thomas from pursuing his dream of a paperless office. He said to build your dream, whether or not everything was already in place.



*T. J. BeMent is district court administrator, 10th Judicial District, Athens, Georgia.*

*Dexter Thomas is fiscal service manager, Maricopa County Justice Courts, Phoenix, Arizona.*

*David Wasson is a retired major and judge advocate general, U.S. Army Reserves.*

# Practical Considerations in Trying Terrorism and Other High-Profile Cases

PRESENTER: **Loretta A. Preska**

REPORTER: **Karl Thoennes**

Many high-profile terrorism cases are well-known to the public, often by the defendants' names or media nicknames—for example, the “Captain Phillips” piracy case. Many such cases have been tried in the U.S. District Court in Manhattan (Southern District of New York).

Chief Judge Loretta Preska discussed the practical and legal challenges of such cases. In addition to intense coverage, where even a definition of “media” itself is not clear, judges and court managers must respond to many difficult and unusual circumstances. In the Abdel Rahman (or “Blind Sheikh”) case, the defendant’s attorney was charged and convicted for relaying messages to the defendant’s associates overseas. In the Abduwali Muse (“Captain Phillips”) case, the defendant’s age or date of birth was hotly contested. Some cases also involved public interest not encountered in traditional criminal cases—for example, public protests against holding the Khalid Sheik Mohammed trial in New York City.

The court must address Fifth and Sixth Amendment guarantees when witnesses or sources of information are scattered across the globe and significant portions of the evidence or the means of collection are highly



classified. Judge Preska and other judges have also considered practical questions about the extent and duration of security precautions for judges, court staff, attorneys, jurors, witnesses, access to exhibits, and court facilities, including the extent of security measures in high-traffic areas surrounding the court.

Judge Preska discussed the challenging legal environments of managing cases where traditional criminal law intersects with contemporary realities and definitions of “acts of war”; definitions of terrorism

are fluid; and boundaries between civil and military justice are still evolving, as well as how traditional, usually retrospective methods of crime investigation and prosecution were established long before the rise of multinational terrorism cases.

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*Loretta A. Preska is chief judge, U.S. District Court, Southern District of New York.*

## Promoting Collaborative State Administrative Office and Trial Court Relationships: Do You Have What It Takes?

MODERATOR: **Laura Klaversma**

PANEL: **David Boyd, Pamela Harris, David W. Slayton, and Patti Tobias**

REPORTER: **Danielle Fox**

This session featured a panel of current and former state court administrators from Iowa, Maryland, Texas, and Idaho, who provided practical advice on how to navigate relationships between state administrative offices of the courts and trial courts. They discussed mechanisms of effective communication; characteristics of an ideal relationship; approaches to ensuring equity in decision making; and ways to include court personnel (at all levels) in the decision making and development of state court programs and services. For example:

- communicate regularly and across multiple modes (e.g., via a weekly newsletter or e-mail)
- harness the innovative solutions developed at the local level to inform statewide strategy
- build ideal relationships between the state administrative office and trial courts by cultivating mutual respect, supporting ongoing access, establishing a clear vision, and speaking with one voice
- engage the services of outside consultants
- institute a judicial council or similar governing body to serve as the decision-making authority or, at a minimum, as an advisory board



If there are any topics related to the state administrative office and trial court relationships that are of interest to NACM members, please contact one of the panelists, as such topics may inform future Conference of State Court Administrators (COSCA) policy papers and orientation programs.

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*David Boyd is state court administrator, Iowa; [david.k.boyd@iowacourts.gov](mailto:david.k.boyd@iowacourts.gov).*

*Pamela Harris is state court administrator, Maryland; [pamela.harris@mdcourts.gov](mailto:pamela.harris@mdcourts.gov).*

*Laura Klaversma is court services director, National Center for State Courts.*

*David W. Slayton is administrative director, Office of Court Administration, Texas; [david.slayton@txcourts.gov](mailto:david.slayton@txcourts.gov).*

*Patti Tobias is principal court management consultant, National Center for State Courts, and former state court administrator, Idaho; [ptobias@ncsc.org](mailto:ptobias@ncsc.org).*



# Reengineering Courts in Crisis: Lessons from Detroit

PRESENTERS: Gordon Griller and Michael J. Talbot

REPORTER: Kevin McKay

On May 28, 2013, Judge Michael J. Talbot was appointed to serve as special judicial administrator of Detroit's 36th District Court at a time when the court was running \$4.2 million over budget and the City of Detroit was in bankruptcy. According to a study by the National Center for State Courts (NCSC), the 36th District Court was in crisis and desperately needed reengineering. The NCSC report cited a culture of financial overruns, inadequate customer service, poor management, personnel deficiencies, and faulty case-processing practices.

The turnaround team had to make drastic changes, which included reorganizing the management structure and laying off approximately 80 court staff. They had to deal with four labor unions to cut employee benefits, and they reassigned four judges from the civil docket to the criminal docket. An additional \$3 million were obtained from other sources to refurbish and clean up the building. When NCSC came back one year later, they found courageous leadership and employee empowerment. There was a clear focus on action with a guiding coalition of doers, as well as

widespread communication and collaboration. Employees were given autonomy within boundaries, experimentation among teams was encouraged, and good work and initiative were valued and praised.

Judge Talbot shared ten major "takeaways" to accomplish a turnaround in court leadership. These can be adopted either by courts in trouble or by courts wanting to stay out of trouble: obtaining unbiased objective information; prioritizing the problems; embracing a turnaround mindset; collaborating with other agencies; managing by walking around; consolidating gains and pushing for ongoing change; encouraging technical and adaptive change; using performance measures; promoting a customer orientation; and keeping leadership practices that keep the court healthy.



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*Gordon Griller is principal court management consultant and director of trial court leadership programs, Court Consulting Services, National Center for State Courts.*

*Michael J. Talbot is chief judge, Michigan Court of Appeals.*

## Fireside Chat: 30-Year Retrospective

MODERATOR: **Scott Griffith**

PRESENTERS: **Vicky Carlson, Ernie Friesen, and Will Simmons**

REPORTER: **Jeffrey M. Tsunekawa**

This year we celebrate the 30th anniversary of the National Association for Court Management. NACM was created in July 1985 with the merger of the National Association for Court Administration (NACA) and the National Association of Trial Court Administrators (NATCA).

Vicky Carlson, Will Simmons, and Ernie Friesen discussed issues facing courts today and how these issues have progressed over the years. Bob Tobin was quoted by the panel as once saying, “The more things change, the more things stay the same.” This was very apparent when the panel began to discuss problems that many court leaders are struggling with. The panel provided usable advice and suggestions.

Friesen suggested that responsible leadership requires 1) a process for generating ideas; 2) a process for translating ideas into realistic forms; and 3) a process for focusing energy to sustain performance. He also stressed the importance of real data and real statistics. Bob Wessels, from the audience, observed that courts have lost their curiosity about how cases go through the system. Court



administrators seem too focused on the macro data and processing and less on individual cases.

Simmons reminded everyone that there are some things that technology cannot, and will not, replace. He also noted how important a court administrator's role is as a bridge

between the judge, the clerk, and the administrative office of the courts.

Carlson said how hopeful she was that all courts will realize how much more successful they could be if they took advantage of not only their local strengths, but also the strengths found at the state level.

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*Vicky Carlson is court administrator, Scott County, Minnesota.*

*Ernie Friesen is the author of Purposes and Responsibilities of Courts.*

*Scott Griffith is director of research and court services, Texas Office of Court Administration.*

*Will Simmons is district court administrator, 6th Judicial Administrative District, Georgia.*

## From Last to First: How a Training Unit Developed Excellent Court Leaders (on a Limited Budget)

PRESENTERS: Hector B. Cuevas and Amy Smith-Fisher

The Los Angeles Superior Court was struggling with budget issues and space issues when it came to training for its staff. This led to transforming the court's "Training Academy" into the Education and Development Unit (EDU).

The new program consists of multiple certificate programs; these certificate programs have generated a lot of interest because there is something to work toward and not just classes for classes' sake. There are three programs available:

- Supervisor Certificate program for individuals currently in supervisory roles (consists of four standalone classes and 12 compiled classes; subject-matter experts provide training)
- Non-supervisory Certificate program for individuals not currently in supervision but who may wish to be in that role in the future (consists of five classes that were supervisor classes slightly modified for non-supervisory individuals)
- Leadership Essentials for Managers and Administrators requires an application-and-essay process for selecting participants (consists of ten compiled courses; senior management provides training)

Classes range from three to six hours depending on topic and content.



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*Hector B. Cuevas is deputy director, and Amy Smith-Fisher is court training director, Los Angeles Superior Court.*



## Trauma and Trauma-Informed Care

PRESENTER: **Miriam Goodman**

REPORTER: **Michelle Ardabilly**

Domestic violence and sexual abuse are just two types of trauma experienced by individuals and communities. Reactions to trauma often result in challenging behaviors. This session discussed how to incorporate a trauma-informed approach in court work to connect with clients or customers effectively. The purpose was to provide an understanding of trauma and common trauma reactions among those who have survived trauma, how to best respond to trauma victims, and why this work is so challenging.

Trauma results from a physically or emotionally harmful or threatening event that has lasting adverse effects on an individual's functioning and psychological, social, emotional, or spiritual well-being. Trauma reactions are adaptations an individual makes to survive the experience and the pain associated with it. Common examples are flashbacks, nightmares, physical pain, emotional numbing, disassociation, irritability, difficulty sleeping, and a lack of concentration. Often, these responses are misdiagnosed or overlooked as symptoms of other mental illnesses.

Court-related workers often come in contact with people who have experienced multiple traumas, and understanding trauma and trauma reactions helps these workers understand that their clients' or customers' emotions and behaviors are normal reactions to abnormal experiences; it helps remove judgment and pathology. These workers are then better able to connect with their clients. This can be very hard work, because it requires an acknowledgment of the horror in the world. The empathy and understanding it entails can cause burnout and vicarious trauma for the trauma worker.



Trauma reactions are adaptations an individual makes to **survive** the experience and the pain associated with it.

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*Miriam Goodman is assistant director of anti-trafficking and trauma initiatives, Center for Court Innovation, and clinical coordinator and women's specialist, Midtown Community Court, Manhattan; (347) 735-3957; mgoodman@nycourts.gov.*

## Will Courts Be Customer Driven in the Future?: Managing for Superior Customer Service

PRESENTERS: **Jude Del Preore and Nina Thomas**

REPORTER: **Mary Majich Davis**

Jude Del Preore and Nina Thomas facilitated an informative session about creating a court culture that values excellent customer service. They started by asking attendees to think back on recent times when they had received excellent and terrible customer service, then to describe both experiences with one word. This focused the conversations on how customer service has different meanings depending upon your perspective, which emphasized why it is important that the court look at the customer's point of view when establishing customer-service standards. Customer service has to be part of the court's ongoing core mission, and courts need to evaluate all operations from a customer-service point of view, including web access, phone calls, forms, fees, signage, pathfinding, staff hiring, orientation, and training.

There are three preliminary questions to a customer-service evaluation: 1) What is our business? 2) Who is our customer? 3) What do our customers consider to be of value? Courts should seek input and feedback from the various court users to assist in defining "superior service." This can be done in a variety of ways, including focus groups, customer comment cards, suggestion boxes, surveys, user groups, and secret-shopper programs.

Creating a court environment that values high-quality customer services



takes strong, ongoing leadership that establishes superior service as mission critical. The court's leadership must define what superior service means and have a clear, written statement describing superior service so that it is easily understood by both court staff and court users. The emphasis on superior customer service must be reinforced at every level of the organization. In addition to training to this core value, it is also important to recognize and reward superior service. This greatly assists in establishing a "customer-driven court."



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*Jude Del Preore is trial court administrator, and Nina Thomas is division manager, Burlington Vicinage, New Jersey Superior Court.*

# Tuesday, July 14 **Tuesday**

## Keynote—Unfinished Business: Improving Justice System Governance from the Magna Carta to Today

PRESENTER: Ernie Friesen



Court governance is about making policy and delegating authority to administrative judges, and court managers to apply it in day-to-day operations. The speaker traced the development of court system governance from its earliest roots to its present practice. The presentation began with the Magna Carta, signed by King John of England 800 years ago at Runnymede, England (June 15, 1215), which set in motion the

development of our democratic system of justice, the Rule of Law, and a separate judicial branch of government to oversee it all—three interlinked concepts at the heart of what judges and court managers are charged to protect, nurture, and advance. The paradigm of “relinquishing or sharing power” by those at the top of the governance pyramid, whether a king or a chief justice, has new relevance for judicial system governance today and

tomorrow as society and organization life has become much more pluralistic, interconnected, complex, and collaborative. Friesen explored the challenges involved in leading and governing our state judicial systems by looking at where we have been, where we are today, and where we need to go to ensure the third branch flourishes in the future.

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*Ernie Friesen is the author of Purposes and Responsibilities of Courts.*



# Building Sustainable Mental Health Courts (MHCs): Performance-Based Program Standards

PRESENTERS: Kent Batty, Marcus W. Reinkensmeyer, and Nicole Waters

This session addressed the development of mental health courts; long-term sustainment of MHCs; how to leverage their performance based on specialty court standards; and the practical application of the standards as related to the NACM core competency of Accountability and Court Performance and program data used to drive program management decisions.



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*Kent Batty is administrator, Superior Court of Pima County, Arizona.*

*Marcus W. Reinkensmeyer is director of court services, Administrative Office of the Courts, Supreme Court of Arizona.*

*Nicole Waters is principal court research consultant, National Center for State Courts*

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# Promoting and Expanding Language Access in State Courts

PRESENTERS: Kathie O'Connell, Tricia Penrose, and Raúl Pilling-Riefkohl

Meeting the language access needs of the diverse LEP population is a formidable challenge for most state courts. Los Angeles Superior Court senior administrators facilitated an informational and interactive discussion about strategic solutions for language access, including organizational realignment, more efficient use of existing resources, calendar restructuring, and technology innovations.



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*Kathie O'Connell is the director of courtroom support, Los Angeles Superior Court.*

*Tricia Penrose is senior administrator, Courtroom Support Division, Los Angeles Superior Court.*

*Raúl A. Pilling-Piefkohl is administrator for interpreter services, Los Angeles Superior Court.*



# Continuous Improvement in Ottawa County, Michigan Circuit and Probate Courts: A High Performance Court Framework Perspective

PRESENTERS: Kevin Bowling, Sandra Metcalf, and Brian Ostrom

REPORTER: J. Kevin McKay

This session discussed some of the resources and methods the Ottawa County circuit and probate courts used to sustain their strategic-planning process. The presenters described the courts' rationale and history of strategic planning, discussed how they used the National Center for State Courts' (NCSC) High Performance Court Framework, and gave examples of strategic focus areas, projects undertaken, and lessons learned.

The long-range strategic plan in Ottawa County was accomplished in three phases. Phase 1 was forming the task force, designing the process, and setting the schedule; phase 2 involved gathering input from the stakeholders; and phase 3 was development of the strategic plan.

The core of the strategic plan is the court's mission, vision, and values. The court set up five strategic-plan action teams: resources; access to courts; efficient/effective services and operations; positive external relations; and employee opportunities and satisfaction. These teams can also be used for staff leadership development and succession planning. Several court-wide benefits were identified, such as fostering long-term thinking and planning, enhancing communications



and collaboration, engaging staff in ongoing improvements, and developing a strategic road map for court leadership.

Once the Ottawa County courts had several years of successful strategic planning, they made the transition to the High Performance Court Framework. They obtained a grant from the State Justice Institute to partner with NCSC to renew their focus on trial court performance measures.

The presenters gave some examples of how to get started with the High Performance Court Framework—for example, conducting a “self-assessment survey” and an “employee-satisfaction survey.” Both surveys are provided by NCSC, and if you share your employee-satisfaction-survey results with NCSC you can get comparison results from other courts.

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*Kevin Bowling is trial court administrator and attorney referee, 20th Circuit Court and Ottawa Probate Court, Michigan; [kbowling@miottawa.org](mailto:kbowling@miottawa.org).*

*Sandra Metcalf is director, Juvenile Services Division, 20th Circuit Court, Ottawa County, Michigan; [smetcalf@miottawa.org](mailto:smetcalf@miottawa.org).*

*Brian Ostrom is principal research consultant, National Center for State Courts; [bostrom@ncsc.org](mailto:bostrom@ncsc.org).*

# Designing and Evaluating Non-Lawyer Legal Assistance Programs

PRESENTERS: Tom Clarke and Rebecca L. Sandefur

REPORTER: Jeff Chapple

Rebecca L. Sandefur and Tom Clarke spoke in detail about the access-to-justice crisis, or “Justice Gap.” Today’s environment is changing with legal books (along the lines of “going to family court for dummies”), self-help centers, and many online portals for legal services. These non-lawyer civil-legal-assistance offerings achieve the joint goals of access to justice and consumer protection. Some of the non-lawyer programs offered are Justice Corps, Court Navigators, Family Court Facilitators, Domestic Violence Advocates, or even limited-license legal technicians. Many of these programs consist of volunteers or legal aides going to school. In the State of Washington, they are actually tested and licensed as limited legal technicians. These offerings help the public build the trust in the system and increase the level of acceptance of the courts. The biggest issue is education—people cannot use a product if they do not know it exists.

These programs vary widely by state, and the biggest offering is just education of the process. Most litigants do not need the legal assistance; they just need help walking through and completing the process.



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*Tom Clarke is vice president for research and technology, National Center for State Courts.*

*Rebecca L. Sandefur is associate professor of sociology and law, University of Illinois at Urbana-Champaign, and Faculty Fellow, American Bar Association.*

# Developing a Capital Courts Master Plan for a Rebounding Economy

PRESENTERS: Ryan Critchfield, Robert Fisch, Belinda Powell, and Eric M. Shepperd



Court jurisdictions are getting prepared for the rebounding economy by developing court facilities master plans, thus setting the stage for capital budget requests. Renewing your court facilities creates opportunities for implementing changes in both processes and technologies. This session featured case studies of three major courts' master plans—Massachusetts, Manhattan, and Travis County (Austin, Texas).

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*Ryan Critchfield is architect and senior associate, CGL RicciGreene.*

*Robert Fisch is a nationally recognized expert in court facility planning.*

*Belinda Powell has 30 years of experience in planning, design, and project management in the public and private sector.*

*Eric M. Shepperd is judge, County Court at Law No. 2, Texas.*

## Ensuring Digital Continuity—What's Your Plan?

PRESENTER: Nial Raaen

Digital continuity is an approach to keeping and managing digital information to ensure that it can be used in the way that is required. This session provided a road map for court managers to ensure the integrity and availability of digital information over time.



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*Nial Raaen is principal court management consultant, National Center for State Courts.*



# Keynote Follow-Up—Governance in State Courts: The Judicial Council Model (Minnesota)

PRESENTERS: Ernie Friesen, Tim Ostby, Jeff Shorba, and Teresa R. Warner

REPORTER: Jude Del Preore

In the follow-up to Ernie Friesen’s keynote session, the presenters covered the development of the Minnesota Judicial Council. During Minnesota’s transition from county to state funding, Chief Justice Kathleen A. Blatz led the effort to revamp the judiciary’s governance structure to better support a state-funded organization. They needed a new model of decision making to achieve strategic goals and policies and to allocate resources statewide. After many months of study and input from around the state, the Judicial Council was launched.

The Minnesota Judicial Council establishes and monitors administrative policies to achieve an accessible, fair, and timely system of justice statewide and to ensure that the judiciary functions as an independent and accountable branch of government. The Judicial Council’s authority includes:

- development and implementation of the branch strategic plan
- budget priorities and requests, submission of the judicial-branch budget request to the governor and legislature, and distribution among courts and districts
- collective bargaining



- human resources
- technology
- educational and organizational development
- jury, guardians ad litem, interpreters, expedited child support, and other programs
- core services, court performance, and accountability

In addition to the ten chief judges, the council’s membership includes elected and appointed members. Judges and administrators come from various judicial districts and every

court level: trial court, court of appeals, and supreme court. Each member is expected to make decisions based on the “good of the whole.”

The Minnesota Judicial Council has three standing committees: Court Operations Policy and Strategy (COPS), Human Resources/Education and Organization Development (HR/EOD), and District Implementation. The council may form ad hoc committees as needed, and the Drug Court Initiative and Equality and Justice committees also report to the council.

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*Ernie Friesen is the author of Purposes and Responsibilities of Courts.*

*Tim Ostby is judicial district administrator, Seventh and Eighth Judicial Districts, Minnesota.*

*Jeff Shorba is state court administrator, Minnesota Judicial Branch; jeff.shorba@courts.state.mn.us.*

*Teresa R. Warner is chief judge, Second Judicial District, Ramsey County, Minnesota.*

# Conducting a Caseload Analysis and Prompt Corrective Improvements

PRESENTERS: Patricia K. Costello, Ernie Friesen, Gordon Griller, and Bob Wessels

A caseload management review requires a four-step process:

- **Stage 1**—prepare for the review (see what's going on; there must be a shared vision)
- **Stage 2**—system documentation (diagram the process; conduct interviews to understand perceptions, attitudes, and beliefs; make observations of proceedings; review caseload rules and statutes; and collect data)
- **Stage 3**—analysis
- **Stage 4**—formulation of conclusions and recommendations

What needs to be done before beginning a caseload management review? Key staff needs to be up-to-date on caseload management. They need to know where continuances, resets, or other sorts of delays are occurring. Who is asking for a continuance? Is it stipulated? How long was the continuance granted for, and who granted it? Knowing the culture of the court is important, too. Calendar calls should be observed to see what happened and why. In addition, what is the judiciary looking for in a caseload analysis? What should be counted, why is it being counted, and should it be counted all the time?

It is vital that system documentation does not become the project. Take the opportunity to watch the criminal process from beginning (arrest) to disposition. A comparison of the manual and computer information should be completed. How good are the data? Decisions regarding how to report out on the issue will need to be made, as well as a determination as to whether the document should be made public.



Take the **opportunity** to watch the criminal process from beginning (arrest) to disposition.

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*Patricia K. Costello is assignment judge, Superior Court of New Jersey, Essex County.*

*Ernie Friesen is the author of Purposes and Responsibilities of Courts.*

*Gordon Griller is principal court management consultant and director of trial court leadership programs, Court Consulting Services, National Center for State Courts.*

*Bob Wessels served the Harris County Courts system (Texas) for 37 years, 35 as court manager (1974-2011).*

# Cyber and Information Safeguarding—Policy and Technology

PRESENTERS: Rocky A. Coss and Ashwini Jarral

REPORTER: Peter Kiefer



Judge Rocky Coss started the presentation with a description of the Highland County, Ohio experience when it was hacked by a ransomware attack. Ashwini Jarral then discussed typical cyber threats and the government's Identity, Credential, and Access Management (ICAM) initiative. Some of the threats courts face include defaced websites, data breaches, compromised data, phishing attacks (e.g., users are asked to update personal information that is then given to hackers), spear phishing (users are sent

an email from someone they know and asked to update personal information that is then given to hackers), and ransomware (users' computers are locked until hackers are sent money to have the system unlocked).

We often do not understand the true threat hackers pose. In 2014 there were over 67,000 reported incidents; over 40 percent of them were non-cyber or policy violations. The number of data breaches has been growing at a constant rate. The government's ICAM initiative proposes to merge the management of

digital identities and credentials into a single, comprehensive management approach. To adapt, organizations must 1) describe their current cybersecurity situation; 2) describe their desired state for cybersecurity; 3) identify and prioritize opportunities to improve; 4) assess progress; and 5) communicate with internal and external stakeholders about cybersecurity risk.

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*Rocky A. Coss is a judge, General and Domestic Relations divisions, Highland County Court of Common Pleas, Ohio.*

*Ashwini Jarral is director of operations, IJIS Institute.*



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# Enhancing Court Performance through Employee Engagement: A Practical Approach

PRESENTERS: **Raymond Billotte, Danna Quinn, Cindy Reid, and Brenda J. Wagenknecht-Ivy**  
REPORTER: **Amy Chack**

The panel discussed practical approaches to employee engagement used by the Maricopa County Judicial Branch. Statistics show that only 35 percent of managers are fully engaged in their work. Employees who are more engaged are more committed in helping their organizations succeed and more likely to recommend improvements. It was emphasized that disengaged managers are three times more likely to have disengaged employees.

Engaged employees are enthusiastic about their work. They are psychologically invested in the organization and motivated to contribute to its success. Evidence also shows that employees who have maximum job satisfaction will maximize their job contribution.

To assess their employees' level of engagement and ensure procedural fairness, Maricopa County began with an anonymous employee satisfaction survey using *CourTools* as a guide. Employees were given hoped-for expectations and told what would be done with the information that was received. It is important to be specific about what is to be accomplished and to get employees excited about participating. Results from Maricopa's



department meetings categorized three major themes: work life, communication, and innovation

Town hall meetings were conducted after the survey to address the results, determine the next steps, and solicit volunteers for committees. Thousands volunteered to join committees. As a result, managers developed their own committees to deal with any department-specific issues. Web portals relayed committee information and kept

employees abreast of news. A judicial education day was held highlighting a new performance evaluation tool based on engagement and featuring a plenary speaker focused on engagement. Changes were reinforced and evaluated regularly.

Participants were reminded to manage their expectations when undertaking this process. On average, it takes three to five years to institutionalize change.

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*Raymond Billotte is court administrator, Superior Court of Arizona, Maricopa County.*

*Danna Quinn is director of human resources, Judicial Branch of Arizona, Maricopa County.*

*Cindy Reid is director of education and training, Superior Court of Arizona, Maricopa County.*

*Brenda J. Wagenknecht-Ivy is CEO, Praxis Consulting.*



# Reengineering to Better Serve the Self-Represented: The Key to Increased Efficiency and Effectiveness in Court Operations

PRESENTERS: Katherine Alteneder, Renee Danser, and Mike Williams

REPORTER: Liz Rambo

Services to self-represented litigants provide a unique opportunity for courts to better serve the public and find efficiencies in operations. These services follow three patterns:

1. One-directional, passive delivery. A court may provide forms on paper or via the Internet, but has little to no interaction with the self-represented litigant.
2. Bidirectional. The court offers forms, speaks with the litigant, and may offer assistance with completing forms.
3. Connecting. The court provides back-and-forth conversation with the litigant and connects the litigant with legal-advice providers when needed.

Pittsburgh performed an extensive strategic-planning process to achieve the highest level of service, which included a task force, self-represented litigant surveys, and review of success stories from around the country. They developed workshops to triage cases from those needing only minimal assistance (fee waiver) to those needing referral to legal advice. They also remodeled their space to provide optimal customer service.



Bronx County works with a disproportionately high volume of self-represented-litigants. They developed a self-help complex with public-access terminals, interview rooms for pro bono providers, and a courtroom. Self-represented litigants can file documents, appear before a judge, meet with a volunteer attorney, or obtain copies of documents as needed.

The speakers offered advice for achieving the highest level of service. The people providing the services to self-represented litigants should be

in professional, not strictly clerical, positions. Courts should strive to create community partnerships for legal-advice services. Finally, courts need to remove physical barriers and create efficiencies in service delivery.

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*Katherine Alteneder is coordinator, Self-Represented Litigation Network ([www.srln.org](http://www.srln.org)).*

*Renee Danser is court administrator, 43rd Judicial District of Pennsylvania, Stroudsburg.*

*Mike Williams is clerk of court, Bronx County Family Court, New York.*



# Business and Complex Litigation Courts: New Approaches to Saving Time and Money

PRESENTERS: **Raymond L. Billotte, Pamela Pryor Dembe, Robert Moss, and John J. Russo**

REPORTER: **Mary Majich Davis**

The purpose, function, and benefits of business courts and complex civil litigation courtrooms were reviewed and discussed. Practical experience gained from four different jurisdictions (Superior Court of Orange County, California; Superior Court of Maricopa County, Arizona; Common Pleas Court of Philadelphia County, Pennsylvania; and the Common Pleas Court of Cuyahoga County, Ohio) was discussed, together with recommendations on best practices for establishing these calendars. The participants discussed the seven steps necessary to establish and successfully operate a business or complex litigation court.



1. Define the need (Do we really need this? Who benefits? What are we seeking to accomplish?)
2. Establish a structure/means for development (Who are the stakeholders? Evaluate similar programs. Clarify objectives. Conduct SWOT analysis—strengths, weaknesses, opportunities, threat. Develop procedures and policies, local rules.)
3. Assess impact (on the court, court employees, technology system, business community, attorneys)
4. Formalize program (legitimacy—issue a general order and establish local rules)
5. Notify, educate, and train (public relations and communication plan, stakeholder education, court staff meetings)
6. Establish evaluation criteria and methods (objective data [what is success?], subjective surveys [is this successful?], standards and measures)
7. Provide feedback (What is and is not working? Make informed decisions. Court your users, attorneys, court staff, and business community. Build improvements based upon feedback.)

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*Raymond L. Billotte is court administrator, Maricopa County (Arizona) Superior Court.*

*Pamela Pryor Dembe is immediate past presiding judge, Common Pleas Court of Philadelphia County (Pennsylvania).*

*Robert Moss is judge, Complex Civil Justice Center, Orange County (California) Superior Court.*

*John J. Russo is administrative and presiding judge, Cuyahoga County (Ohio) Common Pleas Court.*

## The Courts, the Cloud, and the Future

PRESENTERS: Charles Byers, Iveta Topalova, and Joseph D. K. Wheeler

The Cloud is a relatively new model in the justice world but has taken off to new altitudes relatively quickly. This session described the Secure Justice Cloud, how the courts have embraced it, and what the future may hold for the courts and the Cloud.



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*Charles Byers is chief information officer, Kentucky Court of Justice.*

*Iveta Topalova is an architect for Microsoft, concentrating on enterprise solutions architecture, technical interoperability, agility, scalability, and sustainability.*

*Joseph D. K. Wheeler is a management consultant in information technology and government operations.*

## The High Performance Court and Divorce Case Triage

PRESENTERS: Debora Denny, Serpil Ergun, Brian Ostrom, and Shannon Roth

REPORTER: Danielle Fox

This session offered the audience practical tools to resolve domestic relations cases effectively and efficiently through a triage or differentiated case management (DCM) approach. The National Center for State Courts (NCSC) received funding to explore different approaches to screen, prioritize, and adjudicate domestic relations cases. In 2014 NCSC assembled an international advisory committee to review several triage/DCM approaches and instruments. The committee ultimately decided to design

a case-triage instrument to determine which families needed few or no court services (<http://nacmconference.org/wp-content/uploads/2014/01/Initial-Screening-Tool-final.pdf>).

Real-life application of case triage was discussed by court representatives from Nebraska and Ohio. Following their involvement in NCSC's advisory committee, the Nebraska judiciary created a task force to implement the High Performance Court Framework within its domestic relations courts. In Ohio, the Cuyahoga County Domestic

Relations Court developed a DCM plan for its domestic relations cases incorporating timeliness for case disposition by docket type (<http://nacmconference.org/wp-content/uploads/2014/01/Differentiated-Court-Dockets-Case-Management.pdf>). The panelists discussed several other examples of how their courts are incorporating triage as a case management approach. NACM members are encouraged to review the instruments developed with the goal of adapting them to their courts.

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*Debora Denny is director, Office of Dispute Resolution/Special Court Programs, Nebraska State Court Administrator's Office.*

*Serpil Ergun is chief magistrate, Cuyahoga County Domestic Relations Court, Cleveland, Ohio.*

*Brian Ostrom is principal court research consultant, Research and Technology Division, National Center for State Courts.*

*Shannon Roth is program specialist, Research and Technology Division, National Center for State Courts.*

## Know Your Red Routes (and Other Technology Planning Tips for Today's Court Manager)

PRESENTERS: Sue Humphreys and Richelle "Chelle" Uecker

REPORTER: Dominic J. Rossi



This informative, hands-on session explained the meaning of “red routes,” how to recognize red routes, how to plan for red routes, and, most importantly, how to avoid red herrings. Red routes, a term long-used in the transportation industry, has become well-known in the technology field. As Sue Humphreys pointed out, in the United Kingdom, red routes are major roads, marked with red lines, on which vehicles are not permitted to stop—without exception. These roads are to be kept clear in order for traffic to move smoothly and quickly along its route.

So, too, in technology projects, red routes are critical processes the user expects to run uninterrupted, repeatedly, flawlessly, and without fail. They reflect key business and customer objectives. They can usually be identified due to their criticality, frequency, and the number of people affected by their success or failure. Red routes typically have the following characteristics:

- they are complete activities, not simple tasks
- they imply an obvious measure of accomplishment

- they are portable or repeatable to other processes, not merely a “one-off” activity
  - they focus on goals, not on procedural steps
  - they are accurate, feasible, and realistic
- Chelle Uecker led the group in an exercise to identify the red routes in planning an online access program. By mapping the selected features on a color-coded chart, the red routes were clearly distinguished from those features that were deemed critical, but merely turned out to be red herrings.

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*Sue Humphreys is director of industry solutions, CourtView Justice Solutions; sue.humphreys@courtview.com.*

*Richelle “Chelle” Uecker recently retired as manager, Information Services Division, Judicial Council of California; cuecker@live.com.*



## Link between Happiness and Excellence

PRESENTER: **Karen Westover**

REPORTER: **Wilfredo Gaitán**

Karen Westover provided effective morale-boosting tips to create a positive atmosphere. She peppered her course with motivational quotes from Martin Luther King, Jr.; for example, “to inspire and empower individuals to realize they can make a change and impact others, qualities which are not reserved only to those with advanced academic degrees or positions.” She suggested for all not to be “the guest of honor at your own pity party” and instead to “demonstrate gratitude” and “cultivate optimism and the power of forgiveness.” She provided valuable pointers including:

- stop complaining/feeling sorry
- stop comparing
- stop overthinking mistakes
- stop blaming others/criticizing others
- stop feeding your brain junk

Statistics and studies have shown that “happy people are perceived to live longer and are more competent. They are better athletes and get more job promotions.” A mix of visual clips demonstrated the power of expressing

gratitude and giving thanks to those who make an impact on your life. Take the example of Meg Johnson, who overcame a crippling accident that left her paralyzed but allowed her to discover the power of overcoming obstacles; she became a successful motivational speaker and found her purpose and calling to serve others. Suggested readings include *The Hiding Place* by Corrie Ten Boom and Meg Johnson’s account of her hospital experience and the 200 things for which she is grateful.

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*Karen Westover is deputy court administrator, Superior Court of Arizona, Maricopa County.*

## Medically Assisted Treatment

PRESENTER: **Orman Hall**

Over the last decade, there has been a serious increase in the number of justice-involved opiate addicts throughout the United States. This presentation focused on 1) the nature and scope of opiate addiction, 2) why opiate addicts experience an elevated likelihood of criminal justice involvement, and 3) how medication-assisted treatment and other treatment supports are necessary to move opiate addicts toward sustained recovery.



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*Orman Hall is manager of the specialized docket section, Ohio Supreme Court.*

## Financial Planning for Retirement

PRESENTER: **James A. De La Torre**

This seminar focused on six areas of coverage, including cash management process, managing your taxes, saving for retirement, and leaving a legacy. The information presented here can participants to develop realistic financial goals and overcome common roadblocks to financial success. It also provided the education and motivation participants need to put their finances in order and start saving for the future.

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*James A. De La Torre has over 26 years of experience counseling public-sector employees on financial matters and the intricacies of benefits and retirement systems.*

## Rebuilding (Broken?) Public Trust in State Courts

PRESENTERS: **Laurie K. Dudgeon, Jonathan Mattiello, and Jesse Rutledge**

REPORTER: **Lisa Oakley**

This session provided a look into how the public views the people behind the counters and in the courtrooms. Many public servants never explore outside of their courtrooms, offices, and basic areas to interact with the public they serve.

In Jefferson County, an access-and-fairness survey asked court customers the following questions:

**Access to the Courts**—was the courthouse easy to find, were there language barriers, how long did it take to accomplish the business they were there for, were they treated with courtesy and respect, were the operating hours easy for them to do their business?

**Fairness**—was their case handled fairly, did the judge listen to their side of the story, were they treated the same as everyone else, was racial fairness an issue?

**Background Information**—what type of court (court office) were they there for, what type of case, what did they do at the courthouse today, what was their nationality and gender, and what was their primary language?

Public trust in courts has been eroding since 1984, and although it has increased over the last couple of years, it still needs to improve. Courts should be concerned about lower customer-service ratings.

Some attendees perceived some disparity in the survey. Some felt that reentry and recidivism were increasing because what courts were doing on the front end was not being done as well as on the back end. The survey showed that the jail was the worst, and traffic court was equally bad; family-court litigants did not know who was doing what. Regarding judges, the public's opinion was that judges were there due to their affiliation.

Many participants believed that we need to keep our fingers on the community pulse, to provide excellent customer service to everyone, and to treat customers the way we would want our loved ones to be treated.

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*Laurie K. Dudgeon is state court administrator of Kentucky.*

*Jonathan Mattiello is executive director, State Justice Institute, Washington, D.C.*

*Jesse Rutledge is vice president for external affairs, National Center for State Courts, Williamsburg, Virginia.*

## Keynote—The Neuroscience of Decision Making in Court Management: Part 1, Defining the Challenges

PRESENTER: **Kimberly Papillon**

REPORTER: **Donna Nelson**

Sound decision making is crucial to the court system, and understanding how our brains work during the decision-making process is fundamental to improving outcomes. This session discussed the manner in which implicit bias weaves its way into our decision making, unless we acknowledge its existence and consciously elect to override it. Attendees received a comprehensive review of recent research studies, an opportunity to actively participate in assessment of bias, and practical strategies to affect the process. The goal is to consciously and actively engage areas of the brain responsible for suppressing bias when making decisions.

Functional magnetic resonance imaging (fMRI) has been used to assess the brain's physiological response as issues requiring solutions or strategies are tackled. In one research project, the fMRI confirmed that the brain uses one

region to decipher words and another, often associated with bias, to detect accents. This simultaneous processing creates a circular thinking pattern: we cannot understand, so we cannot understand. fMRIs further reveal that the hippocampus actually demonstrates atrophy, and the amygdala shows a greater level of reaction in response to images that evoke fear, threat, anxiety and distrust, or in those images that represent intrinsic biases.

We all have varying degrees of self-awareness. To improve self-awareness, self-assessment of bias can be completed using the implicit association test, located online at <https://implicit.harvard.edu/implicit/user/pimh/index.jsp>. The test is designed to reveal implicit biases. Awareness of one's implicit bias is paramount to overriding its influence.



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*Kimberly Papillon is attorney and senior education specialist, Education Division, California Judicial Council, Administrative Office of the Courts.*



# Exposing and Correcting an American Tragedy: The Absence of Affordable, Accessible Civil Justice

PRESENTERS: Jerome Abrams, Jennifer Bailey, and Gregory Mize

REPORTER: Marcus W. Reinkensmeyer



Given continuing concerns over high costs and delay in civil litigation, the Conference of Chief Justices has commissioned a Civil Justice Improvements Committee to 1) develop guidelines and best practices based upon evidence derived from pilot projects, research, and stakeholder input and 2) make recommendations for civil-justice-system improvements.

Describing the initiative as a “fresh look at court access,” Judge Mize outlined the project objectives and methodology. With support from the National Center for State Courts and the Institute for Advancement of the

American Legal System, the committee is gathering civil case data, evaluating caseload management practices, and gathering stakeholder input.

Judge Bailey explained that the committee is embarking on a “reality-based, pragmatic approach,” recognizing resource constraints in the trial courts. Committee workgroups are exploring ways to leverage electronic records for initial case screening as part of a differentiated case management (DCM) system, establish mandatory early disclosure, and eliminate delay. Also under consideration are standardized case-screening criteria,

which can be built into vendor-provided case management and electronic filing systems.

Judge Abrams described a paradigm shift from “ponderous to focused litigation.” The envisioned model will facilitate an efficient, customized pretrial process, taking into account multiple attributes of the dispute and not solely the monetary value. This approach encompasses early case management, simplified motions practice, early trial settings, and optimized use of existing administrative resources. The committee recommendations are due in 2016.

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*Jerome Abrams is a judge, Minnesota State District Court.*

*Jennifer Bailey is a judge, Miami-Dade 11th Judicial Circuit.*

*Gregory Mize is a judicial fellow, National Center for State Courts.*

# How High-Performing Courts Use Their Websites to Engage the Public

PRESENTERS: **Jenny Bunch, Brett Howard, Casey Kennedy, and Robin Sweet**

REPORTER: **Lori Tyack**

Websites have become more than just an “IT” function for most high-performing courts. They have become a vital part of a strategic-planning process that involves collaboration between technology, finance, court operations, judges, clerks, court partners, and customers to promote public trust and confidence. Websites may be designed as electronic versions of comprehensive services offered by the court and, when managed properly, can compete with in-person services. The benefit of providing a wide range of online services is that customers are being driven to the website, instead of driving themselves to the courthouse.

Today’s trends and user preferences include content-targeting tiles that can be scrolled instead of clicked for easier navigation. Interactive storytelling, which uses a visual walkway to guide the user in filling out forms, may help filers who struggle with determining which forms to fill out for certain processes. It can also be used to convey detailed

information without providing legal advice. Micro-interactions and avatars can make services more personal to users and can be part of an analytical process to track sections of the website that visitors access most. Analytical software is highly recommended to measure the website’s effectiveness for continuous process improvement.

As courts focus on improving their websites, it is important to ask users why they are visiting the websites and what services they would find helpful. Responsive design is the key to all future website projects. While applications require downloads and focus on specific tasks, such as case search or payment, responsive design involves one website built to automatically reformat in response to any device used.



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*Jenny Bunch is project manager, Mentis Technology Solutions.*

*Brett Howard is chief information officer, Orange County Superior Court, California.*

*Casey Kennedy is the director of information services, Office of Court Administration, Austin, Texas.*

*Robin Sweet is state court administrator, Supreme Court of Nevada, and director, Nevada Administrative Office of the Courts.*

## Human Resources Update

PRESENTERS: **Justin Capps** and **Jason McGinnis**

This session addressed recent legal updates to employment laws and issues regularly confronted by court employers and human resources professionals. This seminar combined a review of recent case law with practical guidance about best practices to maximize employment-law compliance, mitigate legal risk, and enhance court operations.



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*Justin Capps is legal counsel, Office of Legal Services, Kentucky Administrative Office of the Courts.*

*Jason McGinnis is director of human resources, Kentucky Administrative Office of the Courts.*

## Managing Counselors and Mediators

PRESENTER: **Billie Jo Garcia**

This presentation investigated the unique challenges of management of ADR programs. Mediators work behind closed doors with confidentiality protections; thus, the work product can be difficult to evaluate. In addition, assessing skill sets can be difficult when mediators hired may be qualified on paper, but may have never engaged in the practice, and may not even have training. Once the individual is trained, mentored, and evaluated to provide services, they are frequently never evaluated again. Maintaining and ensuring quality services can be challenging in this environment, and too frequently, administrators assume “no news is good news,” or as long as there are no complaints, everything must be right. However, maintaining high performance is a significant responsibility when individuals have so much influence in people’s lives and the decisions of the court.



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*Billie Jo Garcia is director, Family Services of the Conciliation Court, North Carolina.*



# Keynote Follow Up—The Neuroscience of Decision Making in Court Management: Part 2, Concrete Solutions

PRESENTER: **Kimberly Papillon**

REPORTER: **Thomas G. Dibble**

The session built on Papillon’s keynote address and explored emerging research in neuroscience to reveal how unconscious processes may affect decision making. Brain-imaging and decision-making studies explain how we determine intelligence, veracity, threat, and competence. The goal is to identify ways to increase sound decision making and fairness guided by science.

No matter what we think about our own neutrality, Papillon not only explained but also demonstrated through a variety of exercises how we all make false assumptions about implicit bias. Bias is pervasive as to race, gender, age, sexual orientation,

socioeconomic status, and other factors. There are techniques to overcome such bias, and this is important in the judiciary at all levels, from case processing to judicial decision making, to ensure fairness and equal justice.

Neuroscience has advanced rapidly and can detect the parts of the brain that react to implicit bias. According to Papillon’s “Implicit Bias Primer”: “If scientists could scan our brains when we see spiders or snakes, they would see that the area of our brains that focuses on fear, threat, anxiety and distrust is triggered or, as neuroscientists say, ‘activates.’ Suppose

scientists scanned the brains of people with unconscious or implicit biases towards African Americans. Would they also see that part of our brains activate? In short, yes. Studies have found that this same area of the brain activates more when they see pictures of African American faces than when they see pictures of Caucasian faces. What is truly remarkable is that many of the people who have this reaction state they have no conscious bias or prejudice towards others. They have no idea that these reactions are going on in their minds.”



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*Kimberly Papillon is attorney and senior education specialist, Education Division, California Judicial Council, Administrative Office of the Courts.*

# Bridles, Bonnets, and Bowties

Attendees were treated to another unforgettable annual conference social event in Louisville this year. The fun began with a visit to the Kentucky Derby Museum, followed by a walk through historic Churchill Downs to Millionaire's Row. Dinner, dancing, contests for hats and bowties, and lots of selfies looking out over the track made for a memorable evening.





# Bridles, Bonnets, and Bowties





# 2015 Honors and Awards

## NACM Award of Merit



*Peter Kiefer accepts the 2015 Award of Merit from NACM President Michele Oken.*

The NACM Award of Merit is presented annually to an individual working in the field of court administration who has demonstrated leadership and excellence in the advancement of the ideals and principles of modern judicial management and professional court management as embodied in the purposes of NACM.

Those purposes are to:

- increase the proficiency of judicial administrators through service and contributions to the field of court administration and to NACM;
- demonstrate leadership and improve the administration of justice through the application of modern management techniques;
- support the independence of the judiciary;

- promote coordination of court research activities and furnish a forum for the interchange of practical information relating to judicial administration; and
- aid in the improvement of judicial administration in general with particular emphasis on the study, development, and use of scientific and technological methods as well as statistical reporting methods.

Recipients may be any person whose work reflects a dedication to the ideals embodied in NACM and its purposes.

This is NACM's most prestigious individual award, and nominees are evaluated by the selection committee.

The award recipient for 2015 is **Peter C. Kiefer**, civil court administrator for Maricopa County, Arizona. For 35

years he has worked in court systems at various levels in California, Oregon, and Arizona, and worked on international projects in Beirut, Lebanon, the Republic of Moldova, Liberia, and Australia. He is deeply committed to presentations, teaching, writing, research, and speaking on a range of topics—although most frequently on the subject of ethics. An active member of NACM for 29 years, Kiefer has served on the Membership, Conference Planning, Communications, and Ethics committees within the organization. He has written for NACM guides and has contributed to the writing of “A Question of Ethics” in *Court Manager* since 1994. He is a frequent speaker at NACM and other court-affiliated conferences and is leading research on the future of courts.

## The Perkins Award

Linda Perkins, long-time NACM association manager, was the first recipient of the Perkins Award established by the NACM Board of Directors. She retired in 2013 after 28 years. The award is now presented annually to an individual who consistently goes above and beyond to make behind-the-scenes contributions to the field of court administration and/or their court. This year's recipient was Erica Adams.

Adams began her career in public service in 1998. She has served as jury coordinator, alternative dispute resolution coordinator, and operations administrator for the Trial Court Administrator's Office in the 26th Judicial District (Mecklenburg County) of North Carolina. In her current position as operations administrator, Adams is responsible for fiscal, facility, and technology management; human resources; and programs and services management, including operations of the Jury Management Office. She has a Master of Criminal Justice degree from



*Erica Adams*

the University of North Carolina at Charlotte and became a Certified Public Manager in 2006. Additionally, Adams received the Raising the Bar Award from Justice Initiatives, Inc. in 2008 for significant and notable contributions to the advancement of the Mecklenburg County justice system. She was also recognized by the North Carolina Society of Certified Public Managers with the Margaret J. Bailey Award in 2014 for outstanding achievements in relation to the goals and tenants of the organization.



### PAST NACM AWARD OF MERIT RECIPIENTS

- 1986 Geoff Gallas
- 1987 Edward B. McConnell
- 1988 Charles H. Starrett
- 1989 Stanley R. Collis
- 1990 Donald Cullen
- 1991 Albert H. Szal
- 1992 Maureen Solomon
- 1993 John A. Clarke
- 1994 Alan Slater
- 1995 Thomas J. Ralston
- 1996 Larry P. Polansky
- 1997 Sheila Calabro (Gonzalez)
- 1998 Barry Mahoney
- 1999 John M. Greacen
- 2000 Gordon M. Griller
- 2001 Kenneth R. Palmer
- 2002 J. Denis Moran
- 2003 Frank Broccolina
- 2004 Janet G. Cornell
- 2005 Robert Wessels
- 2006 Sue K. Dosal
- 2007 Andra Motyka
- 2008 No Recipient
- 2009 Collins E. Ijoma
- 2010 Pamela Ryder Lahey
- 2011 Chris Crawford
- 2012 Alan Carlson
- 2013 Norman Meyer
- 2014 Ernest Friesen

## Justice Achievement Award

NACM's Justice Achievement Award was established in 1988 to recognize outstanding achievement and meritorious projects that enhance the administration of justice. This year, ten project nominations were received. Each was extremely innovative and addressed problems being faced by our nation's courts.

This year's recipient was the Minnesota Judicial Branch for its project **Conservator Account Auditing Program**.

Honorable mention went to Las Vegas Municipal Court for the project **Community Service/Work Program, Automated Time Tracking and Reporting Project**.



*Cate Boyko, program director, the Minnesota Judicial Branch accepts the NACM Justice Achievement Award from JAA chair Edwin Bell.*



*Court Administrator Steve Tuttle (right), Reno Justice Center, accepts the JAA Honorable Mention Award from award subcommittee chair Edwin Bell on behalf of the Las Vegas Municipal Court*

## Star Award



Past NACM President Jude Del Preore accepted the Star Award from the Institute for Court Management of the National Center for State Courts at the annual conference. He's shown here with ICM Vice President John Meeks and NCSC President Mary McQueen.

## Outstanding Early Career Professional Award



Kate Fogarty (right) accepts the Outstanding Early Career Professional Award from award subcommittee chair Suzanne Stinson.

The inaugural Outstanding Early Career Professional Award was presented to Kate Fogarty, judicial district administrator for the 4th Judicial District, Hennepin County, Minnesota. In nearly 15 years, she has held four managerial positions encompassing 13 years in HR and the Criminal Division, one year as deputy district administrator, and almost one year as the judicial district administrator. She is an Institute for Court Management Fellow and has received numerous awards, including the Minnesota Association of Court Management Excellence in Savings Award in 2009, the National Association of Counties Achievement Award in 2008, the Fourth Judicial District Court Achievement Award Honorable Mention in 2008, and the Hennepin County Champion of Change Award in 2007.

## The Top 10 Court Websites

This year, NACM assumed responsibility for the annual Top 10 Court Websites Award, which honors those who are working to create better, more efficient access to justice through the use of web technology and to provide a benchmark for other courts in online service and communication delivery. Court and court-related websites are nominated for the award, then a panel of judges reviews all nominated websites and scores them. The top ten scoring sites for 2015 are:

- Texas Office of Court Administration
- Ninth Judicial Circuit Court of Florida
- Ohio Court of Claims
- Summit County Clerk of Courts
- U.S. Court of Appeals for Veterans' Claims
- Las Vegas Township Justice Court
- Indiana Supreme Court, Division of State Court Administration
- Unified Judicial System, South Dakota
- Gwinnett County Clerk of Courts
- City of Lenexa Municipal Court

In addition, the First Judicial District of Pennsylvania was awarded an honorable mention award for placing in the Top 10 in two consecutive years.



The Top 10 Court Website Awards were presented as part of Thursday's session "How High-Performing Courts Use their Websites to Engage the Public."



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# NACM Exhibit Show

The exhibit hall was buzzing with activity again this year! Our amazing exhibitors and enthusiastic attendees made this year's Exhibit Show a success. Exciting prize drawings, a gorgeous lunch, and a delicious afternoon snack added to the fun. Thanks to everyone who helped make this show a success.

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[allianceoneinc.com](http://allianceoneinc.com)

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[csisoft.com](http://csisoft.com)

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[courtview.com](http://courtview.com)

Dewberry Architects  
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DLR Group  
[www.dlrgroup.com](http://www.dlrgroup.com)

Enterprise Recovery Systems  
[ersinc.com](http://ersinc.com)

Fidelity National Technology Imaging  
[fnti-imaging.com](http://fnti-imaging.com)

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[harriscollect.com](http://harriscollect.com)

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[silling.com](http://silling.com)

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[touchpaydirect.com](http://touchpaydirect.com)

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[turbocourt.com](http://turbocourt.com)

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# NACM Exhibit Show

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2015-2016

# Board of Directors

## New NACM Board Takes the Helm in Louisville

The new National Association for Court Management Board of Directors for 2015-2016 was sworn in during the annual conference in Louisville. In addition to many returning board members, three new members joined the board this year: Jeff Chapple (Missouri), Kathy Griffin (Michigan), and Dawn Palermo (Louisiana).



*Judge Maureen O'Connor, chief justice of the Supreme Court of Ohio, swears in the 2015-2016 NACM Board of Directors and its president, Stephanie Hess. Hess is director of court services for the Supreme Court of Ohio.*



## Your 2015-2016 NACM Board



*Pictured (front row) are Yolanda Lewis, Secretary/Treasurer; Vicky Carlson, Vice President; Stephanie Hess, President; Scott Griffith, Vice President; and Michele Oken, Immediate Past President. Pictured (back row) are Dawn Palermo, Paul DeLosh, Dexter Thomas, Jeff Chapple, Tracey BeMent, Shakeba Johnson, Renee Danser, and Kathy Griffin. Not pictured: Hon. Kevin Burke and Howard Gentry*



*Stephanie Hess addresses conference attendees as the new NACM president.*



# Washington Review

KAY FARLEY

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## JJDP A Reauthorization Legislation Approved by Senate Judiciary Committee

In July 2015, the Senate Judiciary Committee passed the Juvenile Justice Delinquency Prevention Reauthorization Act (JJDP A) of 2015, S. 1169. The bill was approved in a bipartisan effort by voice vote with no objections. Senators Charles Grassley (R-IA) and Sheldon Whitehouse (D-RI) jointly introduced the bill earlier this year. The last time the JJDP A was reauthorized was in 2002. As such, the current JJDP A grant programs have been operating without an authorization since 2007. Supporters of the legislation believe that S. 1169 would strengthen the JJDP A's protections for youth in the juvenile justice system.

Key provisions of the bill include:

- Phasing out the valid court order exception (VCO) for detaining youth charged with a status offense;
- Extending the “sight and sound” protections to youth charged as an adult;
- Screening for youth who have been victims or are potential victims for human trafficking;
- Requiring states to consider ethnicity in addition to race when assessing and addressing disproportionate minority contact with the juvenile justice system;
- Allowing for easier transfer and application of education credits earned for system-involved youth across school systems;
- Encouraging the development of individualized case plans to help youth reenter their communities, including education and job-training assistance;
- Encouraging states to ensure that programs and practices designed to address the needs of system-involved youth are both evidence based and trauma informed;
- Promoting community-based alternatives to detention;
- Encouraging family engagement in design and delivery of treatment and services;
- Improving screening, diversion, assessment, and treatment for mental health and substance abuse needs;
- Encouraging training facility staff to eliminate dangerous practices related to isolation and restraints in juvenile detention and corrections facilities;
- Encouraging states to develop policies and procedures to eliminate the use of dangerous practices and unreasonable use of restraints and isolation through the use of alternative behavior management techniques;
- Eliminating the use of restraints on pregnant girls in custody; and
- Supporting state efforts to expand youth access to legal counsel and to inform youth of opportunities to seal or expunge juvenile records.

It is not clear when S. 1169 will be considered by the full Senate.

## FY 2016 Appropriations

As this article is written, the outcome for the FY 2016 budget is not clear. The following charts, however, provide a comparison for the FY 2016 proposals and the FY 2015 budget.

### U.S. Department of Justice (in millions)

Program	FINAL 2014 HR 3547	FINAL 2015 PL 113-235	Obama Request FY 2016	HR 2578 Approved by the House (H. Rept. 114-130)	SENATE Approved by Committee (S. Rept. 114-66)
<b>DOJ</b>					
<b>Byrne Justice Assistance Grant (JAG)</b>	\$344	\$333	\$388	\$345	\$317.1
<b>Byrne Discretionary</b>	\$14	\$0	\$15	\$0	\$0
<b>Byrne Innovation Program</b>	\$11	\$10.5	\$15	\$0	<\$15>*
<b>Drug Courts</b>	\$41	\$41	\$36	\$46	\$41
<b>Community Oriented Policing (COPS)</b>	\$214	\$208	\$304	\$101	\$212
Criminal Records Upgrade (NCHIP)	\$59	\$73	\$46	\$73	\$55
Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA)	\$8	\$9	\$14	\$13	\$10
Crime DNA Analysis Backlog/Initiative	\$125	\$125	\$105	\$125	\$125
<b>Capital Litigation Improvement Grants</b>	\$2	\$2	\$2	\$2	\$4
<b>Indian Country Assistance</b>	\$30	\$30	\$0	\$0	\$0
<b>Juvenile Accountability Block Grant (JABG)</b>	\$0	\$0	\$30	\$0	\$0
<b>Juvenile Justice Programs</b>	\$255	\$252	\$339	\$185	\$254
JJDP Part B State Formula Grants	\$55	\$56	\$70	\$0	\$66
JJDP Part V Delinquency Prevention Block Grant	\$15	\$15	\$42	\$0	\$40
• Gang Prevention	<\$9>	<\$3>	<\$5>	\$0	<\$5>
• Underage Drinking	<\$5>	<\$3>	<\$10>	\$0	\$0
JJDP Part G Juvenile Mentoring Program (JUMP)	\$89	\$90	\$58	\$95	\$75
Children Exposed Violence	\$8	\$8	\$23	\$0	\$16
Victims of Child Abuse Act	\$19	\$19	\$11	\$22	\$20
<b>Legal Services Corporation (LSC)</b>	\$365	\$375	\$486.9	\$300	\$385
<b>NICS Improvements Act</b>	\$12	\$25	\$5	TBD	<\$12>**
<b>State Criminal Alien Assistance (SCAAP)</b>	\$180	\$185	\$0	\$220	\$75
<b>State Justice Institute</b>	\$4.9	\$5.121	\$5.121	\$5.121	\$5.121
<b>Crime Victims Fund</b>	\$745	\$2361	\$1000	\$2705	\$2602
<b>Violence Against Women Act (VAWA – General)</b>	\$417	\$430	\$474	\$479	\$479
STOP Grants	\$193	\$195	\$193	\$196	\$215
Rural Domestic Violence	\$36	\$33	\$33	\$33	\$35
Legal Assistance for Victims	\$37	\$43	\$53	\$43	\$45
VAWA Encouraging Arrest Policies	\$50	\$50	\$50	\$51	\$51
Victims of Child Abuse					
• CASA Programs	\$6	\$6	\$6	\$6	\$12
• Training for Judicial Personnel	\$2	\$2	\$2	\$2	\$3
Elder Abuse & Disabled Women	\$4	\$5	\$4	\$5	\$5
Support Families in Justice System	\$15	\$16	\$16	\$16	\$16
-Safe Haven for Kids	<^>	<^>	<^>	<^>	<^>
-Court Training/Improvement	<^>	<^>	<^>	<^>	<^>
<b>Second Chance Act (Reentry) Program</b>	\$68	\$68	\$120	\$68	\$68
<b>Hawaii HOPE Prog. (NEW)</b>	\$4	\$4	\$10	\$0	\$4
<b>Promote Fairness in Justice System (NEW)</b>	-	\$0	\$20	\$0	\$0

\* Byrne Innovation to be funded from the overall Byrne JAG amount. \*\*NICS Improvement to be funded from the overall NCHIP amount.



**U.S. Department of Health and Human Services**  
(in millions (m) and billions (b))

	FY 2015 Omnibus Appropriations (PL 113-235)	FY 2016 President's Budget Request	S 1695 Approved by Committee (S Rept. 114-74)	House Bill Approved by Committee
<b>Child Welfare</b>				
<b>Children and Families Services Programs</b>				
Consolidated Runaway and Homeless Youth (housing and transitional living)	\$97 m	\$104 m	\$99 m	\$97 m
Child Abuse Prevention and Treatment Act (CAPTA)	\$94 m	\$114 m	\$94 m	\$94 m
CAPTA State Formula Grants	\$25 m	\$25 m	\$25 m	\$25 m
CAPTA Discretionary Activities <sup>1</sup>	\$29 m	\$49 m <sup>2</sup>	\$29 m	\$29 m
CAPTA Community-Based Prevention	\$40 m	\$40 m	\$40 m	\$40 m
Abandoned Infants Assistance Program	\$11 m	\$11 m	-0-	\$11 m
Child Welfare Services	\$269 m	\$269 m	\$269 m	\$269 m
Child Welfare Training, Research, and Demonstration Projects	\$16 m	\$16 m	\$14 m	\$16 m
Adoption Opportunities	\$39 m	\$42 m	\$39 m	\$39 m
Adoption Incentives	\$38 m	\$38 m	\$38 m	\$38 m
Independent Living Education/Training Vouchers	\$43 m	\$43 m	\$43 m	\$43 m
Family Connections Grants <sup>3</sup>	-0-	\$15 m	-0-	-0-
Promoting Safe and Stable Families <sup>44</sup>	\$404.8 m	\$404.8 m	\$404.8 m	\$404.8 m
Promoting Safe and Stable Families - Mandatory	\$345 m	\$345 m	\$345 m	\$345 m
Court Improvement Program - Basic*	\$10 m	\$10 m	\$10 m	\$10 m
Court Improvement Program - Training*	\$10 m	\$10 m	\$10 m	\$10 m
Court Improvement Program - Data*	\$10 m	\$10 m	\$10 m	\$10 m
Promoting Safe an Stable Families - Discretionary	\$59.8 m	\$59.8 m	\$59.8 m	\$59.8 m
<b>Payments for Foster Care and Permanency</b>				
Foster Care Assistance*	\$4.581 b	\$4.772 b	\$4.772 b	\$4.952 b
Adoption Assistance*	\$2.510 b	\$2.563 b	\$2.563 b	\$2.563 b
Guardianship Assistance*	\$109 m	\$123 m	\$123 m	\$123 m
Independent Living*	\$140 m	\$140 m	\$140 m	\$140 m
Foster Care/Medicaid Joint Project on the Use of Psychotropic Medication <sup>5</sup>	-0-	\$50 m	-0-	-0-
Preservation/Post Permanence Services <sup>6</sup>	-0-	\$58 m	-0-	-0-
Family-based Foster Care <sup>7</sup>	-0-	\$6.9 m	-0-	-0-
<b>Other Programs</b>				
Home Visitation	\$400 m	\$500 m	\$400 m	\$400 m
Title XX Social Services Block Grant (SSBG)*	\$1.7 b	\$1.7 b	\$1.7 b	\$1.7 b
Victims of Trafficking-Refugee Assistance	\$16 m	\$22 m	\$16 m	\$15.8 m
Education for Homeless Children and Youth	\$65 m	\$72 m	\$65 m	\$65 m
Unaccompanied Children (UC)	-0-	\$948 m	\$750 m	\$818 m
<b>Aging</b>				
Protection of Vulnerable Older Americans <sup>8</sup>	\$20.7 m	\$25 m	\$20.7 m	\$20.7 m

\* Open-ended entitlement programs (mandatory funding)

	FY 2015 Omnibus Appropriations (PL 113-235)	FY 2016 President's Budget Request	S 1695 Approved by Committee (\$ Rept. 114-74)	House Bill Approved by Committee
<b>Child Support Enforcement</b>				
<b>Child Support Enforcement*</b>	<b>\$3.655 b</b>	<b>\$4.071 b</b>	<b>\$4.071 b</b>	<b>\$4.384 b</b>
State and Local Administration	\$3.118 b	\$3.541 b	\$3.541 b	\$3.853 b
Federal Incentive Payments	\$527 m	\$519.5 m	\$519.5 m	\$519.5 m
Access and Visitation	\$10 m	\$10 m	\$10 m	\$10 m
<b>Substance Abuse and Mental Health</b>				
<b>Mental Health Services</b>				
<b>Programs of Regional and National Significance</b>	<b>\$378.6 m</b>	<b>\$377.3 m</b>	<b>\$378.6 m</b>	<b>\$383.6</b>
Criminal and Juvenile Justice Programs	\$4.27 m	\$4.27 m	\$4.27 m	\$4.27 m
<b>Substance Abuse Prevention</b>				
<b>Programs of Regional and National Significance</b>	<b>\$175.2 m</b>	<b>\$194.5 m</b>	<b>\$182.7 m</b>	<b>\$190.2 m</b>
Criminal Justice Activities, including Drug Treatment Courts	\$78 m <sup>9</sup>	\$61.9 m	\$61.9 m	\$78 m <sup>10</sup>

\* Open-ended entitlement programs (mandatory funding)

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## ABOUT THE AUTHOR

Kay Farley is executive director of Government Relations for the National Center for State Courts

## NOTES

1. HHS is directed to use \$3 million of the funds for competitive grants to support the implementation of research-based court team models that include the court system, child welfare agency, and community organizations to better meet the needs of infants and toddlers in foster care.
2. The President's FY 2016 requests \$15 million to address trafficking in prostitution and other forms of criminal activity and \$5 million for evaluation/research in child protection practices.
3. The Fostering Connections Grants program is a mandatory program at \$15 million; however, the authorization for the program expired on 10/1/14 and must be reauthorized for the funding to be reinstated.
4. Mandatory funding of \$10 million is provided annually for each of three CIP grants. If discretionary funds are appropriated in a given year, 3.3% of that discretionary amount is added to the CIP-Basic pool of funds.
5. The President's FY 2015 and FY 2016 requests proposed funds for a project to address the overuse of psychotropic medication for children in foster care.
6. The President's FY 2016 request proposes to allow Title IV-E reimbursements for preservation and post permanence services.
7. The President's FY 2016 request proposes funding to increase the use of family-based foster care for children with mental health and behavioral health needs as an alternative to congregate care.
8. Senator Klobuchar's Court-Appointed Guardian Accountability and Senior Protection Act proposes to make state courts eligible for these funds.
9. House Report 113-655, which accompanied the appropriations bill, specifies that \$50m of the \$78m must be used for drug courts.
10. The House bill specifies that \$50m of the \$78m must be used for drug courts.

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## JURY+ Web Generation

The screenshot displays the JURY+ Web Generation interface for JSI JURY SERVICES. The main content area shows the 'Identify Juror - C002' page for juror Lindsey Salvato. The interface includes a navigation sidebar on the left, a search and filter section at the top, and a detailed view of the juror's information and activity history. A red circular callout on the right side of the screen reads: 'Developed by the creators of JURY+ Next Generation!'.

Date	Time	Activity	User
02/02/2015	17:46:27	End Service	SJNGWS
02/02/2015	17:46:27	Classification Added	SJNGWS
09/26/2014	13:26:16	Change Appearance	JSIADM
06/23/2014	19:49:02	Change Appearance	JSIADM
03/19/2014	20:54:11	Summons Print	JSIADM
03/19/2014	20:37:53	Change Appearance	JSIADM
03/19/2014	20:16:58	Summons Print	JSIADM

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# Jury News

PAULA HANNAFORD-AGOR

## Are Body-Worn Cameras the New *CSI Effect*?

The past year has been notable for the number of incidents of alleged police violence directed mostly at young, black men for relatively minor offenses. The names and circumstances associated with these cases have become infamous: Michael Brown in Ferguson, Missouri; Eric Garner in New York City; Tamir Rice in Cleveland, Ohio; Walter Scott in North Charleston, South Carolina; Freddie Gray in Baltimore, Maryland; Samuel DeBose in Cincinnati; and Sandra Bland in Waller, Texas. What is unique about these cases is the existence of videos of the encounters between the police and victims that were taken either by bystanders or captured on police-cruiser dashboard or body-worn cameras. In the past, police officers accused of aggressive policing often received the benefit of the doubt that force was justified. But videos provide an opportunity for objective viewers to observe the encounters and make independent judgments about what happened and why.

In part due to news accounts concerning police treatment of minorities, Americans are becoming increasingly aware that many police departments have implemented the use of dashboard cameras in police vehicles and body-worn cameras for officers. As of August 2015, an estimated 72 percent of state police and highway patrol vehicles were equipped with video systems,<sup>1</sup> and an estimated 25 to 30 percent of police currently use body-worn cameras.<sup>2</sup> Video technology is very familiar to most Americans from watching videos online and even filming their own cell-phone videos and posting them online for others to see.<sup>3</sup>

Currently, these videos are mostly being used by police investigators and prosecutors to determine whether the use of force was justified under the circumstances. Some videos have already been presented to grand juries at the start of formal criminal proceedings, and some of them will no doubt be presented to trial juries in both criminal and civil

cases filed against the police officers and their respective departments. It is none too soon to begin thinking about how grand jurors and trial jurors will interpret these videos in their deliberations. Will they credit their own assessments of the video evidence more than witness testimony? As important, how are they likely to interpret witness testimony if videos are not produced that corroborate police or victim statements? Will jurors refuse to indict or convict without video evidence?

The questions raised about juror assessment of video evidence are similar to those raised a decade ago concerning juror expectations about forensic evidence. The *CSI Effect* was the term used by criminal justice practitioners to describe two seemingly contradictory reactions by jurors in response to forensic evidence.<sup>4</sup> Criminal defenders claimed that trial jurors were overly impressed by and uncritical of fingerprint or DNA test results. Prosecutors, on the other hand, complained that jurors would not convict unless forensic evidence was presented at trial even for cases in which such evidence was unrelated to the key issue that jurors need to decide to reach a verdict.<sup>5</sup> In spite of these claims, empirical research has found no relationship between the television-viewing habits of prospective jurors and their preconceptions about the importance of forensic evidence in actual trials.<sup>6</sup> They did find, however, that jurors generally have enhanced expectations and demands about scientific evidence, particularly in cases relying primarily on circumstantial evidence for conviction.<sup>7</sup>

Many of the purported techniques highlighted in *CSI* episodes were highly, if not wholly, fictionalized. Indeed, a recent review by the National Academy of Science suggests that even some well-established forensic-science techniques have questionable reliability due to lack of objective assessment standards, inadequate sampling, and insufficient laboratory controls.<sup>8</sup> Videos, in contrast, are a much more straightforward technology, and their interpretation is based on the viewer's perspective rather than filtered by an expert witness. Moreover, Americans are increasingly aware that

the policy direction in many jurisdictions is to equip police with dashboard and body-worn cameras, precisely to provide evidence that confirms the oral testimony of the police or victim/defendant. In South Carolina, for example, state law requires certain aspects of DWI cases (e.g., field sobriety tests, secondary chemical testing) to be videotaped.<sup>9</sup>

So what can we expect in terms of the impact of video evidence on grand-jury decisions and trial-jury verdicts? First, it is important to keep in mind the types of cases in which dashboard or body-worn cameras are likely to be used—namely, drug sale/possession, DWI/DUI and other traffic infractions, resisting arrest, assault on a police officer, and other cases in which the behavior of the defendant during a police stop is relevant to the alleged crime. Videos would also be relevant in civil cases filed against police for false arrest or use of unnecessary force.

It is likely that both grand and petit jurors will show less deference to police testimony, at least in situations in which there is or should be supporting video evidence. Depending on whether a police officer is the witness or the defendant in a grand-jury investigation or trial, presumptions concerning the credibility of witness testimony could shift. In cases in which the police officer is a witness, grand juries may refuse to indict defendants without corroborating video evidence and trial jurors may be more likely to acquit. When police officers are themselves defendants, grand jurors may issue an indictment, leaving the criminal justice process, including trial jurors, to determine guilt or innocence. Indeed, judges are already beginning to exhibit skepticism about police testimony, as was illustrated recently in Virginia. A trial judge dismissed several DWI cases in which the police officer intentionally turned off the microphone and moved the defendants out of the camera frame to conduct field sobriety tests, despite department policies that officers check the operation of microphones before each shift and reposition dashboard cameras to ensure videos of encounters with the public.<sup>10</sup>

While video technology itself may present some new wrinkles in trial management, existing evidentiary rules are well-positioned to handle situations and questions as they arise. The same is true for grand and trial jurors. At the end of the day, jurors are the ultimate judges of fact, and it is their prerogative to be skeptical of witness credibility. Assessing video evidence or weighing the significance of its absence is no different than what jurors have been doing for centuries.

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#### ABOUT THE AUTHOR

Paula Hannaford-Agor is director of the Center for Jury Studies at the National Center for State Courts. Contact her at [phannaford@ncsc.org](mailto:phannaford@ncsc.org).

#### NOTES

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While **video technology** itself may present some new wrinkles in trial management, existing evidentiary rules are well-positioned to **handle situations** and questions as they arise.

# IJIS Exchange

A COLUMN DEDICATED TO THE EXCHANGE OF IDEAS ON INFORMATION SHARING IN JUSTICE.



Welcome to the first of a regular column written by members of the IJIS Institute's Courts Advisory Committee. We are planning to use this spot to keep you abreast of court-related projects at the IJIS

Institute, and we promise lots of opportunities to exchange thoughts and ideas on justice information sharing, especially as it relates to you as court leaders. But first, since many of you may not be familiar with the IJIS Institute or its Courts Advisory Committee, we would like to kick off our column with this brief introduction.

## Who We Are

The IJIS Institute is a dynamic venue where leaders from industry, government, academic, and standards organizations can tackle business and technology issues facing the justice and public-safety communities worldwide. Its mission and methods have proven especially effective at providing an open forum where experts can engage in confident dialogue from all angles of any issue.

IJIS welcomes Government Associates from all local, tribal, state, and federal agencies in the justice, public-safety, law-enforcement, and homeland-security arenas, as well as Member Companies that provide technology-related services and products to them. From the initial 14 charter members in 2001, the Institute has grown to more than 100 Member Companies and over 200 Government Associates. Together, we are making great strides in information sharing and safeguarding projects and initiatives around the globe.

## What We Do

The court community has always been an integral part of the IJIS mission. Even so, IJIS wants to expand its involvement in court management technology and information sharing to better serve the unique interests of the courts. To accomplish

IJIS tackles business and technology issues facing the justice and public safety community worldwide.

this, IJIS is growing a diversified membership of court technology providers to focus on court-related matters and is strengthening working relationships with national court organizations, such as:

- **NACM** (National Association for Court Management)
- **COSCA** (Conference of State Court Administrators)
- **JTC** (Joint Technology Committee hosted by COSCA and NACM)
- **CITOC** (Court Information Technology Officers Consortium)
- **NCSC** (National Center for State Courts)

The IJIS Institute maintains a long-standing alliance and partnership with NCSC and has recently been formally recognized as an ex-officio member of the JTC, which is hosted by NACM and COSCA. As the liaison to the technology industry for the JTC, IJIS's role is to collaborate with these organizations on national court IT issues. The IJIS representative to the JTC is our own Court Advisory Committee chair, who is appointed by the chair of the IJIS Institute Board of Directors.

IJIS Member Companies are also actively engaged and regularly contribute to the initiatives and programs of these groups.

## What We Have Done

The IJIS Courts Advisory Committee is very active in publishing important papers that support the mission of our courts. You may have seen some of our recent contributions, which include:

- **"Info Brief: Cloud Computing for Courts."** An introduction to cloud computing for courts, along with benefits and challenges.
- **"Info Brief: The Role of Courts in Accuracy and Completeness of Criminal History Records."** An introduction to the common problems and some potential solutions to help courts provide accurate and complete criminal-history records for non-law-enforcement purposes.



- **“White Paper: The Role of Courts in Criminal Justice Information Systems (CJIS).”** A discussion of the importance of courts in any information-sharing project and ways to talk with each stakeholder to make these projects more successful.
- **“White Paper: Courts 101.”** A high-level overview of the court system, its process, responsibilities, caseload, and person roles. This paper is the perfect introduction for anyone unfamiliar with the language, terminology, and structure of courts.

All information published by the IJIS Institute can be found at [www.ijis.org](http://www.ijis.org) under the Resources tab. Be sure to check periodically for new briefs and white papers.

## What We Are Working On

We have been quite busy over the past few years, and we still have much to do. Among our many projects, we are especially focused on helping to educate and facilitate discussions on technology issues faced by the courts. We are doing this by presenting several topics in a series of communications that will include papers, fact sheets, conference sessions, and webinars. Our current list includes:

- Conversations on various technology issues from both court and supplier perspectives. This series will present different perspectives on such subjects as Return on Investment, Technology Standards, and Making Strategic Technology Decisions.
- Discussions on mobile computing and the courts, and how mobile applications are changing our lives, communities, and industry.
- Discussions on how to make strategic decisions on choosing the technology for your court, including a series on “Best Practices for Implementing and Using Technology.” Our first two papers in this series are “Implementation Decisions and Issues for E-Filing” and “Implementation Decisions and Issues for Case Management.”

As you can see we have a lot on our plate—if there is anything on the list that you would like to contribute to, let us know!

IJIS partners with:

- National Court Organizations
- Technology and Service Suppliers
- YOU

## How You Can Participate

If you represent a court or government agency, the IJIS Institute offers an Associate program. This program is for active employees of nonprofits, government agencies, or institutions of higher learning who are engaged in justice, public safety, or homeland security. As a Government Associate you’ll be equipped to:

- Stay informed about industry trends, developments, and opportunities
- Engage with your peers, industry suppliers, and leaders of the court community in an open neutral environment focusing on global solutions, not sales and competition.
- Get connected and establish important relationships for you and your agency

Some of the best ways you can contribute as a Government Associate are by:

- Attending IJIS events like the Mid-Year Briefing, the National Symposium, webinars, and special forums
- Participating on advisory and technical committees, as well as issue-specific task forces
- Joining the Courts Advisory Committee

## Where to Start

It’s simple—you can learn more about IJIS or get involved on any committee by doing one of these things:

- Visit <https://ijis.site-ym.com/?page=Membership>
- Email [membership@ijis.org](mailto:membership@ijis.org)
- Simply contact the IJIS Courts Advisory Committee Chair, Joe Wheeler at [jdwm@mtgmc.com](mailto:jdwm@mtgmc.com)

So climb aboard—**we look forward to exchanging ideas with you!**



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# A Question of Ethics

PETER C. KIEFER

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## The Workhouse

Fighting for funding has been the curse of courts for as long as anyone can remember. In good times, anticipations still usually exceed allocations; in bad times, shortfalls can mean painful cuts that reach to even core functions. And for just as long, courts have chased the hope of stable funding. For more than a decade now, a popular new trend has spread throughout courts and governments in general: user fees. Courts, local governments, and state legislatures have partnered to broaden the judiciary's funding base and support a variety of other projects. The result has been a myriad of user charges for every conceivable function courts perform.

This quest for financial stability is not without controversy. Often, the revenue is coming from those least able to pay. Although court professionals see the specter of modern debtors' prisons as unlikely,<sup>1</sup> stories are surfacing that make the United States sound more akin to Charles Dickens's Victorian England. A Michigan woman forced to pay for her son's incarceration is jailed for 28 days when she cannot afford the charges.<sup>2</sup> People charged with traffic violations that are later dismissed are jailed nonetheless when they cannot pay court costs.<sup>3</sup>

Even the literature on courts' obligations regarding fees seems to be paradoxically inconsistent. The Conference of State Court Administrators (COSCA) promotes the position that courts are not revenue centers, and court leaders must ensure that fines and fees are not unreasonable;<sup>4</sup> however, both

COSCA and *CourTools* espouse that collection of monetary penalties (restitution, as well as fines and fees) advances public trust and confidence. As court leaders we must follow policy often set down by others, but is this sufficient? We have pledged to be fair even in the face of socioeconomic disparity; we have pledged to treat others with respect.<sup>5</sup>

## The Scenario

Nora Michaels, administrator of the largest court in the state, has worked hard over the last decade to bring her court back from financial catastrophe. Across-the-board budget cuts forced Nora and her presiding judge to look at shuttering their drug court, their drunk-driving court, and their very popular veterans' court. The court is funded by a combination of state and county general-fund allocations, as well as user fees.

Her court was one of the first to convert to eTicket and eFiling. Nora successfully lobbied the state legislature for a \$2 user fee on every eFiling to go to court technology. Nora's success had an echo effect: the court in the next county over successfully lobbied for a charge to issue and a charge to quash arrest warrants; another court pushed through a user fee to establish time-payment schedules; the defendant schools got the legislature to approve user charges for each session of traffic, anger management, theft, and parenting classes, along with a provision that the charges could not be waived by a judge; the probation department obtained a charge for each probation visit; the sheriff was permitted to charge for booking each defendant into the jail and for each night spent in jail.



Nora began to warn other courts that the system might be reaching the limit on user fees and that they were trying to finance the courts on the backs of the community's poorest. A fellow court administrator angrily accused Nora of being disingenuous. She, after all, started it with her lobbying for the technology fee, and her court (the largest court) benefits substantially from many of these new user fees.

Wyatt, a columnist at the metropolitan newspaper, asks to interview Nora on her court's remarkable comeback from economic disaster. Happy to get her court some good media attention, she agrees. Well into the interview, Wyatt brings up the story of Elsa, a young girl arrested within the court's jurisdiction for possession of a small quantity of marijuana. Elsa pleaded guilty and was sentenced to probation, but she quickly realized she could ill afford the conviction's financial burden. Payments for weekly drug testing and rehabilitation classes, as well as monthly probation visits, plus the surcharge for establishing a time-payment schedule, added up, and soon she found herself owing thousands of dollars. Frightened, she disregarded an order-to-show-cause hearing notice and was subsequently arrested on the bench warrant issued for her failure to appear. She was booked into jail (which carried an additional charge) and spent a week in jail (which carried an additional charge for each day in jail), along with the charge for issuing the warrant and the charge for processing the warrant once served. Elsa ended up owing thousands more, still cannot pay, and may well be rearrested at some point in the future.

Wyatt asks why Nora had chosen to ignore her ethical obligation as a court leader to protest more ardently against the inherent unfairness of a justice system that treats a girl like Elsa in such an uncaring way. Unprepared for the ambush she now found herself in, Nora mutters something about following state law and court rules.

Wyatt sarcastically shoots back: "Oh yeah, so you're just following orders, like everybody else?"

**Nora:** "The court doesn't make the law. Those fees are the law. Our court interprets the law and we carry out the law. There is no debate here."

**Wyatt:** "What about all those fancy words in your Code of Conduct about 'pledging to uphold the public's trust'? How can the public trust a court that thinks it's morally permissible to run roughshod over poor citizens who can't speak up for themselves? Frankly, what happened to Elsa is obscene."

**Nora:** "My heart goes out to this lady, but my obligation (my ethical obligation as you keep referring to it), is clear—to do my duty as a representative of the judicial branch. This situation is unfortunate, it truly is, but the community expects me to do my duty."

**Wyatt:** "I think the public expects you to act like a caring human being, and not a bureaucratic tool."

**Nora:** "We're done here."

Nora goes to the court's public information office for help drafting a media release in an attempt to repair the damage from the news story Wyatt is obviously getting ready to publish.

### *The Respondents*

The contributors to the column are Keith Kaplan, court administrator for the Fountain Hills Municipal Court in Arizona; William T. Simmons, district court administrator for the Sixth Judicial District of Georgia in McDonough; Kim Allison, circuit administrator for the First Judicial Circuit in Yankton, South Dakota; and Sarah Brown-Clark, clerk of court for the Youngstown Municipal Court in Ohio.

## The Questions

### Is this an ethical issue or a policy issue?

All the contributors thought the scenario was a policy issue. To Kim Allison, once a fee becomes law, it is the court's job to collect it. Will Simmons pointed out that Nora initially lobbied for a technology fee that would benefit both the court and the public. Innovations like eTicket and eFiling would allow customers to conveniently pay their fines online without physically coming to the courthouse.

Keith Kaplan recommended that court leaders should not take stances on cases pending before the court. "As public servants and representatives of the third branch of government, court employees should remain neutral and not have opinions towards any matter coming before their courts."

Sarah Brown-Clark responded that Wyatt clearly does not understand the court administrator's primary role, which is to manage the court as directed by the presiding judge. "I don't think this is an ethical issue for Nora because, though she lobbied state legislators and subsequently was permitted to initiate user fees for a number of court programs, she had no way of knowing how this practice could or would be abused. She was doing her job when she initiated the user fees and under ordinary circumstances, the fees would not be a burden on court users." Since Nora had the political clout to get these legislative changes in the first place, she could have returned to the legislature with suggestions on waiving the user fees in "special circumstances."

### Do court leaders have an ethical obligation to remind lawmakers of the impact user fees may have on the public, even if the fees benefit courts?

Again, everyone thought court leaders need to inform lawmakers on the impact of user fees. Keith noted that as stewards of the community, court leaders have firsthand experience of how sanctions impact litigants. "I believe

we have an obligation to inform lawmakers of the impact user fees may have on the public, even if the fees benefit a court's revenue stream. Lawmakers will then make informed decisions that the courts are obligated to follow."

Sarah stated that court leaders and the entire judicial system are subject to potentially serious criticism when they fail to consider the public and to share this information with lawmakers. That being said, Sarah said that in her experience sharing such information does not necessarily mean lawmakers will change their position on an issue. "Unfortunately, in spite of legislation to the contrary, there are lawmakers who feel that the courts should generate enough revenue to offset their annual budgets 'by any means necessary.' So, I believe that court personnel have an ethical obligation to address impact issues relative to proposed legislation."

Court leaders need to be cognizant of the separation of powers; however, Kim believed that court leaders have a responsibility to be involved with the legislature and ensure lawmakers understand the full impact of any fee or law being proposed and its impact on both the courts and the public.

Will reminded us that lawmakers are not in the courtroom; they do not know the real impact fees have on the indigent. "When we as court professionals recognize such an impact, I do feel that we have an ethical obligation to remind lawmakers of its effects. When defendants are jailed due to their inability to pay multiple fees, the court potentially becomes and has created a burden on the administration of justice, denies access and fairness, and we cost the taxpayers more money to house citizens in county jails for nonviolent offenses."

### What, if anything, should court leaders be doing in the face of this trend?

To Sarah, conscientious court leaders need to provide the demographics of their jurisdictions when they discuss

user fees and be willing to speak publicly in opposition to legislation and policies that will cripple their courts. Leaders need to be willing to cite worst-case scenarios for court users when proposed legislation limits judicial discretion. “There are obstacles that must be overcome before court leaders can take this action. In many instances, the judicial officers refuse to provide insight because they feel that any comments from them would be inappropriate. Subsequently, they frequently forbid staff to comment. I am convinced that conscientious court leaders must show concern for the public if we ever hope to improve public trust and confidence in the courts.”

Keith suggested impact studies to determine how increasing user fees affect the public. “This could include surveys administered to litigants and members of the public to see how they view and are impacted by the trend of increasing sanctions. Courts do not exist as revenue generators; however, the generation of revenue is a byproduct of the courts’ work.”

Kim said she would not be comfortable working in a system that was solely funded by user fees. “It would appear to me, and to the public I am sure, as a conflict of interest with a high potential for abuse. On the other hand, while it is the unfortunate truth that the majority of those impacted by the user fees are also some of the least able to afford them, we are all expected to know and follow the law. Breaking the law is generally a conscious decision, most likely made with at least some awareness of what the possible consequences may be. Those consequences can without a doubt be very expensive. Regardless, the courts must distribute justice equally and without regard to race, religion, gender, or in my opinion, financial status.”

Will stated that morals are principles that guide our judgments on what is right or wrong; ethics are principles of the right conduct. “A conscientious court leader should be mindful in the face of these trends because courts are not a revenue-generating branch of government.”

In many instances, the **judicial officers** refuse to provide insight because they feel that any **comments** from them would be inappropriate. Subsequently, they frequently forbid staff to comment.



### How likely is this to become a reality in the future?

Keith thought that even today funding sources are dwindling and funding authorities are scrambling to generate revenue. “Since the economic recession, governments have been struggling to generate enough revenue to offset operating costs. As resources dwindle, courts and other governmental functions have had to do more with less. This trend appears that it will persist for some time and funding may never return to levels before the economic recession. Thus, funding authorities will likely look to the courts in the future to generate more revenue and offset budget deficits.”

Sarah said there is a real likelihood of this scenario becoming the norm in the near future, especially in urban courts.

Will and Kim thought that this scenario is a reality today in many jurisdictions.

My thanks to Sarah Brown-Clark, Keith Kaplan, Will Simmons, and Kim Allison for their thoughts on this very challenging and timely topic. The specter of user fees and the courts will certainly be with us for some time to come. Be sure to visit the NACM ethics web page at <http://nacmnet.org/ethics> to see previous ethics columns and to download educational ethics modules your court or state association could use to present ethics training in your state. If you have an ethical issue you would like to discuss, or if you have comments on this or any of the previous columns, please contact me at [pkiefer@superiorcourt.maricopa.gov](mailto:pkiefer@superiorcourt.maricopa.gov). The views expressed in this column are those of the contributors and editor; they should in no way be interpreted as the official position of the National Association for Court Management, its officers, or its Board of Directors.

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#### ABOUT THE AUTHOR

Peter Kiefer is the civil court administrator for Maricopa Superior Court in Phoenix, Arizona. He has been questioning ethics for *Court Manager* since 1994.

#### NOTES

1. *Future of the Courts: The Next Ten Years*, scenario depicting the reappearance of “debtors’ prison” was assessed as unlikely.
2. In 2009 Edwina Nowlin was jailed because she failed to pay for her son’s stay in a juvenile detention facility.
3. In 2010 Timothy Fugatt and his wife were charged with driving on an expired registration. The violations were later dismissed, but he was jailed when he was pursued by a private probation company and found unable to pay \$500 in court costs.
4. 21001-2012 Policy Paper, “Courts Are Not Revenue Centers,” Conference of State Court Administrators.
5. NACM Model Code for Court Professionals, Canons 1.3 and 1.4.



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# Management Musings

GIUSEPPE M. FAZARI

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## Honing Your Craft

In *I Am King*, Muhammad Ali's mother, Odessa Grady Clay, described his vision, focus, and (most importantly) work ethic in becoming the legendary and perhaps greatest boxer of all time: "He trained every day. He never took part in anything else since he stepped into the gym. When he was 12 he said he'd bring back the Olympic gold medal and that he'd be champion of the whole world. I believed him. It's really been a sacrifice for him, it wasn't easy. He trained so hard." Indeed, Ali himself described the seriousness with which he took his craft and the "secret" to his success in *The Greatest: My Own Story*: "A prize fight is like a war; the real part is won or lost . . . behind the lines, in the gym and out here on the road long before I dance under those lights." The way Ali and his mother described his approach to the work of boxing reminds me of Toni's perspective on not just boxing, but also on just about anything else anyone does for a living.

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I returned from spending the morning and most of the afternoon at the local market. There were a few of us that Toni was entertaining later that evening at her beach house and so a couple of us planned to unwind there for the rest of the day. Knowing that it would be a couple of hours before dinner was ready, she had prepared a variety of calzones to whet our appetite. Toni was brilliant in the kitchen. Her recipes, all committed to memory, were difficult to document in any way because there were no clear measures. It was always "add just a little," "let it bake until it looks right," or "stir it for a few minutes." Technically, Toni was not a chef, but she was a cook in the same way Rachel Ray once described herself on *CenterStage*.

We walked in from the side entry of the house, which you could always count on being open during the day. Rarely did anyone ever use the front entrance, and if the doorbell did ring, it ordinarily was a delivery of some sort; if it was anyone Toni was remotely acquainted with, she would look out the window and tell them to come around to the side yard. And, of course, an invitation to come in for something to eat or (at the very minimum) something to drink would predictably follow.

Toni had a cooking program on the TV and was jotting down some notes as she watched while at the same time periodically checking on the variety of calzones in the oven. This sort of multitasking was not surprising given her philosophy on productivity that she regularly applied to just about anything she was doing. Toni was always in the mode of thinking and learning, and so even her "entertainment" served some productive end—in this case, a recipe idea for leftover roasted chicken, which she could add to her menu arsenal. When the spinach calzones were baked just right, Toni opened up the oven, took the tray out and placed them on a cutting board. She cut them into even slices and brought them to the kitchen table where we were still savoring the prior batch that had already cooled.

"Try these."

Hot from the oven, they were delectable. The exhaust fan on the range's hood was in overdrive, blowing out a cornucopia of olive oil, spices, sausage, spinach, melted mozzarella, and a new recipe variety calling for peppers, onions, and hot dogs, which Toni was preparing for the first time. The aroma from the transformation of ingredients wrapped in a pillow



of dough made from scratch would soon enough reach the neighbors' yards in her tightly knit and diverse community. It would not be long now before one of them stopped by in the way Yogi Bear was drawn to the scent of a freshly cooked apple pie placed on a window ledge as though his body lay on a magic carpet.

As we sat there finishing what were supposed to be appetizers, we felt full enough to keep us to the morning. Toni, of course, would never entertain having her guests leave her home on such a "light" meal. Dinner would be ready in the next hour or so. There were only a few pieces left, when Toni's husband, Jack, emerged from his recliner in the family room. He strolled into the kitchen, momentarily stopping to stretch and displaying a grin end-to-end that accentuated his deep wrinkles. The folds of his face, which he insisted were not a genetic predisposition but were rather earned, could sometimes make his relaxed countenance appear two-toned during the hot, summer months. He did not believe in sunscreen, and so the deepest layers of his face remained protected from the sun's bronzing.

Toni took one look at his "life is good" expression and said, "Look at yourself. You'd think they were paying you when they win."

Not knowing what she was talking about, I asked, "Who won?"

Jack responded, "I'm just happy for my team when they do well." Soccer was more religion than sport in his household. He extended his hand toward me, "How are you?"

"Maybe not as good as you right now, but I'm doing okay." As I shook his hand, I could tell that even now, many years into his retirement, his hands were still coarse and hard—although "retirement" was a loosely defined term of art for Toni and Jack. According to Toni, learning should be perpetual—no one should ever truly retire from what they love to do. Her sentiment was not dissimilar to the legendary Spanish tenor, Plácido Domingo, who lives by his motto, "If I rest, I rust." As exceptional as Jack was, the effects of having been a mason, the thick, heavy calluses, endured. I imagined that the thick

layer of skin safeguarded his hands like protective gloves that run past your wrists but instead of suede were made of sand paper.

"Your team?" Toni asked. "I must have missed that rather large account the last time we went to the bank for a withdrawal."

It was a losing argument, so Jack did not insist. As he looked over to me still smiling, I could only manage a shrug to express my impartiality to the argument. Content with simply changing the subject, he asked, "Do you want to see our latest project? We just finished it yesterday."

"Have the last of this calzone while it's still hot. You can show him the wine cellar later," Toni insisted.

The wine cellar that he constructed from brick and mortar in the basement would need to wait until after dinner. Instead, he sat down and between bites began describing how he and Toni conceived of the idea and then went about building it—from the selection of the cement and bricks to the amount of material that was needed. His describing the process showed both the passion and knowledge they obviously had and was not unlike when Toni would talk about the terrain of her garden or even a recent consulting project that she had completed.

"It's still hard work, but the tools and materials have changed considerably over the years. Even though I'm older now, the work is easier in some ways," he concluded.

I nodded in agreement contemplating how what he said was related to the things I was doing in my life. I concluded that I was not enough of an expert in any one area to make the same kind of statement and said, "I always find it remarkable that there's so much one can learn in any given area—whether it's sports, food, or, in this case, the art of masonry."

Finishing what remained of the calzone, Jack got up to go outside. Before stepping out the side entrance, he agreed with me and added the qualifier, "Remember that extensive knowledge in something always follows a passion for it."

As I sat there watching Jack make conversation with one of the neighbors in the yard, Toni could see that I was still

contemplating the lecture on stonework and said, “I think it’s time for some afternoon tea.” The water had already been boiling so she quickly poured two cups of mint medley. As we sat there sipping it, she broke the silence stating, “I would take what Jack said about passion a step further.”

“How’s that?”

“The passion should always be deep enough such that your knowledge is always trying to catch up to it. When that is no longer the case, it’s time to move on because you’re wasting your time at that point.”

“The key is trying to find something that you’re that passionate about.”

Toni corrected me, “And not just one thing. Your life and interests should be varied so that you’re not one dimensional. But if we are strictly speaking about what one does for a living there’s no such thing as the perfect job so don’t confuse what I’m saying. Work is not perfect. There are aspects to every line of work that you could do without or else they wouldn’t have to pay you to come. I think if you could get to an 80/20 ratio, it’s a dream come true.”

“80/20?”

“Yes. A sort of imaginary point where you truly enjoy 80 percent of the time you spend doing the work. It’s not an easy thing to find considering that Gallup polls show that 70 percent of people in the workforce are disengaged at work. They’re disengaged because they don’t enjoy what they do—for most it’s a place to be between the weekends.”

I chuckled knowing that Toni always had a way to make her point.

She continued, “Counting the days to retirement is not a productive use of time. The only time you are guaranteed is the present, and it should be used to work toward your passions. Your line of work where you incidentally spend most of your time should not be excluded.”

“So what I hear you saying is a two-fold challenge—to first find what you are passionate about and then continually work to gain knowledge and expertise about that passion.”

“Yes, but I wouldn’t describe it as a challenge necessarily, because when you believe in what you are doing and why you are doing it, the how part is easier and will come more naturally. There’s no arrival however. This is not a challenge—it’s more about accepting it as a reality.”

“What do you mean?”

“I mean when you find what you want to do for a living—your craft—honing it is a lifelong process. That’s the only way you’ll be great and still then you’ll never be perfect.”

“You can get pretty close though.”

Toni thought about the statement and countered, “I would describe close as being an authority in the field. It starts with passion and then is followed by a lot of work and time. This is true regardless of the profession you have chosen because all experts have this in common.”

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*In Pour Your Heart Into It*, Schultz and Yang discuss the secret behind the success of Starbucks. Among the points made was the importance of reinventing yourself even when you are experiencing success—getting to know the business even during periods that it is thriving. In order for it to remain successful, the business requires that you instill your values, tone, and beliefs into it. Johnny Carson, the legendary host of *The Tonight Show* for 30 years, was always preparing. He would read voraciously, constantly searching for material that he could use on the show. Bob Baffert, Hall of Fame horse trainer, once said, “If you’re going to be successful, you have to live and breathe this business.” Whether you are a mason, entrepreneur, television host, horse trainer, or court manager, the universal truth is that professionals spend a great deal of time and are committed to honing their craft. Greatness, therefore, seems to be the end product of working toward something that makes you happy despite all the work that it requires.

And those are just some of my musings on management.

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# National Association for Court Management

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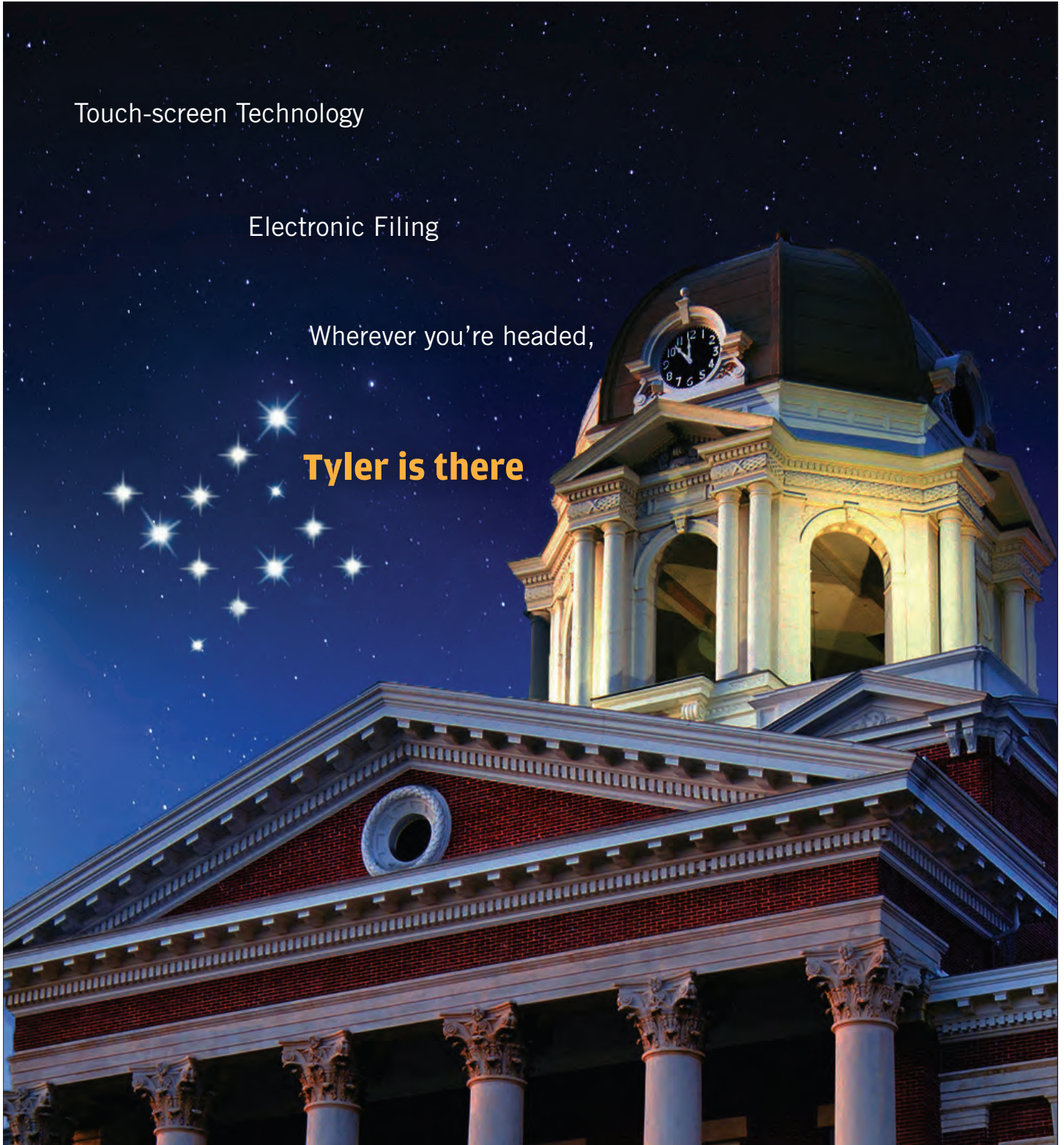


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