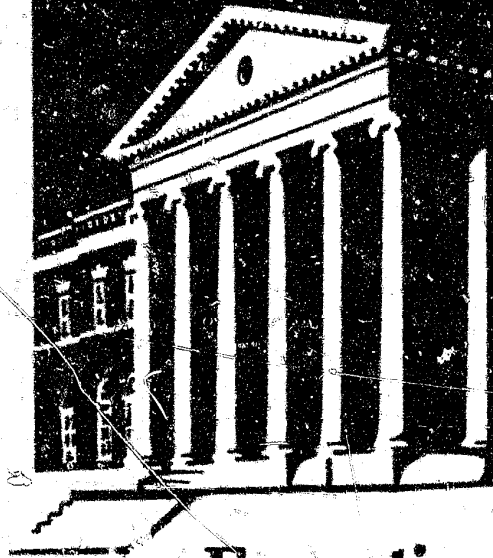


# PROGRAM MODELS

52653

## Trial Court Management Series



## Executive Summary

U.S. Department of Justice  
Law Enforcement Assistance Administration  
National Institute of Law Enforcement  
and Criminal Justice



Program Models are a synthesis of research and evaluation findings, operational experience, and expert opinion in a criminal justice topic area. Each report presents a series of programmatic options and analyzes the advantages and disadvantages of each. The intent is to provide criminal justice administrators with the capability to make informed choices in planning, implementing, and improving efforts in a program area. The Models may also serve as the basis for LEAA testing and demonstration efforts.

## COURT MANAGEMENT PROJECT

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**Trial Court Management Series**

**Executive Summary**

by  
**Caroline S. Cooper**

**March 1979**

**U.S. Department of Justice  
Law Enforcement Assistance Administration  
National Institute of Law Enforcement and Criminal Justice**



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August 31, 1978

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## I. BACKGROUND OF THE PROJECT

### A. Purpose

The Court Management Project was launched in August 1977 by LEAA's National Institute for Law Enforcement and Criminal Justice in an effort to provide trial court managers -- both judges and staff -- with a management report series addressing three critical areas of workload and resource management: financial, personnel and records. These reports were completed in August 1978 and scheduled for publication in early 1979. In addition, extensive attention was also given to trial court caseflow management in the course of this study and general observations regarding caseflow management are offered in this Executive Summary.

The objective of the project has been to enhance the trial court manager's capability for dealing with these management areas. Each of the reports provides a framework of relevant management principles, functions, and concerns which bear on each of these aspects of trial court operations and the range of management activities necessary to support them. A series of guidelines and assessment questions are provided in each report to assist users in analyzing management activities in their jurisdictions, identifying problems, and determining areas for improvement.

The series is intended to provide its users with a process for looking at what their courts are doing, determining what they should -- or might -- be doing, and suggesting a few techniques for improving their management and service. Regardless of whether the user of this series has specific problems, or is simply interested in possible improvements generally, these reports should provide a few ideas.

### B. Approach

The major premise underlying the development of this management report series is that each of the three areas addressed -- financial, personnel, and records -- must be managed systematically. They cannot be dealt with in a piecemeal fashion or with sporadic ad hoc attention only when crises appear. Agreed upon management goals must be established to which all subsequent activities are directed. These goals should respond to the expectations of all of the interests involved with and served by the trial court -- judges, staff, prosecution, public defense attorneys, private bar, community agencies, and all individuals involved in the judicial process. Where conflict exists, trade-offs must be weighed and priorities established. Against these goals, present operations can then be assessed, areas of improvement identified and subsequent management activity directed.

Admittedly, many situations will occur which will demand immediate and specific remedy -- lack of space for case files, an employee grievance petition, violation of a speedy trial rule, for example. Response to these problems often requires instant action and cannot await the systematic planning which would be desirable. Nevertheless, the time

required to review systematically the total management activities of a court before dealing with specific functions will be beneficial in the long run and users of this series are urged to set this task as a priority in dealing with each of the areas addressed. By documenting existing court operations and determining the goals which they are designed to serve, their effectiveness can be assessed realistically, and a management program can be developed which satisfies both the day-to-day operational needs and long-term management goals of the local court system.

In preparing these reports, much effort has been made to draw upon the experiences of a diversity of trial courts in handling specific aspects of these management activities. Where possible, we have identified and described those management techniques and approaches which have been effective in one environment and might be adaptable in other jurisdictions. Particular attention has also been given to the variety of factors which contribute to the success -- or failure -- of these management approaches and the trade-offs which are made when one course of action is selected over another.

Despite the considerable site investigation upon which this project has been based, the focus of each report is upon the overall management process involved in managing a trial court and in dealing with each of these aspects of court operations. Each of the reports is organized around the principal goals and objectives which management activity in that area should serve. Site references are offered to suggest the variety of alternatives which might be considered to achieve these goals and objectives. No attempt, however, is made to prescribe procedure.

Study of over 40 trial courts during the thirteen months of the project's operation has made it apparent that there is no "best way" to handle any of these functions. Effectiveness, we have found, is determined more by the degree to which a particular procedure achieves the management goals it is designed to serve than by the inherent virtue of the procedure per se.

With proper planning, communication, coordination, and monitoring, a variety of management techniques can prove successful and effective. Without such groundwork -- and, particularly, without a sensitivity to and appreciation for the needs, expectations, and informal relationships among the individuals and organizations working within a local trial court system -- what works well in one jurisdiction can fail totally in another, despite surface similarities of organization, size and structure.

## II. OBSERVATIONS.

Although the focus of this report series is upon the development and achievement of management goals and objectives for each of the three areas addressed, some note should be made regarding our perception of the problems which generated the need for this project and which this report series is designed to address.

The system of justice in state trial courts is not susceptible to general definition. Neither are the problems which exist in those systems. What may be a problem in one court may not be in use in another; much less a problem. One judge may have expertise in caseload management but be poorly equipped to deal with personnel. While clerk A may be a financial wizard, clerk B in an adjoining jurisdiction who has trouble balancing the books may be the leading authority in the state on court records management.

The existence of a problem is usually a subjective judgment, and often symptoms and causes are confused. Moreover, even where problems in different jurisdictions are similar; their implications can be quite different. To appreciate a problem's significance, one must understand the rationale by which it is identified and the particular symptoms which have brought it to attention.

What is a problem? A particular matter perceived by the judge may be of little or no consequence to the court administrator. What may appear to the administrator as a problem may be ignored by the judge, the clerk and others. It pays to remember, however, that the bailiff, parole officer, elevator operator, custodian, newspaper reporter, jailer, juror, spectator, and even courthouse loafer can have problems too, or may themselves be part of the problem. All, and more, are part of the "courthouse scene" and all must be considered in all plans for change in the court if the change is to work. Courts are public, not private enterprise creatures, and the totality of the organization must not only be recognized but also weighed unless a new problem is to be conceived while trying to solve another.

A common misconception surrounding any problem is that it is unique. The names and places may change but problems, like habits, have a way of reappearing. If Judge Smith has problems dealing with court personnel in Doeville, chances are he will have those same problems in his court in Roeville. There has yet to be discovered a "model" court system, or any system for that matter, free of problems. Nor, in spite of claims to the contrary, has there been invented model methods for dealing with court problems everywhere. While the instant work is devoted to only three matters, financial, personnel, and records management, we are swift to admit that these are not the only areas in which problems have arisen in the past or may arise in the future.

Problems also vary by degree and their significance must be judged by the context in which they arise. For example, records management problems in a large metropolitan court may be considerably more complex than those in a magistrate court in a small rural setting. Perhaps the



magistrates court is not even a court of record, or, even if it is, no records are kept and nobody seems to care. The metro court, however, may have more access to funds, consultants, and experts, and have more experience in problem solving than its rural counterpart, if in fact there is such a thing as a rural counterpart to a metropolitan court, or vice versa. On the other hand, the metro court may be so swamped with day-to-day survival problems it ignores larger problems and just moves from crisis to crisis, while the rural court is spurred to solve its problems, because of the closer relationship it must maintain with the local electorate.

Many problems have been identified and studied in trial court operations. Many of these have been remedied successfully; many still persist. The experience of this project has been that those remedies which work well serve the specific needs of the court involved; those which provide no help, or even create new problems, are generally unresponsive to the needs which should be addressed or are not tailored to the local environment in which they are put to work.

Models, we have found, in themselves, won't work without considerable adaptation to the environment in which they are used. There is no one solution. There is no easy solution. There is no fast solution. And even where a good solution is found, sometimes no one can afford it. Although some say that models can be transferred successfully, our experience has been that models, when transferred successfully, tend to create other models rather than replicate themselves. Although a model can suggest a number of management approaches, activities and ideas which may hold much value for other court environments, the limitations of their transfer without some additional local adaptation is the result of the multitude of variables which define the personality of each trial court.

Take, for example, just a few of the variables which go into defining the court's system: state court structure; statutory conditions; rules requirements (or their absence); sources of administrative authority; impact of the legislative and executive branches on the scope of the court's operations and the methods by which they must be performed; strength of the highest court; the role of the chief justice. Depending upon the variety of combinations in which these factors interplay, there are hundreds of different systems resulting, and the implications which these combinations can have are even more numerous.

Add to these variables the essential prerequisites for any management system to work -- cooperation and commitment -- and the difficulty of applying what may seem to be a working system ten miles away becomes all the more apparent. Despite a variety of management improvements which trial court administrative judges and staff indicated they would like to institute in a survey conducted by our project,<sup>1</sup> a common obstacle frequently cited was the lack of cooperation and commitment which they foresaw in instituting them.

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<sup>1</sup>See Appendix A (B).



One final variable to reckon with before instituting any management change is the variety of perspectives which exist on any aspect, let alone any problem, of a court's operation. Our project survey responses, supported by our field investigation, strongly bore out the multitude of viewpoints on any of the topic areas addressed. For example, at least nineteen different current personnel management problems were identified by the 71 responding trial court administrative staff members, and even this categorization did not convey some of the unique implications which these problems caused in the respondents' jurisdictions. Of the more than twenty types of problems identified with existing caseload management activities, it was clear from the comments that only three or four problems actually existed, but, depending on one's viewpoint, the implications were manifold, and these were the "problems" reported.

Because of the subjective nature of a problem and the many perspectives from which it must be viewed, potential remedies must have a specific and necessary purpose. If other key actors don't agree on these objectives, there is little that can be done until their commitment is obtained. Once it has been determined that there is a problem, and that determination has been reached by a consensus of those affected by it or by other careful analysis of the decision maker, the gravity of the problem should be analyzed before its solution is sought. Perhaps one need ask "Is the cure worse than the disease?"

No one works in an ideal environment, and court staff are no exception. Tradition has a way of blinding us to even the best ideas, let alone those whose merit is not so apparent. Couple that factor with the distinct interest and intense loyalties which administrative and organizational structures can create, and the most valuable suggestions can often fall flat, or on deaf ears. There are a multiplicity of legal, political, social, and economic implications which surround the solution to each problem arising in the court. Personalities involved, time constraints, fund availability, and the quality and quantity of personnel are always considerations when attacking problems in the courthouse. Rather than being forced to use a crisis-to-crisis approach to problems, readers of this series may find that the time spent in precisely identifying a problem and then considering alternative solutions and their potential costs and impact to be the most valuable investment of all.

### III. METHODOLOGY

#### A. Original Approach

When we began the project, our objective was to develop Prescriptive Packages<sup>2</sup> which would provide a synthesis of the best management methods and practices now being used by trial courts throughout the country in managing each of these areas. It was envisioned that these reports would be directed primarily at courts of high and moderate volume and would contain a set of model guidelines and suggestions to help administrative judges, court administrators, and clerks of the court to plan, implement, and evaluate improvements in their management practices.

Our original work plan called for selection of approximately 30 trial courts, representing a mix of sizes, structures and locations, whose current management techniques in at least one of the topic areas were either evaluated or reported as successful in practice. Initial site visits would be made to these courts to assess the overall merit of the management systems studied to the Project's Packages. Subsequent to these preliminary visits, approximately ten to twelve sites would be identified for more intensive study.

Based upon this site investigation, it was anticipated that each Package would provide a series of management models which could be implemented in whole or in part in a suitable court environment.

#### B. Early Work

Our first four months of effort were directed to carrying out this approach. During that period, every state court administrator was contacted to provide suggestions of trial courts in their respective states which appeared to be handling these management functions successfully. In addition, we made an extensive survey of the literature in each area and spoke with a number of court researchers and practitioners to discuss the project, our approach, and our information needs. During the third and fourth month of the project, test site visits were made to seven trial courts which had been recommended and which represented a diversity of environments in which the study would be conducted and the packages would be used.

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<sup>2</sup>The Court Management Project was originally launched under NILE's Prescriptive Package Program which was designed to synthesize the available knowledge on a particular criminal justice issue or program and recommend model procedures which incorporate successful practices for dealing with it. Early in the project LEAA asked that we develop the reports as program models rather than Prescriptive Packages, and, thus, focus primarily upon the process of planning, implementing, and improving management activities in each area.

Two meetings were also held with the project's Advisory Board -- one in full-group session and the other in separate subcommittees -- to discuss the results of these activities. During these sessions, we also discussed the implications of the new "program model" format which had replaced the original prescriptive package design for the project.

### C. Limitations Apparent in the Original Approach

Review of this initial phase of project work made it apparent that a number of assumptions underlying the original prescriptive package study approach for this project no longer appeared realistic. This approach assumed that, in each management area, a number of good management techniques and systems were operating in trial courts which, if documented, could be the basis for a series of management models and provide the "best ways" for handling the functions involved. Indeed, prescriptive package topics had generally dealt with programs or functions in which it was well known that a number of good operational examples existed, and the task of these projects had been to classify and document these operational types. The Court Management Project had been generated by an awareness of problems -- rather than of effective operational systems -- in the designated areas and the need of court administrative staff to have working resources to assist them in managing the functions involved.

This critical feature of the Court Management Project which distinguished it from other prescriptive package efforts had significant implications on the feasibility -- and desirability -- of following our original workplan and made it apparent through our early work that several of the major premises upon which this workplan had been based were open to serious question.

First, our original approach assumed a common understanding among court staffs regarding the scope of each of these management areas. This common frame of reference we found sorely lacking. To many, for example, "caseflow management" meant simply calendaring or information system activity. Similarly, when we raised the topic of "financial management", most practitioners asked us what we meant. In states with centralized personnel and funding systems, the initial response at the state level, at least, was generally that the trial courts had no involvement in these management areas and that the issue should more appropriately be studied at the state level. Although many agreed that trial courts had responsibility for administering the day-to-day functions of these systems, there was no consensus either at the state or local level on the trial court's role in managing these areas or the range of activities which management involved or which our reports should address. Although good management components were noted in a number of trial courts, this lack of a common frame of reference for these management functions tended to promote a piecemeal approach to managing the responsibilities involved and instituting needed improvements. To build models out of these "bits and pieces" as one of our advisory board members phrased it, would only further splinter the handling of these management areas rather than encourage the systematic, coordinated effort which is required.

Second, when we did find trial courts which had made efforts to improve relevant aspects of their management, the lack of common criteria for effectiveness made our selection of sites for visit haphazard and any subsequent basis for modeling unsupportable. Very little evaluation of trial court management activities had been reported, and we could find no common measures by which effectiveness was judged. In fact, many of the trial courts which appeared to have good operating systems in at least some areas addressed brought to our attention a number of problems which concerned local staff and which their "good" systems had not remedied. The one frequent factor which we did note associated with "effectiveness" was the use of technological support. Beyond this, we found no commonly-held indicators which were used to differentiate effective systems from ineffective.

Third, our original approach assumed that for each of the management areas addressed by the project, the nature and scope of trial court activities was fairly uniform or could, at least, be classified along fairly uniform lines. In the financial and personnel areas, particularly, this was not the case. Apart from the distinctions resulting from state structural differences, the variety among local trial court practice was marked. In very few jurisdictions did we find a full range of relevant management functions formally performed in any one area -- either because management needs had not arisen or the local structure of practice limited the court's management activity in these areas. To suggest composite management models from the various functions which might be performed would only exacerbate the management problems for trial court staff.

Fourth, we assumed that when appropriate well-managed courts were identified, the components of their systems could be formally documented. In many of the courts we surveyed, we found that a number of management functions performed effectively were handled informally. This finding did not suggest that these management functions were handled in an ad hoc manner, but it did highlight the frequent use and effectiveness of informal relationships -- rather than formal procedures -- to handle management functions. Generally, this informal structure was a product of the political and organizational structure of the local court system, as well as the particular personality, background, experience, and style of the manager(s) involved. While we could describe these informal approaches to demonstrate how managers conduct themselves in a variety of management environments, this description was no basis for transferring what was, in effect, a management style to other jurisdictions.

In sum, our test of the project workplan during the project's first four months of operation made it apparent that there was no necessarily "best way" to handle any of the functions involved and that the most important factor which distinguished effective systems from ineffective ones was the overall management climate of the court. This management climate -- often difficult to document specifically -- was generally characterized by: (1) a common understanding of and commitment among judges and staff to the court's role in the community and the management

activities required to support that role; (2) a systematic approach to planning, conducting, and monitoring these management functions; and (3) a set of formal and informal internal and external working relationships which provided flexibility, accountability, and cooperation. Within this climate, an effective management system could be operating well despite theoretically undesirable or outmoded techniques; without this climate, even the most advanced systems which had been praised in other jurisdictions could be failures.

Further, we found that the existence of a particular technique was often secondary to -- or perhaps the result of -- this management climate rather than the cause. Thus, what may have appeared to be an effective technique was often successful because of the management environment in which it operated. While the literature had pointed to this finding in the area of case assignment systems, we found it true for many other aspects of court administrative activities.

This is not to say that there were not good management principles to be applied to these areas. However, we felt it would be a disservice to potential users of the project's reports to prescribe "the best ways" to implement these management principles by documenting observed techniques out of the context in which they operated, and to suggest further that the quality of a court's management could be derived from these techniques. While we observed many good techniques in operation during our initial field study, we felt that the mere existence of an effective technique was an inadequate basis upon which to build management models. Far more attention should be given to the management process itself.

#### D. Resulting Revisions in the Project Plan

Based on the limitations apparent in the original project workplan, we revised our methodology to place the primary emphasis in each document upon developing a framework into which the various management objectives, functions, and system components in each area could fit. This framework, we felt, would remedy one of the basic problems we had encountered: the lack of a common understanding of the management activities involved in each of these areas. Further, it would promote the systematic planning and management we felt essential and provide a basis against which effectiveness could be measured.

Each report would provide, therefore, the range of possible functions, responsibilities, and management concerns a trial court manager might encounter and guidelines for assessing specific areas of authority and activity within individual court systems. Primary attention would be given to the management goals and objectives which management activities in each area should serve, rather than upon administering specific components. A variety of site experiences would be incorporated into each report to demonstrate the variety of alternatives a manager might consider in achieving these objectives and the various approaches used by trial courts to manage these functions and overcome frequently encountered problems.

As the impossibility of developing workable model systems became apparent, the need to take into account the diversity of trial court environments and operating systems became all the more important. A number of methods were used by the project staff to broaden the base of site information gathered and to maximize the limited time and resources available to explore the critical planning, implementation, and monitoring activities essential to developing a management capability in each of the areas addressed.

First, a survey was made of trial court judges and administrative staffs under the auspices of the three membership organizations serving on the project's Advisory Board: National Association for Court Administration (NACA), National Association of Trial Court Administrators (NATCA), and the Conference of State Trial Judges. The purpose of the survey was to determine member's management objectives in the areas of the areas of caseflow, financial, personnel and records management; commonly encountered problems, techniques for overcoming them and particular aspects of their court's management which might be of interest to other jurisdictions. Responses were received from 71 NATCA/NACA members and 75 trial court judges. These responses were of great value in providing staff with an understanding of the practitioner's perspective on the issues addressed by the project, pointing up problems which should be treated specifically in the reports, and identifying jurisdictions warranting further staff investigation. A summary and analysis of the survey responses is included in Appendix A (B (2)).

Simultaneous with the conduct of the mail survey, an intensive telephone study was launched to discuss with court administrative staffs in numerous trial courts the scope of their management responsibilities, the formal and informal mechanisms and procedures used to handle them, problems encountered, remedies attempted, and factors they felt accounted for management successes and failures. The courts telephoned were selected on the basis of recommendations from state court officials, information provided in the mail survey, or staff knowledge of particular management activities which might be of interest. In most cases, this telephone survey was followed up by staff review of relevant materials provided by the local court and, in some cases, by subsequent site visit.

Based upon the information gathered during the telephone investigations and from the responses to the organizational survey, 30 courts were selected for site visit by the project staff on the basis of the range of functions meriting further study and the variety of management approaches and local management environments represented. The length of the visits varied from 1-3 days, depending upon the extent of additional inquiry, observation or documentation required. Although generally the prior telephone study and material review made only one site visit necessary, in a few instances, two and three site visits were made to individual courts to explore specific aspects of system selection, implementation and monitoring.

Although a site visit was essential for providing us with a working understanding of the specific process and procedures by which a management system operated, a major limitation of the site visit was our inability to explore some of the longer-range considerations which went into the

decision to adopt a specific management system, the priorities that were set, and the trade-offs that were made, as well as the unique characteristics of the particular court which made the system work. To remedy this deficiency in our site study plan, we launched a series of three "off-site" meetings to which we invited 3-5 administrators from courts of varying sizes and structures. Two of these meetings were held to discuss common goals and objectives for caseload and records management systems, the methods by which they were achieved and the various problems encountered. The third meeting focused on the issue of establishing authority and control in personnel and financial management and the various methods by which this authority and control were exercised. The invitees to these meetings were selected because of their various management approaches, the range of structures and systems which were represented, and the particular management problems with which they had dealt.

During these sessions, we were able to address many of the problems noted in the organizational survey responses which involved broad managerial and political considerations not easily addressed during site visits. These problems generally related to various aspects of developing a management environment conducive to improving court operations; achieving judicial and staff cooperation and support; developing a good working relationship between the court and clerk, implementing an administrative structure in a rural setting where courts had traditionally considered themselves autonomous; convincing a funding body of the merits of a proposed court budget, etc. Admittedly, not all of the attendees had direct experience in the range of issues discussed. These problems, however, raised a sufficient number of common issues to permit a detailed discussion of how these problems had been dealt with or why they had not occurred in the jurisdictions represented. This interchange was critical in identifying the various environmental factors, both internal to a court and inherent in the political structure of the jurisdictions, which made one approach feasible for one court and totally inappropriate for another.

In all, a total of 40 trial courts in 20 states were studied by staff during the project period. Of these, 28 were studied by telephone investigation; of which 14 were later represented in at least one follow-up site visit and an additional 8 were also the subject of an off-site meeting. Twelve additional trial courts and four State Administrative Offices were visited to study specific aspects of their management activities. A list of these courts is included in Appendix C. An additional 112 courts were represented in the survey responses. A list of those courts is included in Appendix A (B (4)).



## IV. ORGANIZATION OF THE MANAGEMENT REPORT SERIES

### A. Overall Framework

Ideally, we would have preferred to develop a set of integrated handbooks, each organized around a common set of topics and following a consistent pattern of development. However, in view of the considerable differences in the locus of authority and responsibility for managing these various areas of operation and the implication of these differences on the management process required, each report had to be organized in a manner that would reflect the nature of management activity involved.

There is, however, a common philosophy which underlies all of the reports and a number of common elements contained within them. The basic premise of the report series -- the need for systematic management -- has been expressed in each of the reports by the development of a framework of relevant management principles, functions, and concerns which bear on each topic area. This framework is intended to present the range of management goals and activities which the various operational components of a court must support and against which a court's operations may be assessed. Suggestions for developing or improving management capability in each of the areas are provided in both discussions of specific management activities and a series of assessment questions. Since many of the suggested management goals may be in conflict, these assessment tools can also enable a court to determine management priorities and weigh the trade-offs of pursuing one course of action over another. Information on specific management activities of a variety of courts is provided to suggest the range of alternatives managers might consider and to serve them as a resource for obtaining additional information. Unless otherwise noted, all of the court activities cited in the reports have been determined by the project staff as effective in achieving the management goals they were designed to serve. Whether or not they can satisfy the management needs of other courts must be determined on the basis of the management goals and priorities which those courts have set and by the range of structural and organizational factors which determine the system in which they will work.

Each report consists of two interrelated parts: text and examples. The text provides the context in which these management activities occur; the examples, generally provided in appendices, demonstrate their specific application. Together, they are intended to provide a frame of reference for managers in developing their management program. Implementing and monitoring the management processes described is a task which must be performed by the individual court and must be geared to the local needs, resources, and structure which that court serves.

#### 1. Financial Management

The Financial Management functions of a trial court are generally performed by a loose coalition of organizations or agencies, each of which has a considerable degree of autonomy. Many trial courts fund their operations through several separate budgets and sources, reflecting the management views of the agency or department involved. Much deference



is also given to the executive branch for performance of key budget management functions, such as cash accounting, distribution of revenues, contracting and purchasing. These two factors, combined with the lack of strong disposition on the part of judges and court administrators to exercise a full range of financial management responsibilities, has resulted in very few functioning trial court financial management systems.

To provide a framework within which trial court staff might determine the special areas and points of financial management responsibility within their systems, the report is organized in three sections which address the legal responsibilities which must be exercised, various financial management functions which must be performed, and the trial court's role in the budgetary process specifically.

In the first chapter, nine possible sources of funds (federal, state and local) for trial court operations are discussed, along with additional types of funds which a court might collect. In addition to these legal aspects of a court's financial management responsibilities, different types of informal "power relationships" between the three branches are described.

There are jurisdictions where the budget for trial courts is not subject to executive branch reduction, or is not even submitted to the executive branch at all. Short of these rather unusual circumstances, there are various gradations in judicial budgetary independence, ranging from a more or less pro forma executive and legislative branch acceptance of a lump sum court budget all the way to a total domination of trial court budgeting by the other branches.

Apart from legal authority, the chapter discusses a number of other factors which interplay to determine the posture of a trial court in relation to the other branches -- the personal stature of the presiding judge, the credibility of the judiciary and the top administrators in the court, and the relationship between court officials and the executive or legislative branch officials with financial management authority.

Within this management environment, characterized by both formal and informal responsibilities and relationships, trial court financial management responsibilities must be performed. These responsibilities center upon two basic money flows coming into the court: funds for court operations and funds paid into the court for distribution. Each of these flows has unique characteristics resulting from special legal requirements that may be imposed, types of funds being handled, and the ultimate recipient of the funds involved. A description of the elements of each of these flows is provided, along with a discussion of the necessary supporting financial systems which must be used and the specific functions which must be performed.

Chapter Two lays out the elements of a trial court financial management system and presents a series of self-assessment questions. By answering each of these questions, the reader can determine the range of financial management functions being performed for a specific trial court; whether some financial management functions are being omitted or

being performed incompletely; whether some financial management functions being performed by the executive branch should be placed under court control; and whether some financial management functions being performed by the court could be expanded or better controlled. These elements are discussed within four broad categories: (1) general management and organizational considerations; (2) budgeting and grants; (3) expenditure control; and (4) cash accounting. Within each of these categories, a series of discrete management concerns and functions is described, with note of its significance to the court's overall financial management system. Each of these discussions is followed by a series of assessment questions which can guide trial court staffs in examining the characteristics of their particular systems. In all, 126 questions are provided for nineteen different aspects of financial management activities. The questions are designed to be answered initially by general staff knowledge. Areas of possible additional inquiry are also suggested which some staffs may want to pursue.

The chapter concludes with suggestions on how to use this assessment process. Its principal purpose is to establish a broader sense of responsibility for the performance of all financial functions affecting trial courts. The assessment process requires several stages. The initial identification of which functions the court or a non-court agency performs will provide a foundation from which can be determined current functions which need to be improved and needed functions which are not performed. An action plan can then be developed which, besides listing needed improvements, will indicate (1) the nature of the defect; (2) its affect on court operations; (3) whether more detailed analysis is needed; (4) what course of action should be taken; and (5) a list of functions which should be considered for transfer from or to court control and why. This initial assessment should be followed by on-going monitoring. Normally, exception reports will be sufficient to identify incipient problems. A sample of such a report is provided in the Appendix. These assessment and monitoring functions should be tied into the court's overall budgetary process, which should be a year-round management activity rather than a mechanical or seasonal function to secure funds.

Chapter Three treats the budgeting process specifically, including many of the management concerns expressed by court officials relating to the practical problems they encountered in the budgetary process. As a foundation for discussing the trial court budget process, a number of general characteristics of the process are noted as to their significance to the court's management activities. For example, the political and interpersonal aspects of budgeting are of supreme importance. The prestige of a presiding judge and the friendly ongoing dialogue between a court administrator and a county budget officer may sometimes -- though not always -- outweigh in importance the procedural and managerial aspects of budgeting. Equally important, however, is the managerial process that provides internal control and supports decisionmaking. The budget process:

is a structured means of obtaining and allocating resources and of managing an organization. Trial courts have not generally viewed budgeting in this broad management sense and

have seen budgeting as a routine compliance with externally imposed budget procedures. In short, trial courts have seen little need to build upon the executive branch budget for the achievement of managerial needs unique to the judiciary...Yet, there is a need for a trial court budgetary process which deals with those aspects of budgeting which are unique to the needs of the judicial branch and cannot be well served by the executive branch process. . .

At least five areas of budgeting may require specialized internal treatment by the court itself because of the significant policy decisions which must be made which will affect the court's operation. Among these areas are the setting of priorities and policies for the formulation of the court's budget; determining the justification for the budget requests; and the development of the court's overall financial strategy as to the resources it will need and the sources from which they can be obtained. Two tables are provided, listing the specific budget procedures a court must perform and the sequential relationships and staff roles involved.

The organizational and administrative variables most affecting this budget process are then discussed. Essentially, these consist of four types: (1) the degree of state funding; (2) the powers of the presiding judges; (3) the existence of a central budget office; and (4) the organizational structure of the court.

The remainder of the chapter is devoted to the five principal stages by which a court manages its budget: (1) development of budgetary guidelines; (2) review of budget submissions; (3) financial policy and strategy; (4) budgetary presentation; and (5) budgetary monitoring. A description of each of these stages is provided, with a discussion of specific management issues which should be considered and management techniques (performance measures, PPBS, ZBB, etc.) some courts have found effective. Each section concludes with a final series of assessment questions designed to help users of the report examine specific aspects of their jurisdiction's activities and consider the potential applicability of some of the suggested techniques described.

Examples of each of these management approaches and their various applications are contained in the Appendix.

## 2. Personnel Management

The personnel of a trial court are its most basic resource. The application of personnel resources to achieve the objectives of the court is the primary purpose of personnel management.

The Personnel Management Report incorporates the basic principles of public personnel management which have been developed in the public sector over the years and applies them to a trial court setting. The report is organized in three chapters to provide a management framework within which both broad and specific trial court personnel management issues can be analyzed and handled. No particular system is advocated; many organizational and administrative issues and factors must be considered in light of the role they play in a local jurisdiction. What is advocated,

however, is that trial courts assess these special issues and factors as they relate to the local court involved and establish a personnel management policy that provides a workable management framework. Further, management guidelines should be developed to govern the operation of the system, so that personnel administration routine does not become an end in itself. Although no attempt is made to prescribe discrete personnel procedures for replication, a number of "hypothetical guidelines" have been developed which may assist court staff in employing general personnel principles to a court environment.

Chapter One discusses the special features of the trial court environment which bear on the development and maintenance of a personnel system -- the locus of administrative authority and control, the internal organizational structure and the authority to manage basic organizational functions. These issues are then discussed as to their management significance in light of the special factors which affect the management of personnel in a trial court.

Some of the courts which will use this report already have operating personnel systems. Other courts undoubtedly lack operational guidelines or even a personnel structure. The management needs of these courts are substantially different. The following two chapters in the report were developed to respond to these two basic situations. Chapter Two assumes the existence of some personnel system and deals with system improvements and the development of specialized procedures. Chapter Three describes the process for creating a personnel system where none exists.

Chapter Two, "Improving Court Personnel Management" provides a series of assessment questions in organization, staffing, employee performance, and employee relations by which current personnel management authority can be identified and activities assessed. Guidelines are then suggested for exploring the policy considerations which govern the administrative structure of a court personnel system: authority structure; defining employment and tenure; job classification, compensation plans; hours and leave provisions; selection and promotion methods; grievance procedures, etc. The need to relate all of these issues within a coherent job structure is then discussed as to the benefits which can accrue; specific policy considerations involved; relationship to compensation scales; and job-specific considerations in job classification and compensation. The remaining sections of the chapter are devoted to discussing the specific functions which should be performed to assess existing personnel management practices and determine areas for improvement. Proposed approaches are provided for reviewing compensation scales and evaluating current classification of a variety of court staff and clerk positions. Basic factors in estimating and documenting personnel needs are suggested, along with several approaches various courts have used. A number of performance criteria as well as certain management functions, such as orientation and training, are suggested, which should be performed to maximize employees' performance. The final set of functions addressed by this chapter deal with the distinctive personnel problems which develop in a trial court environment. These relate to conditions of work; including constraints on employee behavior and employer prerogatives, public functions and possible liability that can be incurred, as well as discipline, adverse actions, and grievances. The chapter concludes with a discussion of two special issues which bear on the full range of personnel management functions

discussed above: affirmative action requirements and collective bargaining.

Chapter Three, "Establishing a Judicial Branch Personnel System," is designed to aid those trial courts which plan to develop a court personnel system or substantially restructure an existing system. The section assumes development of a relatively self-contained and independent judicial branch system, but also has utility for trial courts which plan to rely on the executive branch for some major aspects of personnel administration.

The section presents a general implementation chronology for developing a personnel system. The chronology is organized in five phases. The first phase, initial policy decisions, includes the decision to create a personnel system, a determination as to how it will function in the local system of government, and how it will be developed. Phase Two, data gathering and detailed policy proposals, requires documentation of existing employees qualifications and work functions and analyzing policy issues (relationships to local government personnel systems, transition period needed, etc.); Phase Three, detailed policy decision, encompasses the court's response to the personnel issues placed before it. Normally, this response will be contained in rules of court but a policy statement can also be adequate. Phase Four, implementation, deals with three basic aspects of implementing the court personnel rules: the mechanics of creating a job and pay structure; developing an operating administrative mechanism; and orientation of system participants. The Final Phase, start-up, begins when the fourth phase is completed. The central feature of the start-up phase is tight monitoring and quick response to problems.

### 3. Records Management

The Records Management Report is designed to enable trial courts to develop a records management program which will meet the historical and legal functions of court records as well as the various management functions to be performed in handling individual case files.

Chapter One discusses the overall context in which records management is performed and, particularly, the variety of materials which constitute a court "record": the case file, microfilm, computer printouts, video displays, exhibits, etc. The need to manage these records during the course of their "life-cycle" is then described in the four stages of a record's lifespan: (1) intake and initiation, (2) maintenance, (3) access, use and distribution, and (4) disposition. Some of the distinctive factors which should be considered in developing a court records program are described along with records management principles in other sectors which have relevance to courts.

The following sections of the report discuss the basic records maintained by a court, specific management activities pertaining to the maintenance of case files in particular, guidelines for assessing a court's records management program, and planning for improvement. Chapter Two provides a scheme for classifying court records and determining their retention value. A suggested list of overall system goals and operating objectives is presented, followed by discussion of each of the specific

management components which make up a trial court records management system. The first four sets of these components pertain to the activities related to each stage of the records life-cycle. The fifth set of components relates to the maintenance of the records system as a whole and includes legal guidelines; equipment; supplies and technology; information system applications; and management and staff skills.

Chapter Three focuses upon the considerations of space, equipment and file composition, as well as the various policies and procedures which should go into record maintenance and management. Basic policy questions, such as whether to separate active from inactive case files, along with very practical considerations, such as file format, numbering systems, etc., are considered. A variety of issues relating to file composition and format are discussed, including paper size, folder design and use of color coding. Considerations relating to space utilization are also explored, particularly as they relate to equipment selection, file station location and staff organization. The principal management issues relating to each of these topics are discussed, as are common problems that may occur with one course of action vs. another.

Chapter Four provides detailed guidelines for assessing a trial court records management system and planning for improvement. A nine-phased planning and implementation process is outlined followed by a series of specific assessment steps which may be used to identify the relative strengths and weaknesses of particular court record systems. Specific attention is given to the conduct of a records inventory, analysis of forms design and usage, documenting the paperflow process, assessing equipment and supply needs, determining appropriate retention and disposition schedules, and the possible applications of microfilming. A number of specific evaluative questions are provided in the text, supported by additional documentation in the Appendices. Graphics have been interspersed throughout the document to illustrate many of the management concepts discussed.



## V. USING THE REPORTS IN A TRIAL COURT ENVIRONMENT

The reports are organized on the basis of subject for ease of use, not to suggest strict segregation of areas without interdependence. There are no standard solutions in the reports, but ideas and suggestions are presented which must be evaluated in light of the conditions existing in a particular court. Hopefully, the elasticity of the materials will be their strongest feature.

As admirable as the aspiration for perfection may be, flawlessness no more exists in systems of justice than anywhere else. The judge, administrator and clerk (like the butcher, baker, and candlestick maker) are fallible humans. Egotism, pride, cunning, and harshness; all these and more are present in every human, differing only in intensity. These same features may make a problem for one person, or one court, but help solve a problem for another.

The court is not a composite of individuals working in isolation nor is it a composite of independent functions. The activity of each person and each group affects the whole. This interdependence must be considered when establishing goals and evaluating the implications of attaining them.

When discussing change in the trial court, it is best to talk in terms of goals, what one wants to accomplish, rather than problems. This has two immediate advantages. First, a narrow interpretation of the problem is avoided. Second, the likelihood of bestowing blame on particular individuals is limited, thereby increasing the chances of cooperation and success.

Evaluating a goal should be done in terms of the different but interrelated management areas affected. What impact will the change have on finance, personnel, records, caseload, etc.? This process will bring more aspects of the change to light and prevent a narrow, limiting interpretation of the situation. Having considered most of the aspects, the transition will be easier and more orderly.

Take, for example, a change which at first glance appears simple to implement. To determine the simplicity, the range of implications which this "simple" change will have on the total operations of the court should be anticipated.

A few of the questions in the different areas that should be addressed are:

**Finance:** How much will it cost?  
Where can the money be obtained?  
Will there be continuing or incidental costs?

**Personnel:** Who will be affected?  
Will it be necessary to hire additional personnel?  
Will it be necessary to terminate/retrain/reassign existing personnel?  
How will the position be affected in the job classification?

Records: What records will be generated by the change?  
Who will keep the records and where?  
Will the change cause duplication or obsolescence of all or part of other records or forms?

Caseflow: Will the change mandate deletion, addition, or rearrangement of steps in the process?

EXAMPLE:

The payroll for employees in the court system will be computerized with checks being issued at the state level.

Financial considerations:

The cost of computer time, a computer operator and programmer, supplies, etc. must be budgeted. If computer time is rented, access to the computer is a factor to be considered; if purchased, maintenance costs are a factor. Money for additional staff at the state level will have to be allocated, as well as money for their equipment, offices, supplies, etc.

Personnel considerations:

Issuing checks at the state level will eliminate the need to maintain a bank account and disburse funds locally. It will still remain necessary for someone to keep personnel records at the local level and transmit information about hirings, terminations, salary changes, leaves without pay, and similar data to the state. A portion of the local job will be eliminated, but the need for the person remains.

At the state level it will be necessary to hire staff to develop personnel guidelines and recordkeeping forms, maintain the information, and review local actions for compliance. Orientation to the new forms and procedures will be essential.

Records considerations:

Information must be supplied in a uniform manner to facilitate computerization. The diverse local recordkeeping procedures must be standardized. Records should be maintained at the state and local level. The computerized information could be useful for purposes other than producing paychecks. If statewide budgeting is in effect, the data will be valuable to the financial officer. Planning requirements outside the budget area might be fulfilled by payroll data in certain forms. Usefulness to other agencies is another factor. All of the foregoing needs might be met by payroll data with only minor modifications, if any.

To avoid being trapped in a mire of details surrounding achievement of a goal, it is essential to KEEP YOUR EYE ON THE SQUIRREL. Continually, the questions should be asked; what do we want to accomplish? What was the original purpose? Then each step to be taken, each change being contemplated, can be evaluated as to necessity and desirability in attaining the result.



Thorough evaluation is the key to success. Evaluation of a goal does not have to result in taking steps to attain the goal to make the effort successful. If, after study, the determination is made that the goal is unrealistic or undesirable, the attempt is nonetheless successful. Time, money, morale, and future undertakings might well have been saved by avoidance of a rash start. A better course of action might have been found.

## VI. MATTERS DESERVING FURTHER INVESTIGATION

The purpose of this project has been to provide a framework for understanding the context in which these management functions are performed and for assessing, in general terms, relevant activities of individual courts and ways in which these activities might be improved.

This report series is, therefore, designed to lay a foundation for detailed investigation into the specific components and activities necessary to support each of these management areas. This foundation should by no means be considered an exhaustive treatment of these topics. It is only a beginning.

Upon this base, a considerable range of specialized research needs to be done. While system models may not be effectively transferred in toto, elements of these systems may have much transfer potential. Hopefully, each of the management components described in this report series will be analyzed in terms of the objectives which should be achieved and the variety of approaches trial courts have used to achieve them. This task involves both documentations of actual procedures and evaluation of these systems to determine both immediate effectiveness and system-wide impact.

There are many questions which need to be asked and many sources from which the answers must be obtained. What is the formal court structure in the jurisdiction using this system? What are the informal pattern of relationships within the court and with outside agencies? Why was this particular system selected over another? How was it introduced? How was it implemented? How does it work on paper? How does it work in operation? Why does it work? Or, Why did it fail? What immediate problems did it solve? What problems did it create?

For some questions, answers will be readily available. For others, they will be more difficult. In many cases, answers may be contradictory. Nevertheless, much more rigorous analysis of potential models must be made before an endorsement of one approach vs. another can be offered.

In addition to the need to look at specific components of each of these management areas, a number of both general and specific issues warrant investigation. In terms of general issues, two will be noted here. First, the concept of a unified court system is extremely complex. Our limited investigation in the area made it apparent that the process by which a unified court system was implemented and the management concerns of the trial courts represented were as varied as the states involved. Certainly, no easy description can be offered on any management function performed in a unified court system and much further work is needed to understand the management impact of court unification on the trial court in particular and the variety of unanticipated problems that many have encountered.

Another issue deserving study involves the development of standards and policies governing court operations, the process by which they are communicated and the degree of compliance they receive. Much attention

has been given to this issue as it related to speedy trial provisions but investigation should be broadened into all aspects of court operations. Very frequently, we found that research information indicated that state policies (statutes, rules, caselaw) existed on particular aspects of court procedures. Yet local staff were often unaware of these provisions or indicated that they had great difficulty in obtaining them. The formal statement of policy by no means meant that it was general knowledge or that it was regularly complied with.

A number of specific issues we have addressed also deserve specialized treatment. Although no attempt is made at this point to catalogue all of these issues, one in particular -- training -- was noted frequently in the survey responses (See Appendix A) in connection with each of the topics surveyed. Both judges and administrative staff frequently expressed the desire for training resources and opportunities, both in terms of day-to-day procedures and in regard to developing a capability for managing their courts. The need for training opportunities was also borne out by our field investigations in which we found the presence or absence of training programs critical to the success or failure of new management systems.

Many other matters deserving further inquiry can be identified from the survey responses, from the discussion of court literature (Appendix B) and from examination of each of the reports. Some will be more relevant than others, depending upon the needs and resources of the various jurisdictions in which these reports will be used. Regardless of the topics pursued, two caveats are offered: the need to recognize the unique features of the court system studied, and the importance of an interchange of ideas and experiences among them.

APPENDIX A

COMMENTS BY TRIAL COURT JUDGES AND ADMINISTRATIVE STAFF  
ON THE MANAGEMENT AREAS ADDRESSED BY THE PROJECT

- A. General Information Available
- B. Responses to Project Survey
  - 1. Background
  - 2. Responses
    - a. Caseflow Management
    - b. Records Management
    - c. Financial Management
    - d. Personnel Management
  - 3. Observations
  - 4. Survey Respondents

## APPENDIX A

### COMMENTS BY TRIAL COURT JUDGES AND ADMINISTRATIVE STAFF ON THE MANAGEMENT AREAS ADDRESSED BY THE PROJECT

#### A. General Information Available

Despite the variety of writing on court management issues, very little contribution to this literature has been made by court managers themselves. Most of the court management writers are researchers or consultants, some of whom have worked in the court system at one time. Most, however, are not presently involved in the day-to-day operations of a trial court and the day-to-day problems encountered.

While the national court organizations publish periodic newsletters and journals, they do not purport to cover systematically the range of problems and concerns which the trial court manager confronts, the innovations introduced, the obstacles encountered, or the successes achieved. Even if trial court managers' views and experiences regarding court management were elicited regularly, the diversity of backgrounds and experiences among these practitioners and the environments and functions associated with their positions suggest that the range of perspectives and comments received would be considerable.

The responses of 200 trial court administrators to the National Manpower Survey amply bear out this diversity. In educational background, trial court administrators ranged between high school education (12%), some college (25%), college degree (22%), master's degree (12%), and law degree (29%). One-fourth of these respondents had been in their positions less than two years; 70% less than five years.<sup>1</sup> Prior experience was divided about equally between clerical positions in the court or other local government, office and business or public administrative management positions.<sup>2</sup> As to their position responsibilities, their responses suggest that there is no one area of responsibility which all trial court administrators share.<sup>3</sup> The two management activities most frequently shared appeared to be statistical management (shared by 78% of the respondents) and calendar management (shared by 76%).<sup>4</sup> In terms of areas of desired training, techniques for caseload management were identified by 90% of the respondents and assistance with records management by 80%. Other areas of training needs were personnel management (68%); program planning and evaluation (67%); and budget and fiscal management and computer applications (each 61%).<sup>5</sup>

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<sup>1</sup>National Manpower Survey, "Educational Attainment of Court Administrators by Level and Type of Court Served and by Presence of Professional Staff", p. I-383.

<sup>2</sup>Ibid, p. I-382-4.

<sup>3</sup>Ibid, p. 38.

<sup>4</sup>Ibid, p. 38.

<sup>5</sup>Ibid., p. 387.

The National Manpower Survey classified trial court administrator responses in two groups: those from administrators without staff and those who had staff. Although beyond the scope of the Manpower Survey, many other variables might be identified bearing on the management orientations and perceptions of those court administrators surveyed, as well as the court clerks and judges who are also involved in the trial court management process.

**B. Responses to Project Survey**

**1. Background**

To gain some perspective on the management objectives, problems and experiences of trial court management staffs in the areas of financial, personnel and records management, a survey was mailed to members of the Conference of State Trial Judges, National Association for Court Administration (NACA) and National Association of Trial Court Administrators (NATCA) by the Project's Advisory Board representatives from these organizations. The survey questions are listed with the response analysis in Appendix A (B 2).

The survey was designed principally to elicit the perceptions of the potential users of the Court Management Project Report Series on the operational difficulties of managing each of the areas addressed. To minimize the burden of responding and to be of maximum value to the project, the survey form was brief, with most questions open-ended. Specific information on caseload and staff size was sought only for its possible bearing on response analysis, with full recognition that the inter-jurisdictional variations used in defining and measuring these statistics would make comparisons on these bases unreliable. The statistical analysis which follows was based on responses received from trial court judges and staff. Although responses received from individuals not working at the trial court level are excluded from this statistical analysis, they were reviewed and included in the total responses sent to the organization's Advisory Board representative. These responses will also be made available to other trial court projects in the hope that they can provide insight to those staffs and facilitate an information exchange among trial courts.

A total of 161 responses were received, 151\* of which were from trial court staffs or judges representing 125 trial courts in 42 states, the District of Columbia and Puerto Rico. The trial court responses represent the following distribution of court sizes by number of judges:

<u>Respondents</u>	<u>Size of Court by Number of Judges</u>			
	<u>A</u> 1-5	<u>B</u> 6-15	<u>C</u> 16-30	<u>D</u> Over 30
JUDGES	37	21	7	11
NATCA/NACA	27	30	10	4

\*Statistical analysis was based on the 151 responses received.

The analysis of these responses was conducted from two perspectives: the range of responses to each question and the specific responses given; and the degree of commonality or divergence among management staff and judges on these issues.

## 2. Responses

### a. Caseflow Management

#### A. What aspects of caseflow operations in your court might be of interest to other jurisdictions considering improvement in this area?

Both judges and administrative staff pointed most frequently to aspects of case scheduling, screening and monitoring in their court which might be of interest to others. Judges more frequently noted scheduling and calendaring systems; administrative staff more frequently pointed to screening/tracking and monitoring activities. Within discussions of scheduling and calendaring techniques, focus was primarily upon specific calendaring systems, with satisfaction being expressed with a variety of different and contrasting techniques. Very few of the aspects noted addressed the common problems which respondents experienced in managing caseflow (see C below).

#### B. (1) What do you see as the goals of your caseflow management process?

Most respondents listed at least two goals for their caseflow management process. Both judges and administrative staff agreed that a speedy trial was the system's most important goal. The majority of respondents in each group talked of minimizing delay generally, with approximately 20% discussing this goal as to compliance with specific time requirements. Apart from this area of consensus, responses of each group reflected some difference in orientation. Administrative staff pointed more often to efficient management and maximum productivity as contrasted with the judges who more frequently listed fairness of the disposition process and quality of court service to the public. Both groups cited the reduction of backlog as a goal of their caseflow management process infrequently despite the heavy stress recent literature and research has given to this issue.

#### B. (2) What procedures do you feel contribute to achieving the goals of your caseflow management process?

Although 83% of the judges and 89% of administrative staffs identified at least one goal for their caseflow management process, 43% of the judges and 33% of the administrative staff listed no operational procedures which supported these goals. For those respondents who did indicate supporting procedures, administrative staff (20%) noted information system reports and internal monitoring through pre-trial conferences, controls over continuances and other procedures. Of the responding judges, staff cooperation, particularly judicial commitment, was cited most frequently with internal monitoring and judicial exercise of controls also noted as important.

**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

**Question A: What aspects of caseflow operations in your court might be of interest to other jurisdictions considering improvement in this area?**

**Respondents: JUDGES**  
N = 76 respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. Scheduling/Calendarng</b>					
a. Specific Systems	11	9	4	5	29 (38.16%)
b. Techniques to Avoid Conflict					
1) Attorney Schedules	2				2 (2.63%)
2) Notification of Parties	1				1 (1.32%)
TOTAL	14	9	4	5	32 (42.11%)
<b>2. Screening/Tracking/Monitoring</b>					
a. Indexing/Filing System					
b. Pre-Trial Procedures (Including Diversion)	8	1	1	2	12 (15.79%)
c. Information Systems	1	3	3		7 (9.21%)
d. Other	4	4	2	1	11 (14.47%)
TOTAL	13	8	6	3	30 (39.47%)
<b>3. Procedural Controls</b>					
a. On Continuances	4	1			5 (6.58%)
b. On Time	4	1			5 (6.58%)
TOTAL	8	2			10 (13.16%)
<b>4. Manpower Utilization</b>					
a. Judicial Availability		1			1 (1.32%)
b. Jury Selection/Management	1	3	1		5 (6.58%)
c. Staff/Judicial Cooperation	1				1 (1.32%)
d. Use of Hearing Comm./Visiting Judges/Judges Pro Tem/Admin. Officers		1		1	2 (2.63%)
e. Monitoring Court Reporters					
TOTAL	2	5	1	1	9 (11.84%)
<b>5. Other Aspects</b>					
a. Facility Utilization				1	1 (1.32%)
b. Forms				1	1 (1.32%)
c. Microfilming	1				1 (1.32%)
d. ROR/Bond Programs					
e. Cooperation W/Other Agencies	1	2			3 (3.95%)
<b>6. No Response</b>	14	6	2	6	28 (36.84%)

\* Percentages are based on 76 Judges respondents. The total of percentages will exceed 100% because some respondents suggested multiple areas of interest.

A - 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges



**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

Response Summary

**I. CASEFLOW**

**Question A: What aspects of caseflow operations in your court might be of interest to other jurisdictions considering improvement in this area?**

Respondents: NATCA/NACA Members  
N = 71 respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. <u>Scheduling/Calendar</u></b>					
a. <u>Specific Systems</u>	6	9	4	2	21 (29.58%)
b. <u>Techniques to Avoid Confli<sup>t</sup></u>					
1) <u>Attorney Schedules</u>	2	1			3 (4.23%)
2) <u>Notification of Parties</u>				1	1 (1.41%)
TOTAL	8	10	4	3	25 (35.21%)
<b>2. <u>Screening/Tracking/Monitoring</u></b>					
a. <u>Indexing/Filing System</u>	2	2			4 (5.63%)
b. <u>Pre-Trial Procedures (Including Diversion)</u>	3	3	5	1	12 (16.90%)
c. <u>Information Systems</u>	4	8	3	1	16 (22.54%)
TOTAL	9	13	8	2	32 (45.07%)
<b>3. <u>Procedural Controls</u></b>					
a. <u>On Continuances</u>	2	2			4 (5.63%)
b. <u>On Time</u>					
TOTAL	2	2			4 (5.63%)
<b>4. <u>Manpower Utilization</u></b>					
a. <u>Judicial Availability</u>	3	1	1		5 (7.04%)
b. <u>Jury Selection/Management</u>			1	1	2 (2.82%)
c. <u>Staff/Judicial Cooperation</u>	2				2 (2.82%)
d. <u>Use of Hearing Comm./Visiting Judges/Judges Pro Tem/Admin. Officers</u>		2	1		3 (4.23%)
e. <u>Monitoring Court Reporters</u>	1	1	1		3 (4.23%)
<b>5. <u>Other Aspects</u></b>					
a. <u>Facility Utilization</u>					
b. <u>Forms</u>					
c. <u>Microfilming</u>	1				1 (1.41%)
d. <u>ROR/Bond Programs</u>		1	1		2 (2.82%)
e. <u>Cooperation W/ Other Agencies</u>	1				1 (1.41%)
<b>6. <u>No Response</u></b>	8	9			17 (23.94%)

\* Percentages are based on 71 NATCA/NACA respondents. The total of percentages will exceed 100% because some respondents suggested multiple areas of interest.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

**Question B (1): What do you see as the goals of your caseflow management process?**

**Respondents: JUDGES  
N = 76 Respondents**

**RESPONSES**

1. Speedy Trials
  - a. Minimize Delay Generally
  - b. Comply with Specific Time Requirements
  - TOTAL
2. Efficient Criminal Case Processing
3. Fair Disposition and Service to Public
  - a. Fulfill Public Service Function
  - b. Minimize Cost, Inconvenience to Parties, Attorneys, Witnesses
  - c. Eliminate Judge Shopping
  - TOTAL
4. Maximize Productivity
  - a. Utilize Judicial Resources Fully
  - b. Increase Productivity
  - TOTAL
5. Efficient Management
  - a. Case Management/Monitoring
  - b. Efficient Court Operation
  - c. Use of Technology
  - d. Appropriate Calendaring/Scheduling Systems
  - TOTAL
6. Achieve More Attorney Cooperation
  - a. General Cooperation
  - b. No Continuances
7. Reduce Backlog
8. No Goals
9. No Response

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Speedy Trials</u>					
a. Minimize Delay Generally	14	13	5	5	37 (48.68%)
b. Comply with Specific Time Requirements	4		1	1	6 (7.90%)
TOTAL	18	13	6	6	43 (56.58%)
2. <u>Efficient Criminal Case Processing</u>					
3. <u>Fair Disposition and Service to Public</u>					
a. Fulfill Public Service Function	3	4	2	2	11 (14.47%)
b. Minimize Cost, Inconvenience to Parties, Attorneys, Witnesses	1	1	1		3 (3.95%)
c. Eliminate Judge Shopping		1			1 (1.32%)
TOTAL	4	6	3	2	15 (19.74%)
4. <u>Maximize Productivity</u>					
a. Utilize Judicial Resources Fully	3		1		4 (5.26%)
b. Increase Productivity					
TOTAL	3		1		4 (5.26%)
5. <u>Efficient Management</u>					
a. Case Management/Monitoring	1		2		3 (3.95%)
b. Efficient Court Operation					
c. Use of Technology		1	1		2 (2.63%)
d. Appropriate Calendaring/Scheduling Systems	4	3			7 (9.21%)
TOTAL	5	4	3		12 (15.79%)
6. <u>Achieve More Attorney Cooperation</u>					
a. General Cooperation					
b. No Continuances					
7. <u>Reduce Backlog</u>	1	1			2 (2.63%)
8. <u>No Goals</u>	1	1			2 (2.63%)
9. <u>No Response</u>	9	1		3	13 (17.11%)

\* Percentages are based on 76 Judges respondents. The total will exceed 100% because some respondents suggested multiple goals.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

Question B (1): What do you see as the goals of your caseflow management process?

Respondents: NATCA/NACA Members  
N = 71 Respondents

**RESPONSES**

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Speedy Trials</u>					
a. Minimize Delay Generally	9	16	5	3	33 (46.48%)
b. Comply with Specific Time Requirements	3	1	4		8 (11.27%)
TOTAL	12	17	9	3	41 (57.75%)
2. <u>Efficient Criminal Case Processing</u>			2		2 (2.82%)
3. <u>Fair Disposition and Service to Public</u>					
a. Fulfill Public Service Function	1	5	1		7 (9.86%)
b. Minimize Cost, Inconvenience to Parties, Attorneys, Witnesses	1	1			2 (2.82%)
c. Eliminate Judge Shopping			1		1 (1.41%)
TOTAL	2	6	2		10 (14.09%)
4. <u>Maximize Productivity</u>					
a. Utilize Judicial Resources Fully	4	3	1		8 (11.27%)
b. Increase Productivity	2	2			4 (5.63%)
TOTAL	6	5	1		12 (16.90%)
5. <u>Efficient Management</u>					
a. Case management/monitoring	5		1		6 (8.45%)
b. Efficient Court Operation	1	4		1	6 (8.45%)
c. Use of Technology		3			3 (4.23%)
d. Appropriate Calendaring/Scheduling Systems			1	2	3 (4.23%)
TOTAL	6	7	2	3	18 (25.35%)
6. <u>Achieve More Attorney Cooperation</u>					
a. General Cooperation	1				1 (1.41%)
b. No Continuances					
TOTAL	1				1 (1.41%)
7. <u>Reduce Backlog</u>	1	1	2		4 (5.63%)
8. <u>No Goals</u>					
9. <u>No Response</u>	4	4			8 (11.27%)

\* Percentages are based on 71 NATCA/NACA respondents. The total will exceed 100% because some respondents suggested multiple goals.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

**Question B (2): What procedures do you feel contribute to achieving goals of your caseflow management process?**

Respondents: JUDGES  
N = 76 Respondents

**RESPONSES**

1. Efficient Use of Resources
  - a. Staff Resources/Facilities
  - b. Efficient Use of Judge Time
  - c. Relieving Judges of Administrative Duties
  - d. Use of Hearing Comm/Judges Pro Tem/Roving/Retired Judges

**TOTAL**

2. Staff Cooperation
  - a. Judicial Commitment
  - b. Interagency Cooperation

**TOTAL**

3. Controls/Monitoring Procedures
  - a. Pre-Trial Monitoring/Conferences/Other Procedures
  - b. Judicial Control of Docket
  - c. Control Over Continuances

**TOTAL**

4. Information System Reports

5. Standard and Goals Development

6. No Response

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. Efficient Use of Resources					
a. Staff Resources/Facilities				1	1 (1.32%)
b. Efficient Use of Judge Time	1	1			2 (2.63%)
c. Relieving Judges of Administrative Duties					
d. Use of Hearing Comm/Judges Pro Tem/Roving/Retired Judges		1	1		2 (2.63%)
<b>TOTAL</b>	1	2	1	1	5 (6.58%)
2. Staff Cooperation					
a. Judicial Commitment	1	3		2	6 (7.90%)
b. Interagency Cooperation	1		1		2 (2.63%)
<b>TOTAL</b>	2	3	1	2	8 (10.63%)
3. Controls/Monitoring Procedures					
a. Pre-Trial Monitoring/Conferences/Other Procedures	2	1			3 (3.95%)
b. Judicial Control of Docket		2			2 (2.63%)
c. Control Over Continuances	1	1			2 (2.63%)
<b>TOTAL</b>	3	4			7 (9.21%)
4. Information System Reports	3	1	1		5 (6.58%)
5. Standard and Goals Development	1	1			2 (2.63%)
6. No Response	17	6	4	5	32 (42.11%)

\* Percentages are based on 76 Judges respondents. The total of percentages will exceed 100% because some respondents suggested multiple procedures.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

**Question B (2):** What procedures do you feel contribute to achieving goals of your caseload management process?

**Respondents:** NATCA/NACA Members  
N = 71 Respondents

**RESPONSES**

	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. Efficient Use of Resources</b>					
a. Staff resources/facilities		1	1		2 (2.82%)
b. Efficient Use of Judge Time		1	1		2 (2.82%)
c. Relieving Judges of Administrative Duties		1			1 (1.41%)
d. Use of Hearing Comm/Judges Pro Tem/Roving/Retired Judges		1	2		3 (4.23%)
<b>TOTAL</b>		4	4		8 (11.27%)
<b>2. Staff Cooperation</b>					
a. Judicial Commitment		2	1	1	4 (5.63%)
b. Interagency Cooperation		2		1	3 (4.23%)
<b>TOTAL</b>		4	1	2	7 (9.86%)
<b>3. Controls/Monitoring Procedures</b>					
a. Pre-Trial Monitoring/Conferences/Other Procedures	2	1	2	1	6 (8.45%)
b. Judicial Control of Docket		2			2 (2.82%)
c. Control Over Continuances	1	2	2	1	6 (8.45%)
<b>TOTAL</b>	3	5	4	2	14 (19.72%)
<b>4. Information System Reports</b>	5	7	1	1	14 (19.72%)
<b>5. Standard and Goals Development</b>		1			1 (1.41%)
<b>6. No Response</b>	11	10	1		22 (30.99%)

\* Percentages are based on 71 NATCA/NACA respondents. The total of percentages will exceed 100% because some respondents suggested multiple procedures.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

C. What have been the most frequently encountered problems regarding the accomplishment of these goals?

Lack of cooperation and insufficient resources were the most frequently cited problems which both judges and administrative staffs encountered. The apparent consensus on this question is tempered by the considerable diversity of opinion of the two groups on the source of their problems in these two areas. Most of the judges citing lack of cooperation in managing caseload attributed it to attorneys. Most administrative staff experiencing problems in this area attributed it to judges and staff. Both groups also noted insufficient resources as a problem in managing caseload and agreed that the most significant effect of this resource shortage resulted from their courts' inability to plan and monitor the caseload process.

Among the other problems experienced, the responding judges cited maintenance of their schedules, primarily because of continuance requests or last-minute settlements. In contrast, administrative staff more frequently identified inadequate internal management procedures.

D. If resources were no problem what improvements would you make in your caseload process?

In only one area -- resource support -- did the desired improvements noted on the responses to this question relate to the problems identified in the previous question. Of the 47% of responding judges citing additional resource support as a desired improvement to their caseload management process, 22% pointed to the need for additional staff in administrative as well as quasi-judicial positions. Of the judges, an additional 11% cited creation of more judgeships. Of the administrative staff expressing the desire for additional resource support, 14% pointed to additional administrative staff, and 10% focused on additional equipment. Only 6% suggested quasi-judicial positions, and only 3% noted added judgeships.

In contrast to the low frequency with which problems in management had been noted in the previous question, 43% of the judges and 59% of administrative staffs cited a variety of desired improvements in this area. Judges listed more screening, improved management information systems, and better case scheduling and assignment. Administrative staff saw improved management information systems as a primary area of improvement, with better case scheduling and assignment procedures secondary. Improved screening was cited by only 6% of responding administrative staff.

While the lack of cooperation of attorneys, other agencies and court staff had been a major problem identified earlier, only 2% of the responding judges and 3% of responding administrative staff cited desired improvements in this area. Similarly, the lack of the court's control over many of the problems associated with caseload management was an issue underlying many of the comments on lack of cooperation in question C above. Few administrative staff and no judges identified desired improvements in this area.

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

**Question C: What have been the most frequently encountered problems regarding the accomplishment of these objectives?**

**Respondents: Judges  
N = 76 Respondents**

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. <u>Insufficient Resources</u></b>					
a. Lack of Funds	2	1	1		4 (5.26%)
b. Inadequate Facilities	1	2	1		4 (5.26%)
c. Lack of Judges		3	1	1	5 (6.58%)
d. Lack of Attorneys					
e. Insufficient Staff to Plan/Monitor	2	3	2	3	10 (13.16%)
<b>TOTAL</b>	5	9	5	4	23 (30.26%)
<b>2. <u>Lack of Cooperation</u></b>					
a. Of Attorneys	17	6	2		25 (32.90%)
b. Of Witnesses/Defendants	1	2			3 (3.95%)
c. Of Other Agencies			1		1 (1.32%)
d. Of Staff and Judges		1	1	2	4 (5.26%)
<b>TOTAL</b>	18	9	4	2	33 (43.42%)
<b>3. <u>Internal Procedural/Mgmt Problems</u></b>					
a. Pre-Trial Procedures					
b. Poor Filing Systems					
c. Case Scheduling Procedures					
d. Lack of Planning	1			1	2 (2.63%)
e. Distribution of Workload		2			2 (2.63%)
f. Transcript Delays		1			1 (1.32%)
<b>TOTAL</b>	1	3		1	5 (6.58%)
<b>4. <u>Maintaining Schedule</u></b>					
a. With Attorneys	1				1 (1.32%)
b. Last Minute Settlements	5	1	1		7 (9.21%)
c. Frequent Continuances	3	2	2	1	8 (10.53%)
<b>TOTAL</b>	9	3	3	1	16 (21.05%)
<b>5. <u>External Factors</u></b>					
a. High Case Volume/Complexity				1	1 (1.32%)
b. Change of Venue		2			2 (2.63%)
c. Fragmentation of Management/ Authority/Control	3	2	1		6 (7.90%)
<b>TOTAL</b>	3	4	1	1	9 (11.84%)
<b>6. <u>No Response</u></b>	5	4		3	12 (15.79%)

\* Percentages are based on 76 Judges respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

Question C: What have been the most frequently encountered problems regarding the accomplishment of these objectives?

Respondents: NATCA/NACA Members  
71 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. <u>Insufficient Resources</u></b>					
a. Lack of Funds	3	3			6 (8.45%)
b. Inadequate Facilities	3	2			5 (7.04%)
c. Lack of Judges	1	3		1	5 (7.04%)
d. Lack of Attorneys	1	2	1		4 (5.63%)
e. Insufficient Staff to Plan/Monitor	4	4	2		10 (14.09%)
TOTAL	12	14	3	1	30 (42.25%)
<b>2. <u>Lack of Cooperation</u></b>					
a. Of Attorneys	3	3	3		9 (12.68%)
b. Of Witnesses/Defendants					
c. Of Other Agencies	1	1	1		3 (4.23%)
d. Of Staff and Judges	5	8	4	1	18 (25.35%)
TOTAL	9	12	8	1	30 (42.25%)
<b>3. <u>Internal Procedural/Management Problems</u></b>					
a. Pre-Trial Procedures	2				2 (2.82%)
b. Poor Filing Systems	1				1 (1.41%)
c. Case Scheduling Procedures	3	1			4 (5.63%)
d. Lack of Planning	1		1		2 (2.82%)
e. Distribution of Workload				1	1 (1.41%)
f. Transcript Delays					
TOTAL	7	1	1	1	10 (14.09%)
<b>4. <u>Maintaining Schedule</u></b>					
a. With Attorneys					
b. Last Minute Settlements	1	2	1		4 (5.63%)
c. Frequent Continuances	2	1	1	3	7 (9.86%)
TOTAL	3	3	2	3	11 (15.49%)
<b>5. <u>External Factors</u></b>					
a. High Case Volume/Complexity		1	1	1	3 (4.23%)
b. Change of Venue					
c. Fragmentation of Management/ Authority/Control	2	4			6 (8.45%)
TOTAL	2	5	1	1	9 (12.68%)
<b>6. <u>No Response</u></b>	6	4	1		11 (15.49%)

\* Percentages are based on 71 NATCA/NACA respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges



**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

Question D: If resources were no problem, what improvements would you make in your caseload management process?

Respondents: Judges  
N = 76 Respondents

**RESPONSES**

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Acquire Additional Resources</u>					
a. More Equipment	2				2 (2.63%)
b. More Facilities	2	2	1	1	6 (7.90%)
c. More Manpower	17	8	3		28 (36.84%)
1) Research/Parajudicial/Quasi-Jud.	4	1	2		7 (9.21%)
2) Administrative	8	2			10 (13.16%)
3) Prosecutors/Public Defenders	1	1			2 (2.63%)
4) Judges	4	3	1		8 (10.53%)
5) Court Reporters		1			1 (1.32%)
TOTAL	21	10	4	1	36 (47.37%)
2. <u>Improve Management/Monitoring</u>					
a. More Screening	3	5	5	1	14 (18.42%)
b. Better Information Systems	2	5	3	1	11 (14.47%)
c. Better Case Scheduling/Assignment	1	3	2	2	8 (10.53%)
TOTAL	6	13	10	4	33 (43.42%)
3. <u>Clarify Procedures</u>					
a. Clarify Court Goals				1	1 (1.32%)
b. Develop/Publish Ct. Procedures					
c. Change Rules/Statutes					
4. <u>Improve Pre-Trial Procedures</u>	3				3 (3.95%)
5. <u>Establish More Court Control</u>					
6. <u>Reduce Jury Size</u>			1		1 (1.32%)
7. <u>Improve Cooperation</u>					
a. Of Judges	1				1 (1.32%)
b. Of Attorneys		1			1 (1.32%)
TOTAL	1	1			2 (2.63%)
8. <u>Provide More Services to Public</u>					
9. <u>Provide Judicial Training</u>					
10. <u>Don't Know</u>	3				3 (3.95%)
11. <u>None</u>	7				7 (9.21%)
12. <u>No Response</u>	6	3		4	13 (17.11%)

\* Percentages are based on 76 Judges respondents. The total of percentages will exceed 100% because some respondents suggested multiple improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

Question D: If resources were no problem, what improvements would you make in your caseload management process?

Respondents: NATCA/NACA Members  
N = 71 Respondents

**RESPONSES**

1. Acquire Additional Resources
  - a. More Equipment
  - b. More Facilities
  - c. More Manpower
    - 1) Research/Parajudicial/Quasi-jud.
    - 2) Administrative
    - 3) Prosecutors/Public Defenders
    - 4) Judges
    - 5) Court Reporters
  - TOTAL
2. Improve Management/Monitoring
  - a. More Screening
  - b. Better Information Systems
  - c. Better Case Scheduling/Assignment
  - TOTAL
3. Clarify Procedures
  - a. Clarify Court Goals
  - b. Develop/Publish Ct. Procedures
  - c. Change Rules/Statutes
  - TOTAL
4. Improve Pre-Trial Procedures
5. Establish More Court Control
6. Reduce Jury Size
7. Improve Cooperation
  - a. Of Judges
  - b. Of Attorneys
  - TOTAL
8. Provide More Services to Public
9. Provide Judicial Training
10. Don't Know
11. None
12. No Response

	TYPE OF COURT*				TOTAL
	A	B	C	D	
				1	7 (9.86%)
	3	3			19 (26.76%)
	8	8	3		4 (5.63%)
	1	2	1		10 (14.09%)
	6	3	1		3 (4.23%)
		1	1	1	2 (2.82%)
		2			1 (1.41%)
	1				11 (15.49%)
	11	11	3	1	26 (36.62%)
	1	2		1	4 (5.63%)
	13	11	2	1	27 (38.03%)
	2	8	3		13 (18.31%)
	16	21	5	2	44 (61.97%)
		1			1 (1.41%)
		2		1	3 (4.23%)
		3		1	4 (5.63%)
	1				1 (1.41%)
	3	4	2	1	10 (14.09%)
	1	1			2 (2.82%)
		1			1 (1.41%)
	1	2			3 (4.23%)
		1			1 (1.41%)
		1			1 (1.41%)
	1			1	2 (2.82%)
	3	4	1		8 (11.27%)

\* Percentages are based on 71 NATCA/NACA respondents. The total of percentages will exceed 100% because some respondents suggested multiple improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

E. What would you see as the most significant problems you would face in instituting these improvements?

Twenty-three percent of administrative staff saw no obstacles to improvement, assuming financial resources were no problem. In contrast, only 4% of responding judges shared this optimism. Thirty-seven percent of the judges felt inadequate resources would continue to be a problem in maintaining system improvements, and an additional 8% pointed to resource shortages in manpower, facilities, and training opportunities necessary to implement the system. These anticipated problems were also shared by responding administrative staff.

Both groups (35% of the judges and 37% of administrative staff) felt that lack of cooperation would also continue to be a significant problem. Nine percent in each group also pointed to the requisite approval of state agencies (both court and legislative) as a significant obstacle to improving caseload management in their local trial courts.

b. Records Management

A. Are there any aspects of your records management system which might be of interest to other trial courts?

In addition to a relatively high no response rate to this question, a significant number of respondents specifically answered "none" (35% of the judges, 20% of administrative staffs). Of those who did note aspects of their systems which might be a potential interest to other jurisdictions, the most frequently cited activities involved the use of equipment or other resources. Within this category, judges most frequently pointed to computerization; administrative staff referred to computerization and microfilming primarily. A less frequently noted aspect of records management involved the handling of various components of the records management process. A total of 14% of the responding judges and 11% of administrative staff described improvements in docket book entries and maintenance, indexing systems, and other aspects of their systems. Developments relating to retention and destruction policies were also cited by administrative staff (11%) and, less frequently, by judges (3%).

B. What problems have you encountered in the area of records management?

Although responses from both groups to the previous question suggested a considerable dissatisfaction with existing records management in the respondents' courts, this dissatisfaction was not reflected in a large number of problems noted. Forty percent of responding judges did not respond to this question; 17% indicated "none", and an additional 5% responded that their problems were "too many to list". Responding administrative staffs addressed the question more fully. Only 21% did not respond; 10% indicated "none" and the remainder noted specific problem areas.

Among the problems noted by judges, the lack of standard procedures for information entry and maintenance was by far the greatest problem

**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

**Question E: What would you see as the most significant problems you would face in instituting these improvements?**

**Respondents: Judges**

**N = 76 Respondents**

**RESPONSES**

**1. None**

**2. Lack of Resources**

a. Manpower

b. Funds

c. Facilities

d. Time

e. Training Opportunities

**TOTAL**

**3. Lack of Cooperation**

a. Attorney

b. Judge

c. Staff (Including Union)

d. Public Support

**TOTAL**

**4. Management Problems**

a. Administrative Burdens

b. Lack of Standardized Information

c. Lack of Adequate Information

**TOTAL**

**5. Required State Approvals  
(Legislative/Supreme Court/AOC)**

**6. Maintaining Quality**

**7. No Response**

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. None	2	1			3 (3.95%)
2. Lack of Resources					
a. Manpower	1				1 (1.32%)
b. Funds	11	10	3	4	28 (36.84%)
c. Facilities	4	1			5 (6.58%)
d. Time					
e. Training Opportunities		1			1 (1.32%)
<b>TOTAL</b>	<b>16</b>	<b>12</b>	<b>3</b>	<b>4</b>	<b>35</b> <b>(46.05%)</b>
3. Lack of Cooperation					
a. Attorney	5	1	2	3	11 (14.47%)
b. Judge	4	1	3	2	10 (13.16%)
c. Staff (Including Union)	1	2	1	1	5 (6.58%)
d. Public Support			1		1 (1.32%)
<b>TOTAL</b>	<b>10</b>	<b>4</b>	<b>7</b>	<b>6</b>	<b>27</b> <b>(35.53%)</b>
4. Management Problems					
a. Administrative Burdens	1				1 (1.32%)
b. Lack of Standardized Information	1				1 (1.32%)
c. Lack of Adequate Information					
<b>TOTAL</b>	<b>2</b>				<b>2</b> <b>(2.63%)</b>
5. Required State Approvals (Legislative/Supreme Court/AOC)	1	3	2	1	7 (9.21%)
6. Maintaining Quality					
7. No Response	15	3		4	22 (28.95%)

\* Percentages are based on 76 Judge respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems in instituting improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**I. CASEFLOW**

Question E: What would you see as the most significant problems you would face in instituting these improvements?

Respondents: NATCA/NACA Members  
N = 71 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>None</u>	3	9	3	1	16 (22.54%)
2. <u>Lack of Resources</u>					
a. <u>Manpower</u>	2	5			7 (9.86%)
b. <u>Funds</u>	9	13	4	1	27 (38.03%)
c. <u>Facilities</u>	3	1			4 (5.63%)
d. <u>Time</u>		2			2 (2.82%)
e. <u>Training Opportunities</u>					
TOTAL	14	21	4	1	40 (56.34%)
3. <u>Lack of Cooperation</u>					
a. <u>Attorney</u>	1	4		1	6 (8.45%)
b. <u>Judge</u>	3	9	3	1	16 (22.54%)
c. <u>Staff (Including Union)</u>	2	2		1	5 (7.04%)
d. <u>Public Support</u>					
TOTAL	6	15	3	3	27 (38.03%)
4. <u>Management Problems</u>					
a. <u>Administrative Burdens</u>					
b. <u>Lack of Standardized Information</u>	1				1 (1.41%)
c. <u>Lack of Adequate Information</u>	1	1			2 (2.82%)
TOTAL	2	1			3 (4.23%)
5. <u>Required State Approvals</u> (Legislative/Supreme Court/AOC)	2	1	2	1	6 (8.45%)
6. <u>Maintaining Quality</u>			1		1 (1.41%)
7. <u>No Response</u>	3	1	1		5 (7.04%)

\* Percentages are based on 71 NATCA/NACA respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems in instituting improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY**

Response Summary

**II. RECORDS**

**Question A: Are there any aspects of your records management system which might be of interest to other trial courts?**

**Respondents: Judges**

**N = 76 Respondents**

**RESPONSES**

**1. Management Activities**

a. Data Entry

b. Case File Control

c. Information Reports

d. Forms Revision

e. Purging Program

f. Filing Procedures

g. Inventory Control

**TOTAL**

**2. System Components**

a. Docket Books/Entries

b. Indexing System

c. Notice System

d. Procedures for Moving Case Files To/From Archives

e. Exhibit Disposals

f. Methods for Handling Third Party Payments

**TOTAL**

**3. System Requirements**

a. Retention/Destruction Schedules

b. Modifications to Conform with Recent Court Consolidation

**TOTAL**

**4. Use of Equipment/Resources**

a. Microfilming

b. Computerization

c. Filing Equipment/Arrangement

d. Space Reduction

e. Security/Access

**TOTAL**

**5. None**

**6. No Response**

	TYPE OF COURT*				TOTAL
	A	B	C	D	
		3			3 (3.95%)
			1		1 (1.32%)
	1				1 (1.32%)
<b>TOTAL</b>	1	3	1		5 (6.58%)
	2	1	3		6 (7.90%)
	1	1			2 (2.63%)
		1			1 (1.32%)
		1			1 (1.32%)
		1			1 (1.32%)
	1				1 (1.32%)
<b>TOTAL</b>	4	5	3		12 (15.79%)
	1		1		2 (2.63%)
<b>TOTAL</b>	1		1		2 (2.63%)
	1	2			3 (3.95%)
	3	4	3	3	13 (17.11%)
			1		1 (1.32%)
<b>TOTAL</b>	4	6	4	3	17 (22.37%)
	16	6	1	3	26 (34.21%)
	12	7		5	24 (31.58%)

Percentages are based on 76 Judge respondents. The total of percentages will exceed 100% because some respondents suggested multiple aspects of interest.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**II. RECORDS**

**Question A: Are there any aspects of your records management system which might be of interest to other trial courts?**

**Respondents: NATCA/NACA Members**

**N = 71 Respondents**

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. Management Activities</b>					
a. Data Entry	1				1 (1.41%)
b. Case File Control					
c. Information Reports				1	1 (1.41%)
d. Forms Revision	2				2 (2.82%)
e. Purging Program	1				1 (1.41%)
f. Filing Procedures	1		2		3 (4.23%)
g. Inventory Control			1		1 (1.41%)
<b>TOTAL</b>	<b>5</b>		<b>3</b>	<b>1</b>	<b>9</b> <b>(12.68%)</b>
<b>2. System Components</b>					
a. Docket Books/Entries	1	4			5 (7.04%)
b. Indexing System	1	1		1	3 (4.23%)
c. Notice System					
d. Procedures for Moving Case Files To/From Archives		1			1 (1.41%)
e. Exhibit Disposals	1				1 (1.41%)
f. Methods for Handling Third Party Payments					
<b>TOTAL</b>	<b>3</b>	<b>6</b>		<b>1</b>	<b>10</b> <b>(14.09%)</b>
<b>3. System Requirements</b>					
a. Retention/Destruction Schedules	2	2	3		7 (9.86%)
b. Modifications to Conform with Recent Court Consolidation	1				1 (1.41%)
<b>TOTAL</b>	<b>3</b>	<b>2</b>	<b>3</b>		<b>8</b> <b>(11.27%)</b>
<b>4. Use of Equipment/Resources</b>					
a. Microfilming	2	5	4	2	13 (19.31%)
b. Computerization	2	5	4	2	13 (19.31%)
c. Filing Equipment/Arrangement	1	2			3 (4.23%)
d. Space Reduction	1				1 (1.41%)
e. Security/Access					
<b>TOTAL</b>	<b>6</b>	<b>12</b>	<b>8</b>	<b>4</b>	<b>30</b> <b>(42.25%)</b>
<b>5. None</b>	<b>5</b>	<b>8</b>		<b>1</b>	<b>14</b> <b>(19.72%)</b>
<b>6. No Response</b>	<b>9</b>	<b>9</b>	<b>2</b>		<b>20</b> <b>(28.17%)</b>

\* Percentages are based on 71 NATCA/NACA respondents. The total of percentages will exceed 100% because some respondents suggested multiple aspects of interest.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

identified. Among the specific problems described were time consuming manual indexing and filing systems, the lack of standard procedures for information entry, and the absence of system monitoring and evaluation. In contrast, only 8% of responding administrative staffs identified problems in this area. Far more attention was given by them (35%) to lack of resources, primarily poor physical facilities. In contrast, only 6% of the responding judges pointed to problems in this area.

Among other problems less frequently noted were the lack of court control, technical and equipment problems, and problems with obtaining information and records. The problem of security which received mention during field studies received very little attention by administrative staff (3%) and no mention by judges.

C. If resources were no problem what improvements would you make in your records management process?

Both judges and court administrators were in agreement regarding the two areas of records management in which they would institute improvements: technology and procedures, but the relative importance of these two areas differed for each of the groups. For judges, 38% would apply technology, 27% of whom would automate more functions, and the remaining 11% would utilize various forms of microfilming. For administrative staffs, a substantially higher percentage (57%) would apply technology, splitting almost evenly between automating more functions and utilizing microfilming processes. Twenty-two percent of the judges cited a variety of improvements which were geared to creating more simplified and uniform procedures and producing more complete and available information. In contrast, only 10% of responding administrative staffs suggested improvements in this area, and the majority of these related to the development of retention and destruction schedules.

D. What would you see as the most significant problems you would face in instituting these improvements?

Both groups cited lack of resources and cooperation as the two most significant obstacles to records system improvements. Again, the relative importance of these two areas and the specific problems anticipated differed for the two groups. For judges, 36% cited lack of resources, while 57% of responding administrative staff anticipated problems in this area. For both groups, the resource obstacles were primarily financial. As to lack of cooperation, 25% of the judges anticipated problems while only 15% of administrative staff shared this concern. Of the responding judges citing potential problems of cooperation, two-thirds anticipated the lack of cooperation of local staff and approximately one-third anticipated problems with attorneys. While responding administrative staff reflected a similar percentage concerned over the cooperation of local staff and attorneys, one-third also pointed to an anticipated lack of cooperation on the part of the judges.

Among the problems which were not frequently anticipated were those involving statutory changes and the exercise of court control.



**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**II. RECORDS**

Question B: What problems have you encountered in the area of records management?

Respondents: Judges  
N = 76 Respondents

**RESPONSES**

1. Inadequate Procedures/Systems
  - a. Lack of Standard Procedures for Information Entry/Filing
  - b. Time Consuming Manual Indexing/Filing Systems
  - c. Lack of Destruction Schedules
  - d. Lack of Monitoring/Evaluation

TOTAL
2. Problems in Obtaining Info/Records
  - a. Errors in Information Entries
  - b. Delay in Information Entry
  - c. Obtaining Records From Other Courts/Agencies/Court Reporters
  - d. Retrieving/Locating Records

TOTAL
3. Lack of Resources
  - a. Poor Physical Facilities
  - b. Lack of Technical Resources
  - c. Lack of Staff/Funds

TOTAL
4. Technical/Equipment Problems
  - a. Inaccurate/Outdated Computerization
  - b. Technical Problems W/Equipment

TOTAL
5. High Volume of Paperwork
6. Security
7. Reluctance to Change
8. Lack of Court Control
9. Too Many to List
10. None
11. No Response

	TYPE OF COURT*				
	A	B	C	D	TOTAL
1. Inadequate Procedures/Systems					
a. Lack of Standard Procedures for Information Entry/Filing	2	2	1	0	7 (9.21%)
b. Time Consuming Manual Indexing/Filing Systems	3	3	1	1	8 (10.53%)
c. Lack of Destruction Schedules	2	1			3 (3.95%)
d. Lack of Monitoring/Evaluation		3	2	1	6 (7.90%)
TOTAL	7	9	4	4	24 (31.58%)
2. Problems in Obtaining Info/Records					
a. Errors in Information Entries	1				1 (1.32%)
b. Delay in Information Entry	1				1 (1.32%)
c. Obtaining Records From Other Courts/Agencies/Court Reporters			1		1 (1.32%)
d. Retrieving/Locating Records	1				1 (1.32%)
TOTAL	3		1		4 (5.26%)
3. Lack of Resources					
a. Poor Physical Facilities	1				1 (1.32%)
b. Lack of Technical Resources	1	1			2 (2.63%)
c. Lack of Staff/Funds		1		1	2 (2.63%)
TOTAL	2	2		1	5 (6.58%)
4. Technical/Equipment Problems					
a. Inaccurate/Outdated Computerization		3	2	1	6 (7.90%)
b. Technical Problems W/Equipment	1				1 (1.32%)
TOTAL	1	3	2	1	7 (9.21%)
5. High Volume of Paperwork					
6. Security					
7. Reluctance to Change	3	1			4 (5.26%)
8. Lack of Court Control	3	2		1	6 (7.90%)
9. Too Many to List	3	1			4 (5.26%)
10. None	9	2	1	1	13 (17.11%)
11. No Response	15	9	2	4	30 (39.48%)

\* Percentages are based on 76 Judge Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems encountered.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**II. RECORDS**

**Question B: What problems have you encountered in the area of records management?**

**Respondents: NATCA/NACA Members  
N = 71 Respondents**

**RESPONSES**

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Inadequate Procedures/Systems</u>					
a. Lack of Standard Procedures for Information Entry/Filing	1	1	1		3 (4.23%)
b. Time Consuming Manual Indexing/Filing Systems		1	1		2 (2.82%)
c. Lack of Destruction Schedules					
d. Lack of Monitoring/Evaluation	1				1 (1.41%)
TOTAL	2	2	2		6 (8.45%)
2. <u>Problems in Obtaining Info/Records</u>					
a. Errors in Information Entries	1			1	2 (2.82%)
b. Delay in Information Entry					
c. Obtaining Records From Other Courts/Agencies/Court Reporters	1	1			2 (2.82%)
d. Retrieving/Locating Records	1	1	1		3 (4.23%)
TOTAL	3	2	1	1	7 (9.86%)
3. <u>Lack of Resources</u>					
a. Poor Physical Facilities	5	1	4		10 (14.08%)
b. Lack of Technical Resources		2		1	3 (4.23%)
c. Lack of Staff/Funds	1	2	1	1	5 (7.04%)
TOTAL	6	12	5	2	25 (35.21%)
4. <u>Technical/Equipment Problems</u>					
a. Inaccurate/Outdated Computerization		2		1	3 (4.23%)
b. Technical Problems W/Equipment	1	2	1		4 (5.63%)
TOTAL	1	4	1	1	7 (9.86%)
5. <u>High Volume of Paperwork</u>	3				3 (4.23%)
6. <u>Security</u>		2			2 (2.82%)
7. <u>Reluctance to Change</u>	3	2	1		6 (8.45%)
8. <u>Lack of Court Control</u>	2	3			5 (7.04%)
9. <u>Too Many to List</u>					
10. <u>None</u>	2	3		2	7 (9.86%)
11. <u>No Response</u>	6	8	1		15 (21.13%)

\* Percentages are based on 71 NATCA/NACA respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems encountered.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**II. RECORDS**

Question C: If resources were no problem, what improvements would you make in your records management process?

Respondents: Judges  
N = 76 Respondents

**RESPONSES**

1. Apply Technology
  - a. Automate More Functions
  - b. Use Microfilm (Including Updatable Microfiche)
  - TOTAL
2. Increase Resources
  - a. More Staff
  - b. Acquire Reporting/Filing Equipment
  - c. More Space (For Files and Dead Storage)
  - TOTAL
3. Improve Procedures
  - a. Improved Indexing System
  - b. Simplified and Uniform Procedures
  - c. Retention/Destruction Program
  - d. More Complete/Available Info.
  - TOTAL
4. Centralize Court Control
5. Conduct Systematic Evaluation/Planning
6. Achieve Better Use/Training of Personnel
7. Don't Know
8. None
9. No Response

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Apply Technology</u>					
a. Automate More Functions	7	10	3		20 (26.32%)
b. Use Microfilm (Including Updatable Microfiche)	4	2	1	1	8 (10.53%)
TOTAL	11	12	4	1	28 (36.84%)
2. <u>Increase Resources</u>					
a. More Staff					
b. Acquire Reporting/Filing Equipment	1				1 (1.32%)
c. More Space (For Files and Dead Storage)		1			1 (1.32%)
TOTAL	1	1			2 (2.63%)
3. <u>Improve Procedures</u>					
a. Improved Indexing System	1				1 (1.32%)
b. Simplified and Uniform Procedures	2	4		2	8 (10.53%)
c. Retention/Destruction Program	1			1	2 (2.63%)
d. More Complete/Available Info.	2		2	1	5 (6.58%)
TOTAL	6	4	2	4	16 (21.05%)
4. <u>Centralize Court Control</u>		2			2 (2.63%)
5. <u>Conduct Systematic Evaluation/Planning</u>	1	1		2	4 (5.26%)
6. <u>Achieve Better Use/Training of Personnel</u>	5		2	3	10 (13.16%)
7. <u>Don't Know</u>	1				1 (1.32%)
8. <u>None</u>	6			1	7 (9.21%)
9. <u>No Response</u>	10	6	2	4	22 (28.95%)

\* Percentages are based on 76 Judge Respondents. The total of percentages will exceed 100% because some respondents suggested multiple improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY**

**Response Summary**

**II. RECORDS**

**Question C: If resources were no problem, what improvements would you make in your records management process?**

Respondents: NATCA/NACA Members  
N = 71 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Apply Technology</u>					
a. Automate More Functions	3	9	6	3	21 (29.58%)
b. Use Microfilm (Including Updatable Microfiche)	7	10	2		19 (26.76%)
TOTAL	10	19	8	3	40 (56.34%)
2. <u>Increase Resources</u>					
a. More Staff				1	1 (1.41%)
b. Acquire Reporting/Filing Equipment	2	1			3 (4.23%)
c. More Space (For Files and Dead Storage)	5	1			6 (8.45%)
TOTAL	5	2		1	10 (14.09%)
3. <u>Improve Procedures</u>					
a. Improved Indexing System	1				1 (1.41%)
b. Simplified and Uniform Procedures	1	2			3 (4.23%)
c. Retention/Destruction Program	1	1	2		4 (5.63%)
d. More Complete/Available Info.					
TOTAL	3	3	2		8 (11.27%)
4. <u>Centralize Court Control</u>	2	2			4 (5.63%)
5. <u>Conduct Systematic Evaluation/Planning</u>	1	1			2 (2.82%)
6. <u>Achieve Better Use/Training of Personnel</u>		1			1 (1.41%)
7. <u>Don't Know</u>	1				1 (1.41%)
8. <u>None</u>	1				1 (1.41%)
9. <u>No Response</u>	7	4	3	1	17 (23.94%)

\* Percentages are based on 71 NATCA/NACA Respondents. The total of percentages will exceed 100% because some respondents suggested multiple improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**II. RECORDS**

Question D: What would you see as the most significant problems you would face in instituting these improvements?

Respondents: Judges  
N = 76 Respondents

**RESPONSES**

- 1. Cooperation
  - a. Of Judges
  - b. Of Local Staff
  - c. Of Attorneys
  - d. Of State AOC
- TOTAL
- 2. Coordinating with Other Agencies  
Re Data Collection Procedures
- 3. Statutory Requirements
- 4. Lack of Court Control
- 5. System Implementation/Monitoring
- 6. Resources
  - a. Computer
  - b. Space
  - c. Money
- TOTAL
- 7. Staff Training Opportunities
- 8. None
- 9. No Response

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. Cooperation					
a. Of Judges	1		1	1	3 (5.26%)
b. Of Local Staff	2	4	2	2	10 (13.16%)
c. Of Attorneys	3		2	1	6 (7.90%)
d. Of State AOC					
TOTAL	6	4	5	4	15 (19.74%)
2. Coordinating with Other Agencies Re Data Collection Procedures	1				1 (1.32%)
3. Statutory Requirements	1	6	1		8 (10.53%)
4. Lack of Court Control		1	1		2 (2.63%)
5. System Implementation/Monitoring	1	2			3 (3.95%)
6. Resources					
a. Computer					
b. Space	3				3 (3.95%)
c. Money	12	7	2	3	24 (31.58%)
TOTAL	15	7	2	3	27 (35.53%)
7. Staff Training Opportunities	1	2			3 (3.95%)
8. None	3				3 (3.95%)
9. No Response	13	3	3	5	24 (31.58%)

\* Percentages are based on 76 Judge Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT**

**ORGANIZATIONAL SURVEY**

**Response Summary**

**II. RECORDS**

Question D: What would you see as the most significant problems you would face in instituting these improvements?

Respondents: NATCA/NACA Members

N = 71 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Cooperation</u>					
a. Of Judges	1	1	2		4 (5.63%)
b. Of Local Staff	3	2			5 (7.04%)
c. Of Attorneys				1	1 (1.41%)
d. Of State AOC	1	1			2 (2.82%)
TOTAL	5	4	2	1	12 (16.90%)
2. <u>Coordinating with Other Agencies</u> <u>Re Data Collection Procedures</u>			2		2 (2.82%)
3. <u>Statutory Requirements</u>	3	3			6 (8.45%)
4. <u>Lack of Court Control</u>	1	2			3 (4.23%)
5. <u>System Implementation/Monitoring</u>	1	1	1		3 (4.23%)
6. <u>Resources</u>					
a. Computer		1			1 (1.41%)
b. Space	3	2			5 (7.04%)
c. Money	9	17	7	1	34 (47.89%)
TOTAL	12	20	7	1	40 (56.34%)
7. <u>Staff Training Opportunities</u>	2	3	3		8 (11.27%)
8. <u>None</u>	1	1	1		3 (4.23%)
9. <u>No Response</u>	6	6	1	2	15 (21.13%)

\* Percentages are based on 71 NATCA/NACA Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

## c. Financial Management

### I. System Objectives

A series of possible objectives for a trial court financial management program, similar to those for personnel management, was sent to survey recipients with the request that they indicate their relative priority in the management of their respective courts. Only 14% of the judges and 24% of administrative staff indicated that all of the objectives were presently held in their courts. The most frequently held objectives shared by both judges and administrative staff were Number 10: to insure accurate and honest handling of monies collected by courts and Number 4: to control expenditures. The groups differed on the third most frequently noted objective. Judges cited Number 1: to obtain more funds; administrative staff noted Number 5: to insure that goods and services are purchased at the best price.

The objectives which were least frequently held by responding judges were Number 2: to shift more items of expense to the state level (18%); Number 9: to insure that budgeted funds are fully expended (17%); and Number 8: to control cash flow to maximize interest to the government (14%). Administrative staff shared the judges' views with only 32%, 28%, and 24%, respectively, indicating them to be part of present management policy.

As to objectives which respondents supported as desirable even if not presently held, both judges and administrative staff cited Number 3: to protect the fiscal independence of the courts by restricting the power of other branches; Number 7: to develop capital budgeting strategies; and Number 6: to insure flexibility in use of budgeted funds. The objective which both judges and administrative staff most frequently cited as low priority was Number 9: to insure that budgeted funds are fully expended. With lesser frequency, they also noted Number 8: to control cash flow to maximize interest income and Number 2: to shift more items of expense to the state level.

Those objectives which were noted as low priorities often represented the comments of judges or administrative staff from smaller courts (Types A and B). Three of the listed objectives, however, were low priority for courts of all sizes: Number 2: to shift more items of expense to the state level; Number 8: to control cash flow to maximize interest income to the government; and Number 9: to insure that budgeted funds are fully expended. The smaller courts also represented a higher proportion of respondents which supported the objectives but did not presently adhere to them.

#### A. What have been the most frequently encountered problems regarding the accomplishment of these objectives?

Both groups cited the external controls over the court budget as the most frequently encountered problem. These external controls were most frequently derived from local and state executive agencies and legislative bodies. For approximately 10% of the respondents in each group these problems involved the controls of state judicial offices.

FINANCIAL POSSIBLE OBJECTIVES	TYPE OF COURT	PRESENTLY OBJECTIVE		SHOULD BE OBJECTIVE		LOW PRIOR- OBJECTIVE		NOT RELE- VANT		NO RESPONSE		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1. To Obtain More Funds	A	18	24	6	8	8	11	0	0	5	7	37	49%
	B	16	21	1	1	1	1	0	0	3	4	21	28%
	C	6	8	1	1	0	0	0	0	0	0	7	9%
	D	7	9	0	0	0	0	0	0	4	5	11	14%
	TOTAL	47	62	8	11	9	12	0	0	12	16	76	100%
2. To Shift More Items of Expense to the State Level	A	6	8	8	11	5	7	13	17	5	7	37	49%
	B	2	3	3	4	3	4	10	13	3	4	21	28%
	C	2	3	0	0	3	4	1	1	1	1	7	9%
	D	4	5	0	0	3	4	0	0	4	5	11	14%
	TOTAL	14	18	11	14	14	18	24	32	13	17	76	100%
3. To Protect Fiscal Indep- endence of Courts by Restricting Power of Other Branches to Cut Ct. Budgets	A	20	26	8	11	1	1	1	1	7	9	37	49%
	B	9	12	7	9	1	1	1	1	3	4	21	28%
	C	3	4	2	3	1	1	1	1	0	0	7	9%
	D	4	5	2	3	0	0	0	0	5	7	11	14%
	TOTAL	36	47	19	25	3	4	3	4	15	20	76	100%
4. To Control Expenditures	A	22	29	3	4	0	0	4	5	8	11	37	49%
	B	13	17	2	3	1	1	0	0	5	7	21	28%
	C	6	8	1	1	0	0	0	0	0	0	7	9%
	D	7	9	0	0	0	0	0	0	4	5	11	14%
	TOTAL	48	63	6	8	1	1	4	5	17	22	76	100%
5. To Insure That Goods and Services are Purchased at Best Price	A	20	26	6	8	1	1	3	4	7	9	37	49%
	B	11	14	4	5	1	1	1	1	4	5	21	28%
	C	5	7	2	3	0	0	0	0	0	0	7	9%
	D	7	9	0	0	0	0	0	0	4	5	11	14%
	TOTAL	43	57	12	16	2	3	4	5	15	20	76	100%
6. To Insure Flex- ibility in Use of Budgeted Funds Either By Budget Cushions or Free Transfer of Funds Betw/ Line Items	A	18	24	8	11	1	1	4	5	6	8	37	49%
	B	8	11	7	9	3	4	1	1	2	3	21	28%
	C	5	7	0	0	0	0	1	1	1	1	7	9%
	D	5	7	1	1	0	0	1	1	4	5	11	14%
	TOTAL	36	47	16	21	4	5	7	9	13	17	76	100%
7. To Develop Capital Budget- ing Strategies	A	8	11	10	13	4	5	7	9	8	11	37	49%
	B	7	9	6	8	5	7	0	0	3	4	21	28%
	C	4	5	2	3	1	1	0	0	0	0	7	9%
	D	6	8	1	1	0	0	0	0	4	5	11	14%
	TOTAL	25	33	19	25	10	13	7	9	15	20	76	100%

JUDGES: 76 Respondents



**FINANCIAL**

POSSIBLE OBJECTIVES	TYPE OF COURT	PRESENTLY OBJECTIVE		SHOULD BE OBJECTIVE		LOW PRIORITY OBJ.		NOT RELEVANT		NO RESPONSE		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
8. To Control Cash Flow so as to Maximize Interest Income to the Gov't.	A	7	9	6	8	5	7	11	14	8	11	37	49%
	B	2	3	1	1	7	9	8	11	3	4	21	28%
	C	0	0	0	0	1	1	5	7	1	1	7	9%
	D	2	3	3	4	1	1	1	1	4	5	11	14%
TOTAL		11	14	10	13	14	18	25	33	16	21	76	100%
9. To Insure That Budgeted Funds are Fully Expended	A	4	5	4	5	7	9	14	18	8	11	37	49%
	B	5	7	1	1	9	12	3	4	3	4	21	28%
	C	2	3	0	0	1	1	3	4	1	1	7	9%
	D	2	3	2	3	2	3	1	1	3	4	11	14%
TOTAL		13	17	7	9	19	25	21	28	15	20	76	100%
10. To Insure Accurate & Honest Handling of Monies Collected by Courts	A	21	28	4	5	0	0	3	4	9	12	37	49%
	B	14	18	1	1	1	1	1	1	4	5	21	28%
	C	4	5	1	1	0	0	0	0	2	3	7	9%
	D	7	9	0	0	0	0	0	0	4	5	11	14%
TOTAL		46	61	6	8	1	1	4	5	19	25	76	100%

JUDGES: 76 Respondents

FINANCIAL POSSIBLE OBJECTIVES	TYPE OF COURT	PRESENTLY OBJECTIVE		SHOULD BE OBJECTIVE		LOW PRIOR- ITY OBJ.		NOT RELE- VANT		NO RESPONSE		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1. To Obtain More Funds	A	17	24	3	4	4	6	2	3	1	1	27	38%
	B	16	23	7	10	4	6	1	1	2	3	30	42%
	C	8	11	0	0	2	3	0	0	0	0	10	14%
	D	4	6	0	0	0	0	0	0	0	0	4	6%
	TOTAL	45	63	10	14	10	14	4	6	3	4	71	100%
2. To Shift More Items of Expense to the State Level	A	4	6	4	6	3	4	16	23	0	0	27	38%
	B	8	11	1	1	3	4	16	23	2	3	30	42%
	C	3	4	0	0	4	6	3	4	0	0	10	14%
	D	2	3	0	0	1	1	1	1	0	0	4	6%
	TOTAL	17	24	5	7	11	15	36	51	2	3	71	100%
3. To Protect Fis- cal Independence of Cts by Res- tricting Power of Other Branches to Cut Ct. Budgets	A	5	7	14	20	1	1	7	10	0	0	27	38%
	B	11	15	14	20	3	4	1	1	1	1	30	42%
	C	5	7	2	3	1	1	2	3	0	0	10	14%
	D	3	4	1	1	0	0	0	0	0	0	4	6%
	TOTAL	24	34	31	44	5	7	10	14	1	1	71	100%
4. To Control Expenditures	A	20	28	5	7	0	0	1	1	1	1	27	38%
	B	21	30	7	10	1	1	0	0	1	1	30	42%
	C	10	14	0	0	0	0	0	0	0	0	10	14%
	D	3	4	1	1	0	0	0	0	0	0	4	6%
	TOTAL	54	76	13	18	1	1	1	1	2	3	71	100%
5. To Insure That Goods and Services are Purchased at Best Price	A	19	27	4	6	2	3	2	3	0	0	27	38%
	B	19	27	6	8	2	3	2	3	1	1	30	42%
	C	9	13	1	1	0	0	0	0	0	0	10	14%
	D	3	4	1	1	0	0	0	0	0	0	4	6%
	TOTAL	50	70	12	17	4	6	4	6	1	1	71	100%
6. To Insure Flex- ibility in Use of Budgeted Funds Either by Budget Cushions or Free Transfer of Funds Betw/ Line Items	A	14	20	6	8	3	4	3	4	1	1	27	38%
	B	16	23	12	17	1	1	0	0	2	3	30	42%
	C	10	14	0	0	0	0	0	0	0	0	10	14%
	D	3	4	1	1	0	0	0	0	0	0	4	6%
	TOTAL	43	61	19	27	4	6	3	4	3	4	71	100%
7. To Develop Capital Budgeting Strategies	A	11	15	10	14	1	1	4	6	1	1	27	38%
	B	13	18	8	11	2	3	5	7	2	3	30	42%
	C	7	10	2	3	1	1	0	0	0	0	10	14%
	D	2	3	1	1	1	1	0	0	0	0	4	6%
	TOTAL	33	46	21	30	5	7	9	13	3	4	71	100%

NATCA/NACA: 71 Respondents

**FINANCIAL**

**POSSIBLE OBJECTIVES**

	TYPE OF COURT	PRESENTLY OBJECTIVE		SHOULD BE OBJECTIVE		LOW PRIORITY OBJ.		NOT RELEVANT		NO RESPONSE		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
8. To Control Cash Flow so as to Maximize Interest Income to the Gov't.	A	9	13	5	7	3	4	10	14	0	0	27	38%
	B	8	11	5	7	6	8	10	14	1	1	30	42%
	C	5	7	0	0	3	4	2	3	0	0	10	14%
	D	1	1	1	1	1	1	1	1	0	0	4	6%
	TOTAL	23	32	11	15	13	18	23	32	1	1	71	100%
9. To Insure That Budgeted Funds are Fully Expended	A	6	8	1	1	14	20	5	7	1	1	27	38%
	B	9	13	5	7	9	13	6	8	1	1	30	42%
	C	5	7	0	0	2	3	3	4	0	0	10	14%
	D	0	0	0	0	3	4	1	1	0	0	4	6%
	TOTAL	20	28	6	8	28	39	15	21	2	3	71	100%
10. To Insure Accurate & Honest Handling of Monies Collected by Courts	A	23	32	1	1	1	1	2	3	0	0	27	38%
	B	23	32	5	7	0	0	1	1	1	1	30	42%
	C	9	13	0	0	1	1	0	0	0	0	10	14%
	D	4	6	0	0	0	0	0	0	0	0	4	6%
	TOTAL	59	83	6	8	2	3	3	4	1	1	71	100%

NATCA/NACA: 71 Respondents

**COURT MANAGEMENT PROJECT  
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Response Summary**

**IV. FINANCIAL**

Question A: What have been the most frequently encountered problems regarding the accomplishment of these objectives?

Respondents: Judges  
N = 76 Respondents

TYPE OF COURT\*

**RESPONSES**

	A	B	C	D	TOTAL
<b>1. External Controls Over Ct. Budget</b>					
a. Executive/Legislative Control					
(1) Local	5	4		3	12 (15.79%)
(2) State	2	4	2	1	9 (11.84%)
b. State Judicial Control					
(1) Lack of Operating Budget Provided to Trial Court	1				1 (1.32%)
(2) Loss of Local Support	1				1 (1.32%)
(3) Budget Requests Cut		1			1 (1.32%)
(4) Loss of Local Flexibility		2	3		5 (6.58%)
c. Clerk Control Over Revenue Received		1			1 (1.32%)
d. Outside Control Over Expenditure of Certain Mandated Items (Pros/Def//)	1	1	1		3 (3.95%)
TOTAL	10	13	6	4	33 (39.47%)
<b>2. External Requirements on Ct. Budget Process/Management</b>					
a. Fragmented Budget Process		1			1 (1.32%)
b. Required Use of Executive Purchasing Services		1			1 (1.32%)
c. Required Placement of Ct. Money in Interest-Bearing Accounts					
d. Reporting Requirements		1			1 (1.32%)
e. Required Generation of Revenue by Court		1			1 (1.32%)
TOTAL		4			4 (5.26%)
<b>3. Lack of Cooperation</b>					
a. Judges			1		1 (1.32%)
b. Staff					
TOTAL			1		1 (1.32%)
<b>4. Lack of Resources</b>					
a. Funds (Due to Low Tax Bases, etc.)	8	2	2	3	15 (19.74%)
b. Lack of Staff	2	1	1		4 (5.26%)
TOTAL	10	3	3	3	19 (25.00%)
<b>5. Absence of State Funding</b>	2				2 (2.63%)
<b>6. Lack of Planning</b>		1			1 (1.32%)
<b>7. Maintaining Budget</b>				1	1 (1.32%)
<b>8. Political Problems</b>	1	1			2 (2.63%)
<b>9. None: Needs Met</b>	5				5 (6.58%)
<b>10. No Response</b>	12	4	2	4	22 (28.95%)

\* Percentages are based on 76 Judge Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems encountered.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**IV. FINANCIAL**

Question A: What have been the most frequently encountered problems regarding the accomplishment of these objectives?

Respondents: NATCA/NACA Members  
N = 71 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. External Controls Over Ct. Budget</b>					
a. Executive/Legislative Control					
(1) Local	7	9	3	1	20 (28.17%)
(2) State	3	8	3	2	16 (22.54%)
b. State Judicial Control					
(1) Lack of Operating Budget Provided to Trial Ct.	1	2			3 (4.23%)
(2) Loss of Local Support	2				2 (2.82%)
(3) Budget Requests Cut		1			1 (1.41%)
(4) Loss of Local Flexibility		2			2 (2.82%)
c. Clerk Control Over Revenue Received		2			2 (2.82%)
d. Outside Control Over Expenditure of Certain Mandates Items (Pros/Def/)		2			2 (2.82%)
TOTAL	13	26	6	3	48 (67.61%)
<b>2. External Requirements on Ct. Budget Process/Management</b>					
a. Fragmented Budget Process		1	1		2 (2.82%)
b. Required Use of Executive Purchasing Services	1	1	1		3 (4.23%)
c. Required Placement of Ct Money in Interest-Bearing Accounts		1			1 (1.41%)
d. Reporting Requirements				1	1 (1.41%)
e. Required Generation of Revenue by Court	2				2 (2.82%)
TOTAL	3	3	2	1	9 (12.68%)
<b>3. Lack of Cooperation</b>					
a. Judges	1	3			4 (5.63%)
b. Staff	1				1 (1.41%)
TOTAL	2	3			5 (7.04%)
<b>4. Lack of Resources</b>					
a. Funds Due to Low Tax Bases, Etc.)	3	1	2	1	7 (9.86%)
b. Lack of Staff		2		1	3 (4.23%)
TOTAL	3	3	2	2	10 (14.09%)
<b>5. Absence of State Funding</b>					
<b>6. Lack of Planning</b>			1		2 (2.82%)
Maintaining Budget	1		1		2 (2.82%)
<b>8. Political Problems</b>					
<b>9. None: Needs Met</b>	4	3		1	8 (11.27%)
<b>10. No Response</b>	3	2			5 (7.04%)

\* Percentages are based on 71 NATCA/NACA Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems encountered.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

The second most significant problem pointed out by each group was a lack of resources. Many attributed this resource shortage to increasing financial burdens on local or state governments in general and the low tax base of many of the jurisdictions represented. Among the jurisdictions citing lack of resources as a problem, both state funded and locally funded courts were represented.

An additional problem area noted by administrative staff and frequently reported in our field studies involved requirements imposed on the court budget process and management. These requirements included the required use of executive purchasing services which frequently delayed receipt of needed supplies and equipment, and the pressure of some jurisdictions upon the court to generate revenue in support of budget requests.

B. If resources were no problem what improvements would you make in the area of financial management in your court?

A substantial number of respondents in both groups either did not answer to this question or indicated that there were no improvements they would make. Of those who did respond, administrative staff most frequently cited improvements in procedures for managing court finances. Primarily, these included the development of accounting systems for court revenues and expenditures. To a lesser degree, responding judges shared this need, although their most frequently cited desired improvement was an increase in resources, particularly for staff. Although the involvement of the executive and legislative branches had been cited as a frequently encountered problem earlier by respondents (Question A), increasing the court's control over the management of its budget was suggested by only 18% of responding administrative staff and 13% of responding judges.

C. What would you see as the most significant problems you would face in instituting these improvements?

Both groups indicated that the most significant obstacle to improving the financial management of their courts was the lack of support and cooperation they anticipated, particularly from local commissioners or state legislative and executive bodies. Problems in this area were noted by 61% of responding judges and 65% of responding administrative staff. A variety of other potential problems were noted with less frequency. These included potential lack of resources, which administrative staff considered more serious than judges; local statutes and procedures regarding budget process and management; and political problems, noted only by judges.

d. Personnel Management

I. System Objectives

A series of possible objectives for a trial court personnel management system was presented to survey recipients with the request that they indicate the priority of these various objectives in the management of their trial courts. The responses indicated considerable

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**IV. FINANCIAL**

question 8: If resources were no problem, what improvements would you make in the area of financial management in your court?

Respondents: Judges  
N = 76 Respondents

**RESPONSES**

1. Develop/Improve/Procedures/Management Systems
  - a. Develop Financial Mngt. Systems
    - (1) Accounting for Ct. Revenues
    - (2) Accounting for Ct. Expenditures
  - b. Have Ct. Monies Handled Only By Court Staff
  - c. Develop Productivity Measures

TOTAL
2. Improve Budgetary Process
  - a. Make Changes in Time-Frame/Form
  - b. Decentralize Funding Process
  - c. Budget More Systematically For Actual Needs
  - d. Revise Budgeting Guidelines
  - e. Obtain More Info. From State

TOTAL
3. Increase Court Control Over Budget
  - a. Over Budget/Expenditure Items
  - b. Flexibility in Transferring Funds
  - c. Over Mandated Costs
  - d. Transfer Pros/Def Items Out of Court Budget
  - e. Estab. Direct Purchasing Authority

TOTAL
4. Increase Court Resources
  - a. Money
  - b. Increase Present State Funding
  - c. Establish State Funding
  - d. Staff
  - e. Capital Improvements
  - f. Juror Benefits
  - g. Apply All Earned Costs to Ct. Budget

TOTAL
5. None
6. No Response

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. Develop/Improve/Procedures/Management Systems					
a. Develop Financial Mngt. Systems					
(1) Accounting for Ct. Revenues		2	1		3 (3.95%)
(2) Accounting for Ct. Expenditures		2	1		6 (7.90%)
b. Have Ct. Monies Handled Only By Court Staff			1		1 (1.32%)
c. Develop Productivity Measures					10 (13.16%)
TOTAL	3	4	3		
2. Improve Budgetary Process					
a. Make Changes in Time-Frame/Form	1		1	1	3 (3.95%)
b. Decentralize Funding Process					4 (5.23%)
c. Budget More Systematically For Actual Needs	1		1	2	2 (2.63%)
d. Revise Budgeting Guidelines				2	1 (1.32%)
e. Obtain More Info. From State	1				10 (13.16%)
TOTAL	3		2	5	
3. Increase Court Control Over Budget					
a. Over Budget/Expenditure Items		3	1		4 (5.26%)
b. Flexibility in Transferring Funds		3			3 (3.95%)
c. Over Mandated Costs					1 (1.32%)
d. Transfer Pros/Def Items Out of Court Budget		1			2 (2.63%)
e. Estab. Direct Purchasing Authority	2				10 (13.16%)
TOTAL	2	7	1		
4. Increase Court Resources					
a. Money	1				1 (1.32%)
b. Increase Present State Funding					3 (3.95%)
c. Establish State Funding	1	2			11 (14.47%)
d. Staff	5	4	1	1	1 (1.32%)
e. Capital Improvements	1				1 (1.32%)
f. Juror Benefits	1				18 (23.68%)
g. Apply All Earned Costs to Ct. Budget	1				1 (1.32%)
TOTAL	10	6	1	1	
5. None	4	3			7 (9.21%)
6. No Response	15	5	1	7	28 (36.84%)

\* Percentages are based on 76 Judge Respondents; The total of percentages will exceed 100% because some respondents suggested multiple improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**IV. FINANCIAL**

**Question B: If resources were no problem, what improvements would you make in the area of financial management in your court?**

**Respondents: NATCA/NACA Members  
N = 71 Respondents**

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. Develop/Improve/Procedures/Management Systems</b>					
a. Develop Financial Mngt. Systems					
(1) Accounting for Ct. Revenues	5	5		1	11 (15.49%)
(2) Accounting for Ct. Expenditures	7	4	1	1	13 (18.31%)
b. Have Ct. Monies Handled Only By Court Staff	2				2 (2.82%)
c. Develop Productivity Measures					
TOTAL	14	9	1	2	26 (36.62%)
<b>2. Improve Budgetary Process</b>					
a. Make Changes in Time-Frame/Form		3			3 (4.23%)
b. Decentralize Funding Process		1			1 (1.41%)
c. Budget More Systematically for Actual Needs		1			1 (1.41%)
d. Revise Budgeting Guidelines					
e. Obtain More Info. From State		1			1 (1.41%)
TOTAL		6			6 (8.45%)
<b>3. Increase Court Control Over Budget</b>					
a. Over Budget/Expenditure Items	2	5	1		8 (11.27%)
b. Flexibility in Transferring Funds		2	1		3 (4.23%)
c. Over Mandated Costs		1			1 (1.41%)
d. Transfer Pros/Def Items out of Court Budget		1			1 (1.41%)
e. Estab. Direct Purchasing Authority		1			1 (1.41%)
TOTAL	2	10	2		14 (19.72%)
<b>4. Increase Court Resources</b>					
a. Money					
b. Increase Present State Funding		1			1 (1.41%)
c. Establish State Funding	1	2			3 (4.23%)
d. Staff	1	2	1	1	5 (7.04%)
e. Capital Improvements	5				5 (7.04%)
f. Juror Benefits					
g. Apply all Earned Costs to Ct. Budget					
TOTAL	6	5	1	1	14 (19.72%)
<b>5. None</b>	2	2			4 (5.63%)
<b>6. No Response</b>	10	3	1		14 (19.72%)

\* Percentages are based on 71 NATCA/NACA Respondents. The total of percentages will exceed 100% because some respondents suggested multiple improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges



**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**IV. FINANCIAL**

Question C: What would you see as the most significant problems you would face in instituting these improvements?

Respondents: Judges  
N = 76 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. Lack of Support/Cooperation</b>					
a. Internal					
1. Judges	1	2	1		4 (5.26%)
2. Staff (Primarily Clerks)		3	1		4 (5.26%)
b. External					
1. Local Commissioners	9	5	1	1	16 (21.05%)
2. Bar		1		1	2 (2.63%)
3. Prosecutor/Defense					
4. State ADC/Supreme Court		1	1		2 (2.63%)
5. State Legislature/Executive	7	8	2	2	19 (25.00%)
TOTAL	17	20	6	4	47 (61.84%)
<b>2. Local Statutes/Budget Procedures</b>	2	3			5 (6.58%)
<b>3. Lack of Court Control</b>	3				3 (3.95%)
<b>4. Lack of Resources</b>					
a. Shortage of Space	1	1			2 (2.63%)
b. Lack of Skill to Establish/ Maintain System			1	1	2 (2.63%)
TOTAL	1	1	1	1	4 (5.26%)
<b>5. Political Factors</b>		1		1	2 (2.63%)
<b>6. None</b>	2	1			3 (3.95%)
<b>7. No Response</b>	12	8	1	4	25 (32.90%)

\* Percentages are based on 76 Judge Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems in instituting improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary

IV. FINANCIAL

Question C: What would you see as the most significant problems you would face in instituting these improvements?

Respondents: NATCA/NACA Members  
 N = 71 Respondents

RESPONSES

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Lack of Support/Cooperation</u>					
a. Internal					
1. Judges	1	4			5 (7.04%)
2. Staff (primarily Clerks)	1	3			4 (5.63%)
b. External					
1. Local Commissioners	4	7	3	1	15 (21.13%)
2. Bar		1	1		2 (2.82%)
3. Prosecutor/Defense		1	1		2 (2.82%)
4. State AOC/Supreme Court	2	1			3 (4.23%)
5. State Legislature/Executive	2	9	3	1	15 (21.13%)
TOTAL	10	26	8	2	46 (64.79%)
2. <u>Local Statutes/Budget Procedures</u>		4	1	1	6 (8.45%)
3. <u>Lack of Court Control</u>		1	1		2 (2.82%)
4. <u>Lack of Resources</u>					
a. Shortage of Space	1	1			2 (2.82%)
b. Lack of Skill to Establish/ Maintain System	4		3		7 (9.86%)
TOTAL	5	1	3		9 (12.68%)
5. <u>Political Factors</u>					
6. <u>None</u>	1	5		1	7 (9.86%)
7. <u>No Response</u>	12	6	1	1	20 (28.17%)

\* Percentages are based on 71 NATCA/NACA Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems in instituting improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

diversity of opinion, both within each group of respondents and between the two groups.

Among the responding judges, only 25% indicated that all of the suggested objectives listed were presently part of the personnel management policy of their courts. In contrast, 41% of administrative staff indicated that their courts presently adhered to the listed objectives. Judges expressed most agreement regarding Number 5: providing maximum support to judges in performance of their roles (59%). Administrative staff shared this view, with 83% indicating present adoption of that objective. For judges, the next most frequently held objectives were Number 8: to increase productivity (56%); and Number 9: to produce goods and services of high quality (56%). While administrative staff also shared Number 8 as a frequently held objective (68%), they also cited Number 11: to minimize expenditures (69%) and Number 2: to insure that court personnel are representative of the community (68%). These last two objectives shared frequently by administrative staffs ranked sixth and ninth in priority, respectively, for judges.

The objective with lowest priority for judges was Number 3: to open up court employment through use of recruitment and job advertisements (19%). The objective with lowest priority for administrative staff was Number 6: to protect the prerogative of individual judges in the choice of court employees (28%).

For larger court systems, both judges and administrative staffs generally agreed upon the desirability of Objectives Number 4: to choose and promote employees on merit; Number 5: to provide maximum support to judges in performance of their role; Number 7: to insure due process of employees in matters of discipline; Number 8: to increase productivity; and Number 9: to produce goods and services of high quality, with less than 1% noting these objectives as either low priority or not relevant. The most substantial diversity of opinion on the issues of priority was expressed by respondents from smaller courts (Types A and B).

A. What have been the most frequently encountered problems regarding the accomplishment of these objectives?

Although approximately 22% of the judges responded to the question on system objectives, 37% did not respond to the question on problems in their accomplishment. An additional 13% indicated they had experienced no problems. Similarly, for administrative staff, only 4% did not respond to the question on system objectives, while 10% did not respond to this question on problems in their accomplishment. An additional 7% indicated they had experienced no problems.

For the 50% of the judges who did note problems, 34% indicated lack of resources, citing money for salaries in particular. This view was shared by administrative staff who also pointed to constraints imposed by external regulations, including civil service requirements, union agreements, city/county personnel regulations and state personnel requirements. For 20% of the responding judges (compared with 11% of responding administrative staff) the lack of court authority to manage

PERSONNEL POSSIBLE OBJECTIVES	TYPE OF COURT	PRESENTLY OBJECTIVE		SHOULD BE OBJECTIVE		LOW PRIOR- ITY OBJ.		NOT RELE- VANT		NO RESPONSE		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1.To Establish Independence of Ct. in Basic Per- sonnel Decisions	A	15	20	6	8	2	3	5	7	9	12	37	49%
	B	13	17	2	3	1	1	1	1	3	4	20	27%
	C	4	5	2	3	1	1	0	0	0	0	7	9%
	D	4	5	1	1	0	0	2	3	4	5	11	15%
	TOTAL	36	48	11	15	4	5	8	11	16	21	75	100%
2.To Insure That Court Personnel are Representa- tive of Community	A	9	12	4	5	8	11	7	9	9	12	37	49%
	B	8	11	4	5	4	5	1	1	3	4	20	27%
	C	4	5	1	1	1	1	0	0	1	1	7	9%
	D	4	5	2	3	0	0	1	1	4	5	11	15%
	TOTAL	25	33	11	15	13	17	9	12	17	23	75	100%
3.To Open Up Ct. Employment Through Use of Recruiting, Job Advertisements	A	6	8	6	8	6	8	9	12	10	13	37	49%
	B	7	9	3	4	4	5	3	4	3	4	20	27%
	C	4	5	0	0	2	3	1	1	0	0	7	9%
	D	3	4	1	1	2	3	1	1	4	5	11	15%
	TOTAL	20	27	10	13	14	19	14	19	17	23	75	100%
4.To Choose and Promote Employees on Merit	A	17	23	3	4	1	1	7	9	9	12	37	49%
	B	10	13	5	7	1	1	1	1	3	4	20	27%
	C	5	7	1	1	1	1	0	0	0	0	7	9%
	D	5	7	2	3	0	0	0	0	4	5	11	15%
	TOTAL	37	49	11	15	3	4	8	11	16	21	75	100%
5.To Provide Max- imum Support to Judges in Per- formance of Role	A	20	27	4	5	2	3	2	3	9	12	37	49%
	B	13	17	2	3	1	1	0	0	4	5	20	27%
	C	6	8	1	1	0	0	0	0	0	0	7	9%
	D	5	7	2	3	0	0	0	0	4	5	11	15%
	TOTAL	44	59	9	12	3	4	2	3	17	23	75	100%
6.To Protect Prerogative of Individual Jdgs in Choice of Ct Employees	A	12	16	6	8	6	8	3	4	10	13	37	49%
	B	10	13	2	3	3	4	2	3	3	4	20	27%
	C	4	5	1	1	1	1	1	1	0	0	7	9%
	D	2	3	1	1	2	3	2	3	4	5	11	15%
	TOTAL	28	37	10	13	12	16	8	11	17	23	75	100%
7.To Insure Due Process in Employ- ees in Matters of Discipline or Grievance	A	12	16	10	13	1	1	4	5	10	13	37	49%
	B	7	9	6	8	2	3	2	3	3	4	20	27%
	C	4	5	1	1	1	1	0	0	1	1	7	9%
	D	4	5	1	1	1	1	1	1	4	5	11	15%
	TOTAL	27	36	18	24	5	7	7	9	18	24	75	100%

JUDGES: 75 Respondents

**PERSONNEL**  
**POSSIBLE**  
**OBJECTIVES**

	TYPE OF COURT	PRESENTLY OBJECTIVE		SHOULD BE OBJECTIVE		LOW PRIORITY OBJ.		NOT RELEVANT		NO RESPONSE		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
8. To Increase Productivity	A	18	24	6	8	0	0	4	5	9	12	37	49%
	B	13	17	3	4	0	0	1	1	3	4	20	27%
	C	6	8	1	1	0	0	0	0	0	0	7	9%
	D	5	7	2	3	0	0	0	0	4	5	11	15%
	TOTAL	42	56	12	16	0	0	5	7	16	21	75	100%
9. To Produce Goods and Services of High Quality	A	18	24	6	8	0	0	4	5	9	12	37	49%
	B	14	19	2	3	1	1	0	0	3	4	20	27%
	C	5	7	2	3	0	0	0	0	0	0	7	9%
	D	5	7	2	3	0	0	0	0	4	5	11	15%
	TOTAL	42	56	12	16	1	1	4	5	16	21	75	100%
10. To Insure Public Satisfaction with Career Ladders for Employees	A	11	15	7	9	3	4	6	8	10	13	37	49%
	B	2	3	13	17	1	1	2	3	2	3	20	27%
	C	2	3	2	3	2	3	1	1	0	0	7	9%
	D	4	5	1	1	2	3	0	0	4	5	11	15%
	TOTAL	19	25	23	31	8	11	9	12	16	21	75	100%
11. To Minimize Expenditures	A	15	20	7	9	3	4	2	3	10	13	37	49%
	B	8	11	5	7	3	4	1	1	3	4	20	27%
	C	5	7	1	1	1	1	0	0	0	0	7	9%
	D	3	4	2	3	2	3	0	0	4	5	11	15%
	TOTAL	31	41	15	20	9	12	3	4	17	23	75	100%

JUDGES: 75 Respondents

PERSONNEL POSSIBLE OBJECTIVES	TYPE OF COURT	PRESENTLY OBJECTIVE		SHOULD BE OBJECTIVE		LOW PRIOR- ITY OBJ.		NOT RELE- VANT		NO RESPONSE		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1. To Establish Independence of Ct. in Basic Personnel Decisions	A	14	20	4	6	2	3	6	8	1	1	27	38%
	B	19	27	5	7	1	1	4	6	1	1	30	42%
	C	7	10	1	1	1	1	1	1	0	0	10	14%
	D	3	4	0	0	0	0	1	1	0	0	4	6%
TOTAL		43	61	10	14	4	6	12	17	2	3	71	100%
2. To Insure that Ct. Personnel are Representa- tive of Community	A	19	27	2	3	3	4	2	3	1	1	27	38%
	B	17	24	5	7	4	6	3	4	1	1	30	42%
	C	9	13	0	0	0	0	1	1	0	0	10	14%
	D	3	4	1	1	0	0	0	0	0	0	4	6%
TOTAL		48	68	8	11	7	10	6	8	2	3	71	100%
3. To Open Up Ct. Employment Thru Use of Recruit- ing, Job Adver- tisements	A	16	23	2	3	4	6	4	6	1	1	27	38%
	B	15	21	6	8	2	3	6	8	1	1	30	42%
	C	8	11	0	0	1	1	1	1	0	0	10	14%
	D	3	4	0	0	0	0	1	1	0	0	4	6%
TOTAL		42	59	8	11	7	10	12	17	2	3	71	100%
4. To Choose and Promote Employees on Merit	A	18	25	8	11	0	0	0	0	1	1	27	38%
	B	18	25	8	11	2	3	1	1	1	1	30	42%
	C	7	10	2	3	0	0	1	1	0	0	10	14%
	D	3	4	0	0	0	0	1	1	0	0	4	6%
TOTAL		46	65	18	25	2	3	3	4	2	3	71	100%
5. To Provide Max- imum Support to Judges in Per- formance of Role	A	21	30	3	4	0	0	2	3	1	1	27	38%
	B	24	34	4	6	0	0	1	1	1	1	30	42%
	C	10	14	0	0	0	0	0	0	0	0	10	14%
	D	4	6	0	0	0	0	0	0	0	0	4	6%
TOTAL		59	83	7	10	0	0	3	4	2	3	71	100%
6. To Protect Prerogative of Individual Jdgs in Choice of Ct. Employees	A	9	13	3	4	9	13	5	7	1	1	27	38%
	B	13	18	4	6	7	10	5	7	1	1	30	42%
	C	5	7	0	0	2	3	3	4	0	0	10	14%
	D	2	3	0	0	2	3	0	0	0	0	4	6%
TOTAL		29	41	7	10	20	28	13	18	2	3	71	100%
7. To Insure Due Process to Employ- ees in Matters of Discipline or Grievance	A	16	23	6	8	2	3	2	3	1	1	27	38%
	B	19	27	6	8	2	3	2	3	1	1	30	42%
	C	9	13	1	1	0	0	0	0	0	0	10	14%
	D	2	3	2	3	0	0	0	0	0	0	4	6%
TOTAL		46	65	15	21	4	6	4	6	2	3	71	100%

NATCA/NACA: 71 Respondents

PERSONNEL POSSIBLE OBJECTIVES	TYPE OF COURT	PRESENTLY OBJECTIVE		SHOULD BE OBJECTIVE		LOW PRIOR- ITY OBJ.		NOT RELE- VANT		NO RESPONSE		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
8. To Increase Productivity	A	17	24	6	8	1	1	2	3	1	1	27	38%
	B	19	27	7	10	2	3	1	1	1	1	30	42%
	C	8	11	2	3	0	0	0	0	0	0	10	14%
	D	4	6	0	0	0	0	0	0	0	0	4	6%
	TOTAL	48	68	15	21	3	4	3	4	2	3	71	100%
9. To Produce Goods and Ser- vices of High Quality	A	18	25	5	7	1	1	2	3	1	1	27	38%
	B	19	27	7	10	0	0	3	4	1	1	30	42%
	C	10	14	0	0	0	0	0	0	0	0	10	14%
	D	3	4	0	0	0	0	0	0	1	1	4	6%
	TOTAL	50	70	12	17	1	1	5	7	3	4	71	100%
10. To Insure Public Satisfac- tion with Career Ladders for Employees	A	13	18	7	10	3	4	3	4	1	1	27	38%
	B	12	17	11	15	1	1	4	6	2	3	30	42%
	C	4	6	1	1	3	4	1	1	1	1	10	14%
	D	2	3	1	1	0	0	1	1	0	0	4	6%
	TOTAL	31	44	20	28	7	10	9	13	4	6	71	100%
11. To Minimize Expenditures	A	18	25	5	7	2	3	1	1	1	1	27	38%
	B	18	25	4	6	6	8	1	1	1	1	30	42%
	C	10	14	0	0	0	0	0	0	0	0	10	14%
	D	3	4	0	0	1	1	0	0	0	0	4	6%
	TOTAL	49	69	9	13	9	13	2	3	2	3	71	100%
12. To Maintain A Competitive Salary Schedule and Step Plan	A	16	23	9	13	0	0	1	1	1	1	27	38%
	B	14	20	11	15	0	0	3	4	2	3	30	42%
	C	9	13	1	1	0	0	0	0	0	0	10	14%
	D	2	3	2	3	0	0	0	0	0	0	4	6%
	TOTAL	41	58	23	32	0	0	4	6	3	4	71	100%

NATCA/NACA: 71 Respondents

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**III. PERSONNEL**

**Question A: What have been the most frequently encountered problems regarding the accomplishment of these objectives?**

**Respondents: Judges**  
N = 76 Respondents

**RESPONSES**

1. Lack of Authority
  - a. Court Not Recognized as Indep. Branch of Government
  - b. Lack of Court Control

TOTAL
2. External Regulations
  - a. Civil Service Requirements
  - b. Union Agreements
  - c. City/County Personnel Regulations
  - d. State Personnel Requirements

TOTAL
3. Lack of Resources
  - a. Funds for Salaries
  - b. Space
  - c. Inadequate No. of Supervisors
  - d. Training Programs
  - e. Time

TOTAL
4. Recruitment/Retention Problems
  - a. Shortage of Competent Applicants
  - b. Difficulties/Retaining Competent Personnel
  - c. Inadequate No. of Jobs for Advancement
  - d. Lack of Systematic Personnel Plan

TOTAL
5. Lack of Cooperation
  - a. Judicial
  - b. Staff
  - c. Public Resistance to Change

TOTAL
6. Political Patronage
7. No Problems
8. No Response

	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Lack of Authority</u>	4	4	1	1	10
a. Court Not Recognized as Indep. Branch of Government					(13.16%)
b. Lack of Court Control	2	2		1	5
					(6.58%)
TOTAL	6	6	1	2	15
					(19.74%)
2. <u>External Regulations</u>					
a. Civil Service Requirements					
b. Union Agreements					
c. City/County Personnel Regulations	1	2			3
					(3.95%)
d. State Personnel Requirements	1	3	1		5
					(6.58%)
TOTAL	2	5	1		8
					(10.53%)
3. <u>Lack of Resources</u>					
a. Funds for Salaries	9	5	3	3	20
					(26.32%)
b. Space	2				2
					(2.63%)
c. Inadequate No. of Supervisors					
d. Training Programs	1		1		2
					(2.63%)
e. Time		1			1
					(1.32%)
TOTAL	12	6	4	3	25
					(32.90%)
4. <u>Recruitment/Retention Problems</u>					
a. Shortage of Competent Applicants		1			1
					(1.32%)
b. Difficulties/Retaining Competent Personnel					
c. Inadequate No. of Jobs for Advancement					
d. Lack of Systematic Personnel Plan		1			1
					(1.32%)
TOTAL		2			2
					(2.63%)
5. <u>Lack of Cooperation</u>					
a. Judicial	1		1	2	4
					(5.27%)
b. Staff					
c. Public Resistance to Change					
TOTAL	1		1	2	4
					(5.27%)
6. <u>Political Patronage</u>	1	3			4
					(5.27%)
7. <u>No Problems</u>	6	2	1	1	10
					(13.16%)
8. <u>No Response</u>	13	9	2	4	28
					(36.84%)

\* Percentages are based on 76 Judge respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems encountered.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges



**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**III. PERSONNEL**

Question A: What have been the most frequently encountered problems regarding the accomplishment of these objectives?

Respondents: NATCA/NACA Members  
N = 71 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Lack of Authority</u>					
a. Court Not Recognized as Indep. Branch of Government	1	2		1	4 (5.63%)
b. Lack of Court Control	1	3			4 (5.64%)
TOTAL	2	5		1	8 (11.27%)
2. <u>External Regulations</u>					
a. Civil Service Requirements		2	2	2	6 (8.45%)
b. Union Agreements	2	2	1	1	6 (8.45%)
c. City/County Personnel Regulations	5	1		2	8 (11.27%)
d. State Personnel Requirements	2	2	2		6 (8.45%)
TOTAL	9	7	5	5	26 (36.62%)
3. <u>Lack of Resources</u>					
a. Funds for Salaries	5	4	6	2	17 (23.94%)
b. Space	1		1		2 (2.82%)
c. Inadequate No. of Supervisors			1		1 (1.41%)
d. Training Programs	3	2			5 (7.04%)
e. Time		2			2 (2.82%)
TOTAL	9	8	8	2	27 (38.03%)
4. <u>Recruitment/Retention Problems</u>					
a. Shortage of Competent Applicants			1		1 (1.41%)
b. Difficulties/Retaining Competent Personnel			1		1 (1.41%)
c. Inadequate No. of Jobs for Advancement	1				1 (1.41%)
d. Lack of Systematic Personnel Plan	1	2			3 (4.23%)
TOTAL	2	2	2		6 (8.45%)
5. <u>Lack of Cooperation</u>					
a. Judicial		3	1	3	7 (9.86%)
b. Staff		1			1 (1.41%)
c. Public Resistance to Change		2	1	1	4 (5.63%)
6. <u>Political Patronage</u>					
		1			1 (1.41%)
7. <u>No Problems</u>	3	2			5 (7.04%)
8. <u>No Response</u>	4	3			7 (9.86%)

\* Percentages are based on 71 NATCA/NACA respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems encountered;

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

personnel was noted, particularly the failure of local agencies to recognize the court as an independent branch of government. Sixteen percent of administrative staff, compared with 5% of the judges, also noted a problem in the lack of local cooperation and concern for personnel management needs.

B. If resources were no problem, what improvements would you make in the personnel management in your court?

As the responses above to system objectives suggested, both judges and administrative staff agreed, in varying degrees, upon the need to improve personnel procedures and system components. Twenty-two percent of the responding judges noted a variety of desired improvements in such areas as more court-relevant position descriptions, better personnel use, improved staff relations, and the opportunity for orientation and training. Twenty-four percent of responding administrative staff suggested improvements in this area, particularly the need for development of a judicial merit system under court control. The need to improve personnel procedures also received considerable note by each group, to the selection process in particular. Both groups also strongly supported the need for additional resources, especially to support more equitable salary structures and training opportunities.

C. What would you see as the most significant problems you would face in instituting these improvements?

Both groups shared the view that the most serious obstacle to improving court personnel management would be the lack of local cooperation, both internal and external, necessary to acquire sufficient resources and authority for management. The resistance of staff, judges, and relevant local agencies was identified by each group similarly in order of importance. For administrative staff, an additional obstacle of almost equal significance was the lack of planning upon which system improvement could be based. Approximately 37% of the respondents indicated that they had neither the time, information or skill to justify the development of a court personnel system or the type of resources required to support it. Seventeen percent of the judges shared this view on cost justification.

### 3. Observations

The number of categories required to classify the sets of responses to each survey question reflects the broad range of opinions and experiences of trial court judges and administrative staff in dealing with these management areas. This diversity of perspective could not be easily explained by apparent differences in the court structures or systems of the respondents. There was no "small court" or "unified system" or "urban center" viewpoint which emerged. This is not to say that there are not particular problems and concerns which are associated with courts of differing characteristics, and certainly a much more detailed analysis of the variables which define the "personality" of the respondents' courts is required before any statements can be offered to explain the factors accounting for the types of issues raised.

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY**

Response Summary

**III. PERSONNEL**

Question B: If resources were no problem, what improvements would you make in the personnel management in your court?

Respondents: Judges  
N = 76 Respondents

**RESPONSES**

	TYPE OF COURT*				
	A	B	C	D	TOTAL
<b>1. Establish/Clarify Authority</b>					
a. Establish Adequate Authority					
b. Clarify Lines of Authority					
TOTAL					0 (0%)
<b>2. Develop/Improve Personnel System</b>					
a. Develop Judicial Merit Plan Under Ct Control (Eliminate Civil Serv)	4	3		1	8 (10.53%)
b. Improve Employee Relations		1		1	2 (2.63%)
c. Maintain Better Records	1				1 (1.32%)
d. Develop Ct-Relevant Position Descriptions	1		2		3 (3.95%)
e. Develop Career Programs	1				1 (1.32%)
f. Reassign Personnel for More Efficient Utilization	2				2 (2.63%)
g. Apply ABA Standards		1			1 (1.32%)
h. Improve Staff Orientation					
i. Develop Affirmative Action Program					
TOTAL	9	5	2	2	18 (23.69%)
<b>3. Improve Personnel Procedures</b>					
a. Develop Written Policies/Proced.		1			1 (1.32%)
b. Improve Selection Process	2	1	1	1	5 (6.58%)
c. Improve Employee Ret/Evaluation/Promotion Process/Policies	1	1		1	3 (3.95%)
d. Develop Grievance Procedure					
TOTAL	3	3	1	2	9 (11.84%)
<b>4. Increase Resources</b>					
a. Hire More Staff	2				2 (2.63%)
b. Hire Full-Time Manager/Personnel Director	2	1	1	1	5 (6.58%)
c. Upgrade Salaries/Develop Salary Plan	4	1			5 (6.58%)
d. Increase Fringe Benefits	1				1 (1.32%)
e. Acquire Additional Space	1				1 (1.32%)
f. Develop Staff Training Program	1	3	2	2	8 (10.52%)
TOTAL	11	5	3	3	22 (28.95%)
<b>5. None</b>	6	2	1		9 (11.84%)
<b>6. No Response</b>	14	6	2	5	27 (35.53%)

\* Percentages are based on 76 Judge Respondents. The total of percentages will exceed 100% because some respondents suggested multiple improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**III. PERSONNEL**

Question B: If resources were no problem, what improvements would you make in the personnel management in your court?

Respondents: NATCA/NACA Members  
N = 71 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Establish/Clarify Authority</u>					
a. <u>Establish Adequate Authority</u>	1	4	2	1	8 (11.27%)
b. <u>Clarify Lines of Authority</u>				1	1 (1.41%)
TOTAL	1	4	2	2	9 (12.18%)
2. <u>Develop/Improve Personnel System</u>					
a. <u>Develop Judicial Merit Plan Under Ct. Control (Eliminate Civil Serv)</u>		2	5	4	11 (15.49%)
b. <u>Improve Employee Relations</u>					
c. <u>Maintain Better Records</u>					
d. <u>Develop Ct-Relevant Position Descriptions</u>					
e. <u>Develop Career Programs</u>					
f. <u>Reassign Personnel for More Efficient Utilization</u>	3	1			4 (5.63%)
g. <u>Apply ABA Standards</u>					
h. <u>Improve Staff Orientation</u>	1				1 (1.41%)
i. <u>Develop Affirmative Action Program</u>		1			1 (1.41%)
TOTAL	4	4	5	4	17 (23.94%)
3. <u>Improve Personnel Procedures</u>					
a. <u>Develop Written Policies/Proced.</u>		2		1	3 (4.23%)
b. <u>Improve Selection Process</u>	1	4		1	6 (8.45%)
c. <u>Improve Employee Ret/Evaluation/Promotion Process/Policies</u>	3	5			8 (11.27%)
d. <u>Develop Grievance Procedure</u>		1			1 (1.41%)
TOTAL	4	12		2	18 (25.35%)
4. <u>Increase Resources</u>					
a. <u>Hire More Staff</u>	2	3	1	1	7 (9.86%)
b. <u>Hire Full-Time Manager/Personnel Director</u>	1	1	1	1	4 (5.63%)
c. <u>Upgrade Salaries/Develop Salary Plan</u>	4	2	1	1	8 (11.17%)
d. <u>Increase Fringe Benefits</u>					
e. <u>Acquire Additional Space</u>	2	1	1		4 (5.63%)
f. <u>Develop Staff Training Program</u>	6	7	2	2	17 (23.94%)
TOTAL	15	14	6	5	40 (56.34%)
5. <u>None</u>		1	1		2 (2.82%)
6. <u>No Response</u>	5	4	1		10 (14.06%)

\* Percentages are based on 71 NATCA/NACA Respondents. The total of percentages will exceed 100% because some respondents suggested multiple improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**III. PERSONNEL**

Question C: What would you see as the most significant problems you would face in instituting these improvements?

Respondents: Judges  
N = 76 Respondents

RESPONSES	TYPE OF COURT*				TOTAL
	A	B	C	D	
1. <u>Lack of Cooperation</u>					
a. Of Judges	1	3	1	2	7 (9.21%)
b. Of Staff	1	2		6	9 (11.84%)
c. Of Local Agencies	2	2		1	5 (6.58%)
TOTAL	4	7	1	9	21 (27.63%)
2. <u>Inadequate Authority</u>					
a. No designation of Internal Management Responsibility	3				3 (3.95%)
b. State System Requirements		2	1		3 (3.95%)
c. Statutory/Rule Requirements	2	1			3 (3.95%)
d. Civil Service Regulations					
e. Union Contracts					
TOTAL	5	3	1		9 (11.84%)
3. <u>Inadequate Resources</u>					
a. Space	1	1			2 (2.63%)
b. Lack of Expertise/Resources For Training					
TOTAL	1	1			2 (2.63%)
4. <u>Lack of Planning</u>					
a. No Capability to Justify Cost	9	3	1		13 (17.11%)
b. No Time					
c. Insufficient Documentation of Existing Personnel Needs/Operations					
TOTAL	9	3	1		13 (17.11%)
5. <u>Difficulties in Maintaining System</u>					
a. Lack of Opportunity for Upward Mobility		1			1 (1.32%)
b. Low Turnover Rates					
c. Lack of Qualified Applicants					
d. Lack of Management/Staff Expertise	1				1 (1.32%)
TOTAL	1	1			2 (2.63%)
6. <u>Political Problems</u>	1	1			2 (2.63%)
7. <u>None</u>	7	2	1	1	11 (14.46%)
8. <u>No Response</u>	13	7	2	4	26 (34.21%)

\* Percentages are based on 76 Judge Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems in instituting improvements.

A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

**COURT MANAGEMENT PROJECT  
ORGANIZATIONAL SURVEY  
Response Summary**

**III. PERSONNEL**

**Question C: What would you see as the most significant problems you would face in instituting these improvements?**  
**Respondents: NATCA/NACA Members**  
**N = 71 Respondents**

**RESPONSES**

	TYPE OF COURT*				TOTAL
	A	B	C	D	
<b>1. Lack of Cooperation</b>					
a. Of Judges	2	6		1	9 (12.68%)
b. Of Staff	3	5	1	2	11 (15.49%)
c. Of Local Agencies	4	3		1	8 (11.27%)
TOTAL	9	14	1	4	28 (39.44%)
<b>2. Inadequate Authority</b>					
a. No Designation of Internal Management Responsibility	1	1		1	3 (4.23%)
b. State System Requirements	1	1			2 (2.82%)
c. Statutory/Rule Requirements		4			4 (5.63%)
d. Civil Service Regulations		1	2		3 (4.23%)
e. Union Contracts		1			1 (1.41%)
TOTAL	2	8	2	1	13 (18.31%)
<b>3. Inadequate Resources</b>					
a. Space	3	1	1		5 (7.04%)
b. Lack of Expertise/Resources For Training	1	1	3		5 (7.04%)
TOTAL	4	2	4		10 (14.09%)
<b>4. Lack of Planning</b>					
a. No Capability to Justify Cost	5	9	3	2	19 (26.76%)
b. No Time	1	4	1		6 (8.45%)
c. Insufficient Documentations of Existing Personnel Needs/Operations	1				1 (1.42%)
TOTAL	7	13	4	2	26 (36.62%)
<b>5. Difficulties in Maintaining System</b>					
a. Lack of Opportunity for Upward Mobility	1	1	1		3 (4.23%)
b. Low Turnover Rates	1				1 (1.41%)
c. Lack of Qualified Applicants	1				1 (1.41%)
d. Lack of Management/Staff Expertise	2	3			5 (7.04%)
TOTAL	5	4	1		10 (14.09%)
<b>6. Political Problems</b>	1	1			2 (2.82%)
<b>7. None</b>					
<b>8. No Response</b>	5	4			9 (12.68%)

\* Percentages are based on 71 NATCA/NACA Respondents. The total of percentages will exceed 100% because some respondents suggested multiple problems in instituting improvements.  
A = 1-5 Judges; B = 6-15 Judges; C = 16-30 Judges; D = Over 30 Judges

The survey responses did indicate that there were a number of common concerns among trial court judges and administrative staff which cut across jurisdictional boundaries and various operating systems. The survey also suggested that, in a number of areas, judges and administrative staffs have different perceptions on both the nature and the source of trial court problems, even within one jurisdiction where differing viewpoints on management problems are experienced. In some instances, these differences might be attributed to the distinct functions and day-to-day work of each of these officials. In other instances, the differences may arise from experiences and backgrounds each has brought to the trial court environment. In any event, these differing viewpoints are a part of the court's operation as well as any improvement programs contemplated.

Among the common concerns expressed in these responses, four deserve special note. First, both groups indicate the desire for the court to exercise more control over the management in these areas. Administrative staffs, particularly, described external regulations over financial or personnel functions as constraints, even where they represented requirements imposed by affirmative action programs or collective bargaining activities.

Second, both groups cited the need for additional resources -- staff, funds, and facilities -- and better management systems as a prerequisite for improving each of the management areas addressed. In this regard, judges tended to support more developed procedures while administrative staff pointed more frequently to the use of automation and technology.

Third, both groups expressed the need for on-going training opportunities to perform present functions and to develop capabilities to improve management in these areas. Administrative staff were particularly sensitive to the impact of training on the court's ability to attract and retain competent staff and their effect of this failure on the court's management functions. The responses from both groups, however, highlighted their recognition that staff training and education opportunities must be an integral part of each court function.

Fourth, both groups repeatedly noted lack of cooperation, both within the court and with outside agencies, as a problem in managing the areas of caseload, financial, personnel and records. In some instances, lack of cooperation was noted even more frequently than lack of resources. Invariably, it was also cited as an anticipated obstacle to improvement.

Apart from the different viewpoints which the two groups of respondents often had on the sources of management problems in their courts or the degree to which they were significant, the survey comments indicate a definable point at which judges and administrative staff diverge in perspective. Administrative staff often suggested that most of the problems and improvements addressed by the survey were within the court's control. Judges, on the other hand, appeared far more sensitive to the role which outside groups and individuals played in the court's activities and in any operational changes that might be undertaken. Regarding

caseflow problems, for example, judges frequently cited the lack of attorney cooperation; administrative staff more often pointed to lack of administrative staff or procedures to exert controls. In personnel management, staff generally cited the problem of external constraints (civil service regulations, affirmative action requirements, etc.). Judges more frequently noted the problem as lack of court control. In terms of anticipated obstacles to improvement, judges frequently pointed to the resistance of local and state executive, legislative or other justice agencies; administrative staff often cited lack of resources for the court to use. These sentiments were reflected in each area of survey responses.

Many factors might account for these different viewpoints. Among them might be the specific tasks, relationships, and problems encountered in the work day of the judge and of the staff. Regardless of the nature of these factors, increased communication between judge and staff might be a vehicle for bringing these viewpoints closer together.

Many explanations can be given for these and other issues which the responses raise. At the very least, they will provide a foundation for further inquiry into the practical problems which trial court judges and administrative staffs experience in the management of their courts and in working with each other.



4. Survey Respondents

<u>STATE</u>	<u>NATCA/NACA</u>	<u>CONFERENCE OF STATE TRIAL JUDGES</u>
<u>ALABAMA</u>		
Lauderdale County Circuit and District Court Florence, Alabama	X	
<u>ARIZONA</u>		
Coconino County Superior Court Flagstaff, Arizona	X	
Maricopa County Superior Court Phoenix, Arizona	X	(2)
Pima County Superior Court Tucson, Arizona		(3)
Superior Court Yuma, Arizona		X
<u>ARKANSAS</u>		
4th District Circuit Court Fayetteville, Arkansas		X
<u>CALIFORNIA</u>		
District and County Court La Junta, California	X	
Superior Court Redwood City, California	X	X
Monterey County Superior Court Salinas, California	X	
San Diego Superior Court San Diego, California	X	
Superior Court San Jose, California	X	
Ventura County Superior Court Ventura, California	(2)	
<u>COLORADO</u>		
20th Judicial District Boulder, Colorado	X	

<u>STATE</u>	<u>NATCA/NACA</u>	<u>CONFERENCE OF STATE TRIAL JUDGES</u>
Adams County District Court Brighton, Colorado	(2)	X
Denver District Court Denver, Colorado	X	X
Mesa County District Court Grand Junction, Colorado	X	
15th Judicial District Lamar, Colorado		(2)
Longmont Municipal Court Longmont, Colorado	X	
<u>CONNECTICUT</u>		
Superior Court Hartford, Connecticut	X	
<u>DELAWARE</u>		
Superior Court of Delaware Wilmington, Delaware	X	X
<u>DISTRICT OF COLUMBIA</u>		
Superior Court of D. C. Washington, D. C.	X	(2)
<u>FLORIDA</u>		
Pinellas County Circuit Court Clearwater, Florida	X	
City of Hollywood Hollywood, Florida	X	
Collier County Court Naples, Florida	X	
9th Judicial Circuit Court Orlando, Florida		X
<u>GEORGIA</u>		
Cobb County Circuit Court Marietta, Georgia	X	
<u>IDAHO</u>		
4th Judicial District Court Boise, Idaho	X	

STATE

NATCA/NACA

CONFERENCE OF  
STATE TRIAL JUDGES

Third Judicial District  
Caldwell, Idaho

X

ILLINOIS

Circuit Court  
Belvidere, Illinois

X

Circuit Court of Cook County  
Chicago, Illinois

X

11th Circuit Court  
Eureka, Illinois

X

Knor County (9th) Circuit Court  
Galesburg, Illinois

X

Livingston (11th) County Circuit Court  
Pontigo, Illinois

X

Ogle County Circuit Court  
Oregon, Illinois

X

8th Judicial Circuit  
Wheaton, Illinois

X

INDIANA

Lake County Superior Court  
Crown Point, Indiana

X

Elkhart Superior Court #2  
Elkhart, Indiana

X

Marion County Superior Court  
Indianapolis, Indiana

X

IOWA

Clinton County (7th) District Court  
Clinton, Iowa

X

District Court  
Sioux City, Iowa

X

KANSAS

Johnson County District Court  
Olathe, Kansas

X

(3)

District Court  
Pittsburgh, Kansas

X

<u>STATE</u>	<u>NATCA/NACA</u>	<u>CONFERENCE OF STATE TRIAL JUDGES</u>
<u>KENTUCKY</u>		
Todd County Circuit Court Elkton, Kentucky	X	
18th Judicial District Lancaster, Kentucky		X
<u>LOUISIANA</u>		
Alexandria, Louisiana	X	
6th District Court (Division B) Lake Providence, Louisiana		X
<u>MARYLAND</u>		
6th Judicial District Rockville, Maryland	(2)	
Wicomico County Circuit Court Salisbury, Maryland	X	
Prince George's County Circuit Court Upper Marlboro, Maryland	X	X
<u>MASSACHUSETTS</u>		
District Court of Brockton Brockton, Massachusetts	X	
<u>MICHIGAN</u>		
Washtenaw County Circuit Court Ann Arbor, Michigan		X
49th Circuit Court Big Rapids, Michigan		X
3rd Judicial Circuit Detroit, Michigan		X
Recorder's Court Detroit, Michigan	X	
68th District Court Flint, Michigan	X	
44th Circuit Court Howell, Michigan		X
60th Judicial Court Muskegon, Michigan	X	

STATENATCA/NACACONFERENCE OF  
STATE TRIAL JUDGESOakland County Circuit Court  
Pontiac, Michigan

X

10th Circuit Court  
Saginaw, Michigan

X

Berrien County (5th) District Court  
St. Joseph, Michigan

X

46th District Court  
Southfield, Michigan

X

MINNESOTA3rd Judicial District Court  
Austin, Minnesota

X

Hennepin County District Court  
Minneapolis, Minnesota

X

Hennepin County Municipal Court  
Minneapolis, Minnesota

X

Ramsey County Municipal Court  
St. Paul, Minnesota

X

MISSISSIPPI20th Circuit Court District  
Brandon, Mississippi

X

Seventh Chancery District Court (Place One)  
Cleveland, Mississippi

X

MONTANA16th Judicial District  
Broadus, Montana

X

Municipal Court, Civil Division  
Missoula, Montana

X

NEW MEXICOSecond Judicial District (Division Seven)  
Albuquerque, New Mexico

X

NEW JERSEYMorris County Trial Court  
Morristown, New Jersey

X

Middlesex County Superior Court  
New Brunswick, New Jersey

X

STATE

NATCA/WACA

CONFERENCE OF  
STATE TRIAL JUDGES

NEW YORK

City Court of Buffalo  
Buffalo, New York

X

NEVADA

Clark City Court  
Las Vegas, Nevada

X

NORTH CAROLINA

28th Judicial District  
Asheville, North Carolina

X

Cumberland County (12th) Judicial District  
Fayetteville, North Carolina

X

Superior Court  
Greenville, North Carolina

X

OHIO

Cuyahoga County Court of Common Pleas  
Cleveland, Ohio

X

Franklin County Court of Common Pleas  
Columbus, Ohio

X

Erie County Court of Common Pleas  
Erie County, Ohio

X

Kettering Municipal Court  
Kettering, Ohio

X

Common Pleas Court  
Ross County, Ohio

X

Lucas County Court of Common Pleas  
Toledo, Ohio

X

Miami County Common Pleas Court  
Troy, Ohio

X

Court of Common Pleas  
Urbana, Ohio

X

OKLAHOMA

Cleveland County District Court  
Norman, Oklahoma

X

Oklahoma State Industrial Court  
Oklahoma City, Oklahoma

X

District Court  
Tulsa, Oklahoma

X

<u>STATE</u>	<u>NATCA/NACA</u>	<u>CONFERENCE OF STATE TRIAL JUDGES</u>
<u>OREGON</u>		
Multnomah County Circuit Court Portland, Oregon	X	X
<u>PUERTO RICO</u>		
Superior and District Court Hato Rey, Puerto Rico		X
<u>PENNSYLVANIA</u>		
Adams County Court Gettysburg, Pennsylvania		X
Montgomery County (38th) Court of Common Pleas Norristown, Pennsylvania		X
Court of Common Pleas Philadelphia, Pennsylvania		X
Court of Common Pleas Pittsburgh, Pennsylvania	X	
<u>RHODE ISLAND</u>		
Superior Court Providence, Rhode Island		X
<u>SOUTH DAKOTA</u>		
Third Judicial Circuit Huron, South Dakota	X	
Circuit Court Lemmon, South Dakota		X
7th Judicial Circuit Rapid City, South Dakota	X	
Second Judicial Circuit Sioux Falls, South Dakota		X
4th Judicial Circuit South Dakota		X
<u>TENNESSEE</u>		
Circuit Court Blount County, Tennessee		X
Circuit Court Memphis, Tennessee		X
Davidson County State Trial Court Nashville, Tennessee	(2)	X

STATE

NATCA/NACA

CONFERENCE OF  
STATE TRIAL JUDGES

TEXAS

Municipal Court  
Austin, Texas

X

Municipal Court  
Odessa, Texas

X

24th Judicial District  
Victoria, Texas

X

VIRGINIA

Arlington County Circuit Court  
Arlington, Virginia

X

Loudoun County Circuit Court  
Leesburg, Virginia

X

26th Judicial Circuit  
Luray, Virginia

X

Portsmouth General District Court  
Portsmouth, Virginia

X

6th Judicial Circuit  
Wakefield, Virginia

X

Fairfax County General District Court  
Fairfax, Virginia

X

WASHINGTON

Lincoln County Superior Court  
Davenport, Washington

X

Thurston County District Court  
Olympia, Washington

X

King County Superior Court  
Seattle, Washington

X

X

King County District Court  
Seattle, Washington

X

Clark County District Court  
Vancouver, Washington

X

WISCONSIN

14th Judicial District  
Eau Claire, Wisconsin

X

23rd Judicial Circuit Court  
Eau Claire, Wisconsin

X



<u>STATE</u>	<u>NATCA/NACA</u>	<u>CONFERENCE OF STATE TRIAL JUDGES</u>
Kenosha County Circuit Court Kenosha, Wisconsin		X
Winnegabo County Court Oshkosh, Wisconsin		X
<u>WYOMING</u>		
District Court Newcastle, Wyoming		X
<u>WEST VIRGINIA</u>		
First Judicial Circuit West Virginia		X
<u>UNKNOWN</u>		
Court of Common Pleas Auglaize County		X
Marion Circuit Court Marion County		X
<u>OTHERS (Non-Trial Court Respondents)</u>		
Court of Civil Appeals Montgomery, Alabama	X	
Office of State Court Administrator Anchorage, Alaska	X	X
Tenth Circuit Court of Appeals Denver, Colorado	X	
Supreme Court of the United States Washington, D.C.	X	
Administrative Office of the Courts Frankfort, Kentucky	X	
Appeals Court Boston, Massachusetts	X	
State Court Administrative Office Lansing, Michigan	X	
Supreme Court Jefferson City, Missouri	X	

STATE

NATCA/NACA

CONFERENCE OF  
STATE TRIAL JUDGES

Administrative Office of the Courts  
Trenton, New Jersey

X

Supreme Court Appellate Division  
Albany, New York

X

Office of Court Administrator  
Albany, New York

X

Tennessee Supreme Court  
Nashville, Tennessee

X

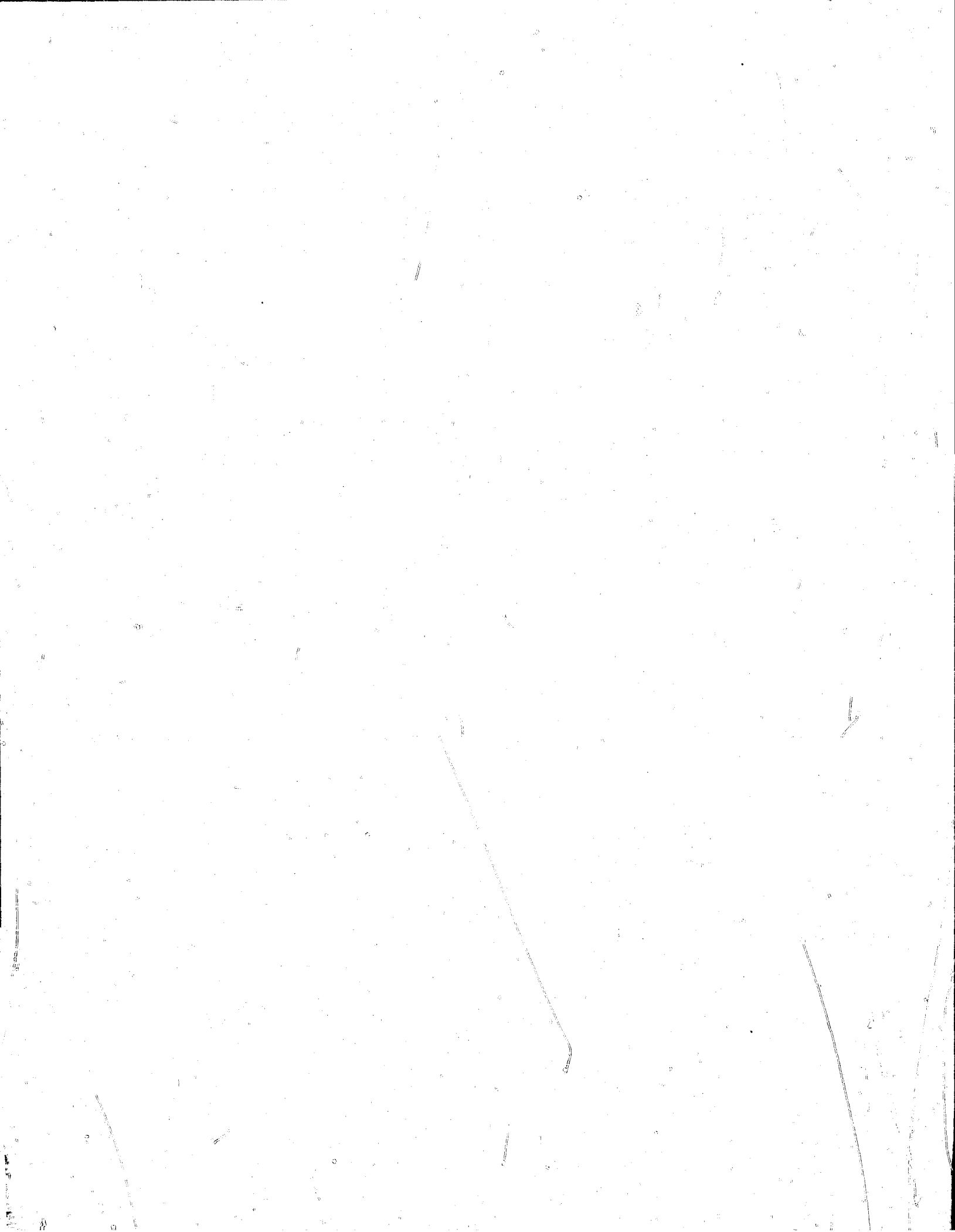
Supreme Court of Virginia  
Richmond, Virginia

X

## APPENDIX B

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**1 OF 2**

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7. Personnel

- a. General
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- (1) Classification/Compensation
- (2) Collective Bargaining
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APPENDIX B  
RELEVANT LITERATURE

Users of this report series will find a considerable variety of literature dealing with public administration issues, organizational theory, social psychology, and human relations, as well as general court operations and specific court problems. There are general management works on specific topics (personnel, budgeting, production, marketing, etc.) which may apply to both public and private organizations. There are specific books and research studies applicable to functions in organizations (decision-making, communication, etc.). All of this literature may have varying degrees of utility to the management functions described in this report series and there are many ways in which it can be classified and discussed. To familiarize users of this report series with the range of literature available and the issues which are addressed, as well as to point out specific works which may have particular relevance, we have classified these materials into two broad areas: (1) general management literature and (2) specific court-related materials.

The first category, general management literature, has been addressed primarily through the Bibliography (Appendix B 4 A), although reference to a few specific works is made in the discussion of each subject area below. While the diversity of disciplines and perspectives which this literature presents precludes any attempt at synthesis in this report, the importance which these materials have for a trial court manager cannot be overstressed. Users of this report series should dip into these and other related works for background and perspective on organizational theory and management concepts which directly bear on the specific functions discussed in these reports.

I. Court Management Literature

A. In General

Essentially, court management literature consists of two types: research articles and texts dealing with general court operational issues, and specialized reports developed for specific jurisdictions to address more localized problems. For the most part, this court literature has developed as a potential discipline in its own right over the last fifteen years. This development has paralleled a growing public awareness of the heavy demand for court services which has resulted from the increasing complexities of social, economic and political life in urban centers. Whether a product or a stimulus of this awareness, three common themes run throughout these writings: the value of administrative centralization; the desirability of structural unification; and the need for greater efficiency in all aspects of court system operations. These themes have characterized much of the court reform movement over the past decade, and the literature which provides the background and theory of these activities will be of immense value to any trial court practitioner regardless of what his particular jurisdiction is doing.

Many of these resources are listed in Appendix B 4 (B) (3). Although the focus of this literature discussion is upon the treatment of caseload, financial, personnel and records management, note should be made of some of the more useful general court literature resources with which the trial court judge and administrative staff should be familiar. For general background on the management environment, functions and relationships which bear on the handling of the topic areas addressed, Friesen, Gallas and Gallas's Managing the Courts can provide a very useful frame of reference. For those interested in exploring specific court management issues (i.e., history of judicial administration, court structure, finance, personnel, and policy-making), Wheeler and Whitcomb's more recent Readings in Judicial Administration provides a collection of readings prepared from different perspectives and management viewpoints.

Two sources should be noted of proposed standards which have been developed to govern various aspects of the systems and objectives of each trial court management. The National Advisory Commission on Standards and Goals has proposed a series of standards that deal primarily with procedural and structural aspects of a court's operation. The American Bar Association Commission on Standards of Judicial Administration has published a series of standards dealing with a variety of judicial and court-related functions (court organization, trial courts, appellate courts, etc.) and, in addition, a series of supporting studies which provide an excellent overview to specific trial court management activities.

Several journals and newsletters are specifically addressed to trial court concerns and cover a wide range of activities with which trial courts are involved. Justice System Journal, published by The Institute for Court Management, treats a wide range of issues relating to current court activity at both a state and local level. The Judges Journal, a quarterly publication of the Conference of State Trial Judges, provides articles on a number of topics relating to both the judicial function and to the activities of the court. The Court Crier, published quarterly by the National Association for Court Administration, treats a variety of management topics through articles and reports of specific court activities. The Column, the bi-monthly newsletter of the National Association of Trial Court Administrators, reports NATCA conference proceedings as well as brief listings of research findings and management activities in various jurisdictions. The National Center for State Courts Newsletter provides a summary of NCSC research and a listing of NCSC activities. The American Judicature Society's AJS update summarizes research activities and significant state court decisions. The Federal Judicial Center Newsletter provides a summary of court developments at the federal level, many of which have application to state and local courts. All of these publications contain a list of new court publications and a calendar of events.

The above-noted resources represent only a small segment of the available materials which deal with trial court management concerns. The additional sources noted in the Bibliography will point up the range and diversity of perspectives and opinions with which judges and staff may want to become familiar.



## II. Court Literature Pertaining to Specific Trial Court Management Issues

The following section is intended to provide readers with an overview of the principle issues raised in the literature which deals with the topics addressed by the Court Management Project, as well as caseflow management. No attempt is made to "rate" these materials or to discuss all of the works available. Our purpose is, rather, to point out some of the major works in each area and the perspectives which these various works can provide on the topics addressed by the Court Management Project.

### Caseflow Management

Numerous bibliographic listings of "caseflow management" literature abound. An abundance of articles, reports and texts on the subject. Only a few writings provide any systematic definition or approach to managing these functions, and virtually none provide any overall framework for understanding and managing trial court caseflow as a whole.

Caseflow management takes into account the management of all activities and resources necessary to move cases from the point of initiation to just and fair disposition. From this perspective, there is no one source which can provide the trial court manager with a sense of the activities, functions, concerns and conflicting priorities which make up the art of caseflow management. There are several reports which can provide insight into some of the general management principles and specific management activities with which the caseflow manager must deal.

The general goals and principles of caseflow management are most fully articulated in the National Advisory Commission Standards and Goals Report on the Courts and the ABA Commission's Standards of Judicial Administration. Both of these reports place heavy stress upon court control over the caseflow process, particularly in case assignment and scheduling.

The NAC Standards address, in particular, the problems of criminal case delay by recommending more adequate resources and a restructuring of the procedural framework for case processing to minimize delay. A number of sources of delay are identified which are operational (i.e., scheduling procedures, continuance granting, jury selection methods), systemic (i.e., overuse of certain pretrial procedures, including grand jury indictments and arraignments), or tied into the conduct of the trial itself (i.e., admission of irrelevant evidence, attorney abuse of opening and closing statements). The accompanying standards and recommendations provide a framework for improving local procedures to minimize delay at each stage of the litigation process.

In contrast to the NAC approach which views "caseflow" as a series of procedures, the ABA Standards take a much broader and, in our opinion, more realistic view of caseflow and treats it as a continuum of activities requiring coordination among court staffs and outside agencies, establishment of time and performance standards, development of appropriate procedures and supporting record systems, techniques to avoid

attorney scheduling conflicts, and continued monitoring and modification of the process as necessary. The basic premise of the ABA Standards is that the court must control the progress of litigation once a case is filed. A series of management principles are provided which are based on this premise and specifically geared to the caseflow process. Specific types of case assignment systems are then discussed along with the relative merits and problems associated with frequently encountered attempts by trial courts to solve various management problems.

The problems which these attempted solutions can generate, apart from the problems they were designed to address, indicate the complexity of management considerations, activities and conflicting objectives which confront the caseflow manager daily. While court control over the caseflow process may be a useful theoretical ideal, the operation of the court system requires a continuous balancing of numerous competing interests inherent in the adversarial system of litigation, the community role and services which the court provides and the nature of the court as a political unit. In this regard, an excellent perspective on the complexity of the court as an organization and the resulting demands this complexity places upon management approaches is provided by Friesen, Gallas and Gallas in Managing the Courts. The reader will find historical perspective and organizational theory interwoven into a discussion of the unique nature of court management and the impact which the court's numerous and conflicting roles -- as arbiter, social service agency, political unit, constitutional organ and independent branch of government, and big business enterprise -- play upon the exercise of a coherent, systematic management approach.

The operational processes and problems of applying the NAC, ABA, or other management standards to a trial court have yet to be addressed by the literature as to day-to-day management concerns and the complexity of tasks and activities inherent in caseflow management. Nevertheless, several aspects of caseflow management have been addressed in some detail and reference to these writings may enrich the trial court manager's perspective.

One of the most fully treated aspects of caseflow management has been case scheduling. A Guide to Court Scheduling, developed by the Institute for Law and Social Research in 1976 under a National Science Foundation grant discusses the specific calendaring as well as general management and data collection activities required to develop effective case scheduling capability. Based upon a study of court scheduling techniques in 30 selected sites, the Guide provides descriptions of specific case scheduling practices in ten selected courts, covering the major elements of each system, techniques for monitoring operations, resources required, and the relative merits of each of these systems discussed. A glossary of terms relating to case scheduling is also provided.

Implicit in much of caseflow literature is the assumption that "caseflow management" is synonymous with case scheduling or other required system functions. One of the supporting reports developed by INSLAW for

the Guide, "A Survey and Assessment of Court Scheduling Technology" provides some clarification in this regard by treating case scheduling as one of a number of important management activities supporting court caseflow policies and objectives, rather than as a management end in itself.

A variety of additional literature is available dealing with specific trial court case assignment systems, a few of which are cited in the Caseflow bibliography in Appendix B (4). The value of these reports for the trial court caseflow manager lies primarily in demonstrating specific problems encountered in the caseflow process and suggested approaches for remedying them. Unfortunately, there is virtually no evaluative literature on the success or problems associated with these various remedial measures or the unanticipated consequences which they may have brought on both the court and other justice agencies in the locale.<sup>1</sup>

A second aspect of caseflow management for which some useful materials have been developed concerns information systems. Two common themes underlying much court management literature in this regard are the total incomprehensibility which the subject presents for the lay administrator and the "symbolic good" which the presence of an information system suggests about a court's management. In 1972 Eldridge Adams in Courts and Computers made a strong plea for the availability of computer services to all "high volume criminal justice systems" and much support has been given for their development by the NAC Standards and by state and national court groups. Yet the experience of many practitioners and researchers demonstrates the unmixed blessing which information systems often bring upon the agencies they were supposed to help and their frequent addition of problems and tasks rather than management assistance.<sup>2</sup> The reports of the National Evaluation Program of Court Information Systems published by NILE in 1977 highlight the absence of systematic development of these systems in terms of the goals and objectives they should serve. The result has been that not very many systems provide practical assistance for administering the courts involved.

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<sup>1</sup>During the Project's field work, attempts were made to contact many of the courts which had instituted innovations in case scheduling. This study indicated that success of these efforts is most frequently associated with trial courts where objectives for case scheduling have been previously established rather than with any particular techniques used.

<sup>2</sup>LENA's Criminal Courts Technical Assistance Project alone has handled over 40 requests from state and local courts for technical assistance in designing and developing various aspects of their information systems. The project has demonstrated the frequency with which automated systems are planned without adequate understanding of the needs they should serve, the planning and resources they require, and the results they should provide as well as the need for continued monitoring and evaluation.

While caseload literature commonly criticizes the courts which do not oversee the development of their information systems, many court officials feel they lack the competence and resources to even venture into this area and therefore rely upon the opinions of outside "experts" or other government staff. To this end, a newly published monograph by LEA's Criminal Courts Technical Assistance Project at The American University, Computer Use in the Courts has been prepared for the purpose of providing a framework for the non-technically oriented court manager regarding the issues and considerations which bear upon the process of planning, procuring and implementing an automated information system. In addition to stressing the importance of court control over the entire process of information system planning and implementation, determining the elements and reports included, and the relative sophistication appropriate to a given locale, the monograph addresses such practical issues as when and how to use outside assistance, suggested "symptoms" indicating the possible utility of computer support, political and practical considerations relating to hardware and staffing, methods for conducting a feasibility study, possible funding sources, and general requirements of the procurement process. This monograph, coupled with a review of reports prepared by various jurisdictions regarding the development of specific information systems<sup>3</sup> can provide the trial court manager with a fairly comprehensive grasp of the management planning and development issues, tasks and resources which go into establishing and maintaining a useful court information system.

The third aspect of caseload management which the literature addresses at some length is that of backlog and delay in case processing time, primarily in regard to criminal cases. Some of the works in this area, such as Zeisel and Kalven's Delay in the Court have documented the causes of delay carefully and analytically, pointing to the various interests delay sometimes serves which complicate efforts to expedite case processing. Implicit in most literature, however, is the notion that "delay" is bad and that "speed" is good in terms of the time in which case processing occurs.

Efforts to study this issue empirically have, until recently, been immediately met with the problem of definition. "Delay" has never been quantitatively defined and the most plausible definition of "backlog" yet provided is one which gauges the significance of the problem to the policies of the local jurisdiction.<sup>4</sup> Beyond this definitional problem, attempts to compare delay among trial courts are further complicated by the lack of common measures or measurement points. Some jurisdictions measure processing time from point of filing to point of disposition; others measure from point of trial start to point of disposition. Even

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<sup>3</sup>Citations to these reports can be obtained from the various court literature bibliographies listed in Appendix B (IV B (4)).

<sup>4</sup>Ernest Friesen has defined "backlog" as the number of cases which cannot be disposed of within its "period of tolerable delay." The period of "tolerable delay" will of course be determined by the individual court's policies and goals.

the definition of a "case" can vary. Some jurisdictions base their count on the number of individual defendants involved; others use the number of charges; others count the number of actions.

To this end, several research efforts should be noted. In the late 1950's, the Institute for Judicial Administration began a survey of delay in civil jury trials in major metropolitan trial courts. By establishing common techniques for sampling and measuring the various points in case processing time, the survey enabled valid inter-jurisdictional comparisons to be made regarding the relative delay in civil jury case processing among the courts examined.

Two recent efforts launched by the National Center for State Courts under sponsorship of the Law Enforcement Assistance Administration will contribute to the early efforts of IJA to explore the backlog and delay issue. The first, the National Statistics Project, is designed to develop a common framework for defining statistical terms and measuring various types of trial court activities and time frame involved. The Project is slated for completion in the fall of 1978.

The second effort focuses specifically upon the problems of pre-trial backlog and delay in metropolitan trial courts. The findings of this research project provide the first systematic analysis of this issue. Rather than any specific factors accounting for delay or its absence, the study indicates that the major factors which distinguish "faster" courts from slower ones are the court's concern about case processing time and its commitment to minimize delay. In fact, courts which noted delay as a problem were often the faster courts of those surveyed. Three documents produced by this project may be of interest to the trial court manager: a literature review and bibliography, the final report of Phase I findings, and a manual for diagnosing delay which provides specific guidelines for sampling and analyzing a variety of information relating to disposition time.

A complement to the NCSC study of state trial courts is the recent study of U.S. District Courts prepared by the Federal Judicial Center in September 1977. The goals of the project were to determine what procedures were associated with the greatest possible speed and productivity of federal district courts, consistent with the highest standards of justice. A report in several volumes has been published describing the research findings of the project and calling into question a number of common assumptions about the causes of speed and productivity. Based upon an empirical study of a representative sampling of federal district courts around the country, the report documents those management procedures and controls which project staff identify as distinguishing courts which are performing well from other courts studied. Although many factors are analyzed in the discussion of each of these controls, the most effective procedures were those "in place not by accident but as a result of conscious court policy."<sup>5</sup>

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<sup>5</sup>Flanders, Steven, Case Management and Court Management in U.S. District Courts. Washington, D.C.: Federal Judicial Center, September 1977, p. 5.

A considerable diversity of additional literature is available on both general issues relating to caseload management and the variety of problems and techniques observed in various trial courts. The bibliography in Appendix B (4) includes some representative listings of the variety of sources available and the reader is encouraged to explore these according to his general interests and specific management needs.

## B. Records Management

A records system documents and reflects the history, activities and major concerns of an organization. In a court, the record system serves several purposes: it preserves a record of legal actions on the cases handled; it documents the organization's internal administration; and it serves as an historical resource for the community's past. A court records system is also the vehicle for recording activity and gathering information on the court's workload, resources and management. As such, it is a major component of all other management activities.

The elements of a records system and their effectiveness are intricately related to the purposes which the system serves. For a court, its record system should be a product of management policies and needs, requirements of the legal system served, and the community needs concerning the records maintained. This framework within which a court record system develops involves many policy and philosophical issues.

Records management is an established discipline in its own right, with standards and principles that can apply to any record system, court-related or not. There are common denominators of effective records management that may be shared by all records managers; when adapted to a court system, they represent a process that is often transferable to other courts. General records management literature defines the principal objectives and techniques of records management and suggests the more common problems found in implementing and maintaining an effective records system. The cycle of records as discussed in these materials provides a fundamental framework that will be useful to any records management plan. Specific court records systems materials include a few resources dealing with overall system planning, with the bulk of the writing addressing specific aspects of records system operation or particular plans and problems pertaining to specific jurisdictions.

The literature of records management in general and court records in particular generally approaches the subject from a systems perspective; however, giving little treatment to the philosophical and policy issues which are critical to the shape and procedures of the record system developed. The records cycle -- creation, maintenance, and retirement -- as well as specific problems relating to it, are the dominant themes of both the general and court-specific writings. The assumption of the literature is that records must be maintained and that the records manager should develop appropriate systems for this maintenance. Rarely do the writings address the underlying framework which generates the record cycle. What records does a court maintain? Why are they maintained? Who uses them? Who should use them? Who should maintain them? Are requirements for

record maintenance compatible with modern needs? If not, should they be changed? If so, how? These are questions which any manager must ask before a system can be developed. Records management literature, however, generally overlooks this essential first step. While the systems approach is essential for a comprehensive records management program, some attention must first be given to determining what the framework for that program should be. Certain records management problems are products of inefficient management which can be solved by improvements in procedures, resources, and staffing. Other problems, while ameliorated by these efforts, require fundamental changes in the framework of the system -- in the relevant statutes and rules particularly -- for long-term remedy. For the trial court manager, both avenues must be considered.

Considerable attention has therefore been given in the project's Records Management Report to the various approaches used by trial courts in attempting to establish long-term change in their record systems and particular changes in the framework which contributed to improved system operations. Extensive discussion is made on the process of defining and assessing records management needs against the system's framework and for determining alternative methods for making the framework more responsive to modern court operations and resources. With this foundation, the trial court manager can then draw upon the useful body of "system" literature pertaining to both records management in general as well as to specific court operations.

In terms of general records management literature, an excellent overview of system components and requirements is provided in a series of articles under the heading "Beginners' Corner", published in Information and Records Management from April 1970 through October 1971. The articles discuss both general concepts relating to the records cycle and specific planning and implementation tasks and considerations bearing on the management of a records system. The subjects addressed include discrete system activities and components (the records inventory, record centers, forms control, records requirements, document filing, and retrieval) as well as general planning and management considerations (securing management support, system implementation, and acquiring and training staff). An excellent practical complement to these articles are the Records Management Handbook series prepared by the National Archives and Records Service of the U.S. Government. The series consists of a number of reports on various specific aspects of records management, including file operation, forms design, subject filing, file stations, form and guide letters, mail management and information retrieval, as well as a guide to microform retrieval equipment and computer output.

The literature directed specifically to court records management is best derived from the various records management plans and reports prepared by or for specific jurisdictions and specific reports describing the kinds of technical equipment which courts might consider in improving their records systems. Before delving into these specialized materials, two general background resources should be noted. An excellent overview to the problems and approaches of managing a court records system is



provided in Robert Harrall's "Court Records Management: The 'Mitten' Revisited" which should be read in conjunction with the more specialized studies. Where resources permit, the Records Management Workshops conducted by the Institute for Court Management provide a detailed treatment of these issues along with practical guidelines and materials for assessing and improving records systems and management in individual courts.

The court-specific records management studies are generally of two types: those which attempt to develop a comprehensive records management program for a specific jurisdiction, and those which address specific records management problems. Reports in the first category dealing with comprehensive records management systems have generally been prompted by an effort to improve the efficiency of record-keeping operations by developing more uniformity of procedure and assuring more accurate and timely reporting. Often, these studies were launched as part of a statewide administrative effort or structural unification of local courts.

A variety of good records management plans and programs of this type exist. A few examples are cited here, with additional references noted in the Appendix. The Colorado Judicial Department has developed a number of useful materials pertaining to both manual and automated systems. The Georgia Administrative Office of the Courts has recently undertaken a four-phased project to document and streamline existing record-keeping policies and practices in the state's general and limited-jurisdiction courts. A similar effort was launched by the Missouri Administrative Office of the Courts. All of these projects have prepared reports documenting the studies and specific efforts involved. Although the availability of these reports may be limited, the activities of these jurisdictions may be more specifically discussed through contact with appropriate local officials.

A number of court systems have prepared procedural manuals to document court procedures and recording requirements in particular. Those developed for the courts of Colorado, Maine and Vermont are fairly representative examples of the types and range of resources developed for the day-to-day use of records system staffs. In addition, some states have prepared summaries of these manuals as a vehicle for explaining court operations and procedures to the public. In this regard, the Maine Citizen's Handbook combines both constitutional and statutory requirements with a description of specific court operations relevant to litigation.

Two excellent examples of how court record systems can be assessed and updated to satisfy court operational needs more adequately are the Records Management Study prepared for the Florida Clerk's Association and Records Management: An Analysis of Current Practices and Procedures and Suggestions for Improvement prepared by the Cleveland Court Management Project for the Cuyahoga County, Ohio court system. While these studies are quite explicit in their recommendations and guidelines for the court systems involved, they nevertheless suggest a common ground for court



records management, particularly personnel staffing, program planning, forms design, retention and destruction policies, records centers, equipment, and other resources required.

The body of court-specific records management studies should be reviewed with one limitation in mind: there is to date no evaluative information on either the process or problems of implementing these studies or their actual effect. The project's site studies indicate unanticipated problems have been encountered in some jurisdictions which have undertaken records management improvement efforts. While these problems are generally remediable, they should be noted.

The second category of court-specific records management literature focuses upon particular records management problems encountered by local courts. The responses to the project's organizational and field work findings indicate that these problems most frequently involve records security (including access to files by both other agencies and the public), lost files (resulting from either too liberal an access policy in the clerk's office or by problems in transporting files from office to office or courtroom), evidence maintenance, particularly where clerks responsible are not "deemed under court control"; storage; and retrieval. Only the last two problems, storage and retrieval, have been addressed with any frequency by court studies. Many of these studies were initiated with the assumption that additional equipment or technology could solve the problems at hand. Whether this assumption was generated by court staff or by would-be vendors, invariably, the reports conclude with the desirability of a more systematic assessment of records systems procedures and needs before any equipment considerations can be made.

For those trial court managers who are considering more expedient procedures and techniques for records system operations, three recent publications may be of interest. Improving Court Productivity: The Industrial Engineering Approach suggests some alternative methods for measuring court productivity in terms of the volume of cases processed and labor expended. A number of techniques for improving productivity are discussed from the perspectives of industrial engineering, systems analysis, behavioral science and computer automation. The application of these various approaches to specific court clerical functions is then demonstrated through specific case examples.

For those trial court managers who are considering specific equipment alternatives, two National Center for State Courts publications will be extremely useful. Microfilm and the Courts reviews various microfilm systems and their potential utility to courts, including their relative benefits, costs and quality. General considerations regarding record storage, retention and disposition are also discussed. Business Equipment and the Courts provides a similar review of various filing, reproduction and text editing systems for potential court use.

A list of these materials and a variety of others is included in Appendix B (4 B (5)).

### C. Financial Management

Most trial courts receive their financial support from a variety of sources. Even those which purport to be "state" funded frequently receive some local support -- for facilities, at least. Often, a number of "managers" exist and a number of separate budgets are prepared for an individual court. Trial court financial management thus requires a variety of budgetary strategies, techniques and functions, which vary from jurisdiction to jurisdiction depending upon formal and informal political relationships and governmental structures.

From the perspective of the literature, the concept of trial court financial management has been the most elusive of the management areas addressed by the project. There is virtually no literature which addresses trial court financial management in any comprehensive or systematic fashion. Perspective on the subject must be extracted from a mélange of materials covering either essentially other topics or very specialized aspects of the subject. The writings can be characterized in three ways: references in general court literature to issues relevant (or potentially relevant) to trial court financial management; treatment of specialized issues; and practical materials developed for specific courts to document particular financial management functions.

A variety of general court management texts have been written which touch on some of the issues a trial court manager must consider in dealing with financial management responsibilities. While none of these texts provide a full analytic framework for understanding the management area, two of these texts in particular provide a good introductory insight into the political and practical relationships and considerations involved. Managing the Courts provides a general discussion of a number of management factors bearing on the trial court as a whole, and often upon financial management in particular. Wheeler and Whitcomb's Judicial Administration: Text and Readings spans a number of topics which also relate, directly or indirectly, to the dynamics of financial management in a trial court. Neither of these texts, however, were designed to address the diverse and complex factors, considerations, concerns and activities which make up trial court financial management.

A number of other works and articles deal with financial -- although not necessarily financial management -- issues. These materials can be helpful in providing background on some of the key issues which have been raised by court officials in regard to the financial support court systems receive. These issues include: (1) the variety of sources -- or potential sources -- by which court systems can be financed, (2) the concept of inherent powers to secure court funding, and (3) the doctrine of judicial independence and separation of powers.

The first of these issues, the nature and sources of court financial support, has frequently been premised upon the assumption that state financing of the trial court system will eliminate much of the inadequate support locally funded courts presently experience. The ABA Standards Relating to Court Organization strongly advocate state court funding

for court operations and the notion is generally tied into most court reform writing.

In 1975, Carl Baar published Separate but Subservient, which analyzes the types of funding state court systems receive and the variety of ways financial resources are provided and delivered to the courts. Baar's work represents the first examinations of the intergovernmental relationships between the executive, legislative and judicial branches and the application of these relationships on the state court financial support systems. Baar conducted his analysis of these relationships and the degree of local or state funding resulting without bias concerning the merits of centralized or decentralized funding. Since the publication of Separate but Subservient, a number of subsequent works have suggested that the trend of judicial reform is to increase state funding. A categorization of states according to the levels of state funding received was first developed by Baar to demonstrate the various support systems by which courts were financed. This categorization has since been revised and updated in a variety of ranking systems, all of which suggest that higher percentages of state funding to local courts indicate a more "reformed" court system.

Several of the writings dealing with the state funding issue discuss alternative budgeting strategies within such systems. Most writers support a centralized budgeting process by which the development of the individual court budgets are coordinated at a central point and integrated into a single budget submission for the state court system. A few, however, advance the merits of unitary budgeting, whereby the budget for the entire court system is developed at a central point.

The problems of state financing, and particularly its implications for the trial court, have yet to be addressed by the literature, largely because fully implemented state funded systems are only beginning to provide sufficient information and insight to assess them fairly. Over the last decade, the Colorado Administrative Office of the Courts has published several useful reports documenting specific costs for operating the state's court system including expenses for individual courts and related agencies as well as for administering the system at the state level. The role of the trial court and the nature of its financial management activities in state funded systems deserve particular attention in future research. The results of this project indicate that a number of both continued and unanticipated problems are confronting trial courts in state systems and that the need for an effective financial management capability at the trial court level exists regardless of the funding source.

Whatever the merits of state vs. local funding, the very practical and immediate problems raised by the recent "taxpayer revolts" in California and elsewhere require that each court system carefully analyze the sources of its financial support and its capability to

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<sup>6</sup>We understand that the state Profiles being prepared by the National Center for State Courts provide some descriptive information on the financial and personnel structure of each state. At the time of this writing, however, they are unavailable.

justify and secure adequate funding. Even where the "revolt" may appear to be local, its impact will be felt on both a local and state level, for the end result is a decrease in available funds. The impact which such actions have on local government agencies in general and on the courts in particular is an issue which should be studied as soon as possible.

Apart from the issue of state vs. local funding, a considerable body of material is published periodically documenting the specific amount of funds received by court systems. The most comprehensive source for this information is provided in the U.S. Bureau of Census's Expenditure and Employment Data for the Criminal Justice System. These reports provide detailed statistical breakdowns of expenditure data by jurisdiction from federal, state and local sources for all criminal justice activities, with specific breakdowns included for "judicial", "legal services and prosecution", and "public defense".

The second theme of court financial literature, i.e., the concept of inherent powers, has been approached from both a theoretical as well as a practical perspective. "Inherent powers" refers to the authority of the court, as a constitutionally created branch of government, to ensure its effective functioning and performance. The elements or application of the doctrine have never been fully spelled out. A number of cases provide definitions of "inherent powers", but, regardless of definition, it is generally agreed that "the application of the doctrine must be limited to items indispensable to the functioning of the judicial system."<sup>7</sup>

As to the doctrine's practical utility, its value is dubious as a means of achieving additional direct support. There have been several cases in which the court has sued the local funding source for failure to provide adequate funding. Generally, "adequate" has been synonymous with "requested". The outcome of these cases suggests a marginal practical impact of such litigation despite the often forceful discussions of judicial independence and separation of powers in the case materials. Some observers go further to criticize the doctrine as diverting attention away from the highly critical budgeting tasks facing courts, including setting objectives and priorities for financial needs, since there will never be sufficient funds available to perform all of the functions deemed necessary in an ideal system of justice. This observation has been borne out by a number of trial court staffs contacted during the project.

Closely linked to the concept of inherent powers is the third theme of the literature, judicial independence, and, particularly, the implications of legislative and executive agency interference with the formulation and review of the court budget.

<sup>7</sup>The subject of inherent powers is well explored in Carl Baar's Separate but Subservient, pp. 143-149.

A number of reasons for executive and legislative involvement in the determination of the trial court budget have been offered. Some writers explain this involvement by an unwarranted desire of these agencies to dominate the court budget process. Others attribute the situation to the court's traditional distaste for management in general and inability to cope with the complexities of financial management in particular. The most plausible explanation for executive and legislative involvement in the court budget process has been advanced by Baar who ties it to the constitutional delegation of the taxing and spending authorities. Regardless of the reasons for this involvement, the need for a court financial management capability to plan and budget for the cost of court operations is important in light of the serious financial constraints upon most funding bodies, both state and local.

While no comprehensive treatment of the issues, concerns and functions involved in the concept of trial court financial management has developed outside of the work of the Court Management Project, a number of useful materials have been prepared by state and local courts which can be of value in orienting the trial court manager to the variety of approaches and techniques being tried in this area. Several states have developed manuals of standard accounting and reporting procedures (North Carolina, Colorado, Nebraska, and Massachusetts, for example) and a number of others are in the process of development. Particular attention is called to the Massachusetts Court Budget Book developed by the National Center for State Courts under a grant from the Massachusetts Committee on Criminal Justice in 1976. The Book is organized around a five-step budgeting process (planning; preparation; review; submission and justification; and monitoring) and provides specific procedures and forms for developing budget estimates as well as forms for collecting information to prepare the next year's budget. While geared to the court budgetary process used in Massachusetts at the time of preparation, the step-by-step procedures and data collection forms should, with appropriate modifications, have utility to any jurisdiction.

Several of the larger trial courts have developed budgetary guidelines geared to both internal budget formulation and outside agency review (Los Angeles Superior Court, Cook County, Illinois Circuit Court, Multnomah County, Oregon Circuit Court, for example). Contact with these and other jurisdictions may be the most valuable source of information and insight for the trial court manager into the functions and procedures of the financial management systems of these trial courts.

#### D. Personnel Management

Personnel management involves a number of management components and concerns which are common to any organization, public or private. While the characteristics of a court personnel system often differ significantly from those of other governmental units as well as other private organizations, the management concerns are, for the most part, similar. These concerns generally center about specific activities (classification, recruitment, selection, retention, compensation, promotion, and discipline) as well as the more general issues of defining

the type of work to be performed, determining how it can most efficiently be performed, and creating an environment which stimulates employee performance and encourages productivity.

All of these issues have been addressed in varying degrees by the literature of general management, personnel administration, and behavioral science. A number have also been discussed in terms of specific court systems. What has been missing from the literature, however, is any comprehensive treatment of court personnel management per se as a subject in its own right and of the context in which these management concerns and actions arise and are performed. While both the ABA and NAC Standards advocate independent judicial personnel merit systems, most court administration texts give little attention to the subject, and many of the more recent works do not even mention "personnel" as a distinct court management subject. For this reason, three recent works, in varying stages of publication, will be of great value to trial court managers in understanding and dealing with personnel management concerns.

The first, Personnel Administration in the Courts (1978) provides a detailed overview of court personnel management as to the responsibilities, requirements and issues involved. Specific personnel activities, such as the classification process, recruitment, compensation plan development and maintenance, training, grievances, and discipline are addressed in separate chapters. Suggestions are made regarding the appropriate structure for court personnel management, including requisite policies, rules and procedures. Reference to specific site experiences, including an Appendix of sample court personnel materials, is also included. Virtually all of the management concerns and responsibilities for a trial court personnel manager are treated in the document from the perspective of the issues involved and the experience of specific state court systems. The volume should be used in conjunction with the Trial Court Management Project Personnel Report to provide historical perspective and more detailed background on the specific trial court issues addressed.

The second, a study of collective bargaining patterns among state court employees, has been conducted by the Futures Group over the past year. Reports of project findings have been published in several articles by political scientist George Cole. Sponsored by the National Science Foundation, Cole's study has explored patterns of unionization among court employees in fourteen states and some of the specific political and legal problems encountered. In the absence of judicial policy on the subject, Cole notes, courts have wrestled with such fundamental organizational issues as who is the employee and who is the employer. The variety of judicial responses to the labor actions of court employees demonstrates the peculiar mix of public administration principles and judicial independence doctrines which characterize the subject of trial court personnel management. Although some case law has developed to date, he suggests that no definitive treatment of these issues has emerged. The issues of power and authority and their implications for the collective bargaining process among court employees which Cole treats present a useful complement to the more operational concerns addressed by Lawson, Ackerman and Fuller.



The third court personnel effort addresses the issue of affirmative action. Launched in 1977 by the National Center for State Courts under the auspices of the Law Enforcement Assistance Administration, the study is designed to review court activities and problems in the development and implementation of Affirmative Action programs and to provide technical assistance and documentation regarding federal and local requirements and compliance issues.

These recent court personnel management resources should be used in conjunction with reference to the diversity of general personnel management texts and court-specific personnel studies. A sampling of these materials is provided in Appendix B (IV B (7)), and a brief discussion of a selection of these works is provided below.

A number of sources are of value to personnel management principles and their potential application. Managing the Courts provides the most useful description of the overall trial court management environment in which personnel management takes place. Within that context, specific personnel management issues can be explored in a variety of writings. Classification, for example, receives a useful definition and explanation in The New Public Personnel Administration by Nigro and Nigro. This text can be complemented with the Institute for Court Management Personnel Administration Handbook discussion of the job analysis process required for developing a classification plan. A number of court-specific personnel plans and studies provide practical site examples of this development process (John E. Woods, Court of Common Pleas, Philadelphia, Pennsylvania: Personnel Systems Study; Public Administration Service, A Report on the Position Classification and Pay Plan, Colorado State Judicial Department, etc.).

General guidelines for establishing a compensation plan, including the number of pay structures, pay range intervals and steps, salary surveys and principal classes are provided in the Handbook of Modern Personnel Administration edited by Joseph Famularo. Characteristics of effective court compensation and pay plans in particular are discussed in the Public Administration Service Report to the Colorado Judicial Department, May 1973. ICM's Handbook provides additional perspective on this area by treating a number of technical issues that can arise in the development of a court compensation plan. Specific issues relating to fringe benefits and working conditions as aspects of compensation are discussed in Stahl's Public Personnel Administration, Chapter 14, "Health, Safety and Welfare" and Chapter 15, "Work Hours and Leave."

Stahl's text also details the procedures and rules generally used and adhered to in the recruitment, examination, and selection process. Particular reference is made to the implications of legislation such as the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972. There have also been several court cases on specific aspects of the recruitment, examination and selection process. These are briefly discussed in the ICM's Handbook and include:

(1) Carter v. Gallagher, 3 D.P.D. 8205, affirmed in part, 452 F.2d 315, 1971, and modified en banc, 452 F. 2d 327, 1972, ordering an affirmative action recruitment program;

(2) Arrington v. Massachusetts Bay Transportation Authority, 306 F. Supp. 1355, 1969, challenging written examinations that have no relationship to job performance;

(3) Gaston County v. United States, 395 U.S. 285, 1969, finding that requirements for certain levels of educational attainment discriminate against minorities who have received inferior education as a result of segregation;

(4) Coffey v. Brady, 372 F. Supp. 116, 1971, finding that vacancies must be filled with a 50-50 ratio between black and white applicants until the racial ratio equals that of the community; and

(5) Greggs v. Duke Power Co., 401 U.S. 424, 1971, prohibiting a written intelligence test that does not relate to job performance, but excludes minorities, notwithstanding the employer's lack of discriminatory intent.

Several court decisions since publication of the Handbook expand upon these, most notably University of California Regents v. Bakke, 46 U.S.L.W. 4896.

There are also some local handbooks developed by individual jurisdictions providing general information and specific guidelines on recruitment policy and practice. Many of these have been developed by law enforcement agencies and discuss legal requirements and local policy for the selection process, in-service training, counseling, and evaluation. The bulk of these materials have considerable application to the court personnel management process.

For courts which are considering establishing a personnel system with defined rules, position descriptions, job classifications, performance measures, compensation schemes, and grievance procedures, a number of court-specific studies may be of interest. LEAA's Criminal Courts Technical Assistance Project has produced a number of reports to assist specific jurisdictions in planning for personnel system needs, including methodologies for determining system requirements, procuring consultant services and system implementation. In addition, Arthur Young and Company's Non-Judicial Staffing Study, prepared for the California Judicial Council in 1974, discusses a number of relevant issues to staffing, including methodologies for conducting a staffing study, classifying positions, and using weighted caseload techniques for determining non-judicial personnel needs.

Labor activity, although a relatively recent phenomena among court staffs, has had a substantial impact upon the structure as well as the operation of personnel systems in other sectors. Several of the general public administration materials can provide insight into the issues potentially confronting trial court managers and explored in depth by Cole. Nigro and Nigro's The New Public Personnel Administration, Stanley's Managing Local Government Under Union Pressure, and Chickering's Public Employee Unions are excellent sources for perspective on this subject. Major issues of public employee labor relations which are now appearing



among court employee labor groups are discussed, including the right to strike, the relationship of union agreements to local laws and ordinances, the nature of the bargaining unit and the scope of bargaining prerogatives.

Despite this useful body of materials dealing with both general personnel management issues and specific court experiences, many trial court managers have experienced great difficulty in applying these personnel management principles to their trial courts or in adapting the systems developed by other courts. These difficulties stem, in large part, from the unique characteristics of authority and control inherent in each trial court environment and the local and state system in which it functions. While this uniqueness should not excuse the court's from not adopting a systematic personnel management program, it must be recognized, defined, and the resulting organizational relationships delineated before any personnel management policy or activity can take place.

Like other areas of court management, the personnel serving a trial court system often work in a number of different offices or agencies, each with its own supervisory structure and personnel relationships. Very rarely are even clerk staff and judicial staff under the same supervisory structure, let alone the other "court" staff working in probation, pre-trial, juvenile, domestic relations, accounting, and other special services. The authority to manage is, therefore, often diffused among several managers, each responsible for his own sphere of activity with no transcending organizational structure to create a coherent personnel management system - or even the potential for one. For trial courts in unified court systems, the requirements and structure of the state personnel system can provide a context for the trial court manager's personnel activities, but by no means eliminate his day-to-day management responsibilities or concerns.

In addition to the organizational context of a trial court, its personnel management is further complicated by a number of other factors which govern the scope and exercise of administrative authority: local merit system requirements, Supreme Court rules and directives, collective bargaining contracts, affirmative action plans, and political patronage. The trial court manager's freedom to manage, therefore, is generally circumscribed to varying degrees by political and legal factors whose operational impact will vary from jurisdiction to jurisdiction.

For these reasons, each trial court personnel management program must adapt the general principles of personnel management to the framework of authority and control in the local trial court environment. The trial court manager must blend structure and flexibility, premised upon sound management principles and adapted to the operating relationships of his local court system. In referring to the variety of personnel management materials available, note should be made continually of the local environment in which these materials might be used and the planning and preparation required to implement effectively a consistent personnel management program. It is to these issues which the Project's Personnel Management Report is directed.

### III. Uses and Limitations

The materials discussed above and the additional resources noted in the Bibliography can provide both background and practical information on the variety of issues, factors and concerns which go into the management of each of these aspects of trial court administration. Where local jurisdictions are the subject of these writings, readers should contact appropriate local officials to more fully explore the systems or procedures described. Many authors listed would also be happy to discuss their viewpoints and readers are encouraged to share with them any experiences or problems they might have which relate to their work.

If assistance is needed in obtaining any of these materials listed, the following organizations may be of help:

Criminal Courts Technical Assistance Project  
Institute for Advanced Studies in Justice  
The American University  
4900 Massachusetts Avenue, N.W.  
Washington, D.C. 20016  
202/686-3803

The National Center for State Courts  
300 Newport Avenue  
Williamsburg, Virginia 23185  
804/253-2000

National Criminal Justice Reference Service  
1015 20th Street  
Suite 400  
Washington, D.C. 20037  
202/862-2900

In using these materials the trial court judges and staff should be aware of certain general limitations which most of these writings present. First, although the goals of administrative centralization, structural unification and greater efficiency are advanced by most court writers, very little definition or analysis of the elements and implications of these desired goals has been documented in any terms meaningful to the management process of individual trial courts. Indeed, the process of implementing these goals has only recently begun in several jurisdictions. The problems of implementation and modification are still prominent and pervasive and the actual impact is not yet known.

What is apparent is that these goals in themselves will not provide a panacea to the host of complex management problems which trial courts experience although the literature might leave one with the impression that major management problems will be remedied once these reforms are established. While administrative centralization, structural unification,

<sup>8</sup>The experience of the Court Management Project's site studies strongly bears out that the achievement of overt indicators of administrative centralization, structural unification and more "efficient" operational procedures has not in itself supplanted the need for each trial court to develop a management capability to deal with the caseload, records,

and efficient procedures can be tools for improving a trial court's management, the test of their ultimate value is in the degree to which they improve the system of justice in a community. They are not ends in themselves.

A second, and related limitation, is the general absence of discussion of trade-offs which must be recognized when one course of action is selected over another. There is no "best way" to manage any organization, let alone a trial court. The designation of priorities in one area must be accompanied by the clear recognition that other activities will be placed in secondary importance. Along with the benefits of centralization, for example, must be recognized the frequent disadvantages of losing local control. Similarly, any priority given to criminal case processing must be balanced against the impact of this priority on civil case dispositions. These trade-offs must be considered in both establishing overall court goals and objectives as well as in the details of specific management activities, such as case assignment methods, record retention schedules, job classification schemes, budget strategies, etc.

Third, most court literature fails to recognize the tremendous diversity of trial courts which cannot be subsumed within a model of uniform structures or procedures. Trial courts are not standardized institutions possessing common characteristics and involved in similar sets of activities which are amenable to uniform procedures. While formally, structural and operational models might be developed, the interaction of many informal variables actually determine the way that a "model" works. The internal relationships among the court's judges, the role and authority of the chief judge, the local concepts of how that authority should be exercised, both within and outside of the court, the traditions of local practice among the bar, prosecutor, defense and law enforcement agencies, the working relationship -- or its absence -- of the court and its funding agency -- these and other factors contribute one way or another to the management environment of the court and cannot be ignored in the search for operational improvements.

The significance of this diversity is particularly important when considering inter-jurisdictional transfer of management systems and techniques. While the value of communication and sharing of experiences and resources among trial courts cannot be overemphasized, it should not be done with a view to wholesale adaptation of particular systems or techniques just because they have worked well for others. Even a cursory review of trial court administrative experience demonstrates the total

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financial and personnel management needs of its local jurisdiction. Without this management capability, the institution of these measures can often result in merely a change of problems rather than in their elimination. Those courts which were found to be handling these functions effectively operate in both highly centralized as well as decentralized systems and in a variety of structures and with a diversity of procedures.

failure that can occur when "successful" systems are transplanted out of the context in which they were developed and apart from the operational objectives they were designed to serve.

Fourth, very little systematic evaluation or follow-up has been conducted to determine the impact and effect of the various "reforms" that have taken place. Until this analysis is performed, we can know very little about the "effectiveness" of certain measures and the relative advantages of a new system over an old.

Finally, the trial court manager should note that, until recently, court literature appears to have developed in a vacuum, reflecting little cross-fertilization from the developments of other disciplines. Admittedly, the court as an organization displays a unique set of internal and external characteristics which bear upon the locus, delegation and exercise of authority and management. These characteristics make the court not readily amenable to many of the standard organizational management theories. There is still much value in considering the management approaches of other sectors -- the city, the hospital, the academic institution, for example -- to specific aspects of court management operations.

In large part, these limitations stem from the brief time in which these developments have occurred and the lack of perspective which we have to judge them. For this reason, the trial court manager will benefit from as broad an exposure as possible to the general management literature suggested in Appendix B (IV A) as a complement to an understanding of the specific treatment of caseload, records, financial, and personnel management issues.

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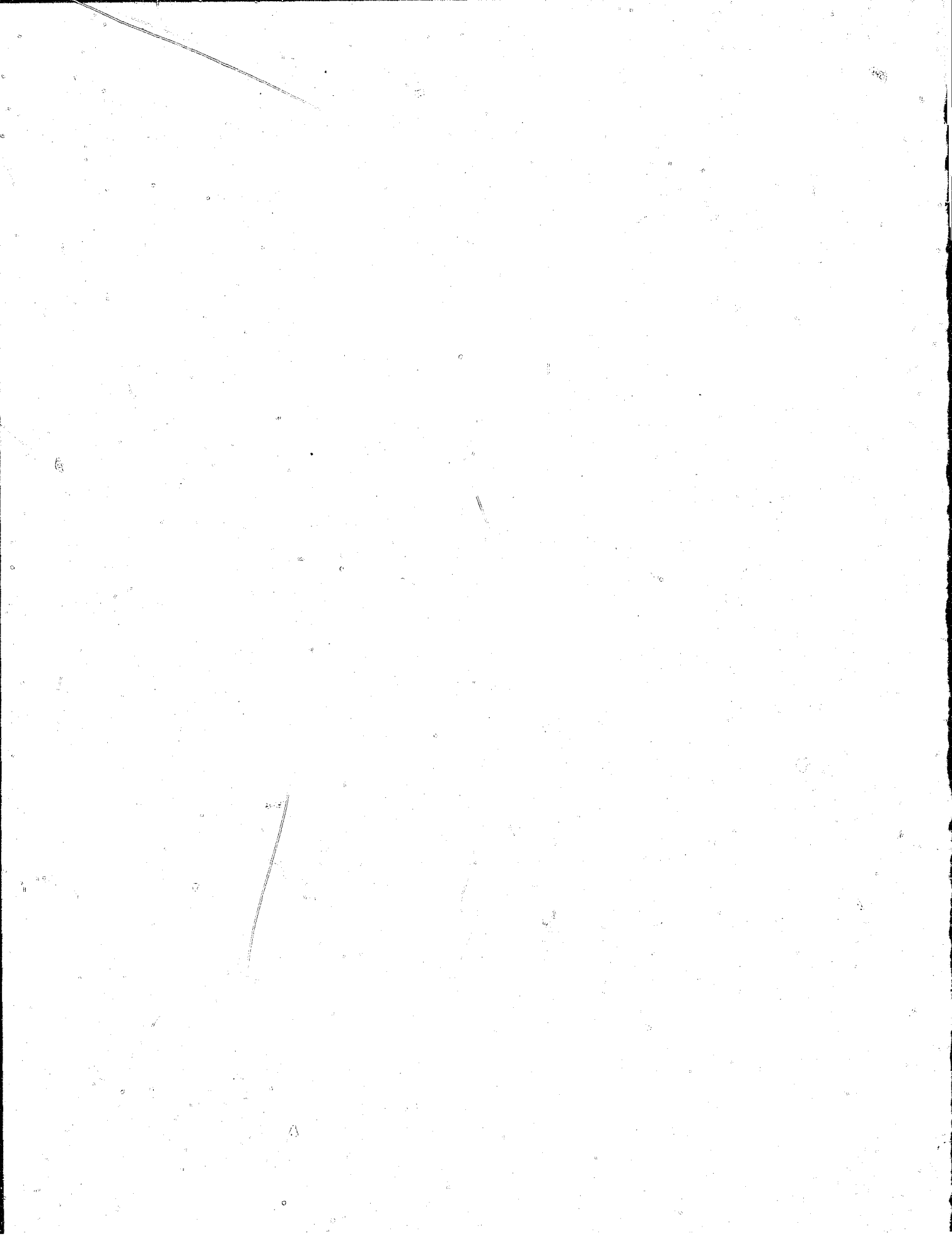
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APPENDIX C  
SITES STUDIED

<u>STATE</u>	<u>OFF-SITE</u>		<u>SITE</u>		<u>TELEPHONE SURVEY</u>			
	<u>C/R</u>	<u>P/F</u>	<u>C/R</u>	<u>P/F</u>	<u>C</u>	<u>R</u>	<u>P</u>	<u>F</u>
<u>ARIZONA</u>								
Maricopa County Superior Court	X			X	X	X	X	X
<u>CALIFORNIA</u>								
Alameda County Circuit Court				X				
Los Angeles County Superior Court	X	X	X		X		X	X
Marin County Superior Court				X				
Oakland-Piedmont Municipal Court				X				
Santa Barbara County Superior Court				X				
Santa Clara County Superior Court				X	X	X		
San Joaquin County Superior Court				X				
Ventura County Superior Court				X				
<u>COLORADO</u>								
State Court Administrator's Office				X				
Denver District Court				X	X	X	X	X
<u>FLORIDA</u>								
Dade County Circuit Court			X	X	X	X	X	X
Circuit and County Court of Orange County			X	X	X	X	X	X
12th Judicial Circuit Court (Sarasota)					X	X	X	X

<u>STATE</u>	<u>OFF-SITE</u>		<u>SITE</u>		<u>TELEPHONE SURVEY</u>			
	<u>C/R</u>	<u>P/F</u>	<u>C/R</u>	<u>P/F</u>	<u>C</u>	<u>R</u>	<u>P</u>	<u>F</u>
<u>GEORGIA</u>								
Administrative Office of the Courts			X					
Clayton County Superior Court			X					
Fulton County Superior Court			X					
<u>HAWAII</u>								
Administrative Office of the Courts		X						
<u>ILLINOIS</u>								
Cook County Circuit Court				X	X	X	X	X
<u>IOWA</u>								
Second Judicial District Court (Webster County)		X	X		X	X	X	X
<u>KENTUCKY</u>								
50th Judicial Circuit Court (Mercer and Boyle Counties)					X	X	X	X
<u>MARYLAND</u>								
5th Circuit Court (Howard and Carroll, Anne Arundel Counties)					X	X	X	X
Supreme Bench of Baltimore			X		X	X		
<u>MICHIGAN</u>								
Detroit Recorder's Court					X	X		
Wayne County Circuit Court	X	X	X		X		X	X

STATEOFF-SITESITETELEPHONE SURVEYC/R      P/FC/R P/FC   R   P   FMINNESOTAHennepin County  
Municipal Court

X   X   X   X

9th Judicial District  
Court (Bemidji County)

X

X   X   X   X

NEVADA8th Judicial District  
(Clark County)

X   X   X   X

NEW MEXICO

5th Judicial District

X

NORTH CAROLINA28th Judicial District  
(Buncombe County)

X   X   X   X

OHIOCuyayoga County Court  
of Common Pleas

X   X

Hamilton County Court  
of Common Pleas

X

X

X

X   X   X   X

Lucas County Common  
Pleas Court

X   X   X   X

Summit County Court  
of Common Pleas

X

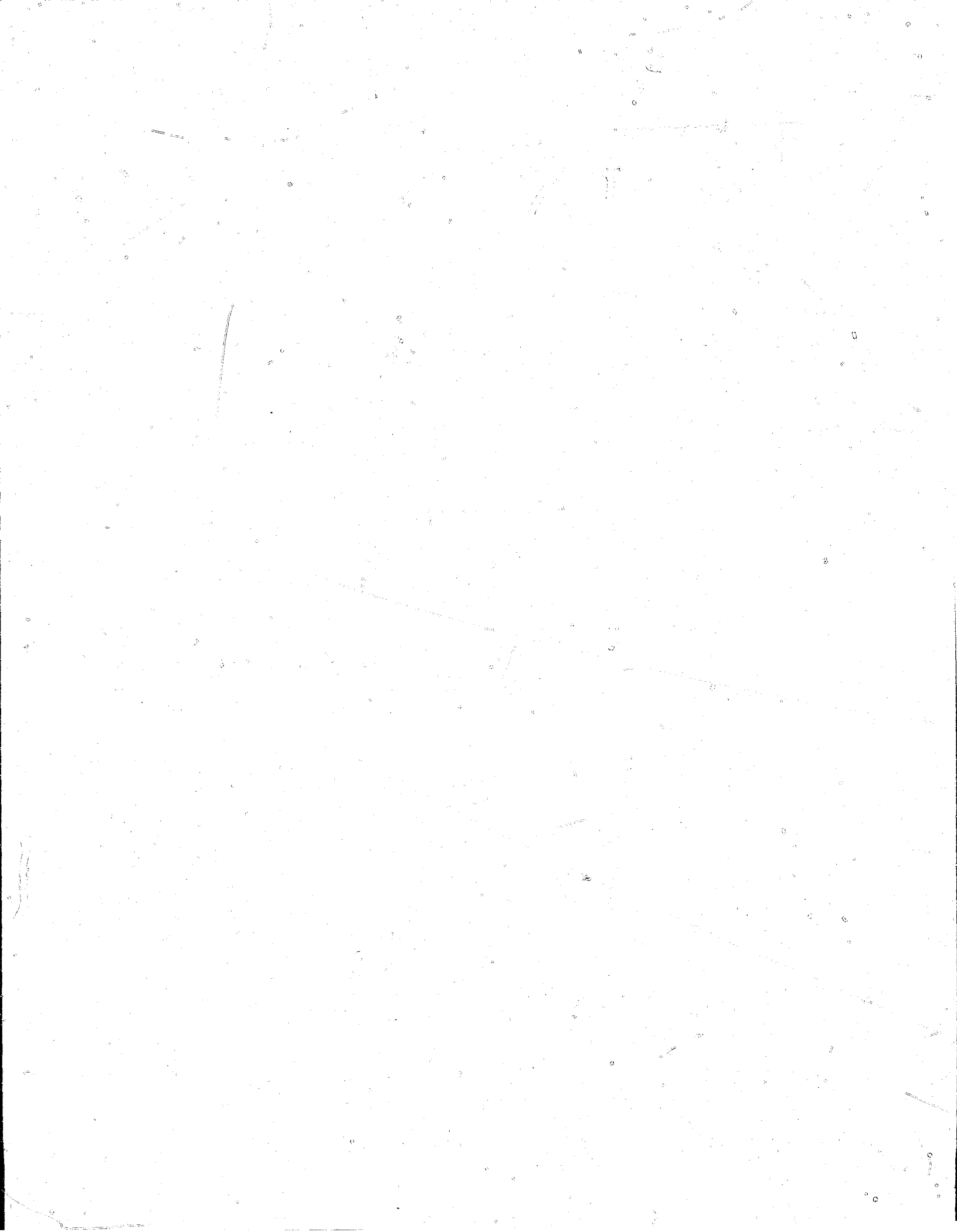
OREGONMultnomah County  
Fourth Judicial  
District

X

X

X   X   X   X

<u>STATE</u>	<u>OFF-SITE</u>		<u>SITE</u>		<u>TELEPHONE SURVEY</u>			
	<u>C/R</u>	<u>P/F</u>	<u>C/R</u>	<u>P/F</u>	<u>C</u>	<u>R</u>	<u>P</u>	<u>F</u>
<u>PENNSYLVANIA</u>								
Allegheny County Court of Common Pleas		X	X		X		X	X
Bucks County Court of Common Pleas					X	X	X	X
<u>RHODE ISLAND</u>								
State Court Admin- istrative Office			X					
<u>TEXAS</u>								
Nueces County District and County Courts					X	X		
<u>WISCONSIN</u>								
Dane County			X					
Kenosha County			X					
Milwaukee County			X				X	X
Rock County			X					
Waukesha County			X					



**END**