Purposes and Responsibilities of Courts: 
*An Introduction to Core Concepts and the Purpose of Courts and Court Administration*

Yolanda L. Lewis
District Court Administrator
Atlanta Judicial Circuit

National Association for Court Management
Welcome!
Course Objectives

Understand the values and underpinnings of the American court system and provide some historical perspective.

Define the structure and core values of the American Court system with a focus on forums of dispute resolution and the operation of trial courts.

Identify trends in court reform and pressures forcing the courts to change and expand.

Apply the values and goals of the American court system to specific court administrative tasks and responsibilities.

Define the importance of quality court management in executing the role of courts in society.
Introductions:
Who Are YOU?

TALK ABOUT:
Your current role in the court;
Your most notable experience in court management; and
Your favorite leisure activity
Here Are You Going?

"Would you tell me, please, which way I ought to go from here?"

— Lewis Carroll, Alice in Wonderland
WHAT IS THE ROLE OF YOUR COURT?
Think of the Best Court Manager You Know
Why Courts Exist?

“Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection, and to ensure due process of law”.
Why Courts Exist?

Courts exist to serve the public, not to serve judges, court managers, or lawyers. Everything that managers do are but means to an end and that end is service to the public."

Edward B. McConnell President Emeritus National Center for State Courts ”.
Three Historical Trends

Human society has always had laws, courts or some form of dispute resolution forum which applied laws to problems rooted in the human condition.

The purpose of courts reflect a rich historical legacy that dictates both distinctive boundaries and interdependency.

The American Judicial System is perhaps the most important, most interesting, and possibly, the most confusing system of government.
Constitution and the Magna Carta

The laws and Constitution are designed to survive, and remain in force, in extraordinary times. The framers decided that habeas corpus, a right of importance, must be a part of that framework, a part of that law.”


Modern Day Contributions from the Magna Carta:

Habeas Corpus
Due Process of Law
Jury By Peers (Adversarial Justice)
No Excessive Fines
Hearsay
Protect Against Self-Incrimination
Venue
Case Calendar Management
Roles and Responsibilities of Courts

History and Organization of Federal Courts

All functions of national government with Congress;

Absence of a national Judiciary;

Constitutional convention of 1789.

Articles of Confederation

Article III of the Constitution

• Virginia Plan;
• New Jersey Plan;
• Compromise of both plans and ratification of the Constitution.

Bill 1 addressed the creation of lower courts;

Evarts Act; Senator William M. Evarts;

Supreme Court was created with a chief justice; 5 associates; 3 circuit courts each with 2 justices of the Supreme Court and a district judge; and 13 district courts each with one district judge.

Judiciary Act of 1789
poses and Responsibilities of Courts

The Federal Judiciary

- The Founders provided for both a national government and state governments; the courts of the states were to be bound by federal laws.

- Another of the Founders' intentions was for the federal government to act directly upon individual citizens as well as upon the states.

- George Washington’s traditions
  a. Politically compatible appointments
  b. Equal geographic representation
  c. Chief Justice John Jay of New York

- The Supreme Court met for the first time on Monday, February 1, 1790 in New York City; During this period the Court selected a clerk, chose a seal, and admitted several lawyers to practice.
The Federal Judiciary

The Supreme Court is the highest court in the federal Judiciary.

Congress established two levels of federal courts under the Supreme Court: the District (trial) and the Circuit (appellate) courts.

The Supreme Court consists of a Chief Justice and eight associate justices.

The Supreme Court hears a limited number of cases at its discretion.

Those cases may begin in the federal or state courts, and they usually involve important questions about the Constitution or federal law.
The Federal Judiciary
Supreme Court’s Most Notable Cases

**Maubry V. Madison,** 1803
Established the basis for judicial review and solidified the role of checks and balances in American government.

**McCulloch v. Maryland,** 1810 Concluded that Congress had the right to establish a national bank as an implied power of Article I, Section 8, Clause 1.; States cannot tax federal government.

**NLRB v Jones & Laughlin Steel Corp,** 1937
Congress can regulate interstate commerce.
Supreme Court’s Most Notable Cases

**United States V. Nixon, 1974**
Established that presidential privilege is not a defense in a criminal case.

**Dred Scott V. Sandford, 1857**
Upheld slavery in the territories.

**Plessy V. Ferguson, 1896**
Upheld separate but equal.

**Brown V. Board of Education of Topeka, 1954**
Established that separate was not equal.
Supreme Court’s Most Notable Cases

**Mapp V. Ohio, 1961**
Evidence from illegal search is not admissible

**Tolbert V. Wainwright, 1963**
Appointed counsel in state criminal cases.

**Grande V. Arizona, 1966**
Established warning about constitutional rights.

**Kirswold V. Connecticut, 1965**
Established right to privacy in birth control derived from the 9th and 14th amendments.

**Roe V. Wade, 1973**
Established that privacy rights extend to abortion in the first trimesters.
You Be The Judge!

Your group, select the most significant court decision (other than *Marbury v Madison*)

Talk about why this decision is the most important

Is the decision relevant today?

How would your job as a court manager be different if this case had been decided differently?
poses and Responsibilities of Courts

History and Organization of State Courts

Colonial Period
- Political power concentrated with the governor appointed by the King of England;

Early State Courts
- Post American Revolution (1775-83) colonist distrusted lawyers and common law
- Ongoing conflicts with the legislature and judges;
- Emergence of an independent judiciary.

Civil War (1861-65) to the early 20th century; industrialization; increased growth of urban area and backlogs;
- Fragmentation, narrow jurisdictions and overlap;
- Roscoe Pound’s argument for unification.

Modern State Courts

Appeals decided by the Governor and Council; county and general trial courts;
The state courts are typically divided into four general categories trial courts of limited jurisdiction, trial courts of general jurisdiction, intermediate appellate courts, and courts of last resort.

Trial courts of limited jurisdiction handle the bulk of litigation in the United States each year and constitute about 90 percent of all courts.

General trial courts are usually divided into judicial districts or circuits which handles the most serious criminal and civil cases. These courts are commonly termed superior, district or circuit courts.

39 states have courts of appeal as of 1995 which have statewide jurisdiction.
The highest courts have jurisdiction in matters pertaining to state law and are the final arbiters in such matters. These courts are typically termed as Supreme Courts. Which have discretion in deciding which cases to review.

Juvenile Courts are limited jurisdiction courts which handle matters involving juveniles.

State magistrates, who may also be known in some states as commissioners or referees, perform some of the work in the early stages of civil and criminal case processing.

The fact that federal judges adjudicate several hundred thousand cases a year is impressive; the fact that state courts handle several million a year is overwhelming, even if the most important cases are handled at the federal level.
The Georgia Court System

Municipal Court
370 courts, 350 judges active.
Jurisdiction (limited):
- Ordinance violations;
- Criminal preliminaries;
- Traffic.
“A small number of special courts, authorized by the Georgia Constitution, have limited civil or criminal jurisdiction throughout a designated county.

Magistrate Court
159 courts, 159 chief magistrates; 354 magistrates.
Jurisdiction (limited):
- Search and arrest warrants, felony and misdemeanor preliminaries, county ordinances.
- Civil claims of $15,000 or less, dispossession, distress warrants.
No jury trials.

Probate Court
159 courts, 159 judges.
Jurisdiction (limited):
- Exclusive jurisdiction in probate of wills.
- Administration of estates, appointment of guardians, involuntary hospitalizations, marriage licenses.
- Traffic in some counties.
No jury trials.

Juvenile Court
159 courts, 120 judges and associate judges.
Jurisdiction (limited):
- Deprived, unruly, delinquent juveniles.
- Juvenile traffic.
No jury trials.

State Court
72 courts, 118 judges.
Jurisdiction (limited):
- Civil law actions except cases within the exclusive jurisdiction of superior court.
- Misdemeanors, traffic, felony preliminaries.
Jury trials.

Superior Court
49 circuits, 202 judges.
Jurisdiction (general):
- Civil law actions, misdemeanors, and other cases.
- Exclusive jurisdiction over cases of divorce, title to land, equity.
- Exclusive felony jurisdiction.
Jury trials.

Court of Appeals
12 judges (4 divisions).
Jurisdiction:
- Appellate jurisdiction over trial courts in cases in which Superior Court has no exclusive appellate jurisdiction.

Capital felonies.
Constitutional issues.
Title to land.
Wills, equity, and divorce.

Supreme Court
7 justices.
Jurisdiction:
- Appellate jurisdiction over cases of constitutional issue, title to land, validity of and construction of wills, habeas corpus, extraordinary remedies, convictions of capital felonies, equity, divorce, alimony, election contests.
- Certified questions and certiorari from Court of Appeals.

Counties with population over 96,000 where probate judge is attorney practicing at least seven years.
Jury trials.

As of July 2007.
Purposes and Responsibilities of Courts
Alternative Dispute Resolution

Informal dispute resolution process where parties meet with a professional third party who helps to resolve disputes in a way that is less formal and often more consensual than is done in the courts.

Mediation dates back hundreds of years; alternative dispute resolution started to grow rapidly in the U.S. since the political and civil conflicts of the 1960s.

Mediation, Arbitration, Judicial Settlement Conferences, Fact Finding, Ombudsmen, Special Masters, etc.

Civil Rights Act of 1964; women's movement and environmental movements;

Every historic civilization has had arbitration and mediation as part of its foundational principles.
Alternative Dispute Resolution

800 B.C. Mari Kingdom (in modern Syria) uses mediation and arbitration in dispute with other kingdoms.

750s Benjamin Franklin, reports learning persuasion, compromise, and consensus building from Native Americans. He also prints some of their peace documents.

770 George Washington places arbitration clause in his will.

1776-1785 Benjamin Franklin, John Adams, and Thomas Jefferson negotiate in Europe on behalf of the weak United States, establishing a diplomatic history for the young nation.

1886 Arbitration Act passed.
Pursuing Goals and Responsibilities of Courts

Jury Management In Justice

Evolved from the Ancient custom of Germanic tribes whereby a group of men of good character was used to investigate crimes and/or judge the accused.

A similar custom evolved into the vehmic court system in medieval Germany, and Anglo-Saxon England where juries investigated crimes.

The modern jury trial dates back to the 12th Century during the reign of Henry II.

In 1215, leaders of the medieval church bans the participation of clerics in trial by ordeal.

The idea of “self-informing” and the presentation of evidence...
The "petit jury" (or "trial jury") hears the evidence in a trial as presented by both the plaintiff (petitioner) and the defendant (respondent).

The grand jury confined almost exclusively to federal courts and state jurisdictions and determines whether there is enough evidence for a criminal trial to go forward.
Jury Management: The Window to Justice

Trial by jury is also a vital part of our democracy.

Thomas Jefferson described trial by jury as:

"The only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

The government cannot take away a person right to life, liberty, or property until twelve people citizens have been convinced that it is right thing to do.

Processing the process of a representative cross section of the community is critical to access to justice.
Theories of Justice

Ted Wachtel, President, International Institute for Restorative Practices
The Basic Foundation

Structure of Government

“There is no liberty unless the power of judging be not separated from the legislative and executive power” (Montesquieu in Federalist 78)

“A contriving…interior structure of government is…essential to the preservation of liberty” (Federalist 51)
HUrrah for the Justice System – YouTube
THE REAL WORLD:
JUSTICE IN DAY-TO-DAY JUDICIAL ADMINISTRATION
We need to promote the concept of management in the courts as a noble calling. Both the art and the science of management are essential ingredients in ensuring the administration of justice.”

Sandra Day O'Connor Associate Justice United States Supreme Court
GROUP EXERCISE

Courts do not exist so that court leaders, either judicial or civilian, can manage them. Rather, courts must be managed well so that judges and others acting in their stead and in their shadows can do justice.”

HOW DO YOU DEFINE COURT MANAGER

WHY ARE COURT MANAGERS ESSENTIAL?

WHAT IS YOUR ROLE IN ENSURING ACCESS TO JUSTICE?
Competencies of Court Leaders

- Leadership
- Visioning and Strategic Planning
- Caseflow Management
- Essential Components
- Information Technology Management
- Education Training and Development
- Court Community Communication
- Resources, Budget and Finance
- Human Resources Management
Theories of Justice

20th Century Court Reform

Roscoe Pound

National Commission on Civil Disorder

"...Moving toward two societies, one black, one white – separate and unequal."

Warren Burger
Leadership is the energy that drives courts and court processes.

Visioning and Strategic Planning provides for forward momentum and is an antidote to a stagnant status quo.

Purposes and Responsibilities of Courts is the epicenter of the NACM Core Competencies. The other nine Competencies are defined by purpose.

Purposes and Responsibilities of Courts motivate and inform Visioning and Strategic Planning and give legitimacy to the exercise of Leadership.

“Absent knowledge of the judiciary's enduring purposes and continuing responsibilities, court leaders, both judicial and managerial can lose their way as they and their court drift between unrelated issues and demands”
Focus on the Mission and Vision

How can we help lead the courts with our agreed upon purpose?

Help sort priorities for the court versus the legislative and/or executive branch.
Build internal and external accountability and evaluation;

Basis for reminding and educating the other branches including justice entities and their staff about why courts exist and our responsibilities;

Importance to public trust and confidence
KSA: “ABILITY TO ALIGN COURT PERFORMANCE, STRUCTURE, OPERATIONS AND PROCESSES WITH COURT PURPOSES”
purposes and Responsibilities of Courts should never be confused with efficiency or even the constitutional means of the separation of powers, judicial independence, and the inherent powers of the courts.”
Differences (continued)

Efficient and even effective judicial administration is not an end unto itself. Courts do not exist so that court leaders, either judicial or civilian, can manage them. Rather, courts must be managed well so that judges and others acting in their stead and in their shadows can do justice.”
Organizational Responsibility of Courts

Produce individual justice in individual cases;
Give the appearance of individual justice in individual cases;
Provide a forum for the resolution of legal disputes;
Protect individuals from the arbitrary use of government power;
Create a formal record of legal status;
Deter criminal behavior;
Rehabilitate persons convicted of crime; and
Separate some convicted people from society.

Source: Professor Ernest Friesen, National Association for Court Management, “Information Technology - Fundamentals and Foundations for Court Leaders”
ROSOCOE POUND

“DISSATISFACTION WITH THE ADMINISTRATION OF JUSTICE IS AS OLD AS LAW”

“CAUSES OF POPULAR DISSATISFACTION WITH THE ADMINISTRATION OF JUSTICE”

California Court Management Investigated - YouTube
EXERCISE

WHAT SHOULD WE SAY: COURT MANAGEMENT PUBLIC SERVICE ANNOUNCEMENT

IDENTIFY THE MOST CHALLENGING CONCEPT(S) FOR TODAY'S COURT LEADERS

THREE MOST IMPORTANT IDEAS OR POINTS

60 SECOND PSA TO CITIZENS
ANY LEGAL SYSTEM

• Mechanical Operation of Rules
• Rate of Progress Law versus Morals
• Administration of Justice Is An Easy Task
• Popular Impatience with Restraint
Court Leaders Roles in Ensuring Rule of Law, Equal Protection, and Due Process

Our Role:
Understand the concept of the rule of law;
Understand to the extent possible legal traditions (civil law, common law, and socialist law) and conflicting concepts of justice;
Knowledge of the concepts of equal protection, due process, venue, justiciability, case in controversy, and standing;
Knowledge of different types of jurisdiction;
Knowledge of all case types and the basis for organizing disputes in categories, and the processes and procedures that courts use to resolve disputes;
Court Leaders Roles in Ensuring Rule of Law, Equal Protection, and Due Process

Our Role:

Knowledge of the essential elements of due process of law in both civil and criminal cases including but not limited to notice; discovery; probable cause; bail; the right to counsel; confrontation; cross examination; the right to witnesses; privilege against self-incrimination; speedy, timely and public disposition of disputes; jury trial; and appellate review;

Ability to guide the organization and management of the court’s structure, administration, procedures, alternative dispute resolution, and additional case processing by the concepts of rule of law, equal protection, and due process.
TRIAL COURT PERFORMANCE STANDARDS

Access to Justice

• Public Proceedings
• Safety, Accessibility, and Convenience
• Effective Participation
• Courtesy, Responsiveness, and Respect
• Affordable Costs of Access
TRIAL COURT PERFORMANCE STANDARDS

**Expedition And Timeliness**

- Public Proceedings
- Safety, Accessibility, and Convenience
- Effective Participation
- Courtesy, Responsiveness, and Respect
- Affordable Costs of Access
TRIAL COURT PERFORMANCE STANDARDS

Equality, Fairness, And Integrity

Fair and Reliable Judicial Process (Rule of Law and Due Process)
Juries
Court Decisions and Actions (Equal Protection)
Clarity
Responsibility for Enforcement
Production and Preservation of Records
TRIAL COURT PERFORMANCE STANDARDS

Independence And Accountability

Independence and Comity
Accountability for Public Resources
Personnel Practices and Decisions
Public Education
Response to Change
TRIAL COURT PERFORMANCE STANDARDS

Public Trust And Confidence

Accessibility

Expeditious, Fair, and Reliable Court Functions

Judicial Independence and Accountability
## Purposes and Responsibilities of Courts

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<th>Purposes of Courts</th>
<th>Trial Court Performance Standards</th>
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<td>Rule of Law, Equal Protection And Due Process</td>
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<td>Accountability</td>
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<td>Interdependence and Leadership</td>
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</table>
COURT LEADER ETHICS

ABA CODE OF JUDICIAL CONDUCT

NACM MODEL CODE OF ETHICS
FOR COURT MANAGERS

- Difference between Judges and Court Leaders
- Problem Areas and Red Flags
- Public Trust and Confidence
- Civil Service
DUTIES AND RESPONSIBILITIES OF COURTS

TODAY JUDICIAL ADMINISTRATION AND THE CORE COMPETENCIES

Caseflow Management
Relationships With Other Branches and Justice System Relationships
Talent Management and Employee Training and Development
Increasing accessibility through technology
Managing the limited resources to maximize service
Strategic vision of where the courts are going based on its purpose and changes in society
Active engagement of court patrons and the community
Good stewardship of court programs and judicial relationships.
Goals and Responsibilities of Courts

Competencies of Court Leaders

Leadership

Visioning and Strategic Planning

Caseflow Management

Purposes and Responsibilities of Courts

Essential Components

Education Training and Development

Information Technology Management

Court Community Communication

Resources, Budget and Finance

Human Resources Management
WHY COURTS EXIST

Courts and only courts can definitively resolve society’s inevitable conflicts. When they resolve disputes between individuals; individuals and the government, including those accused by the government of violating the law; individuals and corporations, and between organizations; both public and private they do so in ways that preserve the courts independence and impartiality, enduring purposes and continuing responsibilities. The courts mediate society’s interest in opposite but true mandates in particular the tension between social order and individual freedom.
### Knowledge, Skills and Abilities

**Personal**

<table>
<thead>
<tr>
<th>Knowledge of accepted purposes underlying judicial process and the management of cases from filing to disposition, the heart of everyday judicial administration: 1) individual justice in individual cases; 2) the appearance of individual justice in individual cases; 3) provision of a forum for the resolution of legal disputes; 4) protection of individuals from the arbitrary use of governmental power; 5) a formal record of legal status; 6) deterrence of criminal behavior; 7) rehabilitation of persons convicted of crime; and 8) separation of some convicted people from society.</th>
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<tr>
<td>Knowledge of the historical role the courts have played in balancing efficiency, stability, and social order against individual rights; preserving the equality of the individual and the state; bringing law in line with everyday norms and values; establishing the legitimacy of the law; and in guiding the behavior of individuals and organizations;</td>
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<tr>
<td>Knowledge of the historical context which provided impartial and independent courts as a protection from the abuse of governmental power and as a safeguard of individual rights;</td>
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<td>Knowledge of each and every judge’s independent responsibility for case decisions, the essential elements of judicial decision making, and judicial immunity;</td>
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<td>Knowledge of the implications of the court as an institution and judicial decisions as immune from challenge versus the court as an organization and a bureaucracy;</td>
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<td>Ability to maintain judicial and staff awareness that courts were not intended to be popular;</td>
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<tr>
<td>Knowledge of the perpetual tensions inherent in the Purposes and Responsibilities of Courts including social order versus liberty, the adversarial process versus consensual or efficient case process, and the authority of the state versus the protection of individuals against governmental power.</td>
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</table>
COURTS AS INSTITUTIONS

Impartiality and independence demand courts that are separate from the executive and the legislature. But court purposes reflect a rich historical legacy that dictates both distinctive boundaries and interdependency. Competent court leaders understand separation of powers, judicial independence, and the inherent powers of the court. Alternative organizational arrangements to maintain the courts boundaries and to permit their effective management are likewise known. Direction provided by the Trial Court Performance Standards guide day to day court management.
### Knowledge, Skills and Abilities

**(Courts as Institutions)**

<table>
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<tr>
<th>Knowledge</th>
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<tr>
<td>Knowledge of the <strong>Trial Court Performance Standards</strong>, their values, and underlying principles: 1) Access to Justice; 2) Expedition and Timeliness; 3) Equality, Fairness, and Integrity; 4) Independence and Accountability; and 5) Public Trust and Confidence;</td>
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<tr>
<td>Knowledge of the founders’ theory, the <strong>Federalist</strong> papers, the Declaration of Independence, the U.S. Constitution and the Bill of Rights, separation of powers, judicial independence, and the parameters and constraints of the inherent powers of the courts;</td>
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<td>Knowledge of Roscoe Pound’s 1906 ABA speech, <em>The Causes of Popular Dissatisfaction with the Administration of Justice</em> and its profound implications for understanding courts as institutions and everyday judicial administration;</td>
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<tr>
<td>Knowledge of historical changes in the roles of state and federal supreme courts, intermediate courts of appeal, and trial courts;</td>
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<td>Knowledge of alternative governance structures for courts, including chief judges, judge committees, and joint public, executive, and legislative branch committees;</td>
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<td>Knowledge of alternative structures for organizing courts, cases, and calendars;</td>
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<td>Knowledge of various judicial selection methods and their theoretic and practical impact on the courts and their accountability;</td>
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<td>Knowledge of the jury system and other public participation and presence in the courts;</td>
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<td>Knowledge of therapeutic and restorative justice, current alternative approaches such as problem solving courts and alternative dispute resolution for civil and family cases, and their relationship to court purposes;</td>
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<tr>
<td>Ability to translate the values inherent to the Declaration of Independence, the Founders Theory, the U.S. Constitution, and the Bill of Rights into everyday practice.</td>
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</table>
Effective court leaders understand and help courts deliver on the promise of rule of law, equal protection, and due process. They know the theory, the history of the common law, important concepts such as venue, justiciability, and their practical implications. All types of cases, their processing, and typical forms and procedures are understood.
# Knowledge, Skills and Abilities

(Rule of Law, Equal Protection and Due Process)

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<tr>
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<td>Knowledge of the concept of the rule of law, growth of the common law, the common law adversarial system and other court-developed processes for truth-finding, discovery, narrowing the issues, and doing justice;</td>
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<td>Knowledge of differing legal traditions (civil law, common law, and socialist law) and conflicting concepts of justice;</td>
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<td>Knowledge of the processes by which the law is developed;</td>
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<td>Knowledge of the concepts of equal protection, due process, venue, justiciability, case in controversy, and standing;</td>
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<td>Knowledge of different types of jurisdiction;</td>
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<td>Knowledge of all case types and the basis for organizing disputes in categories, and the processes and procedures that courts use to resolve disputes;</td>
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<td>Knowledge of criminal and civil procedure and differing burdens of proof in criminal and civil cases;</td>
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<td>Knowledge of the essential elements of due process of law in both civil and criminal cases including but not limited to notice; discovery; probable cause; bail; the right to counsel; confrontation; cross examination; the right to witnesses; privilege against self-incrimination; speedy, timely and public disposition of disputes; jury trial; and appellate review;</td>
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<td>Ability to guide the organization and management of the court’s structure, administration, procedures, alternative dispute resolution, and traditional case processing by the concepts of rule of law, equal protection, and due process.</td>
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ACCOUNTABILITY

Courts must be accountable. Accountability provides the rationale for court control of the pace of litigation, the tracking of case disposition times, and adherence to law and judicial decisions in individual cases. The judiciary establishes and maintains its boundaries but it also assesses and reports on its performance, its use of public resources, and its conformance with its assigned responsibilities and the law.
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<td><strong>(Accountability)</strong></td>
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<tr>
<td>Ability to design court structure, programs, processes, and daily operations consistent with the purposes and responsibilities of courts, public needs, and the court's internal and external integrity and accountability;</td>
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<td>Ability to articulate why the courts and their programs exist;</td>
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<td>Ability to find ways to broaden access to justice, to increase the fairness and efficiency of the system, and to decrease public dissatisfaction with the courts;</td>
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<tr>
<td>Knowledge of our multicultural society, differing cultures, and the public's understanding of and satisfaction with the courts;</td>
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<td>Ability to make courts more understandable, accessible, and fair through application of hardware and software;</td>
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<tr>
<td>Ability to bring everyday judicial administration and case management in line with the purposes of courts, equal protection, due process, and the public's right to timely and affordable justice;</td>
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<td>Knowledge of why judicial decisions must be carried out as ordered;</td>
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<tr>
<td>Ability to deliver on the promise of the rule of law, equal protection, due process, and respect for all individuals, at the counter, on the phone, electronically, and at the bench and the bar of the court;</td>
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<tr>
<td>Ability to develop and use appropriate standards and measures of court performance and to assess and report on court performance internally, to funding authorities, the public, and the media;</td>
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<tr>
<td>Ability to align court performance, court structure, court operations, and court processes with court purposes.</td>
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ERDEPENDENCE AND LEADERSHIP

The “contriving” American constitutional structure gives the judiciary’s relationship with its co-equal partners a distinctive flavor. Court leaders must be independent and cooperative. They must be above the fray even as they build and maintain boundaries and seek and achieve public trust and confidence. Court leaders have passion for justice and court purposes and responsibilities, and bring pride to everyday routines and jobs. They require ethical conduct and ensure that the court’s integrity is pure.
<table>
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<th>Knowledge, Skills and Abilities (Interdependence and Leadership)</th>
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<td>Skill in leading the third branch and the justice system and in engaging the judiciary, the public, and the other branches in collaborative problem solving and needed change;</td>
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<td>Skill in working effectively with the leaders of the other branches without sacrificing the judiciary’s independence and impartiality and in drawing the line between judicial autonomy and judicial independence;</td>
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<td>Ability to balance judicial independence, the inherent powers of the courts, and impartial judicial case processing and decisions with the judiciary’s need to cooperate with others;</td>
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<td>Ability to focus staff and judges on issues, which will impact the court’s purposes and responsibilities, its core processes, and justice system issues;</td>
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<tr>
<td>Ability to be committed, passionate, courageous, and energetic about court purposes and responsibilities and the courts as institutions;</td>
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<td>Ability to recruit, hire, and educate staff to maintain the court’s independence, impartiality, and integrity;</td>
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<tr>
<td>Skill in instilling in court staff an understanding of the role, purposes and responsibilities of courts, how they guide their everyday work, and why court management is a high calling;</td>
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<tr>
<td>Knowledge of ethics and conflict of interest concepts, regulations and laws that constrain lawyers, judges, and court managers, including the ABA Code of Professional Conduct (for lawyers), the ABA Canons of Judicial Ethics (for judges), the Federal Code of Conduct, and the NACM Model Code of Ethics or Court Managers;</td>
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<tr>
<td>Ability to inspire others in the court family to act and to appear to act with high ethical standards, before, during, and after the court day;</td>
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<td>Ability to lead the judiciary and the justice system and to take risks to fulfill the role of courts and justice.</td>
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Where Do We Go From Here?

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"Would you tell me, please, which way I ought to go from here?"

― Lewis Carroll, Alice in Wonderland
NACM National Agenda

The six 2010 – 2015 NACM National Agenda priorities:

- Emphasizing Caseflow Management Improvements;
- Sustaining Excellence in Difficult Budget Times;
- Enhancing Public Perceptions of the Courts and Increasing Community Collaboration;
- Promoting Improved Court Leadership and Governance;
- Preparing For and Responding to Trends;
- Supporting Professional Court Management Education:
  Two Levels:
  - In-service education targeting the NACM Core Competencies
  - University and college-level programs conferring a certificate or degree
Management is doing things right; leadership is doing the right things.

— Peter Drucker, economist, management guru, author (1909-2005)

Great necessities call forth great leaders.

— Abigail Adams, First Lady (1744-1818)

Leadership has a harder job to do than just choose sides. It must bring sides together.

— Jesse Jackson, civil-rights activist, minister

The price of greatness is responsibility.

— Winston Churchill, British prime minister (1874-1965)

Management works in the system; leadership works on the system.

— Stephen R. Covey, management consultant, author
THANK YOU FOR YOUR LEADERSHIP!

Yolanda L. Lewis
District Court Administrator
Atlanta Judicial Circuit

404.612.4529
Yolanda.lewis@fultoncountyga.gov
www.fultoncourt.org