Welcome

Thank you for the opportunity to do this workshop

*This is a good time to go over expectations and ground rules.*

1. *There are no dumb questions.* Undoubtedly someone else in the room has the same question and is just as hesitant to ask as you are, so please ask

   We are in this together

2. *It is OK to interrupt with a question, especially if you do not understand.*
These are the topics that will be covered in the presentation.

Introduction to the Essential Components Core Competency
   What is it about?

   Why is it important?

Purposes and Objectives
   Are ECs aligned with court roles and purposes?

Operations and Business Practices
   Are we operating ECs in an efficient and cost effective manner to achieve goals?

Oversight and Evaluation
   How do we know ECs are appropriate and well run?

TALK ABOUT HOW THE SMALL GROUP EXERCISES WILL BE DONE
What are Essential Components in the context of NACMs Core Competencies?

Here are examples.

This gives you an idea what we are talking about – these are the concrete example on which to build the concepts in the following slides.

All of you may not agree all of these are programs that should be run by the courts.

we will talk about this.
### WHAT HAPPENS IF ESSENTIAL COMPONENTS ARE RUN WELL?

- Faster pace of litigation
- Lower cost of operations
- Litigants are better prepared
- Litigants understand the process and what they can reasonably expect
- Litigants are more in control of the outcome
- Greater public trust and confidence

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WHAT HAPPENS IF ESSENTIAL COMPONENTS ARE RUN WELL?

Case are ready to go sooner, move faster

Fewer hearings

Less backlog

Costs less to resolve a case, for the public as well as litigants well as public

Improved public trust and confidence – you have greater credibility and authority

ASK PARTICIPANTS WHAT OTHER BENEFITS THERE ARE
WHAT HAPPENS IF ESSENTIAL COMPONENTS ARE NOT RUN WELL?

- Cases are not ready to be resolved
- Proceedings may have to be continued
- Case resolution is delayed or takes longer
- Courts and litigation costs more
- Litigants and the public are frustrated
- Lower public trust and confidence

Cases cannot be resolved because:
- Parties not properly or fully prepared, or are not ready to proceed
- Court does not have the information it needs to proceed, must reset
  Including missing files; missing documents
- Inability to resolve disputes on day set for hearing; delays litigation

Litigation costs more
- Additional/multiple hearings
- Hearings take longer because litigants not prepared or do not have needed information

Litigants and the public are frustrated
- Poor public service; Slow
- Seems disorganized
- Information needed to make better decision is not available

Lower public trust and confidence
- Feeling that tax money not well spent or wasted
- Information needed to make better decision is not available

ASK PARTICIPANTS WHAT OTHER NEGATIVE/DOWNSIDE IMPACTS THEY SEE
Theme of conference is **Improved** Leadership and Governance

Understand the role of ECs in the court – what are the desired outcomes?

Can you explain:
- Why you have an EC program?
- Why you think it is operating efficiently?
- How you know you are getting the outcomes you want?

Align goals of ECs with court goals

Operate ECs in an efficient manner

Ensure their integration and coordination with other court activities

Monitor the performance of ECs
STATED MOST SIMPLY, HERE IS WHAT WE WILL BE TALKING ABOUT TODAY

Are we doing the right thing – SHOULD WE BE DOING THIS?

Are we doing it right – ARE WE OPERATING EFFICIENTLY?

HOW DO WE KNOW?

TWO PART PROCESS
   Discussion of concepts with example

   Small group exercises to practice using what you are learning
ALIGNMENT OF ROLES, PURPOSES, AND OBJECTIVES

The fundamental underlying question is: ARE WE DOING THE RIGHT THING?

As opposed to:
- what we have always done, or
- what other courts are doing - fads

Roles and purpose of programs and services should be aligned with the roles and purposes of the judiciary and your court

A lot of programs and services are designed or implemented, or continued, without adequate consideration of these issues
ALIGNMENT OF ROLES AND PURPOSES

What is the objective of providing these services? What outcomes do you want? How does it contribute to the quality of justice in your court?

BOTH the EXISTENCE and OPERATION of a program or service should:

Be consistent with the purpose of courts
Strengthen the rule of law, judicial independence, and judicial accountability
Promote equal protection, due process, and fairness, including procedural fairness
Be consistent with your court’s mission and vision

WHO IS IN CHARGE OF THE DECISION ABOUT EXISTENCE?
WHAT ARE THE ROLES AND PURPOSES OF COURTS?

Slide contains classic eight purposes, from Roles and Purposes Core Competency

How do these manifest themselves in EC programs?

Pick an EC and talk about how it reflects/incorporates these purposes:

CoC
- formal record, which documents:
  - appearance of justice
  - lack of arbitrary exercise, or proof thereof

PSC
- deterrence
- rehabilitation
A COURT’S MISSION AND VISION can also provide guidance

These are examples of actual mission and vision statements from courts

MISSION adds the concepts of:
  equal access
  timeliness

VISION adds:
  Accessible
  Courteous
  Efficient
  Innovative
Example: Self-help Program

Goals and Objectives
- Better prepared litigants
- Information presented is more relevant

Outcomes/impact
- Faster hearings
- Fewer continuances
- Earlier resolution of issues
- Reduced costs – to litigants and the public
- Stronger perception that justice was done

Example: Self-help Program
Goals and Objectives
- Better prepared litigants

More complete and relevant information for judges to use in making decisions

Outcomes/impact
- Faster hearings
- Fewer continuances
- Earlier resolution of issues
- Reduced costs – to litigants and the public

Ask what can go wrong?

What are classic criticisms of SHCs?
Example: Mental Health Court

Core philosophical foundations of the MHC:
- Courts have a larger responsibility than simply processing cases
- Courts need to be more accountable to the public
- What is in the “best interests” of the defendant, the victims, and the general public goes beyond a conviction or dismissal in this case
- Emphasis on problem solving instead of adversary process
- Emphasis on long term impact, not just resolving this case
- Seeks to address the root causes that contribute to the involvement of the defendant in the criminal justice systems in the first place

Paraphrased from an evaluation report of a mental health court serving misdemeanants with mental health issues.

Articulates why the program is consistent with the role of the court beyond just resolving the current legal dispute.

Core philosophical foundations of the MHC:

- How do these reflect the purposes of courts?

- What are typical/classic criticisms of MHCs?
This exercise starts the work with the small group exercises handed out.

Divide the participants into groups and assign a program/service example from the handout to each group.

May be more than one group per program

Ask each group to read their program/service description and answer the questions on the slide

Allow 10-15 minutes for participants to develop answers to these questions.

Request a few short comments from each group.
SECOND QUESTION: HOW ARE WE RUNNING THE PROGRAM

Fundamental question is: ARE WE DOING IT RIGHT?
Are we operating the program in a proper and efficient manner

As opposed to:
This is the way we have always done it, or

This is how other courts do it

Is the way we have organized the program or service an effective way to deliver the service?

GOES TO IMPLEMENTATION – HOW WE DO BUSINESS
CHARACTERISTICS OF PROGRAM DESIGN AND OPERATION

- Nature of program or service
- Service delivery models
- Business practices
- Budget
- Governance

CHARACTERISTICS OF PROGRAM DESIGN AND OPERATION

Nature of programs or service – is it what is needed?

Service delivery models – how are you going to deliver the service? What are the alternatives?

What is the funding and budgeting model?

What governance structure are you using?
PROGRAMS AND SERVICES NEEDED

What programs and services are needed?

- What program or service do you need?
  - How do you know it is needed?
- What will the scope of the service be?
  - Is the intended population amenable to this type of assistance?

PROGRAMS AND SERVICES NEEDED:

What program or service do you need?

- How do you know it is needed?

What does the research say? This is one place that evidence based practice comes in

What will the scope of the service be?

- Is this population amenable to this type of assistance? – SEATTLE COMMUNITY COURT

What does the research say? Evidence based practice – HARRIS and New Mexico DUI ANALYSIS

SPELL IT OUT, explicit information goes to due process and equal access
PROGRAMS AND SERVICES NEEDED:

What population will you serve?

- Eligibility – who can apply to get in?
- Exclusions – who cannot participate?
- Acceptance – who decides who gets in?
- Exceptions – who can make the exception?

Eligibility criteria

Exclusions

EX: federal law saying no federal drug court money can go to defendants charged with a violent crime

Acceptance process

Exceptions

SPELL IT OUT, explicit information goes to due process and equal access

Concerns about scope?

- Evidence based support

Net widening

Scope Creep
SERVICE DELIVERY OPTIONS

How will you organize the service?
- What does the research say?
- How will work be organized?
- How will people be organized?
- How will the information flow?
- What non-personnel support is needed?

SERVICE DELIVERY MODELS AND ALTERNATIVES

HOW WILL YOU PROVIDE THE SERVICES?

What does the research say about what is effective?
- Evidence-based practice

What is effective with this population – HARRIS STUDY; PROP. 36 STUDIES IN CA

How to effectively deliver this service/treatment

What the impacts and outcomes are

How will work be organized?
- “master calendar” or “individual calendar”?

How will people be organized?
- Generalists, or specialization?

How will the information flow?

What non-personnel support is needed? Facilities, IT, equipment, etc.
SERVICE DELIVERY OPTIONS

How will the work be organized?

- Vertical/individual calendar
- Teams/master calendar
- Mixed; by stages
- Degree of specialization
- Leveraging IT

SERVICE DELIVERY MODELS AND ALTERNATIVES

How will the work be organized?

Vertical/individual calendar – a staff person handles a client/case from beginning to end

Teams/master calendar – clients/cases are pooled; all staff can do all tasks

Mixed; by stages – combination of above

Degree of specialization – by case type, client problems, task, etc.

Leveraging IT – how can IT increase productivity and effectiveness of staff and reduce costs
SERVICE DELIVERY OPTIONS

How will the people be organized?

- In house staff
- Outsource
- Split/combination

SERVICE DELIVERY MODELS AND ALTERNATIVES

Options:

- In house staff
- Outsource
- Split/combination

Criteria for choosing an approach

Expertise needed

- Staff
- Supervisors and managers

Availability of expertise

Training

Supervision
SERVICE DELIVERY OPTIONS

How will the information flow be organized?

- What information will be maintained on cases/clients?
- Who will maintain ‘the file’?
- Paper or electronic?
- Who will have access to the information?

SERVICE DELIVERY MODELS ALTERNATIVES

How will the information flow?

What information will be maintained on cases/clients?

Who will maintain ‘the file’?

Paper or electronic?

Who will have access to information?

Privacy concerns – HIPPA
Access to documents, files, or electronically?
SERVICE DELIVERY OPTIONS

Non-personnel program support:
- Facilities
  - Adjacency to court
  - Location of clients
  - Support services
  - Privacy
- Equipment
  - IT

SERVICE DELIVERY MODELS
Facilities – in addition to size and layout, consider:
  Adjacency to court – SEATTLE MUNICIPAL COURT

Location of clients
  COLLECTIONS OFFICE NEXT DOOR
  PROBATION OFFICER ‘DOWN THE HALL’

Support services

Privacy – collection, access, and dissemination of sensitive information about defendant/clients

Equipment
  IT – CMS, access to treatment provider data

Transportation – staff and clients – SEATTLE COMMY COURT
Exercise 3 relates to organization and operation of programs and services.

Allow 10-15 minutes for each group to discuss and write down examples.

Request a few short comments from each group.
Oversight and Evaluation

How do you know?

OVERSIGHT AND EVALUATION

Fundamental question is: HOW DO YOU KNOW?

That you are doing the right thing?

That you are doing it right – effectively and efficiently?

That you are getting the outcomes you want

Helps the decision about whether to a) start up, or b) keep an EC
Purpose of oversight and evaluation - How do we know?

What the program or service has accomplished?

Whether it was what we intended?
  Do our measures relate to goals and objectives?

Will we see unintended consequences?

Whether it was done effectively?
  Is there another, better way to run the program or service?

Whether it was done efficiently?
  Is there a less costly way to run the program or service?

Whether there are unintended consequences?
  Goods and bad
  Push down here, pop up there
WHO WANTS TO KNOW?

To whom are you accountable?

- Judges
- Policy body
- Funding body
- Stakeholders
- Public

WHO WANTS TO KNOW?  WHO CARES?

To whom are you accountable?  Can be one or more of those listed

Who it is may change the measure or the outcome considered most important

Governance

Funding
PERFORMANCE MEASURES AND EVALUATION

For what information?

- Inputs
- Outputs
- Outcomes
- Performance Measures

USE AN EXAMPLE, SUCH AS COLLECTIONS PROGRAM, TO DEMONSTRATE SPECIFICS:

Examples of types of information and measures for collection program:

- Collection rate
- Accounts receivable
- Age of receivables
PERFORMANCE MEASURES AND EVALUATION

For what are you accountable?
   Expenditures

   Revenue

   Cost/benefit

   Goes to efficiency and effectiveness
DATA QUALITY

- Data definitions
- Data collection and reporting
  - Accuracy
  - Consistency
- Analysis

“Garbage in, garbage out”

OVERSIGHT AND EVALUATION

For what are you accountable?

Data Quality:
- Data definitions
  - Are you counting what you are looking for?
  - Are the measures intuitive?
- Data collection and reporting
  - Accuracy
  - Consistency
    - across time
    - Across employees collecting data
- Analysis
MONITORING MECHANISMS

Monitoring and feedback
  - How often?
  - What types of reports?

Response to non-performance
  - Detection
  - Enforcement
Exercise – Oversight and Evaluation

How do you know?

Review the evaluation approach stated:
- Did they identify programmatic and fiscal measures? What are they?
- What other measures would you suggest?
- Any data collection issues?
- What are the vulnerabilities of this program?

WHAT WOULD YOU MEASURE? WHY?
EXERCISE – contracting for an essential component service

What terms would you include in a contract to:

- Specifying program goals and desired outcomes
- Describing services to be provided
- Establishing cost/payment basis
- Performance measures and data to be provided
- Definition of default and remedies for failure to perform
Discussion and Feedback

Based on what you have heard:

- What were some of the “ah ha's” from the workshop?
- What is one thing you will do differently when you get to work next Monday?
- What is one thing you need to learn how to do, or do better?

Ask participants to volunteer responses, or randomly select people, if no one wants to “play”
Review the high points of what you want the participants to take away from the presentation

“Are we doing the right thing?” - alignment with role and purpose

“Are we doing it right?” - effective business practices

“How do we know it is working?” – appropriate measures and monitoring

PLEASE COMPLETE EVALUATIONS