

## Caseflow Management is Truly the Heart of Court Management

By Chris Crawford

(This is the first in a series that will look at each of the six NACM National Agenda Priorities.)

The economic downturn has intensified court efforts to clearly define core purposes and reengineer processes to not only produce cost efficiencies but to focus on the main mission of the organization.

Timely case processing is a high priority to ensure court users resolve disputes efficiently and cost effectively.

Delay erodes every commonly accepted core purpose of courts. Trial courts typically provide one opportunity to establish the facts of a case to which a judge then applies the law to determine a ruling. In most instances, these facts are memory-dependent, provided by percipient witnesses who must recall dates, times, places, and a whole host of details that erode with time. Appeals from trials typically focus on procedural issues and do not revisit the facts, thereby offering only one opportunity for this critical function.

So whether you define the court's mission as providing individual justice to individual cases; protecting individuals from the arbitrary use of government power; providing a forum for the resolution of legal disputes; making a formal record of legal status; protecting society; deterring crime; or all of these core purposes, each is diminished when cases take too long to resolve.



### The fundamentals of caseflow management

We control court delay through the active practice of caseflow management. Indeed, judges must not only give individual attention to each case, but together, judges and court management must also ensure that the entire population of cases is

processed, tracked, and set on the calendar efficiently, effectively, and in a timely manner.

Judges and court management must pursue effective case management as an organizational priority; engage stakeholder agencies in practical program adjustments; supervise cases from filing to disposition (and beyond); set and adhere to disposition time goals; control continuances as a means of reducing delay; achieve early case disposition in order to render the remaining caseload more manageable; and gather and track meaningful management information to hold participants accountable for optimal performance.

### Differentiated Case Management (DCM)

DCM is a terrific caseflow management improvement tool that ensures cases receive only the amount of attention they deserve. Much like an emergency room triage, courts should identify what makes cases simple or complex, sort them a

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# Strategic Direction

By Peter Coolsen and Jeanine Tucker

Setting a strategic direction is one of the most important functions of any successful organization. This is certainly true for professional membership organizations like the National Association for Court Management. Last year, with input from NACM members, the NACM Planning Committee developed a strategic direction, the NACM 2010-2015 *National Agenda*, which was approved by the officers and board of directors. It is the intention of NACM to make sure that all of its members are aware of the agenda and to provide educational opportunities that reflect its' priorities.



The 2010-2015 National Agenda, presented in detail in the Spring 2010 issue of *Court Manager*, lists the following six priorities:

1. Emphasizing Caseflow Management Improvements
2. Sustaining Excellent Performance in Difficult Budget Times
3. Enhancing Public Perceptions of the Courts and Increasing Community Collaboration
4. Promoting Improved Court Leadership and Governance
5. Preparing and Responding to Trends
6. Supporting Professional Court Management Education

In this and the next few issues of *Court Express*, we will include articles that explore each of the six priorities. In this issue we begin with Caseflow Management is Truly the Heart of Court Management by Chris Crawford. Our regular feature "Helpful Websites for Court Managers" highlights the fourth priority on leadership and governance.

Finally, mindful of the ultimate goal of the National Agenda, which is to prepare managers for the challenges ahead, the NACM midyear conference

integrates the National Agenda with its' theme and opening keynote on Promoting Improved Court Leadership and Governance as well as with a second day keynote on Preparing for and Responding to Trends. As you can see, it is the intention of NACM to reflect its strategic direction throughout NACM publications and educational conferences. We hope this issue of *Court Express* whets your whistle for the midyear conference and, as always, we invite your feedback.

*Court Express* is published quarterly by the National Association for Court Management. Opinions expressed and procedures explained in the articles are not necessarily those of the association. The association encourages submission of material that will interest or benefit its members. Address correspondence to:

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according to these criteria, and set them on the calendar with customized procedures and expectations.

In this era of limitations, courts cannot be expected to perform non-essential tasks; moreover, diminished resources cause other government agencies to shift quasi-administrative functions to the courts, such as truancy intervention, expulsion of youth from school, mental health issues, and substance abuse.

Accordingly, efforts to reengineer courts include a new twist on DCM that screens cases at their inception to determine:

- *Are the issues contested or in dispute by adverse litigants?*
- *Are there two sides and only two sides to the dispute?*

The reasoning is that the core purpose of the adjudicatory process is to resolve contested matters between two or more parties. If cases are filed in which there is only one side or the issues are not in dispute, these matters should be addressed elsewhere, either through decriminalization, administrative processes outside the court, or abbreviated internal processes.

## High Performance Court Framework

Another important source to put caseflow management in context within an ever-changing strategic landscape is the



**High Performance Court Framework**, the next generation of court performance measurement. In it, a high-performing court is identified as one in which:

1. Every case receives individual attention.
2. Individual attention is proportional to need.
3. Decisions and process demonstrate procedural justice.
4. Judicial control is exercised over the legal process.

It is clear that whether your court is unaffected by the economic downturn or subject to enormous pressure to cut staff, services, and programs, caseflow management has and will continue to play a vital role in defining what courts do and how they should operate in the future. It is no mistake that NACM places effective caseflow management at the top of its list of national priorities for the next five years. Of all of our many priorities, what is more important than timely justice and resolving disputes?

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*Chris Crawford is president of Justice Served, a court management and technology consulting firm, and serves as chair of FACT, the Forum on the Advancement of Court Technology. Check out his weekly blog at <http://blog.justiceserved.com>*

*DCM is a terrific caseflow management improvement tool that ensures cases receive only the amount of attention they deserve.*

## REFERENCES:

- Caseflow Management: The Heart of Court Management in the New Millennium**, David Steelman, National Center for State Courts. Order information: <https://secure.aidcvt.com/>
- Future Trends in State Courts 2010**, National Center for State Courts, <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=1605>
- Achieving High Performance: A Framework for Courts**, a working paper, NCSC, April 2010, <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=1510>

*It's not a cycle, it's a reset.*

JEFFREY IMMELT  
CEO of General Electric, on the economy



*This is DCM on steroids.*

DAN HALL  
Vice President, National Center for State Courts, on caseflow-related process reengineering



# Looking Back *and Thinking Ahead*

By Jeanine Tucker

at the 2011 NACM Midyear



“Looking Back and Thinking Ahead: The NACM National Agenda” will be the theme of the 2011 National Association for Court Management midyear conference, which will be held in historic Baltimore, Maryland, February 6-8.

Both the midyear and the annual conferences will offer keynotes and workshops that explore the priorities that are the focus of the NACM National Agenda.

The midyear agenda highlights three of the six 2010-2015 NACM National Agenda priorities: **Emphasizing Caseflow Management Improvements, Promoting Improved Court Leadership and Governance; Preparing for and Responding to Trends.**

With the ultimate goal being to prepare court managers for what lies ahead, the National Agenda looks not only looks forward to the issues and advances facing court professionals in the future, but takes a look back and traces the history of the development of court management principles and practices that brought us to today. It recognizes the ever-expanding roles and functions of court managers and acknowledges NACM’s responsibility to be forward

thinking with implementing initiatives that remain true to NACM’s mission and vision.

Monday’s opening keynote address will be presented by New Hampshire’s Chief Justice John T. Broderick Jr. and will explore Promoting Improved Court Leadership and Governance. Tuesday’s keynote on Preparing for and Responding to Trends will be presented by John A. Martin.

Workshops will explore the role of judicial leadership in preparing for and responding to coming trends, reengineering in response to those trends, and caseflow management. Topics will include Leading in Challenging Times and Promising Strategies for Addressing the Effects of Immigration on State Courts.

The conference will be held at the Baltimore Marriott Waterfront Hotel, which features views of the water and surrounding attractions. A special NACM conference room rate of \$169

is available until January 12, 2011. (Early bird conference registration is \$500 until the January 12, 2011 cut-off date as well.) Check-in is at 4 p.m., and check-out is at 12 p.m. Express check-in, check-out, video review billing, and video checkout are available. Complimentary services include: coffee/tea in-room, a full-service business center, and high-speed Internet access, which is wireless in public areas. Daily newspapers are delivered to guests upon request and are available in the lobby. Reservations can be made by calling (410) 385-3000 or online at [www.nacmnet.org/conferences/hotel-reservations](http://www.nacmnet.org/conferences/hotel-reservations).

Register for the conference at <http://www.nacmnet.org/conferences/current.html>.

*Jeanine Tucker is court operations manager for Superior Court of California, Stanislaus County, and co-editor of Court Express.*

## News FROM THE Website Committee

By William Simmons

Here is what’s new on the National Association for Court Management website: [www.nacmnet.org](http://www.nacmnet.org).

- The NACM 2010-2015 National Agenda is now available.
- Learn more about NACM’s Mentor Program (under the Join Us tab) and the Early Career Professionals Group (under Committee Corner News) online.
- Shop for NACM memorabilia online. Just click on the shopping cart located on the home page!



# Court Records in the 21st Century:

## PROTECTING PRIVACY WHILE AFFORDING ACCESS

By Mark Thompson



**A workshop sponsored by Justice Management Institute explored issues courts face as customers demand ready-access to electronically stored data.**

The workshop was held in conjunction with the Urban Court Managers meeting in New York, NY, in August 2010. The workshop's main purpose was to heighten managers' understanding of the practical, technological, and legal complexities of allowing access to electronic data.

### Sharing Electronic Records with Justice Partners

Justice partners such as prosecuting attorneys, law enforcement, child protection, and probation seek access to electronic court records to save time and facilitate new ways of doing business. Courts face two major challenges: creating a uniform platform for information sharing and insuring that justice partners adhere to strict court privacy rules.

Often the information systems used by the court and its justice partners are not compatible. Obsolete systems may be impossible to connect. The cost of reengineering or replacing systems is often high and may be cost-prohibitive. Policy, rather than technology, can also be an obstacle. Firewalls and security settings may prevent successful integration.

Assuming the systems are compatible, agencies must address privacy concerns before opening up their systems. Courts apply complex public access rules, and prosecutors have concerns about protecting the privacy of victims and witnesses. A coordinated approach to protecting privacy will include identifying sensitive and restricted information, and adopting

policies to insure that all agencies follow the rules of the entity responsible for the data.

Further policies are needed to assign responsibility for ongoing quality assurance of the data, particularly if rights are given to enter or change data. Privacy and quality errors can result in "no going back" consequences and can be catastrophic. Policies should also set limits on sharing data. If data is comingled and ownership unclear, the court could lose its ability to insure that court public access rules are followed if a partner decides to open their electronic records to the general public or to third-party commercial enterprises.

### Sharing Electronic Records with the General Public

When John Doe asks to see a court file, a court clerk typically glances through the file and removes any restricted information. If only one party is allowed access to a file or document, the clerk confirms John's identity by looking at a photo ID. Even if a file has already been vetted for privacy concerns, these physical acts catch errors and omissions.

When records are viewable electronically, what checks and assurances should be built in? Awareness of privacy laws, regulations, and relevant case law is the key to creating sound policy. By reviewing the legal framework, courts can identify gaps in existing practice, increase awareness of potential privacy and civil rights violations, and decrease

liability. Mechanisms to control access to information, check credentials, conduct audits, and make corrections should insure ongoing data quality and adherence to privacy requirements.

Despite challenges and risks, some courts have chosen to make large amounts of information available publicly to third-party commercial enterprises. These enterprises strive to gather and share volumes of data, with results potentially detrimental to the court's reputation.

Commercial enterprises may package, sell, and disperse data widely. Use of data by commercial enterprises significantly expands the risk of actual harm to a court participant if the court data contains an error or the court fails to prevent inappropriate access to data.

Under the 1st Amendment, there is a strong presumption that public records, including court files, are open for public inspection. Yet court managers also are charged with protecting individual privacy and civil liberties. Clearly, as courts move toward more electronic information sharing, as the Internet becomes as commonplace as the telephone, and as technology advancements impact our ability to control our data, court managers face a growing challenge in balancing access and privacy.

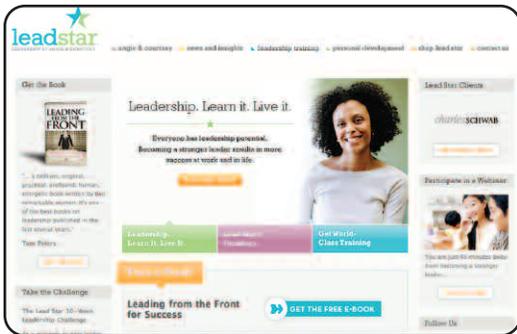
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*Mark Thompson is district court administrator for the 4th Judicial District in Minneapolis, MN.*

# Helpful Websites FOR COURT MANAGERS

By Jeanine Tucker

With a focus on the NACM 2010-2015 National Agenda and the upcoming midyear conference in Baltimore, check out [www.leadstar.us](http://www.leadstar.us), a website with information that aligns with the National Agenda Priority *Promoting Improved Court Leadership and Governance*



Lead Star was founded in 2004 by best-selling authors (and past NACM annual conference keynote presenters) Angie Morgan and Courtney Lynch, who have made it their mission to provide relevant and practical methods to develop leaders. Their book, *Leading from the Front*, has been hailed as one of the best books on leadership and personal development written in the past several years. Through their workshops they have shared their experiences as Marine Corps officers, professionals in the private sector, and ultimately as entrepreneurs, with tens of thousands of managers and other professionals worldwide.

At the Lead Star website, readers will find a 10-question

quiz and downloadable articles on topics ranging from “Create a Plan to Develop as a Leader” to “Leading a Multi-generational Workforce.” They have a blog, and anyone can follow them on Twitter and Facebook.

Court managers constantly face many challenges, striving to be effective decision makers while at the same time developing and maintaining a high-performing, positive, and productive team. To face the challenges and the changes that are coming with ever-increasing speed, and to confidently address the six priorities that make up the National Agenda for 2011-2015, it is critical that NACM members first seek to maximize their effectiveness as leaders.

## Mark Your Calendar



### FEBRUARY 6-8, 2011

NACM Midyear Conference  
*Looking Back and Thinking Ahead*  
Baltimore Marriott

Waterfront Hotel  
700 Aliceanna Street  
Baltimore, Maryland  
(410) 385-3000

**Room Rate:** \$169 per night  
for reservations made by  
Jan. 12, 2011

### JULY 10-14, 2011

NACM Annual Conference  
*Pushing the Boundaries*  
Red Rock Resort

11011 W. Charleston Blvd.  
Las Vegas, Nevada  
(702) 797-7777

**Room Rate:** \$130 per night  
for reservations made by  
June 17, 2011

## Milestones

**Janice Munsterman** retired as executive director of the State Justice Institute (SJI) in July. She joined the organization as deputy director in 2006 after working for the Department of Justice, National Institute of Justice for eight years. The SJI Board appointed **Jonathan Mattiello**, SJI deputy director, as the next executive director.

District Executive **Harry Salis**, 7th Judicial District Administrative Office, Rochester, New York, is retiring.

**Hugh M. Collins**, Ph.D., judicial administrator of the Louisiana Supreme Court, announced that he will retire after 36 years of service to the state judiciary, effective January 3, 2011. Throughout his years as judicial administrator, Dr. Collins was a member of a number of the Conference of State Court Administrators, the National Association for Court Management, and the Forum on the Advancement of Court Technology. He received NCSC's Distinguished Service Award, was inducted into the Warren E. Burger Society, received the COSCA Kenneth R. Palmer Distinguished Service Award, and was awarded the American Judges Association's Glenn R. Winters Award, given to a layman who has made a substantial contribution to the judiciary's image.

*A note about Dr. Collins from Suzanne Stinson in Louisiana –*

On a personal note, I will miss working with Dr. Collins. He was always my “go-to” person on issues related to our court and was considered the “Father of Court Administration” with the Louisiana Court Administrators Association. We had become friends over the years, and I always enjoyed his and his wife’s (the other Dr. Collins) company during our travels to other national conferences.



# 4th National Symposium on on Court Management: State Court Governance and Organization in 2020

By Peter Coolsen

The National Association for Court Management convened the first National Symposium on Court Management in 1981 to anticipate the challenges of administering and managing state courts.

Since then additional symposia have been held every 10 years. The 4th National Symposium on Court Management took place this year in Williamsburg, Virginia, from October 27 through October 29. The overriding theme of the symposium, hosted by the National Center for State Courts (NCSC), was state court governance and organization. More than 100 scholars and leaders in the field of court administration, including the NACM board of directors, participated in the one-and-a-half-day symposium. The State Justice Institute and the Bureau of Justice Assistance provided financial support.

Mary McQueen, president of the NCSC, welcomed participants and opened the symposium along with moderator Ron Stupak, principal and partner, Fording Brook Associates. Utah's Chief Justice Christine M. Durham and Dan Becker, state court administrator from Utah, presented their paper on "A Case for Court Governance Principles" from the Utah perspective of a unified state court system with a constitutionally established judicial council. Chief Justice Wallace B. Jefferson of Texas and Steven C. Hollon, state court administrator from Ohio, commented on the governance principles from their respective state court perspectives – "loosely coupled" state court systems. Additional commentary was provided by court leaders represent-



ing six other state court models, including the Honorable Lawrence Lawson and Jude Del Preore, president of NACM, from New Jersey, Michael Bridenback from Florida, Michael Planet from California, the Honorable Christopher Starck from Illinois, and Suzanne Stinson, former NACM president, from Louisiana.

The first day dialogue, based on an assumption put forth by Durham and Becker, that "good people are doing good work in court systems hampered by a lack of good structure" was framed by a set of 10 unifying principles required of effective court governance in any state, regardless of its organizational model. The unifying principles are: 1) a well-

defined governance structure, 2) meaningful input in the decision-making process from all court levels, 3) a system that speaks with a "single voice," 4) selection of judicial leadership based on competency, 5) a commitment to transparency and accountability, 6) independent authority to allocate resources and spend appropriated funds, 7) a focus on policy, delegation to administrative staff, and a commitment to evaluation, 8) open communication on decisions, 9) positive external relationships that foster trust among other branches and constituencies, and 10) clearly established internal relationships throughout the state court system. Participants worked in small groups throughout the day discussing, reacting to, and fine-tuning the principles. Facilitators for each workshop summarized the workgroup discussions and conclusions in a general session prior to the close of the first day.

The second day of the symposium addressed three major subjects: trends shaping state courts from 2010-2020, presented by John Martin, director of the Immigration and the State Courts Initiative; principles of court administration, presented by Dan Hall, vice president of Court Consulting Services at NCSC; and court reengineering. Case examples of court reengineering were set forth by presenters from three states: Minnesota (Court Administrator

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Tim Ostby), Vermont (Chief Administrative Judge Amy Davenport), and Arizona (NACM Past-President Marcus Renkensmeyer).



In closing the symposium, moderator Ron Stupak summarized the aspects of the current environment that he feels will define the future of state courts: the presence of information overload (i.e., overwhelming informa-

tion with too little analysis), the eradication of organizational boundaries, especially between the public and private sector; the growth of open systems; the nature of change (from linear to multi-dimensional); the critical importance of evaluation (i.e., what gets measured gets done); and the challenge of leadership in managing the “emotional aspects of change.”

Plans for the analysis and dissemination of material from the symposium are underway.

The National Center for State Courts encourages national and state court association leaders to make contact with NCSC to discuss its support of entities wanting to pursue further initiatives from the 4th Symposium on Court Management. In addition, NCSC will incorporate material from the symposium in their ongoing projects on high-

performance courts and court reengineering.

The National Association for Court Management will produce two publications based on the 4th Symposium, including *Court Governance Principles: Implications for Court Leaders*, co-edited by Michael Bengler and Peter Coolson, and a 2011 NACM mini guide, *A Working Guide to Court Reengineering*, co-edited by Philip Knox and Bob Zastany. In the meantime, anyone interested in reading conference papers, watching video of the plenary sessions, or reviewing conference surveys should go to <http://www.ncsc.org/4thsymposium>.

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## Membership Zone

# MEMBERS THAT

# Belong and Get Involved

By Michele Oken

**Q:** What have NACM members done to promote the advancement of court management?

**A:** Members continue to develop and promote incentives for professionals to join and get involved.

**N**ational marketing to advertise and expand our membership, including:

- Expanding outreach to attract students to court administration
- Harnessing video technology to highlight the benefits of belonging to NACM. See <http://www.nacmnet.org/about/index.html>

**A**dvancing court management by leveraging today's media to reach more members across the different modes of communication that exist today.

facebook

LinkedIn

twitter

**C**reating an updated brochure and membership application that provides prospective members a quick, comprehensive overview of NACM.

**M**entoring opportunities are available for members, both for mentors and mentees, who want to expand and share their knowledge and experience.

**Membership with NACM goes beyond belonging. Members who get involved help advance the profession of court management and NACM. What does membership in NACM mean to you?**