

THE NACM MIDYEAR CONFERENCE

“Transformative Governance and Leadership”

By Jeanine Tucker

It's the Skyway or the Highway at the Midyear Conference
in Minneapolis, February 5-7, 2012

In challenging times, leadership faces its greatest challenge and meets its greatest opportunity, to not simply change courts in response to the changing times, but to transform courts, enabling them to transcend the challenges their leaders face.

How do we, as court managers, lead our courts during times of change? The answers are awaiting you in Minneapolis, the City of Lakes, February 5-7, at the NACM midyear conference: “Transformative Governance and Leadership.” The conference highlights the National Agenda priority “Promoting Improved Court Leadership and Governance.”

Sunday promises something for everyone, as participants will be welcomed by NACM President Kevin Bowling and Minnesota Court Administrator Sue Dosal at the opening reception, which will be followed by a Super Bowl networking event. Earlier that afternoon, attendees may also take part in a NACM/AIA partnership session, FACT meeting, host and reporter orientation, and the Early Career Professionals (ECP) welcome session.



Monday begins with a continental breakfast, “Dr. Is In” (by appointment), and the welcome and opening by President Bowling and James T. Swenson, chief judge of the 4th Judicial District Court. Dr. Roger Hall of Compass Consultation will deliver the keynote address: “Combating Information Overload and Decision Fatigue.” TMI!! Do you spend a significant portion of your work day managing information? We all do. In the follow-up workshop, participants will learn specific techniques for handling information overload so they can make better decisions and maintain their mental health.

Other workshops on Monday include: “Combating Technology Frustrations” and “Leading Change.”

Taken from author Steven Covey's *7 Habits of Highly Successful People*, “Transformative Leadership 101” will focus on the goal of transformational leadership, which is to literally transform people and organizations—to change them in mind and heart – and how to achieve this transformation.

Tuesday's keynote address, presented by Tom Langhorne of The Langhorne Groups, is entitled “Courts Coping with the New Normal: Courts' Unique Strengths and Coping Strategies.” How long can courts continue to do more with less? Many courts have already reached the ceiling of the efficiencies they can implement and the cost savings they can realize. Courts may want to focus instead on how to do “less with less.” Follow-up will offer tips for enhancing court team trust, communicating honestly, and cementing courts' ethical priorities. Concurrent workshops for the remainder of the morning and afternoon, lunch on your own, and shared interest groups sessions round out the day. Participants will select from workshops on “Ethics,” “The Court Administrator: Your Role as Leader, Executive and Transformer,” and “Energy: Harnessing its Power to Drive Your Success.” “A Report on Future Conferences and NACM Priorities,” presented by NACM officers, closes out the conference.

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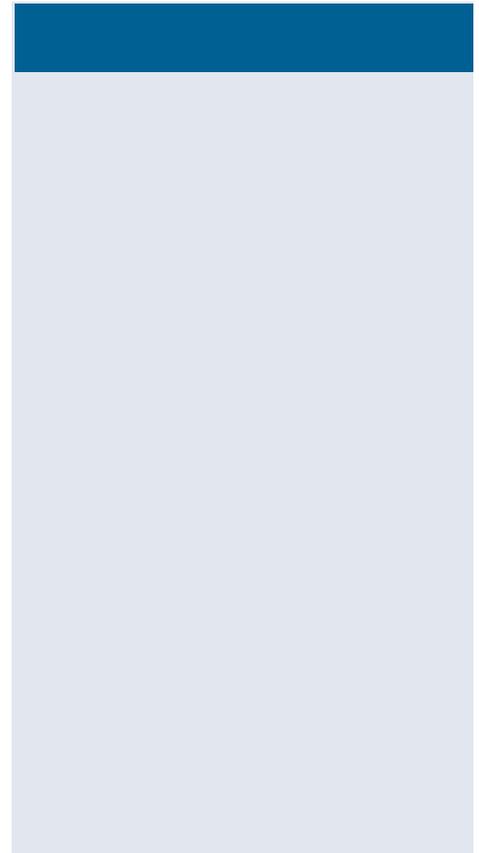


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By Peter Coolson and Jeanine Tucker



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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Contact the Hilton Minneapolis at (612) 376-1000 or visit the website for reservations.

The conference rate of \$139/night will be available until January 13. Also available until that date is the early bird conference registration rate of \$395 (member)/\$520 (non-member). Between January 14 and February 4, rates will be \$495/\$620 (non-member). On-site rates will be \$545/670 (non-member). The ECP rate – for those who are under 40 years of age or who have been a court administrator for less than 10 years – is \$345. Contact conferences@ncsc.org or (888) 609-4023 for a special rate for groups of 5 or more. Register now!

The Hilton Minneapolis, located at 11th St. and Marquette Ave., offers guests a fitness center, indoor pool, 24-hour business center, concierge, and Baron's

Brew, serving Starbucks. The hotel, which is 12 miles from the Minneapolis-St. Paul International Airport, does not offer an airport shuttle, but you may reserve shared ride services through Super Shuttle at (800) 258-3826 or visit www.supershuttle.com; the rate is \$17/person one way. The average one-way fare by taxi is \$25; light rail is also available. Self-parking is available for \$13/day; valet parking is \$23/day.

The City of Lakes boasts a large art community, theater and music, shopping and museums, as well as a unique climate-controlled skyway system, the largest in the world, which promises to keep attendees comfortable as they visit downtown businesses, restaurants, entertainment, and retail venues.

NACM's 2010-2015 National Agenda Priorities

By David B. Rottman

This is the fifth article in a series examining the six NACM National Agenda Priorities.

How to Enhance **PUBLIC PERCEPTIONS** of the Courts and Increase Community Collaboration

Last August the annual AP-National Constitution Center Poll reported that confidence in the state courts had risen relative to 12 months previously, as had that in the U.S. Supreme Court. Non-judicial institutions tended to fare less well. Can we discern any message as to what the courts did to effect that improvement? Probably not with any precision, but we do have an evidence-based practice that offers a reliable guide to what drives public perceptions of the courts.

"Procedural fairness" is a field in social psychology, developed by Professor Tom Tyler and others, which demonstrates that in assessing the fairness of a decision by an authority figure, people care more about the fairness of the process they experienced than they do about

the fairness or favorability of the outcome. That may seem counterintuitive to what we believe about human nature, but the procedural fairness perspective is supported by more than 25 years of persuasive research. Defendants and litigants perceive procedural fairness when they experience respect [treated with dignity and their rights respected], neutrality [honest and impartial decision-makers who base decisions on facts]; participation [an opportunity to express their viewpoint to the decision maker]; and trustworthiness [decision makers who are benevolent and sincerely concerned about people].

In 15 years of researching and writing about public opinion on the courts, I have found no more powerful predictor of whether people are

positive or negative about the courts than perceptions of procedural fairness. It offers wise guidance on a wide range of policies and programs found in the state courts. A court that adheres to principles of procedural fairness will, for example, more easily find community partners with which to collaborate. We know, for example, the advantage the courts have in the public's eye: courts are seen as neutral. We also know where the public sees judicial processes as unfair: when courts do not meet people's expectations on the availability of participation, whether expressed through an attorney or pro se.

There are excellent overviews of procedural fairness written specifically for a court audience (see the short list of references for

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a selection). In this short essay I lay out some aspects of procedural fairness that are perhaps less widely known.

First, procedural fairness is not primarily about levels of satisfaction. Desirable as satisfaction with the courts may be, the bottom line for procedural fairness is changed behavior. The more strongly people perceive the four attributes noted above are present in their interactions with judges or the courts as an institution, the greater the likelihood that they will view those authorities as legitimate, comply with or defer to their decisions, and refrain from future criminal or unlawful activities. Drug courts produce lower recidivism rates than traditional courts, in large measure because defendants in drug courts perceive greater procedural fairness. The same relationship exists among people who have never been to a courthouse but reach evaluations of the courts based on media accounts and the experiences reported by friends and family.

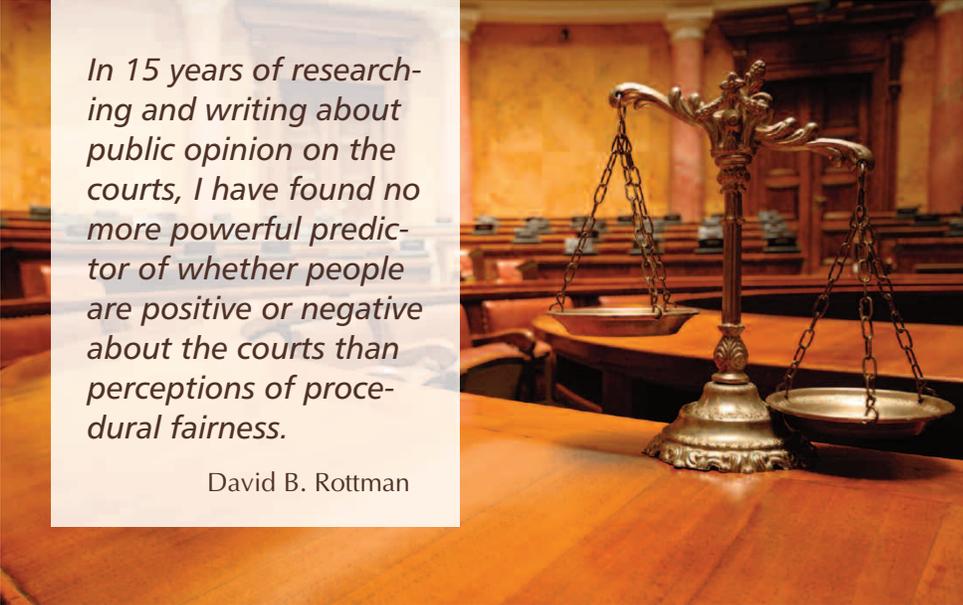
Second, the relevance of procedural fairness for public perceptions is not limited to judges. Procedural fairness applies to situations in which there is a decision maker and a decision recipient. In reading about judges, it is reasonable to substitute “court manager” for “judge” and “court staff” for “litigant” or “defendant.” Procedural fairness principles have been successfully applied to corporate settings, large and small.

Sources:

The topics and authors mentioned above are all represented in a “Special Issue on Procedural Fairness” in the American Judges Association periodical *Court Review*: <http://aja.ncsc.dni.us/publications/courtrv/cr44-1/CR44-1-2.pdf>.

California Procedural Fairness Initiative: <http://www.courts.ca.gov/programs-profair.htm>

The Hennepin County, Minnesota: District Court conducted several studies aimed at improving procedural fairness: <http://mncourts.gov/district/4/?page=1756>.



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David B. Rottman

Third, there is evidence that judges evaluate fairness differently than do litigants and defendants. Decision-makers are focused more on whether they believe the outcome was fair and about the instrumental aspects of the outcome. They generally value respect less than decision recipients, for example. In the words of Professor Larry Heuer, “While judges and the citizens who appear before them agree that the pursuit of fairness is an important goal in the courts, they disagree about the fairness criteria that judges should employ in their decision making. This discord may decrease citizens’ satisfaction with the judicial process.”

Fourth, you will not be a pioneer entering uncharted territory in implementing procedural fairness practices. A considerable foundation of policies and resources are available from your counterparts in other

states. Notable examples are the statewide California Procedural Fairness Initiative and the programs created by the Hennepin County (Minneapolis), Minnesota, trial court (see the hyperlinks below). Moreover, court managers and judges will have a new source of ideas on how procedural fairness can be implemented in their courts. Led by Judges Kevin Burke and Steve Leben, a new website – www.proceduralfairness.org – was created to host resource centers and blog posts by the two judges, Professor Tom Tyler, staff from the National Center for State Courts, and others on topics relevant to your work.

David Rottman is a principal court research consultant for the National Center for State Courts.

MEMBERSHIP ZONE

On Leveraging Membership...

By Ken Kallman

The National Association for Court Management wants its members to have the best of all worlds by growing membership from other state or local associations and making multi-association membership more affordable.

State or local associations entering into an agreement with NACM may receive a *dual membership discount* for its members of up to \$25/year off the regular NACM membership rates. In turn, NACM members may receive at least 10 percent off the associations' regular membership rates.

The total amount of the discount for multi-association membership will be negotiated between NACM and the association. Other criteria may apply.

Not all members of state and local associations are members of NACM. They can become NACM members today by visiting the membership page on the NACM website.

For more information on the dual membership discount, contact Paul DeLosh, Membership Services chair, at paul@nacmnet.org.



Presentation Highlights Maricopa Project

Former NACM President Marcus W. Reinkensmeyer and the project team for Maricopa County (AZ) Superior Court's new criminal court tower, make a presentation, "New Model for Safety and Efficiency in Urban Courthouse Design," at the 2011 Academy of Architecture for Justice National Conference in Los Angeles, CA. From left to right are Marcus Reinkensmeyer, Todd McMillan, Tom Perica, Steve Jordan, and David Evans.

Get Your SJI News

The monthly *E-SJI News* provides information on SJI-funded grants to state courts, court associations, and court support organizations. It also includes the latest news on SJI activities, and information on SJI initiatives that are improving the administration of justice in state courts. SJI continues to support NACM and its mission. Read the current issue here!



Mark Your Calendar

FEBRUARY 5-7, 2012
 NACM 2012 Midyear Conference
 Hilton Minneapolis
 1001 Marquette Ave. South
 Minneapolis, Minnesota
 (612) 376-1000
Room Rate: \$139 per night
 single/double occupancy for
 reservations made by Jan. 13, 2012

JULY 15-19, 2012
 NACM 2012 Annual Conference
 Hilton Orlando Bonnet Creek
 14100 Bonnet Creek Resort La.
 Orlando, Florida
 (407) 597-3600
Room Rate: \$159 per night
 for reservations made by
 June 22, 2012



FOR COURT MANAGERS

How to Enhance Public Perceptions of the Courts and Increase Community Collaboration – Ensuring a Voice in the Courts

By Jeanine Tucker

In 2005, David Rottman, at the direction of the Judicial Council of California, conducted what is seen as a landmark public trust and confidence assessment: *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys: Part I: Findings and Recommendations*. In 2006, Ruth Wooden and John Doble followed up Rottman's work with *Trust and Confidence in the California Courts: Public Court Users and Judicial Branch Members Talk About the California Courts: Phase II: Focus Groups and Interviews*. In this issue of Court Express, in his article of the same title, Rottman refers readers to several websites, including: The California Procedural Fairness Initiative, which describes California's statewide initiative aimed at ensuring fair process for and quality treatment of court users.

In May of this year, citing the works of Rottman, Wooden, and Doble, The Center for Court Innovation prepared a report entitled: [Procedural Fairness in California: Initiatives, Challenges, Recommendations](#). The report, which was submit-

ted to the judicial council-administrative office of the courts, treats this topic in a very thorough way. Relying on site visits and interviews, and paying respect to the importance of methodology, it focuses on key venues (traffic, small claims, family, and juvenile) and the key users (the self-represented, limited English proficient, and the culturally, ethnically, and racially diverse populations). Several case studies are featured, and the report includes a self-assessment tool that court managers can use to examine procedural fairness in their own courts.

In his article, Rottman refers readers to another very informative site where readers will find the results of several studies conducted by the Hennepin County, Minnesota, District Court aimed at improving procedural fairness. The fairness studies include the results of interviews and surveys and treat this topic from a variety of customer perspectives. Evaluators focused on the key results: 1) Provide Fair and Equitable Treatment and 2) Access to Justice, and the key questions: 1) Do litigants perceive that

they are being listened to? 2) Do litigants understand the orders given by the court? and 3) Do litigants perceive that cases were resolved in a timely manner?

The NCSC website features results of assessments conducted in multiple jurisdictions from around the country, through the Institute for Court Management's Court Executive Development Program. The premise upon which these assessments are based is that which came out of David Rottman's report back in 2005: that the perception of procedural fairness is the primary indicator and predictor of whether the public has confidence that they were heard and received their "day in court."

A review of the studies cited at one of these very helpful websites inspires us to complete an assessment in our own courts, to conduct a study that includes surveys and interviews of our court users, and to ultimately maintain the highest standards for ensuring public trust and confidence in the courts.

URBAN COURT MANAGERS NETWORK

Explores Science in the Courts and Much More

By Yolande Williams

The September 2011 meeting of the Urban Court Manager Network (UCMN), held in Chicago, Illinois, focused on the importance of developing further scientific methods to evaluate court programs and services, an overview of Chicago's Forensic Clinical Services program, the automation of court orders, and the growing needs of immigrants in our courts.

The UCMN is sponsored by the Justice Management Institute and the Bureau of Justice Assistance of the U.S. Department of Justice. Its membership is comprised of court managers from many of the largest U.S. trial court systems and meets each year to address problems and issues facing urban jurisdictions.

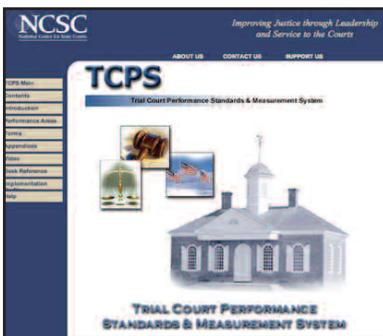
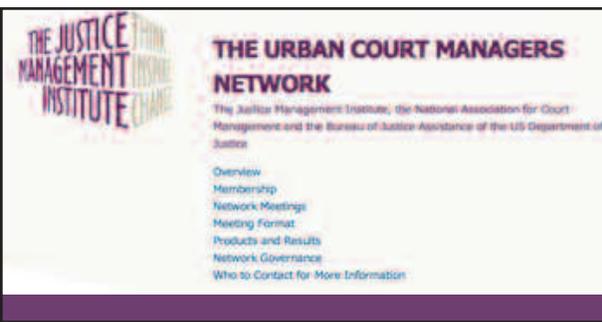
Supporting Court Programs through Research

Evidence based practices (EBP) is an evolving area for many courts. Jon Gould, director of the Washington Institute for Public and International Affairs Research at American University, stated that courts are most often engaged in using standards to drive decisions, the most prominent example being the Trial Court Performance Standards. In most instances these standards are not data driven, and while they reveal some aspects of a court's workload, these standards are not methods that evaluate the quality or effectiveness of the outcomes. Courts must begin to invest resources to determine key indicators of success and how we measure outcomes. Drug courts are one area where courts are beginning to establish a body of evidence to measure effectiveness. How can courts establish a capacity for conducting empirical research when court funding to support such research is in jeopardy? Because of diminishing federal funds – a major source of funding for court research – courts may need to seek support from private foundations. In response, Laurie Garduque, director of juvenile justice for the Chicago-based MacArthur Foundation, made a presentation covering the current initiatives of the foundation, the cornerstone of their work being research on adolescent behavior. Their goal is to create a new wave of juvenile justice reforms by producing system-wide changes in select states that can be replicated by others.

Immigration and the State Court's Initiative

It is estimated that roughly 40 million foreign born people live in the United States today. About one-third of the foreign-born population are now naturalized citizens, another one-third lawful permanent residents, and the final one-third undocumented immigrants. Both the legal and illegal immigrant populations pose numerous challenges for the state courts, in large part as a result of the complicated interplay of federal, state, and local immigration law, policy, and practice.

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Funded by a grant from the State Justice Institute, the Center for Public Policy Studies, the Immigration and the State Courts Initiative is headed by John Martin and Steve Weller. The initiative provides technical assistance to help court leaders address the challenges posed by serving immigrants in the state court. In particular, it focuses on: (1) clarifying the impacts of immigration on the state courts; (2) developing bench books that can be used by courts; (3) creating a training curricula, a training network, and providing training for court leaders and; (4) facilitating a dialogue between the state courts and federal immigration officials.

Automating Court Orders

Courts continue to increase the use of technology to manage court services, and Chicago is no exception. The Interactive Orders Project started in 2009, with the mission of advancing the integration of computer technol-

ogy into the business processes of the criminal court. Judges have been actively involved since the beginning in automating criminal case processing with a goal of developing a paper-on-demand system. Once this system is complete, case data can be shared and stored electronically.

Mentally Ill Offenders

Cook County Jail is located in a campus-type setting adjacent to the criminal courthouse. Over 9,000 inmates are in jail, where it is estimated that 15-20 percent suffer from chronic mental illness. In 2004, the Circuit Court of Cook County developed one of the first felony mental health courts in the country, and since then it has added four more. In addition, the court received a major grant from the Bureau of Justice Assistance in 2010 to further develop mental health courts and other specialty courts in Cook County. There are now a total of 19 specialty courts.

Forensic Clinical Services

Established in 1914, the Circuit Court of Cook County, Forensic Clinical Services Department has the distinction of being the nation's first adult psychiatric court clinic providing services to adults. A multi-disciplinary team of psychiatrists, psychologists and licensed clinical social workers evaluate and provide written reports and court testimony on more than 2,000 felony and misdemeanor competency cases a year.

The Urban Court Managers Network will continue to catalogue an extensive variety and number of programs, with more attention centered in coming months on the need to develop a body of knowledge that can be shared with a broader audience.

Yolanda Williams is court administrator for the Seattle Municipal Court.



Wessler

Clarification

In the article *Fraud in Foreclosure Cases Challenges Courts* (NACM Express, summer 2011, vol. 12, no. 3), regarding the comments relating to Judge Jennifer Bailey's presentation, it should have been made clear that (1) as opposed to not being able to get the documents in cases, the court is getting the documents in almost every case and that the lost note claims were not justified in many cases; (2) that, while the issue of robo-signing was being raised, no specific findings in that regard had been made across the board; (3) that the reference to low-level employees who did not know what they are signing should not have been attributed to Judge Bailey, who receives the relevant documents in finished form with no indication of the level of employee(s) who prepared them; and (4) that any comments she made regarding the process applied to both borrowers and plaintiffs.

Richard B. Hoffman, author
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Justice Programs Office